

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***APPROVED***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, February 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, February 8, 2017

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

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

D. ELECTION OF OFFICERS

MEMBER OHLROGGE MOVED TO NOMIATE BRIAN BEAUCHINE AS CHAIR.

MEMBER JACKSON MOVED TO NOMIATE EMILY STIVERS AS VICE CHAIR.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

E. COMMUNICATIONS

Willy Martinez RE: ZBA #17-02-22-1

Chair Beauchine stated Mr. Martinez communication would be addressed by the Zoning Board of Appeals (ZBA) during new business.

F. UNFINISHED BUSINESS

None.

G. NEW BUSINESS**1. ZBA CASE NO.17-02-22-1(Tim Pearl), 1477Haslett Road, Haslett MI, 48840**

DESCRIPTION: 1477 Haslett Road, Haslett, MI 488
TAX PARCEL: 11-303-004
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-618(2), Which states nonconforming structures other than single-family 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 awning on the non-conforming building at 1477 Haslett Road.

Keith Chapman, Assistant Planner, outlined the case for discussion and corrected the wording for Section 86-618(2) that the variance request was a nonresidential structure. He referenced the email communication from Willy Martinez, 1476 Haslett Road, in favor of granting the variance.

Tim Pearl, 1477 Haslett Road, Haslett, the owner and applicant, stated the property had been in an undesirable state for several years. The plan is to revitalize the structure in order to attract tenants. He added the awning would provide safety and shelter to the public.

Chair Beauchine opened and closed public remarks.

Member Stivers asked Mr. Pearl what was the purpose of the awning.

Tim Pearl replied the awning is decorative, provides shelter when it rains and prevents ice from forming at the front door and along the side walk. He added the awning also matches other structures along the street which have awnings.

Member Jackson inquired if Mr. Pearl knew the history of the widening of Haslett Road.

Mr. Pearl stated he was not familiar with the history of the road widening but the first use of the subject property was for a Chevrolet dealership.

Member Ohlrogge read from (Section 86-221) 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 structure was built in 1930's which created the unique circumstance and applying a 100 foot setback from Haslett Road is not possible.

Member Ohlrogge read review criteria two which states, these special circumstances are not self-created. She replied the circumstances were not self-created. She stated Mr. Pearl's written response to review criteria two was the variance request for public safety.

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 if the variance was not granted it would create a practical difficulty to protect customers from in climate weather.

Member Ohlrogge read review criteria four which states that the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose. She stated the property could be used without the variance however in the interest of public safety the awning is a significant component.

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 commented the purpose for the variance is to keep people using the sidewalk safe.

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 added no properties would be adversely affected as other buildings in the vicinity also have awnings.

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 conditions are not recurrent in nature as the buildings in the area were constructed in the 1930's.

Member Ohlrogge read review criteria eight which states, granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. She commented the intent of the request is for public safety and the upgrade to the structure is an improvement for the community.

MEMBER OHLROGGE MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-618(2) FOR THE STRUCTAL ALTERATION OF A NONCONFORMING STRUCTURE

SECONDED BY MEMBER JACKSON.

Member Stivers questioned whether it was the minimum action necessary as the width of the awning could be reduced to less than 3 ½ feet. She inquired about the feasibility of a retractable awning.

Member Jackson commented the dimension of 3 ½ feet was a reasonable request. She added her support in favor of the motion based on the reuse of structure and allowing the awning is in the public interest.

Chair Beauchine stated even with a retractable awning a variance request would still be needed.

Member Ohlrogge replied she inspected the subject property and the additional footage for the awning would not create a visual barrier for either for walkers or automobile traffic.

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

NO: None.

Motion carried unanimously.

G. OTHER BUSINESS

H. PUBLIC REMARKS

None.

I. BOARD MEMBER COMMENTS

Chair Beauchine commented he had attended the 175th Enactment Celebration and it was a wonderful event. He thanked Deborah Guthrie and HOMTV for hosting the celebration.

J. ADJOURNMENT

Chair Beauchine adjourned the meeting at 6:55 pm.

K. POST SCRIPT – Pat Jackson

Respectfully Submitted,

Rebekah Lemley
Recording Secretary