

**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES \*\*\*APPROVED\*\*\*  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, April 26, 2017**

PRESENT: Members Jackson, Stivers, Ohlrogge, Chair Beauchine, Rios (alternate member)

ABSENT: Member Lane

STAFF: Mark Kieselbach, Director of Community Planning and Development  
Keith Chapman, Assistant Planner

**A. CALL MEETING TO ORDER**

Chair Beauchine called the meeting to order at 6:30 p.m.

**B. APPROVAL OF AGENDA**

MEMBER JACKSON MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER STIVERS

VOICE VOTE: Motion carried unanimously.

**C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES**

Wednesday, March 22, 2017

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES OF WEDNESDAY, March 22, 2017 AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

**D. COMMUNICATIONS**

None.

**E. UNFINISHED BUSINESS**

None.

**F. NEW BUSINESS**

**1. ZBA CASE NO.17-03-22-1 (PARKER), 6281 W. REYNOLDS ROAD, HASLETT, MI 48840**

DESCRIPTION: 6281 W. Reynolds Road

TAX PARCEL: 03-253-023

ZONING DISTRICT: RB (Single Family-High Density), Lake Lansing Overlay

The applicant is requesting the Zoning Board of Appeals (ZBA) to rehear a previously denied variance in accordance with the following section of the Code of Ordinances:

- Section 86-225 - No application, which has been denied wholly or in part by the Zoning Board Of Appeals, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed circumstances found by the Zoning Board of Appeals to be sufficient to justify consideration.

If the ZBA decides to rehear the case then the request is a variance from the following section of the Code of Ordinances:

Section 86-618(1), which states nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

Assistant Planner, Keith Chapman, outlined the case for discussion. He stated the Zoning Board of Appeals (ZBA) at its meeting on March 22, 2017 denied the applicant's request. The applicant is requesting the ZBA to rehear the case based on changed circumstances.

Chair Beauchine referenced the process for rehearing a case from Section 86-225.

Mr. Chapman stated the amended request is to excavate the existing hill in front of the house and convert the crawl space to a walkout basement. The additions will increase the square footage of the house from 1,644 square feet to approximately 2,483 square feet. The applicant has approval from the Ingham County Road Department (ICRD) to build stairs in the right-of-way.

Member Jackson stated the chart in the packet showed a change in the overall square footage of the house.

Member Stivers stated there was enough new evidence and proof of changed circumstances to rehear the case.

MEMBER OHLROGGE MOVED TO REHEAR THE CASE.

SECONDED BY MEMBER RIOS.

Member Stivers stated the permitted purpose has not changed only the square footage and asked if that was enough to rehear the case.

Member Ohlrogge replied the decreased first floor square footage and the removal of the first floor deck creates the change.

ROLL CALL VOTE: Yes: Members Stivers, Ohlrogge, Jackson, Chair Beauchine, Rios  
No: None.  
Motion carried unanimously.

Barry Wood and Bruce Stewart, Studio Two, 2222 Moores River Drive, Lansing, representatives for the applicant. Mr. Wood stated the footprint on all floors had been reduced. He added the walkout basement will be barrier free creating a safety feature. He also mentioned the existing deck which encroaches into the side yard setback on the south side of the house will be removed, along with a deck at grade level, which was used for a sidewalk.

Chair Beauchine opened public remarks

Robert Russell, 629 West Reynolds, spoke in favor of the variance stating the improvements will address safety issues, appearance, and access to the house.

Shawn O'Brien, property owner of 6293 West Reynolds, spoke about the history of the Lake Lansing Overlay District and how his property has the same issues. He spoke in favor of the variance request and believes the intent of the Lansing Overlay District would be adhered to.

Beth Fardugi, 6285 West Reynolds, stated the improvements would increase the property value of the neighborhood.

Chair Beauchine referenced a letter received today from Robert Guzall, 6265 West Reynolds, dated April 25<sup>th</sup>, who spoke in favor of the request.

Member Stivers read the following portion of the letter from Mr. Guzall, "Removing the tiered landscaping will make it easier for the road commission to plow the streets and EMS to gain access into the house".

Chari Beauchine closed public remarks.

Member Jackson asked about the regulations relative to the retaining walls.

Director Kieselbach replied the retaining walls are in the road right-of-way and the ICRD has approved the work in the right-of-way.

Member Ohlrogge asked if the previous plan had a portion of the house going into the road right-of-way.

Director Kieselbach replied the porch in the original plan did go into the road right-of-way.

MEMBER JACKSON MOVED TO APPROVE THE VARIANCE FROM SECTION 86-618(1).

SECONDED BY MEMBER RIOS.

Member Ohlrogge read from (Section 86-221) review criteria one, which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. She stated there were unique circumstances in this case and the applicant has kept the changes to the house within the existing footprint.

Member Ohlrogge read review criteria two, which states these special circumstances are not self-created. She replied there are special circumstances which were not self-created, because the house was built in 1931.

Member Ohlrogge read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of this chapter. She replied strict interpretation would create practical difficulties and the applicant has worked to keep the changes within the existing footprint of the house.

Member Ohlrogge read review criteria four, which states that the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose. She agreed with the statement adding it was the applicant desire to make the property safer.

Member Ohlrogge read review criteria five, which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public

safety, and provide substantial justice. She commented the variance would be in keeping with the spirit of the zoning ordinance, and provides public safety.

Member Ohlrogge read review criteria six, which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. She stated the changes would keep the essential character of the house and neighbors have stated the surrounding property values would increase with the improvements.

Member Ohlrogge read review criteria seven, which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions. She commented how this is a unique situation with the house being built to the property line and agreed with this statement.

Member Ohlrogge read review criteria eight, which states granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. She stated by granting the request, it provides the opportunity for improvements to be made to the property.

Member Stivers stated it appeared that other houses on the street have made similar changes to their properties.

Member Jackson stated that information was not pertinent to this case.

Member Stivers stated if the conditions are general or recurrent regarding these properties it may necessity the formulation of a general regulation.

Member Rios stated the ZBA needs to take the information presented for this case and to rule on what is submitted. The ZBA cannot consider unknown factors.

Chair Beauchine replied when a case comes before the ZBA, staff researches the subject property and prior changes to the property are noted in the staff memorandum.

Member Jackson stated her decision is not based on what other properties look like or what other neighbors have done. She did question if the proposed changes would affect the nonconforming statues.

Director Kieselbach replied every case must stand on its own merit. If a variance is granted in one situation and a neighbor requests the same variance does not mean the variance will be granted. The ZBA looks at the conditions specific to the property. The granting of a variance does not establish a precedent for other variances.

Member Stivers stated the ZBA needs to consider the unique circumstances peculiar to the subject, but doesn't the ZBA also need to look at other properties.

Member Jackson replied uniqueness is relative to the whole Township and to other houses in the same zoning district and subject to the same zoning standards. She added the subject property is also within the Lake Lansing Overlay District with a zero setback from the property line which many houses have in this district.

Member Stivers questioned how a property can be unique if for example other houses in the same area also have a zero setback from the property line.

Chair Beauchine referenced review criteria seven, and stated if all the houses on Reynolds Road were enough to create an ordinance, then for this case the ZBA should say no to the request and

move forward with the process to formulate a general regulation. The Lake Lansing Overlay District is a small area not needing a general regulation to make such conditions practicable.

ROLL CALL VOTE: YES: Members Stivers, Jackson, Ohlrogge and Chair Beauchine, Rios  
NO: None.  
Motion carried unanimously.

**G. OTHER BUSINESS**

None.

**H. PUBLIC REMARKS**

Chair Beauchine closed public remarks

**I. BOARD MEMBER COMMENTS**

**J. ADJOURNMENT**

Chair Beauchine adjourned the meeting at 7:45 p.m.

**K. POST SCRIPT**

Member Stivers

Respectfully Submitted,

Rebekah Lemley  
Recording Secretary