

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, DECEMBER 11, 2013, 6:30 PM
TOWN HALL ROOM, OPEN TO PUBLIC

- A. CALL MEETING TO ORDER
- B. APPROVAL OF AGENDA
- C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES
 - o Wednesday October 09, 2013
 - o Wednesday October 23, 2013

D. UNFINISHED BUSINESS

E. NEW BUSINESS

- 1. ZBA CASE NO. 13-12-11-1 TERRY BAKER, 6093 ANCHOR COVE, DIAMONDALE, MI 48821
 - DESCRIPTION: 743 Grand River Avenue
 - TAX PARCEL: 25-126-001
 - ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-618(2), which states 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.

The applicant is requesting to alter the roofline of an existing nonconforming building and add increase the height and bulk of the building; therefore the applicant is requesting a variance.

- 2. ZBA CASE NO. 13-12-11-2 CRAIG SKOCZYLAS, 6329 MILENZ STREET, HASLETT, MI 48840
 - DESCRIPTION: 6329 Milenz Street
 - TAX PARCEL: 02-177-001
 - ZONING DISTRICT: RB (Single Family, High Density)

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

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

The applicant is proposing to construct an addition (roofed open porch) to the front façade of the house and the addition does not meet the required front yard setback; therefore the applicant is requesting a variance.

3. ZBA CASE NO. 13-12-11-3, ISMAIL ABU-HALTRAM, 3957 DAYSPRING, OKEMSO, MI 48864
DESCRIPTION: 3957 Dayspring Court
TAX PARCEL: 32-227-014
ZONING DISTRICT: RA (Single Family, Medium Density)

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

- Section 86-506, which states no fence, wall, or screen shall be erected higher than six feet, as measured from the ground upon which it sits to its highest point. Altering the existing grade, such as but not limited to mounding or terracing of land shall not be permitted to increase the height of the fence, wall, or screen, unless the combined height of such grading, mounding, or terracing together with the fence, wall, or screen is six feet or less above the ground upon which it sits.

The applicant is proposing to adjust the grade of the rear yard and construct a retaining wall and fence. The combined height exceeds the maximum allowed height of six (6) feet; therefore the applicant is requesting a variance.

- ☞ Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

F. OTHER BUSINESS

- o Resolution for 2014 Zoning Board of Appeals Meeting Schedule

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. POST SCRIPT - CAROL OHLROGGE

Information regarding the request may be examined at the Department of Community Planning and Development, 5151 Marsh Road, Okemos, Michigan 48864-1198, between the hours of 8:00 am and 5:00 pm, Monday through Friday. Comments may be made in writing addressed to the Zoning Board of Appeals at 5151 Marsh Road, Okemos, MI 48864 or may be made at the hearing.

BRETT DREYFUS
TOWNSHIP CLERK

ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

Persons wishing to address the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the Zoning Board of Appeals meeting. If you do intend to speak before the Zoning Board of Appeals please sign in at the door. During a public hearing, the following order shall be used:

1. Township Staff Review
2. Comments by the applicant or applicant's designee(s)
3. Comments by other persons
4. Applicant rebuttal
5. ZBA members discuss the case. If necessary, the applicant may be asked to respond to questions from the ZBA members
6. Action by the ZBA

Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

G:\PLANNING\ZBA\ZBA AGENDAS\2013 ZBA AGENDAS\ZBAGNDA.131211

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES *****DRAFT*****
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, OCTOBER 9, 2013

PRESENT: Members, Jackson, LeGoff, Ohlrogge, and Hershiser
ABSENT: Chair Beauchine
STAFF: Martha Wyatt, Associate Planner/Landscape Architect;
Mark Kieselbach, Director of Community Planning & Development

A. CALL MEETING TO ORDER

Vice-Chair Hershiser called the meeting to order at 6:30 p.m.

B. APPROVAL OF AGENDA

MEMBER JACKSON MOVED TO APPROVE THE AGENDA AS WRITTEN

SECONDED BY MEMBER OHLROGGE

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, September 25, 2013

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

1. ZBA CASE NO. 13-09-11-1 JOAN ALLMAN (LAURIE) BLOSSER, 8754 COLEMAN ROAD, HASLETT, MI 48840
DESCRIPTION: 8752 Coleman Road
TAX PARCEL: 02-226-003
ZONING DISTRICT: RA (Single Family, Medium Density)

The applicant has appealed the decision of the Director of Community Planning and Development regarding a nonconforming use.

Ms. Wyatt outlined the case for discussion.

Ms. Loretta Crumb, PO Box 40, Laingsburg, stated she was Ms. Blosser's attorney and was representing her for this case.

Vice Chair Hershiser reminded Ms. Crumb a full board was not available for this meeting.

Ms. Crumb acknowledged they had been advised by Ms. Wyatt a full board would not be available for this meeting. She said they would like to present the majority of the case and be able to submit more documentation within 14 days. She asked for a short recess to confer with her client and co-counsel.

Vice Chair Hershiser granted a short recess.

Ms. Crum stated the applicant had decided to proceed with the case.

Member Jackson asked if the applicant would be allowed to submit additional materials after the meeting.

Mr. Kieselbach said if the Zoning Board of Appeals made a decision tonight there would not be a chance to submit additional materials.

Member Jackson asked if another board member would be allowed to hear the case if it were continued to another meeting.

Mr. Kieselbach explained the missing member could hear the case if it were postponed to another meeting but if the case was started with an alternate member then they would have continue until a decision was made.

Ms. Crum said they would hand out the materials they have ready for the Board to review during her presentation. Ms. Crum stated the home was not destroyed as indicated by the Director. She said the repairs include fixing damage to the roof and one exterior wall. She said the plumbing and electrical are fully functional. Ms. Crum displayed photos of the home after the fire and after the damage had been cleaned up. Ms. Crum stated there are problems with the record which need to be addressed. She said the fire report is merely a recitation of the facts and makes no determination the property was destroyed. She said Ms. Blosser was not allowed to see the fire report until after 4 building permits were denied. Ms. Crumb stated that even though this case is not a variance request it does have things in common with variances requests and it would meet the majority of the Review Criteria (Section 86-221).

Mr. John Veenstra, 380 Piper Road, Haslett, spoke in support of the applicant. He said the decision of the Director is not correct. He indicated the township was complicit in the dispatch error that allowed the house to burn for 20 minutes before Bath Township responded.

Mr. Daniel Hilker, 6243 Reynolds Road, Haslett, spoke in support of the applicant.

Mr. Marvin Johansen, 6236 W. Reynolds Road, Haslett, spoke in support of the applicant.

Mr. Rob Eschbach, 1228 Daisy Lane, Haslett, spoke in support of the applicant.

Mr. Richard Harrington, 820 Piper Road, Haslett, spoke in support of the applicant.

Mr. Neil Bowlby, 6020 Beechwood, Haslett, spoke in support of the applicant.

Mr. Doug Winkler, 5892 Shaw Street, Haslett, spoke in support of the applicant. He read a letter of support from Jeff Pavlik for the record.

Vice Chair Hershiser asked staff who determined the damage was at or exceeded 50% of the building.

Ms. Wyatt said it was determined by the Director of Community Planning and Development to be destroyed.

Member Jackson asked what guidelines are used to determine if a building is destroyed.

Ms. Wyatt stated the determination was made based on evidence available after the fire.

Member Ohlrogge asked who determines what amount of damage indicates destruction and which property value is used to determine the worth.

Ms. Wyatt said the assessed value was used. She said the replacement cost of the building is approximately \$54,000 but the assessed value is approximately \$22,000, however the assessed value has nothing to do with the fact the property is a non-conforming use.

Member LeGoff said the pictures provided by the applicant indicate the damage is not as extensive as the first pictures indicate.

Vice Chair Hershiser agreed the damage does not seem extensive but the Director of Community Planning and Development was using the best information available to make his determination.

Member Ohlrogge stated the structure was deemed uninhabitable but was it considered destroyed because it was uninhabitable. She said until a determination is made whether or not the building was destroyed the rest of the facts are immaterial. She commented there is not enough information in the ordinance to determine if the building was destroyed.

Ms. Wyatt said it was deemed the repairs to make it habitable were in excess of accepted standards. She said it is difficult to determine if the bids and estimates submitted by the applicant were complete enough to give an idea of whether or not the expense would be too great. She understands the applicant has bids indicating this is the case but the building inspector has not made a determination.

Member Jackson asked when the building inspector gets involved to make the determination.

Ms. Wyatt said the building inspector was not asked to make any determination because the building permit was denied.

Member Ohlrogge asked if the house would have to conform to current building standards if it was rebuilt.

Ms. Wyatt answered the building would have to conform to all current building standards.

Member Jackson said the building permit was not allowed so the non-conformity of use does not continue.

Member Ohlrogge commented nothing in the ordinance indicates the building is destroyed.

Member LeGoff remarked the photos provided by the applicant indicate hope for the building to be rehabilitated.

Vice Chair Hershiser stated the building inspector should go look at the property with the repair estimates to determine if the property can be rehabilitated. He asked Ms. Blosser if she had submitted the proper documentation for the building inspector to determine if construction could occur.

Ms. Blosser said the estimates were detailed and submitted to the proper officials.

Member Ohlrogge remarked it doesn't make a difference what destroyed means unless it is determined which ordinance actually applies as the property and use are both non-conforming.

Vice Chair Hershiser remarked the ordinance to apply cannot be determined without the understanding of what determines if the building is destroyed.

MEMBER JACKSON MOVED TO POSTPONE THE CASE UNTIL MORE INFORMATION CAN BE PROVIDED BY STAFF. THE BOARD REQUESTED MORE INFORMATION ABOUT THE CONCLUSION THAT THE PROPERTY WAS "DESTROYED". THEY WOULD LIKE TO KNOW IF THE DETERMINATION WAS BASED ON THE POSSIBLE COST TO REBUILD IN RELATION TO THE VALUE OF THE PROPERTY. THE BOARD WOULD LIKE TO KNOW WHO IS RESPONSIBLE FOR DECIDING A BUILDING IS DESTROYED AND WHAT CRITERIA IS USED TO MAKE THE DETERMINATION.

SECONDED BY MEMBER OHLROGGE

Vice Chair Hershiser commented it would be helpful if the building inspector went to the property to determine if it is beyond repair.

VOICE VOTE: YES: Member Jackson, LeGoff, Ohlrogge, Vice Chair Hershiser
NO: None
Motion carries 5-0.

F. OTHER BUSINESS

None

G. PUBLIC REMARKS

Mr. Pierce, co-counsel for Ms. Blosser, asked for any copies of reports or determinations be forwarded to the applicant and her attorneys.

Mr. Veenstra stated his disappointment at the decision to postpone the case.

Mr. Bowlby said the Zoning Board of Appeals needs to use common sense when deciding this case.

H. BOARD MEMBER COMMENTS

Member Ohlrogge said she was offended other township officials would come to a meeting and berate board members.

I. ADJOURNMENT

Vice-Chair Hershiser adjourned the meeting at 8:45 p.m.

Respectfully Submitted,

Angela M. Ryan
Recording Secretary

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, OCTOBER 23, 2013

PRESENT: Members, Jackson, LeGoff, Ohlrogge, Hershiser, Chair Beauchine,
ABSENT: None
STAFF: Mark Kieselbach, Director of Community Planning & Development

A. CALL MEETING TO ORDER

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

B. APPROVAL OF AGENDA

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA WITH NO ACTION ON ITEM C

SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, October 9, 2013

NO MINUTES WERE AVAILABLE

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

1. ZBA CASE NO. 13-10-23-1 NORMAN & KAREN GRANNEMANN, 2628 CREEKSTONE TRAIL, OKEMOS, MI 48864

DESCRIPTION: 2628 Creekstone Trail
TAX PARCEL: 29-256-004
ZONING DISTRICT: RAA (Single Family, Low Density)

The applicant is proposing to construct an addition on the rear of the house and the addition does not meet the required rear yard setback; therefore the applicant is requesting a variance.

Director Kieselbach outlined the case for discussion.

Mrs. Karen Granneman, 2628 Creekstone Trail, Okemos, the applicant, stated the 4 season room is needed to enjoy the outdoors of their property. She said the addition would not be much larger than the existing deck which will be removed. They have looked at other options but this location for the addition was the best fit.

Member LeGoff said it seems reasonable to enclose the deck.

Member Hershiser asked if they had considered removing the park designation from their additional lot.

Mrs. Granneman said they had looked into removing the park designation from their additional lot but it was expensive. She said they deemed it an unnecessary expense since the lot is not buildable and they plan to leave the lot as is.

Chair Beauchine asked staff to discuss the zoning requirements for the steps coming from the proposed 4 season room.

Member Jackson asked if the additional lot is buildable under the current ordinances.

Mrs. Granneman said it was her understanding that the lot is not buildable.

Chair Beauchine asked what guidelines are for the step coming from the 4 season room.

Director Kieselbach explained two different set of regulations are considered where the steps are concerned. There must be a landing and they cannot encroach more than 5 feet into the setback so the steps may not be able to go straight out.

Chair Beauchine remarked he would like to see any motion state there be no deck allowed to be built off of the 4 season room which would further encroach into the yard

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCE BECAUSE OF THE UNIQUE CIRCUMSTANCES AND BECAUSE THERE WOULD BE NO ADVERSE EFFECT ON THE SURROUNDING PROPERTIES.

SECONDED BY MEMBER LEGOFF

Member Jackson said she would support the variance because the adjacent lot is not buildable.

MEMBER HERSHISER AMENDED HIS MOTION TO STATE NO DECK COULD BE BUILT IN THE REAR YARD IN ADDITION TO THE 4 SEASON ROOM.

THE AMENDMENT WAS ACCEPTED BY MEMBER LEGOFF.

Member Ohlrogge asked what the status of the stairway would be if the variance is approved.

Director Kieselbach remarked the steps would be reviewed when the applicant applies for the building permit. He said if the design does not meet the ordinances they will have to change it or apply for another variance.

Chair Beauchine voiced a potential concern that the applicant could stop paying the property taxes on the adjacent lot just as the previous owner had.

Director Kieselbach explained it would not be likely because the drain assessments went unpaid by the previous owner and that should not be an issue going forward due to the fact the park designation has not been removed so it is not taxable.

Member Jackson asked if there could be an amendment to state the park designation must be removed and the two lots merged.

Director Kieselbach said it should not be necessary or cost efficient to make that demand on the applicant.

Member Ohlrogge commented the park lot does not look like it could ever be buildable.

Director Kieselbach said it does not meet minimum requirements for a buildable lot in this zoning area.

Member Ohlrogge asked the applicant if the park is wetland.

Mr. Granneman said it is not a designated wetland but is fairly wet at certain times during the year.

VOICE VOTE: YES: Member Hershiser, LeGoff, Ohlrogge, Jackson
NO: Chair Beauchine
Motion carried 4-1.

2. ZBA CASE NO. 13-10-23-2 ST. PAUL LUTHERAN CHURCH, 3383 & 3407 E. LAKE LANSING ROAD, EAST LANSING, MI 48823

DESCRIPTION: 3407 E. Lake Lansing Road

TAX PARCEL: 06-352-012

ZONING DISTRICT: RB (Single Family, High Density)

The applicant is requesting variances to bring an existing lot (lot area) and building (required setbacks for existing building) into compliance with standards required for a nonresidential use in a residential zoning district (building is used for church related nonresidential uses).

Director Kieselbach outlined the case for discussion.

Pastor Richard Moe, 3407 E. Lake Lansing Road, East Lansing, representing the church, stated the church is trying to fulfill a community need for a food pantry. He said they have been using the property for this purpose for a while and they want to ensure the current use is approved.

Member Ohlrogge said she would be concerned about approving the variance because it remains with the property. She said future owners could take advantage of the variance in a way which could adversely affect the neighbors.

Mr. Kieselbach explained the special use permit is approved for the church's use and could not be changed unless approved by the planning commission. He explained the relationship between the special use permit and the variance and the two are not mutually exclusive any change would have to be approved by both bodies.

Member LeGoff pointed out there is a noise ordinance if a future owner was making too much noise the neighbors could have other recourse.

Chair Beauchine said he was comfortable with the Planning Commission's approval of the special use permit.

Member Jackson said she would support the variance because strict enforcement of the ordinance would result in practical difficulties for the church.

MEMBER JACKSON MOVED TO APPROVE THE VARIANCE SINCE IT MEETS A MAJORITY OF THE REVIEW CRITERIA (SECTION 86-221).

SECONDED BY MEMBER LEGOFF

VOICE VOTE: YES: Member Jackson, LeGoff, Ohlrogge, Hershiser, and Chair Beauchine
No: None
Motion carries 5-0.

F. OTHER BUSINESS

None

G. PUBLIC REMARKS

None

H. BOARD MEMBER COMMENTS

None

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:30 p.m.

Respectfully Submitted,

Angela M. Ryan
Recording Secretary

2014 ZONING BOARD OF APPEALS APPLICATION DEADLINES FOR PUBLICATION

Complete Applications due by NOON on deadline date

Meeting Date	Deadline (TUESDAY unless noted otherwise)
January 8	December 16, 2013 (Monday)
January 22	December 30, 2013 (Monday)
February 12	January 21
February 26	February 4
March 12	February 18
March 26	March 4
April 9	March 18
April 23	April 1
May 14	April 22
May 28	May 6
June 11	May 20
June 25	June 3
July 9	June 17
July 23	June 30 (Monday)
August 13	July 22
August 27	August 5
September 10	August 19
September 24	September 2
October 8	September 16
October 22	September 30
November 12	October 21
December 10	November 18
January 14, 2015	December 22, 2014 (Monday)

**2014 Zoning Board of Appeals
Meeting Schedule**

RESOLUTION

At a regular meeting of the Zoning Board of Appeals of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, 5151 Marsh Road, Okemos, MI 48864-1198, on the 11th day of December 2013, at 6:30 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____

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

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

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

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

2. The specific dates for meetings are as follows:

<u>Month</u>	<u>Meeting Dates</u>
January	8, 22
February	12, 26
March	12, 26
April	9, 23
May	14, 28
June	11, 25

2013 ZBA Meeting Schedule
Page 2

<u>Month</u>	<u>Meeting Dates</u>
July	9, 23
August	13, 27
September	10, 24
October	8, 22
November	12
December	10

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

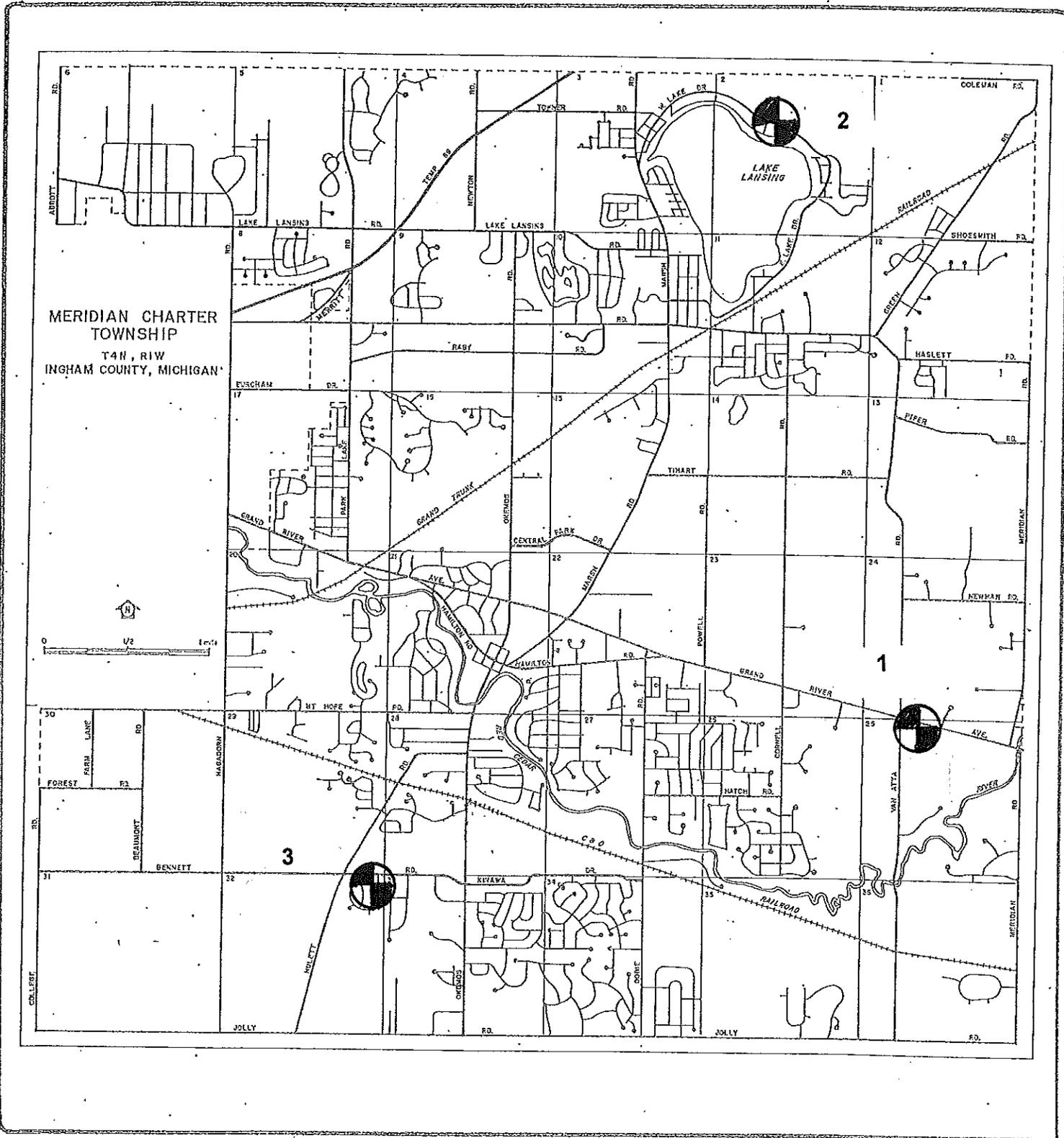
ADOPTED: YEAS: _____

NAYS: _____

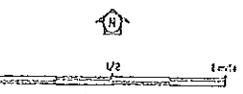
STATE OF MICHIGAN)
)ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified Chairperson of the Zoning Board of Appeals, Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Zoning Board of Appeals held on the 11th day of December 2013.

Brian Beauchine, Chair
Zoning Board of Appeals

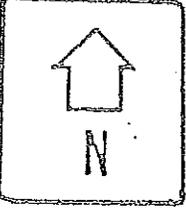


MERIDIAN CHARTER
TOWNSHIP
T4N, R1W
INGHAM COUNTY, MICHIGAN



LOCATION MAP

1. ZBA CASE NO. 13-12-11-1
2. ZBA CASE NO. 13-12-11-2
3. ZBA CASE NO. 13-12-11-3



VARIANCE APPLICATION SUPPLEMENT

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

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.
4. The alleged practical difficulties, which will result from a failure to grant the variance, would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
8. Granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance.

Effect of Variance Approval:

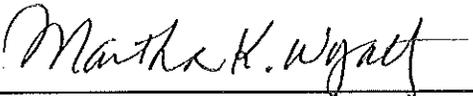
1. Granting a variance shall authorize only the purpose for which it was granted.
2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
3. A building permit must be applied for within eighteen (18) months of the date of the approval of the variance, and a Certificate of occupancy must be issued within eighteen (18) months of the date the building permit was issued, otherwise the variance shall be null and void.

Reapplication:

1. No application for a variance, which has been denied wholly or in part by the Zoning Board of appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Board of Appeals to be sufficient to justify consideration.

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: December 6, 2013

RE: ZBA Case No. 13-12-11-1

ZBA CASE NO.: 13-12-11-1 TERRY R. BAKER, 6093 ANCHOR COVE, DIAMONDALE, MI
48821

DESCRIPTION: 743 Grand River Avenue

TAX PARCEL: 25-126-001

ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-618(2), which states 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.

The applicant is proposing to remodel the exterior of the existing gas station convenience store at 743 Grand River Avenue. The improvements include a new mansard roof and re-facing the building facade with a combination of stone veneer, siding, and EIFS (Exterior Insulation and Finishing System). The building is approximately 52 feet wide and 42 feet deep (approximately 2,184 square feet). The existing flat mansard roof covers the majority of the building. The rear (south) portion of the building, approximately 12 feet deep and 52 feet wide, has a shed roof.

The applicant intends to replace the existing mansard roof with a similar roofline which will extend across the whole building, thus eliminating the shed roof on the rear portion of the building. In order to accomplish this, the height of the building will be increased by approximately 9'-6" along the entire rear portion of the building (12 feet deep and 52 feet wide).

The existing building is considered nonconforming because the building is located approximately 85 feet from the centerline of Grand River Avenue and the required front yard setback is 100 feet from the centerline.

The proposed roof design is considered a structural alteration that increases the height and bulk of a nonconforming structure; therefore the applicant is requesting a variance.

Site History

- A gas station has been located at this site since 1950.
- On November 24, 2009 the Planning Commission approved Special Use Permit #09081 for the redevelopment of the gas station with new convenience store, four gas pumps, and fuel island canopy.
- On June 2, 2010, approval was granted for the redevelopment project under Site Plan Review #09-06.
- On June 23, 2010 the Zoning Board of Appeals granted variances regarding setbacks for proposed convenience store, fuel island canopy, air compressor, and gas pumps, under ZBA Case #10-06-23-2.
- On May 11, 2011 the Zoning Board of Appeals granted a variance for a new freestanding sign to be located less than ten (10) feet from the road right-of-way of Van Atta Road, under ZBA Case #11-05-11-2.
- Site improvements were constructed under PB #12-0547 (new gas pumps, expand parking area, and install light poles).
- A building permit for exterior renovations to the building for all areas except the rear portion of the building was approved under PB #13-0871.

Attachments

1. Application
2. Site Location Map
3. Letter from Applicant
4. Building elevations dated September 12, 2013
5. Site Plan dated May 25, 2010

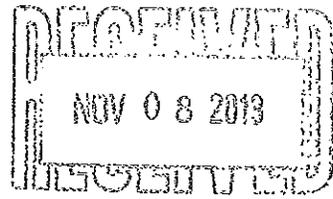
CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4560

VARIANCE APPLICATION

- A. Applicant ALI DAMZAR TERRY R. BAKER
Address of Applicant 743 GRAND RIVER AVE. 6093 ANCHOR COVE
OKEMOS MI 4 DIMONDACE MI 48821
Telephone (Work) 517-974-2343 Telephone (Home) 517-974-2343
Fax _____ Email address: KATOR ENGR@AOL.COM
Interest in property (circle one): Owner Tenant Option Other
REP.
- B. Site address/location 743 GRAND RIVER AVE.
Zoning district C-2 Parcel number 33-02-02-25-126-001
- C. Nature of request (Please check all that apply):
 Request for variance(s)
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) _____

- D. Required Supporting Material Supporting Material if Applicable
-Property survey -Architectural sketches
-Legal description -Other
-Proof of property ownership or approval letter from owner
-Site plan to scale
-Written statement, which demonstrates how all the review criteria will be met (See next page).



Terry R Baker TERRY R. BAKER, P.E. 11-8-13
Signature of Applicant Print Name Date

Fee: 450.00 Received by/Date: Maria Wynn 11/8/13

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): **This is optional and will not affect any decision on your application.**)

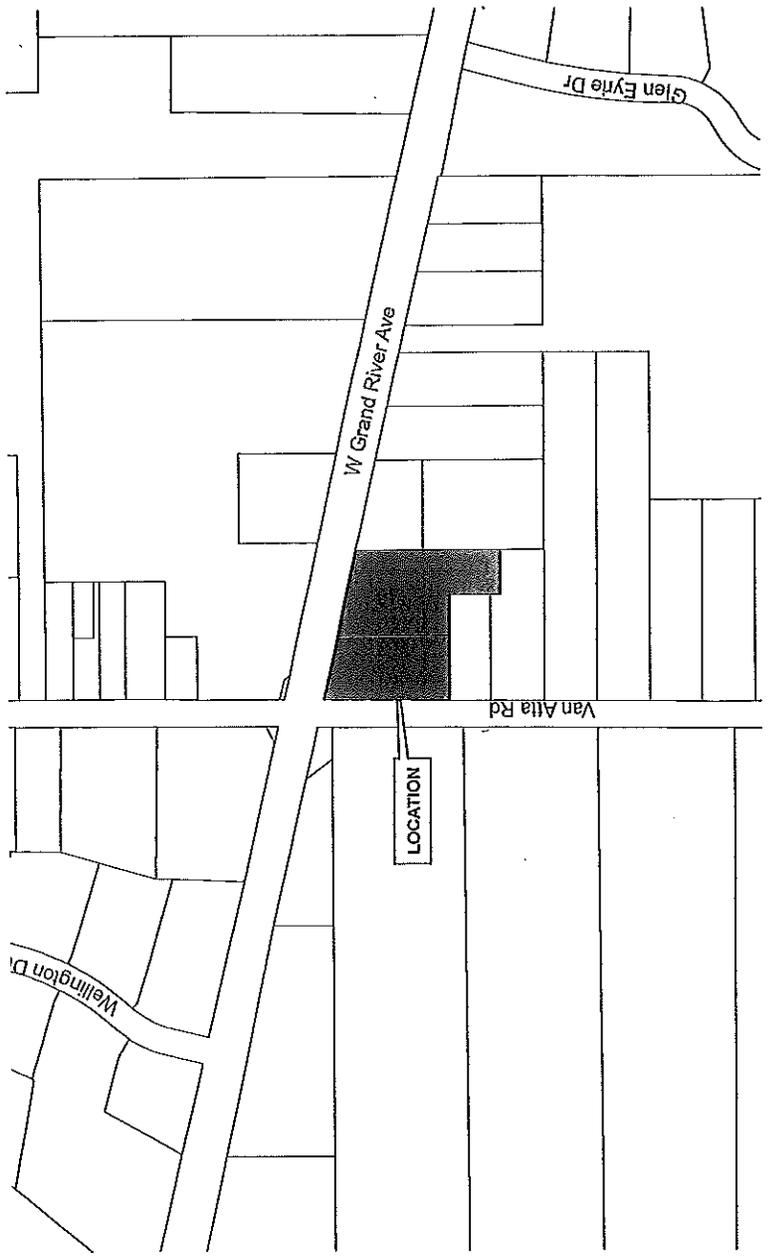
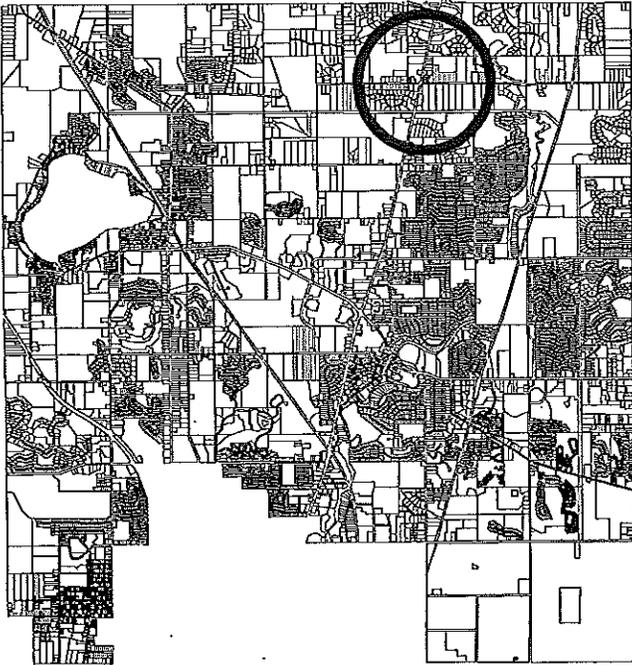
Terry R Baker 11-8-13
Signature of Applicant(s) Date

Signature of Applicant(s) Date

**ZONING BOARD OF APPEALS #13-12-11-1
(TERRY R. BAKER)**

**REQUEST TO ADD ONTO
NONCONFORMING BUILDING
(CONVENIENCE STORE) BY
ADDING HEIGHT TO REAR
FACADE AT 743 GRAND RIVER AVE.**

CHARTER TOWNSHIP OF MERIDIAN



KATER

Engineering Associates

We "Kater" To Your Engineering Needs



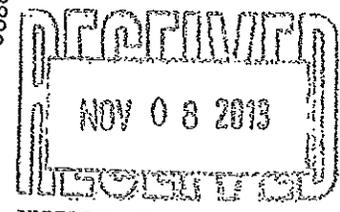
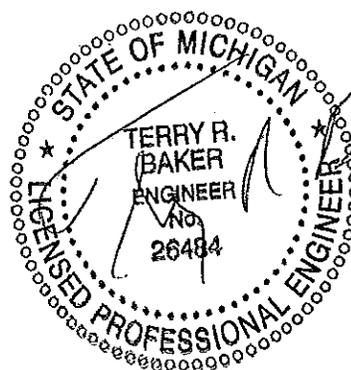
TERRY R. BAKER, P.E.
(517) 974-2343

6093 Anchor Cove
Dimondale MI 48821

VARIANCE APPLICATION SUPPLEMENT 743 GRAND RIVER AVENUE

1. The existing building sits 16 feet into the current setback along Grand River Avenue. The rear 26 feet do not sit in the current setback. The front 30 feet has a parapet wall approximately 30 inches high. The rear 12 feet is a lean-to with a roof that slopes away from Grand River Avenue without a parapet wall on the sides.
2. The circumstance of the building being in the setback was existing when we purchased the property and the setback distance was not existing when the building was constructed.
3. The strict interpretation of the ordinance would not allow us to improve the looks of the building by presenting more "eye" appeal by extending the parapet wall to the rear of the building.
4. The failure to grant the variance would unreasonable restrict the use of the land in ways that are more appealing to the other township residents.
5. This project will have no effect on the economic welfare of the surrounding properties or the community. The site has already been upgraded to provide for a lower and more appealing sign and by moving the fuel pumps out of the setback.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. The fact that the improvement is not in the setback and will improve the looks of the building are to benefit of the surrounding area.
7. The conditions pertaining to the structure are unique in that the building was there before the current setback and the desired step will improve the looks of the building.
8. The granting of the variance is generally consistent with public interest and the intent of the ordinance in that the building will be improved in looks to the general public.


Terry R. Baker, P.E.



MEMORANDUM

TO: Zoning Board of Appeals

FROM: Martha K. Wyatt
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: December 6, 2013

RE: ZBA Case No. 13-12-11-2

ZBA CASE NO.: 13-12-11-2 CRAIG SKOCZYLAS, 6329 MILENZ STREET, HASLETT, MI 48840

DESCRIPTION: 6329 Milenz Street

TAX PARCEL: 02-177-001

ZONING DISTRICT: RB (Single Family, High Density)

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

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

The applicant is proposing to construct an addition to the front (west) façade of the house at 6329 Milenz Street. The proposed addition is a roofed, open porch along the entire front façade (38 feet in width). The proposed porch varies in depth from approximately eight (8) feet to 14 feet, where the house steps back away from the street. Four (4) support posts are proposed.

Sheet 1 (site plan) of the submitted plans shows the existing house and the proposed porch roof. The porch roof extends approximately one (1) foot beyond the support posts however the drawing does not accurately show this. The edge of the shaded area represents the leading edge of each support post, and the roof eave is approximately one (1) foot beyond that line.

The property is located in the Lake Lansing Residential Overlay District and the proposed addition is subject to the standards outlined in Section 86-442. Per Section 86-442(f)(5), the required front yard setback is 20 feet from the street line.

The proposed porch, as measured from the leading edge of the support posts, is located approximately 17'-6" from the street line of Milenz Street; therefore the applicant is requesting a variance.

The following chart summarizes the variance request:

	Required Setback	Proposed Setback	Variance Request
Proposed porch	20 feet	17'-6"	2'-6"

The porch roof eave extends approximately one (1) foot beyond the support posts. Per Section 86-564(d), special structural elements such as eaves may project into any yard area up to a maximum 2½ feet. If the variance is granted for the front yard setback (for the roof posts), the roof eave is permitted to project up to 2½ feet into the front yard setback.

Site History

- The house was constructed in 1951.
- In 1969 an addition was constructed to the northwest corner of the house under PB #7847.
- On May 13, 1975 the Zoning Board of Appeals granted a variance for an addition (west side of the house) to be located as close as 18 feet from the rear lot line and the required rear yard setback is 30 feet, under ZBA Case #75-05-13-2.
- In 1975 an addition was constructed to the west side of the house under PB #9917.
- In 1978 a 2-car detached garage was constructed under PB#11351.
- A building permit for the proposed porch is currently under review (PB #13-0872). Approval of the building permit is subject to the outcome of the current variance request.

Attachments

1. Application
2. Site Location Map
3. Letter from Applicant
4. Communication from Angel Rojas-Dedenbach dated November 24, 2013
5. Communication and Photographs from Michael Johnson dated December 1, 2013
6. Site Plan and Elevations

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

VARIANCE APPLICATION

A. Applicant CRAIG SKOCZYLA
Address of Applicant 6329 MILNER ST
Telephone (Work) _____ Telephone (Home) 517 896-3525
Fax _____ Email address: _____
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 6329 MILNER ST
Zoning district _____ Parcel number 02-17-001

- C. Nature of request (Please check all that apply):
- Request for variance(s)
 - Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 - Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) _____

- D. Required Supporting Material Supporting Material if Applicable
- Property survey -Architectural sketches
 - Legal description -Other
 - Proof of property ownership or approval letter from owner
 - Site plan to scale
 - Written statement, which demonstrates how all the review criteria will be met (See next page)

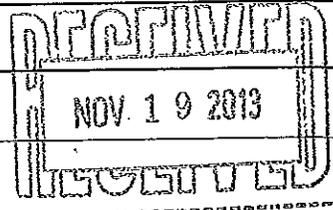
Craig Skoczyla Craig Skoczyla 11-19-13
Signature of Applicant Print Name Date

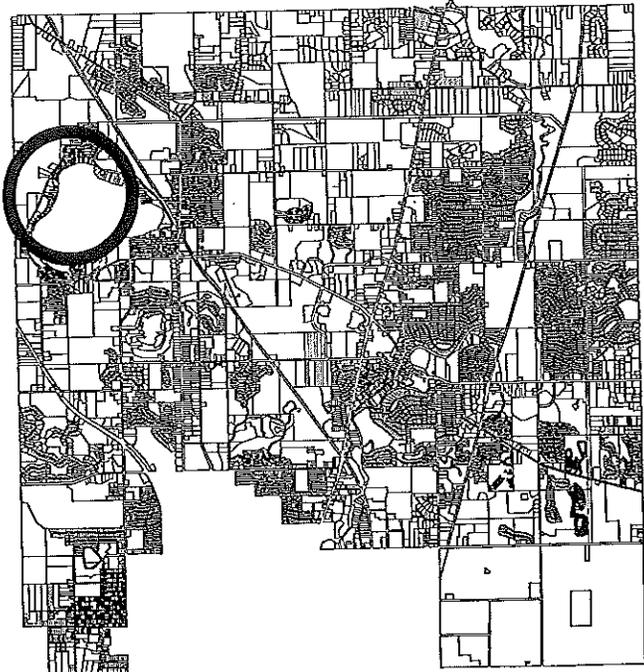
Fee: 150.00 Received by/Date: Maitha K. Wyatt 11/19/13

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)

Craig Skoczyla 11-19-13
Signature of Applicant(s) Date

Signature of Applicant(s) Date

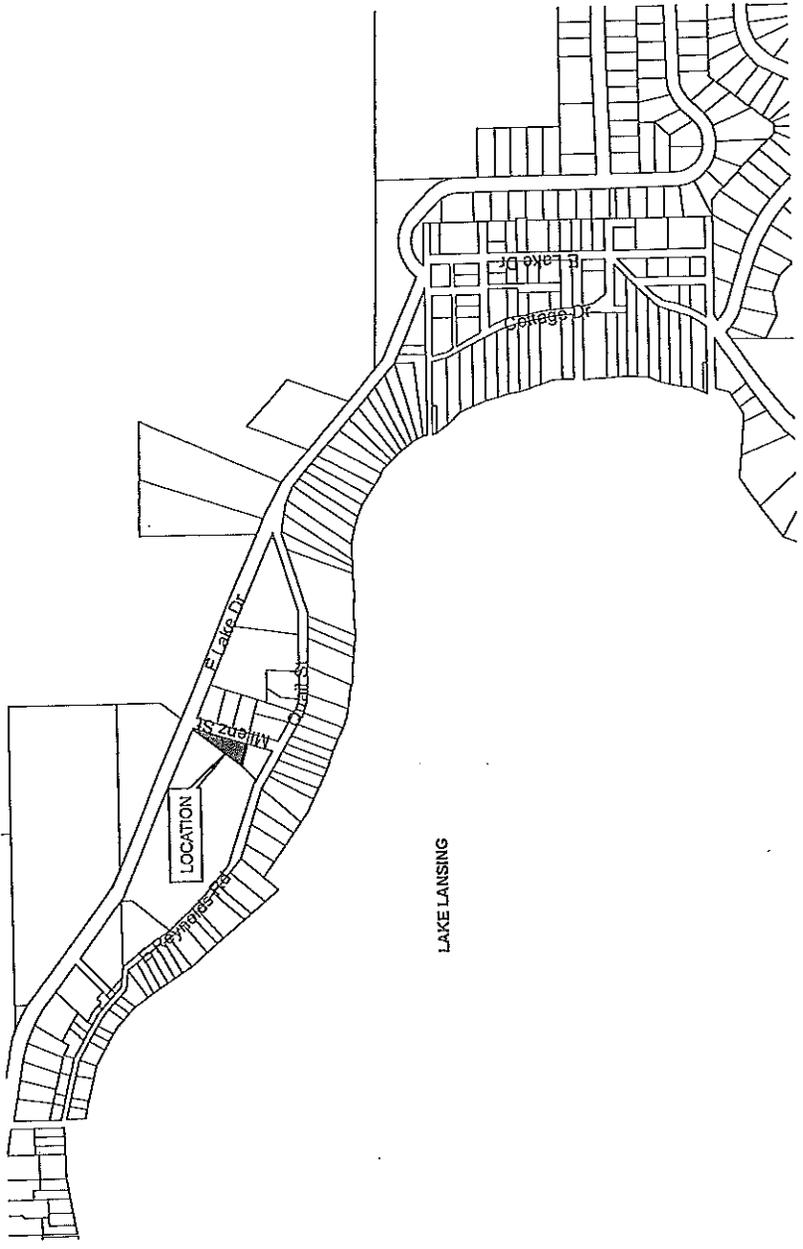




**ZONING BOARD OF APPEALS #13-12-11-2
(CRAIG SKOCZYLAS)**

**REQUEST TO CONSTRUCT ADDITION
TO FRONT FACADE (ROOFED OPEN PORCH)
WHICH DOES NOT MEET
FRONT YARD SETBACK
AT 6325 MILENZ STREET**

CHARTER TOWNSHIP OF MERIDIAN



LAKE LANSING



Variance Application Supplement, 6328 Millenz, Haslett, MI

Request for Variance : Open Porch,, 8 feet by 26 feet

The single family cottage was built in 1952, prior to many of the adjacent existing structures. Adding an 8 feet by 26 feet open porch will allow me to change the architectural appearance of the cottage to make it more cohesive with the surrounding homes. I am seeking permission to build an open porch with these dimensions in order to improve the appearance of the home. Zoning regulations require a 6 feet 5 porch, which would look nice but would not be practical or proportional to future additions being added to the house. I am only seeking 18 inches of variance from the standard, which will not obstruct the roadway or neighboring properties. Neighbors have given me positive feedback regarding this improvement to the home and property.

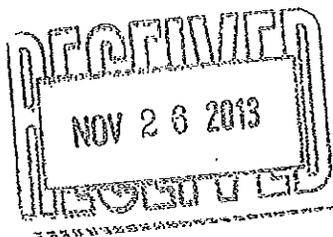
This is not contrary to public interest and will not cause any public safety concerns. My neighbors are in favor of the addition. It will not adversely affect the adjacent land or the essential character in the vicinity. This will be a one-time only addition and does not require a general regulation.

Thank you for your time and attention.

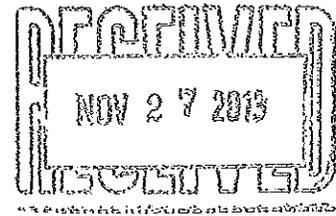
Craig Skoczylas
6329 Millenz
Haslett, MI 48840

Post will be set back to accommodate
a covering up to one inch for vinyl or stone.
no plans to put thick finish over posts probably
wrap with vinyl.

Craig Skoczylas 11-26-13



Angela Rojas-Dedenbach
6343 Quail St
Haslett, MI 48840
517-339-0261
chilefirst@comcast.net



11/24/13

Meridian Township Zoning Board of Appeals
5151 Marsh Rd.
Okemos, MI 48864-1198

RE: Zoning Board of Appeals #13-12-11-2 (Craig Skoczylas)

Dear members of the Zoning Board

This is my first time coming to you to oppose a neighbor's request for a variance. And it so happens that, in this case, I was also about to contact the township to express my concern about the sorry state of the property in question, 6325 Milenz Street. Over the past months, this property has become an eyesore in our neighborhood. The property owner has collected an array of objects which look to be junk, which is in full display on his front yard as we drive by. It is truly starting to look like the yard of a hoarder: lots of messy, junky stuff, and in full disarray for everyone to see.

Why do I oppose the granting of this variance?

I totally oppose the variance the property owner is requesting because, given the unsightly junk already accumulated in front of the house, an open covered porch would allow him to accumulate even more of the those items he may now want to keep from the elements.

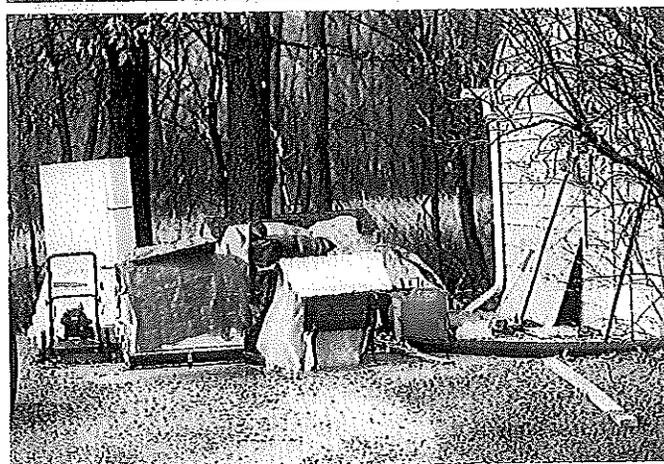
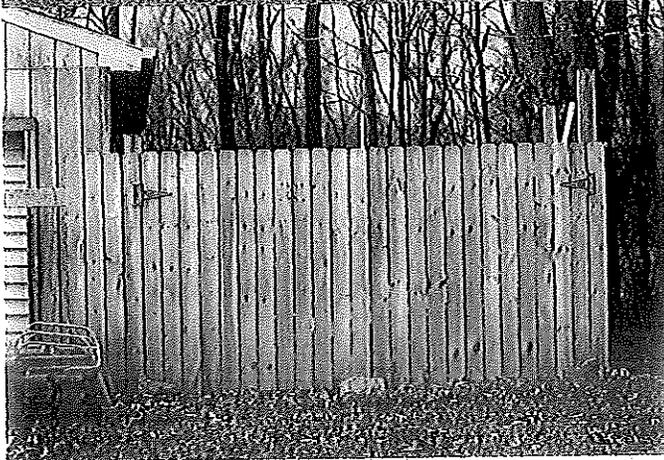
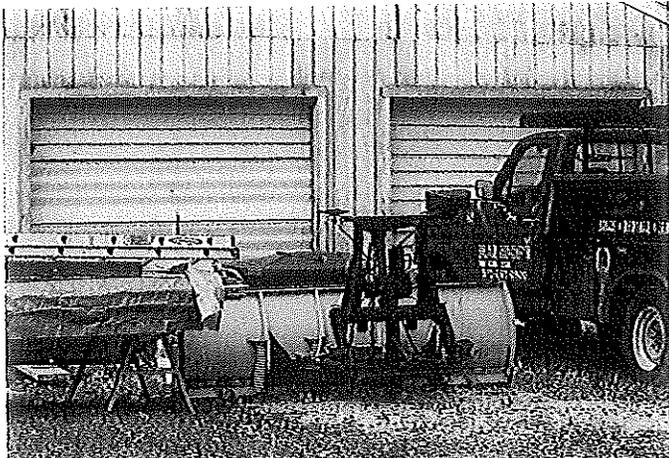
I believe the sorry state this property is kept in is affecting our neighborhood's property values, and I would expect the Township to act, not only by denying this variance request, but also by assuring this property is brought up to neighborhood standards as soon as possible.

I respectfully request that the Zoning Board of Appeals deny this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Rojas-Dedenbach".

Angela Rojas-Dedenbach



RECORDED
DEC 03 2013
NEWBY 15

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: December 6, 2013

RE: ZBA Case No. 13-12-11-3

ZBA CASE NO. 13-12-11-3 ISMAIL ABU-HALTRAM, 3957 DAYSPRING COURT, OKEMOS, MI 48864
DESCRIPTION: 3957 Dayspring Court
TAX PARCEL: 32-227-014
ZONING DISTRICT: RA (Single Family, Medium Density)

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

- Section 86-506, which states no fence, wall, or screen shall be erected higher than six feet, as measured from the ground upon which it sits to its highest point. Altering the existing grade, such as but not limited to mounding or terracing of land shall not be permitted to increase the height of the fence, wall, or screen, unless the combined height of such grading, mounding, or terracing together with the fence, wall, or screen is six feet or less above the ground upon which it sits.

The applicant is proposing to construct a fence and retaining walls along the side and rear lot lines of the property located at 3957 Dayspring Court. The applicant also intends to adjust the existing grade of the rear yard by adding approximately 200 cubic yards of fill. Currently the yard slopes downward from the rear façade of the house to the rear lot line, for a grade difference of approximately three (3) feet at the rear lot line. The intent of adding the fill is to level out the sloping grade of the backyard. The height of the fill at the rear lot line is approximately three (3) feet.

Wood retaining walls are proposed along each side lot line (north and south lot lines) and the rear lot line (west) to accommodate the fill. The retaining wall on each side lot line begins approximately six (6) inches above the natural grade (near the house) and increases in height to approximately three (3) feet at the rear lot line. The applicant has constructed the retaining wall along the rear lot line. The retaining walls along the side lot lines are partially constructed. A six (6) foot high, solid wood fence is to be placed on top of the retaining walls.

The combined height of the retaining wall and fence varies from 6 feet 6 inches to nine (9) feet, as measured from the altered grade to the top of the fence.

The total length of the fence which exceeds six (6) feet in height is as follows (approximate dimensions):

North lot line: 155 feet
South lot line: 130 feet
Rear lot line: 66 feet

The applicant is altering the existing grade (adding fill) to increase the height of the fence. The combined fence height exceeds the maximum allowed height of six (6) feet; therefore the applicant is requesting a variance.

The following chart summarizes the variance request:

Permitted Height	Fence Height	Variance Request
6 feet	6'-6" to 9'	6" to 3'

Site History

- The house was built in 1987 (PB #16622).
- A grading permit for the placement of fill (200 cubic yards) was approved under PB #13-0886.
- A building permit is currently under review for repairs to the house due to fire damage and a proposed addition to the house (PB #13-0827).

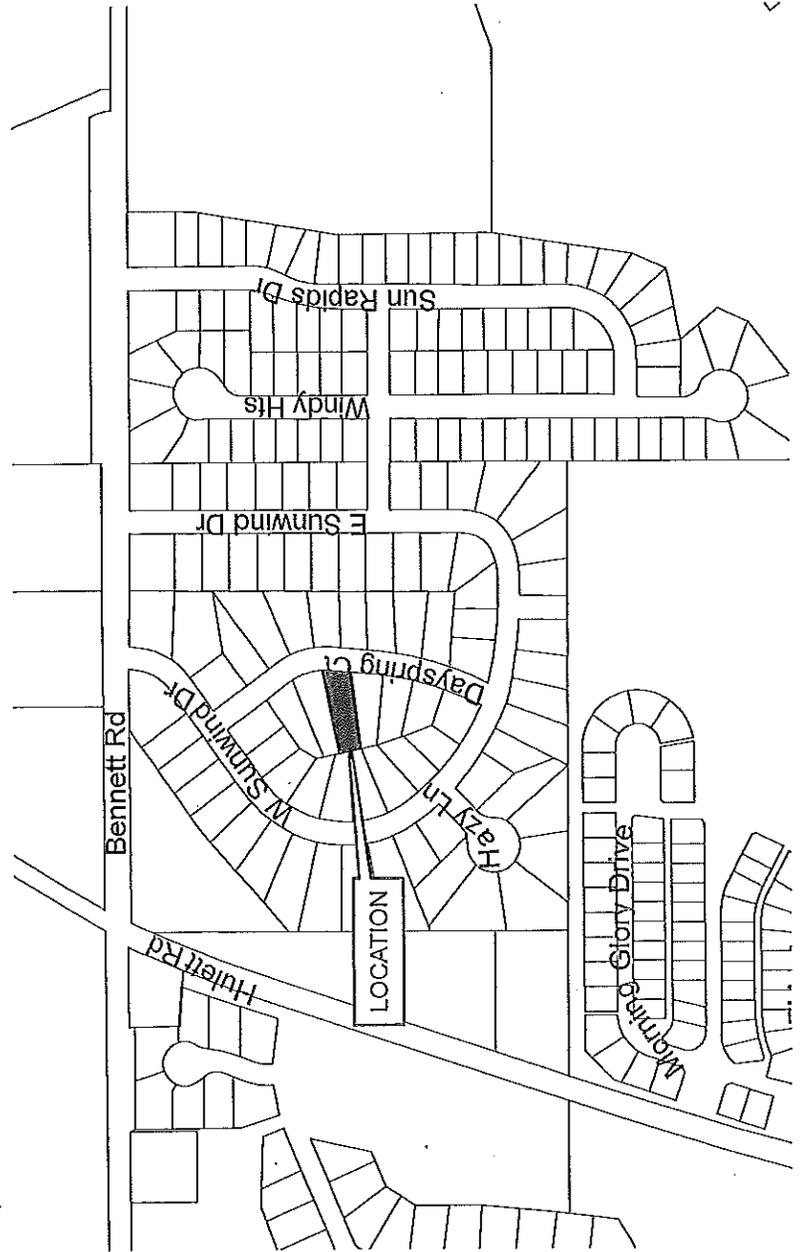
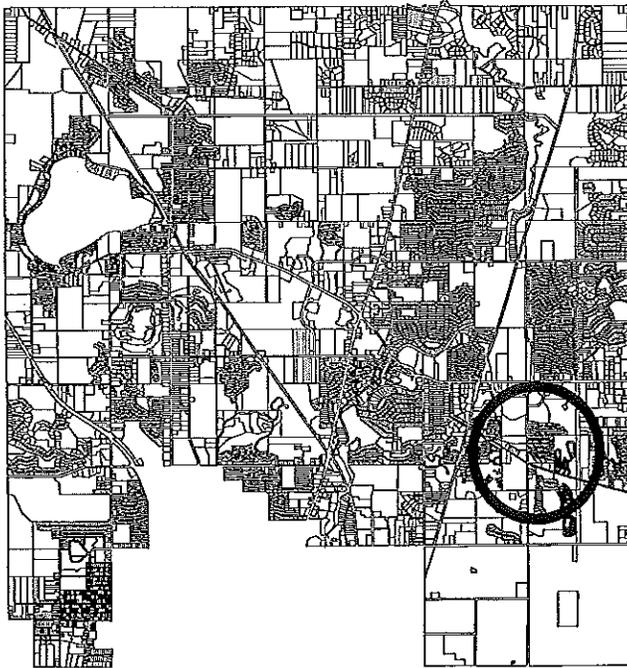
Attachments

1. Application
2. Site Location Map
3. Letter from Applicant
4. Communication from Michael and Michelle Smith dated December 4, 2013
4. Cross-section Drawing of Retaining Wall, Fence, and Fill
5. Survey from Applicant
6. Survey with Retaining Wall and Fence

**ZONING BOARD OF APPEALS #13-12-11-3
(ISMAIL ABU-HALTAM)**

**REQUEST TO CONSTRUCT RETAINING
WALL & FENCE WHICH EXCEEDS
MAXIMUM ALLOWED HEIGHT
OF 6 FEET AT 3957 DAYSPRING COURT**

CHARTER TOWNSHIP OF MERIDIAN



Reason for variance request:

A variance from sec. 86-506 is being sought to allow the installation of a fence that will provided privacy in order to realize and experience maximum use of my back yard. The fence will be 6' high measured from ground level at any point on my property; however, it will be almost 6' to 9' measured from ground level on my neighbors' properties.

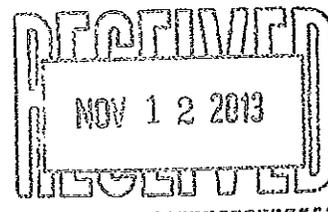
The higher fence will allow my wife and daughters to venture outside the house to enjoy the garden, future swimming pool and basketball court without having to cover as required by our religion, as the fence will be high enough to ensure the needed privacy.

For almost 8 years since I lived at this house, adult female members of my family have not been able to enjoy freely my backyard due to the lack of adequate privacy. The higher fence will afford this to them and will greatly improve the quality of life for my entire family.

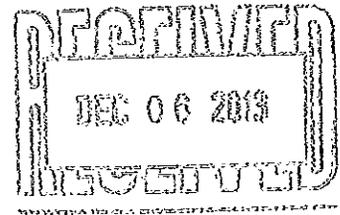
Ismail Abu-Haltam

ISMAIL ABU-HALTAM
~~ISMAIL ABU-HALTAM~~

11/12/2013



Matthew and Michelle Smith
3963 Dayspring Ct.
Okemos, MI 48864



Charter Township of Meridian Zoning Board
5151 Marsh Rd.
Okemos, MI 48864-1198

December 4, 2013

RE: Zoning Board of Appeals #13-12-11-3 (Ismail Abu-Haltram)

This letter is meant to inform the Zoning Board of Appeals of the Charter Township of Meridian of our concerns regarding the variance request of Ismail Abu-Haltram.

We strongly object to the request to alter the existing grade of the property at 3957 Dayspring Court, as this will undoubtedly cause water to build up on our property at 3963 Dayspring Court. If this variance request is approved we expect the Charter Township of Meridian to install whatever drainage on our property that is appropriate and adequate to drain any water that will build up on our property.

We also object to the construction of a retaining wall. While we have seen the plans we have NO confidence in Ismail's ability to change the grade or build the retaining wall in a way that will prevent water runoff onto our property. If this work is done we ask that it only be done by a licensed contractor.

We understand and appreciate the request to build a fence for privacy and religious reasons. If the existing grade is allowed to be changed, Ismail can build a fence that is six (6) feet tall according to the new grade of his property. This fence should not exceed six (6) feet on his property at any point.

We realize that this fence and retaining wall would start at six (6) feet at the rear of the existing structure on his property and rise to eight and one half (8 ½) feet at the rear of the property from our perspective at 3963 Dayspring Court. However, we strongly object to any change in grading.

Respectfully Submitted,

Matthew and Michelle Smith
Homeowners at 3963 Dayspring Court.

