

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JANUARY 9, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members Deschaine, Lane, Mansour, Field-Foster
ABSENT:
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 DESCHAINE.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, December 12, 2018.

MEMBER LANE MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, DECEMBER 12, 2018.

SECONDED BY MEMBER MANSOUR.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

None.

5. UNFINISHED BUSINESS

None.

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.

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).

Mr. Daniel Simkin, the applicant, 3907 New Salem Avenue, Okemos, stated he was not aware the existing unenclosed porch was nonconforming. He would like to build a covered porch to match the style of the home.

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

Member Mansour asked how much of the existing porch would be removed.

Assistant Planner Quagliata responded the entire existing porch would be removed and the new enclosed porch would be two feet shorter in width. He added because the proposed porch was enclosed it would be part of the principal structure and be required to meet the same setbacks as the principal structure.

Chair Beauchine stated the Township requires enclosed structures to be treated as a principal structure. He added the enclosed structure would be more permanent.

Member Deschaine asked if neighbors had been noticed of the variance request.

Assistant Planner Quagliata responded property owners within 300 feet of the subject property had been noticed of the public hearing. No communications had been received regarding the case.

Member Lane noted the enclosed porch would reduce the current encroachment into the setback. He stated the backdoor lines up with the current deck and limits relocating the new porch.

Member 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. She stated the homeowner did not construct the current porch and bought the home with it already nonconforming.

Member Mansour read review criteria two which states these special circumstances are not self-created. She stated the nonconforming porch already existed.

Member Mansour review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She stated the location of the rear door makes rearranging the location of the porch impractical.

Member Mansour 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. She stated the rear yard would be difficult to enjoy without the variance.

Member 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. She stated there were no complaints or objections from neighbors, and the variance would grant the homeowner use of the rear yard.

Member 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. She stated the construction of the enclosed porch would not create an adverse visual impact for the neighborhood.

Member Mansour 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. She stated the size and shape of the lot was unique.

Member 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. She stated this variance would allow proper use of the rear yard and home.

MEMBER MANSOUR MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-564 (c) OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER DESCHAINE.

Member Deschaine stated ordinances are created to protect neighborhoods and homeowners, and in this case the variance would be improving the property.

ROLL CALL TO VOTE: YES: Members Mansour, Deschaine, Lane, Field-Foster, Chair
Beauchine

NO:

Motion carried unanimously

7. OTHER BUSINESS

A. Election of 2019 officers

Chair Beauchine explained the process of electing officers. He announced 2019 would be his last year on the ZBA.

MEMBER LANE MOVED TO ELECT BRIAN BEAUCHINE CHAIR OF THE ZONING BOARD OF APPEALS.

VOICE VOTE: Motion carried unanimously.

MEMBER DESCHAINE MOVED TO ELECT MEMBER MANSOUR VICE-CHAIR OF THE ZONING BOARD OF APPEALS.

VOICE VOTE: Motion carried unanimously.

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

Chair Beauchine noted his appreciation to have Treasurer Deschaine back on the ZBA and showed appreciation to all members.

Member Mansour noted her appreciation for being elected Vice-Chair.

10. ADJOURNMENT

Meeting adjourned at 6:54 pm.

11. POST SCRIPT

None.

Respectfully Submitted,
Riley Millard
Recording Secretary