

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, DECEMBER 9, 2015 6:30 PM
TOWN HALL ROOM

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- o Wednesday, October 28, 2015

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. ZBA CASE NO. 15-12-09-1 LI HE, 4937 HILLCREST AVENUE, OKEMOS, MI 48864

DESCRIPTION: 4937 Hillcrest Avenue
TAX PARCEL: 21-202-015
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), which states a roofed or unroofed porch may project into a required side or rear yard a distance not to exceed eight feet.

The applicant is requesting a variance to allow a deck to project more than eight feet into the rear yard, at 4937 Hillcrest Avenue, Okemos.

- ☞ 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

1. APPROVAL OF THE ZONING BOARD OF APPEALS MEETING SCHEDULE FOR 2016

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. POST SCRIPT – BRIAN BEAUCHINE

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.

BRET DREYFUS, CMMC
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.

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**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, October 28, 2015**

PRESENT: Members Hershiser, Lane (Alternate), LeGoff, Ohlrogge, Chair Beauchine
ABSENT: Member Jackson
STAFF: Martha Wyatt, Associate Planner/Landscape Architect

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 OHLROGGE.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, October 14, 2015

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES AS WRITTEN.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS

1. ZBA CASE NO. 15-10-28-1, SEANN WILLSON, 6201 WHITEHILLS LAKES DRIVE, EAST LANSING, MICHIGAN 48823

DESCRIPTION:	6201 Whitehills Lakes Drive
TAX PARCEL:	05-429-006
ZONING DISTRICT:	RAA (Single Family, Low Density)

The applicant is requesting a variance from the following section 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 a part of it and shall comply in all respects with the requirements applicable to 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 from any other separate structure on the same lot.

The applicant is requesting a variance to allow an accessory building (pergola) to be located less than ten feet from the residential structure (house) at 6201 Whitehills Lakes Drive, East Lansing.

Ms. Wyatt outlined the case for discussion.

Mike Stevens, 1591 West Pratt Road, Dewitt, contractor, explained the pergola was built as an extension of the house to provide shade over an outdoor kitchen and entertainment area equipped with down-lighting for evening use. He specified the project utilized the footprint of the existing patio and solved the problem of water runoff while preserving the large evergreen trees in the backyard. He said a 54 inch high retaining wall was considered but would have required a drainage system which would encroach on the root zone of the evergreen trees. Furthermore, moving the pergola back 10 feet would have greatly reduced the turf area where the kids and dogs play. He believes the review criteria have been met.

Member Hershiser asked Mr. Stevens if any alternative solutions were discussed with the property owner to avoid the need for a variance.

Mr. Stevens replied building the pergola further from the home would not have kept it with the existing footprint of the patio and have required a retaining wall due to the slope of the rear yard. He also said attaching the pergola to the home was not discussed with the homeowners prior to construction.

Chair Beauchine stated the role of the Zoning Board of Appeals (ZBA) is to be the conservator of the ordinances. This ordinance mandates a 10 foot separation between the house and the pergola. He was concerned granting a variance when other alternatives were available would not be in keeping with the spirit of the ordinances.

Member Ohlrogge voiced concern the pergola was already built without the builders understanding of the township ordinances. She stated the Fire Inspector did not have a concern with the location of the pergola from a safety standpoint.

Member Lane said the slope of the lot explained the original placement of the pergola although the attachment of the pergola to the house would be a viable alternative.

Member LeGoff indicated she was not in favor of attaching the pergola to the house.

Member Hershiser pointed out if a building permit had been requested they would have realized the pergola could not be built in its current location. While pergolas are a new trend the ordinances must still be adhered to.

Member Hershiser outlined the review criteria (Section 86-221) to be considered for approval of the variance. He stated unique circumstances did not exist. The variance was self-created since the pergola was already built and many properties have issues with slope. Strict interpretation and enforcement of the ordinance would not result in practical difficulties because the property can still be used as intended. Granting the variance is not the minimum action since there are alternative solutions, and is not consistent with the purposes and intent of the zoning ordinance. Member Hershiser concluded only review criteria number six had been met which states the variance would not adversely affect adjacent land.

Member Ohlrogge indicated the Fire Inspector was okay with the location of the pergola which is a unique circumstance for review criteria number one, however, the special circumstances were self-created and are not consistent with the purposes and intent of the zoning ordinance.

Chair Beauchine said the Fire Inspector looked at the project from today's standpoint and not from the perspective of the zoning ordinances as a long-term solution, and should not be considered. He pointed out review criteria number five was an important issue since there was the alternative option of attaching the pergola to the house.

MEMBER HERSHISER MOVED TO DENY THE VARIANCE AS REQUESTED.

SECONDED BY CHAIR BEAUCHINE.

ROLL CALL VOTE: YES: Members Hershiser, Lane, LeGoff, Ohlrogge, Chair Beauchine
NO: None
Motion carried 5-0.

F. OTHER BUSINESS

None.

G. PUBLIC REMARKS

Mr. Stevens explained pergolas are not as well defined as other accessory structures and there was no ill intent to ignore the township ordinances.

Mark McClanahan, 6201 Whitehills Lake Drive, did not understand why a variance was needed when a building permit was not needed.

H. BOARD MEMBER COMMENTS

Member Ohlrogge clarified the permit was not needed however the township zoning ordinance still needed to be followed regarding the 10 foot separation. There is a difference and the builders and developers need to be aware of the difference.

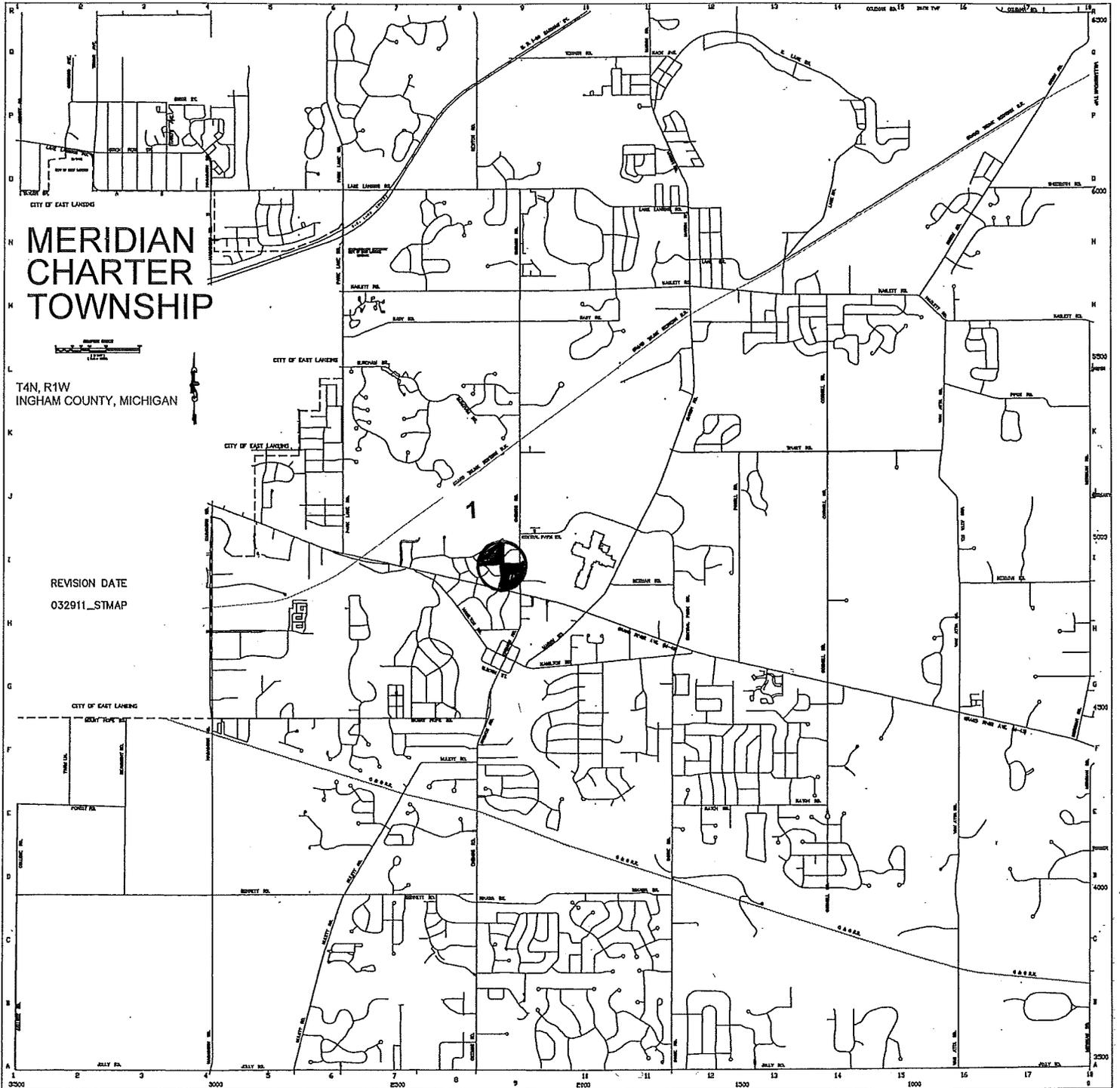
Member Hershiser explained if the variance was approved it would have created future issues regarding pergolas and accessory structures in general.

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:05 p.m.

Respectfully Submitted,

Erin M. Bierly
Recording Secretary



LOCATION MAP

1. ZBA CASE NO. 15-12-09-1

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
Associate Planner/Landscape Architect

DATE: December 4, 2015

RE: ZBA Case No. 15-12-09-1

ZBA CASE NO.: 15-12-09-1 LI HE, 4937 HILLCREST AVENUE, OKEMOS, MI 48864
DESCRIPTION: 4937 Hillcrest Avenue
TAX PARCEL: 21-202-015
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), which states a roofed or unroofed porch may project into a required side or rear yard a distance not to exceed eight feet.

The applicant has constructed a multi-level deck on the rear (west) side of the house and the deck does not meet the required rear yard setback. The approximate 530 square foot deck was constructed without a building permit. The lot depth of the property is 107 feet and a rear yard reduction is applicable when the lot depth is less than 115 feet. Per Section 86-563, when a lot of record has a lot depth of less than 115 feet, the rear yard may be reduced one-quarter of the distance the lot depth is less than 115 feet. Using the reduction allowance, the rear yard is 28 feet ($115' - 107' = 8'$; then $25\% \text{ of } 8' = 2 \text{ foot reduction}$).

Per Section 86-564(b), a deck may project up to eight feet into a rear yard; thus the deck in this case could be as close as 20 feet from the rear lot line.

The proposed deck is located 16 feet from the rear lot line and thus projects an additional four feet into the rear yard; therefore the applicant is requesting a variance. The following chart summarizes the variance request:

	Required Setback	Proposed Setback	Variance Request
Deck	20 feet	16 feet	4 feet

Site History

- The lot is part of the Ottawa Hills subdivision (Lot 107).
- The house was constructed in 1951.

ZBA Case No. 15-12-09-1
December 4, 2015
Page 2

- In 1987 an addition was proposed to connect a detached garage to the house and the garage, once attached to the house, would not meet the required rear yard setback of 28 feet, using the rear yard reduction. The Zoning Board of Appeals granted a variance for the garage (house) to be located 17 feet from the rear lot line for a variance of 11 feet, under ZBA Case #87-5-13-13.
- The addition to the house was approved under PB #18062 in 1988.
- The applicant has applied for a building permit for the deck (PB #15-0714) which is on hold until the ZBA has made a determination on the applicant's variance request.

Attachments

1. Application and Submittals from Applicant
2. Site Location Map
3. Photographs

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Case 8534564 REC

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

Oscar Gonzales
517 712 0893

VARIANCE APPLICATION

A. Applicant LI HE
Address of Applicant 4937 Hillcrest Ave Okemos MI 48864
Telephone (Work) 6463012806 Telephone (Home) 21-202-015
Fax _____ Email address: Lihe 8246@yahoo.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 4937 Hillcrest Ave Okemos MI 48864
Zoning district _____ Parcel number _____

- 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
 - Legal description
 - 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)
- Architectural sketches
 - Other

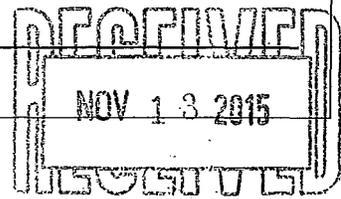
[Signature] LI HE 10-22-15
Signature of Applicant Print Name Date

Fee: 150.⁰⁰ Received by/Date: Martin Wyatt 11/13/15

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.**)

[Signature] 10-22-15
Signature of Applicant(s) Date

Signature of Applicant(s) Date



to Planning Division

12-1-15

From - LI HE

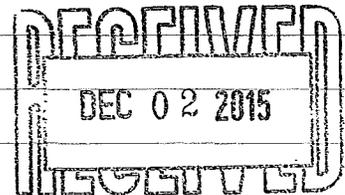
Address 4937 Hillcrest

OKEMOS, MICH

RE: VARIANCE Request Supplement

- 1) THE Residence SITS BACK Closer to the West PROPERTY Line THAN NORMAL,
- 2) Home WAS purchased By me, NOT Built By me.
- 3) I would not be able to comfortably Place Deck Furniture AND ENJOY THE DECK.
- 4) SIMILAR to REASON 3
- 5) " " "
- 6) I BELIEVE THAT IF A VARIANCE IS APPROVED, THAT IT WILL NOT HINDER THE USE OF LAND OR NEIGHBORS.
- 7) ?
- 8) I BELIEVE THAT APPROVAL OF THE VARIANCE PERMIT me/us to ERECT A DECK IN SIZE THAT WOULD BE COMFORTABLE AND BENEFICIAL AT IT'S INTENDED LOCATION

Respectfully

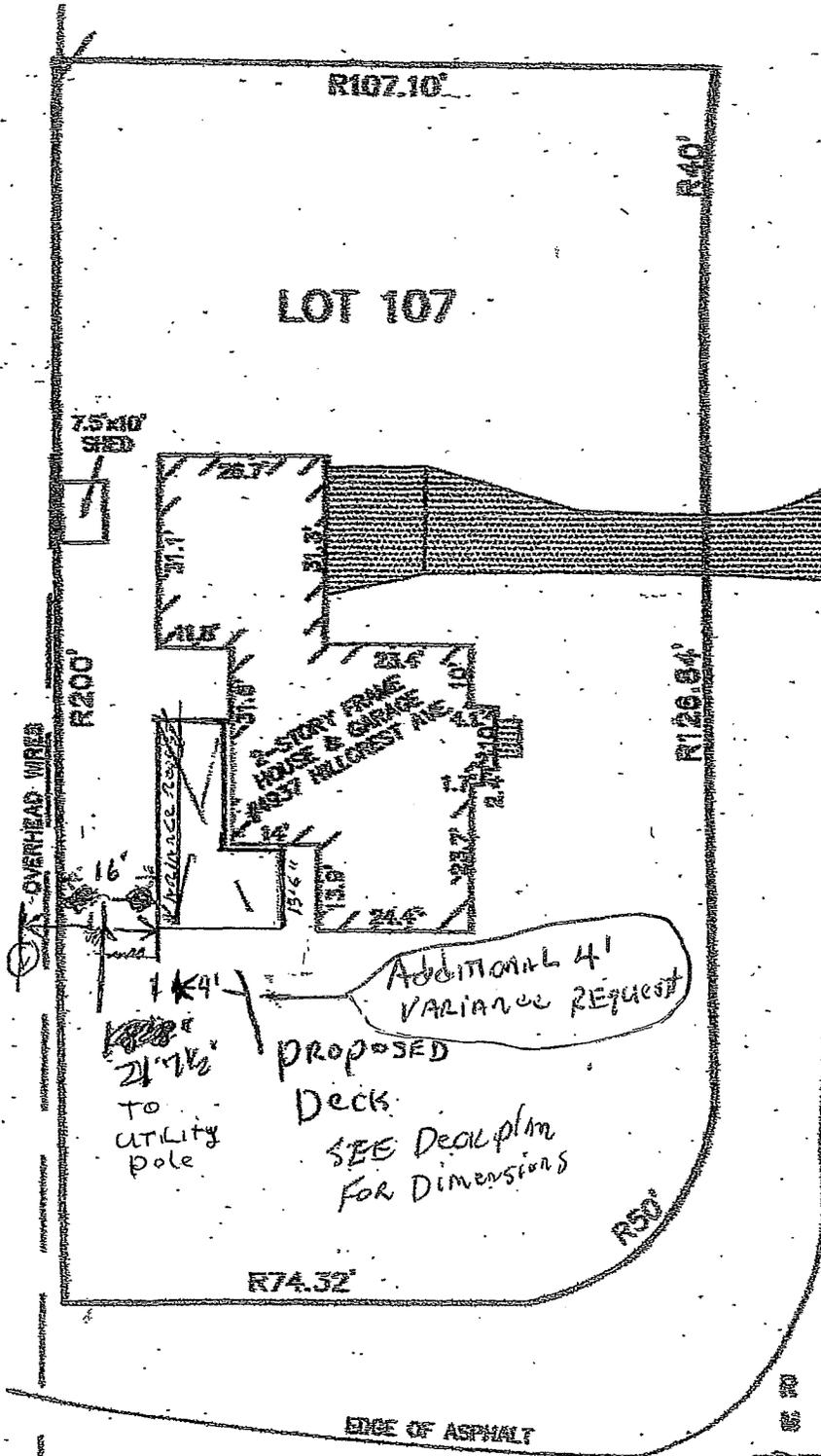


MORTGAGE REPORT

For:
A. Hoffman Realty
 1951 Groton Way
 East Lansing, MI 48823

Survey Address:
 4937 Hillcrest Avenue
 Okemos, MI 48864

Legal Description (as provided): Lot 107, Ottawa Hills, Meridian Township, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 14 of Plats, Pages 7-9, Ingham County Records.

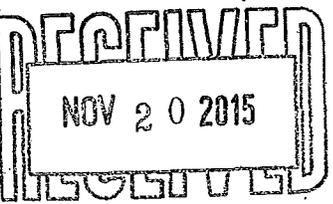


1" = 30'

A LOT SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.

EASEMENTS, IF ANY, NOT SHOWN

HILLCREST AVENUE



NOTE:

Actual Dimension from proposal Deck to hot line = 16' WEST side

- R = Recorded Distance
- M = Measured Distance
- = Distance Not to Scale
- = Dashed Line
- ▨ = Asphalt, Deck, Porch, Slabwork, & Patio Areas

IROQUOIS ROAD

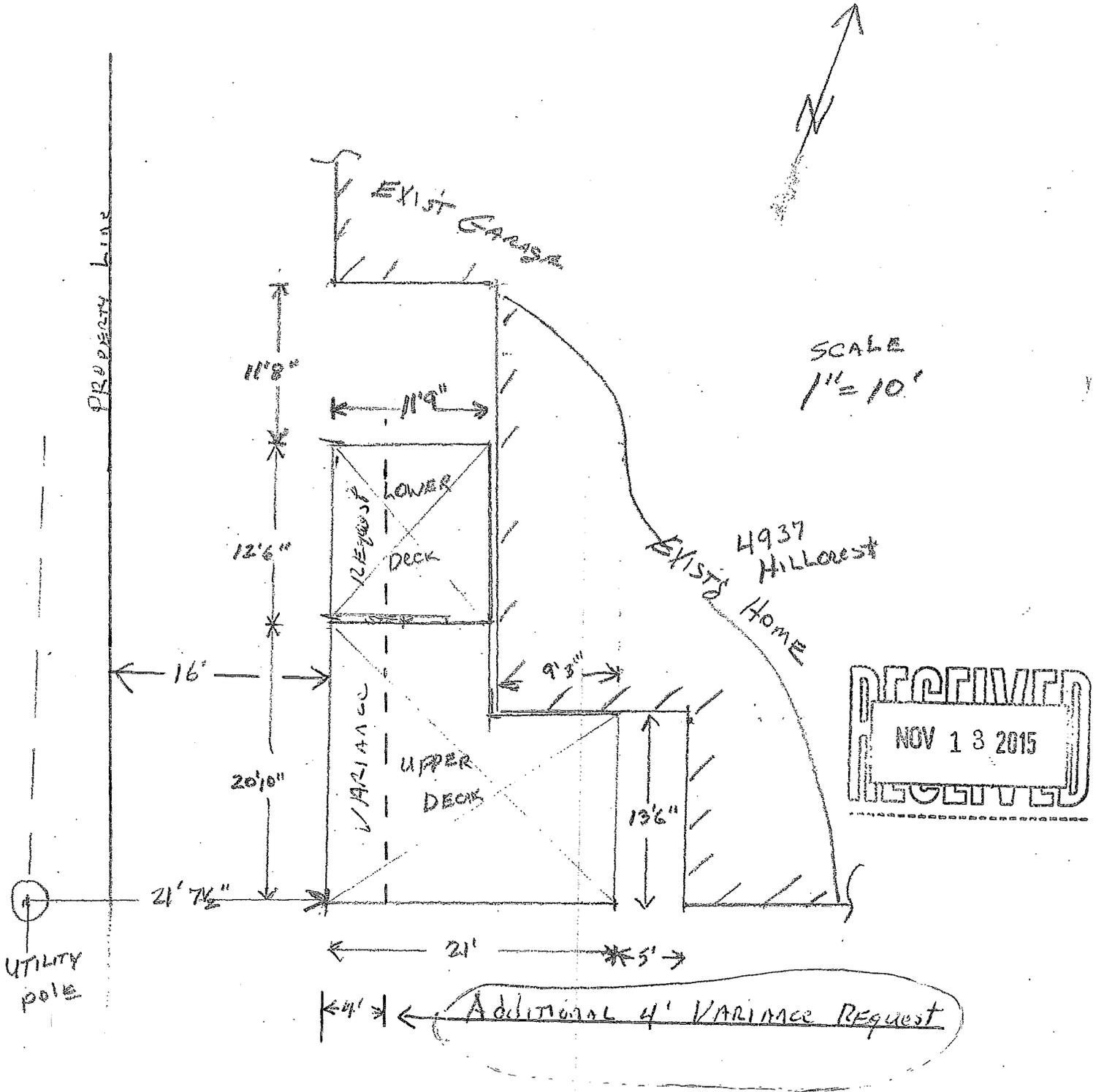
LI HE

4937 Hillcrest

OKemos MI

PROPOSED DECK

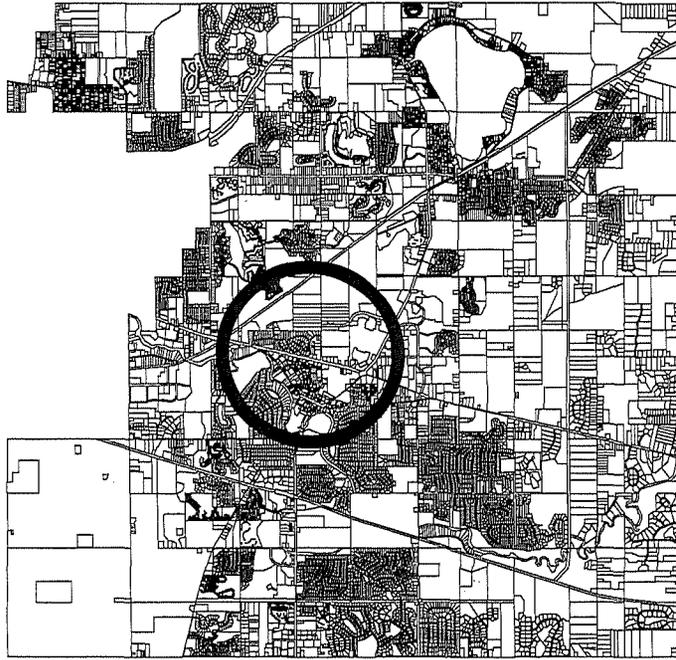
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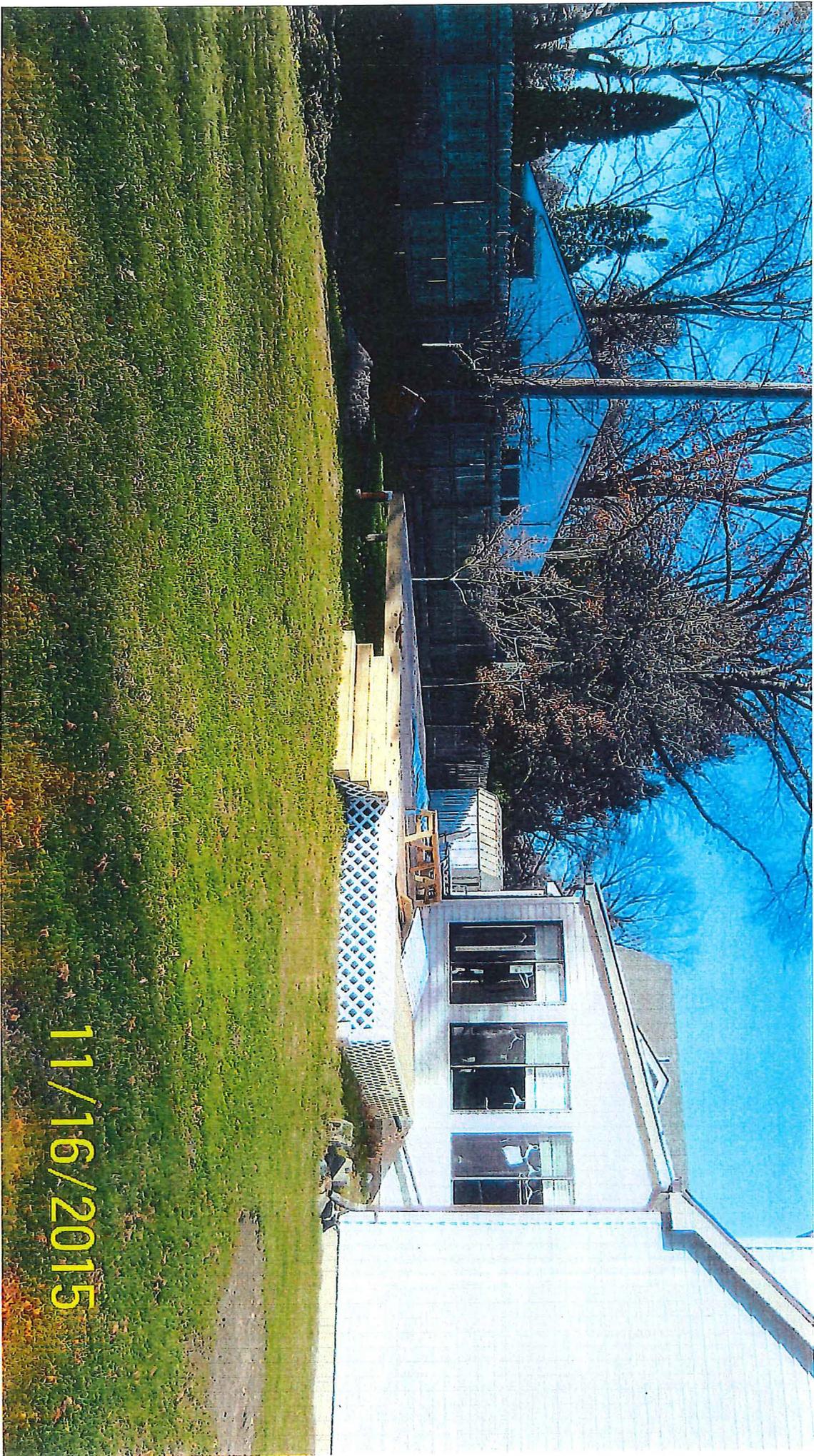


**TYPE OF PERMIT #15-12-09-1
(LI HE)**

**REQUEST TO ALLOW DECK
TO ENCROACH INTO REAR YARD
SETBACK AT 4937 HILLCREST AVE.**

CHARTER TOWNSHIP OF MERIDIAN





11/16/2015



11/16/2015

**2016 Zoning Board of Appeals
Meeting Schedule**

RESOLUTION

At a regular meeting of the Zoning Board of Appeals of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, 5151 Marsh Road, Okemos, MI 48864-1198, on the 9th day of December 2015, at 6:30 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____

WHEREAS, Public Act 261 of the Public Acts of 1968 requires a publication of the meeting schedule of every Municipal Board at least once a year; and

WHEREAS, the Zoning Board of Appeals desires to announce the time, date, and place of all meetings of the Zoning Board of Appeals including so called work sessions pursuant to the provisions of Act 267 of the Public Acts of 1976. It is the desire of the Zoning Board of Appeals to maintain a meeting schedule, which is generally the second (2nd) and fourth (4th) Wednesday of each month.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF APPEALS OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN as follows:

1. The Zoning Board of Appeals will meet in regular session in the Town Hall Room, Meridian Municipal Building, 5151 Marsh Road, unless noticed or posted otherwise, at 6:30 p.m. on the second and fourth Wednesday for the months of January, February, March, April, May, June, July, August, September, and October. In November, one meeting will be held on the second Thursday; and in December, one meeting will be held on the second Wednesday.
2. The specific dates for meetings are as follows:

<u>Month</u>	<u>Meeting Dates</u>
January	13, 27
February	10, 24
March	9, 23
April	13, 27
May	11, 25
June	8, 22

2016 ZBA Meeting Schedule
Page 2

<u>Month</u>	<u>Meeting Dates</u>
July	13, 27
August	10, 24
September	14, 28
October	12, 26
November	9
December	14

3. A summary of this resolution stating date, place, and time shall be posted in the Meridian Municipal Building within ten (10) days after the first regularly scheduled meeting of the year in accordance with MCL 15.265.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)ss
 COUNTY OF INGHAM)

I, the undersigned, the duly qualified Chairperson of the Zoning Board of Appeals, Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Zoning Board of Appeals held on the 9th day of December 2015.

 Brian Beauchine, Chair
 Zoning Board of Appeals

2016 ZONING BOARD OF APPEALS APPLICATION DEADLINES FOR PUBLICATION

Complete Applications due by NOON on deadline date

Meeting Date	Deadline (MONDAY unless noted otherwise)
January 13	December 18, 2015 (Thursday at noon)
January 27	January 4, 2015
February 10	January 15 (Thursday at noon)
February 24	February 1
March 9	February 15
March 23	February 29
April 13	March 21
April 27	April 4
May 11	April 18
May 25	May 2
June 8	May 16
June 22	May 27 (Thursday at noon)
July 13	June 20
July 27	July 1 (Thursday at noon)
August 10	July 18
August 24	August 1
September 14	August 22
September 28	September 2 (Thursday at noon)
October 12	September 19
October 26	October 3
November 9	October 17
December 14	November 21
January 10, 2017	December 16, 2016 (Thursday at noon)