



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
February 27, 2019 6:30 pm

1. CALL MEETING TO ORDER*
2. APPROVAL OF THE AGENDA
3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
 - A. Wednesday, January 9, 2019
4. COMMUNICATIONS
5. UNFINISHED BUSINESS
6. NEW BUSINESS

A. ZBA CASE NO. 19-02-27-1 (Sherman), 1282 Mizzen Drive, Okemos, MI, 48864

LOCATION: 6425 E. Reynolds Road
PARCEL ID: 02-151-031
ZONING DISTRICT: RB (Single Family-High Density), Lake Lansing Overlay

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

- Section 86-442(f)(5)(c), Rear yards. The rear yard setback shall be consistent with requirements of the underlying zoning district, except the rear yard setback for those lots that directly abut Lake Lansing shall be measured from the ordinary high-water mark of Lake Lansing as defined in Section 86-2.

The applicant is requesting to construct an 850 square foot building addition that encroaches into the required 30 foot rear yard setback at 6425 E. Reynolds Road.

7. OTHER BUSINESS
8. PUBLIC REMARKS
9. BOARD MEMBER COMMENTS
10. ADJOURNMENT
11. POSTSCRIPT – Ken Lane

Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting: Township Manager Frank L. Walsh, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4258 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *DRAFT*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JANUARY 9, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members Deschaine, Lane, Mansour, Field-Foster
ABSENT:
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 FIELD-FOSTER MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER DESCHAINE.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, December 12, 2018.

MEMBER LANE MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, DECEMBER 12, 2018.

SECONDED BY MEMBER MANSOUR.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

None.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 19-01-09-1 (Simkin), 3907 New Salem Avenue, Okemos, MI 48864

LOCATION: 3907 New Salem Avenue
PARCEL ID: 33-251-013
ZONING DISTRICT: RA (Single Family-Medium Density)

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

- Section 86-564(c), which states enclosed porches, either one-story, two-story, or an

unenclosed porch having solid foundations and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

The applicant is requesting to construct an enclosed porch that encroaches into the required rear yard setback at 3907 New Salem Avenue.

Assistant Planner Quagliata 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).

Mr. Daniel Simkin, the applicant, 3907 New Salem Avenue, Okemos, stated he was not aware the existing unenclosed porch was nonconforming. He would like to build a covered porch to match the style of the home.

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

Member Mansour asked how much of the existing porch would be removed.

Assistant Planner Quagliata responded the entire existing porch would be removed and the new enclosed porch would be two feet shorter in width. He added because the proposed porch was enclosed it would be part of the principal structure and be required to meet the same setbacks as the principal structure.

Chair Beauchine stated the Township requires enclosed structures to be treated as a principal structure. He added the enclosed structure would be more permanent.

Member Deschaine asked if neighbors had been noticed of the variance request.

Assistant Planner Quagliata responded property owners within 300 feet of the subject property had been noticed of the public hearing. No communications had been received regarding the case.

Member Lane noted the enclosed porch would reduce the current encroachment into the setback. He stated the backdoor lines up with the current deck and limits relocating the new porch.

Member Mansour 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. She stated the homeowner did not construct the current porch and bought the home with it already nonconforming.

Member Mansour read review criteria two which states these special circumstances are not self-created. She stated the nonconforming porch already existed.

Member Mansour review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She stated the location of the rear door makes rearranging the location of the porch impractical.

Member Mansour 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. She stated the rear yard would be difficult to enjoy without the variance.

Member Mansour 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 were no complaints or objections from neighbors, and the variance would grant the homeowner use of the rear yard.

Member Mansour 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 construction of the enclosed porch would not create an adverse visual impact for the neighborhood.

Member Mansour 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 the size and shape of the lot was unique.

Member Mansour read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. She stated this variance would allow proper use of the rear yard and home.

MEMBER MANSOUR MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-564(C) OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER DESCHAINE.

Member Deschaine stated ordinances are created to protect neighborhoods and homeowners, and in this case the variance would be improving the property.

ROLL CALL TO VOTE: YES: Members Mansour, Deschaine, Lane, Field-Foster, Chair
Beauchine

NO:

Motion carried unanimously

7. OTHER BUSINESS

A. Election of 2019 officers

Chair Beauchine explained the process of electing officers. He announced 2019 would be his last year on the ZBA.

MEMBER LANE MOVED TO ELECT BRIAN BEAUCHINE CHAIR OF THE ZONING BOARD OF APPEALS.

VOICE VOTE: Motion carried unanimously.

MEMBER DESCHAINE MOVED TO ELECT MEMBER MANSOUR VICE-CHAIR OF THE ZONING BOARD OF APPEALS.

VOICE VOTE: Motion carried unanimously.

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

Chair Beauchine noted his appreciation to have Treasurer Deschaine back on the ZBA and showed appreciation to all members.

Member Mansour noted her appreciation for being elected Vice-Chair.

10. ADJOURNMENT

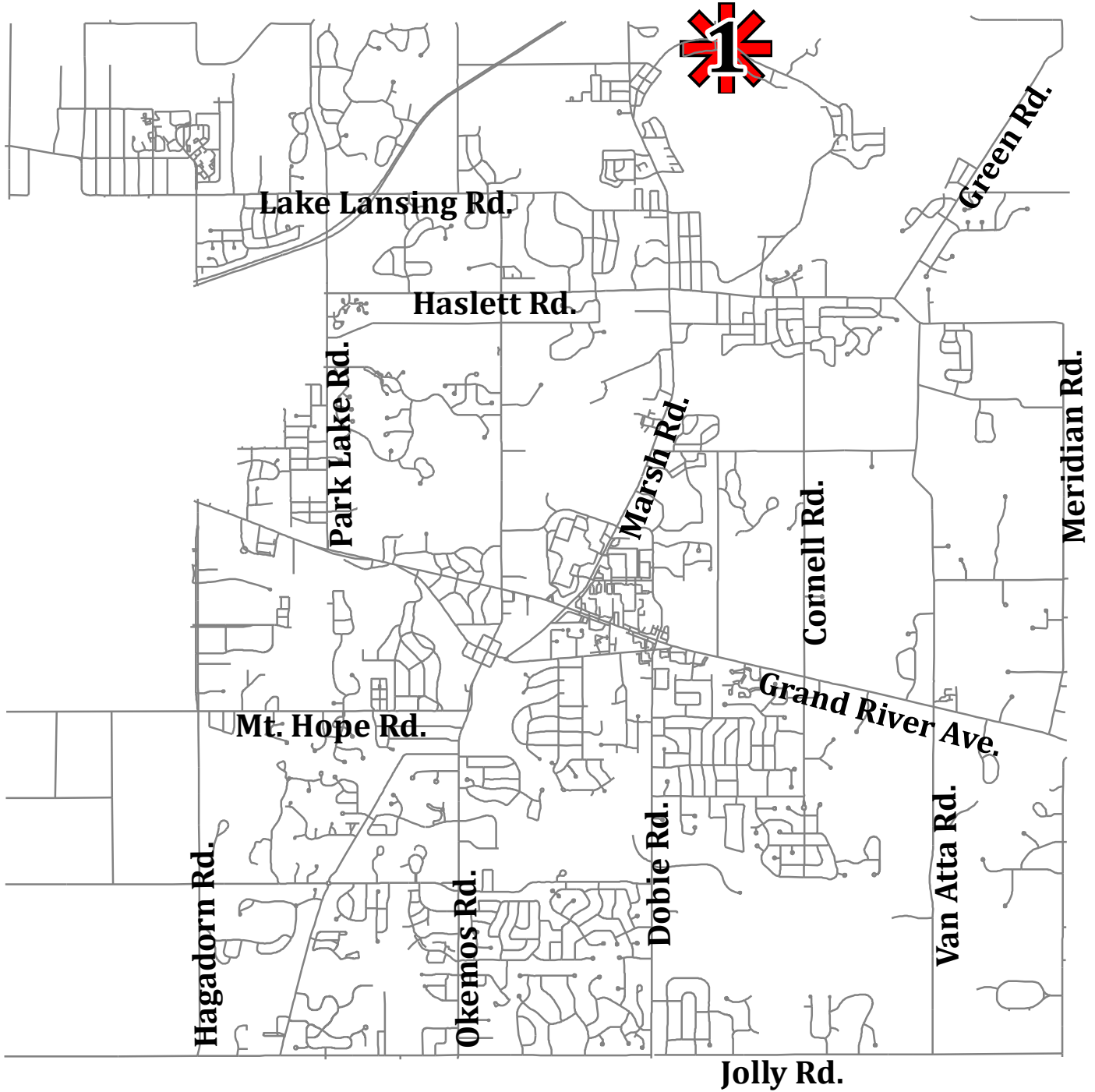
Meeting adjourned at 6:54 pm.

11. POST SCRIPT

None.

Respectfully Submitted,
Riley Millard
Recording Secretary

Meridian Township



Location Map

1. ZBA #19-02-27-1 (Sherman)



VARIANCE APPLICATION SUPPLEMENT

A variance will be granted, if the following Review Criteria are met:

1. 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.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.
4. 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.
5. 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.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. 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.
8. Granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter.



To: Zoning Board of Appeals
From: Justin Quagliata, Assistant Planner
Date: February 21, 2019
Re: ZBA Case No. #19-02-27-1 (Sherman)

ZBA CASE NO.: 19-02-27-1 (Sherman), 1282 Mizzen Drive, Okemos, MI 48864
LOCATION: 6425 E. Reynolds Road
PARCEL ID: 02-151-031
ZONING DISTRICT: RB (Single Family-High Density), Lake Lansing Overlay

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

- Section 86-442(f)(5)(c), Rear yards. The rear yard setback shall be consistent with requirements of the underlying zoning district, except the rear yard setback for those lots that directly abut Lake Lansing shall be measured from the ordinary high-water mark of Lake Lansing as defined in Section 86-2.

Steve and Colleen Sherman, the applicants, are proposing to construct a building addition to an existing single family house (approximately 1,400 square feet in size) at 6425 E. Reynolds Road. The approximately 0.189 acre (8,253.3 square feet) subject property is zoned RB (Single Family-High Density) and is located in the Lake Lansing Residential Overlay District.

The existing house was built in 1940 and is considered nonconforming because it does not meet the 20 foot front yard setback or the 30 foot rear yard setback. A variance was granted in 1984 (ZBA #84-10-10-6) to construct a second-story addition to the nonconforming house. In 1991 a building permit (Permit Number 21272) was issued for the construction of a 24 foot by 24 foot accessory structure (two-car garage).

The applicant intends to construct a single-story addition to the house, which measures 25 feet in width by 34 feet in length (850 square feet). The proposed addition at its closest point would encroach six feet into the required 30 foot rear yard setback.

The proposed building addition will connect the existing house on the west side of the property with a detached garage on the east side of the property. The garage at its closest point is 5.8 feet from the east (side) lot line, meeting the minimum five foot side yard setback for accessory buildings. The garage will be part of the principal structure if connected with the proposed addition, and therefore will be subject to the principal structure setback requirements of the Lake Lansing Residential Overlay District. The garage will be considered nonconforming if it becomes part of the house because it does not meet the 30 foot rear yard setback. If the proposed addition is not connected to the garage a minimum of 10 feet of separation would be required between the addition (house) and the detached garage.

ZBA Case No. 19-02-27-1 (Sherman)
Zoning Board of Appeals (February 27, 2019)
Page 2

Per Section 86-442(f)(5)(b)(1), any portion of a residential dwelling setback less than seven feet from a side lot line must be built with noncombustible materials or treated with an approved fire retardant with a minimum one-hour fire rating. The proposed replacement building materials for the east wall of the garage will be reviewed as part of the building permit if the variance for the addition is approved.

For lots that directly abut Lake Lansing the rear yard setback is measured from the ordinary high-water mark. The existing single family house is located 18 feet at its closest point from the ordinary high-water mark of Lake Lansing. The applicant intends to construct the new building addition at its closest point 24 feet from the ordinary high-water mark. Therefore the applicant is requesting a variance of six feet.

Attachments

1. Variance application, dated January 31, 2019 and received by the Township on January 31, 2019.
2. Letter from the applicant, received by the Township on January 31, 2019.
3. Lot survey (existing), dated January 31, 2019 and received by the Township on January 31, 2019.
4. Lot survey showing proposed addition, dated January 31, 2019 and received by the Township on February 12, 2019.
5. Building elevations and floor plans, received by the Township on January 31, 2019.
6. Site photographs provided by the applicant, received by the Township on January 31, 2019.
7. Site location map.

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CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4560

VARIANCE APPLICATION

- A. Applicant Steve + Colleen Sherman
Address of Applicant 1282 Mizzen Dr
Okemos MI 48864
Telephone (Work) (517) 290-3436 Telephone (Home) (517) 290-3436
Fax _____ Email address: LFDSTEOC@AOL.COM
Interest in property (circle one): Owner Tenant Option Other
Potential Purchase
- B. Site address/location 6425 E Reynolds RD Haslett MI 48840
Zoning district RB Parcel number 33-02-02-151-031
- C. Nature of request (Please check all that apply):
 Request for variance(s)
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) _____

- D. Required Supporting Material Supporting Material if Applicable
-Property survey -Architectural sketches
-Legal description -Other
-Proof of property ownership or approval letter from owner
-Site plan to scale
-Written statement, which demonstrates how all the review criteria will be met (See next page)

SR Sherman Steven R Sherman 1/31/2019
Signature of Applicant Print Name Date

Fee: \$150.00 Received by/Date: Justin Quagliata 1/31/19

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)

Signature of Applicant(s) Date

Signature of Applicant(s) Date

1. As you are aware, the Lake Lansing area is unique. Being the "Land of Lakes" you would be hard pressed to find another area in Michigan this far from all but one, usable body of water. Part of the attraction and charm of any lakeside community is the variation in topography, lot size, shape and architectural style. All this makes the Lake Lansing area very desirable. While the lack of a common "grid like" structure with common lot sizes makes the area beautiful, it does create a large variety of lot shapes and sizes. Driving around the lake, you will see small cottages on large parcels of land, huge homes on postage size lots and everything in between. While each is unique in its own way, they all are identical in that the owner has created the home that allows them the ability to enjoy the areas beauty and activities. In this particular case, we have a series of lots that have been conjoined to create a lot that while desirable in its width, is at a bit of a disadvantage because of its depth. By allowing the proposed addition, the width of the land, already "post marked" by existing structures, can be utilized in a way that will satisfy our needs, without interfering in others enjoyment, just like every other parcel on the lake.

2. The depth of the lot is set by the water on one side, and the existing road on the other. The placement of the existing home and an attached garage was set by previous owners years ago. It is our desire to merely connect the two structures creating a footprint that allows for the creation of a floorplan that meets today's standards as well as the needs of our family.

3. Strict enforcement and literal interpretation of the existing zoning ordinance would prevent the construction of an addition, with sufficient square footage to include a kitchen, dining, living area and a mud room, essential to today's lifestyle, especially on a lake. Today, furniture and appliances are much larger than they were back in the day. Attempting to maintain a traffic pattern with isles wide enough to accommodate future needs including wheel chairs as we get older and the need arises becomes a significant obstacle if we can't achieve the desired footprint.

4. The lots in question reside in the RB , One family High density residential district. This district was created specifically "to achieve the same character, stability and sound residential environment as intended for the RR,RAA and RA residential districts" but on the areas smaller lots. The current home was constructed originally in 1940. The code was created in 1974, ostensibly due to officials back then recognizing that the needs of the modern family would require changes in current structures in order to remain usable in the future yet maintain the original intent of the district. Fast forward to present day 2019 where again, the needs of today's modern family are quite different than in 1974. While the legitimacy of the "Ideas and intent" of the code still apply, the variance procedure was included because even back then, they recognized that they could not see into the future. It is commonly recognized in today's society that the modern family needs more space, especially as they age and become more mobility challenged. This requires open floor plans, first floor master bedrooms and large wide openings and walkways. Restricting the proposed addition to current specified setback off the lake and roadway would require an addition too narrow to accommodate our current as well as potentially future needs.

5. It's our interpretation of the purpose and intent of this chapter that it allows as much latitude as possible to the land owner to enjoy the community and property to its fullest. That said its purpose is to also strike a balance between the use and enjoyment of the owner, with that of the other community members. Given this interpretation as well as the answers to the above criteria questions, we feel this proposed project fulfils the "spirit" of this chapter, allowing us to create our "forever home" without interfering with the use and enjoyment of the other members of the community. By simply connecting

the two structures with this proposed addition, we have created a solution that fits our needs while creating the LEAST impact on the surroundings. The proposed structure will be no closer to the road or the lakefront than the existing structures.

6. The lot in question is wide and shallow. As such and considering the existing structures are at either end of the proposed addition, the adjacent properties will not even be able to see the changes from their properties. It is our intention to make sure that the exterior fits in with the eclectic surroundings that make up the architecture and charm of the Lake Lansing area.

7. While it is certainly desirable to have an ordinance that specifies certain requirements for a given area, every lot, especially on a lake front, is going to have certain specific hurdles that need to be overcome in order to achieve both owner and community acceptance. A rigid code or ordinance cannot take into account every possible scenario, hence the creation of the variance board. It is our belief that this is one of those instances where allowing a variance is reasonable yet adheres to the "spirit" of the ordinance and overall neighborhood appeal.

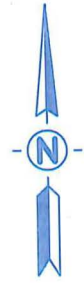
8. I believe it is both consistent with public interest, as well as the purpose and intent of this chapter to not create an undue burden on the landowner or community. The zoning board was created to take an otherwise non living document and give it the "life" it needs to serve both the needs of the land owner and community at large. Granting our zoning request not only adheres to the "spirit" of this chapter, it also illustrates that the function of the board is not one of saying "no" but rather it's function is to reasonably balance the interests of ALL concerned, the community as well as the land owner.

LOT SURVEY

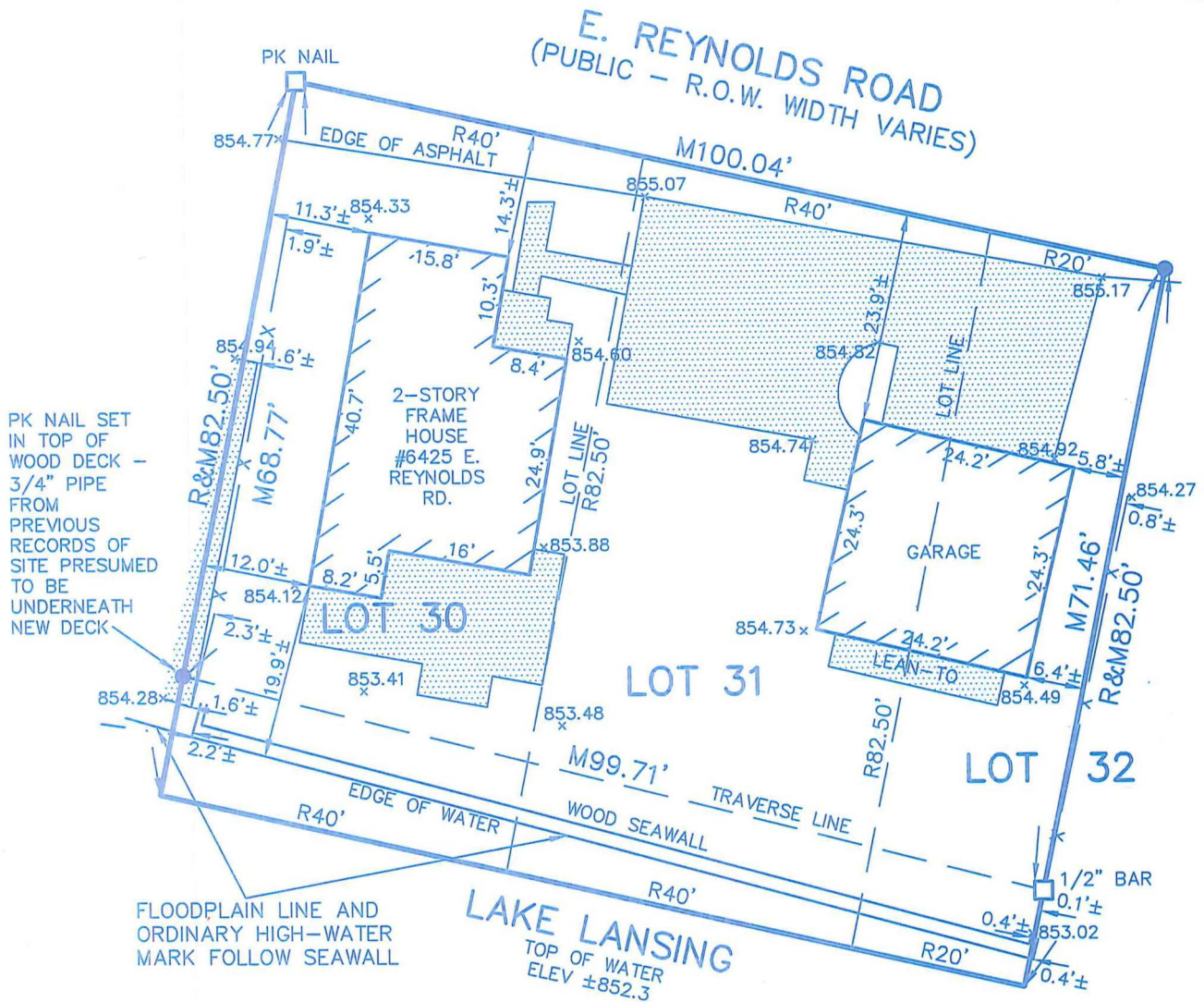
For:
 Steve Sherman
 1282 Mizzen Drive
 Okemos, MI 48864

Survey Address:
 6425 E. Reynolds Road
 Haslett, MI 48840
 ID: 33-02-02-02-151-031

Legal Description (as provided): Lots 30, 31, and the West 1/2 of Lot 32, Supervisor's Plat No. 1, Meridian Township, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 6 of Plats, Page 37, Ingham County Records.



1" = 20'



- NOTES:
1. EASEMENTS, IF ANY, NOT SHOWN
 2. TOP OF WATER ELEVATION AS MEASURED ON JANUARY 29, 2019.
 3. ALL ELEVATIONS SHOWN ARE NAVD88 DATUM.

I hereby certify only to the parties hereon that we have surveyed, at the direction of said parties, the above described lot, and that we have found or set, as noted hereon, permanent markers to all corners of said lot and that all visible encroachments of a permanent nature upon said lot are as shown on this survey. Said lot subject to all easements and restrictions of record.

- R = Recorded Distance
- M = Measured Distance
- = Distance Not to Scale
- = Deed Line
- = Set PK Nail
- = Found Iron as Noted
- ▨ = Concrete, Asphalt, Deck, and Porch
- * * = Fence
- 0.0'± = Denotes Distance to the Survey Line
- *853.41 = Spot Elevation

Erick R. Friestrom
 ERICK R. FRIESTROM
 PROFESSIONAL SURVEYOR NO. 53497
 DATE 01/31/19



KEBS, INC. KYES ENGINEERING
 BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
 PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
 PH. 269-781-9800 FAX. 269-781-9805

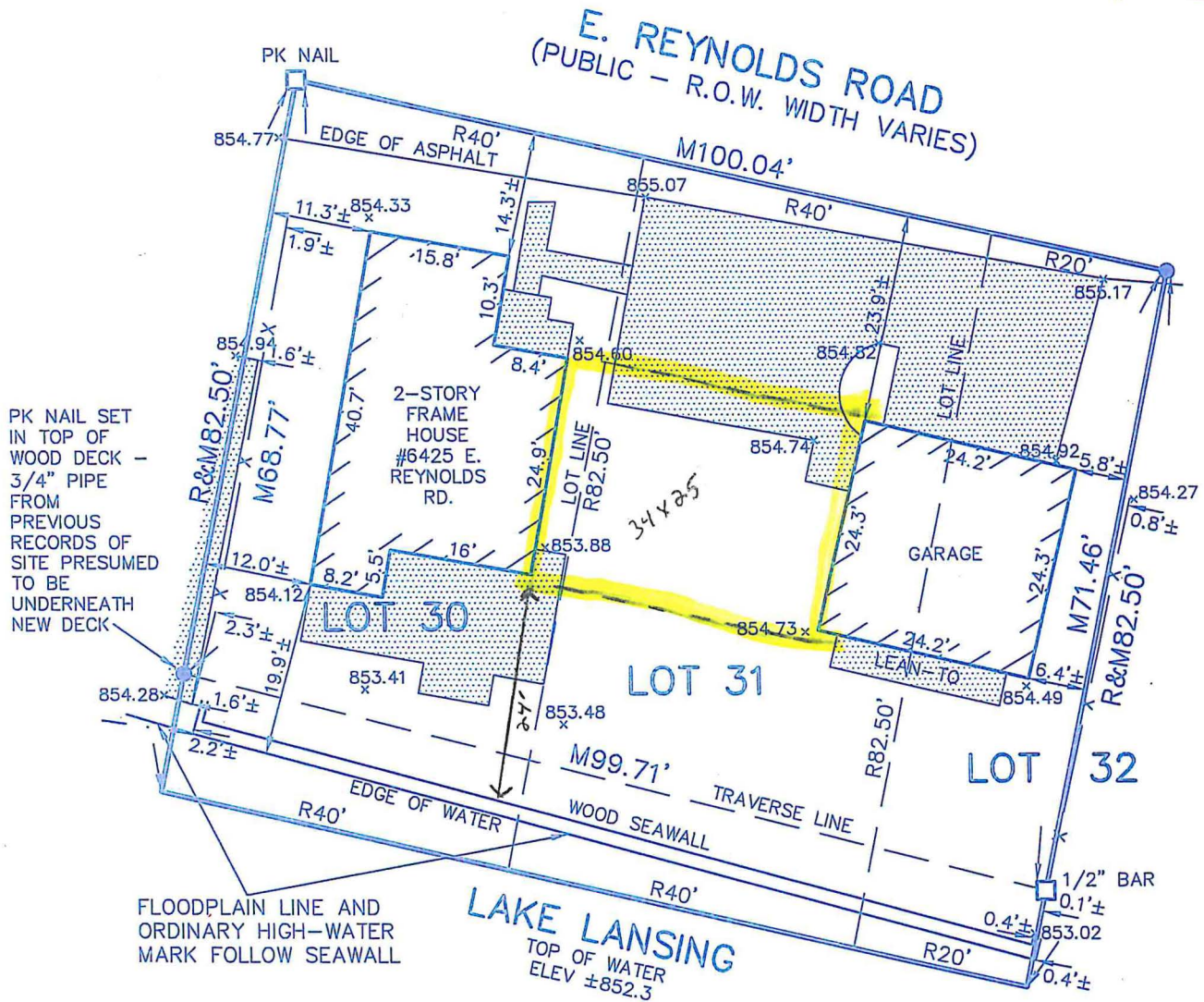
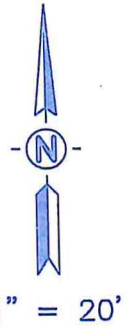
DRAWN BY SSF	SECTION 2, T4N, R1W
FIELD WORK BY NAW	JOB NUMBER:
SHEET 1 OF 1	94699.LOT

LOT SURVEY

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 1282 Mizzen Drive
 Okemos, MI 48864

Survey Address:
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 ID: 33-02-02-02-151-031

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- ▨ = Concrete, Asphalt, Deck, and Porch
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- 0.0'± = Denotes Distance to the Survey Line
- *853.41 = Spot Elevation

Erick R. Friestrom
 ERICK R. FRIESTROM
 PROFESSIONAL SURVEYOR
 01/31/19
 DATE
 NO. 53497

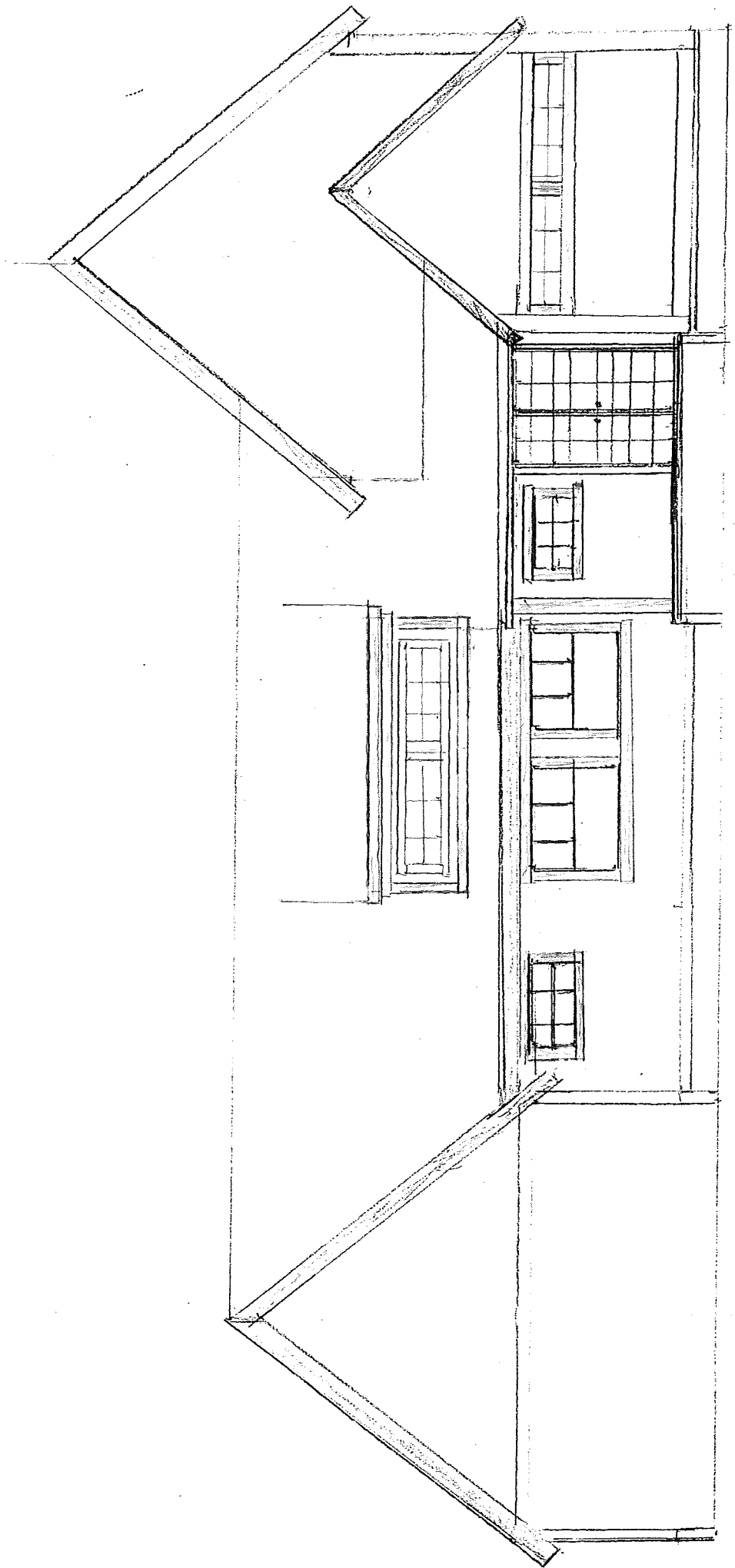
KEBS, INC. KYES ENGINEERING
 BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
 PH. 517-339-1014 FAX. 517-339-8047

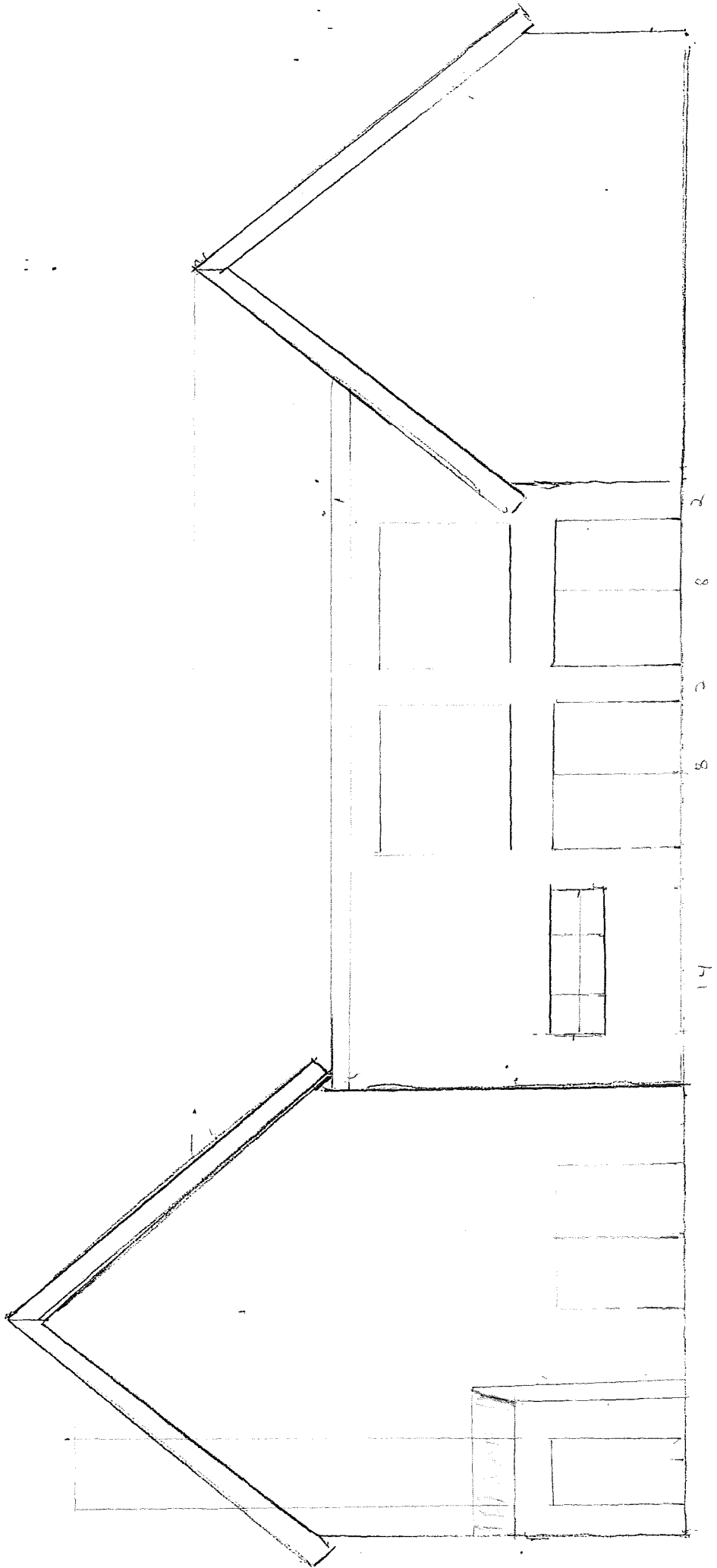
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 PH. 269-781-9800 FAX. 269-781-9805

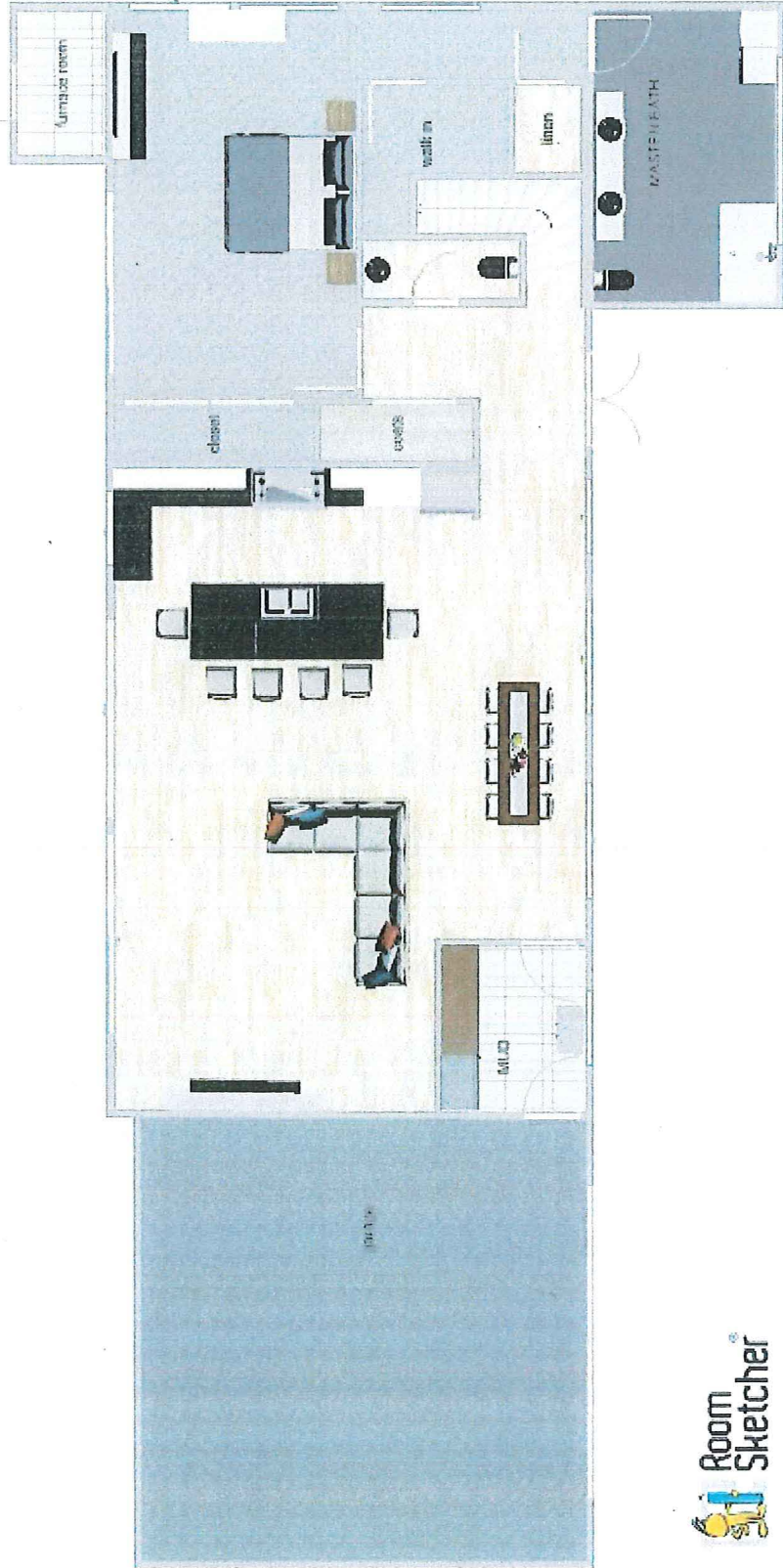
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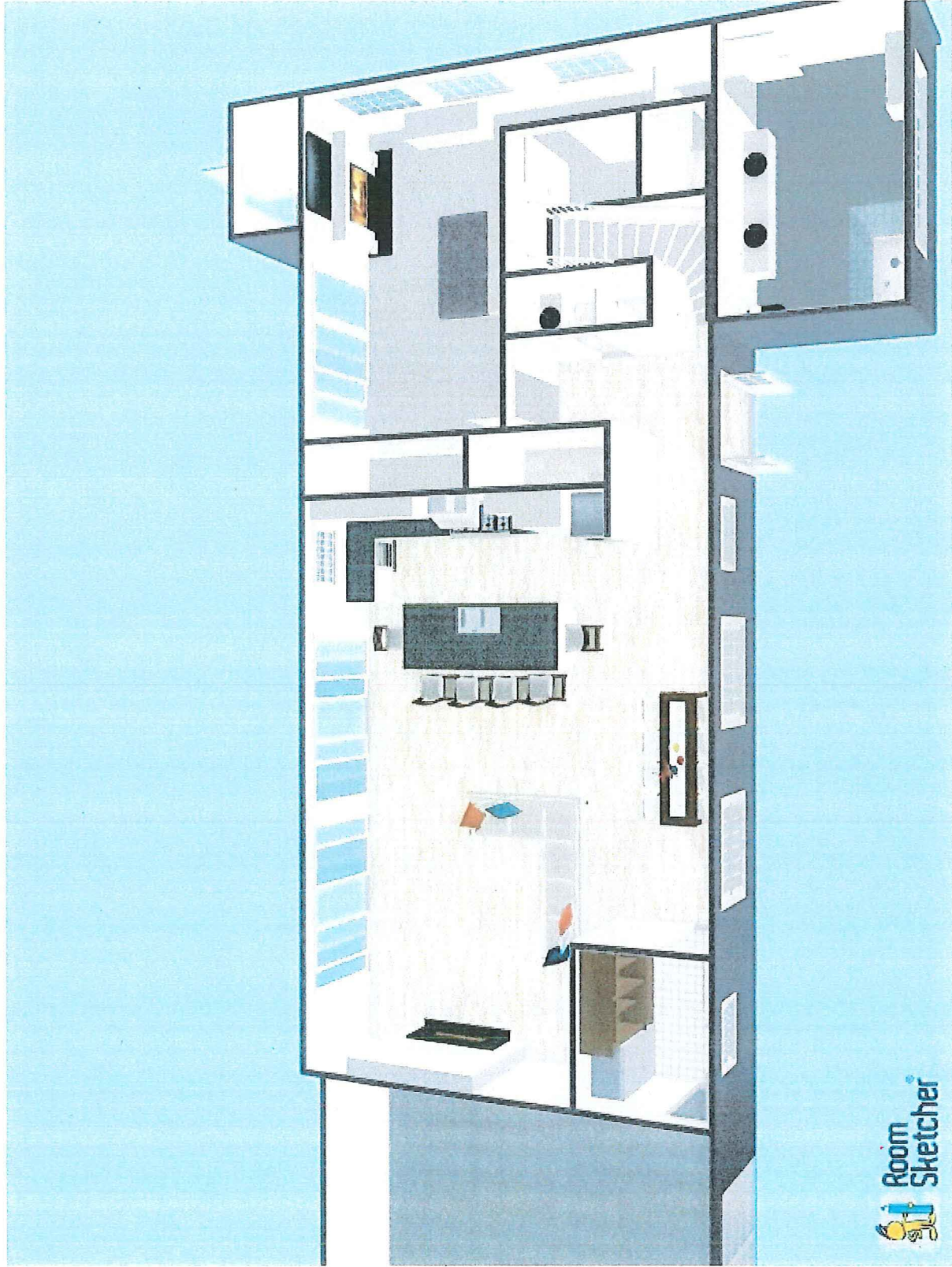
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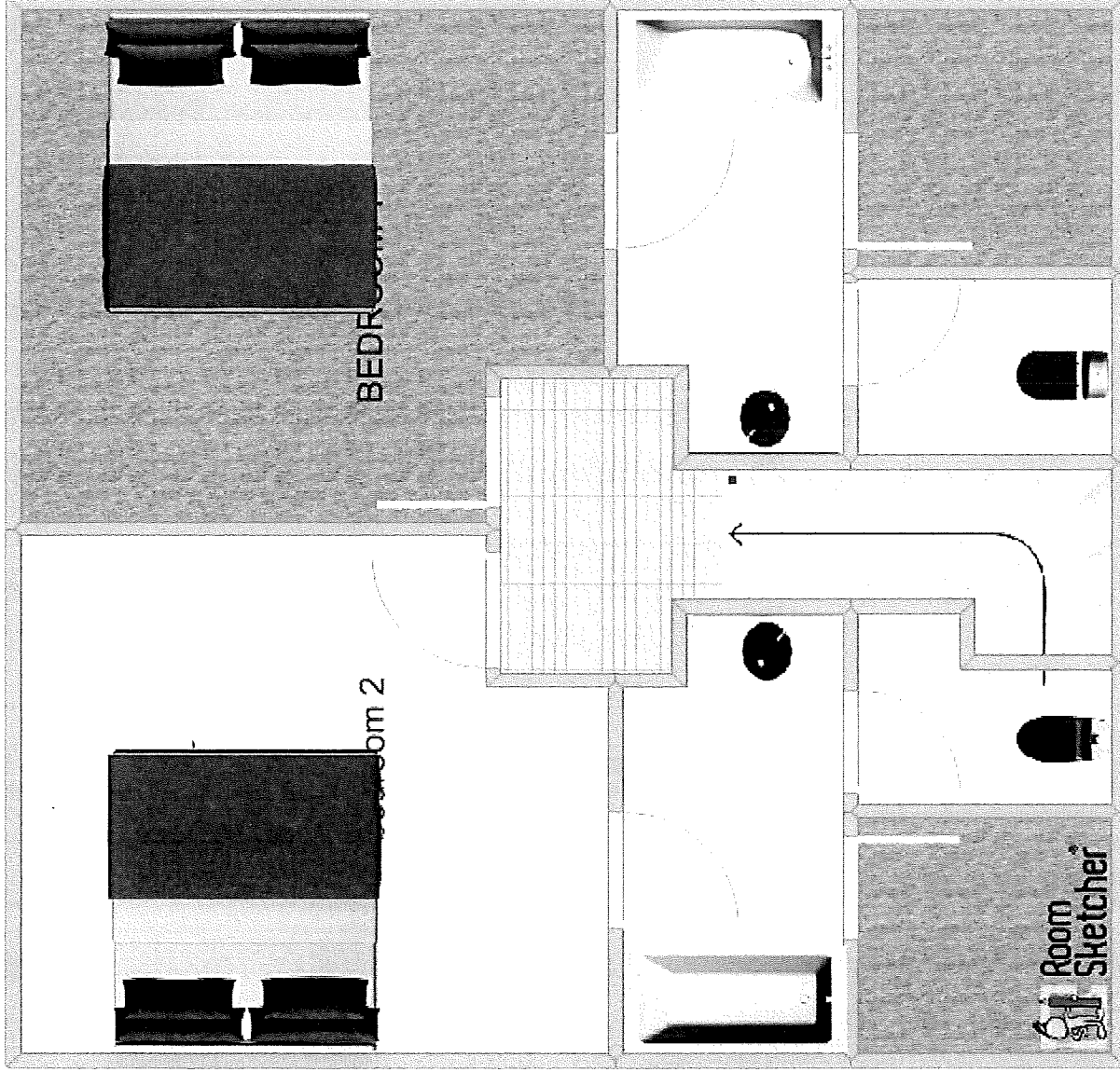


Concept









6425 E Reynolds Rd
Meridian Charter Township, Michigan
[View on Google Maps](#)



Google

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Lake Lansing

