

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, May 11, 2016 6:30 PM
TOWN HALL ROOM**

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- o Wednesday, April 13, 2016

D. UNFINISHED BUSINESS

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 will 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 of a principal structure.

2. ZBA CASE NO. 16-05-11-2 GBC DESIGN, INC., 565 WHITEPPOND 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 façade or parallel to the front façade 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 façade and no wall sign shall be located on a rear façade.

The applicant is requesting variances to (1) install a dumpster enclosure measuring 8'6" in height exceeding the maximum height allowed height of six (6) feet by 2'-6" and (2) to install one wall sign on each building façade for a total of four (4) wall signs when one sign is permitted on the front (Grand River Avenue) façade and no wall signs are permitted on the rear facade.

- ☛ 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

- 1. ZBA CASE NO. 14-06-11-1 CORY CHVALA, 5540 EARLIGLOW LANE, HASLETT, MI 48840**
DESCRIPTION: 15.86 acres south of Piper Road and east of Van Atta Road
TAX PARCEL: 13-100-035
ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-565(1), which states no accessory structure shall project into any front yard.

The applicant is requesting to modify the plan approved under ZBA Case No. 14-06-11-1, regarding the location of a proposed detached accessory building which projects into the front yard of the subject site.

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. POST SCRIPT – NO POST SCRIPT

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.

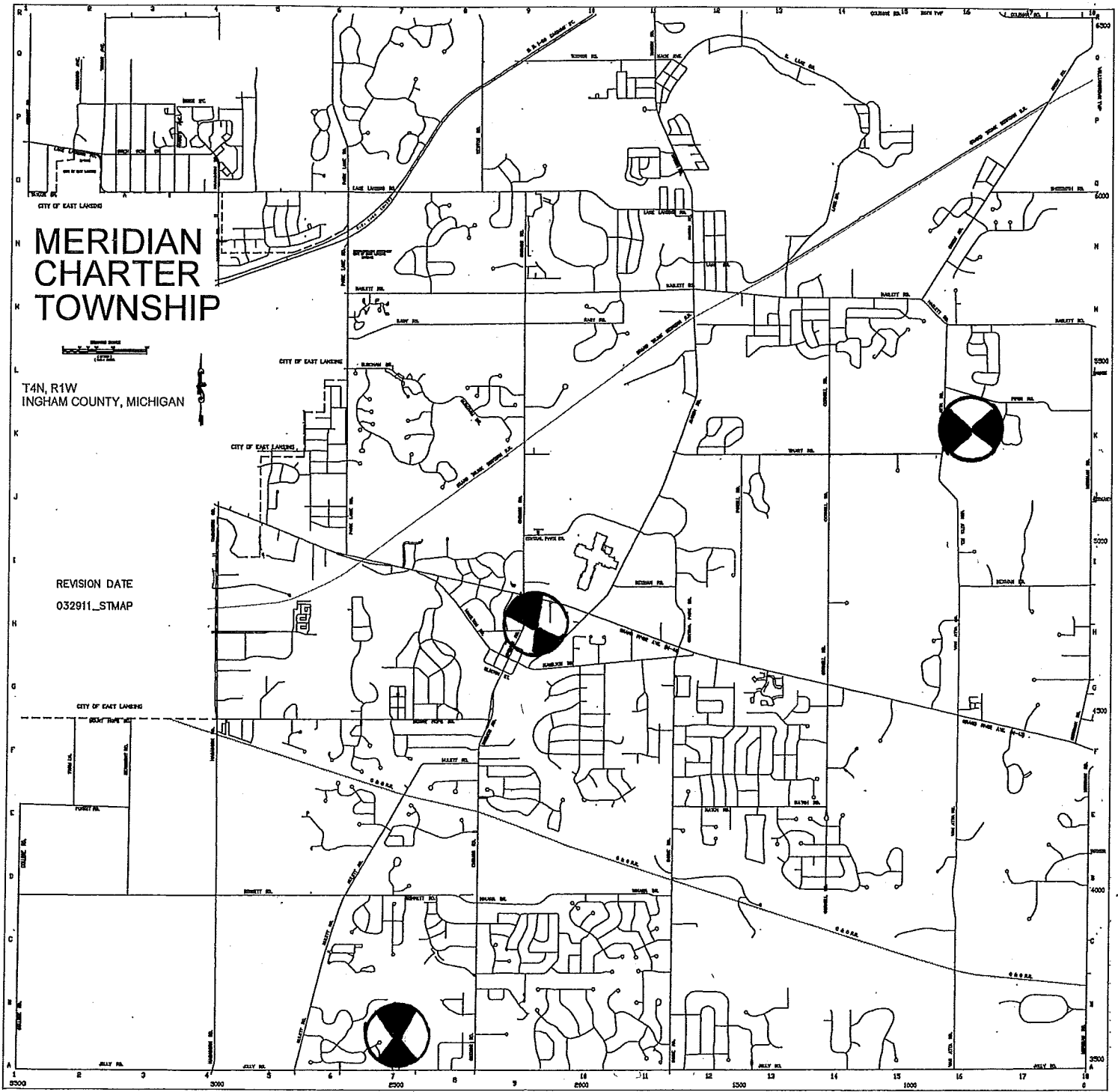
BRET DREYFUS, CMMC
TOWNSHIP CLERK

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.



MERIDIAN CHARTER TOWNSHIP

T4N, R1W
INGHAM COUNTY, MICHIGAN

REVISION DATE
032911_STMAP

LOCATION MAP

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, April 13, 2016**

PRESENT: Members Jackson, Lane, 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 6:32 p.m.

B. APPROVAL OF AGENDA

MEMBER OHLROGGE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER LEGOFF.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, March 9, 2016 and Wednesday, March 23, 2016

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

SECONDED BY MEMBER LEGOFF.

VOICE VOTE: Motion carried unanimously.

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES OF WEDNESDAY, MARCH 23, 2016 AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS

1. ZBA CASE NO. 16-04-13-1 MATTHEW BURBA, 2706 LOON LANE, OKEMOS, MI 48864

DESCRIPTION: 2706 Loon Lane
TAX PARCEL: 32-401-005
ZONING DISTRICT: RAA (Single Family, Low Density)

The applicant is requesting a variance from the following sections 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 part of the principal building as provided in the preceding statement shall not be nearer than ten feet from any other separate structure on the same lot.

The applicant is requesting a variance to allow an accessory building (basketball court) to be located closer than 10 feet from another accessory building (in-ground swimming pool) at 2706 Loon Lane, Okemos, MI.

Ms. Wyatt outlined the case for discussion.

Matthew Burba, 2706 Loon Lane, Okemos, stated when the pool was installed, he paid a contractor and believed all the Township's processes had been followed. He indicated he also approached the Sanctuary Homeowner's Association and obtained approval of the plans.

Chair Beauchine inquired of staff how a concrete pad is viewed as a structure.

Associate Planner Wyatt stated historically, the Township has considered a basketball court an accessory structure, as it is permanently attached to the ground.

Member Ohlrogge inquired if there were no basketball nets, but lounge chairs and picnic tables on the same piece of cement, would it be considered a patio and, consequently, not require a variance.

Associate Planner Wyatt replied if there were no posts, lines or net, it would not be counted as lot coverage.

Member Ohlrogge asked if the entire issue rested on the fact there are two (2) goal posts.

Associate Planner Wyatt responded in the affirmative.

Member Ohlrogge asked if there was continuous concrete which connected the swimming pool to the basketball court, would it be considered one structure.

Associate Planner Wyatt replied the Director of Community Planning and Development was asked that question, and he determined the structure would still be considered a basketball court.

Member Ohlrogge indicated the ordinance states ten (10) feet from another structure, and if they became one (1) structure, there would not be ten (10) feet to discuss.

Associate Planner Wyatt believed the fact it would be used for two distinct functions or purposes would separate them out to be a pool and a basketball court.

Member Ohlrogge asked if that distinction was contained in the ordinance.

Associate Planner Wyatt responded in the negative, but believed it would be the director's interpretation based on historical treatment in other cases.

Chair Beauchine inquired if this would still be considered a basketball court if posts were not installed in the ground, but were portable in nature.

Associate Planner Wyatt believed the question covered a gray area. She noted if there were no markings, it could be multi-purpose and not solely dedicated to a basketball court.

Member Jackson requested clarification if both the posts and the markings make it an accessory structure.

Associate Planner Wyatt replied she was not certain there were markings on the concrete. She added if there were markings related to a particular use, it would be interpreted as an accessory structure since the markings make it distinctive for that intended use.

Member Ohlrogge explained the premise of the game of four square, and asked if the concrete was painted for that game, would that act make it an accessory structure.

Associate Planner Wyatt replied she believed it would, as the ordinance states an accessory building means "a supplemental building or structure on the same lot or a part of the main building occupied by or devoted exclusively to an accessory use."

Member Ohlrogge offered the scenario of four square, hop scotch and a picnic table, all on the concrete slab.

Chair Beauchine pointed out the picture contained in the packet shows scooters on the deck, so it is being used for other purposes than its intended use. He expressed dissatisfaction this case is before the Zoning Board of Appeals (ZBA). Chair Beauchine asked if he needed to obtain a building permit to pour a concrete patio in his backyard.

Associate Planner Wyatt responded he would not.

Chair Beauchine did not believe the Township should require the applicant to request a variance for a concrete slab. He voiced concern the homeowner was required to come before the Township to justify a concrete slab which was installed three (3) or four (4) years ago. He added one of the ZBA's tenants is they should consider the minimum necessary, and granting a variance is not the minimum necessary as required by law and places the Township at greater risk. He noted the fact a variance stays with the property does not preclude a future resident from placing additional accessory structures (e.g., pergola) within close proximity to the pool.

Member Ohlrogge inquired if the variance would be specific for use as a basketball court only. She gave an example of lines for hop scotch or flowers being painted on the concrete court and asked if that would then make the concrete fall into the multiple use category. Member Ohlrogge believed the reading of the definition of accessory structure addressed exclusivity of use. She asked staff if the definition meant any accessory use or one specific accessory use.

Associate Planner Wyatt believed it would address a distinct accessory use. She stated the concrete court could be considered a multi sports court as the markings signify some type of sports.

Member Jackson asked the applicant if there were lines on the court.

Mr. Burba stated the lines on the court were poured in to match the color of the pool deck.

SUPERVISOR LEGOFF MOVED TO GRANT A VARIANCE TO MATTHEW BURBA FOR THE SWIMMING POOL AND DECK IN HIS BACK YARD.

SECONDED BY CHAIR BEAUCHINE.

Member Ohlrogge stated the members need to review the criteria and she could not argue for these criteria. She acknowledged the applicant's frustration with this situation, but did not believe granting a variance was a solution she could argue support for.

Member Ohlrogge inquired as to the rules for abstaining from a vote.

Associate Planner Wyatt replied a member can only abstained from voting if they have a direct conflict of interest.

Chair Beauchine recognized the problematic position ZBA members are in. He indicated even if all swimming pool and basketball court concrete was contiguous, it would present difficulty because it would be counted as a structure. On behalf of the Director of Community Planning and Development, Chair Beauchine acknowledged he was hired to be conservative in his interpretation of the ordinances.

Member Ohlrogge asked the applicant if there is a cement pattern which designates the basketball court.

Mr. Burba responded there are molded cement shapes which match the color of the pool deck.

Chair Beauchine announced his preference to not review the criteria in this instance.

Member LeGoff asked if the project could be grandfathered in, since it was built several years ago.

Member Lane replied it was flawed from the beginning as it never received non-conforming status.

Chair Beauchine stated when the contractor came to the Township to obtain a permit to build the pool, a slightly different sized concrete patio was shown on the lot survey. He believed to place the burden on the contractor to understand the Township's interpretation is calculated from the edge of the pool to the closest edge of the "accessory patio" is asking too much, stating a permit for a patio is not required. Chair Beauchine classified a basketball hoop as a temporary structure which does not require a permit. He believed there was no way to have predicted from either the Township's or the contractor's perspective that two basketball hoops would be installed in the future.

Member Ohlrogge noted that while the situation appears to be "absurd", the criteria clearly shows a problem in this situation. She elucidated her struggle between common sense and the established criteria used to consider granting this variance.

Member Jackson addressed criteria number two by voicing her opinion the concrete slab was not defined as an accessory structure when installed. She believed even though the poles are there for use in the game of basketball, the concrete slab can also be utilized for other purposes. Member Jackson believed because the installation of the concrete slab occurred several years ago, the circumstances were not self-created and the applicant did come before the township to obtain approval prior to pouring the cement slab. She noted the ordinance does not address the addition of poles and a pattern in the cement constituting an accessory structure.

Member Lane addressed criteria number one stating because of the multi-use possibilities of this "accessory structure", an argument can be made for unique circumstances on this particular piece of property.

Chair Beauchine addressed criteria number three by noting strict interpretation and enforcement of the literal terms and provision of the Ordinance would result in practical difficulties for the applicant.

Member Jackson addressed criteria number four by agreeing practical difficulties would result from a failure to grant the variance and prevent the owner from using the property for a permitted purpose. She reiterated there are multiple uses for the concrete slab.

Chair Beauchine addressed criteria number five, stating granting the variance is more than what is necessary, but would not be contrary to the public interest.

Chair Beauchine reviewed criteria number six, stating granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. He noted the homeowners' association approved the installation of the concrete pad.

Chair Beauchine reviewed criteria number seven, stating the conditions are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.

Member Lane believed the aforementioned conditions are unique to this specific piece of property.

Member Lane reviewed criteria number eight, stating for the reasons previously articulated, granting the variance will be generally consistent with public interest. He reminded fellow members if not for the hoops, this use would be permissible.

Member Ohlrogge added the existence of the condition for a period of time cannot be part of the consideration in approving or denying a variance. She noted the accessory structure question usually revolves around fire safety and that is not the issue here.

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

F. OTHER BUSINESS

None.

G. PUBLIC REMARKS

Chair Beauchine opened and closed public remarks.

H. BOARD MEMBER COMMENTS

Member Ohlrogge stated the case on tonight's agenda highlights the ability of ZBA members to work together in difficult situations.

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:16 p.m.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Gail Oranchak, AICP
Principal Planner

DATE: May 5, 2016

RE: ZBA Case No. 16-05-11-1

ZBA CASE NO.: 16-05-11-1 PIOTR LUPA, 3585 KANSAS STREET, OKEMOS, MI 48864
DESCRIPTION: 3575 Kansas Street & 3579 Indiana Road
TAX PARCEL: 33-352-002 & 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 is eighty (80) feet.
- 86-565 (1), which states no accessory building shall project into any front yard.

The applicant is proposing to partition a metes and bounds parcel into two (2) parcels. The parcel to be partitioned is addressed as 3575 Kansas Street, which is located north of Jolly Road and east of Jolly Oak Road. The property is zoned RA (Single Family, Medium Density), which requires a minimum lot area of 10,000 square feet and a minimum interior lot width of 80 feet (Section 86-373(e)(2)).

The survey shows the site has 154 feet of lot width and 181.5 feet of lot depth, which excludes 16.5 feet shown on the survey as road right-of-way. Based on parcel dimensions of 154 feet of lot width and 181.5 feet in depth, the parcel measures 27,951 square feet in lot area. The applicant intends to partition the parcel as follows:

Parcel	Lot Area	Lot Width
"A"	13,431 sq. ft.	74
"B"	14,520 sq. ft.	80

The applicant is requesting a variance from Section 86-373(e)(2) of the Code of Ordinances to allow Parcel "A" to have less than 80 feet of lot width. The variance is summarized below:

	Required Lot Width	Proposed Lot Width	Variance Request
Parcel "A"	80 feet	74 feet	6 feet

The proposed partitioning of the metes and bounds parcel requires a land division, to be determined by the Director of Community Planning and Development, as outlined in Section 62-90 through Section 62-96 of the Code of Ordinances. The applicant intends to apply for a land division pending the outcome of the current variance request. The applicant also intends to combine the parcel identified as 3579 Indiana (33-351-002), a landlocked parcel of approximately .75 acres (32,670 sq. ft.), with Parcel "B" to create one parcel with 80 feet of lot width and 47,190 square feet of lot area.

Two structures currently occupy the parcel addressed as 3575 Kansas Street. Both have been used as residential dwellings in the past but neither is currently occupied. Rental housing registration ceased in 2000. Section 86-368(b)(1) permits only one dwelling unit on a lot in single family residential zoning districts. The applicant proposes to convert the existing structure closest to Kansas Street into a garage, a detached accessory structure, and has begun to renovate the structure to the west for future occupancy as a single family residence.

The applicant is requesting a variance from Section 86-565(1) to permit a detached accessory structure (garage) in the front yard of a principal structure.

Site History

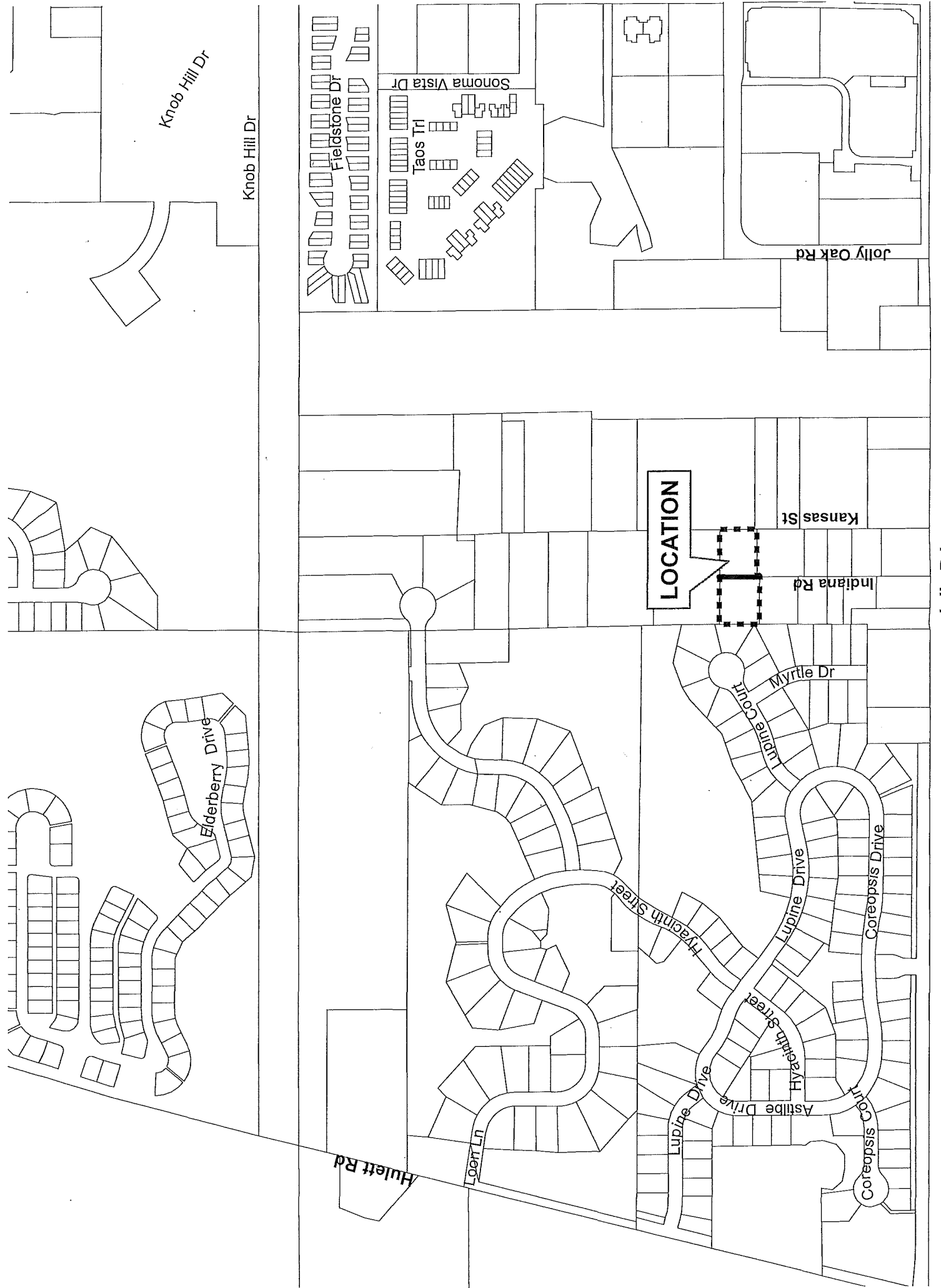
- According to Assessing records, the two residences were constructed in 1953.
- Until 2000, both residences were registered rentals.
- Ingham County Health Department records indicate, the septic tank that served the two houses has been pumped, collapsed and filled. Sewer service is currently being extended to properties on Kansas Street, including this site. Occupancy will not be permitted until the connection to the public sewer is made.
- Public water is not available on Kansas Street but two active wells are in place to serve two parcels.
- On March 14, 2016, the applicant was issued a violation notice for beginning construction on the 3575 Kansas Road without a building permit.
- The applicant applied for a building permit on March 23, 2016 to continue work on the westernmost single family residence on 3575 Kansas Street. The permit is pending until the Zoning Board of Appeals decides the variance requests.
- The gravel driveway encroaches onto the neighbor's property to the south.
- The applicant also owns 3579 Indiana Road. A former single-family residence was removed from the site in 2015.

ZBA Case No. 16-05-11-1
May 5, 2016
Page 3

Attachments

1. Site Location Map
2. Application
3. Submittals from the Applicant
4. Plan of Parcel "A" and Parcel " B"

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Knob Hill Dr

Knob Hill Dr

Hulett Rd

Eiderberry Drive

Fieldstone Dr

Taos Trl

Sonoma Vista Dr

Loert Ln

LOCATION

Kansas St

Indiana Rd

Myrtle Dr

Lupine Court

Lupine Drive

Coreopsis Drive

Hyacinth Street

Hyacinth Street

Lupine Drive

Astilbe Drive

Coreopsis Court

Jolly Oak Rd

Jolly Rd

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 MI

Telephone (Work) _____ Telephone (Home) (517) 899-4864
Fax _____ Email address: piotrkarolLupa@gmail.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location _____
Zoning district RA Parcel numbers 33-02-02-33-352-001
33-02-02-33-351-002

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
86-373(e)(2) Lot width = 80 feet
Zoning Ordinance section(s) 86-565 (i) Accessory Building

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
Signature of Applicant

PIOTR LUPA
April 07, 2016
Print Name Date

April 07, 2016
Date

Fee: 200.00

Received by/Date: Martha Wujcik 4/7/16

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.)

Piotr Lupa
Signature of Applicant(s)

April 06, 2016
Date

Signature of Applicant(s)

Date

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.

To: Meridian Township

April 7, 2016

Planning Division

From: Piotr Lupa & Malgorzata Szum-Lupa

My wife and I are proud owners of 3575 Kansas Okemos & 3579 Indiana Okemos properties. We purchased the 3579 Indiana in March 2015. The property had access through Indiana Rd, which is an easement from Jolly Rd through neighbor's properties. When 3575 Kansas Okemos went on market, we purchased this property in May 2015 with money from my parents with the desire to have access to public road and the perspective to have two adjacent parcels where my family and my aging parents can live in close proximity.

Both lots were grossly neglected. They had abounded houses, falling sheds, and unmaintained landscape. Both parcels had years of unpaid property taxes, since they weren't occupied for years. I spent the summer of 2015 removing thrash, dead brush, and overgrown vegetation from both parcel. The property is now current on taxes, looks clean, and I received praises from neighbors for making progress on biggest eyesore in the area. I got involved in the Kansas Rd sewer project petition, which to my gratitude to the township got approved and is closed to completion.

This spring I planned on starting construction project, so that my family can start planning to move in. I was informed by the building department that 2 existing houses on 3575 Kansas Okemos are non-conforming per current zoning, and also that Indiana Rd easement to 3579 Indiana is insufficient for obtaining new building permit on that parcel. I was advised to apply for re-purposing of the buildings and rearrangement of the property boundaries to make both properties zoning compliant.

I'm agreeing to 'give-up' on the second house on 3575 Kansas in order to comply with the new RA zoning of one house per parcel. I would like to convert that house into esthetically pleasing de-attached garage. There is a deteriorated shed in the very front yard and I already obtained permit for demolition of that shed to remove this ugly structure. Instead I would use the de-attached garage to park a car, lawn tractor, and small camper, so they don't have to be kept outside in the yard. The remaining house doesn't have attached garage, so the de-attached garage is needed so everything can be neatly stored out of sight. I'm choosing to convert the house closer to Kansas Rd for good reasons. The driveway has large 15 degree slope and is very close to neighbor's fence, and is very hard/dangerous to pass by car in winter to get to the back of the property. Also since the yard slopes up to the back, house on the higher elevation is more visually appealing from outside and inside. It allows to emphasis the fancier house structure and de-emphasis 'hide' that de-attached garage. Lastly, there is working water well that is already connected to the house in the back, and not to the structure in the front. I already applied for building addition/remodeling & sewer connection permits and the house will be connected to the new municipal sewer, and occupied when work is completed and approved.

I want to obtain conforming access to 3579 Indiana parcel, so I can construct my family new house on that parcel in near future. Since Indiana Rd is only easement, I would like to merge it with the northern portion of 3575 Kansas parcels, so in the end both parcels have frontage on Kansas Rd.

Please see attached sketch showing the changes.

Sincerely,

Piotr Lupa & Malgorzata Szum-Lupa

Kansas Rd

154.0'

80.0'

Deteriorated
Shed Remove

74.0'

Parcel 33-352-001

House 1
Convert to
de-attach
garage

Straighten driveway

181.5'

House

Parcel 33-351-002

Deteriorated House
Removed and location
for future house

Deteriorated
Shed Removed

198.0'

165.0'

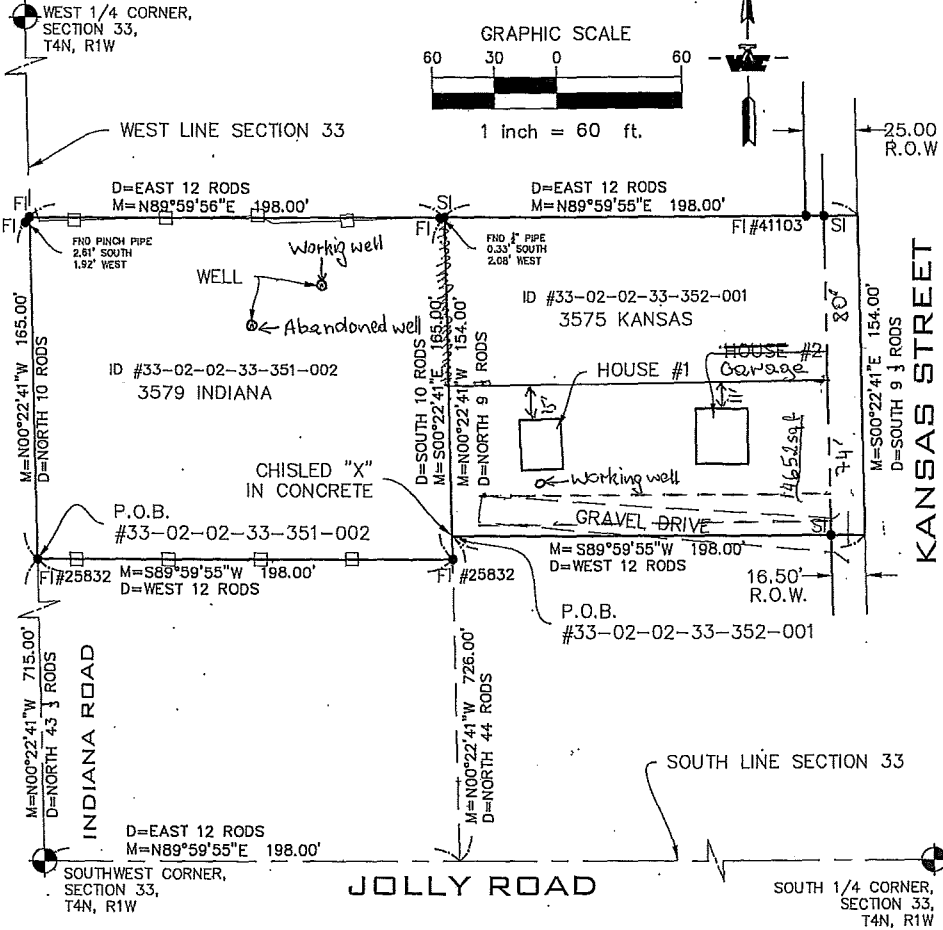


Google earth



New

CERTIFICATE OF SURVEY



LEGAL DESCRIPTION PER TAX ID #33-02-02-33-352-001:

BEGINNING AT A POINT 12 RODS (198') EAST AND 44 RODS (726') NORTH OF THE SOUTHWEST CORNER OF SECTION 33; THENCE NORTH 9 1/2 RODS (154'); THENCE EAST 12 RODS (198'); THENCE SOUTH 9 1/2 RODS (154'); THENCE WEST TO BEGINNING. THE EAST 1 ROD (16.5') TO BE USED FOR ROAD PART OF THE SOUTHWEST 1/4 OF SECTION 33, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN.

LEGAL DESCRIPTION PER TAX ID #33-02-02-33-351-002:

COMMENCE 43 1/3 RODS (715') NORTH OF THE SOUTHWEST CORNER OF SECTION 33; THENCE NORTH 10 RODS (165'); THENCE EAST 12 RODS (198'); THENCE SOUTH 10 RODS (165'); THENCE WEST 12 RODS (198') TO THE POINT OF BEGINNING. PART OF THE SOUTHWEST 1/4 OF SECTION 33, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN.

LEGEND		
ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF		
D= DEEDED	PROPERTY CORNER IRON	FI= FOUND IRON
P= PLATTED	CONCRETE MONUMENT	SI= SET IRON
M= MEASURED	FENCE LINE WOOD	



WOLVERINE
Engineers & Surveyors, Inc.

312 North Street
Mason, Michigan 48854
Ph: 517-676-9200
Fax: 517-676-9396
http://www.wolveng.com

SURVEY FOR:	
PETER LUPA	
FIELD SURVEY:	DATE:
TY-ID-ML	03/22/2016
DRAWN:	JOB NO.:
DER	16-0361
SCALE:	SHEET:
1" = 60'	1 OF 1

GREG VAUGHN, P.S. #41113

New

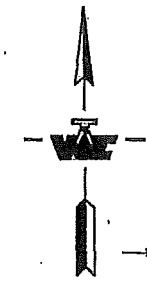
CERTIFICATE OF SURVEY

WEST 1/4 CORNER,
SECTION 33,
T4N, R1W

GRAPHIC SCALE

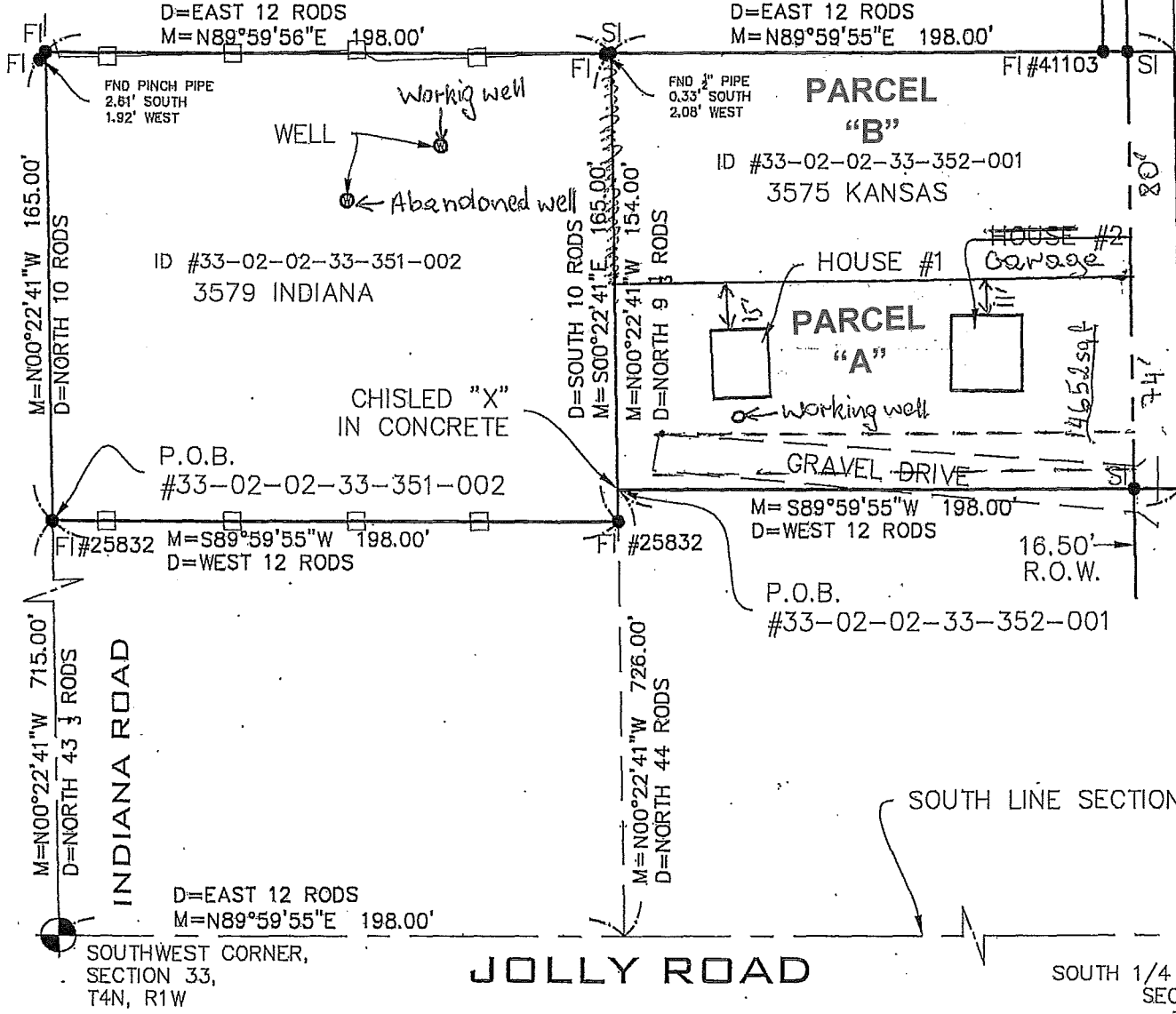


1 inch = 60 ft.



WEST LINE SECTION 33

25.00
R.O.V



KANSAS STREET

SOUTH LINE SECTION 33

JOLLY ROAD

LEGAL DESCRIPTION PER TAX ID #33-02-02-33-352-001:

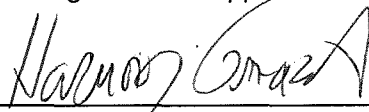
BEGINNING AT A POINT 12 RODS (198') EAST AND 44 RODS (726') NORTH OF THE SOUTHWEST CORNER OF SECTION 33; THENCE NORTH 9 1/2 RODS (154'); THENCE EAST 12 RODS (198'); THENCE SOUTH 9 1/2 RODS (154'); THENCE WEST TO BEGINNING. THE EAST 1 ROD (16.5') TO BE USED FOR ROAD PART OF THE SOUTHWEST 1/4 OF SECTION 33, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN.

LEGAL DESCRIPTION PER TAX ID #33-02-02-33-351-002:

COMMENCE 43 1/2 RODS (715') NORTH OF THE SOUTHWEST CORNER OF SECTION 33; THENCE

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Harmony Gmazel, AICP
Associate Planner

DATE: May 6, 2016

RE: ZBA Case No. 16-05-11-2

ZBA CASE NO.: 16-05-11-2 **GBC DESIGN INC. 565 WHITE POND DR. AKRON OH 44320**
DESCRIPTION: 2055 W. Grand River Ave. Okemos MI
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 fences, wall, or screen shall be erected higher than six feet, as measured from the ground upon which it sits 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 façade or parallel to the front façade 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 façade and no wall sign shall be located on a rear façade.

GBC Designs Inc. representing Chick-fil-A Inc., intends to construct a 4,730 square foot Chick-fil-A restaurant building with a drive-thru facility along the south side of Grand River Avenue located between 2041 and 2085 Grand River Avenue, Okemos in front of the Meijer site. The site is approximately 1.32 acres and has 354 feet of frontage on Grand River Avenue.

Section 86-506 Wall Height

The applicant is proposing to build an 8'-6" enclosure on a 6" concrete slab around an eight (8) cubic yard dumpster that is 6'-8" in height. A storage room is attached to the enclosure on one side and is not subject to the maximum height requirement for walls and fences. The side of the enclosure that connects the accessory structure to the dumpster area does not require a variance for height. The remaining three walls of the dumpster enclosure require a height variance. The enclosure is made of brick veneer, while the gates are plastic lumber trimmed in steel. As shown in the chart below, the applicant is requesting a variance of 2'-6".

	Maximum Height	Proposed Height	Variance Request
Wall/Gates:	6 feet	8 feet 6 inches	2 feet 6 inches

Section 86-687(3)(a) Signage

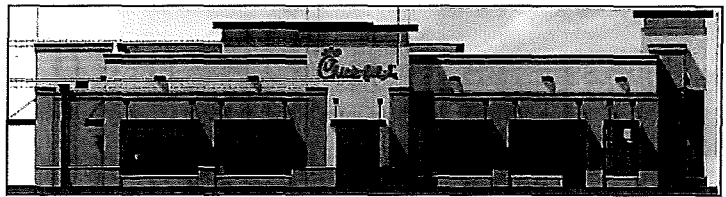
The applicant is proposing to place a wall sign on the north, east, west and south elevations of the future Chick-fil-A restaurant for a total of four signs. By ordinance, one wall sign 'located flat against the front façade' is permitted and wall signs are not permitted on a rear façade. The proposed wall sign details are as follows:

Sign Number	Location	Square Footage of Sign
A1	Side (West)	58.75
A2	Front (North)	58.75
A3	Side (East)	21.19
A4	Rear (South)	58.75

A1 (West)



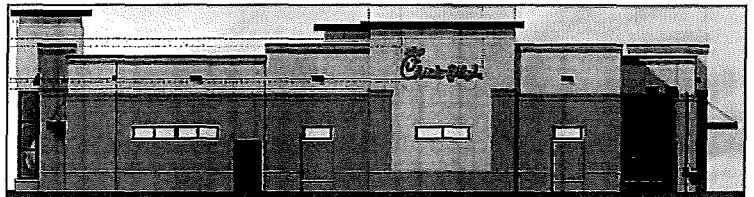
A2 (North/Grand River Ave)



A3 (East)



A4 (South/Rear)



Sign A2 is the permitted wall sign. It's proposed size and location is consistent with the zoning ordinance allowing up to 80 square feet in area for 80 linear feet of building frontage.

Sign A4, on the rear or south face, is specifically not permitted by Section 86-506 of the Code of Ordinances. An approval of a sign on the rear façade would constitute a use variance. The Zoning Board of Appeals does not have the authority to approve use variances per Section 86-217 of the Code of Ordinances.

Variances are required to allow the applicant to install Sign A1 and Sign A3 on the west and east elevations of the building, respectively. The following chart summarizes the information regarding these signs:

Sign Number	Location	Dimensions	Size (Sq. Ft.)	Size (Sq. Ft.) Permitted
A1	West	5' x 11.75'	58.75 sq. ft.	0 sq. ft.
A3	East	3' x 7.062'	21.19 sq. ft.	0 sq. ft.

Site History

- On January 11, 2016, the Planning Commission approved Special Use Permit #15171 permitting Chick-fil-A Inc. to have a drive-thru restaurant.
- On January 11, 2016 the Planning Commission approved Special Use Permit #15181 permitting Chick-fil-A Inc. to work within the 100-year floodplain for activities associated with the construction of the restaurant.
- On April 29, 2016, the Department of Community Planning and Development approved Site Plan #16-05, Chick-fil-A Inc., based on site plans from GBC Designs, Inc. dated March 21, 2016.

Attachments

1. Site Location Map
2. Application and Supporting Materials
3. Site Plan #C-20, received 04/18/16

W Grand River Ave

Okemos Rd

LOCATION



VARIANCE APPLICATION SUPPLEMENT

A variance will be granted, if the following Review Criteria are met: See attached.

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.

GBC DESIGN, INC.

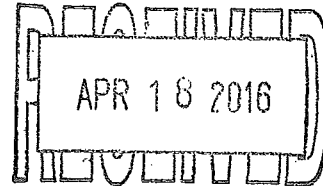
565 White Pond Drive • Akron, OH 44320-1123 • Phone 330-836-0228 • Fax 330-836-5782 • www.GBCdesign.com

April 15, 2016

Meridian Township Zoning Dept.
5151 Marsh Road
Okemos, MI 48864

Attention: Martha Wyatt

Subject: **Meridian Township Chick-fil-A #3695**
Dumpster Screening Variance
GBC Project No. 48115



Dear Martha,

1. Chick-fil-A uses an 8 cubic yard dumpster at their restaurants. This volume of dumpster is needed to properly dispose of their waste with a normal number of trips from the Waste Management Company. The height of the 8 cubic yard dumpster is 6'-8". Since the dumpster is elevated another 6" above grade, an 8'-6" wall height is necessary to properly screen the dumpster. I am not aware of other dumpsters of this size within this zoning district.
2. These special circumstances are not self-created. It is a function of knowing the volume of dumpster needed to properly handle waste with a normal pickup schedule, and the required wall height needed to screen it.
3. Strict enforcement of this dumpster screening wall height will result in an exposed dumpster, or a dumpster that is too small to handle the volume of waste with a normal pickup schedule.
4. Failure to obtain this variance would result in too small of a dumpster which would result in unnecessary pickups by the Waste Management Company.
5. Granting this screen wall height variance is the minimum action necessary to properly screen the dumpster with a normal amount of trips by the Waste Management Company. It is in the spirit of the Zoning Ordinance to properly screen the dumpster. The 8 cubic yard dumpster size will help secure public safety by using a normal number of pickup trips, which provides substantial justice.
6. Granting the Variance will not adversely affect the adjacent land or essential character in the vicinity of the property. It will properly screen the dumper with no increase of trips by the Waste Management Company.
7. Chick-fil-A knows the volume of the dumpster that is necessary to properly handle their waste. This Variance approval will not make the formulation of a general regulations for such conditions practical.
8. Granting this Variance will be generally consistent with public interest. The increase wall height will properly screen the dumpster, and the normal 8 cubic yard size will keep the number of trips by the Waste Management Company at the normal number.

Very truly yours,

Handwritten signature of the sender.

Martha Wyatt
April 15, 2016
Page 2 of 2

Gary R. Rouse, P.E., P.S., CPESC, CPSWQ

c: file



April 15, 2016

Meridian Township, MI
5151 Marsh Road
Okemos, MI 48864

RE: Chick-Fil-A 2055 West Grand River Avenue

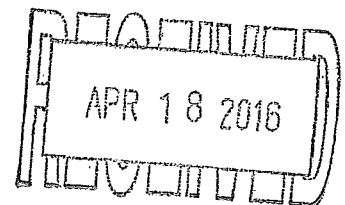
To Whom It May Concern

Chick-Fil-A is a customer-oriented quick service restaurant (QSR). The location in question will be their first in Meridian Township and they are very excited to become part of the community. With full respect given to the exiting Meridian Township code, Chick-Fil-A does not feel that the currently allowed one street facing sign is adequate enough to help customers safely identify the store and enter the plaza while driving on West Grand Avenue. A second wall sign at a minimum would be needed to safely allow customers to have sufficient time to locate the restaurant and safely enter the center. We do not feel that the proposed changes would have any detrimental impact on the surrounding area and for these reasons we request your approval of this variance.

Chick-Fil-A is very excited to serve the Okemos community and we appreciate your consideration.

Sincerely,

Joshua Muckelvaney
Team Leader
Anchor Sign, Inc.
(P) 843.576.3275
(F) 843.576.7275
(C) 843.614.2354
jmuckelvaney@anchorsign.com

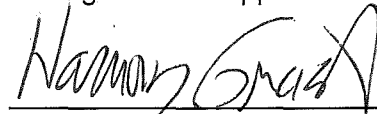


1.800.213.3331
www.AnchorSign.com

MEMORANDUM

TO: Zoning Board of Appeals

FROM:



Harmony Gmazel, AICP
Associate Planner

DATE: May 3, 2016

RE: ZBA Case No. 14-06-11-1

ZBA CASE NO.: 14-06-11-1 Cory Chvala, 5540 Earliglow Lane, Haslett, MI

DESCRIPTION: 16.86 acres South of Piper Road and East of Van Atta Road

TAX PARCEL: 13-100-035

ZONING DISTRICT: RR (Rural Residential)

The applicant is requesting to modify the plan approved under ZBA Case # 14-06-11-1 regarding the location of a proposed detached accessory building which projects into the front yard of the subject 16.86 acre site, south of Piper Road and east of Van Atta Road, Haslett, MI. The request includes a variance from the following section of the Code of Ordinances:

- Section 86-565, which states no accessory building shall project into any front yard.

The modification centers on a change in the location for a proposed 4,000 square foot accessory building (barn) to the north of a proposed dwelling unit. The applicant intends to construct a single-family residential dwelling on the subject site, southwest of an existing 1,792 square foot pole barn. Due to the layout of a new septic field and water well to serve the new home, the location for the accessory structure was changed to be north of the new driveway, extending 15.7 feet into the front yard, 74.1 feet from the west (front) lot line and 129.5 feet from the north (side) lot line.

- *Yard, front* is defined by Section 86-2 of the Code of Ordinances as: *a yard extending across the front of a lot between the side lot lines and measured from the frontline of the lot and the nearest point of the main building or land use.*

Site History:

The applicant was previously granted a variance from Section 86-565 for two accessory structures to extend into the front yard of said property. One of the structures was already existing. A variance was also granted to provide a gravel drive access to Van Atta Road, and not Piper Road. Both variances were approved at the June 11, 2014 ZBA meeting.

Attachments

1. Site Location Map
2. Application Materials
3. Staff Memorandum, dated June 6, 2014
4. ZBA Meeting Minutes, dated June 11, 2014



5435

VAN ATTA ROAD

5422

809

771

721

703

681

5396

5370

5360

5354

5340

5240

LOCATION

RR

690

630

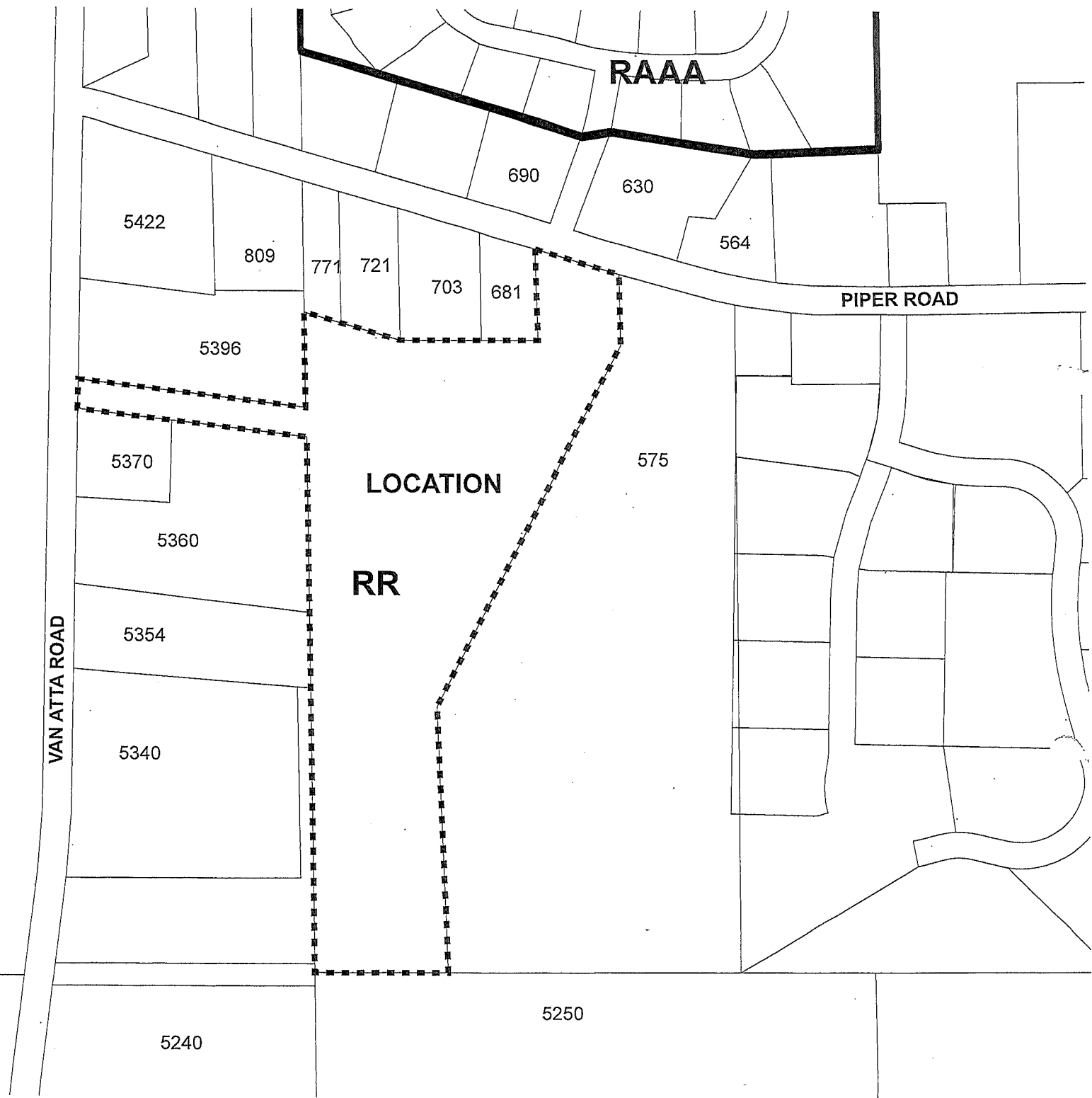
564

575

5250

RAAA

PIPER ROAD



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

VARIANCE APPLICATION

A. Applicant CORY CHVALA
Address of Applicant 5540 EARLE GLOW LN
HASLET MI 48844
Telephone (Work) 214-8510 Telephone (Home) 339-3474
Fax _____ Email address: chvalacory@mailbag.com
Interest in property (circle one): Owner Tenant Option Other

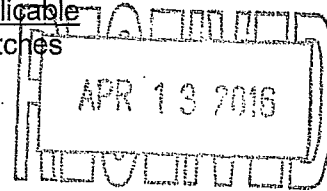
B. Site address/location 5384 Van Alta Rd Haslet MI 48840
Zoning district _____ Parcel number _____

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)

All has been Submitted (2)



Cory Chvala CORY CHVALA 4-13-16
Signature of Applicant Print Name Date

Fee: NA Received by/Date: Minthornycat 4/13/16

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.)

Cory Chvala 4-13-16
Signature of Applicant(s) Date

Signature of Applicant(s) Date

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.



Culver's of Okemos, Michigan

5140 Times Square Drive ♦ (517) 853-8714 Phone
3440 Okemos Rd ♦ (517) 993-6960 Phone

4/13/16

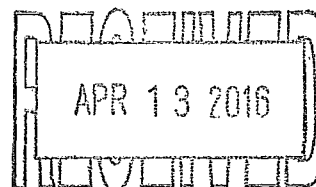
Charter Township of Meridian Planning Division:

This letter is to explain the necessary location change for our proposed 40x60 out building. The original variance for our out building was obtained in June of 2014 allowing us to construct a new out building located on out 17 acre property located at 5384 Van Atta Rd. in front of our proposed single family home. The variance was necessary because the building was located in the "front yard" of our site. The variance board agreed unanimously that the site was large enough and located far enough from the road to allow us to have the building in front of the home. After drawing the house plans, placing the home on the site and laying out the septic drain field and well locations it is necessary for us to move the location for the out building from the far west side of the building site. We are asking your permission to move the building just north of the driveway entry onto the property. This move will allow us the necessary room on the south side of the driveway for the home, drain field and well. The new building location would be less visible from both Pieper Rd and Van Atta Rd. We feel like this is the best location for the building after much consideration and planning. The final proposed site plan has been submitted to the planning department. Please feel free to contact me directly if there are any questions.

Sincerely,

4-13-16

Cory Chvala
Owner/ Operator
Culver's of Okemos
(517) 214-8510 Cell
chvalacory@mailbag.com

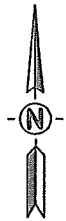
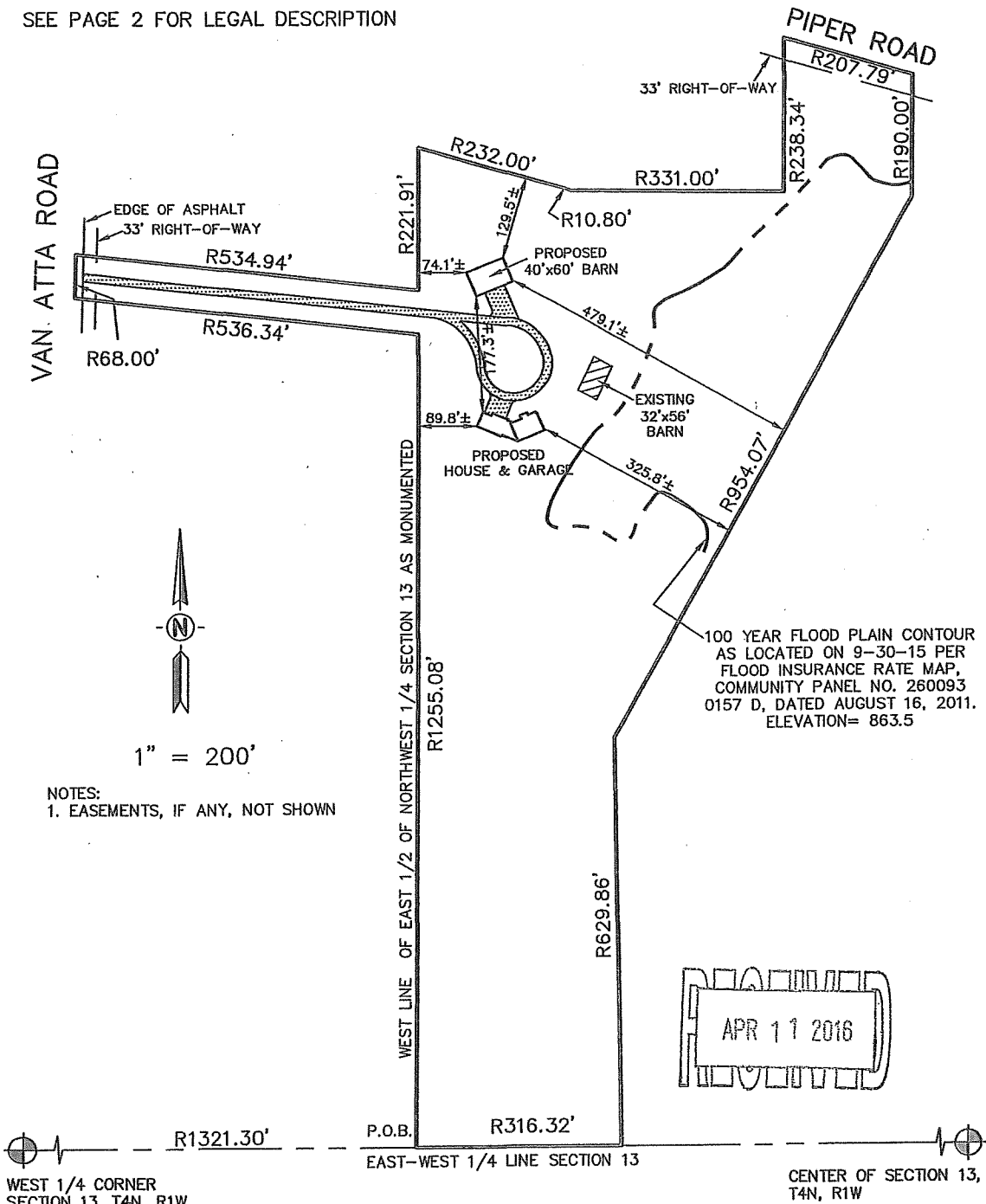


PLOT PLAN

For:
Cory Chvala
5540 Earliglow Way
Haslett, MI 48840

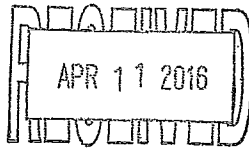
Survey Address:
Vacant- Piper Road
Haslett, MI 48840
ID: 33-02-02-13-100-035

SEE PAGE 2 FOR LEGAL DESCRIPTION



1" = 200'

NOTES:
1. EASEMENTS, IF ANY, NOT SHOWN



WEST 1/4 CORNER SECTION 13, T4N, R1W

P.O.B. EAST-WEST 1/4 LINE SECTION 13

CENTER OF SECTION 13, T4N, R1W

This plan was made at the direction of the parties hereon and intended solely for their immediate use and no survey has been made and no property lines were monumented, all easements recorded or unrecorded may not be shown, unless specifically noted, and no dimensions are intended for use in establishing property lines.

- R = Recorded Distance x = Existing Elevation
- o—o— = Slit Fence D = Surface Drainage
- = Deed Line 1800.00 = Proposed Finish Grade
- - - = Distance Not to Scale
- ▨ = Driveway



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047
13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805


ERICK R. FRIESTROM
ERICK R. FRIESTROM DATE
PROFESSIONAL SURVEYOR NO. 53497 03/29/16

DRAWN BY	SLH	SECTION 13, T4N, R1W
FIELD WORK BY	---	JOB NUMBER:
SHEET	1 OF 2	90231.HSE

PLOT PLAN

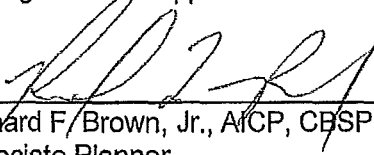
Legal Description (as provided):

A parcel of land in the Northwest 1/4 of Section 13, T4N, R1W, Meridian Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the West 1/4 corner of said Section 13; thence N89°59'26"E along the East-West 1/4 line 1321.30 feet to a point on the West line of the East 1/2 of said Northwest 1/4 as monumented and the point of beginning of this description; thence N00°15'42"E along said West line as monumented 1255.08 feet; thence N83°47'27"W 536.34 feet to the centerline of Van Atta Road; thence N01°26'35"E along said centerline 68.00 feet; thence S83°47'27"E 534.94 feet to a point on said West line as monumented; thence N00°15'42"E along said West line as monumented 221.91 feet; thence S73°45'54"E 232.00 feet; thence S69°15'41"E 10.80 feet; thence S89°18'35"E 331.00 feet; thence N00°29'41"E 238.34 feet to the centerline of Piper Road; thence S73°45'54"E along said centerline 207.79 feet; thence S00°29'41"W 190.00 feet; thence S29°11'47"W 954.07 feet; thence S00°59'31"E 629.86 feet to said East-West 1/4 line; thence S89°59'26"W along said East-West 1/4 line 316.32 feet to the point of beginning.

	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS
	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805
DRAWN BY SLH	SECTION 13, T4N, R1W
FIELD WORK BY ----	JOB NUMBER: 90231.HSE
SHEET 2 OF 2	

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Richard F. Brown, Jr., AICP, CBSP
Associate Planner

DATE: June 6, 2014

RE: ZBA Case No. 14-06-11-1

ZBA CASE NO.: 14-06-11-1 MARK SANDERS CONSTRUCTION, INC., 8787 COLEMAN ROAD, HASLETT, MI 48840

DESCRIPTION: 16.86 acres South of Piper Road and East of Van Atta Road
TAX PARCEL: 13-100-035
ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-368(d)(4)e, which states that access to residential sites shall be located on the street with the lowest functional classification as illustrated in section 86-367.
- Section 86-565, which states no accessory building shall project into any front yard.

Mark Sanders Construction, representing the owner, is requesting two variances for the 16.86 acre parcel located south of Pier Road and east of Van Atta Road in Section 13 of the Township. The applicant's client intends to construct a single-family residential dwelling on the subject site, south of the existing approximate 1,792 square foot pole barn and construct a second approximate 4,000 square foot accessory building (barn) to the west of the proposed dwelling.

The first variance would allow driveway access to a future single-family dwelling from Van Atta Road instead of Piper Road by utilizing a pre-existing dirt lane. The lane was used to access the subject site for agricultural purposes. Van Atta Road is classified as a "Collector" road by Section 86-367 of the Code of Ordinances, while Piper Road is classified as a "Local" road. Section 86-368(d)(4)e requires property access be from the street with the lowest functional classification, which would be Piper Road. The applicant is also attempting to avoid regulated wetlands on the subject site near Piper Road, which were delineated by the Township consultant in 2013.

The second variance would allow the two accessory structures (one existing and one proposed) to be located in the required front yard.

- *Yard, front* is defined by Section 86-2 of the Code of Ordinances as: *a yard extending across the front of a lot between the side lot lines and measured from the frontline of the lot and the nearest point of the main building or land use.*

The existing pole barn would be situated between the proposed single-family dwelling and the proposed second barn would be in the front yard located between the proposed home and Piper

ZBA Case No. 14-06-11-1

June 6, 2014

Page 2

Road. The proposed second barn is between the proposed home and Van Atta Road, 12 feet from the west property line or approximately 548 feet from the center of Van Atta Road.

The existing pole barn is proposed to be located 130 feet closer to Piper Road than the proposed single-family dwelling. The proposed second barn will be 150 feet closer to Piper Road and 78 feet closer to Van Atta Road than the proposed home.

Site History

- The approximate 16.86 acre parcel was first established under a land contract in 1986 (Liber 1597/Page 1074). A warranty deed was then filed in 1991 under Liber 1897/Page 559 which superseded the land contract.
- The Township's Environmental Consultant conducted an onsite wetland delineation (WDV #13-03) in the northeast portion of the subject site near Piper Road in September 2013. A copy of the delineation is attached.
- The existing pole barn was constructed with a building permit (#18214) in 1988..

Attachments

1. Site Location Map
2. Application
3. Submittals from the applicant
4. Wetland delineation

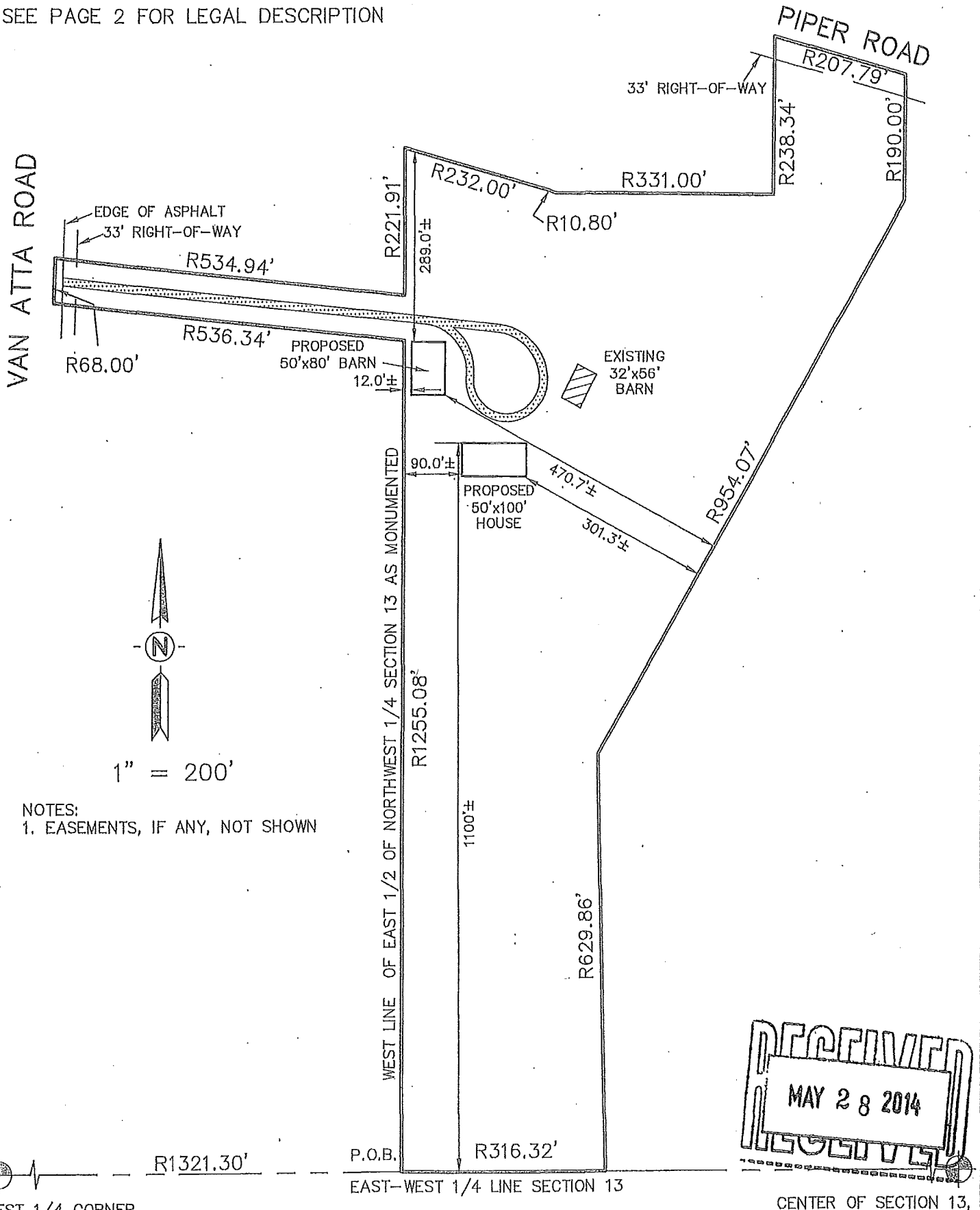
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PLOT PLAN

For:
Cory Chvala
5540 Earliglow Way
Haslett, MI 48840

Survey Address:
Vacant— Piper Road
Haslett, MI 48840
ID: 33-02-02-13-100-035

SEE PAGE 2 FOR LEGAL DESCRIPTION



NOTES:
1. EASEMENTS, IF ANY, NOT SHOWN

RECEIVED
MAY 28 2014

WEST 1/4 CORNER

EAST-WEST 1/4 LINE SECTION 13

CENTER OF SECTION 13,

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***APPROVED***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, JUNE 11, 2014

PRESENT: Members, Jackson, LeGoff, Ohlrogge, Hershiser, Chair Beauchine,
ABSENT: None
STAFF: Rick Brown, Associate Planner
Mark Kieselbach, Director of Community Planning & Development

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, May 28, 2014

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES AS WRITTEN.

SECONDED BY MEMBER HERSHISER .

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

1. ZBA CASE NO. 14-06-11-1 MARK SANDERS CONSTRUCTION, INC., 8787 COLEMAN ROAD,
HASLETT, MI 48840

DESCRIPTION: 16.86 acres South of Piper Road and East of Van Atta Road
TAX PARCEL: 13-100-035
ZONING DISTRICT: RR (Rural Residential)

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

Section 86-368(d)(4)e, which states that access to residential sites shall be located on the street with the lowest functional classification as illustrated in section 86-367. The applicant is requesting for a gravel driveway to be constructed to a 16.86 acre parcel from Van Atta Road instead of Piper Road

Section 86-565, which states no accessory building shall project into any front yard. The applicant is requesting variances to allow two accessory structures (one existing pole barn and one proposed barn) to be located in the front yard of the proposed single-family dwelling.

Mr. Brown outlined the case for discussion.

Mr. Cory Chvala, 5540 Earliglow Lane, Haslett, the property owner, said he would like to locate the driveway off of Van Atta Road so as not to disturb the existing wetland and avoid having to fill in the

wetland near Piper Road. He explained the proposed barn would not be visible from either road and would fit into the buildable area of the land.

Mr. Tim VanRavensway, 5360 Van Atta Road, Haslett, commented the neighbors are concerned about Mr. Chvala developing the land into more than one parcel or more than one home. He commented he was concerned if a variance was granted and the property was sold to someone else as the variance would remain with the property.

Mr. Chvala commented his goal was to build a home and remain there for the future.

Member Hershiser commented there are practical difficulties with having the driveway on Piper Road and commended the applicant for trying to preserve the wetland.

Member Jackson asked about the location of the proposed barn in relation to the neighbors.

Mr. Chvala remarked the proposed barn will not be visible to the neighbors due to the location of Mr. VanRavensway's orchard.

Member Ohlrogge commented the items of the Review Criteria Section 86-221 are met regarding the variance from 86-368(d)(4)e.

MEMBER HERSHISER MOVED TO APPROVE BOTH VARIANCES.

SECONDED BY MEMBER JACKSON.

Member Ohlrogge commented she did not think the proposed barn met all the review criteria as it was the minimum action necessary to make the land useful.

Chair Beauchine pointed out that the ordinance does not really address larger lots and the placement of accessory structures when the principal structure is located to the rear of the parcel.

Member LeGoff said she thought the location of the proposed barn was ideal.

Member Hershiser stated the proposed barn is 660 feet off Piper Road so it meets the intent of the ordinance.

Member Ohlrogge asked the applicant why they wanted to locate the proposed barn there.

Mr. Chvala remarked they had located the proposed barn where it would be least visible to neighbors and from the road. The proposed barn also would not be in the wetland.

Member Jackson commented the variance would remain with the land and the impact on the neighbors could be worsened by a different owner, adding moving the proposed barn to the east may alleviate the problem.

Chair Beauchine commented the wetlands are to the east of the existing barn.

Member Jackson said she meant southwest of the existing barn.

Chair Beauchine commented placement opportunities for the proposed barn are limited and it meets the intent of the ordinance.

Member Jackson commented she admired and valued the owner's plan to use the property without disturbing the natural features.

Member Ohlrogge said she agreed the owner was being responsible in laying out the property. She stated the variance for the proposed barn meets a majority of the Review Criteria in Section 86-221.

VOICE VOTE: YES: Hershiser, Jackson, Ohlrogge, LeGoff, and Beauchine.
NO: None

MOTION CARRIED 5-0.

F. OTHER BUSINESS

None

G. PUBLIC REMARKS

None

H. BOARD MEMBER COMMENTS

None

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:12 p.m.

Respectfully Submitted,

Angela M. Ryan
Recording Secretary