

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***APPROVED***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, March 8, 2017**

PRESENT: Members Jackson, Ohlrogge, Lane, Stivers, Chair Beauchine

ABSENT: None

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

A. CALL MEETING TO ORDER

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

B. APPROVAL OF AGENDA

Chair Beauchine requested to amend the agenda to add a recess between Item C. Minutes and Item D. Communications to review the late communication from Cathy Baird, 3720 Hulett Road, Okemos.

MEMBER JACKSON MOVED TO APPROVE THE AGENDA AS AMENDED.

SECONDED BY MEMBER STIVERS.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, February 22, 2017

MEMBER LANE MOVED TO APPROVE THE MINUTES OF WEDNESDAY FEBRUARY 22, 2017 AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

Chair Beauchine recessed the meeting at 6:33 p.m.

Chair Beauchine reconvened the meeting at 6:40 p.m.

D. COMMUNICATIONS

- Amna & Shafait Khan, 2730 Loon Lane RE: ZBA #17-03-08-1
- Julie VanDyke, 2641 Loon Lane RE: ZBA #17-03-08-1
- Patricia David, 3715 Hulett Road RE: ZBA #17-03-08-1
- David M. Hallman, DDS, 3922 Hulett Road RE: ZBA #17-03-08-1
- Timothy Mansfield, 2630 Loon Lane RE: ZBA #17-03-08-1
- William & Nova Fleming, 2675 Loon Lane RE: ZBA #17-03-08-1
- Vasif C. Kalfa, 2663 Loon Lane RE: ZBA #17-03-08-1
- Hayong & Minjung Yun, 2648 Loon Lane RE: ZBA #17-03-08-1
- Anne Miranda 2725 Loon Lane RE: ZBA #17-03-08-1

F. UNFINISHED BUSINESS

None.

G. NEW BUSINESS**1. ZBA CASE NO.17-03-08-1 (Charles Maniaci), PARCEL NORTH OF 3690 HULETT ROAD, OKEMOS, MI, 48864**

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 86-378(e)(5)a, which states front yard setbacks shall be in accordance with the setback requirements of Section 86-367 for the type of street upon which the lot fronts. Hulett Road is classified as a Collector street which has a required setback of eighty-five feet from the street right-of-way.

The applicant is requesting a variance to construct a single family home that does not meet the setback from Hulett Road.

Keith Chapman, Assistant Planner, outlined the case for discussion. He addressed the communications submitted in the packet and stated 2 letters were in opposition of the variance and 8 letters were in favor of the variance.

Charles Maniaci, 2553 Sundance Lane, Okemos, the property owner and applicant outlined his request using the review criteria from (Section 86-221) of the Code of Ordinances:

- Review Criteria One: Several unique circumstances exist with the parcel. The classification of Hulett Road as a Collector Street and a setback of 85 foot from the center of the road as compared the setback of 25 feet for Loon Lane. The outbuildings on the parcel were nonconforming prior to the land division. The wetland setback also creates a unique circumstance.
- Review Criteria Two: The depth of the parcel and the wetland affected the land division creating special circumstances.
- Review Criteria Three: Various configurations for placement of the house were reviewed. None were practical due to the required front, side, and rear setbacks.
- Review Criteria Four: The variance is in keeping with the adjacent properties. Without the variance the cost of tearing down the existing structures is cost prohibitive.
- Review Criteria Five: Granting the variance was not contrary to the public interest as 8 neighbors support the request. There are other houses in the area that also do not meet the required setback. Hulett Road would not have been widened if there were traffic issues.

- Review Criteria Six: The proposed house is not out of character with houses in the vicinity and would not adversely affect adjacent lands or the wetland.
- Review Criteria Seven: The subject parcel is larger in size than the adjacent parcels. Granting the variance would not be a recurring issue for the Township.
- Review Criteria Eight: The house would not be out of character in comparison with the setback from Hulett Road for the other houses in the area.

Chair Beauchine opened public remarks.

Cathy Baird, 3720 Hulett Road, Okemos, spoke in opposition to the variance and referenced her letter dated March 8, 2017. She stated her concern dealt with the DEQ regulated wetland. New construction in the area has created run off water flowing into her property causing flooding issues. She spoke about the high volume of traffic and traffic accidents on Hulett Road, which has created a safety issue. She stated the dimensional measurements on the applicant's plans are not correct.

Chair Beauchine asked the applicant if he wanted to respond to the public comment.

Mr. Maniaci stated the dimensional measurements were provided by Great Lakes Geomatics and trusted the accuracy of the survey. He added he would revisit the plan if the measurements were incorrect. He added the existing structures which were nonconforming before the land division remain nonconforming after the land division. He stated no matter where the footprint of the house was placed, the issue is the setback from the center of Hulett Road.

Chair Beauchine closed public remarks.

Chair Beauchine stated some of the issues presented by both Mr. Maniaci and Ms. Baird have no bearing on the variance request presented to the Zoning Board of Appeals (ZBA) for this case. He stated the situation is self-created due to the land division, which left outbuildings on a lot without a principal structure.

Member Ohlrogge commented the only factor the ZBA is to consider is the setback from Hulett Road.

Member Stivers stated she could not support the request based on review criteria five as it is not the minimum action necessary.

MEMBER STIVERS MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-378(e)(5)a.

SECONDED BY CHAIR BEAUCHINE.

Member Lane agreed granting the variance is not the minimum action that will make it possible to use the land. He added comparing Loon Lane to Hulett Road does not create a unique circumstance.

Chair Beauchine stated the issue for the ZBA is the dimensional variance. He added there is a buildable area available on the property without the need for a variance.

ROLL CALL VOTE: YES: Members Stivers, Jackson, Lane, Ohlrogge and Chair Beauchine.
NO: None.
Motion carried unanimously.

G. OTHER BUSINESS

H. PUBLIC REMARKS

None.

I. BOARD MEMBER COMMENTS

None.

J. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:45 p.m.

K. POST SCRIPT - No Post Script

Respectfully Submitted,

Rebekah Lemley
Recording Secretary