

#### **AGENDA**

# CHARTER TOWNSHIP OF MERIDIAN ZONING BOARD OF APPEALS MEETING

November 15, 2023 6:30 pm

- 1. CALL MEETING TO ORDER
- 2. APPROVAL OF THE AGENDA
- 3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
  - A. September 20, 2023
- 4. COMMUNICATIONS
- 5. UNFINISHED BUSINESS

## A. ZBA CASE NO. 23-08 (6329 Milenz), Craig Skcozylas, 6329 Milenz Street, Haslett, MI 48840

DESCRIPTION: 6329 Milenz St. & vacant lot TAX PARCEL: 02-177-001 & 02-152-004

ZONING DISTRICT: RB (Single Family, High Density), Lake Lansing Residential

Overlay

The variance requested is to allow for a single-family home to be constructed within the wetland setback located at 6329 Milenz Street and a vacant lot (Tax ID #02-152-004).

#### 6. NEW BUSINESS

## A. ZBA CASE NO. 23-10 (2470 Burcham), East Lansing - Meridian Water & Sewer Authority, 2470 Burcham Drive, East Lansing, MI 48823

DESCRIPTION: 2470 Burcham Drive

TAX PARCEL: 09-351-003

ZONING DISTRICT: RR (Rural Residential)

The variance requested is to construct a water storage reservoir that does not meet the required wetland setback located at 2470 Burcham Drive.

#### 7. OTHER BUSINESS

A. 2024 Meeting Schedule

- 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 Keith Chapman, 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
REGULAR MEETING PLANNING COMMISSION 2023 -DRAFT5151 Marsh Road, Okemos MI 48864-1198
517.853.4000, Township Hall Room
Wednesday, September 20th, 2023, 6:30 pm

PRESENT: Chair Mansour, Vice-Chair Koenig, Member Deschaine, Bennett, Trezise

ABSENT: Member Field-Foster

STAFF: Assistant Planner Chapman

#### 1. CALL MEETING TO ORDER

Chair Mansour called the September 20<sup>th</sup>, 2023 regular meeting for the Meridian Township Zoning Board of Appeals to order at 6:31pm. Chair Mansour called the roll of the Board. All board members present except for Member Field-Foster.

#### 2. APPROVAL OF THE AGENDA

Member Trezise moved to approve the agenda for the August  $16^{th}$ , 2023 regular meeting for the Meridian Township Zoning Board of Appeals. Seconded by Chair Mansour.

VOICE VOTE YEAS: Chair Mansour, Vice-Chair Koenig, Member Deschaine, Bennett,

**Trezise** 

**NAYS: None** 

Motion carried: 5-0

#### 3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES

Chair Mansour moved to approve the minutes from the August  $16^{th}$ , 2023 regular meeting for the Meridian Township Zoning Board of Appeals. Seconded by Member Trezise.

VOICE VOTE YEAS: Chair Mansour, Vice-Chair Koenig, Member Deschaine, Bennett,

**Trezise** 

**NAYS: None** 

**Motion carried: 5-0** 

#### 4. COMMUNICATIONS

- A. Angela Rojas-Dedenbach, 6343 Quail St. RE: ZBA #23-08
- B. Tony Schmidt, 6200 W. Reynolds Rd. RE ZBA #23-09
- C. Ronald Rowe, 6247 E. Lake Dr. RE ZBA #23-09

#### 5. <u>UNFINISHED BUSINESS</u> NONE

#### A. NEW BUSINESS

ZBA CASE NO. 23-08 (6329 Milenz), Craig Skcozylas, 6329 Milenz Street, Haslett, MI 48840

DESCRIPTION: 6329 Milenz St. & vacant lot TAX PARCEL: 02-177-001 & 02-152-004

ZONING DISTRICT: RB (Single Family, High Density), Lake Lansing

Residential Overlay

The variance requested is to allow for a single-family home to be constructed within the wetland setback located at 6329 Milenz Street and a vacant lot (Tax ID #02-152-004).

Assistant Planner Chapman outlined the case to the Board.

Applicant Craig Skcozylas (6329 Milenz) appeared before the Board and spoke on the case. He spoke on the orientation of the house and improving the site.

Rod Arndts (6353 E. Reynolds) spoke about dumping that has occurred on the property and vehicles that are parked by the owner and concerns about how the wetlands have been treated.

Chair Mansour stated that we cannot deal with this issue tonight as the ZBA does not have jurisdiction over this matter.

Member Bennett asked about how the plans were altered.

Applicant Skcozylas stated that they have done everything they could to build the house they wanted with a view while avoiding the wetland boundary.

Member Koenig asked about how the portion of the building in the setback will be built. And what the applicant is doing to minimize the impact on the wetland setback

Applicant Skcozylas stated that there will be a full basement and he moved the footprint to minimize the number of variances.

Member Deschaine asked about the dumping that has been taking place on the property.

Applicant Skcozylas stated that he placed rock on the property for building the house and has since moved them because they were being stolen and also stated that people were dumping yard waste on the property.

Member Trezise stated that the sight line of the property is not more important than the wetland setback.

Chair Mansour asked what the plan was for the existing cottage.

Applicant Skcozylas stated that the property will be divided.

Member Trezise asked about the size of the garage being so large.

Applicant Skcozylas stated that he has a lot of stuff that he cannot store outside.

Member Trezise stated that if he shrunk the garage then he could shift out of the wetland setback.

Applicant Skcozylas stated that they would lose the view.

Denise Sherman (1167 Woodside) stated that where they are proposing to build is up on a hill and would not encroach into the wetland.

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 and these unique circumstances are not self-created.

Chair Mansour and the Board stated Criteria one has been met.

Chair Mansour read review criteria two which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties that would prevent the owner from using the property for a permitted purpose.

Chair Mansour stated that this is where she struggles to meet because she's not sure that it is a practical difficulty to have a large home and garage that has a nice view of Lake Lansing.

Chair Mansour read review criteria three which states Granting the variance is the minimum action necessary which would carry out the spirit of this Zoning Ordinance, secure public safety, and provide substantial justice.

Chair Mansour stated that she wasn't sure that we are at the minimum action.

Chair Mansour read review criteria four 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 we have to decide if it would have an adverse effect on the area.

Chair Mansour read review criteria five which states Granting the variance will be generally consistent with public interest and the purposes and intent of this chapter.

Chair Mansour stated she wasn't sure that this criteria had been met.

Member Deschaine stated that the owners on Lake Lansing pay a special assessment and deserve a view. He also stated that he wishes to see the property closer because of the topography and condition of the wetland.

Carla Skcozylas (2320 Thornwood, Holt, MI) stated that she recommends going to see the property.

Chair Mansour stated she would like to see the site to see if it affects the practical difficulty, minimum action, and adverse effect. She suggests that we table to visit the site.

Chair Mansour moved to table the ZBA Case No. 23-08 (6329 Milenz). Seconded by Member Deschaine.

ROLL CALL VOTE YEAS: Chair Mansour, Vice-Chair Koenig, Member Deschaine, Bennett,

**Trezise** 

**NAYS: None** 

Motion carried: 5-0

# B. ZBA CASE NO. 23-09 (6261 E. Lake), Gary & Suzette Tyler, 6261 E. Lake Drive, Haslett, MI 48840

DESCRIPTION: 6261 E. Lake Drive

TAX PARCEL: 02-179-020

ZONING DISTRICT: RB (Single Family, High Density), Lake Lansing

Residential Overlay District

The variance requested is to allow an accessory building (garage) to project into the front yard located at 6261 E. Lake Drive.

Assistant Planner Chapman outlined the case for discussion.

Gary Tyler (6261 E. Lake Drive) stated that he wishes to move his neighbor's garage to his property with little storage. He does not want to cut down anymore trees to place the garage.

Member Deschaine asked if the neighbor could build a new garage because he already has a variance.

Applicant Tyler stated that he wished to build an attached garage.

Chair Mansour asked about the structure built over the property line.

Applicant Tyler stated that it was an old garage that had been demolished.

Member Trezise asked about the existing shed on the property.

Applicant Tyler stated that it will be demolished.

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 and these unique circumstances are not self-created.

Chair Mansour and the Board stated Criteria one has been met.

Chair Mansour read review criteria two which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties that would prevent the owner from using the property for a permitted purpose.

Chair Mansour and the Board stated criteria two has been met.

Chair Mansour read review criteria three which states Granting the variance is the minimum action necessary which would carry out the spirit of this Zoning Ordinance, secure public safety, and provide substantial justice.

Chair Mansour and the Board criteria three has been met.

Chair Mansour read review criteria four which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

Chair Mansour and the Board Criteria four has been met.

Chair Mansour read review criteria five which states Granting the variance will be generally consistent with public interest and the purposes and intent of this chapter.

Chair Mansour and the Board stated criteria five has been met.

Member Trezise moved to approve the ZBA Case No. 23-09 (6261 E. Lake). Seconded by Member Deschaine.

ROLL CALL VOTE YEAS: Chair Mansour, Vice-Chair Koenig, Member Deschaine, Bennett. Trezise

**NAYS: None** 

Motion carried: 5-0

- 6. OTHER BUSINESS NONE
- 7. <u>PUBLIC REMARKS</u> NONE
- 8. BOARD MEMBER COMMENTS NONE
- 9. ADJOURNMENT

Chair Mansour adjourned the September 20<sup>th</sup>, 2023 regular meeting for the Meridian Township Zoning Board of Appeals. Approved unanimously.

Meeting adjourned at 7:34pm.

#### 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 and these unique circumstances are not self-created.
- (2) Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties that would prevent the owner from using the property for a permitted purpose.
- (3) Granting the variance is the minimum action necessary which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.
- (4) Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
- (5) Granting the variance will be generally consistent with public interest and the purposes and intent of this chapter.

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

#### **VARIANCE APPLICATION**

A.	Applicant CRAIG SKCCZYLAS							
	Address of Applicant 6329 MILENZ ST							
	HASLE77 MJ 48840							
	Telephone (Work) Telephone (Home) <u>517 894 3525</u> Fax Email address:							
	Interest in property (circle one): Owner Tenant Option Othe	r						
В.	Site address/location Parcel number 33-02-02-02-\$15	2-00						
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 Ordinances  Review an order, requirements, decision, or a determination of a Township offic charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of to Code of Ordinances	cial						
Zoning	g Ordinance section(s)							
	Required Supporting Material  -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)							
Cre	are of Applicant Print Name Date  A 350.00  Received by / Date: Mary							
Signatui	ure of Applicant Print Name Date							
Fee:	Received by/Date: Mily							
of ent (ou and	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 nater 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 ecision on your application.)							
Signati	ture of Applicant(s)  Date							
Signati	ture of Applicant(s)  Date							

I Cray Skowylas own the property Crail Shough 7-30-2011

#### Variance Application Supplement

- 1. The Parcel of Property is mostly wetland. Unique circumstances exist that limit our building area.
- 2. The first 20' of the 40' Buffer for the Wetland (that I understand to be for yard clippings & such) is restricting us from building our house. The maximum limits have been pushed to the East and North side boundaries which approach roadways.
- 3. Granting this Variance would allow us to build our house and carry out the ability to oversee the preservation of the wildlife habitat area.
- 4. Granting this Variance will not adversely affect the land or essential character in the vicinity of the property. We have approximately 1000 ft. from our neighbor to the West and nobody to the North. Our closest neighbors to the East have no visual sight to the proposed sight. Our closest neighbor South does not have a visual sight to the house either. Our new neighbors, Bettman's old house, have a limited view. The neighbors to the West of Bettman's old house is an empty lot with no one to be affected. The home to the West of the open lot has a limited view of the house but it would take nothing away from their view of the natural habitat.
- 5. I, Craig Skoczylas have already spoken to neighbors about the build location and the variance and have no negative feedback at this time.



To: Zoning Board of Appeals

From: Keith Chapman, Assistant Planner

**Date:** October 13, 2023

Re: ZBA Case No. #23-08 (6329 Milenz)

ZBA CASE NO.: 23-08 (6329 Milenz), Craig Skcozylas, 6329 Milenz Street, Haslett, MI

<u>48840</u>

**LOCATION:** 6329 Milenz St. & vacant lot **PARCEL ID:** 02-177-001 & 02-152-004

**ZONING DISTRICT:** RB (Single Family, High Density), Lake Lansing Residential Overlay

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

• Section 86-471(b)(1), all structures and grading activities shall be setback from the edge of a water feature as follows: Wetlands regulated by the Township, the state, or by federal law equal to or greater than two acres in area; 40 feet.

At the September 20, 2023 ZBA meeting the Board voted to table Case #23-08. Attached is a map that shows the topography of the site. Please refer to the attached information from the September 20, 2023 meeting for more information.

#### **Attachments**

- 1. Site Topography Map
- 2. September 20, 2023 ZBA Case # 23-08





To: Zoning Board of Appeals

From: Keith Chapman, Assistant Planner

Date: September 13, 2023

Re: ZBA Case No. #23-08 (6329 Milenz)

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Craig Skcozylas, the applicant, has requested a variance to allow for a single-family home to be constructed within the wetland setback located at 6329 Milenz Street and a vacant lot (Tax ID #02-152-004). The applicant is proposing to construct a two-story single-family home and attached garage. Currently the proposed house and garage are shown on two separate lots. If approved the applicant will need to complete a land division or combine the lots into one and demolish the existing home prior to the construction of the proposed.

Wetlands on the site were delineated by Fishbeck in 2021. A total of two wetlands are located on the subject property. Wetland A is approximately 4.04 acres in size and is located approximately 270 feet north of Lake Lansing. Wetland B is located approximately 200 feet north of Lake Lansing with approximately 0.35 acre of Wetland B located on the Site. Wetlands A and B are regulated by both the State of Michigan and the Township due to their proximity to a regulating water feature (Lake Lansing). The impacted wetland buffer for the construction of the home is adjacent to Wetland A on the attached plan. There are no direct wetland impacts proposed.

The Zoning Ordinance specifies activities that are prohibited within the 20 foot and 40-foot wetland setbacks. The 40-foot wetland setback prohibits any structures or grading. At the closest point the house would be located 23.1' from the wetland boundary, encroaching 16.9' into the 40-foot wetland setback. The applicant is requesting a 16.9' variance for the construction of the house within the 40-foot wetland setback.

#### **Attachments**

- 1. Variance application
- 2. Wetland delineation
- 3. Site location map

For:

Karla Reyne Look & Craig Skoczylas 6329 Milenz Street Haslett, MI 48840

#### PLOT PLAN

BUILDING DETAIL PAGE

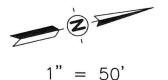
Survey Address: 6329 Milenz Street Haslett, MI 48840 ID: 33-02-02-02-177-001 & part of 33-02-02-02-152-004

Soil Erosion Control Notes:

1. Clean roads daily
2. Clean catch basin filters once a week.
3. Inspect and maintain silt fence once a week. 4. Keep soil erosion permit posted at all times until site is stabilized.

5. All BMP's must remain in working order unit site is stabilized.

6. Excavated soil to be used as fill on site.7. Standard basement foundation.

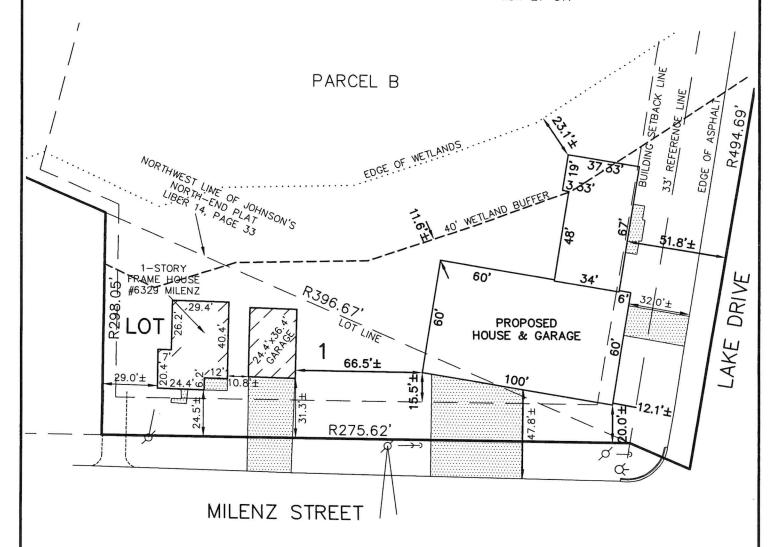


NOTES:

1. A CERTIFIED BOUNDARY SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.

2. EASEMENTS, IF ANY, NOT SHOWN.

WETLANDS SHOWN ARE FROM WETLAND DELINEATION REPORT PERFORMED BY FISHBECK DATED SEPTEMBER 8, 2021, FILE NO. WDV 21-07.



This plan was made at the direction of the parties hereon and intended solely for their immediate use and no survey has been made and no property lines were monumented, all easements recorded or unrecorded may not be shown, unless specifically noted, and no dimensions are intended for use in establishing property lines.

= Recorded Dimension x = Existing Elevation D = Surface Drainage = Deed Line 800.00 = Proposed Finish Grade -= Distance Not to Scale = Deck, Porch, Sidewalk, & Patio Areas

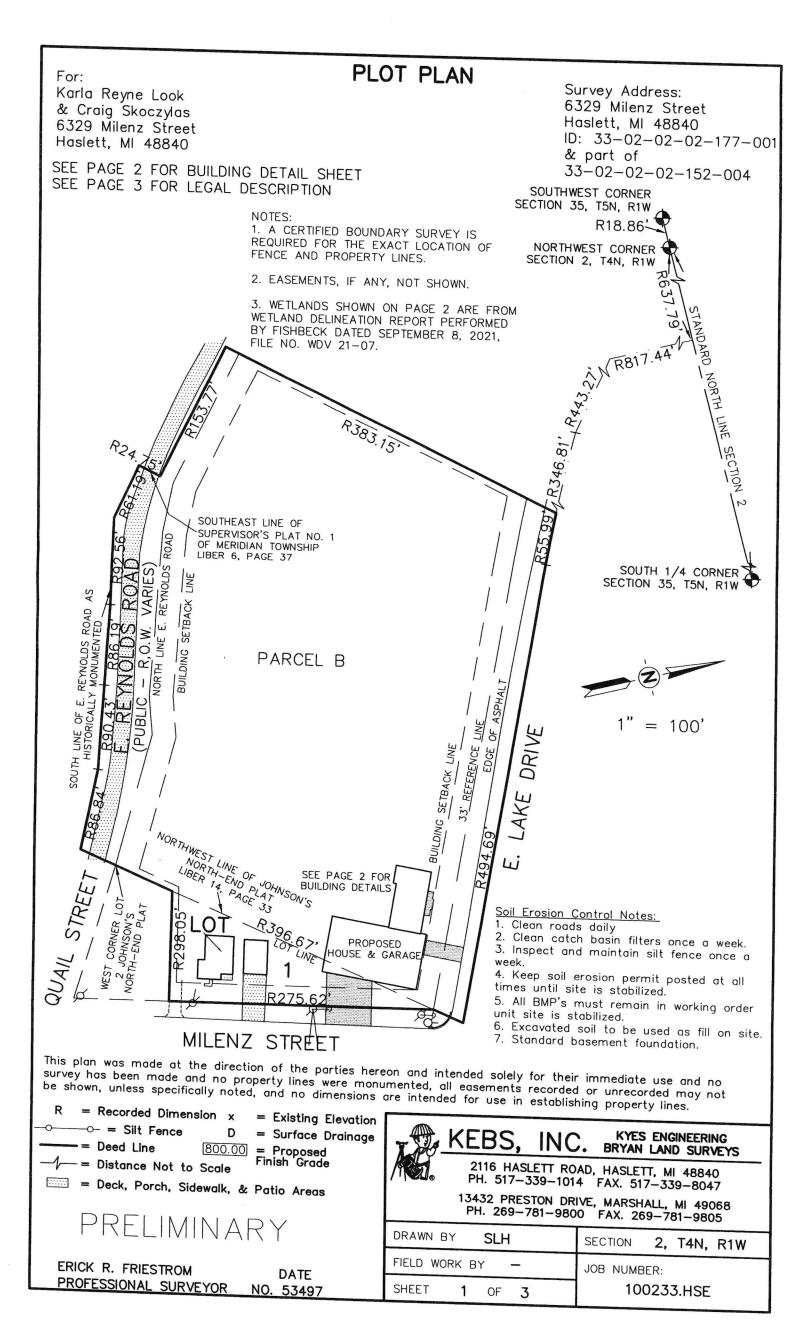


KEBS, KYES ENGINEERING BRYAN LAND SURVEYS INC.

2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SLH	SECTION 2, T4N, R1W
FIELD WORK BY -	JOB NUMBER:
SHEET 2 OF 3	100233.HSF



For: Karla Reyne Look & Craig Skoczylas 6329 Milenz Street

Haslett, MI 48840

### PLOT PLAN

BUILDING DETAIL PAGE

Survey Address: 6329 Milenz Street Haslett, MI 48840 ID: 33-02-02-02-177-001 & part of 33-02-02-02-152-004

Soil Erosion Control Notes:

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3. Inspect and maintain silt fence once a week. 4. Keep soil erosion permit posted at all times until site is stabilized.

5. All BMP's must remain in working order unit site is stabilized.

6. Excavated soil to be used as fill on site.

7. Standard basement foundation.



NOTES:

1. A CERTIFIED BOUNDARY SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.

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Meri Siar. So by Government 2. EASEMENTS, IF ANY, NOT SHOWN. 3. WETLANDS SHOWN ARE FROM WETLAND DELINEATION REPORT PERFORMED BY FISHBECK DATED SEPTEMBER 8, 2021, FILE NO. WDV 21-07. PARCEL B 69 EDGE OF WETLANDS . NORTHWEST LINE ....
NORTH LINE OF
LIBER 14 END OF JOHNSON'S
AGE 33 OF o 37.33" 3.332 ON 40 WETLAND BUFFER 1-STORY FRAME HOUSE #6329 MILENZ 60 29.4 LOTLINE PROPOSED LOT HOUSE & GARAGE 100 R275.62' MILENZ STREET

This plan was made at the direction of the parties hereon and intended solely for their immediate use and no survey has been made and no property lines were monumented, all easements recorded or unrecorded may not be shown, unless specifically noted, and no dimensions are intended for use in establishing property lines.

= Recorded Dimension x

= Existing Elevation

-O- = Silt Fence

D = Surface Drainage

= Deed Line

= Proposed Finish Grade

800.00 =

-= Distance Not to Scale = Deck, Porch, Sidewalk, & Patio Areas



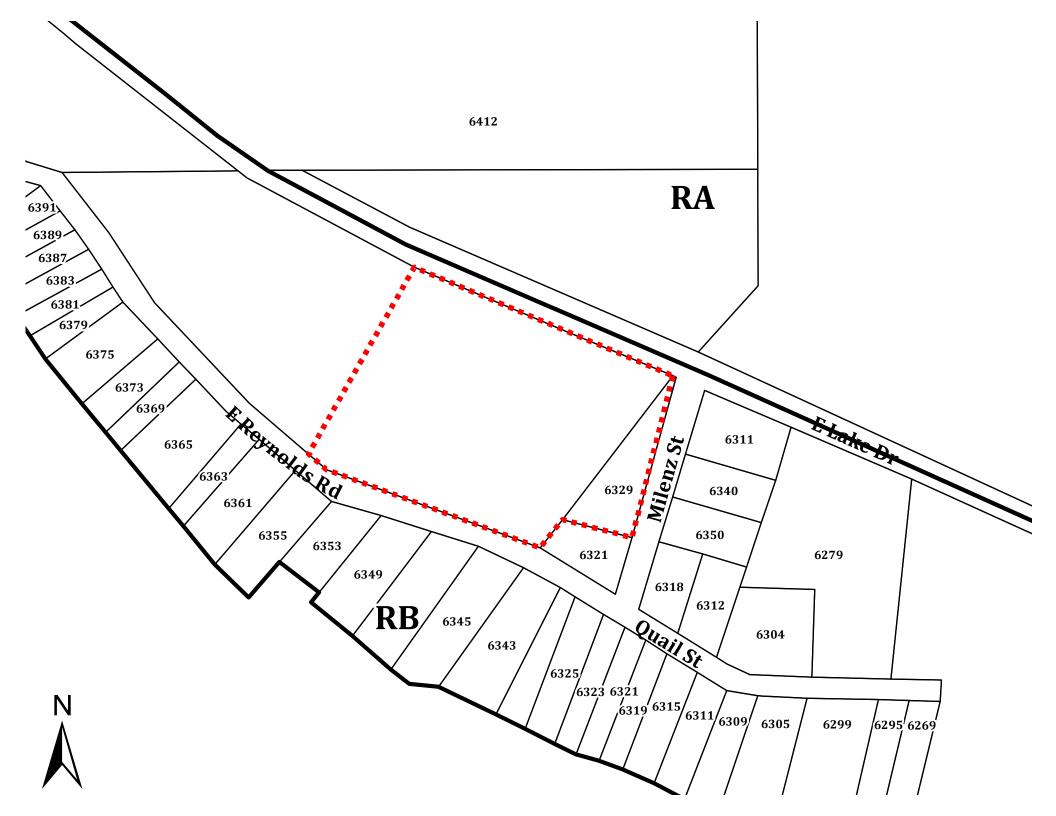
KEBS, INC.

KYES ENGINEERING BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805

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FIELD WORK BY -	JOB NUMBER:
SHEET 2 OF 3	100233.HSE





To: Zoning Board of Appeals

From: Keith Chapman, Assistant Planner

Date: November 8, 2023

Re: ZBA Case No. #23-10 (2470 Burcham Drive)

ZBA CASE NO.: 23-10 (2470 Burcham Drive), East Lansing – Meridian Water & Sewer

Authority, 2470 Burcham Drive, East Lansing, MI 48823

**LOCATION:** 2470 Burcham Drive

**PARCEL ID:** 09-351-003

**ZONING DISTRICT:** RR (Rural Residential)

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

- Section 86-471(b)(1), all structures and grading activities shall be setback from the edge of a water feature as follows: Wetlands regulated by the Township, the state, or by federal law equal to or greater than two acres in area; 40 feet.
- Section 86-471(c)(1), to minimize erosion, stabilize streambanks and wetland edges, protect water quality, and preserve fish and wildlife habitat, a natural vegetation strip shall be maintained from the edge of a water feature as follows: Wetlands regulated by the Township, the state, or by federal law; 20 feet.

East Lansing – Meridian Water & Sewer Authority, the applicant, has requested a variance to construct a water storage reservoir that does not meet the required wetland setback located at 2470 Burcham Drive. The proposed reservoir will be located north of the existing building and west of the existing reservoir. The approximate 79.32-acre site is zoned RR (Rural Residential).

There is one affected wetland on the property. The wetland is north of the proposed reservoir and approximately 0.46 acres overall in size. Because the wetland is located within 500 feet of the Raby Drain, a tributary to the Red Cedar River it is regulated by both the State of Michigan and the Township. The applicant must also receive a wetland use permit from the Township for excavation, filling, and clearing that will take place within the wetland.

The Zoning Ordinance specifies activities that are prohibited within the 20 foot and 40-foot wetland setbacks. The 40-foot wetland setback prohibits any structures or grading. Within the 20-foot wetland setback trees, shrubs, and ground cover may be selectively pruned or removed to provide reasonable private access or views to water features, to remove potentially hazardous or nuisance exotic vegetation, and to improve or protect wildlife habitat. Such pruning and removal activities are subject to the following: 1. No more than 10% of the length of the strip shall be clear cut or mowed to the depth of the strip. 2. Pathways accessing water features shall not exceed 10 feet in width. 3. A live root system shall be maintained to provide for streambank stabilization and erosion control.

#### ZBA Case No. 23-10 (2470 Burcham) Zoning Board of Appeals (November 15, 2023) Page 2

At the closest point the reservoir would be located 0' from the wetland boundary, encroaching 20' into the 20-foot natural vegetation strip and 40' into the 40-foot wetland setback. The applicant is requesting a 20' variance for the reservoir within the 20-foot natural vegetation strip and a 40' variance for the reservoir within the 40-foot wetland setback.

#### **Attachments**

- 1. Variance application.
- 2. Site location map.

HRC Job No. 20220368



October 20, 2023

**HUBBELL, ROTH & CLARK, INC** 

Timothy R. Schmitt, AICP
Director of Community Planning and Development
Meridian Township
5151 Marsh Road
Okemos, MI 48864
Via email - schmitt@meridian.mi.us

Re: East Lansing Meridian Water and Sewer Authority WTP

Request for Variance from Wetland Setback Rule

Dear Mr. Schmitt:

This letter is provided by Hubbell, Roth & Clark, Inc. (HRC) on behalf of the East Lansing-Meridian Water & Sewer Authority (ELMWSA) as a written statement regarding how the review criteria set forth by the Zoning Board of Appeals (ZBA) will be met for a variance application request 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 and these unique circumstances are not self-created.

The East Lansing Meridian Water and Sewer Authority (ELMWSA) Water Treatment Plant (WTP) produces potable water for the City of East Lansing and Meridian Township. The WTP is a 15 million gallon per day (mgd) treatment plant that treats water from 30 wells and uses one 2.0-million-gallon reservoir for disinfection time and storage. The facility was constructed in 1973 with the potential for additional expansion within the footprint of the existing site by "mirroring" part of the WTP to the north. The proposed footprint for the proposed second reservoir was reserved in the area to the west of the existing reservoir.

2. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties that would prevent the owner from using the property for a permitted purpose.

Removal of the wetlands is required, as this is the most feasible and optimal location for the proposed new 2.0 million gallon reservoir. Alternative locations were considered such as to the north of the existing reservoir. However, this option was not favorable because this reservoir location would impact the WTP's hydraulic control of water storage in both filling and drawing the treated water in the tank thereby reducing the effectiveness of this new storage reservoir. Locating the reservoir to the south of its current location would impact the proposed WTP drive that is necessary for safe transport of vehicles around the WTP that includes chemical delivery trucks that are essential for the WTP operation.



3. Granting the variance is the minimum action necessary which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.

Granting the variance for the proposed removal will allow for better water treatment and safer operation of the facility.

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

The removal of the wetlands within the 40-foot setback will not adversely affect the essential character in the vicinity of the property. The west property line is bounded by a maintained berm constructed over a 24" and 8" water main extending north from the WTP.

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

ELMWSA is currently completing the last of a five year improvements program financed through the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Drinking Water State Revolving Fund (DWSRF) program that provides low interest loans and grants. The total cost of the projects is \$30 million and consisted of approximately \$6 million available in grants. The process to complete the projects requires adherence to the program's fixed financing schedule but provides a funding mechanism to reduce the overall debt payment and lowering rates to the residents and businesses in East Lansing and Meridian Township. These projects being constructed at the WTP, including the new reservoir, will improve the overall operation and maintenance of the facility and allow ELMWSA to best prepare for future WTP expansion.

During the Part 303 permitting process to obtain an authorized permit through EGLE which is required as part of removing this wetland, EGLE provided comments and questions on the application. This information is provided to supplement this letter as the Township's ZBA may share similar concerns.

Lastly, as required as supporting material for the ZBA variance application, the legal site is defined as: "THE SOUTH I/2 OF THE SOUTHWEST I/4 OF SECTION 9 T4N RIW EXCEPT BEGINNING 667 FEET N89D 56'W FROM THE NORTHEAST CORNER OF S I/2 OF SW I/4 OF SEC 9 THENCE N89D 56'W 200 FT; THENCE S00D 04'W 254 FT; THENCE S89D 56'E 200 FT; THENCE N00D 04'E 254 FT TO THE POINT OF BEGINNING. CONTAINING 79.317."



HRC estimates, without a zoning variance from the 40-foot wetland setback, practical difficulty exists to construct the new drinking water reservoir. We appreciate your cooperation and understanding of this important project. If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Nathaniel Coffin, P.E. Staff Engineer

Joel Martinez ELMWSA Water Treatment Plant Manager

NAC/diu

Attachments: Variance Application, Notic of Authorization and EGLE Public Notice Comments,

Property Survey & Site Plans

pc: HRC; J. Graham, D. Urquhart, T. Sneathen, File

# Attachment I

Variance Application

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

#### **VARIANCE APPLICATION**

A.	ApplicantAddress of Applicant							
	Telephone (Work)	  Emai	address:	Telephone (Home)  Tenant Option Other				
	Interest in property (	[circle one]:	Owner	Tenant	Option	Other		
B.	Site address/location Zoning district	ı	Parce	el number				
C.	<ul> <li>Nature of request (Please check all that apply):</li> <li>Request for variance(s)</li> <li>Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code Ordinances</li> <li>Review an order, requirements, decision, or a determination of a Township office charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances</li> </ul>							
Zonin	ng Ordinance section(s)							
D.	Required Supporting Material -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)							
Signa	nture of Applicant	<u>Prir</u>	nt Name		Date			
		Received by	//Date:					
Sigr	I (we) hereby grant perm of Appeals, Township steemter onto the above down; absence for the purand the use of photogratical decision on your application of Applicant(s)	taff members and lescribed prope surposes of gath aphs. <b>(Note to</b>	nd the Towns erty (or as des ering informa <b>Applicant(s)</b>	hip's representativescribed in the atta ation including but	ves or experts th ached information t not limited to t	ne right to on) in my the taking		

#### 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 and these unique circumstances are not self-created.
- 2. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties that would prevent the owner from using the property for a permitted purpose.
- 3. Granting the variance is the minimum action necessary which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.
- 4. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
- 5. Granting the variance will be generally consistent with public interest and the purposes and intent of this chapter.

#### **Effect of Variance Approval:**

- 1. Granting a variance shall authorize only the purpose for which it was granted.
- 2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
- 3. A building permit must be applied for within 24 months of the date of the approval of the variance, and a Certificate of occupancy must be issued within 18 months of the date the building permit was issued, otherwise the variance shall be null and void.

#### **Reapplication:**

1. No application for a variance, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Board of Appeals to be sufficient to justify consideration.

# Attachment 2

EGLE Part 303 Wetlands Protection Permit

Notice of Authorization and

EGLE Public Notice Comments



#### NOTICE OF AUTHORIZATION

Permit Number: WRP038791 v. 1 Date Issued: August 31, 2023
Site Name: East Lansing-Meridian W&SA WTP Expiration Date: August 31, 2028

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

□ Part 303, Wetlands Protection.

#### Authorized activity:

Excavate 152 cubic yards of wetland material from 0.07 acre of wetland.

Fill 0.2 acre of wetland with 1177 cubic yards of upland and wetland spoils to stabilize new upland equalization tank.

Clear 0.05 acre of wetland vegetation for detention basin.

To be conducted at property located in: Ingham County, Waterbody: Raby Drain Section 09, Town 04N, Range 01W, Meridian Township

Permittee: Joel Martinez 2470 Bucham Drive East Lansing, MI 48823

> Claire Watts Lansing District Office Water Resources Division

517-388-6686



2101 Aurelius Road Suite 2 Holt, MI 48842

517-694-7760

www.hrcengr.com



HRC Job No. 20220368

August 25, 2023

Michigan Department of Environment, Great Lakes & Energy (EGLE) Water Resources Division Lansing District Office

Attn: Claire Watts, Environmental Quality Analyst (EGLE)

Re: East Lansing-Meridian Water and Sewer Authority Water Treatment Plant

Drinking Water Revolving Fund Project #7443-01

Wetlands Permit # HPR-3KE4-4JB3J Public Notice Comments and Responses

Dear Ms. Watts:

This letter is provided by Hubbell, Roth & Clark, Inc. (HRC) on behalf of the East Lansing-Meridian Water & Sewer Authority (ELMWSA) Water Treatment Plant (WTP) as a formal response to the comments received during the public notice period for the joint permit application (JPA) submitted by HRC and ELMWSA. This permit is required for the construction of the 2.0 million-gallon (MG) Ground Storage Reservoir Project which is receiving funding assistance through the Drinking Water State Revolving Fund (DWSRF).

The below questions were received via email from Claire Watts on 8/22/2023. The response to each question from HRC is in blue text and bulleted below the question.

**Question #1**: Is utilizing a retaining wall to limit grading into the wetland a feasible and prudent alternative that would avoid or minimize wetland impacts further?

The existing elevation at the north end of the reservoir is approximately 855', and slopes downward north towards the wetland boundary which is at an elevation of approximately 850'. The proposed elevation around the perimeter of the reservoir is approximately 864' and cannot be reduced as this change would not be compliant with Drinking Water Standards for finished water storage requirements. Building a retaining wall around the northern portion of the reservoir sloped towards the wetlands would still impact the wetlands and would be a significant construction cost given the total vertical elevation difference of 14-feet needs to be sloped to existing grade over a relatively short horizontal distance. A structure with these design parameters would require a large supporting concrete foundation below the wall, resulting in increased excavation and essentially similar impacts to the wetlands. Constructing a retaining wall is not a prudent option.

Question #2: The applicant has stated that moving the west tank further south is not possible because of the existing treatment plant. However, there appears to be nearly 150 feet of open space between the proposed west tank and the concrete access ramp on the north side of the existing building. Even moving the tank 70 - 75 feet further south would avoid additional wetland. This, in combination with a retaining wall, could be a significant reduction in impact. Details should be provided for why this location was chosen and whether the tank can be adjusted further south. It looks like the drive will be removed and placed with new pavement, is it possible to adjust the route of the new pavement to accommodate?

The tank cannot be moved further south as this area is allocated for future plant expansion (see attached record set plan sheet from 1974). ELMWSA Water Treatment Plant (WTP) is designed for this potential future expansion, and it should be noted the Filter Additions and Controls Upgrade Project (DWRF #7442-01) is being completed in accordance with this layout. This reservoir project accounts for future expansion to preserve use of the existing footprint for future plant expansion and maintain efficient treatment. Alternative locations for the future WTP expansion on the ELMWSA property have been considered but would require a second treatment facility that is much less feasible for expanding treatment and would require removal of a significant area of wetlands on the eastern portion of the property. The road to the south is being removed, replaced, and adjusted as far south as possible to preserve room for future expansion. This access road is required for safe transport of bulk chemical

Bloomfield Hills Delhi Township Detroit Grand Rapids Howell Jackson Kalamazoo Traverse City Troy



delivery to the WTP. The location of the proposed reservoir as shown in the figures in the permit application was deemed the best possible location in order to provide the public with adequate water service for a cost-effective price.

**Question #3:** Are there other upland areas on the parcel where the tank could be situated? For example, further north within the parcel boundaries but outside of wetland boundaries?

- Situating the proposed reservoir farther north away from the wetlands boundary was evaluated but this results in hundreds of feet of 42-inch and 36-inch ductile iron pressure pipe. This impacts the WTP hydraulics because of the increase in headloss from the WTP and will significantly reduce the effective storage of treated drinking water in the new storage reservoir. The existing reservoir would be favored and discharge more water to the system should the proposed reservoir be situated to the north, lowering the max storage capacity of the plant, and increasing the likelihood of high age or "stale" water from the hypothetical reservoir being introduced to the system. Construction of a separate pumping system would be inefficient and would significantly increase electrical consumption at the WTP to address this hydraulic difference.
- Placing the reservoir to the north would cause increased damage to the woods in this area when compared to the proposed location, given WTP access from Raby Road is essential to the Plant's operation. This would also require replacement of the existing northern sludge lagoon by expanding this lagoon to the east into existing wetlands.

#### **Question #4:** Was size of the tank a consideration?

The proposed reservoir size is equal to that of the existing reservoir. Since the existing reservoir can currently supply ELMWSA's system during daily demands, this allows for one reservoir to be taken offline and the other reservoir to sufficiently supply the system without any operational implications to the plant. The proposed reservoir is also built as an equal to the existing reservoir given the plan for future expansion of the plant is to double the plant's drinking water output. The existing reservoir (installed in the early 1970s) is approaching the end of its estimated design life and requires necessary rehabilitation. Without the proposed new 2.0 MG reservoir, the WTP will not have redundant storage and would not be able to provide safe and reliable drinking water in the event this existing tank is taken offline for repairs. An equal sized reservoir is required in order to protect the public's health, safety and welfare.

**Question #5**: Please also note that 0.05 acres of the 0.32 acres of proposed impact is for vegetation management. Is this proposed to be maintained (i.e. conversion), or is this supposed to be a temporary impact? The applicant should continue working to modify and reduce wetland impacts prior to EGLE making a permit decision.

The 0.05 acres of wetland marked for vegetation removal is a permanent impact, resulting in complete removal of the wetlands. This cleared wetlands area will be utilized as a detention basin and will be maintained as needed in the future. The retention area created by removing the wetlands as shown on Figure 2 of the permit application will be seeded with an emergent wetland seed mix.

If you have any questions or require any additional information, please feel free to contact us.

Very truly yours,

Nate Coffin

HUBBELL, ROTH & CLARK, INC.

Nathaniel Coffin, P.E. Staff Engineer



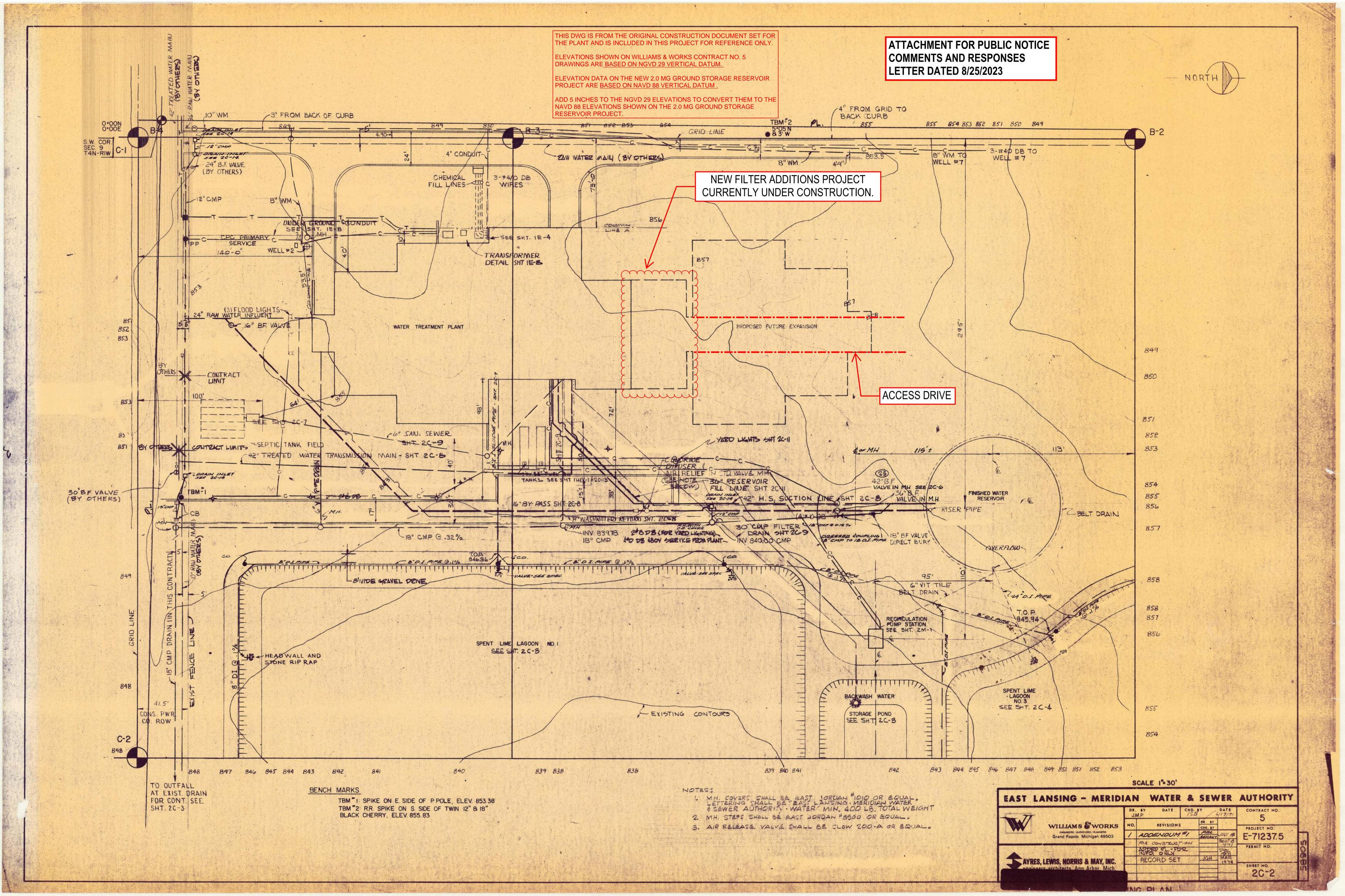


#### Attachments

dc: ELMWSA – Joel Martinez

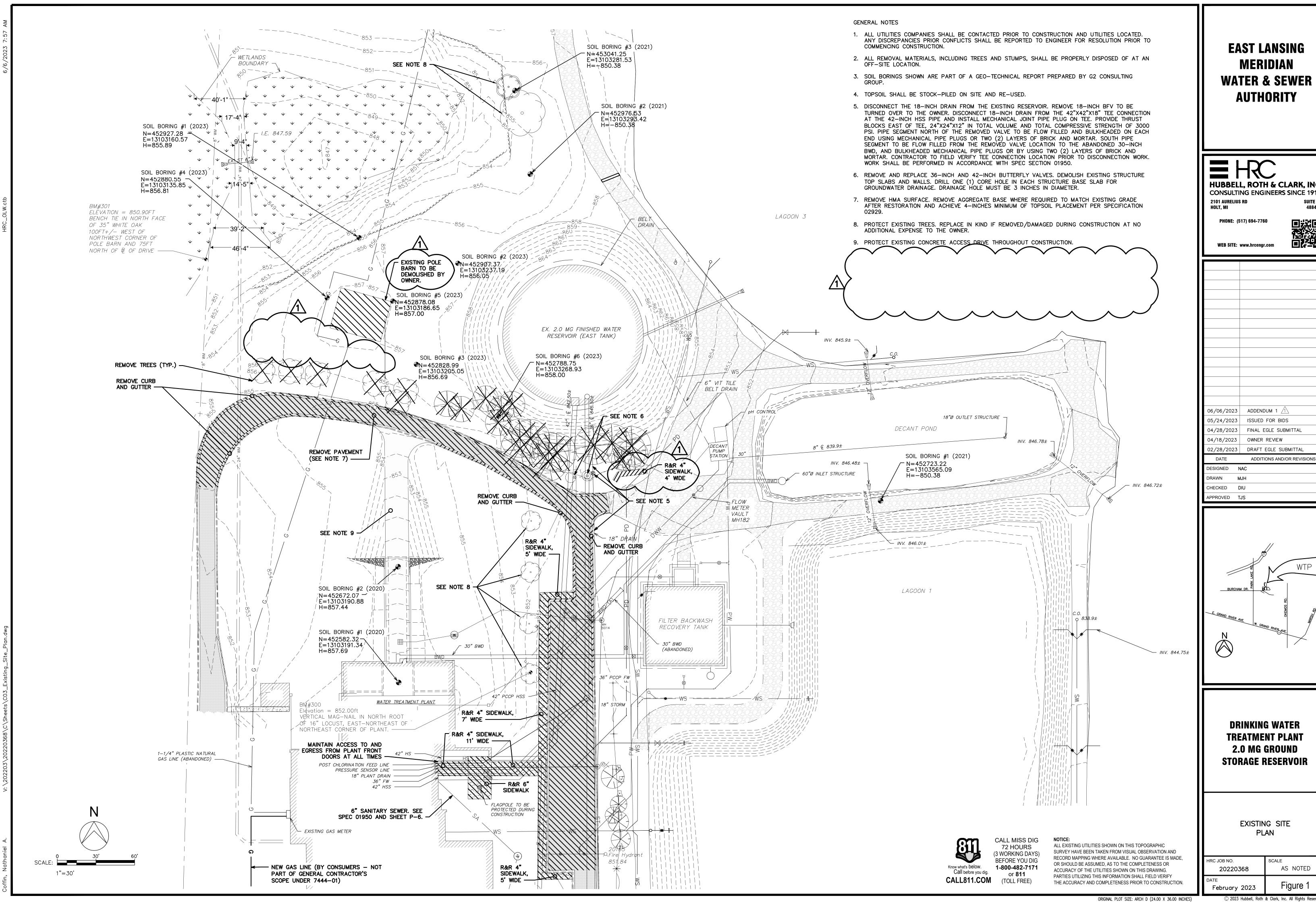
EGLE – Brittney Beavers

HRC - Jane Graham, Doug Urquhart, Todd Sneathen, Derek Stratelak, File



# Attachment 3

Property Survey & Site Plans



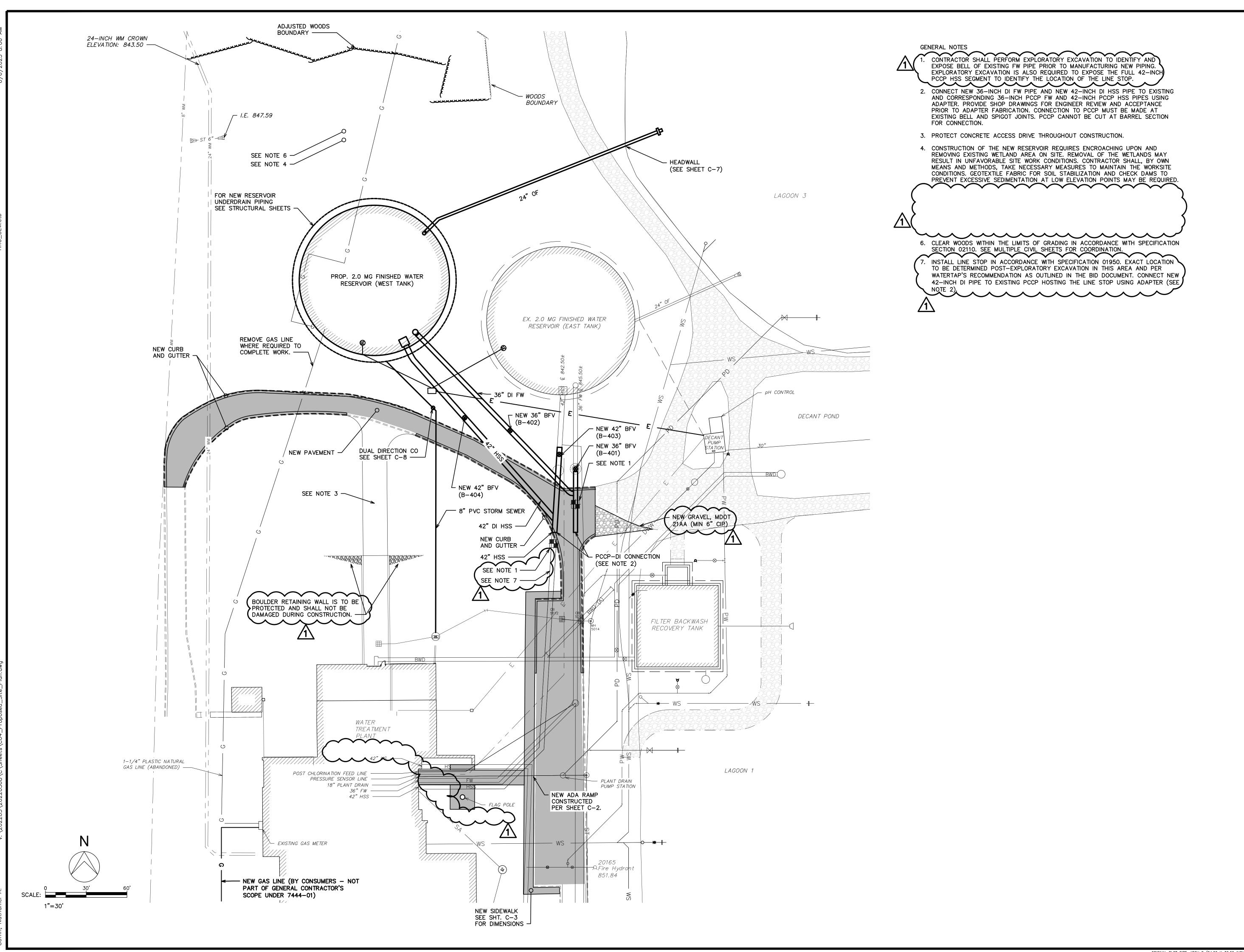
**EAST LANSING MERIDIAN WATER & SEWER AUTHORITY** 

**HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915** 

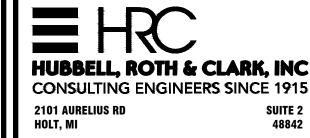
**DRINKING WATER** TREATMENT PLANT 2.0 MG GROUND **STORAGE RESERVOIR** 

SCALE AS NOTED	
Figure 1	

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**EAST LANSING MERIDIAN WATER & SEWER AUTHORITY** 



PHONE: (517) 694-7760

06/06/2023 ADDENDUM 1 1 05/24/2023 | ISSUED FOR BIDS

04/18/2023 | OWNER REVIEW

DRAWN MJH

CHECKED DIU

APPROVED TJS

04/28/2023 FINAL EGLE SUBMITTAL

02/28/2023 DRAFT EGLE SUBMITTAL

ADDITIONS AND/OR REVISIONS

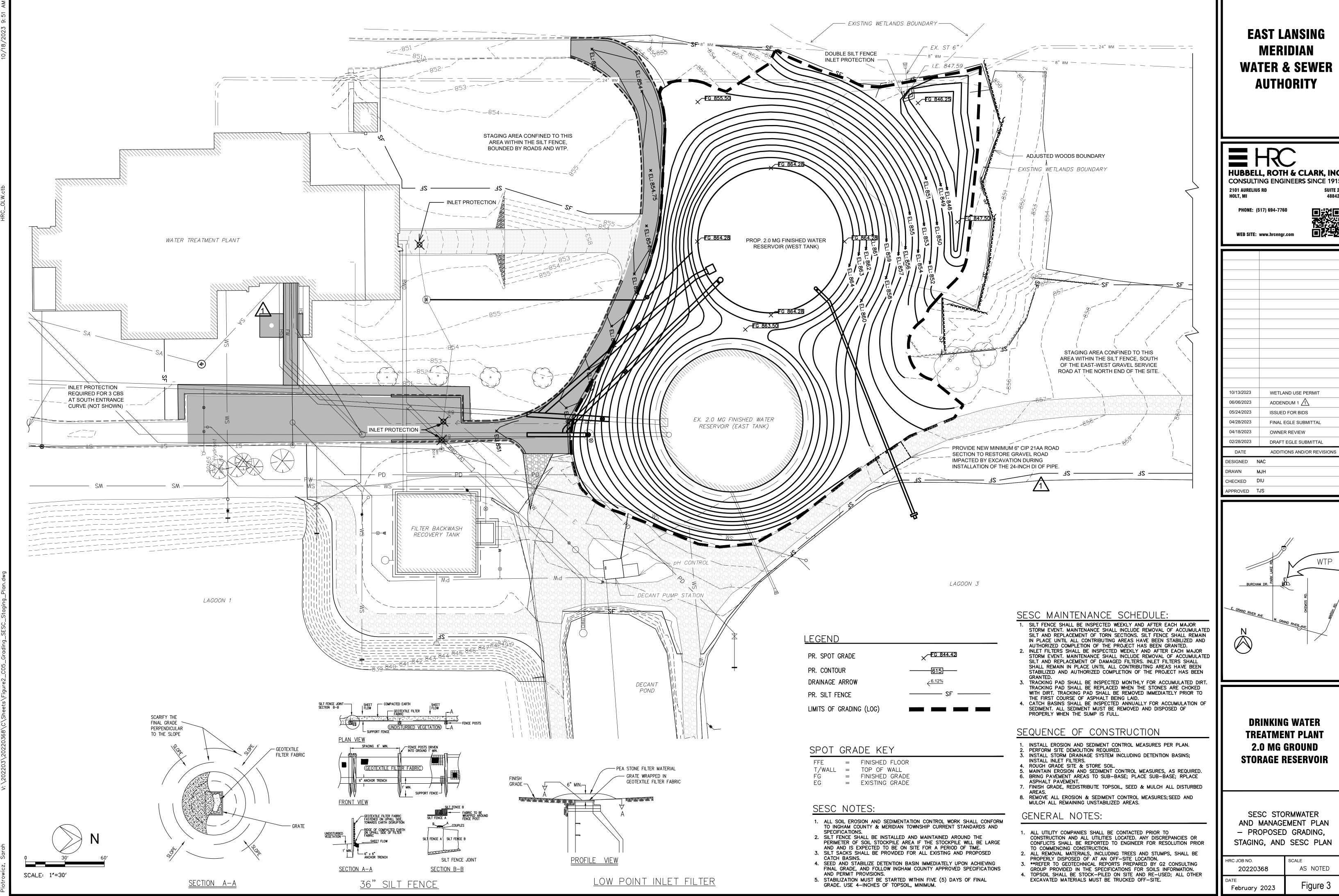
WEB SITE: www.hrcengr.com

BURCHAM DR. E. GRAND RIVER AVE.

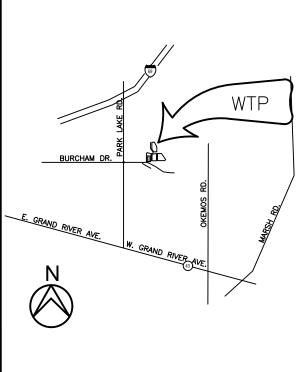
> **DRINKING WATER** TREATMENT PLANT 2.0 MG GROUND STORAGE RESERVOIR

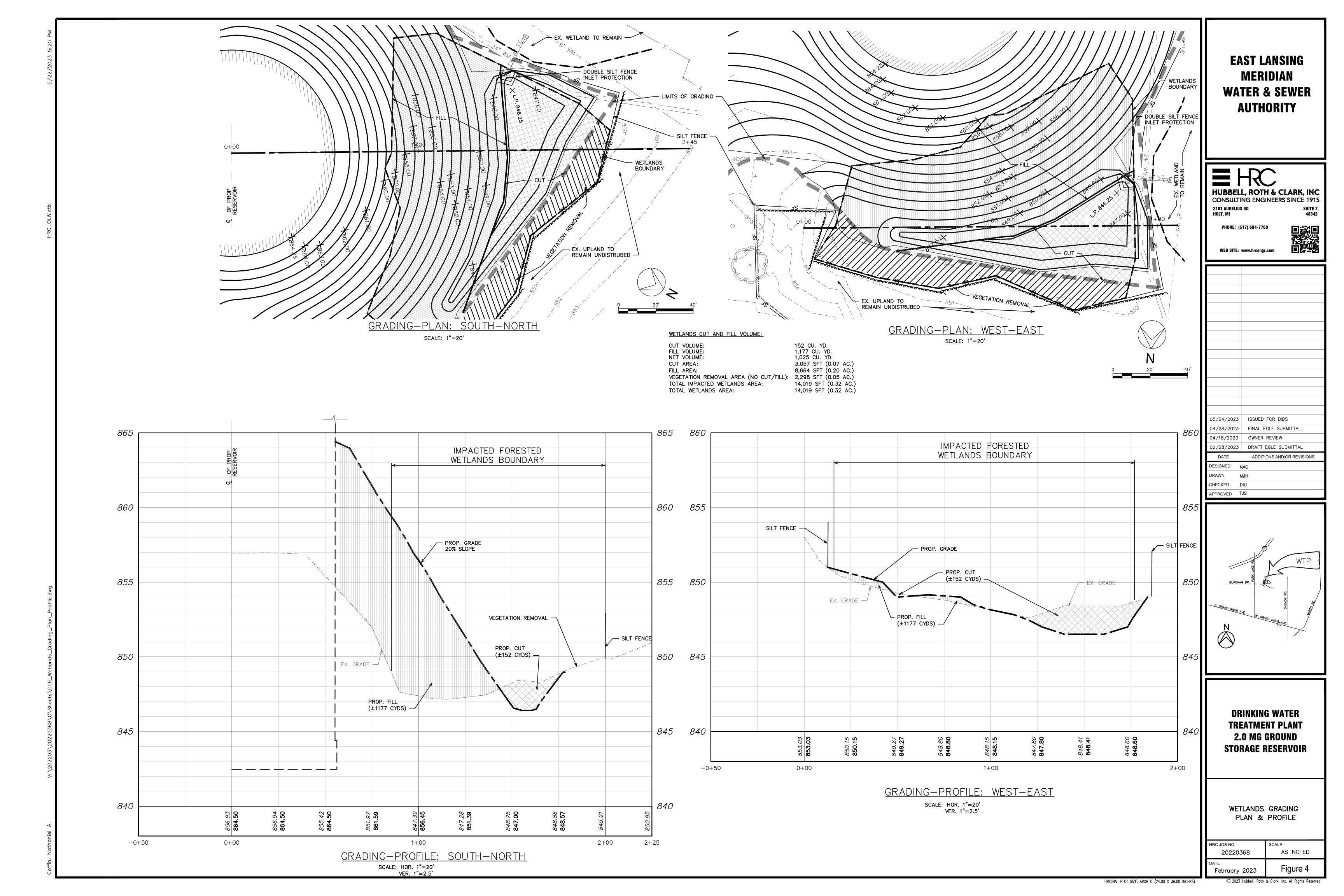
> > PROPOSED SITE PLAN

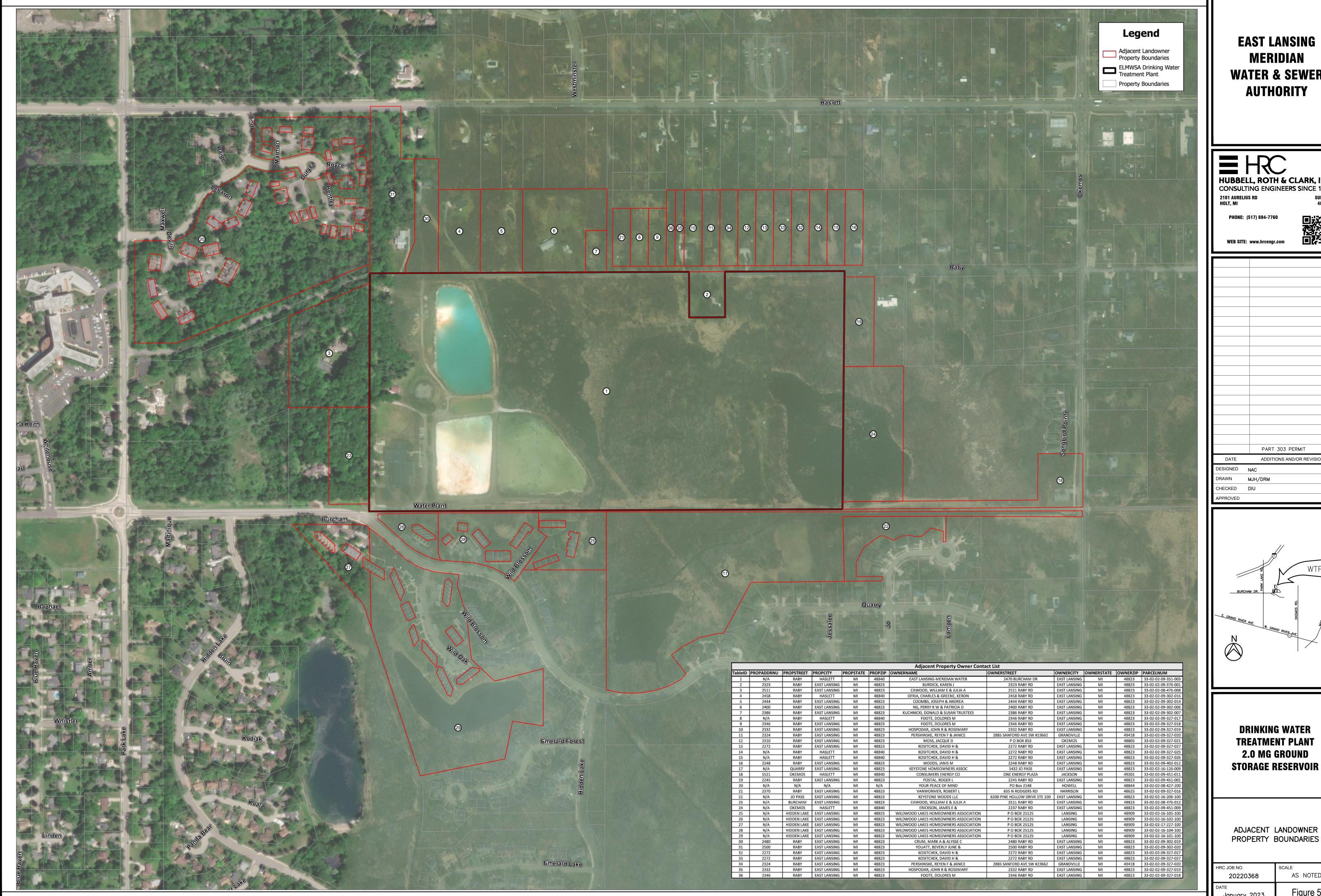
DATE February 2023	Figure 2
20220368	AS NOTED
HRC JOB NO.	SCALE







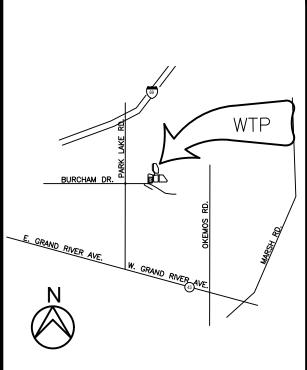




**EAST LANSING MERIDIAN WATER & SEWER AUTHORITY** 

HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915

PART 303 PERMIT ADDITIONS AND/OR REVISIONS



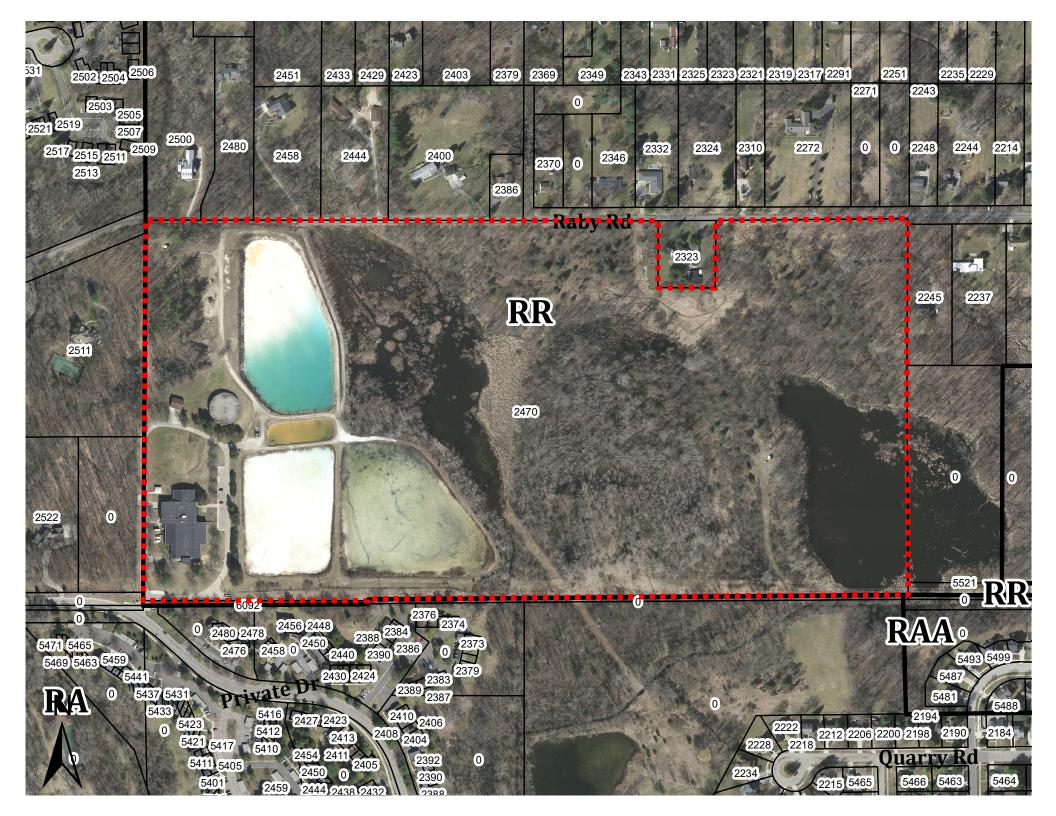
**DRINKING WATER** TREATMENT PLANT 2.0 MG GROUND

ADJACENT LANDOWNER PROPERTY BOUNDARIES

AS NOTED Figure 5 January 2023

ORIGINAL PLOT SIZE: ARCH D (24.00 X 36.00 INCHES)

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To: Zoning Board of Appeals

From: Keith Chapman, Assistant Planner

Date: November 8, 2023

Re: <u>2024 Meeting Schedule</u>

Following is the list of proposed Zoning Board of Appeals meeting dates for 2024. No special or work session meetings are planned but may be added by the Zoning Board of Appeals during the year if warranted.

The Zoning Board of Appeals will meet on the third Wednesday of each month.

#### 2024 MEETING CALENDAR

January 17 - regular meeting

February 21 - regular meeting

March 20 - regular meeting

April 17 - regular meeting

May 15 - regular meeting

June 19- regular meeting

July 17- regular meeting

August 21 - regular meeting

September 18 - regular meeting

October 16 - regular meeting

November 20 - regular meeting

December 18 - regular meeting

A resolution is provided to adopt the above meeting schedule.

2024 Meeting Schedule Zoning Board of Appeals (November 15, 2023) Page 2

• Motion to adopt the resolution approving the 2024 Zoning Board of Appeals Meeting Schedule.

#### Attachment

1. Resolution to approve 2024 Zoning Board of Appeals Meeting Schedule

## Zoning Board of Appeals Meeting Dates 2024 Meeting Schedule

#### RESOLUTION

At a regular meeting of the Zoning Board of Appeals of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 15th day of November, 2023 at 6:30 p.m., Local Time.

PRESE	NT:						 		_
ABSEN'	 T:								-
	The	following	resolution	was	offered	by	 and	supported	by

WHEREAS, Public Act 267 of the Public Acts of 1976 requires the publication of the meeting schedule of every municipal board at least once a year; and

WHEREAS, Zoning Board of Appeals desires to announce the time, date, and place of all regular meetings of the Zoning Board of Appeals, pursuant to the provisions of Act 267 of the Public Act of 1976;

WHEREAS, it is the desire of the Zoning Board of Appeals to maintain a meeting schedule, which is the third Wednesday of each month.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF APPEALS OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN as follows:

- 1. The Zoning Board of Appeals will meet in regular session in the Town Hall Room, Meridian Municipal Building, 5151 Marsh Road, Okemos, MI, 48864, unless noticed or posted otherwise, at 6:30 p.m. on the third Wednesday of each month.
- 2. The specific dates for meetings are as follows:

17 .....................

January	17 - regular meeting
February	21 - regular meeting
March	20- regular meeting
April	17 - regular meeting
May	15 - regular meeting
June	19- regular meeting
July	17- regular meeting
August	21 - regular meeting
September	18 - regular meeting

#### 2024 Meeting Schedule Zoning Board of Appeals (November 15, 2023) Page 2

October

November

Decem	per 18 - regular meeting	
Municipal Build	<u> </u>	ace, and time shall be posted in the Meridian he first regularly scheduled meeting of the year
ADOPTED: YEAS:		
NAYS:		
STATE OF MICHIGAN	) )ss	
COUNTY OF INGHAM	)	
Charter Township of M	eridian, Ingham County, Michig y of a resolution adopted at a 1	person of the Zoning Board of Appeals of the ran, DO HEREBY CERTIFY that the foregoing is a regular meeting of the Zoning Board of Appeals
	Alexia	 Mansour
		Board of Appeals Chair

16 - regular meeting

20 - regular meeting