

CHARTER TOWNSHIP OF MERIDIAN

ZONING BOARD OF APPEALS SPECIAL MEETING MINUTES *APPROVED*****

5151 MARSH ROAD, OKEMOS, MI 48864-1198

(517) 853-4000

WEDNESDAY, June 6, 2018 6:30 PM

TOWN HALL ROOM

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

ABSENT:

STAFF: Peter Menser, Principal Planner, Keith Chapman, Assistant Planner, and Justin Quagliata, 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 MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER OHROGGLE.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

None

4. COMMUNICATIONS

Chair Beauchine mentioned two communications in favor of the variance request.

- a. Nick Hammond 4784 Nakoma Drive
- b. A.C. Peterson Indian Hills Golf Course

5. UNFINISHED BUSINESS

NONE.

6. NEW BUSINESS

A. ZBA CASE NO. 18-06-06-1 (PANGBORN), 4805 NAKOMA DRIVE, OKEMOS, 48864

DESCRIPTION: 4805 Nakoma Drive
TAX PARCEL: 21-152-002
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 has requested a variance to construct a 352 square foot deck in the flood plain.

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 Zoning Board of Appeals (ZBA).

Aaron Pangborn, the applicant, 4805 Nakoma Drive, Okemos, stated he had nothing to add however he would be available for questions from the ZBA.

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

Member Rios asked the applicant if the deck plans had been submitted to the MDEQ and Community Planning and Development for approval.

Mr. Pangborn stated yes, the plans had been approved by both.

Member Ohlrogge asked the applicant how egress and ingress to the rear yard would occur if the variance for the deck was not approved.

Mr. Pangborn replied originally there were windows which he replaced with doors. His intent was to build a deck.

Member Rios, asked the applicant the location of Mr. Hammond's (4784 Nakoma Drive) property in relation to his property.

Mr. Pangborn stated Mr. Hammond's property is on the east side of the street approximately three lots south of his property.

Member Ohlrogge asked the location of the 100 year flood plain on the applicant's property.

Assistant Planner Chapman stated the entire property was in the floodplain.

Member Jackson questioned the direction the water flowed across the property during a flood.

Assistant Planner Chapman indicated west towards Ottawa Drive.

Member Ohlrogge asked what the water level was from the spring flooding.

Mr. Pangborn indicated the location on his site plan where the water crested. He added that Nakoma Drive has been under water every year he has owned the property, yet the house and surrounding property remained dry.

Member Jackson questioned Mr. Pangborn if the approval from the MDEQ set standards on the deck which would not increase the flood heights.

Mr. Pangborn replied the MDEQ did place requirements for the construction of the deck and also the proper anchoring of the deck.

Member Ohlrogge reminded the ZBA of meeting the criteria requirements from Section 86-436(r) set forth in the Conservancy District (CV District) of the Zoning Ordinance since the subject property is in the floodway.

MEMBER RIOS MOVED TO APPROVED THE VARIANCE REQUEST SUBJECT TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ) REQUIREMENTS FOR THE DECK.

SECONDED BY CHAIR BEAUCHINE.

Chair Beauchine read review criteria one from Section 86-436(r) 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. He stated since the applicant had received approval from the MDEQ the criteria had been met.

Chair Beauchine read review criteria (2) a. which states a sufficient cause for granting the variance must be shown.

Member Jackson replied by granting the variance the applicant would have ingress and egress into the house.

Chair Beauchine read review criteria (2) b. which states a determination that failure to grant the variance would result in a practical difficulty to the applicant.

Member Rios replied if the variance was not granted it would create a practical difficulty without egress from the house in case of emergency.

Chair Beauchine read review criteria (2) c. which states a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense or will not create nuisances, cause fraud on or victimization of the public or conflict with this Chapter. He stated with the structure being anchored this criteria had been met.

Chair Beauchine read review criteria (2) d. which states a determination that the variance is the minimum necessary to afford relief.

Member Lane stated the deck as proposed met the criteria and with no encroachments into the setbacks it was the minimum action.

Chair Beauchine read the 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 replied because the entire structure was in the floodway it created a unique circumstance.

Chair Beauchine read review criteria two which states these special circumstances are not self-created. He agreed the request was not self-created.

Chair Beauchine read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this Chapter would result in practical difficulties. He agreed it would.

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. He replied the request met the review criteria in Section 86-436 (r).

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. He replied the request met the review criteria in Section 86-436 (r).

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 variance as requested would not affect adjacent properties.

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 agreed the conditions pertaining to the variance were not general or recurrent in nature.

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.

Member Lane replied if the applicant meets all the requirements from the Michigan Department of Environmental Quality (MDEQ) the variance request met the review criteria.

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

NO:

Motion carried unanimously

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

None.

10. ADJOURNMENT

Meeting adjourned at 7:35 p.m.

11. POST SCRIPT - Member Lane

Respectfully Submitted,

Rebekah Kelly
Recording Secretary