

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, AUGUST 11, 2021
REGULAR TELEVISED MEETING**

PRESENT: Chairperson Mansour, Members Shorkey, Opsommer, Kulhanek

ABSENT: Vice-Chair Field-Foster, Hendrickson

STAFF: Community Planning and Development Director Schmitt; Assistant Planner Chapman

1. CALL MEETING TO ORDER

Chairperson Mansour called the meeting to order at 6:31 p.m.

2. APPROVAL OF AGENDA

Member Opsommer moved to approve the agenda as submitted. Seconded by Member Kulhanek.

ROLE CALL TO VOTE:

YEAS: Members Shorkey, Kulhanek, Opsommer, Chairperson Mansour

NAYS: None

Motion carried: 4-0

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. June 23, 2021 Meeting Minutes

Member Opsommer moved to approve the minutes from Wednesday, June 23, 2021 as submitted. Seconded by Chairperson Mansour.

ROLE CALL TO VOTE:

YEAS: Member Shorkey, Kulhanek, Opsommer, Chair Mansour

NAYS: None

Motion carried: 4-0

4. COMMUNICATIONS - NONE

5. UNFINISHED BUSINESS

A. ZBA CASE NO. 21-06-23-1 (EROP, LLC), 2390 E. Federal Drive, Decatur, IL, 62526

DESCRIPTION: 2703 Grand River Avenue
TAX PARCEL: 20-203-012
ZONING DISTRICT: C-2 (Commercial)

The variances requested is to construct a drive through car wash facility. This is a revised request.

Assistant Planner Chapman outlined the case for discussion. He explained the applicant had postponed their request during the last meeting and has revised their plans since June 23rd, 2021.

Representing the applicant, Reid Cooksey, resident of 607 Shelby Street, Detroit, Michigan stated the applicant has been allowed to open an entrance on East Grand River after closing the western entrance. This allowed them to change the site plan since the last meeting. The new curb cut has already been approved by MDOT, although it does not meet criteria in Meridian Township Ordinance.

Member Kulhanek noted the changes made to the site plan reflected Member Hendrickson's suggestion and as a result the variances requested have all changed and are related to the new East Grand River driveway.

Member Opsommer asked Assistant Planner Chapman when the provisions in the code of ordinances that is causing the variances to be required went into effect. Chapman replied 2004.

Member Opsommer asked if township staff or applicant had updated traffic studies pertaining to this site. Township staff answered no. The applicant answered no, but the maximum possible trips per hour is 50.

Member Shorkey asked applicant and staff if there is a way to add an entrance on Grand River without variance. Assistant Planner Chapman replied that on this property there is not.

Chairperson 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. Chairperson Mansour stated this criteria had been met.

Chairperson Mansour read review criteria two which states these special circumstances are not self-created. Chair Mansour stated this criteria could go either way.

Member Opsommer stated that he did not believe the circumstance is self-created because of curb cuts made on East Grand River before the township ordinance was adopted. Chairperson Mansour stated criteria two had been met.

Chairperson 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. Chairperson Mansour stated this parcel would always require a variance to have an entrance on Grand River. She stated Criteria three had been met.

Chairperson 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. Chairperson Mansour stated that criteria four had been met.

Member Shorkey stated this being the third iteration and each requiring a variance that he is comfortable moving forward with both criteria three and four.

Chairperson Mansour read review criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. Chairperson Mansour stated the public safety aspect of criteria five gives her pause.

Member Shorkey asked if the applicant could shift the entrance west on Grand River to line up the driveway with parking.

The applicant replied no, that MDOT wouldn't allow it and that it would create an entrance closer to Dawn Ave creating a worse safety hazard.

Chairperson Mansour stated that she does believe this to be the minimum action the applicant could take, meeting criteria five.

Chairperson 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. Chairperson Mansour stated criteria six had been met.

Chairperson 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. Chairperson Mansour stated this criteria had been met.

Chairperson 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. Chairperson Mansour stated this criteria had been met.

Member Kulhanek moved to approve all three variances in ZBA CASE NO. 21-06-23-1 (EROP, LLC), 2703 East Grand River Avenue, East Lansing, MI 48823 TAX PARCEL: 20-203-012. Seconded by Member Shorkey.

Member Kulhanek moved to add "with the condition the site plan show dedicated access easement to the property to the east" as a friendly amendment to the original motion. Seconded by Member Shorkey.

Member Kulhanek moved to approve all three variances in ZBA CASE NO. 21-06-23-1 (EROP, LLC), 2703 East Grand River Avenue, East Lansing, MI 48823 TAX PARCEL: 20-203-012, with the condition the site plan show dedicated access easement to the property to the east. Seconded by Member Shorkey.

ROLE CALL TO VOTE:

YEAS: Members Shorkey, Kulhanek, Opsommer, Chairperson Mansour

NAYS: None

Motion carried: 4-0

6. NEW BUSINESS

A. ZBA CASE NO. 21-08-11-1 (Sina), 5786 Lake Drive, Haslett, MI, 48840

DESCRIPTION: 5786 Lake Drive

TAX PARCEL: 10-278-026

ZONING DISTRICT: RN (Village of Nemoka), Lake Lansing Overlay District

The variance requested is to construct a 400 square foot addition on the south side of the existing single-family home.

Assistant Planner Chapman outlined the case for discussion.

Applicant Reddog Sina, resident of 5786 Lake Drive, Haslett, Michigan outlined why he is requesting a variance.

Chairperson Mansour asked why the applicant isn't building towards the back of the property. The applicant replied that it would lead to construction complications.

Assistant Planner Chapman stated if they build the addition in the back it would still require a variance.

Chairperson 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. Chairperson Mansour stated criteria one has been met.

Chairperson Mansour read review criteria two which states these special circumstances are not self-created. Chairperson Mansour stated criteria two has been met.

Chairperson 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. Chairperson Mansour stated this criteria had been met.

Chairperson 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. Chairperson Mansour stated criteria four had been met.

Chairperson Mansour read review criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. Chairperson Mansour stated criteria five had been met.

Chairperson 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. Chairperson Mansour stated criteria six had been met.

Chairperson 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. Chairperson Mansour stated criteria seven had been met.

Chairperson 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. Chairperson Mansour stated criteria eight had been met.

Member Opsommer moved to approve variance request for ZBA CASE NO. 21-08-11-1 (Sina), 5786 Lake Drive, Haslett, MI, 48840 parcel ID 10-278-026. Seconded by Chairperson Mansour.

ROLE CALL TO VOTE:

YEAS: Members Shorkey, Kulhanek, Opsommer, Chair Mansour

NAYS: None

Motion carried: 4-0

7. OTHER BUSINESS

None

8. PUBLIC REMARKS

Chairperson Mansour opened the floor for public remarks at 7:48 pm

None

Chairperson Mansour closed public remarks at 7:48 pm

9. MEMBER COMMENTS

Member Shorkey stated that it was nice to meet the ZBA board members and that meeting in person has been much smoother than virtual meetings.

10. ADJOURNMENT

Chairperson Mansour Adjourned the meeting at 7:50 pm.