

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, February 8, 2016 6:30 PM
TOWN HALL ROOM**

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

- o Wednesday, December 14, 2016

D. UNFINISHED BUSINESS

E. NEW BUSINESS

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

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

The applicant is requesting to amend a previously granted variance in accordance with the following section of the Code of Ordinances:

- Section 86-224 - A variance may be amended, modified, or extended only in accordance with the procedures and criteria set forth for an original application in this division.

The applicant is requesting a variance to construct an addition to a non-conforming structure at 3575 Kansas Street.

- ☞ 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.

F. OTHER BUSINESS

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. COMMUNICATIONS

J. ADJOURNMENT

K. POST SCRIPT – Brian Beauchine

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.

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, December 14, 2016**

PRESENT: Members Jackson, Lane, Rios (alternate), Chair Beauchine
ABSENT: Member Ohlrogge
STAFF: Mark Kieselbach, Director of Community Planning and Development

A. CALL MEETING TO ORDER

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

B. APPROVAL OF AGENDA

MEMBER JACKSON MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER RIOS.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, November 9, 2016

MEMBER JACKSON MOVED TO APPROVE THE MINUTES OF WEDNESDAY
NOVEMBER 9, 2016 AS WRITTEN.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS

**1. ZBA CASE NO. 16-12-14-1 (TOM & DARCY HAM), 5569 WOOD VALLEY DRIVE,
HASLETT, MI, 48840**

DESCRIPTION: 5569 Wood Valley Drive
TAX PARCEL: 12-154-009
ZONING DISTRICT: RA (Single Family Medium-Density)

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 structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

The applicant is requesting a variance to construct an addition to a non-conforming single family structure at 5569 Wood Valley Drive, Haslett.

Director Kieselbach outlined the case for discussion. He referenced a correction to the staff report. The distance from the right-of-way is 21.9 feet with an encroachment of 3.1 feet.

Tom Ham, applicant, 5569 Wood Valley Drive, Haslett, stated he had nothing to add to Director Kieselbach's presentation.

Chair Beauchine opened and closed public remarks.

Member Jackson inquired of Director Kieselbach the difference in footage between the required setback and the existing setback for the house.

Director Kieselbach replied the house was 24.6 feet from the right-of-way and the required setback is 25 feet.

Chair Beauchine referred to a letter of support from the neighbor (852 Spring Mill Drive) for the variance request. He asked Mr. Ham if he had spoken to any other neighbors.

Mr. Ham replied he had spoken to all the neighbors who have a view of the addition and had received a favorable response.

MEMBER RIOS MOVED TO APPROVE THE VARIANCE TO CONSTRUCT AN ADDITION TO A NONCONFORMING SIGNLE FAMILY STRUCTURE.

SECONDED BY MEMBER LANE.

Member Jackson read (Section 86-221) review criteria one, which states unique circumstances exist that are peculiar to the land or structure that is not applicable to land or structures in the same zoning district. She agreed with the statement.

Member Jackson read review criteria two, which states these special circumstances are not self-created. She agreed the circumstances were not self-created.

Member Jackson read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.

Member Lane responded to review criteria three by stating the practical difficulty was the smaller size of the lot and the house, which created the need for the addition. He inquired of Director Kieselbach the required lot area for the zoning district.

Director Kieselbach stated the RA Zoning District has a minimum lot area of 10,000 square feet. The subject property is approximately 8,800 square feet.

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 or would render conformity with such restrictions unnecessarily burdensome. She commented Member Lane had already addressed this point and she agreed it was a true statement.

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 stated this was true based on the location and the smaller size of the lot.

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 said based on the comment from the applicant's neighbor this was a true statement.

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 it would not be recurring in nature.

Member Jackson 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 on the basis of the criterion she could support the variance request.

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

2. ZBA CASE NO. 16-12-14-2 (FEDEWA HOLDINGS), 5570 OKEMOS ROAD, EAST LANSING, MI, 48823

DESCRIPTION: 1730 Chamberlain Drive
TAX PARCEL: 03-451-003
ZONING DISTRICT: RD (Multiple Family)

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

- Section 86-756(11), which states where a parking area, or its associated internal access or service drives, adjoins a public street, except parking areas on individual residential driveways, a landscaped buffer at least 20 feet wide shall be provided between the parking area and the adjacent right-of-way, as measured from the back of the parking lot curb to the right-of-way line.

The applicant is requesting a variance to encroach into the required 20 foot landscape buffer at 1730 Chamberlain Drive, Haslett.

Director Kieselbach outlined the case for discussion.

Jerry Fedewa, applicant, 5570 Okemos Road, East Lansing, described the development of the subject property. He stated the development has met the Township requirements for the project with the exception of the landscape buffer, which requires a variance of 11.5 feet to encroach into the 20 foot landscape buffer.

Director Kieselbach stated the Township Fire Department wanted a minimum driveway width of 20 feet. A portion of the driveway goes through the landscape buffer.

Chair Beauchine opened and closed public remarks.

Member Jackson read (Section 86-221) review criteria one, which states unique circumstances exist that are peculiar to the land or structure that is not applicable to land or structures in the same zoning district. She stated the landscaping buffer creates a unique circumstance for the subject property.

Member Jackson read review criteria two, which states these special circumstances are not self-created. She agreed the special circumstances were not self-created.

Member Jackson read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties. She said without a variance it would create a practical difficulty.

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 or would render conformity with such restrictions unnecessarily burdensome. She stated without the variance it would prevent Mr. Fedewa from using the property as proposed.

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 granting the variance would not have an adverse effect on public safety.

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 project would add value to the land and the essential character of the property.

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 agreed it would not be recurring in nature.

Member Jackson 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 agreed with the statement.

MEMBER JACKSON MOVED TO APPROVE THE VARIANCE TO ENCROACH INTO THE REQUIRED 20 FOOT LANDSCAPE BUFFER.

SECONDED BY MEMBER RIOS

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

NO: None.

Motion carried unanimously.

3. ZBA CASE NO. 16-12-14-3 (BRYAN & RACHEL MANGIAVELLANO), 2655 COREOPSIS DRIVE, OKEMOS, MI, 48864

DESCRIPTION: 2655 Coreopsis Drive
TAX PARCEL: 32-477-004
ZONING DISTRICT: RA (Single Family, Medium Density)

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

- Section 86-502, which states authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio or breezeway, or similar structures, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made a part of the principal building as provided in the preceding statement shall not be nearer than 10 feet from any other separate structure on the same lot.

The applicant is requesting a variance to install an accessory building that encroaches into the required 10 foot setback from the principal building at 2655 Coreopsis Drive, Okemos.

Director Kieselbach outlined the case for discussion. He referenced a correction to the staff report that the shed was setback 2.3 feet from the house.

Bryan Mangiavellano, applicant, 2655 Coreopsis Drive, Okemos, stated the backyard slope toward the storm drain and the small lot size prevented him from conforming to the ordinance.

Chair Beauchine opened and closed public comment.

Chair Beauchine requested Mr. Mangiavellano to place on the monitor one of his photographs showing the catch basin for the Zoning Board of Appeals (ZBA).

Chair Beauchine asked Director Kieselbach if the catch basin was located at the corner of the property.

Director Kieselbach pointed out catch basins were located in both corners of the rear property line.

Member Lane asked Director Kieselbach if the drainage easement extended to the east side of the property as well.

Director Kieselbach replied yes.

Member Jackson stated if the shed could not be attached to the house, it would need to be moved 10 feet away from the house. She added the appearance of the shed changes the character of the neighborhood.

Chair Beauchine commented in order for the shed to be attached to the house it would require a foundation. He deferred to Director Kieselbach for further comments.

Director Kieselbach stated a foundation would be required but with this type of shed it would not be feasible to attach to the house.

Member Lane asked if the Township Fire Department has commented on the proximity of the shed to the house.

Director Kieselbach commented he had informed the Township Fire Department and had not received a reply.

Member Lane expressed a safety concern about the location of the shed.

Chair Beauchine read (Section 86-221) review criteria one, which states unique circumstances exist that are peculiar to the land or structure that is not applicable to land or structures in the same zoning district. He stated it was not a unique circumstance.

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

Chair Beauchine read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties. He stated there was no practical difficulty.

Chair Beauchine 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. He stated the applicant could not meet this criterion either.

Chair Beauchine 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. He added there was a safety issue with the shed being so close to the house.

Chair Beauchine 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 shed is not in keeping with the character of adjacent properties.

Chair Beauchine stated in order to approve this variance it must meet all the review criteria and to this point the request does not meet all the review criteria.

MEMBER RIOS MOVED TO DENY THE VARIANCE REQUEST.

SECONDED BY MEMBER JACKSON.

Chair Beauchine asked Director Kieselbach if the ZBA could give the applicant an extension of time to correct the situation.

Director Kieselbach replied 30 days is the norm, but the ZBA can give Mr. Mangiavellano an extension.

MEMBER RIOS OFFERED A FRIENDLY AMENDMENT TO GIVE THE APPLICANT AN EXTENSION UNTIL JULY 1, 2017 TO MOVE THE SHED.

The friendly amendment was accepted.

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

NO: None.

Motion carried unanimously.

4. ZBA CASE NO. 16-12-14-4 (SIGNWORKS OF MICHIGAN, INC.), 4612 44th STREET SE, GRAND RAPIDS, MI, 49512

DESCRIPTION: 4800 Okemos Road
TAX PARCEL: 21-276-012
ZONING DISTRICT: C-3 (Commercial)

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

- Section 86-687(3)(a), which states one wall sign shall be permitted and may be located flat against the building's front facade or parallel to the front facade on a canopy. For businesses with frontage on more than one public street, two signs may be permitted. In no case shall more than one wall sign be located on a facade and no wall sign shall be located on a rear facade.
- Section 86-687(4)(d), which states freestanding signs greater than five feet in height shall not exceed 28 square feet in surface display area per side.

The applicant is requesting a variance to install a second wall sign and a freestanding sign greater than 25 square feet in size at 4800 Okemos Road, Okemos.

Director Kieselbach outlined the case for discussion. He referenced Section 86-217 of the Zoning Ordinance, which does not allow the ZBA to grant a "use variance."

Ann Frass, Signworks of Michigan, Inc. 4612 44th St. SE Grand Rapids, applicant's representative, stated they are deviating from their original variance request based on the new information regarding the "use variance." She stated the first request is to allow for 2 signs at 93 square feet each on the front façade. The second request is to replace the temporary freestanding sign on Okemos Road with a permanent pylon sign of 36 square feet.

Chair Beauchine opened and closed public remarks.

Chair Beauchine asked Director Kieselbach what is the allowed size for a freestanding pylon sign.

Director Kieselbach stated the commercial district allows 25 square feet for the sign plus 3 square feet for the building address.

Member Jackson asked Ms. Frass the height of the pylon sign she is proposing for the site.

Ms. Frass stated the sign would be 16 square feet from the grade to the top of the sign.

Chair Beauchine asked Director Kieselbach if the structure was a multitenant or signal tenant structure.

Director Kieselbach stated it is a single tenant structure.

Ms. Frass stated the subject property does have two public entrances, one on the west and one on the east elevation.

Chair Beauchine replied the subject property is a single tenant structure and the ordinance would not allow for signage at both entrances.

Member Lane asked Director Kieselbach if the ZBA approved a variance for the front façade would the applicant be compliant with the square footage.

Director Kieselbach stated the proposal is for two signs, each 93 square feet, and the ordinance allows for one sign at 186 square feet. He added the applicant is asking for a variance for a second wall sign.

Member Lane stated the east side of building is unique. The recessed portion of the building makes visibility of the signs difficult which creates a unique circumstance.

Chair Beauchine added he could support a motion for the two wall signs on the east façade, as long as they did not exceed the 186 square feet.

Member Jackson asked Ms. Frass the reason for the dimensional variance for the pylon sign on Okemos Road.

Ms. Frass stated a 200 foot setback from Okemos Road and 300 feet of frontage on Okemos Road created a visibility issue for vehicular traffic.

Member Jackson inquired of Ms. Frass if the higher pylon signage would provide visibility from Grand River Avenue.

Ms. Frass stated she did not think the pylon sign would be visible from Grand River Avenue. She replied visibility would be from Okemos Road and the service drives into Meijer. She added the pylon sign would be placed the same distance from the sidewalk as the existing sign.

Member Jackson stated keeping the size of the pylon sign as allowed by the ordinance gives the visibility required for vehicular traffic.

Chair Beauchine asked Director Kieselbach the difference in size between a monument sign and a pylon sign.

Director Kieselbach stated both types of signs are allowed to be 25 square feet plus 3 square feet for the building address.

Chair Beauchine stated using a pylon sign at the size allowed by the ordinance is sufficient and is consistent with other signage in the area.

Member Lane read (Section 86-221) review criteria one, which states unique circumstances exist that are peculiar to the land or structure that is not applicable to land or structures in the same zoning district. He stated the design of the front façade of the building creates unique circumstances.

Member Lane read review criteria two, which states these special circumstances are not self-created. He stated the circumstance was not self-created as it is an existing building.

Member Lane read review criteria three, which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties. He agreed the design feature creates a practical difficulty for wall signage.

Member Lane 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. He stated without the variance it becomes difficult for the applicant to advertise and would create a practical difficulty.

Member Lane 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. He agreed with the statement.

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 granting the variance would not adversely affect adjacent land or property in the area.

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 added the building design is not so general or recurrent in nature and would not require an amendment to the zoning ordinance.

Member Lane read review criteria eight, which states granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance. He agreed with the statement.

MEMBER LANE MOVED TO APPROVE THE VARIANCE FROM SECTION 86-687(3)(a) FOR TWO (2) WALL SIGNS ON THE FRONT FACADE NOT TO EXCEED THE CURRENT LINEAL FOOTAGE OF 186 FEET.

MEMBER RIOS SECONDED THE MOTION.

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

MEMBER LANE MOVED TO DENY THE VARINANCE REQUEST FOR A FREESTANDING SIGN AT THE NORTHWEST CORNER AND A SIGN ON THE REAR FAÇADE OF THE BUILDING.

SECONDED BY CHAIR BEAUCHINE

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

MEMBER JACKSON MOVED TO DENY THE INCREASE IN SIZE OF A PLYON SIGN ON OKEMOS ROAD.

CHAIR BEAUCHINE SECONDED THE MOTION.

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

F. OTHER BUSINESS

1. APPROVAL OF 2017 MEETING DATES

MEMBER RIOS MOVED TO APPROVE THE RESOLUTION AS WRITTEN SETTING THE ZONING BOARD OF APPEALS MEETING DATES FOR 2017.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

G. PUBLIC REMARKS

None.

H. BOARD MEMBER COMMENTS

None.

I. ADJOURNMENT

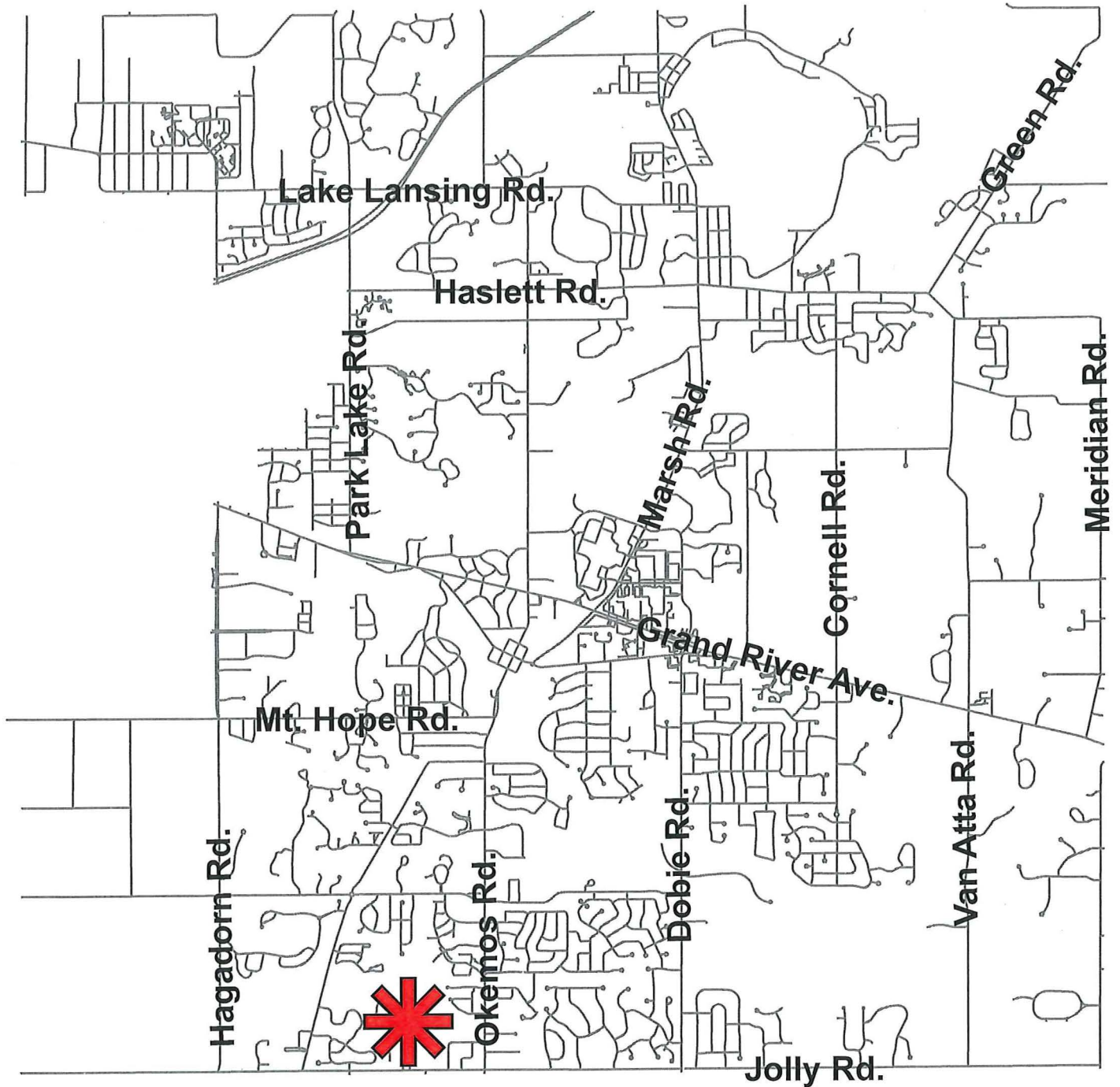
Chair Beauchine adjourned the meeting at 8:10 pm.

J. POST SCRIPT – Brian Beauchine

Respectfully Submitted,

Rebekah Lemley
Recording Secretary

Meridian Township



Location Map

ZBA #17-02-08-1 (Lupa)

3575 Kansas St.




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.

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Keith Chapman
Assistant Planner

DATE: February 3, 2017

RE: ZBA Case No. 17-02-08-1 (Lupa)

ZBA CASE NO.: 17-02-08-1 (Piotr 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 to amend a previously granted variance in accordance with the following section of the Code of Ordinances:

- Section 86-224 - A variance may be amended, modified, or extended only in accordance with the procedures and criteria set forth for an original application in this division.

Two structures currently occupy the parcel addressed as 3575 Kansas Street. The applicant previously proposed to convert the existing structure closest to Kansas Street into a garage and has begun to renovate the structure to the west for future occupancy as a single family residence. The existing structure that is proposed to be used as a garage is one story and 624 square feet in size. Now the applicant is proposing to add a 624 square foot second story addition to be used as an art studio. A new six foot by 26-foot wide front porch addition is also proposed to the existing structure on the second floor. The maximum height allowed for an accessory building in the RA district is 15 feet. The proposed accessory building is shown as 21 feet. The applicant is requesting to amend the original variance to allow for the second story and a variance of six feet to exceed the maximum height. 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.

At the May 11, 2016 meeting, the Zoning Board of Appeals (ZBA) granted a variance (ZBA #16-05-11-1) from Section 86-565 (1) to allow the garage to project 90 feet into the front yard of the principal structure.

Site History

- On May 11, 2016 a variance of six feet was granted (ZBA #16-05-1) to allow for the creation of two lots. One with a width of 80 feet and one with a width of 74 feet.
- According to Assessing records, the two residences were constructed in 1953.
- The site is served by public sewer.
- Public water is not available on Kansas Street, but two active wells are in place to serve two parcels.

Attachments

1. Application and submitted materials
2. Site location map
3. May 11, 2016 ZBA Meeting Minutes

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

VARIANCE APPLICATION

A. Applicant Piotr Lupa
Address of Applicant 3575 Kansas Okemos
Telephone (Work) _____ Telephone (Home) 517 899-4864
Fax _____ Email address: _____
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 3575 Kansas Okemos
Zoning district _____ Parcel number _____

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 of Ordinances
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances


Zoning Ordinance section(s) _____

D. Required Supporting Material Supporting Material if Applicable
-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)

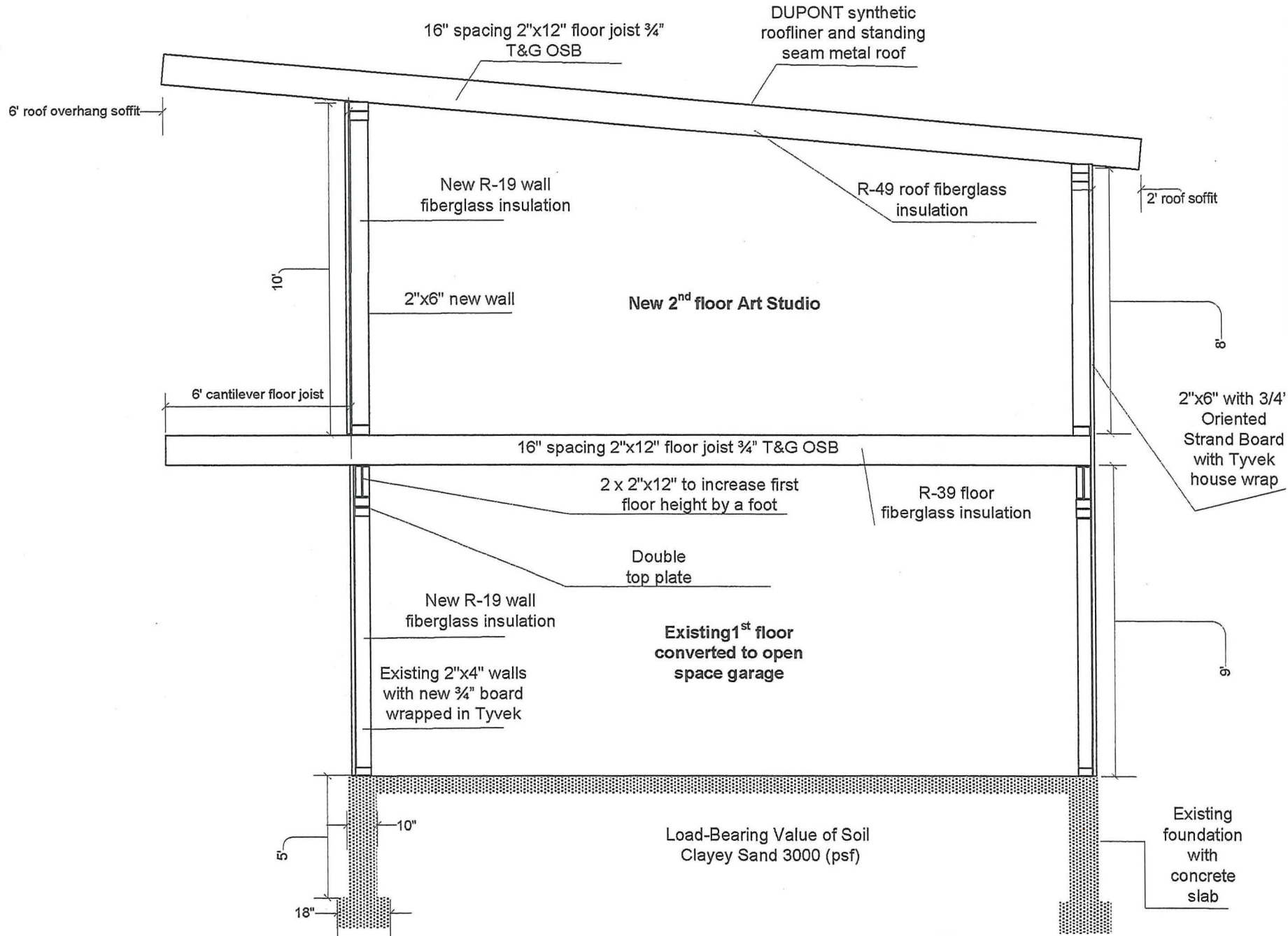
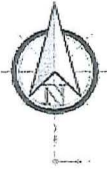
 PIOTR LUPA 01/05/2017
Signature of Applicant Print Name Date

Fee: _____ Received by/Date: _____

I (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 enter 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 decision on your application.)

 01/05/2017
Signature of Applicant(s) Date
Signature of Applicant(s) Date

Garage with Art Studio – Cross Section



Piotr Lupa (517) 899-4864

3575 Kansas

12/1/2016

To: Zone Review Board Meridian Township

Jan 3, 2017

From: Lupa Family, 3575 Kansas Okemos

We are proud owners of the property at 3575 Kansas Rd. We have done several improvements to the property and are excited about the perspective of finishing this project. We have remodeled the house to have a clean modern appearance, and would like to make the garage structure to have the same style and that will require reconstructing the existing structure. The house is modest 1,100 square feet, so we would like to use usable space while reconstructing the garage structure. We would like to add Art Studio on top of the garage structure. Both of our daughter love to paint, draw and photograph. Their work was recognized and displayed at libraries and other galleries. The Art Studio will be their dream come through, and these young inspiring young artists are very grateful to the Zone Review Board for considering this request.

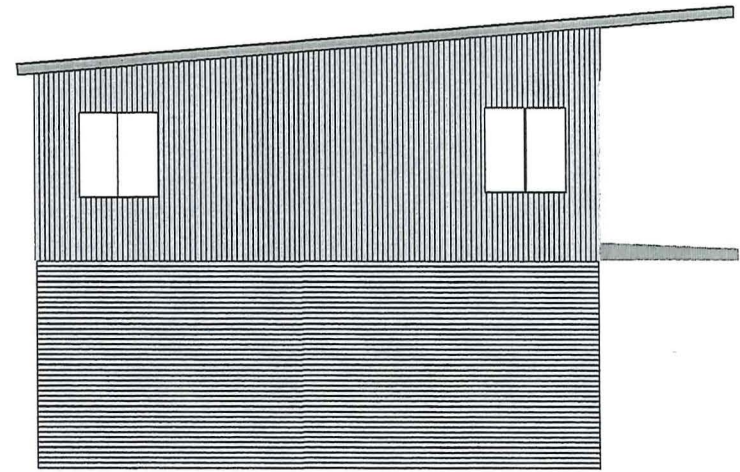
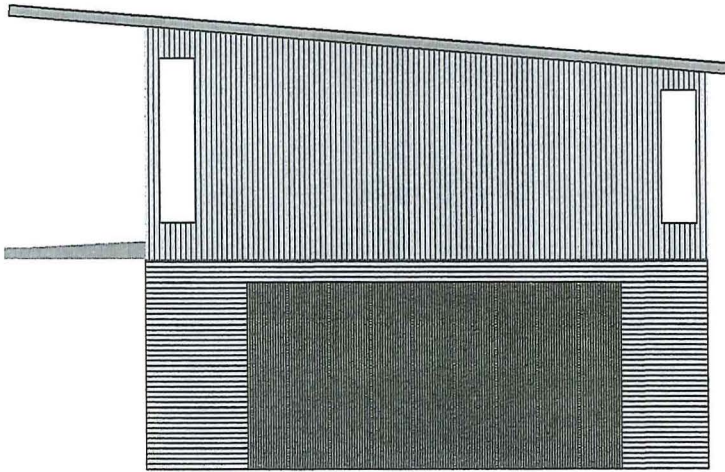
Sincerely,

Piotr and Malgorzata Lupa



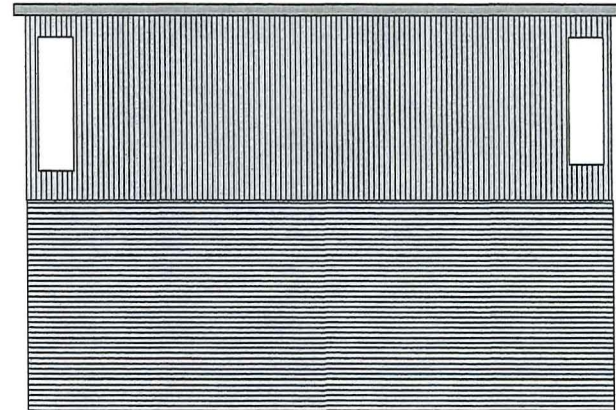
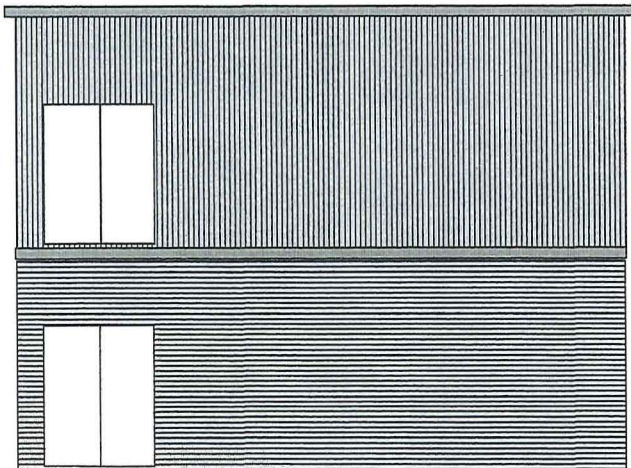
South Side

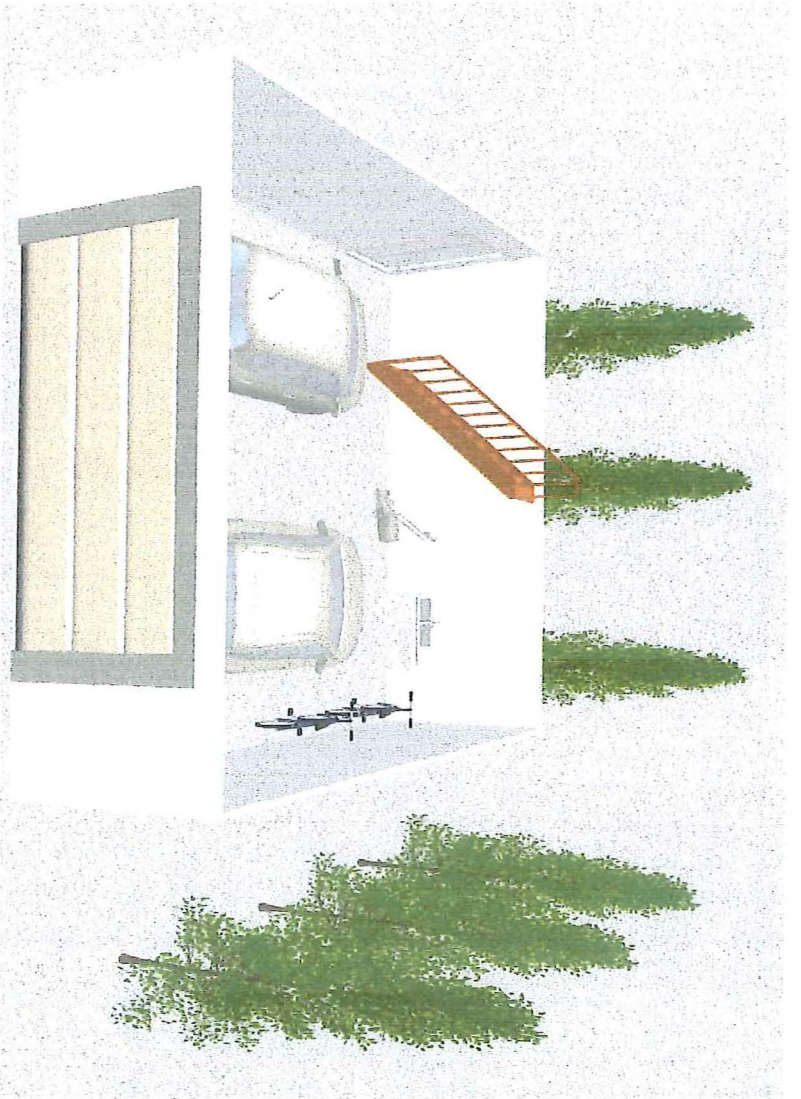
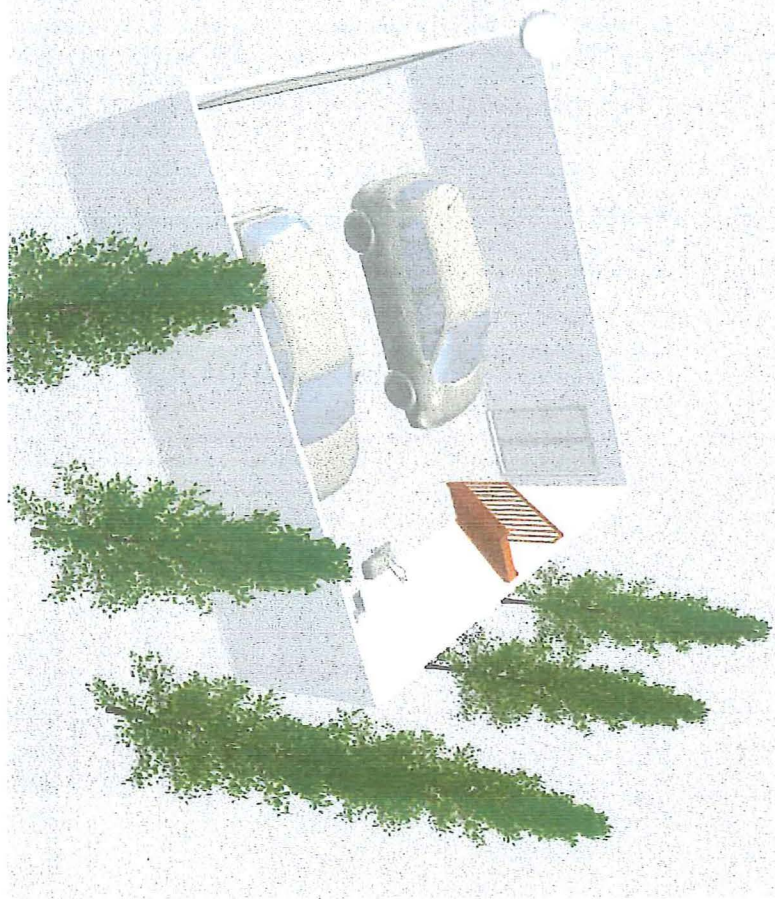
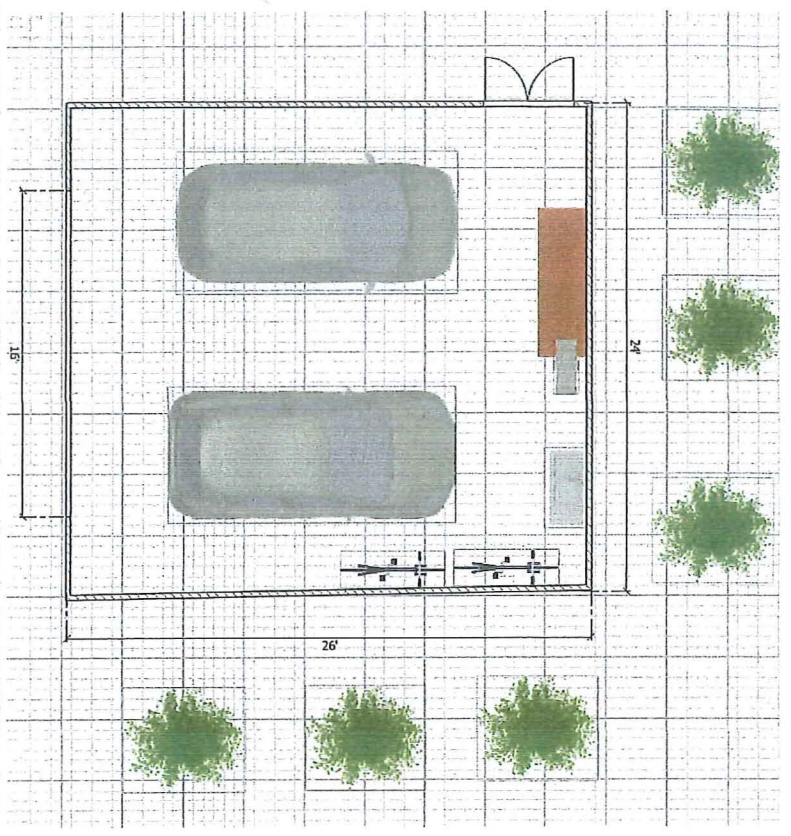
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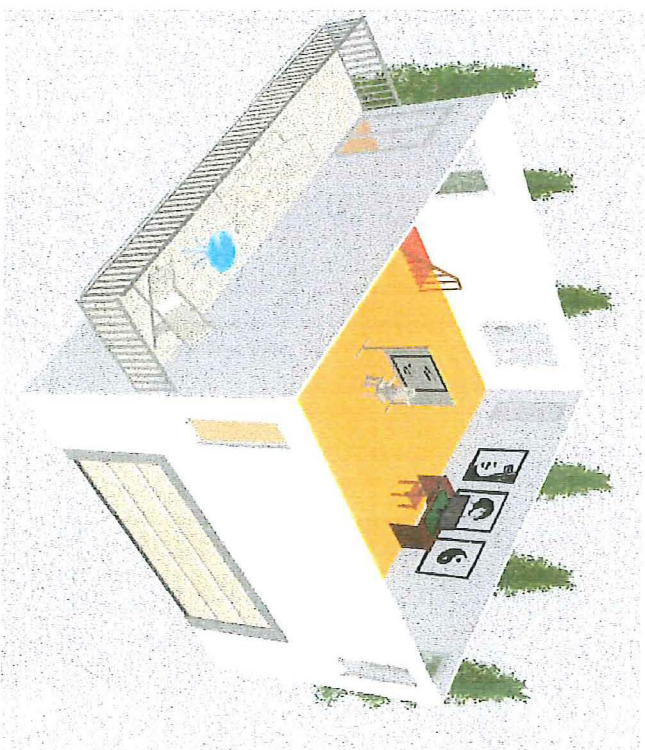
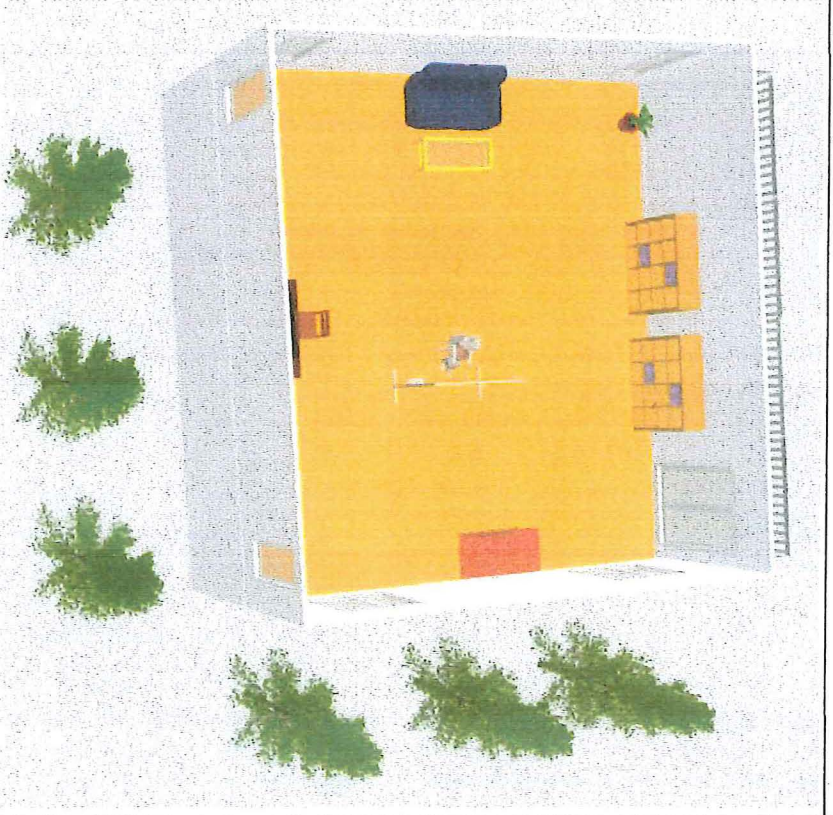
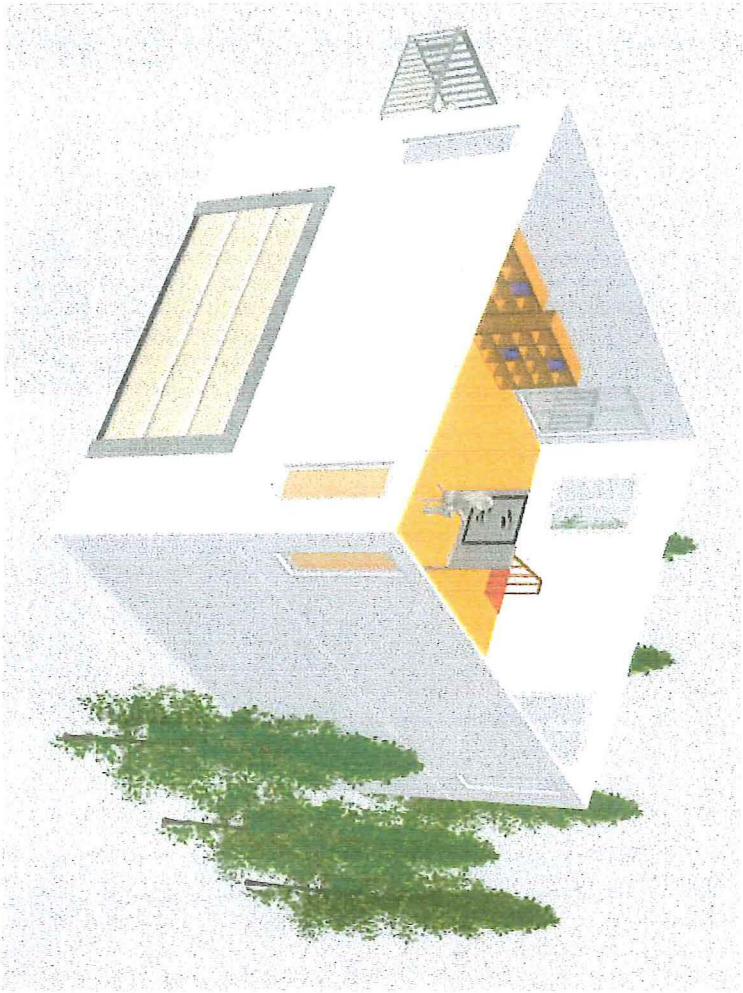
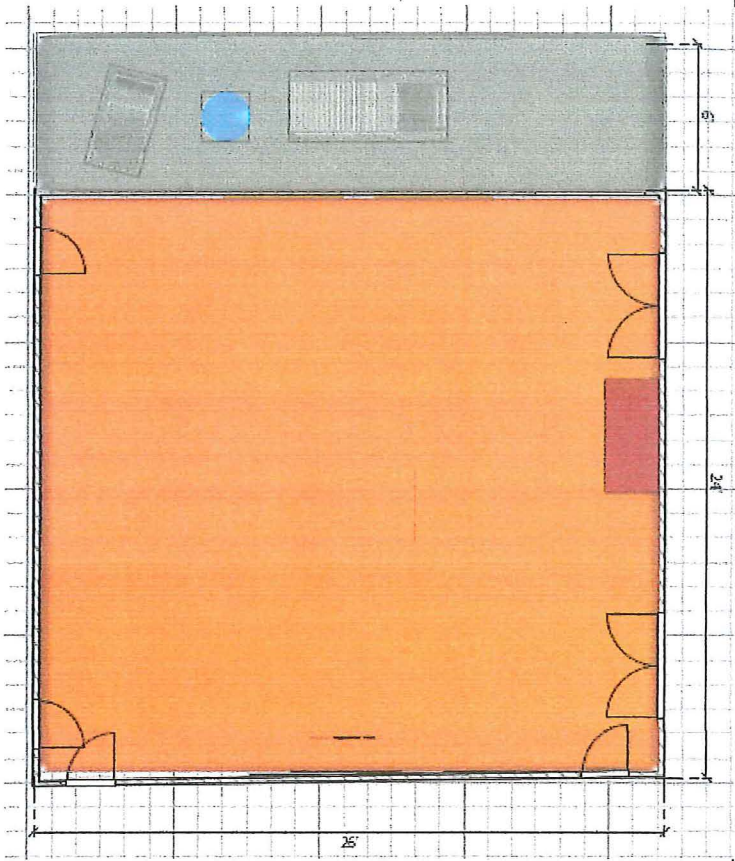


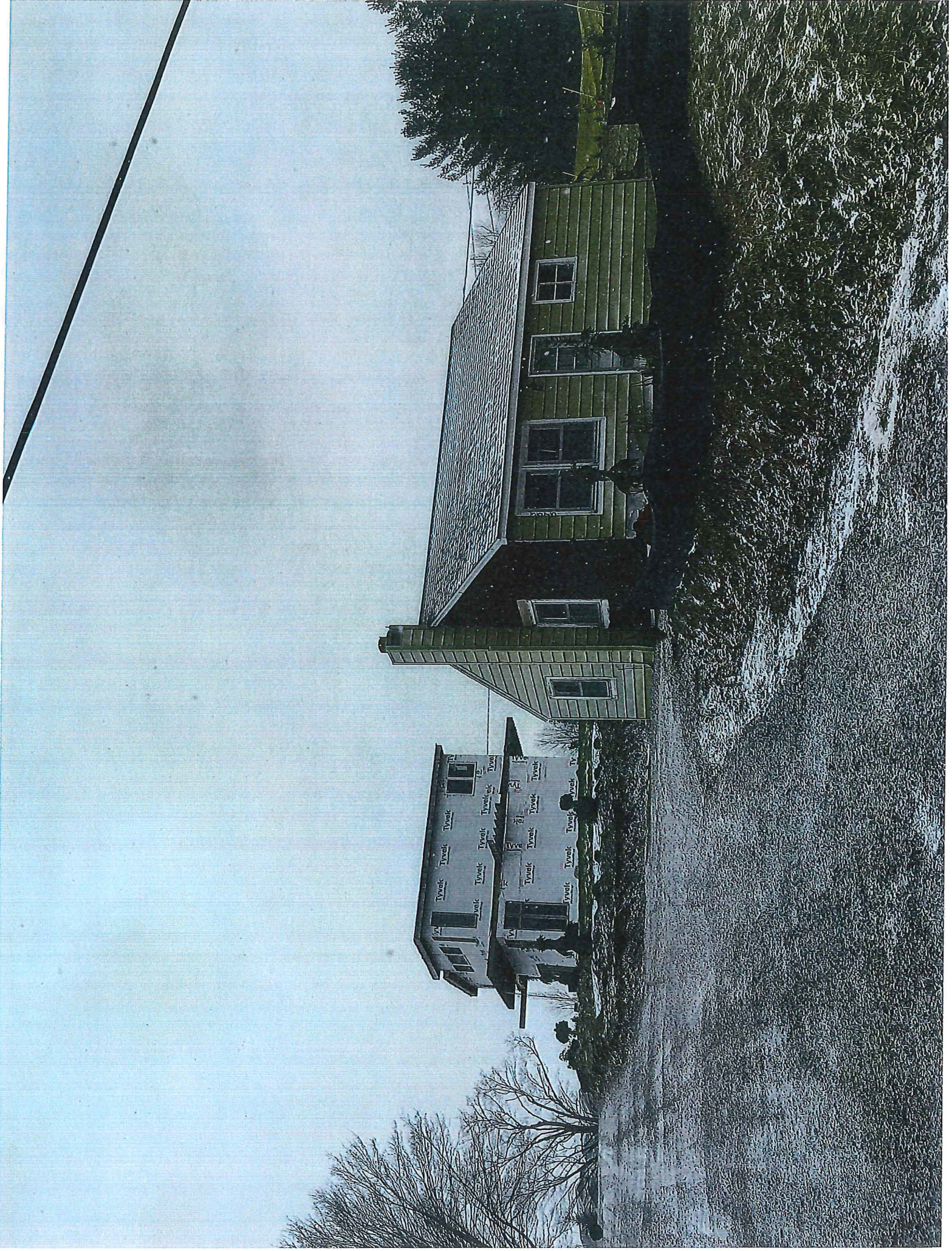
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East Side





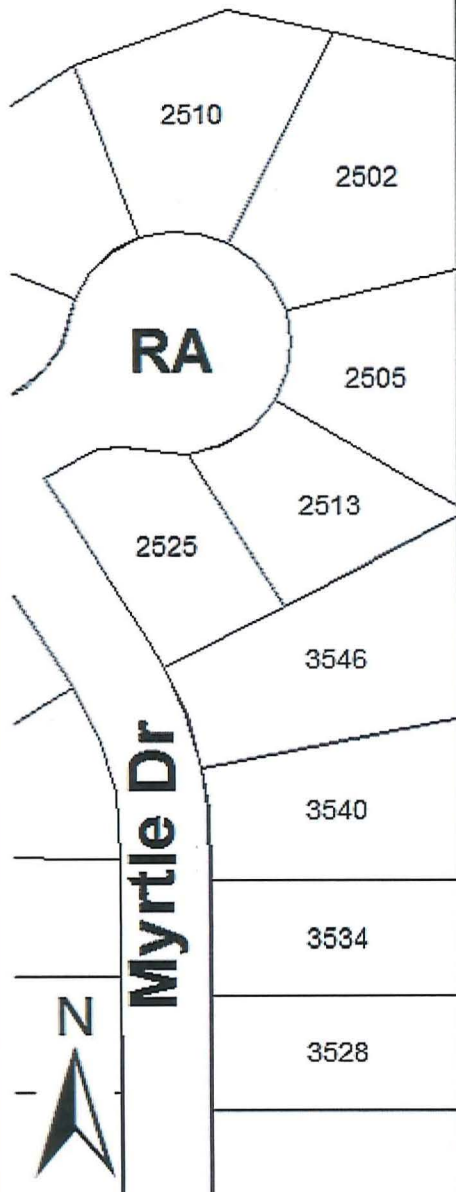




RAA

RR

3622



3589

3596

RA

C-2*

3579

3575



3566

Indiana Rd

Kansas St

3546

3557

3565

3558

3540

3549

3545

3532

3534

3531

3535

2500

3521

**ZBA #17-02-08-1 (Lupa)
Location Map**

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***APPROVED**
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, May 11, 2016**

PRESENT: Members Jackson, Lane, LeGoff, Ohlrogge, Chair Beauchine
ABSENT: None
STAFF: Mark Kieselbach, Director of Community Planning and Development

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 LANE.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, April 13, 2016

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES OF WEDNESDAY, April 13, 2016 AS WRITTEN.

SECONDED BY COMMISSIONER JACKSON

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS

1. ZBA CASE NO. 16-05-11-1 PIOTR LUPA, 3575 KANSAS STREET, OKEMOS, MI 48864
DESCRIPTION: 3575 Kansas Street & 3579 Indiana Road
TAX PARCEL: 33-352-001 & 33-351-002
ZONING DISTRICT: RA (Single Family, Medium Density)

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

- Section 86-373(e)(2), which states the minimum interior lot width in the RA district is 80 feet.
- Section 86-565(1), which states no accessory structure shall project into any front yard.

The applicant is requesting the variances to (1) split a metes and bounds parcel to create two parcels, one of which with 74 feet of lot width when 80 feet is required; and (2) to allow a detached accessory structure (garage) to project into the front yard.

Director Kieselbach outlined the case for discussion.

Piotr Lupa, applicant, 3575 Kansas Road, Okemos, MI 48864, explained he and his family purchased the property with two abandoned buildings and overgrown vegetation. He started excavation and construction work without a building permit. He had applied for a building permit on March 23, 2016 and is waiting for approval of the building permit based on the variance request.

Chair Beauchine opened the floor for public remarks; with none he closed public remarks.

Chair Beauchine inquired which parcel has the current structure being considered for modification.

Director Kieselbach clarified the land division of the two parcels consist of Parcel "A" with 74 ft. frontage on Kansas Street, which has the home (garage), and Parcel "B," requesting 80ft frontage on Kansas, which currently shows frontage on Indiana Road (3579 Indiana Road), which is a private road.

Chair Beauchine stated knowing a variance would be needed if the variance was changed to have Parcel "A" with 80ft. frontage and Parcel "B" 74ft. frontage, this would allow for Parcel "B" to be developed in the future.

Mr. Lupa commented he would prefer Parcel "A" at 80ft frontage; however he was flexible with the footage.

Chair Beauchine inquired about 3579 Indiana Road and the frontage it has.

Director Kieselbach stated Indiana Road was developed as a private road. The Township has maps showing Indiana Road going all the way through Parcel "B" but no documentation showing an easement.

Member Ohlogge asked Director Kieselbach to explain how the Township deals with private roads such as Indiana Road.

Director Kieselbach stated the difficulty has been the documentation showing the applicant has the right to use the private road. Original documentation for the right to use Indiana Road is not available, and the road was never built through Parcel "B". There is no documentation giving this property owner or any property owners farther north access to this private road.

Commissioner Jackson asked Director Kieselbach was there any documentation for property owners further south of 3579 Indiana Road, granting those property owners' access.

Director Kieselbach confirmed there was documentation for property owners further south of 3579 Indiana for access to the private road.

Commissioner Jackson questioned in the final draft what becomes of the current gravel drive on "Parcel A."

Director Kieselbach commented the owner plans to straighten out the driveway to bring it into compliance. A new driveway will be on Parcel "B" when a home is constructed.

Chair Beauchine stated if the ZBA was to grant the variances, it should be contingent upon Parcel "B" and 3579 Indiana to being joined.

Director Kieselbach indicated Parcel "B" would be 74ft. with a variance request of 6ft to bring it into compliance, and the condition it be combined with 3579 Indiana.

Chair Beauchine continued with the second variance request:

- Section 86-565(1), which states no accessory structure shall project into any front yard. The current home is 140ft back from the right away. Applicant is asking for a dimensional 90ft variance to have the garage in front of the new structure, and to specify this if the variance were to be approved.

Member Ohlogge voiced concern over the setback from the rear property line and making any structure on Parcel "A" non-conforming now or in the future.

Director Kieselbach replied there are things the property owner could do to bring it into conformance, and added that a non-conforming structure would be handled separately.

Chair Beauchine stated other variances could be requested in the future, but the ZBA should deal with the variances now so it won't be an issue in future.

Commissioner Jackson asked if House 2 on Parcel "A" meets the setback from Kansas Street.

Director Kieselbach stated the house met requirements from the side yard and the front yard setback from Kansas Street.

Member Lane asked Director Kieselbach if the house proposed to be converted in to a garage, meet the square footage requirement under the zoning ordinance.

Director Kieselbach stated in the RA district the minimum house size is a thousand square feet (1,000 sq. ft.) for a single story. A two-story the minimum is six hundred and twenty-five square foot (625 sq. ft.) on the first floor. The home closet to Kanas Street is six hundred and twenty-four square feet (624 sq. ft.), and the other house further back is four hundred and eighty square feet (480 sq. ft.). With the addition the applicant is purposing for the second house it may meet the square footage requirement.

Commissioner Jackson questioned the conversion of the house to a garage on Parcel "A" and how she needed compelling reasons in order for the structure to remain.

MEMBER JACKSON MOVED TO GRANT THE VARIANCE OF PARCEL "B" 74FT. OF FRONTAGE ON KANSAS STREET ALONG WITH JOINING PARCEL "B" TO THE PROPERTY AT 3579 INDIANA ROAD, AND GRANTING A VARIANCE OF 6FT TO BRING IT INTO COMPLIANCE. THEN MAKING PARCEL "A" 80FT OF FRONTAGE ON KANSAS STREET.

SECONDED BY CHAIR BEAUCHINE.

Member Ohlogge read review criteria one which states, unique circumstances exist which are peculiar to the land or structure not applicable to other land or structures, stating due to the unique configuration of property "B" clearly qualifies as unique circumstances.

Member Ohlogge read review criteria two, which states the circumstances are not self-created, stating the properties were created prior to current codes.

Member Ohlogge read review criteria three, which states strict interpretation and enforcement does result in practical difficulties, because of the questionable access to Indiana Road.

Member Ohlogge, 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, stating without the variance it is virtually impossible to develop or use property on 3579 Indiana Road.

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, stating granting the variance would allow for the development of both Parcel "A" and "B".

Member Ohlrogge read review criteria six, which states the variance, would not affect the adjacent land and vicinity of the property, restating development of property in a responsible manner would make property desirable.

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, stating the ZBA rarely sees circumstances such as this.

Member Ohlrogge read review criteria eight, which states, granting this variance will be consistent with the public interest, stating the variances would allow for safe use of the property.

Chair Beauchine restated the motion as follows: to grant a variance from Section 86-373(e) (2) which states the minimum interior lot width in the RA district is 80 feet. The variance Parcel "A" is to be 80ft. in width, Parcel "B" to be 74ft. in width, with a grant for a variance of 6ft, and Parcel "B" is joined to 3579 Indiana property.

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

Chair Beauchine moved to the next request from Section 86-565 (1), which states no accessory structure shall project into any front yard. He recapped Member Ohlrogges previously stated reasons for not granting the variances based on not meeting review criteria four, five and six.

MEMBER LANE MOVED TO DENY THE VARIANCE.

SUPPORTED BY COMMISSIONER JACKSON.

Director Kieselbach reviewed the issue of the current houses being nonconforming and could remain on the property, even if the variance is denied.

Mr. Lupa explained his intent was to finish the addition to the second house and maintain the surrounding property with landscaping with hopes of making the first house (garage) not so noticeable.

Supervisor LeGoff recommended the ZBA allow the variance since it was an existing structure prior to the code.

Chair Beauchine reviewed the motion to deny based on Section 86-565 (1), which states no accessory structure shall project into any front yard.

ROLL CALL VOTE: YES: Member Lane
NO: Members, Jackson, LeGoff, Ohlrogge, Chair Beauchine
MOTION FAILED.

Member Ohlrogge explained her decision to vote no on the denial because there are unique circumstance to the land or structure that are not applicable to other land or structures in the same zoning.

Member Lane questioned Director Kieselbach on the issue of both structures and how each building affects the other in a case for non-conforming structures.

Director Kieselbach stated staff would handle each structure as a separate issue.

Member Lane stated he believed the unique property characteristics do allow for a variance request.

MEMBER LANE MOVED TO APPROVE THE VARIANCE REQUEST.

SECONDED BY CHAIR BEAUCHINE.

Commissioner Jackson inquired if there is any value in defining the purpose of structure 1 so it can't be inhabited as a residence.

Director Kieselbach stated if ZBA included the 90ft. for the setback as part of the motion this would help to detour the structure from becoming inhabitable.

Chair Beauchine suggested amending the motion that the accessory building shall be allowed to be 90ft. in front of the residence.

MEMBER LANE AS THE MAKER OF THE MOTION AND CHAIR BEAUCHINE AS THE SECONDEDER ACCEPTED THE AMENDMENT.

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

**2. ZBA CASE NO. 16-05-11-2 GBC DESIGN, INC., 565 WHITE POND DRIVE, AKRON, OH 44320
DESCRIPTION: 2055 Grand River Avenue TAX PARCEL: 21-276-010
ZONING DISTRICT: C-3 (Commercial)**

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

- Section 86-506, which states no fence, wall, or screen shall be erected higher than six feet, as measured from the ground upon which it sites to the highest point.
- Section 86-687(3)(a), which states one wall sign shall be permitted and may be located flat against the building's front facade or parallel to the front facade on a canopy. For businesses with frontage on more than one public street, two signs may be permitted. In no case shall more than one wall sign be located on a facade and no wall sign shall be located on a rear facade.

GBC Designs Inc. representing Chick-fil-A Inc., intends to construct a 4,730 square foot Chick-fil-A restaurant with a drive-thru facility on the south side of Grand River Avenue, in front of the Meijer site. The site is approximately 1.32 acres and has 354 feet of frontage on Grand River Avenue.

Director Kieselbach outlined the case for discussion and reminded the ZBA they could not grant a "use variance" to allow a sign on the rear facade based on the current zoning ordinance.