

**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES \*APPROVED\*  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, APRIL 14, 2021  
TOWN HALL ROOM**

PRESENT: Chair Mansour, Members Field-Foster, Hendrickson, Kulhanek, Opsommer

ABSENT: None

STAFF: Community Planning and Development Director Kieselbach; Assistant Planner Keith Chapman

**1. CALL MEETING TO ORDER**

Chair Mansour called the meeting to order at 6:31 p.m.

**2. APPROVAL OF AGENDA**

MEMBER HENDRICKSON MOVED TO APPROVE THE AGENDA AS SUBMITTED.

SECONDED BY MEMBER OPSOMMER

ROLE CALL TO VOTE:

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

NAYS: None

Motion carried: 5-0

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

A. March 10, 2021 Meeting Minutes

MEMBER FIELD-FOSTER MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, MARCH 10, 2021 AS SUBMITTED.

SECONDED BY MEMBER KULHANEK.

ROLE CALL TO VOTE:

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

NAYS: None

Motion carried: 5-0

**4. COMMUNICATIONS**

A. M. Charlotte Stafford & George Bubolz III 5896 Shaw Street, in support of RE: ZBA #21-04-14-1

B. Doug and Pam Wingler, 5892 Shaw Street, in support of RE: #21-04-14-1

**5. UNFINISHED BUSINESS**

None

## 6. NEW BUSINESS

### A. ZBA CASE NO. 21-04-14-1 (Fillion), 5926 Shaw Street, Haslett, MI, 48840

DESCRIPTION: 5926 Shaw Street

TAX PARCEL: 10-279-004

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

The applicant is requesting variances from the following sections 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 alteration or extension shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.
- Section 86-442(f)(9)(b) – which states a driveway shall not occupy more than 35% of the total area of the front yard for residential lots 65 feet or greater in width at the street line.

Rebecca Fillion, the applicant, is requesting a variance to construct a garage and second story addition on an existing nonconforming single family home and to bring the existing driveway into compliance.

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).

Rebecca Fillion, 5926 Shaw Street, Haslett, stated she was present to answer questions.

Member Field-Foster asked how a structure can be expanded and not increase the extent of the structure.

Director Kieselbach stated the Zoning Ordinance requires the review and approval of the Zoning Board of Appeals when structural alterations increase the extent of the nonconformity.

Member Field-Foster asked if the variance request could be separated into two parts.

Director Kieselbach replied yes.

Member Field-Foster asked what the consequence would be if the variance for the driveway was not granted.

Director Kieselbach replied the overall size of the driveway would need to be reduced to meet the 35% coverage.

Member Field-Foster asked if the applicant would be financially responsible to bring the driveway into compliance.

Director Kieselbach replied yes.

Member Hendrickson asked if there were other nonconformities for the property other than the driveway and front yard setback.

Director Kieselbach replied when the site was reviewed, there were no other nonconformities noted.

Member Hendrickson asked if the ZBA granted the variance for the driveway and front yard setback, could the applicant build the second story as it would be in compliance.

Director Kieselbach stated it was assumed the building inspector had made a mistake issuing the permit for the carport as it did not meet the front yard setback. The carport was determined to be nonconforming. If the ZBA granted a setback variance then the structure would be in compliance and the second story could be constructed.

Member Hendrickson asked the applicant why the large driveway is necessary for the property.

Ms. Fillion stated the existing driveway was in place when she purchased the property and assumed the previous owner constructed it to match with the front of the house.

Member Hendrickson asked the applicant if the driveway needed to remain in its current size.

Ms. Fillion replied yes, as it is in keeping with the existing house.

Chair Mansour asked to confirm when the carport was constructed in 1967 it should have had a variance.

Director Kieselbach replied yes.

Chair Mansour asked how long the applicant had owned the property.

Ms. Fillion replied 8-9 years.

Chair Mansour stated the driveway has been in place for a number of years and the cost to remove any portion of it would be expensive for the applicant and it would be beyond the minimum action.

Chair Mansour asked why the applicant is now seeking to enclose the carport and construct a second story.

Ms. Fillion replied she would like to feel more secure in her home. She plans to retain the house as her residence and needed the additional bedrooms and living space.

Member Hendrickson stated he struggles with keeping the structure nonconforming. If the front yard setback is granted, then building the second story would be allowed.

Chair Mansour stated she would like to go through the review criteria for the driveway - Section 86-442(f)(9)(b) – which states a driveway shall not occupy more than 35% of the total area of the front yard for residential lots 65 feet or greater in width at the street line.

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 driveway aligns with the carport and was not installed by the current property owner.

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. Chair Mansour stated the practical difficulty is if the applicant is required to bring the property into compliance, it would mean removing a portion of the existing driveway.

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 it is unreasonable to ask an applicant to remove a portion of the driveway that is already existing. The applicant did not have prior knowledge that it was not in compliance.

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 variance was the minimum action.

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 the driveway has been existence for over nine years and it does not affect the adjacent property owners.

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 was a unique situation.

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 is a unique circumstance. The driveway aligns with the existing carport and is within the purposes of the Zoning Ordinance.

MEMBER HENDRICKSON MOVED TO APPROVE A VARIANCE OF 7.4% FROM SECTION 86-442(f)(9)(b) FOR A TOTAL OF 42.4% FOR ZBA CASE NO. 21-04-14-1 (Fillion), 5926 Shaw Street, Haslett, MI, 48840

SECONDED BY MEMBER OPSOMMER

ROLE CALL TO VOTE:

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

NAYS: None

Motion carried: 5-0

Director Kieselbach stated the setback in the Lake Lansing Overlay District is Section 86-442(f) (5)(a) front yard setbacks shall not be less 20 feet from the street line.

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 location of the structure was a unique circumstance.

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. Chair Mansour stated by enforcing the setback, it would prevent the owner from using the property. Any action would require a variance because of the location of the structure and thereby resulting in practical difficulties.

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 was 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 this was the minimum action.

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 the neighbors supported the request and the improvements will benefit the essential character of the neighborhood.

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 was a unique situation and not general or recurrent.

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 the request was within the intent of the Zoning Ordinance and consistent with public interest.

MEMBER OPSOMMER MOVED TO GRANT A VARIANCE FROM SECTION 86-442(f) (5)(a) FOR THE FRONT YARD SETBACK OF 7.2 FEET FOR ZBA CASE NO. 21-04-14-1 (Fillion), 5926 Shaw Street, Haslett, MI, 48840

SECONDED BY MEMBER HENDRICKSON

Member Opsommer stated a number of the residences around Lake Lansing do not have any front yards and asked if these residences predate the Overlay District.

Director Kieselbach stated a majority of the residences predate the Overlay District. The setback from local streets was 25 feet but with the Overlay District, it was reduced to 20 feet.

Member Opsommer stated the Planning Commission and Township Board may need to look at this situation because the residences that pre-date the Overlay District are nonconforming.

Chair Mansour stated the ZBA has heard a few of these setback variance requests and as these residences get older, she anticipates there will be more requests and this issue may need to be addressed.

**ROLE CALL TO VOTE:**

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

NAYS: None

Motion carried: 5-0

**7. OTHER BUSINESS**

None

**8. PUBLIC REMARKS**

Chair Mansour opened and closed the floor for public remarks.

**9. MEMBER COMMENTS**

Member Hendrickson stated they are expecting their second child soon and asked for an alternate for the next few meetings. The members extended congratulations.

**10. ADJOURNMENT**

Meeting adjourned at 7:33 pm.

Respectfully Submitted.

Robin Faust, Administrative Assistant II