

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, APRIL 13, 2016 6:30 PM
TOWN HALL ROOM

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- o Wednesday, March 9, 2016
- o Wednesday, March 23, 2016

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. ZBA CASE NO. 16-04-13-1 MATTHEW BURBA, 2706 LOON LANE, OKEMOS, MI 48864

DESCRIPTION: 2706 Loon Lane
TAX PARCEL: 32-401-005
ZONING DISTRICT: RAA (Single Family, Low Density)

The applicant is requesting a variance 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 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 (basketball court) to be located closer than 10 feet from another accessory building (in-ground swimming pool) at 2706 Loon Lane, Okemos, MI

- ☞ 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 – 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, March 9, 2016**

PRESENT: Members Jackson, Lane, LeGoff, Ohlrogge, Chair Beauchine
ABSENT: None
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 JACKSON MOVED TO AMEND THE AGENDA AS FOLLOWS:

- DELETE AGENDA ITEM #C.

SECONDED BY MEMBER LEGOFF.

VOICE VOTE: Motion carried 5-0.

MEMBER OHLROGGE MOVED TO APPROVE THE AGENDA AS AMENDED.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried 5-0.

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

~~Wednesday, February 10, 2016~~

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS

1. ZBA CASE NO. 16-03-09-1 O'REILLY AUTO PARTS, 233 SOUTH PATTERSON, SPRINGFIELD, MO 65802

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

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

- Section 86-687(4)d., which states a freestanding sign greater than five feet in height shall not exceed 28 square feet in surface display area per side (with three square feet set aside for the street number of the structure).

The applicant is requesting a variance to allow for a freestanding sign with 48 square feet of surface display area, per side, for the O'Reilly Auto Store, to be located at 2703 Grand River Avenue, East Lansing.

Ms. Wyatt outlined the case for discussion.

Steve Mathews, District Manager, O'Reilly Auto Parts, 8080 Haggerty Road, Belleville, believed the larger sign is needed in order to be seen among the mature landscape along Grand River Avenue. He noted this new business intends to be a member of the community for many years and will employ several residents in the area.

Dan Gdowski, Regional Director, O'Reilly Auto Parts, 8080 Haggerty Road, Belleville, believed his experience in opening several new stores showed patrons to new stores look for the sign. He indicated a larger sign is warranted to ensure safety of the customers who traverse Grand River Avenue, a very busy thoroughfare. Mr. Gdowski believed a more visible sign allows customers to easily locate the place of business. He noted the standard lease for O'Reilly Auto Parts is 15 years and it is their intention to remain in Meridian Township for the foreseeable future.

Member LeGoff voiced her support for the new business locating on the site of the old Paul Revere's Bar, which has been vacant for many years.

Upon request, Associate Planner Wyatt showed the drawing where the wall signs would be located, noting the building has frontage along Grand River and Dawn Avenues and would be allowed a wall sign on both the north and west sides of the building. She indicated the wall length in each direction is 87 feet, which would provide a wall sign, by right, of up to 87 square feet on each side.

Member Jackson acknowledged the statement made earlier by Mr. Mathews relative to the mature landscape along Grand River Avenue, but was concerned Zoning Board of Appeals (ZBA) members had no visual evidence to support the request for a bigger sign based on that statement. She inquired if staff had knowledge regarding planned landscaping which was provided during the site plan review process.

Ms. Wyatt responded staff saw the landscape plan in July, 2015. She indicated staff has not yet received a revised landscape plan, but the revised layout before the ZBA changed slightly as the Ingham County Road Department (ICRD) would not allow the applicant to move their entrance drive further north on Dawn Avenue. Ms. Wyatt acknowledged there are a number of existing canopy trees along Dawn Avenue and some trees on Grand River while pointing out the location of existing trees on the aerial photo. She noted there are currently two drives off Grand River Avenue and the western drive will be closed, adding the existing building is close to the sidewalk along Grand River Avenue. Ms. Wyatt stated the applicant will be required to provide at least four (4) or five (5) street trees along the Grand River Avenue frontage, indicating one of the mature trees may count as a street tree.

Member Jackson inquired if the requested height of the pole was allowed, and only the size of the sign was in question.

Associate Planner Wyatt stated the 16 foot height is within the allowed height dimension.

Chair Beauchine asked if a public access doorway was required for each side of a building located on a corner where there was frontage on two streets.

Ms. Wyatt replied the requirement applied to multi-tenant buildings.

Member Ohlrogge stated it is "tricky" to assess tree foliage in the winter and asked the applicant if they had performed a tree count. She spoke in support of the applicant's desire to protect mature trees. She indicated the first review criteria for consideration by the Zoning Board of Appeals deals with proof that unique circumstances exist which are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. Member Ohlrogge noted that with the information provided at this

point in time, she could not conclude there was a unique circumstance, adding there seemed to be sufficient space on the site to maximize visibility of the allowed sign size even with the existence of mature trees. She asked the applicant if they had an exact count of mature trees which are located along Grand River Avenue.

Mr. Gdowski replied he does not have an exact count as it has been approximately two (2) years since they began negotiations for the subject property. He stated full foliage could potentially be a hindrance to the signage. He was unclear as to what options they would have as it is preferable to have signage as close to their entrance as possible. Mr. Gdowski believed trees in full foliage along Grand River Avenue during spring, summer and fall would make it difficult for drivers traveling eastbound to see the proposed building.

Chair Beauchine explained state statute is explicit in what the ZBA can consider when a variance is requested by an applicant. He added there are eight (8) review criteria which must be deliberated, and all eight (8) must be met in order for a variance to be granted. Chair Beauchine indicated the Township's sign ordinance is clear that 28 square feet in surface display area per side (with three square feet set aside for the street number of the structure) is the maximum allowed.

Chair Beauchine read review criteria five which states "Granting a variance is the minimum action that would make possible the use of the land or structure in a manner which is not contrary to public interest, would carry out the spirit of the zoning ordinance, secure public safety and provide substantial justice. He provided his opinion that the minimum action is what is stipulated in the township's sign ordinance. Chair Beauchine noted the Planning Commission can create a special zoning district for signage along Grand River Avenue if it so desired, adding many signage variances for properties along Grand River Avenue have come before the ZBA. He believed the sign ordinance has been in place since the early 1990s and he could not recall a single instance where the ZBA approved a larger sign than allowed by ordinance.

Member Ohlrogge added every variance is approached by the ZBA as a unique and stand-alone request vetted against the eight established review criteria provided in state statute.

Member Ohlrogge read criteria number six which states "Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property." She explained the rationale for a sign ordinance is to provide consistency and fairness along a road/street. She did not believe the applicant has met the standard.

Member Ohlrogge read review criteria number eight which states "Granting the variance will be generally consistent with the public interest, purposes and intent of the zoning ordinance." She stated it is the ZBA's intent to be fair and safe to all businesses. She noted if it is determined the sign size is too small to be safe, then the ZBA should refer the ordinance to the appropriate Township body for review. Member Ohlrogge suggested if the applicant believed the sign size is unsafe, he should make an appeal to the Township Board.

Member Jackson clarified the Planning Commission is in the process of reviewing the Township's existing sign ordinance, but larger signs are not one of the priorities being considered. She felt confident that during the review process, larger signs along Grand River Avenue will be one of the items vetted.

Member Ohlrogge reminded citizens and business owners there are ways to be involved in the process of updating Township ordinances.

Member Jackson encouraged citizens and business owners to contact members of the appropriate body to voice their concerns relative to troublesome existing ordinance language.

Chair Beauchine suggested the issue of menu boards in drive-throughs being counted as signs be reviewed.

Member Jackson also believed the issue of moving signs could be reviewed. She noted a recent community survey (available on the Township's website) included a question about larger signs. Her recollection was the general consensus of the polled citizenry was that there was not particular interest in increasing sign size.

Member LeGoff reiterated her support for the subject business at the proposed site as it would provide variation from the many restaurants along the corridor.

Member Ohlrogge also expressed support for redevelopment of a vacant site and was optimistic it would be a good business in the area.

MEMBER OHLROGGE MOVED TO DENY ZBA CASE NO. 16-03-09-1 BECAUSE OF THE LACK OF ABILITY TO ANSWER OUR CRITERIA.

SECONDED BY MEMBER JACKSON.

ROLL CALL VOTE: YES: Members Jackson, Lane, Ohlrogge, Chair Beauchine
NO: Member LeGoff
Motion carried 4-1.

F. OTHER BUSINESS

None.

G. PUBLIC REMARKS

Chair Beauchine opened and closed public remarks.

H. BOARD MEMBER COMMENTS

Member Ohlrogge announced it is Recording Secretary Erin Bierly's last evening with the Zoning Board of Appeals. She wished Ms. Bierly all the best in her new endeavor.

The sentiments expressed by Member Ohlrogge were echoed by Member Jackson and Chair Beauchine.

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:01 p.m.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, March 23, 2016**

PRESENT: Members Jackson, Lane, Ohlrogge, Chair Beauchine
ABSENT: Member LeGoff
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 OHLROGGE MOVED TO APPROVE THE AGENDA AMENDED AS FOLLOWS:

- DELETE THE WEDNESDAY, MARCH 9, 2016 SET OF MINUTES

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried 4-0.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, February 10, 2016

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 10, 2016 AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried 4-0.

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS

1. ZBA CASE NO. 16-03-23-1 ROSE E. PARKER, 1328 HASLETT ROAD, HASLETT, MI 48840

DESCRIPTION: 1328 Haslett Road
TAX PARCEL: 11-327-011
ZONING DISTRICT: RC (Multiple Family, Medium Density)

The applicant is requesting a variance 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 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.

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

The applicant is requesting a variance to allow a detached accessory building (garage) to be located closer than 10 feet from the principal building (house) and project into the front yard at 1328 Haslett Road, Haslett.

Ms. Wyatt outlined the case for discussion.

Rose Parker, applicant, PO Box 906, Owosso, detailed history of changes they made to the subject site. She stated the property on a corner lot had more restrictions than the applicants were aware of when they purchased the property. She indicated they need shelter and storage space at the subject property and believed the garage would assist elderly occupants and provide the lot with an aesthetically pleasing appearance.

Chair Beauchine opened and closed public remarks.

Chair Beauchine stated the subject parcel is part of the Ridgeway subdivision and is platted.

Associate Planner Wyatt expounded the subdivision was platted for both apartments and duplexes.

Chair Beauchine spoke to site history contained in the staff report which stated the Zoning Board of Appeals (ZBA) approved a variance for the front porch in 1985 which allowed it to be set back 99 feet from the centerline of Haslett Road while the required setback was 110 feet. He inquired if ZBA members were to apply two different rules to the request, since a platted subdivision normally addresses the boundary of the house not the centerline of the road.

Associate Planner Wyatt replied the members should make a decision based on distance from the centerline since Haslett Road is a collector street.

Member Lane inquired about the carport as shown on the lot survey for this property.

Ms. Wyatt responded the Township building inspector required its removal for noncompliance.

Member Lane asked if the carport serviced both sides of the duplex.

The applicant replied it serviced only one side of the duplex.

Chair Beauchine asked the applicant if it is their intent to make the garage the same dimensions as the previous shed.

Ms. Parker responded the previous shed was not large enough to house a vehicle.

Chair Beauchine voiced concern regarding the requested setbacks, acknowledging the rationale for the required setbacks correlates with the ability of fire equipment to gain access in the event of a fire.

Member Jackson noted the back edge of the garage is fenced almost to the street and then around the pool. She inquired if fire personnel could access all parts of the main structure to service it in the event of a fire.

Member Ohlrogge spoke to the difficulty of the situation due to some work already having been performed. As she visited the property, she observed there is too much built on the space due to the encroachments on the setbacks. Member Ohlrogge believed it would be extremely difficult for emergency services to gain access to the main structure.

Ms. Parker added there is a front door.

Member Jackson inquired if there was one or two front doors and asked the applicant to point them out on the overhead drawing.

Chair Beauchine remarked it appears the in-ground pool was constructed in 1973 and assumed it was prior to the Township implementing a ten (10) foot setback between structures. He inquired if the ZBA should consider the pool as legal non-conforming.

Commissioner Jackson requested the dimensions for the width needed for a carport v. garage. She asked if 20.2 feet in width was needed in order for the garage to house a vehicle.

Chair Beauchine calculated the need for at least 8 feet in width for a single car garage.

Member Jackson believed the structure could be moved further from the house if some of the storage space was reduced.

Member Lane voiced appreciation for the additional regulations required for a corner lot. He expressed concern with setting a precedent for this site when the specifics were previously included in the ordinance. Member Lane was also concerned with the front yard encroachment.

Member Jackson addressed review criteria one, stating there is not a unique circumstance which would make a compelling argument to grant the variance. She added the language in the ordinance relative to corner lots is very specific.

Chair Beauchine explained in order for the ZBA to grant a variance, state statute requires each case to meet all eight (8) review criteria, noting if any one (1) criteria is not met, the variance should not be granted.

Chair Beauchine reread review criteria one regarding unique circumstances to the subject site which are peculiar to the land or structure not applicable to other land or structures, stating the Township has an ordinance which addresses corner lots and delineates the specific handling of those lots.

Chair Beauchine read review criteria two which states, in part, these circumstances are not self-created, agreeing the circumstances for the subject site are not self-created.

Chair Beauchine read review criteria three which states, in part, strict interpretation of the terms and provisions of the ordinance would result in practical difficulties, believing the request does not meet this criteria due to the size of the unit and how much structure is "out there."

Chair Beauchine read review criteria four which states, in part, the alleged practical difficulties would unreasonably prevent the owner from using the property for a permitted purpose. While unsure of available options, a garage is not a requirement and the request does not meet this criteria.

Chair Beauchine read review criteria five which states, in part, granting the variance is the minimum action which will make possible the use of the land or structure in a manner not contrary to the public interest, carry out the spirit of the zoning ordinance and secure public safety. He does not believe the requested variance would secure public safety due to the issue of emergency services personnel not having the ability to obtain adequate ingress and egress if called upon. Chair Beauchine does not believe granting the variance request would carry out the spirit of the zoning ordinance.

Chair Beauchine 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, noting the current configuration does not properly fit the land.

Chair Beauchine read review criteria seven which states, in part, the conditions pertaining to the land or structure are not so general as to make the formulation of a general regulation for such conditions practicable. He believed the subject site met this criteria.

Chair Beauchine read review criteria eight which states granting the variance will be generally consistent with public interest, the purposes and intent of the zoning ordinance. He stated the Township's zoning ordinance is specific to corner lots and the minimum necessary. Mr. Beauchine pointed out lack of adherence to review criteria one and five are of greatest concern to him.

Member Jackson added granting this variance request with these known types of impediments to public safety would be contrary to public interest.

MEMBER JACKSON MOVED TO DENY THE VARIANCE REQUEST FOR THIS CASE.

SECONDED BY MEMBER OHLROGGE.

Member Jackson stated this is a worrisome situation and does not in any way help the public interest.

Member Ohlrogge voiced appreciation for the need to have a garage in the winter, but there is not space on the subject property to safely provide a garage.

ROLL CALL VOTE: YES: Members Jackson, Lane, Ohlrogge, Chair Beauchine
NO: None
Motion carried 4-0.

F. OTHER BUSINESS

None.

G. PUBLIC REMARKS

Chair Beauchine opened and closed public remarks.

H. BOARD MEMBER COMMENTS

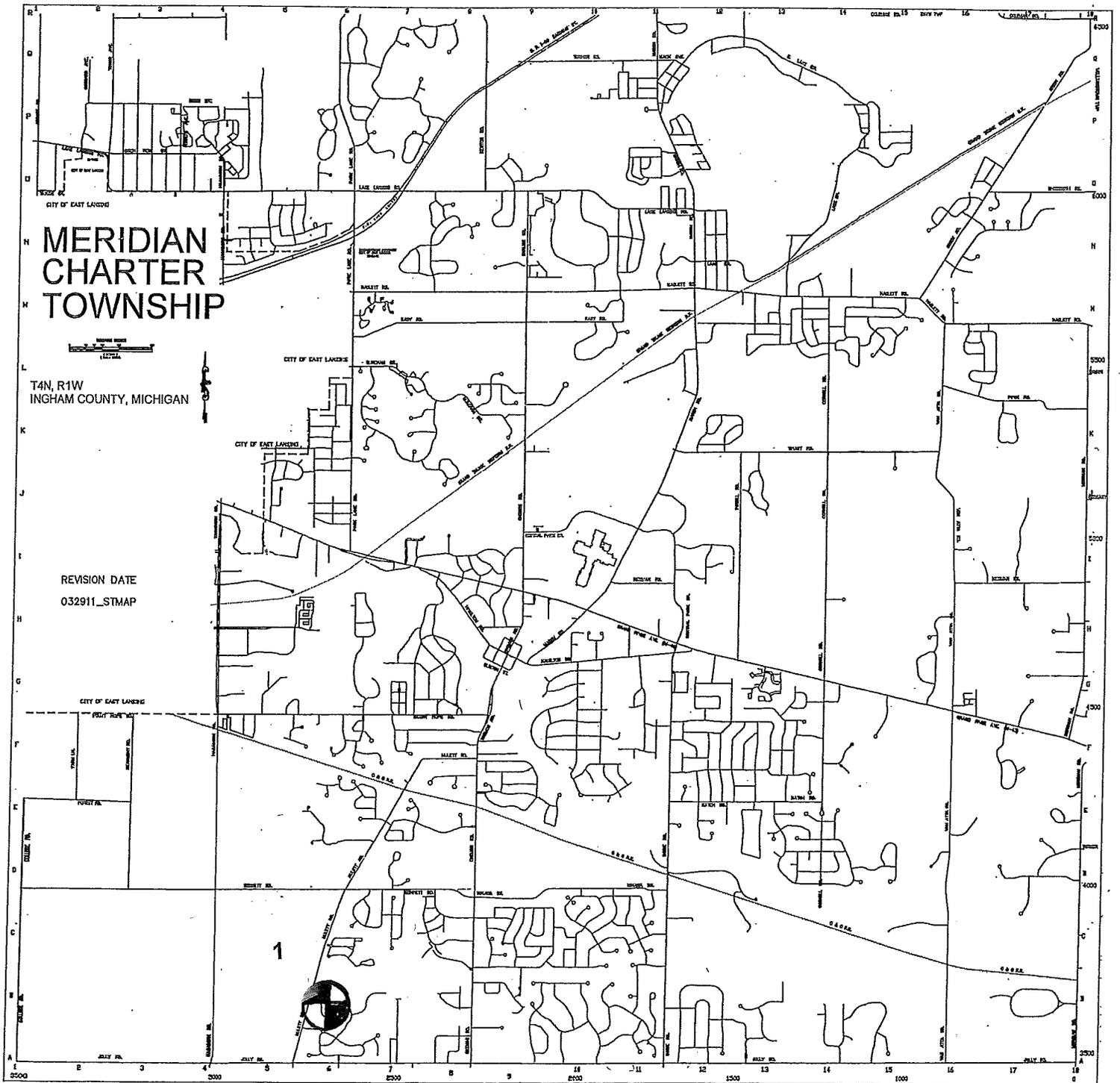
None

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:01 p.m.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary



LOCATION MAP

1. ZBA CASE NO. 16-04-13-1

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: April 8, 2016

RE: ZBA Case No. 16-04-13-1

ZBA CASE NO.: 16-04-13-1 **MATHEW BURBA, 2706 LOON LANE, OKEMOS, MI**
DESCRIPTION: 2706 Loon Lane
TAX PARCEL: 32-401-005
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.

A complaint was filed with the Township in November 2015 regarding lot coverage of the rear yard where a basketball court and in-ground swimming pool are located at 2706 Loon Lane, in the Sanctuary subdivision. The basketball court and the in-ground swimming pool are considered accessory buildings and are regulated under Section 86-502 of the Code of Ordinances. The pool deck is not considered an accessory building. Section 86-502 requires an accessory building that is not made part of the principal structure to be located a minimum ten feet from any other separate structure on the same lot.

The in-ground swimming pool was constructed in 2012 under PB #12-0220. A survey was submitted with the building permit application showing only the in-ground swimming pool. A separate detail drawing was also submitted with the 2012 building permit showing the pool and a "stained green deck" north of the swimming pool. The deck was not shown on the scaled survey and was not approved by the Township as part of the building permit for the pool. The applicant has explained to staff the deck, which is the existing basketball court, was installed at the same time as the pool. The dimensions of the installed basketball court are 33 feet by 48 feet, whereas the detail drawing submitted with the 2012 building permit showed the "deck" as 25 feet by 45 feet.

In reviewing the submitted survey staff noted the rear lot coverage is approximately 23% which includes the in-ground pool with attached hot tub and the basketball court. The maximum allowed rear yard coverage for all accessory buildings is 30% (Section 86-534). Overall lot coverage of all buildings is approximately 26.7% and the maximum allowed for the RAA zoning district is 30%. Thus a variance is not required for rear yard lot coverage or overall lot coverage.

Section 86-502 requires a detached accessory building to be a minimum ten feet from the principal building or any other separate structure on the same lot. The basketball court is approximately six feet from the edge of the in-ground swimming pool. The following chart summarizes the variance request.

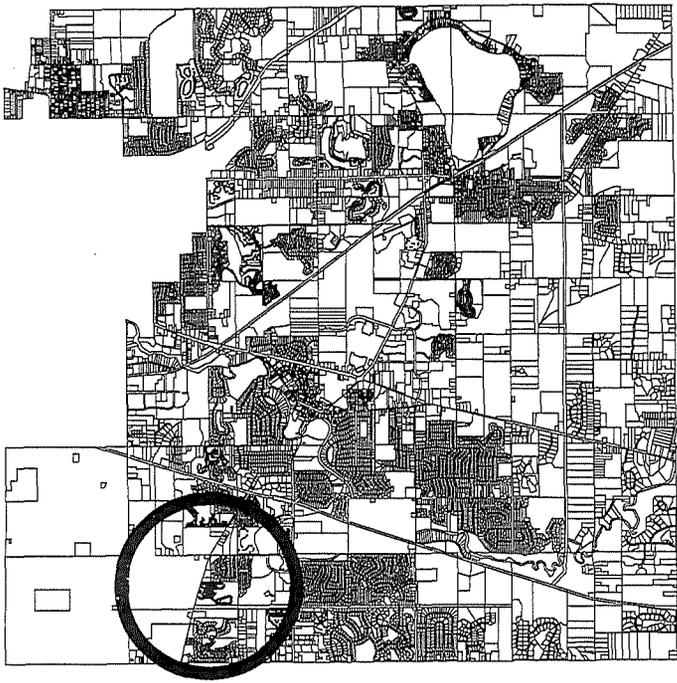
	Required Separation	Proposed Separation	Variance Request
Pool & basketball court	10 feet	6 feet	4 feet.

Site History

- The house was built in 2006 under PB #06-0712.
- The in-ground swimming pool was approved under PB #12-0220 and installed in 2012.

Attachments

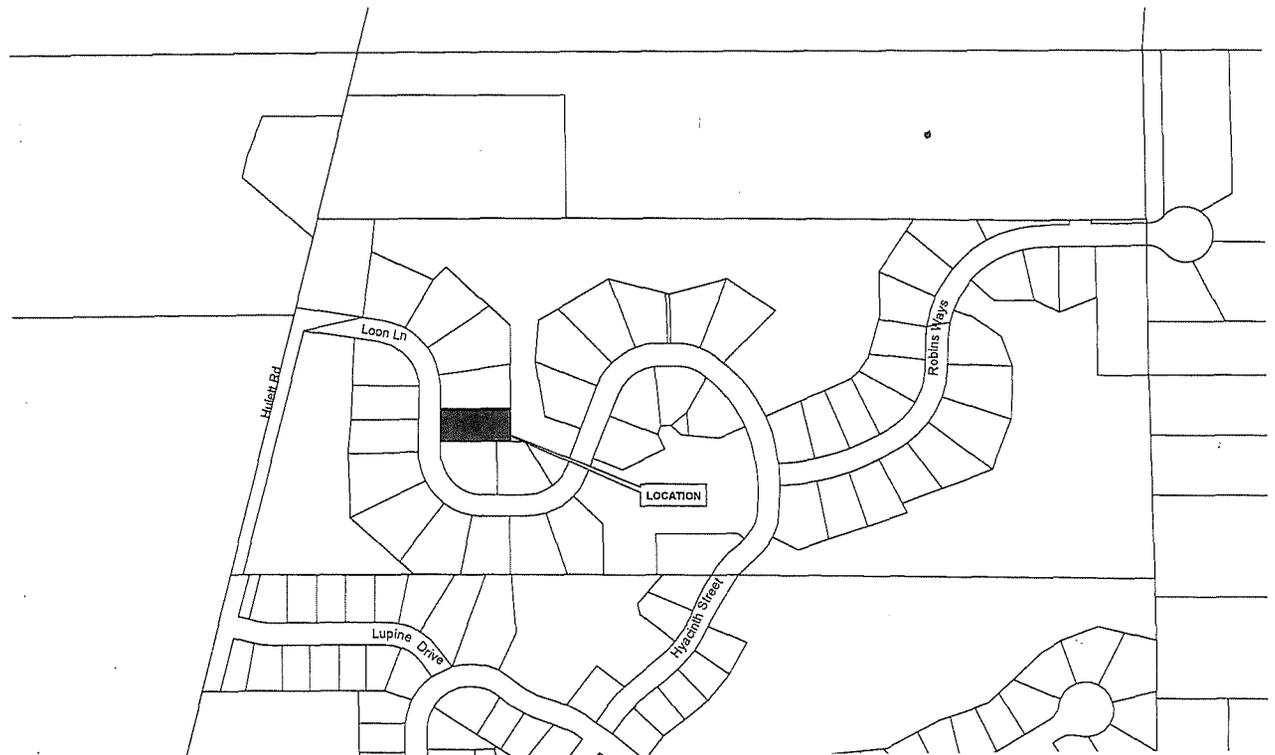
1. Application
2. Site Location Map
3. Submittals from Applicant
4. Photographs
5. Survey dated March 8, 2016



**ZONING BOARD OF APPEALS #16-04-13-1
(APPLICANT)**

**REQUEST A VARIANCE TO ALLOW
DETACHED ACCESSORY BUILDING
(BASKETBALL COURT) TO BE LOCATED
LESS THEN 10 FEET FROM ANOTHER
DETACHED ACCESSORY BUILDING
AT 2706 LOON LANE, OKEMOS**

CHARTER TOWNSHIP OF MERIDIAN



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

VARIANCE APPLICATION

- A. Applicant Matthew Burba
Address of Applicant 2706 Loon Ln, Okemos MI 48864
Telephone (Work) 517-575-7776 Telephone (Home) _____
Fax _____ Email address: _____
Interest in property (circle one): Owner Tenant Option Other
- B. Site address/location 2706 Loon Ln, Okemos MI
Zoning district RAA 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) 86-502

- 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)

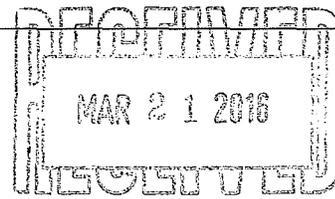
Matthew Burba MATTHEW K BURBA 3/12/2016
Signature of Applicant Print Name Date

Fee: \$150 Received by/Date: Matthew Wyatt 3/21/16

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.)

Matthew Burba 3/21/2016
Signature of Applicant(s) Date

Signature of Applicant(s) Date



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

Re: Variance Application Supplement, Written Statement

To the Planning Board,

The purpose of this statement is to request a variance for the basketball court we had installed in our yard in 2012. When we had our in-ground pool installed, we decided to add a basketball court next to the pool for the enjoyment of our children and other kids in the neighborhood. The contractor that we used applied for the permit for the pool and included the plans for the court - on the document he called it a "green deck" as we initially planned on making it Spartan Green. We eventually changed the color to match the pool deck to make it more appealing feature in the yard. The permit was granted, and we commenced construction without any idea that there was a problem with any codes. We also requested permission from our neighborhood Homeowner's Association before construction, which was granted in writing.

This fall, we received word that a complaint had been filed that we were in violation of the zoning ordinances, which shocked us, as it has been so long since we built the features in the back yard. After a professional survey, it looks as if the only ordinance that we are breaking is for the distance that the court is located from the pool. It should be 10 feet and it is just over 6 feet away. This is the ordinance from which we ask a variance.

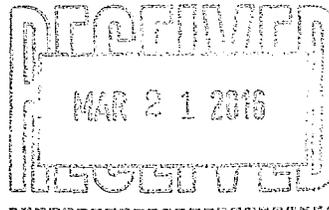
The court cannot be moved, as the cement was laid in such a way that the different parts of the court are different colors of cement. Therefore, to cut off four feet of the court would make for a lopsided court, which would not look appropriate for the neighborhood's aesthetics. We could fill in the space between the court and the pool deck with cement in order to create an extended pool deck, but this seems counter to the spirit of the issue. Therefore, the only solution would be to tear out the court and re-pour it four feet further from the pool. We would obviously prefer not to have to do this.

The court and pool were done very professionally, and add to rather than detract from the property values in the area. We invested in thousands of dollars of landscaping in order to make the back yard look extremely nice (see included picture).

Ultimately, while I understand the general nature of keeping structures ten feet apart makes sense from a safety and aesthetic perspective, neither of these is the case for these structures. I believe that granting a variance is generally consistent with public interest, the purposes and intent of the Zoning Ordinance. Therefore, I ask that you grant us a variance for the basketball court.

Thank you for your consideration.

Best regards,



**CHARTER TOWNSHIP OF MERIDIAN
BUILDING DEPARTMENT**

Phone: Building Div (517) 853-4500 Fax: (517) 853-4095

BUILDING PERMIT NO. PB12-0220

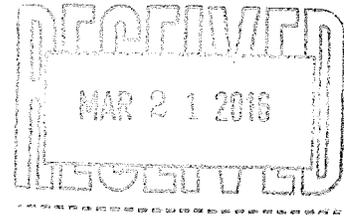
5151 Marsh Road, Okemos, MI 48864-1198

Hours: Monday-Friday 8:00-5:00

2706 LOON OKEMOS Location 33-02-02-32-401-005	BURBA, MATTHEW K & SEMMA Owner 2706 LOON OKEMOS MI 48864
Issued: 05/29/12 Expiration Date: 11/25/12 CALL (517) 853-4500 FOR AN INSPECTION CALL 24 HOURS IN ADVAN	MIDWEST POOLS INC Contractor 3090 W COOK RD GRAND BLANC MI 48439 (810) 655 7665

Work Description: SWIMMING POOL - INGROUND

Permit Item	Work Type	Item Total
SWIMMING POOL	RES-SINGLE FAM	\$330.00



Fee Total: \$330.00
Amount Paid: \$330.00

Balance Due: \$0.00

Building Official

Director of Community Planning

I agree this permit is only for the work described and does not grant permission for additional or related work which requires separate permits. I understand that this permit may become null and void if work is not started within 180 days, or if work is suspended or abandoned for a period of 180 at any time after work has commenced; and that I am responsible for assuring all required inspections are requested in conformance with the applicable code.

I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as his authorized agent. I agree to comply to all applicable laws of the State of Michigan and the local Jurisdiction. All information on the permit application is accurate to the best

Payment of permit fee constitutes acceptance of the above terms.

POST THIS PERMIT SO IT IS VISIBLE FROM THE STREET

Inspection Record

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

Payment Validation

BUILDING PERMIT APPLICATION
CHARTER TOWNSHIP OF MERIDIAN
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4500 BUILDING DIVISION

PB 12-0220

Date _____

PLEASE PRINT

Description of Work <i>Swimming Pool - inground</i>			
Project Name <i>INGROUND 16X40 FIBERGLASS POOL</i>		Project Address <i>2706 LOON LANG</i>	
Legal Description	Lot No.	Subdivision	
Owner Name <i>MATT BURBA</i>		Mailing Address if different than job address	
		Telephone <i>517 337-1213</i>	
Contractor Name <i>MIDWEST POOLS, INC</i>		Contractor Phone <i>810 655-7665</i>	Contractor License # <i>2102188139</i>
Contractor Street Address, City, State, Zip <i>3090 W. COOK, GRAND BLANK, MI 48439</i>			
Engineer/Architect		Street Address, City, State, Zip, Phone, Registration Number	
Size of Structure <i>16X40</i>		Valuation of Work \$ <i>\$32,000</i>	Permit Fee \$ <i>330</i>

NOTICE: This permit becomes null and void if work or construction is not commenced within six months, or if work or construction is suspended or abandoned for a period of six months at any time after work is commenced.

A true copy of the plans of said building is attached. It is understood that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

"Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subjected to civil fines."

Applicant Signature *Matt Burba* Date *5/3/12*

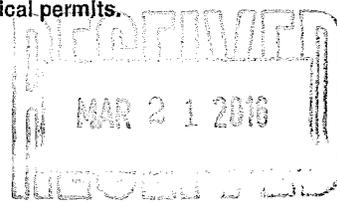
Federal I.D Number *26-1700169* Insurance Name/Policy Number *HARTFORD WS*

FOR OFFICE USE ONLY

Sidwell No. <i>32-401-005</i>	Zoning District <i>RAA</i>	Occupancy Group <i>R3</i>	Code <i>MRC 2009</i>
Water/Sewer: <input type="checkbox"/> Private <input type="checkbox"/> Public Permit No. _____		Storm Drain: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Driveway Permit No. _____		Township Engineer: _____	
Soil Erosion Permit No. _____			
Existing Structure or Use <input type="checkbox"/> Conforming <input type="checkbox"/> Non Conforming		Proposed Structure <input type="checkbox"/> Conforming <input type="checkbox"/> Non Conforming	
If Non Conforming Assessed Value of Structure \$ _____		Variance Granted/Date _____	

Application accepted by <i>By mail</i>	Date <i>5/1/12</i>	Building Permit Number <i>PB12-0220</i>	
Fee Received <i>330</i>	Receipt No <i>71038</i>	Date <i>5/1/12</i>	By <i>B.S.</i>
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Building Official <i>[Signature]</i>	Date <i>5-29-12</i>	
Special Conditions <i>Silt fence must be installed before excavation</i> <i>Barrier must meet MRC 2009 Appendix G</i>			

NOTE: Separate applications must be completed for Plumbing, Electrical and Mechanical permits.



349-220

PLOT PLAN

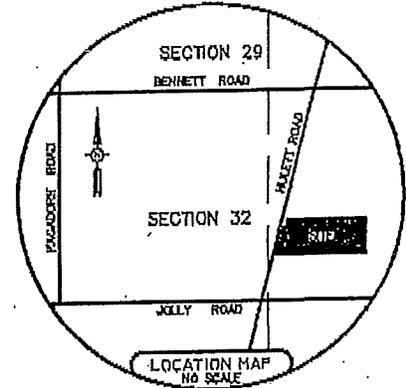
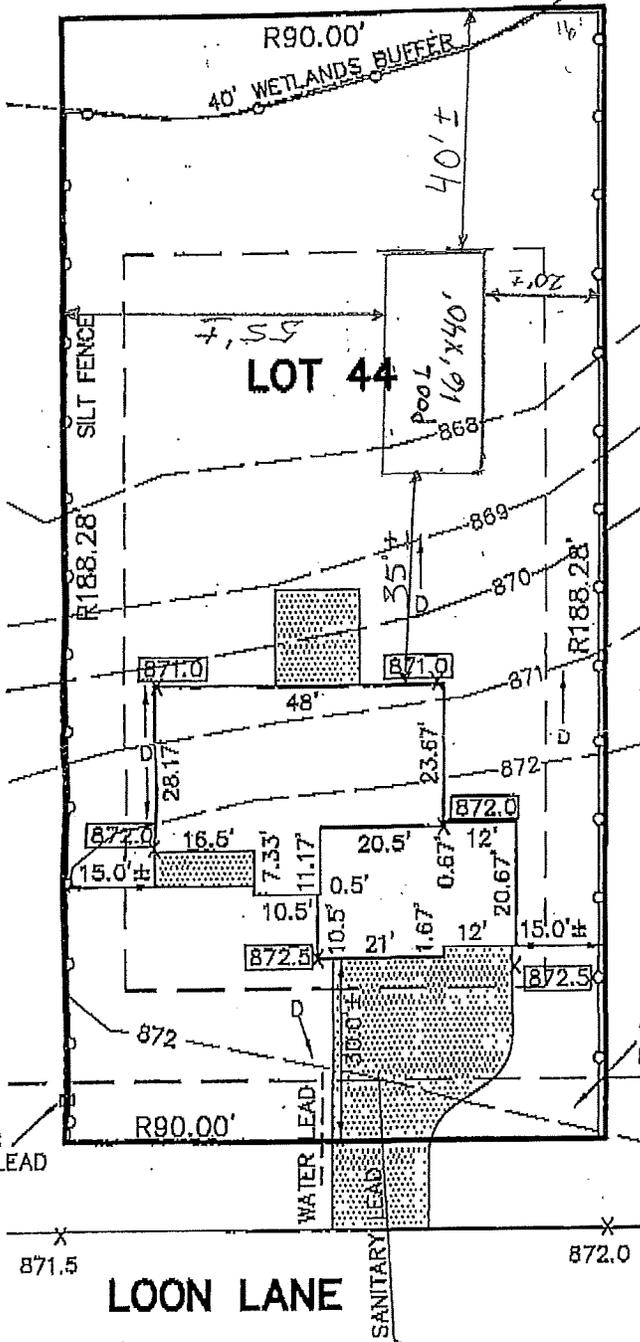
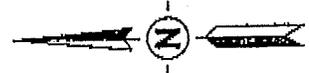
PB 12-0220

For:
 Jim Giguere Builders Inc.
 6200 Pine Hollow Drive Ste 100
 East Lansing, MI 48823

Legal Description (as provided): Lot 44, Sanctuary, a subdivision of part of the Southeast 1/4 of Section 32, T4N, R1W, Meridian Township, Ingham County, Michigan.

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

PLEASE Check Detailed Drawing 1" = 30'

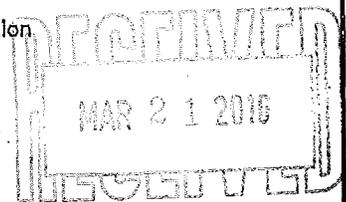


Soil Erosion Control Notes:

1. Clean roads daily
2. Clean catch basin filters once a week.
3. Inspect and maintain silt fence once a week.
4. Keep soil erosion permit posted at all times until site is stabilized.
5. Soil type is Clay Loam
6. Existing slope is 18%
7. Excavated soil to be used as fill on site.
8. Standard basement foundation.

Sequence of Construction

- Excavation
- Rough Grading
- Finish Grading
- Permanent Stabilization



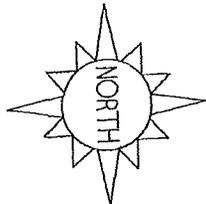
10' PRIVATE EASEMENT FOR PUBLIC UTILITIES.

7/11, Sonaco

has to be done...
 PO...

PLAN VIEW

PB120220

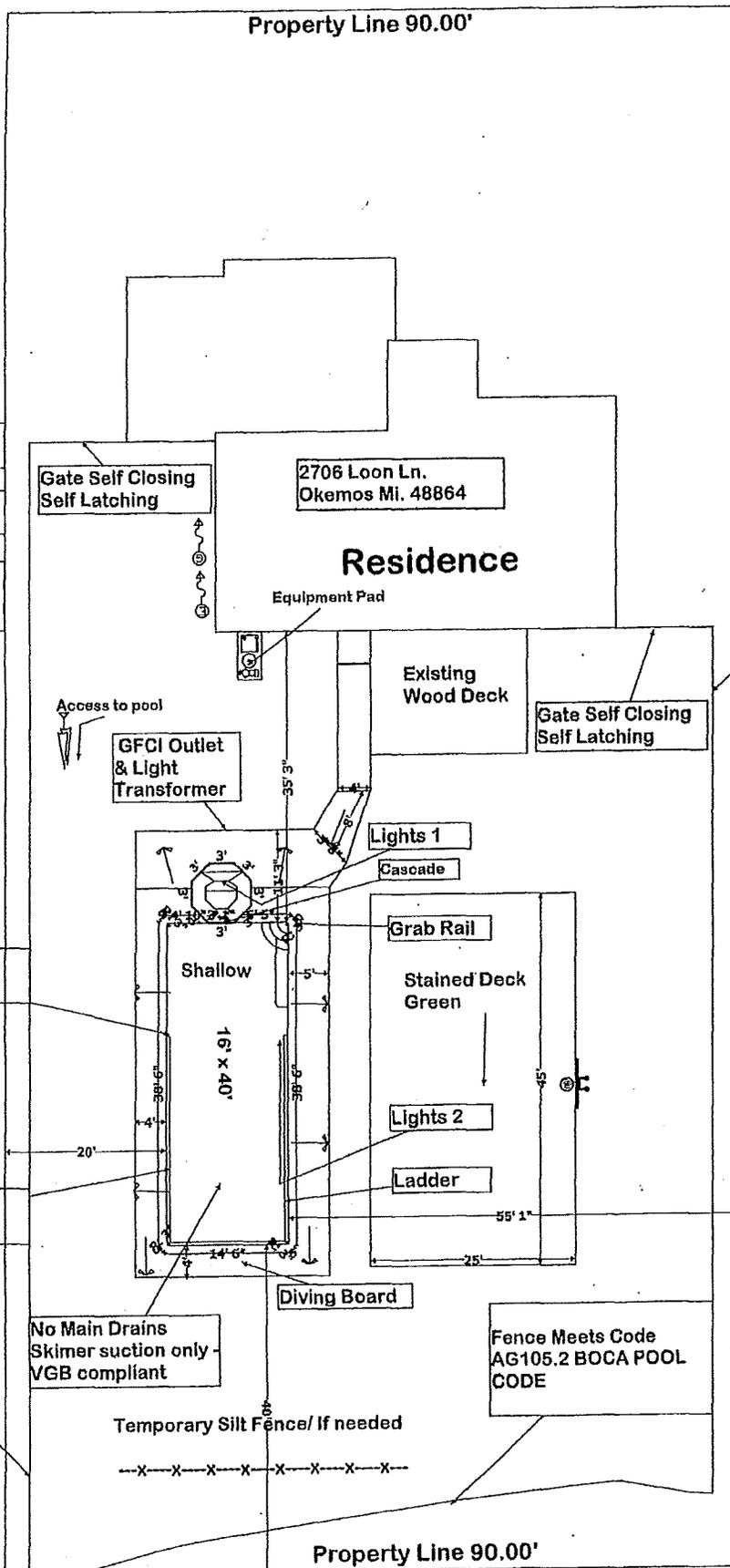


Scale 1"=20'

Bottom Block of house
Elevation 871.00

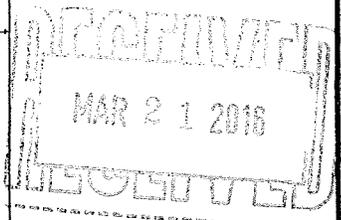
Elevation of Pool 868.00

NOTE:
Grab Rail & Ladder
Both bonded



Fence Meets Code
AG105.2 BOCA POOL
CODE

Property Line 188.28



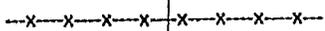
Fence Meets Code
AG105.2 BOCA POOL
CODE

Fence Meets Code
AG105.2 BOCA POOL
CODE

Midwest Dynamic
Flow

Midwest Dynamic
Flow

Temporary Silt Fence/ If needed



Property Line 90.00'

RB

RESIDENTIAL SITE PLAN REVIEW Permit #: 12-0220

- Zoning RAA
- Lot Area, Lot Width 17,072^{sq ft} 90'
- Lot Coverage 18%

- Front yard setback
- Side yard setback 5' 20' & 55'
- Rear yard setback 5' 40' - ~~7' setback~~
- Setback from other structures 22' to Deck

- Driveway
- Accessory structure or swimming pool proposed
- Deck, porches, patio & sidewalks/pathways
- Fence required
- Wetland 40' setback at Rear of Property

- Floodplain
- Land clearing activities

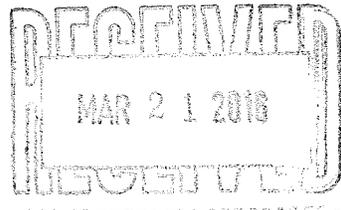
Easements 10' at Lot Front

Water Features Setbacks at rear of property
 * silt fence must be installed at upland edge.

Lighting ordinance

Reviewed by [Signature] Date 5-10-12

Site visited on 5-10 by [Signature]





RECEIVED
MAR 21 2016
RECEIVED

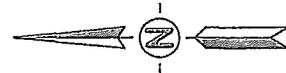
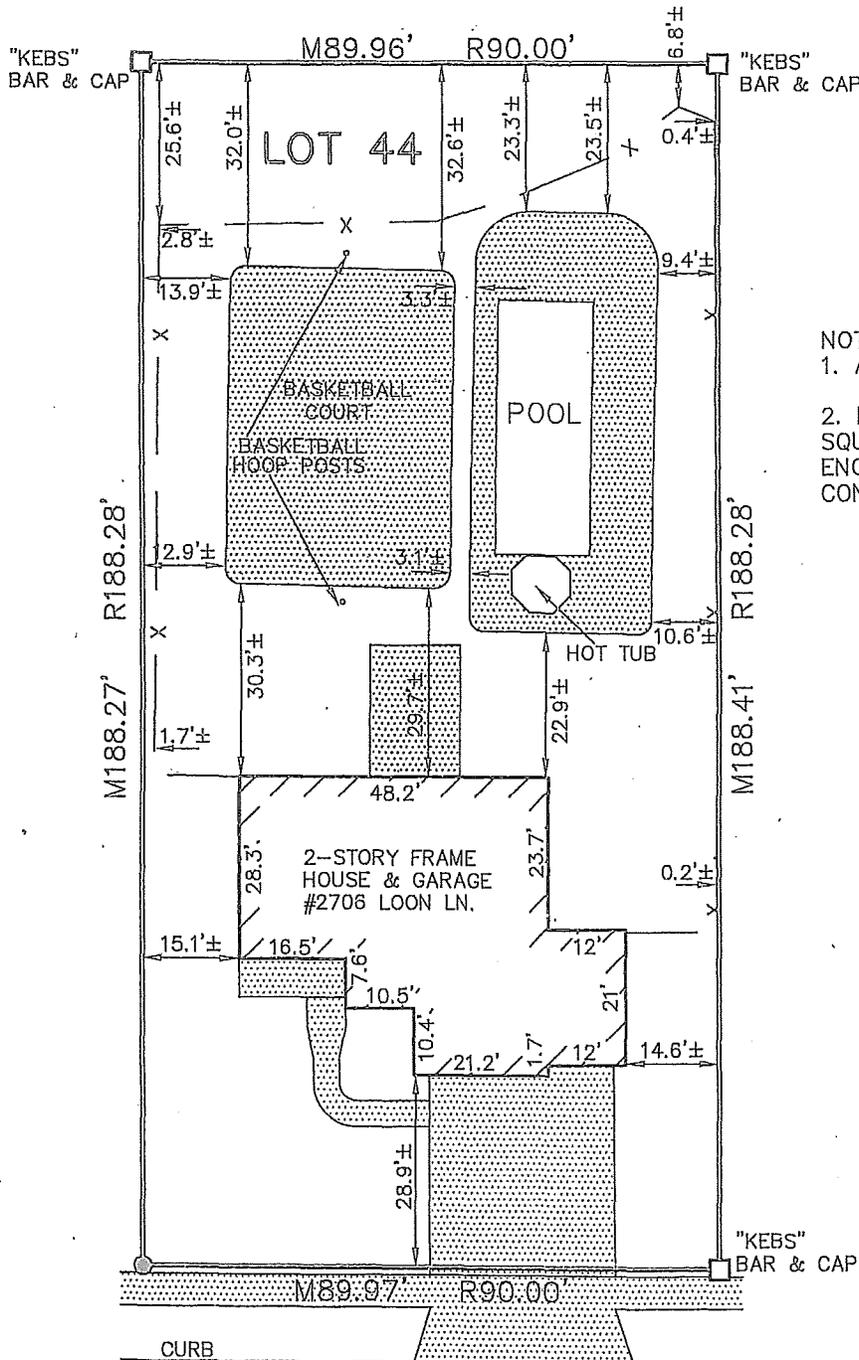


FEB 8 2016

LOT SURVEY

For:
 Matthew Burba
 2706 Loon Lane
 Okemos, MI 48864

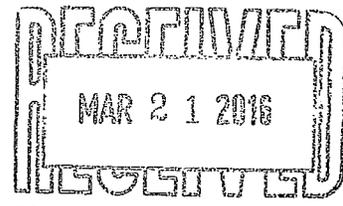
Legal Description (as provided): Lot 44, Sanctuary, Meridian Township, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 57 of Plats, Pages 11-18, Ingham County Records.



1" = 30'

NOTES:

1. ALL EASEMENTS MAY NOT BE SHOWN.
2. HARD SURFACES ENCOMPASS 7,076 SQUARE FEET WITHIN SITE. SITE ENCOMPASSES 18,944 SQUARE FEET. SITE CONTAINS ±41.7% HARD SURFACE COVERAGE.



LOON LANE