

**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES \*\*\*APPROVED\*\*\*  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, March 28, 2018**

PRESENT: Members Jackson, Ohlrogge, Rios, Lane, Chair Beauchine

ABSENT: None

STAFF: Mark Kieselbach, Director of Community Planning and Development, and Keith Chapman, Assistant Planner

**1. CALL MEETING TO ORDER**

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

**2. ELECTION OF OFFICERS**

MEMBER OHLROGGE MOVED TO HAVE THE ELECTION OF OFFICERS AT THE NEXT MEETING.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

**3. APPROVAL OF AGENDA**

MEMBER OHLROGGE MOVED TO APPROVE THE AGENDA.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

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

Wednesday, February 14, 2018

MEMBER JACKSON MOVED TO APPROVE THE MINUTES OF WEDNESDAY FEBRUARY 14, 2018 AS WRITTEN.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

**5. COMMUNICATIONS**

Chair Beauchine stated all of the communications were in reference to CASE NO 18-02-14-1.

1. John Booth & Rosemary O'Brian, 2564 Koala Drive, RE: ZBA #18-02-14-1
2. Ronald & Beverly Bishop, 2576 Koala Drive, RE: ZBA #18-02-14-1
3. Laurie Ludington, 2558 Koala Drive, RE: ZBA #18-02-14-1
4. Linda Becker, 2540 Koala Drive, RE: ZBA #18-02-14-1
5. Odd Fellows Contracting Inc., 996 Glaser Road, Williamston, MI, RE: ZBA #18-02-14-1

**6. UNFINISHED BUSINESS**

None.

**7. NEW BUSINESS**

**A. 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 applicants are requesting the Zoning Board of Appeals (ZBA) to rehear a previously denied variance in accordance with the following section of the Code of Ordinances:

Section 86-225 – No application, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed circumstances found by the Zoning Board of Appeals to be sufficient to justify consideration.

If the ZBA decides to rehear the case then the request is for 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 235 square foot building addition with the closest point being 1 foot from the rear property line.

Chair Beauchine asked the applicant or the applicant’s representative to present the rational for the Zoning Board of Appeals (ZBA) rehearing the case.

Mrs. Comparoni, the applicant, 2569 Koala Drive East, Lansing, stated she had prepared photos and plans for the addition. She also provided a letter from the Bear Lake Home Owners Association Board and letters of support from her neighbors.

Mr. Comparoni, the applicant, 2569 Koala Drive East, Lansing, also replied they have additional information with diagrams pertaining to setbacks in the neighborhood and how they were treated.

MEMBER OHLROGGE MOVED TO REHEAR THE CASE BASED ON THE NEWLY PROVIDED MATERIAL.

SECONDED BY MEMBER RIOS.

Chair Beauchine stated the letter of support from the Bear Lake Homeowners Association (BLHOA) was a determining factor to rehear the case.

Member Jackson added the easement agreement codified the use of the commons area.

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

Assistant Planner Chapman outlined the case for discussion.

Chair Beauchine opened the floor for public remarks.

Craig Newman, President of BLHOA and representing the BLHOA Board, 2537 Kodiak Drive, East Lansing, commented on the letter of support from BLHOA to extend the addition into the commons area by creating an easement agreement. He stated the BLHOA Board was in unanimous support of the variance request.

Chair Beauchine closed public remarks.

Chair Beauchine replied he appreciated the letter from the BLHOA and the president of the BLHOA being present. He added there were unique circumstances related to the subject property and the addition.

Member Ohlrogge stated the additional material and the letter from the BLHOA gave her a clearer understanding of the request.

Member Jackson commented with the letter and the easement agreement from the BLHOA, she was in support of granting the variances.

MEMBER RIOS MOVED TO APPROVE THE REQUEST FROM SECTION 86-373(E)(5)(C) AND SECTION 86-373(E)(4).

SECONDED BY MEMBER JACKSON.

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

**B. ZBA CASE NO. 18-03-28-1 (MILLER), 292 EAST SHOESMITH ROAD, HASLETT, MI, 48840**

DESCRIPTION:	6115 Marsh Road
TAX PARCEL:	03-326-018
ZONING DISTRICT:	RB (Single Family, High Density)

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

Section 86-374(d)(5)(a). Front yards. In accordance with the setback requirements of Section 86-367 for the type of street upon which the lot fronts. 100 Feet.

The applicant is requesting to construct a 400 square foot attached garage with the closest point being 94.7 feet from the centerline of the right of way.

Assistant Planner Chapman outlined the case for discussion.

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

Brian Miller, the applicant's representative, 292 Shoemith Road Haslett, added the variance of 5.3 feet is for the northeast corner of the garage.

Chair Beauchine opened public remarks and seeing none closed public remarks.

Member Lane stated the lot was narrow and attaching a garage to the front of the house appears to be the only feasible location. He added with a smaller garage it would not intrude on adjacent properties.

Member Ohlrogge replied the circumstance was unique due to the angle of the road, and she did not see a safety issue with granting the request.

MEMBER LANE MOVED TO APPROVE THE REQUEST FROM SECTION 86-374(D)(5)(A).

SECONDED BY MEMBER RIOS.

Member Ohlrogge read review criteria two from (Section 86-221 of the Zoning Ordinance) which states these special circumstances are not self-created. She agreed the request was not self-created.

Member Ohlrogge read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties. She replied without the request being granted it would result in a practical difficulty, as having a garage is a safety factor in Michigan.

Member Ohlrogge read review 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 purpose. She stated a garage is an important part of a house.

Member Ohlrogge 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 commented the applicant had proposed a smaller garage which met the minimum action. She added having a garage during the winter is a necessity.

Member Ohlrogge 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 the variance would not affect adjacent land or the essential character in the vicinity.

Member Ohlrogge 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 replied the lot is at an angle to the road and granting the request would not impact travel along Marsh.

Chair Beauchine read review criteria eight which states granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance. He stated the request met the criteria.

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

NO:

Motion carried unanimously

**C. ZBA CASE NO. 18-03-28-2 (MARQUIE & PETERSON), 4565 HAWTHORNE LANE, OKEMOS, MI, 48864**

DESCRIPTION: 4565 Hawthorne Lane

TAX PARCEL: 20-378-008

ZONING DISTRICT: RR (Rural Residential)

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

Section 86-565(1), No accessory building shall project into any front yard.

The applicant is requesting to construct a 280 square foot accessory building (garage) that will project 125 feet into the front yard.

Assistant Planner Chapman outlined the case for discussion.

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

Steve Marquie and Georgia Peterson, the applicants, 4565 Hawthorne Lane, Okemos, replied the request was for the construction of a small workshop next to the existing garage. He added he had support from neighbors in the area and due to the topography and floodplain the proposed site was the best location.

Chair Beauchine open public remarks and seeing none closed public remarks.

Member Jackson stated with the exception of the house and front yard the rest of the property was in the floodplain, which could be considered a unique circumstance.

Member Ohlrogge stated the shape of the lot was unusual and there was no other location for the shed.

Member Jackson read review criteria two from (Section 86-221 of the Zoning Ordinance) which states these special circumstances are not self-created. She agreed the circumstances were not self-created.

Member Jackson read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties. She stated there was no other location on the property for the accessory building.

Member Jackson read review 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 purpose or would render conformity with such restrictions unnecessarily burdensome. She said an accessory building was a permitted use in the zoning district.

Member Jackson 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 replied granting the variance was the minimum action necessary.

Member Jackson 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 added the accessory building was located away from the adjacent properties.

Member Jackson 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 commented the request was not general or recurrent in nature.

Member Jackson read review criteria eight which states granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance. She agreed the review criteria had been met.

MEMBER JACKSON MOVED TO APPROVE THE REQUEST FROM SECTION 86-565(1).

SECONDED BY MEMBER OHLROGGE.

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

NO:

Motion carried unanimously

**D. ZBA CASE NO. 18-03-28-3 (FEARON), 4749 CENTRAL PARK DRIVE SUITE B, OKEMOS, MI, 48864**

DESCRIPTION:	4749 Central Park Drive Suite B
TAX PARCEL:	22-401-008
ZONING DISTRICT:	C-2 (Commercial)

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

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

The applicant is requesting to construct a 180 square foot deck addition that will increase the impervious surface of the site to 75.03 percent.

Assistant Planner Chapman outlined the case for discussion.

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

Shawn Fearon, the applicant, 5050 Wardcliff Drive, East Lansing, stated the additional seating area would be used for outdoor dining. He added when the current deck was built it was to accommodate a sandwich shop. He stated the request is for less than .5% to expand the deck for additional seating of 12 patrons.

Chair Beauchine open public remarks and seeing none closed public remarks

Member Ohlrogge asked about the various types of impervious surfaces standards.

Director Kieselbach replied the prior zoning districts NS (Neighborhood Service) and CS (Community Service) allowed 75 percent impervious surface coverage but the current commercial zoning districts C-1, C-2 and C-3 allow 70 percent impervious surface coverage.

Member Jackson asked the applicant about the material of the sidewalk in the northwest corner of the property and the deck.

Mr. Fearon stated the sidewalk was concrete and the deck would be wood.

Member Ohlrogge asked if rain water would drain off the deck through the cracks.

Mr. Fearon replied yes.

Chair Beauchine stated the ZBA could add a condition that no concrete could be installed under the new deck.

Member Jackson asked Mr. Fearon if he planned to install a cover over the deck.

Mr. Fearon stated he did not since the trees in that area provide shade for the deck.

MEMBER RIOS MOVED TO APPROVE THE REQUEST FROM SECTION 86-402(17) WITH THE AREA UNDER THE DECK TO REMAIN PERVIOUS IN NATURE.

SECONDED BY MEMBER LANE.

Member Lane read review criteria one from (Section 86-221 of the Zoning Ordinance) which states unique circumstances exist that are peculiar to the land or structure that is not applicable to other land or structures in the same zoning district. He stated the ZBA had concluded there was a unique circumstance related to the subject property.

Member Lane read review criteria two which states these special circumstances are not self-created. He commented it was a true statement.

Member Lane read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties. He replied the size of the current deck is too small to be utilized for a full service restaurant, which creates a practical difficulty.

Member Lane read review 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 purpose or would render conformity with such restrictions unnecessarily

burdensome. He stated the current deck was created for outdoor seating and expanding the deck would allow for extra seating for the full service restaurant.

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 he did not see the addition to the deck as a safety issue and the deck is being constructed at the rear of the property.

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 replied the deck would not be noticeable.

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 the request was not recurrent in nature, as there is a unique circumstance.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest, the purposes and intent of this chapter. He stated granting the variance would be consistent with public interest as long as the land under the deck remains pervious.

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

NO: None.

Motion carried unanimously.

**8. UNFINISHED BUSINESS**

None.

**9. OTHER BUSINESS**

None.

**10. PUBLIC REMARKS**

None.

**11. BOARD MEMBER COMMENTS**

Member Ohlogge commented having all materials for the first case was extremely helpful in making a determination.

**12. ADJOURNMENT**

Chair Beauchine adjourned the meeting at 7:35 p.m.

**13. POST SCRIPT – Chair Beauchine**

Respectfully Submitted,

Rebekah Kelly  
Recording Secretary