

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, OCTOBER 8, 2014 6:30 PM
TOWN HALL ROOM

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- September 24, 2014

D. NEW BUSINESS

1. ZBA CASE NO. 14-10-08-1 ROGER HUNNICUTT, 7640 E. CUTLER ROAD, BATH, MI 48808

DESCRIPTION: 6415 East Reynolds
TAX PARCEL: 02-102-024
ZONING DISTRICT: RB (Single Family-High Density)

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

- Section 86-502 which states an accessory building not attached and not made part of the principal building as provided in the proceeding statement shall not be nearer than ten feet from any other separate structure on the same lot.
- Section 86-564(a)(3) which states no portion of the paved area is closer than four feet from any lot line.

The applicant is requesting variances to allow a hot tub/spa to be installed less than ten feet from the existing single-family residence and a proposed patio walkway to be constructed less than four feet from the rear lot line at 6415 E. Reynolds.

E. OTHER BUSINESS

F. PUBLIC REMARKS

G. BOARD MEMBER COMMENTS

H. ADJOURNMENT

I. POST SCRIPT – Jim Hershiser

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.

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**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, SEPTEMBER 24, 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 LEGOFF

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, February 12, 2014

MEMBER HERSHISER MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER JACKSON

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

1. ZBA CASE NO. 14-09-24-1 JUSTIN SAVAGE, 4527 MANITOU DRIVE, OKEMOS, MI 48864

DESCRIPTION: 1660 Haslett Road, Suite 3
TAX PARCEL: 10-403-002
ZONING DISTRICT: PO (Professional & Office)

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

- Section 86-686(1)a., which states one wall sign shall be permitted, placed flat against the building.

The applicant is requesting a variance to allow a wall sign facing Haslett Road, for his proposed insurance office in a multi-tenant building. This would be the second wall sign on the building at 1660 Haslett Road.

Mr. Brown outlined the case for discussion.

Mr. Justin Savage, 4527 Manitou Drive, Okemos, the applicant, stated if the variance is granted for a second wall sign it would not exceed the 20 square feet allowed by the ordinance.

Mr. Hershiser asked the applicant if the suite had an entrance on Haslett Road.

Mr. Savage explained there was not an entrance on Haslett Road. He stated the entrances for the building were on the east and west side.

Chair Beauchine commented in the Professional Office zoning district there is only one sign allowed. He asked staff if there is a free standing sign located in front of this building.

Mr. Brown replied there is a freestanding sign.

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCE BECAUSE IT MEETS A MAJORITY OF THE REVIEW CRITERIA.

SECONDED BY MEMBER LEGOFF

Member Hershiser commented the business would not be visible without a sign on the south side of the building.

Member Ohlrogge asked for a review of the Review Criteria.

Member Hershiser said there are special circumstances that were not self-created. He commented a sign would not change the essential character and are not general enough for a general regulation to be practical.

Member Ohlrogge agreed the applicant had answered all the review criteria in the application.

VOICE VOTE: YES: Member Hershiser, LeGoff, Jackson, Ohlrogge and Chair Beauchine
NO: None
Motion carries 5-0.

- 2. ZBA CASE NO. 14-09-24-2 FORREST W. RAVLIN, 4260 INDIAN GLEN DRIVE, OKEMOS, MI 48864**
- | | |
|------------------|---------------------------------|
| DESCRIPTION: | 4260 Indian Glen Drive |
| TAX PARCEL: | 27-426-013 |
| ZONING DISTRICT: | RAA (Single Family-Low Density) |

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

- Section 86-564 which states an unenclosed porch may project into a required side or rear yard a distance not to exceed eight feet.

The applicant is requesting a variance to allow a new deck to extend 14 feet into the required rear yard setback at 4260 Indian Glen Drive.

Mr. Brown outlined the case for discussion.

Mr. Forrest Ravlin, 4260 Indian Glen Drive, Okemos, the applicant, stated the deck needs to be expanded to make more room. He said the deck would provide year-round access to a spa tub he uses to help with a degenerative back disorder.

Mrs. Susan Ravlin, 4260 Indian Glen Drive, Okemos, the wife of the applicant, stated the circumstances are unique because they have a shallow lot and the way it is oriented is very private. She remarked they cannot see their neighbors and the neighbors cannot see them so there would not be any adverse effects.

Mr. Michael Flory, Custom Built, 2037 W. Grand River Avenue, Okemos, the applicant's builder, stated the current deck does meet to code but the proposed project would bring it into code and make it fit with the landscape.

Member LeGoff said it seems like a reasonable request.

Chair Beauchine asked staff if the spa tub is allowed by ordinance.

Mr. Brown replied if the spa tub was built as part of the deck it is allowed but if it was free standing it would need to meet setbacks.

Member Ohlrogge explained the Zoning Board of Appeals is not allowed to consider the personal needs of the owner. Their decision is based solely on the Review Criteria.

Member Hershiser stated he could support a variance if the deck had less of a setback.

Member Ohlrogge asked if the applicant could have a patio larger than the existing deck.

Mr. Brown replied a larger patio would be allowed under the ordinance.

Member Hershiser commented a patio was another option the applicant could consider.

MEMBER HERSHISER MOVED TO APPROVE A VARIANCE OF 2 FEET INTO THE REAR YARD SETBACK TO MAKE THE DECK COMPLIANT WITH CURRENT STANDARDS.

SECONDED BY CHAIR BEAUCHINE

Member Ohlrogge asked if the project was at grade so a patio could be an option.

Mr. Flory commented the grade rises about 10 feet from the house so excavating would have to take place to build a level patio.

Member Ohlrogge asked staff if the ordinance specified the materials for a patio.

Mr. Brown said the ordinance does not specify materials for building a patio.

Chair Beauchine remarked a patio would be an option but the variance would be for two extra feet into the setback for a total of 10 feet which is the same size as the existing deck.

Member Ohlrogge said it was necessary to note the variance is not a concession to the need for a spa but rather addressing the current conditions on the site.

VOICE VOTE: YES: Member Hershiser, Chair Beauchine, LeGoff, Jackson and Ohlrogge.

NO: None

Motion carries 5-0

F. OTHER BUSINESS

None

G. PUBLIC REMARKS

Mr. Brown explained once a variance is granted it remains with the property not with the individual property owner which is why the Review Criteria is established for decision making purposes.

H. BOARD MEMBER COMMENTS

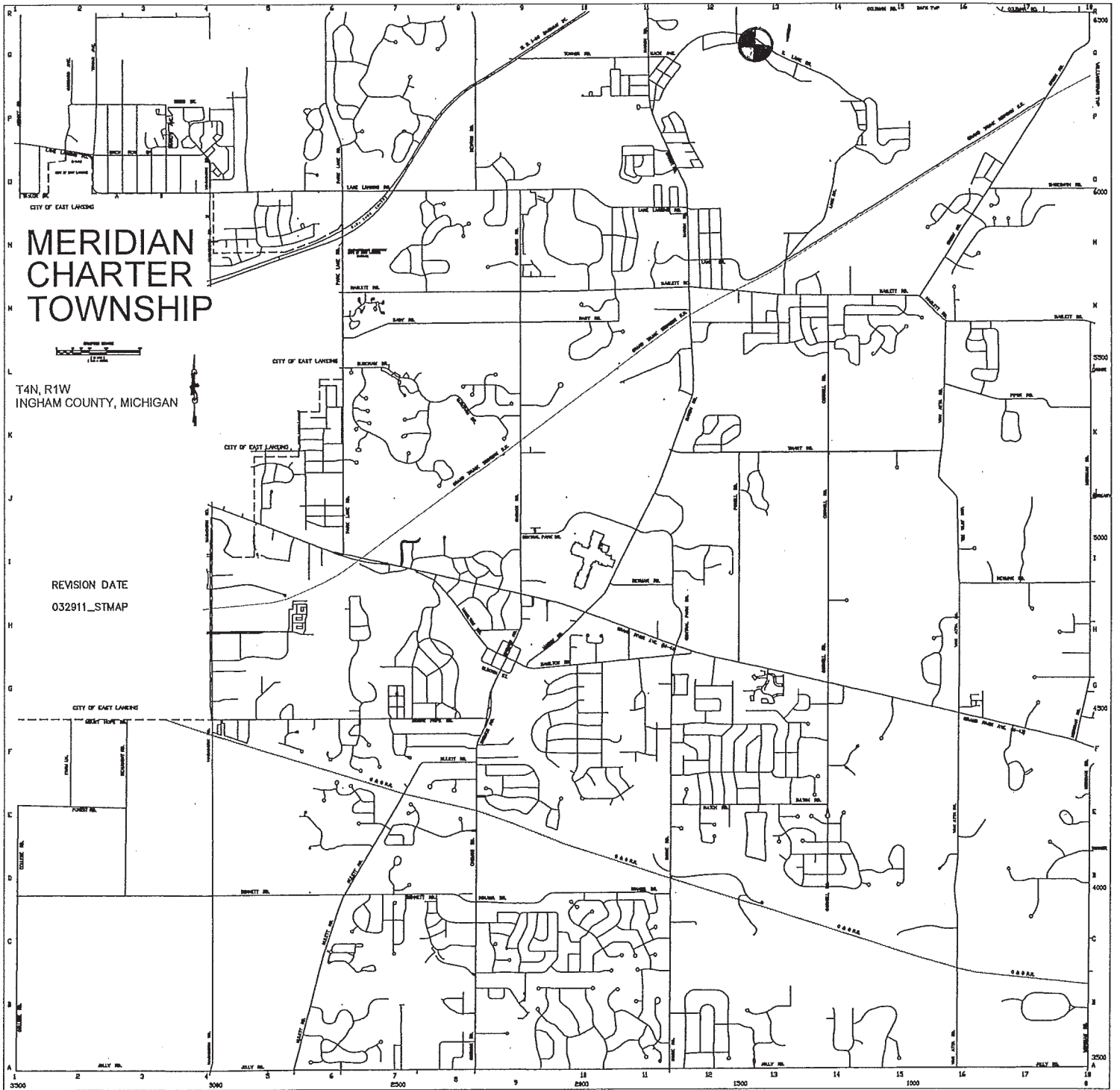
None

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:30 p.m.


Respectfully Submitted,

Angela M. Ryan
Recording Secretary



MEMORANDUM

TO: Zoning Board of Appeals

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

DATE: October 3, 2014

RE: ZBA Case No. 14-10-08-1

ZBA CASE NO. 14-10-08-1 ROGER HUNNICUTT, 7640 E. CUTLER ROAD, BATH, MI 48808
DESCRIPTION: 6415 E. Reynolds
TAX PARCEL: 02-102-024
ZONING DISTRICT: RB (Single Family-High Density)

The applicant requested variances from the following sections of the Code of Ordinances:

- Section 86-502 which states an accessory building not attached and not made part of the principal building as provided in the proceeding statement shall not be nearer than ten feet from any other separate structure on the same lot.
- Section 86-564(a)(3) which states no portion of the paved area is closer than four feet from any lot line.

The applicant came before the Zoning Board of Appeals on September 10, 2014 requesting four variances under ZBA Case #14-09-10-1. The variances were denied 5-0. Prior to moving forward on this case, the Zoning Board of Appeals must determine whether the changes made by the applicant constitute either "changed circumstances" or "newly discovered evidence." Otherwise, the applicant must wait one year from the date of the denial before re-submitting a variance request.

- Changed circumstances are defined as: *a material alteration of facts relevant to a rezoning and/or variance request occurring since the date of the township's denial of that request.*
- New discovered evidence is defined as: *the relevant facts, data, or other proof supporting a request for rezoning and/or variance that was not known, and through the exercise of reasonable diligence could not have been known, by the applicant prior to the date of the township's denial of that request.*

Since the previous decision, the applicant has revised the site plan to conform with Section 86-442(f)(10) regarding stormwater runoff and has adjusted the proposed accessory structure (fire pit) to be a minimum of five feet from the rear lot line. The Department of Public Works & Engineering has approved the stormwater runoff plan.

The first variance being requested pertains to a proposed hot tub which has a stacked stone or brick wall around a portion of it. A waterfall feature is incorporated into the wall. The wall is not

shown on the site plan provided by the applicant; a photograph of a typical hot tub and wall was provided by the applicant. Together the hot tub and wall are considered an accessory building and must meet the required 10-foot setback from any other separate structure, per Section 86-502. The hot tub is shown as being approximately three feet from the edge of the house; therefore the applicant is requesting a variance. The following chart summarizes the request:

	<u>Proposed Setback</u>	<u>Required Setback</u>	<u>Variance request</u>
Hot tub & wall	3 feet	10 feet	7 feet

The second variance is from Section 86-564(a)(3), which requires a paved area to be setback a minimum of four feet from any lot line. The proposed walkway from the patio to the planned dock is to be constructed to the edge of the rear lot line; therefore the applicant is requesting a variance. The following chart summarizes the request:

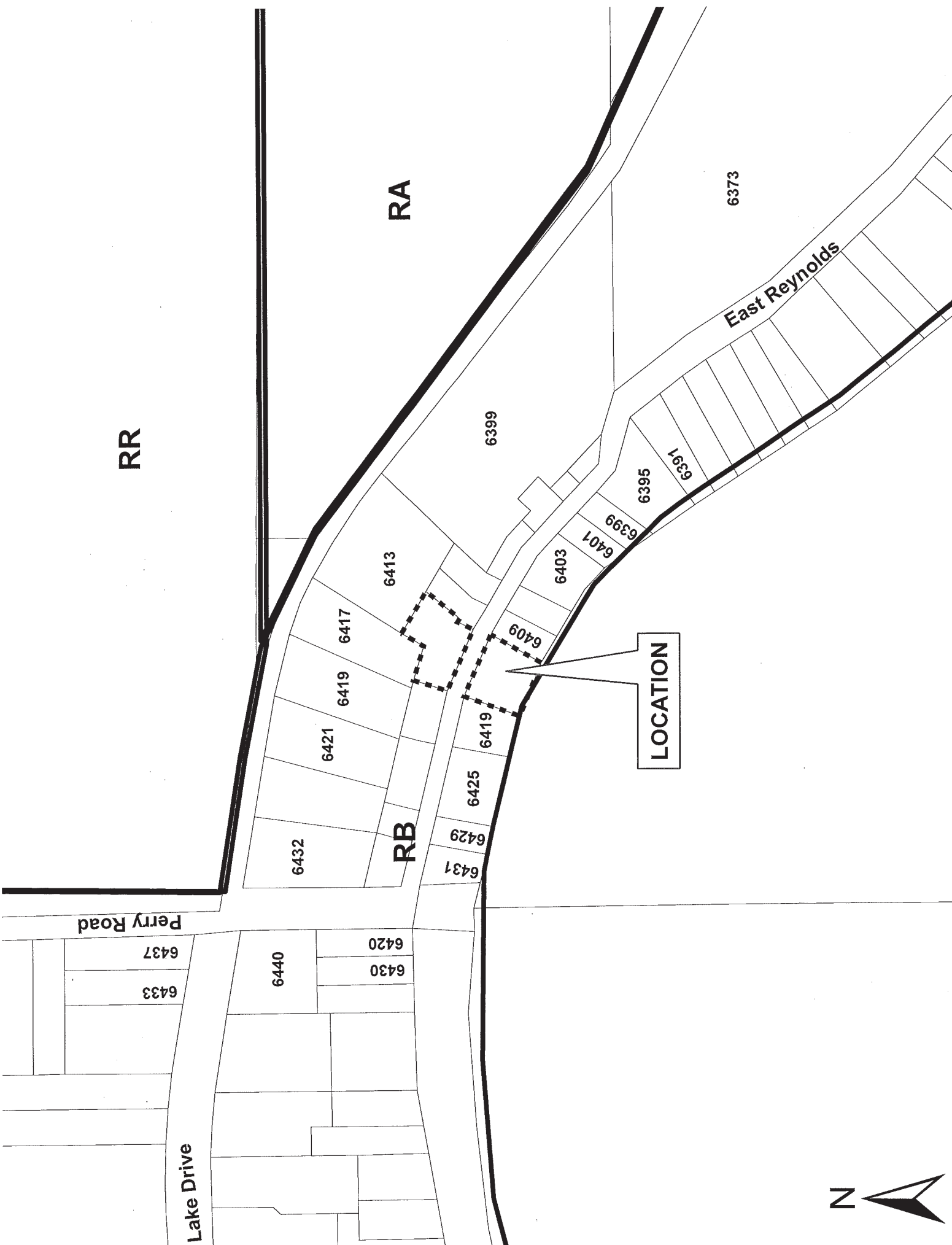
	<u>Proposed Setback</u>	<u>Required Setback</u>	<u>Variance request</u>
Patio	0 feet	4 feet	4 feet

Site History

- The existing 2,481 square foot single family residence was constructed in 1993.
- A variance associated with ZBA Case #93-03-10-4 was granted on March 10, 1993 allowing the residence to be constructed 22 feet from the edge of Lake Lansing and 17 feet 10 inches from the right-of-way of East Reynolds Road.
- The property owner applied for a variance in 2012 for a rear addition, but withdrew the request on June 27, 2012 (ZBA Case #12-06-27-4).
- ZBA Case #13-01-09-3 was approved in 2013 to allow a two-story open balcony on the front of the house, thereby reducing the front yard setback to 15 feet.
- The applicant is also requested a special use permit (SUP #14081) from the Planning Commission to allow fill to be placed in the 100-year floodplain between the existing seawall and a new seawall. The request was approved on September 8 2014.
- ZBA Case #14-09-10-1 was denied by the Zoning Board of Appeals on September 10, 2014.

Attachments

1. Site Location Map
 2. Plans submitted by the applicant
 3. Application and responses to ZBA criteria
 4. Photographs of the site
 5. Memorandum from the Chief Engineer and Fire Marshal
 6. Survey
- G:\COMMUN PLNG & DEV\PLNG\ZBA\2014 ZBA\Z_14_10_08_1.1\



RR

RA

RB

East Reynolds

Perry Road

Lake Drive

LOCATION



6437
6433

6440

6420
6430

6432

6421

6419

6417

6413

6431

6429

6425

6419

6409

6403

6399

6395

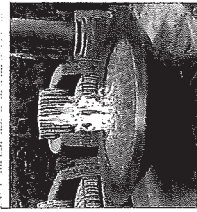
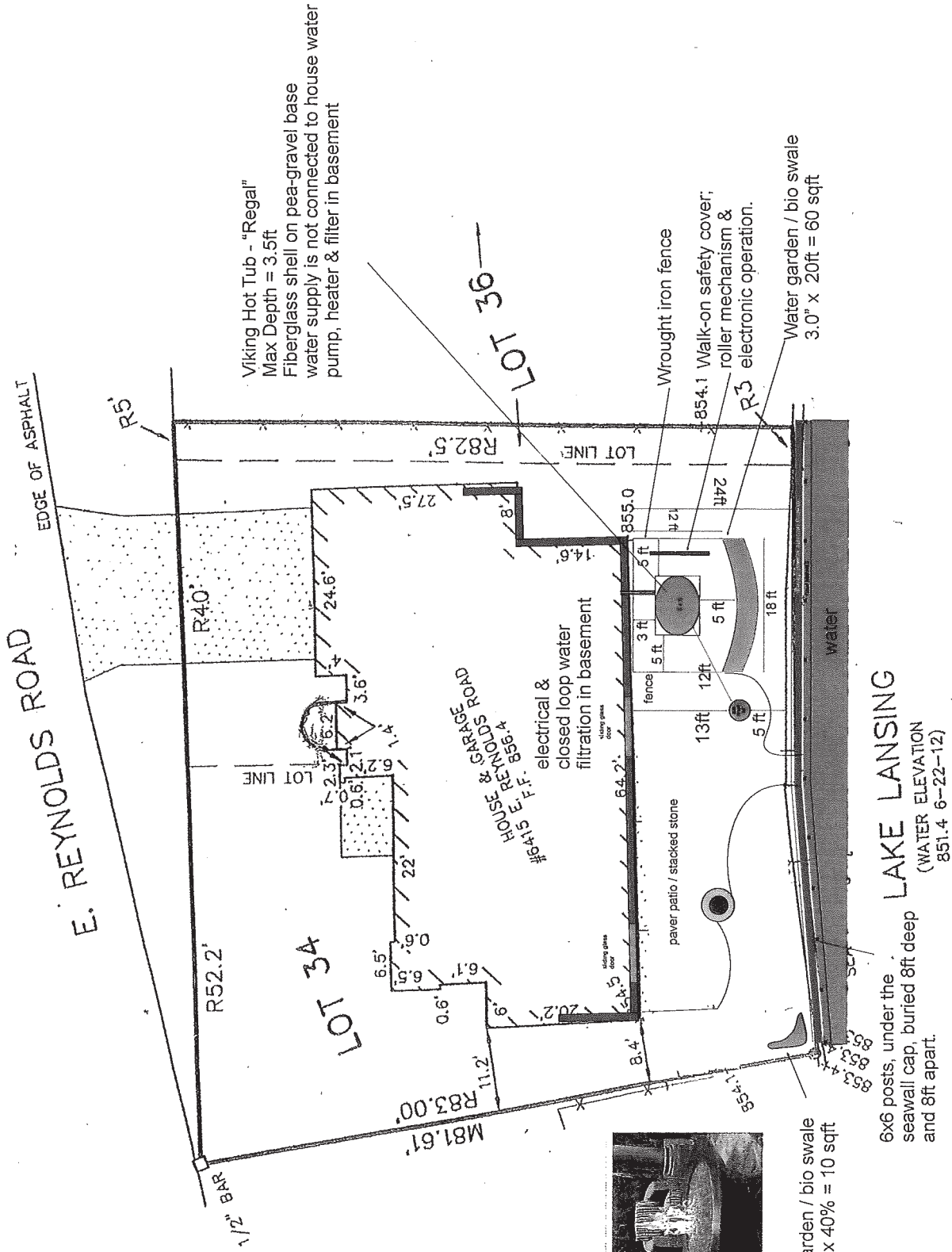
6391

6399

6373

Site Plan

Scale: 1" = 20 foot



Water garden / bio swale 4ft x 6ft x 40% = 10 sqft

6x6 posts, under the seawall cap, buried 8ft deep and 8ft apart.

LAKE LANSING
(WATER ELEVATION 851.4 6-22-12)

Konny Zsigo (homeowner)
6415 E. Reynolds Rd.
Haslett, MI 48840

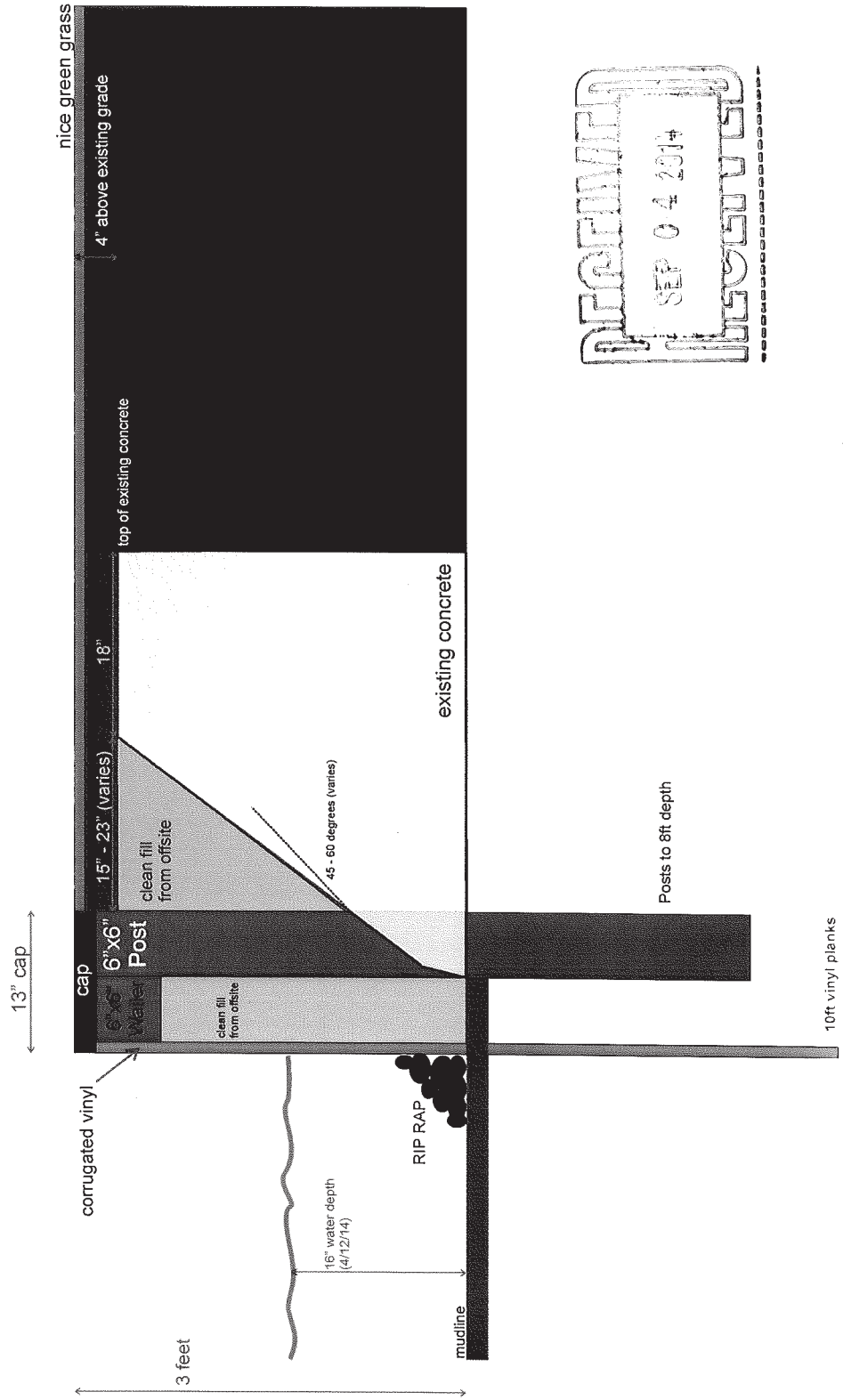
Cross Section

Scale: 3/4" = 1 foot



Project: Replace failing concrete seawall

Best Practice: leave existing concrete seawall intact for stability and to reduce requirement for fill dirt. Use vinyl planks supported by 6x6 posts driven to a depth of 8 feet. Cover concrete with 3" of dirt.

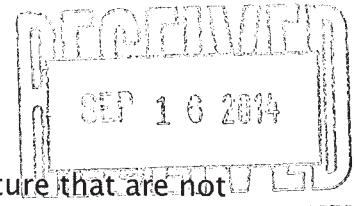


Inground spa dealers

<http://www.riverpoolsandspas.com/blog/bid/29669/Why-is-Pouring-Concrete-Cantilever-Coping-Around-a-Fiberglass-Pool-so-Difficult-Must-See-Photos>



Zsigo | Supplemental Information



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.

The peculiar circumstances are the size of the lot, the proximity of the house to the sea wall and the water and the Bio-Swales.

2. These circumstances are not self-created.

The house was built in 1993.

Konny Zsigo purchased the home in March 2011.

3. Strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.

Strict interpretation would result in practical difficulties in that it would cause the fence and Bio-Swale to encroach on the rear lot line and be in the line of sight of the neighboring houses.

Strict interpretation would also prevent a safe and continuous walkway from the patio to the dock.

4. The alleged practical difficulties would unreasonably prevent the owner from using the property.

The practical difficulties that would result are that the required fencing placed around the hot tub at 10' from the house would obscure the lake view of the neighboring houses. It would also increase the size of the patio area which we are attempting to minimize. All mechanicals for the hot tub would be in the basement of the house. Owning a hot tub is a permitted use but failure to approve the variance to place hot tub closer to the house would be unnecessarily burdensome to the home owner and the neighboring houses.

Failure to approve the variance for walkway from the patio to dock would result in safety concerns. Walking onto a dock is not the place for a transition. This variance would allow the home owner to provide an even and safe walk way to the dock.

5. Granting the variance is the minimum action what will make possible the use of the land in a manner which is not contrary to the public interest and would carry out the spirit of the zoning ordinance.

Zsigo | Supplemental Information

The spirit of the ordinance is esthetics and safety. Not granting this variance would be contrary to the public interest. Installing the hot tub 3' from the house poses no safety concerns (all mechanical connections are in the house basement) and is much better esthetically for the home owner and the neighbors as it will not obscure the view of the lake.

Providing a uniform and continuous walk way from patio to dock is a safety issue which is in the spirit of the ordinance and is in the public interest.

6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

Granting the variances protect the essential character in the vicinity by improving the sight line of neighbors by setting the hot tub and required fence back from the lake and not obstructing the view.

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.

The proximity to the lake and the need for Bio-Swales present a peculiar situation.

8. Granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance.

The spirit of the Ordinances are safety, promote increased property values, fairly consistent building between adjacent properties, and generally to build conservatively, responsibly and respectfully. I believe this variance request meets the spirit of the Ordinance.

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

VARIANCE APPLICATION

A. Applicant Roger Hennicot
Address of Applicant 7640 E. Cutler Rd
BATH MI 48888
Telephone (Work) 517-281-1293 Telephone (Home) _____
Fax _____ Email address: rdhhomes@aol.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 10415 E. Reynolds Amslett
Zoning district _____ Parcel number 33-02-02-02-102,024

- 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
 - Legal description
 - 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)
- Architectural sketches
 - Other

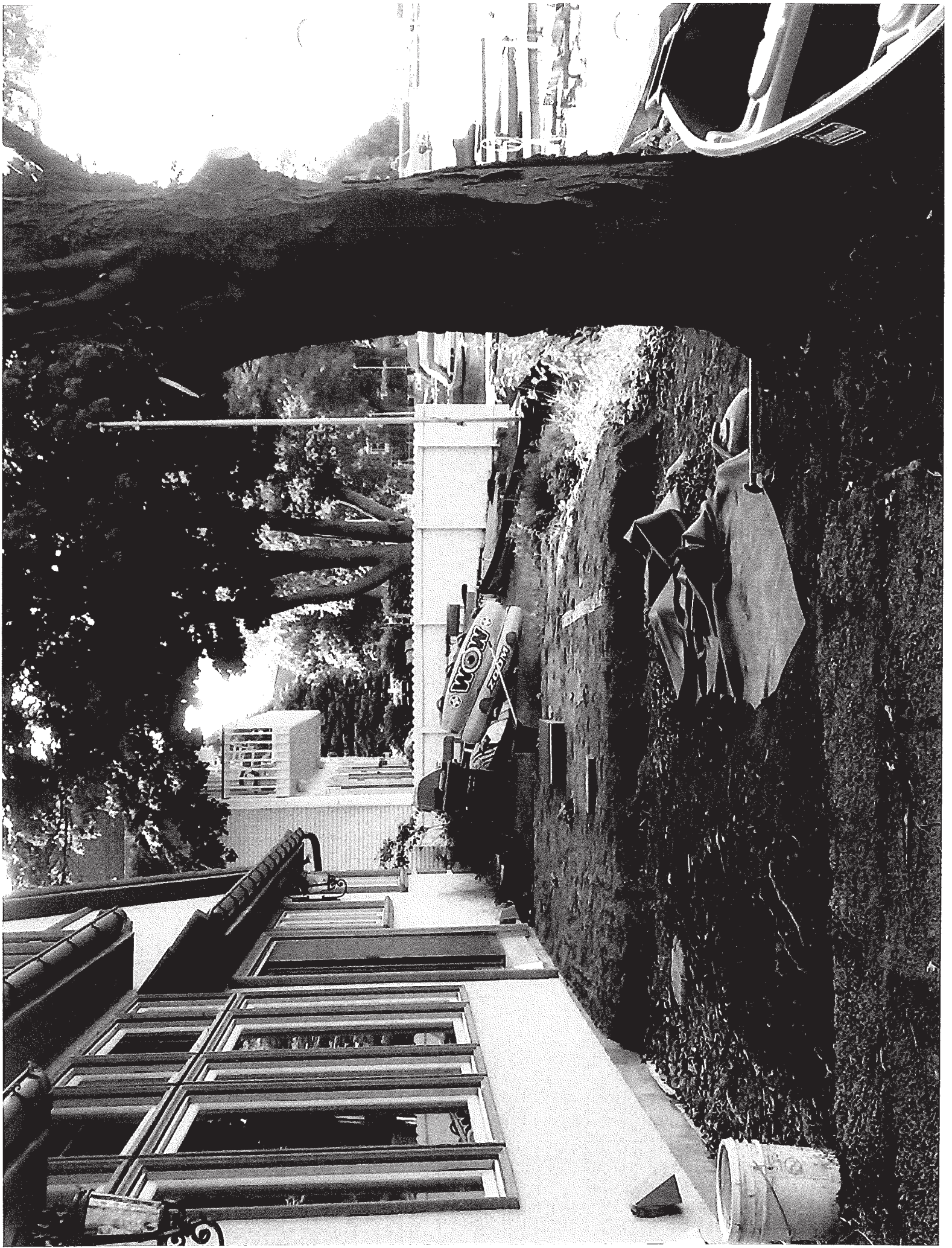
[Signature] Roger Hennicot 8-18-2014
Signature of Applicant Print Name Date

Fee: \$150 Received by/Date: [Signature] 8/18/14

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.)

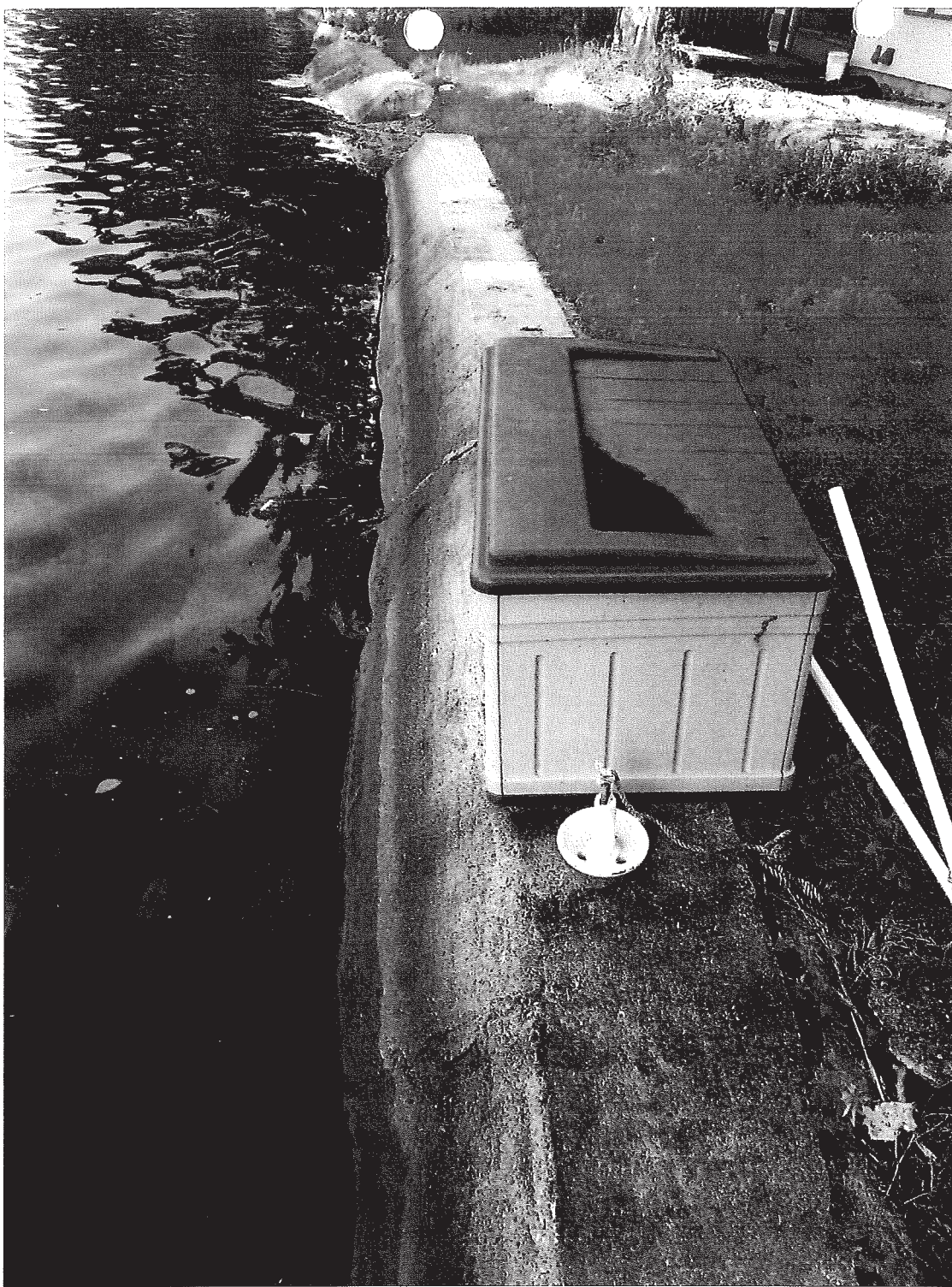
[Signature] 8-18-14
Signature of Applicant(s) Date

Signature of Applicant(s) Date











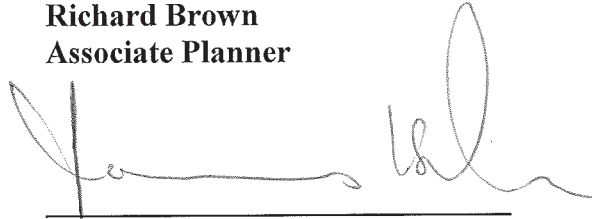
CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

DATE: September 19, 2014

TO: Richard Brown
Associate Planner

FROM:

A handwritten signature in black ink, appearing to read 'Younes Ishraidi', written over a horizontal line.

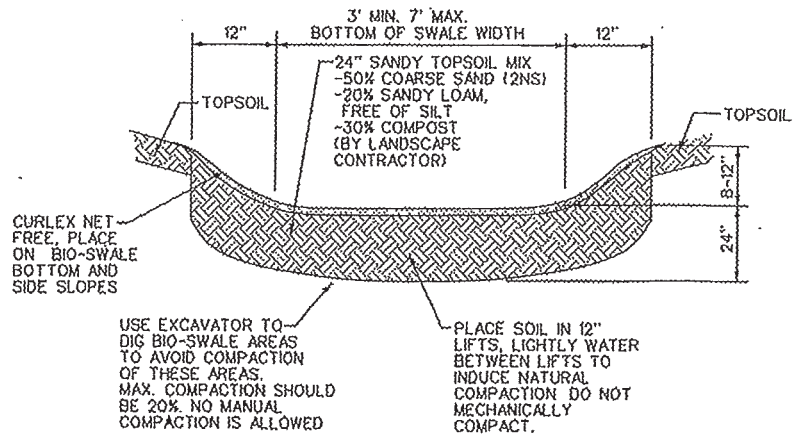
Younes Ishraidi, PE
Chief Engineer

RE: 6415 E Reynolds

In response to your request for comments regarding the subject site plans, we offer the following comments:

The attached site plan dated received September 18, 2014 shows two proposed bio-swales designed to treat run-off from the proposed patio at the subject location. The easterly linear bio-swale, however, should be modified to 3'x20'. To ensure the bio-swales will function as intended the attached profile and see mix shall be used.

Note that a soil erosion/sedimentation control (SESC) plan is required for the proposed work.



BIO-SWALE SECTION A-A
NO SCALE

BIOSWALE SEED MIX

BOTANICAL NAME	COMMON NAME
PERMANENT GRASSES	
ANDORPOGON GERARDII	BIG BLUESTEM
CAREX COMOSA	BRISTLY SEDGE
CAREX CRISTATELLA	CRESTED OVAL SEDGE
CAREX LURIDA	BOTTLEBRUSH SEDGE
CAREX SPP.	PRAIRIE SEDGE MIX
CAREX VULPINOIDEA	BROWN FOX SEDGE
ELYMUS VERGINICA	VIRGINIA WLD RYE
GLYCERIA STRIATA	FOWL MANNA GRASS
PANICUM VIRGATUM	SWITCH GRASS
SCIRPUS ATROVIRENS	DARK GREEN RUSH
SCIRPUS CYPERINUS	WOOL GRASS
SPARTINA PECTINATA	PRAIRIE CORD GRASS

AVENA SATIVA	COMMON OAT
LOLIUM MULTIFLORUM	ANNUAL RYE

FORBS	
ALISMA SPP	WATER PLANTAIN MIX
ASCLEPEAS INCARNATA	SWAMP MILKWEED
ASTER NOVAE-ANGLIAE	NEW ENGLAND ASTER
COREOPSIS TRIFFTERIS	TALL COREOPSIS
EUPATORIUM MACULATUM	SPOTTED JOE PYE WEED
IRIS VIRGINICA	BLUE FLAG
LIATRIS SPICATA	MARSH BLAZING STAR
LOBELIA CARDINALIS	CARDINAL FLOWER
LOBELIA SIPHILITICA	GREAT BLUE LOBELIA
LYCOPUS AMERICANUS	COMMON WATER HOREHOUND
SAGITTARIA LATIFOLIA	COMMON ARROWHEAD
SILPHIUM TEREDINTHINACEUM	PRAIRIE DOCK
VERBENA HASTATA	BLUE VERVAIN
ZIZIA AUREA	GOLDEN ALEXANDERS

CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff
Brett Dreyfus
Julie Brixie
Frank L. Walsh

Supervisor
Clerk
Treasurer
Manager



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

Trustee
Trustee
Trustee
Trustee

September 3, 2014

Roger Hunnicutt
7640 E. Cutler Rd.
Bath, MI 48808
(517) 281-1293

Mr. Hunnicutt,

Per our previous phone conversations, Chief Cowper and I are in agreement to allow a variance from the Meridian Township Fire Prevention Regulation #5, based on the diagram and information provided, under the following condition:

The builder shall install an accessible exterior gas shutoff valve, at a location as accepted by the Authority Having Jurisdiction, that will control both, the proposed gas grill, as well as the proposed fire pit, to be operated in the event of an emergency.

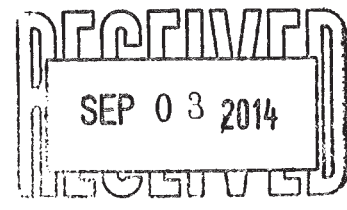
The completed valve assembly and project, as a whole, shall be inspected to the satisfaction of the Authority Having Jurisdiction, prior to, or in conjunction with, the final inspection by the Meridian Township Building Department.

If you have any questions regarding the requirements set forth for the variance, please feel free to contact me. Thank you.

Respectfully,

A handwritten signature in black ink that reads "Tavis J. Millerov".

Tavis J. Millerov, NFPA-CFI 1, CFPE
Fire Inspector
Meridian Township Fire Department



5151 MARSH ROAD, OKEMOS, MICHIGAN 48864-1198 (517) 853-4000

www.meridian.mi.us

