



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
January 9, 2019 6:30 pm

1. CALL MEETING TO ORDER*
2. APPROVAL OF THE AGENDA
3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
 - A. Wednesday, December 12, 2018
4. COMMUNICATIONS
5. UNFINISHED BUSINESS
6. NEW BUSINESS

A. ZBA CASE NO. 19-01-09-1 (Simkin), 3907 New Salem Avenue, Okemos, MI, 48864

LOCATION: 3907 New Salem Avenue
PARCEL ID: 33-251-013
ZONING DISTRICT: RA (Single Family-Medium Density)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-564(c), which states enclosed porches, either one-story, two-story, or an unenclosed porch having solid foundations and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

The applicant is requesting to construct an enclosed porch that encroaches into the required rear yard setback at 3907 New Salem Avenue.

7. OTHER BUSINESS
 - A. Election of 2019 Officers
8. PUBLIC REMARKS
9. BOARD MEMBER COMMENTS
10. ADJOURNMENT
11. POSTSCRIPT – Brian Beauchine

Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting: Township Manager Frank L. Walsh, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4258 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *DRAFT*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, DECEMBER 12, 2018 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members, Lane, Mansour, Ohlrogge, Field-Foster
ABSENT: Member Deschaine
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 LANE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, October 24, 2018

Member Ohlrogge stated she had been present at the meeting on October 24, 2018 and requested the minutes be amended. Chair Beauchine also requested the minutes be amended to reflect his displeasure with the location of the Township's solar array.

CHAIR BEAUCHINE MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, OCTOBER 24, 2018 AS AMENDED.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

A. Lynn and tom Bartley RE: ZBA Case #18-12-12-2
Chair Beauchine stated the communication would be addressed at the time of the hearing.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 18-12-12-1 (Hakl), 4515 Chippewa Drive, Okemos, MI, 48864

LOCATION: 4975 Van Atta Road
PARCEL ID: 24-100-022

ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-471(b)(1), all structures and grading activities shall be setback 40 feet from the delineated edge of a wetland.
- Section 86-471(c)(1), to minimize erosion stabilize streambanks and wetland edges, protect water quality, and preserve fish and wildlife habitat, a natural vegetation strip shall be maintained within 20 feet of a delineated wetland boundary.

The applicant is requesting to grade and construct a driveway in the water features setback at 4975 Van Atta Road.

Director Kieselbach outlined the case for discussion.

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

Mrs. Linda Hakl, the applicant, 4515 Chippewa Drive, Okemos, stated the land was purchased in anticipation of constructing a house. She noted the plans had been designed around the wetlands.

Mr. Nate Russell, the applicant's contractor, 1749 Hamilton Road, Okemos, stated construction would be monitored and attention paid to the surrounding wetlands.

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

Member Lane noted the property was zoned residential and the only access to Van Atta Road was through the wetland.

Member Ohlrogge stated there was an existing culvert and driveway through the wetland that had not hindered preservation.

Member Field-Foster asked if a permit was needed from the Michigan Department of Environmental Quality (DEQ) for the driveway through the wetland.

Director Kieselbach answered a permit from the DEQ was not required for this type of project.

Member Ohlrogge asked Mr. Russell what would be done in the area adjacent to the house.

Mr. Russell responded within the silt fence area around the house the soil would be disturbed by the construction, but the soil outside of the silt fence area would not be disturbed.

Chair Beauchine asked Mr. Russell the location of the final septic field.

Mr. Russell responded the septic field would be located at the high-point within the silt fence area.

Member Mansour asked what guarantees would be provided to ensure the silt fence is installed before construction starts.

Director Kieselbach responded the Township Engineering Department would not issue a soil erosion permit until the silt fence was installed. During construction the Township Building Inspectors will verify the silt fence is in place.

Member Field-Foster asked if the extension of the driveway complies with the Ingham County Road Department (ICRD) request to use same driveway and culvert.

Director Kieselbach responded the ICRD permit requires the same location and construction must meet that requirement.

Chair Beauchine asked staff if a permit from the DEQ was not required because of the existing driveway.

Director Kieselbach responded that was correct and the DEQ didn't anticipate further impact to the wetland.

Member Lane 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. He stated the wetland is across the front of the parcel along Van Atta Road and must be crossed for access.

Member Lane read review criteria two which states these special circumstances are not self-created. He stated the wetland already exist and must be worked around.

Member Lane read review criteria three which states the strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He stated the parcel couldn't be developed without access from Van Atta Road.

Member Lane read review criteria four which states that 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. He stated road access is required to develop the parcel.

Member Lane 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. He stated the applicant is attempting to use the existing driveway.

Member Lane 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. He stated there were no objections from neighbors.

Member Lane 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. He stated this is a unique case due to the wetland along the entire frontage of the parcel.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated the variance would allow the property to be developed as it is zoned.

MEMBER LANE MOVED TO APPROVE THE VARIANCE REQUEST FOR MEETING ALL EIGHT CRITERIA FROM SECTION 86-221 OF THE CODE OF ORDINANCES, WITH THE CONDITION THE APPLICANT INSTALL AN EROSION CONTROL SILT FENCE AND IT REMAIN IN PLACE THROUGHOUT CONSTRUCTION.

SECONDED BY MEMBER MANSOUR.

ROLL CALL TO VOTE: YES: Members Lane, Mansour, Ohlrogge, Field-Foster, Chair Beauchine,
NO:
Motion carried unanimously

B. ZBA CASE NO. 18-12-12-2 (Meridian Investment Group, LLC), 2875 Northwind Drive, East Lansing, MI, 48823.

LOCATION:	2875 Northwind Drive
PARCEL ID:	20-128-003
ZONING DISTRICT:	PO (Professional & Office)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-436(r), standards for variance by the Zoning Board of Appeals from the strict interpretation of the regulations set forth in Section 86-436.

The applicant is requesting to improve a parking area in the floodway at 2875 Northwind Drive.

Director Kieselbach outlined the case for discussion.

Chair Beauchine asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals.

Ron Calhoun, the applicant's representative, 2875 Northwind Drive, East Lansing; stated the project will reduce the size of the existing parking lot, and no trees will be removed.

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

Chair Beauchine stated the Zoning Board of Appeals (ZBA) had received a communication from Lynn and Tom Bartley. The Bartley's had requested the preservation of natural area along the Red Cedar River, parking lot lights be directed downward, and limit the increase in traffic.

Chair Beauchine asked if anything could be done to preserve the natural vegetation.

Mr. Calhoun responded the construction would only impact the existing parking lot, no trees or vegetation would be altered. The total greenspace would be increased.

Member Ohlrogge asked if the detention pond would impact the flood levels.

Mr. Calhoun responded the detention pond would only handle storm water runoff and the flood levels would not be altered.

Member Ohlrogge asked if the parking lot should remain in the floodway.

Director Kieselbach responded a parking lot is an allowed use in the floodway.

Member Ohlrogge asked why the variance was needed for the allowance of parking in the floodway.

Director Kieselbach responded the request is for the excavation and work in the floodway.

Member Mansour stated the applicant already received approval from the DEQ and reducing the size of the parking lot was positive.

Member Lane stated reduction of impervious surface and renovation of the site is a worthwhile project.

Member Lane 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 districts. He stated the parking lot already exists in the floodway.

Member Lane read review criteria two which states these special circumstances are not self-created. He noted the existence of the Red Cedar River and natural flooding.

Member Lane 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 stated the project could not proceed without the variance, and the project would reduce the size of the parking lot.

Member Lane 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. He stated without the variance the applicant would not be able to renovate and reduce the size of the parking lot.

Member Lane 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. He stated the project would not change the flood levels and would reduce the amount of asphalt coverage.

Member Lane 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. He stated the case met this criteria.

Member Lane 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. He stated not every property in the Township is adjacent to the Red Cedar River and in a floodway.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated the variance allows the property to be developed, while being environmentally conscious.

Member Lane read review criteria one from Section 86-436(r) of the Code of Ordinances which states no variance shall be granted for the development of new structures, the substantial improvement or relocation of old structures, or development of any kind within the floodway area when such development, construction, improvement, or relocation would cause any increase in flood levels associated with the base flood elevation. He stated the changes would not impact the flood levels.

Member Lane read review criteria two (a) which states a sufficient cause for granting the variance must be shown. He stated the project could not continue without the variance.

Member Lane read review criteria two (b) which states a determination that failure to grant the variance would result in a practical difficulty to the applicant. He stated granting the variance would allow the project to proceed and stated the case met this criteria.

Member Lane read review criteria two (c) which states a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense or will not create nuisances, cause fraud on or victimization of the public or conflict with this chapter. He stated flood levels will not be impacted.

Member Lane read review criteria two (d) which states a determination that the variance is the minimum necessary to afford relief. He stated the variance would allow work to be done.

Chair Beauchine stated the detention pond would help remove contaminants from the parking lot before it enters the Red Cedar River.

MEMBER LANE MOVED TO APPROVE THE VARIANCE BASED ON THE MEETING OF ALL REQUIRED CRITERIA FROM SECTIONS 86-221 AND 86-436(r) OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER MANSOUR.

Member Ohlrogge stated the property should be compared to other properties in the floodway, not with properties elsewhere in the Township.

ROLL CALL TO VOTE: YES: Members Lane, Mansour, Field-Foster, Chair Beauchine
NO: Member Ohlrogge
Motion carried 4-1

7. OTHER BUSINESS

Chair Beauchine noted the Zoning Board of Appeals (ZBA) will be meeting next on January 9 2019, and the Township Board Joint Meeting with all Township boards and commissions will be in January.

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

Member Mansour thanked Member Ohlrogge for her service with the ZBA.

Chair Beauchine also thanked Member Ohlrogge for her service.

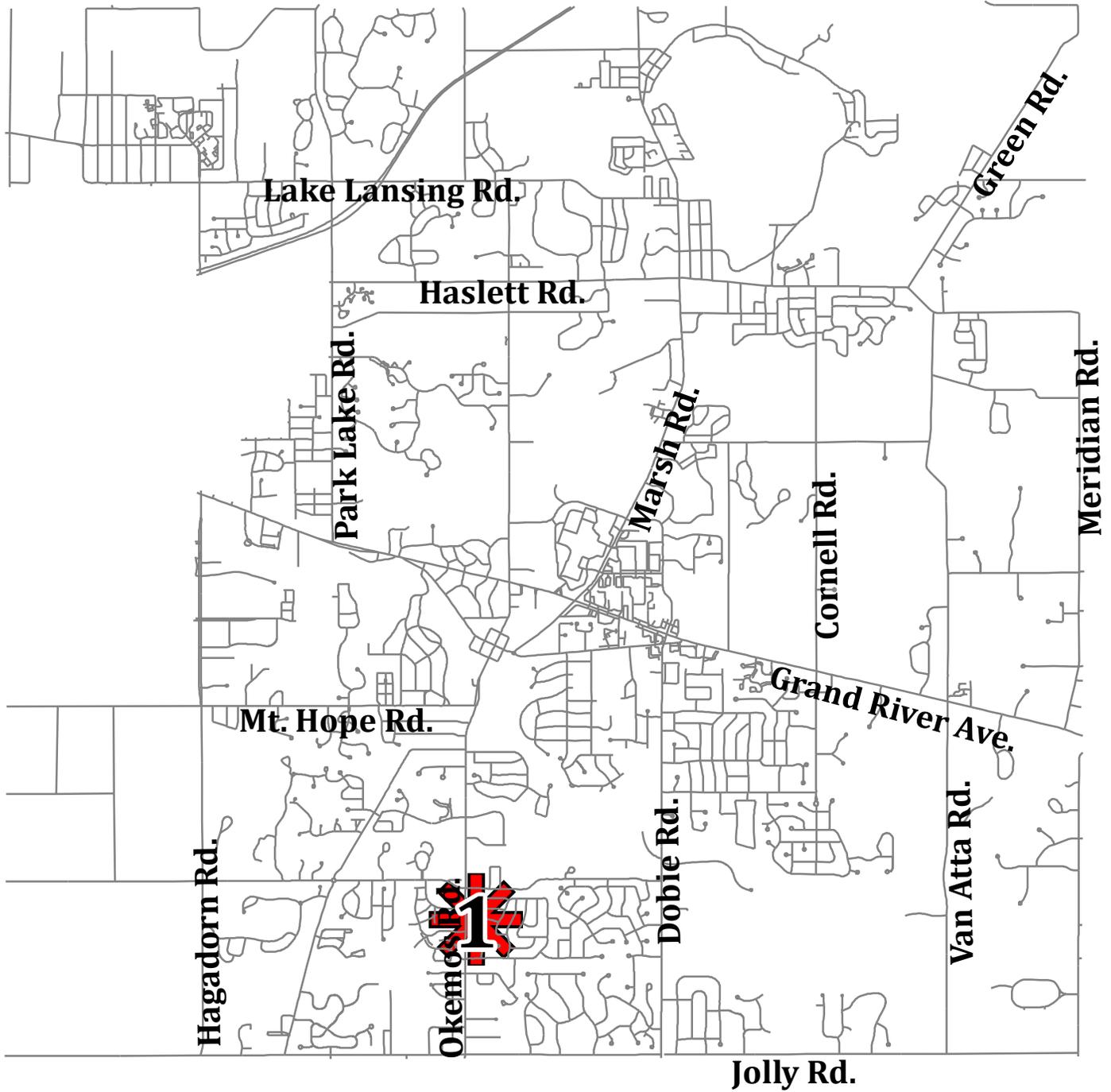
10. ADJOURNMENT

Meeting adjourned at 7:28 p.m.

11. POST SCRIPT - Members Mansour and Field-Foster

Respectfully Submitted,
Riley Millard
Recording Secretary

Meridian Township



Location Map

1. ZBA #19-01-09-1 (Simkin)



VARIANCE APPLICATION SUPPLEMENT

A variance will be granted, if the following Review Criteria are met:

1. 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.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.
4. 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.
5. 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.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. 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.
8. Granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter.



To: Zoning Board of Appeals
From: Mark Kieselbach, Director of Community Planning and Development
Justin Quagliata, Assistant Planner
Date: January 2, 2019
Re: ZBA Case No. #19-01-09-1 (Simkin)

ZBA CASE NO.: 19-01-09-1 (Simkin), 3907 New Salem Avenue, Okemos, MI 48864
LOCATION: 3907 New Salem Avenue
PARCEL ID: 33-251-013
ZONING DISTRICT: RA (Single Family-Medium Density)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-564(c), which states enclosed porches, either one-story, two-story, or an unenclosed porch having solid foundations and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

Daniel Simkin, the applicant, intends to remove an existing unenclosed porch (deck) from the west side of the existing single family house, which was built in 1967. The existing unenclosed porch, which measures approximately 13 feet by 19 feet in area, is considered nonconforming because it was constructed without a building permit. The applicant intends to replace the unenclosed porch with a new enclosed porch, which measures 11 feet by 22 feet in area. The proposed enclosed porch would encroach into the required rear yard setback.

Section 86-373(e)5c requires a 30 foot rear yard setback; however, Section 86-563 allows for a rear yard reduction for lots with less than 115 feet in depth. Since the subject parcel contains 99 feet in depth, the required rear yard setback is reduced from 30 feet to 26 feet. The existing house is located approximately 31 feet from the rear lot line in the area where the new porch is proposed. As the proposed enclosed porch is considered part of the house, the applicant could construct the enclosed porch addition to be five feet in width and comply with the 26 foot rear yard setback.

The existing unenclosed porch is located 17.9 feet at its closest point from the rear property line. The applicant intends to construct the new enclosed porch six feet into the required rear yard setback. Therefore the applicant is requesting a variance of six feet to allow the proposed enclosed porch to encroach into the required rear yard setback.

ZBA Case No. 19-01-09-1 (Simkin)
Zoning Board of Appeals (January 9, 2019)
Page 2

Attachments

1. Variance application, dated December 9, 2018 and received by the Township on December 10, 2018.
2. Letter from the applicant, received by the Township on December 10, 2018.
3. Lot survey, dated July 19, 2018 and received by the Township on December 10, 2018.
4. Proposed porch west elevation, received by the Township on December 10, 2018.
5. Site location map.

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CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4560

RECEIVED
DEC 10 2018

VARIANCE APPLICATION

- A. Applicant Daniel Simkin
Address of Applicant 3907 New Salem Ave
OKemos, MI
Telephone (Work) 303 527 2173 (voip) Telephone (Home) 517 347 7704
cell ~~810~~ 248 885 5412 Email address: dansimkin@sprynet.com
Interest in property (circle one): Owner Tenant Option Other
- B. Site address/location 3907 New Salem Ave OKemos, MI 48864
Zoning district RA Parcel number 33-251-013
- C. Nature of request (Please check all that apply):
 Request for variance(s)
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) 86-373(e) 5c + 86-563

- D. Required Supporting Material Supporting Material if Applicable
-Property survey -Architectural sketches
-Legal description -Other
-Proof of property ownership or approval letter from owner
-Site plan to scale
-Written statement, which demonstrates how all the review criteria will be met (See next page)

Daniel Simkin Daniel Simkin 12/9/2018
Signature of Applicant Print Name Date

Fee: \$150 Received by/Date: [Signature] 12-10-18

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)

Daniel Simkin 12/9/2018
Signature of Applicant(s) Date

Signature of Applicant(s) Date

Request for a variance in setback for the property at:

3907 New Salem Ave

Okemos, MI 48864

Parcel Number: 33-02-02-33-251-013

MP 6630 LOT 51 BRIARWOOD SUBDIVISION

My wife wants a screened-in porch on the back of the house, but our backyard is very small, and there's not enough setback. The distance to the property line behind our home is 31 feet, but we need a setback of 26 feet, which only allows a depth of 5 feet for a porch.

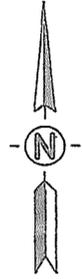
Unique circumstances: the small size of our back yard make it impossible to build a back porch. If we moved the proposed location of the back porch to the west end of the back yard, we would gain an extra 24 inches of clearance, which would still not be enough for a porch. Also, the proposed location at the east end of our back yard matches the location of our back door. Installing a back door anywhere else along the back of our home would require the removal of windows and a fair amount of carpentry. The current back door opens out onto an old deck, which is worn and needs to be replaced. The deck existed when we bought the house in 2010 (and possibly is original to the house). Since the proposed porch is smaller than the existing deck, this would actually increase the amount of open space in our back yard. Our property tends to get wet during the summer and the mosquitos are terrible. Without a screened-in porch, my wife and I cannot sit outside and enjoy our back yard. We love the large Norway Spruce trees in our back yard, and we hope to spend summers outside with the trees.

LOT SURVEY

For:
 Raven Enterprises Building & Remodeling
 310 S. Howard Street
 Lansing, MI 48909

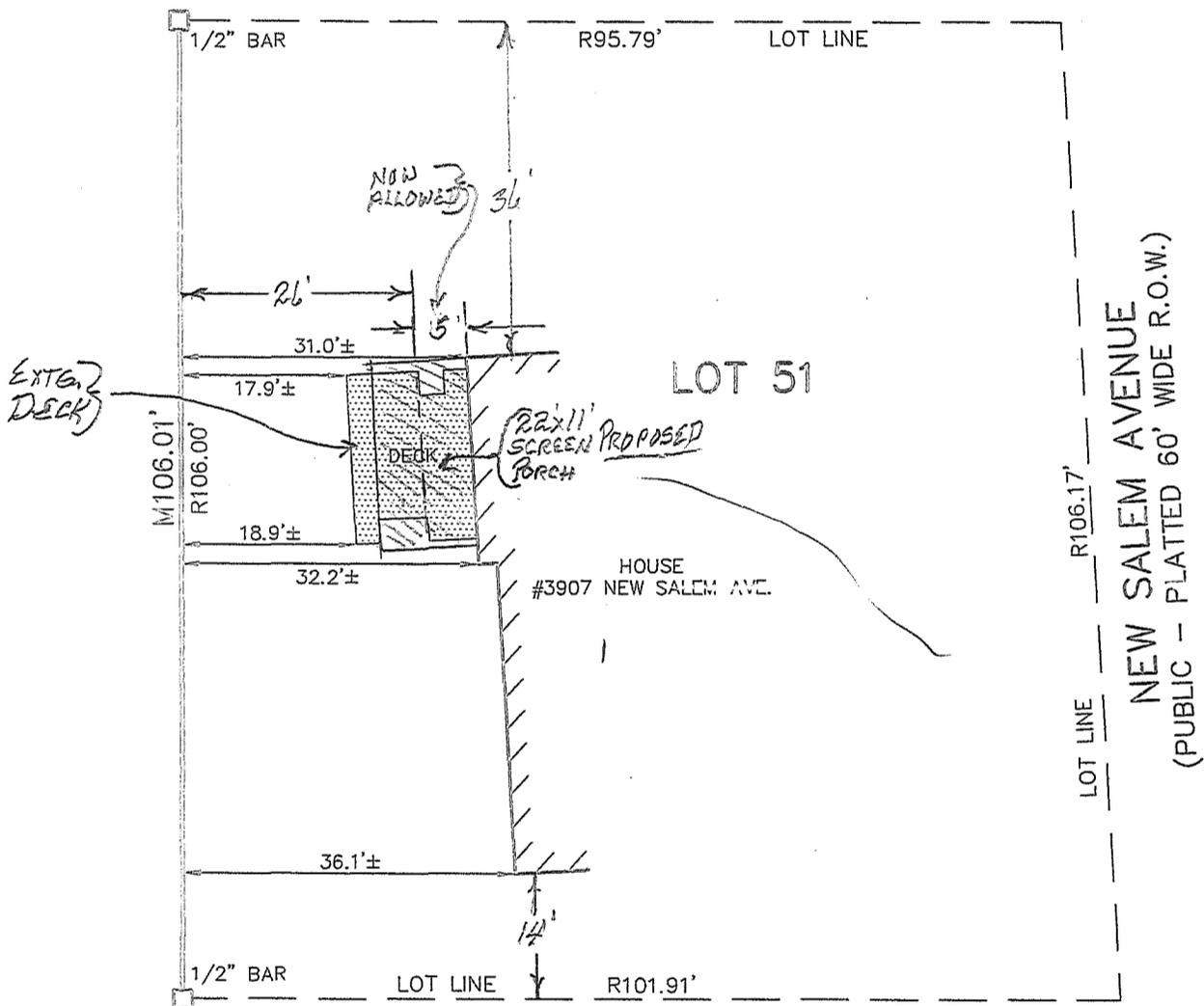
Survey Address:
 3907 New Salem Avenue
 Okemos, MI 48864
 ID: 33-02-02-33-251-013

Legal Description (as provided): Lot 51, Briarwood, Meridian, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 26 of Plats, Pages 10-11, Ingham County Records.



1" = 20'

HERITAGE AVENUE
 (PUBLIC - PLATTED 60' WIDE R.O.W.)



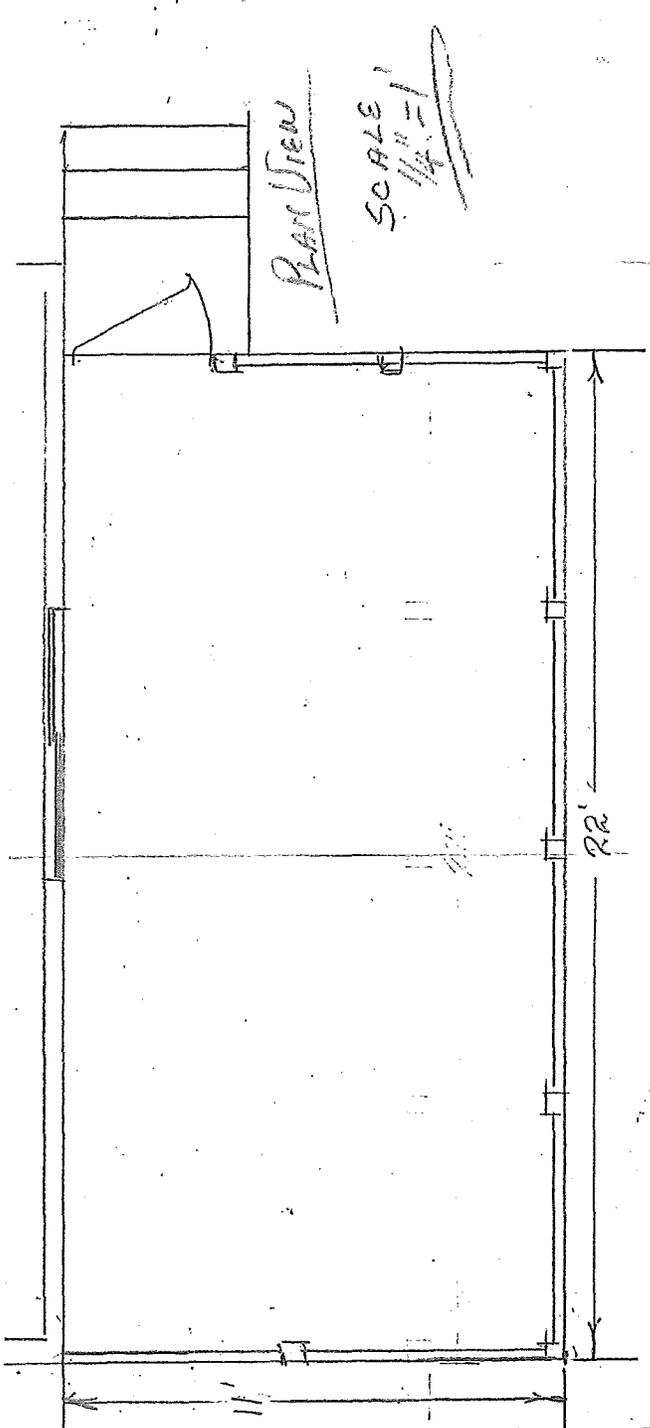
- NOTES:
1. EASEMENTS, IF ANY, NOT SHOWN.
 2. ALL IMPROVEMENTS NOT SHOWN.
 3. ONLY THE WEST LINE OF LOT 51 HAS BEEN VERIFIED AT THE TIME OF THIS SURVEY.

I hereby certify only to the parties hereon that we have surveyed, at the direction of said parties, the above described lot, and that we have found or set, as noted hereon, permanent markers to all corners of said lot and that all other encroachments of a permanent nature upon said lot are as shown on this survey. Said lot subject to all easements and restrictions of record.

- R = Recorded Distance
- M = Measured Distance
- = Distance Not to Scale
- = Dead Line
- = Set 1/2" Bar with Cap
- = Found Iron as Noted
- ▨ = Concrete, Asphalt, Deck, and Porch
- - - = Fence
- 0.0 = Denotes distance to the Survey Line

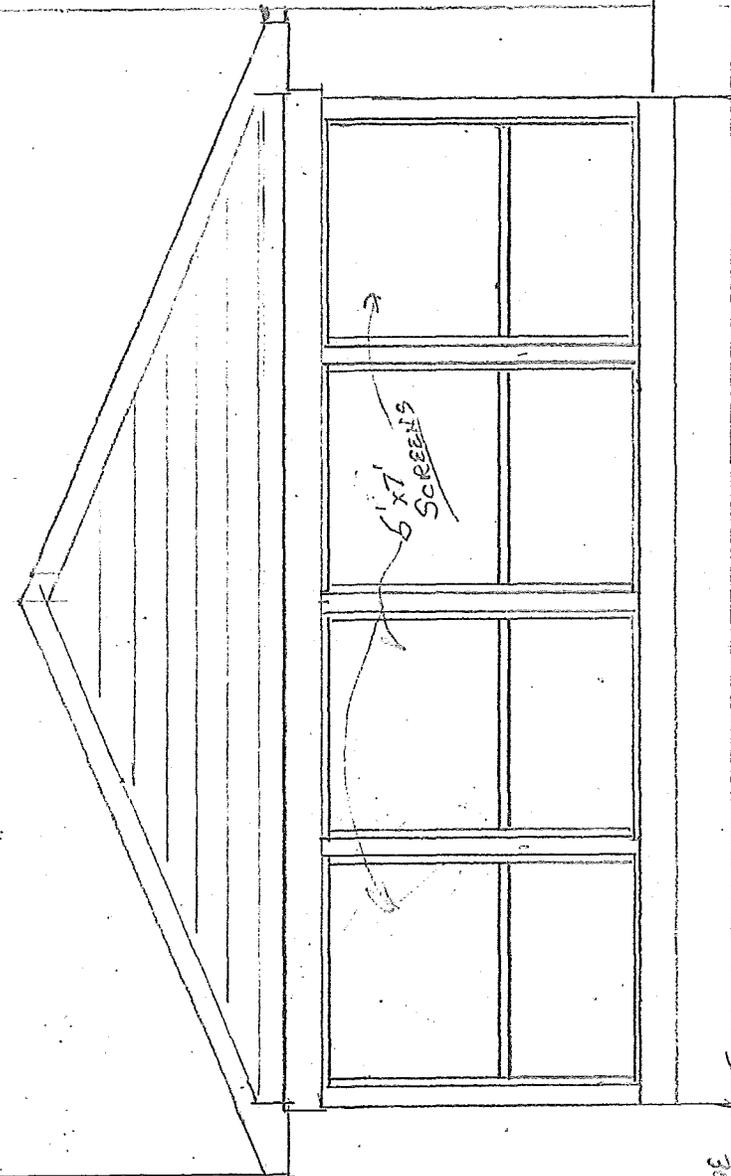
E. R. Friestrom
 ERICK R. FRIESTROM
 PROFESSIONAL SURVEYOR
 DATE 07/19/8
 NO. 53497

 KEBS, INC.		KYES ENGINEERING PROFESSIONAL LAND SURVEYING
2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047		
13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805		
FIELD WORK BY JF	JOB NUMBER: 93976.LOT	
SHEET 1 OF 1		



PLAN VIEW

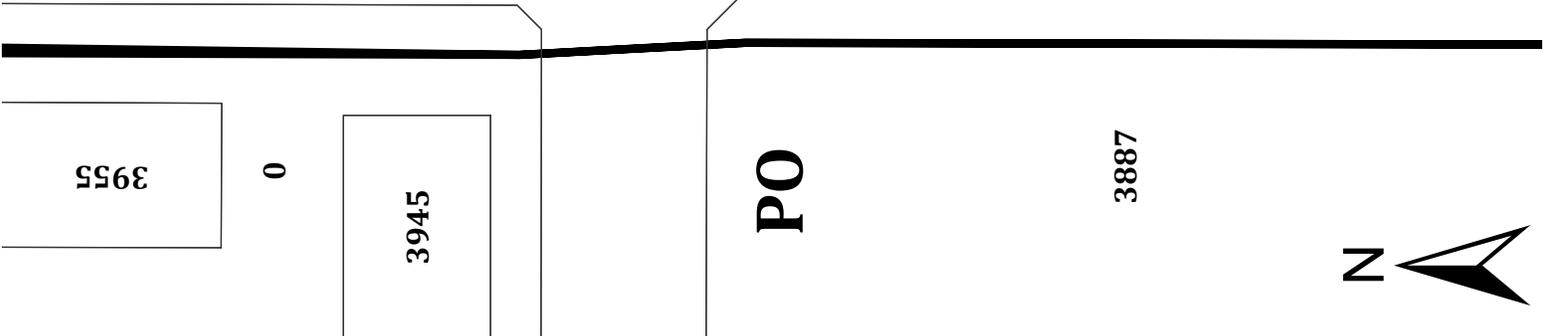
SCALE
1/4" = 1'



WEST
ELEVATION

6' x 9'
SCREENS

GRADE



3955

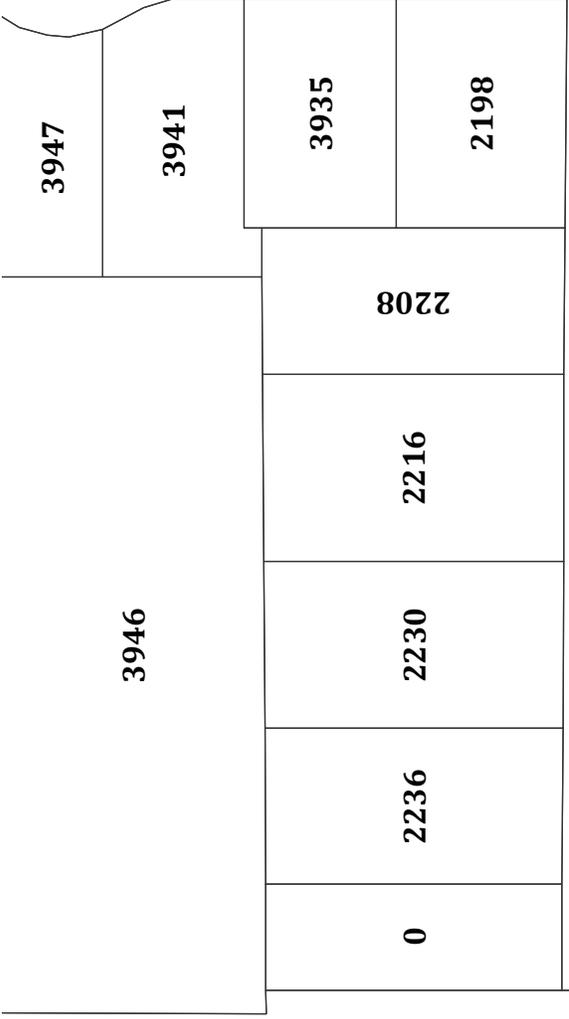
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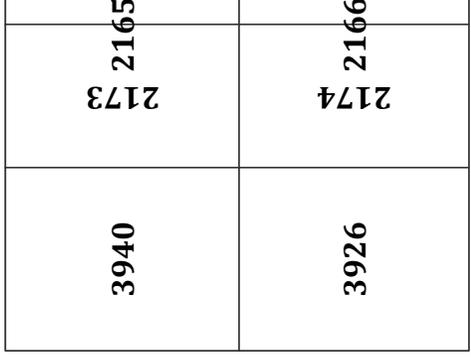
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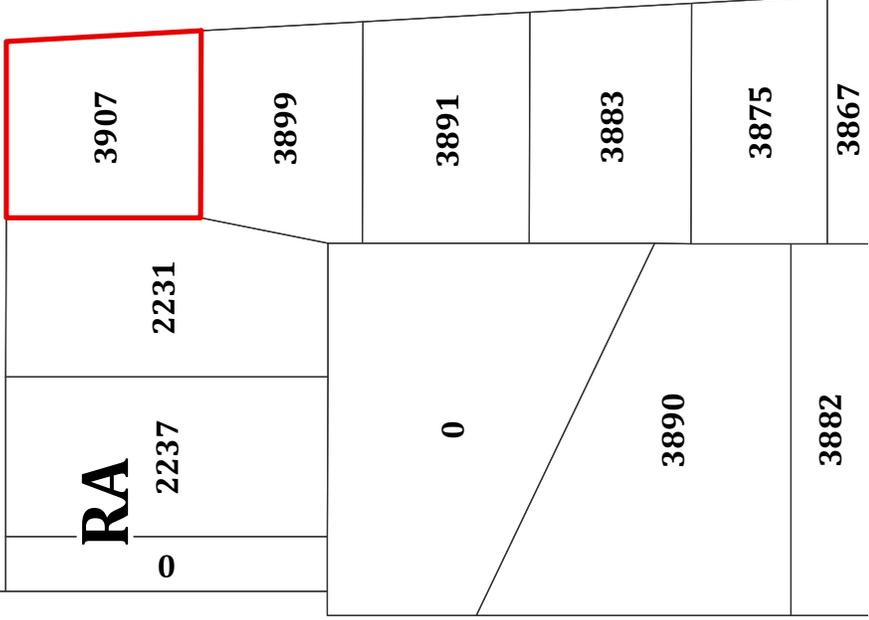
Okemos Rd



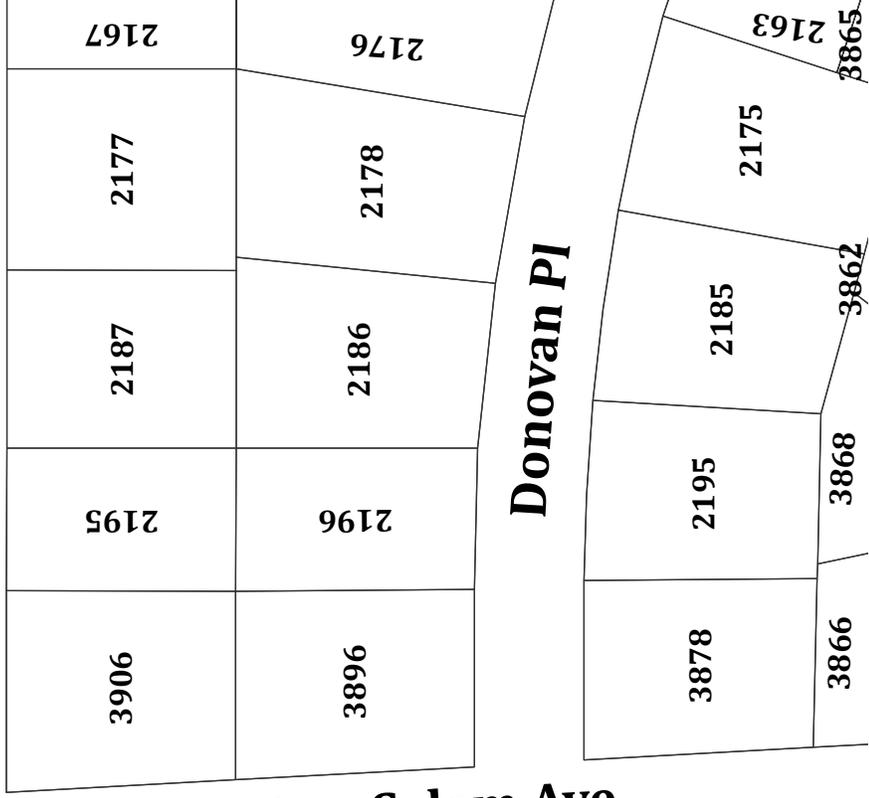
Belding Ct



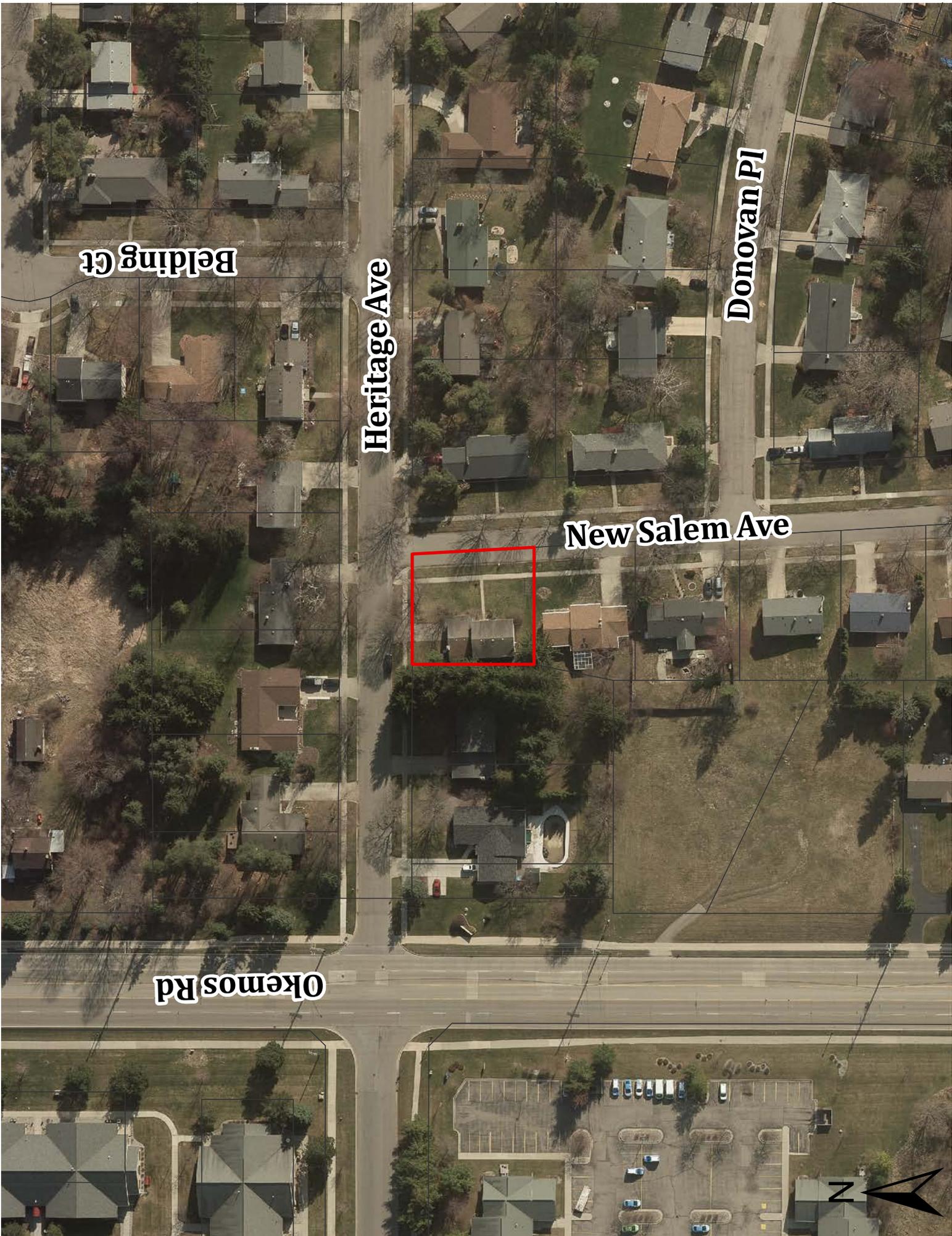
Heritage Ave



New Salem Ave



Donovan Pl



Belding Ct

Heritage Ave

Donovan Pl

New Salem Ave

Okemos Rd





To: Zoning Board of Appeals

From: Justin Quagliata, Assistant Planner

Date: January 3, 2019

Re: Election of Chair and Vice-Chair

The Zoning Board of Appeals rules of procedure require that at the first regular meeting each calendar year the Board must select from its members a Chair and Vice-Chair. In accordance with Section 86-62(c)(5) of the Code of Ordinances, an elected official of the Township cannot serve as chair or vice-chair of the Zoning Board of Appeals. The general duties of each position are as follows:

Chair: The chair shall preside at all meetings, authorize calls for special meetings, and perform such other duties as may be specified by the Zoning Board of Appeals.

Vice-Chair: The vice-chair shall act in the capacity of the chair in the chair's absence. In the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term.

At the meeting on January 9, 2019 the current chair will request nominations for the officer positions listed above. Once nominations are made the Zoning Board of Appeals will vote on each office. The Board member receiving the most votes will serve in that position. The elected officer will begin serving immediately after being selected and will remain in office for the remainder of the year. Current officers may be re-elected.