

**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES \*\*\*APPROVED\*\*\*  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, April 11, 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. APPROVAL OF AGENDA**

MEMBER RIOS APPROVED THE AGENDA AS WRITTEN.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

**3. ELECTION OF OFFICERS: CHAIR AND VICE-CHAIR**

MEMBER OHLROGGE MOVED TO RE-ELECT CHAIR BEAUCHINE.

SECONDED BY MEMBER RIOS.

VOICE VOTE: Motion carried unanimously.

MEMBER JACKSON MOVED TO ELECT MEMBER OHLROGGE TO VICE-CHAIR.

SECONDED BY MEMBER BEAUCHINE

VOICE VOTE: Motion carried unanimously.

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

A. Wednesday, March 28, 2018

MEMBER JACKSON MOVED TO APPROVE THE REVISED MINUTES OF WEDNESDAY MARCH 28, 2018 CHANGING ITEMS E-K TO ITEMS 8 -13.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

**5. COMMUNICATIONS**

Chair Beauchine stated the communications were in reference to CASE NO 18-04-11-1.

A. Diana Walker, 441 Wausau Road, RE: ZBA #18-04-11-1

B. Kenneth Terry and Christine Krisztian, 2216 Lagoon Drive, RE: ZBA #18-04-11-1

**6. UNFINISHED BUSINESS**

None.

**7. NEW BUSINESS****A. ZBA CASE NO. 18-04-11-1 (COWEN), 4423 WAUSAU ROAD, OKEMOS, MI, 48864**

|                  |                                  |
|------------------|----------------------------------|
| DESCRIPTION:     | 4423 Wausau Road                 |
| TAX PARCEL:      | 28-227-008                       |
| ZONING DISTRICT: | RAA (Single Family, Low Density) |

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

Section 86-436 (r). Standards for variance by the Zoning Board of Appeals from the strict interpretation of the regulations set forth in Section [86-436](#).

The applicant is requesting to allow a 192 square foot accessory building in the floodplain.

Member Ohlrogge asked the Zoning Board of Appeals (ZBA) to be recused from ZBA CASE NO. 18-04-11-1 (COWEN), 4423 WAUSAU ROAD, OKEMOS, MI, 48864, stating that she sees this property from her window and worried that her decision would be interpreted as bias.

MEMBER OHLROGGE MOVED TO BE RECUSED FROM ZBA CASE NO. 18-04-11-1.

SECONDED BY MEMBER RIOS

Member Lane stated if Member Ohlrogge had determined she could not be impartial then she should be recused.

Chair Beauchine stated he disagreed. The ZBA determinations are based the Township Ordinances and the Review Criteria and he did not believe Member Ohlrogge had a conflict of interest.

Member Lane replied while Member Ohlrogge did not have a conflict of interest the Rules of Procedure allows the ZBA to vote to disqualify her from hearing the case.

VOICE VOTE: Motion carried unanimously.

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.

Eleanor Cowen, the applicant, 4423 Wausau Okemos, stated the anchoring of the accessory building had been completed according to the Michigan Department of Environmental Quality (MDEQ) requirements. The Tacoma Hills Subdivision regulations had been followed for the placement of the accessory building. At the time she was not aware an accessory building could not be located in the floodplain.

Chair Beauchine opened public remarks

Diana Walker, 4411 Wausau Road, Okemos, stated the accessory building was a visual deterrent, and was constructed with no regard for the floodplain.

Chair Beauchine closed public remarks.

Chair Beauchine asked staff at what size did an accessory building not require a building permit.

Director Kieselbach replied an accessory building less than 200 square feet.

Chair Beauchine commented since the accessory building did not need a building permit the only issue is the accessory building was constructed in the floodplain.

Member Jackson commented the house and swimming pool were also in the floodplain.

Member Rios asked Ms. Cowen if the accessory building was elevated.

Ms. Cowen replied it was raised to keep it level with the yard.

Member Jackson asked staff what was the coverage for the subject property.

Assistant Planner Chapman replied the total lot including the proposed accessory building was less than 30 percent.

Chair Beauchine stated the applicant has made an effort to divert flooding and he did not see how flooding would occur on the neighboring property.

Chair Beauchine 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.

Member Jackson stated the fact the subdivision was built in a floodplain was not a unique circumstance and there are other accessory buildings on the site to use for storage.

Chair Beauchine commented the building was small enough not to require a building permit and was placed within the property lines.

Member Lane added if it wasn't for the floodplain the accessory building would be allowed. He added having a small building in the floodplain could be a special circumstance.

Chair Beauchine read review criteria two which states these special circumstances are not self created. Members agreed it was not self-created.

Chair Beauchine read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.

Member Lane stated criteria three and four do not apply as there was no practical difficulty. The owner was not prevented from using the property and the accessory building could be located elsewhere on the property.

Member Jackson added according to the subdivision regulations the only location for the accessory building was where it was currently located.

Chair Beauchine 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 agreed with this statement.

Chair Beauchine 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.

Member Jackson stated the minimum action would be to include the requirements from the MDEQ for placing the accessory building in the floodplain.

Chair Beauchine 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 accessory building would not adversely affect the neighbor.

Chair Beauchine 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 replied the case met this criteria.

Chair Beauchine 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 this criteria had been met.

Chair Beauchine read from Section 86-436(r) of the Conservancy District which states no variance shall be granted for the development of new structures, the substantial improvement or relocation of old structures, or development of any kind within the floodway area when such development, construction, improvement, or relocation would cause any increase in flood levels associated with the base flood elevation.

Member Jackson stated the requirements of the MDEQ insure there will be no change in the flood level.

Chair Beauchine read the Conservancy District review criteria and stated the floodplain criteria had been met.

Member Jackson stated the variance would need to meet the DEQ requirements in order to obtain a permit which would meet the minimum necessary.

Member Lane added not having an accessory building doesn't prevent the applicant from using the property.

MEMBER RIOS MOVED TO APPROVE THE REQUEST BASED ON THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ) REQUIREMENTS AND AN APPROVED MDEQ PERMIT IS GRANTED ALONG WITH ANY CONDITIONS APPLIED TO THE PERMIT.

CHAIR BEAUCHINE SECONDED.

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

NO: Lane.

Motion carried 3:1.

Chair Beauchine dismissed for a recess at 7:35 pm.

Chair Beauchine reconvened the meeting at 7:40 pm

**B. ZBA CASE NO. 18-04-11-2 (CARLIN), 1593 MAIDEN LANE, OKEMOS, MI, 48864**

|                  |                  |
|------------------|------------------|
| DESCRIPTION:     | 1841 Newman Road |
| TAX PARCEL:      | 02-177-006       |
| ZONING DISTRICT: | C-2 (Commercial) |

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

Section 86-687 (4)(d), Freestanding signs greater than five feet in height shall not exceed 28 square feet in surface display area per side.

Section 86-687 (4)(g), The freestanding sign shall be located in the front yard with the leading edge at least 10 feet back of the street right-of-way line.

The applicant is requesting a variance for a proposed 42.2 square foot sign six feet from the front property line.

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 Carlin, the property owner, 1593 Maiden Lane, Okemos, stated the 2 existing nonconforming signs are showing wear. He added the subject property has a unique circumstance with the berm covered with trees and an electrical panel. He added without the variance the sign would be directly in the sight line with Gordon Food Service and Lake Trust Bank signage.

Jason Sestak, the applicant's representative, Johnson Sign Co. 2240 Lansing Ave, Jackson, stated he misunderstood the square footage requirement for surface display area, which is why the architectural detail was included in the overall square footage. He commented the address area of the sign could be downsized.

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

Mr. Carlin added because of the uniqueness of having two buildings on the property and sharing a sign it was his hope to keep both buildings occupied.

Chair Beauchine stated moving the sign to another location would be difficult without encroaching into the parking lot. He added having the two commercial buildings sharing signage was favorable.

Member Lane added the property is unique because of the existing landscaping and trees which could block the visibility of the sign.

Member Ohlrogge asked what is the size and distance of the current signage from the road right-a-way.

Mr. Sestak replied to the east of the proposed sign is setback 6 feet back from the sidewalk and approximately two-thirds of the sign is within the road right-a-way.

Member Ohlrogge asked if the sign could be moved back in order to bring it into compliance.

Mr. Sestak stated it could not because of the wood post. He added to meet the setback from the road right-a-way; the sign would be in the parking lot at the east end of the property.

Member Ohlrogge stated since the land slopes down towards the parking lot it would create a difficult situation for placing the sign.

Mr. Carlin stated he would be willing to move the location of the sign but would like to avoid having to place the sign on the east side or the west side because of the hill.

Chair Beauchine stated for public safety reasons and way-finding the addresses need to be large enough for visibility. He asked the size of the 2 existing signs.

Mr. Sestak replied both signs are 18 square feet.

MEMBER RIOS MOVED TO APPROVE THE VARIANCES FROM SECTION 86-687(4)(D) AND SECTION 86-687(4)(G).

MOTION FAILED FOR LACK OF SUPPORT.

Member Lane referenced criteria one (from Section 86-221 of the Zoning Ordinance) stating there were unique circumstances due to the curve in the road and the topology of the land.

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 stated if the applicant was to place the signage according to the setback; the signage would be in the parking lot.

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 added without proper signage the buildings could not be used for the permitted commercial 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 granting the variance would be the minimum action necessary.

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 as the applicant stated the request places the new sign in line with other signs on Newman Road and the sign would not have an adverse effect on adjacent land.

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, and was unique to the subject property.

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 the request met this criteria.

MEMBER LANE MOVED TO APPROVE THE VARIANCE FROM SECTION 86-687(4)(G).

SECONDED BY MEMBER OHLROGGE

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

NO: None.

Motion carried unanimously.

Chair Beauchine referenced criteria one (from Section 86-221 of the Zoning Ordinance) stating there are unique circumstances with the 2 existing signs. He would recommended the existing signs be removed if the variance is granted.

Director Kieselbach indicated it was the architectural detail that increased the size of the sign. The display area of the sign was 24.5 square feet.

Member Jackson inquired of staff if standards change depending on the number of commercial business in one building using the same signage.

Director Kieselbach replied there was no difference whether there was a single building, multiple buildings or even multi-tenant buildings on a parcel. Only one freestanding sign 25 square feet with an additional 3 square feet for the address was allowed by ordinance.

MEMBER RIOS MOVED TO APPROVE THE REQUEST FROM SECTION 86-687(4)(d), WITH THE REMOVAL OF THE TWO EXSITING FREESTANDING SIGNS.

SECONDED BY CHAIR BEAUCHINE.

Member Ohlrogge 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. She added the subject property was not unique.

Member Ohlrogge read review criteria two which states these special circumstances are not self-created. She commented it was a true statement since no changes had been made to the signage.

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 stated information could be added to the sign within the criteria.

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 or would render conformity with such restrictions unnecessarily burdensome. She replied the signage could be constructed in compliance with the ordinance.

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 stated the ordinance allows the applicant what he needs.

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 commented if granted the sign could affect the essential character of other signage 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 stated she was not supporting the request so there were no conditions.

Member Ohlrogge read review criteria eight which states granting the variance will be generally consistent with public interest, the purposes and intent of this chapter. She stated the ordinance covers the essential characteristics of the applicant's request.

Member Jackson replied the interruption of Member Ohlrogge concerns is the design elements, which are not essential to the signage. She added without the design elements the sign was conforming and a variance should not be allowed to validate the design elements. She added the applicant's representative stated he misunderstood what was surface area of the sign, and was willing to remove the design elements.

Member Lane replied with 2 buildings and the topology of the site creates a unique circumstance, which allows for the increase square footage. The advertising for 2 buildings on one sign is a unique circumstance.

Member Jackson stated it is not the minimal action necessary as it is possible to redesign the sign.

Mr. Carlin stated his full intention is to remove the 2 freestanding signs. He added the 2 freestanding signs have more square footage than the proposed sign.

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

NO: Member Ohlrogge.

Motion carried 4:1.

## **8. UNFINISHED BUSINESS**

**None.**



**9. OTHER BUSINESS**

None.

**10. PUBLIC REMARKS**

None.

**11. BOARD MEMBER COMMENTS**

Member Ohlrogge thanked the ZBA for recusing her from the first case.

Director Kieselbach reminded the ZBA about training with the Township Attorney for either June 6<sup>th</sup> or 13<sup>th</sup>. He added June 13<sup>th</sup> was a regular ZBA meeting and if there were no cases the training would be on June 13<sup>th</sup> however, if there are cases for June 13<sup>th</sup> the training would be held on June 6<sup>th</sup>.

**12. ADJOURNMENT**

Chair Beauchine adjourned the meeting at 8:50 p.m.

**13. POST SCRIPT – Patricia Herring Jackson**

Respectfully Submitted,

Rebekah Kelly  
Recording Secretary