

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***APPROVED***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, February 14, 2018**

PRESENT: Members Jackson, Ohlrogge, Rios, Lane, Chair Beauchine
ABSENT: None
STAFF: Peter Menser, Principal 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.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, January 10, 2018

MEMBER LANE MOVED TO APPROVE THE MINUTES OF WEDNESDAY JANUARY 10, 2018 AS WRITTEN.

SECONDED BY CHAIR BEAUCHINE.

VOICE VOTE: Motion carried unanimously.

D. COMMUNICATIONS

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 552 square foot attached garage in the front yard setback.

Chair Beauchine stated CASE NO. 17-10-11-1 (DITTY), is a request for the Zoning Board of Appeals (ZBA) to rehear a previously denied variance. The ZBA will need to determine if there has been a significant change in order to rehear the case.

Assistant Planner Chapman outlined the case for decision.

Member Ohlrogge stated there has been a significant change to the request and warrant discussion.

MEMBER OHLROGGE MOVED TO REHEAR THE CASE.

SECONDED BY MEMBER RIOS.

ROLL CALL TO VOTE: YES: Members, Ohlrogge, Rios, Jackson, Lane, and Chair Beauchine
NO: None
Motion carried unanimously.

Chair Beauchine asked the applicant or the applicant's representative if they would like to address the ZBA.

Mr. William Ditty, the applicant, 6143 Cottage Drive, Haslett, stated he believed the new plan would address the minimum size for a garage (23 feet x 24 feet), parking and safety issues the ZBA had with the original request.

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

Member Rios asked Mr. Ditty where he is currently parking his vehicles.

Mr. Ditty replied across the street on a lot he owns.

Member Ohlrogge asked the applicant the location of floodplain in relation to the lot.

Mr. Ditty answered he was not in a floodplain.

Chair Beauchine added the Ingham County Drain Commissioner controls the level of the lake.

Mr. Ditty commented the top soil had eroded overtime and he planned to replace the soil up to two feet.

Member Jackson stated she understood the request for a garage but questioned whether having a garage attached to the front of the house was necessary. She added there are other areas available where a garage could be built.

Member Lane stated to keep the garage on the same property as the house it appears a vehicle would need to drive around the house to the lake side (rear yard) where a garage could be built. In winter that may not be practical.

Chair Beauchine stated the previous owner of the subject property, did not follow through on the original variance. He added the current request to build a garage on the lot with the house should be dealt with separately from the garage across the street.

Member Jackson said her question was whether or not attaching the garage to house created a practical difficulty. She understood the building of a garage in the rear yard also creates a practical difficulty.

Member Ohlrogge commented the issue was the small front yard. She did not object to a garage, but the garage should meet the required setback.

Member Lane stated the lot was narrow and there was only one location for the garage, but did it create a practical difficulty.

Member Ohlrogge state a single car garage could also be a possibility which would be the minimum necessary.

Member Lane replied if a garage cannot be built on a lot without considering public safety or substantial justice is it really appropriate for that location.

Chair Beauchine commented the request is at least 50% of the lot coverage, which is a large variance request.

Member Lane stated the request did not meet the review criteria, five, six and eight from (Section 86-221) of the Zoning Ordinance; as it was not the minimum action necessary and create a public safety issue. He added if approved it would also adversely affect adjacent land and create a potential situation that was not safe.

MEMBER LANE MOVED TO DENY THE REQUEST BASED ON FAILURE TO MEET THE REVIEW CRITERIA FROM SECTION 86-221 OF THE ZONING ORDINANCE.

SECONDED BY MEMBER JACKSON.

Member Ohlrogge replied the ZBA is looking at the minimum action for a garage which is not an essential structure.

ROLL CALL TO VOTE: YES: Members, Ohlrogge, Rios, Jackson, Lane, and Chair Beauchine.

NO: None

Motion carried unanimously.

2. ZBA CASE NO. 18-02-14-1 (COMPARONI), 2569 KOALA DRIVE, EAST LANSING, MI, 48823

DESCRIPTION:	2569 Koala Drive
TAX PARCEL:	17-280-015
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)(c), Rear yard. For lots up to 150 feet in depth, the rear yard shall not be less than 30 feet in depth.

Section 86-373(e)(4), Maximum lot coverage. All buildings including accessory buildings shall not cover more than 30% of the total lot area.

The applicant is requesting to construct a 230 square foot building addition with the closest point being 1 foot from the rear property line.

Assistant Planner Chapman outlined the case for discussion. He stated the window well did not require a variance and had been approved by the Wildwood Lakes-Bear Lake Homeowners Association.

The applicant requested a recess to discuss the window well with staff.

Chair Beauchine recessed the meeting at 7:12 p.m. and reconvened the meeting at 7:18 p.m.

Chair Beauchine asked the applicant or the applicant's representative if they would like to address the ZBA.

Mr. Jim Comparoni, the applicant, 2569 Koala Drive East Lansing, stated the request is for an addition to the house which would also expand the basement of the house. He added being on a corner lot has created issues in dealing with expanding the house.

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

Chair Beauchine commented the subject property is in a Planned Unit Development (PUD) and different setbacks apply. He added the Township ordinances describe how to handle a corner lot, which gives the applicant two front yards.

Assistant Planner Chapman, clarified the lot did not have two front yards as the commons area is the rear yard of the subject property.

Chair Beauchine commented the commons area is owned by the Homeowners Association.

Member Ohlrogge asked when measuring the setback is the commons area taken into account.

Assistant Planner Chapman stated setback is not measured from the commons area.

Member Jackson asked if the setback of 6 feet for the house was included in the approval of the PUD.

Assistant Planner Chapman replied there was no record of the setback.

Member Ohlrogge stated the applicant wants to build within the setback and cover more than 30% of the lot, but she could not find in the material the applicant's rational for granting the variance.

Mr. Comparoni agreed but until tonight he thought the reason for the request was the window well.

Mrs. Lori Comparoni, 2569 Koala Drive East Lansing, stated they believe the reason for appearing before the ZBA was because they were crossing the property line with the window well. She stated

she would be happy to go over the review criteria and answer any questions the ZBA had pertaining to the addition.

Mrs. Comparoni stated the shape of the lot creates a unique circumstance along with the commons area, which is their rear yard. They have maintained and landscaped the rear yard. The deck also extends into the commons area. She added what is considered their side yard is where the addition to the house is proposed.

Mrs. Comparoni commented they purchased the house without knowing the setbacks. Without the variance it would mean losing the open concept for the dining room and create a smaller kitchen. She added the addition would not interfere with the commons area or adversely affect adjacent land or change the essential character in the vicinity of the property. The addition will actually enhance the appearance of the property and neighborhood.

Chair Beauchine questioned the Homeowners Association approval of the expansion, when it is a subdivision within the Township, which has separate zoning requirements than the Homeowners Association.

Principal Planner Menser, confirmed the Homeowners Association approval was for the encroachment of the window well and did not address the building addition. He added approval of the addition is not subject to the Homeowners Association. Approval is only subject to the ZBA allowing an encroachment into the rear yard setback.

Member Jackson added in 2010 the ZBA approved a variance request to allow for a zero (0) foot rear yard setback for the deck extending into the commons area for this property.

MEMBER RIOS MOVED TO GRANT THE VARIANCE GIVEN THE SUPPORT OF THE HOMEOWNERS ASSOCIATION AND NEIGHBORS, WHICH ALLOWED THE DECK TO EXTEND FURTHER THAN THE PROPOSED ADDITION.

MOTION FAILED FOR LACK OF SUPPORT.

Member Lane referenced criteria three, from (Section 86-221) of the Zoning Ordinance, stating a denial would not create a practical difficulty. He added a smaller addition would be more in line with the setback requirements.

Member Ohlrogge read review criteria four, which reads 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 denying the variance does not prevent the owner from using the property.

Mrs. Comparoni added that the current kitchen does not have a functional design.

Chair Beauchine stated he did not believe the ZBA could take into account the commons area for the addition to the house.

Member Jackson asked, if there was a legal relationship between the subject property and the commons area that allowed for the encroachment into the commons area.

Assistant Planner Chapman responded the applicant had requested an easement from the Homeowners Association for the deck to encroach into the commons area.

Chair Beauchine stated the applicant had not receive a variance for a zero (0) foot rear yard setback but received a variance of 7 feet for the deck.

Member Jackson asked if the easement went across the property line.

Mr. Chapman Assistant Planner replied he was not familiar with the wording of the easement but assumed it was only for the commons area.

Member Jackson asked if the easement goes with the subject property.

Assistant Planner Chapman replied yes, for the deck area.

Member Jackson stated she could support the request if the addition was 6 feet from the property line, like the house.

Chair Beauchine asked what was the square footage of both the house and the lot.

Mrs. Comparoni replied the house is 1556 square feet.

Mr. Comparoni asked if the practical difficulties could be defined based on the difficulty with the current layout of the house.

Member Ohlrogge stated the ZBA makes their decisions on the property and the structure, as opposed to the needs of the resident.

Member Lane replied the request for a variance to expand the current kitchen does not create a practical difficulty. He added with the setback and the square footage requests; it is hard to meet criteria three and four.

Chair Beauchine stated the house should not have been built so close to the property line. He added other houses in the neighborhood do not have a commons area and perhaps this was a unique situation.

John Booth 2564 Koala Drive, East Lansing stated the applicants are not the only property owners with commons area maintained by homeowners.

Rosemary O'Brien 2564 Koala Drive, East Lansing commented fences are allowed as long as the Homeowners Association agrees with the need for a fence.

Member Ohlrogge added in dealing with commons areas and how they are viewed by Homeowners Associations is not how the ZBA determines a request. The request is based on the Township Ordinances.

Chair Beauchine stated there was implied consent from the Homeowners Association with the approval of the window well and the addition. He added the Homeowners Association is the one that would care about the addition to the house.

Member Ohlrogge agreed the Homeowners Association would care about the impact to the commons area, but the ZBA concern is the setbacks.

MEMBER RIOS MOVED TO GRANT THE VARIANCE GIVEN THE SUPPORT OF THE HOMEOWNERS ASSOCIATION AND NEIGHBORS, WHICH ALLOWED THE DECK TO EXTEND FURTHER THAN THE PROPOSED ADDITION.

MOTION FAILED FOR LACK OF SUPPORT.

MEMBER LANE MOVED TO DENY BOTH VARIANCE REQUESTS BASED ON FAILURE TO MEET REVIEW CRITERIA THREE AND FOUR FROM (SECTION 86-221) OF THE ZONING ORDINANCE.

SECONDED BY MEMBER OHLROGGE.

Member Rios stated he is in support of the variances since the deck had been approved by the ZBA, and the encroachment of the addition is less than the deck.

Member Jackson asked did the Homeowners Association approve the deck.

Assistant Planner Chapman replied the applicant was given an easement to encroach into the commons area for the deck.

ROLL CALL TO VOTE: YES: Members, Ohlrogge, Jackson, Lane.
NO: Member Rios and Chair Beauchine.
Motion carried 3:2.

G. OTHER BUSINESS

None.

H. PUBLIC REMARKS

None.

I. BOARD MEMBER COMMENTS

Member Ohlrogge commented the cases tonight reflect the conflicts the ZBA deal with and how important it is to use the review criteria in determining variance requests.

Member Jackson added it was also not the responsibility of the ZBA to determine how to make requests work.

J. ADJOURNMENT

Chair Beauchine adjourned the meeting at 8:45 p.m.

K. POST SCRIPT – Member Lane

Respectfully Submitted,

Rebekah Kelly
Recording Secretary