



## MINUTES

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS  
PUBLIC SAFETY BUILDING, 8215 SHIELDS DRIVE, SAGINAW, MI 48609  
February 25, 2014 - 4:00 P.M.**

1. The Board of Appeals meeting was called to order at 4:00 p.m. by Vice-Chairman Dave Sommers.

Present: Mike Thayer, Don Milne, Dave Sommers and Rene DeSander.  
Also present were Dan Sika, Community Development Director  
and Susan Coggin, Planning Assistant/Code Enforcement Officer  
and four (4) interested parties.

Absent: Bette Syrek

2. **Pledge of Allegiance.**
3. **Approval of the Minutes.**

Motion by Mr. Thayer, supported by Mr. DeSander to approve the minutes of November 26, 2013 as presented. Motion carried unanimously.

4. **Hearings**

- A. Mr. Ernest Cornwell on behalf of Oak Investment LLC is requesting a variance from Section 3.2 c. of the Thomas Township Zoning Ordinance to split an existing lot of record into two lots, one lot without road frontage.

Mr. and Mrs. Ernest Cornwell were present to answer any questions or concerns regarding this proposed variance. Mr. Cornwell stated that this vacant land is the unused portion of Oak Meadows Condominium Association resulting from Wolgast Corporation's decision not to complete the planned development. The vacant land was then offered to Oak Meadows Condominium Association who voted not to purchase it at that time. Recently eight (8) homeowners of Oak Meadows Condominium Association purchased the land from Wolgast and formed Oak Investment LLC. The purchase included both sections of the land consisting of 1.29 acres of open land on Kennely Road and approximately 7.6 acres of mainly woods east of Oak Meadow Condominium Association. In February of 2005, the association

received approval from Thomas Township to rezone the 7.6 acres from R-3 to A-1. Mr. Cornwell further stated that in March, 2013, the association received an inquiry to purchase the Kennely Road lot with the intent to construct a duplicate of the Oak Meadow Condominium Association Phase II buildings. While attempting to determine value for the potential purchaser, the Township Assessor, Will Gast, advised that since the association purchased both sections of the property on one deed we would have to sell the property as one parcel.

Mr. Sika stated that by allowing this split, this highly uncommon lot configuration will be corrected. In addition, the potential development of an additional two units which will be included within the Oak Meadows Condominium Association and the fact that the vacant lot to the rear will be owned and maintained by Oak Meadows Condominium Association.

Mr. Sommers then asked for public comments in favor or in opposition to this proposed variance request. There being no public comments, Mr. Sommers closed the public hearing portion of this proposed variance request.

Motion by Mr. DeSander, supported by Mr. Thayer to approve a variance from Section 3.2 c. of the Thomas Township Zoning Ordinance to split an existing lot of record into two lots, one lot without access to a street located on Kennely Road, north of Oak Meadow Drive contingent upon:

1. An agreement or covenant be added to the east lot that it will have permanent access across the Meadows Condominium Association property. This is to be recorded on both Oak Meadows Association property as well as the vacant parcel to the east. No split may take place until this is recorded and a copy given to the Community Development Department.

The Zoning Board of Appeals then completed the Zoning Board of Appeals checklist as follows:

Basic Conditions:

1. Has the applicant demonstrated that this variance is not contrary to the intent and purpose of the Zoning Ordinance? Yes: DeSander, Milne, Thayer and Sommers. No: None
2. Has the applicant proven that a variance will not adversely impact adjacent properties? Yes: DeSander, Milne, Thayer and Sommers. No: None
3. Has the Applicant proven that a variance would not produce a nuisance condition to nearby premises? Yes: DeSander, Thayer and Sommers. No: Milne

4. Is the basis for the proposed variance unique and not shared by other properties in the same Zoning District throughout the Township? Yes: DeSander, Milne, Thayer and Sommers. No: None

Special Conditions:

1. Are there non-economic practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance? Yes: DeSander, Milne, Thayer and Sommers. No: None

Motion carried unanimously.

- B. Thomas Township is requesting a twenty (20') foot variance from Section 5.3 b. 2) of the Thomas Township Zoning Ordinance to construct an entrance to the Thomas Township Office five (5') feet from the south property line located at 249 North Miller Road.

Mr. Sika stated that due to the Miller Road reconstruction project set for spring of 2014, Thomas Township is looking to take this opportunity to reconfigure the parking lot located along the south end of the building. There has been a concern for several years that anyone parking in the handicap area needs to cross the traffic lane in order to access the handicap ramp. The Township has received complaints related to the parking spot locations. In order to alleviate this problem, Thomas Township would like to reconfigure the parking area so that the parking spaces are immediately adjacent to the walk along the building making it much safer for residents to access the handicap ramp as well as the normal parking spaces. In order to accomplish this reconfiguration, the new entrance/exit will be located five (5') feet from the south property line.

Mr. Russell Taylor, Township Manager, was also present to answer any questions or concerns regarding this proposed variance request.

Mr. Sommers then asked for public comments in favor or in opposition to this proposed variance request. The following people were heard:

1. Ms. Katie Nagy, 530 North Gleaner Road – Ms. Nagy stated that she was in favor of the proposed variance request. She further stated that she personally has a family member with disabilities and any improvement to help them enter and exit the building would be a great benefit.

There being no further public comments, Mr. Sommers closed the public hearing portion of this proposed variance request.

Motion by Mr. Milne, supported by Mr. Thayer to approve a twenty (20') foot variance from Section 5.3 b. 2) of the Thomas Township Zoning Ordinance. The result will be the egress to the office being five (5') feet from the south side property line.

The Zoning Board of Appeals then completed the Zoning Board of Appeals checklist as follows:

Basic Conditions:

1. Has the applicant demonstrated that this variance is not contrary to the intent and purpose of the Zoning Ordinance? Yes: DeSander, Milne, Thayer and Sommers. No: None
2. Has the applicant proven that a variance will not adversely impact adjacent properties? Yes: DeSander, Milne, Thayer and Sommers. No: None
3. Has the Applicant proven that a variance would not produce a nuisance condition to nearby premises? Yes: DeSander, Milne, Thayer and Sommers. No: None
4. Is the basis for the proposed variance unique and not shared by other properties in the same Zoning District throughout the Township? Yes: DeSander, Milne, Thayer and Sommers. No: None

Special Conditions:

1. Are there non-economic practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance? Yes: DeSander, Milne, Thayer and Sommers. No: None

Motion carried unanimously.

5. **Discussion** – None.
6. **Old Business** – None.
7. **New Business** – None.
8. **Adjournment**

It was moved by Mr. Thayer, supported by Mr. Milne to adjourn the meeting at 4:30 p.m. Motion carried unanimously.

*Respectfully submitted by Susan Coggin, Planning Assistant/Code Enforcement Officer.*