

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JUNE 15TH, 2022
REGULAR TELEVISED MEETING**

PRESENT: Chair Mansour, Vice-Chair Field Foster, Members Deschaine, Koenig, Premoe
ABSENT:

STAFF: Director of Community and Planning Timothy Schmitt, Assistant Planner Chapman,
IT Director Stephen Gebes

1. CALL MEETING TO ORDER

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

Chair Mansour called the roll of the Board. All present.

2. APPROVAL OF AGENDA

Vice-Chair Field-Foster moved to approve the agenda as presented. Seconded by Member Deschaine.

ROLE CALL VOTE:

YEAS: Member Koenig, Vice-Chair Field Foster, Members Deschaine, Premoe, Chair Mansour

NAYS: None

Motion carried: 5-0

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. May 18, 2022 Meeting Minutes

Member Deschaine moved to approve the minutes from Wednesday, May 18, 2022 as presented. Seconded by Member Koenig.

ROLE CALL VOTE:

YEAS: Member Koenig, Vice-Chair Field Foster, Members Deschaine, Chair Mansour

NAYS: None

ABSTAINED: Member Premoe

Motion carried: 4-0-1

4. COMMUNICATIONS

A. Don & Brenda Behm RE: ZBA #22-06-15-1

5. UNFINISHED BUSINESS-NONE

6. NEW BUSINESS

A. ZBA CASE NO. 22-06-15-1 (6089 E. Lake Dr.), Roger Taylor, 6089 E. Lake Dr., Haslett, MI 48840

DESCRIPTION: 6089 East lake Drive
TAX PARCEL: 02-408-010
ZONING DISTRICT: RB (Single Family, High Density), Lake Lansing Overlay

The variance requested is to allow an accessory building that does not meet the side yard and building separation setbacks at 6089 East Lake Drive.

Assistant Planner Chapman outlined the case for discussion.

Applicant Roger Taylor, 6089 East Lake Dr., Lansing, Haslett, MI further outlined the case for discussion.

Brenda Behm 6093 E. Lake Dr., Haslett, MI spoke in opposition of ZBA Case No. 22-06-15-1.

Junie Taylor 6089 East Lake Dr., Lansing, Haslett, MI spoke against Brenda Behm's statement.

Vice-Chair Field-Foster asked to clarify the two sheds on the property existed prior to the Taylor's purchasing of the property. Mr. Taylor built an addition between the two sheds without a building permit. This addition increased the square footage of the shed to the point that a building permit would have been required.

Assistant Planner Chapman replied that is correct.

Member Premoe asked what alternative option the board could take.

Chair Mansour replied the only options are to grant the variance or not.

Assistant Planner Chapman replied that is correct.

Member Premoe asked what consequences the applicant would face if denied.

Assistant Planner Chapman replied the addition to the shed would either need to be removed, or the shed with the addition would need to be moved into an area of the property that would put it into compliance with Zoning Ordinance.

Mr. Taylor claimed that he was advised by Assistant Planner Chapman, and Senior Planner Shorkey that building the addition would not be an issue.

Vice-Chair Field-Foster asked Mr. Taylor if he had considered tearing down the shed and moving it somewhere else.

Mr. Taylor replied that moving the shed is not in his budget.

Chair Mansour asked if the shed could be moved into the yard to make it more accessible.

Mr. Taylor replied he has a tree, a garden and a berm in his yard.

Vice-Chair Field-Foster asked if Mr. Taylor has other sheds on his property.

Mr. Taylor replied he has sheds on his property across the street.

Vice-Chair Field-Foster asked if Mr. Taylor could move the shed that is out of compliance to his other property.

Mr. Taylor replied he would then have three sheds on that property and he would rather leave the shed in question where it is.

Member Premoe asked if any staff had advised Mr. Taylor that he was allowed to build the addition to his shed.

Assistant Planner Chapman replied he was not aware of any staff that would have said it was ok to build this addition without a permit.

Member Premoe asked staff what the requirements and Ordinances were at the time the sheds were originally built.

Assistant Planner Chapman was not able to answer as the sheds age cannot be determined definitively.

Member Deschaine asked if Mr. Taylor has ever applied for a building permit with the township in the past.

Mr. Taylor replied that he has never applied for a building permit.

Chair Mansour asked if Mr. Taylor first began building, was later met by code enforcement and then met with the building department.

Mr. Taylor replied that is correct.

Member Deschaine asked if Mr. Taylor was building himself or if he hired a contractor.

Mr. Taylor replied that he hired a good friend.

Member Deschaine asked if his friend was a licensed builder.

Mr. Taylor replied not yet but that he helps out around the house.

Member Deschaine stated there is a steady stream of people applying for building permits all summer long and asked Mr. Taylor why he thought he would be exempt from needing a permit.

Mr. Taylor replied that he was not trying to circumvent the law and only acted because he claims that Assistant Planner Chapman and Senior Planner Shorkey told him it wouldn't be a problem.

Chair Mansour asked if Mr. Taylor completed an application for a building permit after he was told he could build the addition to his sheds.

Mr. Taylor replied that he was told he would need a variance, and has no problem getting a building permit.

Member Deschaine stated the reason Ordinances and Permits exist is to protect citizens from unsafe structures, and that Mr. Taylor should have checked with the Building Department before beginning construction on this project.

Mr. Taylor stated he didn't think he would need a permit to repair a shed.

Member Deschaine replied that Mr. Taylor didn't just repair a shed, he connected two sheds.

Mr. Taylor replied that he was doing what his wife said before being stopped by code enforcement, and reiterated that he wasn't attempting to circumvent the permit.

Member Deschaine replied that Mr. Taylor did circumvent the permit by starting construction with no permit, providing no plans for the building department and provided no survey of the property.

Assistant Planner Chapman explained that Mr. Taylor came in with drawings that were not to scale. Upon review Mr. Chapman advised Mr. Taylor that as long as this plan met the five foot setback Ordinance then it would be ok to build. Assistant Planner Chapman further explained that Mr. Taylor told him the shed was five feet away to which Assistant Planner Chapman told Mr. Taylor that it would be ok to build. Upon further review of the property it was found the shed was only a couple feet from the house which prompted an almost immediate follow up letting Mr. Taylor know he was in violation of Township Ordinance.

Vice-Chair Field-Foster asked Assistant Planner Chapman if Mr. Taylor would have needed a variance for adding the square footage to the structure regardless of attaining a Building Permit.

Assistant Planner Chapman replied that is correct.

Member Premoe noted if the Zoning Board of Appeals grants variances after the fact then nothing would stop others from taking the same approach of building first and asking later.

Chair 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 and these unique circumstances are not self-created.

Chair Mansour stated by building the breezeway structure and the timeframe Mr. Taylor did it in she sees this as a self-created problem. She further stated she does not feel comfortable granting a variance for a structure after it has been built.

Mr. Taylor asked how he could make this right.

Member Deschaine replied Mr. Taylor should wait for the outcome of this meeting and then meet with staff.

Chair Mansour read review criteria two which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties that would prevent the owner from using the property for a permitted purpose.

Chair Mansour stated she the applicant had been using the sheds and did not see a practical difficulty in denying this variance.

Member Premoe asked if staff was aware the building process was stopped because of a code violation.

Director Schmitt replied staff received a call that work was being done without a permit, Code Enforcement Officer Zachary Fenner went out and noted work was being done without a permit. The building was not red tagged at the time as Mr. Fenner is not a building inspector. Mr. Taylor came to the Community and Planning office the next morning where initial conversations began with Assistant Planner Chapman and Senior Planner Shorkey. After meeting Mr. Taylor staff went to the Mr. Taylor's property and realized a variance would be needed. Work was stopped at this time and Mr. Taylor then filled out an application for a variance which was turned in incomplete causing a delay in the case as it should have been on last month's Zoning Board of Appeals agenda. A complete application including a formal survey was turned in shortly after the last meeting which raised the points of both side yard setback and setback from the main structure.

Mr. Taylor asked if there is verbage about sheds that have been established for years or grandfather clauses in the Ordinances.

Assistant Planner Chapman replied there isn't.

Chair Mansour stated if this variance is denied the applicant will need to change his construction plan unless he can successfully appeal the decision of the board.

Chair Mansour read review criteria three which states granting the variance is the minimum action necessary which would carry out the spirit of this Zoning Ordinance, secure public safety, and provide substantial justice.

Chair Mansour stated the zoning board would have a hard time with this criteria as the applicant is asking for two variances of substantial amounts.

Chair Mansour read review criteria four which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

Chair Mansour stated this criteria could go either way.

Chair Mansour read review criteria five which states Granting the variance will be generally consistent with public interest and the purposes and intent of this chapter.

Chair Mansour stated this criteria could not be met as work was done out of order, and without going through the proper channels.

Member Deschaine moved to deny ZBA CASE NO. 22-06-15-1 (6089 E. Lake Dr.), Roger Taylor, 6089 E. Lake Dr., Haslett, MI. Seconded by Vice-Chair Field Foster.

Member Premoe asked what the consequence of the denial of the variance would be.

Director Schmitt stated the course of action is as follows: a formal letter of denial will be issued, an appeal clock will start as the applicant could appeal to a circuit court. Staff will discuss options with the applicant and issue a building violation as work was done without a permit.

Member Premoe asked if Mr. Taylor understood Director Schmitt's statement.

Mr. Taylor replied that he did.

Mrs. Taylor asked if her and her husband would need to return the sheds back to their previous state.

Chair Mansour explained that Director Schmitt explained that she and her husband could meet with staff and discuss options.

Mrs. Taylor replied if the sheds were moved out further it would block the view of the lake.

ROLE CALL VOTE:

YEAS: Members Koenig, Vice-Chair Field-Foster, Members Deschaine, Premoe, Chair Mansour

NAYS: None

Motion carried: 5-0

7. OTHER BUSINESS -NONE

8. PUBLIC REMARKS

Chair Mansour opened the floor for public remarks at 7:29 pm

Mr. Taylor stated that he didn't understand why his neighbors were allowed to besmirch his neighborhood during the meeting.

Chair Mansour stated this is a public meeting and anyone from the public is allowed to speak, if Mrs. Taylor would like speak for five minutes she is allowed to.

Mrs. Taylor spoke about her time in her neighborhood.

Kimberly Thompson, 6098 Skyline Dr., spoke about her time in the neighborhood.

Chair Mansour closed public remarks at 7:35 pm

9. BOARD MEMBER COMMENTS

Member Deschaine

- Welcomed Member Premoe to the Zoning Board of Appeals and spoke to his long history of being a commercial builder

Chair Mansour

- Noted it is not this boards function to mediate neighbor disputes

Member Field-Foster

- Noted the letter from the neighbors is part of the packet and public record anyway

Member Premoe

- Noted the public comment made by neighbors in this case would not affect the board's decision

Member Koenig

- Welcomed Member Premoe and noted the concerns of neighbors were civil issues and not zoning issues

10. ADJOURNMENT

Chair Mansour moved to Adjourn.

Chair Mansour Adjourned the meeting at 7:42 pm.