



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
October 28, 2020 6:30 pm

Zoom meeting ID: 867 6651 8469
Zoom password: 5151

1. CALL MEETING TO ORDER
2. APPROVAL OF THE AGENDA
3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
 - A. October 14, 2020 Meeting Minutes
4. COMMUNICATIONS
5. UNFINISHED BUSINESS
6. NEW BUSINESS

A. ZBA CASE NO. 20-10-28-1 (5937 Potter St, LLC), 4090 Wabaningo Road, Okemos, MI, 48864

DESCRIPTION: 5937 Potter Street
TAX PARCEL: 10-228-015
ZONING DISTRICT: RN (Mixed Residential), Lake Lansing Overlay

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

- Section 86-368(b)(1)(e) The main body of the dwelling shall be a rectangle, with a width of not less than 20 feet, as measured across the narrowest section.
- Section 86-442(f)(1) Minimum lot area. Lot area shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, may be used for single-family residential purposes provided the lot is not less than 5,000 square feet in area.
- Section 86-442(f)(2) Minimum interior lot width. Interior lot width shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, may be used for single-family residential purposes provided the lot is not less than 35 feet in width at the street line and the minimum yard setbacks are maintained for the district where the lot is located.
- Section 86-442(5)(a) Front yards. The front yard setback shall not be less than 20 feet from the street line.
- Section 86-566 No driveway in a single-family residential zone shall be located closer than two feet from the side or rear lot line.

The applicant has requested variances to construct a single family home located at 5937 Potter Street.

Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting: Assistant Planner Justin Quagliata, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4580 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
October 28, 2020 6:30 pm

7. OTHER BUSINESS
 - A. 2021 Meeting Calendar
8. PUBLIC REMARKS
9. BOARD MEMBER COMMENTS
10. ADJOURNMENT

Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting:
Assistant Planner Justin Quagliata, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4580 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *DRAFT*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, OCTOBER 14, 2020 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Mansour, Members, Hendrickson, Kulhanek, Wisinski, Brian Shorkey
(Alternate)

ABSENT: Member Field-Foster

STAFF: Director of Community Planning and Development Mark Kieselbach, Associate
Planner Keith Chapman

1. CALL MEETING TO ORDER

Chair Mansour called the meeting to order at 6:30 p.m.

2. APPROVAL OF AGENDA

MEMBER HENDRICKSON MOVED TO APPROVE THE AGENDA AS SUBMITTED.

SECONDED BY MEMBER WISINSKI.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. September 23, 2020 Meeting Minutes

MEMBER WISINSKI MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, SEPTEMBER 23,
2020 AS SUBMITTED.

SECONDED BY CHAIR MANSOUR

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

A. Ryan Fry, RE: ZBA #20-10-14-1

B. Amna & Shafait Kahn, RE: ZBA 20-10-14-2

C. Steve & Debbie Steinaker, RE: ZBA 20-10-14-2

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. ZBA CASE NO. 20-10-14-1 (Fink), 239 West Reynolds Road, Haslett, MI 48840

LOCATION: 5965 Marsh Road

PARCEL ID: 10-205-019-205-028 & 10-205-029

ZONING DISTRICT: C-1 (Commercial)

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

- Section 86-756(10) - Adjoining a residential district. Where a parking area with a capacity of less than 50 vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 20 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height. Where a parking area with a capacity of 50 or more vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 40 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height.

The applicant has requested a variance to construct a parking lot located at 5965 Marsh Road.

Assistant Planner Chapman outlined the case for discussion. He stated the wrong section from the Code of Ordinances had been listed on the agenda. The correction section is Section 86-403(b)(3) which requires a setback of 50 feet from a residential district, except a setback of 35 feet is allowed when screening of a double row of interlocking trees is provided.

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

Alan Russell, 1690 Mack Avenue, Haslett, representing the applicant stated the change in zoning from commercial to residential also changed the setback requirement which resulted in the variance request. The applicant is trying to contain parking on the site but with the re-opening of the business on the south side of Lake Lansing Road, the overflow parking agreement is no longer available. The proposed request will keep vehicles in the main parking area and off the side street, Martinus.

Assistant Planner Chapman acknowledged the communication in support from Ryan Fry, 5975 Marsh Road, Haslett.

Member Wisinski asked staff what the setback requirement for the parking lot.

Director Kieselbach replied the setback is 50 feet. The C-1 zoning allows for a reduction to 35 feet if there is a double row of interlocking landscaping. The project has not been through site plan review which would include a landscape plan.

Chair Mansour asked if the applicant submitted a site plan with screening, would the variance be for 20 feet.

Director Kieselbach replied yes.

Chair Mansour asked the applicant if the request was for 35 feet or the 25 feet with the screening requirement.

Mr. Russell replied the intent was to include landscaping.

Member Sharkey asked what the landscaping requirements would be without a variance.

Director Kieselbach replied in the C-1 Zoning District requirement is a double row of interlocking trees that provides a solid screening. In the parking standard, the requirement is for a three foot high planting of shrubs or bushes.

Member Hendrickson asked Mr. Fink how long he had owned the property.

Mark Fink, 6150 Columbia Street, replied he had owned the property for 15 years.

Member Hendrickson asked Mr. Fink what properties he owned in the area.

Mr. Fink replied four properties on Marsh Road (5965, 5969 5971 ad 5973).

Member Hendrickson asked if he owned the three parcels staff had recommended be combined.

Mr. Fink replied yes.

Member Hendrickson asked Mr. Fink if he had received notice of the rezoning for the properties to the north from commercial to residential in 2019.

Mr. Fink replied he had received the notice.

Member Hendrickson asked Mr. Fink if he was present for the Planning Commission public hearing for the rezoning.

Mr. Fink replied he was not present at the public hearing.

Member Hendrickson stated he did not believe a commercial property abutting a residential property was a unique circumstance. This owner has owned the site for 15 years and there have been residential homes adjacent to it. The Township initiated the rezoning to correct an existing nonconforming situation. He asked Mr. Fink if the business could operate without the additional parking spaces at this time.

Mr. Fink replied yes, he could operate without the additional parking spaces. The business has grown and without the parking agreement with the adjacent business owner has created a parking issue.

Member Hendrickson stated there are not unique circumstances in this case which address review criteria one. With respect to review criteria two, he agreed the situation was not self-created. He questioned if practical difficulties existed that would prevent the owner from using the property for its permitted purpose as it had been used for a restaurant and has for over 15 years.

Member Sharkey stated the property owner did receive a previous variance allowing for less parking. This variance request would move parking closer to compliance with the Zoning Ordinance.

Member Hendrickson stated he appreciates the neighbor's support but it could not be taken into consideration because variance stays with the property and the ZBA needs to consider future neighbors.

Member Wisinski asked staff if the dimension of the parking spaces are per the requirement of the Zoning Ordinance.

Director Kieselbach replied 10 feet by 18 feet or 9 feet by 20 feet is an acceptable size for a parking space.

Chair Mansour asked the applicant where the patrons park when the parking lot is full.

Mr. Fink replied the patrons' park along Martinus Street in front of the residential homes. He had received complaints from residents and would like to eliminate those complaints and keep the parking contained on the property.

Chair Mansour confirmed with the applicant the overflow parking is on the neighboring street and the parking agreement with the neighboring business is no longer in effect.

Mr. Fink replied yes.

Chair Mansour stated because of those issues, there is practical difficulties. She asked the applicant how late the restaurant was open.

Mr. Fink replied the restaurant was open until 2:00 am.

Member Hendrickson asked if it is unique to have a commercial business on a street to adjacent residential.

Director Kieselbach replied originally the C-1 Zoning District was called Neighborhood Service. The intent at that time was to have commercial uses adjacent to residential. The Neighborhood Services standards had smaller setbacks to adjacent to residential. The Township adopted C-1 zoning in early 2000 and it included the 50 foot setback to provide for additional buffering. It is not uncommon to see C-1 zoning adjacent to residential.

Member Shorkey stated the property to the north was rezoned by Township and is not the fault of the owner which makes it a unique circumstance.

Member Kulhanek stated he could support the argument for unique circumstance but there may not be practical difficulties.

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 a case could be made for both views.

Chair Mansour read review criteria two which states these special circumstances are not self-created. She 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 a practical difficulty was having the patrons parking on the residential street.

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.

Member Wisinski stated the property could continue to function as a restaurant. She understood the need for additional parking and keeping the parking off the residential street. Five additional parking spaces could be added without the variance.

Mr. Russell stated there were currently 43 parking space. The request is to add 19 more parking spaces for a total of 62. The building occupancy allows for 105 people. The request is not out of line as the previous parking agreement is no longer available.

Chair Mansour asked Mr. Russell how the denial of the request would unreasonably prevent use of property.

Mr. Russell asked the ZBA to consider how the parking on the street impacts those property owners. The request would be in the public interest and also address public safety.

Member Wisinski 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. Member Wisinski stated there was the ability to add parking spaces to the site.

Member Sharkey asked the applicant if the increase in parking was triggered by a change in the business.

Mr. Fink replied the business has gained in popularity and the parking issues have increase.

Mr. Petrow stated with the 50 foot setback, additional parking could not be provided.

Member Hendrickson referenced the site plan and asked what the boxed area north of main building was

Mr. Petrow stated it is an existing house owned by Mr. Fink.

Mr. Fink replied the house was used for office space, storage and extra freezer space.

Director Kieselbach stated the property is zoned C-1 and can be used for commercial purposes. The house is nonconforming because of the setback from Marsh Road.

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 this criteria had 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 this criteria 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 this criteria had been met

MEMBER HENDRICKSON MOVED TO DENY THE VARIANCE AS REQUESTED IN ZBA CASE NO. 20-10-14-1 FOR FAILURE TO MEET THE EIGHT REVIEW CRITERIA IN ORDER TO APPROVE THE VARIANCE.

SECONDED BY MEMBER WISINSKI.

Chair Mansour stated the variance request could not meet review criteria four, five and eight.

ROLE CALL TO VOTE:

YEAS: Members, Hendrickson, Wisinski, Shorkey, Kulhanek, Chair Mansour

NAYS: None

Motion carried: 5-0

B. ZBA CASE NO. 20-10-14-2 (Maniaci), 3957 Palomino Drive, East Lansing, MI, 48823

DESCRIPTION: Parcel north of 3690 Hulett Road
TAX PARCEL: 32-400-014
ZONING DISTRICT: RAA (Single Family, Low Density)

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

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

The applicant has requested a variance to allow an accessory building (garage) to project into the front yard located at a parcel north of 3690 Hulett Road.

Assistant Planner Chapman outlined the case for discussion, stated the ZBA had received one letter against the variance request (Amna & Shafait Khan, 2730 Loon Lane) and two letters supporting the variance request (Steve & Debbie Steinaker, 3690 Hulett Road and Bojan Durickovic, 3720 Hulett Road).

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

Chuck Maniaci, 3957 Palomino Drive, East Lansing, applicant stated he had requested a variance in 2017 to build a house on the parcel but the request was not approved. They have submitted for a building permit for a house but it is currently on hold pending the variance request. He indicated building the house would eliminate two of the nonconformance issues and believe it would benefit the community to have a house on the property. The Ingham County Road Department has granted a permit to retain the current driveway and install a new driveway for the proposed residence. The existing garage does shield the view of the

pole barn at the back of the property and they would like to keep both buildings on the parcel. The proposed house will meet the setback requirements.

Renee Maniaci, 3957 Palomino Drive, East Lansing, applicant stated they thought they would be able to keep the garage and have tried to meet the Township requirements. They would like to keep the garage and believed it was not necessary to demolish it.

Chair Mansour stated demolition of a viable building would be a unique circumstance.

Member Hendrickson asked staff if the garage structure was too close to the road which created the nonconformity.

Assistant Planner Chapman replied the garage did not meet the front yard setback from Hulett Road.

Member Hendrickson asked if the applicant owned the property in 2016 and had requested the land division in 2017.

Mr. Maniaci replied yes.

Member Hendrickson referred to the plot plan which showed a house with an attached garage. He asked the applicant if that was correct.

Mr. Maniaci replied the plan is to have a two car garage connected to the house.

Member Hendrickson stated he did not see anything unique about the property to require a garage to be set forward on the house with the exception the garage is existing. He did not believe the existing nonconforming garage was a unique enough circumstance to meet the review criteria. The proposed new house has an attached garage that will not project into the front yard, and the house has an attached garage that can be constructed without variances.

Mr. Maniaci stated he believed the intent was to prevent construction of a structure in front of a primary residence. In this case, there is an existing structure on the site. The Ingham County Road Department has approved the parcel for a second driveway.

Member Hendrickson agreed with the applicant's interpretation of the intent of ordinance but review criteria three requires strict interpretation of the ordinance to cause practical difficulties.

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 she believed there was unique circumstances because of the land division.

Member Hendrickson stated then the special circumstances were self-created because the owner applied for and received the land division.

Mr. Maniaci asked how many RAA zoned parcels have existing structures on them without a primary residence and if it was a common occurrence.

Director Kieselbach stated while the Zoning Ordinance does not allow it, it may have occurred on older sites.

Chair Mansour asked the applicant to address the issue of self-created circumstances.

Mr. Maniaci stated the land division created a parcel with two accessory structures on it without a primary resident. The applicant now wants to build a new home. The existing garage has been on the site for 60 years. One option was to tear down the garage in order to build the new house but chose not to.

Member Wisinski stated the ZBA needs to look at the request as it has been presented regardless of the land division. It was not self-created because the garage has been on the parcel for 60 years. Having land that was previously farmed in an urban area is unique in Meridian Township.

Chair Mansour stated the applicant was granted a land division. The two structures are nonconforming without a primary residence on the parcel. By building the primary residence, it will bring two of the nonconforming structures to meet one part of the Zoning Ordinance.

Chair Mansour read review criteria two which states these special circumstances are not self-created. Chair Mansour stated she believes this criteria has 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.

Member Shorkey stated the site is residentially zoned and the applicant is trying to build a residence on the parcel which is resulting in a practical difficulty. The land division created the nonconformity.

Member Hendrickson asked if the possibility of creating a nonconforming structure was taken into consideration when the land division occurred.

Director Kieselbach replied the land division requires a parcel to meet the minimum frontage and area requirements. If the land division meets those minimum requirements, it must be approved. The applicants were advised during the land division process that the land division could create a non-conformity. The land division does not mean any other zoning requirements or a building permit would be issued.

Member Hendrickson asked if the applicant was advised that the land division may result in the need for a variance.

Director Kieselbach confirmed the letter sent to the applicant for the land division stated this approval did not waive any section of the Zoning Ordinance or that a building permit would be issued.

Member Hendrickson stated he has concerns with the variance request meeting review criteria three and four. The applicant is able to use the property and could build a house that meets the Zoning Ordinance.

Mr. Maniaci stated it was unreasonable to prevent the owner from using the property for its permitted purpose and requiring a viable building be torn down.

Member Wisinski stated with the existing garage being on the parcel and not being able to build a residence on a residentially zoned parcel is a practical difficulty.

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 read reviewed 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 the applicant had been denied a previous variance request and had adjusted the plan so no additional variances were needed other than this variance for the existing garage.

Chair Mansour stated the case could be made that review criteria three and five have been met. The existing garage prevents the applicant from building a house because of the nonconformity which makes it unreasonable.

Member Hendrickson stated he does not think it is unreasonable that the applicant must conform to the Zoning Ordinance.

Chair Mansour stated the minimum action was to tear down garage but through it was reasonable.

Member Hendrickson stated the applicant could continue to use the parcel with two non-conforming structures. The applicant could build a residence but needs to bring the parcel into conformity with the Zoning Ordinance.

Member Kulhanek stated with respect to review criteria four and the proposed new residence with an attached two car garage plus the pole barn there would be an abundance of storage available without the garage and did not see how review criteria four could be met.

Chair Mansour stated review criteria four states the applicant must be unreasonably prevented from using the property for its permitted purpose.

Member Wisinski stated the existing garage is a practical difficulty that prevents the construction of the residence.

Member Kulhanek stated it may be a practical difficulty but failure to grant the variance would not unreasonably prevent the applicant from using the property for its permitted purpose.

Chair Mansour stated failure to grant variance in this case means the applicant could not build a residence on the parcel which unreasonably prevents the applicant from using the property.

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 it was a residential parcel and the request would not adversely affect adjacent land.

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 criteria 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 this criteria had been met.

Member Hendrickson stated the applicant is asking to be allowed a variance to build a residence that would violate the intent of the Zoning Ordinance.

Member Wisinski stated she believed that tearing down an existing building and not allowing the parcel to be used for a residence creates a practical difficulty. Allowing the existing garage to be in front of the proposed house does not affect the intent of the Zoning Ordinance.

Member Hendrickson stated the Township has requirements the property meets the Zoning Ordinance and these are the same requirements everyone has to meet when building on a parcel.

MEMBER WISINSKI MOVED TO APPROVE ZBA CASE NO 20-10-14-2 (MANIACI).

SECONDED BY CHAIR MANSOUR

Member Hendrickson stated he did not believe the request meet all of the review criteria and wished the applicant the best.

Member Kulhanek stated he could not support the request because of review criteria four.

ROLE CALL TO VOTE:

YEAS: Members Shorkey, Wisinski, Chair Mansour

NAYS: Member Hendrickson, Kulhanek

Motion carried: 3-2

7. OTHER BUSINESS

None

8. PUBLIC REMARKS

Chair Mansour opened the floor for public remarks.

Mrs. Maniaci spoke in support the Watershed business in Haslett and their variance request.

Chair Mansour closed public remarks.

9. BOARD MEMBER COMMENTS

Member Wisinski stated Township meetings are allowed to continue with virtual meetings through January.

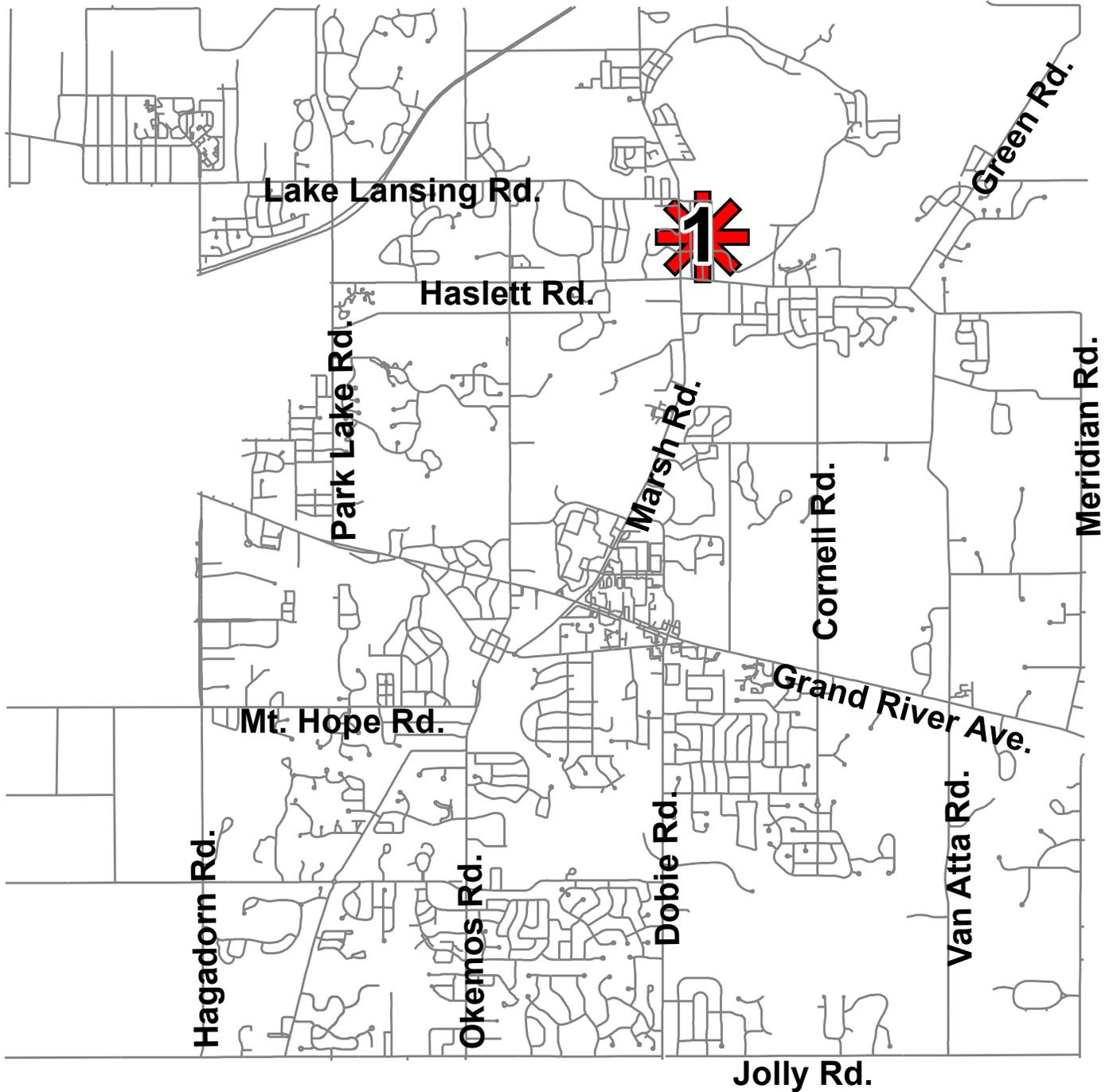
10. ADJOURNMENT

Meeting adjourned at 9:00 pm.

Respectfully Submitted.

Robin Faust, Administrative Assistant II

Meridian Township



Location Map

1. ZBA #20-10-28-1 (5937 Potter St, LLC)



VARIANCE APPLICATION SUPPLEMENT

A variance will be granted, if the following Review Criteria are met:

1. 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.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.
4. 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.
5. 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.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. 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.
8. Granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter.



To: Zoning Board of Appeals
From: Keith Chapman, Assistant Planner
Date: October 28, 2020
Re: ZBA Case No. 20-10-28-1 (5937 Potter St, LLC)

ZBA CASE NO.: 20-10-28-1 (5937 Potter St, LLC), 4090 Wabaningo, Okemos, MI 48864
DESCRIPTION: 5937 Potter Street
TAX PARCEL: 10-228-015
ZONING DISTRICT: RN (Mixed Residential), Lake Lansing Overlay

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

- Section 86-368(b)(1)(e) The main body of the dwelling shall be a rectangle, with a width of not less than 20 feet, as measured across the narrowest section.
- Section 86-442(f)(1) Minimum lot area. Lot area shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, may be used for single-family residential purposes provided the lot is not less than 5,000 square feet in area.
- Section 86-442(f)(2) Minimum interior lot width. Interior lot width shall be consistent with the requirements of the underlying zoning district, except lots that were created and recorded prior to October 5, 1960, may be used for single-family residential purposes provided the lot is not less than 35 feet in width at the street line and the minimum yard setbacks are maintained for the district where the lot is located.
- Section 86-442(5)(a) Front yards. The front yard setback shall not be less than 20 feet from the street line.
- Section 86-566 No driveway in a single-family residential zone shall be located closer than two feet from the side or rear lot line.

Site

The applicant has requested variances to construct a single family home at 5937 Potter Street. The approximate 0.10 acre site is zoned RN (Mixed Residential) and is located in the Lake Lansing Residential Overlay. The site is located on the west side of Potter Street and south of Lake Lansing Road. The property is the southern half of Lot 5 of the Village of Nemoka subdivision, which was platted in 1883. The submitted survey shows an existing 816 square foot, two-story single family house built in 1921. The submitted site plan shows a proposed 900 square foot single family home and possible detached garage along with a 10 foot wide driveway.

Rezoning/ Nonconforming

Earlier this year, the Planning Commission initiated a rezoning to have the property rezoned from C-1 (Commercial) to RN (Mixed Residential), which was approved by the Township Board (REZ #20030) at its meeting on September 1, 2020. The single family house was nonconforming under the commercial zoning.

Issues with Existing Structure

The existing single family home is proposed to be demolished and variances from the minimum dimensional standards are required from the Zoning Board of Appeals to construct a new single family house. Based on Township inspection it appears the structure is not salvageable due to extensive fire and water damage.

RN (Mixed Residential) District

Generally, single family detached structures in the RN district must comply with the dimensional requirements for RB district construction. RB zoning standards include a minimum lot area requirement of 8,000 square feet and a minimum lot width requirement of 65 feet. With 4,356 square feet of lot area and 33 feet of lot width the subject site does not meet the minimum lot area and lot width standards for RN/RB single family residential parcels.

Lake Lansing Overlay District

The site is located in the Lake Lansing Overlay zoning district, which allows for additional relief from the underlying dimensional standards. For lots of record prior to October 5, 1960 the minimum lot width is 35 feet and minimum lot area is 5,000 square feet. A lot of record is a parcel created prior to 1960 which has retained its current configuration since creation. The zoning ordinance provides measures of relief for variance requirements for lots of record. Based on information from Township Assessing records dated 1956, the site has been in the same configuration prior to October 5, 1960. As the subject site is below the dimensional standards, a variance of 644 square feet for minimum lot area and 2 feet for minimum lot width is needed in order to make this a buildable lot.

The applicant is proposing to construct the new house with the same 5 feet south side yard as the existing house. The RN/RB zoning district permits a 7 foot side yard setback and the Lake Lansing Overlay allows for 5 feet if the building is constructed with noncombustible materials for lots of record. The proposed house will also have the same 15 foot front yard setback as the existing house. The Lake Lansing Overlay district allows for a 20 foot front yard setback. A variance of 5 feet is requested.

Driveway/Dimensions of House

Additionally, Section 86-566 states that a driveway must be at least 2 feet from the side property line. The applicant is proposing to construct a driveway that will be 0 feet from the north property line. There is currently no driveway on the property and the proposed driveway will be 10 feet wide. Section 86-368(b)(1)(e) of the zoning ordinance requires single family dwellings to be a minimum of 20 feet in width. The applicant is proposing to construct a new 16 foot wide house in place of the existing 16 foot wide house.

The following table summarizes the variance requests:

Ordinance Section	RN/RB Single Family Requirements	Lake Lansing Overlay Requirements	Proposed	Variance Requested
House Width Section 86-368(b)(1)(e)	20 feet		16 feet	4 feet
Lot Area Section 86-442(f)(1)	8,000 square feet	5,000 square feet (lot of record)	4,356 square feet	644 square feet
Lot Width Section 86-442(f)(2)	65 feet	35 feet (lot of record)	33 feet	2 feet
Front Yard Section 86-442(5)(a)	25 feet	20 feet	15 feet	5 feet
Driveway Setback Section 86-566	2 feet		0 feet	2 feet

Attachments

1. Application materials
2. Site location map

G:\COMMUN PLNG & DEV\PLNG\ZBA\2020 ZBA\ZBA 20-10-28\ZBA 20-10-28-1 (5937 Potter St LLC)\STAFF REPORT 5937 Potter St LLC

CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4560

VARIANCE APPLICATION

A. Applicant 5937 Potter St, LLC (Darcie Whiddon)
Address of Applicant 4090 Wabaningo Rd, Okemos, MI 48864

Telephone (Work) (517) 927-7806 Telephone (Home) (517) 927-7806
Fax _____ Email address: whiddonproperties@gmail.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 5937 Potter St, Haslett, MI 48840
Zoning district RN Parcel number 33-02-02-10-228-015

C. Nature of request (Please check all that apply):
 Request for variance(s)
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) 86-368(b)(1)(e); 86-374(d); 86-566

D. Required Supporting Material Supporting Material if Applicable
-Property survey -Architectural sketches
-Legal description -Other
-Proof of property ownership or approval letter from owner
-Site plan to scale
-Written statement, which demonstrates how all the review criteria will be met (See next page)

Darcie J. Whiddon Darcie J. Whiddon 10-1-2020
Signature of Applicant Print Name Date

Fee: \$250 Received by/Date: [Signature] 10-1-20

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)

Signature of Applicant(s) Date

Signature of Applicant(s) Date

DARCIE J. WHIDDON

4090 WABANINGO ROAD

OKEMOS, MI 48864

(517) 927-7806

October 1, 2020

Charter Township of Meridian
Zoning Board of Appeals
5151 Marsh Road
Okemos, MI 48864

Dear Members of the Zoning Board:

I am seeking variances to the zoning code for the property located at 5937 Potter Street in Haslett. In January 2020, I purchased 5937 Potter Street in the hopes of fixing the property up and making it into a nice residential home. Unfortunately, I soon discovered that it was in much worse condition than I had been previously led to believe—a fire had caused extensive damage to the structure on the second floor and was covered up by the previous owner. Moreover, years of neglect allowed for termite damage and overall disrepair hidden behind the plaster walls. It was only after I paid a contractor to demo the inside the property that these serious issues were discovered. Unfortunately, the damage is so serious that the amount to repair the house as it sits would be extremely costly—so costly that re-building the property would be more feasible and safe. If these variance requests are granted, I am looking to replace it with a 2-story home, fitting of the community near the Lake Lansing and in conformity with current build standards. I have included sample photos of homes that I believe would go well with the area and improve the property and surrounding areas.

With that said, 5937 Potter Street is currently located in the RN zoning district, Village of Nemoka. It is also a part of the Lake Lansing Residential Overlay District. Specifically, I am requesting that the following exceptions be made to the zoning codes:

1. Section 86-368(b)(1)(e) states that a structure “shall be a rectangle, with a width of not less than 20 feet, as measured across the narrowest section.” Per the current code requirements for new building construction, 5937 Potter Street is unable to meet the 20’ width build requirement. The lot is 33’ wide and with the code requirements of a 7’ setback on each side yard, the house would not meet the 20’ width requirement. The current house on the property, like many other properties in this area, is 16’ wide. As such, I am

requesting a variance to build less than the 20 feet wide. In particular, I'd like to request to build a minimum build structure of 16' wide—the same size as currently sits on the property.

2. Section 86-374 and the Lake Lansing Overlay District, Section 86-442(f), have several provisions that require a variance for the rebuilding of 5937 Potter Street. As such, the following dimensional provisions apply:
 - a. Section 86-442(f)(1) states that minimum lot area for lots like 5937 Potter St. be not less than 5,000 sq. ft.

I am requesting a variance of the minimum lot square footage requirements. My property is only 4,356 square feet, and has been that way since it's creation in 1921. If the variance is not granted to allow a new build, the property is rendered useless.

- b. Section 86-442(f)(2) states that minimum lot width shall not be less than 35 feet for properties built before 1960.

As mentioned previously, the lot is 33' wide and has always been. In order to re-build on the site, I ask that the restriction be removed to accommodate the 33' wide lot.

- c. Section 86-374(d)(5)(b) states that side yards shall have a 7' setback.

The current house sits 5' from the south property line next to 5935 Potter Street and 10' from the north property line. I am requesting a variance for the south property line next to 5935 Potter Street; specifically, I am asking that the side setback be reduced to 5' from the southern line and the northern property line, as allowed for in Section 86-442(f)(5)b.

3. Section 86-566 states that no residential driveway shall be located closer than 2' from the side lot line. I am requesting a variance for a 0' side setback for the driveway on the north side of the property. This in no manner infringes on any residential property owner's use of their own property. Furthermore, the north side of the property abuts a C1 zoned lot, which is used only as a tree-lined buffer from my property and the additional parking lot of Blue Gill. By allowing a 0' driveway setback, I can ensure proper vehicle clearance from the house and access to any secondary structures, such as a garage.
 4. Section 86-754 states that the driveway shall not cover more than 35% of the area of the front yard. As this property is quite small, I am requesting a

variance that would allow for 50% coverage of the front yard, i.e. a properly-sized driveway to be constructed.

In answer to the supplemental questions regarding why these requests are critical:

1. Unique circumstances that are peculiar to this property: 5937 Potter Street sits on the northern end of Potter Street, adjacent to an empty commercial lot, a parking lot and a convenient store. Years ago, a house sat on what is now the empty lot. The lot was purchased, the house torn down, and eventually it was used as a buffer for parking lot at Blue Gill. All that is on the empty lot are evergreen trees that are used as the natural fence. The circumstances surrounding this variance request are unique only to 5937 Potter Street because of the conditions of the current building and its location in proximity to nearby commercial property. By granting a variance for rebuilding under sections 86-368(b)(1)(e), 86-374(d) and 86-566, no standards would be set for other properties to follow.
2. Not self-created: 5937 Potter Street has been a 33 x 132' property since the first land division of the Nemoka Village. I am requesting a variance to the building requirements as the circumstances surrounding the house have changed since it's original build in 1921. In particular, zoning laws have evolved and changes have called for reduced density in single-family neighborhoods. These small lot sizes cannot meet any current zoning standard in the Township. Moreover, the circumstances which have rendered the structure itself unsafe (a fire covered up by the previous owner), was not discovered until after my purchase of the property. I had intentions, prior to paying for a demolition permit and completing the interior demolition for the interior of the house, to fix and update the house as it stood. Unfortunately, I am unable to do so, without significant financial cost, as a result of the structure's diminished condition.
3. Strict enforcement/practical difficulties: if the current zoning laws were followed strictly, this property would be rendered almost useless and valueless. Case in point, the current state of the house is dismal, at best. The previous owner did not disclose prior to my purchase that there had been a fire on the 2nd floor of the property. The damage as a result of the fire was significant (it had been covered up without notifying the Township of the conditions). One Township building inspector has told me that the property in all likelihood needs to be demolished. That same inspector suggested that it would be more cost effective to re-build, as the house was built with balloon framing. If I cannot fix the house without significant costs, I have to look to alternatives, such as a new build. Per the current code, building requirements state that there should be a 7' setback on each side yard and the structure must have a minimum width of 20'. Taking into account that the lot is only 33' wide and the side setbacks, the largest home that could

possibly be built is a 19' wide house. That would also not leave significant space to have a proper driveway, not even taking into consideration that there is a 2' side setback for driveways.

4. Prevention of permitted uses: please see above for more details regarding the inability to use the lot for any type of residential purposes.
5. Spirit of zoning ordinance: by allowing this variance, the spirit of the zoning of Nemoka was created because of the known differences in this area to that of other areas in Meridian Township. The code provision specifically states that there are "specific and unique land use characteristics found only in the Village of Nemoka" (Section 86-37(a)(2)). By allowing a variance for this property, it would permit the continued unique characteristics to be found in this area.
6. Adverse Effects: no, by allowing a variance to this particular property, the nearby properties will not be adversely affected. In fact, it will increase the value of the surrounding properties by allowing this property to continue to be useful. Please also note that the four properties directly to the south of 5937 Potter Street are all small, non-conforming lots of 33' wide x 132' deep. One has a chimney that was built on the property lines; others have driveways that meld together. On the east side of Potter Street on the same block, the houses sit on lots that vary from 34' wide to as large as 103' wide. Granting a variance under the requested circumstances for the rebuilding of 5937 Potter Street would not adversely affect the adjacent properties; rather, it would enhance the surrounding community.
7. Conditions of the lot: this is not a situation where rebuilding was sought after. Rather, the extreme circumstances and severity of the damages to the property necessitate the granting of variance. If the previous owner had properly maintained the property in accordance with the standards of Meridian Township, this variance request would not be necessary. I do not believe that my variance request will set the stage for future changes in RN zoning district.
8. Consistent with public interest/zoning chapter: I do believe that it is always consistent with the public interest to remove eyesore structures and potentially dangerous buildings. Furthermore, the RN zoning district was not created to prevent change. It was created to enhance and embrace the differences in the community, particularly in that area.

I would be more than happy to discuss any questions you may have or go into more detail regarding this request. Thank you for your time and consideration.

Sincerely,

Darcie J Whiddon
Owner of 5937 Potter St, LLC















Lake Lansing Rd

Potter St

Edson St

CR

C-1

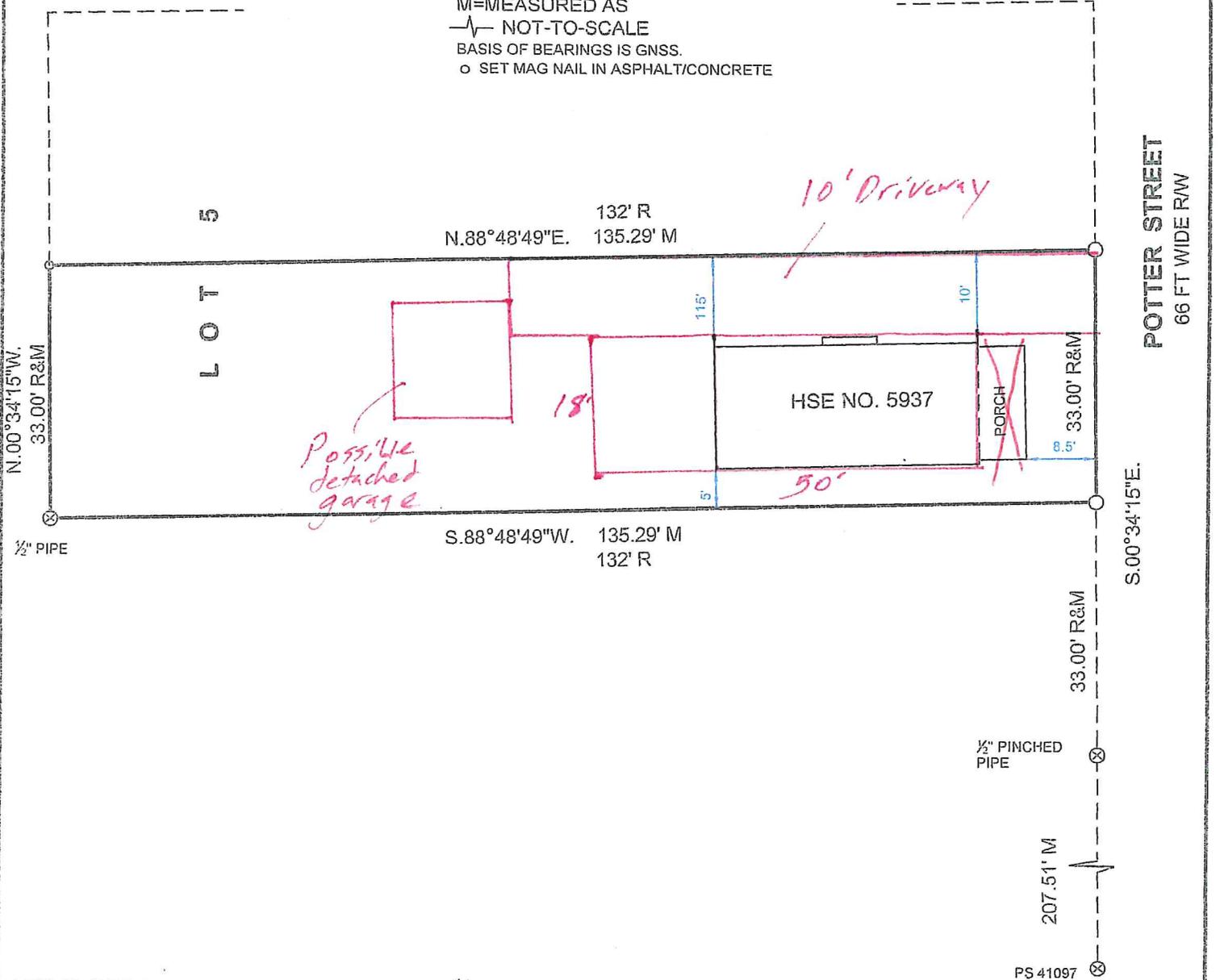
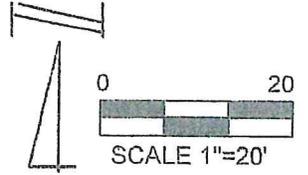
RN



5937 Potter
Proposed House

CERTIFIED SURVEY MAP

- ⊙ FOUND CONC. MON.
- ⊗ FOUND IRON
- SET CAPPED 1/2" REROD
- R=RECORDED AS
- M=MEASURED AS
- NOT-TO-SCALE
- BASIS OF BEARINGS IS GNSS.
- SET MAG NAIL IN ASPHALT/CONCRETE

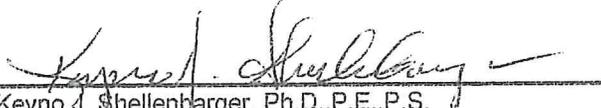


LEGAL DESCRIPTION (AS PROVIDED): S. 1/2 of Lot 5, Block 3, Village of Nemoka, Meridian Township, Ingham County, Michigan.

Certified Survey For: Darcie Whiddon
Property Address: 5937 Potter St., Haslett, MI 48840

Scale: 1" = 20' Date: 02.18.20 By: KJS Job No: 20-03

I hereby certify the following: this survey was performed and map prepared by me, or under my direct supervision; the relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying; the requirements of Act No. 132, Public Acts of 1970, MCL 54.213 have been complied with.

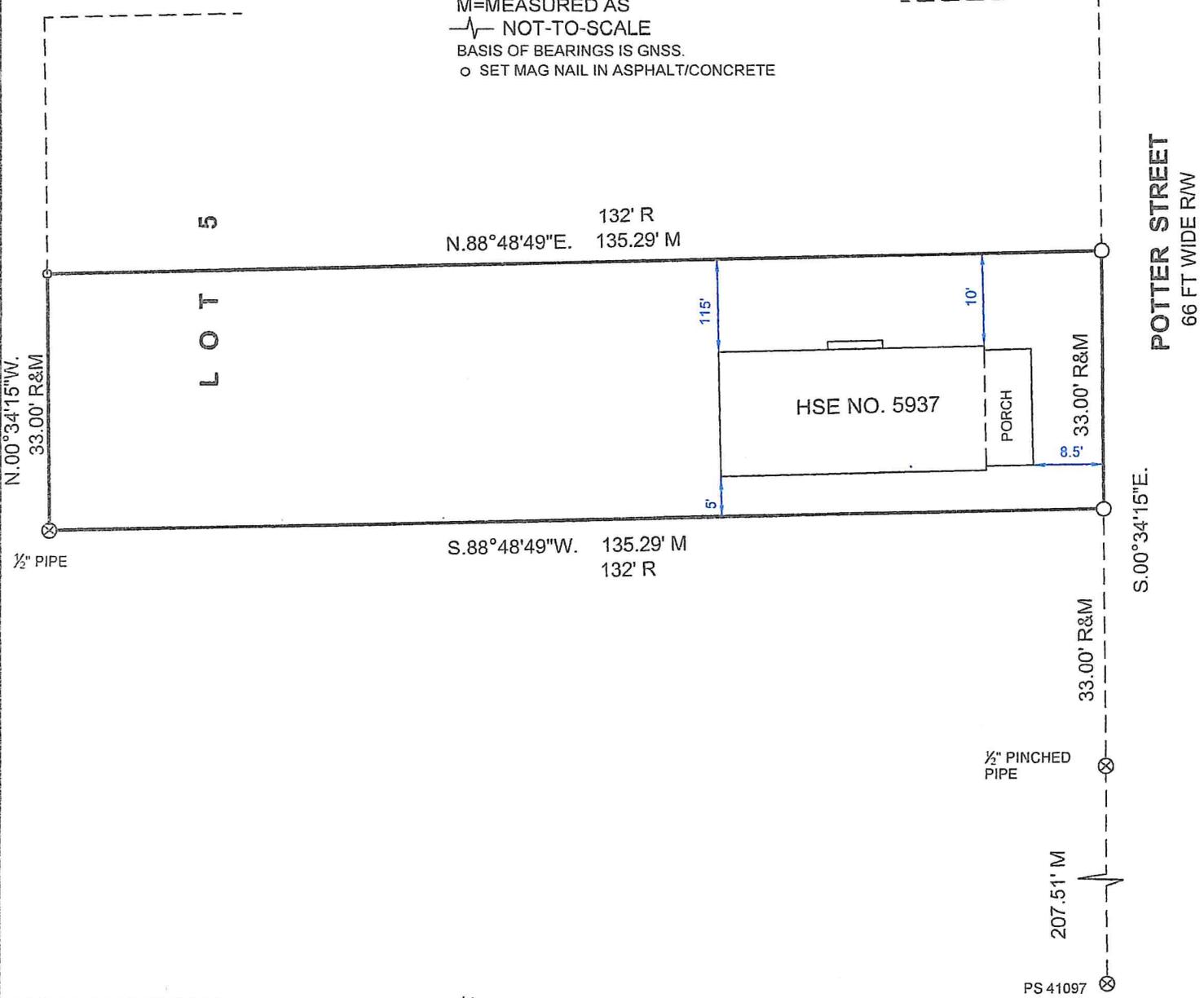
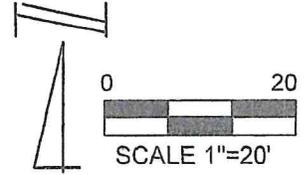

Keyno J. Shellenbarger, Ph.D., P.E., P.S.
P.S. No. 30101



SHELLENBARGER ENGINEERING AND SURVEYING, P.C.
5910 N. Hagadorn Road
East Lansing, Michigan 48823

CERTIFIED SURVEY MAP

- ⊙ FOUND CONC. MON.
- ⊗ FOUND IRON
- SET CAPPED 1/2" REROD
- R=RECORDED AS
- M=MEASURED AS
- NOT-TO-SCALE
- BASIS OF BEARINGS IS GNSS.
- SET MAG NAIL IN ASPHALT/CONCRETE



LEGAL DESCRIPTION (AS PROVIDED): S. 1/2 of Lot 5, Block 3, Village of Nemoka, Meridian Township, Ingham County, Michigan.

Certified Survey For: Darcie Whiddon
 Property Address: 5937 Potter St., Haslett, MI 48840

Scale: 1" = 20' Date: 02.18.20 By: KJS Job No: 20-03

I hereby certify the following: this survey was performed and map prepared by me, or under my direct supervision; the relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying; the requirements of Act No. 132, Public Acts of 1970, MCL 54.213 have been complied with.

Keyno J. Shellenbarger

 Keyno J. Shellenbarger, Ph.D., P.E., P.S.
 P.S. No. 30101



SHELLENBARGER **E**NGINEERING AND **S**URVEYING, P.C.
 5910 N. Hagadorn Road
 East Lansing, Michigan 48823

1608

0

CR

Lake Lansing Rd

Edson St

C-1

1591

1589

1575

5948

Potter St

5937

5936

0

5935

5942

5933

5932

RN

5931

5931

5938

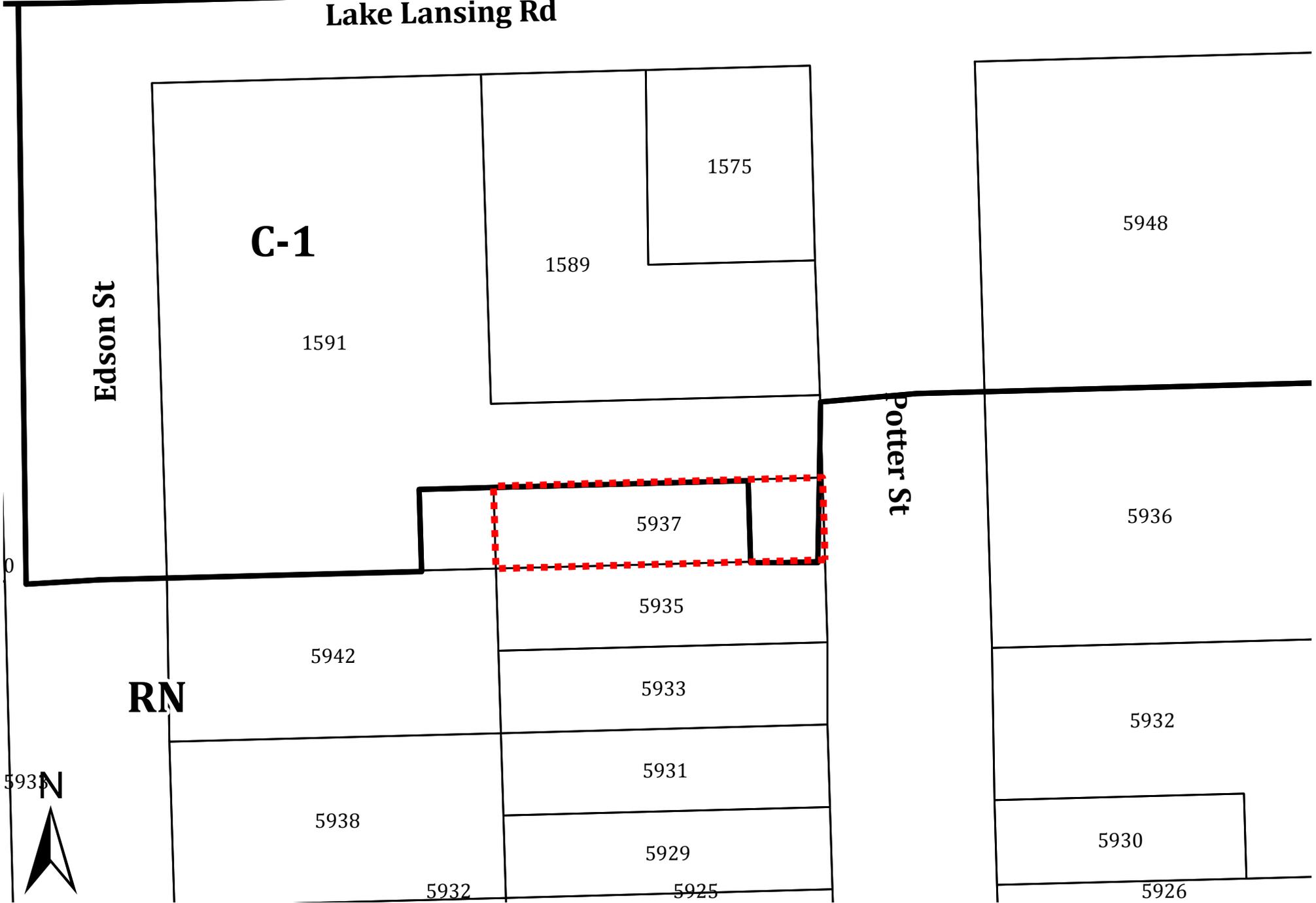
5929

5930

5932

5925

5926





To: Zoning Board of Appeals
From: Keith Chapman, Assistant Planner
Date: October 23, 2020
Re: 2021 Meeting Schedule

Following is the list of proposed Zoning Board of Appeals meeting dates for 2021. Usually two regular meetings are scheduled each month. No special or work session meetings are planned but may be added by the Zoning Board of Appeals during the year if warranted.

Typically the Zoning Board of Appeals meets on the second and fourth Wednesday of each month. As in past years, only one meeting is scheduled in the months of November and December to avoid conflicts with holiday activities.

2021 MEETING CALENDAR

January	13 - regular meeting 27 - regular meeting
February	10 - regular meeting 24 - regular meeting
March	10 - regular meeting 24 - regular meeting
April	14 - regular meeting 28 - regular meeting
May	12 - regular meeting 26 - regular meeting
June	9 - regular meeting 23 - regular meeting
July	14- regular meeting 28 - regular meeting
August	11 - regular meeting 25 - regular meeting
September	8 - regular meeting 22 - regular meeting

2021 Meeting Schedule
Zoning Board of Appeals (October 28, 2020)
Page 2

October 13 - regular meeting
 27 - regular meeting

November 10 - regular meeting

December 8 - regular meeting

A resolution is provided to adopt the above meeting schedule.

- **Motion to adopt the resolution approving the 2021 Zoning Board of Appeals Meeting Schedule.**

Attachment

1. Resolution to approve 2021 Zoning Board of Appeals Meeting Schedule

G:\Community Planning & Development\Planning\ZBA\MTG SCHEDULE\2021 ZBA Calendar memo.docx



**Zoning Board of Appeals Meeting Dates
2021 Meeting Schedule**

RESOLUTION

At a regular meeting of the Zoning Board of Appeals of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 28th day of October, 2020 at 6:30 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Public Act 267 of the Public Acts of 1976 requires the publication of the meeting schedule of every municipal board at least once a year; and

WHEREAS, Zoning Board of Appeals desires to announce the time, date, and place of all regular meetings of the Zoning Board of Appeals, pursuant to the provisions of Act 267 of the Public Act of 1976;

WHEREAS, it is the desire of the Zoning Board of Appeals to maintain a meeting schedule, which is generally the second and fourth Wednesday of each month.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF APPEALS OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN as follows:

1. The Zoning Board of Appeals will meet in regular session in the Town Hall Room, Meridian Municipal Building, 5151 Marsh Road, Okemos, MI, 48864, unless noticed or posted otherwise, at 6:30 p.m. on the second and fourth Wednesday for the months of January, February, March, April, May, June, July, August, September, and October. Only one meeting will be held in November and December, on the third Wednesday of each month.

2. The specific dates for meetings are as follows:

- | | |
|----------|--|
| January | 13- regular meeting
27 - regular meeting |
| February | 10 - regular meeting
24 - regular meeting |
| March | 10 - regular meeting
24 - regular meeting |
| April | 14- regular meeting
28 - regular meeting |
| May | 12 - regular meeting
26 - regular meeting |

2021 Meeting Schedule
Zoning Board of Appeals (October 28, 2020)
Page 2

June	9 - regular meeting 23 - regular meeting
July	14- regular meeting 28 - regular meeting
August	11 - regular meeting 25 - regular meeting
September	8 - regular meeting 22 - regular meeting
October	13 - regular meeting 27 - regular meeting
November	10 - regular meeting
December	8 - regular meeting

3. A summary of this resolution stating date, place, and time shall be posted in the Meridian Municipal Building within ten (10) days after the first regularly scheduled meeting of the year in accordance with MCL 15.265.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)

)ss

COUNTY OF INGHAM)

I, the undersigned, the duly qualified Chairperson of the Zoning Board of Appeals of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Zoning Board of Appeals held on the 28th day of October 2020.

Alexia Mansour
Zoning Board of Appeals Chair