

**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS SPECIAL MEETING MINUTES \*APPROVED\*  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, SEPTEMBER 18, 2019 6:30 PM  
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members, Lane, Mansour, Wisinski  
ABSENT: Member Field-Foster  
STAFF: Director of Community Planning and Development Mark Kieselbach, Assistant  
Planner Justin Quagliata

**1. CALL MEETING TO ORDER**

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

**2. APPROVAL OF AGENDA**

MEMBER LANE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER MANSOUR.

VOICE VOTE: Motion carried unanimously.

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

Wednesday, July 24, 2019.

MEMBER MANSOUR MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, JULY 24, 2019.

SECONDED BY MEMBER WISINSKI.

VOICE VOTE: Motion carried unanimously.

**4. COMMUNICATIONS**

None.

**5. UNFINISHED BUSINESS**

None.

**6. NEW BUSINESS**

**A. ZBA CASE NO 19-09-18-1 (Peterson), 2705 Linden Street, East Lansing, MI, 48823**

LOCATION: 2705 Linden Street

PARCEL ID: 17-253-002

ZONING DISTRICT: RA (Single Family-Medium Density)

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

- Section 86-373(e)(5)(a), Minimum yard dimensions. Front yards. In accordance with the setback requirements of Section 86-367 for the type of street upon which the lot fronts.

- Section 86-373(e)(5)(b), Minimum yard dimensions. Side yards: 10 feet.

The variance requests are to construct an attached garage that would project 2.7 feet into the side yard setback and 2.3 feet into the front yard setback at 2705 Linden Street.

Assistant Planner Quagliata outlined the case for discussion. He noted the previous owner obtained a building permit in 2016 to demolish an existing garage and construct a carport. The carport was not constructed and the building permit had expired.

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

Mr. Barry Peterson, the applicant, 2705 Linden Street, East Lansing, stated the existing stairs to the house extended approximately four feet from the side of the house. The garage needed to be wide enough to accommodate two cars. He noted there was a downward slope in elevation south of the concrete slab that had been poured for the carport which prohibited constructing the proposed garage off the back of the house.

Chair Beauchine opened the floor for public remarks.

Michael Breen, 2517 Linden Drive, East Lansing, spoke in support of the requested variances.

Chair Beauchine closed the floor for public remarks.

Member Mansour read review criteria one from Section 86-221 of the Code of Ordinances 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 stated the house was purchased without a garage and an existing concrete slab installed for a carport that was never constructed was unique.

Member Mansour read review criteria two which states these special circumstances are not self-created. She stated this criteria had been met.

Member Mansour 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 stated the property currently did not have a garage.

Member Mansour 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. She stated adding to an existing garage would be excessive but the property currently did not have a garage which created practical difficulties.

Member Mansour read review criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. She noted the proposed encroachment into the front and side yard setbacks was minimal.

Member Mansour 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 stated a neighbor spoke in support of the requested variances.

Member Mansour 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 stated this criteria had been met.

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

Chair Beauchine stated the current owners' personal circumstances could not be considered because variances stay with the property which make it difficult to meet review criteria four. He noted the applicant could construct a single car garage with the existing stairs. His concern was there were variances requested from both the front and side yard setbacks.

Member Wisinski asked staff if the proposed garage would be the same size as the previous garage removed in 2011.

Assistant Planner Quagliata stated the proposed garage would be larger than the garage removed in 2011. He added the previous garage met the 10 foot setback from the side lot line and the 25 foot front yard setback.

Member Mansour asked staff if the requested variances were needed to ensure car doors could open. She also asked if the existing stairs were constructed by the previous owner.

Assistant Planner Quagliata stated the stairs were existing when the prior owner removed the garage.

Mr. Peterson stated the variances were needed so car doors could be opened due to the width of the existing stairs.

Member Mansour asked the applicant if they considered replacing or reconfiguring the stairs.

Mr. Peterson stated moving the stairs back would place the entrance to the house in the bathroom and shortening the stairs was not feasible because they were concrete.

Member Lane stated the existing stairs were unique and to construct a two car garage and accommodate the stairs would require the variances. He noted most new houses built included two car garages and most of the houses in the neighborhood had two car garages. He stated not allowing a two car garage would be a practicable difficulty.

Chair Beauchine stated if the proposed garage could be moved back to match the original front facade of the house then it could be considered the minimum action necessary.

Member Lane asked the applicant their reasoning for extending the garage into the front yard setback.

Mr. Peterson stated because of the location of the stairs a car door would not be able to be opened inside the garage.

Member Lane asked the applicant if the slope of the concrete slab was south of the proposed garage.

Mr. Peterson responded yes and to move the proposed garage back would require supporting and pouring additional concrete.

MEMBER MANSOUR MOVED TO APPROVE BOTH VARIANCES.

SECONDED BY MEMBER WISINSKI.

Member Wisinski stated the stairs were problematic and the applicant had considered alternative options.

Member Mansour stated the applicant had requested the minimum variances necessary.

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

**B. ZBA CASE NO. 19-09-18-4 (Frankovich), 6814 Kingdon Avenue, Holt, MI, 48842**

LOCATION:	2552 Bruin Drive
PARCEL ID:	17-228-004
ZONING DISTRICT:	RA (Single Family-Medium Density)

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

- Section 86-564(b)(2), Unenclosed porches. Roofed or unroofed porches may project into a required side or rear yard a distance not to exceed eight feet, provided: the porch shall not be closer than eight feet at any point to any side or rear lot line.
- Section 86-564(e), Fire escapes, outside stairways, and balconies. Fire escapes, outside stairways, and balconies, if of open construction, may project into the yard up to a maximum of five feet.

The variance requests are to construct a deck and outdoor stairway which would encroach into the required setback from the side lot line at 2552 Bruin Drive.

Assistant Planner Quagliata outlined the case for discussion. He noted the property was part of the Wildwood Lakes Planned Unit Development and setbacks were established by the Township Board. The previous decks had not received building permits. The decks were deemed unsafe by the Township Building Inspector and required to be removed. He also stated the existing stairway was nonconforming and built two feet onto the adjacent property.

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

Ms. Lee Reiman, the property owner, 2552 Bruin Drive, East Lansing, stated the request was to reconstruct the deck in the side yard to the width of the previous deck that had been removed. Unlike the previous deck the new deck would extend south toward the driveway for a ramp to the side door of the garage. She stated the configuration of lots in the Bear Lake subdivision was unique.

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

Chair Beauchine stated the ZBA had considered variance requests for other properties in the Bear Lake subdivision. He noted the setbacks in the subdivision and the Wildwood Lakes Planned Unit Development were unique. Chair Beauchine asked staff if an addition to the house could be built up to the property line.

Assistant Planner Quagliata noted an addition to the house could be built up to the lot line provided there was 20 feet between buildings. He stated side yards in the Bear Lake subdivision were established at the time of construction on each lot. The required side yard for the subject property on the east side was 8.4 feet. An encroachment of a deck into the side yard was not permitted without a variance.

Chair Beauchine asked staff what the distance was between the house on the subject property and the house on the lot to the east.

Assistant Planner Quagliata stated the distance between buildings was approximately 34 feet.

Member Mansour asked staff if the proposed outdoor stairway could be constructed without a variance if the stairway projected five feet from the house.

Assistant Planner Quagliata stated yes an outside stairway may project into the side yard up to a maximum of five feet.

Chair Beauchine asked staff if the proposed outdoor stairway would be the only means of access to the rear yard.

Assistant Planner Quagliata stated the rear yard could be accessed from the west side of the lot. He also noted access to the rear yard was provided from the walkout basement and the deck at the northeast corner of the house.

Member Mansour questioned if the proposed deck and outdoor stairway were necessary and if not allowing those structures would result in practical difficulties. She stated there was access to the rear yard and did not believe the proposed outdoor stairway was necessary.

Chair Beauchine stated relocating the outdoor stairway to be adjacent to the house may block a window on the east side of the house.

Chair Beauchine asked staff if a five foot addition could be built on the east side of the house.

Assistant Planner Quagliata stated an addition to the house could be built up to the lot line if 20 feet was provided from the structure on the adjacent property.

Member Lane stated the setbacks for the Bear Lake subdivision were a unique circumstance which could satisfy review criteria one. He stated the setbacks were not self-created which could satisfy review criteria two.

Member Lane stated review criteria three and four had not been met. Not granting the variances would not result in practical difficulties or unreasonably prevent the applicant from using the property for the permitted purpose.

Ms. Reiman stated the door on the east side of the house provided access to the garage and the reason for requesting a longer deck was to provide a ramp to the door from the south.

Assistant Planner Quagliata stated the applicant did plan to construct a ramp to the front door to provide barrier free access to the house.

Member Lane stated the house had existing points of ingress and egress and did not believe the proposed deck was necessary. He noted the inability to build the deck was not a practical difficulty.

Ms. Reiman stated while the house had multiple points of access the proposed deck in the side yard would provide barrier free access from the rear yard to the front yard.

Member Mansour stated the Board used the eight review criteria found in Section 86-221 of the Code of Ordinances which did not allow the Board to consider the applicant's personal circumstances. She stated all eight review criteria must be met in order to grant a variance. She added the request was not the minimum action necessary and believed there were alternatives to what was proposed by the applicant.

Member Lane stated there were ways to provide barrier free access to the house in compliance with the zoning ordinance. He noted the Board's purview was to consider if the request met the eight review criteria in the zoning ordinance.

MEMBER LANE MOVED TO DENY THE VARIANCE REQUESTS BASED ON FAILURE TO MEET REVIEW CRITERIA THREE AND REVIEW CRITERIA FOUR.

SECONDED BY MEMBER MANSOUR.

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

**C. ZBA CASE NO. 19-09-18-3 (Woodward Way LP), 500 S. Front Street, Columbus, OH, 43215**

DESCRIPTION: East of Sirhal Drive, west of Greycliff Drive  
TAX PARCEL: 17-377-031  
ZONING DISTRICT: RC (Multiple Family)

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

- Section 86-376(g)(7)(iii), Other yard dimensions. No single building or connected building may exceed 200 feet in any one dimension. All buildings shall be so arranged as to permit emergency vehicle access, by some practical means, to all sides.
- Section 86-376(g)(9)(e), Parking requirements. Every multiple-family structure shall provide motor vehicle parking facilities which shall provide a minimum of 200 square feet in area for each vehicle parking space, each space shall be definitely designated and reserved for parking purposes, and each space shall be accessible separately from a drive.

The variance requests are to exceed the maximum building dimension by 37 feet in length for two buildings and construct 98 residential parking spaces 20 square feet less than the required size on a currently undeveloped parcel identified by Parcel Number 17-377-031.

Assistant Planner Quagliata outlined the case for discussion. He noted the Township Fire Inspector reviewed the site plan and did not have an issue with the length of the buildings.

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

Mr. Frank Fugate, the applicant's representative, 500 S. Front Street, Columbus, Ohio, stated the site was designed to meet all building and parking area setbacks. He noted the site plan allocated area for parking expansion.

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

Chair Beauchine asked staff the origin of the 200 foot maximum building dimension in the multiple family design standards.

Director Kieselbach stated the maximum 200 foot dimension was based on a provision of the Fire Code and how emergency responders have to lay hoses in the event of a fire. He noted the reason the Township Fire Inspector approved the length of the buildings was because other methods of fire suppression would be required.

Member Lane stated the project was before the Planning Commission for special use permits which were approved and mentioned the applicant satisfied the concerns of the Planning Commission by revising the site design and reducing the number of variances from 10 to two. He stated the multiple family land uses surrounding the subject site along with its location and former use of the property as a mobile home park created unique circumstances.

Member Mansour stated requiring other methods of fire protection was important if the Board was to grant the 37 foot variance from the maximum building dimension.

Member Wisinski stated she supported the project since the applicant revised the site plan to meet zoning ordinance requirements. She stated the required supplemental fire protection helped her support the variance from the maximum building dimension.

Member Lane asked staff why the parking dimensions required for this project were different than other projects in the Township.

Assistant Planner Quagliata stated except for multiple family developments and planned unit developments 9 feet by 20 feet was an allowed parking space size. The parking ordinance also allowed a 10 foot by 18 foot parking space.

Member Mansour asked staff why the required parking space size was different for multiple family developments.

Assistant Planner Quagliata stated the standard had been in the ordinance since the 1970s.

Member Mansour asked staff to reiterate the parking space size requirement for the proposed development.

Assistant Planner Quagliata stated parking spaces in multiple family developments must be 200 square feet in size, which was 10 feet in width by 20 feet in length.

Director Kieselbach stated the most common parking space size in the Township was 9 feet by 20 feet and multiple family developments were required to provide 200 square foot parking spaces. He stated the Township Board assigned staff to review the parking standards and research showed a 180 square foot parking space size was too large. The average size parking space in most communities was 9 feet by 18 feet (162 square feet).

Chair Beacuhine stated if the Township Board directed staff to review the parking ordinance then review criteria seven could be met.

**MEMBER LANE MOVED TO APPROVE BOTH VARIANCE REQUESTS.**

**SECONDED BY MEMBER WISINSKI.**

Member Lane read review criteria one from Section 86-221 of the Code of Ordinances 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. He stated the multiple family land uses surrounding the subject site along with its location and former use of the property as a mobile home park created unique circumstances.

Member Lane read review criteria two which states these special circumstances are not self-created. He stated this criteria had been met.

Member Lane 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 applicant had revised the site plan to reduce the number of variances and not granting the variances would result in practical difficulties because a multiple family development would not be feasible.

Member Lane read review criteria four which states that the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose. He stated the property was zoned RC (Multiple Family) and not granting the variances would not allow the applicant to use the property for the permitted purpose.

Member Lane read review criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. He stated the requested variances were the minimum necessary and the Township Fire Inspector concluded the length of the buildings was not a safety issue.

Member Lane read review criteria six which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. He stated the property had a history of being used for residential purposes so this criteria had been met.

Member Lane read review criteria seven which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. He stated this criteria had been met.

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

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

**7. OTHER BUSINESS**

None.

**8. PUBLIC REMARKS**

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

**9. BOARD MEMBER COMMENTS**

Assistant Planner Quagliata informed the Board the next meeting was on October 9, 2019.

**10. ADJOURNMENT**

Meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Justin Quagliata  
Assistant Planner