

**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES \*APPROVED\*  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, JUNE 26, 2019 6:30 PM  
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members Lane, Mansour, Field-Foster  
ABSENT: Member Wisinski  
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 FIELD-FOSTER MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER MANSOUR.

VOICE VOTE: Motion carried unanimously.

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

Wednesday, June 12, 2019.

MEMBER MANSOUR MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, JUNE 12,  
2019.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

**4. COMMUNICATIONS**

A. Dr. Nancy DeJoy RE: ZBA #19-06-26-1

**5. UNFINISHED BUSINESS**

**A. ZBA CASE NO 19-06-12-1 (Miller), 5411 Marsh Road, Haslett, MI, 48840**

LOCATION: 5411 Marsh Road  
PARCEL ID: 15-251-001  
ZONING DISTRICT: RA (Single Family-Medium Density)

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

- Section 86-754, which states, parking on nonpaved open space is prohibited. Parking in driveways is prohibited, except in one-family residential districts. In one-family residential districts, no motor vehicle parking space shall be provided in the front yard, except on a paved or gravel driveway that occupies no more than 35% of the total area of the front yard.

The variance request is to exceed the maximum front yard driveway coverage at 5411 Marsh Road.

Assistant Planner Quagliata outlined the case for discussion. He stated the garage door was moved off center to minimize the driveway expansion. He stated the garage was moved one foot back (west) and reduced four feet in length to eliminate the projection of the garage into the front yard.

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

Mr. Glenn Miller, the applicant, 5411 Marsh Road, Haslett, stated the garage had been moved and reduced in size to meet setbacks.

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

Chair Beauchine stated he appreciated the applicant moving the garage back and reducing the size.

Member Mansour stated during the Zoning Board of Appeal's (ZBA) previous discussion the driveway had not been an issue.

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 there are other structures on the lot which reduced the area for where the garage could be placed. He noted the garage was in compliance with the setbacks and the variance for the driveway was needed for access.

Member Lane read review criteria two which states these special circumstances are not self-created. He stated the applicant had purchased the house with an existing pool. The circle driveway was necessary because the amount of traffic on Marsh Road.

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 without the expanded driveway the applicant would not have vehicle access to the garage which was being constructed in the only location possible on the property.

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 could not provide vehicle access to the garage.

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 had attempted to make the driveway as small as possible and the requested variance was the minimum necessary.

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 no communications were received regarding the request.

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 the lot configuration was unique and an ordinance amendment was not required.

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 for access to the conforming garage.

MEMBER LANE MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-754 TO ALLOW FOR FRONT YARD DRIVEWAY COVERAGE AT 46 PERCENT.

SECONDED BY CHAIR BEAUCHINE.

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

**6. NEW BUSINESS**

**A. ZBA CASE NO. 19-06-26-1 (Jager), 2545 Bruin Drive, East Lansing, MI, 48823**

LOCATION: 2545 Bruin Drive  
 PARCEL ID: 17-228-008  
 ZONING DISTRICT: RA (Single Family-Medium Density)

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

- Section 86-618(1), Nonconforming structures. Nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations

The variance request is to expand a nonconforming single family structure by constructing a deck that would encroach into the required rear yard setback at 2545 Bruin Drive.

Assistant Planner Quagliata 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).

Clayton Carstensen, 10157 Bunker Hwy, Eaton Rapids, the applicant's representative, noted the variance was needed so the existing decks could be replaced with decks that met building code. He stated there would be no obstruction to the view of the common area.

Chair Beauchine read a communication received in opposition to the variance request from Nancy DeJoy, 2550 Kodiak Drive, East Lansing, 48823.

Member Field-Foster asked staff how the two existing decks would be turned into one deck.

Assistant Planner Quagliata stated the upper deck would be elevated approximately 14 feet with stairs coming down to a landing at the southwest corner of the lower deck.

Member Mansour asked staff if the upper deck was being enlarged.

Assistant Planner Quagliata responded the upper deck was being enlarged. The existing upper deck extends six feet out from the house and with the addition the deck would extend out 10 feet from the house to accommodate the staircase.

Chair Beauchine stated this neighborhood had a number of variance requests where houses were nonconforming. He noted the current homeowner should not be held responsible. He stated there have been other variance requests in the same neighborhood related to side yard and rear yard setbacks. He also believed there was a door from the house to the upper deck.

Chair Beauchine asked staff if the decks were constructed after the house was built.

Assistant Planner Quagliata stated the house was built in 1985 and the building permit stated the rear yard setback was 20 feet but the house was constructed at 16.3 feet. The existing decks were constructed without building permits after the house was built.

Chair Beauchine stated the current owner was not the original owner and the house and decks were existing and nonconforming.

Member Mansour noted the homeowner did not create the circumstances and were trying to construct decks that met building code and was safe. She stated the situation was not self created and granting the variance would allow new decks that would be built to code.

Member Field-Foster asked the applicant if the decks were being increased in size.

Mr. Carstensen stated the change from six feet to 10 feet in width on the upper deck was to accommodate the stairs and landing to the lower deck.

Member Mansour asked the applicant's representative if there was access to the house from the upper deck.

Mr. Carstensen stated there was a door from the second floor of the house to access the upper deck.

Assistant Planner Quagliata stated the proposed lower deck would be three feet at the closest point from the rear lot line and the existing lower deck was 5.5 feet at the closet point from the rear lot line. He noted an additional encroachment of 2.5 feet was proposed in addition to creating a deck with a larger area.

Member Field-Foster asked staff if the rear lot line was adjacent to Bear Lake.

Assistant Planner Quagliata stated the rear lot line abutted common area of the Bear Lake Subdivision.

Member Field-Foster asked the applicant's representative if the homeowners association had commented on the proposed decks.

Mr. Carstensen stated the applicant had presented information to the homeowners association but had not received any comments.

Chair Beauchine noted in RA zoning district the rear yard setback is 30 feet, but was reduced to 20 feet in the Bear Lake Subdivision. The house encroached into the 20 foot setback and was nonconforming. He stated with the proposed design and size of the decks review criteria five may not be met.

Member Field-Foster asked the applicant's representative if there was a way to make the decks smaller to keep it from encroaching into the rear yard setback.

Mr. Carstensen stated they had considered different design options but a different placement of the stairs would reduce useable deck space.

Chair Beauchine asked staff what the size was of the existing decks.

Assistant Planner Quagliata stated the existing lower deck was 12 feet by 27 feet in size (324 square feet) and the existing upper deck was six feet by 10.5 feet in size (63 square feet). The new lower deck would come out an additional 10 feet from the house bringing it six feet closer to the lot line at the west side and 2.5 feet closer to the rear lot line at the stairs to the rear yard. The new lower deck would be approximately 396 square feet in size. The new upper deck would be 10 feet by 17.75 feet (177.5 square feet) in size including the stairs and elevated approximately 14 feet.

Member Lane stated what was causing concern was connecting the upper deck to the lower deck and questioned if the connection was necessary.

Chair Beauchine 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 because the house was nonconforming the applicant would need a variance to construct a deck in the rear yard.

Chair Beauchine read review criteria two which states these special circumstances are not self-created. He stated this criteria was met.

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

Member Mansour stated the applicant could use the decks as is and questioned if the variance was the minimum action necessary.

Member Field-Foster stated the house was nonconforming and if the applicant wanted to construct a new deck in the rear yard they would have to come to the ZBA for a variance. She noted due to the age of the existing decks they would need to be rebuilt at some time. She had concerns with the request being the minimum action and having the two decks connected.

Chair Beauchine stated he could meet review criteria three based on review criteria one and the house was nonconforming.

Chair Beauchine 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 the criteria was met.

Chair Beauchine 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 request was not the minimum action necessary as the lower stairs could be relocated. He noted the criteria had not been met.

Chair Beauchine 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 this was a planned subdivision with special criteria around it. He noted the deck would not affect adjacent land unless it went out into the common area so the criteria was met.

Chair Beauchine 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 criteria was met.

Chair Beauchine 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 he did not know if this criteria had been met.

Member Field-Foster suggested allowing the applicant to bring the request back to the ZBA at a future meeting with a new design because she could not meet review criteria five.

Chair Beauchine stated if the variance was denied the applicant could not come back to the ZBA for one year unless there were changes to the plan. He noted the applicant would have to reapply for a variance.

Member Mansour stated the lower deck being within three feet of the rear lot line to accommodate the stairs was challenging. She added she liked the design of the decks and did not think it would block anyone's view of the lake but the lower deck was too close to the rear lot line.

MEMBER FIELD-FOSTER MOVED TO DENY THE VARIANCE FROM SECTION 86-618(1) BASED ON THE REQUEST NOT MEETING REVIEW CRITERIA FIVE.

SECONDED BY MEMBER LANE.

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

**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 7:17 p.m.

**11. POST SCRIPT**

Chair Beauchine.

Respectfully Submitted,  
Riley Millard  
Recording Secretary