

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JANUARY 13, 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 9, 2015
- D. ELECTION OF OFFICERS
- E. UNFINISHED BUSINESS
- F. NEW BUSINESS

******* ZBA CASE NO. 16-01-13-1 WAS RESOLVED WITH REVISED PLANS AND DOES NOT REQUIRE A VARIANCE *******

1. ZBA CASE NO. 16-01-13-1 SIGNATURE LAND DEVELOPMENT, 1188 EAST PARIS, SE, SUITE 100, GRAND RAPIDS, MI 49546

DESCRIPTION: 6074 Southridge Road
TAX PARCEL: 05-473-005
ZONING DISTRICT: RAA (Single Family, Low Density)

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

- Section 86-372(d)(2), which states the minimum interior lot width is ninety feet. Interior lot widths may be reduced for no more than 25 percent of the lots in any one subdivision plat, provided lots so reduced are no less than 80 feet in width and provided the interior lot width of the subdivision plat averages 90 feet in width and provided no more than two adjacent lots shall be less than 90 feet in width.

The applicant is requesting a variance to allow a platted lot to have less than the required lot width of 80 feet at 6074 Southridge Road (Lot 5 of Whitehills lakes South), East Lansing.

2. ZBA CASE NO. 16-01-13-2 GHULAM SUMBAL, 1998 JOLLY ROAD, OKEMOS, MI 48864

DESCRIPTION: 1998 Jolly Road
TAX PARCEL: 34-300-002
ZONING DISTRICT: RA (Single Family, Medium Density)

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

- Section 86-462, which states any one lot of record created before the effective date of this chapter without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than 20 feet wide. No more than one lot may be served by such an access route.

The applicant is requesting a variance to allow one driveway to serve more than one residential lot at 1998 Jolly Road, Okemos.

- ☞ 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 – 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
MERIDIAN 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 9, 2015**

PRESENT: Members Hershiser, Jackson, LeGoff, Ohlrogge, Chair Beauchine
ABSENT: None
STAFF: Martha Wyatt, Associate Planner/Landscape Architect

A. CALL MEETING TO ORDER

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

B. APPROVAL OF AGENDA

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, October 28, 2015

MEMBER HERSHISER MOVED TO APPROVE THE MINUTES AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS

1. ZBA CASE NO. 15-12-09-1, LI HE, 4937 HILLCREST AVENUE, OKEMOS, MI 48864

DESCRIPTION: 4937 Hillcrest Avenue
TAX PARCEL: 21-202-015
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), which states a roofed or unroofed porch may project into a required side or rear yard at a distance not to exceed eight feet.

The applicant is requesting a variance to allow a deck to project more than eight feet into the rear yard, at 4937 Hillcrest Avenue, Okemos.

Ms. Wyatt outlined the case for discussion.

Oscar Gonzalez, 1980 W. Clark Road, Dewitt, representing the applicant, stated the building permit was requested after the deck was built. Mr. Gonzalez explained the garage was used as a guide to align the deck with the garage. He is requesting a variance for the deck to project an additional four feet into the rear setback to accommodate patio furniture.

Chair Beauchine asked staff if the minutes from the 1987 Zoning Board of Appeals (ZBA) Case #87-05-13-13 were available for review.

Ms. Wyatt indicated she did not have a copy of the 1987 minutes.

He asked Ms. Wyatt to explain why another variance was not requested for the deck since it was not attached to the home.

Ms. Wyatt explained the ten foot separation was not imposed since the deck sits close enough to the home to be considered part of the main structure.

Member Ohlrogge asked staff if the 1987 variance was approved for the length of the rear property or just the area behind the garage.

Ms. Wyatt answered the rear yard setback for the house is 28 feet and not 30 feet. The deck has a different setback requirement.

Member Jackson reiterated Member Ohlrogge's question to staff on what part of the rear property the 1987 variance covered.

Chair Beauchine suggested postponing a decision until the 1987 minutes were reviewed.

Member Hershiser suggested approving the variance with two conditions. The first condition being to review the minutes from the 1987 ZBA Case #87-05-13-13, and if it was determined the variance covered the length of the rear property, then the application fee for the current variance request would be refunded. For the second condition, if the 1987 variance did not establish the setback at 17 feet for the entire rear yard, and the current variance request was still granted, a double permit fee should be imposed since the deck has already been built.

MEMBER HERSHISER MOVED TO APPROVE ZBA CASE 15-12-09-1 WITH THE CONDITIONS THAT STAFF CHECK THE PRIOR CASE AND MAKE SURE THERE WAS NOT ALREADY A VARIANCE APPROVED TO ENCROACH THAT FAR INTO THE BACKYARD AND ALSO A CONDITION THAT JUST RECOMMENDS TO STAFF THAT THEY DOUBLE THE PERMIT FEE.

SECONDED BY MEMBER LEGOFF.

Chair Beauchine replied the ZBA cannot impose fee changes but can make a recommendation.

Ms. Wyatt stated the building department has doubled the permit fee when a permit was not applied for prior to construction.

Member Ohlrogge said she would like to postpone a decision on this case until after reviewing the Township ordinance.

Chair Beauchine stated he would like to make a substantial effort on behalf of the applicant to put a motion on the table.

Member Jackson asked when variances are granted are they only pertinent to the structural dimensions or do they apply to the entire length of the yard.

Chair Beauchine replied the ordinance does not detail whether a variance should be granted for a certain amount of feet beyond a structure or just for the structure itself.

Chair Beauchine outlined the review criteria (Section 86-221) to be considered for approval. Unique circumstances exist and are not self-created. Strict interpretation and enforcement would result in practical difficulties, preventing the owner from using the property for its permitted purpose. Granting this variance is the minimum action to make use of the structure,

not contrary to public interest, and will not affect the adjacent land and vicinity. Granting this variance will be consistent with the public interest. Chair Beauchine specified since the case in 1987 was approved, the assumption could be made the criteria were met. However, unique circumstances do not exist in this instance.

Member Jackson was concerned with the assumption the 1987 variance covered the entire rear yard setback and allowing the applicant to assume the permitted distance was defined by the garage.

Chair Beauchine restated the previous motion to approve ZBA Case #15-12-09-1 with conditions.

ROLL CALL VOTE: YES: Members Hershiser, Jackson, LeGoff, Ohlrogge, Chair Beauchine
NO: None
Motion carried 5-0.

F. OTHER BUSINESS

1. APPROVAL OF 2016 MEETING DATES

MEMBER HERSHISER MOVED TO APPROVE THE RESOLUTION AS WRITTEN SETTING THE ZBA MEETING DATES FOR 2016.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

G. PUBLIC REMARKS

None.

H. BOARD MEMBER COMMENTS

Member Ohlrogge requested the Communications Department post an article detailing the *Ten Most Common Mistakes Homeowners Make When Making Changes to Their Property*.

Member Jackson recommended asking the Planning Department to develop and issue a notice with five or ten bullet points detailing what a homeowner should know before altering their property in any way.

Chair Beauchine suggested posting slides on HOMTV as well as signage at Home Depot asking patrons if they have their building permit.

Member Jackson suggested first asking patrons if they need a building permit.

Member Hershiser suggested adding similar notifications to property tax and utility bills.

Member Hershiser responded to Member Ohlrogge saying Deb Guthrie was the Communications Director and would be able to assist with her article request. He would also like to wish everyone a Merry Christmas.

Chair Beauchine stated the Meridian Cares program is looking for donations to assist residents with winter heating costs.

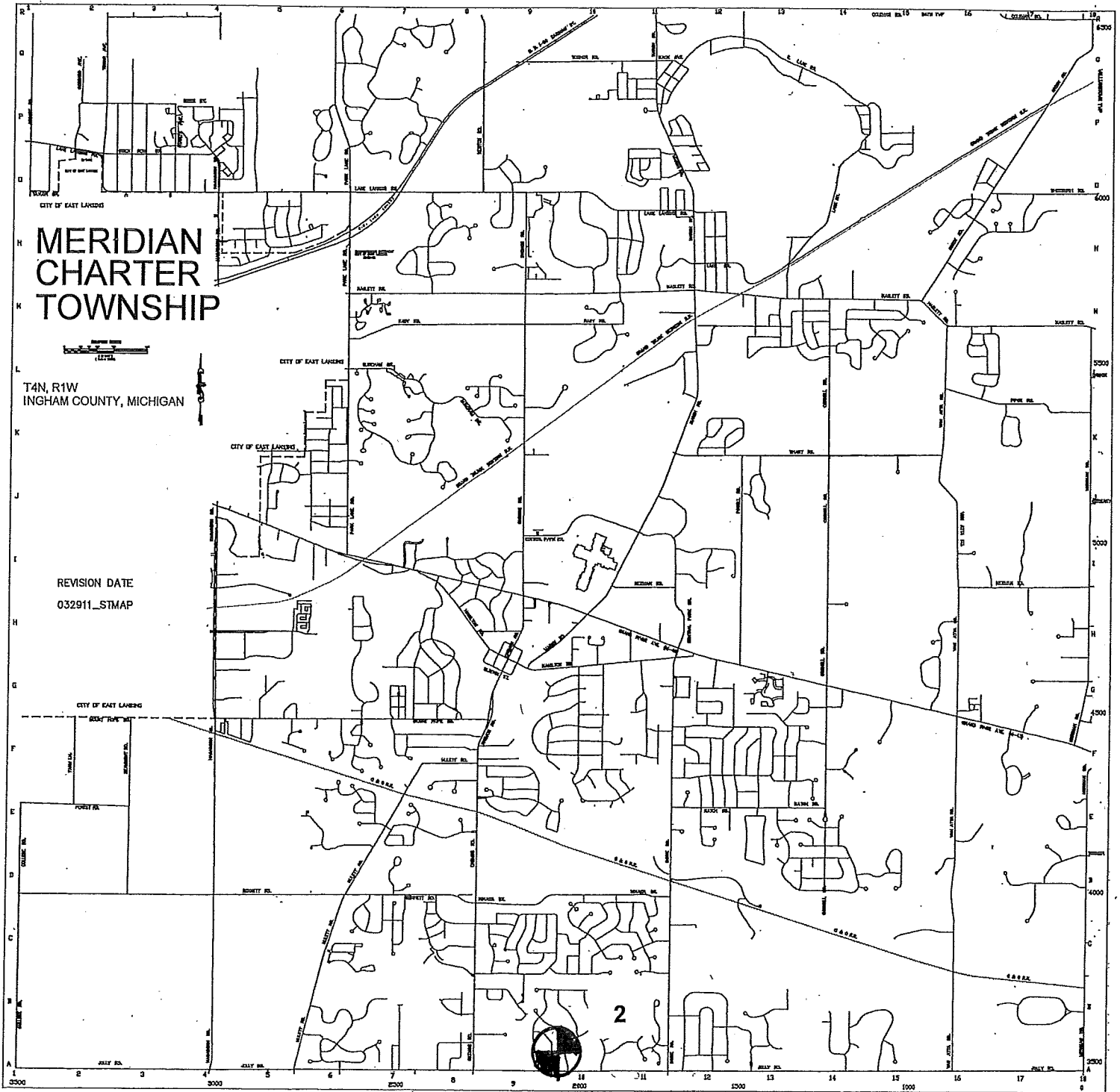
I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:20 p.m.

Respectfully Submitted,



Erin M. Bierly
Recording Secretary



LOCATION MAP

1. ZBA CASE NO. 16-01-13-2

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 the Ordinance would result in practical difficulties.
4. 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.
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, the purposes and intent of this Zoning Ordinance.

Effect of Variance Approval:

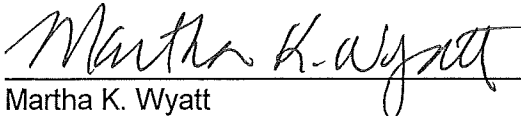
1. Granting a variance shall authorize only the purpose for which it was granted.
2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
3. A building permit must be applied for within 24 months of the date of the approval of the variance, and a Certificate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

Reapplication:

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

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: January 8, 2016

RE: ZBA Case No. 16-01-13-2

ZBA CASE NO.: 16-01-13-2 GHULAM SUMBAL, 1988 JOLLY ROAD, OKEMOS, MI 48864
DESCRIPTION: 1998 Jolly Road
TAX PARCEL: 34-300-002
ZONING DISTRICT: (Single Family, Medium Density)

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

- Section 86-462, which states any one lot of record created before the effective date of this chapter without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than 20 feet wide. No more than one lot may be served by such an access drive.

The applicant owns the parcel of land addressed as 1998 Jolly Road where two single-family dwellings are located, labeled as Dwelling 1 and Dwelling 2 on the attached aerial photograph. Dwelling 1 is currently occupied and is served by public water and sanitary sewer. Dwelling 2 is not occupied due to the lack of public utilities. It is estimated both dwellings were built in 1955. The lot is approximately 1.4 acres in size and has approximately 198 lineal feet of frontage on Jolly Road. The property was recently rezoned from RR (Rural Residential) to RA (Single Family, Medium Density) under Rezoning #15030, with the voluntary offer of a condition which would allow the property to revert to RR (Rural Residential) if the applicant was not successful in obtaining a variance to allow a shared driveway.

The applicant intends to apply for a land division to split the property into two separate lots (east and west parcels), with a house on each lot and with frontage along Jolly Road for each lot. The required dimensional requirements for the RA zoning district are 80 feet of lot width and 10,000 square feet of lot area.

During the rezoning discussion the applicant indicated he preferred having just one driveway serve the site. The rezoning request was approved with the voluntary offer of a condition allowing the property to revert to RR (Rural Residential) if the applicant was unsuccessful in obtaining a variance to allow a shared driveway.

Currently one driveway from Jolly Road serves the site and the two dwelling units. The driveway is located approximately 22 feet from the west lot line, travels north then turns into a circular drive adjacent to Dwelling 1. The plan submitted by the applicant shows the existing driveway extending north to Dwelling 2 with three parking spaces east of Dwelling 2. Once the property is split into two lots through an approved land division, each lot requires its own access from Jolly Road. A second driveway on Jolly Road requires review and approval from the Ingham County Road Department (ICRD). Staff contacted the ICRD for their opinion on issuing a permit for a second driveway to serve Dwelling 1, however an answer was not received prior to the completion of this memorandum. The subject site does not have frontage on Summergate Lane, which is located east of the site.

A topographic map was submitted by the applicant showing topography in the general area of the subject site. Elevations range from 918 feet above mean sea level in the northwest corner to 926 feet above mean sea level in the center of the site.

The applicant is requesting a variance for an access drive to serve more than one (1) lot. A 20-foot wide easement would be required for the shared driveway should the variance be granted.

Site History

- The estimated date for the construction of both dwelling units is 1955.
- On December 1, 2015, the Township Board voted to approve the rezoning of 1998 Jolly Road from RR (Rural Residential) to RA (Single Family, Medium Density) under Rezoning #15030, with the voluntary offer of a condition which would allow the property to revert to RR (Rural Residential) if the applicant was not successful in obtaining a variance to allow a shared driveway.

Attachments

1. Application
2. Site Location Map
3. Letter from Applicant
4. Approval letter dated December 3, 2015 for Rezoning #15030
5. Aerial Photograph of Subject Site
6. Exhibits from Applicant

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

1-13-16
8712-18-15

VARIANCE APPLICATION

A. Applicant GHULAM H. SUMBAL
Address of Applicant 1998 JOLLY RD, OKEMOS, MI 48864
Telephone (Work) _____ Telephone (Home) 381 9808
Fax _____ Email address: _____
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 1998 JOLLY RD, OKEMOS
Zoning district RA Parcel number 34-300-007

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) 86-462

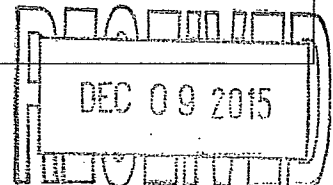
D. Required Supporting Material Supporting Material if Applicable
 -Property survey -Architectural sketches
 -Legal description -Other TOPOGRAPHIC MAP
 -Proof of property ownership or approval letter from owner
 -Site plan to scale
 -Written statement, which demonstrates how all the review criteria will be met (See next page)

[Signature] GHULAM SUMBAL 12/7/15
Signature of Applicant Print Name Date

Fee: \$150.00 Received by/Date: Maitha Wyatt 12/11/15

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.)

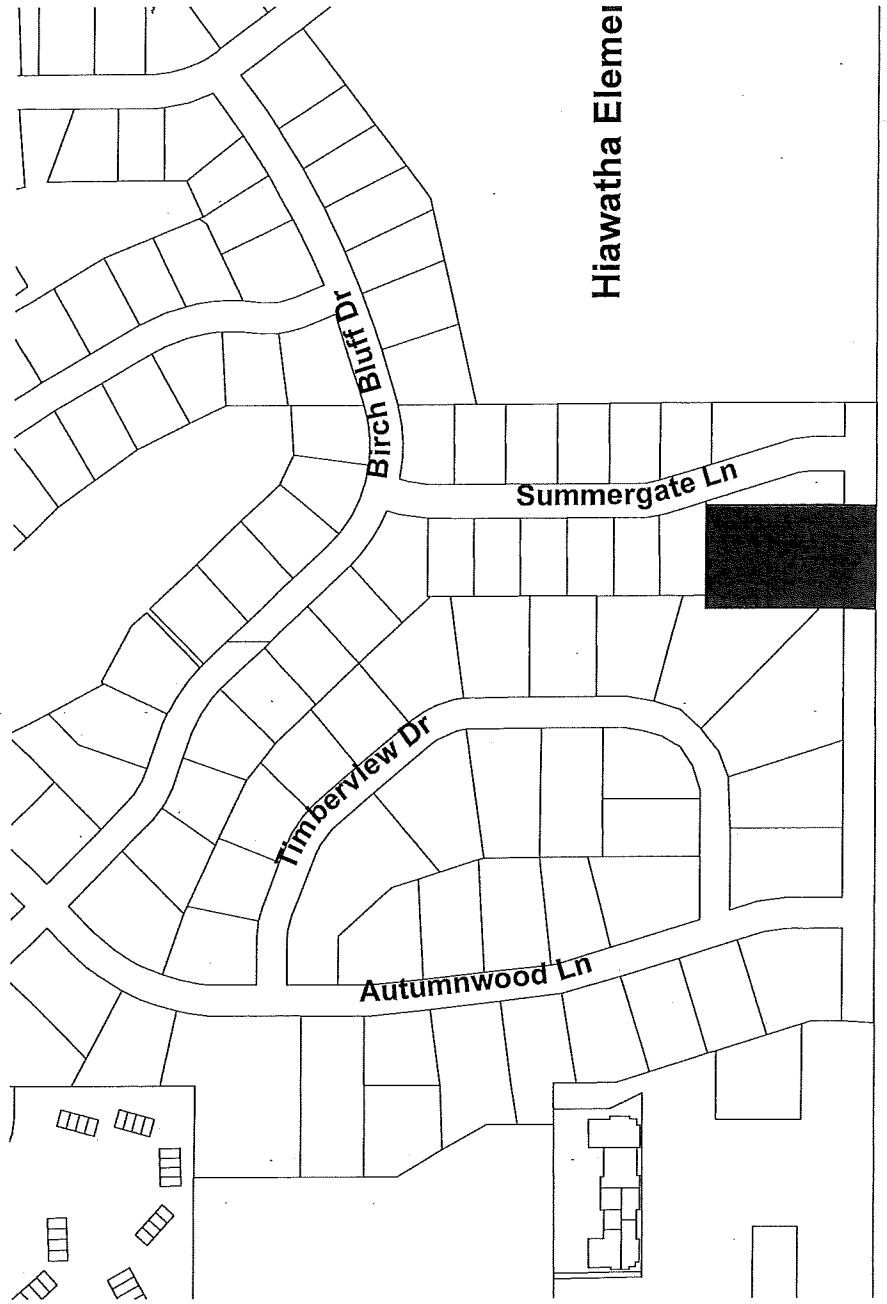
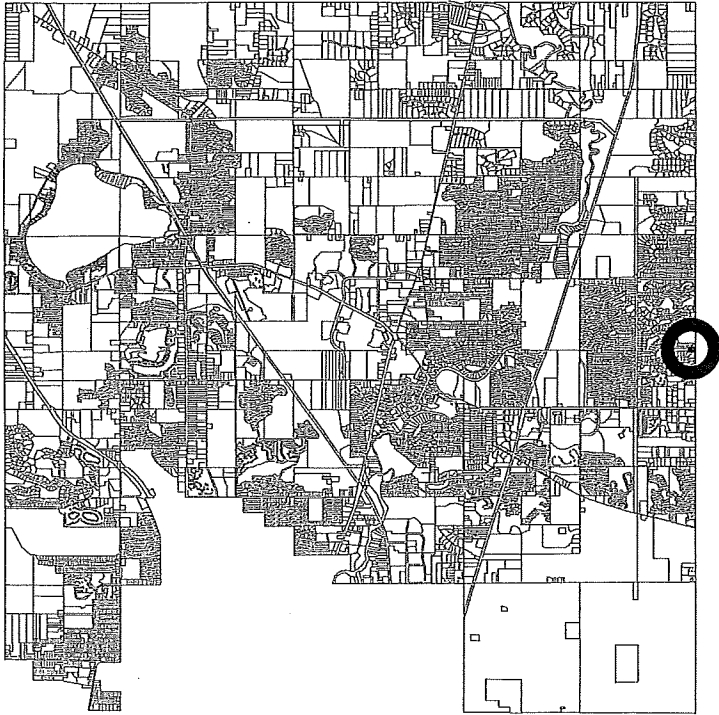
[Signature] 12/7/15
Signature of Applicant(s) Date
SUEIA SUMBAL 12/7/15
Signature of Applicant(s) Date



Meridian Charter Township

**ZBA #16-01-13-2
(Ghulam Sumbal)**

**Request to allow one driveway to
serve more than one residential lot
at 1998 Jolly Road**

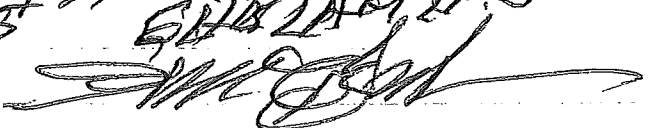


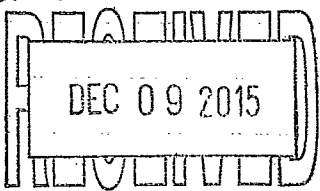
To whom it may concern

My name is Graham H. Sumbal. I live at 1448 TOLL Rd. OKEMOS.

Down 2 lanes on about 1/4 acre I have been granted land split for 2 lots so that both tracts may be used. Unfortunately there is only one drive that serve both ~~tracts~~ ^{plots} since ~~the~~ ^{the} houses were built in 1950s. Right from the beginning it was impossible to ~~improve~~ ^{improve} to build another drive way to the main house because it hits on a hill and too close to Sumnergate Drive. Even if I am permitted a drive way to the main house from TOLL road. It will be too steep. Another problem is that the car garage door is on the back side (west side) of the house. To reach the garage from the front side (south side) I will have to guide around the house. That will cost a lot of money. It will also have to cut a lot of grass on east side yard and west side yard. It will look ugly. My house will be encircled by the drive completely.

If I am granted variance to use the one existing drive to have both houses will not affect my neighbors adversely because there no need in drive way to the east or west side of my property. By the grant of the variance I will be able to see the inner fence the township will receive property tax for the 2nd house

I thank you
12/18/15
GRAHAM H. SUMBAL




CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff Supervisor
Brett Dreyfus Clerk
Julie Brixie Treasurer
Frank L. Walsh Manager



Milton L. Scales Trustee
Ronald J. Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

December 3, 2015

Ghulam Sumbal
1998 Jolly Road
Okemos, MI 48864

**RE: Rezoning #15030 (Sumbal)
 1998 Jolly Road**

Dear Mr. Sumbal:

The Township Board at its regular meeting on December 1, 2015 voted to approve the rezoning of 1998 Jolly Road, Okemos, MI from RR (Rural Residential) to RA (Single Family-Medium Density) with the voluntary offer of a condition which would allow the property to revert to RR (Rural Residential) if the applicant was not successful in obtaining a variance to allow a shared driveway. 1998 Jolly Road is legally described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 33, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN, THENCE WEST 66 FEET, THENCE NORTH 330 FEET, THENCE EAST 198 FEET, THENCE SOUTH 330 FEET, THENCE WEST 132 FEET TO THE POINT OF BEGINNING.

The rezoning of the property shall be effective seven (7) days after its publication or upon such later date as may be required under Section 402 of the Michigan Zoning Enabling Act after the filing of a notice to file a petition for a referendum. If you have any questions regarding this matter, please contact me.

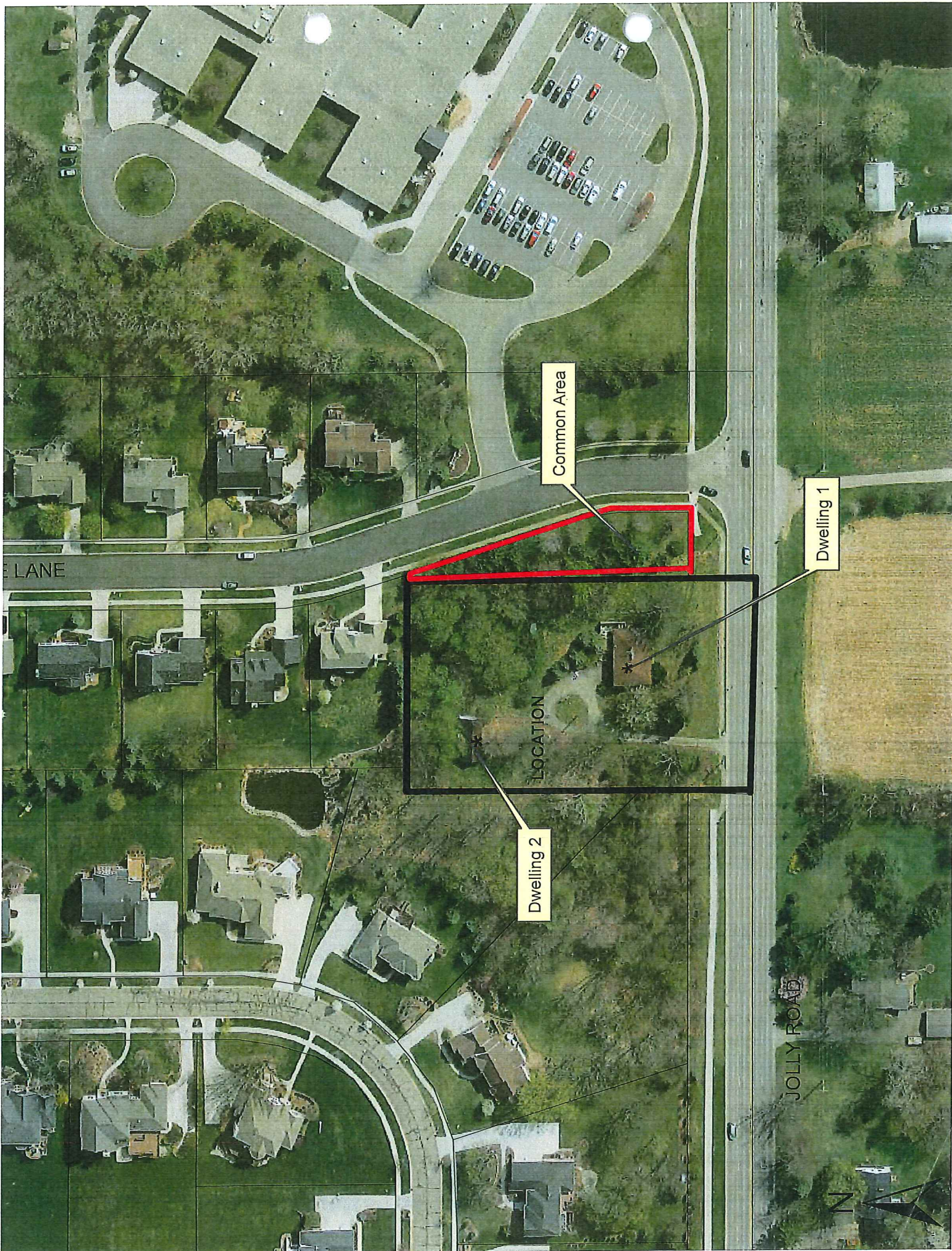
Sincerely,

Mark Kieselbach
Director of Community Planning and Development

cc: David Upchurch
 Wade Prestonise

G:\Comm Plng & Dev\Planning\REZ\2015\REZ 15030 (St: King)\REZ 15030 Approval Letter.doc





Common Area

Dwelling 1

Dwelling 2

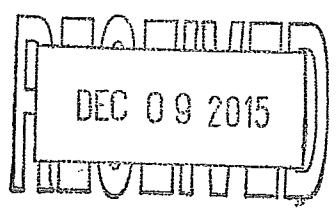
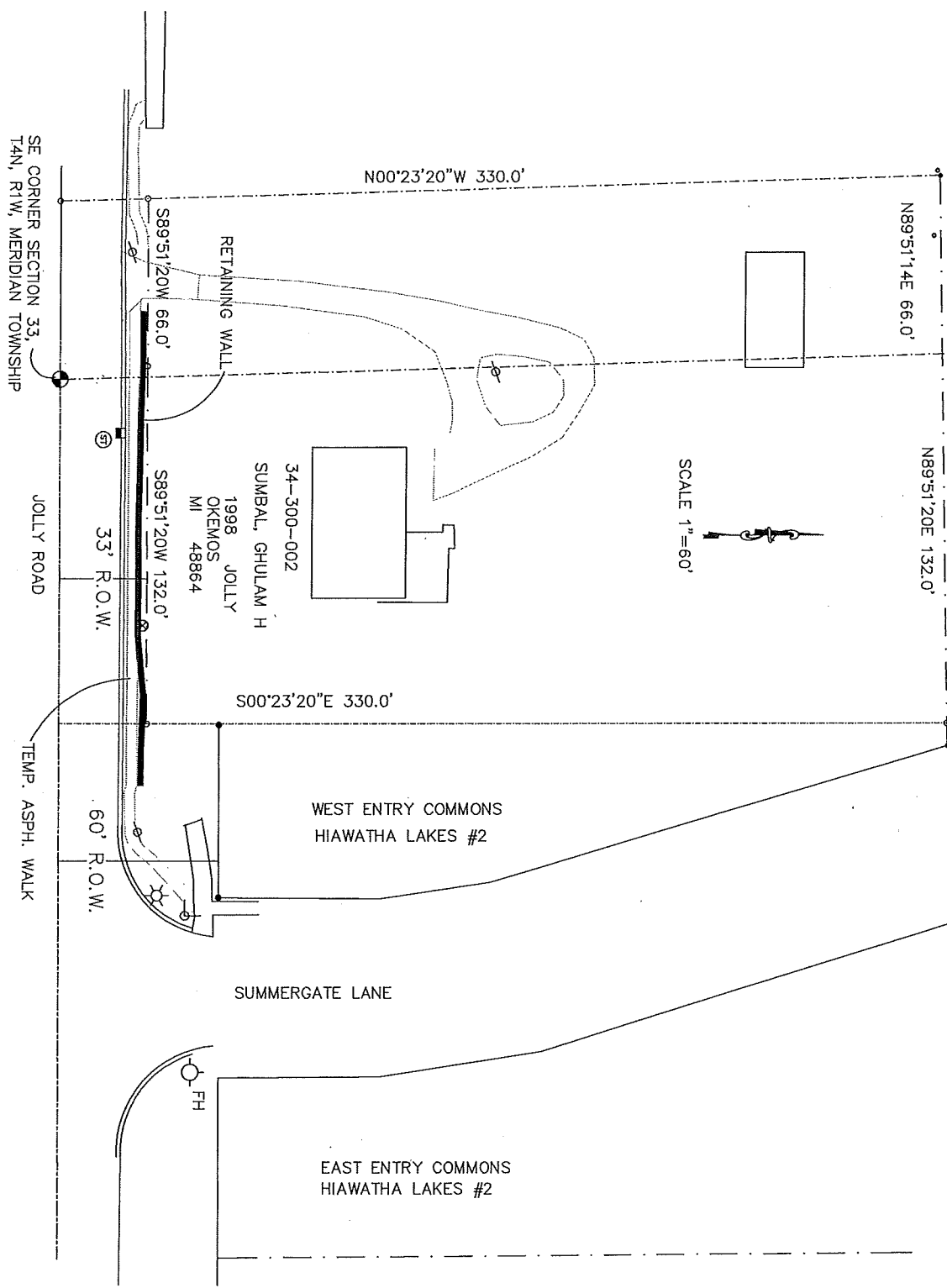
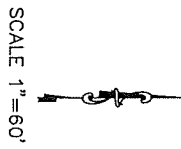
LOCATION

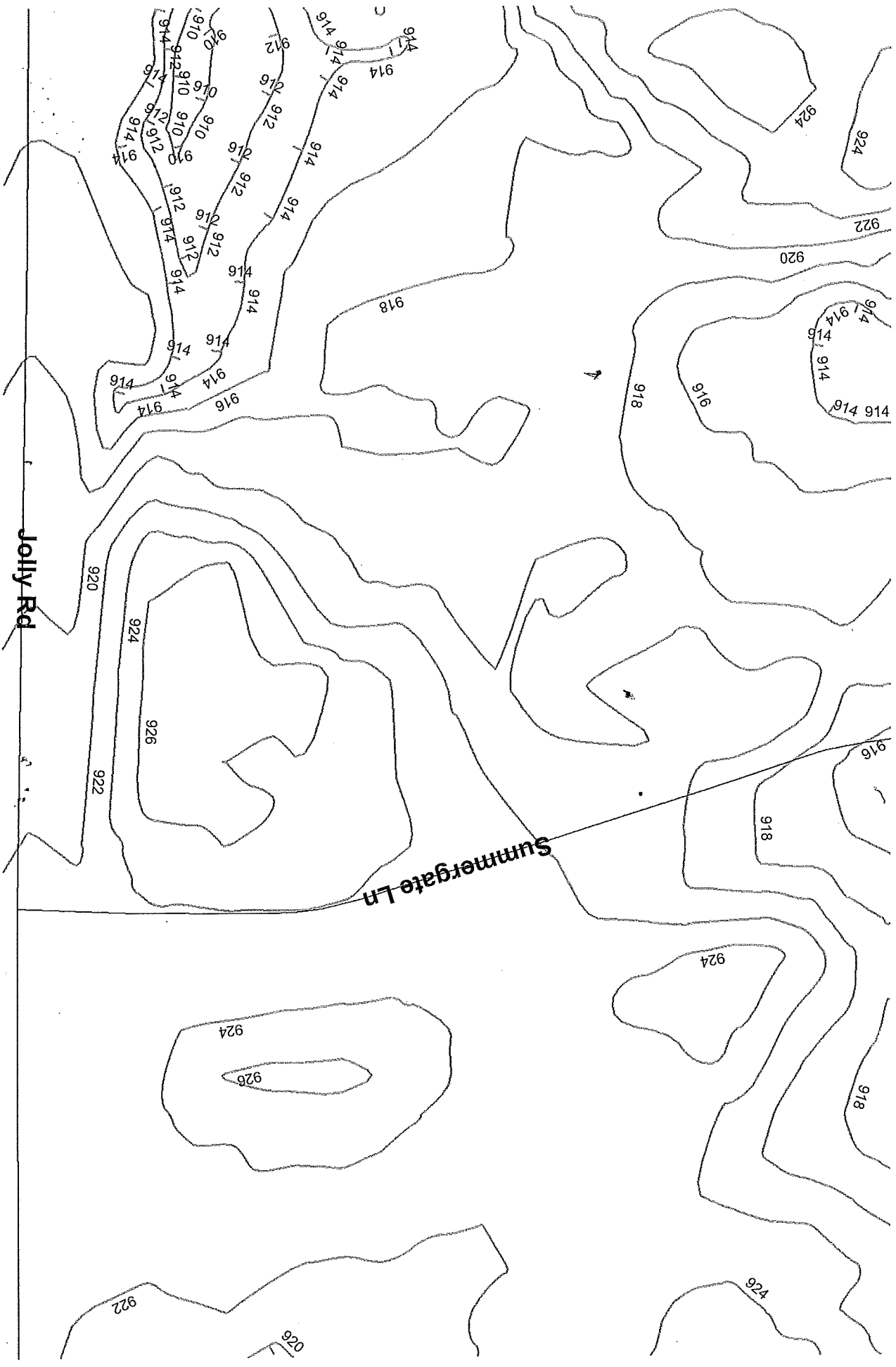
E LANE

JOLLY ROAD



LEGAL DESCRIPTION: That part of the SW 1/4 of Section 34 and the SE 1/4 of Section 33, T4N, R1W, Meridian Township, Ingham County, Michigan, described as: Beginning at the SE corner of Section 33; thence S89°52'14"W 66 ft. along the south line of said Section 33, thence N00°23'20"W 330 ft. parallel with the East line of said Section 33; thence N89°52'20"E 66 ft., feet parallel with the said South line to a point on said East Section line, thence N89°51'20"E 132 ft. parallel with the South line of Section 34, thence S00°23'20"E 330 ft. to a point on said South line of Section 34, thence S89°51'20"W 132 ft. along said Section line of Section 34 to the point of beginning. Subject to the rights of the Public in Jolly Road.





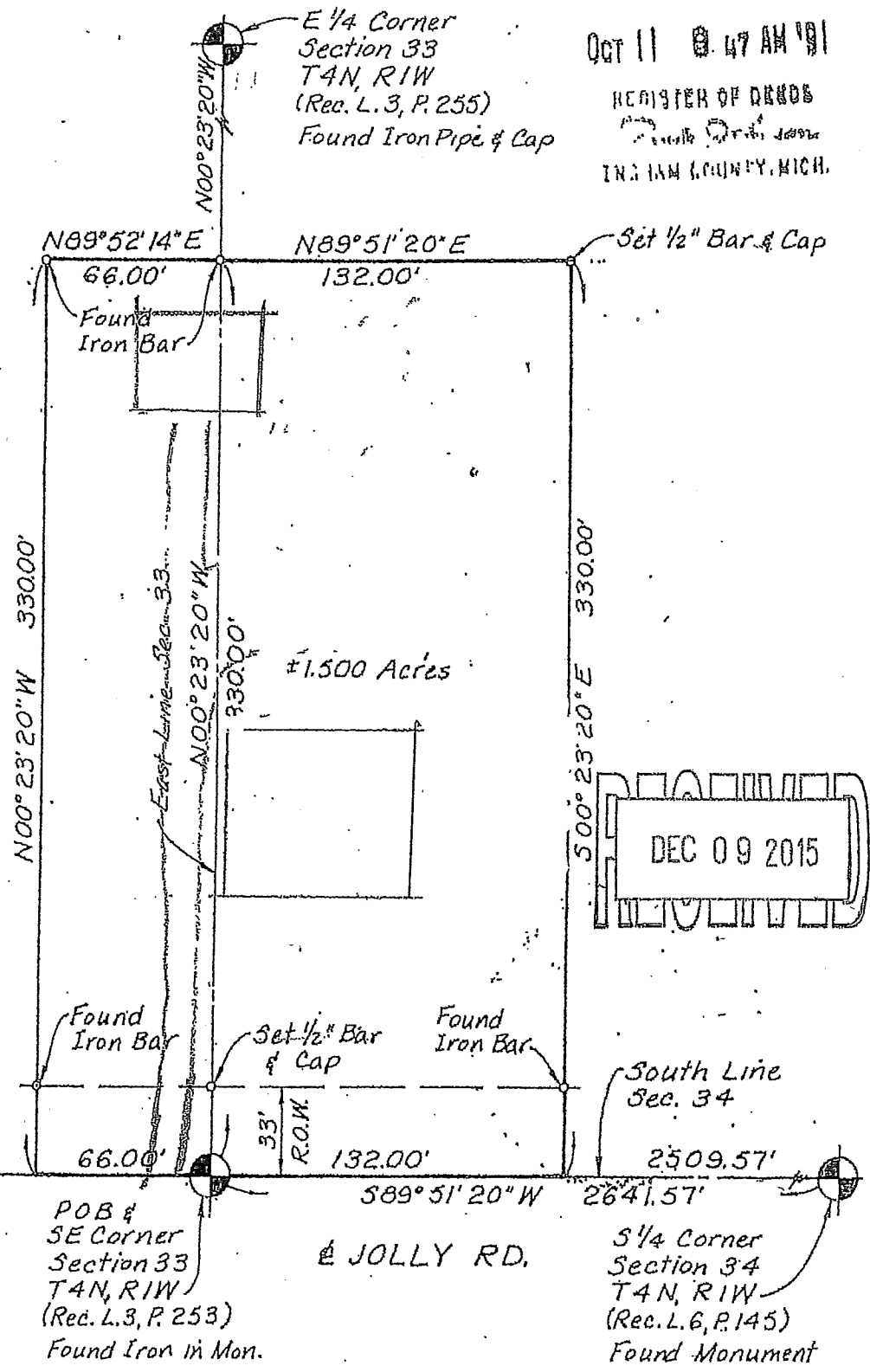
REVALUED
DEC 09 2015

Survey that this survey complies with the requirements of Public Act 132 of 1970 and was performed with an error of closure no greater than a ratio of 1 in 5000.

RECORDED

OCT 11 @ 47 AM '91

REGISTER OF DEEDS
 INDIAN COUNTY, MICH.



PROJ. NO. 656 DATE 3-1-89 SCALE: 1" = 60'
 FIELD BY: DH DRAWN BY: TCP SHEET 1 OF 1
1108
 REGISTERED LAND SURVEYOR NO. 18989

MARVIN F. FOUTY, P.C.
 LAND SURVEYING & MAPPING
 1551 Haslett Road
 P.O. Box 707
 Haslett, Michigan 48840
 Phone: 517-339-1263