

**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES \*\*\*APPROVED\*\*\*  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, August 9, 2017**

PRESENT: Members Jackson, Ohlrogge, Stivers, Rios (alternate), Chair Beauchine  
ABSENT: Member Lane  
STAFF: 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 JACKSON MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER RIOS.

VOICE VOTE: Motion carried unanimously.

**C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES**

Wednesday, July 26, 2017

MEMBER OHLROGEE MOVED TO APPROVE THE MINUTES OF WEDNESDAY JULY 26, 2017 AS WRITTEN.

SECONDED BY MEMBER STIVERS.

VOICE VOTE: Motion carried unanimously.

**D. COMMUNICATIONS**

Chair Beauchine referenced three letters received in support of Zoning Board of Appeals (ZBA) Case No. 17-08-09-1.

**E. UNFINISHED BUSINESS**

None.

**F. NEW BUSINESS**

1. ZBA CASE NO. 17-08-09-1 (HADDOW), 4350 GREENWOOD DRIVE, OKEMOS, MI 48864

DESCRIPTION: 4350 Greenwood Drive

TAX PARCEL: 27-232-008

ZONING DISTRICT: RAA (Single Family, Low Density)

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

Section 86-564 (b), Roofed or unroofed porches may project into a required side or rear yard a distance not to exceed eight feet

The applicant is requesting to construct a deck (wheelchair ramp) that will encroach more than the allowed eight feet into the rear yard.

Director Kieselbach outlined the case for discussion.

Chair Beauchine opened the floor for public remarks, seeing none, closed public remarks.

Chair Beauchine commented on a letter from Ralph and Suzanne Haefner, 4371 Greenwood Drive, suggesting a waiver or exception to make the process easier in dealing with handicapped individuals. He stated the variance request does not stay with the owner or the person requesting the variance but the property. The intent is to make determinations based on review criteria from (Section 86-221) of the Zoning Ordinance.

Member Stivers asked if a sidewalk could be constructed to connect to the patio.

Mr. Haddow, the applicant, replied that a sidewalk could be added, but it means an extra 90 feet to access the patio.

Member Ohlrogge asked if there was a ramp on the front of the house that could be extended to the patio.

Mr. Haddow replied he did not have a ramp on the front of the house, but there was a ramp in the garage to access the house. He added a ramp in the front yard to the patio would not be esthetically pleasing.

Member Ohlrogge stated in the review criteria the Zoning Board of Appeals (ZBA) needed to look at is the minimum action necessary. She asked Director Kieselbach on the provision for the ramp encroaching into the setback.

Director Kieselbach commented the provision related to the primary entrance of the house for ingress and egress. He added the provision does not address the rear or side yards as a secondary means of access.

Member Stivers asked if a ramp could one be constructed at the rear of the house and be considered the primary entrance.

Director Kieselbach replied a ramp is treated as an open porch or deck and would need to meet side and rear yard setbacks.

Member Ohlrogge inquired about the slope of the ramp and asked if it was the minimum.

Mr. Haddow stated the recommended slope is 1:12. The reason he wants to replace the existing ramp is that it is not wide enough to turn around.

Director Kieselbach indicated the total width of the existing ramp including the hand rails is 42 inches.

Chair Beauchine stated he could see the challenge the applicant would have going to the end of the ramp to turn around.

Member Ohlrogge stated she had a concern that private property should be more accessible.

Mr. Haddow replied what he is proposing for the width of the ramp exceeds the Americans with Disabilities Act (ADA) recommendation but the slope of the ramp is according to ADA recommendation.

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 or would render conformity with such restrictions unnecessarily burdensome. He stated for the applicant to use the north side of the property he would need a way to get there.

Member Stivers added access to the patio area could be from a sidewalk. The 90 feet to travel is not an unreasonable distance.

Chair Beauchine replied the 90 feet seems excessive.

Mr. Haddow commented he understood the reason for building a sidewalk and it would allow him to get to the northeast corner of the yard, however, adding an additional ramp allows for a safer egress from the house. He added the extra ramp creates two exits out of the house. Using the front door as an entrance or exit would require remodeling to accommodate a wider door.

Chair Beauchine read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He stated the Zoning Ordinance does not address the special needs of the home owner with a disability and nor should it. Considering what is right for the use the criteria has been meet.

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 replied the request is the minimal action necessary.

Member Ohlrogge expressed her concern that the ordinances did not cover situations for home owners with disabilities.

Member Jackson replied there is no ordinance which requires a house to meet the ADA requirements for accessibility; however the variance process is where adjustments can be made. She added keeping in mind the ZBA can't address the individual needs, but the general needs of the property or structure within the context of the review criteria.

Member Stivers added it should be within the review criteria when addressing individual abilities.

Member Stivers read review criteria one, 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. She stated what was unique in this case was the needs of the home owner, not the property.

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 accessibility creates a practical difficulty for the owner using the property.

Member Jackson stated review criteria four is the only criteria which addresses the practical difficulty of the user. She asked if the ZBA could place conditions on the variance.

Director Kieselbach stated where accessibility is needed for a house the policy has been if it is at the primary entrance and the minimum necessary for ingress and egress. He referenced Section 86-222 of the Code of Ordinance which allows the ZBA to place conditions on a variance.

MEMBER RIOS MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-564 (b).

CHAIR BEAUCHINE SECONDED.

Member Stivers stated there was no unique circumstance as it is a corner lot with a flat yard, which could describe any number of corner lots in the Township.

Chair Beauchine asked if the deck could be expanded.

Director Kieselbach stated the original variance was for a three-season room (enclosed porch) to encroach into the rear yard setback. The variance did not include a ramp.

Mr. Haddow stated he could not use the northeast corner of the yard without the variance, and a sidewalk would add to the problem of accessibility.

Member Jackson asked if the original variance to add the three-season room changed the rear yard setback.

Director Kieselbach replied the variance that was approved did not establish a new rear yard setback for the house.

Member Stivers questioned the possibility of adding a door on the north side of the three-season room to create a shorter ramp.

Mr. Haddow asked if the ramp could be considered a fire escape.

Member Ohlrogge asked how the issue of a fire escape would be addressed.

Director Kieselbach stated the section of the Zoning Ordinance dealing with fire escapes was not written for individuals with disabilities. He added there were other locations for egress from the house, including through the garage.

Chair Beauchine asked the ZBA if they were ready to vote on the case.

Member Ohlrogge requested a 5 minute recess.

Chair Beauchine recessed the meeting at 7:36 pm and reconvened the meeting at 7:40 pm.

Member Ohlrogge read review criteria three, which states, strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She agreed with the statement.

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 agreed with the statement.

Member Stivers disagreed stating there were other ways to access the patio and rear yard without a variance.

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 criteria should take into consideration the ADA guidelines.

Member Stivers disagreed and stated the minimum action would be the construction of a deck on the north side of the three-season room which would not need a variance.

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 request would not adversely affect adjacent land or property.

Member Ohlrogge read review criteria eight which states granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance. She said while consideration could be given to the ADA requirements there are other means the applicant could pursue to access the rear yard.

ROLL CALL VOTE: YES: Members, Rios, Jackson, and Chair Beauchine.

NO: Members Ohlrogge and Stivers.

Motion passed.

**G. OTHER BUSINESS**

None.

**H. PUBLIC REMARKS**

Chair Beauchine opened and closed public remarks.

**I. BOARD MEMBER COMMENTS**

Member Stivers stated there should be some type of ADA exception in the Zoning Ordinance.

Member Ohlrogge commented she had difficulty reconciling the review criteria to the request.

Chair Beauchine suggested researching other communities with ADA exceptions for residential housing.

**J. ADJOURNMENT**

Chair Beauchine adjourned the meeting at 8:10 p.m.

**K. POST SCRIPT - Chair Beauchine**

Respectfully Submitted,

Rebekah Lemley  
Recording Secretary