

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, February 22, 2017 6:30 PM
TOWN HALL ROOM

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

- o Wednesday, February 08, 2017

D. ELECTION OF OFFICERS

E. COMMUNICATIONS

- o Willy Martinez RE: ZBA #17-02-22-1

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. ZBA CASE NO. 17-02-22-1 (Tim Pearl), 1477 HASLETT ROAD, HASLETT, MI, 48840

DESCRIPTION:	1477 Haslett Road
TAX PARCEL:	11-303-004
ZONING DISTRICT:	C-2 (Commercial)

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

- Section 86-618(2), Which states nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

The applicant is requesting a variance to construct an awning on the non-conforming building at 1477 Haslett Road.

- ☞ 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.

H. OTHER BUSINESS

I. PUBLIC REMARKS

J. BOARD MEMBER COMMENTS

K. ADJOURNMENT

L. POST SCRIPT – Patricia Herring Jackson

Information regarding the request may be examined at the Department of Community Planning and Development, 5151 Marsh Road, Okemos, Michigan 48864-1198, between the hours of 8:00 am and 5:00 pm, Monday through Friday. Comments may be made in writing addressed to the Zoning Board of Appeals at 5151 Marsh Road, Okemos, MI 48864 or may be made at the hearing.

BRET DREYFUS, CMMC
TOWNSHIP CLERK

ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

Persons wishing to address the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the Zoning Board of Appeals meeting. **If you do intend to speak before the Zoning Board of Appeals please sign in at the door.** During a public hearing, the following order shall be used:

1. Township Staff Review
2. Comments by the applicant or applicant's designee(s)
3. Comments by other persons
4. Applicant rebuttal
5. ZBA members discuss the case. If necessary, the applicant may be asked to respond to questions from the ZBA members
6. Action by the ZBA

Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, February 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

MEMBER STIVERS MOVED TO APPROVE THE AGENDA AS AMENDED MOVING "ITEM I COMMUNICATIONS" BEFORE "ITEM D UNFINISHED BUSINESS."

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, December 14, 2016

MEMBER LANE MOVED TO APPROVE THE MINUTES OF WEDNESDAY DECEMBER 14, 2016 AS WRITTEN.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

D. COMMUNICATIONS

Director Kieselbach introduced the new Assistant Planner, Keith Chapman for Community Planning and Development.

Chair Beauchine introduced the new Zoning Board of Appeals (ZBA) Member Emily Stivers, and welcomed back Pat Jackson as Township Board Trustee and Planning Commissioner Ken Lane in their new roles to the ZBA.

E. UNFINISHED BUSINESS

None.

F. NEW BUSINESS

1. ZBA CASE NO.17-02-08-1(Piotr Lupa),3575 KANSAS STREET, OKEMOS MI, 48840

DESCRIPTION:	3575 Kansas Street
TAX PARCEL:	33-352-001
ZONING DISTRICT:	RA (Single Family Medium Density)

The applicant is requesting to amend a previously granted variance in accordance with the following section of the Code of Ordinances:

- Section 86-224, A variance may be amended, modified, or extended only in accordance with the procedures and criteria set forth for an original application in this division.

The applicant is requesting a variance to increase the height of an accessory building from the following section of the Code of Ordinances:

- Section 86-373 (e)(7) Accessory buildings shall not exceed a height of 15 feet on any residential lot.

Director Kieselbach outlined the case for discussion. He explained the request is twofold. The first part of the request is an amendment to a variance (ZBA Case No. 16-05-11-1) granted in May 2016 and the second request is a variance to increase the height of an accessory structure.

Mr. Piotr, 3575 Kansas Street, Okemos, the owner and applicant, stated due to the low ceilings in the current structure the plan was to add a second floor to the proposed garage for a larger space for recreational vehicles and an art studio for his daughters.

Malgorzata (Margaret) Lupa, and her daughters Aota and Alla Lupa, 3575 Kansas Street, Okemos, expressed their desire for an art studio. They added fumes from paint and cleaning solvents increase a health hazard when used in a primary structure. The second floor of the garage would create a safer location.

Chair Beauchine opened public remarks.

Steve Freemier, 3622 Kansas Street, Okemos, stated he was in favor of the variance request. He added the rural setting in the neighborhood is conducive for the proposed second story on the garage and would add value to the property.

Chair Beauchine closed public remarks.

Chair Beauchine asked Director Kieselbach how the height of an accessory structure is measured.

Director Kieselbach indicated it was from the grade to the highest point of the roof. For this case on the west elevation the height is 21 feet and on the east elevation the height is 19 feet.

Chair Beauchine asked Director Kieselbach what the maximum height was in the RA zoning district.

Director Kieselbach replied 15 feet is the maximum height for an accessory structure.

Member Stivers asked if the art studio could be adjoined to the garage as opposed to being located above the garage.

Director Kieselbach stated the applicant would still need the ZBA to approve the amended variance request, and would need plans showing the structure met the height and setback requirements.

Member Lane asked if the applicant added the second story without exceeding the 15 feet height maximum would the ZBA need to amend the first variance request, and would the second variance request be needed.

Director Kieselbach answered yes; the ZBA would need to approve the amendment for the second story even if the structure met the height requirement.

Member Lane questioned if it would be considered a hardship to have a functioning garage using the maximum height of 15 feet.

Member Stivers questioned whether the roof line could meet the 15 feet maximum height and still allow the studio.

Member Ohlrogge questioned whether Mr. Lupa understood the review criteria (Section 86-221) used by the ZBA for determining a variance request.

Chair Beauchine recessed the meeting at 7:07 p.m. in order to allow Mr. Lupa to read the review criteria.

Chair Beauchine reconvened the meeting at 7:13 p.m.

Member Ohlrogge read review criteria one 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.

Mr. Lupa replied the proposed structure has a setback of approximately 45 feet from the road and with the landscaping the structure would not be an obstruction to the neighborhood.

Member Ohlrogge read review criteria two which states, these special circumstances are not self-created.

Mr. Lupa stated two structures existed when he originally purchased the property. He added one structure was converted to a house and the second structure is to be converted into a garage.

Member Ohlrogge read review criteria three which states, strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She added Mr. Lupa has already answered part of this criterion.

Mr. Lupa replied the existing grade of the property creates a practical difficulty to expand the footprint of the garage. He added the maximum height restriction for the garage also creates a difficulty for using the structure.

Member Ohlrogge 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.

Mr. Lupa stated without the variance it would prevent them from using the proposed structure.

Member Ohlrogge 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.

Mr. Lupa answered without the space above the garage the art studio would have to be located in the primary structure creating an unhealthy environment.

Member Ohlrogge 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.

Mr. Lupa showed photos of a neighbor's various structures. He stated his structures would be visibly pleasing and not adversely affect adjacent land or change the essential character in the vicinity of the property.

Member Ohlrogge 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.

Mr. Lupa stated it is not a non-recurrent situation. Due to the grade of the property it would make it cost prohibitive to design any other layout for the accessory structures.

Member Ohlrogge read review criteria eight which states, granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter.

Mr. Lupa commented it would be in the public interest not to create a safety issue.

Member Stivers inquired of Mr. Lupa if there was a concern with soil erosion and being able to build outward from the garage.

Mr. Lupa replied it was not an issue now as the erosion is under control.

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 the ZBA would be granting a variance from an ordinance which the Township already has in place. He added the applicant has met this review criteria.

Chair Beauchine stated the applicant had met review criteria two as the circumstance was not self-created.

Member Stivers wonder what the special circumstances are in this case.

Member Jackson stated she liked the reuse of the existing building for a garage and could be consider a unique circumstance.

Member Ohlrogge stated with the subject property being on a dirt road and setback 30 feet to 40 feet from Kansas Street creates a unique circumstance found in a rural area.

Member Lane stated approving the earlier variance request to convert the front structure to a garage was an appropriate action. He added the structure in its current state with the low ceilings will need some type of modification. He added these two issues create a unique circumstance.

Member Lane commented the proposed design would not adversely affect adjacent land and would not be out of place in the neighborhood. If the request is granted for the height of 21 feet the design of the structure would not affect the essential character in the vicinity of the property. He stated for those mentioned reasons review criteria six had been met.

Chair Beauchine stated the location of the subject property would not create a visual problem for the public. He added the architecture of the home and the garage has a modern appearance and would not affect the public interest.

Member Ohlrogge stated if the amendment was not granted the applicant would not be able to build a safe garage, and allowing a garage is a permitted purpose.

Chair Beauchine asked with the different grades how the height of the structure was measured.

Director Kieselbach stated it was from the grade adjacent to the structure to the highest point of the sloped roof.

Member Lane stated to use the structure for a garage the ceiling needs to be higher. He added the second story could be an attic.

Member Stivers commented the roof needed to be raised to accommodate the garage but asked if the extra 6 feet for the art studio was necessary. She added the ZBA could not change the ordinance related to how the height is measured, but could take into account the unique circumstances in this case.

MEMBER STIVERS MOVED TO MODIFY VARIANCE REQUEST ZBA CASE NO. 16-05-11-1 FROM SEC 86-224, A VARIANCE MAY BE AMENDED, MODIFIED, OR EXTENDED ONLY IN ACCORDANCE WITH THE PROCEDURES AND CRITERIA SET FORTH FOR AN ORIGINAL APPLICATION IN THIS DIVISION.

SECONDED BY MEMBER JACKSON.

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

Chair Beauchine moved to the variance request for the height of the structure to exceed 15 feet.

Member Ohlrogge agreed the garage was necessary, however using the review criteria it was difficult to allow the height of the roof beyond the 15 foot maximum.

Member Lane stated the minimum action would be to follow the maximum height based on the Township Ordinance.

Member Stivers asked whether increasing the grade adjacent to the structure should be considered.

Chair Beauchine stated the dimensional variance was measured from the existing grade to the highest point. Changing grade cannot be considered.

Member Lane commented the maximum 15 feet height is reasonable for a garage.

Member Stivers asked Mr. Lupa if there was any reason, outside of wanting the second floor, he could give for the height to exceed the 15 feet.

Mr. Lupa responded the 15 feet would be sufficient for vehicles, but would consider a design modification to meet the ZBA approval.

Member Ohlrogge commented if the variance is denied the applicant could modify the request and re-apply or the ZBA could delay the request to give the applicant additional time.

MEMBER OHLROGGE MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-373 (e)(7).

SECONDED BY MEMBER JACKSON.

Member Ohlrogge stated the desire for extra space is not a practical difficult and the minimum action is for a garage with the maximum height of 15 feet.

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

G. OTHER BUSINESS

H. PUBLIC REMARKS

None.

I. BOARD MEMBER COMMENTS

Member Jackson reminded the ZBA and public about The Enactment Day event celebrating the 175th Anniversary of when Meridian Township and Delhi Township were established on February 16, 1842. The Enactment Day event is on February 16, 2017 from 1:30 pm – 2:30 pm at the Michigan State Capitol, Room 402/403.

J. ADJOURNMENT

Chair Beauchine adjourned the meeting at 8:45 pm.

K. POST SCRIPT – Brian Beauchine

Respectfully Submitted,

Rebekah Lemley
Recording Secretary

D. Election of
Officers

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS
RULES OF PROCEDURE

RULE 1: AUTHORITY

These rules are adopted by the Charter Township of Meridian Zoning Board of Appeals (hereinafter referred to as the ZBA) pursuant to Section 86-62 of the Township Code of Ordinances and the Michigan Zoning Enabling Act (MZEA) 110 of 2006 (MCL 125.3101 et. seq.).

RULE 2: MEMBERSHIP

2.1 Membership. The Township Board shall establish the membership to the ZBA, as outlined in Section 86-62 of the Code of Ordinances and the Michigan Zoning Enabling Act (MZEA) 110 of 2006 (MCL 125.3101 et. seq.).

2.2 Chairperson and Vice Chairperson. At the first regular meeting of the ZBA each calendar year following appointments by the Township Board, the ZBA shall select a chairperson and vice chairperson from among the members, who shall not be an elected official of the Township. The vice chairperson shall be authorized to serve as chairperson in the event of the chairperson's absence or incapacity. The chairperson and the vice chairperson shall serve for one (1) year or until their successors are selected.

2.3 Temporary Chairperson. In the event that both the elected Chairperson and the elected Vice-Chairperson are not able to attend the same meeting, at the beginning of the meeting, the Zoning Board of Appeals shall establish a Temporary Chairperson for that meeting. The temporary chairperson shall not be an elected official.

2.4 Conflict of Interest. A conflict of interest arises when a member or the member's relative has a direct financial interest, positive or detrimental, in the outcome of a decision or action that the member may take as a public official; or when a member is a part of an entity which is involved in a business transaction with the Zoning Board of Appeals; or the member is engaged in or employed by or provides services to an entity whose mission is incompatible or in conflict with the discharge of the member's official duties or impairs the member's independence of judgment. A member is disqualified from voting on a matter where they have a conflict of interest as defined in this section or by a majority vote of the remaining members of the Zoning Board of Appeals. Before discussing or voting on the matter, the member shall disclose the conflict of interest. Failure of a member to disclose a known conflict of interest constitutes malfeasance in office.

RULE 3: MEETINGS

3.1 Meeting Schedule. The ZBA shall meet in regular session according to a schedule adopted at the beginning of the calendar year or as subsequently revised. Special meetings shall be called by the chairperson or shall be called at the request of three (3) members of the ZBA.

Approved on May 11, 2014

Keith Chapman

From: Peter Menser
Sent: Tuesday, February 14, 2017 8:56 PM
To: Keith Chapman
Subject: Fw: Zoning Board of Appeals #17-02-22-1

Please add as communication in this week's ZBA packet, thank you.

Sent from OWA on Android

From: Willy Marinez <Wmarinez@hotmail.com>
Sent: Tuesday, February 14, 2017 7:51:39 PM
To: Peter Menser
Cc: spartanbuildersinc@comcast.net
Subject: Zoning Board of Appeals #17-02-22-1

Hi Peter,

Thank you for sending your letter regarding the subject matter above. Unfortunately, I will not be able to attend the public hearing on the variance request by Tim Pearl. I would like you to know that Jeff Suehr, Robert Marinez and I (owners of Panchita Properties) are supportive of the township granting the variance request. I hope our support will be noted for the record.

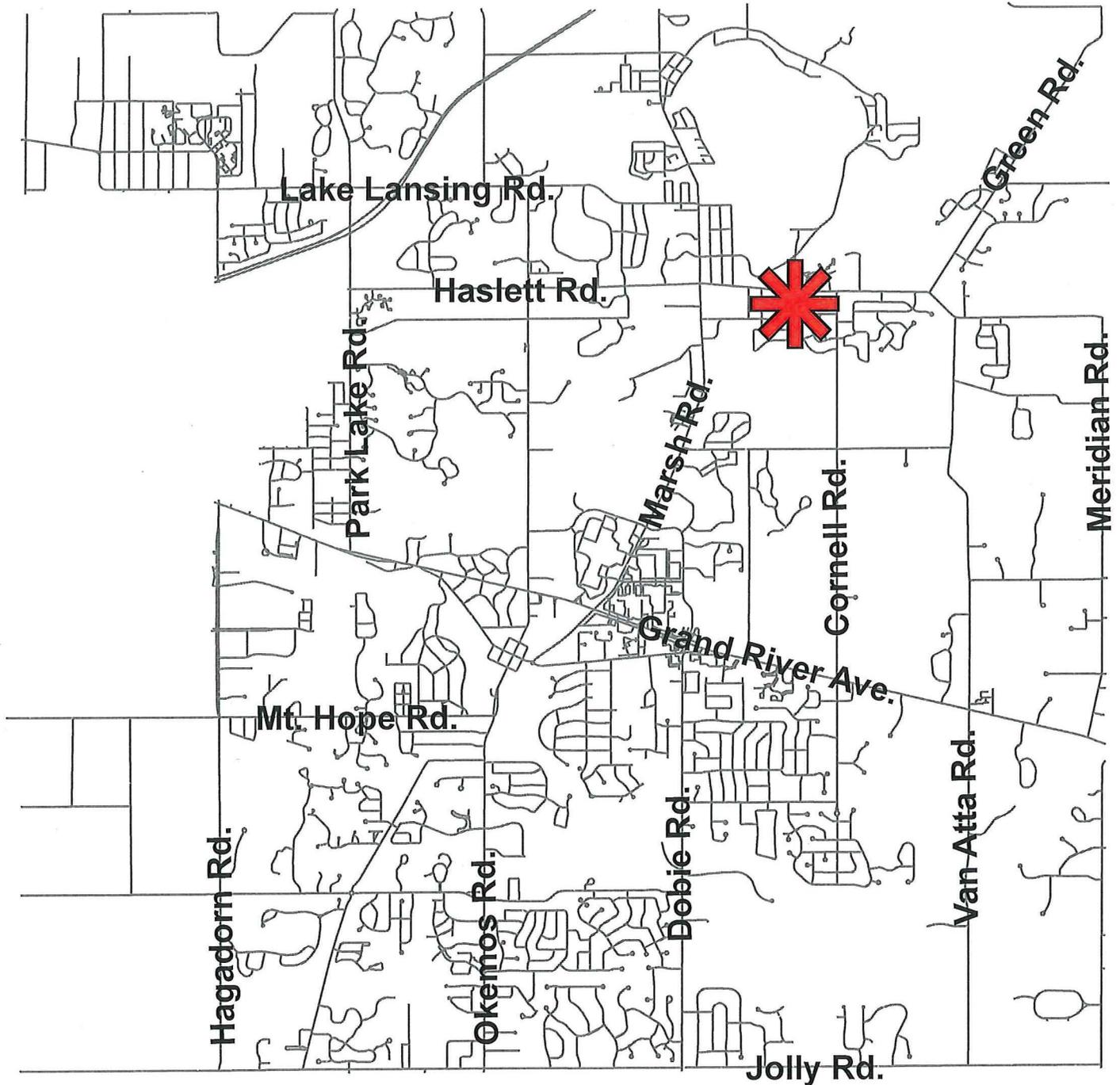
Thank you,
Willy Marinez

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.

Meridian Township



Location Map

ZBA #17-02-22-1 (Tim Pearl)

1477 Haslett Rd.



MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Keith Chapman
Assistant Planner

DATE: February 17, 2017

RE: ZBA Case No. 17-02-22-1 (Tim Pearl)

ZBA CASE NO.: 17-02-22-1 (TIM PEARL), 1477 HASLETT ROAD, HASLETT, MI, 48840
DESCRIPTION: 1477 Haslett Road
TAX PARCEL: 11-303-004
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-618(2), Which states nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

The applicant has installed a wooden awning structurally attached to the existing building at 1477 Haslett Road. The awning was installed above the front entrance of the building and is three feet in depth, approximately 20 feet in length, and a total of 60 square feet in size. The building is considered to be nonconforming as it does not meet the required front yard setback of 100 feet from the centerline of Haslett Road. The front of the building is located approximately 3.5 feet from the property line and the awning will be 0.5 feet from the right-of-way. Therefore any additions to the building require approval from the Zoning Board of Appeals (ZBA).

According to Assessing Department records, the building was built in 1932 and is 5,500 square feet. At that time, there was not a Zoning Ordinance. In addition to the existing building not meeting the required front yard setback, it also does not meet side and rear yard setbacks or maximum lot coverage.

The applicant is requesting a variance to the addition of the awning to the existing nonconforming building. The proposed awning addition on the north side of the property will encroach 66.5 feet into the required 100 foot front yard setback from the Haslett Road centerline.

Site History

- The building was constructed in 1932.
- The applicant applied for a building permit on December 1, 2016 to construct an awning on the front of the building. The permit is pending until the Zoning Board of Appeals decides the variance request.

ZBA Case No. 17-02-22-1 (Tim Pearl)
February 22, 2017
Page 2

Attachments

1. Application and submitted materials
2. Site location map

G:\Community Planning & Development\Planning\ZBA\2017 ZBA\ZBA 17-02-22\ZBA 17-02-22-1 (Pearl)

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

VARIANCE APPLICATION

A. Applicant Perla Properties, LLC (owner), McCreary's Healthy Home Cleaning Cleaning Services (tenant)
Address of Applicant 2214 University Park Dr, Okemos, MI 48864

Telephone (Work) (517) 336-2501 Telephone (Home) (517) 347-6035
Fax _____ Email address: tpearl@agatesoftware.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 1477 Haslett Rd
Zoning district _____ Parcel number _____

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) _____

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)

[Signature] Tim Pearl, Mayor 2-6-17
Signature of Applicant Print Name Date

Fee: _____ Received by/Date: _____

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







Grand Trunk Western Rail Road

1486

1486

1456

1476

144

Haslett Rd

707

School St

1491

1483

1477

1473

1485

5695

Babbitt St

1457

1449

14

5686

1477

5691

5690

5687

5684

5682

5677

ZBA #17-02-22-1 (Tim Pearl)
Site Location Map

5678

