

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, OCTOBER 9, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members Mansour, Field-Foster, Wisinski, Lane
ABSENT: None
STAFF: Director of Community Planning and Development Mark Kieselbach, Assistant
Planner Justin Quagliata

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AGENDA

MEMBER LANE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER WISINSKI.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, September 18, 2019

MEMBER MANSOUR MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, SEPTEMBER 18, 2019.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

A. Bear Lake Homeowners Association RE: ZBA #19-09-18-4

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 19-10-09-1 (Schoen & Schneider), 6102 Columbia Street, Haslett, MI, 48840

DESCRIPTION: 6102 Columbia Street
TAX PARCEL: 03-476-001
ZONING DISTRICT: RB (Single Family-High Density), Lake Lansing Overlay

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

- Section 86-442(f)(9)(a), Maximum driveway coverage. 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 variance request is to install a driveway which exceeds the maximum allowed coverage of the front yard at 6102 Columbia Street.

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Assistant Planner Quagliata outlined the case for discussion.

Chair Beauchine asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals (ZBA).

Mr. Kevin Schoen, the applicant, 6102 Columbia Street, Haslett, stated the ZBA had granted the same variance request to exceed the maximum front yard coverage in 2013 but the driveway was not installed during the effective period of the variance. He noted the narrow lot width made it difficult to construct a driveway within the allowed front yard coverage.

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

Member Field-Foster asked staff what additional area of the front yard would be covered by the proposed driveway expansion.

Assistant Planner Quagliata stated the existing driveway would be expanded south and located two feet from the side property line. He noted the proposed driveway would be an increase of coverage over the existing driveway by approximately 7.7 percent or 88 square feet.

Member Mansour asked staff if the current variance request was the same as was approved in 2013.

Assistant Planner Quagliata responded yes.

Member Field-Foster asked the applicant how stormwater runoff from the driveway would be managed.

Mr. Schoen stated drain tiles would be installed under the driveway.

Chair Beauchine stated the submitted survey showed the existing gravel driveway extended over the north property line.

Assistant Planner Quagliata noted the north property line abutted 33 feet of Lake Street unimproved right-of-way and since the 2013 request the applicant had removed the gravel located off the property.

Member Lane stated the lots around Lake Lansing were narrow, small, and platted in the early 1900s which were unique circumstances which were not self-created so review criteria one and two from Section 86-221 of the Code of Ordinances had been met. He stated review criteria three and four may not be met because not granting the variance may not result in practical difficulties. He asked the applicant why the expanded driveway was necessary.

Mr. Schoen stated the proposed expansion area was currently used as a driveway and enlarging the driveway would provide easier access to the garage.

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 a purpose of the maximum coverage standard was to maintain pervious surface in the front yard. He also noted the applicant had stated stormwater runoff from the driveway would be controlled and not affect adjacent properties.

Chair Beauchine read review criteria four which states that 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. He stated the narrow lot width prevented the applicant from installing a driveway wide enough to access the garage.

Member Lane stated granting the variance would discontinue parking on nonpaved open space in the front yard.

Member Field-Foster stated granting the variance would allow access to the property by a paved driveway which would be an improvement from parking on nonpaved open space which is prohibited by the zoning ordinance. She noted not granting the variance would result in practical difficulties.

Member Lane read review criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. He noted the expanded driveway was needed to access the garage.

Member Lane read review criteria six which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. He stated the expanded driveway would not adversely affect adjacent properties.

Member Lane read review criteria seven which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. He stated the properties around Lake Lansing were unique and the conditions were not present in other locations in the Township.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated this criteria had been met.

MEMBER LANE MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-442(F)(9)(A) OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER FIELD-FOSTER.

ROLE CALL TO VOTE: YES: Members Lane, Field-Foster, Mansour, Wisinski, Chair Beauchine
NO:
Motion carried unanimously.

B. ZBA CASE NO. 19-10-09-2 (O'Reilly Auto Enterprises, LLC), 233 S. Paterson, Springfield, MO, 65802

DESCRIPTION: 2703 Grand River Avenue
TAX PARCEL: 20-203-012
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-441(e)(6), Access management standards. Based on the posted speed limit along the public street segment, access points shall have a minimum of 350 feet of spacing provided from other access points along the same side of the street, measured centerline to centerline.
- Section 86-441(e)(8), Access management standards. Based on the posted speed limit along the public street segment, access points shall be aligned with driveways on the opposite side of the street or offset 630 feet, measured centerline to centerline. The Director of Community Planning and Development may reduce this to not less than 150 feet where the offsets are aligned to not create left-turn conflicts.
- Section 86-441(e)(9), Access management standards. The minimum required driveway spacing from the intersection of Grand River Avenue and a Collector or Local street is 200 feet, measured pavement edge to pavement edge.
- Section 86-755, Schedule of requirements for parking space. Parking space shall be provided in accordance with the design standards of this chapter and according to this schedule: for commercial centers having a gross floor area (GFA) less than 25,000 square feet, 5 spaces per 1,000 square feet (minimum) to 5.5 spaces per 1,000 square feet (maximum).

The variance requests are to construct a driveway that would not meet the setback from an existing driveway along the same side of the street, the required offset from an existing driveway on the opposite side of the street, and the setback from a street intersection. A variance to construct a parking lot without the required number of parking spaces is also requested. The subject site is located at 2703 Grand River Avenue.

Assistant Planner Quagliata outlined the case for discussion.

Chair Beauchine asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals (ZBA).

Mr. Paul Engel, Anderson Engineering, 2045 West Woodland, Springfield, Missouri, the applicant's representative, stated the Michigan Department of Transportation (MDOT) had approved the proposed Grand River Avenue driveway. He stated delivery trucks could not access the site from the existing Dawn Avenue driveway. He also noted the size and location of the property prevented the applicant from conforming to the standards of the Grand River Avenue Corridor Access Management Overlay District.

Mr. Engel stated the parking requirement for the site should not be based on the gross floor area of the building. He also noted the applicant provided bicycle parking spaces to reduce the required number of vehicle parking spaces.

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

Assistant Planner Quagliata stated Dawn Avenue was not a substandard road and it was built to Ingham County Road Department (ICRD) standards. He noted the ICRD stated it would allow the existing Dawn Avenue driveway to serve the site. He also stated a purpose of the Grand River Avenue Corridor Access Management Overlay District was to reduce number of driveways along Grand River Avenue especially in locations where reducing the number of driveways would have a beneficial impact on traffic and safety. The Township Chief Engineer reviewed the site plan and concluded the proposed driveway would create left-turn conflicts.

Chair Beauchine stated the proposed driveway would create left-turn conflicts with the existing Firestone driveway on the north side of Grand River Avenue. He was surprised MDOT would allow the proposed Grand River Avenue driveway. He noted the access management overlay district was adopted in 2004 and based on a MDOT study.

Chair Beauchine asked staff if the ICRD would approve removing the existing Dawn Avenue driveway and constructing a new driveway further north on Dawn Avenue to align with the Tuffy Auto Repair driveway on the west side of Dawn Avenue.

Assistant Planner Quagliata responded installing a new driveway on Dawn Avenue closer to Grand River Avenue would not meet the ICRD setback from the street intersection. He stated the existing Dawn Avenue driveway met Ingham County Road Department standards.

Chair Beauchine read review criteria three from Section 86-221 of the Code of Ordinances which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He stated the size and location of the proposed building on the site would prevent the applicant from utilizing the existing Dawn Avenue driveway.

Assistant Planner Quagliata stated the layout of the site could be redesigned and the size of the proposed building could be reduced to utilize the existing Dawn Avenue driveway.

Chair Beauchine informed the applicant the parking space requirement for retail businesses was based on the gross floor area of the building.

Member Wisinski asked staff if the existing Grand River Avenue driveway on the west side of the site was conforming and if the driveway could be utilized in its existing configuration to serve the site.

Assistant Planner Quagliata stated the existing Grand River Avenue driveway on the west side of the site would need to be expanded because it currently served incoming traffic only and was not directly aligned with the driveway on the north side of the street. He also noted the location of the driveway did not meet the required setback from the intersection of Grand River Avenue and Dawn Avenue.

Member Mansour asked staff if the proposed Grand River Avenue driveway would be the only access point to the site.

Assistant Planner Quagliata responded yes.

Chair Beauchine noted the site plan showed a proposed service drive connection with the adjacent Denny's property to the east.

Mr. Engel stated the service drive on the Denny's property did not extend to the common lot line with the subject property so there would not be a connection with the property to the east. He stated the applicant would stub a service drive at the common lot line so a connection could be made in the future.

Member Field-Foster stated the applicant was proposing to remove the existing two driveways on Grand River Avenue and the existing Dawn Avenue driveway to construct one new driveway on Grand River Avenue. She asked the applicant why they could not maintain the existing Dawn Avenue driveway and utilize one of the existing driveways on Grand River Avenue to provide more than one access point to the site.

Assistant Planner Quagliata stated any driveway to the subject property on Grand River Avenue would require variances.

Mr. Engel stated the required building and parking setbacks and the required installation of the service drive connection to the property to the east limited where a building could be constructed on the property.

Member Field-Foster asked staff if the ICRD denied the site plan submitted by the applicant.

Assistant Planner Quagliata noted the ICRD stated the existing Dawn Avenue driveway could remain to serve the site. He stated MDOT approved the proposed driveway on Grand River Avenue. The Grand River Avenue Corridor Access Management Overlay District states where conflict occurs the more restrictive standards apply. Assistant Planner Quagliata noted the existing Dawn Avenue driveway could serve the site and if the two Grand River Avenue driveways were closed there would still be access to the site from the existing Dawn Avenue driveway.

Member Wisinski stated the submitted site plan showed the existing Dawn Avenue driveway met the west side of the proposed building.

Assistant Planner Quagliata stated the size of the proposed building could be reduced and the layout of the site could be redesigned to allow access to the site from Dawn Avenue and the service drive connection to the east.

Mr. Steve Peterie, the applicant's representative, stated it was not possible to redesign the site to allow access from Dawn Avenue.

Member Lane stated the proposed driveway on Grand River Avenue would not provide an adequate offset from the existing driveway on the north side of the street and the left-turn conflicts would be a safety issue.

Chair Beauchine stated requiring a driveway on Dawn Avenue would limit where a building could be constructed on the property.

Mr. Engel stated MDOT reviewed and approved the proposed Grand River Avenue driveway.

Assistant Planner Quagliata stated the Township Chief Engineer reviewed the submitted site plan and recommended denial of the proposed driveway.

Member Lane stated regardless of MDOT's opinion the ZBA had eight review criteria to consider and the requests had to meet all eight criteria.

Member Field-Foster asked the applicant if alternative site designs were considered.

Mr. Engel stated the submitted site plan consisted of the design the applicant wanted to pursue.

Member Mansour noted there were unique circumstances that were not self-created so review criteria one and two had been met. She questioned whether not granting the driveway variances would result in practical difficulties and if the variance requests were the minimum action necessary. She stated the ICRD would allow Dawn Avenue access to the site and the proposed Grand River Avenue driveway would create safety issues. She also noted the Grand River Avenue Corridor Access Management Overlay District was adopted to improve safety along Grand River Avenue.

Chair Beauchine stated review criteria six, seven, and eight had been met. He questioned whether review criteria three, four, and five had been met.

Member Lane noted the driveway variances met review criteria three and four. He stated review criteria five had not been met because the proposed driveway would create safety issues.

MEMBER LANE MOVED TO DENY THE VARIANCE REQUESTS FROM SECTION 86-441(E)(6), SECTION 86-441(E)(8), AND SECTION 86-441(E)(9) FOR A FAILURE TO MEET REVIEW CRITERIA THREE, FOUR, AND FIVE.

SECONDED BY CHAIR BEAUCHINE.

Member Mansour stated accessing the site was a practical difficulty so review criteria three and four had been met. She stated securing public safety was part of review criteria five and the proposed driveway would create safety issues. She stated the Grand River Avenue Corridor Access Management Overlay District noted conflict between agencies' access management standards resulted in default to the application of the more restrictive standards.

Member Field-Foster offered a friendly amendment to the motion to deny the driveway variances for a failure to meet review criteria five.

MEMBER LANE ACCEPTED THE FRIENDLY AMENDMENT.

SECONDED BY CHAIR BEAUCHINE.

Member Lane stated in addition to the safety issues associated with the proposed driveway the request was not the minimum action necessary because the applicant could reduce the size of the proposed building to accommodate access to the site from the existing Dawn Avenue driveway.

Chair Beauchine restated the motion. MEMBER LANE MOVED TO DENY THE VARIANCE REQUESTS FROM SECTION 86-441(E)(6), SECTION 86-441(E)(8), AND SECTION 86-441(E)(9) FOR A FAILURE TO MEET REVIEW CRITERIA FIVE.

ROLL CALL TO VOTE: YES: Member Lane, Chair Beauchine, Members, Wisinski, Mansour, Field-Foster

NO:

Motion carried unanimously

MEMBER MANSOUR MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-755 FOR A FAILURE TO MEET REVIEW CRITERIA THREE AND FOUR.

SECONDED BY CHAIR BEAUCHINE.

Member Lane stated the parking space requirement for retail businesses was based on the gross floor area of the building and a practical difficulty was not demonstrated for an eight parking space variance. He noted review criteria three and four had not been met.

Member Wisinski stated reducing the size of the building would eliminate the need for a variance.

ROLL CALL TO VOTE: YES: Member Mansour, Chair Beauchine, Members, Wisinski, Lane, Field-Foster

NO:

Motion carried unanimously

7. OTHER BUSINESS

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

10. ADJOURNMENT

Meeting adjourned at 7:43 p.m.

Respectfully Submitted,

Justin Quagliata
Assistant Planner