

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, OCTOBER 28, 2020 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Mansour, Members, Field-Foster, Hendrickson, Kulhanek, Wisinski,
ABSENT: None
STAFF: Director of Community Planning and Development Mark Kieselbach, Associate
Planner Keith Chapman

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AGENDA

MEMBER HENDRICKSON MOVED TO APPROVE THE AGENDA AS SUBMITTED.

SECONDED BY MEMBER WISINSKI.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. October 14, 2020 Meeting Minutes

MEMBER WISINSKI MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, OCTOBER 14, 2020 AS SUBMITTED.

SECONDED BY MEMBER HENDRICKSON.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. ZBA CASE NO. 20-10-28-1 (5937 Potter St, LLC), 4090 Wabaningo Road, Okemos, MI, 48864

DESCRIPTION: 5937 Potter Street

TAX PARCEL: 10-228-015

ZONING DISTRICT: RN (Mixed Residential), Lake Lansing Overlay

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

- Section 86-368(b)(1)(e) The main body of the dwelling shall be a rectangle, with a width of

not less than 20 feet, as measured across the narrowest section.

- Section 86-442(f)(1) Minimum lot area. Lot area shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, may be used for single-family residential purposes provided the lot is not less than 5,000 square feet in area.
- Section 86-442(f)(2) Minimum interior lot width. Interior lot width shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, may be used for single-family residential purposes provided the lot is not less than 35 feet in width at the street line and the minimum yard setbacks are maintained for the district where the lot is located.
- Section 86-442(5)(a) Front yards. The front yard setback shall not be less than 20 feet from the street line.
- Section 86-566 No driveway in a single-family residential zone shall be located closer than two feet from the side or rear lot line.

The applicant has requested variances to construct a single family home located at 5937 Potter Street.

Assistant Planner Chapman outlined the case for discussion.

Chair Mansour asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals (ZBA).

Darcie Whiddon, 4090 Wabaningo Road, Okemos, applicant, stated she purchased the house with the intent to make repairs but due to a fire and water damage was unable to make the repairs. The existing house will be demolish and a new house constructed. She would like to construct a house up to 18 feet in width and 40-50 feet in length. The proposed front yard setback of 15 feet is consistent with the setback for the existing houses on Potter Street. With an 18 foot wide house, there would be 10 feet on the north side of the proposed house for a 10 foot wide driveway with a zero lot line setback.

Member Wisinski asked why the residential lots were so small in this area.

Director Kieselbach replied the lots were originally platted at 66 feet in width. This lot was split in the 1950's into two parcels at 33 feet in width.

Member Wisinski stated the parcel had been zoned commercial but there was a single family house on the parcel.

Director Kieselbach replied when the parcel was zoned C-1 (Commercial), the residential use of the parcel became nonconforming. A single family house is not an allowed use in the C-1 zoning district. The applicant had requested the parcel be rezoned to residential to bring the use of the parcel into compliance. The rezoning to residential was approved by the Township Board in September 2020.

Member Wisinski asked if the gravel-type driveway on the site is in compliance.

Assistant Planner Chapman replied the driveway was a gravel/grass mixture and there was enough space for one car.

Commissioner Wisinski asked if the Zoning Ordinance allowed parking on this parcel.

Director Kieselbach replied parking was allowed on a hard surface of gravel, asphalt or concrete.

Member Wisinski asked if the width of the driveway was specified in the Zoning Ordinance.

Director Kieselbach replied there was not a specified width. The setback from property line for the driveway is two feet.

Chair Mansour asked if the trees on the north side of the parcel were owned by the applicant or were on the adjacent property.

Ms. Whiddon replied the first tree closest to Potter Street was owned by the adjacent property owner. The second tree was on her parcel.

Member Hendrickson asked if the other houses in the area had received variances for the front yard setback.

Director Kieselbach replied he was not sure if the houses had received variances but the houses were similar in age to the house on the subject parcel.

Member Field-Foster asked if the request included a garage and did the garage comply with the setbacks.

Ms. Whiddon replied she would like to build a garage in the future. She did not include the garage in the request because she believed it would meet the setback requirements.

Chair Mansour asked if the proposed garage would require a variance.

Assistant Planner Chapman replied without knowing the size of the garage, he would not be able to state if a variance was required.

Chair Mansour asked if it was possible to build a garage that would not require a variance.

Director Kieselbach replied it was possible. The setbacks for a detached garage are ten feet from the principal structure and five feet from the side or rear property lines.

Member Foster asked the applicant if she would still request a ten foot wide driveway if the garage was not constructed.

Ms. Whiddon replied yes. She would like additional space for parking vehicles.

Chair Mansour asked when the Township would deem a structure beyond repair and require it to be demolished.

Director Kieselbach stated the building inspector reported that due to the damage, it would be more cost effective to demolish the house but the decision would be up to the owner.

Member Kulhanek asked if the house was habitable.

Director Kieselbach replied without the necessary repairs, the house was not habitable.

Chair 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. Chair Mansour stated there was unique circumstances with the lot of record, the rezoning to residential and the current condition of the house.

Chair Mansour read review criteria two which states these special circumstances are not self-created. Chair Mansour stated the circumstances were not self-created as the applicant had purchased the house with the intent to make repairs.

Chair Mansour read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. Chair Mansour stated the house was uninhabitable and would need to be rebuilt.

Chair Mansour asked if the house was rebuilt, would it be nonconforming.

Director Kieselbach replied if the requested variances were granted, the house would be conforming.

Chair Mansour asked could a house be built on the parcel without variances.

Director Kieselbach stated no, variances would be required.

Chair Mansour stated there were practical difficulties because to repair or build a house would require variances.

Chair 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. Chair Mansour stated this criteria had been met.

Member Hendrickson stated it would unreasonable prevent the owner from using the parcel for a residential use. The lot area and lot width cannot be changed. The front yard setback could be enforced but if the houses in the area are at the same setback and it would alter the character of the neighborhood. He suggested talking about the driveway separately. He was willing to considering the variance for lot area, lot width and side yard setbacks given the inability to build on the parcel but would like to hear more about the width of the house.

Ms. Whiddon stated she would like to change the request for the width of the house from 16 feet to 18 feet. A house 18 feet in width would allow more options for the design of the house and give sufficient area if the driveway variance was not granted.

Chair Mansour stated she was concerned with the house width and appreciate the applicant being willing to reduce the width in keeping with the character of the neighborhood.

Chair 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. Chair Mansour stated the variances for the house width at 18

feet, the lot width, lot area and front yard setback were the minimum action necessary to allow a house to be built on the property.

Chair 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. Chair Mansour stated this criteria had been met.

Chair Mansour read review criteria seven which states the conditions pertaining to the land or structure are not as general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. Chair Mansour stated the houses in the area are unique and this criteria had been met.

Chair 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. Chair Mansour stated this criteria had been met.

MEMBER HENDRICKSON MOVED TO APPROVE ZBA CASE NO. 20-10-28-1, 5937 POTTER STREET, LLC FOR THE VARIANCES REQUESTED: THE VARIANCE OF 644 SQUARE FEET FOR THE LOT AREA; THE VARIANCE OF TWO FEET FOR LOT WIDTH; THE VARIANCE OF 15 FEET FOR FRONT YARD SETBACK AND THE VARIANCE OF TWO FEET FOR THE WIDE OF THE HOUSE.

SECONDED BY MEMBER WISINSKI.

Member Hendrickson stated it was the minimum action to allow the property owner to use the parcel for its intended purpose and complies with the criteria set forth in the Zoning Ordinance.

ROLE CALL TO VOTE:

YEAS: Members Hendrickson, Wisinski, Field-Foster, Kulhanek, Chair Mansour

NAYS: None

Motion carried: 5-0

Member Hendrickson asked the applicant is she would like to change the variance request for the driveway.

Ms. Whiddon stated she would prefer a zero lot line but was willing to amend the request to one foot from the property line and a nine foot wide driveway.

Chair 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. Chair Mansour stated the circumstances were unique.

Member Hendrickson stated the driveway will be abutting a commercial parking lot.

Chair Mansour read review criteria two which states these special circumstances are not self-created. Chair Mansour stated the circumstances were not self-created.

Chair Mansour read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.

Member Hendrickson asked the applicant if she planned on parking vehicles on Potter Street.

Ms. Whiddon stated the reason for the driveway was so there would be no parking on the street.

Chair Mansour stated she had visited the site. The street is narrow and there are parking restrictions in the area to discourage visitors to Lake Lansing Park from parking on the street. She voiced concern with on street parking in the area for public safety reasons and for practical purposes a house needs a driveway.

Member Field-Foster stated there was a practical difficulty because the streets are narrow in this neighborhood.

Chair 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. Chair Mansour stated this criteria had been met.

Chair 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. Chair Mansour stated the applicant is willing to request a one foot setback and it was the minimum action necessary.

Chair 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. Chair Mansour stated it would not negatively impact the adjacent property and keep vehicles from the parking on the street.

Chair Mansour read review criteria seven which states the conditions pertaining to the land or structure are not as general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. Chair Mansour stated this criteria had been met.

Chair 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. Chair Mansour stated this criteria had been met.

MEMBER WISINSKI MOVED TO APPROVE THE VARIANCE FROM SECTION 86-566 THAT NO DRIVEWAY IN A SINGLE FAMILY RESIDENTIAL ZONE SHALL BE LOCATED CLOSER THAN TWO FEET FROM THE SIDE OR REAR LOT LINE FOR ZBA CASE NO 20-10-28-1 5937 POTTER STREET LLC 4090 WABANINGO ROAD, OKEMOS, MI 48864, WITH A VARIANCE OF ONE FOOT.

SUPPORT BY MEMBER HENDRICKSON.

Member Hendrickson stated he appreciated the applicant's willingness to reduce the size of the driveway.

ROLE CALL TO VOTE:

YEAS: Members Hendrickson, Wisinski, Field-Foster, Kulhanek, Chair Mansour

NAYS: None

Motion carried: 5-0

7. OTHER BUSINESS

A. 2021 Meeting Calendar

Assistant Planner Chapman reviewed the proposed 2021 meeting calendar as outlined in staff memorandum.

Chair Mansour moved to adopt the resolution approving the 2021 Zoning Board of Appeals Meeting Schedule as amended.

Seconded by Member Kulhanek.

Member Hendrickson asked what was amended.

Assistant Planner Chapman stated the first version of the resolution stated the meetings were held at Township Building instead of being held virtually.

ROLE CALL TO VOTE:

YEAS: Members Hendrickson, Wisinski, Field-Foster, Kulhanek, Chair Mansour

NAYS: None

Motion carried: 5-0

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

Member Hendrickson stated next Tuesday is Election Day and outlined the steps to register to vote, obtain an absentee ballot and/or to vote in person at the polls on Election Day.

10. ADJOURNMENT

Meeting adjourned at 7:37 pm.

Respectfully Submitted.

Robin Faust, Administrative Assistant II