

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, May 22, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members Field-Foster, Lane, Mansour, Wisinski
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 LANE MOVED TO APPROVE THE AGENDA.

SECONDED BY MEMBER FIELD-FOSTER.

CHAIR BEAUCHINE OFFERED A FRIENDLY AMENDMENT TO INCLUDE COMMUNICATIONS RECEIVED PERTAINING TO CASE #19-05-22-3 WITH AGENDA ITEM 6B.

SECONDED BY MEMBER MANSOUR

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, May 8, 2019.

MEMBER LANE MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, MAY 8, 2019.

SECONDED BY MEMBER FIELD-FOSTER.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

- A. Shannon Beckman RE: ZBA #19-05-22-3
- B. James Harding RE: ZBA #19-05-22-3

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS**A. ZBA CASE NO. 19-05-22-1 (Power Home Solar), 919 N. Main Street, Mooresville, NC, 28115**

LOCATION: 2000 Lake Lansing Road
PARCEL ID: 04-400-008
ZONING DISTRICT: RA (Single Family-Medium Density)

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

- Section 86-565(1), which states, no accessory building shall project into any front yard.

The applicant is requesting variance to install an accessory structure that would project 49 feet into the front yard at 2000 Lake Lansing Road.

Assistant Planner Quagliata outlined the case for discussion.

Chair Beauchine asked the applicant if they would like to address the ZBA.

Mr. Frank Cusmano, the property owner, 2000 Lake Lansing Road, Haslett, MI 48840, stated a roof mounted solar array was not feasible and a ground mounted array would not be in compliance with current ordinances. He noted the ground mounted array would meet the 100 foot setback from Lake Lansing Road. He noted the side yard, a location which would be in compliance with the ordinance, would not allow for maximum solar reception. He stated the variance request was to place the solar array in a position that would maximize its use without obstruction from the house or the removal of any trees.

Mr. Paul Grenuk, Regional Manager, Power Home Solar, noted the solar panels would not be reflective and were durable.

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

Chair Beauchine read review criteria seven from Section 86-221 of the Code of Ordinances 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 if the Zoning Board of Appeals (ZBA) kept receiving similar requests the Township may need a solar energy ordinance, and if that were the case this criteria would not be met. He noted the Township mounted a solar array in front of the Township Municipal Building without appropriate planning. He stated he liked solar but disliked solar that looked bad.

Chair Beauchine stated the ZBA could ask the Planning Commission to consider a solar energy ordinance. He stated the proposed solar array was a structure in the front yard which was what the Township installed at the Municipal Building.

Member Mansour stated solar energy is becoming more popular and because of that solar arrays need to be specifically placed and meet all setbacks and other guidelines for accessory structures. She agreed with Chair Beauchine's assessment of review criteria seven.

Member Lane stated he did not disagree but this was only the second solar array in a front yard and did two installations rise to the level of general or recurrent in nature. He noted the Township solar array did not come before the ZBA so this case would be the first considered by the ZBA and discussion of an ordinance may be premature.

Member Field-Foster stated the circumstances of the property were unique enough that an ordinance would not avoid the need for a variance so criteria seven could be met.

Member Wisinski asked staff if the solar array could not be placed behind the house because of wetlands.

Assistant Planner Quagliata stated wetlands were not present in the rear yard but wetland was present in the front yard along Lake Lansing Road. He noted the ZBA could determine why the panels could not be placed in a side or rear yard.

Member Wisinski asked the applicant to explain the proposed placement of the solar array.

Mr. Cusmano stated the open area in the rear yard was the location of the septic field and could not be excavated to install the solar array and the land at the rear of the property was wetland. He added the side yard had tree coverage and trees would have to be removed to install the solar array.

Mr. Grenuk stated moving the solar array to the side yard could cut production value 30 to 50 percent. He noted solar arrays could be landscaped to be a part of the yard.

Ms. Cynthia Cusmano, 2000 Lake Lansing Road, Haslett, MI, 48840, noted the house sat on a hill and also created shade.

Assistant Planner Quagliata clarified the Township Wetland Map showed potential wetlands to the north of the subject property.

Chair Beauchine noted the trees in the side yard would create shade.

Member Mansour asked if there was brush in the area of the property along Lake Lansing Road and whether or not the house was located on a hill.

Assistant Planner Quagliata stated that area was wetland and the elevation of the property rose gradually to the north and the house was located at the highest point.

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 in this case the trees and the orientation of the yard are unique and the front yard may be the best location for the solar array.

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

Chair Beauchine 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 noted this criteria had been met.

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 noted solar was probably a permitted purpose and was becoming a more popular energy option.

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 this criteria had 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 the solar array was setback from Lake Lansing Road and would meet other setbacks but did encroach into the front yard.

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 this criteria had been met.

Member Lane stated he would inform the Planning Commission about the discussion and the uniqueness of solar arrays make them different than other accessory structures.

Member Wisinski stated she would also inform the Township Board about the discussion.

MEMBER LANE MOVED TO APPROVE THE VARIANCE BASED ON MEETING THE EIGHT REVIEW CRITERIA.

SECONDED BY MEMBER WISINSKI.

Chair Beauchine stated he would be voting no because he did not believe criteria seven had been met.

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

B. ZBA CASE NO. 19-05-22-3 (Timmer), 242 Abbott Woods Drive, East Lansing, MI, 48823

LOCATION: 4990 Country Drive
PARCEL ID: 24-202-001
ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-565(1), which states, no accessory building shall project into any front yard.

The applicant is requesting variance to construct an accessory building that would project 242 feet into the front yard at 4990 Country Drive.

Assistant Planner Quagliata outlined the case for discussion.

Chair Beauchine asked the applicant if they would like to address the ZBA.

Ms. Amy Timmer, 4990 Country Drive, Okemos, MI 48864, explained wetlands, septic tanks and the drain field made the only location behind the house to build the garage a raised area inaccessible due to the well, generator, and wetlands. She noted the proposed location used to be a tennis court that was elevated and leveled to prevent standing water. She stated existing brush would block the view of the garage from Country Drive. The applicant addressed the eight review criteria.

Chair Beauchine opened the floor for public remarks.

Ms. Kate Harrell, 5050 Country Drive, Okemos, MI 48864, spoke in opposition to the proposed accessory building.

Chair Beauchine read communications received in support of the request from Shannon Beckmen (4991 Country Drive, Okemos, MI 48864) and James and Shirley Harding (5055 Country Drive, Okemos, MI 48864).

Chair Beauchine asked the applicant if they wanted an opportunity for rebuttal.

Ms. Timmer stated placing the structure in any other location would be difficult because of the wetland and the structure would still be in the front yard. She noted the south side of the driveway had gardens and less brush, which meant the neighbors to the south could see the structure. She stated the brush in the proposed location was approximately 100 feet in depth.

Chair Beauchine closed the floor for public remarks.

Member Field-Foster asked the applicant if the garage could be located on the turnaround of the driveway near the house.

Ms. Timmer responded the septic field was south of the driveway turnaround and the area was not deep enough to allow for the structure.

Member Field-Foster asked the applicant if they planned on planting vegetation north of the proposed accessory structure.

Ms. Timmer stated they did plan on planting vegetation between the structure and the brush.

Assistant Planner Quagliata stated the ZBA could place a condition on the variance to require landscape screening. He noted the zoning ordinance does require conifer trees to be a minimum of eight feet in height for screening when planted.

Member Lane appreciated the applicant for going through the review criteria and providing a response. He agreed with the majority of the reasoning although he did not see how not granting the variance would result in a practical difficulty. He stated many people need extra garage space and that did not create a need to place a structure in a front yard in violation of the ordinance.

Chair Beauchine noted the ordinance would allow an area to be paved or graveled and the practical difficulty was if the area should be covered by a structure. He noted the proposed structure would be located closer to Country Drive than it would be to the neighboring house.

Member Lane agreed the proposed location was appropriate but questioned the need since the applicant already had a two-car garage attached to the house.

Member Mansour questioned if the area near the house would be large enough for another type of accessory building. She stated the request did not meet review criteria three.

Ms. Timmer noted the area was a turnaround for backing out of the driveway.

Member Wisinski stated if there was not an existing garage then the criteria could be met.

MEMBER LANE MOVED TO DENY THE VARIANCE REQUEST BASED ON FAILURE TO MEET REVIEW CRITERIA THREE AND FOUR.

SECONDED BY MEMBER WISINSKI.

Member Mansour thanked the applicant and appreciated the neighbor's concern. She stated the ordinance required demonstrating practical difficulty and not having enough room in a garage did not meet the requirement.

ROLL CALL TO VOTE: YES: Members Lane, Wisinski, Mansour, Field-Foster, Chair Beauchine
 NO:
 Motion carried unanimously 5-0

C. ZBA CASE NO. 19-05-22-2 (Delta Dental), 4100 Okemos Road, Okemos, MI, 48864

LOCATION: 4100 Okemos Road
 PARCEL ID: 28-400-009, 28-400-011, and 28-400-012
 ZONING DISTRICT: PO (Professional and Office)

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

- 86-686(3)(a), Freestanding signs. One freestanding sign shall be permitted and shall be located in the front yard with the leading edge at least 10 feet back of the street right-ofway line.
- Section 86-686(3)(b), Freestanding signs. The surface display area of the freestanding sign conveying the business carried on the premises shall not exceed 25 square feet per side. An additional three square feet of surface display area of the freestanding sign shall be set aside to accommodate the street number of the structure.

- Section 86-471(b)(1), all structures and grading activities shall be setback from the edge of a water feature as follows: Wetlands regulated by the Township, the state, or by federal law equal to or greater than two acres in area; 40 feet.
- 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 from the edge of a water feature as follows: Wetlands regulated by the Township, the state, or by federal law; 20 feet.
- Section 86-471(b)(4), all structures and grading activities shall be setback from the edge of a water feature as follows: open county drains or creeks; 50 feet, as measured from the top of the bank on the side of the drain where the structure is to be located or grading activity is to occur.
- Section 86-471(c)(3), to minimize erosion, stabilize streambanks and wetland edges, protect water quality, and preserve fish and wildlife habitat, a natural vegetation strip shall be maintained from the edge of a water feature as follows: open county drains or creeks; 25 feet, as measured from the top of the abutting bank.

The applicant is requesting variances to install five freestanding signs and to construct an approximately 4,300 square foot deck in the wetland setback, the drain setback, and the associated natural vegetation strips at 4100 Okemos Road.

Assistant Planner Quagliata outlined the case for discussion.

Chair Beauchine asked the applicant if they would like to address the ZBA.

Mr. Randy Metz, Grissim Metz Andriese Associates, the applicant's representative, described the current signs as unnoticeable and not reflective of the current Delta Dental branding program. He noted the variance requests for the signs were intended to build the appropriate identity for their property and to convey information. He stated the speed of traffic on Okemos Road created the need for better signage. He noted the proposed deck would enhance the workplace environment for Delta Dental employees.

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

Chair Beauchine asked staff if the square footage of sign types two, three, four, and five included the address or only the Delta Dental badge.

Assistant Planner Quagliata stated three square feet could be set aside for the address and everything above the base was sign area. He added the green area was counted as surface display area for sign type one since there was no message on the white portion of the sign.

Chair Beauchine suggested the ZBA start with the variances related to the proposed deck.

Member Field-Foster noted the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the Ingham County Drain Commissioner had already, or would soon, approve the project. She did have a concern with how failure to grant the variances would unreasonably prevent the owner from using the property because there was an existing patio.

Member Mansour agreed because there was an existing patio review criteria four was not met. She noted the project would disturb the wetland.

Assistant Planner Quagliata stated the deck would not be in the wetland but in the wetland setback. The Township's wetland consultant reviewed the project and did not have an issue as long as the deck was located outside of the wetland and outside wetland mitigation areas. He stated in 2009 there was a wetland use permit for the property that approved reshaping the wetland and the drain to construct a boardwalk and pathways. The current project had been approved by the Planning Commission and EGLE for work in the floodplain and the ZBA was reviewing construction within the drain and wetland setbacks.

Member Lane stated the construction was not going to adversely impact the floodplain. He questioned if not having a deck rose to the level of a practical difficulty.

Member Wisinski asked how many employees worked at the subject property.

The applicant stated there were approximately 700 employees.

Member Field-Foster stated she did not believe the applicant would be unreasonably prevented from using the property if the variances were not granted.

Member Wisinski stated she thought the expansion may be practical difficulty based on the number of employees that would use the deck.

Mr. Andrew Parin, Grissim Metz Andriese Associates, stated the existing patio was used as a dining terrace. The deck would provide flexible workspace and add capacity for employees to use the dining terrace. He noted the proposed structure would be the only way to utilize and enjoy the amenity of the wetland. The project would increase the capacity of the floodplain by excavating material below the deck.

Member Field-Foster asked how many employees could be accommodated on the current patio space.

Mr. Brian McCarthy, Delta Dental Director for Corporate Real Estate, stated there were a number of picnic tables across the space but the location of the patio did not allow employees to enjoy the view of the wetland.

Member Field-Foster asked what was the capacity of the deck for employees.

Mr. Metz stated there would be space for 100 to 150 employees. He added the existing patio was on the north side of the building and the proposed deck would allow employees to enjoy the sun away from the shadow of the building. He noted the importance for corporations to attract quality employees to their property and the need for appealing amenities to retain employees. He stated the deck was an amenity to allow Delta Dental to compete with other corporations for talent.

Member Lane stated given the vicinity of the building to the drain there would have to be work done in the floodplain and wetland setbacks to construct a deck. He noted extending the deck off the existing patio was the best location. The practical difficulty was without the variance the applicant would not be able to build a deck.

Assistant Planner Quagliata stated the wetland and the floodplain were located along the length of the property from east to west. If applicant wanted to build a deck anywhere north of the buildings variances would be needed.

Chair Beauchine stated he could see the need for amenities to retain talent. He stated if the ZBA were to grant the variances for the deck it needed to be conditioned on the Drain Commissioner's approval.

Assistant Planner Quagliata stated if the variances were approved the project would go through site plan review which requires confirmation of approval from other agencies.

Chair Beauchine stated the current approvals from EGLE and the Planning Commission could not be taken into account for the ZBA decisions. He noted the applicant was trying to do good things for the community and the people that work for Delta Dental.

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 drain and wetland located north of the northern building made the property unique.

Member Lane read review criteria two which states these special circumstances are not self created. He stated this criteria had been met.

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 variances to allow work in the setbacks the applicant would not be able to build a deck.

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 building a deck was a permitted purpose.

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 this criteria had been met.

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 EGLE and the Township's wetland consultant had stated the project would not negatively impact the wetland. He noted there would be no impact to 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 the applicant was a unique corporate citizen and the property was also unique.

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 project was environmentally conscious and would be an improvement to the property.

MEMBER LANE MOVED TO APPROVE THE DECK VARIANCES BASED ON MEETING THE REVIEW CRITERIA.

SECONDED BY MEMBER WISINSKI.

Chair Beauchine clarified the approval was for variances from ordinance Section 86-471(b)(1), Section 86-471(c)(1), Section 86-471(b)(4), and Section 86-471(c)(3).

ROLL CALL TO VOTE: YES: Members Lane, Wisinski, Field-Foster, Mansour, Chair Beauchine
NO:
Motion carried unanimously 5-0

Assistant Planner Quagliata outlined the sign variances for discussion. He stated the Professional and Office zoning district allowed one freestanding sign per parcel and the applicant was proposing to install five. Additionally, the one freestanding sign permitted was exceeding the allowed surface display area per side and the four additional signs would be installed exceeding the maximum surface display area per side allowed.

Director Kieselbach clarified the sign in the middle of the property along Okemos Road was considered the one freestanding sign allowed and it would be smaller than the previous sign which was granted a variance in 2011. He noted the other four signs would need variances for having additional freestanding signs. He stated the ZBA could add conditions to restrict the square footage of the additional signs to those shown in the diagrams provided.

Chair Beauchine asked what the square footage was of the existing sign on the south side of the south entrance drive.

Assistant Planner Quagliata stated 17.99 square feet.

Chair Beauchine stated the text size on the new signs were fairly similar to the existing sign.

Assistant Planner Quagliata noted the white space on sign types two, three, four, and five was surface display area and could be used to display a message.

Chair Beauchine asked how surface display area would be calculated if the words "Staff Entrance" were not on the sign.

Assistant Planner Quagliata stated the surface display area would be the green area of the sign.

Chair Beauchine asked what the square footage was for the portion of the sign that read "Delta Dental."

Mr. Parin stated the green box with "Delta Dental" would be seven feet in length and one and half feet in height.

Chair Beauchine stated that would be 10.5 square feet total for the green portion of the sign.

Mr. Metz added the informational portion of the sign was on the white panel. He noted while the text was not large the whitespace in the background offset the text so it was legible.

Member Wisinski asked staff to restate the sign variance requests.

Assistant Planner Quagliata stated the Professional and Office zoning district allowed one freestanding sign per parcel with a maximum 25 square feet in surface display area per side. Proposed sign type one, which would be installed perpendicular to Okemos Road near the center of the site, would be the one freestanding sign allowed by the ordinance and would be 123.75 square feet in surface display area and required a 98.75 square foot variance. He added the other variances were to install the additional four signs. The ZBA could consider the signs would be 4.75 square feet larger than the size allowed. He added sign type one would be installed in front of the buildings, 400 feet from the north driveway and almost 300 feet from the south driveway. Sign type two would be located north of the south driveway to direct visitors. Sign type three would be installed north of the north driveway to direct staff. Sign type four would be located 400 feet east of Okemos Road to direct visitors. Sign type five would be located 165 feet east of sign type four to direct deliveries.

Member Field-Foster asked how many directional signs would be allowed on the property.

Assistant Planner Quagliata stated the applicant could install a number of directional signs determined by staff.

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 the subject site is zoned Professional and Office and was over 50 acres in size with large buildings.

Chair Beauchine read review criteria two which states these special circumstances are not self created. He stated the intent was to direct the flow of traffic and because the site was so large signage other than directional was needed.

Chair Beauchine 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 size of the property met the criteria.

Member Mansour noted the need to consider the speed of traffic on Okemos Road and the size of the current sign. The current orientation of the main identification sign was a practical difficulty.

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 signs would identify access points to the property and direct people.

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 some of the signs could meet securing public safety because of the amount of traffic on Okemos Road.

Member Mansour added the signs were aesthetically pleasing and provided the minimum information needed.

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 there were railroad tracks to the north and a middle school to the south of the subject site.

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 there were not many properties of this size in the Township.

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 Delta Dental was a good corporate citizen.

MEMBER WISINSKI MOVED TO APPROVE THE SIGN VARIANCES FROM SECTION 86-686(3)(A) AND SECTION 86-686(3)(B) BASED ON MEETING THE EIGHT REVIEW CRITERIA.

SECONDED BY MEMBER MANSOUR.

ROLL CALL TO VOTE: YES: Members Wisinski, Mansour, Field-Foster, Lane, Chair Beauchine
NO:
Motion carried unanimously 5-0

7. OTHER BUSINESS

MEMBER MANSOUR MOVED TO REQUEST THE TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD REVIEW AN ORDINANCE FOR THE PLACEMENT OF SOLAR ARRAYS.

SECONDED BY MEMBER MANSOUR

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 announced the Marketplace on the Green groundbreaking event had been held today.

10. ADJOURNMENT

Meeting adjourned at 8:57 p.m.

11. POST SCRIPT

None.