



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
April 26, 2017 6:30PM



A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

- o Wednesday, March 22, 2017

D. COMMUNICATIONS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. ZBA CASE NO. 17-03-22-1 (PARKER), 6281 W. REYNOLDS ROAD, HASLETT, MI 48840

DESCRIPTION: 6281 W. Reynolds Road
TAX PARCEL: 03-253-023
ZONING DISTRICT: RB (Single Family-High Density), Lake Lansing Overlay

The applicant is requesting the Zoning Board of Appeals (ZBA) to rehear a previously denied variance in accordance with the following section of the Code of Ordinances:

- Section 86-225 – No application, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed circumstances found by the Zoning Board of Appeals to be sufficient to justify consideration.

If the ZBA decides to rehear the case then the request is a variance from the following section of the Code of Ordinances:

- Section 86-618(1), which states nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

Individuals with disabilities requiring auxiliary aids or services should contact the Township Manager Frank L. Walsh, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4258 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

Meridian Township exists to create a sustainable community through the most effective use of available resources that achieve the highest quality of life.

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The applicant is requesting to expand the footprint and square footage of the existing nonconforming single-family dwelling.

- ☞ 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.

G. OTHER BUSINESS

H. PUBLIC REMARKS

I. BOARD MEMBER COMMENTS

J. ADJOURNMENT

K. POST SCRIPT – Emily Stivers

Information regarding the request may be examined at the Department of Community Planning and Development, 5151 Marsh Road, Okemos, Michigan 48864-1198, between the hours of 8:00 am and 5:00 pm, Monday through Friday. Comments may be made in writing addressed to the Zoning Board of Appeals at 5151 Marsh Road, Okemos, MI 48864 or may be made at the hearing.

**BRET DREYFUS, CMMC
TOWNSHIP CLERK**

ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

Persons wishing to address the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the Zoning Board of Appeals meeting. **If you do intend to speak before the Zoning Board of Appeals please sign in at the door.** During a public hearing, the following order shall be used:

1. Township Staff Review
2. Comments by the applicant or applicant's designee(s)
3. Comments by other persons

4. Applicant rebuttal
5. ZBA members discuss the case. If necessary, the applicant may be asked to respond to questions from the ZBA members
6. Action by the ZBA

Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

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**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, March 22, 2017**

PRESENT: Members Jackson, Ohlrogge, Lane, Stivers, Chair Beauchine
ABSENT: None
STAFF: Mark Kieselbach, Director of Community Planning and Development,
Keith Chapman, Assistant Planner

A. CALL MEETING TO ORDER

Chair Beauchine called the meeting to order at 6:30 p.m.

B. APPROVAL OF AGENDA

MEMBER OHLROGGE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, March 8, 2017

MEMBER LANE MOVED TO APPROVE THE MINUTES OF WEDNESDAY MARCH 8, 2017 AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

D. COMMUNICATIONS

None.

E. UNFINISHED BUSINESS

None.

F. NEW BUSINESS

1. ZBA CASE NO. 17-02-08-1 (LUPA), 3575 KANSAS STREET, OKEMOS, MI, 48864

DESCRIPTION:	3575 Kansas Street
TAX PARCEL:	33-352-001
ZONING DISTRICT:	RA (One Family, Medium Density Residential)

The applicant is requesting the Zoning Board of Appeals (ZBA) to rehear a previously denied variance in accordance with the following section of the Code of Ordinances:

- Section 86-225 – No application, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed circumstances found by the Zoning Board of Appeals to be sufficient to justify consideration.

If the ZBA decides to rehear the case then the request is a variance from the following section of the Code of Ordinances:

- Section 86-373(e)(7) - Accessory buildings shall not exceed a height of 15 feet on any residential lot.

The applicant is requesting a variance to construct an accessory building exceeding the maximum height of 15 feet.

Assistant Planner, Keith Chapman, outlined the case for discussion. He stated the Zoning Board of Appeals (ZBA) at its meeting on February 8, 2017 denied the applicant's request. The applicant is requesting the ZBA to rehear the case based on changed circumstances.

Chair Beauchine stated the first part of hearing was to determine if there was substantial change to reconsider the request. He added if the ZBA moves forward and hears the case a, second motion would be needed to approve or deny the applicant's request.

Mr. Chapman stated the amended request is for a roof 18 feet in height. He added the RA Zoning District allows an accessory structure to be a maximum of 15 feet in height. The applicant is requesting a variance of 3 feet.

Member Jackson clarified the change is 18 feet in height from the originally request of 21 feet in height.

Mr. Chapman replied yes.

Member Ohlrogge questioned if the change was sufficient to justify consideration by the ZBA.

MEMBER STIVERS MOVED TO REHEAR THE CASE BASED ON THE NEW ROOF HEIGHT.

SECONDED BY CHAIR BEAUCHINE.

Member Stivers stated going from the original request of 21 feet to a new roof height of 18 feet is a change of circumstances.

Member Jackson stated because there was a 50% change in the request it did represents a change of circumstances.

ROLL CALL VOTE: YES: Members Stivers, Jackson, Lane, Ohlrogge and Chair Beauchine.

NO: None.

Motion carried unanimously.

Mr. Chapman outlined the case for discussion.

Mr. Piotr Lupa, 3575 Kansas Street, Okemos, the owner and applicant, showed the ZBA 2 elevation plans for the accessory structure. He stated he wanted to keep the same roof design for the house and accessory structure. He referenced the proposed Okemos Pointe apartment complex which has a similar roof design. He quoted the dimensional standards from the 2017 Meridian Township Master Plan as an example for his request.

Chair Beauchine opened and closed public comments.

Member Stivers asked if the standards from the Master Plan were relevant in this case.

Member Jackson stated the standards in the Master Plan are examples of what future structures may look like and are not relevant in this case.

Member Lane added the "form based code provisions" used in the Master Plan were intended to apply to specific areas in the Township which the subject property is not in. He further added he agreed new evidence had been presented and there was a change in circumstances.

Member Jackson added the unique circumstance is the accessory structure in the front yard and whether it has a flat roof.

Member Ohlrogge asked for clarification regarding the statement in the packet which reads, "the plans submitted by the applicant were reviewed by the Township Building Inspector and he indicated the existing structure may not be able to be used unless it was entirely reconstructed."

Director Kieselbach replied the statement was added to ensure the applicant understood the reconstruction of the accessory building must meet all current construction standards.

Member Lane asked would the structure lose its nonconformity status if it was rebuilt.

Director Kieselbach stated the accessory structure was granted a variance to be in the front yard so the structure would not be nonconforming.

Member Stivers questioned if the proposed roof design is in keeping with the spirit of the zoning ordinance or would the strict interpretation of the code in effect prohibit the design.

Member Jackson stated the height requirement did not dictate whether the accessory structure had a flat roof or a gable roof. The issue before the ZBA is granting a variance in order for the applicant to use the accessory structure as he desires.

Chair Beauchine read from (Section 86-221) review criteria seven, which states the conditions pertaining to the land and or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. He stated the ZBA cannot modify the intent of the zoning Ordinance for a dimensional variance.

Member Ohlrogge commented the ZBA needs to make sure the accessory structure is safe. She stated an accessory structure should not be designed for livable space and the flat roof at 15 feet in height is in keeping with the zoning Ordinance.

Member Stivers questioned if the ZBA could allow a height variance for storing an RV but not allow the use for livable space.

Member Lane added the 15 feet is sufficient, and most RV owners would not store their RV's in an accessory structure. Repurposing the accessory structure in the future to store an RV does not make for a unique circumstance or hardship.

Member Ohlrogge added if the ZBA considers approval of the request based on a higher roof for RV storage, then review criteria seven cannot be met as the circumstances could become recurrent in nature.

Member Stivers read review criteria one, 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. She stated the sloping land, varying heights of the buildings, and the accessory structure in the front yard creates unique circumstances.

Chair Beauchine read review criteria two, which states these special circumstances are not self-created. He stated he agreed with the statement.

Member Ohlrogge read review criteria three, which reads strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She stated a flat roof 15 feet in height could be built therefore, there was no practical difficulty.

Member Stivers asked at what point is aesthetics a practical difficulty. She stated in this case the question is not between a 15 foot flat roof versus an 18 foot flat roof but whether a gable roof meets the ordinance requirement as shown in the drawings.

Member Jackson commented the issue is not the type of roof, but the height of the roof.

Member Ohlrogge stated the applicant needs to choose a roof that meets the ordinance requirement.

Member Jackson inquired if the gable roof gave the applicant the additional 3 feet.

Director Kieselbach commented review criteria three deals with practical difficulty. He stated the applicant could build either a gable or flat roof that met the height standard. He added regarding aesthetics review criteria six deals with the essential character of the property.

Member Stivers explained it was her understanding the peak of a gable roof could be as high as 40 feet.

Director Kieselbach stated height is measured from the adjacent grade to the mid-point of the roof. The mid-point is the distance between the peak of the roof to the eave line. He added, depending on the slope of the roof and the size of the building the peak can vary in height.

Member Lane stated a practical difficulty would exist if the structure meeting the dimensional standard could not be used as an accessory structure. He added however a height of 15 feet makes it usable and as a result review criteria three is not met.

Member Ohlrogge read review criteria four, which states 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 or would render conformity with such restrictions unnecessarily burdensome. She stated the applicant is not prevented from using the accessory structure.

Member Ohlrogge 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. She stated if the ZBA agrees review criteria three and four have not been met a variance should not be granted.

Member Lane 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. He stated the criteria had been met.

Member Lane read review criteria seven, which states 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. He said an argument could be made for this criteria.

Member Lane read review criteria eight, which states granting the variance will be generally consistent with public interest, the purposes and intent of this Chapter. He replied for the reasons stated in criteria three and four granting the variance would not meet the purposes or intent of the Zoning Ordinance.

MEMBER LANE MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-373(e)(7).

SECONDED BY MEMBER OHLROGGE.

ROLL CALL VOTE: YES: Members Stivers, Jackson, Lane, Ohlrogge and Chair Beauchine.
NO: None.
Motion carried unanimously.

2. ZBA CASE NO. 17-03-22-1 (PARKER), 6281 W. REYNOLDS ROAD, HASLETT, MI 48840

DESCRIPTION:	6281 W. Reynolds Road
TAX PARCEL:	03-253-023
ZONING DISTRICT:	RB (Single Family-High Density), Lake Lansing Overlay

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

- Section 86-618(1), which states nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the zoning board of appeals, provided, that such alteration or extension shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.

The applicant is requesting to expand the footprint and square footage of the existing nonconforming single-family dwelling.

Mr. Chapman outlined the case for discussion. He added the existing structure is nonconforming as the southeast corner of the house is 0 feet from the property line.

Chair Beauchine asked if the second floor addition of 608 square feet was approved when the property came before the Zoning Board of Appeals (ZBA) in 2000 or was this a modification to the structure.

Director Kieselbach stated nonconforming residential structures are treated differently from other nonconforming structures. If the nonconformity is impacted by adding area, height, or bulk, then approval from the ZBA is required. He added the 608 square foot addition is not part of the request.

Mr. Steve Parker, 6280 Lake Drive, Haslett, the property owner and applicant, explained the proposed changes to the house.

Chair Beauchine opened and closed public comment.

Chair Beauchine indicated the Ingham County Road Department (ICRD) had approved the excavation and construction in the road right-of-way. He added the second floor deck increases the bulk of the structure.

Member Jackson asked if the decks increase the nonconformity and did the deck on the second floor go to the property line.

Mr. Chapman replied yes the deck on the first floor encroaches into the road right-of-way of the front yard. The second floor deck did go to the property line.

Member Stivers stated the property was unique, as the front yard is in the road right-of-way. She asked what the difference was between the right-of-way and the road.

Member Lane replied a public road has a section of property adjacent to the road called a right-of-way.

Member Ohlrogge asked if the variance also dealt with the front yard setback.

Chair Beauchine replied the front yard setback is at zero feet. He asked staff if the new basement required a variance.

Mr. Chapman responded because the structure is zero feet from the property line it is nonconforming and would need a variance.

Member Stivers stated the applicant is expanding the nonconformity at the northeast corner of the house by 2.5 feet from the property line.

Member Stivers stated due to the current slope of the front yard the house is not as accessible as the new design would be for emergency vehicles.

Chair Beauchine stated if the ICRD is in favor of the plan it is a point to take into consideration for the front yard setback.

Member Jackson stated the right-of-way was not as important to this case, as increasing the nonconformity of the house.

Chair Beauchine inquired if the first floor deck extends over the property line.

Mr. Chapman replied the proposed deck extends 8 feet over the property line.

Member Jackson questioned if there was a safety issue with the deck extending over the right-of-way.

Member Ohlrogge stated the ICRD approval had no bearing on Township ordinances.

Member Stivers replied a practical difficulty would not result if the variance was not granted.

Chair Beauchine asked what the side yard setbacks were for the subject property.

Mr. Chapman stated the house was 7 feet from the south property line and is 6 feet 8 inches from the north property line.

Chair Beauchine stated the side yard setback was met.

Member Stivers read review criteria one from (Section 86-221), which states unique circumstances exist that are peculiar to the land or structure that is not applicable to other land or structures in the same zoning district. She stated while the slope of the land and the location of the right-of-way was unique it was not any different from neighboring properties.

Chair Beauchine asked whether a deck was ever built when the variance was granted in 1982, and if the deck crossed the property line into the road right-of-way.

Mr. Chapman replied he believed it did cross the property line, and the variance was for 5 feet from the side yard.

Member Stivers read review criteria two, which states these special circumstances are not self-created. She agreed this situation was not self-created.

Member Stivers read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She stated there was no practical difficulty.

Member Stivers asked the applicant, if he would address for review criteria three.

Mr. Parker referenced the Lake Lansing Overlay Zoning District requirements and added he was willing to remove the 8 foot deck on the first floor since it was not part of the original design.

Chair Beauchine stated it could be a practical difficulty if the basement was not allowed to be kept in the same vertical alignment with the crawl space.

Chair Beauchine asked if the retaining wall would affect the neighbor's property line.

Director Kieselbach replied the retaining wall would not go past the applicant's south property line if the line was extended into the road right-of-way.

Member Lane added if it was not for the walkout basement the retaining walls would not be needed and he could not see a practical difficulty.

Member Stivers read review criteria four, which states 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. She stated there was no alleged practical difficulty.

Member Stivers 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. She stated while the walkout basement provided easier access for emergency vehicles it was not the minimum action necessary.

Member Stivers 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. She replied the changes could adversely affect adjacent land and she could not agree with this criteria.

Member Stivers read review criteria seven, which states 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. She added other houses in area also have similar set back issues.

Member Stivers read review criteria eight, which states granting the variance will be generally consistent with public interest, the purposes and intent of this Chapter.

Chair Beauchine replied the request could meet review criteria eight and be consistent with public interest. With the front yard setback at zero there is no room to add to the structure.

Member Ohlrogge stated the public interest would be to have a right-of-way for public access and emergency vehicles.

Chair Beauchine stated based on review criteria three, four, and five he could not support granting the request.

MEMBER STIVERS MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-686(3)(a).

SECONDED BY CHAIR BEAUCHINE.

ROLL CALL VOTE: YES: Members Stivers, Jackson, Lane, Ohlrogge and Chair Beauchine.

NO: None.

Motion carried unanimously.

Chair Beauchine recessed the meeting at 9:00 p.m.

Chair Beauchine reconvened the meeting at 9:10 p.m.

3. ZBA CASE NO. 17-03-22-2 (POTENTIAL SIGN COMPANY), 6925 WINDSOR HIGHWAY, POTTERVILLE, MI, 48876

DESCRIPTION: 2273 Club Meridian Drive
TAX PARCEL: 33-100-026
ZONING DISTRICT: PO (Professional Office)

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

- Section 86-686(3)(a), which states one freestanding sign shall be permitted.

The applicant is requesting to install a second freestanding sign.

Mr. Chapman outlined the case for discussion.

Kyle Allen, Potential Sign Company, the applicant's representative, stated the proposed sign is not illuminated and would help make the location visible.

Chair Beauchine opened and closed public remarks.

Chair Beauchine inquired if Club Meridian Drive was a public or private road.

Mr. Chapman replied it was a private road.

Member Ohlrogge agreed safety was a reason for the sign on Okemos Road and questioned the need for the current freestanding sign located on Club Meridian Drive.

Member Jackson stated if the freestanding sign on Okemos Road was sufficient then the freestanding sign in the front of the building should be removed.

Member Stivers stated she was unable to visit the subject property and questioned if the sign on the building was visible.

Member Ohlrogge stated she did see the sign on the building.

Chair Beauchine stated he did not see the sign on the building.

Member Ohlrogge asked if directional signs would be allowed.

Director Kieselbach replied yes but a directional sign could not have any branding, logo or business name on the sign.

Member Jackson referenced review criteria one from (Section 86-221) of the Code of Ordinances, by stating she could not find a unique circumstance which would support allowing a second free-standing sign.

Member Ohlrogge stated the exception is the sign on the building is not visible.

Member Stivers stated the sign on the building, which is difficult to see does not make a case for 2 freestanding signs and added improvements could be made to the sign on the building.

Member Jackson referenced review criteria two and stated the special circumstances is an issue when determining if 2 freestanding signs should be allowed.

Member Jackson read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She stated there was no practical difficulty.

Member Ohlrogge asked if the address could be a part of the sign.

Director Kieselbach stated if a freestanding sign is allowed on Okemos Road, the address could be a part of the sign.

Member Jackson commented the variance request cannot meet review criteria one, two and three.

Member Jackson read review criteria four, which states 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. She stated the applicant is allowed one freestanding sign and would need to decide where it should be located.

Member Jackson 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. She commented it was not the minimum action.

Member Jackson 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. She stated the review criteria could not be met.

Member Jackson read review criteria seven, which states 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. She stated the review criteria could not be met.

Member Jackson read review criteria eight, which states granting the variance will be generally consistent with public interest, the purposes and intent of this Chapter. She stated the review criteria could not be met.

MEMBER JACKSON MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-686(3)(a).

SECONDED BY MEMBER OHLROGGE.

Member Ohlrogge stated she wanted the applicant to understand the ZBA is supportive of the Okemos Road sign, but did not support having two freestanding signs.

Chair Beauchine asked when can a property be allowed to have 2 freestanding signs.

Director Kieselbach stated in the commercial zoning district however, the subject property is zoned PO (Professional and Office) zoning.

Member Stivers expressed support for having more signage for safety reasons and a second freestanding sign at the intersection was feasible.

Member Jackson replied there is always the option to change the location of the sign on the building.

Member Ohlrogge agreed safety was a concern and 2 freestanding signs would address the safety issue.

Member Stivers stated she would support granting the variance for the following reasons: the location of the building made it difficult to find the subject property, the existing sign on the building was too small to see, allowing a second freestanding sign was the minimum action, would improve public safety, meet the spirit of the zoning ordinance and would not adversely affect adjacent land.

Member Ohlrogge asked if the second freestanding sign could be required to be smaller.

Member Lane replied the existing freestanding sign is already smaller at 20 square feet.

Director Kieselbach stated the ZBA can put reasonable conditions on granting a variance; however there needs to be a connection between the granting the variance and the reason for the condition.

Member Jackson commented a variance would go with the land and whatever the property is used for now or in the future the second freestanding sign could remain.

Chair Beauchine asked if the variance was approved must the second freestanding sign remain in the same location or could the sign be moved or could n the ZBA restrict the location.

Director Kieselbach replied if the sign met the required setbacks it could be placed anywhere on the property unless the ZBA restricted the location.

Member Jackson stated the ZBA could propose a condition allowing 2 freestanding signs with one sign on Club Meridian Drive in front of the building and one sign on Okemos Road.

ROLL CALL VOTE: YES: Member Jackson
NO: Stivers, Ohlrogge, Lane and Chair Beauchine.
Motion failed 1 to 4.

MEMBER STIVERS MOVED TO APPROVE THE VARIANCE REQUEST CONDITION ON,
ONE FREESTANDING SIGN ON OKEMOS ROAD AND ONE FREESTANDING SIGN ON
CLUB MERIDIAN DRIVE

SECONDED BY MEMBER LANE.

ROLL CALL VOTE: YES: Member Jackson, Stivers, Ohlrogge, Lane and Chair Beauchine.
NO:

Motion carried unanimously.

G. OTHER BUSINESS

H. PUBLIC REMARKS

David Clearwood, Project Manager Tutor Time, 2273 Club Meridian Drive, thanked the ZBA for the variance approval.

I. BOARD MEMBER COMMENTS

Member Ohlrogge thanked Chair Beauchine for leading the ZBA meetings and sticking to the details.

Member Stivers added it was better to stay longer in order to come to the correct decisions instead of rushing through just to finish.

J. ADJOURNMENT

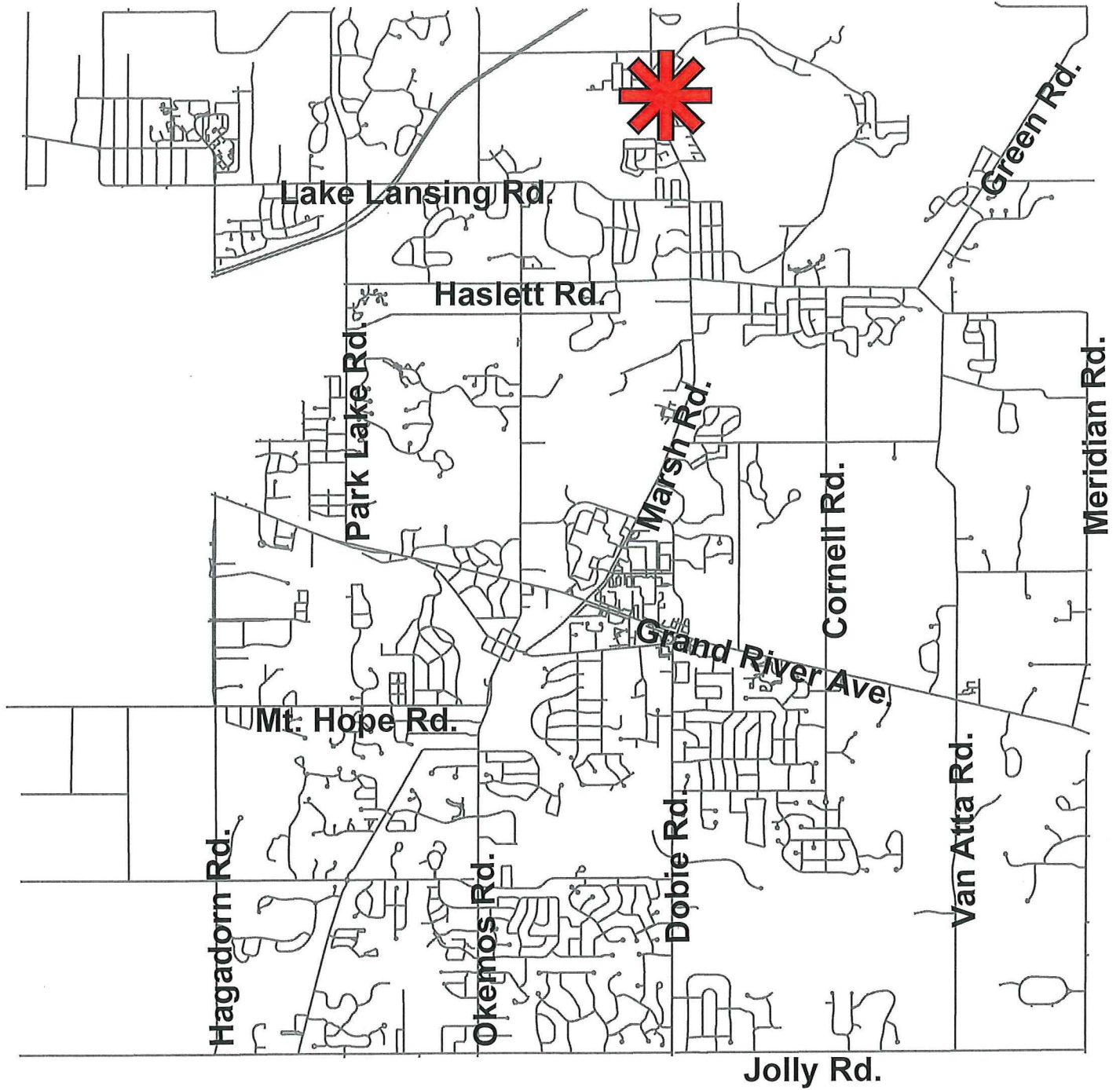
Chair Beauchine adjourned the meeting at 9:49 p.m.

K. POST SCRIPT – Member Lane

Respectfully Submitted,

Rebekah Lemley
Recording Secretary

Meridian Township



Location Map

ZBA #17-03-22-1 (Parker)



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.



To: Zoning Board of Appeals
From: Keith Chapman
Keith Chapman, Assistant Planner
Date: April 21, 2017
Re: ZBA Case No. 17-03-22-1 (Parker)

ZBA CASE NO.: 17-03-22-1 (PARKER), 6281 W. REYNOLDS ROAD, HASLETT, MI 48840
DESCRIPTION: 6281 West Reynolds Road
TAX PARCEL: 03-253-023
ZONING DISTRICT: RB (Single Family-High Density), Lake Lansing Overlay

The applicant is requesting the Zoning Board of Appeals (ZBA) to rehear a previously denied variance in accordance with the following section of the Code of Ordinances:

- Section 86-225 – No application, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed circumstances found by the Zoning Board of Appeals to be sufficient to justify consideration.

If the ZBA decides to rehear the case then the request is a variance from the following section of the Code of Ordinances:

- Section 86-618(1), which states nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

The applicant intends to expand the footprint and square footage of the existing nonconforming single-family dwelling at 6281 West Reynolds Road. The existing dwelling is nonconforming as the southeast side of the house is at its closest point is 0 feet from the property line and the northeast corner of the dwelling is approximately 2.5 feet from the property line. The existing crawlspace along the front of the structure (house) will be converted to a basement and expanded. The existing hill along the front of the property will be excavated to allow for a walkout basement. The additions will increase the square footage of the dwelling from approximately 1,644 square feet (including the existing basement) currently to approximately 2,483 square feet (including the expanded basement). Approval was obtained by the applicant from the Ingham County Road Department for the excavation and stairs that will be located within the right-of-way. The resulting increase in the area, bulk, and extent of the dwelling requires a variance to expand a nonconforming single-family structure pursuant to Section 86-618(1).

Memo to Zoning Board of Appeals
April 26, 2017
Re: ZBA Case No. 17-03-22-1 (Parker)
Page 2

The Lake Lansing Overlay zoning district requires a minimum front yard setback of twenty feet. Approximately 249 square feet of the addition is considered nonconforming because it does not meet the front yard setback minimum requirement. The existing crawl space will be converted to a basement and the north foundation will be expanded 47.5 square feet to square the front of the building with the side walls. The first floor will have 15.5 square feet of the existing home removed and 18.5 square feet added, which amounts to a 3 square foot increase. The second floor will have a new 30 square foot addition that extends towards the front of the property, where 18.5 square feet is outside of the existing house footprint. An approximate 130 square foot deck will also be added off the front of the second floor within the existing house footprint. The remaining 608 square feet over the garage meets the setback requirements and is not part of this request.

The following chart illustrates the approximate changes in square footage per floor from the original request to the current:

	Original	Current
Basement (sq. ft.)	227	209.5
First Floor (sq. ft.)	65	3
First Floor Deck (sq. ft.)	218	0
Second Floor (sq. ft.)	104	18.5
Total (sq. ft.)	2,648	2,483

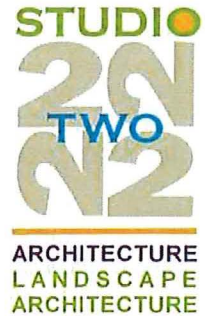
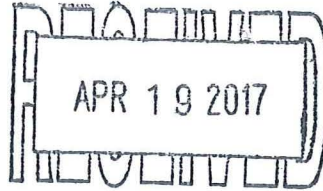
Site History

- The single-family dwelling was constructed in 1931.
- There are three previous variance cases for this property. A variance of five feet to construct a deck on the front of the house to be located two feet from the south property line (ZBA # 82-06-09-4). In 1989 (ZBA # 89-03-08-7), two variances were granted to add to a nonconforming structure and improving a nonconforming structure more than 30 percent of the assessed value to construct a second story. The requirement that a nonconforming structure cannot be improved over 30 percent of the assessed value is no longer in the Ordinance. Two variances were granted in 2000 (ZBA # 00-01-12-6) to allow for all buildings to cover 39 percent of the lot, a variance of 4 percent. The Lake Lansing Overlay district now allows for buildings to cover 40 percent of the lot. Also, a variance of two feet to allow for the driveway to be paved to the side and rear lot lines.

Attachments

1. Application materials
2. Site location map

G:\COMMUN PLNG & DEV\PLNG\ZBA\2017 ZBA\ZBA 17-03-22\ZBA 17-03-22-1 (Parker)\Rehearing



April 14, 2017

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

RE: 6281 W. Reynolds Rd. Home Remodel

Dear Board Members:

Mr. and Mrs. Parker are requesting a variance from the following section of the Code of Ordinances:

- Section 86-618(1) – which states **[Nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided that such structural alterations or extensions shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.]**

The focus of the improvements to the above referenced property are on Barrier Free Accessibility and Safety to the home's lower level and to facilitate improved EMS accessibility to the main floor. The Parkers and their parents, like all of us are getting older. It currently sits on a tiered steep hill with multiple steps to get to the front door. Once at the front door one enters the home to a stairway that goes to the second floor. There is just 3'9" clearance in front of the stairway with a choice of going up the stairs or turning hard left. The tight entrance makes it impossible to get an emergency gurney into the home. There is a second entrance in the back of the house through the garage with multiple steps and turns to get to the first floor living area. This entrance is not EMS accessible.

The current basement is only 6'5" tall, which is not considered a habitable room height. Much of the basement floor area will need to be lowered two feet to make it usable space. During last month's presentation to the board, the Parkers' did not point out that to avoid underpinning the existing foundations, the usable floor area will be reduced in width by 3-4' on each side of the home. They still believe lowering the basement floor is worth doing and this improvement would make the home barrier free accessible from the street.

There are two current crawl space foundations, one at the front of the home under the 1st floor addition and the second under the north stairway that was added when the former owners developed the second floor. The front crawl space will be removed and replaced by a full walkout basement section conforming to the current foundation dimensions

We believe developing the porch at the northeast corner is essential to make for a safe entrance to the home. The existing wood porch is a makeshift deck type structure. The proposed new porch does not come closer to the street and property line than the existing eastern face of the home.

We are eliminating two non-conforming decks from the south side. The cantilevered one on the second floor is being removed and the ground level wooden deck will be removed as well. Both are not being replaced. The proposed front deck that connected the two side yards has been eliminated from consideration as well.

The front (street line) of the home remains on the same plane which does not increase the extent of the nonconformity. The nonconformity is caused by the proximity of the current structure to the front property line. The Lake Lansing Overlay District set back is 20' which actually falls into the original home built in 1931. Therefore, any changes, other than siding and roofing to the front of the home



requires a variance from the board. We believe that the structural alterations are consistent with other renovated homes on the street and will improve the neighborhood as well as greatly improve access to the home for the owners, EMS, and the Road Commission.

Removing most of the tiered hill in front of the home will make this project much more compatible to the other neighbor's homes on the street.

Please see the attached supporting photographs and documentation which we hope will help in telling our story more clearly.

Following Attachments:

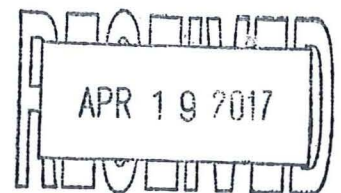
- Variance Review Criteria
- Site Plan, Basement, First Floor, Second Floor
- Proposed Front Elevation
- Exterior to be Changed
- Neighbors Street Views

Yours truly,

Studio Two | Architecture

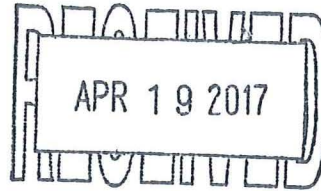
A handwritten signature in cursive script that reads 'Barry Wood'.

Barry D. Wood, AIA, NCARB
Member Manager



April 14, 2017

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



RE: 6281 W. Reynolds Rd. Home Remodel

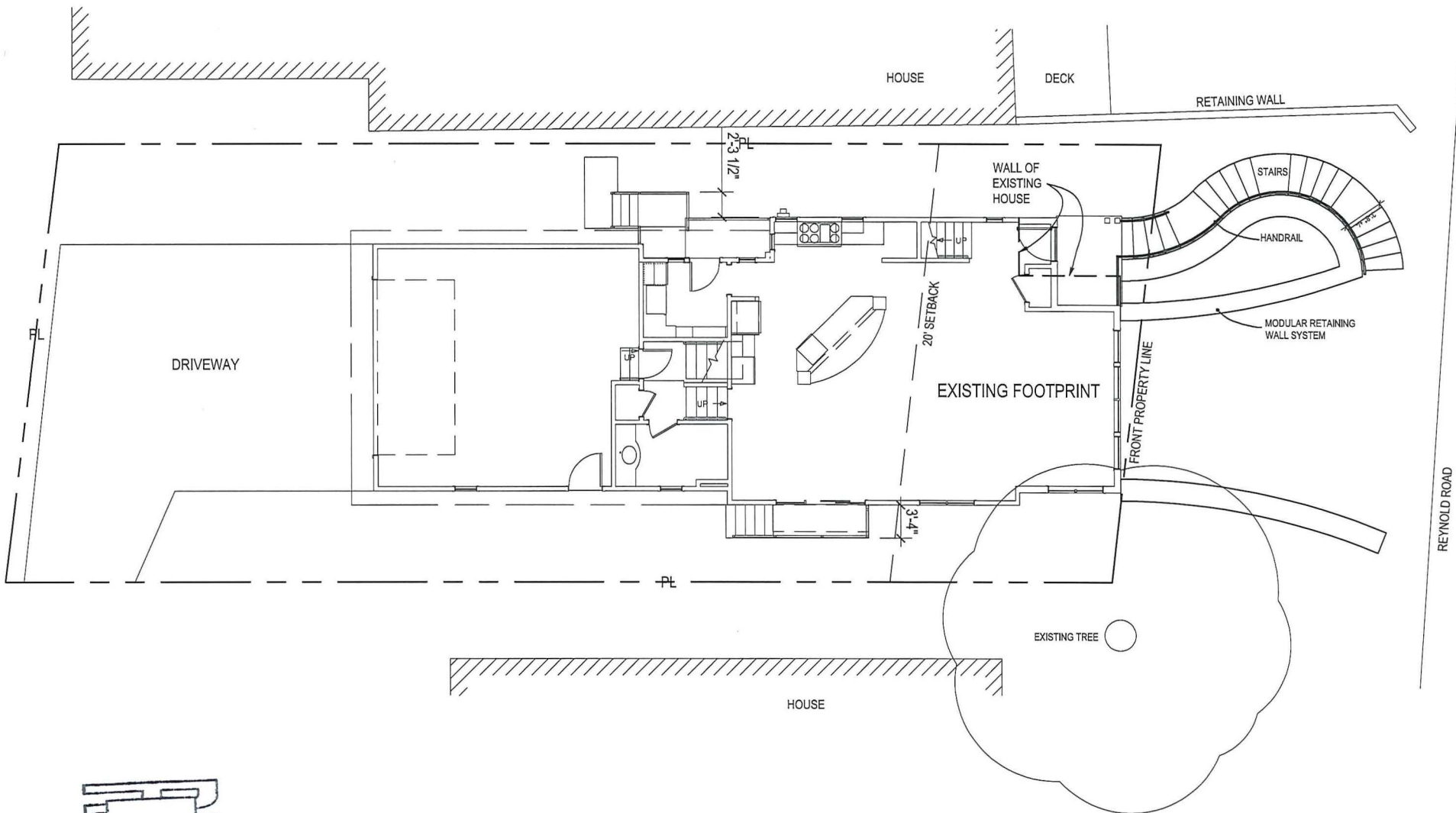
Variance Review Criteria Outline:

1. Prior to the current ownership, the existing home was constructed and expanded into the 20' front yard setback as were most of the homes along this street.
2. This unique circumstance is an existing condition and not self-created. The original home with additions was built under previous ownership.
3. Strict enforcement of the existing 20' front yard setback would require removal of a portion of the existing home, as it runs into the original 1931 construction. This would not be practical as well as not conforming to the rest of the existing homes on the street.
4. The failure to grant the variance would prevent the owner from improving the front entrance and lower level to make it more handicap and emergency accessible – as the building would remain a non-conforming building with an entrance that is too steep and too tight to get EMS into the home.
5. Granting the variance is the minimum action required to bring the existing building into conformity – thereby allowing improvements to the existing structure. The setback variance would provide for substantial justice in allowing the Parker's to renovate the entrances making it handicap and EMS accessible. Building improvements, as a result of the variance, would also secure public safety as it would keep the building from becoming an eyesore and falling into disrepair. All improvements will be in accordance with the zoning ordinance and setback variance.
6. Granting the variance will allow the owner to improve the building in a manner that is consistent with the character of the surrounding properties. The improvements made possible by the variance would provide a positive impact on the adjacent homes and will also help the road commission in the winter with clearing snow.
7. The conditions pertaining to the building are specific in nature – setback variance request to bring an existing non-conforming building into conformity. This does not necessitate a change to the general regulations of the zoning ordinance.
8. Granting the variance would allow the owner to improve the building. The improvements are consistent with the public interest and intent of the zoning ordinance. They will also help open-up the roadway by removing the steep tiered landscaping that makes it difficult to plow and keep the street clean. Additionally, it will allow emergency vehicles to reach the lower level more easily.

Yours truly,
Studio Two | Architecture

Handwritten signature of Barry D. Wood in black ink.

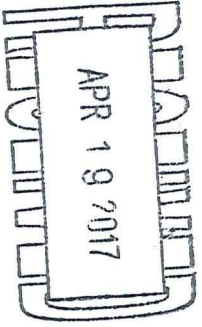
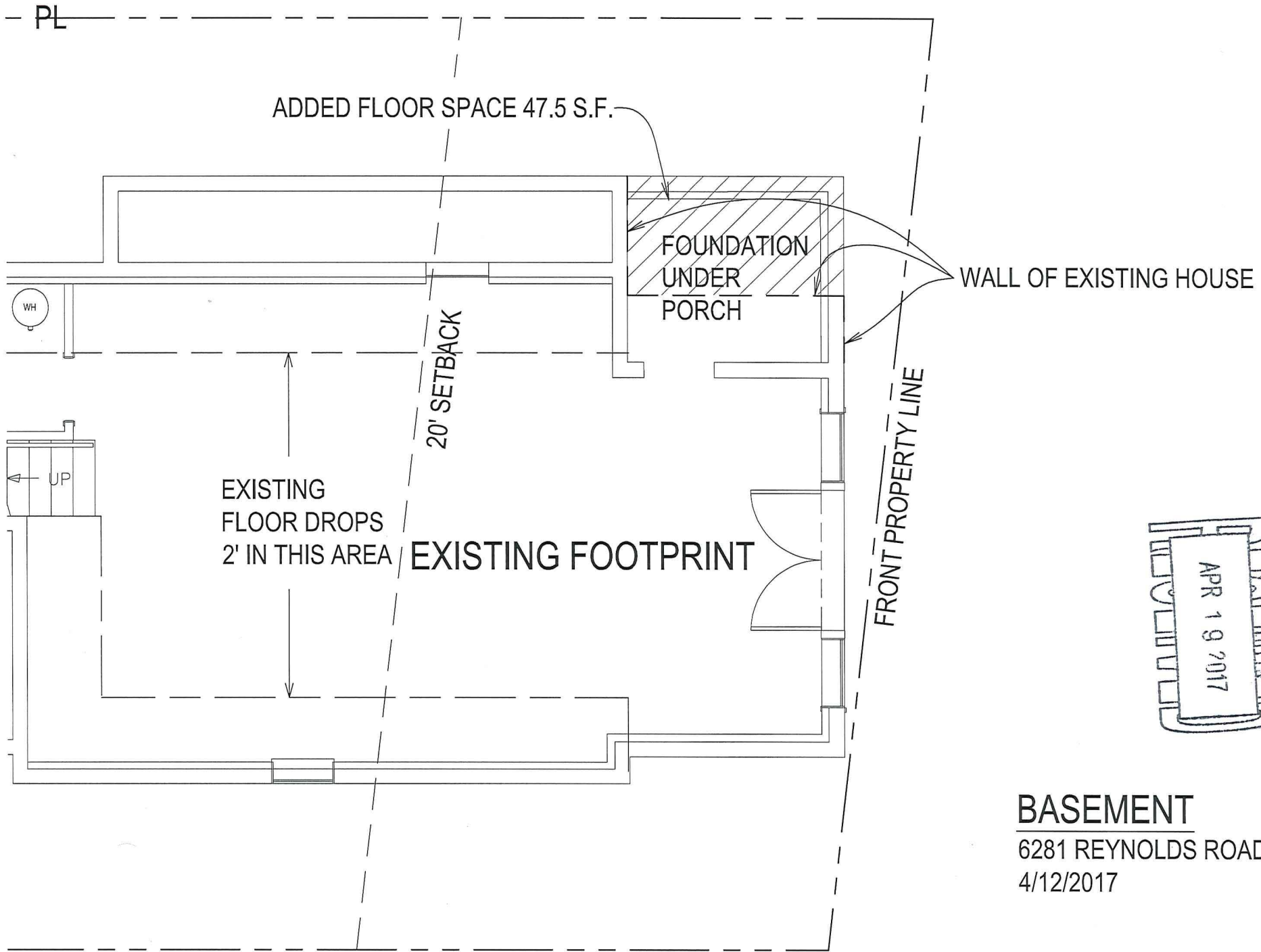
Barry D. Wood, AIA, NCARB
Member Manager



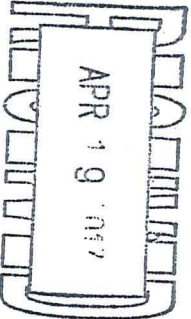
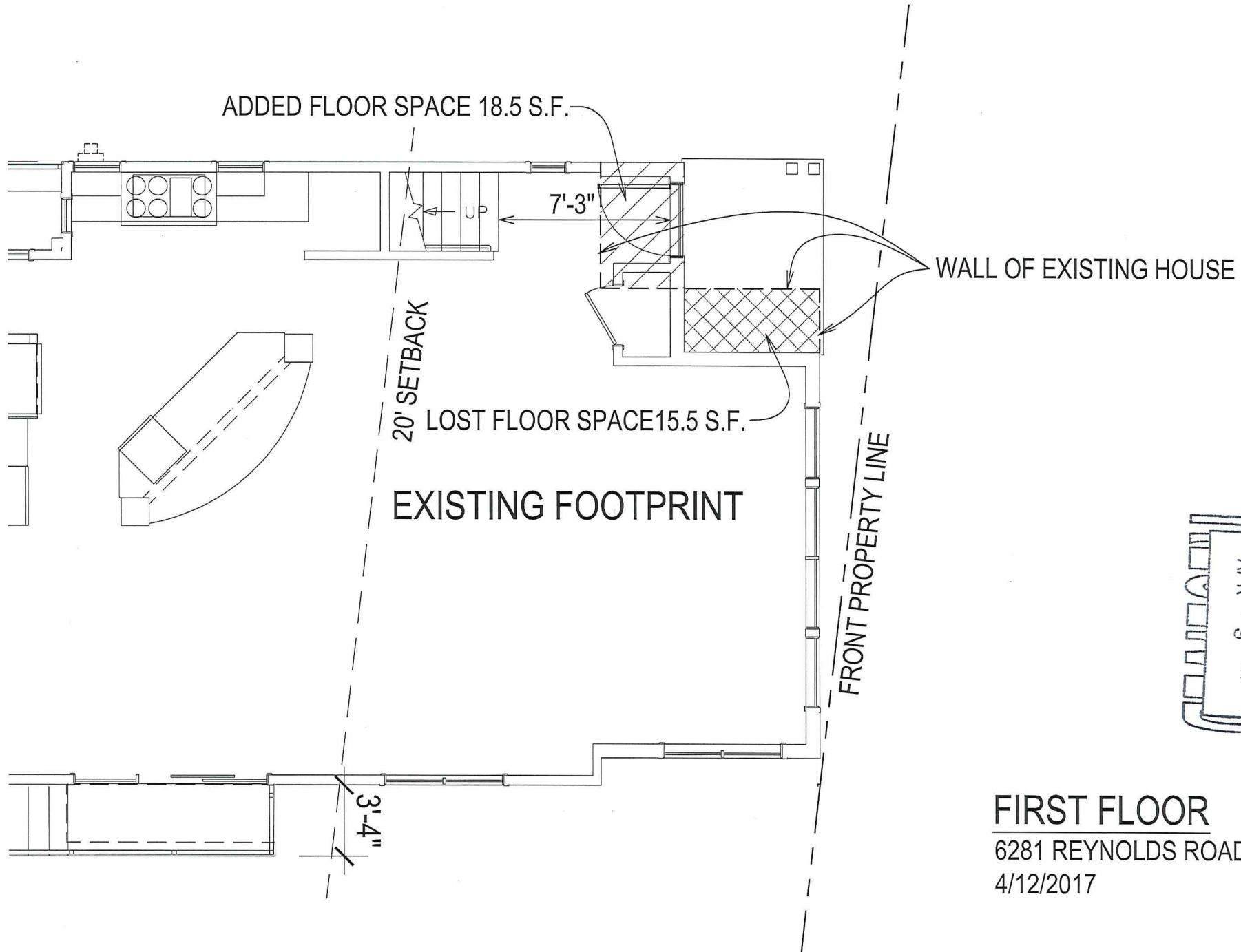
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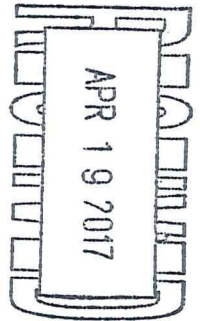
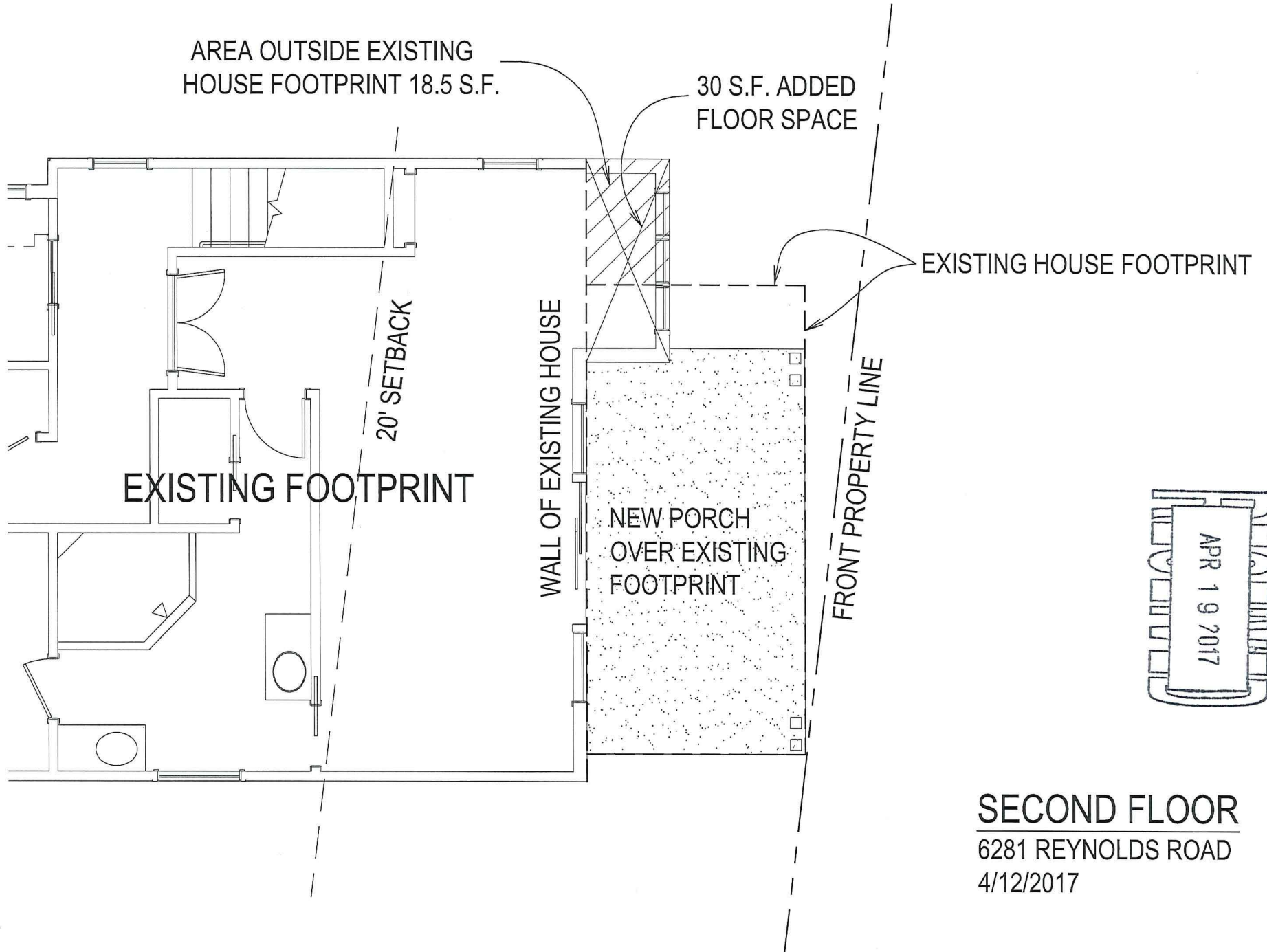
SITE PLAN
 6281 REYNOLDS ROAD
 4/12/2017



BASEMENT
6281 REYNOLDS ROAD
4/12/2017



FIRST FLOOR
 6281 REYNOLDS ROAD
 4/12/2017



SECOND FLOOR
6281 REYNOLDS ROAD
4/12/2017

APR 19 2017

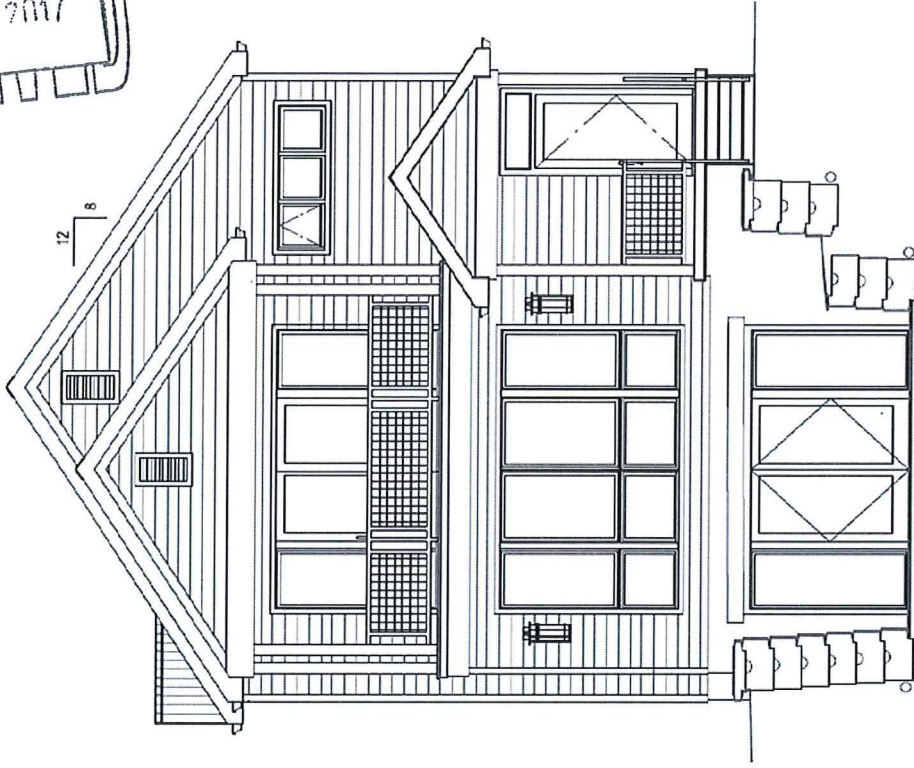
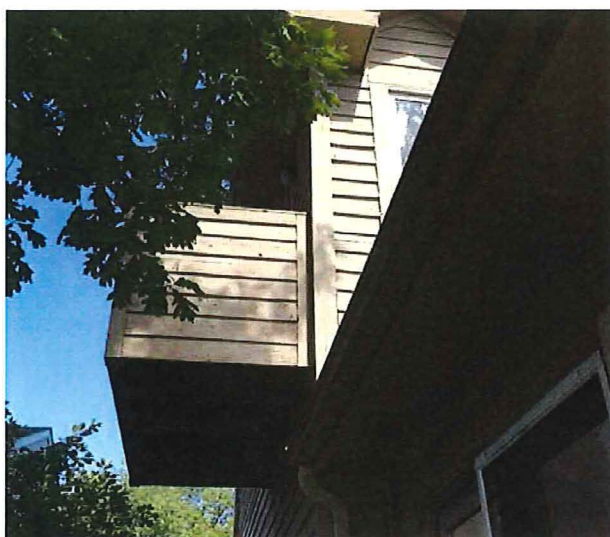
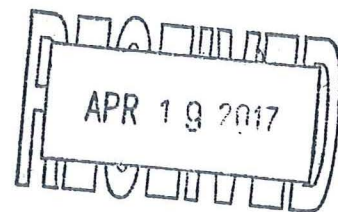
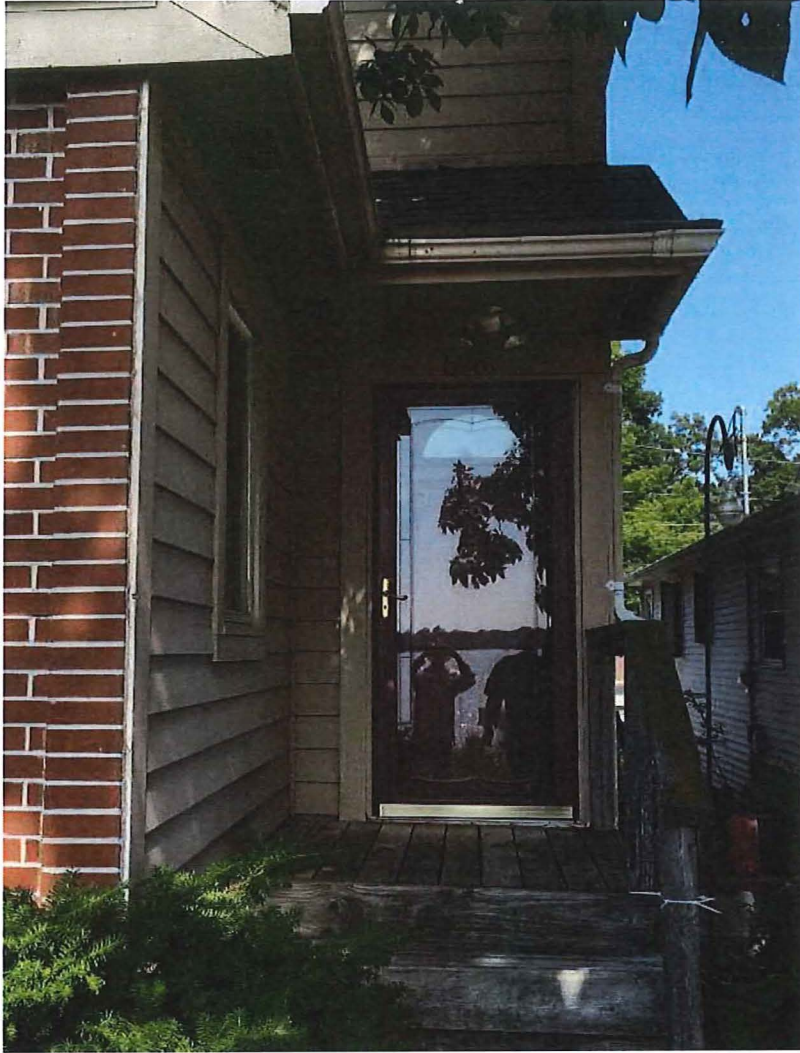


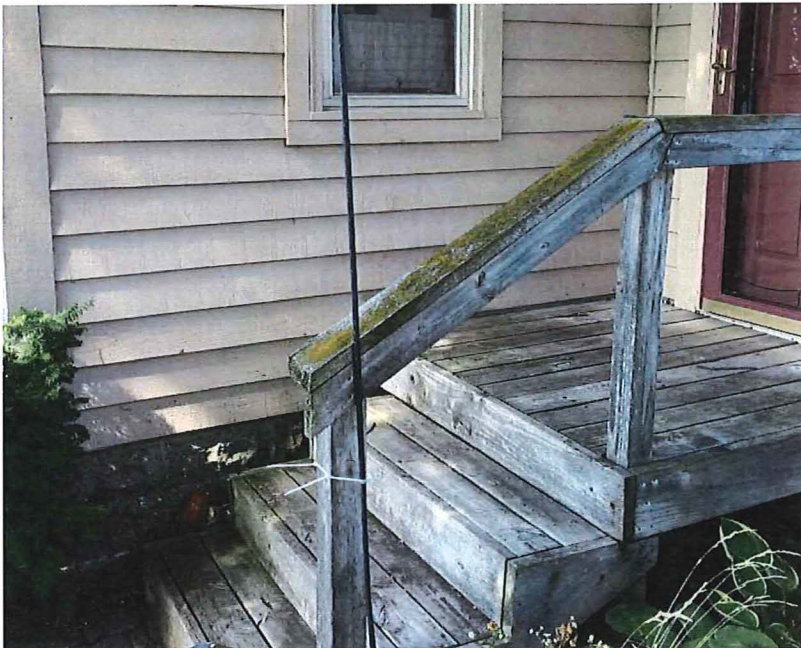
PHOTO-ELEVATION COMPARISON

EXTERIOR TO BE CHANGED





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NEIGHBORS STREET VIEWS



APR 19 2017



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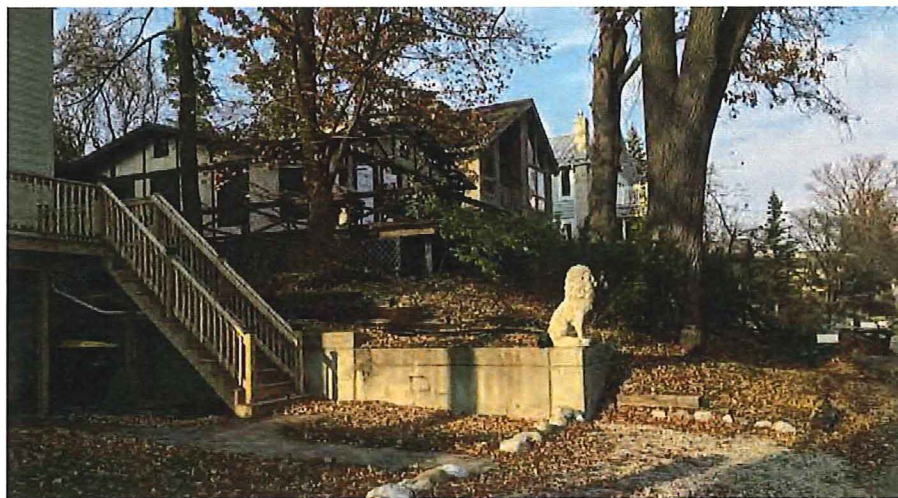


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W Reynolds Rd

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Lee St

Lake Lansing

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