

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, NOVEMBER 10, 2021
REGULAR TELEVISED MEETING**

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

ABSENT:

STAFF: Assistant Planner Chapman

1. CALL MEETING TO ORDER

Chair Mansour called the meeting to order at 6:30 p.m. and called the roll of the board.

2. APPROVAL OF AGENDA

Assistant Planner Chapman asked that the agenda be amended to include the approval of Oct. 13th minutes.

Member Hendrickson moved to approve the agenda as amended. Seconded by Member Shorkey.

ROLE CALL TO VOTE:

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

NAYS: None

Motion carried: 5-0

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. October 13, 2021 Meeting Minutes

Member Field-Foster moved to approve the minutes from Wednesday, October 13, 2021 as presented. Seconded by Member Hendrickson.

ROLE CALL TO VOTE:

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

NAYS: None

Motion carried: 5-0

4. COMMUNICATIONS

A. Timothy & Bridget McCarthy RE: ZBA #21-10-27-1

5. UNFINISHED BUSINESS - NONE

6. NEW BUSINESS

A. ZBA CASE NO. 21-10-27-1 (Loveridge & Dohr), 2050 Sheldrake Avenue, Okemos, MI, 48864

DESCRIPTION: 6074 Columbia Street
TAX PARCEL: 03-477-004
ZONING DISTRICT: RB (Single Family, High Density), Lake Lansing Overlay District

The variance requested is to construct a single-family home that does not meet the front yard setback, side yard setback, and driveway coverage requirements.

Assistant Planner Chapman outlined the case for discussion.

Applicant Scott Loveridge, 2050 Sheldrake Ave., Okemos MI, 48864 further outlined the case for discussion.

Applicant's representative Timothy Mrozowski 613 Grove St., East Lansing MI, 48823 outlined the case for discussion and spoke about some of the technical aspects of the application.

Member Hendrickson asked if the applicant would be moving the existing driveway.

Mr. Mrozowski replied it would be moved six inches to the south.

Member Hendrickson stated he believes the driveway could have been fit on the property within township Ordinance specifications.

Mr. Mrozowski stated that he could have trimmed it up some, but that he is not making the driveway surface any larger than it had been previously.

Mr. Loveridge stated the proposed garage is bigger than the older garage, leading to the larger driveway.

Member Hendrickson asked if the intention is to make the driveway 23 feet wide.

Mr. Mrozowski replied yes.

Member Hendrickson asked if the front yard canopy is for aesthetics.

Mr. Mrozowski replied yes.

Member Hendrickson asked staff to confirm that the eave on the upper floors is allowed under current zoning Ordinance.

Assistant Planner Chapman replied yes.

Vice-Chair Field-Foster asked the applicant if there is a way to design the house without requesting variances.

Mr. Mrozowski replied he could eliminate the west canopy, but that it likely wouldn't make much impact.

Member Opsommer asked what floor the canopy would be protruding from, and what angle it would be at.

Mr. Mrozowski replied it will hang from the first floor at a 90 degree angle.

Chair Mansour asked staff if it was the canopy on the south side triggering the side yard setback.

Assistant Planner Chapman replied yes, and the canopy on the west is triggering the front yard setback.

Mr. Mrozowski asked if he would be within the Ordinance if he moved the canopies to the second floor.

Assistant Planner Chapman replied no, they would need to be eaves on the house.

Member Opsommer clarified the south canopy is practical as it shields people, while the west canopy is for aesthetics.

The Zoning Board of Appeals chose to go through the review criteria for each variance separately starting with the front yard setback.

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 she could not meet this criteria as the neighboring lots are similar.

Member Hendrickson agreed and asked staff if neighboring properties meet the front yard setback.

Assistant Planner Chapman replied that he wasn't certain but he suspected they weren't meeting the front yard setback.

Vice-Chair Field-Foster stated that while she can meet criteria one, criteria three and five she would struggle to meet.

Member Hendrickson stated the Lake Overlay district should be rethought, as every property is oddly shaped. This will eventually lead to every owner in the overlay coming to the ZBA for variances. Hendrickson further stated he would be ok with tabling this item and allowing the applicant to come back with a new design.

Vice-Chair Field-Foster moved to table ZBA CASE NO. 21-10-27-1 to give the applicant an opportunity to come back with a different design. Seconded by Member Hendrickson.

Assistant Planner Chapman reported if the driveway is left alone it will not require a variance, however if the applicant removes the driveway it will cause issues, requiring the need for a variance.

Mr. Mrozowski asked if the west wall of the garage was retained and he didn't change the pavement configuration, would he only require one variance.

Assistant Planner Chapman replied yes, a variance would still be necessary.

Member Opsommer asked what variances the property currently has related to the current case.

Assistant Planner Chapman replied there are variances for the front yard setback and a side yard setback on the north side, but these variances do not carry over to new construction.

ROLE CALL TO VOTE:

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

NAYS: None

Motion carried: 5-0

B. ZBA CASE NO. 21-11-10-1 (John E. Green Company), 220 Victor Avenue, Highland Park, MI, 48203

DESCRIPTION: 4910 Dawn Avenue

TAX PARCEL: 20-204-006

ZONING DISTRICT: I (Industrial)

The variance requested is to construct a seven-foot-tall fence at 4910 Dawn Avenue.

Assistant Planner Chapman outlined the case for discussion.

Applicant representative Craig Sperry, 4910 Dawn Ave., East Lansing, MI 48823 further outlined the case for discussion.

Mr. Sperry asked how much of a setback is required to use a fence greater than three feet.

Assistant Planner Chapman replied any fencing within 35 feet from the south border and 35 feet parallel to the drive would have to be three feet or less.

Member Opsommer asked if the applicant intended to keep the driveway where it is.

Mr. Sperry replied yes.

Member Hendrickson stated that if the applicant only used the curb cut on the north side of the building that cars would no longer be pulling in and out of the property on the south side fixing the problem of the sight triangle that forces the fence to be three feet or less in that section. Hendrickson further stated if the applicant agreed to use a six-foot fence both problems would be solved and a variance wouldn't be required.

Mr. Sperry agreed with the statement but stated the company had already paid for the seven foot fence and did not wish to close the southern access point.

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 criteria one had been met.

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

Chair Mansour stated criteria two had been met.

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 criteria three had been met.

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 had been met.

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 the public safety aspect of criteria five is hard to meet because the sight triangle exists as a public safety feature.

Member Hendrickson agreed with Chair Mansour.

Member Shorkey stated he doesn't have a problem with the sight triangle variance as the applicant stated the south side curb cut is only a secondary entrance. Further the fence is chain link causing minimal impact to driver vision.

Vice-Chair Field-Foster agreed with Member Shorkey.

Member Hendrickson suggested including the use of a chain link fence in the motion to approve.

Chair Mansour stated criteria five had been met.

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 criteria six has been met.

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 criteria seven had been met.

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 moved to deny the variance requesting one-foot additional height relating to section 86-506 in ZBA CASE NO. 21-11-10-1. Seconded by Vice-Chair Field-Foster.

ROLE CALL TO VOTE:

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

NAYS: Member Shorkey

Motion carried: 4-1

Member Hendrickson moved to approve the sight triangle variance with the condition that chain link material be used for fencing and the sight triangle is free of permanent obstruction in ZBA CASE NO. 21-11-10-1. Seconded by Member Shorkey.

ROLE CALL TO VOTE:

YEAS: Member Shorkey, Vice-Chair Field-Foster, Hendrickson, Opsommer, Chair Mansour

NAYS:

Motion carried: 5-0

7. OTHER BUSINESS

A. 2022 Meeting Schedule

Chair Mansour outlined the 2022 Meeting Schedule.

Member Hendrickson moved to approve the calendar as presented.

Member Opsommer suggested meeting the fourth Wednesday of each month.

Member Hendrickson suggested meeting the fourth Wednesday of each month with exception to November and December where the ZBA could meet the second Wednesday.

Assistant Planner Chapman stated he would have to look at those days to make sure there are no conflicts.

Member Hendrickson tabled his previous motion.

Member Opsommer stated the third Wednesday of each month would also be possible.

8. PUBLIC REMARKS

Chair Mansour opened the floor for public remarks at 8:34 pm

None

Chair Mansour closed public remarks at 8:34 pm

9. MEMBER COMMENTS

Member Shorkey

- Is moving out of the Township and this will be his last meeting, he thanked board members for the experience

10. ADJOURNMENT

Chair Mansour Adjourned the meeting at 8:42 pm.