

AGENDA

CHARTER TOWNSHIP OF MERIDIAN ZONING BOARD OF APPEALS MEETING August 9, 2017 6:30 pm



- 1. CALL MEETING TO ORDER*
- 2. APPROVAL OF THE AGENDA
- 3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
 - A. Wednesday, July 26, 2017
- 4. COMMUNICATIONS
 - A. Ralph & Suzanne Haefner, 4371 Greenwood Drive RE: ZBA #17-08-09-1
- 5. UNFINISHED BUSINESS
- 6. NEW BUSINESS
 - A. ZBA CASE NO. 17-08-09-1 (HADDOW), 4350 GREENWOOD DRIVE, OKEMOS, MI 48864

DESCRIPTION: 4350 Greenwood Drive

TAX PARCEL: 27-232-008

ZONING DISTRICT: RAA (Single Family, Low Density)

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

Section 86-564 (b), Roofed or unroofed porches may project into a required side or rear yard a distance not to exceed eight feet

The applicant is requesting to construct a deck (wheelchair ramp) that will encroach more than the allowed eight feet into the rear yard.

- 7. OTHER BUSINESS
- 8. PUBLIC REMARKS
- 9. BOARD MEMBER COMMENTS
- 10. ADJOURNMENT
- 11. POSTSCRIPT Brian Beauchine

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES
DRAFT
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, July 26, 2017

PRESENT: Members Jackson, Ohlrogge, Lane, Rios (alternate), Chair Beauchine

ABSENT: Member Stivers

STAFF: Mark Kieselbach, Director of Community Planning & 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, June 28, 2017

MEMBER LANE MOVED TO APPROVE THE MINUTES OF WEDNESDAY June 28, 2017 AS WRITTEN.

SECONDED BY MEMBER RIOS.

VOICE VOTE: Motion carried unanimously.

D. COMMUNICATIONS

E. UNFINISHED BUSINESS

None.

F. NEW BUSINESS

1. ZBA CASE NO. 17-07-26-1 (CHVALA), 5540 EARLIGLOW LANE, HASLETT, MI 48840

DESCRIPTION: 5140 Times Square Drive

TAX PARCEL: 15-400-027

ZONING DISTRICT: CS (Community Service)

This request has been cancelled.

2. ZBA CASE NO. 17-07-26-2 (FUHRMAN), 6035 ELLENDALE DRIVE, LANSING, MI 48911

DESCRIPTION: 2472 Hawthorn Lane

TAX PARCEL: 20-378-010

ZONING DISTRICT: RR (Rural Residential)

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

Section 86-565(1), No accessory building shall project into any front yard.

The applicant is requesting to construct an accessory building (garage) that will project into the front yard.

Keith Chapman, Assistant Planner, outlined the case for discussion.

Chair Beauchine opened the floor for public remarks, seeing none, closed public remarks.

Brian Fuhrman, the applicant's representative, 6035 Ellendale Drive, Lansing 48911, stated due to the flood plain the proposed garage location is the only place where the garage could be built. He added the current carport is in poor condition and needs to be replaced.

Chair Beauchine asked staff to explain the location of the front yard in relation to the orientation of the house.

Director Kieselbach stated as the Zoning Board of Appeals (ZBA) knows there is a building envelope sets the standards for setbacks from the property line, once a house is built the front yard dimension is from the house to the property line along the street.

Member Ohlrogge stated the case met all the review criteria (Section 86-221) for a variance. She 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 property is located in the flood-plain where construction is prohibited which creates a unique circumstance.

Member Ohlrogge read review criteria two, which states these special circumstances are not self-created. She added the floodplain is existing so it is not a self-created situation.

Member Ohlrogge 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 replied the need for a garage in winter is a safety issue.

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 this relates to having a safe place to park a car in the winter.

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 replied the plot plan indicates the only location for the garage due to the floodplain which creates a very unique situation. Having a garage to use during the winter provides substantial justice.

Member Ohlrogge 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 commented because of the location of the property, the distance the garage is from the private road and the garage will be hidden by vegetation it would not adversely affect adjacent lands or property.

Member Ohlrogge 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 characteristics of the property make this case not so general and recurrent in nature.

Member Ohlrogge read review criteria eight, which states granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance. She replied the proposed location of the garage is the best location, even though it is in the front yard of a residential area.

Member Jackson stated she agreed with the assessment of the subject request meets all eight review criteria and added granting the variance was appropriate in this case.

MEMBER RIOS MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-565(1)

SECONDED BY MEMBER OHLROGGE.

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

NO: None

Motion carried unanimously.

ZBA CASE NO. 17-07-26-3 (TUCKER & SAFFARIAN), 1307 HARRINGTON LANE, EAST LANSING, MI 48823

DESCRIPTION: 6248 Pine Hollow Drive

TAX PARCEL: 04-151-014

ZONING DISTRICT: RAA (Single Family, Low Density)

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

Section 86-471 (b)(4), All structures and grading activities shall be setback from the edge of a water feature as follows: Open county drains or creeks: 50 feet, as measured from the top of the bank on the side of the drain where the structure is to be located or grading activity is to occur.

The applicant is requesting to construct a fence within the 50 foot water feature setback from an open county drain.

Keith Chapman, Assistant Planner, outlined the case for discussion. He added a building permit had been submitted for the construction of a single family home on the lot.

Catherine Tucker, the applicant and property owner stated the reasons for the fence were for safety and privacy. She added the lot was unique as it has two front yards and abuts an open county drain that has a steep slope. She and her husband have safety concerns for their dogs, small children and the public.

Chair Beauchine opened the floor for public remarks.

Ryan Jankovic, 6238 Pine Hollow Drive, spoke in favor of the fence for safety reasons.

Chair Beauchine closed public remarks.

Member Jackson asked the staff if the 50 foot setback from the drain also applies to the surrounding houses.

Mr. Chapman stated it applies to all the houses in the area adjacent to the drain.

Member Ohlrogge asked staff if they knew the reason for the 50 foot easement adjacent to the applicant's lot.

Director Kieselbach replied the 50 feet is to keep structures away from the drain and outside the drain easement. He added this allows the Ingham County Drain Commission (ICDC) to maintain the drain. He stated the county drain easement is a total easement of 100 feet. He commented the Township cannot grant approval for the construction of a fence in the ICDC easement. If, the variance is granted, a condition should be added that the applicant receive approval from the ICDC office for the fence in their easement.

Member Jackson asked if the 50 feet is needed by ICDC for their maintenance vehicles.

Director Kieselbach replied yes.

Ms. Tucker requested to speak.

Chair Beauchine acknowledged Ms. Tucker and allowed her to address the Zoning Board of Appeals (ZBA.)

Ms. Tucker stated she had contacted the staff at the ICDC, and although she did not have it in writing ICDC staff did not have a concern with the fence. She added perhaps the ZBA could at least grant a 25 foot variance adjacent to the ICDC easement.

Member Ohlrogge requested of staff to show her on the plot plan, the area where the fence could be built.

Director Kieselbach using the monitor indicated the fence could go right up to the property lines on all sides. He added the fence could not however be built into the road right-a-way and could not block the visibility at the driveway or the intersection of the two streets.

Chair Beauchine asked staff if the fence could be built in the drain easement.

Director Kieselbach replied the ZBA could not authorize someone to build in another authority's easement.

Chair Beauchine questioned could one build the fence on the edge of ICDC easement.

Director Kieselbach answered yes, but the fence would still need a variance for the setback from the top of the bank.

Member Jackson asked staff if the fence location drawn on the Plot Plan was in the drain easement.

Director Kieselbach replied if the ZBA grants the variance as requested, then a condition should be added that the ICDC give the applicant permission to allow the fence in the easement.

MEMBER RIOS MOVED TO APPROVE THE VARIANCE REQUEST WITH THE CONDITION ICDC GIVES THE APPLICANT PERMISSION TO ENCOACH WITHIN THE 50 FOOT DRAIN EASMENT.

SECONDED BY CHAIR BEAUCHINE.

Member Ohlrogge stated she did not see how the subject property is a unique situation, taking into consideration other properties in the same neighborhood with similar situations.

Member Lane stated he agreed and appreciated the effort the applicants have put into their presentation. However, there are other locations for the pool and fence which should be considered that would meet the setback requirement. He added in the previous case the ZBA was dealing with a garage which goes hand in hand with residential use however, a pool is more of an amenity and not a hardship.

Member Ohlrogge added the minimum action does not apply in this case, since there are other locations on the subject property to build a fence.

Chair Beauchine replied it seems a fence along the easement would be reasonable and practical. He stated the motion allows the applicant to request from ICDC permission for the fence to go into their 50 foot easement.

Member Ohlrogge stated from the review criteria (Section 86-221), this case meets all the criteria for a variance request, and then 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 subject property is not unique and not peculiar to the land or structures in the same zoning distract.

Member Ohlrogge read review criteria two, which states these special circumstances are not self-created. She commented if the applicant was to build a pool and fence then it is a self-created circumstance.

Member Ohlrogge 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 replied there are no practical difficulties as there are other locations on the property to build a pool and a fence.

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 there is no issue with having a fenced yard.

Member Ohlrogge referenced 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 replied the minimum action is where the applicant could work within the ordinances.

Member Ohlrogge 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 commented putting a fence on the subject property could adversely affect adjacent land or property.

Member Ohlrogge 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 Township Ordinances speaks directly to both corner lots and this particular water feature. The Township Ordinance provides opportunity for the applicant to enjoy the subject property.

Member Ohlrogge read review criteria eight which states granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance. She stated in this case the Township Ordinances do provide opportunities for the applicants to safely enjoy the subject property.

Chair Beauchine offered a friendly amendment to the motion that the applicants receive formal approval from ICDC to construct a fence within the 100 foot drain easement.

MEMBER RIOS ACCEPTED THE FRIENDLY AMENDMENT TO REQUEST THE APPLICANT TO PROVIDE FORMAL APPROVAL FROM THE INGHAM COUNTY DRAIN COMMISSIONER TO CONSTRUCT A FENCE WITHIN THE 100 FOOT DRAIN EASEMENT.

SECONDERED ACCEPTED BY CHAIR BEAUCHINE.

MEMBER OHLROGG MOVED TO APPROVE THE VARIANCE REQUEST SECTION 86-471(b)(1).

ROLL CALL VOTE: YES: Members, Rios, Jackson, and Chair Beauchine. ON MAIN MOTION: NO: Members Ohlrogge and Lane Motion passed.

G. OTHER BUSINESS

None.

H. PUBLIC REMARKS

Chair Beauchine opened and closed public remarks.

I. BOARD MEMBER COMMENTS

None.

J. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:27 p.m.

K. POST SCRIPT - Member Lane

Respectfully Submitted,

Rebekah Lemley Recording Secretary

Ralph & Suzanne Haefner 4371 Greenwood Drive Okemos, Mł 48864 (517) 599-4954

July 24, 2017

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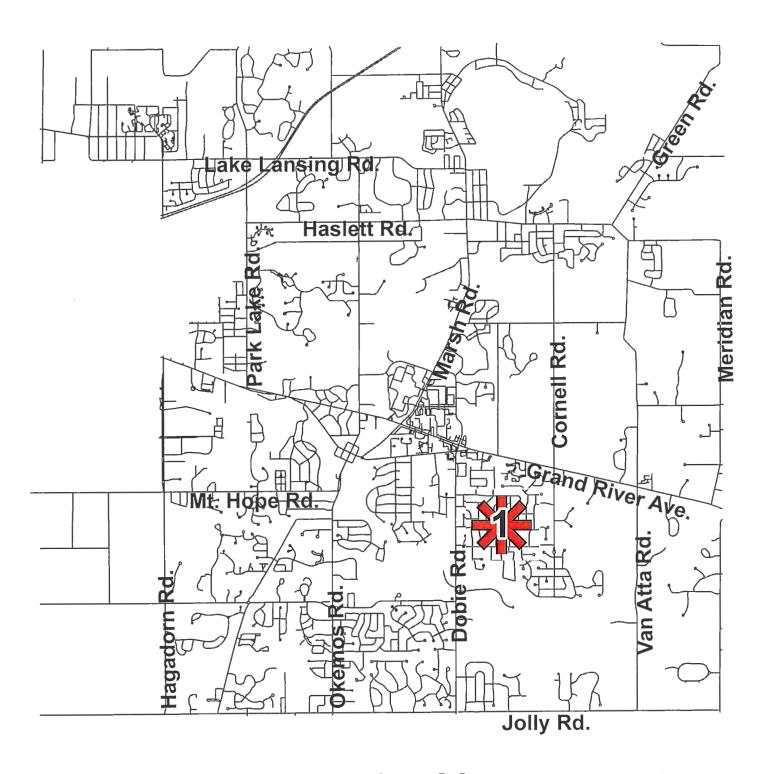
With regards to the zoning issue for Alan Haddow and 4350 Greenwood Drive, I perfectly understand the need to be able to have local government and residents weigh in on construction issues; however, it boggles my mind why we would need to do this for a wheelchair ramp. Obviously, the ramp is needed for someone with a disability and there should be a waiver or exception to make this as easy as possible to install, without the need for a hearing or other waste of tax-payer resources that could be applied elsewhere.

My wife Suzanne and I fully support construction of this ramp and wish the Haddow's well.

Thank you.

Ralph Haefner

Meridian Township





Location Map
1. ZBA #17-08-09-1 (Haddow)

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.

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To:

Zoning Board of Appeals

From:

Keith Chapman, Assistant Planner

Date:

August 4, 2017

Re:

ZBA Case No. 17-08-09-1 (Haddow)

ZBA CASE NO.:

17-08-09-1 (Haddow), 4350 Greenwood Drive, Okemos, MI 48864

DESCRIPTION:

4350 Greenwood Drive

TAX PARCEL:

27-232-008

ZONING DISTRICT:

RAA (Single Family, Low Density)

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

 Section 86-564 (b), Roofed or unroofed porches may project into a required side or rear yard a distance not to exceed eight feet

Alan Haddow, the applicant, has requested a variance to construct a deck (wheelchair ramp) in the rear yard setback at 4350 Greenwood Drive. The approximate .344 acre site is zoned RAA (Single Family, Low Density). This site is a corner lot with approximately 100 feet of frontage on Birchwood Drive and 150 feet of frontage on Greenwood Drive.

The site plan shows an existing deck with an existing wheelchair ramp on the east side of the house. The existing ramp will be rebuilt along the rear side of the house. The proposed ramp will be located on the east side of the deck and extend to the north. It is five feet in width and approximately 50 feet in length. The ramp will lead to a concrete patio that will be at grade.

Section 86-563 allows for a rear yard reduction for lots that have a rear yard setback less than 115 feet. The applicant's lot depth is 100 feet. The difference between 100 feet and 115 feet is 15 feet. One-quarter of 15 feet is 3.75 feet. Which means, 30 feet minus 3.75 feet is 26.25 feet for the rear yard setback.

Decks are allowed to encroach a maximum of eight feet within the rear yard setback. A deck could be constructed with an 18.25 foot setback. The existing deck is setback 20 feet from the rear property line. The applicant intends to construct the ramp five feet off of the existing deck making the rear yard setback 15 feet. The 15 feet is 3.25 feet within the allowed setback of 18.25 feet. The applicant is requesting a variance of four feet to allow for the placement of handrails if necessary. The request is the deck to be 14.25 feet from the rear property line.

Zoning Board of Appeals August 9, 2017 RE: ZBA Case No. 17-08-09-1 (Haddow) Page 2

Site History

- In 1993, a variance of 10 feet was granted for a 14' by 14' screened in porch (ZBA #93-06-23-1). It is located 20 feet from the rear property line. The existing deck did not receive a variance because they are allowed to be a maximum of 8 feet within the rear yard setback, meaning that the deck is 22 feet from the rear property line.
- Township Assessing Department records indicate that the house was constructed in 1957.

Attachments

- 1. Application materials
- 2. Site location map
- 3. Lot Survey

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

VARIANCE APPLICATION

A.	Applicant Alan Haddow Address of Applicant 4350 Greenwood Drive, Okemos, MI 48864					
	Telephone (Work) N/A		Telephone (Home) (517) 974-6900			
	Fax N/A		Email address: alanhaddow@me.com			
	Interest in property (circ	le one):	✓ Owner	Tenant	Option	Other
B.	Site address/location 4350 Greenwood Drive, Okemos, MI 48864					
	Zoning district RAA (One-Family/Low-Density) Parcel number 27-232-008					
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 offici charged with interpreting or enforcing the provisions of the "Zoning Ordinance" the Code of Ordinances					
Zonin	g Ordinance section(s) _86	i-563 (associate	d with 86-372(d)(5)c)		
D.	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)					
	Alan G. Hiddow	ALAN	HADDOW		7/6/2017	
Signature of Applicant P		Print	Name		Date	
Fee:	ee: \$150.00		Received by/Date:			
Sign	(we) hereby grant permisoard of Appeals, Town experts the right to enterestached information) in including but not limited to the first is optional and will ature of Applicant(s)	nship staff or onto the my (our) a o the taking	members all above describsence for and the use any decision	nd the Town ribed property the purposes of photograph	ship's represer (or as describ of gathering i s. (Note to Ap	ntatives or bed in the nformation

Statement as to how the review criteria will be meet.

- 1. The resident/owner is a quadriplegic and has been a wheelchair user for over 40 years. Now retired, he is planning to landscape his back yard so that it will be wheelchair accessible. Currently, there is no access to the north (N) and northeast (NE) sections of the back yard. The proposed ramp and extension to the existing deck will allow direct wheelchair access to these sections of the back yard.
- 2. The back yard is essentially flat. The floor level of the house and existing deck are approximately 18" above this. While there is a ramp that runs due south, there is currently no way for the resident to directly access the N and NE sections of the back yard.
- 3. Although the yard is essentially flat it is grass covered and cannot be traversed by the resident in his wheelchair. If a ground level path were built from the end of the existing ramp to the NE section of the yard this would entail an additional detour of about 90ft.
- 4. If the variance were not granted there is no way for the N and NE sections of the yard to be directly accessed from the deck.
- 5. The most direct access to the N and NE section of the yard is by means of a ramp. Any other solution would involve more construction (e.g., a ground level path would have to be approximately 50' longer than the proposed ramp).
- 6. The proposed ramp will not be visible from any road and will only be visible to the neighbor to the east. The purpose of the complete landscaping project is to make the back yard more accessible AND more pleasing to the eye. As such, granting the variance should improve the overall and essential character of the property and its vicinity.
- 7. The proposed ramp and landing are only required to make this property more accessible to wheelchair users in this particular property.
- 8. The addition of wheelchair access is consistent with the public interest and the purposes and intent of Chapter 86 Zoning Ordinances (and particularly that of RAA zoning).

Request and Explanation

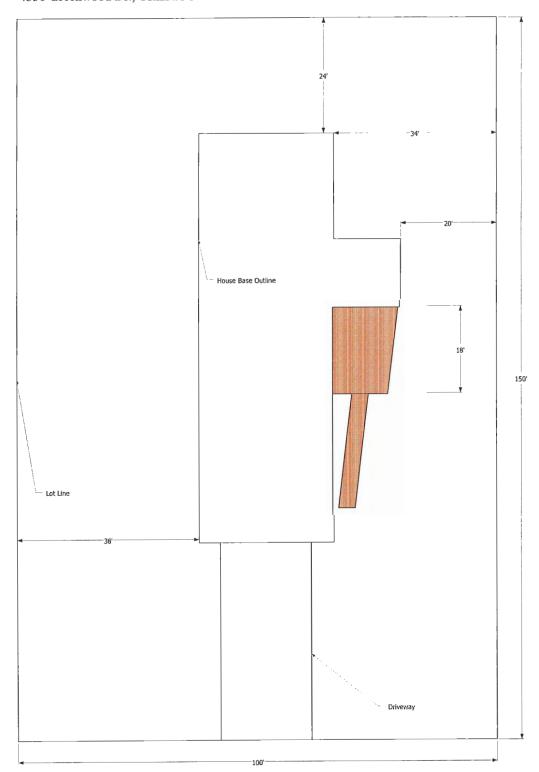
The rear yard setback is $26\frac{1}{10}$, since my lot depth is 100ft. {based on [30 - $\frac{1}{10}$] = 26 $\frac{1}{10}$], see §86-372(d)(5)c and §86-372(6) and §86-563}

Existing sun porch is OK (received a variance of 10ft in 1973). Existing deck is OK as decks can be 8ft within the rear yard setback (i.e., $(26\frac{1}{4} - 8) = 18\frac{1}{4}$). It is currently set back 20ft from the lot line.

I want to add 5ft width to the deck and incorporate a 5ft ramp east of the sun porch. The deck/ramp will end up 15ft from the lot line. Hence, I require a variance of 31/4ft.

Requesting a 4ft variance to §86-563. (The additional extra 9ins. is to allow for clearance past the sun porch siding and addition of hand railing as may be required by building codes).

Property Survey
Existing Property, Deck and Ramp
Lot #148.
4350 Greenwood Dr., OKEMOS

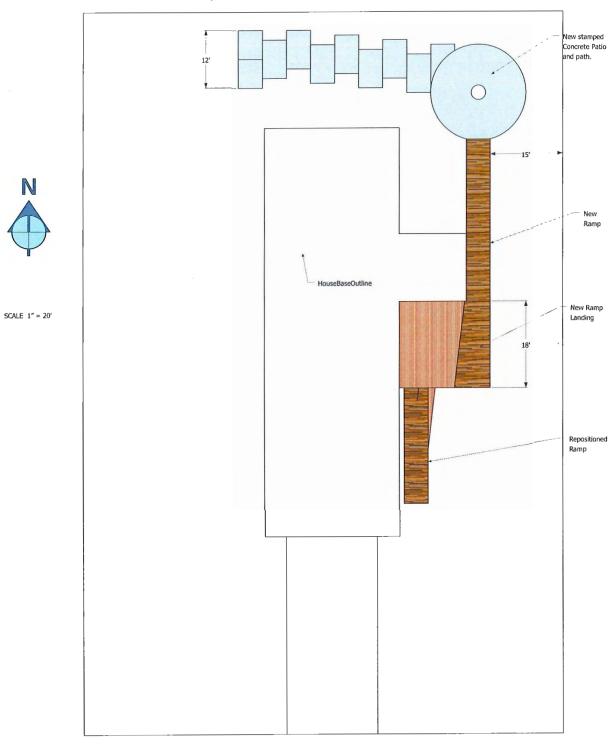


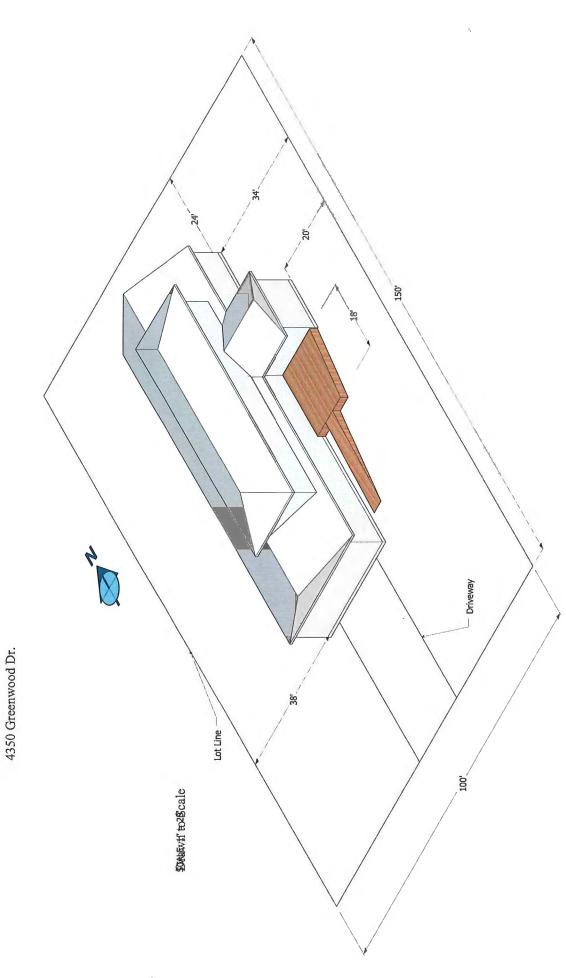


SCALE 1" = 20'

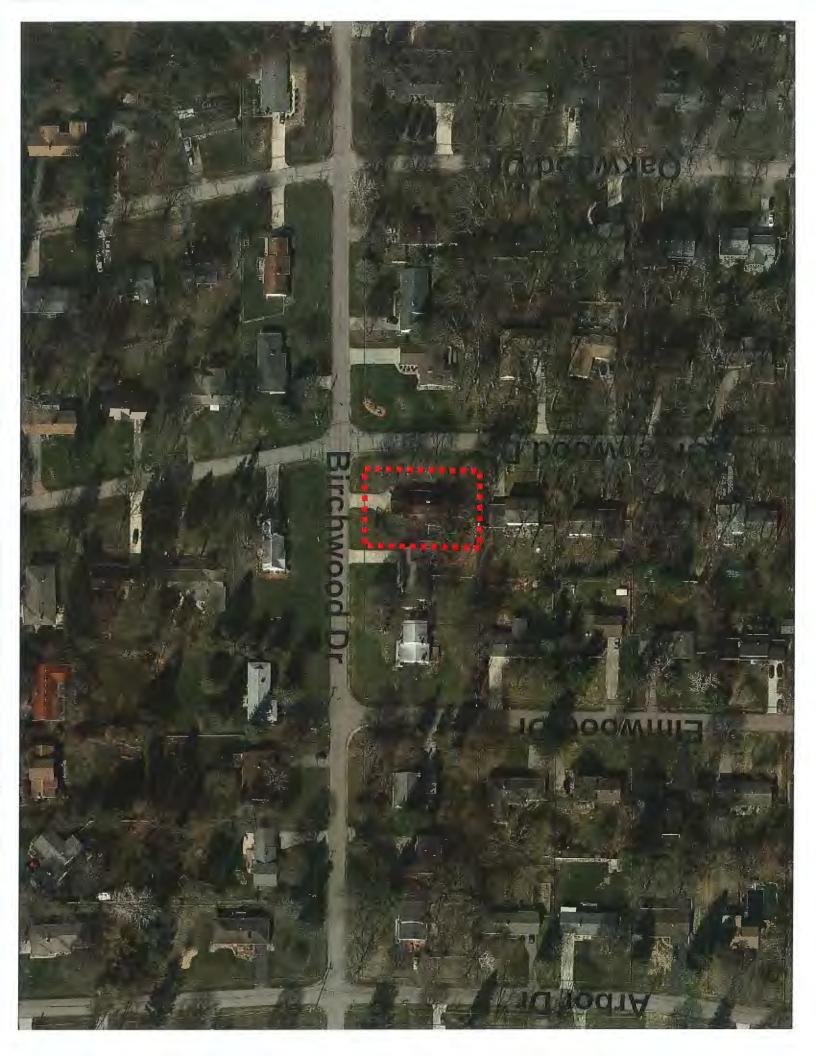
SITE PLAN
Proposed Changes (requiring a 3.25ft back yard variance, 4ft being requested)
Lot #148.

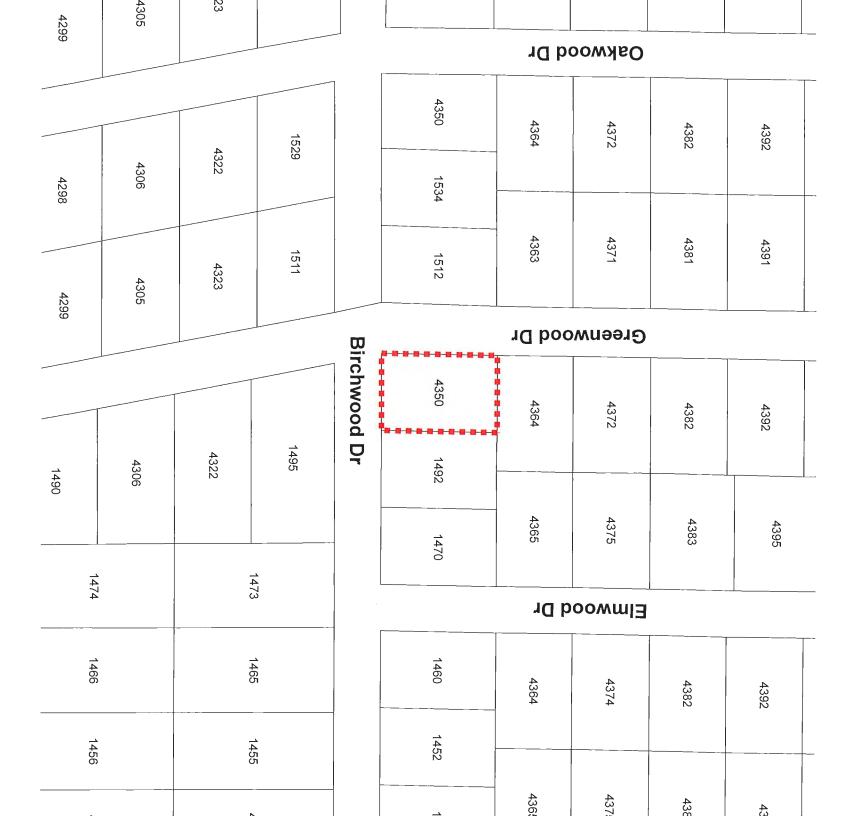
4350 Greenwood Dr., OKEMOS





Existing Property Overview





SURVEYOR'S MORTGAGE REPORT

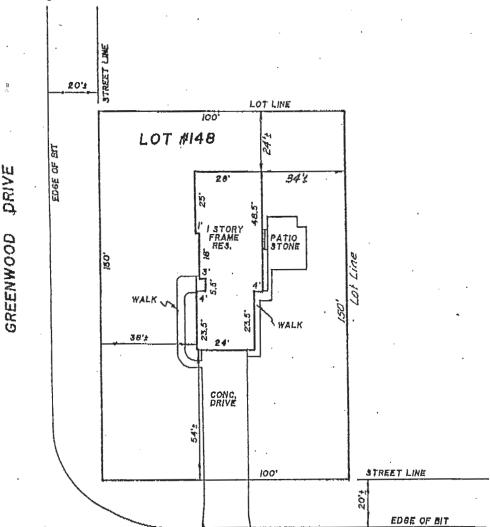
For: First of America Bank - Central P.O. Box 30120 Lansing, MI 48909

Colleen A. and Thomas L. Drolett 4350 Greenwood Okemos, Michigan

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Legal Description: (As Furnished)

Lot 148, Forest Hill Subdivision No.
2, a part of the East 1/2 of Sections 22 and 27, and part of the West 1/2
of Section 26, Town 4 North, Range 1 West, Meridian Township and a replat
of a part of Lot 35, Forest Hills Subdivision No. 1, Ingham County, Michigan, according to the recorded plat thereof as recorded in Liber 19, Page 2, Ingham County Records.



BIRCHWOOD DRIVE

We hereby certify that we have surveyed the property herein described; that the buildings and improvements as shown are entirely within the property lines; and that there are no visible encroachments upon the above described property, except as shown hereon.

Note: This document was performed for mortgage purposes only. Dimensions from boundary lines to improvements are approximate and should not be used to establish property lines. Fences, (if any) plotted on property lines are intended to indicate that these fences are <u>on or near</u> the boundary lines of this parcel. A certified boundary is needed to accurately define the limits of this parcel,

FRED WHITE ENGINEERING COMPANY 2300 North Grand River Avenue Lansing, Michigan 48906 Phone 517 AC 321-7111

ardson, L 932197

Survey No. April 14, 1993