

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JUNE 12, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members, Lane, Mansour, Field-Foster, Wisinski
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 WISINSKI.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, May 22, 2019.

MEMBER MANSOUR MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, MAY 22, 2019.

SECONDED BY MEMBER WISINSKI.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

None.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 19-06-12-1 (Miller), 5411 Marsh Road, Haslett, MI, 48840

LOCATION: 5411 Marsh Road
PARCEL ID: 15-251-001
ZONING DISTRICT: RA (Single Family-Medium Density)

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

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

- Section 86-754, which states, parking on nonpaved open space is prohibited. Parking in driveways is prohibited, except in one-family residential districts. In one-family residential districts, no motor vehicle parking space shall be provided in the front yard, except on a paved or gravel driveway that occupies no more than 35% of the total area of the front yard.

The variance requests are to construct an accessory building that would project into the front yard and to exceed the maximum front yard driveway coverage at 5411 Marsh Road.

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. Glenn Miller, the applicant, 5411 Marsh Road, Haslett, indicated he did not have anything to add.

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

Member Wisinski stated it appeared there was 15 feet between the pool and the proposed garage.

Assistant Planner Quagliata stated that was correct.

Member Wisinski asked the applicant why the proposed garage could not be moved back five feet.

Mr. Miller stated the reason the garage was not moved back five feet was if lawn furniture was placed in that area there would be less than two feet of area. He wanted the garage closer to the existing driveway to reduce the amount of new driveway.

Member Wisinski asked staff what constituted a driveway.

Assistant Planner Quagliata stated any surface that allowed vehicles to access the site such as gravel, asphalt, or concrete.

Chair Beauchine asked staff why the ordinance considered gravel impervious surface. He stated it seemed the reason the ordinance did not want 100 percent front yard coverage was to ensure there was adequate drainage.

Director Kieselbach stated the ordinance requires a residential property to have a driveway for access to the property. He stated the ordinance requires a driveway to be hard surface such as gravel, asphalt, or concrete. He added a gravel driveway, once compacted down, is not pervious. He stated the issue was the amount of driveway coverage in the front yard.

Chair Beauchine stated the ZBA had approved variances from driveway coverage and required a pervious surface which would allow water to pass through. The ZBA could condition the variance if granted.

Member Lane read review criteria three from Section 86-221 of the Code of Ordinances which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He noted not having enough garage space did not constitute a hardship. He stated if the garage was moved back five feet the variance for encroachment into the front yard would not be needed.

Chair Beauchine stated review criteria three would be directly related to 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.

Member Mansour asked the applicant why this request would constitute a practical difficulty.

Mr. Miller stated he does woodworking and has a lot of tools, there were four or more vehicles at the household, and his truck and snow plow did not fit in the existing garage. He stated there was no shed on the property and rather than have multiple small buildings it would look better to have one building. He also stated the proposed driveway was shown as small as possible.

Member Mansour asked the applicant if he had determined what materials would be used for the driveway.

Mr. Miller stated he was flexible.

Member Field-Foster stated the ZBA was struggling with the fact the garage could be moved back and there would not be the need for the variance.

Mr. Miller stated moving the garage back would block the sun from the pool. He noted placing the garage that close to the pool was not practical.

Chair Beauchine stated the applicant could attach the garage to the house but it would need footings and meet building code.

Mr. Miller stated it was his understanding attaching the garage to the house would be \$10,000 to \$15,000.

Assistant Planner Quagliata stated the garage could be attached to the house which would require footings but the footing would not have to be continuous. He also stated the cost for the footing could not be considered in the ZBA's decision.

Chair Beauchine stated the applicant could move the garage back, make the garage smaller by five feet, or attach the garage to the house, but would still need a variance for the driveway.

Chair Beauchine read review criteria one 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 lot had limited space to construct a garage.

Chair Beauchine read review criteria two which states these special circumstances are not self-created. He stated this criteria was met.

Chair Beauchine 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 he was unsure if this criteria could be met.

Chair Beauchine 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 he was unsure if this criteria could be met.

Chair Beauchine 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 there were other options for the garage, but the driveway coverage variance would still be needed.

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. He stated this criteria was met.

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 stated this criteria was met.

Chair Beauchine 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 Mansour stated review criteria three, four, and five were not met and there were other minimal actions that could be taken.

MEMBER LANE MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-565(1) BASED ON FAILURE TO MEET REVIEW CRITERIA THREE, FOUR, AND FIVE.

SECONDED BY MEMBER MANSOUR.

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

Assistant Planner Quagliata stated if the garage location changed the variance for the driveway coverage would change.

MEMBER LANE MOVED TO POSTPONE ACTION ON THE VARIANCE REQUEST FROM SECTION 86-754 UNTIL THE JUNE 26 ZONING BOARD OF APPEALS MEETING.

SECONDED BY MEMBER WISINSKI.

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

B. ZBA CASE NO. 19-06-12-2 (Johnson Sign Company), 2240 Lansing Avenue, Jackson, MI, 49202

LOCATION: 2947, 2911, & 2875 Eyde Parkway
PARCEL ID: 20-303-004
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-687(4)(a), Freestanding signs. One freestanding sign per parcel shall be permitted, except a site with 500 feet or more of contiguous frontage on one street and more than one point of access on that street may have one additional freestanding sign. If two freestanding signs are located on a site based on this provision, a minimum of 250 feet shall separate the two signs.

The variance request is to install three freestanding signs on one parcel with three buildings at 2947, 2911, and 2875 Eyde Parkway.

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. Jim Johnson, Johnson Sign Company, the applicant, 2240 Lansing Avenue, Jackson, MI 49202, stated the request was to allow each office building to have a freestanding sign that met the code regarding the size. He noted the property was unique in the sense it had 944 feet of frontage on Eyde Parkway and was 6.49 acres in size. Each of the three office buildings are independent and have their own tenants and it was important for the tenants to be able to properly identify their business. He noted there were approximately three to four tenants in each of the three office buildings. The signs would be similar in design to the existing freestanding sign at the southeast corner of Hagadorn Road and Eyde Parkway. The tenants had provided letters in support of needing additional signage.

Samantha Eyde, 2290 Science Parkway, East Lansing, the owner's representative, noted the need for a variance to allow the signs to be closer than 250 feet.

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

Chair Beauchine stated he was employed by one of the companies that leased office space in one of the buildings on the property but he did not believe he had a conflict hearing the request. He noted the variance stayed with the property not the tenants.

Member Wisinski asked staff if the three buildings on the property were in compliance with Township ordinances.

Assistant Planner Quagliata stated the buildings were in compliance.

Member Wisinski asked staff if the total square footage of 24.5 square feet met the Township sign ordinance.

Assistant Planner Quagliata stated in commercial zoning districts the maximum size allowed for a freestanding sign is 25 square feet. He noted the maximum height is 16 feet and the proposed signs were six feet in height. The ordinance requires a 10 foot setback between the leading edge of the sign and the adjacent road right-of-way and the signs met the 10 foot setback.

Member Wisinski asked the applicant if there were signs on the buildings other than the building address.

Ms. Eyde stated there was a freestanding sign outside of Mary Free Bed facing both sides of the parking lot.

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 circumstance was unique being three buildings on one parcel, the large parcel size, and the fact the tenants can change.

Member Mansour read review criteria two which states these special circumstances are not self-created. She stated the parcel being so large was not self-created.

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 when dealing with such a large parcel and large parking lot and not being able to identify tenants in the buildings from the road was a practical difficulty.

Member Mansour 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. She stated a tenant that leased space in a building would want customers to know where they are located.

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 this was the minimum action to secure public safety and provide substantial justice within the zoning ordinance.

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 signs seemed to fit with the environment of the property.

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 of the parcel was a unique circumstance.

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 criteria was met.

Assistant Planner Quagliata suggested if the ZBA approved the variance it be conditioned on removing any existing freestanding signs from the property.

Member Lane stated the variance request met the review criteria because with the existing trees along the street the spacing between two of the three sign signs should be allowed to be 215 feet rather than 250 feet.

MEMBER LANE MOVED TO APPROVE THE VARIANCE FROM SECTION 86-687(4)(a) CONDITIONED ON THE PROPERTY OWNER REMOVING ALL OTHER FREESTANDING SIGNS FROM THE PROPERTY.

SECONDED BY MEMBER WISINSKI.

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

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

Chair Beauchine announced the opening of Nancy Moore Park Small Dog Park on June 19 and the Road Bond discussion on June 27 in the Town Hall Room at 6 p.m.

Member Wisinski announced the need for volunteers for the Celebrate Meridian Beer and Wine Tent on June 29.

10. ADJOURNMENT

Meeting adjourned at 7:21 p.m.

11. POST SCRIPT

None.

Respectfully Submitted,
Riley Millard
Recording Secretary