

**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES \*APPROVED\*  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, DECEMBER 12, 2018 6:30 PM  
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members, Lane, Mansour, Ohlrogge, Field-Foster  
ABSENT: Member Deschaine  
STAFF: Director of Community Planning and Development Mark Kieselbach, Assistant  
Planner Justin Quagliata

**1. CALL MEETING TO ORDER**

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

**2. APPROVAL OF AGENDA**

MEMBER LANE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

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

Wednesday, October 24, 2018

Member Ohlrogge stated she had been present at the meeting on October 24, 2018 and requested the minutes be amended. Chair Beauchine also requested the minutes be amended to reflect his displeasure with the location of the Township's solar array.

CHAIR BEAUCHINE MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, OCTOBER 24, 2018 AS AMENDED.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

**4. COMMUNICATIONS**

A. Lynn and tom Bartley RE: ZBA Case #18-12-12-2

Chair Beauchine stated the communication would be addressed at the time of the hearing.

**5. UNFINISHED BUSINESS**

None.

**6. NEW BUSINESS**

**A. ZBA CASE NO. 18-12-12-1 (Hakl), 4515 Chippewa Drive, Okemos, MI, 48864**

LOCATION: 4975 Van Atta Road  
PARCEL ID: 24-100-022

ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-471(b)(1), all structures and grading activities shall be setback 40 feet from the delineated edge of a wetland.
- Section 86-471(c)(1), to minimize erosion stabilize streambanks and wetland edges, protect water quality, and preserve fish and wildlife habitat, a natural vegetation strip shall be maintained within 20 feet of a delineated wetland boundary.

The applicant is requesting to grade and construct a driveway in the water features setback at 4975 Van Atta Road.

Director Kieselbach 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).

Mrs. Linda Hakl, the applicant, 4515 Chippewa Drive, Okemos, stated the land was purchased in anticipation of constructing a house. She noted the plans had been designed around the wetlands.

Mr. Nate Russell, the applicant's contractor, 1749 Hamilton Road, Okemos, stated construction would be monitored and attention paid to the surrounding wetlands.

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

Member Lane noted the property was zoned residential and the only access to Van Atta Road was through the wetland.

Member Ohlrogge stated there was an existing culvert and driveway through the wetland that had not hindered preservation.

Member Field-Foster asked if a permit was needed from the Michigan Department of Environmental Quality (DEQ) for the driveway through the wetland.

Director Kieselbach answered a permit from the DEQ was not required for this type of project.

Member Ohlrogge asked Mr. Russell what would be done in the area adjacent to the house.

Mr. Russell responded within the silt fence area around the house the soil would be disturbed by the construction, but the soil outside of the silt fence area would not be disturbed.

Chair Beauchine asked Mr. Russell the location of the final septic field.

Mr. Russell responded the septic field would be located at the high-point within the silt fence area.

Member Mansour asked what guarantees would be provided to ensure the silt fence is installed before construction starts.

Director Kieselbach responded the Township Engineering Department would not issue a soil erosion permit until the silt fence was installed. During construction the Township Building Inspectors will verify the silt fence is in place.

Member Field-Foster asked if the extension of the driveway complies with the Ingham County Road Department (ICRD) request to use same driveway and culvert.

Director Kieselbach responded the ICRD permit requires the same location and construction must meet that requirement.

Chair Beauchine asked staff if a permit from the DEQ was not required because of the existing driveway.

Director Kieselbach responded that was correct and the DEQ didn't anticipate further impact to the wetland.

Member Lane read review criteria one from Section 86-221 of the Code of Ordinances which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. He stated the wetland run across the front of the parcel along Van Atta Road and must be crossed for access.

Member Lane read review criteria two which states these special circumstances are not self-created. He stated the wetland already exist and must be worked around.

Member Lane read review criteria three which states the strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He stated the parcel couldn't be developed without access from Van Atta Road.

Member Lane read review criteria four which states that 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 road access is required to develop the parcel.

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 the applicant is attempting to use the existing driveway.

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 stated there were no objections from neighbors.

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 this is a unique case due to the wetland along the entire frontage of the parcel.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated the variance would allow the property to be developed as it is zoned.

MEMBER LANE MOVED TO APPROVE THE VARIANCE REQUEST FOR MEETING ALL EIGHT CRITERIA FROM SECTION 86-221 OF THE CODE OF ORDINANCES, WITH THE CONDITION THE APPLICANT INSTALL AN EROSION CONTROL SILT FENCE AND IT REMAIN IN PLACE THROUGHOUT CONSTRUCTION.

SECONDED BY MEMBER MANSOUR.

ROLL CALL TO VOTE: YES: Members Lane, Mansour, Ohlrogge, Field-Foster, Chair Beauchine,  
NO:  
Motion carried unanimously

**B. ZBA CASE NO. 18-12-12-2 (Meridian Investment Group, LLC), 2875 Northwind Drive, East Lansing, MI, 48823.**

LOCATION:	2875 Northwind Drive
PARCEL ID:	20-128-003
ZONING DISTRICT:	PO (Professional & Office)

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 improve a parking area in the floodway at 2875 Northwind Drive.

Director Kieselbach 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.

Ron Calhoun, the applicant's representative, 2875 Northwind Drive, East Lansing; stated the project will reduce the size of the existing parking lot, and no trees will be removed.

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

Chair Beauchine stated the Zoning Board of Appeals (ZBA) had received a communication from Lynn and Tom Bartley. The Bartley's had requested the preservation of natural area along the Red Cedar River, parking lot lights be directed downward, and limit the increase in traffic.

Chair Beauchine asked if anything could be done to preserve the natural vegetation.

Mr. Calhoun responded the construction would only impact the existing parking lot, no trees or vegetation would be altered. The total greenspace would be increased.

Member Ohlrogge asked if the detention pond would impact the flood levels.

Mr. Calhoun responded the detention pond would only handle storm water runoff and the flood levels would not be altered.

Member Ohlrogge asked if the parking lot should remain in the floodway.

Director Kieselbach responded a parking lot is an allowed use in the floodway.

Member Ohlrogge asked why the variance was needed for the allowance of parking in the floodway.

Director Kieselbach responded the request is for the excavation and work in the floodway.

Member Mansour stated the applicant already received approval from the DEQ and reducing the size of the parking lot was positive.

Member Lane stated reduction of impervious surface and renovation of the site is a worthwhile project.

Member Lane read review criteria one from Section 86-221 of the Code of Ordinances which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning districts. He stated the parking lot already exists in the floodway.

Member Lane read review criteria two which states these special circumstances are not self-created. He noted the existence of the Red Cedar River and natural flooding.

Member Lane 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 stated the project could not proceed without the variance, and the project would reduce the size of the parking lot.

Member Lane read review criteria four which states that 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 without the variance the applicant would not be able to renovate and reduce the size of the parking lot.

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 the project would not change the flood levels and would reduce the amount of asphalt coverage.

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 stated the case met this criteria.

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 not every property in the Township is adjacent to the Red Cedar River and in a floodway.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated the variance allows the property to be developed, while being environmentally conscious.

Member Lane read review criteria one from Section 86-436(r) of the Code of Ordinances 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 the changes would not impact the flood levels.

Member Lane read review criteria two (a) which states a sufficient cause for granting the variance must be shown. He stated the project could not continue without the variance.

Member Lane read review criteria two (b) which states a determination that failure to grant the variance would result in a practical difficulty to the applicant. He stated granting the variance would allow the project to proceed and stated the case met this criteria.

Member Lane read review criteria two (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 flood levels will not be impacted.

Member Lane read review criteria two (d) which states a determination that the variance is the minimum necessary to afford relief. He stated the variance would allow work to be done.

Chair Beauchine stated the detention pond would help remove contaminants from the parking lot before it enters the Red Cedar River.

MEMBER LANE MOVED TO APPROVE THE VARIANCE BASED ON THE MEETING OF ALL REQUIRED CRITERIA FROM SECTIONS 86-221 AND 86-436(r) OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER MANSOUR.

Member Ohlrogge stated the property should be compared to other properties in the floodway, not with properties elsewhere in the Township.

ROLL CALL TO VOTE: YES: Members Lane, Mansour, Field-Foster, Chair Beauchine  
NO: Member Ohlrogge  
Motion carried 4-1

## **7. OTHER BUSINESS**

Chair Beauchine noted the Zoning Board of Appeals (ZBA) will be meeting next on January 9 2019, and the Township Board Joint Meeting with all Township boards and commissions will be in January.

## **8. PUBLIC REMARKS**

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

**9. BOARD MEMBER COMMENTS**

Member Mansour thanked Member Ohlrogge for her service with the ZBA.

Chair Beauchine also thanked Member Ohlrogge for her service.

**10. ADJOURNMENT**

Meeting adjourned at 7:28 p.m.

**11. POST SCRIPT - Members Mansour and Field-Foster**

Respectfully Submitted,  
Riley Millard  
Recording Secretary