



## MINUTES

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS  
PUBLIC SAFETY BUILDING, 8215 SHIELDS DRIVE, SAGINAW, MI 48609  
JULY 23, 2013 - 4:00 P.M.**

1. The Board of Appeals meeting was called to order at 4:00 p.m. by Chairman Bette Syrek

Present: Bette Syrek, Mike Thayer, Don Milne, Dave Sommers and Rene DeSander. Also present were Dan Sika, Community Development Director, Russ Taylor, Township Manager, John Corriveau, Parks and Recreation Director, Susan Coggin, Planning Assistant and two (2) interested parties.

Absent: None.

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

Motion by Mr. Milne, supported by Mr. Sommers to approve the minutes of April 9, 2013 as presented. Motion carried unanimously.

4. **Hearings**

A. Variance Request: Mr. Russ Taylor, Thomas Township Manager, on behalf of the property owners along the west side of Victor between Gratiot and O'Hern Roads is requesting a variance from Section 3.2(g)(1)(a) of the Thomas Township Zoning Ordinance in order to allow them the option to construct a seven (7') foot fence along the rear yard of their residentially zoned district. The purpose of this variance would be to allow homeowners to install a seven (7') foot high fence instead of the permitted six (6') foot alongside the new paved trail as an additional barrier.

Mr. Sika stated that during the recent construction of the new Thomas Township Trail, the Parks and Recreation Director, Mr. John Corriveau, was approached by a resident along Victor regarding the potential for replacing an old stockade wood fence in poor condition with a seven (7') foot fence in the rear yard abutting the new trail. The resident asked for the seven (7') foot

height due to the uneven terrain in the rear of the homes along Victor. The uneven terrain allows pedestrians along the new trail to potentially see over a six (6') fence into the rear yards of the properties along Victor. The rail trail is built up an average of twelve (12") inches, but in many areas it is over thirty-six (36") inches.

Ms. Syrek asked for public comments in favor or in opposition to this proposed variance request. All adjoining property owners within five hundred (500') feet were notified of the request. The following people were heard:

1. Jeffrey and Lisa Whelton, 788 Victor – Mr. and Mrs. Whelton stated that they are in favor of this proposed variance. Their property is located along the section of the trail that is higher than the grade of their property and any additional fencing would be greatly appreciated.

There being no further public comments, Ms. Syrek closed the public hearing portion of this variance request.

Discussion followed among the Zoning Board of Appeals members. Mr. DeSander presented the Board of Appeals members with a memo regarding his concerns with this variance request and what could be the long term impact on the Township if approved. In light of these concerns, Mr. DeSander feels that this request should be denied and referred to the Thomas Township Planning Commission to address the larger issue of fencing regulations in Thomas Township.

The Zoning Board of Appeals 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? Explain. It was the opinion of the Zoning Board of Appeals that the setback could be met if it were moved back away from the septic field.

YES Sommers, Syrek, Milne, Thayer NO DeSander – The applicant has demonstrated that this variance is not contrary to the intent and purpose of the Zoning Ordinance.

2. Has the Applicant proven that a variance will not adversely impact adjacent properties? Explain.

YES Milne, Sommers, Thayer, DeSander and Syrek NO None - The applicant has proven that a variance will not adversely impact adjacent properties.

3. Has the Applicant proven that a variance would not produce a nuisance condition to nearby premises? Explain,

YES Thayer, DeSander, Sommers, Milne and Syrek NO None - The applicant has proven that a variance would not produce a nuisance condition to nearby premises and would potentially prove a traffic safety hazard.

4. Is the basis for the proposed variance unique and not shared by other properties in the same Zoning District throughout the Township? (If the Board of Appeals finds that the hardship is not unique, but common, then an amendment to the zoning ordinance or a re-zoning should be pursued.)

YES Sommers, Milne, Syrek and Thayer NO DeSander – The applicant has shown that the proposed variance is unique and not shared by other properties in the same zoning district throughout the Township.

5. Has the Applicant shown that a variance will not otherwise impair the public health, safety, or general welfare of the residents of Thomas Township?

YES Sommers, Milne, Syrek, Thayer and DeSander NO None - The applicant has shown that that a variance will not otherwise impair the public health, safety or general welfare of the residents of Thomas Township.

Special Conditions:

2. Are there unique or extraordinary physical conditions that do not apply to other property or uses in the same zoning district and were not caused by an act of the applicant?

YES Sommers, Milne, Syrek, Thayer and DeSander NO None - The applicant has demonstrated that there are unique or extraordinary physical conditions that do not apply to other property or uses in the same zoning district and were not caused by and act of the applicant.

Motion by Mr. Milne, supported by Mr. Thayer to approve a variance from Section 3.2(g)(1)(a) of the Thomas Township Zoning Ordinance in order to allow property owners along Victor the option to construct a seven (7') foot fence along the rear yard of their residentially zoned district. The purpose of this variance is to allow homeowners to install a seven (7') foot high fence instead of the permitted six (6') foot alongside the new paved trail as an additional barrier. Motion carried unanimously.

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

8. **Adjournment**

It was moved by Mr. Sommers, supported by Mr. Thayer to adjourn the meeting at 4:50 p.m. Motion carried unanimously.

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