

CHARTER TOWNSHIP OF MERIDIAN
REGULAR MEETING ZONING BOARD OF APPEALS 2023
5151 Marsh Road, Okemos MI 48864-1198
517.853.4000, Township Hall Room
Wednesday, September 18, 2024, 6:30 pm

PRESENT: Chair Mansour, Vice-Chair Koenig, Member Brooks, Member Trezise

ABSENT: Member Bennett

STAFF: Principal Planner Shorkey

1. CALL MEETING TO ORDER

Chair Mansour called the September 18th, 2024, regular meeting for the Meridian Township Zoning Board of Appeals to order at 6:31 pm. Chair Mansour called the roll of the Board. Member Brooks absent.

2. APPROVAL OF THE AGENDA

Member Brooks moved to approve the agenda for the September 18th, 2024, regular meeting for the Meridian Township Zoning Board of Appeals. Seconded by Member Trezise.

ROLL CALL VOTE YEAS: Chair Mansour, Vice-Chair Koenig, Members Brooks, Trezise
NAYS: None
Motion carried: 4-0

3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES

Vice-Chair Koenig asked that the Call to Order reflect that he called the Roll, and that Chair Mansour was absent.

Member Trezise moved to approve the minutes from the May 15th, 2024, regular meeting for the Meridian Township Zoning Board of Appeals with correction. Seconded by Vice-chair Koenig.

ROLL CALL VOTE YEAS: Chair Mansour, Vice-Chair Koenig, Members Brooks, Trezise
NAYS: None
Motion carried: 4-0

4. COMMUNICATIONS
NONE

5. UNFINISHED BUSINESS
NONE

6. NEW BUSINESS

A. **ZBA CASE NO. 24-09 (Playmakers Inc.) Playmakers Inc. 2299 West Grand River Avenue, Okemos, MI 49964**

LOCATION: 2299 Grand River Avenue

PARCEL ID: 21-131-002

ZONING DISTRICT: C-2 (Commercial)

The variances requested are to allow existing window signage to remain in place.

Principal Planner Shorkey outlined the case for discussion.

Andrew Marsh, representative for the applicant, provided an explanation for the request.

Vice-chair Koenig asked for more information about the complaint. Principal Planner Shorkey did not have that information, nor did Mr. Marsh.

Chair Mansour commented that if approved, the variance would carry to all future occupants of the building, so that eventuality must be considered and asked for more details about the amount of signage permitted by ordinance versus the amount that is being asked for in the variance. Principal Planner Shorkey detailed that there are two variances being requested and that the windows that are affected are noted in the variance request.

Chair Mansour asked if the Township would have pursued this had the complaint not occurred. Principal Planner Shorkey stated that the Township would not have pursued. Chair Mansour then noted that she appreciates the applicant's willingness to comply with Township ordinances.

Member Trezise asked how far up the windows the signs need to be. Mr. Marsh gave an approximate height that the signs need to reach to cover fixtures and provide security – about halfway up the second tier of windows. He asked the board for more details about what they can regulate. Chair Mansour and Principal Planner Shorkey explained that the ZBA cannot govern content.

Chair Mansour asked if the sign material could be regulated, commenting that she knows of sites where a variance has been granted to an occupant only to have it taken advantage of by subsequent occupants. Principal Planner Shorkey stated that the material can be regulated. She stated that she wants to accommodate a business that has come forward and is making every effort to comply without opening the property to a future eyesore. Chair Mansour said if the board looks at it from the standpoint that only 50% of each window is being covered, the variance is for only 10% and she would be comfortable with the variance if it specifies the 50% perforated graphic vinyl material that the occupant is currently using. Member Trezise concurred.

Chair Mansour asked if the spirit of the ordinance is for safety reasons or for aesthetic reasons. Member Trezise stated that the safety issue would be to allow the police to see what is going on in the building and the aesthetic issue would be to avoid billboards or large posters that could be unattractive.

Chair Mansour stated that unique circumstances exist because the facade of the building and the structure are unique.

Chair Mansour stated that she has difficulty understanding how the variance meets this criterion. Member Trezise noted that checkout counters need to be near the exit to help control loss and that this need meets this criterion. Chair Mansour concurred and stated that this criterion is met.

Chair Mansour stated that the material used in the existing signs makes the building safer plus the fact that the applicant has come forward to work with the township, meets this criterion. Vice-Chair Koenig added that the applicant is not asking for an additional variance, they are asking for a variance to meet exactly what they have been doing.

Chair Mansour stated that this criterion is met because the variance won't affect other properties in the vicinity.

Chair Mansour stated that this criterion is met because the applicant has been a positive asset to the community.

The board determined that the variance meets all five of the application criteria.

Member Trezise recommended a condition on the motion that the variance require 50% light permeable product, that the variance being granted is for 10% additional coverage of each window, and granting the variance of up to 16.5% coverage of the building face.

Member Trezise moved to approve the ZBA Case No. 24-09 (2299 Grand River) with the stipulation that 50% perforated graphic material as the only material to be used for this particular variance. Seconded by Member Koenig.

ROLL CALL VOTE YEAS: Chair Mansour, Vice-Chair Koenig, Members Brooks, Trezise

NAYS: None

Motion carried: 4-0

B. ZBA CASE NO.: 24-10 (2020 M-78), B. K. Singh, 2020 M-78, East Lansing, MI 48823

LOCATION: 2020 M-78
PARCEL ID: 04-226-016
ZONING DISTRICT: RR (Rural Residential)

The variance requested is to allow the construction and subsequent rental for an oversize Accessory Dwelling Unit.

Principal Planner Shorkey outlined the case for discussion, noting that this is coming from a new ordinance related to accessory dwellings.

Applicant B.K. Singh provided an explanation for the request.

Chair Mansour asked if the proposed ADU would be built into the existing structure or if the existing structure would be demolished and rebuilt. Principal Planer Shorkey clarified that the proposal is to remodel the existing structure into an ADU, that ADUs can be attached but must be autonomous.

Vice-Chair Koenig noted that accessory uses need to be subordinate to the primary use and asked for the square footage of the remaining portion, when the ADU portion has been subtracted. Mr. Singh stated that it is about 1900 square feet.

Member Trezise stated that the purpose of the ADU ordinance is to allow relatively small additions to have two dwelling units on a single plat which isn't regularly allowed in a residential area and said that this appears to be subdividing and calling it an ADU under an act that doesn't envision this purpose. He asked if this zoning allows for a duplex. Principal Planner Shorkey stated that duplexes are not allowed in RR (Rural Residential) zoning.

Chair Mansour noted that the question she has, with respect to the fact that the structure is existing, is the size requested in the variance appropriate with respect to the ADU ordinance. Vice-chair Koenig concurred.

Member Trezise asked about the presence of the secondary access to the barn structure at the rear of the property, how it would affect the requirement that the vehicular access to the ADU be the same as the primary residence. Principal Planner Shorkey stated that the intent of the ordinance is that a new driveway cannot be built for access to an ADU. Additionally, for this property the applicant still needs to provide the documentation from MDOT that shows that the secondary access meets their requirements as a driveway – without that documentation, the ADU resident will need to use the main driveway.

Member Trezise stated that his problem with the variance is that it asks to create a duplex in an area that does not permit duplexes by calling it an ADU that exceeds the limits provided by the ordinance. Vice-chair Koenig concurred. Chair Mansour asked for more information regarding the distinction between duplex and ADU. Principal Planner Shorkey clarified that an ADU is 600 square feet, uses the same parking as the primary unit, that the utilities must connect to the primary unit.

Vice-chair Koenig suggested going through the criteria to break down the board's questions. He stated that he agrees to using an existing space because it doesn't make sense to ask a property owner to tear down and rebuild to meet a square footage requirement, but he questions that the amount of square footage being requested meets the intent of the ADU ordinance and has concerns about the secondary access being used as a driveway for the ADU.

Chair Mansour stated that she is uncertain that the circumstances are not unique to this property, acknowledging that this variance does not create precedent for other properties. Trustee Trezise stated that he does not recognize the desire of the owner to subdivide a home in an RR district to be a unique circumstance. Chair Mansour asked for more details about the addition built in 2008. Mr. Singh stated that the currently the space is vacant and has most of the requirements to make it a separate living space, that it was used when his children lived in the property, that he moved into the addition that was approved in 2008, and the proposed ADU is the original structure. Chair Mansour stated that this seems like a self-created circumstance, acknowledging that the space made more sense when there were more people living in the home, and that she does not think it meets criteria one.

Chair Mansour stated that it does not meet criteria two because there is no practical difficulty to the home being used as the zoning permits. Vice-Chair Koenig noted that the portion being proposed for an ADU could potentially be made smaller or that it be a separate structure and it could and meet the intent of the ordinance, which would help it meet this criterion as well as potentially meet the other criteria. Principal Planner Shorkey noted that the property could be rezoned from RR to RDD, where duplexes are permitted because it neighbors existing RDD. Chair Mansour asked the applicant if he had considered applying for rezoning versus

requesting a variance. Mr. Singh indicated that rezoning would be a longer process than the variance process, Principal Planner Shorkey concurred. Chair Mansour thanked the applicant and Principal Planner Shorkey for the additional information, agreed that it makes sense to try to get an ADU approved before asking for rezoning, but stated that she still couldn't agree that it meets the criteria.

Chair Mansour stated that, with respect to the discussion, criteria three cannot be met.

Chair Mansour stated that she is not concerned about this variance affecting adjacent land and it meets criteria four.

Chair Mansour stated that she does not think this variance is in the spirit of the ADU ordinance because it is very new and there are few existing properties that have met the ordinance without a variance to be able to determine if this variance is consistent with the intent of the ordinance.

The board determined that the variance does not meet all five of the application criteria.

Vice-chair Koenig reminded the applicant that there are other avenues for having a second residence on his property even though the board has denied the request and welcomed the applicant to try a different route.

Member Trezise moved to deny the ZBA Case No. 24-10 (2020 M-78) for the inability to meet criteria 1, 2, 3, & 5. Seconded by Member Brooks.

ROLL CALL VOTE YEAS: Chair Mansour, Vice-Chair Koenig, Members Brooks, Trezise

NAYS: None

Motion carried: 4-0

7. OTHER BUSINESS
NONE

8. PUBLIC REMARKS
NONE

9. BOARD MEMBER COMMENTS
NONE

10. ADJOURNMENT

Chair Mansour adjourned the September 18th, 2024 regular meeting for the Meridian Township Zoning Board of Appeals. Approved unanimously.

Meeting adjourned at 8:31 pm.