

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JUNE 12, 2013, 6:30 PM
TOWN HALL ROOM, OPEN TO PUBLIC**

- A. CALL MEETING TO ORDER**
- B. APPROVAL OF AGENDA**
- C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES**
 - o Wednesday May 22, 2013
- D. UNFINISHED BUSINESS**
- E. NEW BUSINESS**

- 1. **ZBA CASE NO. 13-06-12-1 HAROLD L. TWINING, 3510 DOBIE ROAD, OKEMOS, MI**
 - DESCRIPTION: 3510 Dobie Road
 - TAX PARCEL: 34-452-028
 - ZONING DISTRICT: RAA (Single Family, Low Density)

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

- Section 86-565(1), which states, no accessory building shall project into any front yard.

The applicant is proposing to construct an accessory building (detached shed) in the front yard along Jolly Road; therefore the applicant is requesting a variance.

- 2. **ZBA CASE NO. 13-06-12-2 MICHAEL STEVENS/STEVENS ASSOCIATES BUILDERS, P.O. BOX 127, GRAND LEDGE, MI 48837**
 - DESCRIPTION: 4650 Moore Street
 - TAX PARCEL: 21-429-003
 - ZONING DISTRICT: PO (Professional Office)

The applicant is requesting variances from the following sections of the Code of Ordinances:

- Section 86-618(2), which states nonconforming structures, other than single-family structures, may be altered, expanded, or modernized without prior approval of the zoning board of appeals; provided, that structural alterations or extensions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.
- Section 86-755, which states for businesses with a gross floor area less than 25,000 square feet: five parking spaces per 1,000 square feet (minimum) to 5 ½ parking spaces per 1,000 square feet (maximum) are required.

The applicant is requesting to construct an addition onto a nonconforming building (office building) and provide an insufficient number of parking spaces at 4650 Moore Street; therefore the applicant is requesting variances.

3. ZBA CASE NO. 13-06-12-3 CAROL F. PRESTON, 1341 BISCAYNE WAY, HASLETT, MI 48840
DESCRIPTION: 1341 Biscayne Way
TAX PARCEL: 11-380-009
ZONING DISTRICT: RA (Single Family, Medium Density)

The applicant had requested a variance from Section 86-564(b) for a proposed deck to be located closer to the rear lot line than permitted. The applicant intends to reduce the size of the deck in order to meet the required rear yard setback and has withdrawn the variance request.

☛ 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.

F. OTHER BUSINESS

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. POST SCRIPT -CAROL OHLROGGE

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.

BRETT DREYFUS
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, MAY 22, 2013

PRESENT: Members, Jackson, Deschaine (alt.), Ohlrogge, Hershiser, Chair Beauchine,
ABSENT: Member LeGoff
STAFF: Martha Wyatt, Associate Planner/Landscape Architect;
Mark Kieselbach, Director of Community Planning & Development

A. CALL MEETING TO ORDER

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

B. APPROVAL OF AGENDA

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA AS WRITTEN

SECONDED BY MEMBER JACKSON

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, May 8, 2013

MEMBER HERSHISER MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER JACKSON

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

1. ZBA CASE NO. 13-05-22-1 EXP U.S. SERVICES, INC., 150 E. GAY STREET SUITE 1510, COLUMBUS, OH 43215

DESCRIPTION: 1659 Grand River Avenue
TAX PARCEL: 22-403-001
ZONING DISTRICT: C-2 (Commercial)

The applicant is requesting variances from the following sections of the Code of Ordinances:

- Section 86-502, which states authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, or breezeway, or similar structures, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally part of it and shall comply in all respects with the requirements applicable with the principal building. An accessory building not attached and not made part of the principal building as provided in the preceding statement shall not be nearer than ten feet.
- Section 86-506, which states no fenced, wall, or screen shall be erected higher than six feet, as measured from the ground upon which it sits to the highest point.
- Section 86-565(1), which states, no accessory building shall project into any front yard.
- Section 86-618(2), which states nonconforming structures, other than single-family

structures, may be altered, expanded, or modernized without prior approval of the zoning board of appeals; provided, that structural alterations or extensions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.

- Section 86-755, which states for businesses with a gross floor area less than 25,000 square feet: five parking spaces per 1,000 square feet (minimum) to 5 ½ parking spaces per 1,000 square feet (maximum) are required.

The applicant is proposing to add onto a nonconforming structure (convenience store), construct an accessory building in the front yard (detached accessory building and dumpster enclosure), construct a wall (dumpster enclosure) which exceeds the maximum allowed height, and provide less than the required number of parking spaces at the Speedway gasoline station; therefore the applicant is requesting variances.

Ms. Wyatt outlined the case for discussion.

Mr. Christopher Jolley, EXP U.S. Services, 150 E. Gay St., Columbus, Ohio, the applicant, asked the Board to consider the fact customers often park in the gas pump area when considering the number of parking spaces.

Chair Beauchine commented the applicant's impervious surface as proposed is still less than allowed by ordinance. He stated there are practical difficulties in the case because the property has a road on each side. He asked if the dumpster would be screened and if the height of the screen would be within the ordinance.

Ms. Wyatt replied the dumpster would be screened and the screen height does not exceed the height allowed by ordinance.

Chair Beauchine asked staff if the building projected into the right of way could it be a problem with the Ingham County Department of Roads and Transportation in the future.

Mr. Kieselbach replied the building is not a hazard and he did not think there would be problems in the future unless there was damage to the building.

Member Hershiser commented the amount of parking is not an issue because most people will park at the pump and go into the store. He discussed the Review Criteria (Section 86-221) and how the case meets the criteria. He said there are unique circumstances which are not self-created. There would be practical difficulties if the applicant was not able to make the changes as proposed which would make doing business in the location very difficult. He said the changes are modest and seem to be the least the applicant could do to improve the property. Member Hershiser said granting the variance would not adversely affect adjacent land or the essential character of the property. He said the modifications would be generally consistent with the public interest.

Member Ohlrogge asked the applicant to explain the retention pond proposed for the property.

Mr. Jolley explained the pond is already in existence. The pond is there to collect storm water runoff and remains dry unless there is a major rain event.

Member Jackson asked how far the proposed addition at the south of the property extends into the setback.

Mr. Jolley stated the proposed addition is within the previously granted variance.

Ms. Wyatt explained because the existing building is non-conforming the applicant must request the variance but the proposed addition will not increase the non-conformity on the south side.

MEMBER HERSHIER MOVED TO APPROVE THE VARIANCES AS REQUESTED.

SECONDED BY MEMBER DESCHAINE.

Member Ohlrogge said she was concerned there would not be enough parking spaces.

Ms. Wyatt displayed a photo showing the parking area and Member Ohlrogge agreed there would be enough space for parking if the spaces at the pumps were considered.

VOICE VOTE: YES: Member Hershiser, Deschaine, Jackson, Ohlrogge and Chair Beauchine

NO: None

Motion carries 5-0

2. ZBA CASE NO. 13-05-22-2 DAVID CORBETT, 200 FROST, WILLIAMSTON, MI 48895

DESCRIPTION: 1608 Bass Street

TAX PARCEL: 03-454-014

ZONING DISTRICT: RB (Single Family, High Density) & RD (Multiple Family, Low Density)

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

- Section 86-442(f)(9)b., which states a driveway shall not occupy more than 35 percent of the total area of the front yard for residential lots 65 feet or greater in width at the street line.

The applicant is requesting to install a driveway which exceeds the maximum allowed coverage of the front yard; therefore the applicant is requesting a variance.

Ms. Wyatt outlined the case for discussion.

Mr. David Corbett, 200 Frost Road, Williamston, the applicant and owner's representative, explained the resident is blind and the driveway would increase safety for her. He said when the resident is picked up to go somewhere she must exit her house at the front and there is no cover (roofed area) to protect her from the elements. He displayed a note from the residents Doctor stating she needs a carport for safety reasons. He also displayed a letter from the Postmaster who has agreed to the importance of having the turnaround because the mail delivery person has to back up approximately 150 feet down Bass Street because there is no place to turn around. He stated there are no neighbors to the west and the other neighbors are not able to see the driveway.

Chair Beauchine commented Bass Street is extremely narrow and there should be a place to turn around. He said the property has a large amount of green space to the west which would help to mitigate any concerns about impervious surface coverage.

Member Hershiser said the amount of green space would help him with supporting the variance.

Member Ohlrogge asked if it would be possible to make the zoning the same across the entire property.

Ms. Wyatt answered the property could be rezoned but it would depend on what the Township Board decided if the applicant requested it.

Member Hershiser commented a change in zoning would not matter in this case.

Member Jackson commented the Planning Commission can sometimes help in these situations but it would have to be requested by the property owner and would not aid much in this situation.

Member Ohlrogge reminded the applicant the Zoning Board of Appeals must consider the needs of the property in question and not the individual needs of the resident. She said the circumstances are indeed special and not self created. She commented the narrowness of the street is a safety issue for the community as well as the resident.

Member Hershiser stated there are clearly practical difficulties which would be burdensome to the resident and community and he would support the variance because it meets the majority of the Review Criteria (Section 86-221).

Member Ohlrogge said she would support the variance as well.

MEMBER DESCHAINE MOVED TO GRANT THE VARIANCE

SECONDED BY MEMBER HERSHISER

VOICE VOTE: YES: Member Deschaine, Hershiser, Ohlrogge, Jackson and Chair Beauchine.

NO: None

Motion carries: 5-0.

3. ZBA CASE NO. 13-05-22-3 KEVIN SCHOEN & LYNDIA GAUTHIER, 6102 COLUMBIA STREET, HASLETT, MI 48840
- | | |
|------------------|----------------------------------|
| DESCRIPTION: | 6102 Columbia Street |
| TAX PARCEL: | 03-476-001 |
| ZONING DISTRICT: | RB (Single Family, High Density) |

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

- Section 86-442(f)(9)a., which states a driveway shall not occupy more than 50 percent of the total area of the front yard for residential lots created prior to October 5, 1960, and are less than 65 feet in width at the street line.

The applicant is requesting to install a driveway which exceeds the maximum allowed coverage of the front yard; therefore the applicant is requesting a variance.

Ms. Wyatt outlined the case for discussion.

Mr. Kevin Schoen, 6102 Columbia Street, Haslett, the applicant, explained he wants to move the driveway to the south and fix the encroachment to the north. He said the proposed driveway would be constructed of brick but he would consider a pervious pavement.

Member Hershiser asked Ms. Wyatt if brick is considered pervious or impervious.

Ms. Wyatt stated brick is considered impervious.

Member Ohlrogge asked Ms. Wyatt if the current drive is approximately 63% of the front yard.

Ms. Wyatt said that was correct.

Chair Beauchine commented a driveway is necessary. He asked Ms. Wyatt if the driveway was no wider than the garage door could it be done without a variance.

Ms. Wyatt responded the driveway would still cover more of the front yard than allowed by ordinance because the lot is so narrow there is not enough space in the front yard.

Member Hershiser commented a driveway is a necessity and it should be paved. He asked the applicant if they would be willing to use pervious materials to pave the driveway.

Mr. Schoen replied they would consider using pervious surfacing and would agree to have it approved by the Township before installation. He explained they are one of the low points on the street and get a lot of water in the spring. They would want paving that will allow the water to drain through and not pool on top of the pavement.

Member Hershiser asked staff if the applicant had proposed pervious material in the beginning of the project if they would need a variance.

Ms. Wyatt explained the applicant would need a variance either way.

MEMBER DESCHAIINE MOVED TO APPROVE WITH THE CONDITION THE MATERIAL USED FOR PAVING BE PERVIOUS AND APPROVED BY THE DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT.

SECONDED BY MEMBER HERSHISER

CHAIR BEAUCHINE OFFERED A FRIENDLY AMENDMENT STATING THE APPLICANT MUST REMOVE THE OLD DRIVEWAY AND ANY ENCROACHMENT TO THE SOUTH BEFORE INSTALLING THE NEW DRIVEWAY.

MEMBER DESCHAIINE AND MEMBER HERSHIER BOTH ACCEPTED THE AMENDMENT.

VOICE VOTE: YES: Member Deschaine, Hershiser, Jackson, Ohlrogge and Chair Beauchine
NO: None
Motion carries: 5-0.

F. OTHER BUSINESS

None

G. PUBLIC REMARKS

None

H. BOARD MEMBER COMMENTS

Chair Beauchine commented the Township needs to enforce the sign ordinance on a consistent basis. He said there are "temporary" signs placed next to the road frequently which are not allowed. He remarked trained professionals should be allowed to report or remove the signs. He commented a fine might help keep the signs to a minimum.

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 8:00 p.m.

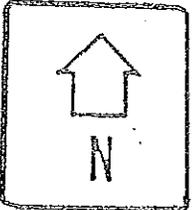
Respectfully Submitted,

Angela M. Ryan
Recording Secretary



LOCATION MAP

1. ZBA CASE NO. 13-06-12-1
2. ZBA CASE NO. 13-06-12-2



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 the Ordinance would result in practical difficulties.
4. 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 or would render conformity with such restrictions unnecessarily burdensome.
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, the purposes and intent of this Zoning Ordinance.

Effect of Variance Approval:

1. Granting a variance shall authorize only the purpose for which it was granted.
2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
3. A building permit must be applied for within 24 months of the date of the approval of the variance, and a Certificate of occupancy must be issued within 18 months of the date the building permit was issued, otherwise the variance shall be null and void.

Reapplication:

1. No application for a variance, which has been denied wholly or in part by the Zoning Board of appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Board of Appeals to be sufficient to justify consideration.

MEMORANDUM

TO: Zoning Board of Appeals

FROM: Martha K. Wyatt
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: June 7, 2013

RE: ZBA Case No. 13-06-12-1

ZBA CASE NO.: 13-06-12-1 HAROLD L. TWINING, 3510 DOBIE ROAD, OKEMOS, MI 48864
DESCRIPTION: 3510 Dobie Road
TAX PARCEL: 34-452-028
ZONING DISTRICT: RAA (Single Family, Low Density)

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

- Section 86-565(1), which states, no accessory building shall project into any front yard.

The applicant is proposing to construct a detached shed in the front yard at 3510 Dobie Road. The subject site is located at the northeast corner of Dobie Road and Jolly Road and has two (2) front yards; one along the frontage of Dobie Road and one along the frontage of Jolly Road. The proposed shed is approximately 12 feet by 16 feet, or approximately 192 square feet. A building permit is not required for the shed.

The applicant intends to locate the shed south of the house, in the front yard along the frontage of Jolly Road. The submitted photograph of the proposed shed shows the shed doors on the longest dimension of the shed however the applicant has noted the doors will be on the short end of the shed (west façade). The shed would be located approximately 23 feet south of the garage, four (4) feet south of the wood fence, and 11 feet west from an existing at-grade deck. The front yard setbacks do not apply to an accessory building however for informational purposes the required setbacks are as follows:

- Dobie Road: 85 feet from the centerline
- Jolly Road: 100 feet from the centerline

At the closest point, the proposed shed is located approximately 111 feet from the centerline of Dobie Road and 104 feet from the centerline of Jolly Road.

An accessory building is not permitted to project into the front yard per Section 86-565(1). The applicant is requesting a variance for the proposed detached shed to project into the front yard along the frontage of Jolly Road.

Site History

- The lot is part of the Hiawatha Park Subdivision No.1, which was approved in 1952.
- The house was constructed in 1974 under PB #09463.
- An addition was constructed onto the rear of the house (east façade) under PB #98-0755.
- A deck was constructed onto the rear side of the house (east façade) under PB #99-0359.

Attachments

1. Application
2. Site Location Map
3. Letter from Applicant dated May 15, 2013
4. Letter from Denice Cornelius, dated May 31, 2013
5. E-mail and Survey from Jim Clark, received on May 6, 2013
6. Photographs from Applicant
7. Elevation of Proposed Shed
8. Survey with Proposed Shed

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

VARIANCE APPLICATION

A. Applicant Harold L. Twining
Address of Applicant 3510 DOBIE Rd
OKEMOS, MI 48864
Telephone (Work) 517-381-8841 Telephone (Home) 517-349-1999
Fax N/A Email address: h.twining@comcast.net
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 3510 Dobie Rd OKEMOS, MI 48864
Zoning district RAA Parcel number 99 34-452-028

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) _____

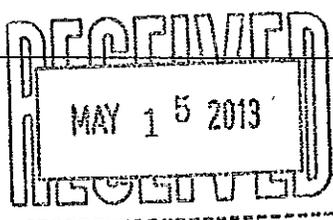
D. Required Supporting Material Supporting Material if Applicable
-Property survey -Architectural sketches
-Legal description -Other
-Proof of property ownership or approval letter from owner
-Site plan to scale
-Written statement, which demonstrates how all the review criteria will be met (See next page)

Harold L Twining Harold L Twining 5-15-13
Signature of Applicant Print Name Date

Fee: 150.00 Received by/Date: Mantha K. Wyzet 5/15/13

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.**)

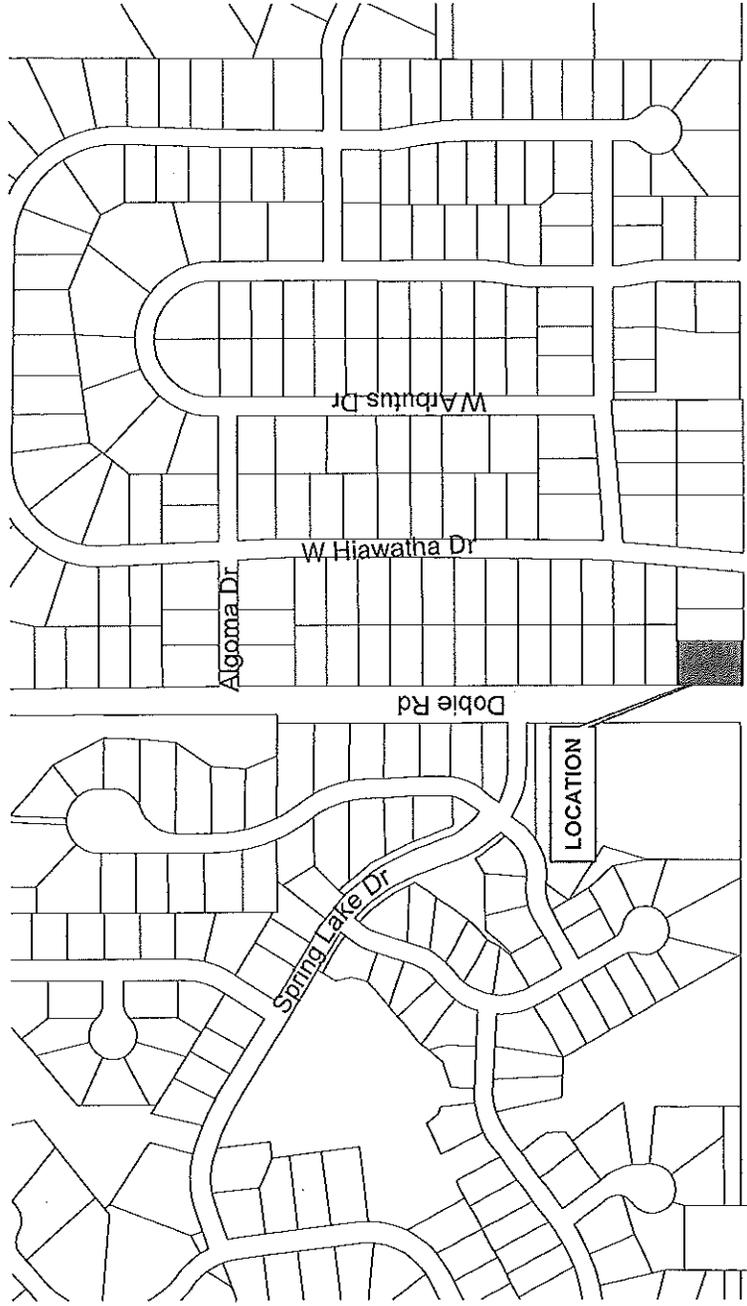
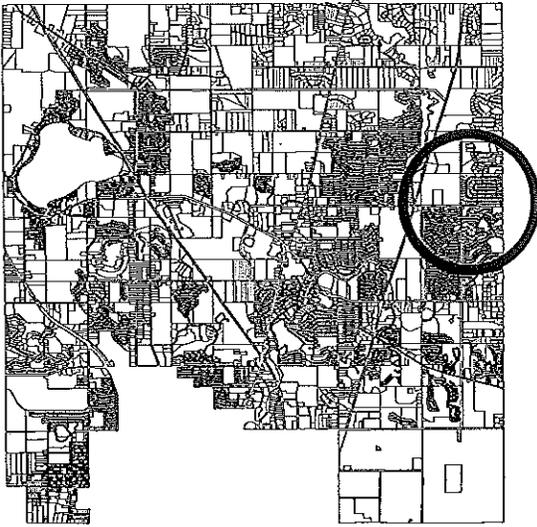
Harold L Twining 5-15-13.
Signature of Applicant(s) Date
Harold L Twining 5-15-13
Signature of Applicant(s) Date



**ZONING BOARD OF APPEALS #13-06-12-1
(HAROLD L. TWING)**

**REQUEST TO INSTALL ACCESSORY
BUILDING (SHED) IN FRONT YARD
AT 3510 DOBIE ROAD**

CHARTER TOWNSHIP OF MERIDIAN



Harold & Katherine Twining
3510 Dobie Road
Okemos, MI 48864
517.349.1999
517.881.8941 HT cell
517.881.8968 KT cell

May 15, 2013

Charter Township of Meridian
Planning Division
5151 Marsh Road
Okemos, MI 48864

RE: Variance Application

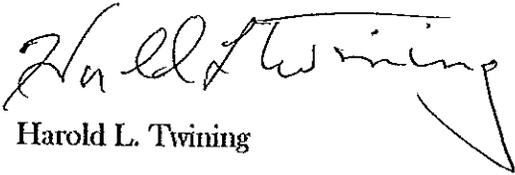
To Whom It May Concern:

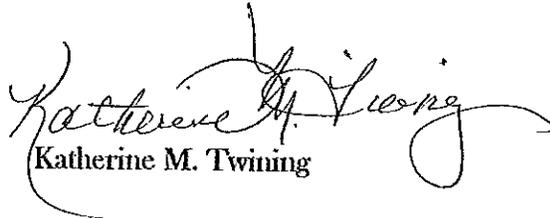
It is our desire to place a shed on our property in the area which is considered our front yard to the south of our home which faces Jolly Road, as we are located on the corner of Jolly and Dobie Roads. The actual front yard faces Dobie Road.

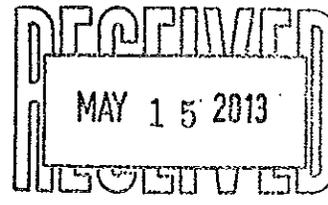
The unit we intend to place on our property (12 x 16) will not fit in the back yard. There are three large trees behind our home, and we cannot get to the back yard with the unit because the tree on the north side of the house is in the path. This would not allow a vehicle to enter the back yard area. There is also a large group of trees on the southeast side of our property.

Thank you for your consideration.

Sincerely,


Harold L. Twining


Katherine M. Twining





May 31, 2013

Zoning Board of Appeals
Charter Township of Meridian
Meridian Municipal Building
5151 Marsh Road
Okemos, MI 48864

ATTN: Martha Wyatt

RE: Zoning Board of Appeals #13-06-12-1 (Harold Twining)

Dear Ms. Wyatt

My name is Denice Cornelius and I live at 1660 Jolly Road, adjacent to Harold Twining's lot at 3510 Dobie Road.

I have no opposition to the variance request to construct an accessory building on Mr. Twining's property.

If there is anything else I can do to support Mr. Twining's request for a variance, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Denice Cornelius".

Denice Cornelius
(517)349-4067

Martha Wyatt

From: jc072651@aol.com
Sent: Thursday, June 06, 2013 2:31 PM
To: Martha Wyatt
Subject: Re: Zoning Bd of Appeals #13-06-12-1 (Twining)
Attachments: PostNet440.pdf

Martha,

Thanks for the diagram. IMO the shed would be fine...with the CONDITION that the fence be moved in order that the proposed shed be hidden BEHIND the fencing. I've attached my diagram to show this. Please pass this communication along to the ZBA if possible.

Jim Clark
3519 Apple Valley

-----Original Message-----

From: Martha Wyatt <wyatt@meridian.mi.us>
To: JC072651 <JC072651@aol.com>
Sent: Thu, Jun 6, 2013 1:19 pm
Subject: RE: Zoning Bd of Appeals #13-06-12-1 (Twining)

Hi Jim-

Attached is the survey showing the proposed shed. The scale is 1" = 40'.

Martha Wyatt
Associate Planner/Landscape Architect
Phone: 517.853.4580
Fax: 517.853.4095
wyatt@meridian.mi.us
www.meridian.mi.us

From: JC072651@aol.com [<mailto:JC072651@aol.com>]
Sent: Thursday, June 06, 2013 12:08 PM
To: Martha Wyatt
Subject: Re: Zoning Bd of Appeals #13-06-12-1 (Twining)

Is there a diagram of the property and where the proposed shed would be on the property that you could provide me via e-mail?

Jim

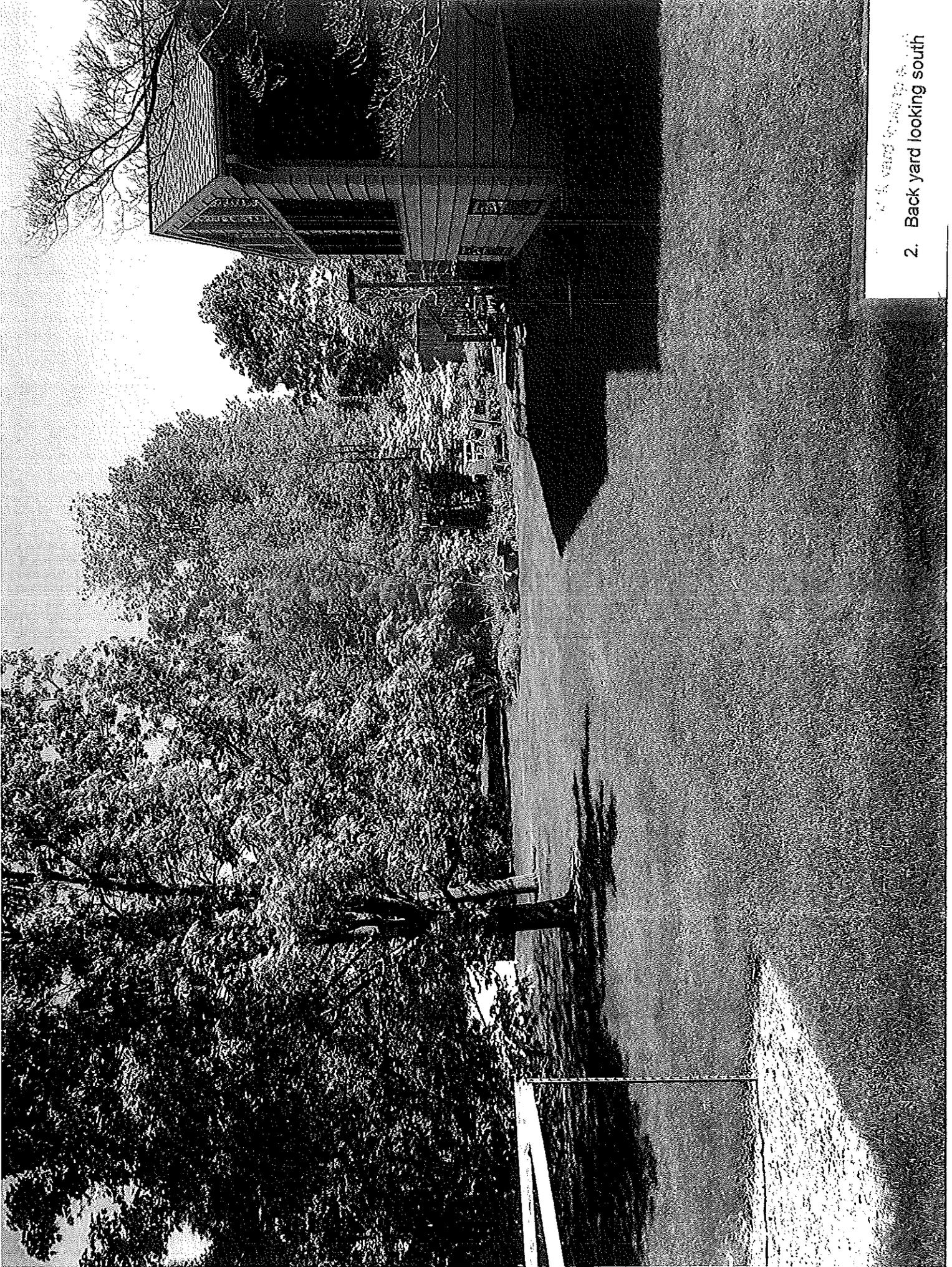
In a message dated 6/6/2013 11:56:05 A.M. Eastern Daylight Time, wyatt@meridian.mi.us writes:

Hi Mr. Clark-

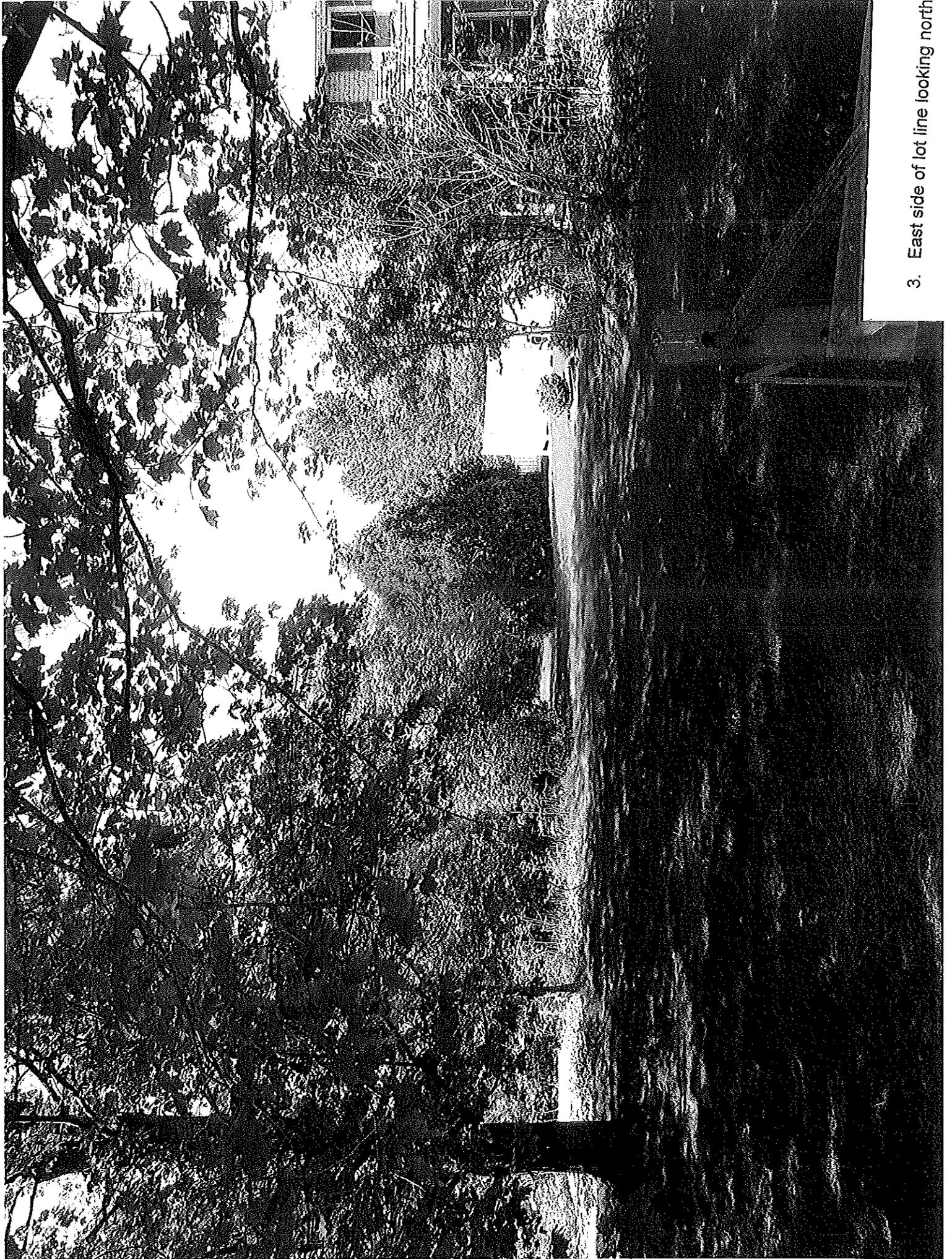
The proposed shed is to be located on the Jolly Road side of the property. The lot is a corner lot and per zoning standards the lot has 2 front yards-1 on Dobie Road and 1 on Jolly Road. The shed will be located approximately 4 feet south of the wood fence that is located south of the garage. I hope this helps you understand the request. Do you want your e-mail to be sent as a communication to the ZBA members as part of the staff memorandum I am writing for this case? Please let me know by today if possible (June 6, 2013).



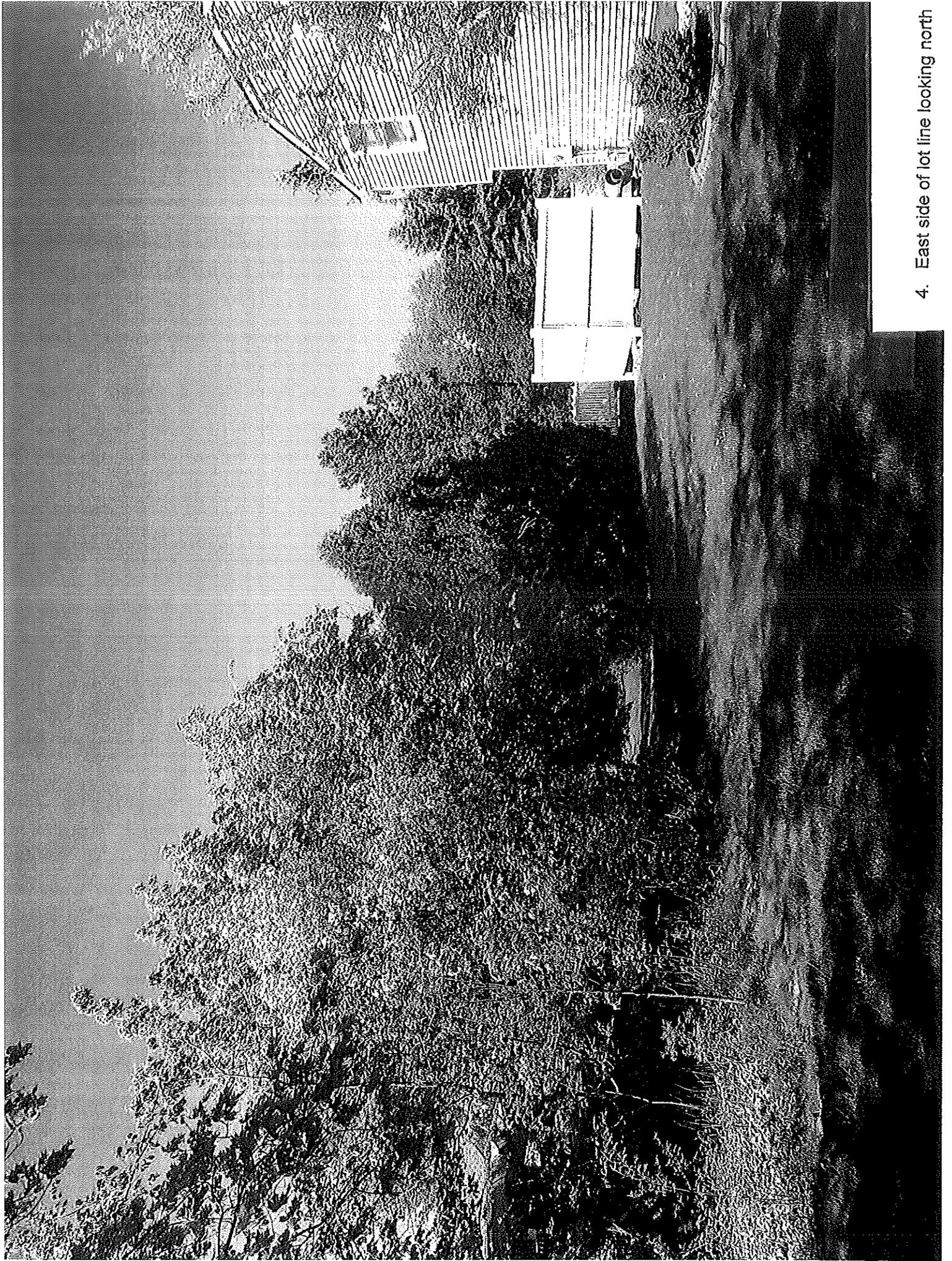
1. Back yard looking south



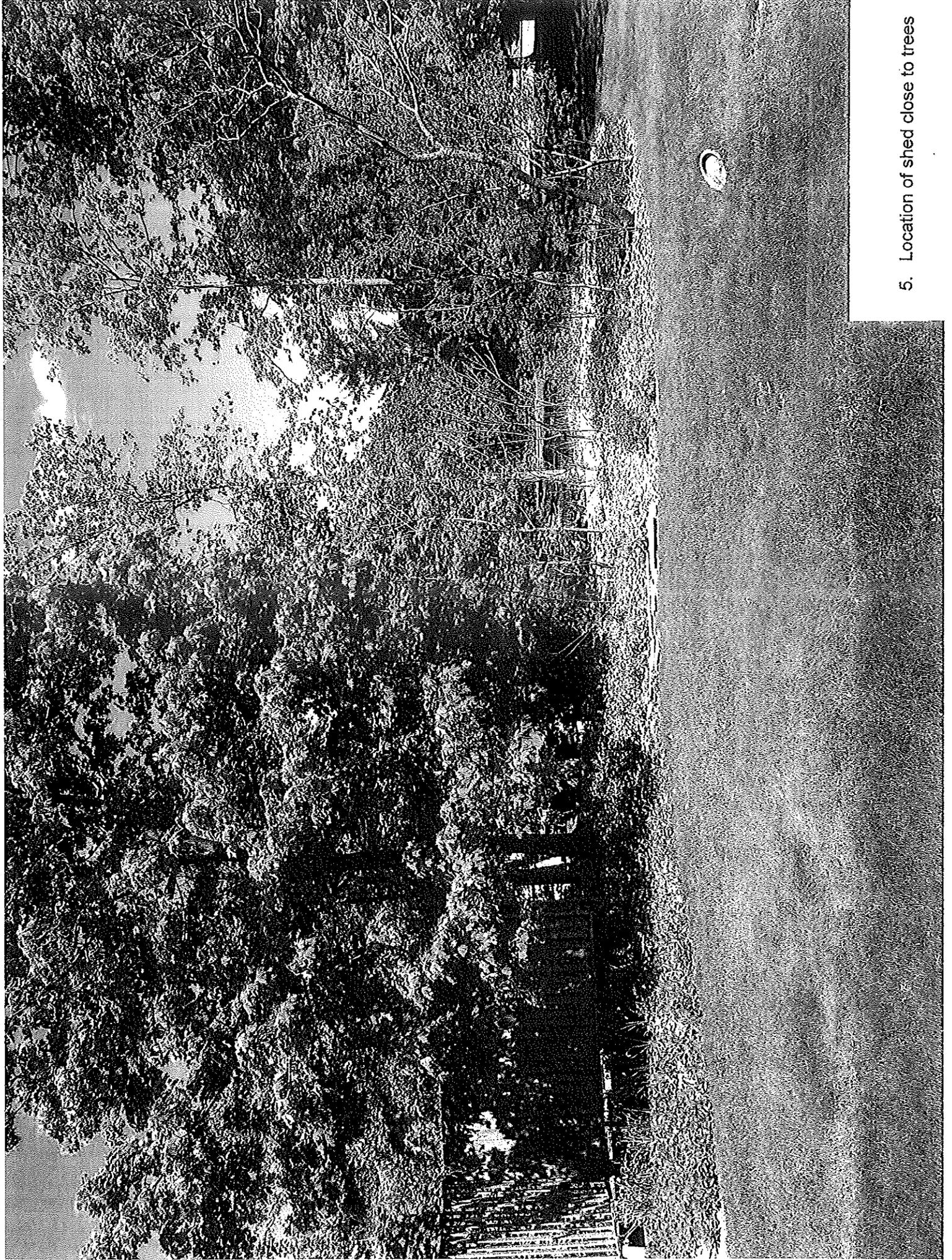
2. Back yard looking south



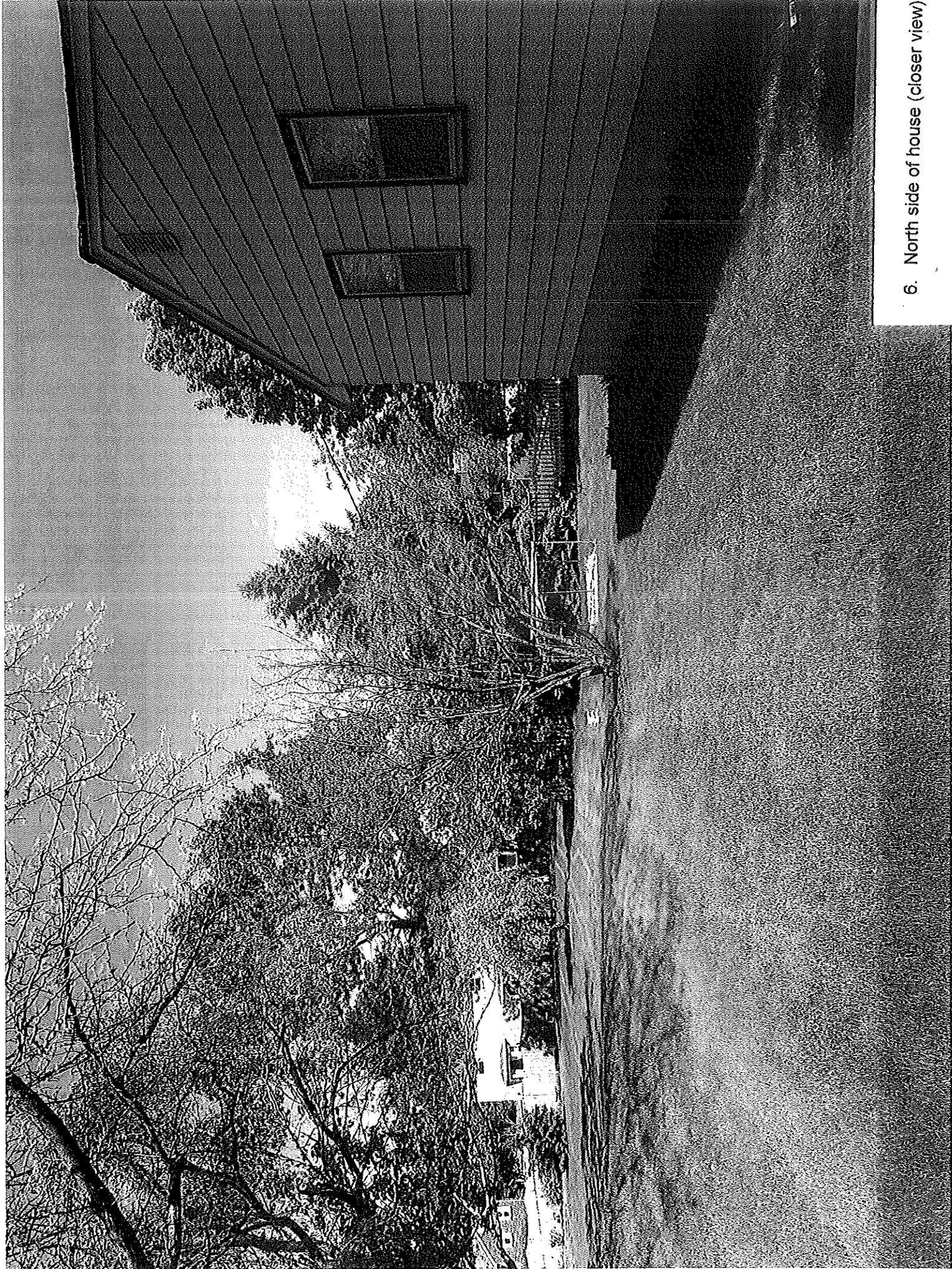
3. East side of lot line looking north



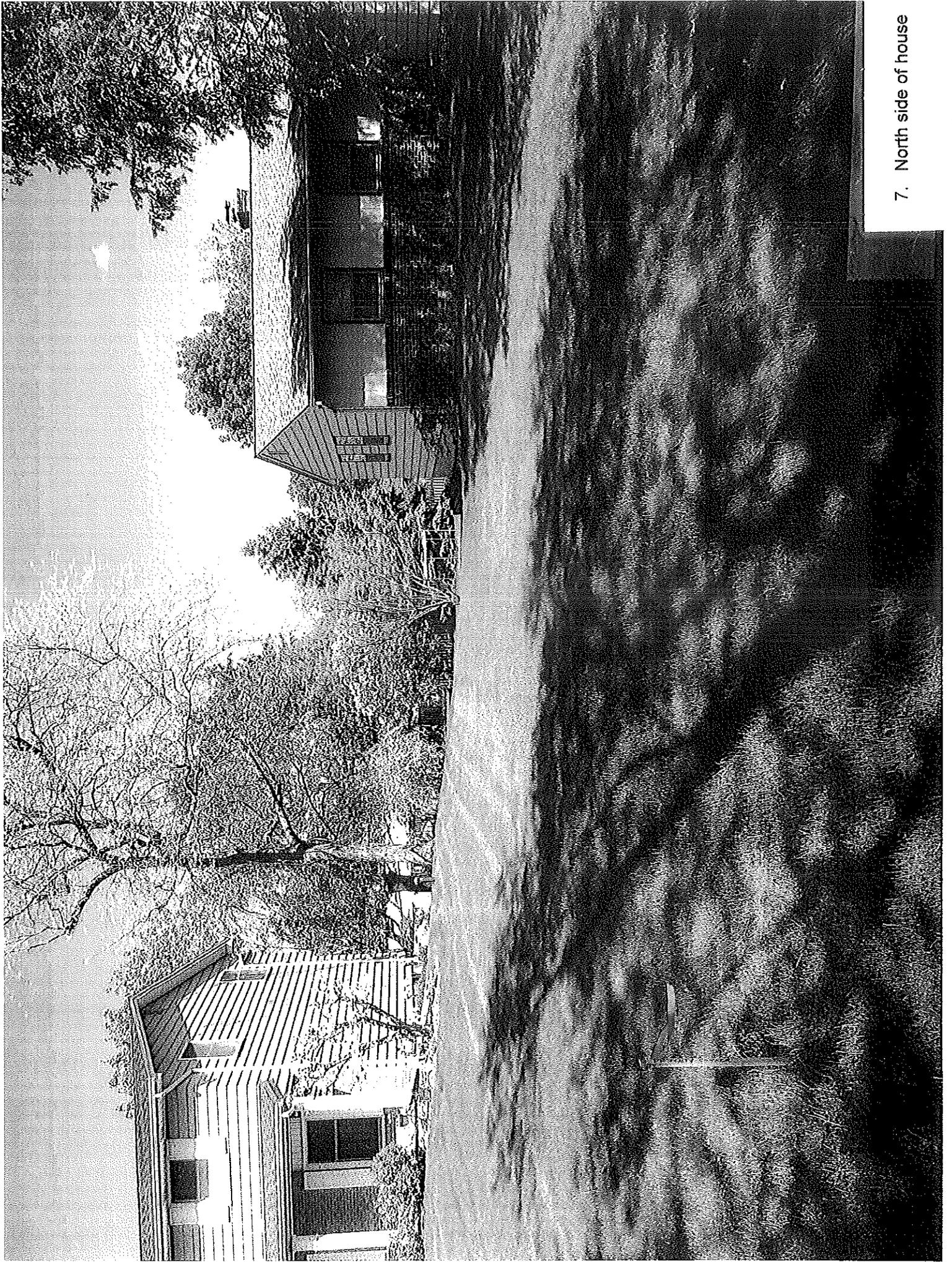
4. East side of lot line looking north



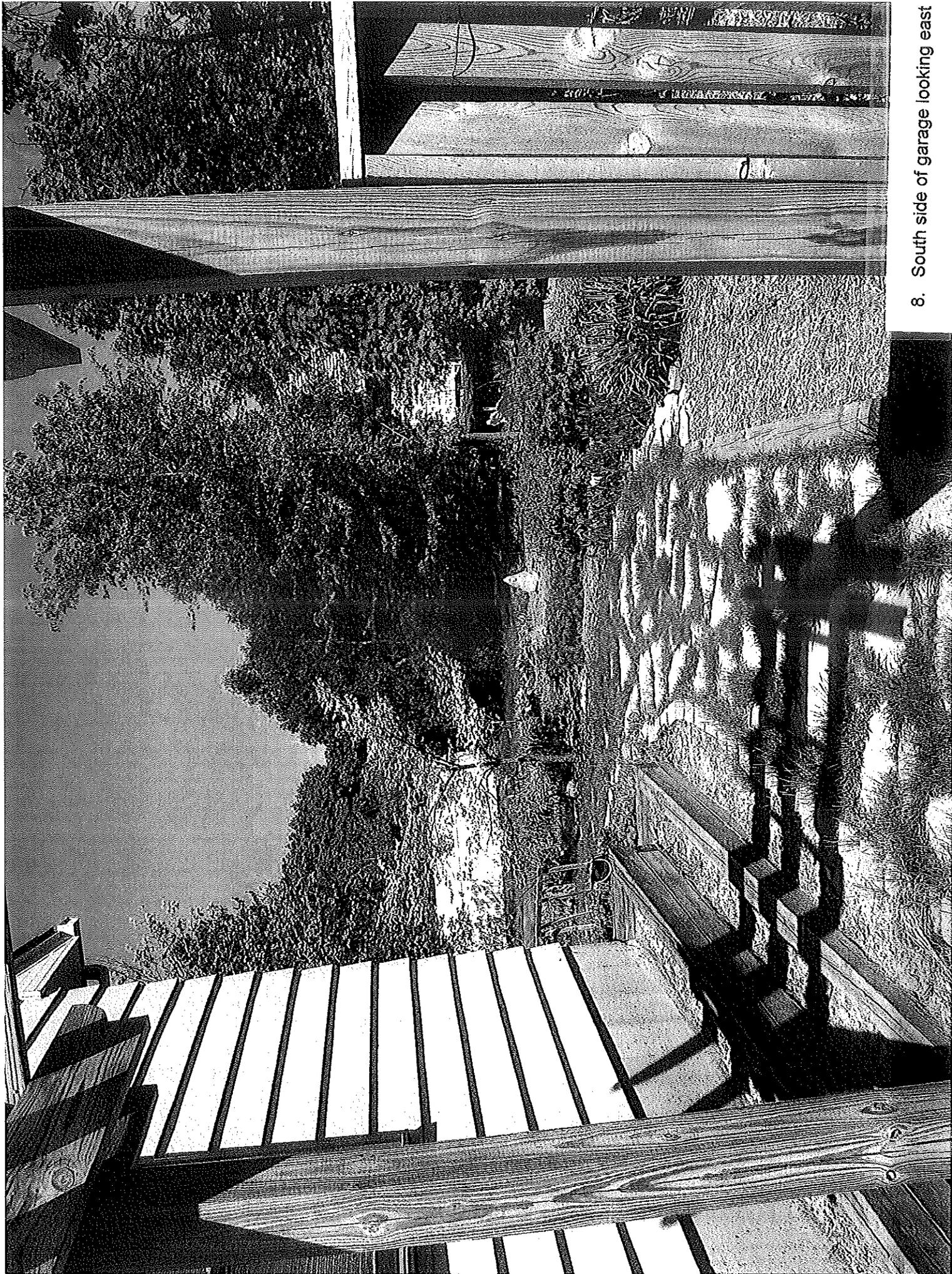
5. Location of shed close to trees



6. North side of house (closer view)



7. North side of house

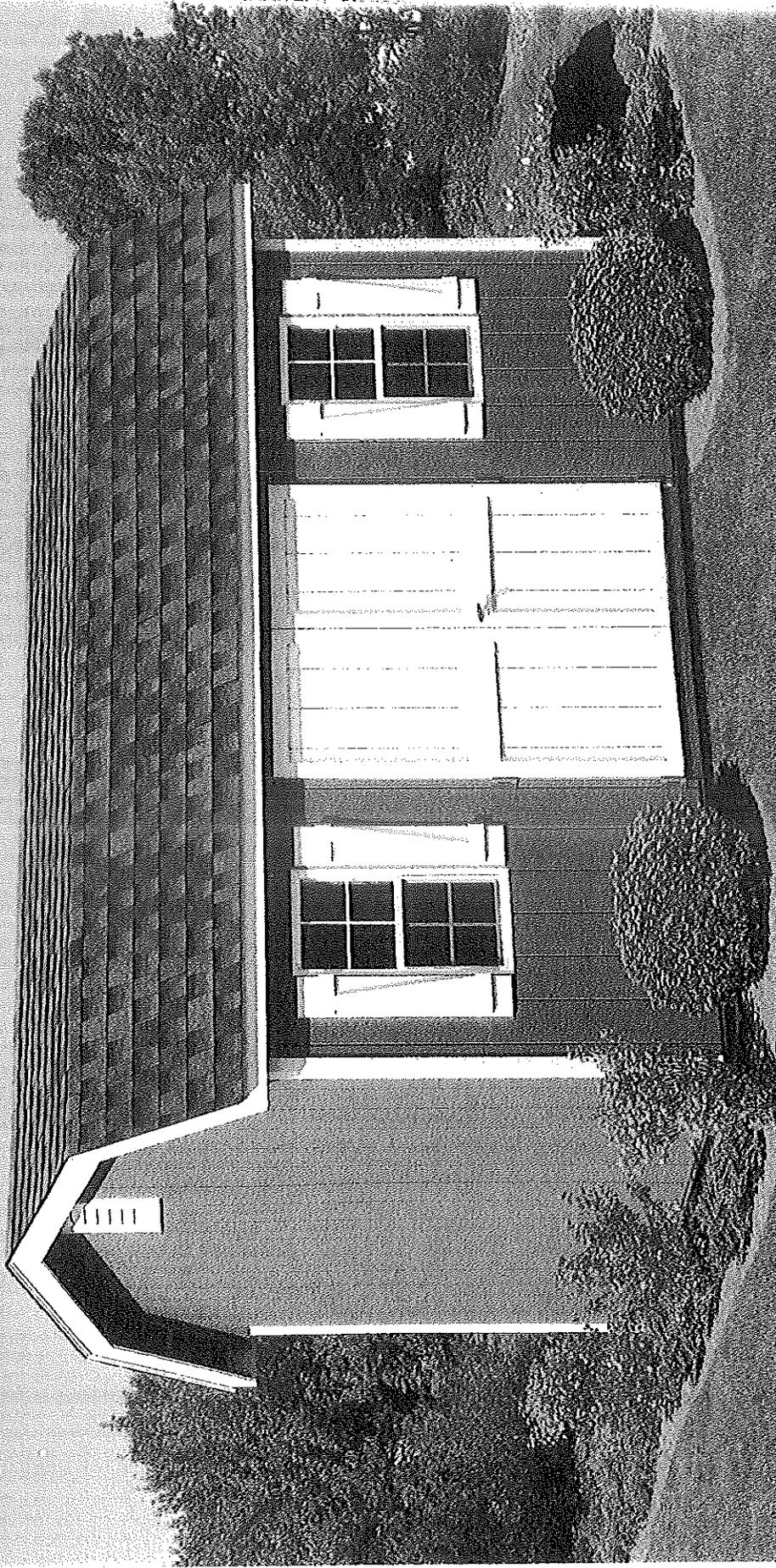
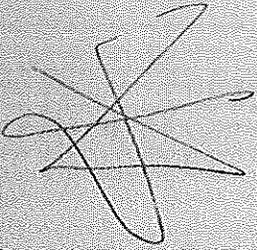


8. South side of garage looking east



9. South yard looking east

CLASSICS



12' x 16' DUTCH CLASSIC
Shown with optional wood vents
Avocado • Navajo Trim • Slate Roof

- (1) - NO WINDOWS
- (2) - Door on End
- (3) - Tan with dark trim To match house

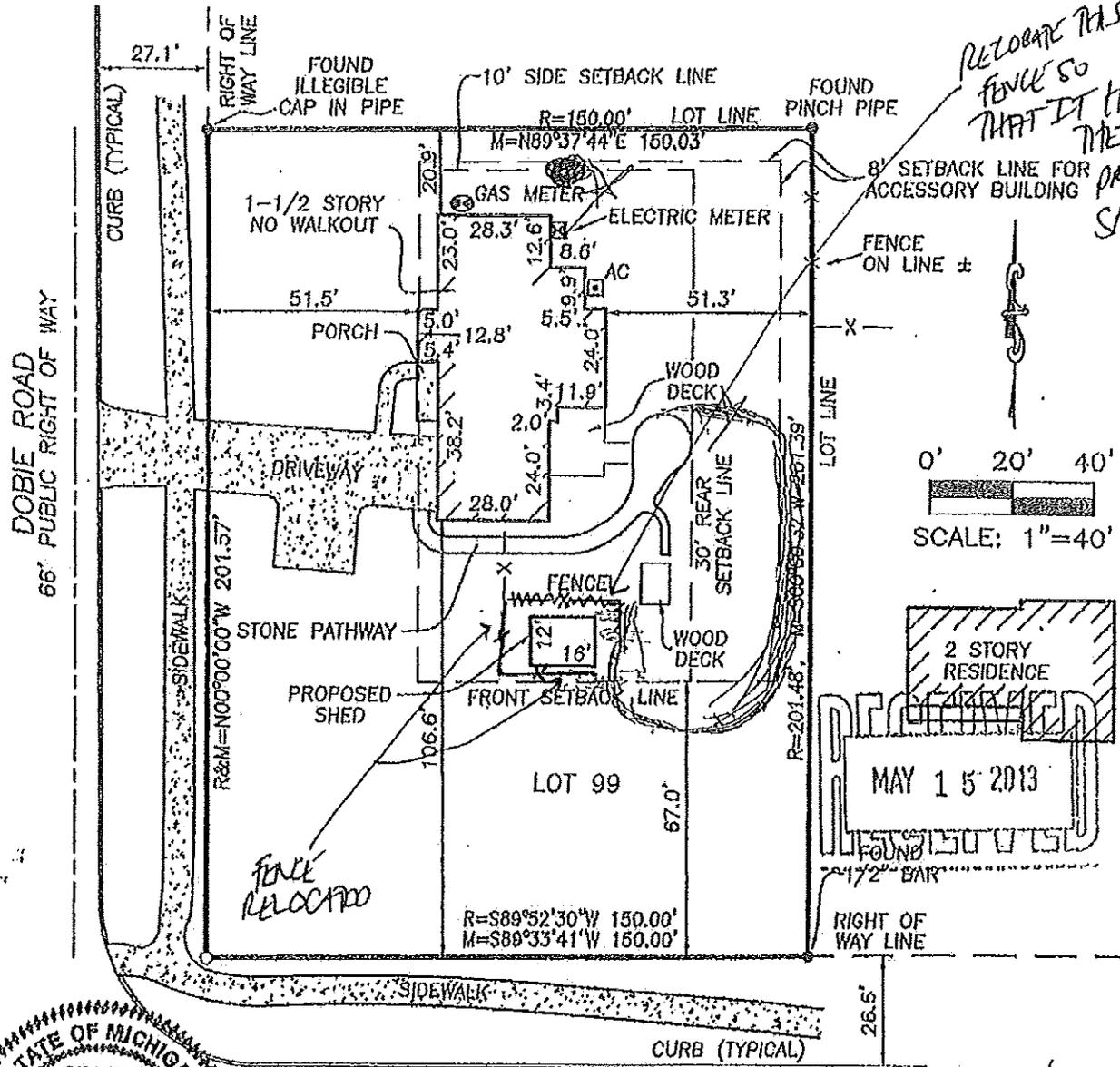
PREPARED
MAY 15 2013

PREPARED FOR:
 HAROLD TWining
 3510 DOBIE ROAD
 OKEMOS, MI

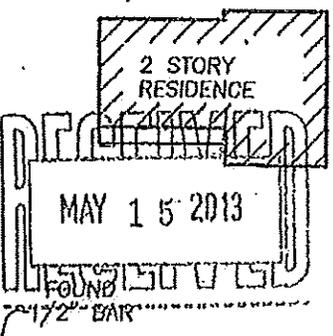
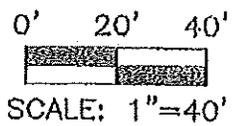
CERTIFIED LOT SURVEY
 SOUTHEAST 1/4, SECTION 34, MERIDIAN TOWNSHIP,
 T.4N, R.1W, INGHAM COUNTY, MICHIGAN.

LEGAL DESCRIPTION AS PROVIDED

Lot 99, Hiawatha Park No. 1, a subdivision of a part of the Southeast 1/4 of Section 34, T4N, R1W, Meridian Township, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 21 of Plats, Page 11, Ingham County Records.



RELOCATE THIS FENCE SO THAT IT HIDES THE PROPOSED SHED



RECEIVED
 JUN 06 2013

SURVEY CERTIFICATION:

I, Gilber M. Barish, certify that under my direct supervision, we have surveyed and prepared this certificate for the parcel described, that the improvements (if any) as shown on the map portion of this survey are completely within the boundary lines of the parcel, except as indicated, and that there are no visible encroachments of a permanent nature upon the premises described by the improvements of adjacent parcels, except as indicated.

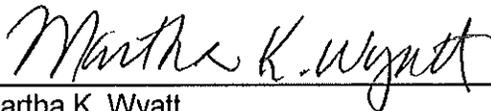
BEARING BASE:

BEARING ALONG THE EAST LINE OF DOBIE ROAD ARE BASED ON THE RECORDED PLAT OF HIAWATHA PARK NO. 1 BEARING SOUTH

**Trees/Streams*

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: June 7, 2013

RE: ZBA Case No. 13-06-12-2

ZBA CASE NO.: 13-06-12-2 MICHAEL STEVENS/STEVENS ASSOCIATES BUILDERS,
P.O. BOX 127, GRAND LEDGE, MI 48837
DESCRIPTION: 4650 Moore Street
TAX PARCEL: 21-409-003
ZONING DISTRICT: PO (Professional Office)

The applicant is requesting variances from the following sections of the Code of Ordinances:

- Section 86-618(2), which states nonconforming structures, other than single-family structures, may be altered, expanded, or modernized without prior approval of the zoning board of appeals; provided, that structural alterations or extensions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.
- Section 86-755, which states for general office, three parking spaces per 1,000 square feet of gross floor area (minimum) to four parking spaces per 1,000 square feet of gross floor area (maximum) are required.

The applicant, representing the owner (Smart Homes Smart Offices) is proposing to construct an approximate 768 square foot addition to the existing building located at 4650 Moore Street. The office building was constructed in 1975 and is approximately 3,088 square feet as currently configured. The building was formerly occupied by the Michigan Harness Horseman's Association. Smart Homes Smart Office recently purchased the building and has occupied the building since January 2013.

Approximately 2/3 of the existing building is 2-stories (west portion) and the eastern 1/3 of the building is 1-story. The proposed project includes a second floor addition (528 square feet) to the existing 1-story section of the building and an approximate 240 square foot, 1-story addition on the east façade. The second story addition is to be used as office space. The 1-story addition is an unconditioned storage room for the storage of lawn/yard equipment, per the owner's explanation. The total square footage of the building with the additions is approximately 3,856 gross square feet.

The proposed project requires site plan review approval however the applicant has not applied for site plan review as of the date of this memorandum. Staff has explained to the applicant the Zoning Board of Appeals bases its decisions on the site plans and information presented with the variance request. Any modification that would affect the intent of the variance would require approval by the Zoning Board of Appeals. As such, changes to the plans during site plan review could require additional variances from the Zoning Board of Appeals.

The variance requests are discussed by ordinance section number in this memorandum.

Section 86-618(2) Adding onto a Nonconforming Building

The existing building is considered nonconforming because the building does not meet current required setbacks for the side yard and the setback from the ordinary high water mark of the Red Cedar River. The required side yard setback in the PO district is 15 feet, per Section 86-432(d)(3)a. The existing building is located approximately 4.7 feet from the north lot line, at the closest point. The proposed addition, at its closest point, is located approximately 7.9 feet from the north lot line.

Section 86-618(2) states a nonconforming structure, other than a single-family structure, may be altered, expanded, or modernized without prior approval of the zoning board of appeals; provided, that structural alterations or extensions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.

Per Section 86-471(b)(3), the required structure and grading setback from the Red Cedar River is 50 feet as measured from the ordinary high water mark. Staff estimates the ordinary high water mark to be the "edge of water" as shown on the plan. The existing building at its closest point is located approximately 46 feet from the ordinary high water mark. The proposed addition, at its closest point, is located approximately 41 feet from the ordinary high water mark.

The proposed addition will increase the extent of the nonconforming building; therefore the applicant is requesting a variance.

Section 86-755 Parking Standards

The total gross square footage of the existing building (3,088 square feet) plus the proposed additions (768 square feet) is equal to 3,856 square feet. The required number of parking spaces for an office use is 3 (minimum) to 4 (maximum) spaces per 1,000 square feet of gross floor area. In this case 12 to 16 parking spaces are required.

The proposed plan, which is the same site plan that was approved in 1973 under Site Plan Review #73-12, indicates 10 parking spaces. The parking lot is not striped currently so staff could not confirm the number of parking spaces. The existing parking lot does not comply with the current parking design standards outlined in Section 86-756, regarding the parking layout, maneuvering lane width, required landscape buffers, and barrier-free parking. Staff is willing to allow the layout of the parking lot as shown on the 1973 site plan, except for the two (2) parking spaces located on the west side of the building (spaces that are perpendicular to the building).. These spaces require a vehicle to back out into on-coming traffic on Moore Street as there is no other way to get out of the parking lot.

Staff deems this design as unacceptable and cannot count these as parking spaces unless the Ingham County Department of Transportation and Roads has no concerns with the current parking pattern.

One (1) van accessible barrier-free parking space and access aisle are required as part of the proposed project. A loss of one (1) existing parking space is required to accommodate the 8-foot wide access aisle associated with the barrier-free parking space. If the two (2) parking spaces west of the building are not counted, this brings the total number of parking spaces to seven (7) parking spaces.

The parking lot will be required to be re-striped to reflect the changes noted above as part of site plan review. Staff has explained to the applicant, any modifications to the parking spaces or parking lot layout, except as noted above, may require the parking lot to be brought into compliance and additional variances may be required.

The owner has explained he has an informal agreement with Independent Bank, located at 2119 Hamilton Road, to use four (4) parking spaces on the bank site. Joint use of parking areas by two or more nonresidential uses is a possibility. The standards related to this are outlined in Section 86-753. A formal parking agreement has not been submitted to staff to review as of the date of this memorandum, thus staff cannot assume off-site parking could be provided.

Staff has noted on several occasions vehicles were parked on lawn areas adjacent to the subject site, in the road right-of-way of Moore Street. Staff has informed the applicant and the owner these are not considered as valid parking spaces regarding the parking count for the subject site. Also parking on the lawn in the road right-of way may be subject to ticketing from Meridian Township and the Ingham County Department of Transportation and Roads.

A minimum of 12 parking spaces are required, and seven (7) parking spaces are provided; therefore the applicant is requesting a variance. The following chart summarizes the variance request:

	Required Parking	Proposed Parking	Variance Request
Parking	12 spaces (minimum)	7 spaces	5 spaces

Per staff's request the property owner has submitted a summary of the business (Smart Homes Smart Offices) and information on daily parking needs for the business (e-mail dated June 5, 2013, from John Gilluly). Upon review of the summary, staff had concerns about certain aspects of the business and potential conflicts with the permitted uses in the Professional Office (PO) zoning district. The permitted uses for the PO district are outlined in Section 86-432, and generally include uses such as offices of architects, engineers, designers, and personnel employed for work in the fields of executive, administrative, legal writing, clerical, accounting, insurance and similar enterprises.

Smart Homes Smart Offices specializes in the design and installation of residential and commercial control systems, including lighting, audio and video, heating and cooling, home theatres, and security systems. A portion of the business is consistent with the uses permitted in PO such as design work, billing, clerical, and accounting. Other portions of the business include on-site storage of products (special orders of equipment for each client which are delivered to the subject site), the use and storage of company service vans, and service technicians operating out of the building. The service technicians are employees of the company and do the installation work at the client's home or office. The technicians report to the office, pick up supplies/products for their installation projects, and use their personal vehicle or the company van to go to the client's home or office.

The Director of Community Planning and Development has determined this portion of the business is a contractor's establishment which is not permitted in PO. Also, the on-site storage of products could be considered as a commercial use which is not permitted in PO. Staff has reviewed these concerns with the applicant and owner. Should the Zoning Board of Appeals grant the variances, staff has provided a condition to be considered by the Zoning Board of Appeals pertaining to the restriction of uses for the business.

If the Zoning Board of Appeals decides to approve the request, staff recommends the following conditions:

- The applicant shall apply for and obtain site plan review approval.
- Approval is subject to the business activities being compliant with the uses permitted in the Professional Office district as outlined in Section 86-432.

Site History

- On September 12, 1973 site plan review was granted under Site Plan Review #73-12.
- The office building was constructed in approximately 1975.
- A new business permit was issued on December 12, 2012 for current business under PB #12-0778. A Certificate of Occupancy has not been issued as of the date of this memorandum.

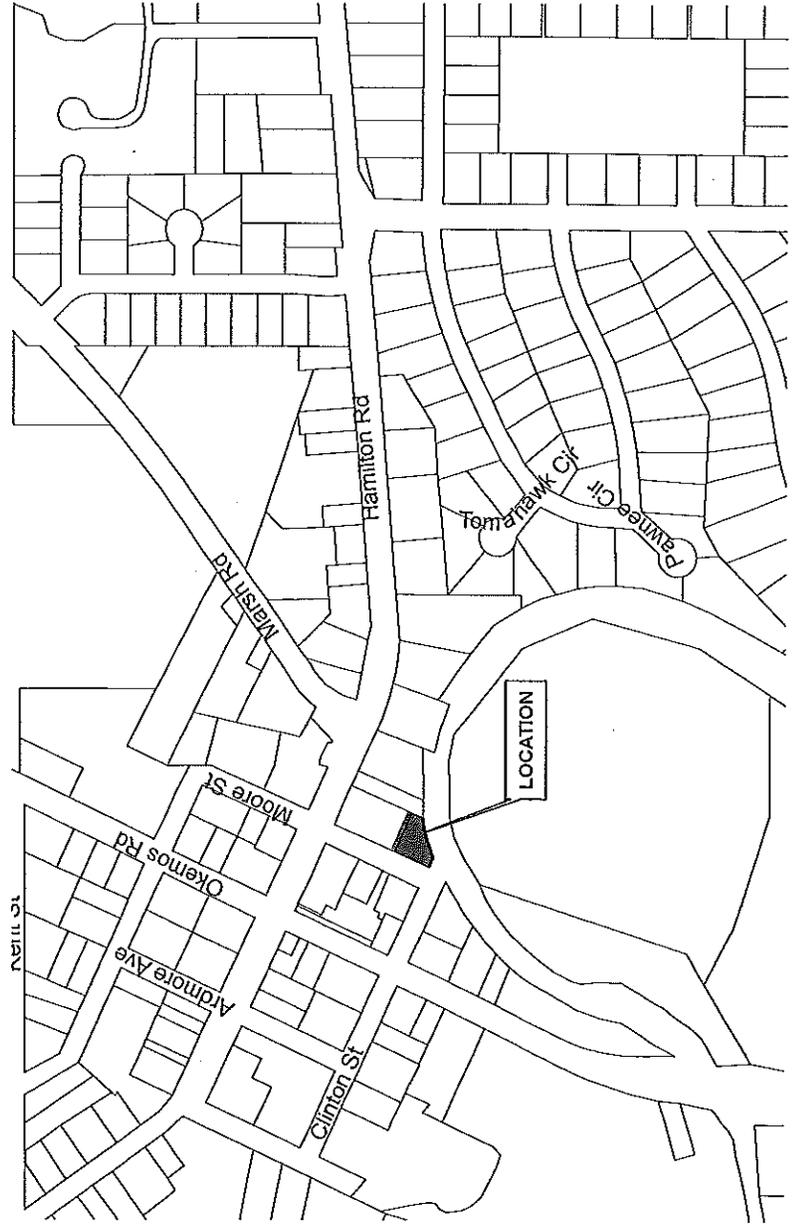
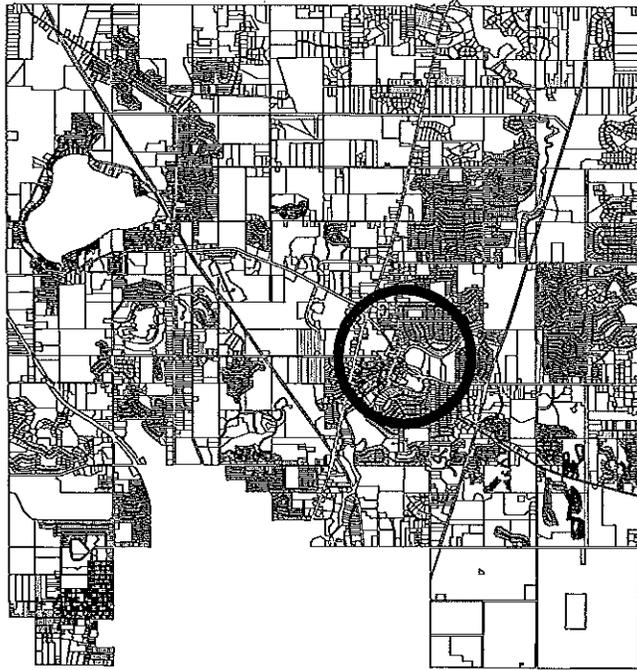
Attachments

1. Application
2. Site Location Map
3. Letter from Applicant (received by the Township on May 20, 2013)
4. E-mail from John Gilluly, dated June 5, 2013
5. E-mail from John Russell, dated June 6, 2013
6. Building Elevations
7. Site Plans and Floor Plans

**ZONING BOARD OF APPEALS #13-06-12-2
(MICHAEL STEVENS)**

**REQUEST TO ADD ONTO
NONCONFORMING BUILDING &
PROVIDE INSUFFICIENT NUMBER
OF PARKING SPACES AT
4650 MOORE STREET**

CHARTER TOWNSHIP OF MERIDIAN



Variance Request for 4650 Moore Street Okemos, MI 48864

As prepared by Michael Stevens, applicant for John & Karen Gilluly, Owners

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 is not applicable to other land or structures in the same zoning district.**

This property is smaller in size, unusually shaped and a large percentage of its total site is unbuildable due to the severe grade drop to the Red Cedar River along its Southern edge. Additionally, existing parking area is inadequate and available on-site options to increase parking area are severally limited.

2. **These special circumstances are not self-created.**

The above special circumstances are not self-created as Owners purchased the property "as-is".

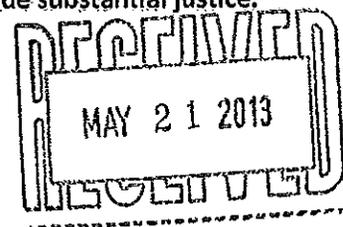
3. **Strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.**

Strict interpretation and enforcement of the Ordinance would prohibit the existing building to be used at all, since the building and site "as-is" is a non-conforming building with many non-conforming zoning and set-back issues.

4. **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 or would render conformity with such restrictions unnecessarily burdensome.**

The existing building did not have an adequate storage area or enough office space for the Owners intended purpose. The variance request is for a 1st floor storage room addition off the rear (and a 2nd story addition on-top of the existing one story rear section). Total footprint increase to site is only 12' X 20'. Proposed addition will be set-back from Northern property line more than existing building, but still will not meet current set-back requirements.

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.**



Property is zoned Office and is surrounded by similarly situated properties. Additional storage and office space is required for the property to properly function as Owners envisioned.

6. **Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.**

The proposed ground floor addition is only 12' x 20' and architecturally matches the existing building. The proposed 2nd story addition will sit on top of the present one story rear portion of the building and is also architecturally consistent with the existing building. The only adjacent property that may be "affected" is the property to the North, and that is just a parking lot.

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.**

The property topography, site size, shape and the existing building's siting make this a unique, one-of-kind situation which warrants careful and thoughtful variance consideration. Requested variances encourage re-purposing and re-using existing structures within existing neighborhoods while recognizing the constraints of typical zoning requirements, which may not normally allow for such deviations.

8. **Granting the variance will be generally consistent with public interest, the purpose and intent of this Zoning Ordinance.**

The property is zoned Office, is being used as an office and is surrounded by other office buildings. From a zoning and aesthetic perspective, the existing building and site "fits in" nicely with the adjacent office buildings (and even with the higher-density residential townhome site to the East). Existing building, along with the adjacent buildings in the neighborhood, all possess a more residential scale and feel, which is one of the biggest reasons why the Owners purchased this property.

To Whom It May Concern,

Please accept this letter as our authorization for Michael Stevens, President of Stevens Associates Builders, to act on our behalf while submitting the necessary application and related materials for a variance we are seeking for our property located at 4650 Moore Street Okemos, MI 48864.

If you have any questions, please do not hesitate to contact us at the number listed below.

Thank you.

John Gilluly



Karen Gilluly



Smart Homes, Inc. / Smart Offices

4650 Moore Street

Okemos, MI 468864

(517) 381-5171

wyatt@meridian.mi.us
www.meridian.mi.us

From: John Gilluly [mailto:jjilluly@mysmarthomes.com]
Sent: Wednesday, June 05, 2013 8:59 AM
To: Mike Stevens; gillulk@lcc.edu; Martha Wyatt
Subject: RE: 4650 Moore Street Variance Request

Martha,

Thanks again for your time yesterday. We look forward to getting through the required processes as soon as possible to get some space here ☺

As far as company information, please see the following.

Company Overview: Smart Homes specializes in the design and installation of customized residential and commercial control systems – including lighting, audio & video, heating & cooling, security systems and home theaters. Smart Offices provides custom computer and network installations, hardware and software sales and support, software development, website development and optimization services.

Building enhancements: Smart Homes Smart Offices is committed to our community and growing in our current location. The proposed expansion will provide our team the additional space needed to continue to grow and function comfortably, better serve our clients, and actively support our local economy. The added storage shed will be discretely housed in the back where it will pose no visible distraction to our neighbors on the west or north. It will also function as a storage area for tools and maintenance equipment used to maintain the property. It is an unconditioned storage space. The addition to the add a second story for the small back work area is for 2 conference rooms on the second floor that we need to provide a private area for working on projects and meeting with staff.

Signage: In keeping with the historic aesthetic of downtown Okemos, we are in the process of refinishing our company sign in accordance with the ordinances established in the Township Charter and will be replacing the center section of the old sign in the same size and layout as the Michigan Harness Racing sign.

Parking Needs: Because SHSO provides customized solutions, almost all of our business is conducted off-site at the clients' home or business. At the start of each day, our service technicians report to the building before leaving for the job site. As a result, there are typically 3-5 available spaces at the office at any given time of the day—enough to accommodate our own parking needs and the occasional visit from a client seeking to remit payment, drop off or pick up equipment or paperwork. We would propose using the current parking layout in the near future. We have made arrangements with the Bank across the street as well for parking 3-4 cars for folks that work in the office for most or at least a good part of the day. This works well to keep congestion down!

If you have any feedback, questions, or problems, feel free to contact me any time.
Thank you for your continued business with Smart Homes/Smart Offices!

Peace,

John Gilluly
President
Smart Homes, Inc. / Smart Offices

SMART HOMES

SMART OFFICES

(517) 381-5171 – Office
(517) 204-7555 – Mobile

4650 Moore St.
Okemos, MI 48864

RUSSELL BUILDERS INC
2109 HAMILTON RD.
OKEMOS, MI. 58864

June 6th, 2013

RE; 4650 MOORE ST. VARIANCE REQUEST

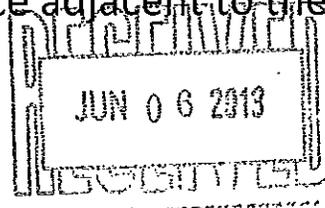
To Zoning Board Members and Meridian Twp Planning Staff.

The current use of this property greatly exceeds its' limits. On any given work day up to 15 vehicles have been parked on the lawn, road right of way and even on Moore Street. Increasing the building size will not reduce the parking needs of the current user!

This building is non-conforming in so many ways. Setbacks, accessibility, and parking being the most obvious. The property was purchased in October of 2012. The limits of this site were obvious. Since October we have observed not only the excessive amount of vehicles but also a prompt deterioration of the grounds and the exterior siding.

As owners of property common to the subject property we are in immediate view of dirty siding, unfinished sheathing, rusting air units, and poorly maintained vegetation, and improperly parked vehicles.

This manner of ownership does not fit in with the new residential condos across Moore St. to the West, it does not compliment the single family residence adjacent to the subject



property to the Southwest and does not compliment the newly renovated office building common to the North.

We have invested over \$1,000,000.00 in this neighborhood and cannot remain silent while a new owner chooses to diminish surrounding values by overbuilding the site, under maintaining the grounds and building, and ignore township codes.

The property was purchased with full knowledge by current owner as to what its size limitations were and what their parking needs would be.

We encourage the members of the Board to view this property during a work day and also take note of surrounding properties. We also ask that requests for variances be denied. Keep in mind that should a variance be approved you will see applicant again as more variances would be needed for construction related items.

Respectfully submitted by;

John Russell
President, Russell Builders Inc.

