



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
October 23, 2019 6:30 pm

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

A. ZBA CASE NO. 19-10-23-2 (Okemos Retail Management, LLC), 30200 Telegraph Road Suite 205, Bingham Farms, MI, 48025

LOCATION: 2085 Grand River Avenue
PARCEL ID: 21-276-011
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-402(17). Maximum impervious surface. The maximum percentage of impervious surface permitted on a site shall be 70 percent. Impervious surfaces shall include all land covered with paving and buildings. The impervious surface shall be calculated by dividing the total impervious surface by the gross area of the site.

The variance request is to exceed 70 percent impervious surface coverage at 2085 Grand River Avenue.

B. ZBA CASE NO. 19-10-23-1 (Rosemary Management, LLC), 5815 S. Pennsylvania Avenue, Lansing, MI, 48911

DESCRIPTION: Dawn Avenue
TAX PARCEL: N/A
ZONING DISTRICT: C-2 (Commercial), I (Industrial), and RC (Multiple Family)

- Section 86-187. Except for decisions regarding special use permits and planned unit development decisions, an aggrieved person, officer, department, board, or bureau of state government may appeal any administrative order or decision of the Director of Community Planning and Development or administrative official charged with enforcement of the zoning ordinance to the Zoning Board of Appeals.

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: Assistant Planner Justin Quagliata, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4580 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
October 23, 2019 6:30 pm

Request to appeal a determination of the Director of Community Planning and Development that Commercial Medical Marihuana Facilities Overlay Area 4 is a second tier within Commercial Medical Marihuana Facilities Overlay Area 3, and that all types of commercial medical marihuana facilities allowed in Overlay Area 3 are also allowed in Overlay Area 4.

7. OTHER BUSINESS
8. PUBLIC REMARKS
9. BOARD MEMBER COMMENTS
10. ADJOURNMENT

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.

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Assistant Planner Justin Quagliata, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4580 - 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, OCTOBER 9, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members Mansour, Field-Foster, Wisinski, Lane
ABSENT: None
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 WISINSKI.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, September 18, 2019

MEMBER MANSOUR MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, SEPTEMBER 18, 2019.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

A. Bear Lake Homeowners Association RE: ZBA #19-09-18-4

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 19-10-09-1 (Schoen & Schneider), 6102 Columbia Street, Haslett, MI, 48840

DESCRIPTION: 6102 Columbia Street
TAX PARCEL: 03-476-001
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)(9)(a), Maximum driveway coverage. A driveway shall not occupy more than 50 percent of the total area of the front yard for residential lots created prior to October 5, 1960, and are less than 65 feet in width at the street line. The variance request is to install a driveway which exceeds the maximum allowed coverage of the front yard at 6102 Columbia Street.

The variance request is to install a driveway which exceeds the maximum allowed coverage of the front yard at 6102 Columbia Street.

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. Kevin Schoen, the applicant, 6102 Columbia Street, Haslett, stated the ZBA had granted the same variance request to exceed the maximum front yard coverage in 2013 but the driveway was not installed during the effective period of the variance. He noted the narrow lot width made it difficult to construct a driveway within the allowed front yard coverage.

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

Member Field-Foster asked staff what additional area of the front yard would be covered by the proposed driveway expansion.

Assistant Planner Quagliata stated the existing driveway would be expanded south and located two feet from the side property line. He noted the proposed driveway would be an increase of coverage over the existing driveway by approximately 7.7 percent or 88 square feet.

Member Mansour asked staff if the current variance request was the same as was approved in 2013.

Assistant Planner Quagliata responded yes.

Member Field-Foster asked the applicant how stormwater runoff from the driveway would be managed.

Mr. Schoen stated drain tiles would be installed under the driveway.

Chair Beauchine stated the submitted survey showed the existing gravel driveway extended over the north property line.

Assistant Planner Quagliata noted the north property line abutted 33 feet of Lake Street unimproved right-of-way and since the 2013 request the applicant had removed the gravel located off the property.

Member Lane stated the lots around Lake Lansing were narrow, small, and platted in the early 1900s which were unique circumstances which were not self-created so review criteria one and two from Section 86-221 of the Code of Ordinances had been met. He stated review criteria three and four may not be met because not granting the variance may not result in practical difficulties. He asked the applicant why the expanded driveway was necessary.

Mr. Schoen stated the proposed expansion area was currently used as a driveway and enlarging the driveway would provide easier access to the garage.

Chair Beauchine 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 a purpose of the maximum coverage standard was to maintain pervious surface in the front yard. He also noted the applicant had stated stormwater runoff from the driveway would be controlled and not affect adjacent properties.

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 the narrow lot width prevented the applicant from installing a driveway wide enough to access the garage.

Member Lane stated granting the variance would discontinue parking on nonpaved open space in the front yard.

Member Field-Foster stated granting the variance would allow access to the property by a paved driveway which would be an improvement from parking on nonpaved open space which is prohibited by the zoning ordinance. She noted not granting the variance would result in practical difficulties.

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 expanded driveway was needed to access the garage.

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 expanded driveway would not adversely affect 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 the properties around Lake Lansing were unique and the conditions were not present in other locations in the Township.

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 had been met.

MEMBER LANE MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-442(F)(9)(A) OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER FIELD-FOSTER.

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

B. ZBA CASE NO. 19-10-09-2 (O'Reilly Auto Enterprises, LLC), 233 S. Paterson, Springfield, MO, 65802

DESCRIPTION: 2703 Grand River Avenue
TAX PARCEL: 20-203-012
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-441(e)(6), Access management standards. Based on the posted speed limit along the public street segment, access points shall have a minimum of 350 feet of spacing provided from other access points along the same side of the street, measured centerline to centerline.
- Section 86-441(e)(8), Access management standards. Based on the posted speed limit along the public street segment, access points shall be aligned with driveways on the opposite side of the street or offset 630 feet, measured centerline to centerline. The Director of Community Planning and Development may reduce this to not less than 150 feet where the offsets are aligned to not create left-turn conflicts.
- Section 86-441(e)(9), Access management standards. The minimum required driveway spacing from the intersection of Grand River Avenue and a Collector or Local street is 200 feet, measured pavement edge to pavement edge.
- Section 86-755, Schedule of requirements for parking space. Parking space shall be provided in accordance with the design standards of this chapter and according to this schedule: for commercial centers having a gross floor area (GFA) less than 25,000 square feet, 5 spaces per 1,000 square feet (minimum) to 5.5 spaces per 1,000 square feet (maximum).

The variance requests are to construct a driveway that would not meet the setback from an existing driveway along the same side of the street, the required offset from an existing driveway on the opposite side of the street, and the setback from a street intersection. A variance to construct a parking lot without the required number of parking spaces is also requested. The subject site is located at 2703 Grand River 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. Paul Engel, Anderson Engineering, 2045 West Woodland, Springfield, Missouri, the applicant's representative, stated the Michigan Department of Transportation (MDOT) had approved the proposed Grand River Avenue driveway. He stated delivery trucks could not access the site from the existing Dawn Avenue driveway. He also noted the size and location of the property prevented the applicant from conforming to the standards of the Grand River Avenue Corridor Access Management Overlay District.

Mr. Engel stated the parking requirement for the site should not be based on the gross floor area of the building. He also noted the applicant provided bicycle parking spaces to reduce the required number of vehicle parking spaces.

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

Assistant Planner Quagliata stated Dawn Avenue was not a substandard road and it was built to Ingham County Road Department (ICRD) standards. He noted the ICRD stated it would allow the existing Dawn Avenue driveway to serve the site. He also stated a purpose of the Grand River Avenue Corridor Access Management Overlay District was to reduce number of driveways along Grand River Avenue especially in locations where reducing the number of driveways would have a beneficial impact on traffic and safety. The Township Chief Engineer reviewed the site plan and concluded the proposed driveway would create left-turn conflicts.

Chair Beauchine stated the proposed driveway would create left-turn conflicts with the existing Firestone driveway on the north side of Grand River Avenue. He was surprised MDOT would allow the proposed Grand River Avenue driveway. He noted the access management overlay district was adopted in 2004 and based on a MDOT study.

Chair Beauchine asked staff if the ICRD would approve removing the existing Dawn Avenue driveway and constructing a new driveway further north on Dawn Avenue to align with the Tuffy Auto Repair driveway on the west side of Dawn Avenue.

Assistant Planner Quagliata responded installing a new driveway on Dawn Avenue closer to Grand River Avenue would not meet the ICRD setback from the street intersection. He stated the existing Dawn Avenue driveway met Ingham County Road Department standards.

Chair Beauchine 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 stated the size and location of the proposed building on the site would prevent the applicant from utilizing the existing Dawn Avenue driveway.

Assistant Planner Quagliata stated the layout of the site could be redesigned and the size of the proposed building could be reduced to utilize the existing Dawn Avenue driveway.

Chair Beauchine informed the applicant the parking space requirement for retail businesses was based on the gross floor area of the building.

Member Wisinski asked staff if the existing Grand River Avenue driveway on the west side of the site was conforming and if the driveway could be utilized in its existing configuration to serve the site.

Assistant Planner Quagliata stated the existing Grand River Avenue driveway on the west side of the site would need to be expanded because it currently served incoming traffic only and was not directly aligned with the driveway on the north side of the street. He also noted the location of the driveway did not meet the required setback from the intersection of Grand River Avenue and Dawn Avenue.

Member Mansour asked staff if the proposed Grand River Avenue driveway would be the only access point to the site.

Assistant Planner Quagliata responded yes.

Chair Beauchine noted the site plan showed a proposed service drive connection with the adjacent Denny's property to the east.

Mr. Engel stated the service drive on the Denny's property did not extend to the common lot line with the subject property so there would not be a connection with the property to the east. He stated the applicant would stub a service drive at the common lot line so a connection could be made in the future.

Member Field-Foster stated the applicant was proposing to remove the existing two driveways on Grand River Avenue and the existing Dawn Avenue driveway to construct one new driveway on Grand River Avenue. She asked the applicant why they could not maintain the existing Dawn Avenue driveway and utilize one of the existing driveways on Grand River Avenue to provide more than one access point to the site.

Assistant Planner Quagliata stated any driveway to the subject property on Grand River Avenue would require variances.

Mr. Engel stated the required building and parking setbacks and the required installation of the service drive connection to the property to the east limited where a building could be constructed on the property.

Member Field-Foster asked staff if the ICRD denied the site plan submitted by the applicant.

Assistant Planner Quagliata noted the ICRD stated the existing Dawn Avenue driveway could remain to serve the site. He stated MDOT approved the proposed driveway on Grand River Avenue. The Grand River Avenue Corridor Access Management Overlay District states where conflict occurs the more restrictive standards apply. Assistant Planner Quagliata noted the existing Dawn Avenue driveway could serve the site and if the two Grand River Avenue driveways were closed there would still be access to the site from the existing Dawn Avenue driveway.

Member Wisinski stated the submitted site plan showed the existing Dawn Avenue driveway met the west side of the proposed building.

Assistant Planner Quagliata stated the size of the proposed building could be reduced and the layout of the site could be redesigned to allow access to the site from Dawn Avenue and the service drive connection to the east.

Mr. Steve Peterie, the applicant's representative, stated it was not possible to redesign the site to allow access from Dawn Avenue.

Member Lane stated the proposed driveway on Grand River Avenue would not provide an adequate offset from the existing driveway on the north side of the street and the left-turn conflicts would be a safety issue.

Chair Beauchine stated requiring a driveway on Dawn Avenue would limit where a building could be constructed on the property.

Mr. Engel stated MDOT reviewed and approved the proposed Grand River Avenue driveway.

Assistant Planner Quagliata stated the Township Chief Engineer reviewed the submitted site plan and recommended denial of the proposed driveway.

Member Lane stated regardless of MDOT's opinion the ZBA had eight review criteria to consider and the requests had to meet all eight criteria.

Member Field-Foster asked the applicant if alternative site designs were considered.

Mr. Engel stated the submitted site plan consisted of the design the applicant wanted to pursue.

Member Mansour noted there were unique circumstances that were not self-created so review criteria one and two had been met. She questioned whether not granting the driveway variances would result in practical difficulties and if the variance requests were the minimum action necessary. She stated the ICRD would allow Dawn Avenue access to the site and the proposed Grand River Avenue driveway would create safety issues. She also noted the Grand River Avenue Corridor Access Management Overlay District was adopted to improve safety along Grand River Avenue.

Chair Beauchine stated review criteria six, seven, and eight had been met. He questioned whether review criteria three, four, and five had been met.

Member Lane noted the driveway variances met review criteria three and four. He stated review criteria five had not been met because the proposed driveway would create safety issues.

MEMBER LANE MOVED TO DENY THE VARIANCE REQUESTS FROM SECTION 86-441(E)(6), SECTION 86-441(E)(8), AND SECTION 86-441(E)(9) FOR A FAILURE TO MEET REVIEW CRITERIA THREE, FOUR, AND FIVE.

SECONDED BY CHAIR BEAUCHINE.

Member Mansour stated accessing the site was a practical difficulty so review criteria three and four had been met. She stated securing public safety was part of review criteria five and the proposed driveway would create safety issues. She stated the Grand River Avenue Corridor Access Management Overlay District noted conflict between agencies' access management standards resulted in default to the application of the more restrictive standards.

Member Field-Foster offered a friendly amendment to the motion to deny the driveway variances for a failure to meet review criteria five.

MEMBER LANE ACCEPTED THE FRIENDLY AMENDMENT.

SECONDED BY CHAIR BEAUCHINE.

Member Lane stated in addition to the safety issues associated with the proposed driveway the request was not the minimum action necessary because the applicant could reduce the size of the proposed building to accommodate access to the site from the existing Dawn Avenue driveway.

Chair Beauchine restated the motion. MEMBER LANE MOVED TO DENY THE VARIANCE REQUESTS FROM SECTION 86-441(E)(6), SECTION 86-441(E)(8), AND SECTION 86-441(E)(9) FOR A FAILURE TO MEET REVIEW CRITERIA FIVE.

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

NO:

Motion carried unanimously

MEMBER MANSOUR MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-755 FOR A FAILURE TO MEET REVIEW CRITERIA THREE AND FOUR.

SECONDED BY CHAIR BEAUCHINE.

Member Lane stated the parking space requirement for retail businesses was based on the gross floor area of the building and a practical difficulty was not demonstrated for an eight parking space variance. He noted review criteria three and four had not been met.

Member Wisinski stated reducing the size of the building would eliminate the need for a variance.

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

NO:

Motion carried unanimously

7. OTHER BUSINESS

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

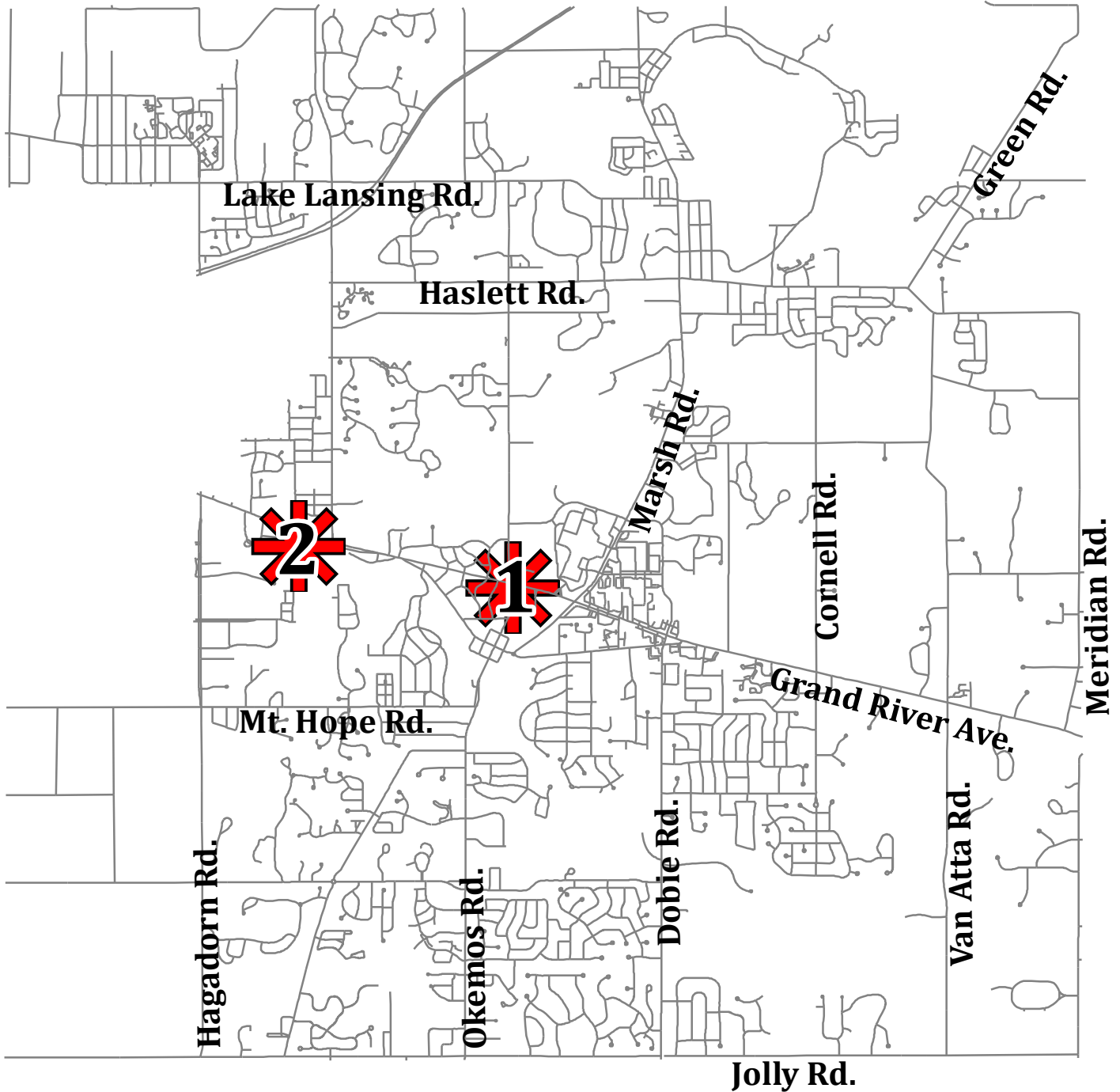
10. ADJOURNMENT

Meeting adjourned at 7:43 p.m.

Respectfully Submitted,

Justin Quagliata
Assistant Planner

Meridian Township



Location Map

- N
1. ZBA #19-10-23-2 (Okemos Retail Management)
 2. ZBA #19-10-23-1 (Rosemary Management)

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: October 18, 2019
Re: ZBA Case No. 19-10-23-2 (Okemos Retail Management, LLC)

ZBA CASE NO.: 19-10-23-2 (Okemos Retail Management, LLC), 30200 Telegraph Road Suite 205, Bingham Farms, MI 48025
LOCATION: 2085 Grand River Avenue
PARCEL ID: 22-401-008
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-402(17). Maximum impervious surface. The maximum percentage of impervious surface permitted on a site shall be 70 percent. Impervious surfaces shall include all land covered with paving and buildings. The impervious surface shall be calculated by dividing the total impervious surface by the gross area of the site.

Okemos Retail Management, LLC, the applicant, is proposing to demolish the existing building and parking lot to construct a 10,826 square foot five-tenant commercial building at 2085 Grand River Avenue. The approximately 1.84 acre subject property is zoned C-2 (Commercial) and located at the southeast corner of Grand River Avenue and Okemos Road.

The applicant received special use permits from the Planning Commission to allow work in the floodplain and installation of a drive-through window. A permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) was also granted for work in the floodplain. Conditional site plan review approval for the project was granted on September 26, 2019.

The C-2 zoning district allows a maximum of 70 percent impervious surface coverage on a site. Currently the subject property contains 76 percent impervious surface coverage, which exceeds the maximum allowed by six percent. The proposed redevelopment would decrease the impervious surface coverage to 73.98 percent. The applicant is requesting a variance to exceed the maximum impervious surface coverage on the site by 3.98 percent (3,182 square feet).

Attachments

1. Variance application dated September 25, 2019 and received by the Township on September 26, 2019.
2. Applicant's response to review criteria dated October 14, 2019 and received by the Township on October 14, 2019.
3. Site plans prepared by KEBS, Inc. dated December 5, 2018 (revision date October 3, 2019) and received by the Township on October 14, 2019.
4. Zoning map.

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

VARIANCE APPLICATION

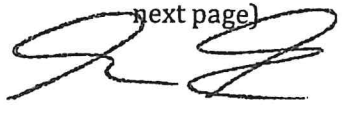
A. Applicant Okemos Detail Management LLC Address of Applicant
30200 Telegraph Rd, Ste 205
Bingham Farms, MI 48025 Telephone (Work) _____
Telephone (Home) (248) 646-9999 Fax _____ Email ashley@alrigusa.com
address: _____ Interest in property (circle one): Owner
Tenant Option Other

B. Site address/location 2085 Grand River Ave Zoning district C-2
Okemos, MI Parcel number _____

- 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) 86 - 402(17)(b)

- D. Required Supporting Material Supporting Material if Applicable
- Property survey
 - Legal description
 - 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)
- Architectural sketches
-Other



Signature of Applicant

Gabriel Schuchman
Print Name

9/25/19
Date

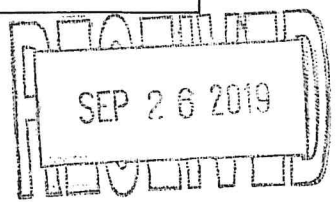
Fee: \$450⁰⁰

Received by/Date: Justin Quaglinata

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





KEBS, INC

Engineering • Surveying

October 14, 2019

Re: 2085 Grand River Ave.

As described below, the variance will not add any additional burden to the surrounding land or the Grand River/Okemos intersection. The needed stormwater treatment and the existing floodplain constrict the uses on this site.

Ordinance criteria:

- (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.

This site plan will provide 2.07% additional pervious surface. In addition to added pervious surfaces, the regional floodplain will be expanded, and onsite stormwater treatment will be provided (the stormwater treatment area is only counted at 50% for open space).

A variance is requested for the following:

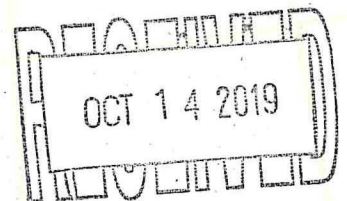
- Allowance of 73.98% impervious surfaces. (3,182ft²)

This variance will allow the best traffic flow around the business and provide separation between the drive through and the drive lanes. This will allow the safest driving and walking conditions for this site.

The proposed variance will allow for the creation of a project that will best utilize the existing property and allow for the rehabilitation of this site.

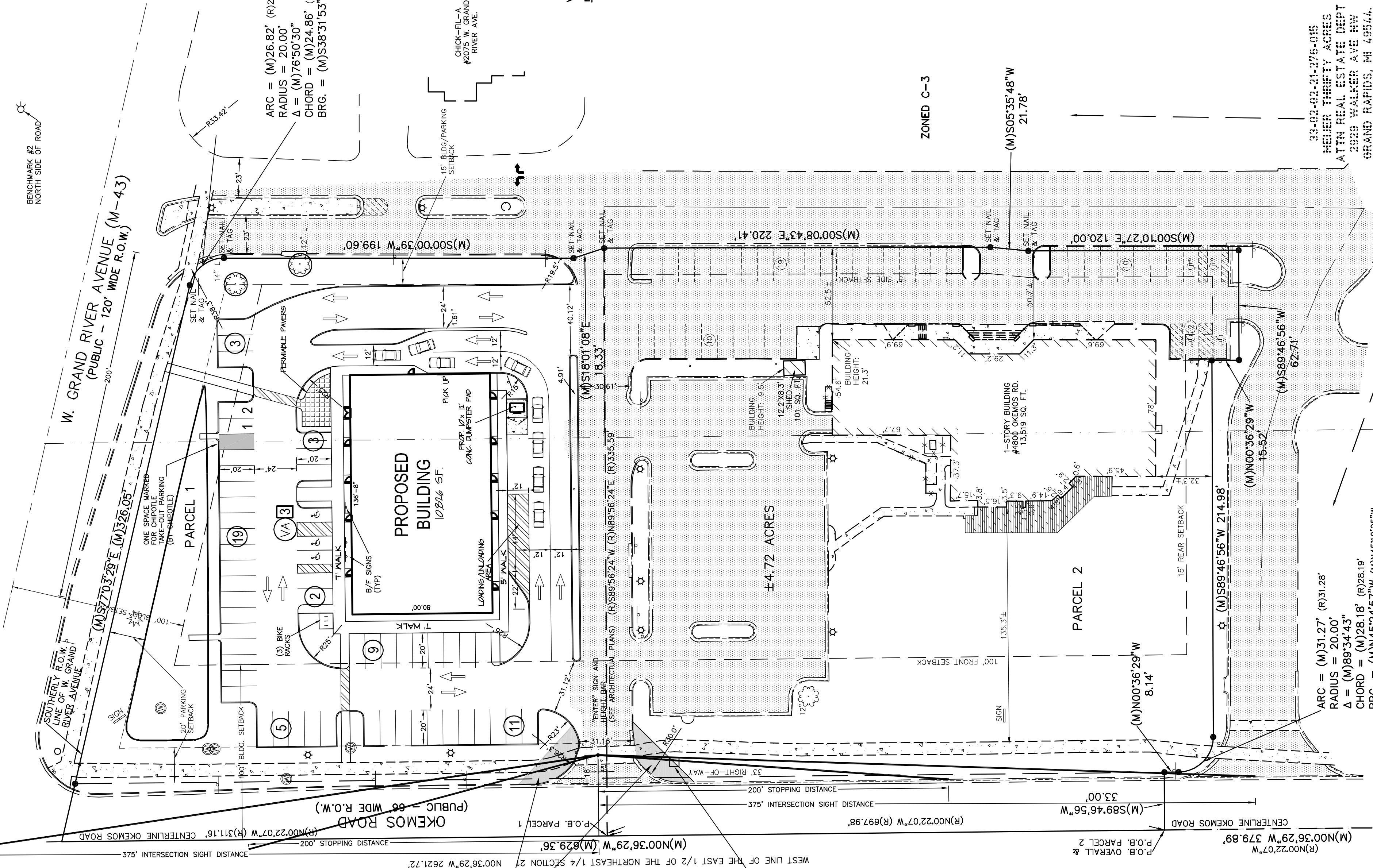
Sincerely,

Kevin J. Kalmbach
KEBS, Inc.



2085 Grand River Ave.

MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN



EX. SEWER INVENTORIES

- 1. The Contractor shall notify the Township, Department of Public Works, Office of Engineering, pH# 517-653-4440, a minimum of 72 hours prior to the start of construction of public utilities or construction within the public right-of-way.
- 2. All construction shall conform to the current standards and specifications of the Charter Township of Meridian which are included as part of these.
- 3. After the completion of construction of public utilities or construction within public right-of-way, the contractor must request a final inspection.
- 4. Any punchlist items resulting from the final inspection must be resolved prior to final release and acceptance.
- 5. The contractor shall notify the Township, Department of Public Works, Office of Engineering, pH# 517-653-4440, a minimum of 72 hours prior to the start of construction.
- 6. The contractor shall at all times be aware of any and all existing and proposed construction within the public right-of-way and adjacent property.
- 7. A Registered Land Surveyor provided by the contractor at the contractor's expense shall replace all property lines and monuments disturbed or destroyed by the contractor's operations.
- 8. The Township Engineer shall have the right to perform the work and deduct the cost therefrom from the money due the contractor.
- 9. A Registered Land Surveyor provided by the contractor at the contractor's expense shall replace all property lines and monuments disturbed or destroyed by the contractor's operations.
- 10. The Township Engineer shall have the right to perform the work and deduct the cost therefrom from the money due the contractor.
- 11. All ditch slopes shall have established vegetation and be protected from erosion.
- 12. All ditch slopes shall be seeded and mulched.
- 13. Seeding and mulching shall be done in accordance with the general specifications.
- 14. All ditch slopes shall have established vegetation and be protected from erosion.
- 15. All ditch slopes shall be seeded and mulched.
- 16. Seeding and mulching shall be done in accordance with the general specifications.
- 17. All ditch slopes shall have established vegetation and be protected from erosion.
- 18. All ditch slopes shall be seeded and mulched.
- 19. Seeding and mulching shall be done in accordance with the general specifications.
- 20. All ditch slopes shall have established vegetation and be protected from erosion.
- 21. All ditch slopes shall be seeded and mulched.
- 22. Seeding and mulching shall be done in accordance with the general specifications.
- 23. All ditch slopes shall have established vegetation and be protected from erosion.
- 24. All ditch slopes shall be seeded and mulched.
- 25. Seeding and mulching shall be done in accordance with the general specifications.

PATHWAY / SIDEWALK NOTES

1. Sidewalk - 5" (minimum) wide concrete 4" thick, 6" thick through single family residential driveways, 7" thick through multi-family residential and commercial driveways on 3' compacted sand backfill. To maintain continuity, all 4' wide concrete sidewalks shall be replaced with new 4' wide concrete sidewalks to (sidewalks) - (minimum) 5" (minimum) wide concrete 4" thick, 6" thick through single family residential driveways, 7" thick through multi-family residential and commercial driveways on 3' compacted sand backfill.
2. Pathways - (minimum) 3' wide concrete 4" thick, 6" thick through multi-family residential driveways, 7" thick through multi-family residential and commercial driveways on 3' compacted sand backfill.
3. Pathways - (off-road) - 8" (minimum) wide concrete 6" thick concrete on 3' compacted sand backfill or 8" (minimum) wide asphalt 4" thick (Blumens Mixture 15007/2) on 6" of 21MA crushed limestone (minimum 9" voids).
4. The Department of Planning and Community Development for the Township of Meridian shall have the right to inspect and approve the proposed opening to create a plan of sidewalks (or concrete saw the diameter) - a 12-inch thick color is to encase the new pipe and opening.
5. All sanitary sewer manholes shall be provided with vegetative covers.
6. All sanitary sewer manholes shall be provided with vegetative covers.
7. All public utility sewer main lines shall be 8" or larger. All sanitary sewer main lines shall be 8" or larger.
8. All sanitary sewer manholes shall be provided with vegetative covers.
9. All sanitary sewer manholes shall be provided with vegetative covers.
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14. All sanitary sewer manholes shall be provided with vegetative covers.
15. All sanitary sewer manholes shall be provided with vegetative covers.

SANITARY SEWER NOTES

1. All sewers to be placed in Class "B" bedding or better.
2. Each pipe shall have a minimum of 18" of bedding above and below.
3. Each pipe shall have a minimum of 18" of bedding above and below.
4. Downspouts or other conduits carrying storm or ground water shall not be connected to the sanitary sewer.
5. Downspouts or other conduits carrying storm or ground water shall not be connected to the sanitary sewer.
6. Downspouts or other conduits carrying storm or ground water shall not be connected to the sanitary sewer.
7. Proposed opening to create a plan of sidewalks (or concrete saw the diameter) - a 12-inch thick color is to encase the new pipe and opening.
8. All sanitary sewer manholes shall be provided with vegetative covers.
9. All sanitary sewer manholes shall be provided with vegetative covers.
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13. All sanitary sewer manholes shall be provided with vegetative covers.
14. All sanitary sewer manholes shall be provided with vegetative covers.
15. All sanitary sewer manholes shall be provided with vegetative covers.

WATER MAIN NOTES

1. Hydraulic calculations and pipe wall thicknesses shall be based on existing ground elevations unless otherwise indicated by the Township Engineer.
2. All water mains shall be constructed with 5 feet of cover below finish grade, unless otherwise indicated on the plans.
3. Connection to the existing water main shall not be made until after the successful completion of pressure and bacteriological tests. Pressure testing shall be performed in accordance with AWWA Standard C-600. Disinfection and bacteriological testing shall be in accordance with the sanitary sewer code of the Township of Meridian.
4. All water mains shall be constructed with 5 feet of cover below finish grade, unless otherwise indicated on the plans.
5. Connection to the existing water main shall not be made until after the successful completion of pressure and bacteriological tests. Pressure testing shall be performed in accordance with AWWA Standard C-600. Disinfection and bacteriological testing shall be in accordance with the sanitary sewer code of the Township of Meridian.
6. All water mains shall be constructed with 5 feet of cover below finish grade, unless otherwise indicated on the plans.
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15. All water mains shall be constructed with 5 feet of cover below finish grade, unless otherwise indicated on the plans.

TRANSFORMER TO BE RELOCATED OUTSIDE CLEAR VISION AREA. APPROVAL BY CRD

35' CLEAR VISION TRIANGLE

TRANSFORMER TO BE RELOCATED OUTSIDE CLEAR VISION AREA. APPROVAL BY CRD

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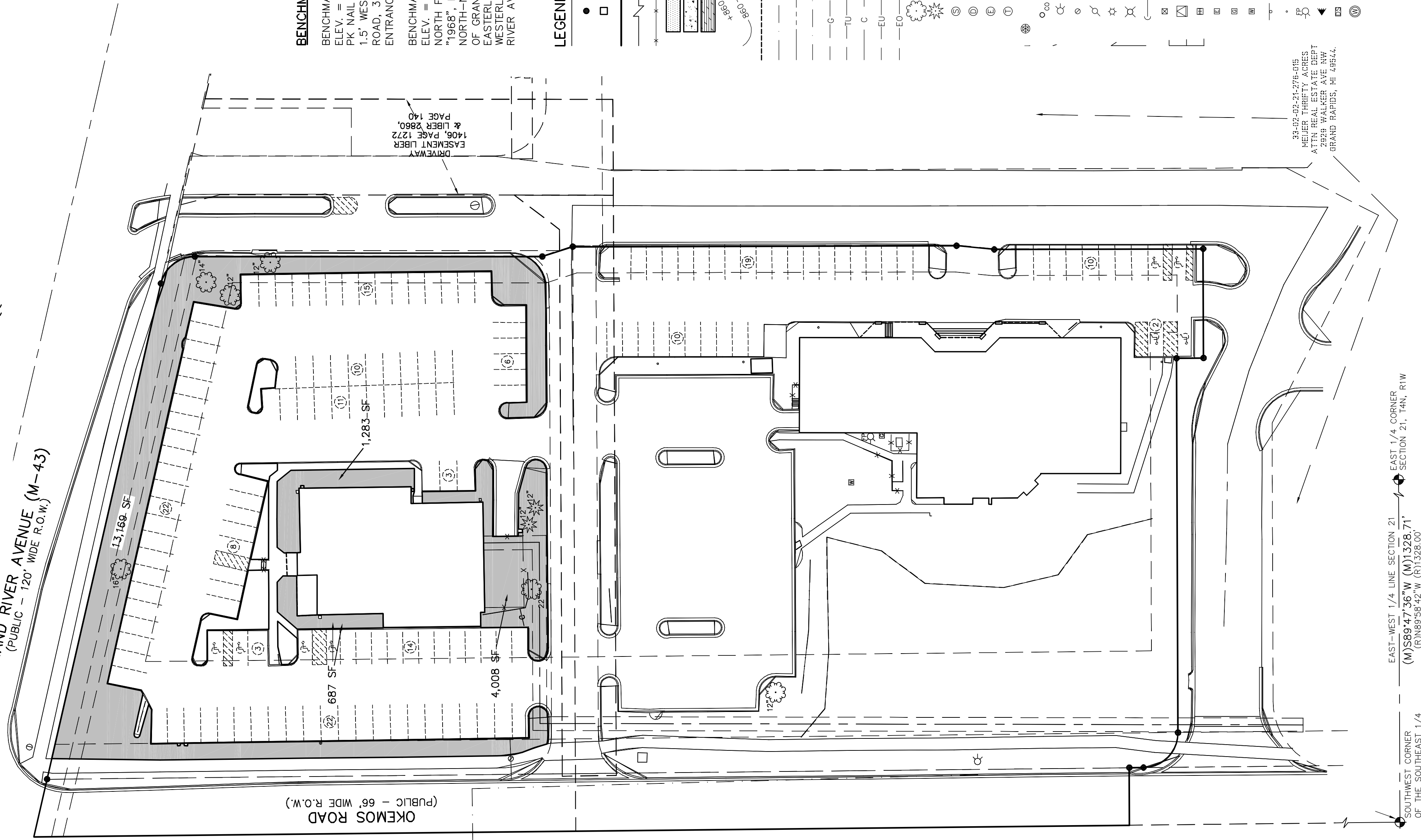
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ALTA/NSPS LAND TITLE SURVEY

„2055 & 2085 W. GRAND RIVER AVENUE, OKEMOS, MI 48864”

EXISTING PLAN

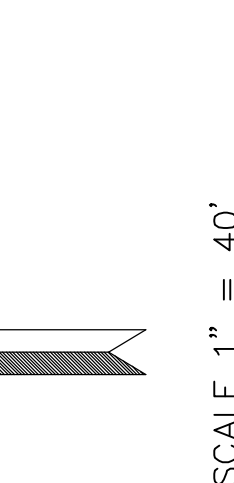
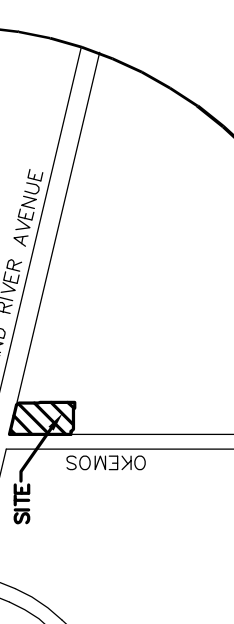
W. GRAND RIVER AVENUE (M-43)
(PUBLIC - 120' WIDE R.O.W.)



- #### SEWER INVENTORIES
- CATCH BASIN #100
RIM ELEV. = 838.96
18" RCP N INV. = 832.11
10" PVC S INV. = 834.87
 - CATCH BASIN #101
RIM ELEV. = 837.55
12" RCP W INV. = 834.18
 - CATCH BASIN #102
RIM ELEV. = 837.78
RW INACCESSIBLE
 - RESTRICTOR PLATE
TOP OF WATER ELEV. = 833.13
SUMP ELEV. = 832.28
 - STORM MANHOLE #103
RIM ELEV. = 838.38
18" RCP N INV. = 831.98
12" RCP E INV. = 833.62
18" RCP SE INV. = 832.93
18" RCP S INV. = 832.20
 - STORM MANHOLE #104
RIM ELEV. = 842.47
12" RCP NE INV. = 837.37
12" RCP W INV. = 837.26
 - CATCH BASIN #105
RIM ELEV. = 838.66
12" RCP N INV. = 833.56
24" RCP NE INV. = 831.76
18" RCP S INV. = 831.86
 - CATCH BASIN #107
RIM ELEV. = 838.00
12" RCP S INV. = 834.00
SUMP ELEV. = 833.00
 - STORM MANHOLE #108
RIM ELEV. = 839.88
48" RCP N INV. = 830.18
48" RCP E INV. = 830.18
24" RCP SW INV. = 831.23
 - STORM MANHOLE #109
RIM ELEV. = 838.12
36" RCP N INV. = 830.22
36" RCP S INV. = 830.22
 - CATCH BASIN #110
RIM ELEV. = 837.28
12" RCP N INV. = 832.21
12" RCP S INV. = 832.16
 - STORM MANHOLE #111
RIM ELEV. = 838.36
12" RCP N INV. = 832.19
24" RCP E INV. = 831.16
 - STORM MANHOLE #112
RIM ELEV. = 839.14
12" RCP E INV. = 830.31
48" RCP W INV. = 830.31
 - CATCH BASIN #113
RIM ELEV. = 838.86
6" METAL E INV. = 833.85
12" RCP SE INV. = 833.85
6" METAL NW INV. = 833.81
6" METAL SW INV. = 834.17
SUMP ELEV. = 831.86
 - CATCH BASIN #114
RIM ELEV. = 838.80
12" RCP NW INV. = 834.97
 - CATCH BASIN #115
RIM ELEV. = 837.42
12" HDPE E INV. = 835.38
SUMP ELEV. = 834.32
 - CATCH BASIN #116
RIM ELEV. = 837.84
12" HDPE E INV. = 835.19
12" HDPE W INV. = 835.14
 - CATCH BASIN #117
RIM ELEV. = 838.28
12" HDPE E INV. = 834.71
12" HDPE W INV. = 834.43
 - SANITARY MANHOLE #200
RIM ELEV. = 838.41
12" VCP N INV. = 829.81
12" VCP S INV. = 829.86
 - SANITARY MANHOLE #201
RIM ELEV. = 838.15
12" VCP N INV. = 829.00
12" VCP S INV. = 829.15
 - SANITARY MANHOLE #202
RIM ELEV. = 841.30
SUMP ELEV. = 837.30
NO VISIBLE PIPES

- #### SCHEDULE B - SECTION II - EXCEPTIONS:
- (As provided by Title Connect, LLC, underwritten by First American Title Insurance Company, Commitment No. TC13-79032, dated August 15, 2018)
- Item 15. Right of Way in favor of Michigan-Toledo Pipe Line Company recorded in Liber 23 of Miscellaneous Records, page 420 and Liber 977, page 878, re-recorded in Liber 978, page 301, and Assignment of Rights recorded in Liber 49 of Miscellaneous Records, page 122, does not cross parcel, therefore not shown hereon.
 - Item 16. Right of Way in favor of the County of Ingham recorded in Liber 70 of Miscellaneous Records, page 560, does not cross parcel, therefore not shown hereon.
 - Item 17. Right of Way in favor of Consumers Power Company recorded in Liber 716 of Miscellaneous Records, page 384, does not cross parcel, therefore not shown hereon.
 - Item 18. Easement in favor of Consumers Power Company recorded in Liber 1007, page 100, crosses parcel, is plottable and shown hereon.
 - Item 19. Right of Way in favor of Consumers Power Company recorded in Liber 1007, page 993, does not cross parcel, therefore not shown hereon.
 - Item 20. Easement in favor of the Charter Township of Okemos recorded in Liber 1236, page 780, crosses parcel, is plottable and shown hereon.
 - Item 21. Right of Way in favor of Michigan Bell Telephone Company recorded in Liber 1300, page 819, and Assignment of Easement recorded in Liber 456, page 137, crosses parcel, is plottable and shown hereon.
 - Item 22. Easement in favor of Michigan Bell Telephone Company recorded in Liber 1413, page 497, crosses parcel, is plottable and shown hereon.
 - Item 23. Declaration of Restrictions and Covenant: Not to Complete recorded in Liber 2533, page 465, crosses parcel, is blanket in character, therefore not shown hereon.
 - Item 24. Easement in favor of the Charter Township of Okemos recorded in Instrument No. 2012-020788, does not cross parcel, therefore not shown hereon.
 - Item 25. Non-Exclusive Access Easement Agreement recorded in Instrument No. 2014-032409, instrument No. 2014-032412 and Restrictions recorded in Liber 153, crosses parcel, is plottable and shown hereon.
 - Item 26. Nonexclusive Driveway Access Easement Agreement and Restrictive Covenant recorded in Instrument No. 2015-019204, does not cross parcel, therefore not shown hereon.
 - Item 27. Rights of others over that portion of the land known as the "Sublessor's" parcel, recorded in Liber 727, page 881, page 651, page 339, page 913 and in Instrument No. 2014-019777, does not cross parcel, therefore not shown hereon.
 - Item 28. Right of Tenant, Barnes Development Company, recorded in Instrument No. 2016-034871, does not cross parcel, therefore not shown hereon.
 - Item 29. Meijers Drain Permanent Drain Easement recorded in Instrument No. 2016-034872, does not cross parcel, therefore not shown hereon.
 - Item 30. Drainage Facilities Maintenance Agreement recorded in Instrument No. 2016-034872, does not cross parcel, therefore not shown hereon.
 - Item 31. Meijers Drain License Agreement 16-042, for Occupancy of Drain Easement recorded in Instrument No. 2016-034873, does not cross parcel, therefore not shown hereon.
 - Item 32. Meijers Drain Permit to Connect 16-043 Cross 16-044 recorded in Instrument No. 2016-034874, Permit to Connect 16-044 recorded in Instrument No. 2016-034875 recorded in Instrument No. 2016-034876, 16-050 recorded in Instrument No. 2016-034876, does not cross parcel, therefore not shown hereon.
 - Item 33. Easement in favor of the Charter Township of Okemos recorded in Instrument No. 2016-037476, does not cross parcel, therefore not shown hereon.
 - Item 34. Non-Exclusive Driveway Access Easement Agreement recorded in Instrument No. 2016-037478, does not cross parcel, is plottable and shown hereon.
 - Item 35. Declaration of Restrictions recorded in Instrument No. 2016-037479, does not cross parcel, therefore not shown hereon.
 - Item 36. Declaration(s) of Restrictions recorded in Instrument No. 2014-032408 and Instrument No. 2014-032411, crosses parcel, is blanket in character, therefore not shown hereon.
 - Item 37. Memorandum of Sublease entered into by and between Owens, L.L.C. ("Sublessor") and The Sweet Onion, Inc. ("Sublessee") dated July 19, 2000 and recorded in Liber 2860, page 140, instrument No. 2000-031421 and Amendment to Memorandum of Sublease recorded in Instrument No. 2015-041834, crosses parcel, is plottable and shown hereon.

- #### LEGAL DESCRIPTION:
- (As provided by Title Connect, LLC, underwritten by First American Title Insurance Company, Commitment No. TC13-79032, dated August 15, 2018) Land situated in the Township of Meridian, County of Ingham, State of Michigan Described as follows:
- Parcel 1:
Part of the Northeast 1/4 of Section 21, Town 4 North, Range 1 West, described as: Commencing at the East 1/4 of Section 21, thence North 89 degrees 58 minutes 42 seconds West 1328.00 feet along the East-West 1/4 line to the Southwest corner of the Southeast 1/4 of the Northeast 1/4; thence North 00 degrees 22 minutes 07 seconds West 697.98 feet along the West line of the East 1/2 of the Northeast 1/4 to the point of beginning of the parcel to be described; thence, along said West line, North 00 degrees 22 minutes 07 seconds West 311.16 feet to the South line of Grand River Avenue, thence South 76 degrees 30 minutes 59 seconds East 329.98 feet along the curve to the right, with a chord bearing South 38 degrees 17 minutes 50 seconds East 249.33 feet; thence South 00 degrees 46 minutes 46 seconds East 18.33 feet; thence South 89 degrees 56 minutes 24 seconds West 335.59 feet to the point of beginning.
- Parcel 2:
Part of the Northeast 1/4 of Section 21, Town 4 North, Range 1 West, described as: Commencing at the East 1/4 of Section 21, thence North 89 degrees 58 minutes 42 seconds West 1328.00 feet along the East-West 1/4 line to the Southwest corner of the Southeast 1/4 of the Northeast 1/4; thence North 00 degrees 22 minutes 07 seconds West 379.89 feet along the West line of the East 1/2 of the Northeast 1/4 to the point of beginning of the parcel to be described; thence, along said West line, North 00 degrees 22 minutes 07 seconds West 311.16 feet to the South line of Grand River Avenue, thence South 76 degrees 30 minutes 59 seconds East 329.98 feet along the curve to the right, with a chord bearing South 38 degrees 17 minutes 50 seconds East 249.33 feet; thence South 00 degrees 46 minutes 46 seconds East 18.33 feet; thence South 89 degrees 56 minutes 24 seconds West 335.59 feet to the point of beginning.



SCALE 1" = 40'

LEGAL DESCRIPTION:

(As provided by Title Connect, LLC, underwritten by First American Title Insurance Company, Commitment No. TC13-79032, dated August 15, 2018) Land situated in the Township of Meridian, County of Ingham, State of Michigan Described as follows:

Parcel 1:
Part of the Northeast 1/4 of Section 21, Town 4 North, Range 1 West, described as: Commencing at the East 1/4 of Section 21, thence North 89 degrees 58 minutes 42 seconds West 1328.00 feet along the East-West 1/4 line to the Southwest corner of the Southeast 1/4 of the Northeast 1/4; thence North 00 degrees 22 minutes 07 seconds West 697.98 feet along the West line of the East 1/2 of the Northeast 1/4 to the point of beginning of the parcel to be described; thence, along said West line, North 00 degrees 22 minutes 07 seconds West 311.16 feet to the South line of Grand River Avenue, thence South 76 degrees 30 minutes 59 seconds East 329.98 feet along the curve to the right, with a chord bearing South 38 degrees 17 minutes 50 seconds East 249.33 feet; thence South 00 degrees 46 minutes 46 seconds East 18.33 feet; thence South 89 degrees 56 minutes 24 seconds West 335.59 feet to the point of beginning.

Parcel 2:
Part of the Northeast 1/4 of Section 21, Town 4 North, Range 1 West, described as: Commencing at the East 1/4 of Section 21, thence North 89 degrees 58 minutes 42 seconds West 1328.00 feet along the East-West 1/4 line to the Southwest corner of the Southeast 1/4 of the Northeast 1/4; thence North 00 degrees 22 minutes 07 seconds West 379.89 feet along the West line of the East 1/2 of the Northeast 1/4 to the point of beginning of the parcel to be described; thence, along said West line, North 00 degrees 22 minutes 07 seconds West 311.16 feet to the South line of Grand River Avenue, thence South 76 degrees 30 minutes 59 seconds East 329.98 feet along the curve to the right, with a chord bearing South 38 degrees 17 minutes 50 seconds East 249.33 feet; thence South 00 degrees 46 minutes 46 seconds East 18.33 feet; thence South 89 degrees 56 minutes 24 seconds West 335.59 feet to the point of beginning.

AS SURVEYED:
(The following legal description describes the same parcel of land as the provided description)
A parcel of land in the Northeast 1/4 of Section 21, T4N, R1W, Meridian Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the East 1/4 corner of said Section 21; thence S89°47'36"W along the East-West 1/4 line of said Section 21 a distance of 1328.71 feet to the Southwest corner of the Southeast 1/4 of said Northeast 1/4; thence N00°36'29"W along the West line of the East 1/2 of said Northeast 1/4 a distance of 379.89 feet to the point of beginning of this description; thence continuing N00°36'29"W along said West line 629.36 feet to the Southerly right-of-way line of W. Grand River Avenue (M-43); thence S77°03'29"E along said Southerly line 326.05 feet; thence S02°00'00"W along said curve to the right, said curve having a radius of 200.00 feet, a delta angle of 65°00'00", and a chord bearing S38°17'08"E a distance of 329.98 feet; thence S00°00'39"W 199.60 feet; thence S18°01'08"E a distance of 329.98 feet; thence S00°00'39"W 199.60 feet; thence S05°54'48"W 21.78 feet; thence S00°10'27"E 120.00 feet; thence S89°46'56"W 62.71 feet; thence N00°36'29"W 15.62 feet; thence S89°46'56"W 21.49 feet; thence Northwesterly 31.27 feet along a curve to the right, said curve having a radius of 20.00 feet, a delta angle of 89°34'43", and a chord of 28.18 feet bearing N45°24'57"W; thence N00°36'29"W 8.14 feet; thence S89°46'56"W 33.00 feet to the point of beginning; said parcel containing 4.72 acres more or less; said parcel subject to right-of-way for road purposes along Okemos Road; said parcel subject to all easements and restrictions if any.

CERTIFICATION:
To Allig USA, Title Connect, LLC, and First American Title Insurance Company:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys," jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 6a, 6b, 7a, 7b1, 7c, 8, 9, 10a, 10b, 11, 13, 14, 15, 16, 17, 18, 19, and 20 of Table A thereof. The fieldwork was completed on November 5, 2018.

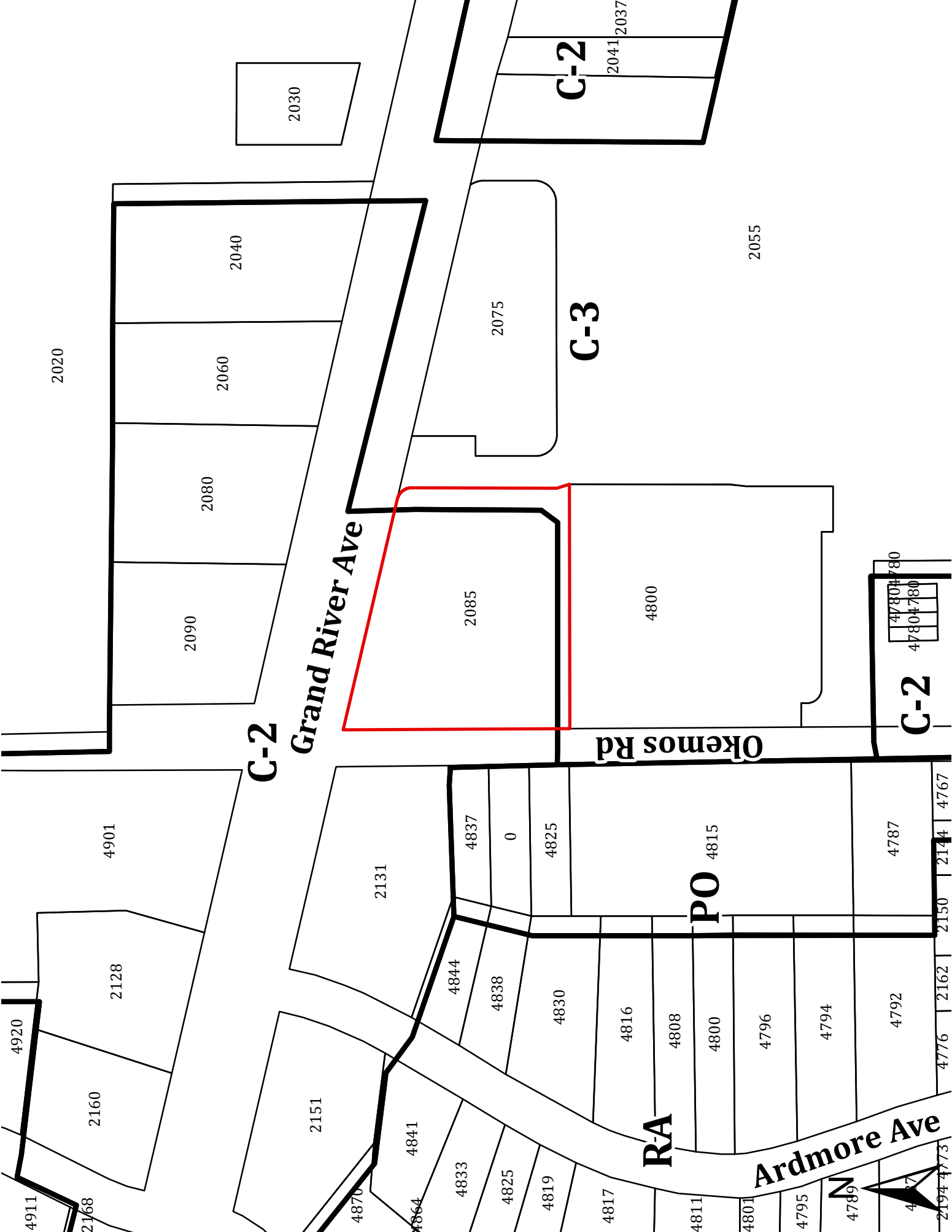
Erick R. Friestrom Date of Plat or Map:
Professional Surveyor No. 53497
erfriestrom@kebs.com

E94499-ALT-EXISTING	
REVISIONS	COMMENTS
12/04/2018	ORIGINAL
1/18/2019	SUP SUBMITTAL
2/19/2019	SUP REVISION

ENGINEERING AND LAND SURVEYING
KEBS, INC.
2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-359-3366 WWW.KEBS.COM

Marchall Office - Ph. 268-781-9800

DRAWN BY: SSF SECTION: 21, T4N, R1W
FIELD WORK BY: AH JOB NUMBER:
SHEET: 94499.ALT



4911

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4787

2150 | 2144 | 4767

2162 | 2114

4776 | 2162

4776 | 2162

4776 | 2162

4776 | 2162

4776 | 2162

4776 | 2162

2020

2090

2080

2060

2040

2030

2085

2075

4800

2055

2041 2037

C-2

Grand River Ave

C-3

Okemos Rd

C-2

RA

Ardmore Ave



N



To: Zoning Board of Appeals
From: Justin Quagliata, Assistant Planner
Date: October 18, 2019
Re: ZBA Case No. 19-10-23-1 (Rosemary Management, LLC)

ZBA CASE NO.: 19-10-23-1 (Rosemary Management, LLC), 5815 S. Pennsylvania Avenue, Lansing, MI 48911
LOCATION: Dawn Avenue
PARCEL ID: N/A
ZONING DISTRICT: C-2 (Commercial), I (Industrial), and RC (Multiple Family)

- Section 86-187. Except for decisions regarding special use permits and planned unit development decisions, an aggrieved person, officer, department, board, or bureau of state government may appeal any administrative order or decision of the Director of Community Planning and Development or administrative official charged with enforcement of the zoning ordinance to the Zoning Board of Appeals.

Rosemary Management, LLC, the appellant, is appealing a determination of the Director of Community Planning and Development that Commercial Medical Marihuana Facilities Overlay Area 4 is a second tier within Commercial Medical Marihuana Facilities Overlay Area 3, and that all types of commercial medical marihuana facilities allowed in Overlay Area 3 are also allowed in Overlay Area 4.

In its determination of the appeal, the decision shall be made by a concurring vote of a majority of the members of the Zoning Board of Appeals. The Zoning Board of Appeals may take, but is not limited to, any of the following actions:

1. Affirm the decision of the Director of Community Planning and Development with or without modification.
2. Reverse the decision of the Director of Community Planning and Development and state its reason therefor.
3. Modify the decision of the Director of Community Planning and Development.

G:\ COMMUN PLNG & DEV\PLNG\ZBA\2019 ZBA\ZBA 19-10-23\ZBA 19-10-23-1 (Rosemary Management, LLC)\ZBA 19-10-23-1 staff report.docx

RECEIVED

SEP 20 2019

BEFORE THE MERIDIAN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

APPELLANT:
ROSEMARY MANAGEMENT, LLC

NOTICE OF APPEAL OF DECISION
MADE BY THE DIRECTOR OF
COMMUNITY PLANNING

COMES NOW, Rosemary Management, LLC, by and through the undersigned counsel, and hereby gives notice that it is appealing the decision of the Meridian Charter Township Director of Community Planning, dated September 11, 2019 (the "Decision") pursuant to Section 86-187 of the Meridian Charter Township Code of Ordinances. A copy of the Decision is attached hereto as **EXHIBIT 1**.

The grounds for this appeal are set forth in the following memorandum.

Respectfully submitted,



Micah M. Siegal (P82672)
6234 Pine Hollow Drive
East Lansing, MI 48823
(248) 579-9099
micahsiegal@gmail.com
Counsel for
Rosemary Management, LLC

MEMORANDUM IN SUPPORT OF APPEAL

1. Appellant Rosemary Management, LLC (“Rosemary” or “Appellant”) is a Michigan limited liability company prequalified by the Michigan Department of Licensing and Regulatory Affairs to operate medical marihuana facilities in the State of Michigan pursuant to the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 and all rules and regulations promulgated thereunder.
2. For the reasons set forth herein, Rosemary is an “aggrieved” person, as defined by Section 86-2 of the Meridian Charter Township Code of Ordinances.
3. Rosemary submitted one of twenty-one (21) applications for a permit to operate a medical marihuana provisioning center in Meridian Charter Township under Chapters 40 and 86 of the Meridian Charter Township Code of Ordinances (the “MM Facilities Ordinance”). **Exhibit 2.**
4. The MM Facilities Ordinance is set forth in two separate chapters of the Code of Ordinances: a “zoning” ordinance under Section 86-2 (the “Zoning Ordinance”) and a non-zoning ordinance under Chapter 40 (the “Non-Zoning Ordinance”).
5. The Zoning Ordinance establishes six (6) separate and distinct “overlay areas” within Meridian Charter Township. The Non-Zoning Ordinance provides the types and numbers of commercial medical marihuana facilities that may be permitted in each overlay area and in Meridian Charter Township overall. See, Section 40-28(2), et seq. A map of the overlay areas and their relative positions to one another is attached as **Exhibit 3.**
6. Section 86-445(e)(2) of the Zoning Ordinance provides that provisioning centers may only be operated in “Overlay Areas 1, 2, 3, 5, 6 and 7 on property zoned I (Industrial), C-1, C-2, or C-3 (Commercial) and RP (Research and Office Park).
7. Further, Section 40-28(2) provides that “no more than one Provisioning Center shall be located in any single Overlay Area,” except when an overlay area (other than an overlay area that prohibits provisioning centers) has no provisioning center.
8. Rosemary timely filed an application to operate a provisioning center within Overlay Area 3 at 2717 E. Grand River Avenue, an area within a C-2 zoning district.
9. BRT Capital 4, LLC filed an application for a permit to operate a medical marihuana provisioning center in Overlay Area 4 at 4910 Dawn Avenue. **Ex. 3.**
10. Pursuant to Section 86-445(e), et seq., of the Zoning Ordinance, only Grower Class A, Class B, and Class C, as well as Processor permits may be granted in Overlay Area 4.

11. The Application of BRT Capital 4, LLC for issuance of a provisioning center permit to operate a provisioning center within Overlay Area 4 was therefore improper on its face and invalid ab initio.
12. By letter dated September 11, 2019, the Director of Community Planning and Development announced that he had "determined that the area within Overlay Area 4 is a second tier also within Overlay Area 3. Accordingly, all types of Medical Marihuana facilities permitted allowed in Overlay Area 3 are also allowed in the area within Overlay Area 4. Since a provisioning center is an allowed use in Overlay Area 3, it is also an allowed use in the portion of Overlay Area 4 lying within Overlay Area 3." **Ex. 1.**
13. The Director's decision to reform the MM Facilities Ordinance and thereby refashion Overlay Area 4 into a "second tier also within Overlay Area 3" was arbitrary, capricious, and inconsistent with the Zoning Ordinance that was duly enacted by the Meridian Charter Township Board.
14. The Director exceeded his authority to interpret the Ordinance. The Director lacks authority to, inter alia, refuse to enforce, or alter the express terms of, zoning and other land use ordinances enacted by the Township Board and entrusted to him for his enforcement.
15. The Director's decision has the effect of nullifying a significant portion of the Ordinance: the decision expanded the type and nature of establishments that the Township Board had excluded from Overlay Area 4 and permitted them within Overlay Area 4 anyway.
16. The Director's decision may also result in an overconcentration of provisioning centers in the eastern portion of Meridian Charter Township; Overlay Area 3 and Overlay Area 4 are adjacent to one another.
17. The Director's decision aggrieves Rosemary because it has the effect of merging Overlay Areas 3 and 4 and making it more statistically improbable for Rosemary to succeed in the lottery. Further, because BRT Capital 4, LLC's application should have been denied out of hand, it makes it statistically more difficult for the remaining 20 applications in Meridian Charter Township to succeed in the lottery.
18. Furthermore, Rosemary has an interest in the faithful enforcement of the ordinances of Meridian Charter Township. By permitting the Director's September 11, 2019 decision to stand, Rosemary's rights are jeopardized, thereby aggrieving Rosemary.

WHEREFORE, Rosemary Management, LLC requests:

1. That the Decision of the Director be set aside pending a review of his decision by the Meridian Charter Township Board of Zoning Appeals;

2. That the Meridian Charter Township Board of Zoning Appeals schedule a hearing as soon as practicable to review the September 11, 2019 decision of the Director;
3. That BRT Capital 4, LLC's provisioning center application within Overlay Area 4 not be permitted to participate in the lottery scheduled to go forward on Monday, September 23, 2019;
4. That the Meridian Charter Township Board of Zoning Appeals determine that the Director's decision was improper and invalid, and that the Director exceeded his authority and discretion to interpret and enforce the Zoning Ordinance and had the effect of nullifying the Non-Zoning Ordinance;
5. Such other and further relief to which the Appellant may be entitled.

Respectfully submitted,



Micah M. Siegal (P82672)
6234 Pine Hollow Drive
East Lansing, MI 48823
(248) 579-9099
micahsiegal@gmail.com
Counsel for
Rosemary Management, LLC

Dated: September 20, 2019

CHARTER TOWNSHIP OF MERIDIAN

Ronald J. Styka
Brett Dreyfus
Phil Deschaine
Frank L. Walsh

Supervisor
Clerk
Treasurer
Manager



Courtney Wisinski
Patricia Herring Jackson
Dan Opsommer
Kathy Ann Sundland

Trustee
Trustee
Trustee
Trustee

September 11, 2019

To: Applicants within Overlay Areas 3 and 4
Re: Medical Marihuana Facilities

After further review of the Zoning Ordinance provisions regarding Medical Marihuana facilities and after consulting with the Township attorney, I have determined that the area within Overlay Area 4 is a second tier also within Overlay Area 3. Accordingly, all types of Medical Marihuana facilities allowed in Overlay Area 3 are also allowed in the area within Overlay Area 4. Since a provisioning center is an allowed use in Overlay Area 3, it is also an allowed use in the portion of Overlay Area 4 lying within Overlay Area 3.

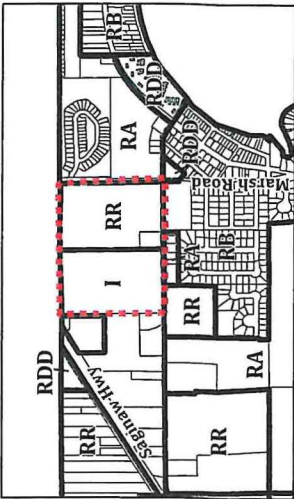
Anyone aggrieved by the decisions of the Director of Community Planning and Development may file a written appeal. The appeal must be filed within 10 days of the Director's decision and in accordance with Section 86-187 of the Code of Ordinances.

Sincerely,

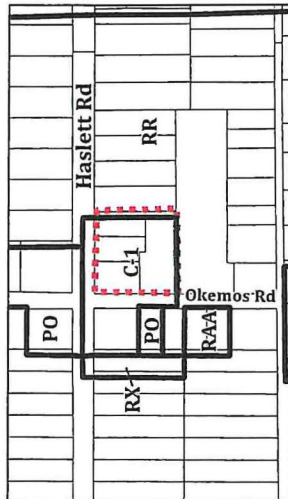
A handwritten signature in blue ink that reads "Mark Kieselbach". The signature is written in a cursive, flowing style.

Mark Kieselbach
Director of Community Planning and Development

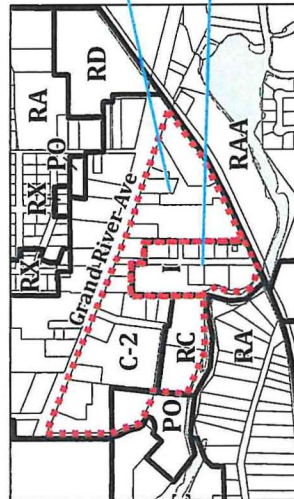
Ex. 1



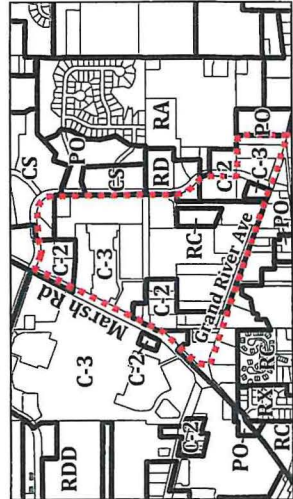
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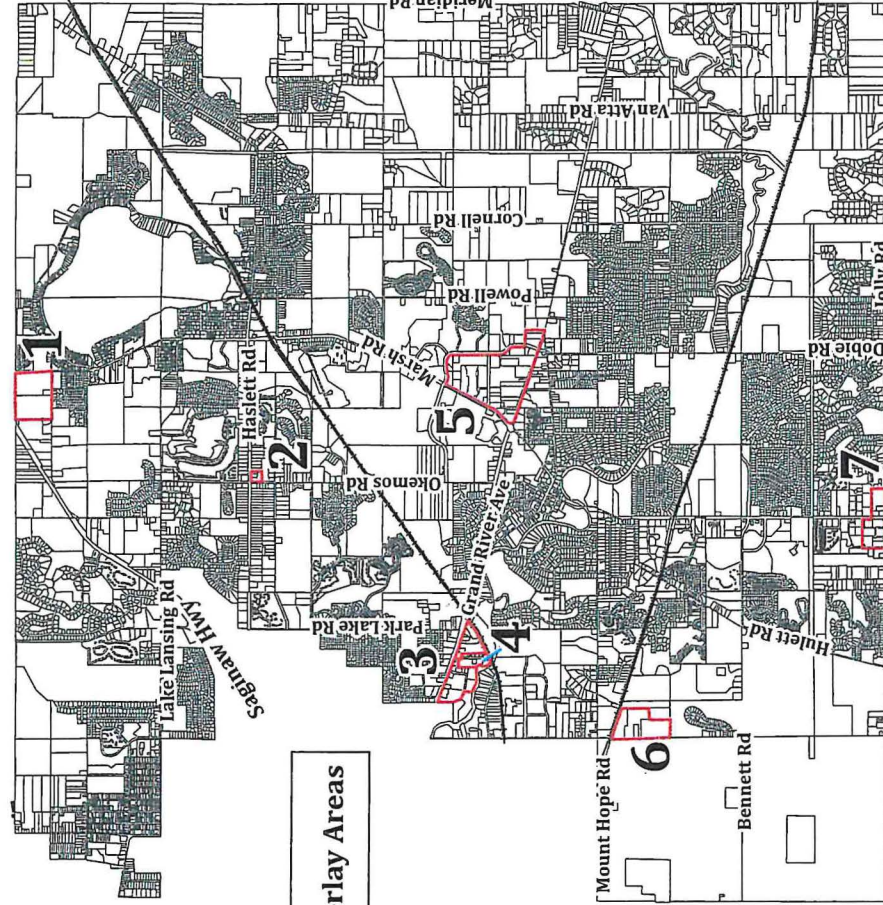
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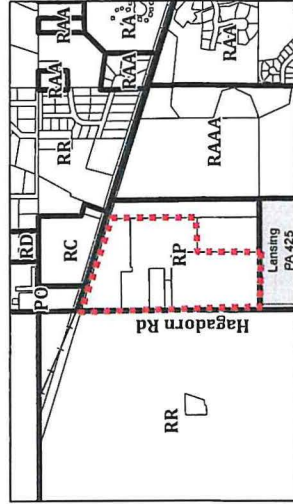
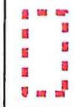
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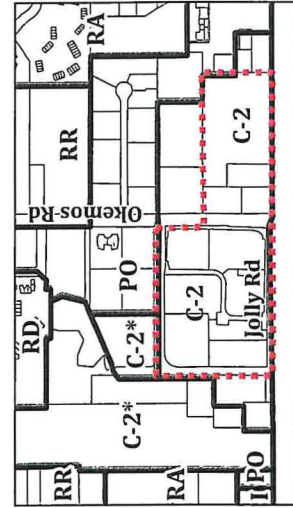
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Proposed Overlay Areas



6



7

Updated: 5/16/19

Ex. 3



Meridian Township Medical Marihuana Applications Received as of August 9, 2019*

A Prime Community

NO.	APPLICANT	LOCATION	FACILITY TYPE	OVERLAY AREA
1	Apex Ultra Worldwide, LLC	4366 Hagadorn Road	Provisioning Center	6
2	BRT Capital 4, LLC	4910 Dawn Avenue	Provisioning Center	4
3	BRT Capital 4, LLC	1838 Towner Road	Provisioning Center	1
4	Buchanan Development, LLC	1780 W Grand River Avenue	Provisioning Center	5
5	CP Investment Group, LLC	1831/1841 Newman Road	Provisioning Center	5
6	Cured Leaf TC Inc.	3520 Okemos Road Ste. 9 & 10	Provisioning Center	7
7	Cured Leaf TC Inc.	1858 Grand River Avenue	Provisioning Center	5
8	Cured Leaf TC Inc.	1870 Grand River Avenue	Provisioning Center	5
9	Direct Power Sports, LLC	2121 Haslett Road	Provisioning Center	2
10	DNVK 2, LLC	1622 W Grand River Avenue	Provisioning Center	5
11	DNVK 2, LLC	1614 W Grand River Avenue	Provisioning Center	5
12	Grand River Gallery Inc.	2643 E Grand River Avenue	Provisioning Center	3
13	Green Peak Industries, LLC	Parcel I.D. #33-02-02-20-127-003	Provisioning Center	3
14	Green Peak Industries, LLC	4988 Northwind Drive	Provisioning Center	3
15	Green Peak Industries, LLC	4749 Central Park Drive	Provisioning Center	5
16	Haslett Gallery Inc.	2119 Haslett Road	Provisioning Center	2
17	Mark Elia	2214 Jolly Road	Provisioning Center	7
18	Mark Elia, Area Capital, LLC	4750 Central Park Drive	Provisioning Center Safety Compliance Secure Transporter	5
19	Mark Elia, Area Capital, LLC	4738 Central Park Drive	Provisioning Center	5
20	Pure Roots, LLC	4990 Marsh Road	Provisioning Center	5
21	Rosemary Management, LLC	2717 Grand River Avenue	Provisioning Center	3
22	Sunrise Forest	1890 Towner Road	Grower Class B	-
23	Sunrise Forest Garden	1890 Towner Road	Grower Class B	-

***Disclaimer: Applications have not yet been reviewed for completeness. Receipt of application does not imply application is valid or complete.**

Ex 2

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Sincerely,

A handwritten signature in cursive script that reads "Mark Kieselbach".

Mark Kieselbach
Director of Community Planning and Development