

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***APPROVED***
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, June 13, 2018 6:30 PM
TOWN HALL ROOM**

PRESENT: Members Ohlrogge, Lane, Jackson Chair Beauchine,
ABSENT: Member Rios
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 THE AGENDA

MEMBER OHLROGGE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES

Wednesday, May 23, 2018

MEMBER LANE MOVED TO APPROVE THE MINUTES OF WEDNESDAY May 23, 2018 AS WRITTEN.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

None.

5. UNFINISHED BUSINESS

6. NEW BUSINESS

A. ZBA CASE NO. 18-06-13-1 (VASILAKIS), 5291 BARRINGTON DRIVE, ROCHESTER, MI. 48306

DESCRIPTION:	3554 Okemos Road
TAX PARCEL:	33-454-001
ZONING DISTRICT:	C-2 (Commercial)

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

Section 86-687 (3)(a), One wall sign shall be permitted and may be located flat against the building's front facade or parallel to the front facade on a canopy. For businesses with frontage on more than one public street, two signs may be permitted. In no case shall more than one wall sign be located on a facade and no wall sign shall be located on a rear facade.

The applicant is requesting to add a 44 square foot wall sign on the south façade where only one wall sign is permitted on the west façade.

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.

Randy W. Evans, Midthumb Signs & Lighting Service, Inc., representing the applicant, 8342 Wilcox Road, Brown City, stated the request was to place a sign on the south side of the building for visibility.

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

Member Jackson asked staff if the south side of the building was the front of the building.

Assistant Planner Chapman replied the side of the building facing Okemos Road and the side of the building facing the private road are considered fronts.

Mr. Evans added the main entrance for the building is located at the southwest corner facing Okemos Road and the private road. The façade on the south side of the building is identical to the façade on the west side of the building, facing Okemos Road. There is an existing sign on the west side of the building

Member Jackson asked what was the difference between a private road and a service road.

Director Kieselbach replied a service road is considered a drive that connects businesses which provides access without using the main road. A private road means the road is not owned or maintained by the Ingham County Road Department.

Member Ohlrogge inquired about the maintenance of the private road.

Director Kieselbach replied since the road is under private ownership the owner maintains the road.

Member Jackson stated private roads do not necessarily have less traffic than public roads. The only difference is the development standards. She asked the reasoning for the ordinance not including private roads for signage.

Chair Beauchine replied it was to prevent private road owners from abusing the purpose and intent of the ordinance.

Member Lane added this private road is unique because it has other businesses on the road which generates a greater flow of traffic.

Member Ohlrogge expressed concern with the Township overseeing repairs and maintenance of the private road.

Director Kieselbach replied the Township does have the authority to require the owner of the private road to maintain the road.

Member Lane replied unique circumstances exist and except for the wording of the ordinance two signs would have been allowed if the road was public.

Member Jackson asked if the applicant could install a monument sign for the business.

Director Kieselbach replied yes.

Member Ohlrogge stated a monument sign could be used instead of granting a variance for a sign on the south side of the building.

Member Jackson replied if there were two public roads a monument sign and 2 signs one for each façade would be allowed. She added the private road is also functioning as a public road.

Member Ohlrogge stated the minimum action would be for a sign on the Okemos Road side of the building and the applicant could install a monument sign.

Chair Beauchine replied the applicant is asking for a sign that is half the size of what would be allowed. He added due to the amount of traffic on the private road, it should be treated as a public road.

Member Lane asked if the monument sign would be in addition to the sign on the west façade.

Assistant Planner Chapman replied yes.

Chair Beauchine asked if a condition could be added to limit the applicant from having a wall sign and a monument sign.

Director Kieselbach stated a condition could be added. With the private road to the south a freestanding sign and a wall sign on the Okemos Road facade would be allowed.

Member Jackson asked if the term monument sign and free standing sign were interchangeable.

Director Kieselbach replied a freestanding sign is allowed up to a maximum of 16 feet in height while a monument sign is allowed up to a maximum of 5 feet in height.

Chair Beauchine read review criteria one (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 zoning ordinance, creates a unique circumstance due to fact the subject property is adjacent to a private road.

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 said the request 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 agreed this criteria had been met.

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.

Member Lane replied the requested variance would not adversely affect adjacent land or the essential character but would actually enhance the character of adjacent land. The wall sign would bring consistency to the west and south façade and no comments were received from surrounding property owners.

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 stated traffic approaching from east would have difficulty identifying the business without signage.

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

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

Member Lane stated there was no practical difficulty because other options were available for signage.

MEMBER LANE MOVED TO DENY THE REQUEST BASED ON THE FAILUE TO MEET REVIEW CRITERIA THREE, FOUR, FIVE AND EIGHT FROM (SECTION 86-221) OF THE ZONING ORDIANCE.

SECONDED BY MEMBER JACKSON.

ROLE CALL TO VOTE: MOTION TO DENY

YES: Members, Jackson, Ohlrogge, Lane, and Chair Beauchine

NO: None

Motion carried unanimously.

B. ZBA CASE NO. 18-06-13-2 (ROSTONI), 5949 EDSON STREET, HASLETT, MI, 48840

DESCRIPTION:	5949 Edson Street
TAX PARCEL:	10-227-007
ZONING DISTRICT:	RN (Village of Nemoka), Lake Lansing Residential Overlay

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 an accessory building that will project 15 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 Zoning Board of Appeals.

Jeff Rostoni, the applicant, 5949 Edson Street, Haslett, stated the email from the Ingham County Road Department (ICRD) indicated a structure could be up to 33 feet from the middle of the road right-of-way and the proposed structure met the requirement. He addressed the eight review criteria from (Section 86-221) of the Zoning Ordinance, which was included as part of the application.

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

Member Ohlrogge asked what the accessory structure setbacks were for the front yard and side yard.

Assistant Planner Chapman stated the setback was 5 feet for the side yard and 5 feet for the rear yard. An accessory structure cannot project in front of the principle structure. He added the structure would project 15 feet in front of the principal (house) structure.

Member Ohlrogge inquired on the approval from the ICRD.

Mr. Rostoni referred to the email which indicated the ICRD doesn't provide letter pertaining to the road right-of-way. He would present his plans to the ICRD for a final approval.

Member Lane stated according to the review criteria from (Section 86-221) of the Zoning Ordinance he could not find a unique circumstance or a practical difficulty.

Chair Beauchine replied there were other options for the applicant.

Members Ohlrogge stated the request does not meet criteria one 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 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 there is an existing garage on the subject property and building another garage it is not the minimum action necessary.

Member Jackson stated not allowing the applicant to construct an accessory structure that projects in front of the primary structure is not unreasonable. She added the request did not meet review criteria one, three, and four.

MEMBER LANE MOVED TO DENY THE REQUEST BASED ON (SECTION 86-221) OF THE ZONING ORDINANCE AND NOT MEETING REVIEW CRITERIA ONE, THREE, FOUR AND FIVE.

SECONDED BY MEMBER CHAIR BEAUCHINE

ROLE CALL TO VOTE: MOTION TO DENY

YES: Members, Jackson, Ohlrogge, Lane, and Chair Beauchine

NO: None

Motion carried unanimously.

C. ZBA CASE NO. 18-06-13-3 (SHAFFIER), 1765 NEMOKE TRAIL, HASLETT, MI, 48840

DESCRIPTION:	1765 Nemoke Trail
TAX PARCEL:	15-100-011
ZONING DISTRICT:	RC (Multiple Family)

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

Section 86-685 (c)(2), Development entry sign. A permanent structure, which may be illuminated, may be permitted at each entrance to a development and shall be located at least 10 feet back from the street right-of-way line. Development entry signs shall be no larger than 32 square feet in surface display area. A sign on such structures shall be limited to the name of the development and the telephone number to be called for leasing information.

The applicant has requested to add a second development entry sign for Nemoke Trails Apartments.

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.

Ashley Shaffier, 1804 #4 Nemoke Trail, Haslett, applicant and representing Nemoke Trails Apartments, stated the reason for the variance request was the lack of signage hindered their business.

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

Member Ohlrogge stated she had visited the subject property and it was difficult to locate the office without an identification sign.

Member Jackson stated it could be considered a safety issue without proper identification.

Chair Beauchine noted the existing sign is approximately 32 square feet and the new sign is approximately half the size with a request of 17.06 square feet.

Member Lane asked if there was any other options for signage.

Assistant Planner Chapman replied no, only one development entry sign is permitted.

Member Jackson read review criteria one (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 said stated the layout of the property and how the land is used was unique.

Member Ohlrogge read review criteria two which states these special circumstances are not self-created. She agreed the circumstance was not self-created.

Member Ohlrogge read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of the Chapter would result in practical difficulties. She stated not being able to find the office did create a practical difficulty.

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 commented it is essential for people to find the main office and the club 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 stated the applicant is requesting a smaller sign than the size allowed and granting the variance would secure public safety and be in the public interest.

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 said the office is located in the middle of the property and the sign would not adversely affect adjacent land.

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 commented due to the layout of the property and the location of the office makes the request unique.

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 replied the signage would be helpful to find the office.

MEMBER LANE MOVED TO APPROVE THE REQUEST BASED ON MEETING THE REVIEW CRITERIA (SECTION 86-221) OF THE ZONING ORDINANCE.

SECONDED BY MEMBER JACKSON.

ROLE CALL TO VOTE: MOTION TO APPROVE.

YES: Members, Jackson, Ohlrogge, Lane, and Chair Beauchine

NO: None

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

10. ADJOURNMENT

Meeting adjourned at 8:45 p.m.

11. POST SCRIPT - Member Lane

Respectfully Submitted,

Rebekah Kelly
Recording Secretary