

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***APPROVED***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, October 11, 2017**

PRESENT: Members Ohlrogge, Stivers, Lane, Chair Beauchine
ABSENT: Member Jackson
STAFF: Peter Menser, Senior Planner and Keith Chapman, Assistant Planner

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 WITH A CORRECTION OF MEETING MINUTES TO AUGUST 9, 2017.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, August 9, 2017

MEMBER STIVERS MOVED TO APPROVE THE MINUTES OF WEDNESDAY August 9, 2017 AS WRITTEN.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

D. COMMUNICATIONS

None.

E. UNFINISHED BUSINESS

None.

F. NEW BUSINESS

1. ZBA CASE NO. 17-10-11-1 (DITTY), 6143 COTTAGE DRIVE, HASLETT, MI 48840
DESCRIPTION: 6143 Cottage Drive
TAX PARCEL: 02-401-009
ZONING DISTRICT: RB (Single Family, High Density). Lake Lansing Overlay

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

Section 86-442 (f)(5)(a), Front yard. The front yard setback shall not be less than 20 feet from the street line.

The applicant is requesting to construct a 576 square foot attached garage in the front yard setback.

Keith Chapman, Associate Planner, outlined the case for discussion.

Bill Ditty, owner and applicant, 6143 Cottage Drive Haslett, gave a brief history of the 1835 platted area called Sunset Cove, which he purchased in the fall of 2012. He stated part of his plan is to regrade and install proper drainage for the front yard, to alleviate flooding. He plans to modernize the house with an attached garage of 24x24 square foot to accommodate a larger truck size. He commented the design is consistent with eight out of the ten houses in the neighborhood with attached garages, which also required variances. He concluded he spoke to his neighbors and they were in favor of the addition.

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

Member Stivers added the Zoning Board of Appeals (ZBA) would make a determination based on the criteria from Section 86-221 of the Ordinance.

Member Stivers read review criteria one, which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. She replied the unique circumstance is the house was built in 1935 close to the road. However, it is a similar circumstance to neighboring houses in the area causing her to wonder what is unique about the subject property.

Chair Beauchine replied he agreed however, the ZBA cannot take into account other variances and the circumstances surrounding them. He added the ZBA must stick to this case only. He suggested the ZBA move on to the other criteria and come back review criteria one later.

Member Stivers read review criteria two, which states these special circumstances are not self-created. She stated it depends on what the circumstances are and if they are not self-created. She added if it is the age of the house Mr. Ditty is not responsible for that.

Member Stivers read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She replied the practical difficulty appears to be Mr. Ditty cannot have a garage on the property anywhere else, except in the proposed location.

Member Ohlrogge stated she was out to the subject property and there are trees, but she could not see a location on the property to park a vehicle.

Chair Beauchine replied he thought Mr. Ditty owned the property across the street which has a 1,600 square foot building with three garages. He added the ZBA could confirm this with Mr. Ditty before they move ahead.

Mr. Ditty answered he does have a pole barn across the street which he is using for temporary parking at this time.

Member Ohlrogge questioned whether or not both lots were purchased together or separately.

Keith Chapman commented the lots are two separate with the same address, but two separate lots of record and the lot with the pole barn cannot be looked at as part of the variance request for this subject property. The ZBA can only look at the lot which the variance request applies.

Chair Beauchine replied however the ZBA can take into account both lots as the applicant has parking space and a building across the street. He added unless the ZBA can consider both lots they will be addressing the minimum action necessary and have an issue with it.

Keith Chapman stated again it is a separate lot.

Chair Beauchine replied that is okay however, but the applicant already has a garage and parking space on the separate lot.

Member Ohlrogge added so the ZBA cannot consider the other lot as a factor in considering the subject property request, only the lot with the variance request.

Keith Chapman said correct.

Chair Beauchine replied that is not right.

Keith Chapman stated this how the Township Attorney said to review this case, as it is a separate legal lot of record. A variance was granted on the other lot for an accessory structure without a principal structure.

Member Ohlrogge repeated the variance for the second lot has nothing to do with the case presented to the ZBA tonight. The ZBA cannot acknowledge the other lot and the granted variance in considering tonight's case.

Keith Chapman stated yes.

Member Stivers commented it is possible the lots could be sold in the future and have two separate owners.

Member Ohlrogge asked if both lots have the same address could they be sold separately.

Peter Menser, Senior Planner, stated absolutely. We don't know what will happen in the future with the other lot and the two lots are not tied land use wise. He added the prudent course of action is to consider the request for the parcel with the house on it.

Member Ohlrogge stated I believe we left off on review criteria three; she added it is a practical difficulty for a homeowner not to have a garage in Michigan.

Chair Beauchine replied I understand we are not to consider the lot across the street however; the applicant does not even have a driveway as he is using the lot across the street and the total entity for his garage and a practical difficulty should not even be considered.

Member Ohlrogge stated strict interpretation and practical difficulties warrant addressing the safety of having a garage. Her interpretation of this criterion is it becomes a practical difficulty when a home owner doesn't have a garage in Michigan.

Member Stivers agreed it is a practical difficulty not to have a garage in Michigan which can lead us to criteria four, which states the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted use. She added that criteria three and four are addressed together.

Member Stivers referenced review criteria five, stating she has a problem determining whether or not granting the variance is the minimum necessary. She added she did some research on the size of garages without taking into consideration the size of applicants vehicles. She commented the minimum for a two car garage could be 20 feet, or the applicant could build a single car garage of 16 feet requiring a lesser variance.

Member Ohlrogge added considering the lot is narrow a single car garage would work better on the lot.

Chair Beauchine added the variance request is more than 50%. He added the Lake Lansing Overlay District has already been adjusted from the current zoning and the ZBA should consider the amount of the dimensional request.

Member Ohlrogge questioned the applicant about the yellow lines and what they represent.

Mr. Ditty answered the markings indicate the structure location the property.

Member Ohlrogge commented so this is where the garage would be.

Mr. Ditty said yes, approximately by using a tape measure.

Member Stivers commented although I did a google search on garages and read a couple of articles, I am not an expert, and an architect may say a standard garage is 24x24 square foot. She suggested the ZBA come back to review criteria five.

Member Stivers read review criteria six, which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. She commented no communications were received pro or con on this case, which suggests the neighbors are in favor of the request. She added in this neighborhood it is typical for property owners to have a garage.

Member Ohlrogge added it appears most of the garages in the neighborhood are not located as close to the road as the subject property and wondered how this could affect adjacent lands. The ZBA needs to keep in mind safety issues with crowding structures so close to the road blocking visibility.

Member Stivers replied interesting point Member Ohlrogge is making and questioned her on exactly what safety issues should be considered.

Member Ohlrogge replied the issue of snow building up during the winter can cause a visual barrier to the road for both vehicles and walkers in the neighborhood, but at this point she is expressing her questions to the ZBA and not making a decision on the request.

Member Stivers 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. She questioned if the previous Overlay District addressed the front yard setback in particular.

Keith Chapman replied yes it did the RB front yard setback in this area would be a 25 feet for the front yard and the overlay allows for a 20 foot setback.

Chair Beauchine stated the house was built in 1934 and there could be several issues of safety with a structure that age. He added the structures were not built as houses but built as cottages. He concluded that he is not an expert on other safety issues which could exist.

Member Stivers wondered if this could become a recurrent problem in nature in this District with other houses in the neighborhood. She added this is the second similar case presented to the ZBA in her short time on the Board. She further questioned could the ZBA have similar cases from this district in the future.

Chair Beauchine asked the staff if this is a recurring issue in this District.

Keith Chapman replied on occasion staff gets inquires, but there is not a specific number.

Member Stivers read review criteria eight, which states granting the variance will be generally consistent with public interest, the purposes and intent of this Chapter. She asked the ZBA members if anyone had any thoughts.

Member Ohlrogge replied a safe garage is essential in Michigan, and the practical difficulties discussed in review criteria three and four she is in favor of. She continued future property owners will appreciate the garage, as long as the variance request is consistent with public interest and secures public safety she agreed.

Member Lane referred to review criteria one and agreed with the comments the ZBA stated pertaining to this criterion. He added it was mentioned that several properties in this District have similar problems. He stated he sees this as a unique circumstance and looking at the aerial photo shows the subject property as a narrower lot setting close to the road, which distinguishes this case from other parcels surrounding it. He added this is not a self-created circumstance. He concluded he is struggling with review criteria five and questioned is granting the variance the minimum action necessary and should the garage be smaller than a 24x24 square foot garage.

Member Stivers agreed she could pass review criteria one, three and four however, for her it comes down to the minimum action necessary in criteria five. She asked Mr. Ditty how he or the architect came up with the garage size of 24x24 square foot and if he had considered something smaller.

Mr. Ditty replied he appreciated the safety aspect the ZBA is addressing. He added his desire to park a full size truck and boat trailer in the garage. He said his research into sizes of garages lead him to a size of 20 to 22 square feet, plus 4 square feet for storage. The dimension comes somewhere between 24 to 26 square foot for a garage however, instead of going any closer to the street and for safety issues he went with the 24 square feet.

Member Stivers replied she is leaning towards the smaller size of garage instead of the 24x24 square foot request. She added it sounds as if 4 feet is for storage space and could technically be

added to a second story of the garage making the variance request smaller in width than requested.

Member Ohlrogge added however lawn mowers and yard equipment would be hard to store on the second floor of garage and should be stored in a garage.

Member Stivers replied as opposed to a storage shed in the back yard, and added when it comes to safety and the permitted purpose of a garage is for a car and not for storage. She recommended the applicant go with a 20 square foot garage and to create a variance percentage below 50% which Chair Beauchine had recommended.

Chair Beauchine stated having a smaller garage would bring the variance percentage down to about 30% of the request.

Member Stivers said the other thing to consider is the width of the variance request; at the narrowest point would be 7 feet decreasing the overall width dimension of the garage however, if the request was for a one car garage it would even be less. Based on her research the smallest square foot for a garage is 16x16 adding the question is does the applicant need just a garage or does he need a certain size.

Member Ohlrogge added the future needs of the property and not just the present needs should be addressed, as a garage is a valid need in Michigan based on criteria three and four however, the size of garage is in question on this tiny lot. She added in granting the request is to make sure the request does not adversely affect adjacent land. She stated addressing the minimum necessary in review criteria seven is questionable as almost every house has a garage.

Member Strives commented the houses in the area are setback further on the property than the subject property, which is a unique circumstance.

Chair Beauchine added review criteria seven is the pressure for the Overlay District. He read review criteria seven, which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. He questioned should we have an ordinance change.

Member Ohlrogge replied since the subject property is the only property built this close to the road makes it non-recurrent in nature.

Keith Chapman clarified the width dimensional questions presented by the ZBA. He stated the only consideration for the ZBA is the closet point to the front yard setback; Mr. Ditty can build up to the 7 foot side yard setback or up to 5 feet with fire resistant materials, and added whether it is a one or two car garage cannot be looked at or consider.

Chair Beauchine stated but the ZBA does and should look at it and added the ZBA is not looking at the width issue as much as the minimum necessary. Also, how much construction is going to be placed there. He added if the construction is narrower it would be less of an intrusion.

Member Ohlrogge added the ZBA is questioning the distance from the road and the side yard setback and if there is less intrusion than there is less distance between the road and the garage.

Member Stivers added the width of the garage is very important and referenced the plot plan using the overhead projector, and that it matters whether or not it is going to be a one or two car garage.

Member Lane added a single car garage is too small but he could approve a 24x20 foot garage over the variance request. He added a garage is a necessary structure.

MEMBER STIVERS MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-442 (F)(5)(A) WITH THE CONDITION THAT THE VARINCE REQUEST BE 7 FEET.

SECONDED BY MEMBER LANE

Chair Beauchine asked the staff if the ZBA could modify the variance request or should the applicant come back with changes to his plans.

Keith Chapman replied the ZBA could ask the applicant if he would consider changing the size of his garage.

Mr. Ditty replied it seemed reasonable to change the variance from 24x24 square foot garage to a 24x20 foot garage.

Chair Beauchine stated he would prefer the request be denied and have the applicant to return with a new request.

Member Stivers questioned the angle of the construction and how it would affect the 7 foot setback if the variance was approved or should the construction be altered.

Chair Beauchine questioned the staff on how would this work.

Keith Chapman stated at its closest point following the line of the house.

Chair Beauchine further questioned what would stop the applicant from constructing something with perpendicular walls since we don't have a plan for that.

Peter Menser stated of the design at its closest point it cannot encroach more than 7 feet, regardless of the design.

Member Ohlrogge recommended Mr. Ditty consult his architect before accepting a change to his variance.

ROLL CALL VOTE: YES:

NO: Members, Ohlrogge, Stivers, Lane and Chair Beauchine.

Motion denied.

MEMBER LANE MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-442 (F)(5)(A) BASED ON FAILURE TO MEET REVIEW CRITERIA FIVE.

MEMBER STIVERS SECONDED.

ROLL CALL VOTE: YES: Members, Ohlrogge, Stivers, Lane and Chair Beauchine.

NO:
Motion passed.

G. OTHER BUSINESS

H. PUBLIC REMARKS

I. BOARD MEMBER COMMENTS

J. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:31 p.m.

K. POST SCRIPT – Chair Beauchine

Respectfully Submitted,

Rebekah Lemley
Recording Secretary