



**AGENDA**  
CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING  
November 13, 2019 6:30 pm

---

1. CALL MEETING TO ORDER
2. APPROVAL OF THE AGENDA
3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
  - A. Wednesday, October 23, 2019
4. COMMUNICATIONS
5. UNFINISHED BUSINESS
6. NEW BUSINESS

**A. ZBA CASE NO. 19-11-13-1 (East Lansing Lodge, Inc.), 2736 Grand River Avenue, East Lansing, MI, 48823**

LOCATION: 2736 Grand River Avenue  
PARCEL ID: 17-460-017  
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-618(2), Nonconforming structures, other than single-family structures, may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that structural alterations or extensions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.
- Section 86-402(17). Maximum impervious surface. The maximum percentage of impervious surface permitted on a site shall be 70 percent. Impervious surfaces shall include all land covered with paving and buildings. The impervious surface shall be calculated by dividing the total impervious surface by the gross area of the site.
- 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 motels, hotels, or other commercial lodging establishments, one for each one unit plus extra spaces for dining rooms, ballrooms, or meeting rooms as required by this division.
- Section 86-756(2). Design and construction requirements. For the layout of off-street parking facilities the required maneuvering lane width for 10 foot by 18 foot parking spaces shall be 25 feet.

---

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.

Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting: Assistant Planner Justin Quagliata, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4580 - Ten Day Notice is Required.  
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall



**AGENDA**  
CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING  
November 13, 2019 6:30 pm

---

- Section 86-756(7), Curb and gutter. Concrete curb and gutter shall be required in order to control stormwater flow from the parking area and in order to protect landscaped areas such as landscape islands and other plantings.

The variance requests are to expand a nonconforming nonresidential structure, exceed 70 percent impervious surface coverage, and reconfigure the parking lot at 2736 Grand River Avenue.

7. OTHER BUSINESS
  - A. 2020 Meeting Schedule
8. PUBLIC REMARKS
9. BOARD MEMBER COMMENTS
10. ADJOURNMENT

---

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.

Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting:  
Assistant Planner Justin Quagliata, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4580 - Ten Day Notice is Required.  
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES \*DRAFT\*  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, OCTOBER 23, 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, Principal Planner Peter Menser  
OTHER: Township Attorney Matthew Kuschel

**1. CALL MEETING TO ORDER**

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

**2. APPROVAL OF AGENDA**

MEMBER FIELD-FOSTER MOVED TO AMEND THE AGENDA TO ADD 6.B.1. TO HAVE A CLOSED SESSION TO DISCUSS A CONFIDENTIAL LEGAL OPINION.

SECONDED BY MEMBER MANSOUR.

VOICE VOTE: Motion carried unanimously.

MEMBER WISINSKI MOVED TO APPROVE THE AGENDA AS AMENDED.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

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

Wednesday, October 9, 2019

MEMBER MANSOUR MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, OCTOBER 9, 2019.

SECONDED BY MEMBER WISINSKI.

VOICE VOTE: Motion carried unanimously.

**4. COMMUNICATIONS**

None.

**5. UNFINISHED BUSINESS**

None.

**6. NEW BUSINESS**

- A. ZBA CASE NO. 19-10-23-2 (Okemos Retail Management), 30200 Telegraph Road Suite 205, Bingham Farms, MI, 48025**

DESCRIPTION: 2085 Grand River Avenue  
TAX PARCEL: 21-276-011  
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-402(17), Maximum impervious coverage. The maximum percentage of impervious surface permitted on a site shall be 70 percent. Impervious surfaces shall include all land covered with paving and buildings. The impervious surface shall be calculated by dividing the total impervious surface by the gross area of the site.

The variance request is to exceed 70 percent impervious surface coverage at 2085 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. Kevin Kalmbach, 2116 Haslett Road, Haslett, KEBS, Inc., the applicant's representative, stated in a 100 year storm event the 100 year floodplain would be next to the building. The detention area also would be covered by the floodplain. He added the storm calculation was based on a requirement of the Ingham County Drain Commissioner for pre-treatment of the stormwater. He noted the detention area would be green most of the time and stated if the entire detention area and the area of permeable pavers were included in the pervious surface calculation, the impervious surface coverage would be approximately 70 percent. The permeable pavers were not included because they could not be used for pervious surface coverage.

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

Chair Beauchine asked staff if the remaining portion of the detention area could be counted as permeable.

Assistant Planner Quagliata responded only 50 percent could be counted.

Chair Beauchine asked staff the square footage of the permeable pavers that were initially proposed.

Assistant Planner Quagliata responded the pavers were approximately 200 square feet.

Member Wisinski requested staff to clarify the difference between pervious and impervious for a detention area.

Assistant Planner Quagliata stated the detention area design was based on the storm event and only 50 percent of the detention above the designed storm level could be counted.

Member Mansour asked staff if there was a detention area currently on the site.

Assistant Planner Quagliata stated the existing site did not contain a detention area.

Member Mansour asked staff for a comparison of the existing impervious surface coverage on the site and proposed coverage if the variance was approved.

Assistant Planner Quagliata stated impervious surfaces include all land covered with paving and buildings. He noted the property currently contained 76 percent impervious surface. The proposed development would contain 73.98 percent impervious surface coverage, a decrease of 2.07 percent.

Member Lane asked the applicant's representative how it would present a practical difficulty for the project if the variance was not granted.

Mr. Kalmbach responded the proposed design provided access around the entire building which was safer and more usable for customers. Without the variance the building would have limited uses as a two-way drive on the east side of the building would not be possible.

Member Lane suggested a smaller building be constructed.

Mr. Kalmbach responded a smaller building would reduce the usefulness of the building and the income potential.

Member Lane stated the location of the property, the stormwater requirements and the floodplain created unique circumstances which were not self-created so review criteria one and review criteria two (Section 86-221) had been met. He expressed uncertainty regarding whether review criteria three and four were met as additional engineering could have been done to utilize the property without requiring a variance.

Chair Beauchine stated the proposed impervious surface coverage was closer to what the ordinance required and a condition could be placed on the variance to require permeable pavers.

Member Field-Foster stated even if the site was redesigned a variance would still be needed which created a practical difficulty.

Chair Beauchine read review criteria two which states these special circumstances are not self-created. He stated the special circumstances were not self-created.

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. He stated the redevelopment was an improvement to the property.

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. Chair Beauchine read review criteria five which states granting the variance is the minimum action that will make possible the use of 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.

Chair Beauchine stated the variance request met both review criteria seven and review criteria five.

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 intent was that over time all buildings will conform with the zoning. Review criteria three had been met.

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.

Member Lane stated regarding review criteria four a special use permit had been granted by the Planning Commission for the drive-through and without the variance it would be difficult to use the property and have a drive-through.

Member Mansour stated the project took into consideration public safety and used existing driveways. She added the variance was the minimum action necessary.

MEMBER MANSOUR MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-402(17) OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER FIELD-FOSTER.

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

**B.1. CLOSED SESSION**

Chair Beauchine called for a motion to go into closed session.

MEMBER LANE MOVED TO GO INTO CLOSED SESSION TO DISCUSS A CONFIDENTIAL LEGAL OPINION PURSUANT TO SECTION 8.H. OF THE OPEN MEETINGS ACT RELATING TO THE ROSEMARY MANAGEMENT APPEAL.

SECONDED BY MEMBER WISINSKI.

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

ZBA went into closed session at 7:00 p.m.

MEMBER LANE MOVED TO RETURN FROM THE CLOSED SESSION AND RETURN TO OPEN SESSION.

SECONDED BY MEMBER FIELD-FOSTER.

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

ZBA returned to open session at 7:30 p.m.

**B. ZBA CASE NO. 19-10-23-1 (Rosemary Management, LLC), 5815 S. Pennsylvania Avenue, Lansing, MI, 48911**

DESCRIPTION: Dawn Avenue  
 TAX PARCEL: N/A  
 ZONING DISTRICT: C-2 (Commercial), I (Industrial), and RC (Multiple Family)

- Section 86-187. Except for decisions regarding special use permits and planned unit development decisions, an aggrieved person, officer, department, board, or bureau of state government may appeal any administrative order or decision of the Director of Community Planning and Development or administrative official charged with enforcement of the zoning ordinance to the Zoning Board of Appeals.

Request to appeal a determination of the Director of Community Planning and Development that Commercial Medical Marihuana Facilities Overlay Area 4 is a second tier within Commercial Medical Marihuana Facilities Overlay Area 3, and that all types of commercial medical marihuana facilities allowed in Overlay 3 are also allowed in Overlay Area 4.

Mr. Matthew Kuschel, Township counsel, Fahey, Schultz, Burzych, Rhodes, PLC, 4151 Okemos Road, Okemos, outlined the case for discussion.

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

Mr. Micah Siegal, 6234 Pine Hollow, East Lansing, counsel for the appellant, Rosemary Management, stated his client had an applicant in Overlay Area 3. Including Overlay Area 4 would make it statistically less likely his client’s application would be picked in the lottery. The decision by the Director was based on the perceived intent of the Township Board. The Township Board had made statements during their deliberations leading the Director to believe Overlay Area 4 was considered an overlay of an overlay. The ZBA should consider what is in Chapter 86 of the ordinance. If the Director, appellant or ZBA does not like the way the ordinance is drafted or believe it is wrong, the remedy is for the Township Board to amend the ordinance. He requested the Director’s decision be set aside.

Member Field-Foster asked Mr. Siegal if Rosemary Management had been denied.

Mr. Siegal stated no one had been denied.

Member Field-Foster asked Mr. Siegal if Rosemary Management had been harmed.

Mr. Siegal responded the harm had not yet occurred but Rosemary Management also had an interest in the faithful execution of the laws and ordinances of the Township.

Chair Beauchine asked Mr. Kuschel to address the appeal.

Mr. Kuschel stated the ordinance process for medical marihuana facilities started in mid-2018 and was finalized in May 2019. The Township staff had consistently incorporated board comments and amendments made throughout the process. The Township Board considered a police power ordinance and a zoning ordinance to implement the Medical Marihuana Facilities Licensing Act within the Township. The two ordinances permits medical marihuana facilities including provisioning centers. The Township Board referred the Overlay Map dated January 24, 2019 to the Planning Commission as part of the zoning process to adopt the overlay areas and a zoning ordinance. There were six overlay areas on the map. The Planning Commission reviewed the material sent by

the Township Board and recommended removing Overlay Areas 2 and 6 and made other amendments to the ordinance language that was sent to the Township Board. The Township Board considered the material at its May 9, 2019 meeting. Part of the minutes of the May 9 Township Board meeting moved to establish the overlay areas based on the overlay area map dated January 24, 2019. The focus should be on the language of the minutes, the motions that were made, the maps that were adopted, and the zoning ordinance finally adopted as evidence of the intent of the Township Board. The motion at issue was a motion by Trustee Opsommer to establish a second tier zoning district overlay to only allow growing facilities in all of Overlay Area 1 which is on Towner Road and Marsh Road, all of Overlay Area 5 which is on Hagadorn Road, and the Industrial zoning in Overlay Area 3 on Dawn Avenue of the adopted overlay area map dated January 24, 2019. The Township Board stayed with the January 24, 2019 map and created a second tier zoning district. A tier is a layer of something above something else. Only growing facilities and provisioning centers were added to the second tier. When the Director was determining if applications were complete under the regulatory ordinance, he reviewed the zoning ordinance and initially determined Dawn Avenue could not support a provisioning center. The Director's official interpretation however stated there would be underlying zoning, in the Industrial zoning district along Dawn Avenue, then there would be Overlay Area 3, and there would be Overlay Area 4 which is the final overlay map dated May 16, 2019 and adopted by the Township Board and renumbering Overlay Area 5 to 6. Overlay Area 3 had not changed from the January 24, 2019 map the Township Board adopted in its motion. The determination of the Director was based on the map. Overlay Area 4 is a second tier above Overlay Area 3, which are both above the Industrial zoning in that particular location, and consistent with the language utilized by the Township Board when it established the overlays and adopted the motion on May 9, 2019. The text of the zoning ordinance is also consistent with the Director's interpretation. Section 86-445(e) states which facilities are permitted in which overlay areas. Processors only in Overlay Areas 1, 4, and 6 on property zoned Industrial, provisioning centers only in Overlay Areas 1, 2, 3, 5, 6, and 7 on property with certain zoning classifications, and so on for each of the permissible medical marijuana facilities. The language in the ordinance is the best indicator of the Township Board's intent for where each facility is permitted. In the May 9, 2019 motion, the second tier zoning district was over all of Overlay Area 1 and all of Overlay Area 5, which became 6, and a portion of Overlay Area 3. Permitting growers and subsequently processors within those areas is reflected in the ordinance text. Processors are permitted in Overlay Area 1, provisioning centers are also permitted in Overlay Area 1, and growers are also permitted in Overlay Area 1. The uses are all coextensive and do not conflict with each other. It is the same intent with Overlay Area 4. The provisioning centers are still permitted in Overlay Area 3, which is underneath Overlay Area 4, which is exactly the same motion permitting growers within all of Overlay Area 1. The police power ordinance has language discussing Overlay Area 4 but it is not a zoning ordinance and is discussing how the lottery process works. The Director's determination is correct; the geographical region along Dawn Avenue has three permitted uses, the initial underlying Industrial, all of Overlay Area 3 and any specific uses within Overlay Area 4 are permitted within that geographic area. It is a second tier zoning district laying on top of Overlay Area 3 which lays on top of Industrial zoning which is how an overlay district works. The ZBA should affirm the Director's determination because it is consistent with the language of the Township Board's motion, the overlay map adopted by the Township Board and the text of the zoning ordinance and the police power ordinance.

Chair Beauchine asked the appellant or the appellant's representative if they would like a rebuttal.

Mr. Siegal agreed the ordinance as adopted is the best evidence of the Township Board's intent. The zoning ordinance states permitted locations and lists where each type of facility may be located. A provisioning center is only allowed in Overlay Areas in 1, 2, 3, 5, 6, and 7. Overlay Area 4 is separate from Overlay Area 3. He stated the maps while instructive do not carry the force of law.

Chair Beauchine opened the floor for public remarks.

Jeff Nielson, 2450 Barnsbury Road, noted the Board's intention was to make sure provisioning centers were in a highly visible area and a high traffic area not for the area on Dawn Avenue. A grow facility is not going to locate on Dawn Avenue and Grand River Avenue. The provisioning centers are going to be where best served by accessibility. In the higher traffic areas there is less likely to have problems because you have more eyes on the sight. The intention of the Board initially was to make sure the provisioning centers were in a very visible and attractive location to the public.

Chair Beauchine closed the floor for public remarks.

Member Wisinski asked Mr. Kuschel if there had been a motion to amend the boundary for Overlay Area 3.

Mr. Kuschel stated on May 9, 2019 the Township Board referenced the January 24, 2019 overlay map without any changes to any of the overlay boundaries. None of the motions made by the Township Board on May 9, 2019 amended the boundaries of the overlay districts as reflected in the overlay map.

Member Wisinski stated Overlay Area 3 boundaries had stayed the same and the second tier Overlay Area 4 was on top of Overlay Area 3 to restrict growers as opposed to restrict provisioning centers. The intent of the Township Board was to restrict growers within the Industrial zone and the entirety of Overlay Area 3 allows provisioning centers including in Overlay Area 4.

Member Field-Foster read from Section 86-445(a) of the zoning ordinance:

"The Commercial Medical Marihuana Facilities overlay district shall apply to all lots within the areas shown on Maps 1, 2, 3, 4, 5, 6 and 7 (the "Overlay Areas"). All lots included in the overlay district shall be subject to the terms and conditions imposed in this section, in addition to the terms and conditions imposed by the zoning district where such lots may be located ..."

Member Field-Foster noted Overlay Area 4 is zoned Industrial and according to the ordinance the commercial medical marihuana facilities allowed in Industrial zoning would be allowed in Overlay Area 4.

Member Lane stated all of the motions at the May 9, 2019 Township Board meeting need to be looked at together in addition to the ordinance that was introduced. Each motion is modifying or amending the ordinance that was presented to create a final product which was ultimately adopted at the May 21, 2019 meeting. The motions serve to add language to the ordinance as it was adopted.

Member Lane proposed the following as statements of fact based on the record: the Township Board is the legislative body of the Township and the one that adopts ordinances for the Township. On May 9, 2019 the Township Board adopted the medical marihuana overlay map dated January 24, 2019. At the same meeting, a motion was made by the Board which was seconded and adopted to establish a second tier zoning district to allow only growing facilities in all of Overlay Area 1, all of Overlay Area 5, and the Industrial zoning in Overlay Area 3 of the adopted overlay map which was dated January 24, 2019. With the creation of Overlay Area 4 on that overlay map the Township Board identification of former Overlay Area 5 along Hagadorn Road was renumbered to Overlay Area 6, consistent with what the Township Board's motion was at the May 9, 2019 meeting. As finally adopted on May 21, 2019 the boundary of Overlay Area 3 has not changed and includes the Industrial

zoned parcels along Dawn Avenue, Overlay Area 4 is the second tier overlay located on top of Overlay Area 3, encompassing Dawn Avenue industrial area. In the geographic area encompassed by Overlay Area 4, the following uses are permitted as articulated by the Township attorney: the uses allowed in the underlying Industrial zoning district are allowed in Overlay Area 3, and are allowed Overlay Area 4, strictly based on the meeting minutes and motions made by the Board which essentially created the language which serves as the zoning ordinance for medical marihuana in the Township.

Member Mansour stated the importance of the amendments was to continue to improve the ordinance and the evidence is there on May 9, 2019. The Township Board's intention was not to prohibit provisioning centers in Overlay Area 4.

Mr. Kuschel offered draft decisions that the ZBA could use to affirm or reverse the Director's Decision.

MEMBER LANE MOVED TO ADOPT THE DECISION AFFIRMING THE DECISION OF THE DIRECTOR OF COMMUNITY PLANNING AND DEVELOPMENT BASED ON THE FINDINGS OF FACTS AND INCORPORATING THE TOWNSHIP ATTORNEY RATIONAL.

SECONDED BY MEMBER MANSOUR.

FINDINGS:

1. The Township Board adopted the Medical Marihuana Overlay Map on January 24, 2019.
2. On the January 24, 2019 Map, the southern boundary of Overlay 3 is the Red Cedar River and includes the industrial parcels along Dawn Avenue.
3. On May 9, 2019, the Township Board adopted a motion to "establish a Second Tier Zoning District Overlay to only allow Growing Facilities in all of Zone 1 (Towner and Marsh), all of Zone 5 (Hagadorn) and the Industrial Zoning in Zone 3 (Dawn Avenue) of the adopted Overlay Map dated January 24, 2019."
4. With the creation of Overlay 4 on the Overlay Map, the Township Board's identification of former Overlay 5 along Hagadorn was renumbered to Overlay 6.
5. As finally adopted on May 21, 2019, the southern boundary of Overlay 3 is the Red Cedar River and includes the industrially zoned parcels along Dawn Avenue.
6. Overlay 4 is a second-tier zoning overlay located on top of Overlay 3.
7. In the geographic area encompassed by Overlay 4, the following uses are permitted:
  - a. The uses allowed in Overlay 4.
  - b. The uses allowed in Overlay 3.
  - c. The uses allowed in the underlying zoning district, the Industrial District.

**Based on the record and on its exercise of judgment, the Zoning Board of Appeals concludes:**

1. Section 86-445(e) describes the permitted locations of various medical marihuana facilities.
2. Provisioning Centers are permitted in Overlay 3. Section 86-445(e)(3).
3. Grower facilities are permitted in Overlays 1, 4, and 6. Section 86-445(e)(1).
4. Processor facilities are permitted in Overlays 1, 4, and 6. Section 86-445(e)(2).
5. Provisioning Centers are also permitted in Overlays 1, 2, 5, 6, and 7. Section 86-445(e)(3).
6. The language of the Ordinance provides that growers or provisioning centers may be "only" located in the identified overlays; each subsection does not exclude other uses because each overlay permits several different marihuana facilities.
7. The Township Board placed growers and processors in a "second tier" in all of Overlays 1 and

- 6, but only a portion of Overlay 3 (i.e., the portion of Overlay 3 comprised of Overlay 4).
8. The creation of the second tier did not remove provisioning centers from any overlay; there is no dispute that those facilities remain permissible uses in Overlays 1 and 6.
  9. Chapter 40 of the Township Code controls administration and operation of marihuana facilities but not land use determinations.
  10. Section 40-28(b)(6) relates only to the procedure to determine bonus permits in the lottery and it does not modify the zoning ordinance.
  11. Overlay 4 is a "second tier" that does not remove permissible facilities from Overlay 3.
  12. The Overlay Maps consistently show the southern border of Overlay 3 as the Red Cedar River, which necessarily includes the area along Dawn Avenue within Overlay 3.
  13. The May 21 Overlay Map denotes Overlay 4 with a **bold** red line within a portion of Overlay 3. The bold line shows that Overlay 4 is a second layer on top of the *light* red line denoting Overlay 3.
  14. Provisioning Centers are permitted in Overlay 3, and Dawn Avenue is within Overlay 3; therefore, Provisioning Centers are permitted along Dawn Avenue, and the application from BRT Capital 4 would be properly included in the Overlay 3 lottery.

**DECISION:** For the foregoing reasons, and based on the above findings, the Director's September 11, 2019 decision is AFFIRMED.

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

MEMBER MANSOUR MOVED TO APPOINT MEMBER FIELD-FOSTER DULY ACTING SECRETARY OF THE ZONING BOARD OF APPEALS.

SECONDED BY MEMBER WISINSKI.

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

Assistant Planner Quagliata noted the next ZBA meeting was November 13, 2019.

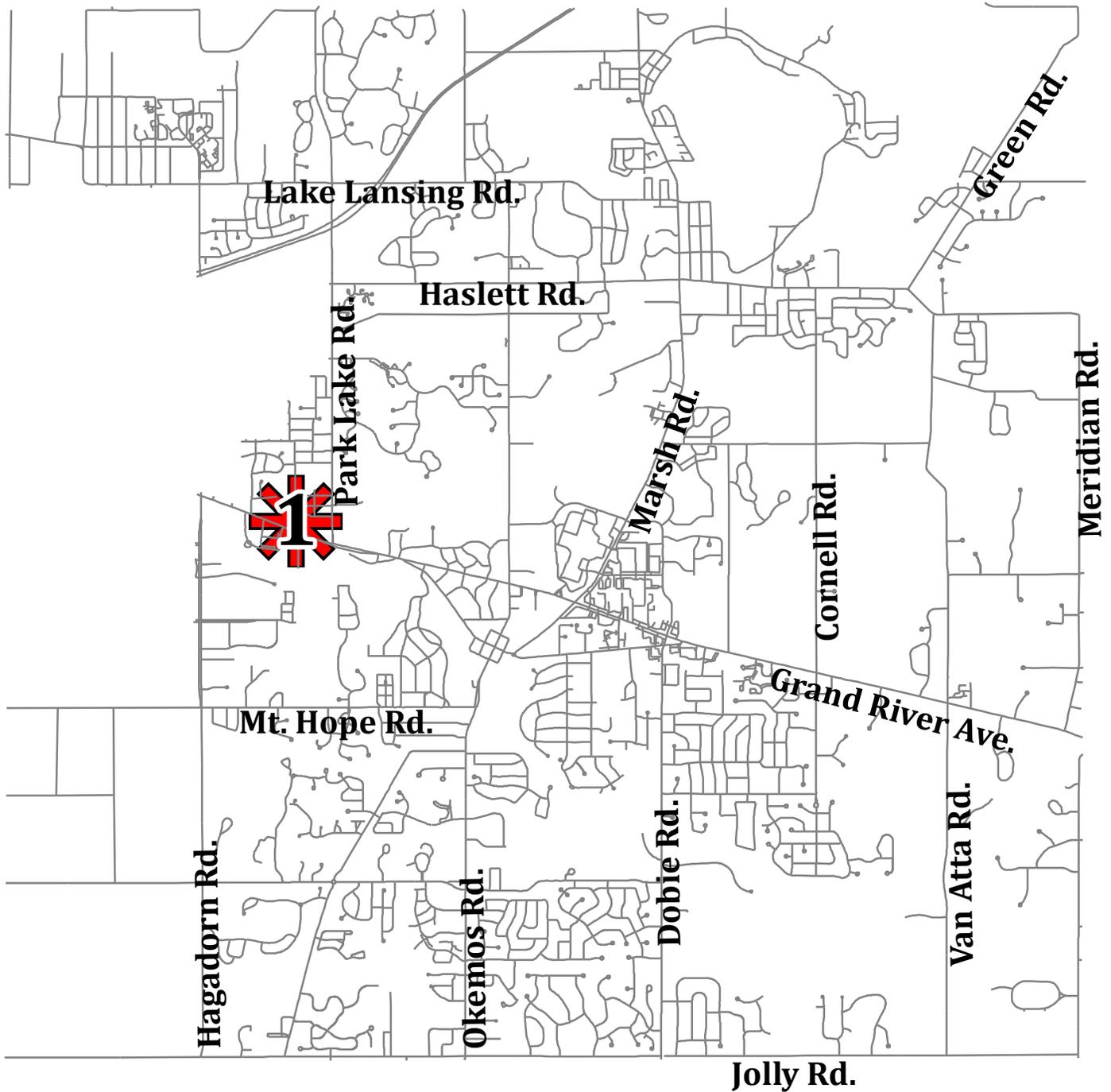
**10. ADJOURNMENT**

Meeting adjourned at 8:17 p.m.

Respectfully Submitted,

Justin Quagliata  
Assistant Planner

# Meridian Township



Location Map

1. ZBA #19-11-13-1 (East Lansing Lodge)



## 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 this chapter would result in practical difficulties.
4. 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.
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 and the purposes and intent of this Chapter.



**To:** Zoning Board of Appeals  
**From:** Justin Quagliata, Assistant Planner  
**Date:** November 8, 2019  
**Re:** ZBA Case No. 19-11-13-1 (East Lansing Lodge, Inc.)

---

**ZBA CASE NO.:** 19-11-13-1 (East Lansing Lodge, Inc.), 2736 Grand River Avenue, East Lansing, MI 48823  
**LOCATION:** 2736 Grand River Avenue  
**PARCEL ID:** 17-460-017  
**ZONING DISTRICT:** C-2 (Commercial)

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

- Section 86-618(2), Nonconforming structures, other than single-family structures, may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that structural alterations or extensions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.
- Section 86-402(17). Maximum impervious surface. The maximum percentage of impervious surface permitted on a site shall be 70 percent. Impervious surfaces shall include all land covered with paving and buildings. The impervious surface shall be calculated by dividing the total impervious surface by the gross area of the site.
- 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 motels, hotels, or other commercial lodging establishments, one for each one unit plus extra spaces for dining rooms, ballrooms, or meeting rooms as required by this division.
- Section 86-756(2). Design and construction requirements. For the layout of off-street parking facilities the required maneuvering lane width for 10 foot by 18 foot parking spaces shall be 25 feet.
- Section 86-756(7), Curb and gutter. Concrete curb and gutter shall be required in order to control stormwater flow from the parking area and in order to protect landscaped areas such as landscape islands and other plantings.

East Lansing Lodge, Inc., the applicant, is proposing to construct a 288 square foot building addition onto the west side of the existing hotel and reconfigure the parking lot located at 2736 Grand River Avenue. The 1.547 acre (67,387.32 square feet) subject property is zoned C-2 (Commercial) and located on the north side of Grand River Avenue, east of Whole Foods.

**ZBA Case No. 19-11-13-1 (East Lansing Lodge, Inc.)**  
**Zoning Board of Appeals (November 13, 2019)**  
**Page 2**

The existing hotel was constructed in approximately 1959 and is considered nonconforming because it does not meet the 100 foot front yard setback from the centerline of Grand River Avenue. The existing building is located approximately 50 feet from the centerline of Grand River Avenue. The applicant intends to construct a porte cochere addition (carport) to the building, which would measure 24 feet in width by 12 feet in depth (288 square feet) and 13.5 feet in height. The addition would be located approximately 88 feet from the centerline of Grand River Avenue. Any addition to a nonconforming nonresidential structure requires approval from the Zoning Board of Appeals.

The C-2 zoning district allows a maximum of 70 percent impervious surface coverage on a site. The submitted site plan indicates the existing and proposed impervious and pervious calculations are approximations. Currently the site contains 82.36 percent impervious surface coverage, which exceeds the maximum allowed by 12.36 percent. The proposed project would increase the impervious surface coverage to 85.32 percent. The applicant is requesting a variance to exceed the maximum impervious surface coverage on the site by 15.32 percent.

The existing parking lot is nonconforming. It does not meet the 100 foot setback from the RX (One and Two Family Residential) zoning district to the north, the 20 foot setback from the Grand River Avenue right-of-way line, or the 15 foot setback from the east and west property lines. Interior landscaping and curb and gutter are not present throughout the parking area. The existing parking spaces are 9 feet in width and 18 feet in depth. Allowed parking space sizes for 90 degree parking are 9 feet by 20 feet or 10 feet by 18 feet. The applicant is proposing to restripe the parking spaces to 10 feet by 18 feet in size. Based on the dimensions of the proposed parking spaces the required maneuvering lane width is 25 feet. The proposed maneuvering lanes vary in size from 12 feet to 22 feet in width. The applicant is requesting a variance from the required maneuvering lane width for all of the drive aisles throughout the parking lot.

Section 86-755 of the zoning ordinance states the parking requirement for hotels is one space for each one occupancy unit plus extra spaces for dining rooms, ballrooms, or meeting rooms as required by the parking ordinance. The existing building contains 82 rooms and 82 parking spaces are provided. After the applicant completes interior renovations the hotel will contain 78 rooms. With the construction of the addition the applicant is proposing to reconfigure the parking lot west of the entrance which includes removing parking spaces. Additionally, restriping the parking spaces to 10 feet by 18 feet in size will result in the decrease of parking spaces. With 78 parking spaces required and 76 proposed the applicant is requesting a variance for two parking spaces.

The zoning ordinance requires curb and gutter for the construction of a parking area in order to control stormwater flow from the parking area and protect landscaped areas. The applicant is requesting a variance to waive the installation of curb and gutter for the reconfigured portion of the southwest parking area.



**ZBA Case No. 19-11-13-1 (East Lansing Lodge, Inc.)**  
**Zoning Board of Appeals (November 13, 2019)**  
**Page 3**

**Attachments**

1. Variance application dated October 16, 2019 and received by the Township on October 16, 2019.
2. Applicant's response to review criteria received by the Township on October 16, 2019.
3. Building site plan, building elevations, and floor plans prepared by Jarratt Architecture dated November 4, 2019 and received by the Township on November 5, 2019.
4. Extended site plan prepared by Jarratt Architecture dated November 8, 2019 and received by the Township on November 8, 2019.
5. Zoning map.

G:\ COMMUN PLNG & DEV\PLNG\ZBA\2019 ZBA\ZBA 19-11-13\ZBA 19-11-13-1 (East Lansing Lodge, Inc.)\ZBA 19-11-13-1 staff report.docx





## VARIANCE APPLICATION SUPPLEMENT

**A variance will be granted, if the following Review Criteria are met:**

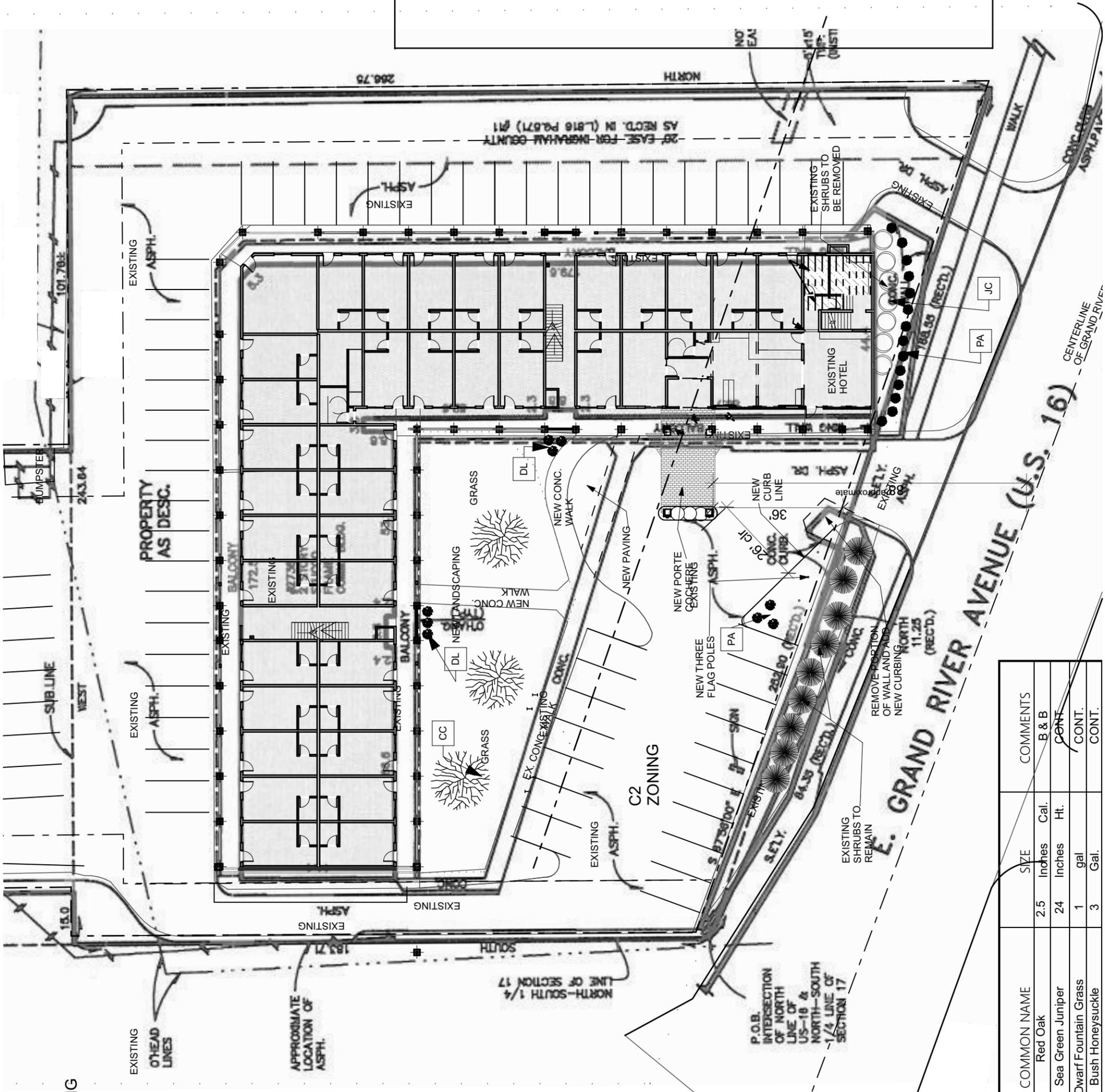
1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. *The existing building is non conforming and we need to add the porte cochere where shown to improve the building*
2. These special circumstances are not self-created. *The existing building and Lobby location are existing.*
3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. *We would not be able to provide the porte cochere which is required by the new improved hotel brand*
4. 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. *We would not be able to provide the porte cochere which is required by the new improved hotel brand and most hotels of quality*
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. *It will be an improvement to the area*
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. *It will be an improvement to the area*
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. *It is a unique situation*
8. Granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. *It will be an improvement to the area*

### **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.

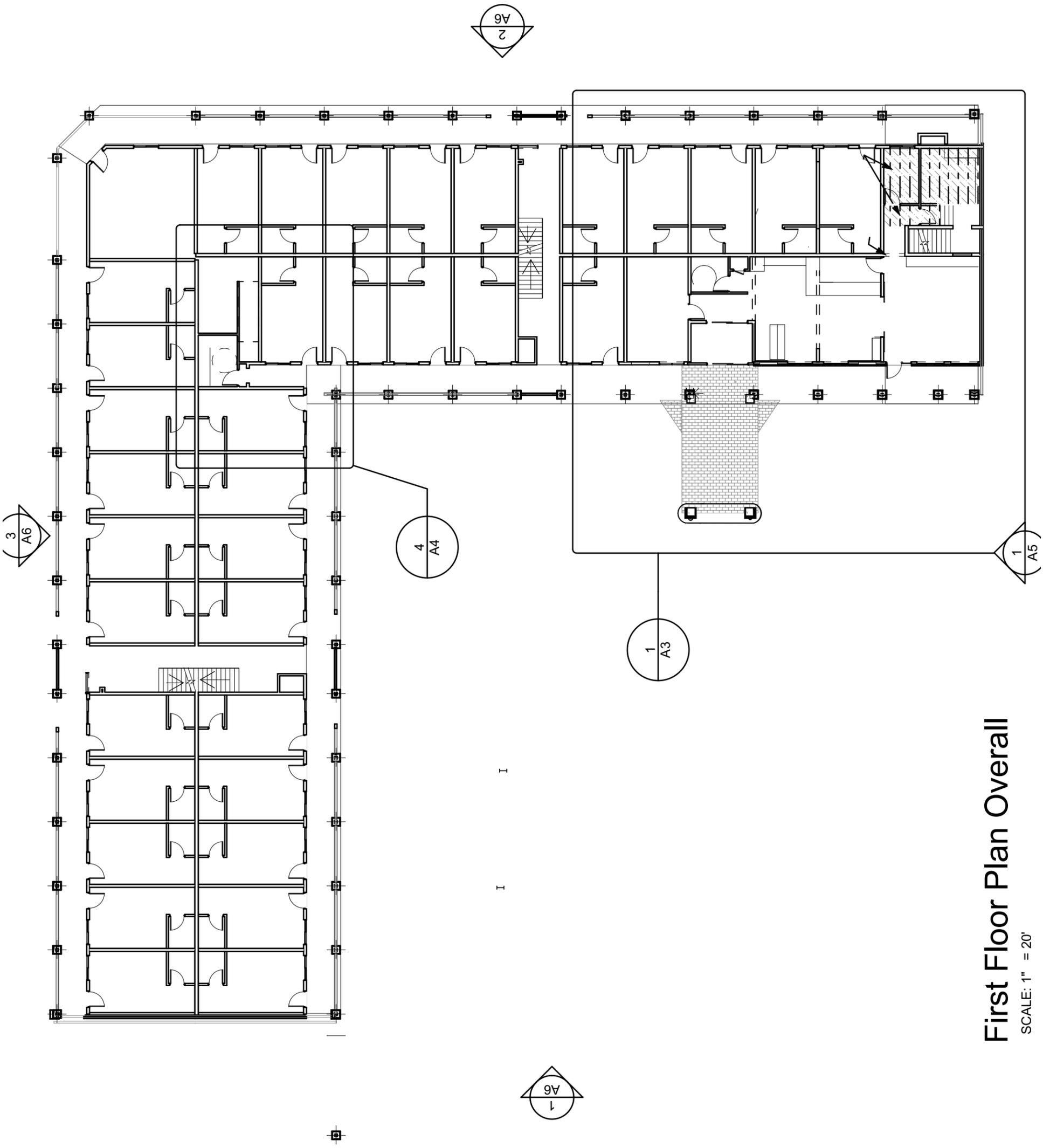


# Site Plan

SCALE: 1" = 30'

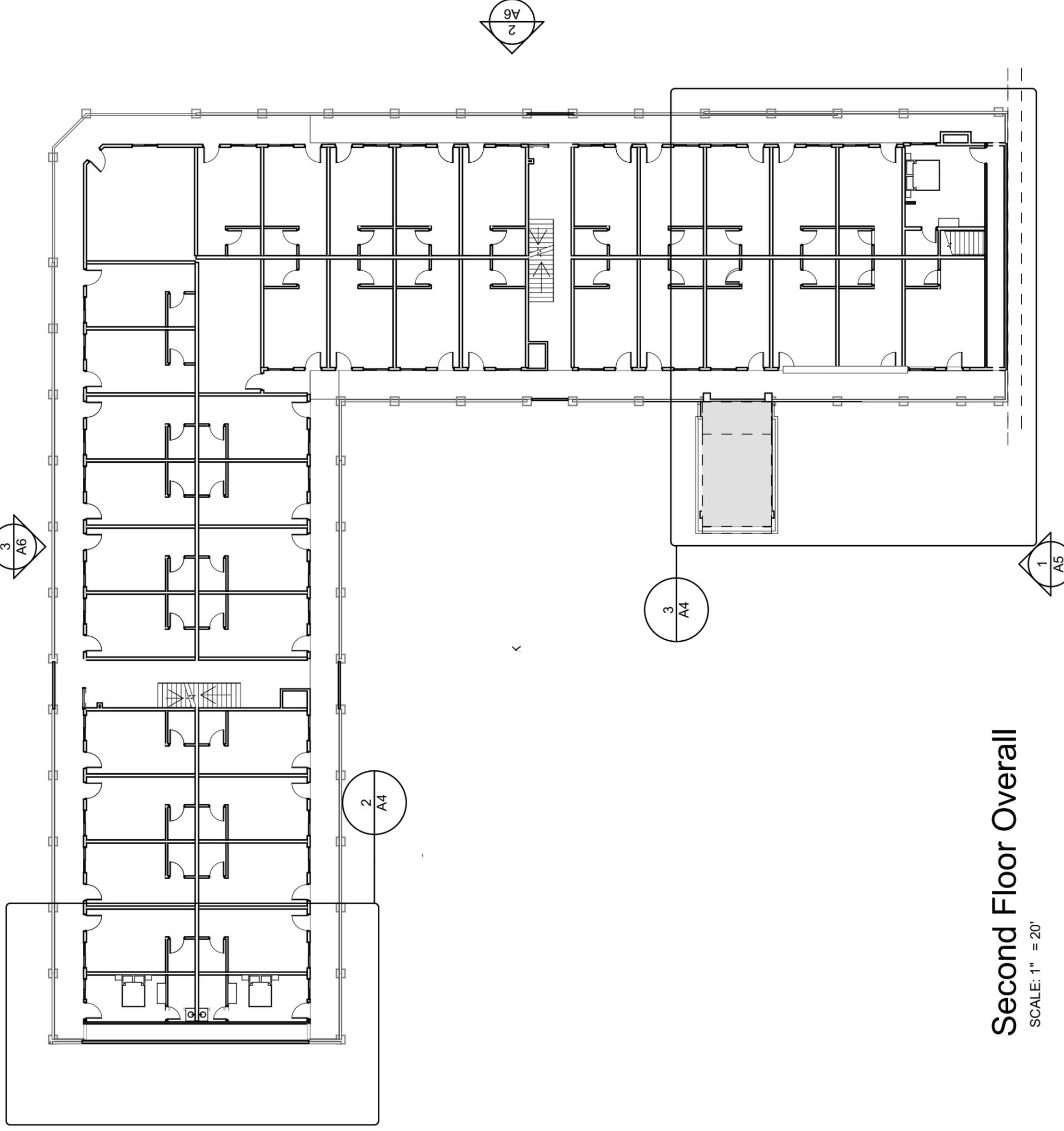
PLANT LIST

| SYMBOL | QTY | SCIENTIFIC NAME                   | COMMON NAME          | SIZE            | COMMENTS |
|--------|-----|-----------------------------------|----------------------|-----------------|----------|
| CC     | 3   | Quercus rubra                     | Red Oak              | 2.5 inches Cal. | B & B    |
| JC     | 7   | Juniperus chinensis 'Sea Green'   | Sea Green Juniper    | 24 inches Ht.   | CONT.    |
| PA     | 15  | Pennisetum alopecuroides 'Hameln' | Dwarf Fountain Grass | 1 gal           | CONT.    |
| DL     | 6   | Diervilla lonicera                | Bush Honeysuckle     | 3 Gal.          | CONT.    |



First Floor Plan Overall

SCALE: 1" = 20'

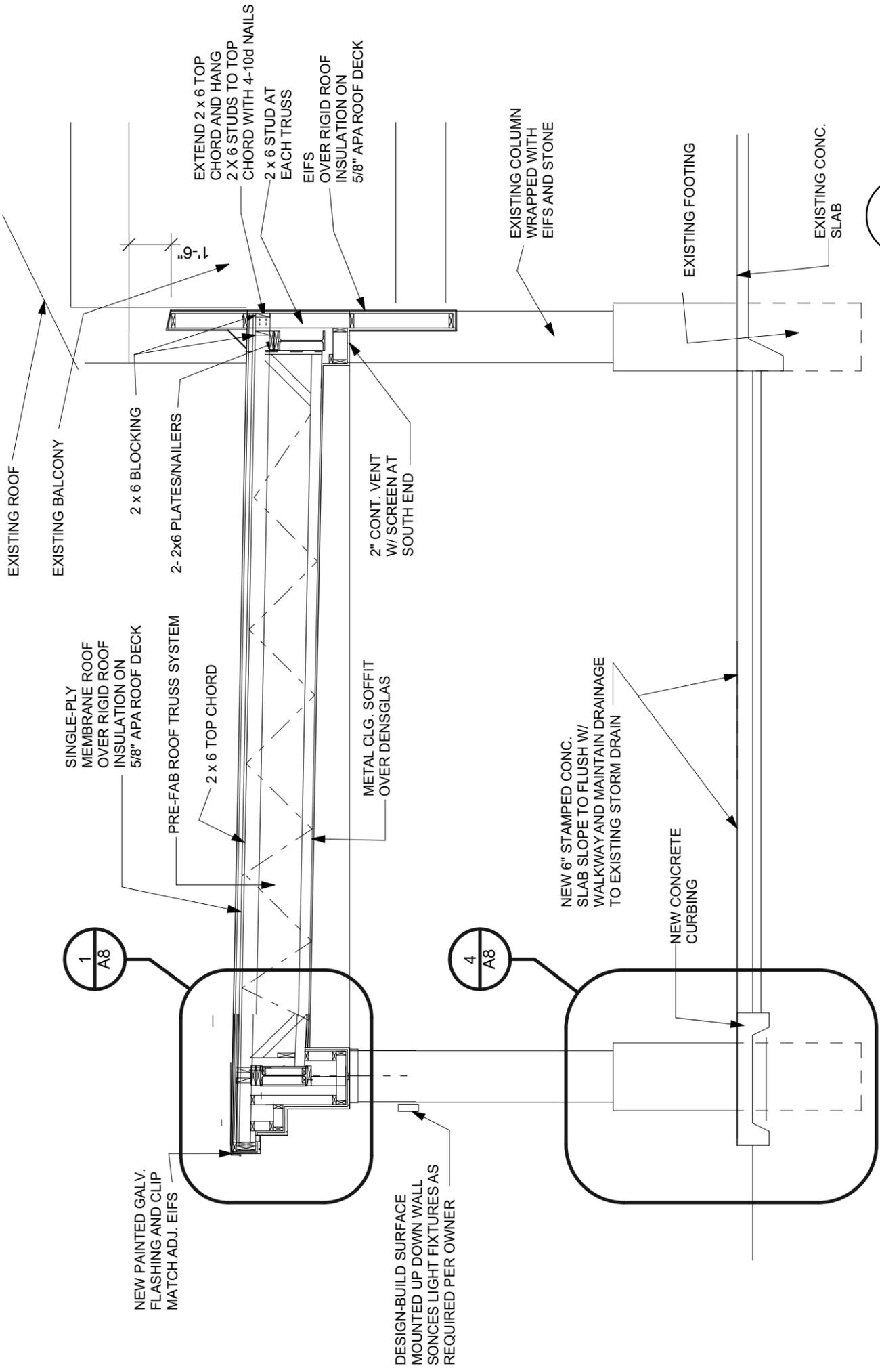


# Second Floor Overall

SCALE: 1" = 20'



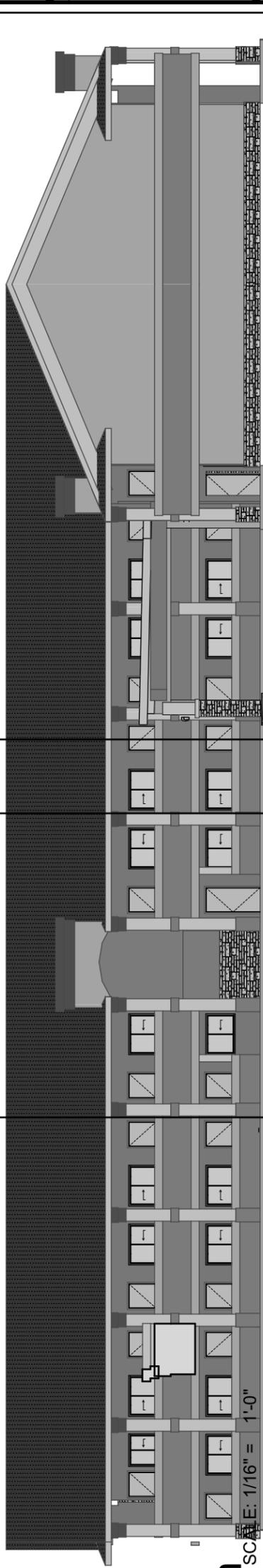




Porte Cochere Section

SCALE: 1/4" = 1'-0"

2  
A5



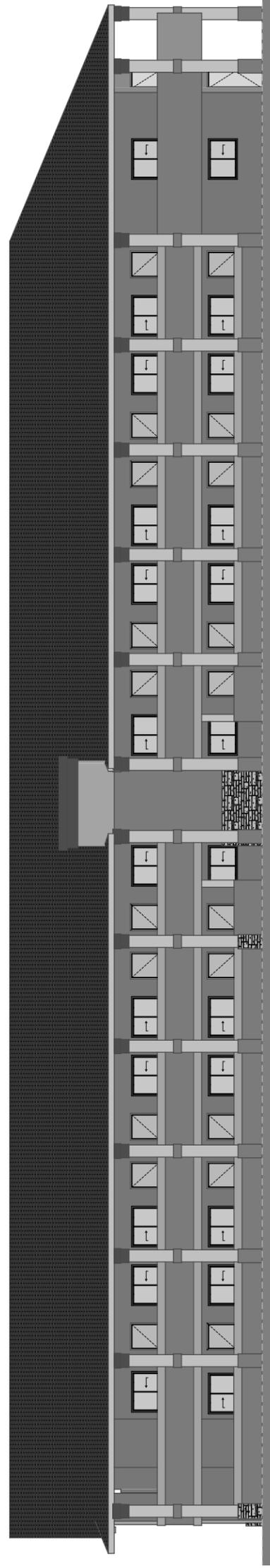
South Overall Elevation

SCALE: 1/16" = 1'-0"

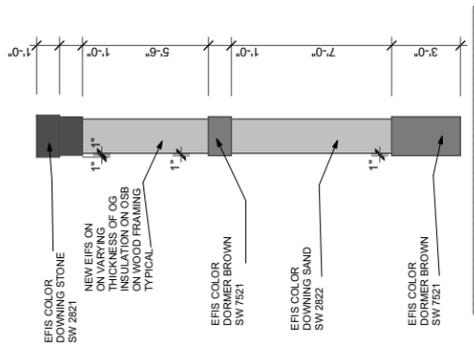
2  
A5



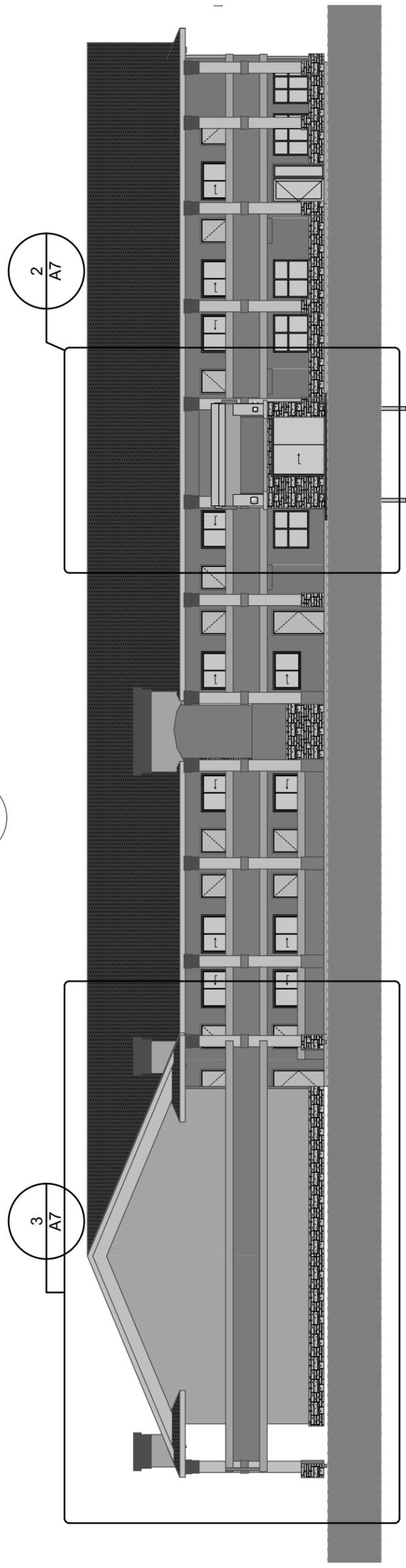
**3** North Overall Elevation  
SCALE: 1/16" = 1'-0"



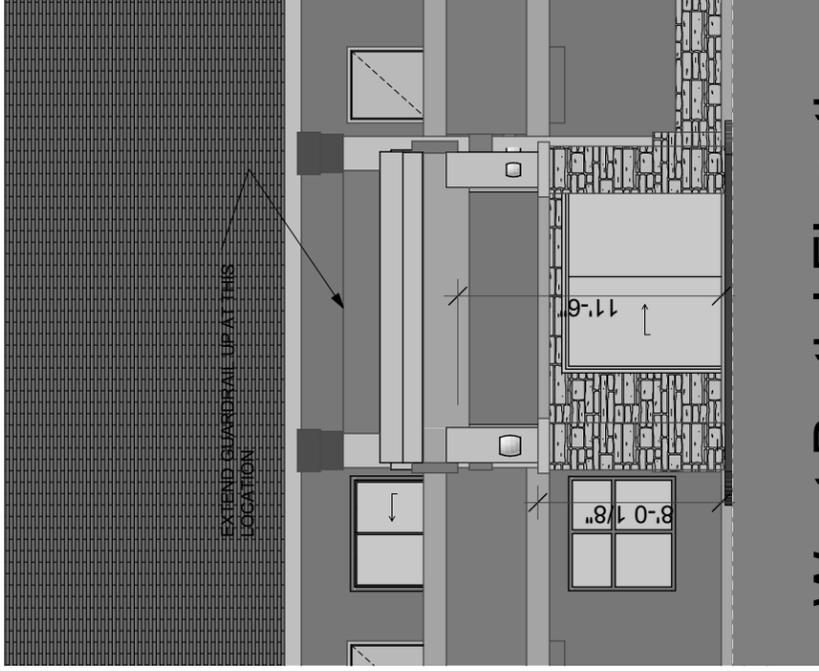
**2** East Overall Elevation  
SCALE: 1/16" = 1'-0"



**4** Column Elevation  
SCALE: 1/8" = 1'-0"

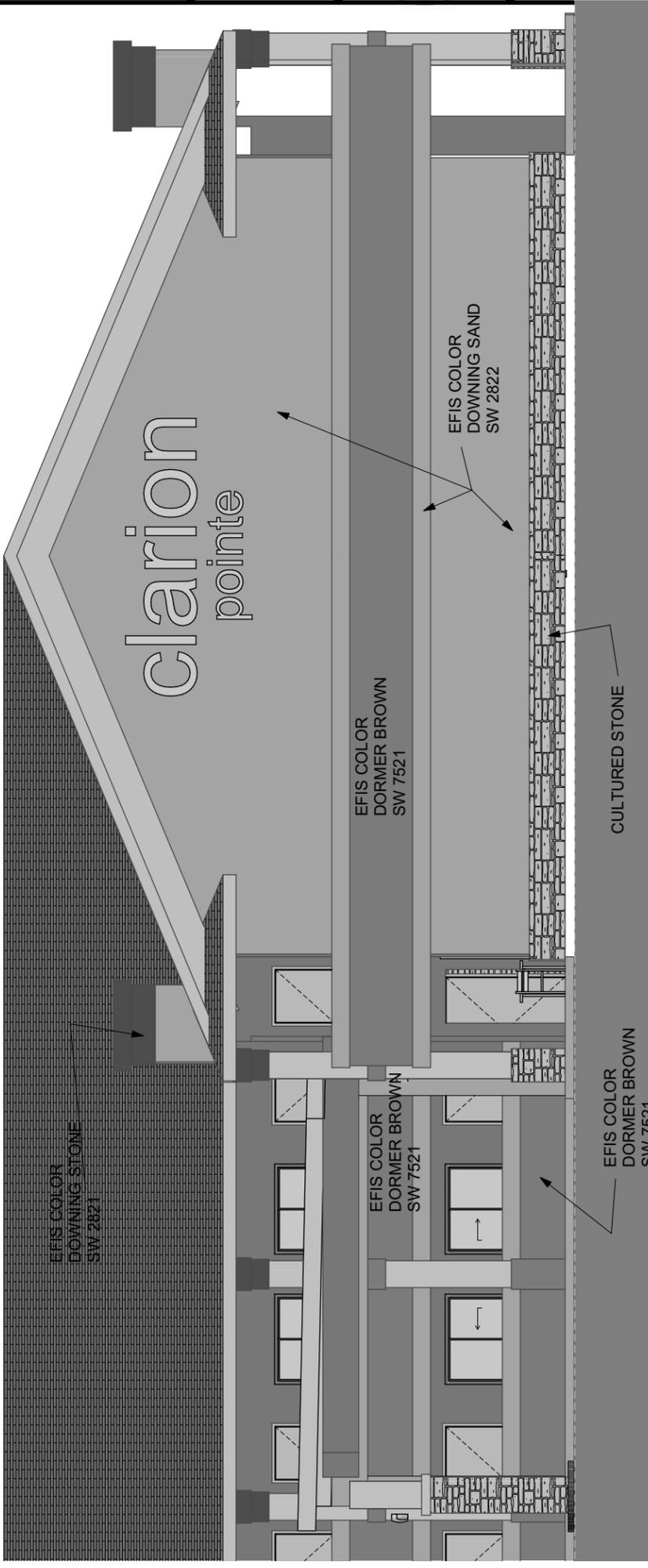


**1** West Overall Elevation  
SCALE: 1/16" = 1'-0"



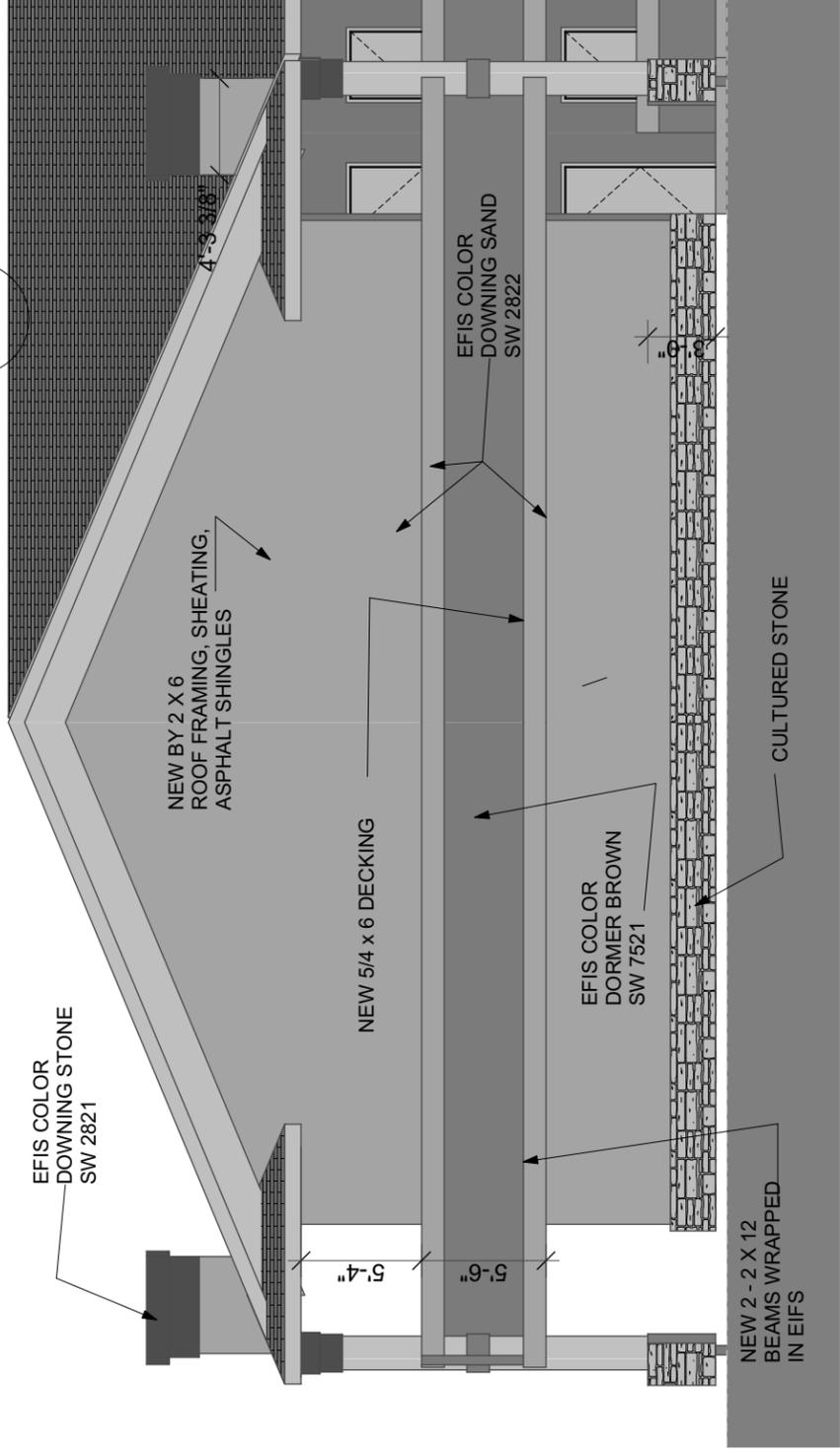
**4** West Partial Elevation

SCALE: 1/8" = 1'-0"



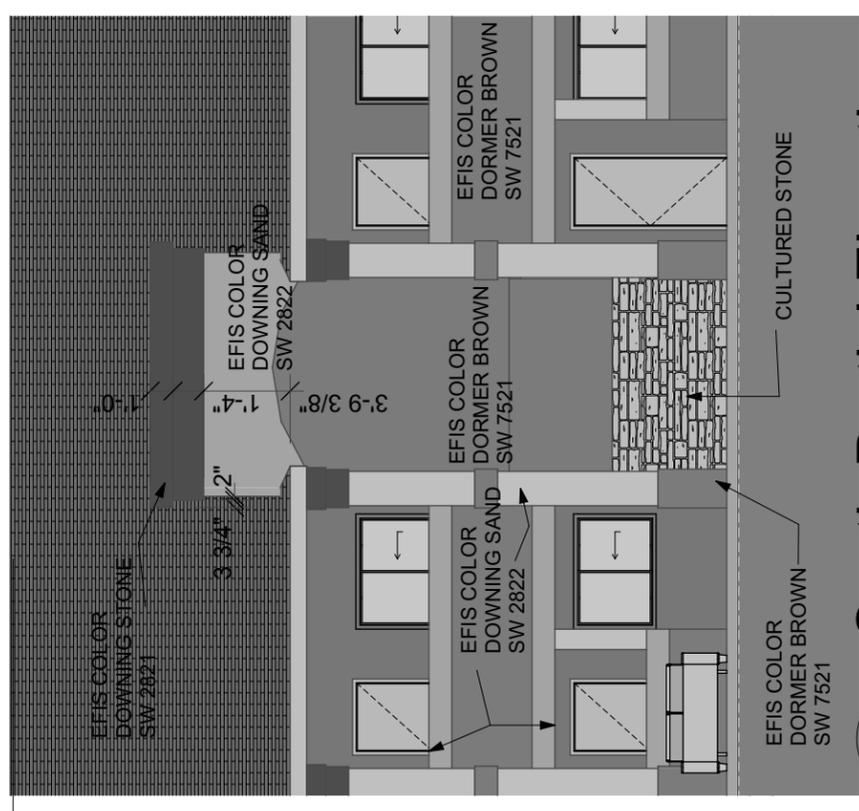
**2** South End Elevation

SCALE: 1/8" = 1'-0"



**3** West End Elevation

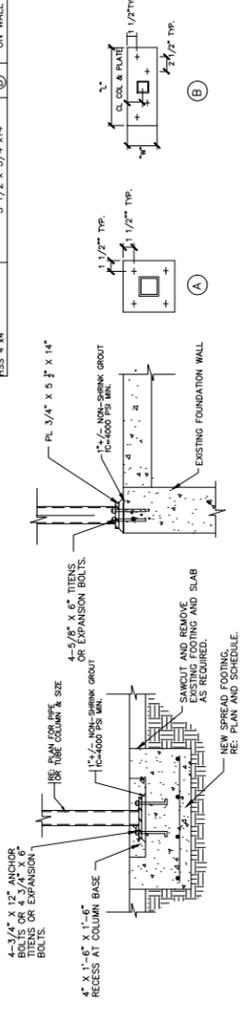
SCALE: 1/8" = 1'-0"



**1** South Partial Elevation

SCALE: 1/8" = 1'-0"

| COLUMN AND BASE PLATE SCHEDULE |                           |      |            |
|--------------------------------|---------------------------|------|------------|
| COLUMN SIZE                    | BASE PLATE WIDTH X LENGTH | TYPE | LOCATION   |
| HSS 4"x4"                      | 9" x 3/4" x 9"            | (A)  | ON FOOTING |
| HSS 3"x3"                      | 9" x 3/4" x 9"            | (A)  | ON FOOTING |
| HSS 6"x6"                      | 12" x 3/4" x 12"          | (A)  | ON PIER    |
| HSS 3"x3"                      | 5 1/2" x 3/4" x 14"       | (B)  | ON WALL    |
| HSS 4"x4"                      | 5 1/2" x 3/4" x 14"       | (B)  | ON WALL    |

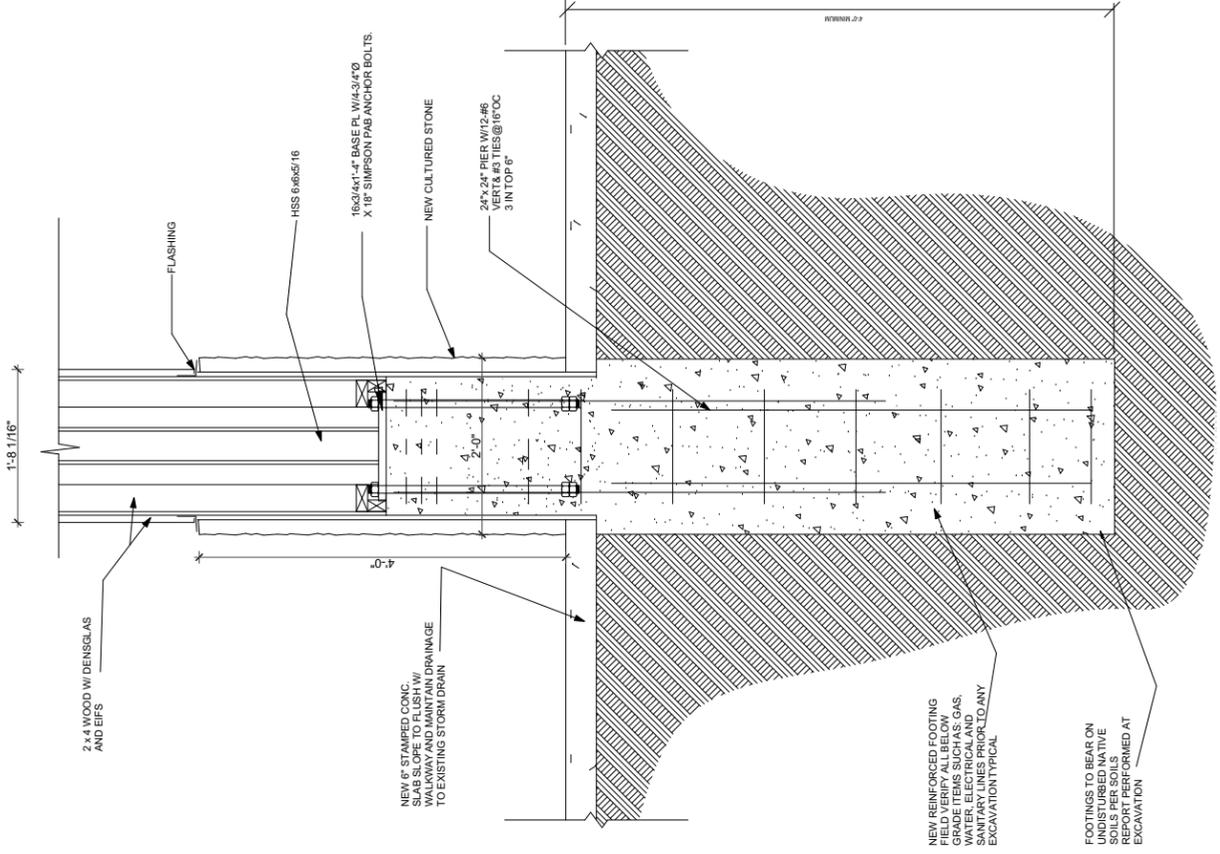


SPREAD FOOTING EXISTING FOUNDATION

F STEEL COLUMN BASE DETAIL  
3/21 NO SCALE

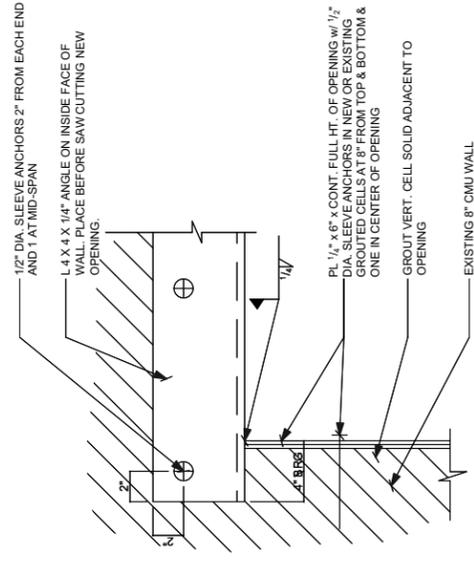
## Steel Column Base Detail

3 A8



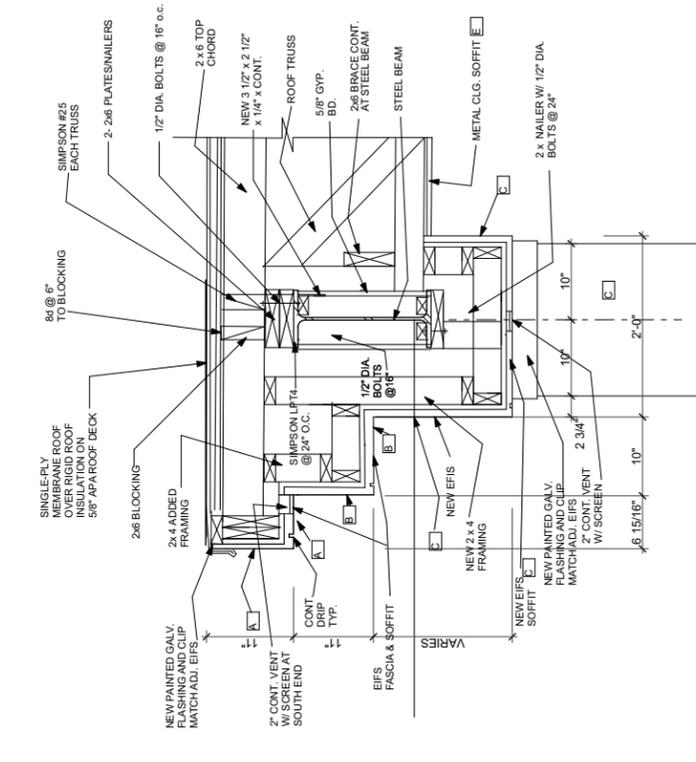
## PIER DETAIL

4 A8 SCALE: 1/2" = 1'-0"



## OPENING DETAIL

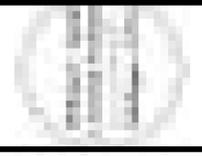
2 A8 SCALE: 1/2" = 1'-0"



## PORTE COCHERE DETAIL

1 A8 SCALE: 1/2" = 1'-0"

11-4-19



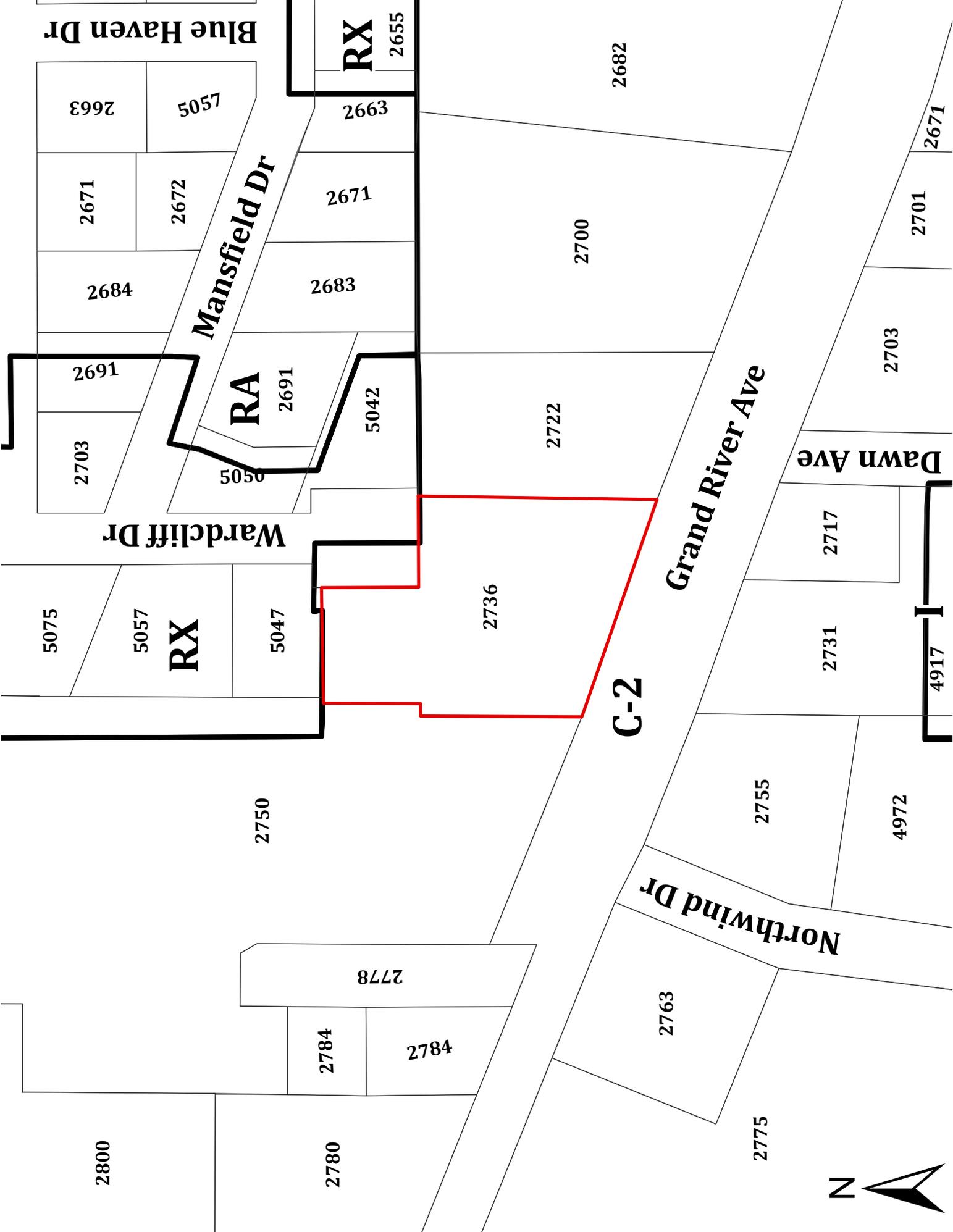
Clarton Pointe Hotel  
2736 E Grand River Ave  
East Lansing, MI 48823  
Meridian Township

SHEET TITLE

DETAILS

A8





Blue Haven Dr

Mansfield Dr

Wardcliff Dr

Grand River Ave

Northwind Dr

Dawn Ave

2663

5057

2671

2672

2684

2663

2671

2683

2691

5050

2691

5042

2703

2722

2700

2682

5075

5057

5047

2736

2722

2703

2701

2671

2800

2750

2778

2784

2784

2780

2763

2775

2755

2731

2717

4972

4917

RA

RX

RX

C-2



**To: Zoning Board of Appeals**  
**From: Justin Quagliata, Assistant Planner**  
**Date: November 8, 2019**  
**Re: 2020 Meeting Schedule**

---

Following is the list of proposed Zoning Board of Appeals meeting dates for 2020. Usually two regular meetings are scheduled each month. No special or work session meetings are planned but may be added by the Zoning Board of Appeals during the year if warranted.

Typically the Zoning Board of Appeals meets on the second and fourth Wednesday of each month. As in past years, only one meeting is scheduled in the months of November and December to avoid conflicts with holiday activities.

#### 2020 MEETING CALENDAR

|           |  |
|-----------|--|
| January   | 8 - regular meeting<br>22 - regular meeting  |
| February  | 12 - regular meeting<br>26 - regular meeting |
| March     | 11 - regular meeting<br>25 - regular meeting |
| April     | 8 - regular meeting<br>22 - regular meeting  |
| May       | 13 - regular meeting<br>27 - regular meeting |
| June      | 10 - regular meeting<br>24 - regular meeting |
| July      | 8 - regular meeting<br>22 - regular meeting  |
| August    | 12 - regular meeting<br>26 - regular meeting |
| September | 9 - regular meeting<br>23 - regular meeting  |

**2020 Meeting Schedule**  
**Zoning Board of Appeals (November 13, 2019)**  
**Page 2**

October        14 - regular meeting  
                  28 - regular meeting

November     18 - regular meeting

December     16 - regular meeting

A resolution is provided to adopt the above meeting schedule.

- **Motion to adopt the resolution approving the 2020 Zoning Board of Appeals Meeting Schedule.**

Attachment

1. Resolution to approve 2020 Zoning Board of Appeals Meeting Schedule

G:\Community Planning & Development\Planning\ZBA\MTG SCHEDULE\2020 ZBA Calendar memo.docx



**Zoning Board of Appeals Meeting Dates  
2020 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, in said Township on the 13th day of November, 2019 at 6:30 p.m., Local Time.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

WHEREAS, Public Act 267 of the Public Acts of 1976 requires the publication of the meeting schedule of every municipal board at least once a year; and

WHEREAS, Zoning Board of Appeals desires to announce the time, date, and place of all regular meetings of the Zoning Board of Appeals, pursuant to the provisions of Act 267 of the Public Act of 1976;

WHEREAS, it is the desire of the Zoning Board of Appeals to maintain a meeting schedule, which is generally the second and fourth 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, Okemos, MI, 48864, 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. Only one meeting will be held in November and December, on the third Wednesday of each month.
  
2. The specific dates for meetings are as follows:

|          |  |
|----------|--|
| January  | 8 - regular meeting<br>22 - regular meeting  |
| February | 12 - regular meeting<br>26 - regular meeting |
| March    | 11 - regular meeting<br>25 - regular meeting |
| April    | 8 - regular meeting<br>22 - regular meeting  |
| May      | 13 - regular meeting<br>27 - regular meeting |

**2020 Meeting Schedule**  
**Zoning Board of Appeals (November 13, 2019)**  
**Page 2**

|           |  |
|-----------|--|
| June      | 10 - regular meeting<br>24 - regular meeting |
| July      | 8 - regular meeting<br>22 - regular meeting  |
| August    | 12 - regular meeting<br>26 - regular meeting |
| September | 9 - regular meeting<br>23 - regular meeting  |
| October   | 14 - regular meeting<br>28 - regular meeting |
| November  | 18 - regular meeting                         |
| December  | 16 - regular meeting                         |

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 of the 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 13th day of November 2019.

\_\_\_\_\_  
Brian Beauchine  
Zoning Board of Appeals Chair