

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, FEBRUARY 16TH, 2022
REGULAR TELEVISED MEETING**

PRESENT: Chair Mansour, Members Deschaine, Vice-Chair Field-Foster

ABSENT:

STAFF: Director of Community and Planning Timothy Schmitt, Assistant Planner Chapman,
IT Director Stephen Gebes, Chief Engineer Younes Ishraidi

1. CALL MEETING TO ORDER

Chair Mansour called the meeting to order at 6:34 p.m.

2. APPROVAL OF AGENDA

Vice-Chair Field-Foster moved to approve the agenda as presented. Seconded by Member Deschaine.

ROLE CALL TO VOTE:

YEAS: Vice-Chair Field-Foster, Chair Mansour, Member Deschaine

NAYS: None

Motion carried: 3-0

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. December 8, 2021 Meeting Minutes

Chair Mansour moved to approve the minutes from Wednesday, December 8, 2021 as presented. Seconded by Vice-Chair Field-Foster.

ROLE CALL TO VOTE:

YEAS: Vice-Chair Field-Foster, Chair Mansour, Member Deschaine

NAYS: None

Motion carried: 3-0

4. COMMUNICATIONS - NONE

5. UNFINISHED BUSINESS - NONE

6. NEW BUSINESS

A. ZBA CASE NO. 22-01-19-1 (2075 Grand River Avenue), Frank Gawdun, 1743 East McNair Drive Ste. 200, Tempe, AZ 85283

DESCRIPTION: 2075 Grand River
TAX PARCEL: 21-276-014
ZONING DISTRICT: C-3 (Commercial)

The variance requested is to construct a drive-thru canopy in the rear yard setback at 2075 Grand River.

Assistant Planner Chapman outlined the case for discussion.

Applicant's Representative Frank Gawdun, 1743 E. McNair Dr., Suite 200, Tempe, AZ further outlined the case for discussion.

Member Deschaine asked if the applicant has had any safety issues up to now.

Mr. Gawdun replied they have not.

Vice-Chair Field-Foster asked what the straight path above the proposed canopy is representing.

Mr. Gawdun stated it is an existing bypass lane created in the initial building of the site.

Vice-Chair Field-Foster asked if there is a location on site to place the canopies without requiring variances.

Mr. Gawdun replied no.

Vice-Chair Field-Foster asked if there is a way to make the canopy smaller.

Mr. Gawdun replied no.

Chair Mansour asked staff if the driveway was already in the setback.

Assistant Planner Chapman stated it may be over the setback by a foot or two.

Chair Mansour asked if the driveway will be worked on or if the applicant is only building a canopy.

Mr. Gawdun stated they are only building a canopy.

Vice-Chair Field-Foster asked if the applicant had discussed with engineers if there was an alternate approach that wouldn't require variance, or if this is a design that is used at all Chick-fil-a locations.

Mr. Gawdun stated it's a bit of both as all locations will have similar canopies.

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 this is a unique situation because of the location, the traffic and the drive through lane being already set up. She further stated any business that has a two lane drive through that is located just off a business highway with heavy traffic flow is a unique situation.

Vice-Chair Field-Foster stated she could meet criteria one, but then would struggle with criteria two.

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

Member Deschaine stated he doesn't see this as self-created as the business isn't designed poorly. He further stated this is a symptom of people changing the way they consume restaurant meals and their drive through isn't equipped to handle the increase in traffic.

Vice-Chair Field-Foster stated this Chick-fil-a has always been busy.

Chair Mansour stated Mr. Gawdun mentioned in his opening statement that all Chick-fil-a's will be using these canopies going forward because of increased sales, and if they were building this Chick-fil-a today the canopy would have been included in the original plans.

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 difficulties she sees here is creating a flow of business that responds to traffic demands and protects employees and customers.

Member Deschaine concurred.

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 she struggles with this one, as the business can remain open and operating without the canopy. She asked staff if there have been any issues brought to the township's attention regarding traffic at this location.

Director replied not on this specific application, but has received complaints about the amount of traffic that goes into this location. He stated the applicant's original sight plan would have been better suited to accommodate their needs, but township ordinances at the time led to the current layout which includes a hairpin turn that larger vehicles will struggle to make. He further stated the driveway canopy is a structure to be built on an internal lane on an internal property line that is shielded from the road.

Chair Mansour asked if the current layout has created an inherent traffic problem for the applicant.

Director Schmitt stated there is an inherent traffic problem that is in part due to past township ordinance.

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 criteria five has been met.

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 criteria six has 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 criteria seven 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 criteria eight has been met.

Chair Mansour moved to approve ZBA CASE NO. 22-01-19-1. Seconded by Treasurer Deschaine.

ROLE CALL TO VOTE:

YEAS: Vice-Chair Field-Foster, Chair Mansour, Member Deschaine

NAYS: None

Motion carried: 3-0

B. ZBA CASE NO. 22-02-16-1 (5000 Okemos Road), Michigan Department of Transportation, 2700 Port Lansing Road, Lansing, MI 48906

DESCRIPTION:	5000 Okemos Road
TAX PARCEL:	21-226-012
ZONING DISTRICT:	C-3 (Commercial)

The variance requested is to construct a floodplain compensating cut in the wetland setback at 5000 Okemos Road.

Assistant Planner Chapman outlined the case for discussion.

Applicant's representative Jack Rick, 3908 Sun Rapids Dr., Okemos, MI further outlined the case for discussion.

Chief Engineer Ishraidi spoke in support of approving this application.

Member Deschaine asked if other potential sites would have setback issues as bad as or greater than this one.

Chief Engineer Ishraidi replied he is almost certain they would.

Vice-Chair Field-Foster asked if this would cause any issues to the fire station that is on this property.

Mr. Rick replied the only disturbance that should be noted is the equipment to make the compensating cut will travel through the fire station parking lot.

Chair Mansour asked what drawbacks there are to making a compensating cut in this wetland.

Mr. Rick stated in his opinion there is no drawback.

Vice-Chair Field-Foster asked if EGLE has issued a permit for this.

Mr. Rick replied they have.

Assistant Planner Chapman noted the Planning Commission also approved a special use permit for the fill placement in the floodplain as well.

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 criteria one had been met.

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

Chair Mansour stated criteria two had been met.

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 criteria three had been met.

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 criteria four 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 criteria five has been met.

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 criteria six has 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 criteria seven 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 criteria eight has been met.

Vice-Chair Field-Foster moved to approve ZBA CASE NO. 22-02-16-1 to grant the 40 ft. and the 20 ft. variances for the wetland cut. Seconded by Chair Mansour.

ROLE CALL TO VOTE:

YEAS: Vice-Chair Field-Foster, Chair Mansour, Member Deschaine

NAYS: None

Motion carried: 3-0

C. ZBA CASE NO. 22-02-16-2 (4887 & 4893 Dawn Avenue), Dawn Avenue Associates, LLC, 4893 Dawn Avenue, East Lansing, MI 48823

DESCRIPTION:	4887 & 4893 Dawn Avenue
TAX PARCEL:	20-202-008 & 20-202-007
ZONING DISTRICT:	I (Industrial)

The variance requested is to create three parcels that do not meet the minimum lot area and lot width requirements at 4887 & 4893 Dawn Avenue.

Assistant Planner Chapman outlined the case for discussion.

Chief Engineer Ishraidi further outlined the case for discussion.

Chair Mansour asked if the project can be completed without this variance.

Chief Engineer Ishraidi replied it would be very hard for the project to proceed.

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 criteria one had been met.

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

Chair Mansour stated criteria two had been met.

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.

Vice-Chair Field-Foster noted with all the money tied into this, plus the vote of the people it would be a major practical difficulty to not complete this project.

Chair Mansour stated criteria three had been met.

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 criteria four 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 criteria five had been met.

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 criteria six has been met as this will only improve the area.

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 criteria seven 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 criteria eight has been met.

Chair Mansour asked if either side of these parcels will need variances in the future.

Director Schmitt stated this action addresses the immediate concern that is raised by the split. He explained he is addressing the two issues raised specifically because of the trail parcel.

Chair Mansour asked if this is creating a non-conforming parcel.

Director Schmitt replied no.

Treasurer Deschaine stated this is taking an industrial area that isn't a very attractive area in the township and placing a trail there that is enhancing this parcel and surrounding parcels.

Vice-Chair Field-Foster moved to approve the variances in ZBA CASE NO. 22-02-16-2 (4887 & 4893 Dawn Avenue). Seconded by Member Deschaine.

ROLE CALL TO VOTE:

YEAS: Vice-Chair Field-Foster, Chair Mansour, Member Deschaine

NAYS: None

Motion carried: 3-0

D. ZBA CASE NO. 22-02-16-3 (2090 Grand River Avenue), Johnson Sign Company, 2240 Lansing Avenue, Jackson, MI 49202

DESCRIPTION:	2090 Grand River Avenue
TAX PARCEL:	21-226-003
ZONING DISTRICT:	C-2 (Commercial)

The variance requested is to install a wall sign that exceeds the maximum square footage requirement at 2090 Grand River.

Assistant Planner Chapman outlined the case for discussion.

Applicant Jerry Yurgo, 3074 Walton Blvd., Rochester Hills, MI further outlined the case for discussion.

Chair Mansour asked if the landlord of the property is willing to work with tenants on trimming back mature trees to increase visibility.

Mr. Yurgo stated the trees are part of the original site plan and can't be touched.

Chair Mansour asked staff if the trees can be trimmed.

Assistant Planner Chapman replied they could be trimmed back, but not removed.

Chair Mansour asked staff if there have been any issues brought to the township's attention regarding sight lines, accidents or traffic patterns she should be aware of.

Assistant Planner Chapman replied no.

Member Deschaine asked director Schmitt if the sign ratio of one square foot per linear foot of frontage is common in other areas he's worked.

Director Schmitt stated the formulae is common, but the one square foot multiplier is on the low end. He further stated he plans to ask the planning commission if they would like to increase the multiplier in the future.

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 criteria one had been met.

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

Chair Mansour stated criteria two had been met.

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 criteria three had been met.

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.

Vice-Chair Field-Foster stated that a small sign that is hard to read could cause safety issues as drivers struggle to read the sign or look for a location.

Chair Mansour stated she could see the practical difficulty in having a sign that is too small for your business name.

Chair Mansour stated criteria four 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 criteria ~~four~~ five had been met.

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 criteria six has 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 criteria seven 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 criteria eight has been met.

**Member Deschaine moved to approve ZBA CASE NO. 22-02-16-3 (2090 Grand River Avenue).
Seconded by Member Deschaine.**

ROLE CALL TO VOTE:

YEAS: Vice-Chair Field-Foster, Chair Mansour, Member Deschaine

NAYS: None

Motion carried: 3-0

7. OTHER BUSINESS

A. Election of 2022 Officers

**Vice-Chair Field-Foster moved to reappoint Chair Mansour to the position of Chair of the
Zoning Board of Appeals for year 2022. Seconded by member Deschaine.**

ROLE CALL TO VOTE:

YEAS: Vice-Chair Field-Foster, Chair Mansour, Member Deschaine

NAYS: None

Motion carried: 3-0

**Member Deschaine moved to reappoint Vice-Chair Field-Foster to the position of Vice-Chair
of the Zoning Board of Appeals for year 2022. Seconded by Chair Mansour.**

ROLE CALL TO VOTE:

YEAS: Vice-Chair Field-Foster, Chair Mansour, Member Deschaine

NAYS: None

Motion carried: 3-0

B. ZBA Criteria Ordinance Update

Director Schmitt outlined the ZBA Criteria Ordinance Update.

Chair Mansour asked how the Zoning Board of Appeals would report recurrent variance requests after criteria seven is removed.

Director Schmitt stated he would like recurrent cases to be reported to him and his staff.

8. PUBLIC REMARKS

Chair Mansour opened the floor for public remarks at 8:10 pm

Jim Koenig stated he has been a planner for over 15 years and is currently a transportation planner, he currently is applying to be a member of the Zoning Board of Appeals.

Chair Mansour closed public remarks at 8:16 pm

9. MEMBER COMMENTS

Chair Mansour

- Welcomed new Member Deschaine to the Zoning Board of Appeals
- Wished former Member Opsommer well in his new endeavors
- Gave her condolences to the Styka family on behalf of the Zoning Board of Appeals

Member Deschaine

- Thanked Chair Mansour for her comments on the late Ron Styka and gave his condolences to the Styka family

10. ADJOURNMENT

Chair Mansour Adjourned the meeting at 8:19 pm.