

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, AUGUST 12, 2015 6:30 PM
TOWN HALL ROOM

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- o Wednesday July 8, 2015

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. ZBA CASE NO. 15-08-12-1, COLLEEN & DAVID KRAUSE, C/O CRON MANAGEMENT, 117 CENTER STREET, EAST LANSING, MI 48823

DESCRIPTION: 5945 East Lake Drive
TAX PARCEL: 11-127-003
ZONING DISTRICT: RB (Single Family-high Density)

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

- Section 86-442(f)(5)(c) which states the rear yard for those lots that directly abut Lake Lansing shall be measured from the ordinary high-water mark of Lake Lansing, as defined in Section 86-2.
- Section 86-462 which indicates no more than one lot may be served by a single access route.

The applicant is requesting variances to allow construction of a single-family residence within 40 feet of the ordinary high-water mark of Lake Lansing and for the shared use of an existing driveway at 5945 East Lake Drive, Haslett.

2. ZBA CASE NO. 15-08-12-2, MICHAEL STOCUM, 5587 OKEMOS ROAD, EAST LANSING, MI 48823

DESCRIPTION: 5587 Okemos Road
TAX PARCEL: 09-451-016
ZONING DISTRICT: RAA (Single Family-Low Density)

The applicant has requested the case be postponed until the August 26, 2015 meeting.

☞ Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

F. OTHER BUSINESS

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. 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
TOWNSHIP CLERK

ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

Persons wishing to address the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the Zoning Board of Appeals meeting. **If you do intend to speak before the Zoning Board of Appeals please sign in at the door.** During a public hearing, the following order shall be used:

1. Township Staff Review
2. Comments by the applicant or applicant's designee(s)
3. Comments by other persons
4. Applicant rebuttal
5. ZBA members discuss the case. If necessary, the applicant may be asked to respond to questions from the ZBA members
6. Action by the ZBA

Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, July 8, 2015**

PRESENT: Members Hershiser, Jackson, LeGoff, Ohlrogge, Chair Beauchine
ABSENT: None
STAFF: Martha Wyatt, Associate Planner/Landscape Architect
Rick Brown, Associate Planner
Director Mark Kieselbach, Community Planning and Development

A. CALL MEETING TO ORDER

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

B. APPROVAL OF AGENDA

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA AS WRITTEN
SECONDED BY MEMBER OHLROGGE
VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, June 24, 2015
MEMBER HERSHISER 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. 15-07-08-1 HIGGINS ELECTRIC SIGN COMPANY, 4100-A HUNSACKER STREET, EAST LANSING, MI 48823

DESCRIPTION: 2049 Grand River Avenue
TAX PARCEL: 21-276-006
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-687(3)a., which states one wall sign shall be permitted and may be located flat against the building's front 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.
- Section 86-687(3)c., which states in the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each one lineal foot of building frontage occupied.

- Section 86-687(4)a., which states one freestanding sign per parcel shall be permitted, except a site with 500 feet or more of contiguous frontage on one street and more than one point of access on that street may have one additional freestanding sign. If two freestanding signs are located on a site based on this provision, a minimum 250 feet shall separate the two signs.

The applicant is requesting variances to allow two wall signs on the front façade; install a wall sign on the front façade that exceeds the allowed square footage; install a wall sign on a side of the building that is not the front façade and public access is not provided; and install a second freestanding sign, for the Jimmy John's restaurant, to be located in the proposed multi-tenant retail building, at 2049 Grand River Avenue, Okemos, Michigan.

Ms. Wyatt outlined the case for discussion.

Jamie Higgins, 4100-A Hunsacker Street, East Lansing, owner of Higgins Electric, said he understood the width of the building frontage at 25 feet which would allow a 25 square foot wall sign. The new building will have the same 108 foot setback from Grand River as the previous building. The 37.8 square foot wall sign he believed would fit the scope of the building. There are three decorative awnings, two of which have generic graphics as part of the nationwide branding image. They are informational signs not meant to be visible from the road. The awning on the east side has a 2.16 square foot strip of graphics, and the awning on the front side has 2.78 square feet. The variance for Jimmy John's logo to be added to the drive-thru directional sign is to differentiate it from the mattress store. The 4 foot diameter round wall sign for the rear facade facing Meijer is due to having a public entrance at the rear of the building. The freestanding pole sign will be installed by the owner/developer.

Tommy Tomayko, 2212 Fox Drive, Champaign, Illinois, of Jimmy John's, stated the Okemos store would be the sixth store in the greater Lansing market, with 58 employees per store. This market is also a training area for new recruits and brings economic activity to the community.

Ms. Wyatt clarified the total square footage of the graphics for the awning on the north side was 11.6 square feet and for the awning on the east side was 7.1 square feet.

Chair Beauchine pointed out variances are attached to the property and not the occupant or owner. He indicated he was not in favor of the awnings since there is ample window space for additional signage.

Member Ohlrogge questioned whether denying the variance would prevent Jimmy John's from doing business. She indicated the awnings were decorative and not informational. She stated there was no reason to grant the variance.

Member Hershiser agreed the Jimmy John's design and architecture is a trademark for their identification. The freestanding pole sign would be adequate to draw business since there is only one entrance and exit. He agreed there was no need for additional signage.

Chair Beauchine stated the other tenant of the building will be a mattress store although it could change in the future. Currently there is no need for a directional sign to distinguish between the mattress store and Jimmy John's.

Member Jackson asked staff for clarification on traffic flow since there is only one ingress/egress. She asked if mattress store customers would have to travel around the building past the Jimmy John's drive-thru in order to exit onto Grand River Avenue.

Ms. Wyatt stated cars could use the bypass lane which loops around the rear of the building to exit onto Grand River Avenue. She indicated customers could also exit directly from the parking lot onto Grand River Avenue, or exit using the access drive into the Meijer parking lot at the southeast corner of the Jimmy John's site.

Member Jackson agreed graphics on the awnings were not necessary and the freestanding pole sign would alleviate the need for further directional signage between the two stores.

Member Hershiser asked staff to clarify if there was a sign on the rear elevation and a variance would not be needed so long as the entrance is open to customers as an alternative entrance.

Ms. Wyatt confirmed the ordinance allows a wall sign where a public access is provided.

Member Hershiser outlined the review criteria (Section 86-221) to be considered for approval of the variance. He stated unique circumstances do not exist and are self-created. Strict interpretation would not result in practical difficulty since there is no difficulty, and granting the variance would not be the minimum action necessary.

Member Ohlrogge added under criteria five granting the variances would be contrary to the spirit of the ordinance.

MEMBER HERSHISER MADE A MOTION TO DENY THE VARIANCES AS REQUESTED.

COMMISSIONER JACKSON SECONDED THE MOTION.

Member Ohlrogge restated the freestanding pole sign would be sufficient for customers to identify the store.

Chair Beauchine said the Zoning Board of Appeals (ZBA) counts on the community to suggest signage updates. He is not in favor of wall signs being increased in size. The criteria were not met for any of the variances. While he likes the look of the wall sign and canopies the ordinance does not support the variances.

Member Ohlrogge pointed out every applicant has a right to address the Township Board requesting changes to the ordinances. When an ordinance does not seem to address the needs of the community the Board can evaluate the requests.

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

2. ZBA CASE NO. 15-07-08-2, K & H PROPERTIES, L.C., 3782 THISTLEWOOD, OKEMOS, MI 48864.

DESCRIPTION: 2356 Science Parkway
TAX PARCEL: 28-176-033
ZONING DISTRICT: RP (Research Park)

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

- Section 86-434(f)(5)b., which states the rear or side yard setback is ten percent of the width and depth respectively of the lot, but need not exceed 40 feet each nor shall they be less than ten feet.

The applicant is requesting a variance to allow an existing structure (enclosed walkway) to be located zero feet from the side (east) lot line and the required setback is 40 feet, at 2356 Science Parkway, Okemos, Michigan.

Ms. Wyatt outlined the case for discussion.

Ken Lane, 212 E Grand River, Lansing, of Clark Hill PLC, representing K & H Properties, stated the staff report showed the property had a nonconforming structure straddling the property line and did not meet the setback requirement. The structure was built in 1998 after the granting of a Special Use Permit (SUP). The SUP had six conditions, five of which were met and one was not met which requires the variance. He stated the ordinance criteria have been met to approve the variance. There are unique circumstances not replicated elsewhere in the RP district. To require strict application with the ordinance would require removal of the nonconforming structure at considerable expense and would present a hardship. He indicated keeping the property intact would not create adverse effect on adjacent properties. The neighboring property owner at 2310 Science Parkway would not be adversely affected since they utilize the structure (enclosed walkway). The variance would provide the minimum relief to allow the structure to remain in place. All other criteria within the zoning ordinance are being adhered to. The east side of the interior walkway is to be closed without changing the exterior of the structure in order to maintain its current state.

Member Jackson asked staff which property was seeking the variance and if the other property also needed a variance.

Ms. Wyatt replied 2356 Science Parkway was seeking the variance as it is straddling the property line. She responded technically there should be a variance for the other property to the east (2310 Science Parkway) but it was not being pursued since the property does not belong to the applicant.

Member Jackson asked staff where the outside entrances were for each building.

Mr. Lane indicated on the drawing the outside entrances were located on the west side of 2370 Science Parkway and the east side of 2310 Science Parkway. He reiterated the variance request was to close off the interior entrance to 2310 Science Parkway, and once closed visitors to 2310 Science Parkway would need to use the outside entrance.

Member Jackson asked if visitors to 2356 Science Parkway would be utilizing the shared interior walkway.

Mr. Lane confirmed visitors to 2356 Science Parkway would continue to use the interior walkway as the entrance.

Chair Beauchine asked staff if the fire marshal was alerted of a possible ingress/egress issue.

Director Kieselbach stated both the building and fire departments were notified and after reviewing the plans determined there were no ingress/egress issues with the property.

Member Ohlrogge asked the applicant for clarification on closing the interior walkway that all the work is interior with no exterior modification.

Mr. Lane confirmed there would be no exterior modification.

Chair Beauchine asked if there was a reception area or signage directing people within the interior walkway.

Mr. Lane replied there is no receptionist but there are directional signs.

Member Hershiser observed if the structure was brought into compliance the two buildings would still have an entrance on their respective sides.

Member Jackson voiced concern the variance addresses 2356 Science Parkway but not the other property at 2310 Science Parkway.

Chair Beauchine agreed.

Director Kieselbach stated condition #6 for SUP #98101 was to combine the two so the structure would not cross the property line or have a setback issue. Since the properties were not combined the SUP is null and void. The Township became aware of the issue after the property was sold in 2014. The owner is now trying to bring a portion of the structure into compliance with a proposed zero lot line at 2356 Science Parkway.

Chair Beauchine asked staff to indicate on the drawing where the approximate setback from the property line would be if the structure was torn down to bring 2356 Science Parkway into compliance. He added the condition of the SUP was not met which resulted in a self-created hardship. The variance request should be denied requiring the owner at 2356 Science Parkway to bring the structure into compliance by removing the portion of the structure to meet the required setback.

Ms. Wyatt indicated on the drawing where the 40 foot setback would be located for the structure.

Chair Beauchine asked staff what the setback would be for 2310 Science Parkway.

Ms. Wyatt indicated the structure at 2310 Science Parkway would require a 20 foot setback.

Chair Beauchine stated if the variance was granted for 2356 Science Parkway then a variance would also need to be granted for 2310 Science Parkway.

Chair Beauchine stated the applicant was before the ZBA because he wanted the building to remain standing across the property line.

Member Jackson stated it appeared to be either tear down part of the structure so the noncompliance issue no longer exists, or obtain a variance to keep from having to tear down the structure.

Chair Beauchine replied the property at 2310 Science Parkway was supposed to be combined into one parcel with 2356 Science Parkway but was sold instead. The SUP was not followed and resulted in a self-created hardship. They are asking for a variance on something that should have been corrected in 1998.

Member Ohlrogge asked for clarification on the SUP. The condition to combine the two parcels into one property was not completed. If the parcels would have been combined, the structure would be a non-issue, and it would not have been possible to sell off 2310 Science Parkway.

Director Kieselbach replied in the affirmative.

Chair Beauchine clarified condition #6 of SUP #98101 states prior to construction the applicant shall combine the two parcels into a single lot.

Chair Beauchine disclosed Mr. Lane was recently appointed as an alternate on the ZBA. He has not yet been part of the Board but has gone through training.

Mr. Lane responded this case was preexisting prior to his ZBA appointment as an alternate.

Mr. Lane restated he considers the structure to be nonconforming. The SUP was approved with conditions but not meeting a condition does not render the permit invalid; it makes it subject to revocation. He believes they have a valid legal nonconforming structure, and they would like to get the variance approved, apart from the sale of the property, to ensure the structure can remain as it has for the past 17 years.

Member Ohlrogge suggested tabling the case until the legal issues could be addressed.

Chair Beauchine stated it is the job of the ZBA to review and either grant or deny variances. It is up to the Township staff and attorney to decide how to handle legal matters.

Chair Beauchine asked staff for clarification if a legal review was necessary.

Director Kieselbach replied the Township attorney stated the SUP was invalid since the condition was not met.

MEMBER HERSHISER MADE A MOTION TO DENY THE VARIANCE REQUEST.

SECONDED BY MEMBER JACKSON.

Member Ohlrogge outlined the review criteria (Section 86-221) to be considered for approval of the variance. She stated not completing a condition of the SUP is to the detriment of the unique circumstance component; the self-created component was due to the lack of follow through for the initial set of responsibilities; criteria three would not apply since any practical difficulty was of their own accord; the building can still be used for its permitted purpose; the minimum action to make use of the structure would be to adhere to the initial SUP; the situation was not general in nature and could affect adjacent properties; it does not meet with the public interest. She concluded there is no reason to grant this variance request.

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

3. ZBA CASE NO. 15-07-08-3, BIG RAY'S EXPRESS LUBE, 2700 E. GRAND RIVER AVENUE, SUITE 1, EAST LANSING, MI 48823.

DESCRIPTION: 2700 E. Grand River Avenue, Suite 1
TAX PARCEL: 17-460-003
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-687(4)a which states which states one freestanding sign per parcel shall be permitted, except on a site with 500 feet or more of contiguous frontage on one street and more than one point of access on that street may have one additional freestanding sign. If two freestanding signs are located on a site based on this provision, a minimum of 250 feet shall separate the signs.

The applicant is requesting a variance to allow a second freestanding sign at 2700 E. Grand River Avenue, East Lansing, MI.

Mr. Brown outlined the case for discussion.

Tom Lippincott, 2700 Grand River, manager of Big Ray's, stated the building is set back from Grand River Avenue, and the current freestanding sign is blocked by trees so the sign does not adequately direct traffic to the site.

Member Jackson asked the applicant how many businesses were in the building.

Mr. Lippincott replied there are four occupants but one occupant has two businesses.

Member Ohlrogge asked applicant if he talked to the property owner about increasing Big Ray's exposure on the existing freestanding sign.

Mr. Lippincott replied he has been in contact with the other businesses and they are not willing to make their signage smaller. He also discussed the issue of building their own freestanding sign with Mr. Washburne, owner of East Lansing Auto Pros, who was in favor of a second freestanding sign to increase traffic flow to the site.

Member Hershiser said there are two issues: visibility and increased allotment on the freestanding sign. The latter issue is not for the ZBA to consider. It appears visibility is only a problem when foliage is on the tree near the sign. Perhaps the tree could be trimmed to allow better visibility.

Member Jackson asked staff if the existing freestanding sign was nonconforming and was there any action pending to bring the freestanding sign into compliance.

Mr. Brown replied the sign is nonconforming as it does not meet the 10 foot setback requirement from the Grand River Avenue right-of-way. There is no action pending since the sign has been in place for over 30 years and it was only recently discovered to be out of compliance.

Chair Beauchine stated the portioning of the business names on the existing freestanding sign does not fall under ZBA. The 10 foot setback issue is not the case before the ZBA and the ordinance is clear regarding the amount of square footage a freestanding sign is allowed.

Chair Beauchine asked the applicant if the \$19.95 wording on the freestanding sign was theirs.

Mr. Lippincott replied in the affirmative, and stated he spoke to the plaza owner, Mr. Spiridakos, who was in favor of a second freestanding sign.

Member Jackson clarified the issue to be whether the ZBA would allow variances for a second freestanding sign and reduce the distance between the two signs.

Chair Beauchine added the parcel would need 500 feet of frontage to allow a second freestanding sign. The property currently has 245 feet of frontage along Grand River Avenue.

MEMBER JACKSON MADE A MOTION TO DENY THE VARIANCE REQUEST.

SECONDED BY MEMBER HERSHISER.

Chair Beauchine outlined the review criteria (Section 86-221) to be considered for approval of the variance. He stated the variance request does not meet criteria number one since the circumstances are not particular to the structure; criteria two was not applicable; criteria three the applicant has experienced practical difficulty but not as it pertains to the ordinance; and granting the variance is more than the minimum action required by criteria five. Chair Beauchine concluded the ordinances do not allow the variance to be approved.

Member Ohlrogge reiterated applicants have the right to address the Township Board to request changes to the ordinances.

Member Jackson stated for the record she does not support any actions to remove any trees along Grand River Avenue.

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

F. OTHER BUSINESS

None

G. PUBLIC REMARKS

The meeting for July 22, 2015 has been cancelled as there are no cases to be heard.

H. BOARD MEMBER COMMENTS

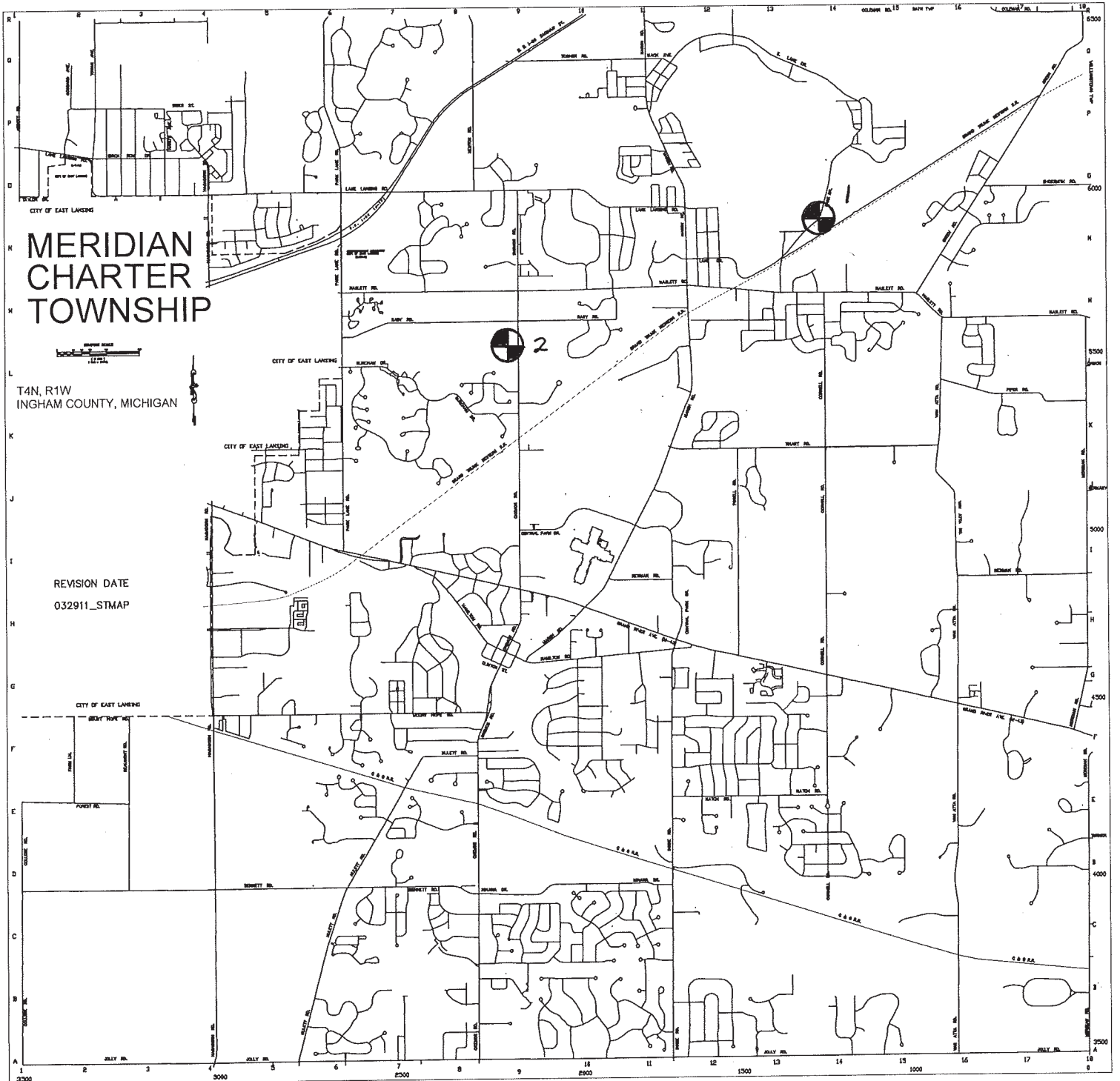
The Farmer's Market has entertainment now through August.

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 8:07 p.m.

Respectfully Submitted,

Erin M. Bierly
Recording Secretary



1 - ZBACASE #15-08-12-1 (KRAUSE)

2 - ZBA CASE #15-08-12-2 (STOCUM)

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:

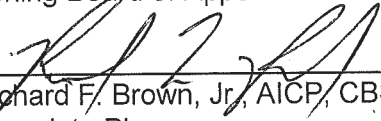
1. Granting a variance shall authorize only the purpose for which it was granted.
2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
3. A building permit must be applied for within 24 months of the date of the approval of the variance, and a Certificate 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: 
Richard F. Brown, Jr., AICP, CBSP
Associate Planner

DATE: August 7, 2015

RE: ZBA Case No. 15-08-12-1

ZBA CASE NO.: 15-08-12-1, COLLEEN & DAVID KRAUSE, C/O CRON MANAGEMENT, 117 CENTER STREET, EAST LANSING, MI 48823

DESCRIPTION: 5945 East Lake Drive
TAX PARCEL: 11-127-003
ZONING DISTRICT: RB (Single Family-High Density)

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

- Section 86-442(f)(5)(c) which states the rear yard for those lots that directly abut Lake Lansing shall be measured from the ordinary high-water mark of Lake Lansing, as defined in Section 86-2.
- Section 86-462 which indicates no more than one lot may be served by a single access route.

The applicant intends to construct an approximate 1,338 square foot single-family residence on the 1.89 acre subject site. The ordinary high-water mark of Lake Lansing surrounds the upland portion of the parcel on three sides resulting in the need for a variance from Section 86-442(f)(5)(c) as depicted in the table below:

REQUIRED SETBACK	PROPOSED SETBACK	VARIANCE REQUESTED
40 feet	29 feet	11 feet

The second variance pertains to the subject site having shared access to/from East Lake Drive. The submitted plot plan and attached 1955 easement agreement show a 30 foot easement having been provided to the parcel. Since the subject site and the abutting parcel to the north are served by the same driveway off East Lake Drive, a variance from Section 86-462 is required for the subject site to be occupied by a residence using the shared access.

Site History

- The 1.89 acre subject site is zoned RB (Single Family-High Density).
- Parcel #11-127-003 was split from the parcel to the north in 1955.

ZBA Case No. 15-08-12-1
August 7, 2015
Page 2

- There have been no previous variance requests for Parcel #11-127-003.

Attachments

1. Site location map and aerial photo
2. Application materials
3. Easement agreement
4. Plot plan

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RA

RR

EAST LAKE DRIVE

5995

5983

RB

5977

5961

5953

5929

LAKE LANSING





EAST LAKE DRIVE

5005

5006

5007

5008

CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 583-4560

VARIANCE APPLICATION

A. Applicant David + Colleen Krause
Address of Applicant 443 Woodland Pass
E. Lansing, MI 48823
Telephone (Work) 517-285-5441 Telephone (Home) 517-881-8548
Fax _____ Email address: dkrauses@aim.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 5943 E. Lake Drive
Zoning district RB Parcel number 33-02-02-11-127-003

- 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)

Colleen L. Krause David H. Krause / Colleen L. Krause 7/17/15
Signature of Applicant Print Name Date

Fee: \$250.00 Received by/Date: [Signature] 7/17/15

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 of Applicant(s) Date

Signature of Applicant(s) Date

VARIANCE APPLICATION SUPPLEMENT

A variance will 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 eighteen (18) months of the date of the approval of the variance, and a Certificate of occupancy must be issued within eighteen (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.



7/17/15

We are requesting a variance to build a home on our property. When you review the survey and plot plan you will see the need for this. Initially it appears to be a large lot, however the buildable area is very small. The reason being that is essentially a peninsula - with lake Lansing on the West and South sides + wet lands on the East. The North side abuts our neighbors property which we are working in our plans to protect each of our's personal home space.

In that regard, we would like to build 25 feet from our North property line versus the 7 foot allowable by code. This is to maintain privacy with our neighbor and to sustain a vital pine grove in that space. In doing this our house thus encroaches only @ 110 square feet into the 40 foot buffer to the high water mark at the the SE corner of the site. We would be able to meet any committee members at the site - afternoons or evenings at your convenience.

David + Colleen Krause
285-5441, 881-8548

INC: Responses to 8 Criteria

david h. krause MAI



Looking North - Pines + Broviac Home



Jun 28 2015



Looking South - Peninsula + Code restricted
Bldg Area

david h. krause MAI



REVIEW CRITERIA

1. In reference to unique circumstances - it all results from the shape of our lot and the way in which it was platted. We basically have a peninsula with high water setbacks on 3 sides and a close house and pine tree grove on the North side which restricts our allowable building area.
2. These special circumstances are due to the particular configuration of our lot as platted and the desire to keep our building as least imposing on our neighbors and to maintain the natural qualities of our lot.
3. Strict enforcement would create detrimental difficulties. We wish to maintain the pine grove bird corridor which creates neighbor privacy on our North property line. To do so, we need to move our building 18 feet in to the

david h. krause MAI



- 3. South of the allowable 7 foot from the property line. Without this the majority of a pine grove would be lost, which would be a shame alone, but would also lose privacy with our neighbor. This creates the need for the variance as our building site then encroaches @ 110 square feet into the 40 foot criteria from the High Water Mark at the ~~SE~~ South East edge of our house.

4. Failure to grant this variance would render a functional home extremely difficult while maintaining the neighbor privacy via the pine grove. This is a modest, efficiently designed house. It has one bathroom, laundry, small kitchen and an open floor plan to maximize the space.

5. Granting this variance is the minimum action in the public interest because it

david h. krause MAI



- 5. is the least intrusive move we could make to maintain a viable building site. We are only asking for a variance on our Eastern edge, not on our West or South property lines which is the Lake Lansing frontage from our property, and therefore best for the Lake Community.

6. This variance would not adversely affect adjacent land owners. In fact, it is the opposite as our only neighbor property is to the North thus they will enjoy the pine grove and especially the privacy aspect from moving our house to the South further away from their home. We have discussed this with Carol + John Broviac (our neighbors) and they are appreciative + supportive of this variance.

7. The conditions pertaining to this land and structure are definately one-of-a-kind.

david h. krause MAI



-7. This is a very unusual property in that it is a peninsula where-by strict adherence to the setbacks from 3 sides leaves practically no buildable area even though it does not appear that way on site.

8. Granting this variance will be consistent with public purpose and intent of the Zoning Ordinance because it is the least intrusive way for us to build a home and use our property on Lake Lansing in Meridian Township.

David H. Krause MAI



LOOKING EAST

- ALONG EASEMENT FOR
JOINT USE OF ENTRANCE
DRIVEWAY

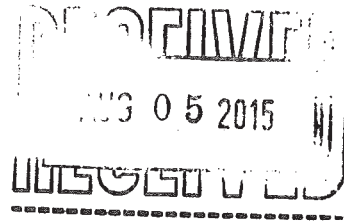
LOOKING WEST

- SHOWING HOUSE TO
NORTH + ACCESS
SPLIT TO PROPERTY

LOOKING EAST

- SHOWING WETLANDS

July 31, 2015



To: Meridian Township Zoning Board of Appeals

We fully support the variance request of our neighbors, David and Colleen Krause. We do not have any problem with the shared drive and sincerely appreciate their sensitivity to preserve the mature white pines on their lot adjoining our property to the south, also giving us both some privacy.

Sincerely,

John and Carol Broviac

5953 E. Lake Drive



This Indenture Made the 30th day of September

in the year of our Lord one thousand nine hundred and Fifty-Five

BETWEEN Edward E. Kinney, Executor of the Estate of Edward P. Kinney, deceased, of Okemos, Michigan

of the first part, and Levi Ivan Reed and Catherine Reed, husband and wife, of 4741 N. 1 East Street, Lansing, Michigan

of the second part, WITNESSETH, That the said part y of the first part, by virtue of the power and authority to him given by the last Will and Testament of Edward P. Kinney late of Haslett, Michigan

and for and in consideration of the sum of One and more - - - - - Dollars,

to him paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, ha s granted, bargained, sold and conveyed, and by these presents do es grant, bargain, sell and convey unto the said part ies of the second part, and to their heirs and assigns, FOREVER, ALL

that certain piece or parcel of land situate in the Township of Meridian, Ingham County, Michigan, described as: A portion of Lot Eleven (11) of Johnson's Indian Island Plat, Meridian Township, Ingham County, Michigan, described as follows:

Beginning at the southwest corner of Lot Eleven (11) of said plat, thence northerly along the west line of said plat 155 feet, thence in an easterly direction to Lake Lansing Drive to a point 115 feet north of the southeast corner of said Lot Eleven (11), thence in a southeasterly direction to the southeast corner of said Lot Eleven (11), and thence westerly to point of beginning, subject to restrictions of record, together with an easement for joint use of present entrance driveway along the northern side of the parcel of real estate described herein to a point 240 feet east of the west line of Lot Eleven (11) for rights of ingress and egress, to said parcel of real estate herein sold. Parties of the second part agree to join with all other parties to Lot Eleven (11) in the maintenance of said driveway, together with and subject to all conditions and restrictions of record, and subject to utilities right-of-way.



TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof. And all the estate, right, title, interest, property, possession, claim and demand whatsoever, which the said testator had in his lifetime, and at the time of his decease, and which the said part y of the first part ha s by virtue of the said last Will and Testament or otherwise, of, in and to the above described premises, and every part and parcel thereof, with the appurtenances, To Have and to Hold, Forever. And the said part y of the first part, for himself and for his heirs, executors and administrators, do es covenant, promise and agree to and with the said part ies of the second part their heirs and assigns, that he ha s not made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby, or by means whereof, the above mentioned and described premises, or any part of parcel thereof, now are or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

In Witness Whereof, The said part y of the first part ha s hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of
E. J. Hammond
Ralph Bremer
Rolla F. Noonon

Edward E. Kinney (I. S.)
Edward E. Kinney, Executor of the Estate of
Edward P. Kinney, deceased
(I. S.)
(I. S.)
(I. S.)

STATE OF MICHIGAN.

ss.

COUNTY OF Ingham

On this 30th day of September A. D. one thousand

nine hundred and Fifty-Five before me, a Notary Public

in and for said County, personally came the above named Edward E. Kinney, Executor of the Estate of Edward P. Kinney, Dec'd.

known to me to be the person who executed the foregoing instrument, and acknowledged the same to be

his free act and deed, as Executor

as in said instrument described.

Eugene T. Hammond

~~Edward E. Kinney, Executor of the Estate of~~

~~Edward P. Kinney, deceased~~

Eugene T. Hammond

Notary Public, Ingham County, Michigan.

My commission expires *April 27* 1959

1. See Act No. 179, of the Public Acts of 1941, requiring the address of each of the Grantees in each Deed of Conveyance or Assignment of Real Estate, including the Street Number, where such Numbers are in common use, or, if not, the Post-office addresses shall be legibly printed, typewritten, or stamped in such instrument.

2. PRINT, TYPEWRITE OR STAMP names of persons executing this instrument, also names of the Witnesses and Notary Public immediately underneath such signatures.

607

STATE OF MICHIGAN
PROBATE COURT

FOR THE

COUNTY OF Ingham

ESTATE OF

Edward P. Kinney, deceased

to
Act. Reed

Executor's Deed, Under Power
of Sale in a Will

STATE OF MICHIGAN,

ss.

COUNTY OF Ingham

Received for Record, this 10th

day of October A. D. 1955

at 9:10 o'clock A. M., and

Recorded in Liber 710 of Deeds

on Page 257

Mica Bell Huntington
Register of Deeds.

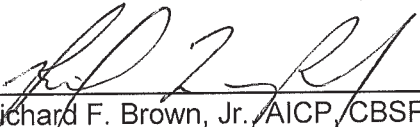
DOUBLEDAY BROTHERS AND COMPANY,
KALAMAZOO, MICHIGAN

E. P. Kinney
Notary Public

MEMORANDUM

TO: Zoning Board of Appeals

FROM:


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

DATE: August 7, 2015

RE: ZBA Case No. 15-08-12-2

ZBA CASE NO.: 15-08-12-2, MICHAEL STOCUM, 5587 OKEMOS ROAD, EAST LANSING, MI 48823

DESCRIPTION: 5587 Okemos Road
TAX PARCEL: 09-451-016
ZONING DISTRICT: RAA (Single Family-Low Density)

Due to discrepancies found by staff in the drawing submitted by the applicant and the fact that a surveyor is unable to visit the subject site until Wednesday, August 12th, the applicant has requested the hearing for ZBA Case #15-08-12-2 will be postponed until the August 26th Zoning Board of Appeals meeting. This will allow the applicant time to provide clarification on the extent of dimensional variances which are needed.

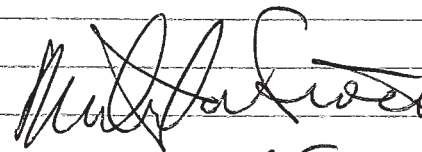
Attachments

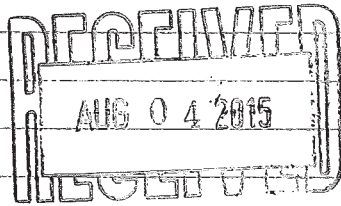
1. Note from applicant
2. Letter from Janice Lawton

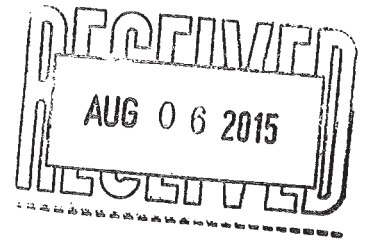
8-4-15

MERIDIAN TOWNSHIP

PLEASE TABLE MY VARIANCE
HEARING UNTIL THE 31ST OF August.
THIS WILL ALLOW SURVEYING
DATA TO BE PRESENTED.


MICHAEL W. STEARN





August 5, 2015

To: Zoning Board of Appeals #15-08-12-2(Stocum)

I am writing this in regards to the variance request from Mike Stocum to allow two detached accessory structures in the front yard. As a neighbor, I have some concerns.

First, I have a concern about the possibility of any further fill dirt being brought in, or anything being done that may add to more water accumulating, by this change being made. There is already a history of water issues since the home was built.

I also question what type of structure is to be built, as far as aesthetics. Is it going to match the siding on the home? It seems a bit unusual to build a structure, such as a storage shed, in front of the home. Property devaluation is a concern.

I thought it best to put this in writing to alleviate any future, potential problems that may occur.

Respectfully,

Janice Lawton
5597 Okemos Road
East Lansing, MI 48823
517-339-0303 Home
517-896-1174 Cell