



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
May 12, 2021 6:30 pm

Zoom meeting ID: 867 6651 8469
Zoom password: 5151

1. CALL MEETING TO ORDER
2. APPROVAL OF THE AGENDA
3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
 - A. April 28, 2021 Meeting Minutes
4. COMMUNICATIONS
5. UNFINISHED BUSINESS
6. NEW BUSINESS

A. ZBA CASE NO. 21-05-12-1 (Sherman), 1167 Woodside Drive, Haslett, MI, 48840 - POSTPONED

B. ZBA CASE NO. 21-05-12-2 (Usman), 4850 Arapaho Trail, Okemos, MI, 48864

DESCRIPTION:	4850 Arapaho Trail
TAX PARCEL:	20-281-014
ZONING DISTRICT:	RAA (Single Family, Low Density)

The variance request is to make improvements within the floodplain at 4850 Arapaho Trail.

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.

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



To: Zoning Board of Appeals
From: Keith Chapman, Assistant Planner
Date: May 7, 2021
Re: April 28, 2021 ZBA Meeting Minutes

The April 28, 2021 ZBA meeting minutes are not finished at the time of sending out the meeting packet. If they are finished before the meeting they will be provided accordingly.



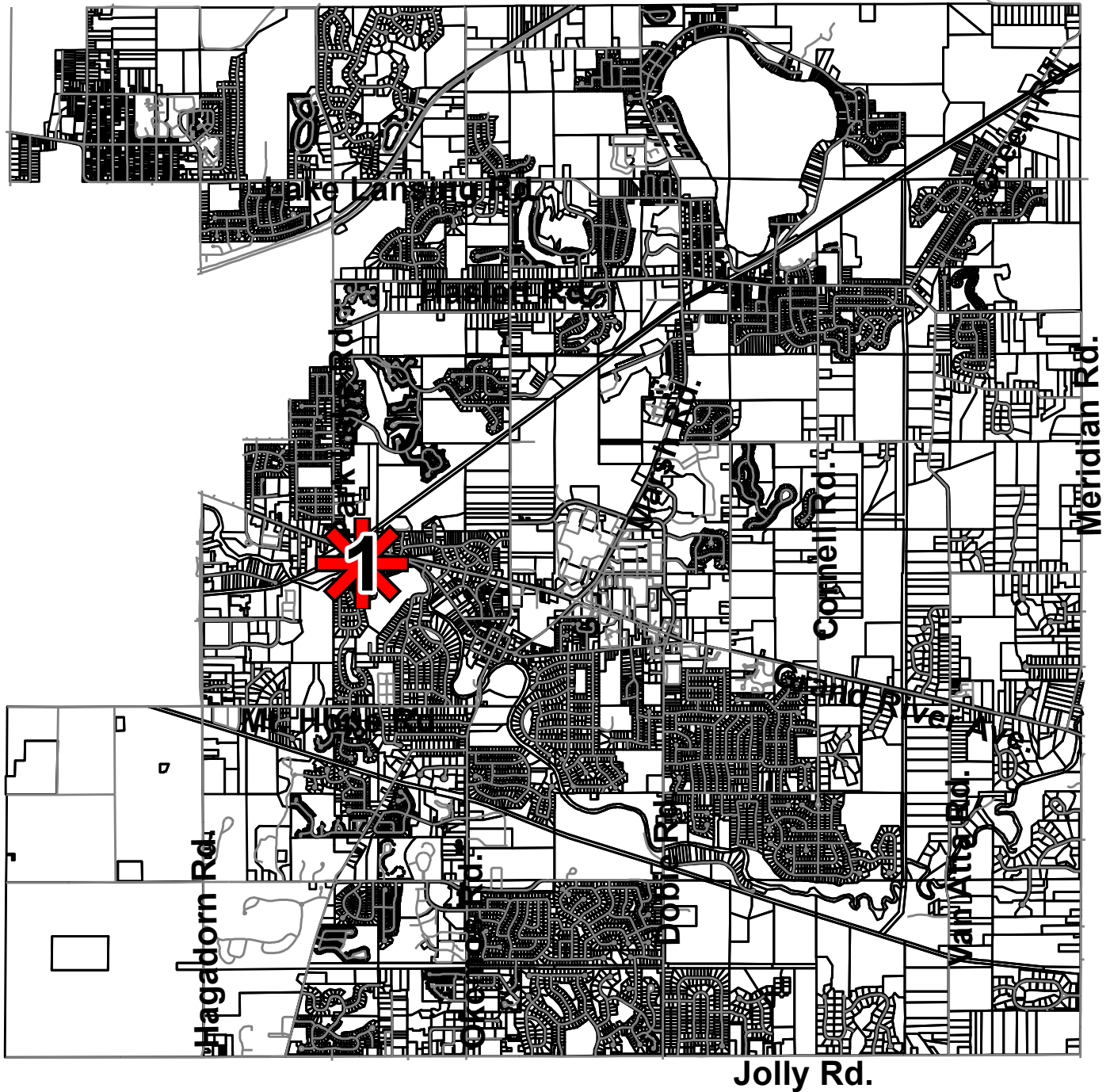
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meridian.mi.us

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.

Meridian Township



Location Map

1. ZBA #21-05-12-2 (Usman)





To: Zoning Board of Appeals
From: Keith Chapman, Assistant Planner
Date: May 7, 2021
Re: ZBA Case No. 21-05-12-1 (Sherman)

ZBA CASE NO.: 21-05-12-1 (Sherman), 1167 Woodside Drive, Haslett, MI 48840
DESCRIPTION: Vacant Parcel (Tax I.D. # 02-179-024)
TAX PARCEL: 02-179-024
ZONING DISTRICT: RB (Single Family, High Density), Lake Lansing Residential Overlay District

The applicant has requested that the variance request be postponed to a later date. The request will be re-noticed once a new meeting date has been determined. Staff has received communication from neighbors regarding this case.



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To: Zoning Board of Appeals
From: Keith Chapman, Assistant Planner
Date: May 4, 2021
Re: ZBA Case No. 21-05-12-2 (Usman)

ZBA CASE NO.: 21-05-12-2 (Usman), 4850 Arapaho Trail, Okemos, MI 48864
DESCRIPTION: 4850 Arapaho Trail
TAX PARCEL: 21-152-002
ZONING DISTRICT: RAA (Single Family, Low Density)

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

- Section 86-436(r). Standards for variance by the Zoning Board of Appeals from the strict interpretation of the regulations set forth in Section 86-436.

The applicant has requested a variance to allow a concrete patio, fire pit, and stonewall and rip rap in the floodplain at 4850 Arapaho Trail. The approximate 0.657 acre site is zoned RAA (Single Family, Low Density).

Located on the site is an existing two story 4,453 square foot single family house built in 1975 at the confluence of Heron Creek and the Red Cedar River. The submitted plan shows improvements that were made by the applicant that includes a stonewall, a fire-pit with stone rip rap, a berm and water features, and a patio with stone rip rap. These improvements were made in the flood plain without a permit.

On September 6, 2019 a violation notice was sent to the applicant for violating the Township's floodplain Ordinance by placing fill within the floodplain. On April 21, 2021 a court order stated that the applicant must bring the property into compliance with the Township's ordinance.

The entire property is located in the floodway portion of the 100 year floodplain. The floodplain consists of two sections, the floodway and the floodway fringe. The floodway is the channel of the watercourse and those portions of the adjoining floodplains which carry and discharge the base flood, as determined by the Federal Emergency Management Agency and as indicated on the Flood Insurance Rate Map (FIRM). The floodway fringe is the portion of the base flood area located outside of the floodway which may generally be considered as the backwater area of the base flood.

The applicant has received verbal approval for a permit from Environment, Great Lakes, & Energy (EGLE) to allow for the stonewall, fire-pit with stone rip rap, and patio with stone rip rap. EGLE stated the berm and water features will need to be removed in its entirety. These changes are reflected in the plans submitted by the applicant along with diagrams showing the floodplain fill total of 7.9 cubic yards and a compensating cut of 13 cubic yards.

Zoning Board of Appeals
May 12, 2021
RE: ZBA Case No. 21-05-12-1 (Usman)
Page 2

Section 86-436(r) allows for the Zoning Board of Appeals (ZBA) to grant a variance from the strict interpretation of the regulations set forth in in the Conservancy District (CV District) section of the Zoning Ordinance. The ZBA will have to consider the following criteria that must be met in addition to the eight criteria stipulated in Section 86-221, before a variance can be granted:

1. No variance shall be granted for the development of new structures, the substantial improvement or relocation of old structures, or development of any kind within the floodway area when such development, construction, improvement, or relocation would cause any increase in flood levels associated with the base flood elevation.
2. a. A sufficient cause for granting the variance must be shown.

b. A determination that failure to grant the variance would result in a practical difficulty to the applicant.

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense or will not create nuisances, cause fraud on or victimization of the public or conflict with this chapter.

d. A determination that the variance is the minimum necessary to afford relief.

The Township Engineer has reviewed the applicant's material and indicated the removal of the fill along with the compensating cut suffice for the improvements proposed to remain and will not increase flood heights.

If the Zoning Board of Appeals decides to approve the request, the staff recommends the following condition:

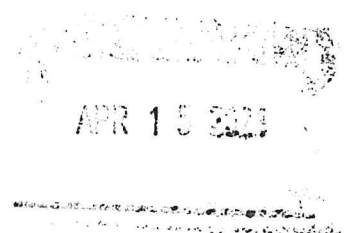
- The applicant receives an EGLE permit and adheres to any and all conditions of the permit.

Attachments

1. Application materials
2. Site location map

G:\COMMUN PLNG & DEV\PLNG\ZBA\2021 ZBA\ZBA 21-05-12-1\ZBA 18-06-06-1 (Usman)\STAFF REPORT

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



VARIANCE APPLICATION

A. Applicant Sam Usman
Address of Applicant 4850 Arapaho Trail, Okemos, MI 48864
Telephone (Work) (517) 490-4444 Telephone (Home) _____
Fax _____ Email address: samu@pggroupmi.com tlssavoie@gmail.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 4850 Arapaho Trail, Okemos, MI
Zoning district RAA Parcel number 33-02-02-2-281-014

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) 86-436 (Improvements within Floodplain)

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)

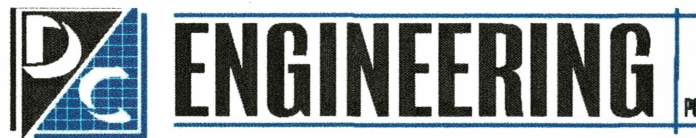
Sam Usman Sam Usman Jr 4/15/21
Signature of Applicant Print Name Date

Fee: \$250 Received by/Date: _____

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.)

Sam Usman 4/15/21
Signature of Applicant(s) Date

Signature of Applicant(s) Date



April 15, 2021

Meridian Township
Zoning Board of Appeals
5151 Marsh Road
Okemos, MI 48864

**Re: Sam Usman and Tiffany Savoie
4850 Arapaho Trail
Zoning Variance for work within Floodway**

To Zoning Board of Appeals;

On behalf of the Owners of 4850 Arapaho Trail, in accordance with Zoning Code Section 86-436, we are submitting a Zoning Variance Application to request a zoning variance for work performed within the floodway. The work within the floodway has already been performed. This variance request is being made retroactively.

The property was purchased by the applicants in 2019. The property is entirely within the floodway of the Red Cedar River and Herron Creek. In 2020, the applicants made improvements in the rear of the property without knowledge that work required approval by Meridian Township. The improvements consisted of:

- Constructed a concrete walk along the north side of the existing pool to improve safety of pool users.
- Constructed a concrete patio to replace the existing patio.
- Constructed a concrete pad for a firepit seating area near the river's edge.
- Installed a row of fieldstones along the river edge to delineate between the lawn area and the river's edge.
- Constructed a berm, stone riverbed and landscape pond along the replaced patio.

The Applicants acknowledge that this work was performed without prior approval and are now seeking approval for some of the work.

The Township and EGLE have issued orders for this issue to be resolved.

A pre-application meeting for the required Zoning Board of Appeals meeting was held on April 13, 2021. Meridian Township Planning, EGLE, Applicant and DC Engineering were present at the meeting. The purpose of the meeting was to review the improvements made and to assess which improvements may be able to be permitted to remain.

EGLE had no objections for the patio replacement, pool deck walk, firepit pad and fieldstone delineation to remain. EGLE stated they will approve the permit for these items. EGLE is requiring that the berm, stone riverbed, and landscaping pool be removed in its entirety.

Township Planning had no objections with EGLE's determination, except that a compensation cut will need to be made in amount equal to the estimated fill of the items to remain. The final approval of this work will be made by the Zoning Board of Appeals.

The Zoning Variance Application requires eight criteria to be met in order to approve the request. The review criteria, Section 86-221 (1)-(8), and our response to the criteria are as follows:

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.

The unique circumstance is that property is entirely within floodway and floodway fringe. Majority of residential properties in Township do not have this circumstance. The existing house and amenities (pool and patio) were existing when applicants purchased the property.

2. These special circumstances are not self-created.

The property being in the floodway is not self created. Property was in floodway at time of purchase by the applicant.

3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.

The denial of the replacement of the existing patio would remove an existing use of the property.

The denial of the pool walk expansion would create practical difficulty for continued safe use of the existing pool. The existing pool deck is too close in proximity to the vertical drop of the existing Herron Creek riverbank.

The denial of the firepit pad would create a situation where the applicants are not able to utilize their property in the same fashion as other residential properties within the Township.

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.

Not granting variance for the patio replacement would remove an existing use already present when applicant purchased property.

Not granting the variance for the pool walk would create and unsafe condition for the continued use of the pool.

Not granting the variance for the firepit pad would prevent owner from using property in similar fashion to all properties within the Township.

Fieldstone delineation of river edge will not prevent owner from using property. But the fieldstone delineation improvement will assist in protecting the Red Cedar River's edge as owner's do use and maintain their property.

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.

The patio is a replacement of existing structure, so it is not contrary to existing use or public interest.

The pool walk is an expansion of an existing use and was performed to improve safety of the pool users. Therefore, it is not contrary to public interest and public safety.

The firepit pad is not contrary to approved uses of typical residential properties. Therefore, it is not contrary to public interest, and enables the property owners to utilize their residence in fashions similar to other property owners in the Township.

The field stone delineation of the lawn to river boundary is in accordance with the spirit of the ordinance for CV District. This delineation will help ensure the protection of the river edge and assist in preventing erosion of the lawn area into the river. Therefore, this improvement will help preserve the natural feature of the Red Cedar River corridor.

6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

The improvements will not adversely affect adjacent land or the character of the adjacent properties. The improvements are typical uses of all residential properties within the Township.

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.

The conditions of this request are not so general or recurrent in nature as to make a formulation of general regulations practicable. The Township's current ordinance are currently written to appropriately govern these types of requests.

8. Granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter.

Granting of this variance is consistent with the public interest and intent of the CV District regulations. The improvements will permit the applicant to continue to utilize their property in similar fashion as all residential properties of the Township. The improvements do not adversely impact the floodway and floodplain elevations. The improvements protect the Red Cedar River natural features.

Zoning Ordinance 86-436 requires the that following additional criteria are met:

1. Structures shall not be designed for human habitation and shall have a low flood damage potential.

The improvements are not designed for habitation and have no potential for flood damage.

2. Structures, if permitted, shall be constructed and placed on the site so as to offer the minimum obstruction to the flow of floodwaters and whenever possible shall be constructed with the longitudinal axis parallel to the direction of flood flow.

The improvements have minimal obstruction to the flow of floodwaters. The improvements have been constructed so as to have minimal changes to the existing topography. The improvements have been constructed to be at or near existing grades. The estimated impact on the cross sectional

area of the floodway is less than one tenth of one percent. Therefore, there is minimal obstruction to the flow of the floodwaters.

3. No special use permit shall be issued for the development of new structures, the substantial improvement or relocation of old structures, or development of any kind within the floodway area when such development, construction, improvement, or relocation would cause any increase in flood level associated with the base flood elevation.

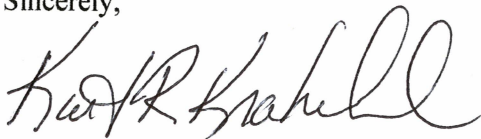
The improvements will not result in an increase to the 100 year floodplain. The obstruction to the flow path, as stated above, is minimal and will not result in an increase in the floodplain elevation. Compensating cuts will be made in the amount of the estimated fill. Therefore, floodplain impoundment capacity will be maintained.

4. Excavation and shaping of the floodway shall be conducted in such a manner as to maintain or improve the flow of the base flood elevation. In no case shall the flow or impoundment capacity of the floodway be reduced. Excavation of soil, sand, gravel, and other materials for the sole purpose of providing a compensating excavation in the floodway for the placement of fill in the floodway fringe is prohibited.

Excavation and shaping of the land has been conducted to maintain the existing grade and shape of the land. Compensation cuts will be made to maintain impoundment capacity.

We thank you for your consideration in this matter.

Sincerely,



Kurt R. Krahulik, P.E.
Vice-President

Copy: Sam Usman & Tiffany Savoie

Enclosure: Zoning Variance Application and associated documents

LOT SURVEY

For:
David Bruce Builders
12460 Herbison Road
Bath, MI 48808

Survey Address:
4850 Arapaho Trail
Okemos, MI 48864
ID: 33-02-02-20-281-014

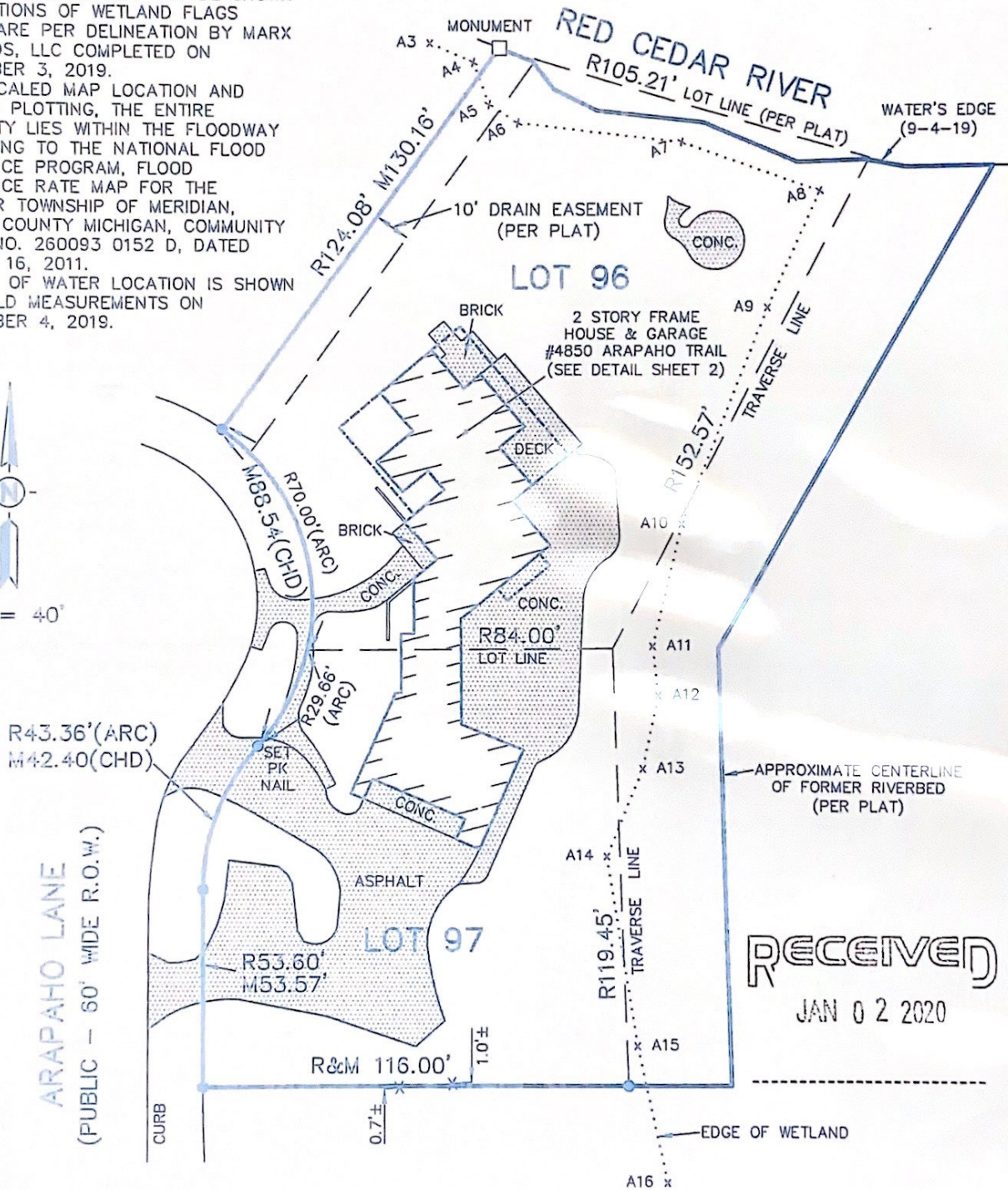
Legal Description (as provided): Lots 96 & 97, Indian Lakes Estates No. 3, Meridian Township, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 29 of Plats, Pages 37 & 38, Ingham County Records.

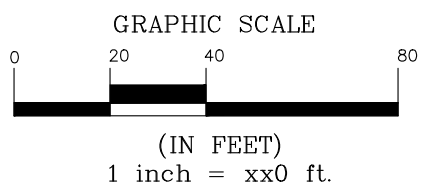
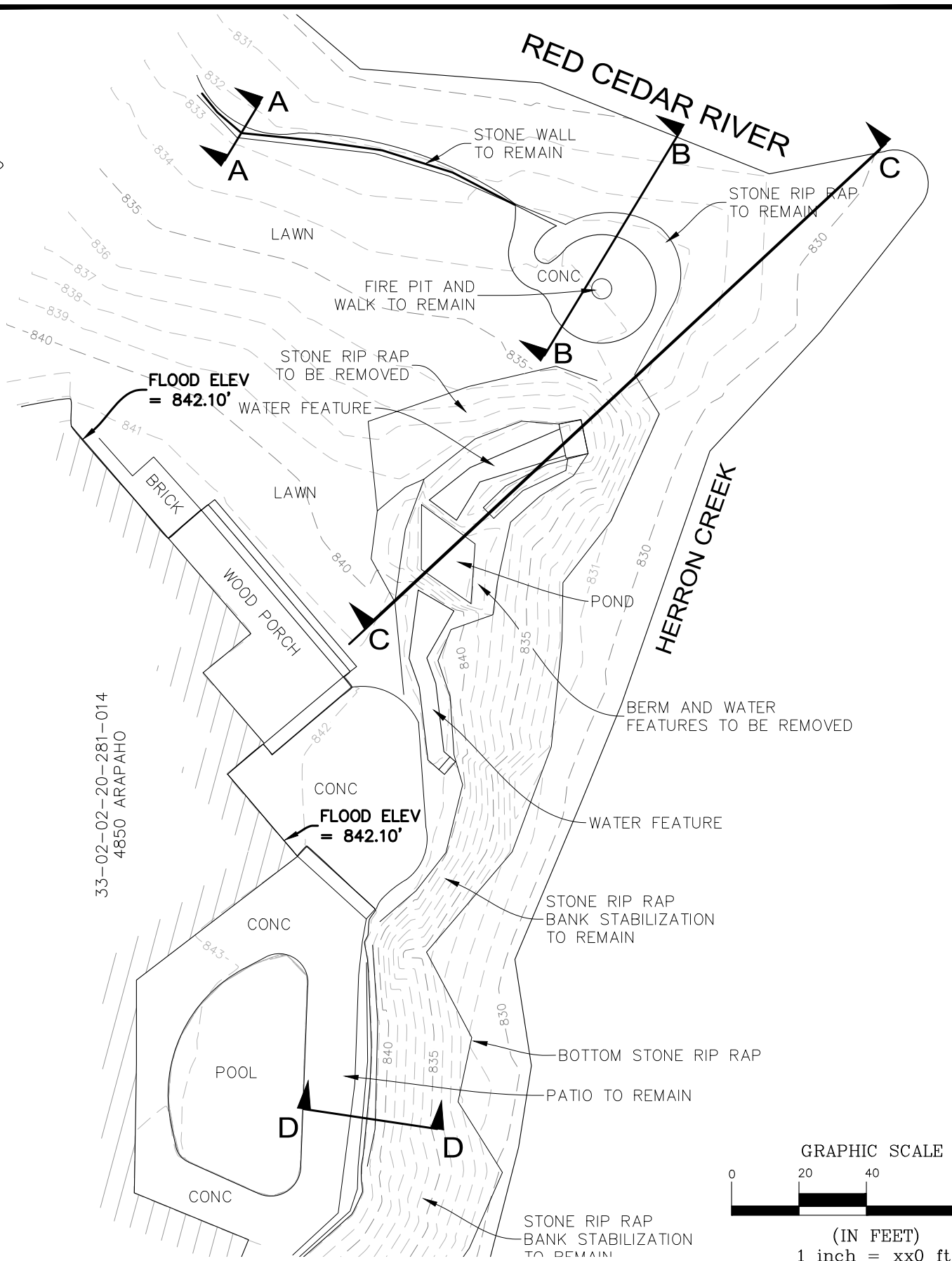
NOTES:

1. ALL EASEMENTS MAY NOT BE SHOWN
2. LOCATIONS OF WETLAND FLAGS SHOWN ARE PER DELINEATION BY MARX WETLANDS, LLC COMPLETED ON SEPTEMBER 3, 2019.
3. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING, THE ENTIRE PROPERTY LIES WITHIN THE FLOODWAY ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY MICHIGAN, COMMUNITY PANEL NO. 260093 0152 D, DATED AUGUST 16, 2011.
4. EDGE OF WATER LOCATION IS SHOWN PER FIELD MEASUREMENTS ON SEPTEMBER 4, 2019.



1" = 40'





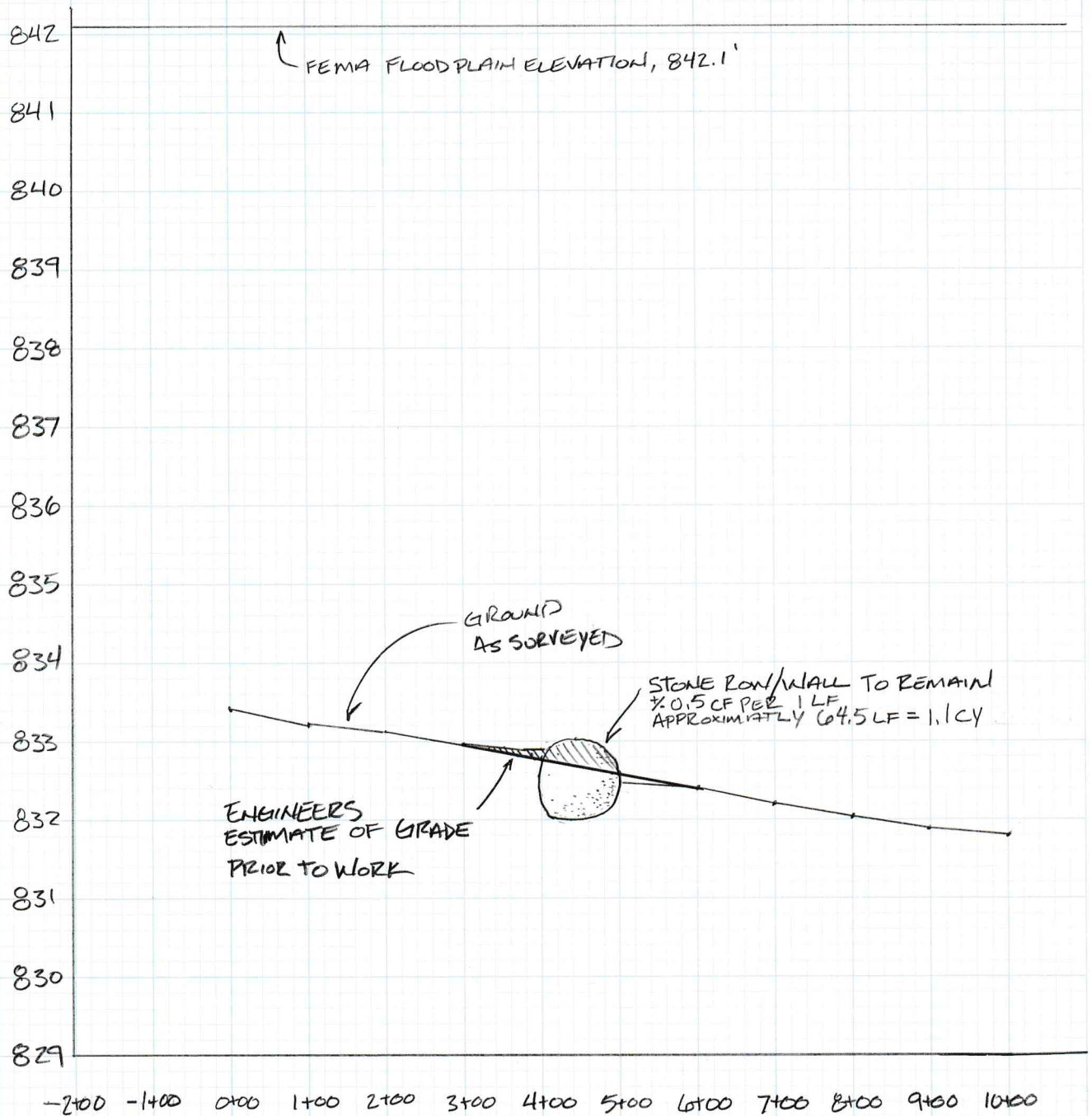
D/C ENGINEERING PC
 1210 N. CEDAR ST., SUITE B
 LANSING, MICHIGAN 48906
 PH: (517) 853-7866
 FAX: (517) 853-7869

4850 ARAPAHO EXHIBIT
 PLANS PREPARED FOR:
 SAM USMAN
 4850 ARAPAHO TRAIL
 OKEMOS, MI 48864
 (517) 490-4444

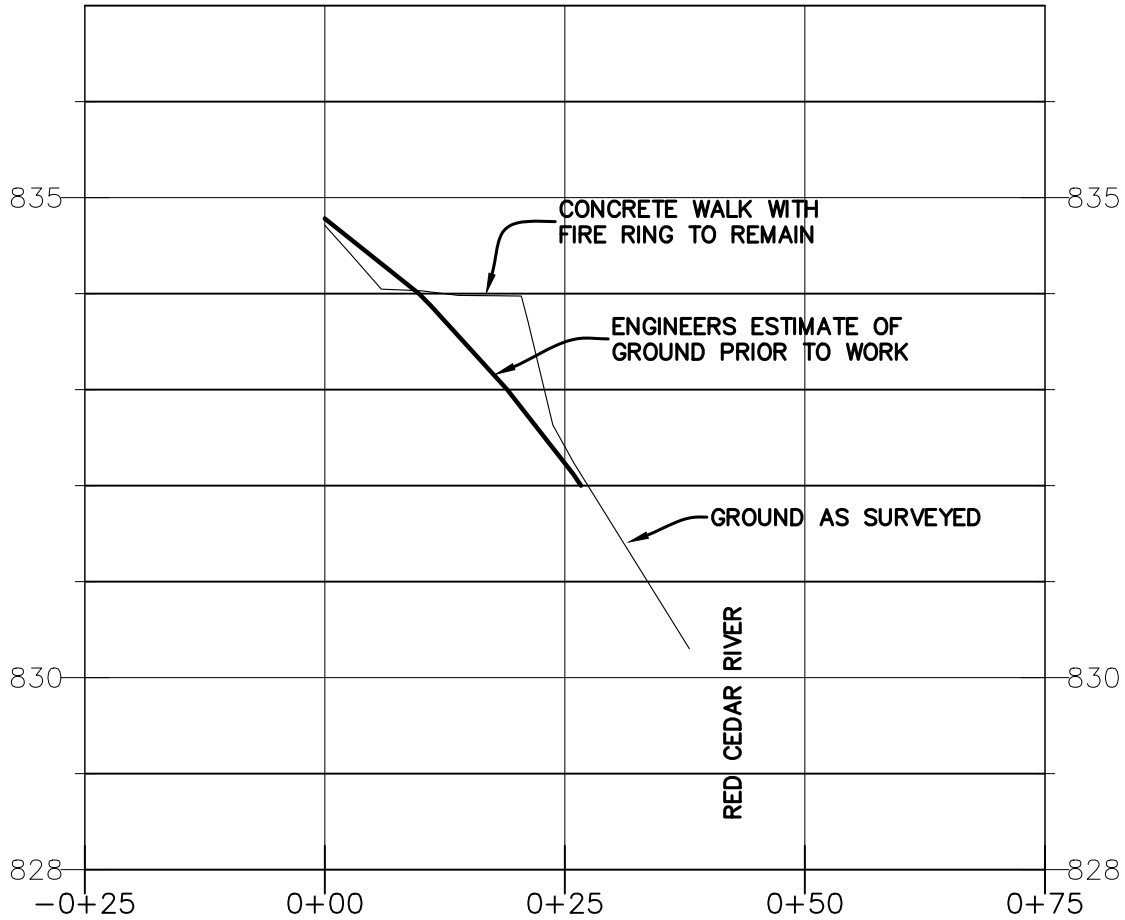
DWG: AJ5	CHKD: KRK
CLIENT: SAM USMAN	
PROJECT: 4850 ARAPAHO	
SHEET 1 OF 6	



CLIENT NAME OSMAN, SAM JOB NAME 4850 ARAPAHO
SUBJECT SECTION A-A PG 2
COMPUTED BY AJS DATE _____ CHK. BY KRK DATE _____



Section B - B



ENGINEERING PC

1210 N. CEDAR ST., SUITE B
 LANSING, MICHIGAN 48906
 PH: (517) 853-7866
 FAX: (517) 853-7869

4850 ARAPAHO - SECTION B-B

PLANS PREPARED FOR:
 SAM USMAN
 4850 ARAPAHO TRAIL
 OKEMOS, MI 48864
 (517) 490-4444

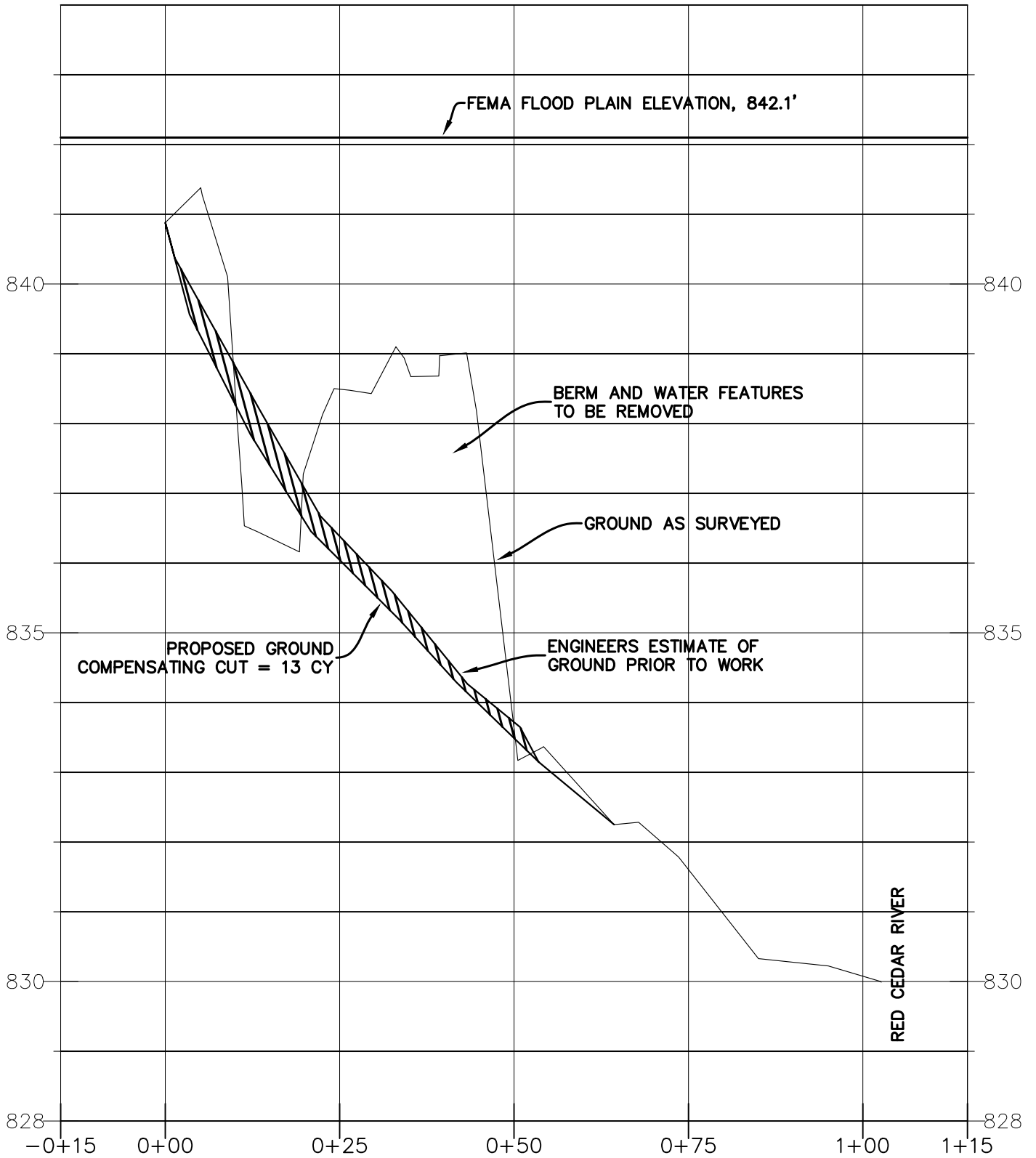
DWG: AJ5

CHKD: KRK

CLIENT: SAM USMAN
 PROJECT: 4850 ARAPAHO

SHEET 3 OF 6

Section C-C



ENGINEERING PC

1210 N. CEDAR ST., SUITE B
LANSING, MICHIGAN 48906
PH: (517) 853-7866
FAX: (517) 853-7869

4850 ARAPAHO — SECTION C-C

PLANS PREPARED FOR:
SAM USMAN
4850 ARAPAHO TRAIL
OKEMOS, MI 48864
(517) 490-4444

DWG: AJS

CHKD: KRK

CLIENT: SAM USMAN
PROJECT: 4850 ARAPAHO

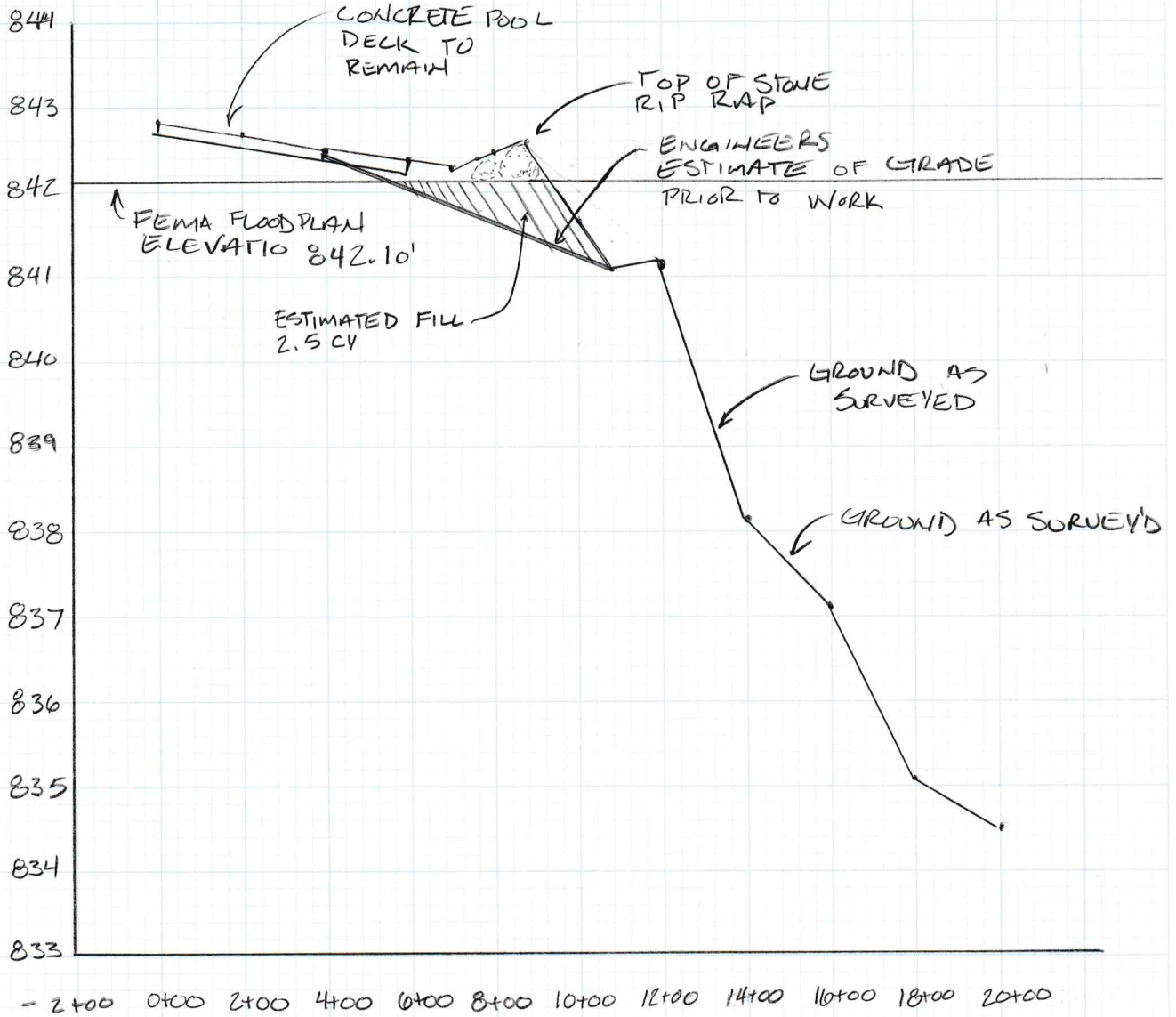
SHEET 4 OF 6



CLIENT NAME USMANI, Sam JOB NAME 4850 ARADALE

SUBJECT SECTION D-D PG 5

COMPUTED BY ASS DATE _____ CHK. BY KRK DATE _____





CLIENT NAME USMAN, Sam JOB NAME 4850 ARAPAHO
SUBJECT CUT FILL SUMMARY PG 0
COMPUTED BY ASS DATE _____ CHK. BY KRK DATE _____

CUT/FILL SUMMARY

<u>ITEM</u>	<u>CUT/FILL</u>
SECTION A-A	FILL 1.1 CY
SECTION B-B	FILL 4.3 CY
SECTION C-C	COMPENSATING CUT 7.9 CY
SECTION D-D	FILL 2.5 CY

TOTAL: FILL 7.9 CY
COMPENSATING
CUT 13 CY
NET FILL 0.0 CY

