

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES -APPROVED-
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JUNE 23, 2021
VIRTUAL MEETING**

PRESENT: Chair Mansour, Members Hendrickson, Field-Foster, Opsommer, Kulhanek

ABSENT: None

STAFF: Community Planning and Development Director Schmitt; Assistant Planner Chapman; IT Director Stephen Gebes

1. CALL MEETING TO ORDER

Chair Mansour called the meeting to order at 6:31 p.m.

2. APPROVAL OF AGENDA

MEMBER HENDRICKSON MOVED TO APPROVE THE AGENDA AS SUBMITTED.

SECONDED BY MEMBER FIELD-FOSTER

ROLE CALL TO VOTE:

YEAS: Members Hendrickson, Field-Foster, Opsommer, Kulhanek, Chair Mansour

NAYS: None

Motion carried: 5-0

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. April 28, 2021 Meeting Minutes

FIELD FOSTER MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, APRIL 28, 2021 AS SUBMITTED.

SECONDED BY CHAIR MANSOUR.

ROLE CALL TO VOTE:

YEAS: Members Hendrickson, Field-foster, Opsommer, Kulhanek, Chair Mansour

NAYS: None

Motion carried: 5-0

B. May 12, 2021 Meeting Minutes

MEMBER HENDRICKSON MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, MAY 12, 2021 AS SUBMITTED.

SECONDED BY MEMBER OPSOMMER.

ROLE CALL TO VOTE:

YEAS: Members Hendrickson, Field-foster, Opsommer, Kulhanek, Chair Mansour

NAYS: None

Motion carried: 5-0

4. COMMUNICATIONS - NONE

5. UNFINISHED BUSINESS - NONE

6. NEW BUSINESS

A. ZBA CASE NO. 21-06-23-1 (EROP, LLC), 2390 E. Federal Drive, Decatur, IL, 62526

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

The variance requested is to construct a drive through car wash facility at 2703 Grand River Avenue.

Assistant Planner Chapman outlined the case for discussion.

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

Erin McMachen, 607 Shelby St. Suite 200, Detroit, Michigan thanked the board for their time and proposed that all variances were justified as they met all eight criteria reviewed by Meridian Township.

Chair Mansour opened the case to public comment at 6:42 P.M. No comments were made.

Member Hendrickson asked staff to clarify if the diagram was showing a 100ft setback, and if the diagram was accurately representing the building envelope.

Assistant Planner Chapman replied yes to both.

Member Hendrickson stated that it appeared as if the building was moved about 15-20 feet to the south the requested driveway would already be in compliance. He asked why this couldn't be done.

Erin McMachen replied that this same question was asked by the Planning Commission. She stated that such short entrance and exits are rarely seen at a carwash. She said that they reduced the driveways to the absolute minimum length of 30 feet which allows for a standard pickup truck to turn in or out of the car wash.

Member Hendrickson asked for an explanation as to why the criteria for a vegetation buffer in the perimeter landscaping couldn't be met.

Erin McMachen stated that they don't typically propose planting so close to their foundations, but they had relocated the plantings to the landscaping island to the west. This planting would be over the 50% that's required up against the foundation.

Member Hendrickson asked if the applicant was closing off a curb cut to Grand River Ave.

Erin McMachen replied that they were closing off two curb cuts on Grand River Ave.

Member Opsommer asked if the previous owner, O'Reilly Auto Parts had sold the property.

Assistant Planner Chapman replied O'Reilly Auto Parts still owns the property.

Member Opsommer voiced concern about granting the 20 foot Right-of-Way buffer as it would impact the connection of service drives.

Director Schmitt stated that an easement would be an option, and that the building design presented today would not likely stop the inclusion of a service road in the future.

Member Opsommer stated that the current plans would cause the service drive to dead end into the carwash after passing through Denny's.

Director Schmitt replied that he was previously speaking more in terms of a true service drive, but that yes the current service drive would not be able to pass through the carwash with the current plans.

Member Field-Foster asked for further clarification on why the vegetation buffer couldn't be planted more closely to the foundation.

Erin McMachen stated that it's was not part of the plans to plant vegetation so close to the foundation, but if it's something that the board absolutely needs to have happen that she would relay that information to the applicant for revision.

Member Field-Foster asked what impact a vegetation buffer could have on the foundation.

Erin McMachen stated that the moisture content along the side of the building is not good practice. Normally trees are kept 15 feet away and small shrubs and plantings are generally three feet away. She also stated all of the utilities are entering the building on the west side and the applicant would like to avoid utility conflict.

Chair Mansour asked to if that this line of questioning was in regards to the building permit or landscape and not the parking lot buffer.

Erin McMachen replied yes it was.

Chair Mansour asked for the reasoning for not being able to add the 20 foot parking lot buffer.

Erin McMachen said it is a practicality issue. The length of the building is determined by the length of the conveyor used, and the applicant had already reduced the required space as much as possible.

Member Hendrickson stated all of the variances could be avoided if the applicant would move the building the west side of the lot, and questioned why the applicant has not researched that option.

Erin McMachen replied the applicant had thought of placing the building on the west side of the lot but that it was a safety issue for vehicles exiting and entering the carwash on just the one driveway on Grand River, and also it would give them no access to Dawn Avenue.

Chair 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. Chair Mansour stated the parcel is uniquely shaped.

Member Hendrickson stated that he does not believe this to be a unique parcel.

Member Opsommer agreed with Member Hendrickson.

Chair Mansour stated that what she found unique was the Grand River Avenue and Dawn Avenue entrances and curb cuts.

Member Field-Foster asked if there is a way to redesign the facility.

Erin McMachen replied the applicant had looked at different layouts but there would be other issues, and that the applicant had proposed the bare minimum building dimensions.

Member Kulhanek stated that he also does not think this is a unique parcel.

Chair Mansour read review criteria two which states these special circumstances are not self-created. Chair Mansour stated she believes the special circumstances are self-created.

Chair Mansour read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. Chair Mansour stated that she did not believe strict interpretation and enforcement of the literal terms and condition would not create practical difficulties.

Chair 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. Chair Mansour stated that she did not believe that the alleged practical difficulties would not unreasonable prevent the owner from using the property for the permitted purpose.

Chair 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. Chair Mansour said the granting of the variance in perpetuity would open the township to issues down the line and that it is not a minimum action.

Chair 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. Chair Mansour stated that while the design may not currently adversely affect the adjacent land, it could have an effect in the future.

Chair Mansour read review criteria seven which states the conditions pertaining to the land or structure are not as general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. Chair Mansour stated the current plan could meet this criteria.

Chair 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. Chair Mansour stated this criteria would be met by the current plan.

Member Hendrickson stated the majority of the board could not agree that the parcel was unique and to grant the first variance, than that would hold true for the remaining two variances.

Erin McMachen asked if the applicant would be allowed to table the application so that they may gather additional evidence for review.

Director Schmitt encouraged the Board to grant permission to the applicant to gather further evidence.

Member Opsommer asked which trees would be cut down on the parcel as it contains many mature trees.

Erin McMachen stated they would maintain 10 of the mature trees. She asked if the applicant made changes to their plans, would they have to go through the Planning Commission again.

Director Schmitt stated it would depend on what the changes would be.

MEMBER OPSOMMER MOVED TO TABLE THE CASE NO. **21-06-23-1 (EROP, LLC)**.

SECONDED BY MEMBER HENDRICKSON.

ROLE CALL TO VOTE:

YEAS: Members Hendrickson, Field-foster, Opsommer, Kulhanek, Chair Mansour

NAYS: None

Motion carried: 5-0

7. OTHER BUSINESS

None

8. PUBLIC REMARKS

Chair Mansour opened the floor for public remarks at 7:31 pm

None

Chair Mansour closed public remarks at 7:32 pm

9. MEMBER COMMENTS

Chair Mansour thanked everyone for their patience and hard work during the requirement of virtual meetings.

Member Field-Foster thanked Chair Mansour for her flexibility and openness during the use of virtual meetings.

Member Hendrickson stated he is looking forward to the return of in-person meetings.

10. ADJOURNMENT

Chair Mansour Adjourned the meeting at 7:36 pm.