



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
May 8, 2019 6:30 pm

1. CALL MEETING TO ORDER*
2. APPROVAL OF THE AGENDA
3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
 - A. Wednesday, April 24, 2019
4. COMMUNICATIONS
 - A. Vance and Carrie Boyd RE: ZBA #19-05-08-1
5. UNFINISHED BUSINESS
6. NEW BUSINESS

A. ZBA CASE NO. 19-05-08-1 (Fouty), 6220 Hilltop Court, Bath, MI, 48808

LOCATION: 119 and 131 Sherwood Road
PARCEL ID: 24-477-012 and 24-477-013
ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-368(d)(1), Minimum lot area. No lot shall hereafter be subdivided to provide less than 40,000 square feet of lot area.
- Section 86-368(d)(2), Minimum lot width: 200 feet.

The applicant is requesting variances to split a parcel that does not meet the requirements for minimum lot area and minimum lot width of the RR (Rural Residential) zoning district at 119 and 131 Sherwood Road.

7. OTHER BUSINESS
8. PUBLIC REMARKS
9. BOARD MEMBER COMMENTS
10. ADJOURNMENT
11. POSTSCRIPT – NO POST SCRIPT

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, April 24, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members Field-Foster, Lane, Mansour, Shafer
ABSENT: Member Wisinski
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 pm.

2. APPROVAL OF AGENDA

MEMBER FIELD-FOSTER MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, April 10, 2019.

MEMBER MANSOUR MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, APRIL 10, 2019.

SECONDED BY CHAIR BEAUCHINE.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

None.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 19-04-24-1 (Sveller), 8257 Corunna Road, Flint, MI, 48532

LOCATION: 1710 Lake Lansing Road
PARCEL ID: 10-202-022
ZONING DISTRICT: RB (Single Family-High Density)

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

- Section 86-565(1), which states, no accessory building shall project into a front yard.

The variance request is to construct an accessory building that would project 34 feet into the front yard at 1710 Lake Lansing Road.

Assistant Planner Quagliata outlined the case for discussion. He noted the Zoning Board of Appeals (ZBA) may consider including a condition the driveway for the accessory building be on Greenman Street if the variance was granted.

Chair Beauchine asked the applicant if they would like to address the ZBA.

Mr. Rick Sveller, the applicant, 1710 Lake Lansing Road, Haslett MI 48840, stated the purpose of the accessory building (garage) was for additional storage and vehicles.

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

Member Field-Foster asked the applicant on what side of the building would the garage door be located.

Mr. Sveller clarified the garage door would be placed facing Greenman Street.

Member Mansour asked the applicant if he had spoken to any neighbors about the proposed accessory building.

Mr. Sveller stated he had talked to the neighbors to the east and to the west across Greenman Street. Both neighbors were in support of the proposed garage.

Member Mansour asked if size of the garage was intended to be similar to the existing house.

Mr. Sveller stated the design of the garage would be similar to the house and the rooflines would match.

Assistant Planner Quagliata noted the maximum height for an accessory building is 15 feet. The building height would have to be verified at the time of the building permit.

Chair Beauchine stated he appreciated the fact the building was place as far back from Lake Lansing Road as possible.

Member Shafer asked staff if there were any other options for placing the accessory building on the lot.

Assistant Planner Quagliata noted the applicant could attach the garage to the house, but the garage then would not meet the 30 foot rear yard setback.

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 property has two front yards and does not have a garage.

Member Lane read review criteria two which states these special circumstances are not self created. He stated this criteria was 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 noted having a garage for storage and a place for vehicles in the winter is consistent with a residential use.

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 the size of the house alone doesn't allow for storage.

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 proposed garage would be constructed in the best location on the site.

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 noted the ZBA had not received any comments 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 the property and situation was unique.

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 this criteria was met.

MEMBER LANE MOVED TO APPROVE THE VARIANCE WITH THE CONDITION ACCESS TO THE GARAGE BE OFF OF GREENMAN STREET.

SECONDED BY MEMBER MANSOUR.

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

NO:
Motion carried unanimously 5-0

B. ZBA CASE NO. 19-04-24-2 (Meridian Township Public Works and Engineering Department), 5151 Marsh Road, Okemos, MI, 48864

LOCATION: 5191 Meridian Road
PARCEL ID: 13-426-001
ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-756(7), Curb and gutter. Concrete curb and gutter shall be required in order to control stormwater flow from the parking area and in order to protect landscaped areas such as landscape islands and other plantings.

The variance request is to waive the installation of curb and gutter to expand the existing parking lot at North Meridian Road Park, including adding a second driveway to Meridian Road at 5191 Meridian Road.

Assistant Planner Quagliata outlined the case for discussion.

Chair Beauchine asked the applicant if they would like to address the Zoning Board of Appeals (ZBA).

Ms. Jane Greenway, Meridian Township Senior Parks and Land Management Coordinator, 2100 Gaylord C. Smith Court, East Lansing, MI 48823, on behalf of the applicant, stated the existing parking lot does not have curb and gutter. She noted the additional parking would help accommodate park events.

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

Chair Beauchine noted the need for additional parking. He stated there was no storm sewer in this area and sheet drainage may be the best design.

Member Shafer stated the added parking would improve safety for those attending events at the park.

Member Mansour asked why there were only two barrier free parking spaces.

Ms. Greenway noted there were additional barrier free parking spaces near the restrooms.

Assistant Planner Quagliata stated the applicant would be required to provide barrier free parking spaces in compliance with the American with Disabilities Act (ADA).

Chair Beauchine asked if a gate would be installed at the new driveway.

Ms. Greenway stated a gate would be installed.

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 added the current overflow parking was dangerous.

Director Kieselbach noted the variance request was for waiving the curb and gutter requirement.

Member Mansour asked if the applicant installed curb and gutter would it be required for the existing parking lot and the new parking lot.

Director Kieselbach stated the ordinance requires new parking lots be built with curb and gutter to control the flow of stormwater and protect landscaping. He stated if the applicant could show they could control the flow of stormwater without the curb and gutter the variance could be granted. He noted the submitted plans show water flowing to the center of the parking lot then sheet drained across the parking lot to the grass area to the west.

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 topography of the site and the greenspace surrounding the parking areas would accommodate water runoff.

Member Lane read review criteria two which states these special circumstances are not self created. He stated this criteria was 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 noted requiring curb and gutter would result in practical difficulties because the applicant demonstrated stormwater could be controlled without curb and gutter.

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 it was permissible to have parking on the site and the stormwater is already being managed in an environmentally conscious way for the existing 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 noted the request is similar to the existing parking lot that does not have curb gutter.

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 this criteria was met.

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 noted the applicant could control stormwater without curb and gutter.

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 this criteria was met.

MEMBER LANE MOVED TO GRANT THE VARIANCE FOR MEETING ALL REVIEW CRITERIA FROM SECTION 86-221 OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER SHAFER.

Member Mansour stated she has full faith the Township departments have designed the parking lot so the landscape and greenspace is protected as much as possible.

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

NO:

Motion carried unanimously 5-0

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

Chair Beauchine opened the floor for public remarks.

Ms. Jane Greenway, Meridian Township Senior Parks and Land Management Coordinator, 2100 Gaylord C. Smith Court, East Lansing, MI 48823, announced May 18, 2019 is "Love a Park Day."

Chair Beauchine closed public remarks.

9. BOARD MEMBER COMMENTS

Member Mansour apologized to the ZBA for missing the April 10, 2019 meeting.

10. ADJOURNMENT

Meeting adjourned at 7:07 pm.

11. POST SCRIPT

Member Monique Field-Foster.

Respectfully Submitted,
Riley Millard
Recording Secretary

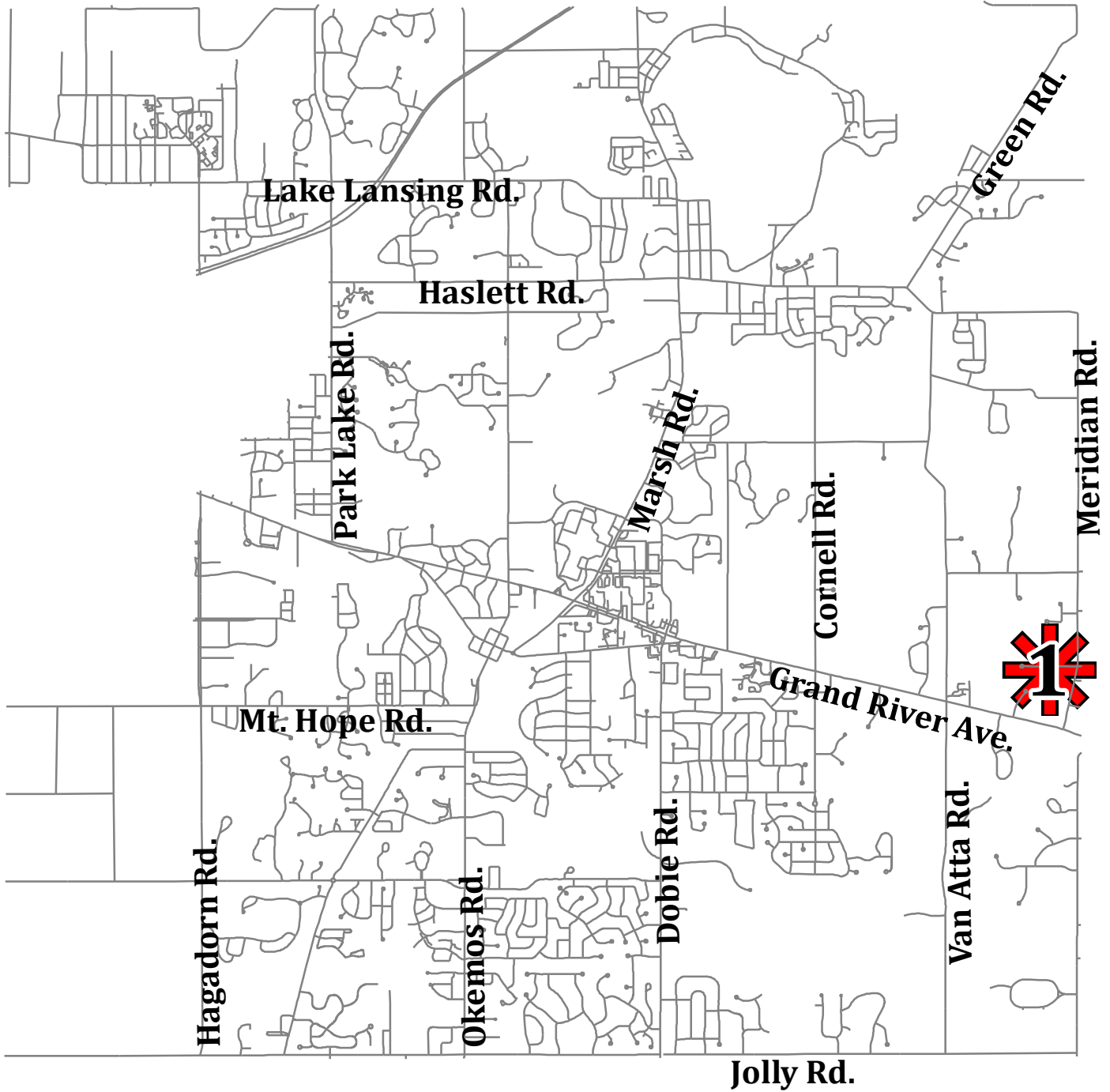
Justin Quagliata

From: Vance Boyd <vanceb90@mail.com>
Sent: Saturday, April 20, 2019 9:17 AM
To: Justin Quagliata
Subject: #19-05-08-1 (Fouty)

I object to the splitting of 119 and 131 W. Sherwood Road per the above variance request. It is not in keeping with the RR zoning of all the properties on the street, including mine. It will also decrease the value of the other RR zoned homes on this short dead-end street by degrading the value of the large property sites enjoyed by the others. It would allow for much smaller homes that may not meet minimum square foot requirements for RR zoned property. There is also no water or sewer service available to such a small site. It would increase traffic load on a small dead-end street that is intermittently plowed in winter. It would also set precedent for RR zoned properties not only on this street but other RR zoned properties off Meridian Road.

Vance and Carrie Boyd
88 West Sherwood Road
Okemos, Mich 48864

Meridian Township



Location Map

1. ZBA #19-05-08-1 (Fouty)



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: Mark Kieselbach, Director of Community Planning and Development
Justin Quagliata, Assistant Planner
Date: May 2, 2019
Re: ZBA Case No. #19-05-08-1 (Fouty)

ZBA CASE NO.: 19-05-08-1 (Fouty), 6220 Hilltop Court, Bath, MI 48808
LOCATION: 119 and 131 Sherwood Road
PARCEL ID: 24-477-013 and 24-477-012
ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-368(d)(1), Minimum lot area. No lot shall hereafter be subdivided to provide less than 40,000 square feet of lot area.
- Section 86-368(d)(2), Minimum lot width: 200 feet.

Marvin Fouty, the applicant and the representative for the owners of 119 and 131 Sherwood Road, is proposing to realign the lot line between 131 Sherwood Road (Lot 12) and 119 Sherwood Road (Lot 13) of the Sherwood Hills subdivision. The subject properties are zoned RR (Rural Residential) and are located on the south side of Sherwood Road, west of Meridian Road.

The Sherwood Hills subdivision was platted in 1952 with 21 lots. Lots 12 and 13 were platted with 125 feet of width on Sherwood Road and 46,743.75 square feet in lot area. At the time the zoning district was F-Agricultural and the ordinance required newly created parcels to have a minimum 100 feet of lot width and a minimum 21,730 square feet of lot area. Both lots were created in conformance with the zoning ordinance at the time. The zoning district was changed to RR (Rural Residential) in 1960. The RR zoning district requires a minimum lot width of 200 feet and a minimum lot area of 40,000 square feet.

In 1994 the property owner of both Lots 12 and 13 received a variance (ZBA #94-07-13-2) to reconfigure the common lot line between the lots. At the time Lot 13 was undeveloped and the existing house on Lot 12, when built in 1956, encroached eight feet onto Lot 13. Granting the variance allowed the applicant to split a portion of Lot 13, 27.5 feet in width and 200 feet in length (5,500 square feet) around the existing house and pool and combine it with Lot 12. The variance resulted in Lot 12 containing 52,243.75 square feet of lot area and Lot 13 containing 41,243.75 square feet of lot area. Both parcels retained 125 feet of lot width.

ZBA Case No. 19-05-08-1 (Fouty)
Zoning Board of Appeals (May 8, 2019)
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The submitted survey indicates the proposed split would keep the existing structures on both lots in compliance with the 20 foot side yard setback. The applicant is proposing to split 27.5 feet along the entire length of the west property line of Lot 13, which would result in Lot 13 containing 97.5 feet of lot width and 36,460.125 square feet of lot area. Lot 12 would have 152.5 feet of lot width and 57,027.375 square feet of lot area.

The RR zoning district requires a minimum lot width of 200 feet and a minimum lot area of 40,000 square feet. With a proposed lot width of 152.5 feet a 47.5 foot variance is being requested for Lot 12. With a proposed lot width of 97.5 feet and a proposed lot area of 36,460.125 square feet a 102.5 foot variance for lot width and a 3,539.875 square foot variance for lot area is being requested for Lot 13.

If the Zoning Board of Appeals approves the request, staff recommends the following condition:

- The property resulting from the spilt of Lot 13 shall be combined with Lot 12.

Attachments

1. Variance application dated April 10, 2019 and received by the Township on April 11, 2019.
2. Letter from the applicant received by the Township on April 11, 2019.
3. Lot survey dated April 10, 2019 and received by the Township on April 11, 2019.
4. Visual aids prepared by staff.

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

VARIANCE APPLICATION

A. Applicant Marvin Fouty, Professional Surveyor
Address of Applicant 6220 Hilltop Ct.
Bath, MI 48808
Telephone (Work) 517 915-8900 Telephone (Home) same
Fax _____ Email address: MFFOUTY@gmail.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 119 & 131 W. Sherwood, Okemos, MI, 48864
Zoning district RR Parcel number 33-02-02-24-477-012
33-02-02-24-477-013

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)

Marvin Fouty Marvin Fouty 4-10-2019
Signature of Applicant Print Name Date

Fee: \$ 150.00 Received by/Date: Justin Quagliata 4/11/19

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.)

Marvin Fouty 4/11/2019
Signature of Applicant(s) Date

Signature of Applicant(s) Date

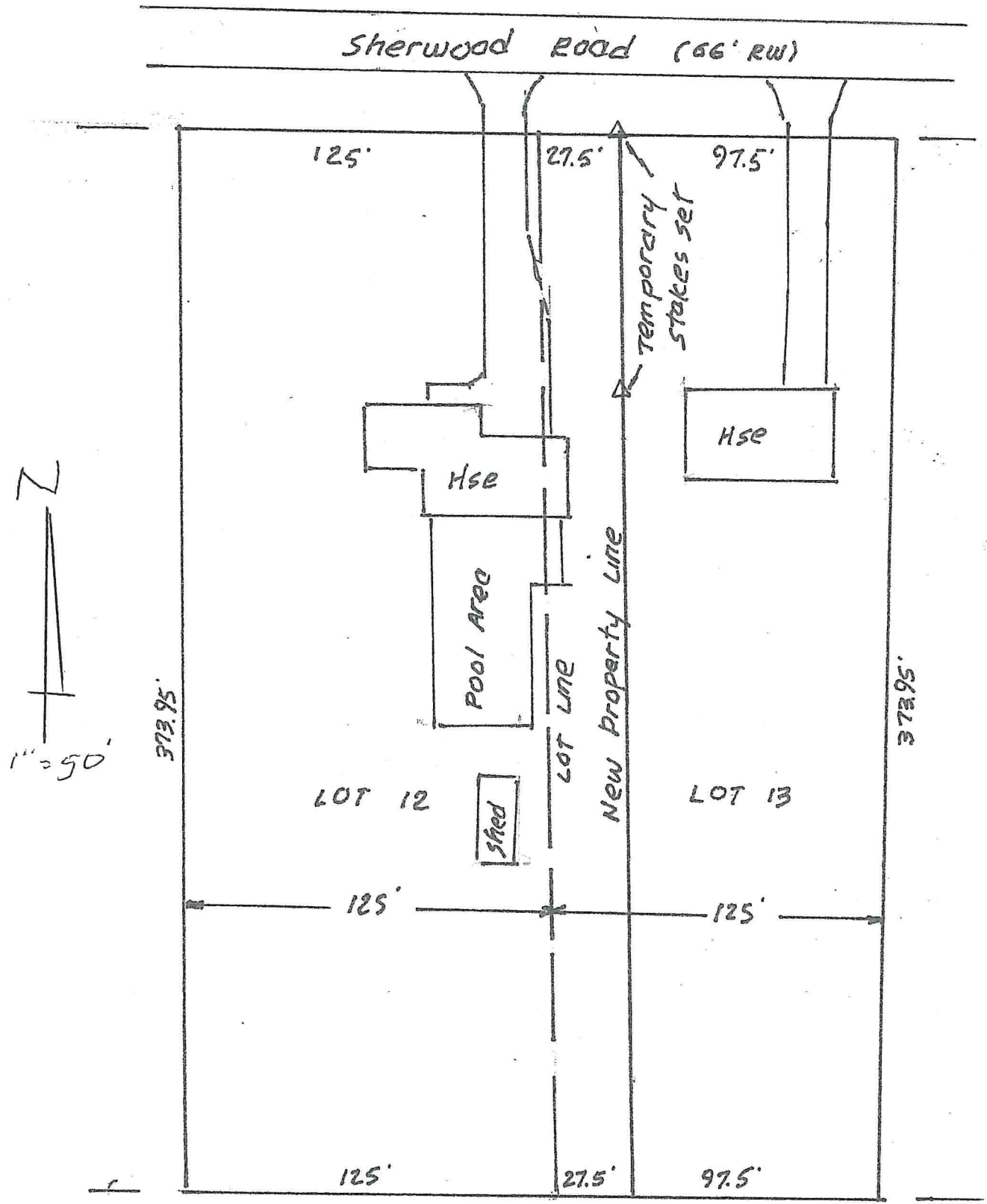
Supplemental Criteria from the Variance Application

- No. 1 Unique circumstances exist (house over the property line) that are peculiar to this situation
- No. 2 The situation was self created, but the circumstances are that the owner of both lots 12 and 13 at the time did not foresee separating the lots. Times change and that situation no longer exists.
- No. 3. Inherent practical difficulties, i.e., the continuation of the existing situation would result from enforcement of the literal terms of the ordinance.
- No. 4 A failure to grant the variance would unreasonably prevent the owner from selling the house with clear title.
- No. 5 Granting a variance and conveying the West 27.5 feet of Lot 13 is the minimal action that will make possible the use of the land in a manner with is not contrary to the public interest and would comport with the spirit of the zoning ordinance, etc.
- No. 6 Granting this variance will not adversely affect adjacent land or the character of the neighborhood.
- No. 7 A formulation of a general regulation based on this situation is not practicable.
- No. 8 Granting the variance will be generally consistent with the public interest and the intent of the ordinance.

Survey for Proposed Lot Split

For: Douglas Kocsis and Janet Hunt

Address: 119 & 131 W. Sherwood Rd., Okemos, Mi. 48864



Marvin Fouty, P.S.
6220 Hilltop Court, Bath, Mi. 48808
Tel. 517 915 8900 Mffouty@gmail.com

Sheet 1 of 2

4-10-19

1" = 50'



Marvin Fouty

Survey for Proposed Lot Split

For: Douglas Kocsis and Janet Hunt

Address: 119 & 131 W. Sherwood Rd., Okemos, Mi. 48864

Current Property Data

Address: 131 W. Sherwood Rd., Parcel No. 33-02-02-24-477-012 – 1.07 acres
Property Description: Lot 12 SHERWOOD HILLS SUBDIVISION, Part of the SE ¼, Section 24, T4N, R1W, Meridian Township, Ingham County, Michigan according to the plat recorded in Liber 16, Page 26, Ingham County Records.

Address: 119 W. Sherwood Rd., Parcel No. 33-02-02-24-477-013 – 1.07 acres
Property Description: Lot 13 SHERWOOD HILLS SUBDIVISION, Part of the SE ¼, Section 24, T4N, R1W, Meridian Township, Ingham County, Michigan according to the plat recorded in Liber 16, Page 26, Ingham County Records.

Proposed Property after Variance and Conveyance of the West part of Lot 13 to Lot 12

Property Description - Conveyance Parcel – 0.24 acres
The West 27.5 feet of Lot 13 SHERWOOD HILLS SUBDIVISION, Part of the SE ¼, Section 24, T4N, R1W, Meridian Township, Ingham County, Michigan according to the plat recorded in Liber 16, Page 26, Ingham County Records.

Address: 131 W. Sherwood Rd., Parcel No. 33-02-02-24-477-012 – 1.31 acres
Property Description: Lot 12 and the West 27.5 feet Lot 13 SHERWOOD HILLS SUBDIVISION, Part of the SE ¼, Section 24, T4N, R1W, Meridian Township, Ingham County, Michigan according to the plat recorded in Liber 16, Page 26, Ingham County Records.

Address: 119 W. Sherwood Rd., Parcel No. 33-02-02-24-477-013 – 0.83 acres
Property Description: Lot 13 Except the West 27.5 feet thereof, SHERWOOD HILLS SUBDIVISION, Part of the SE ¼, Section 24, T4N, R1W, Meridian Township, Ingham County, Michigan according to the plat recorded in Liber 16, Page 26, Ingham County Records.

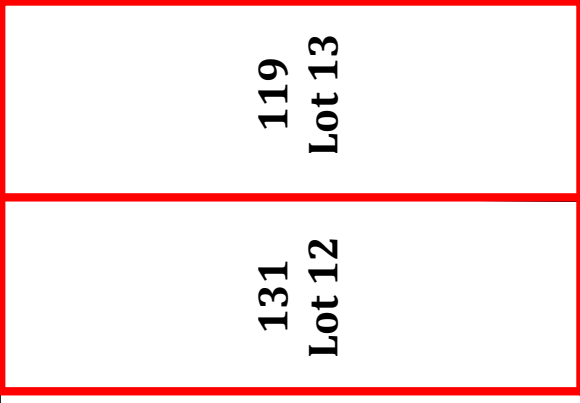
Marvin Fouty, P.S.
6220 Hilltop Court, Bath, Mi. 48808
Tel. 517 915 8900 Mffouty@gmail.com

Sheet 2 of 2

4-10-19

Sherwood Rd

Platted Property Line



**131
Lot 12**

**119
Lot 13**



Sherwood Rd

RR

Current Property Line

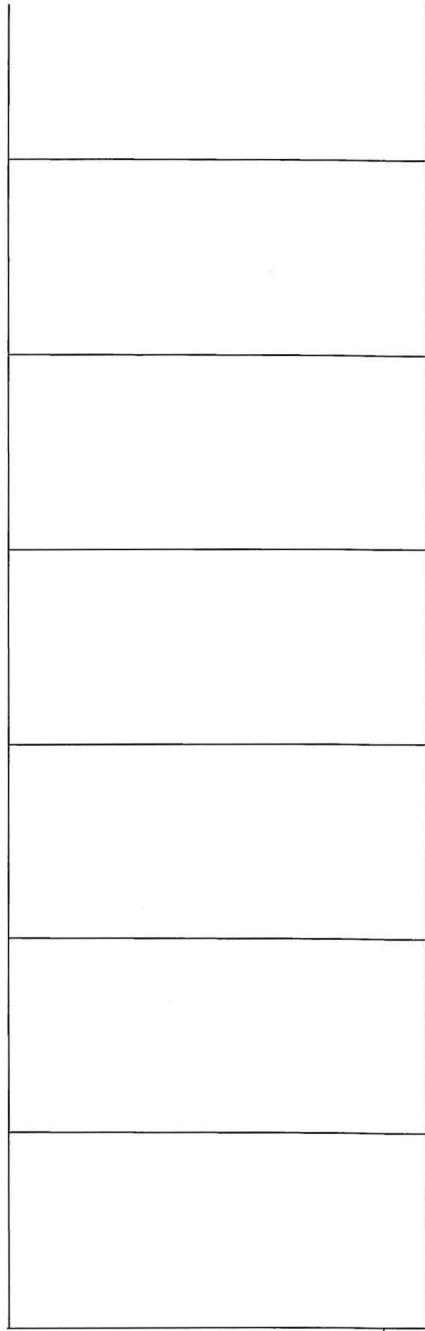
119

Lot 13

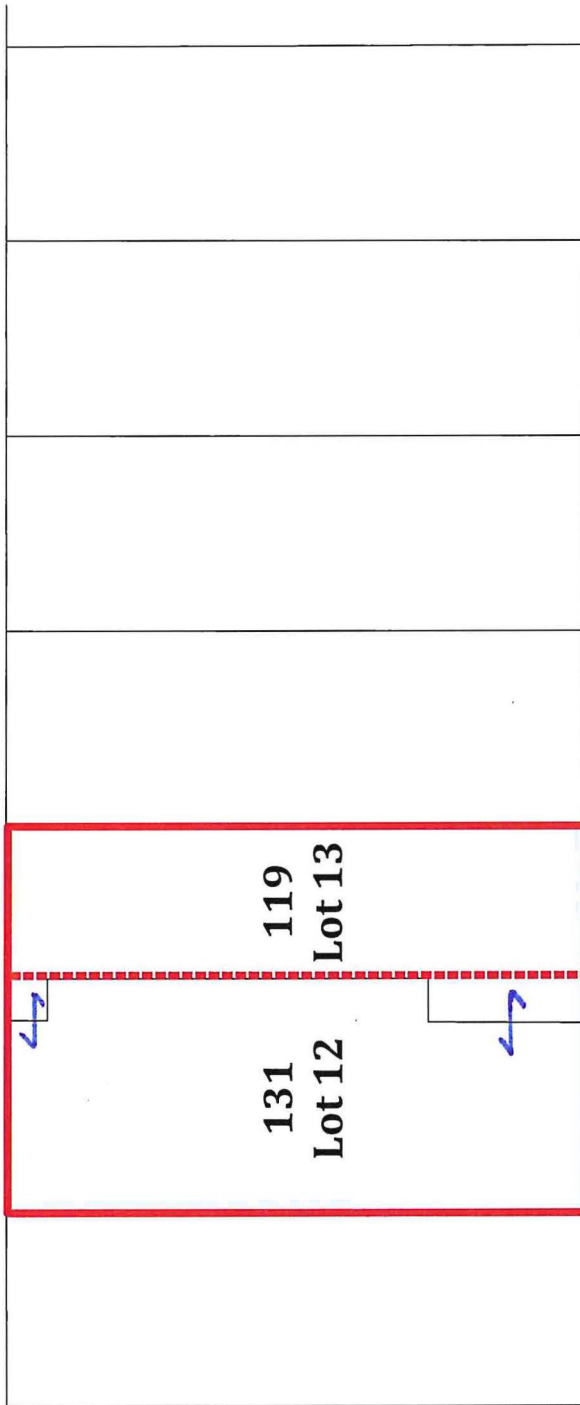
131

Lot 12





Sherwood Rd



131
Lot 12

119
Lot 13

RR

Proposed Property-Line

