

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES **APPROVED**
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, February 27, 2019 6:30 PM
TOWN HALL ROOM**

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

1. CALL MEETING TO ORDER

Vice Chair Mansour called the meeting to order at 6:30 pm.

2. APPROVAL OF AGENDA

MEMBER DESCHAIINE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, January 9, 2019.

MEMBER FIELD-FOSTER MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, JANUARY 9, 2019.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried 4-0 (Member Shafer Abstaining)

4. COMMUNICATIONS

None.

5. UNFINISHED BUSINESS

None.

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.

Assistant Planner Quagliata outlined the case for discussion.

Vice Chair Mansour asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals (ZBA).

Mr. Steve Sherman, the applicant, 1282 Mizzen Drive, Okemos, stated the single-story addition would connect the existing house and detached garage on the property.

Member Field-Foster asked if the applicant was the current owner of the property and if any neighbors of the property had been contacted.

Mr. Sherman stated that he was not the current owner and some neighbors had been contacted and were present to give comments.

Vice Chair Mansour opened the floor for public comments.

Sue Lohman, 6426 Reynolds Road, Haslett, stated concerns over the impact the proposed addition may have on storm water runoff onto her property.

Member Field-Foster asked if drainage issues would occur on surrounding properties as a result of the proposed addition.

Director Kieselbach responded the property owner would be required to control storm water on their property as to not impact surrounding properties, which is reviewed as part of the building permit process.

Member Field-Foster asked if the drainage concerns would be addressed before reconstructing the east wall of the garage with required fire-retardant materials if the variance is approved.

Director Kieselbach responded modifications to the east wall of the garage, drainage review, and a soil erosion permit would be completed during the building permit process.

Vice Chair Mansour closed the floor for public comments.

Member Shafer asked if the homes to the surrounding the property had been built directly abutting the seawall and if that was relevant to the current variance request.

Assistant Planner Quagliata responded adjacent houses may have been built closer to the seawall, but it was not relevant to the current request.

Vice Chair Mansour stated there were nonconforming houses in the Lake Lansing Overlay District because of the newer codes and the adjacent houses cannot be considered when deciding this variance request.

Member Deschaine stated the properties on Lake Lansing are unique and there are cases of nonconformity where variances were needed to make improvements to the properties.

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 most of the lots in the area are similarly sized and this instance would not be a unique circumstance.

Member Lane read review criteria two which states these special circumstances are not self created. He stated this criteria could be met.

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 house could be used for single-family purposes without the variance.

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. He stated the current house can be used for its permitted 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 noted the concerns from an adjacent property owner of the impact the variance could have.

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 variance would change the look of the property and could impact adjacent properties.

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 modification of the overlay district standards were not necessary.

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 request failed to meet other criteria, so criteria eight was also not met.

Member Mansour agreed there were no unique circumstances that existed to meet criteria one.

Member Deschaine agreed review criteria one was not met.

MEMBER LANE MOVED TO DENY THE VARIANCE REQUEST BASED ON THE INABILITY TO MEET REVIEW CRITERIA ONE OF SECTION 86-221 OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER DESCHAINED.

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

NO:
Motion carried unanimously

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

Member Deschaine stated he will be stepping down from the Zoning Board of Appeals (ZBA) and Township Board Trustee, Courtney Wisinski, will be taking his role.

10. ADJOURNMENT

Meeting adjourned at 7:06 pm.

11. POST SCRIPT

Member Ken Lane.

Respectfully Submitted,
Riley Millard
Recording Secretary