

CHARTER TOWNSHIP OF MERIDIAN

ZONING BOARD OF APPEALS MEETING MINUTES *APPROVED*****

5151 MARSH ROAD, OKEMOS, MI 48864-1198

(517) 853-4000

WEDNESDAY, May 9, 2018 6:30 PM

TOWN HALL ROOM

PRESENT: Members Ohlrogge, Lane, Chair Beauchine, Jackson
ABSENT: Member Rios
STAFF: Mark Kieselbach, Director of Community Planning and Development and
Keith Chapman, Assistant Planner

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AGENDA

MEMBER JACKSON MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER OHROGGLE.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. Wednesday, April 25, 2018

MEMBER OHROGGLE MOVED TO APPROVE THE MINUTES OF WEDNESDAY, APRIL 25, 2018 AS WRITTEN.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

Chair Beauchine stated the communications would be addressed at the time the case was heard.

- A. Charles Glumb, RE: ZBA #17-10-11-1
- B. Jeff, Jamie, & Jackson Rahrig, RE: ZBA #17-10-11-1
- C. Ronald Uppal, RE: ZBA #17-10-11-1
- D. Lindsey Uppal, RE: ZBA #17-10-11-1
- E. Edwin H. McDonald, RE: ZBA #18-05-09-1
- F. Jenna Reid, ZBA #18-05-09-1
- G. Laurie Kaufman, ZBA #18-05-09-1
- H. Kevin Shoemaker, ZBA #18-05-09-1
- I. Alan & Beth Miller, ZBA #18-05-09-1
- J. Agnes & Lawrence T. Drzal, RE: ZBA #18-05-09-2
- K. David Love, RE: ZBA #18-05-09-2
- L. Ryan Halfman, RE: ZBA #18-05-09-2

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. ZBA CASE NO. 17-10-11-1 (DITTY), 6143 COTTAGE DRIVE, HASLETT, MI, 48840

DESCRIPTION:	6143 Cottage Drive
TAX PARCEL:	02-401-009
ZONING DISTRICT:	RB (Single Family, High Density), Lake Lansing Overlay

The applicant is requesting to construct a 594 square foot attached garage that does not meet the 20 foot front yard setback at 6143 Cottage Drive.

Assistant Planner Chapman outlined the case for discussion.

Chair Beauchine asked the applicant or the applicant’s representative to present the rational to rehear the case.

William Ditty, the applicant, 6143 Cottage Drive, Haslett, MI 48840 outlined the dimensional changes to the garage from the previous plan.

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

Chair Beauchine referenced four letters in support of the variance request:

- | | |
|--|---------------------|
| A. Charles Glumb, 6146 Cottage Drive | RE: ZBA #17-10-11-1 |
| B. Jeff, Jamie, & Jackson Rahrig, 6143 Cottage Drive | RE: ZBA #17-10-11-1 |
| C. Ronald Uppal, 6133 Cottage Drive | RE: ZBA #17-10-11-1 |
| D. Lindsey Uppal, 6133 Cottage Drive | RE: ZBA #17-10-11-1 |

Member Ohlrogge commented there were changes in the proposal to warrant rehearing the case.

Chair Beauchine asked staff the square footage of the garage that encroached into the setback from the previous proposal and the current proposal.

Assistant Planner Chapman replied the request from February of this year was 204 square feet and the current request was 228.50 square feet.

Chair Beauchine stated that was an increase of 24 square feet and the change did not warrant rehearing the request.

Member Ohlrogge replied the variance for the front yard setback had decreased.

Member Jackson asked staff if the side yard setbacks for the proposed garage had been met.

Assistant Planner Chapman stated the side yard setbacks had been met.

Member Jackson asked staff if the setback requirement was for emergency access.

Assistant Planner Chapman stated that was the intent.

MEMBER OHROGGLE MOVED TO REHEAR ZBA CASE NO. 17-10-11-1

MOTION FAILED FOR LACK OF SUPPORT.

Member Jackson commented the change to the side yard setbacks warrant rehearing the case.

Member Ohlrogge replied the side yard setbacks were within the ordinance requirement and the safety issues had been addressed.

MEMBER OHROGGLE MOVED TO REHEAR ZBA CASE NO. 17-10-11-1

SECONDED BY MEMBER LANE.

Member Lane stated based on the criteria to rehear a case the evidence of changed circumstances is the reduction in the requested variance. He questioned whether or not limitations should be set in rehearing a case, since the dimensions of the garage have changed twice.

ROLL CALL TO VOTE: YES: Members, Jackson, Ohlrogge, Lane,
NO: Chair Beauchine
Motion carried 3:1

William Ditty stated there have been changes made to the plan. He referenced the materials he had submitted and addressed safety issues. He covered the eight review criteria (Section 86-221 of the Zoning Ordinance) and noted the proposed garage was comparable to neighboring garages.

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

Member Jackson asked staff to explain the difference between a cottage and a residence.

Director Kieselbach replied there was no difference as it related to the Zoning Ordinance and building codes as both would be treated the same.

Member Jackson stated it was not unusual to have neighboring structures of various sizes and dimensions. She noted there was no requirement that there be a two car garage or any garage. She added a single car garage would be the minimum action.

Member Lane stated the request did not meet review criteria five (Section 86-221 of the Zoning Ordinance). The proposed garage is too large based on the size of the property. The neighboring properties have larger garages but the encroachments are less. He added the square footage of the garage had been increased from the original request.

Member Ohlrogge stated cars parked along the road was a safety issue. The circumstances of the structure were not self-created and not having a garage was a practical difficulty.

Chair Beauchine stated the Zoning Board of Appeals (ZBA) should not suggest a single car garage without having the dimensions of the single car garage. He added the zoning standards had already been modified for the Lake Lansing Overlay Zoning District and the setback variance does not meet review criteria five.

Chair Beauchine read review criteria two which states these special circumstances are not self-created. He agreed the circumstances were not self-created.

MEMBER LANE MOVED TO DENY ZBA CASE NO. 17-10-11-1, FOR FAILURE TO MEET REVIEW CRITERIA FIVE.

MEMBER JACKSON SECONDED.

ROLL CALL TO VOTE: YES: Members, Ohlrogge, Jackson, Lane, and Chair Beauchine.

NO:

Motion carried unanimously

B. ZBA CASE NO. 18-05-09-1 (SHOEMAKER), 1824 TOWNER ROAD, HASLETT, MI, 48840

DESCRIPTION:	1824 Towner Road
TAX PARCEL:	03-126-009
ZONING DISTRICT:	RR (Rural Residential)

The applicant is requesting to allow a 312.4 square foot accessory building to project into the front yard at 1824 Towner Road.

Assistant Planner Chapman outlined the case for discussion.

Chair Beauchine asked the applicant or applicant's representative if they would like to address the ZBA.

Ronald Shoemaker, the applicant, 1824 Towner Road, Haslett, referenced the material he had submitted.

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

Member Lane stated his understanding of the request, was when the new house was built behind the existing garage it caused the garage to be in the front yard of the new house.

Director Kieselbach shared the history of the subject property and stated it was after the building permit was issued staff become aware of the nonconforming garage issue.

Chair Beauchine referenced the communications in support of the variance request:

- F. Edwin H. McDonald, RE: ZBA #18-05-09-1
- G. Jenna Reid, ZBA #18-05-09-1
- H. Laurie Kaufman, ZBA #18-05-09-1
- I. Kevin Shoemaker, ZBA #18-05-09-1

- J. Alan & Beth Miller, ZBA #18-05-09-1
- K. Agnes & Lawrence T. Drzal, RE: ZBA #18-05-09-1

Chair Beauchine stated the garage (accessory building) did not affect adjacent land.

Member Ohlrogge added moving or demolishing the garage could be problematic in the spreading of the Japanese Knotweed and this would address review criteria one, two and three.

MEMBER JACKSON MOVED TO APPROVE REQUEST FROM SECTION 86-565(1).

SECONDED BY MEMBER LANE.

Member Ohlrogge suggested the ZBA continue with the review criteria (Section 86-221 of the Zoning Ordinance).

Chair Beauchine read review criteria four which states 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 Ohlrogge stated if the variance was not granted it could prevent the owner from using the property for a permitted use.

Chair Beauchine read review criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. He agreed the variance would be the minimum action and it would secure public safety.

Chair Beauchine read review criteria six which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. He stated the garage was setback from the road and would not affect adjacent land.

Member Lane added the garage fits with the character of the properties in the surrounding vicinity.

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 an ordinance was not required.

Chair Beauchine read review criteria eight which states granting the variance will be generally consistent with public interest, the purposes and intent of this Chapter. He stated the request met this criteria.

ROLL CALL TO VOTE: YES: Members, Ohlrogge, Jackson, Lane, and Chair Beauchine.

NO:

Motion carried unanimously

C. ZBA CASE NO. 18-05-09-2 (POLETES), 4260 SHADOW RIDGE, OKEMOS, MI, 48864

DESCRIPTION: 4260 Shadow Ridge
TAX PARCEL: 29-255-018
ZONING DISTRICT: RAA (Single Family, Low Density)

The applicant is requesting to construct a 400 square foot addition that does not meet the 40 foot rear yard setback at 4260 Shadow Ridge.

Assistant Planner Chapman outlined the case for discussion.

Chair Beauchine asked the applicant or applicant's representative if they would like to address the ZBA.

Lisette Poletes, the applicant, 4260 Shadow Ridge, Okemos, stated she is requesting a variance for one corner of the lot. She added the property was unique due to the shape of the lot.

Chair Beauchine opened the floor for public comment.

Ryan Hoffman, representative for the applicant, Hoffman Homes, 10525 Frost Road, Portland, referenced the plot plan in the packet and indicated the center point of the rear yard. He stated the design of the addition would be in line with the house and the roof.

Chair Beauchine closed public comment.

Chair Beauchine referenced the communications in support of the variance request:

- A. Agnes & Lawrence T. Drzal, RE: ZBA #18-05-09-2
- B. Ingham County Drain Commission response letter to Mr. Hoffman

Member Ohlrogge asked the applicant to describe the area around her property.

Ms. Poletes indicated there was a wooded preservation area adjacent to the addition.

Chair Beauchine asked staff for the square footage of the portion of the addition that encroached into the setback.

Assistant Planner Chapman replied he did not have the square footage available.

Member Jackson stated the variance was less than 10% of the requirement.

Member Lane replied the proposed location for the addition is the only place on the subject property.

Member Ohlrogge read the review criteria one (Section 86-221 of the Zoning Ordinance) which states, unique circumstances exist that are peculiar to the land or structure that is not applicable to other land or structures in the same zoning district. She stated the shape of the lot and the preservation area creates unique circumstances.

Member Ohlrogge read review criteria two which states these special circumstances are not self-created. She agreed the request was not self-created.

Member Ohlrogge read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties. She stated if the variance was not granted nothing could be done.

Member Ohlrogge read review criteria four which states 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. She stated the request was small and allowed for a permitted use.

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. She replied the request was not contrary to the public interest and carries out the spirit of the zoning ordinance.

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. She commented the variance would not affect adjacent land or the essential character in the vicinity.

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. She replied with the shape of the lot, and adjacent preservation area the request was unique.

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

MEMBER LANE MOVED TO APPROVE THE REQUEST BASED ON MEETING ALL EIGHT REVIEW CRITERIA FROM SECTION 86-221 OF THE ZONING ORDINANCE.

SECONDED BY MEMBER OHLROGGE.

ROLL CALL TO VOTE: YES: Members, Ohlrogge, Jackson, Lane, and Chair Beauchine.

NO:

Motion carried unanimously

7. OTHER BUSINESS

Director Kieselbach stated ZBA CASE NO. 18-04-25-1 had been rescheduled to the ZBA meeting on May 23, 2018. He asked the ZBA to give special consideration to hear a case on Wednesday, May 30, 2018 or June 6, 2018 for a property owner with a deck located in a floodplain.

Member Ohlrogge requested an email be sent with the dates in order to confirm.

Chair Beauchine and Member Jackson stated they would be available for either date.

8. PUBLIC REMARKS

Chair Beauchine opened the floor for public remarks seeing none he closed public remarks

9. BOARD MEMBER COMMENTS

Chair Beauchine reminded everyone the opening of the Farmers Market on Wednesday's.

10. ADJOURNMENT

Meeting adjourned at 8:15 p.m.

11. POST SCRIPT - Member Lane

Respectfully Submitted,

Rebekah Kelly
Recording Secretary