

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, OCTOBER 13, 2021
REGULAR TELEVISED MEETING**

PRESENT: Chair Mansour, Vice-Chair Field-Foster, Members Opsommer, Hendrickson,
Shorkey

ABSENT: None

STAFF: Assistant Planner Chapman; IT Director Stephen Gebes

1. CALL MEETING TO ORDER

Chair Mansour called the meeting to order at 6:31 p.m. and called the roll of the board.

2. APPROVAL OF AGENDA

Member Field-Foster moved to approve the agenda as submitted. Seconded by Member Opsommer.

ROLE CALL TO VOTE:

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

NAYS: None

Motion carried: 5-0

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. September 08, 2021 Meeting Minutes

Member Field-Foster noted that her name is misspelled as Filed-Foster in her motion to approve the agenda. This should be corrected to Field-Foster.

Member Opsommer moved to approve the minutes from Wednesday, September 08, 2021 with amendments. Seconded by Member Hendrickson.

ROLE CALL TO VOTE:

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

NAYS: None

Motion carried: 5-0

4. COMMUNICATIONS - NONE

5. UNFINISHED BUSINESS - NONE

6. NEW BUSINESS

A. ZBA CASE NO. 21-10-13-1 (Woodward Way LP), 500 S. Front Street, Columbus, OH, 43215

DESCRIPTION: East of Sirhal Drive, west of Greencliff Drive

TAX PARCEL: 17-377-031

ZONING DISTRICT: RC (Multiple Family)

The variance requested is exceed the maximum building dimension by 17 feet and 40 feet in length for two buildings.

Assistant Planner Chapman outlined the case for discussion.

Applicant Patrick Kelderhouse, 14710 Waypoint Parkway, West Olive, MI 49460, further outlined the case for discussion.

Member Hendrickson asked if the maximum length of the building includes the wrap around or only the length.

The applicant replied 200 ft. is the length of one side.

Member Hendrickson asked what happens if the variance is denied.

The applicant replied he would have to go back to the client and the developer to discuss options, but that they are running out of options to complete the project while meeting requirements.

Chair Mansour asked about the history of this case.

The applicant replied the building height has dropped roughly ten feet., and the orientation has changed. The site plan was changed with the addition of the cul-de-sac and deletion of a building on the right side. The changes to the parking count and the future parking expansion led to the applicant connecting two building and making the stacked flats in the current plan.

Member Field-Foster asked if there was a way to redesign the building to fall within township ordinances.

The applicant replied if they take away from one side of the building to bring it into compliance they would have to add to the other side which would still be out of compliance.

Member Opsommer stated Stratford Place, which is adjacent to the applicant's building, is longer than the applicant's building. He stated they must have a variance as well or the township overlooked the non-compliance.

Assistant Planner Chapman indicated that is correct.

Member Opsommer stated previously the applicant had applied for two variances in 2019. One for 37 feet for the North and South buildings and one for parking. He clarified that now the applicant is down to one variance for each building. He stated previously this site is

unique in that it had been a trailer park, and it appears to change one part will create problems in another.

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.

Member Hendrickson stated that he wasn't sure about the unique circumstances, as the neighboring parcels are similar.

Member Opsommer stated that he viewed this parcel as unique because a cul-de-sac is required. He explained that the County Road Department and the township won't allow a through road connecting Sirhal Drive, and Greencliff Drive.

Chair Mansour agreed with Member Opsommer.

Member Field-Foster also agreed that the parcel is unique.

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

Member Opsommer stated the east road connection is being used by the residents adjacent to it on the north and south and may be why the County Road Department doesn't force the connection. He stated adjacent land owners are causing the circumstances faced by the applicant.

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.

Member Field-Foster stated not granting the variance would create practical difficulties for the developer, as the developer stated earlier in the meeting.

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 criteria four has been met as the township and the County Road Department caused the circumstance that is causing the applicant to request a variance.

Member Opsommer stated the township had recently rezoned the parcel to be used as lower density Multi-Family Housing.

Member Hendrickson stated if the applicant removed four units there would be no variance, and asked for an explanation as to why they could not operate with 45 units instead of 49.

The applicant stated the building is two stories so to remove four ground level units would require the removal of the four units on the second floor totaling eight units. The applicant also stated that removal of these units could affect the score they received from MSHDA and they could lose the credits they received from MSHDA, forcing them to go through the scoring process again.

Member Opsommer stated the practical difficulty is a result of the County Road Department and the township.

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 stated that she believes this variance is the minimum action.

Member Shorkey stated there were two variances in 2019, one being related to parking spaces.

The applicant stated his understanding is the parking variance is no longer required.

Member Hendrickson asked since the previous variance of 37 feet to the building's length was granted in the past that the Zoning Board of Appeals was not going to stack another 17 feet variance effectively granting a 54 feet variance to the length of any building built on the parcel in the future.

Member Shorkey stated that since the previous variance was granted the applicant would only need a three foot variance.

Chair Mansour asked if the original variance would be invalidated.

Assistant Planner Chapman stated the intent was to "start over" with the new building size.

Member Hendrickson asked if it was possible to revoke previous variances when a motion was made.

Assistant Planner Chapman replied it should be fine to do so.

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 she views this project as a benefit to the township as a whole.

Member Hendrickson stated the adjacent property contains a similar building that is longer than the current applicant's building and with that in mind the current building should not adversely affect neighboring parcels.

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 she does not find this to be generally recurrent.

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 criteria eight has been met.

Member Hendrickson stated he feels comfortable granting the variance as a precedent had been set in the previous variance granted two years prior.

Member Opsommer moved to repeal ZBA case 19-09-18-3 granted in 2019 and to approve ZBA CASE NO. 21-10-13-1 (Woodward Way LP), 500 S. Front Street, Columbus, OH, 43215. Supported by Member Hendrickson.

Chair Mansour suggested not to repeal the entire case, only the portion of the variance regarding building length and not parking.

Member Opsommer and Member Hendrickson accepted the suggestion as a friendly amendment.

ROLE CALL TO VOTE:

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

NAYS: None

Motion carried: 5-0

Chair Mansour closed ZBA CASE NO. 21-10-13-1 (Woodward Way LP), 500 S. Front Street, Columbus, OH, 43215 at 7:16 pm.

7. OTHER BUSINESS – None

8. PUBLIC REMARKS

Chair Mansour opened the floor for public remarks at 7:16 pm.

NONE

Chair Mansour closed public remarks at 7:16 pm

9. MEMBER COMMENTS

Chair Mansour

- Expressed appreciation to the members of the ZBA for their unique contributions

10. ADJOURNMENT

Chair Mansour Adjourned the meeting at 7:17 pm.