

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, May 8, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members, Lane, Mansour, Wisinski
ABSENT: Member Field-Foster
STAFF: Director of Community Planning and Development Mark Kieselbach, Assistant
Planner Justin Quagliata

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AGENDA

MEMBER WISINSKI MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER MANSOUR.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, April 24, 2019.

MEMBER MANSOUR MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, APRIL 24,
2019.

SECONDED BY MEMBER WISINSKI.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

A. Vance and Carrie Boyd RE: ZBA #19-05-08-1

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 19-05-08-1 (Fouty), 6220 Hilltop Court, Bath, MI, 48808

LOCATION: 119 and 131 Sherwood Road
PARCEL ID: 24-477-012 and 24-477-013
ZONING DISTRICT: RR (Rural Residential)

The applicant is requesting variances from the following sections of the Code of Ordinances:

- Section 86-368(d)(1), Minimum lot area. No lot shall hereafter be subdivided to provide less than 40,000 square feet of lot area.
- Section 86-368(d)(2), Minimum lot width: 200 feet.

The applicant is requesting variances to split a parcel that does not meet the requirements for minimum lot area and minimum lot width of the RR (Rural Residential) zoning district at 119 and 131 Sherwood Road.

Assistant Planner Quagliata outlined the case for discussion. He noted the Zoning Board of Appeals (ZBA) may consider including a condition the property resulting from the split of Lot 13 be combined with Lot 12.

Chair Beauchine asked the applicant if they would like to address the ZBA.

Mr. Marvin Fouty, the applicant, 6220 Hilltop Court, Bath, MI, 48808, stated the new common lot line would keep both houses in compliance with 20 foot side yard setback.

Chair Beauchine opened the floor for public remarks and seeing none closed public remarks.

Chair Beauchine read a communication received in opposition from Vance and Carrie Boyd, 88 Sherwood Road, Okemos, MI 48864. Mr. Boyd voiced granting the variance may set a precedent for splitting Rural Residential zoned properties on Sherwood Road and elsewhere which may not meet minimum lot area and lot width standards.

Chair Beauchine noted the survey presented by staff was current, and noted the lot survey submitted by the applicant was completed prior to 1994. He asked what the total lot area was on Lot 13.

Assistant Planner Quagliata stated the current lot area of Lot 13 was 41,243.75 square feet, which exceeds the minimum standard for lot area in the RR zoning district.

Chair Beauchine asked if the variances were approved would Lot 13 not meet the minimum lot area standard in addition to currently not meeting the minimum lot width standard.

Assistant Planner Quagliata stated yes.

Member Mansour asked the applicant the purpose of realigning the lot lines and if he owned both properties.

Assistant Planner Quagliata noted the applicant was the representative for both property owners and did not own the properties. He stated Lot 13 was for sale and the request was to straighten the common lot line and eliminate irregular shaped parcels.

Chair Beauchine stated the houses currently meet the 20 foot side yard setback.

Assistant Planner Quagliata noted both houses are currently meeting the 20 foot side yard setback and the split would keep both houses in compliance with the required side yard setback.

Chair Beauchine stated he thought the lot stakes were the corners of the current configuration.

Assistant Planner Quagliata stated the current lot stakes indicated the proposed common lot line shown on the submitted survey.

Member Lane asked if any of the surrounding lots on Sherwood Road did not meet the 200 foot lot width requirement.

Assistant Planner Quagliata stated most of the lots in Sherwood Hills Subdivision did not meet the 200 foot lot width requirement and noted most of the lots were platted with 125 feet of lot width.

Member Lane noted the lots are currently nonconforming and if the variances were approved they would be making one of the lots more nonconforming.

Assistant Planner Quagliata stated the lots are not nonconforming, they are lots of record set by a previous ZBA decision in 1994.

Member Lane stated the request would take two conforming lots and make one of them not meet the lot width or lot area requirements in the RR district. He noted the request to straighten the common lot line for sale purposes was not a reason to grant the variance.

Director Kieselbach noted lots of record are neither conforming nor nonconforming. He stated the lots predate the Rural Residential zoning district and were created in compliance with the zoning ordinance at the time and allowed to be used for single family purposes. He added any additions to the houses could be done if all requirements of the ordinance were met. He noted the variance would allow the lot line to deviate from what the Rural Residential standards are and if the variances were granted the lots would be conforming. He stated the current land division ordinance would not allow the creation of an irregular shaped lot.

Chair Beauchine stated the community has a harder time understanding irregular shaped lots when considering where to mow or plant trees and it is easier to tell where the property line is when it is not irregular.

Chair Beauchine asked if the same person has owned the lots since 1994.

Assistant Planner Quagliata stated the same person has owned both lots since 1956 before selling Lot 13 in 1994.

Chair Beauchine asked if the owner in 1994 had requested a straight property line and if the ZBA at the time decided the irregular lot line was the minimum action necessary.

Assistant Planner Quagliata noted the intent of the ZBA in 1994 was to maintain the lot width of 125 feet and only reduce the lot area for one of the parcels.

Chair Beauchine stated the situation was not self created because the ZBA had granted a variance.

Member Mansour read review criteria one from Section 86-221 of the Code of Ordinances 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 the subject properties were the only irregular shaped lots in the subdivision which were created by the ZBA in 1994.

Chair Beauchine noted the original lots were platted 25 feet wider than required by the zoning ordinance at the time and now both lots do not meet the required minimum lot width standard.

Member Mansour read review criteria two which states these special circumstances are not self created. She stated the circumstances were created by the ZBA in 1994.

Chair Beauchine read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He noted the common property line is difficult to locate, particularly when someone is buying the parcel and is not familiar with the current configuration of the common lot line.

Member Mansour added the irregular line is intricate and even a diagonal line would be easier to see visually.

Member Mansour 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 noted this criteria was not met.

Member Wisinski noted the application stated the current lot lines would prevent Lot 13 from being sold with a clear title.

Assistant Planner Quagliata clarified the current configuration would not prevent Lot 13 from being sold with a clear title.

Member Mansour 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 stated the property was useable and functional as currently configured, so this criteria was not met.

Member Mansour 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 straightening the common lot line would be keeping in character with other properties in the vicinity.

Member Mansour 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 practicable. She stated the subject properties were the only lots in the subdivision with irregular lot lines.

Member Mansour 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 noted the variance would benefit the homeowner but that does not necessarily mean the review criteria was met.

Chair Beauchine thought criteria eight could be met, but had an issue with criteria four and five. He referenced Communication 4A and stated no precedence would be set by granting the variances because each variance request was considered independently on its own merits.

Member Mansour noted practical difficulties for criteria four would include constructing a fence, landscaping, building a shed, pool, or other structure. She stated criteria five could almost be met by straightening the line being the minimum action necessary.

Chair Beauchine noted the variances would create a more nonconforming lot without meeting the minimum lot width or lot area requirements.

Assistant Planner Quagliata clarified the lot would not be nonconforming if the ZBA granted the variances.

Member Mansour asked if Lot 13 would be nonconforming if the variances were granted.

Assistant Planner Quagliata stated if the ZBA granted the variances Lot 13 would not be nonconforming.

Director Kieselbach noted adjoining properties could be combined but the properties may not meet the requirements for the zoning district. He added the requested variances would be the best way to meet the standards of the ordinance.

Member Mansour asked if criteria four could be met since future use of the parcel would be easier with a straight common lot line.

Director Kieselbach stated if the variances were granted the property owners would not have difficulties using the properties.

Member Lane stated approving the variances with the condition from staff that the portions of Lot 13 resulting from the split be combined with Lot 12 would help meet criteria five, but still does not meet criteria four.

Chair Beauchine stated he understood the request but all eight criteria had to be met and was not sure if criteria four could be met.

Member Mansour read criteria number four again and stated failure to grant the variances would not prevent the owners from using the properties as currently configured.

MEMBER MANSOUR MOVED TO DENY THE VARIANCE BASED ON FAILURE TO MEET CRITERIA NUMBER FOUR.

SECONDED BY MEMBER LANE.

ROLL CALL TO VOTE: YES: Members Mansour, Lane, Wisinski, Chair Beauchine.

NO:

Motion carried unanimously 4-0

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

Chair Beauchine opened the floor for public remarks and seeing none closed public remarks.

9. BOARD MEMBER COMMENTS

None.

10. ADJOURNMENT

Meeting adjourned at 7:07 p.m.

11. POST SCRIPT

None.

Respectfully Submitted,
Riley Millard
Recording Secretary