

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, SEPTEMBER 10, 2014 6:30 PM
TOWN HALL ROOM

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- August 27, 2014

D. NEW BUSINESS

1. ZBA CASE NO. 14-09-10-1 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 is requesting a variance from the following sections of the Code of Ordinances:

- Section 86-442(f)(10) , which states stormwater runoff from any new construction, which is being directed toward Lake Lansing, shall be filtered through a vegetated area, a minimum of 20 feet in width before entering the lake. The vegetated area may include a grass lawn.
- 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.
- Section 86-565(2), which states an accessory building shall not be closer than five feet to the rear lot line.

The applicant is requesting variances to allow a vegetated area adjacent to Lake Lansing to be less than 20 feet in width; a hot tub and waterfall wall to be installed less than ten feet from the existing single-family residence; a proposed patio to be constructed less than four feet from the rear lot line; and an elevated fire pit to be located less than five 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 – Elizabeth LeGoff

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, AUGUST 27, 2014

PRESENT: Members, Jackson, LeGoff, Deschaine (alt.), Hershiser, Chair Beauchine
ABSENT: Member Ohlrogge
STAFF: Rick Brown, Associate Planner
Martha Wyatt, Associate Planner, Landscape Architect

A. CALL MEETING TO ORDER

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

B. APPROVAL OF AGENDA

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA AS WRITTEN

SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, August 6, 2014

MEMBER JACKSON MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER HERSHISER

VOICE VOTE: Motion carried unanimously.

Wednesday, August 13, 2014

MEMBER JACKSON MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER LEGOFF

Chair Beauchine asked to have item C struck from the minutes of August 13, 2014 as there were no minutes available at the meeting.

MEMBER JACKSON AMENDED HER MOTION TO APPROVE THE MINUTES OF AUGUST 13, 2014 AFTER REMOVAL OF ITEM C

AMENDED MOTION WAS SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carries unanimously.

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

1. ZBA CASE NO. 14-08-27-1 NORTHERN SIGN COMPANY, INC., 101 E. WALTON, PONTIAC, MI 48340

DESCRIPTION: 2090 Grand River Avenue
TAX PARCEL: 21-226-003
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-687(3)c., which states in the case of multitenant structures, one (1) wall sign shall be permitted for each tenant having an individual means of public access up to a size

equivalent to one (1) square foot for each one (1) lineal foot of building frontage occupied.

The applicant is requesting a variance to allow a wall sign in a multitenant building, on a side (west side) where there is no individual means of public access for Payless Shoe Source, at 2090 Grand River Avenue.

Ms. Wyatt outlined the case for discussion.

Mr. Craig Redner, Northern Sign Company, Inc., 101 E. Walton, Pontiac, MI 48340, the applicant, added if the sign was allowed as proposed it would be visible from both Grand River Avenue and Okemos Road.

Member Hershiser commented the variance does not meet the review criteria outlined in Section 86-221. He asked if other board members had different opinions.

Member Jackson asked staff if there was a pylon sign on the site.

Ms. Wyatt said there is a pylon sign on the site.

Chair Beauchine said there was not a compelling reason for the proposed sign to be larger than the existing sign.

Member Jackson asked staff if they knew why the sign ordinance was changed to exclude signs on walls without entrances in multi-tenant buildings.

Ms. Wyatt commented the change was part of an overhaul of the sign ordinances. She stated she was not aware of the specific reasons for the change.

MEMBER HERSHISER MOVED TO DENY THE VARINACE FROM SECTION86-687(3)c BECAUSE IT DOES NOT MEET THE REVIEW CRITERIA.

SECONDED BY MEMBER JACKSON

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

- 2. ZBA CASE NO. 14-08-27-2 SIGNARAMA, 2189 W. GRAND RIVER AVENUE, OKEMOS, MI 48864
 DESCRIPTION: 2189 W. Grand River Avenue
 TAX PARCEL: 21-251-013
 ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-687(4)g., which states the freestanding sign shall be located in the front yard with the leading edge at least ten feet back of the street right-of-way line.

Mr. Brown outlined this case for discussion.

Mr. Dale Kohlsmith, Signarama, 2189 W. Grand River Avenue, Okemos, MI 48864, the applicant, explained they would like to relocate the free standing sign to keep it from being struck by vehicles. He said the sign has been struck by several vehicles in the past. He commented the variance meets the review criteria outlined in Section 86-221 of the Code of Ordinances.

Member Hershiser asked if a peninsula could be extended into the parking lot to accommodate the proposed free standing sign.

Mr. Kohlsmith explained the pavement near the grass is not for parking, it is a thoroughfare for vehicle traffic.

Member Hershiser commented the variance meets a majority of the review criteria.

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCE FROM SECTION 86-687(4)g BECAUSE IT MEETS THE REVIEW CRITERIA

SECONDED BY MEMBER JACKSON

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

F. OTHER BUSINESS

None

G. PUBLIC REMARKS

None

H. BOARD MEMBER COMMENTS

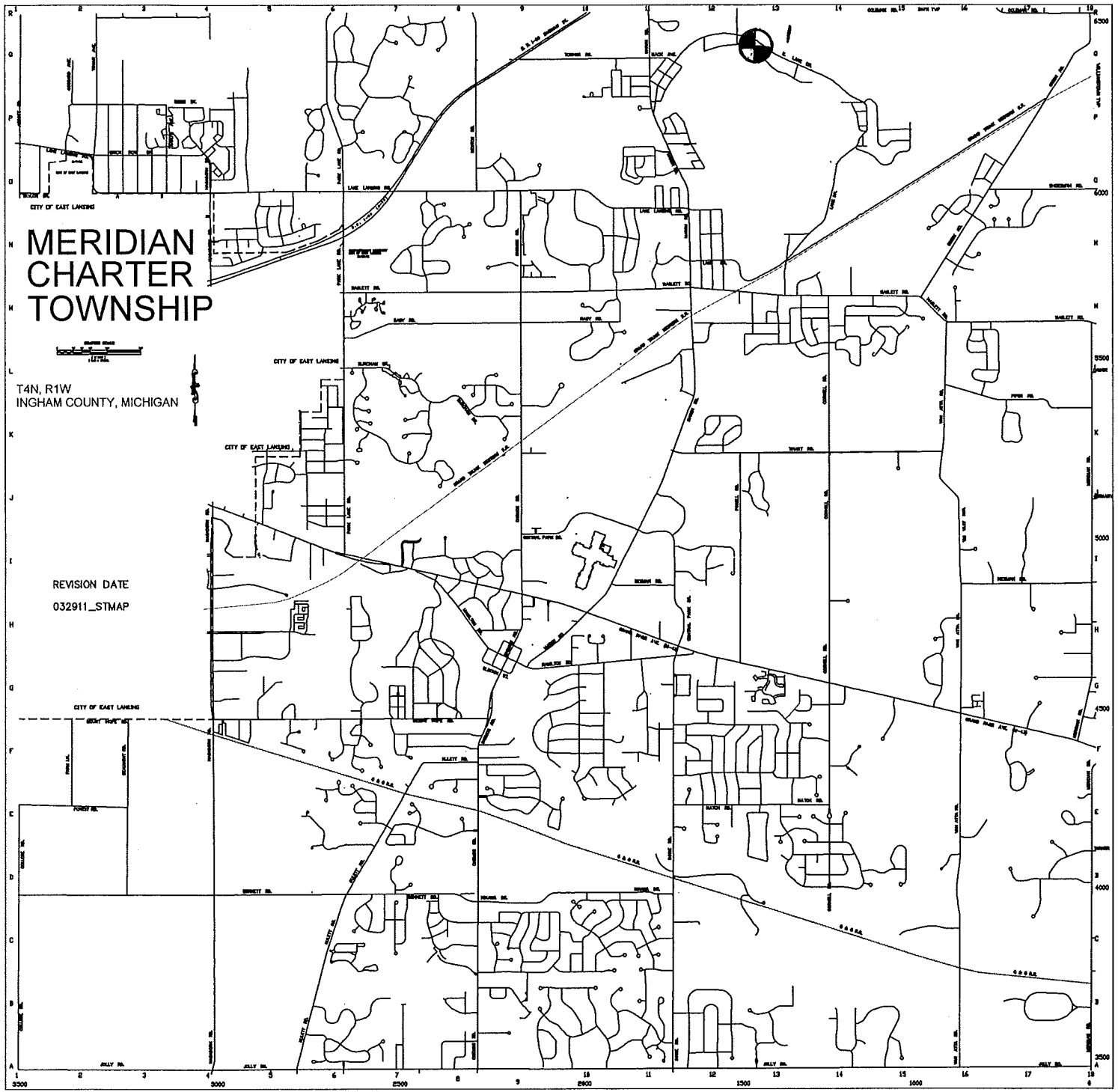
None

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:10 p.m.

Respectfully Submitted,

Angela M. Ryan
Recording Secretary



**MERIDIAN
CHARTER
TOWNSHIP**

T4N, R1W
INGHAM COUNTY, MICHIGAN

REVISION DATE
032911_STMAP

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: September 5, 2014

RE: ZBA Case No. 14-09-10-1

ZBA CASE NO. 14-09-10-1 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 86-442(f)(10) , which states stormwater runoff from any new construction, which is being directed toward Lake Lansing, shall be filtered through a vegetated area, a minimum of 20 feet in width before entering the lake. The vegetated area may include a grass lawn.
- 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.
- Section 86-565(2), which states an accessory building shall not be closer than five feet to the rear lot line.

The applicant, representing the property owner, is proposing to renovate the rear yard of the subject site by removing the existing deck, patio, and boat ramp. A new patio is proposed that includes a hot tub with a waterfall wall, outdoor cooking area, and elevated fire pit. The subject site is located in the Lake Lansing Overlay District and Section 86-442 outlines the standards for this district. The house was constructed in 1993, prior to the overlay district being established.

The existing rear yard is mostly lawn and stormwater sheet drains towards the lake. The patio will be connected to a new dock that extends into Lake Lansing. The stormwater in the rear yard will sheet drain from the house to the lake over the new patio and the grass areas on either side of the patio. The proposed patio (brick pavers or stamped concrete) is an irregular shape and covers approximately 51% of the rear yard. A 20-foot wide vegetated area is required per Section 86-442(f)(10) to filter the stormwater before it enters Lake Lansing. Portions of the lawn on the east and west sides of the rear yard are 20 feet or more in width. The other lawn areas around the patio vary in width from 19 feet to zero feet. The applicant is requesting a variance from Section 86-442(f)(10) to provide less than the required 20-foot wide vegetated area.

The proposed hot tub 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

Section 86-564(a)(3) requires a paved area to be setback a minimum of four feet from any lot line. The proposed patio 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

The proposed elevated fire pit is considered an accessory building and is located approximately three feet from the rear yard. In the Lake Lansing Overlay District, the rear yard setback is measured from the ordinary high-water mark of Lake Lansing, where a lot directly abuts the lake. The ordinary high water mark for Lake Lansing is set at 852.29 feet above mean sea level. For determining the rear setback on the subject site, the ordinary high water mark is located approximately at the interior edge of the existing seawall. The required rear yard setback is five feet per Section 86-565(2). The following chart summarizes the variance request for the fire pit:

	<u>Proposed Setback</u>	<u>Required Setback</u>	<u>Variance request</u>
Fire Pit	5 feet	3 feet	2 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.

ZBA Case No. 14-09-10-1
September 5, 2014
Page 3

- The applicant is also requesting 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 public hearing is to be held, Monday, September 8, 2014 with a possible decision the same night.

Attachments

1. Application
2. Responses to ZBA criteria
3. Site Location Map
4. Site plan and drawings submitted by the applicant
5. Photographs of the site
6. Survey

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

VARIANCE APPLICATION

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

B. Site address/location 10415 E. Reynolds AVE
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 Hunnicutt 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

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 proximity of the house to the sea wall and water is unique, limiting layout options.

2. These circumstances are not self-created.

Konny Zsigo moved into the home in March 2011.

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

It is not practical to set the pool ten feet from the house in a yard of that size. The plumbing and electrical connections will be in the houses basement.

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

Placing the pool ten feet from the house would place it at the sea wall which makes the pool infeasible.

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.

The pool is a fiberglass shell set in pea stone, all connections and mechanicals are in the houses basement. Placement near the house also allows the pool fencing to be much less obtrusive for neighbors.

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

Placing the pool near the house will keep it out of the sightline of neighbors and keeps pool fencing to a minimum.

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 shape to the yard and the layout of the house poses a unique problem to us. This house was built with a rear set back variance (1993) which makes this a unique situation.

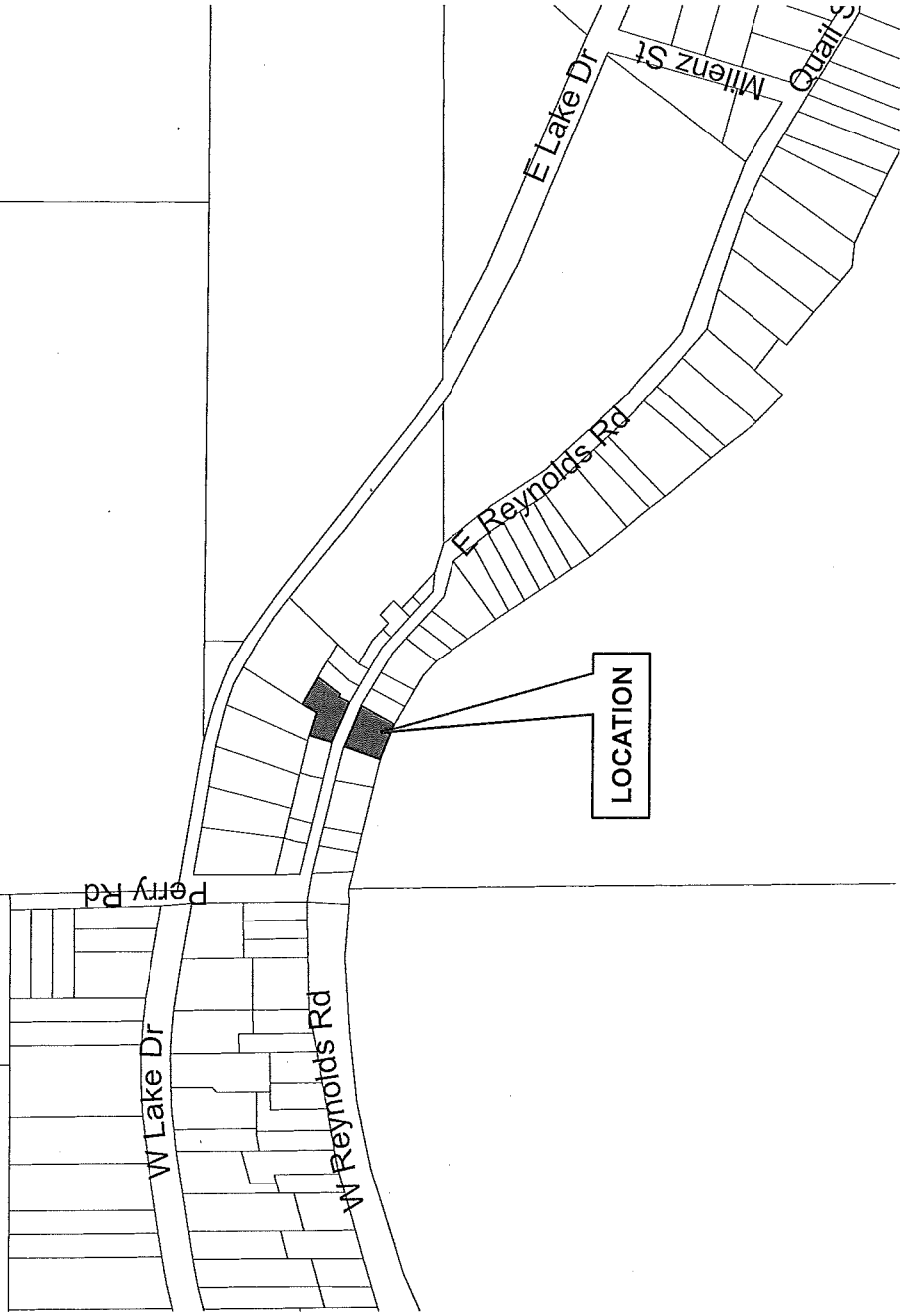
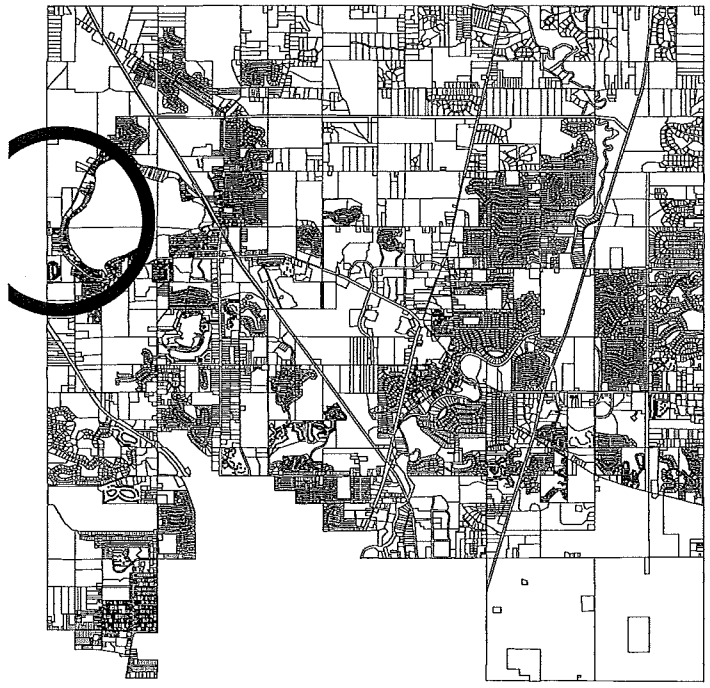
8. Granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance.

The spirit of the Ordinance is to generally promote increased property values, fairly consistent building between adjacent properties, protecting erosion around the lake and generally to build conservatively, responsibly and respectfully. I believe this addition meets the spirit of the Ordinance.

ZBA CASE NO. 14-09-10-1 (HUNNICUTT)

VARIANCES TO INSTALL A HOT TUB/SPA LESS THAN 10 FEET FROM THE EXISTING RESIDENCE AND TO CONSTRUCT A PATIO LESS THAN FOUR FEET FROM THE REAR PROPERTY LINE AT 6415 EAST REYNOLDS

CHARTER TOWNSHIP OF MERIDIAN

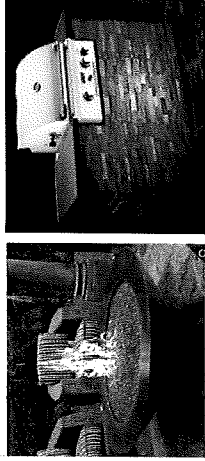
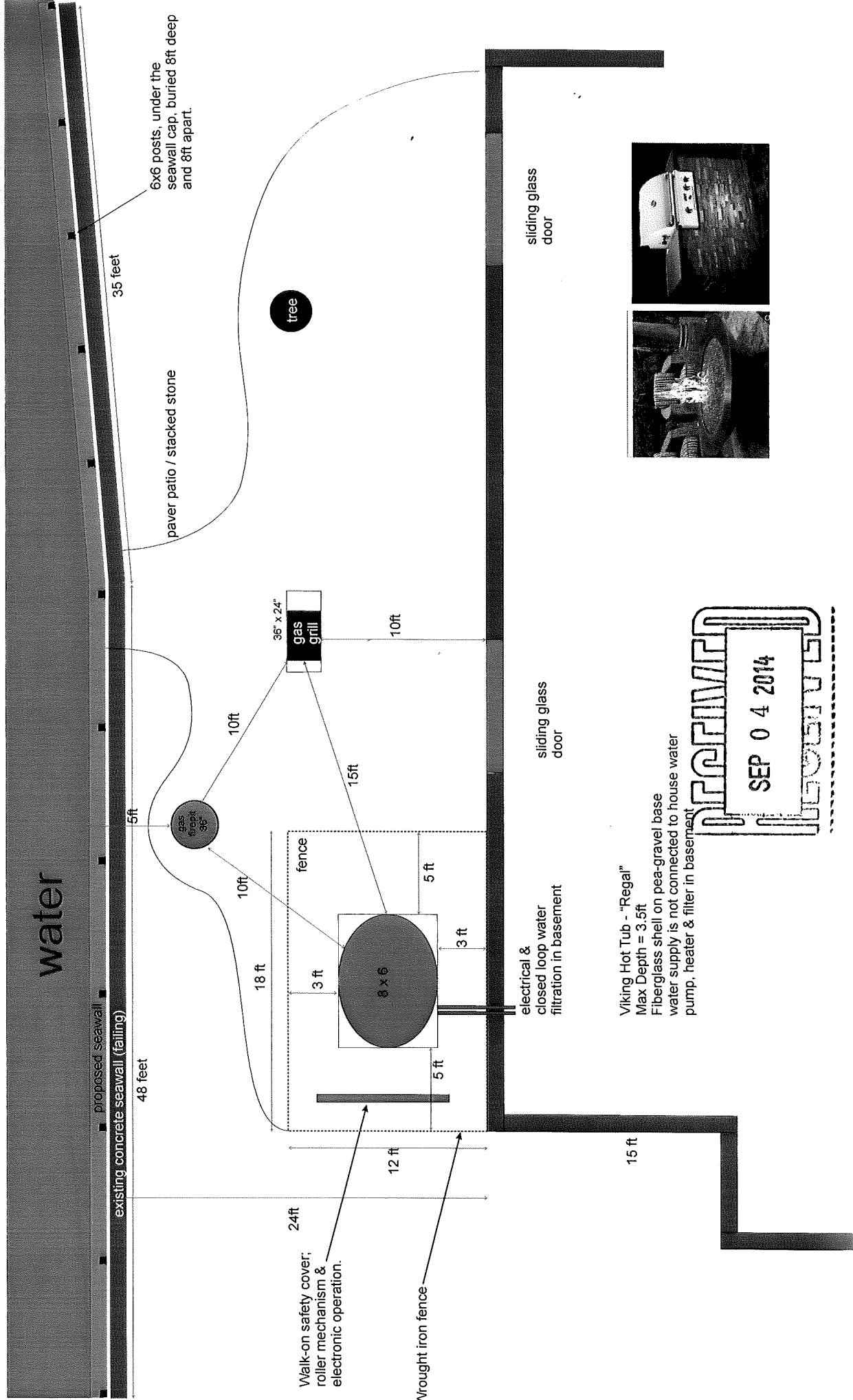


Site Plan

Scale: 1/8" = 1 foot

□ 1x1 ft square

10 ft



PROFORMA
SEP 04 2014

Viking Hot Tub - "Regal"
Max Depth = 3.5ft
Fiberglass shell on pea-gravel base
water supply is not connected to house water
pump, heater & filter in basement

sliding glass door

sliding glass door

electrical & closed loop water filtration in basement

Walk-on safety cover, roller mechanism & electronic operation.

Wrought iron fence

fence

36" x 24" gas grill

8 x 6

tree

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

35 feet

paver patio / stacked stone

48 feet

Proposed seawall

existing concrete seawall (falling)

5ft

10ft

10ft

15ft

10ft

5ft

3ft

5ft

3ft

5ft

12ft

24ft

18ft

3ft

3ft

5ft

5ft

10ft

10ft

15ft

3ft

3ft

5ft

15ft

15ft

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>

