



## MINUTES

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS  
PUBLIC SAFETY BUILDING, 8215 SHIELDS DRIVE, SAGINAW, MI 48609  
June 9, 2015 - 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, Rene DeSander and Bill Bailey Also present were Dan Sika, Community Development Director and Connie Watt, Planning Assistant/Code Enforcement Officer and two (2) interested parties.

Absent: None

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

Mr. DeSander requested an amendment to the minutes of May 12, 2015 referring to the variance granted as not to exceed twelve feet as opposed to exactly twelve feet as the minutes read. Motion by Mr. Milne, supported by Mr. DeSander to approve the amended minutes of February 25, 2014 as presented. Motion carried unanimously.

4. **Hearings:**

- A. Anna & Matt Hoffman are requesting a fifteen foot (15') side yard variance in an Agriculturally zoned district to construct a pole building.

Sika explained that the property for which the Hoffman's are seeking the variance is in zoning district A-1. The required side yard setback is twenty feet (20') for a house or an accessory structure in the district. The map, provided by the applicant, shows where they'd like to put the building, which is five feet (5') from the property line.

Anna Hoffman spoke to the Board explaining the map provided. Number one on the map depicts their underground water line, number two the septic field and reserve area, number three is the area where they would like to eventually do an

addition onto the house, number four is the propane line and number five is where they'd like to construct the pole barn. She said they do have an excessively large front yard and stated she thought they could not build an accessory structure there. Sika answered that out of the front setback they could, but she added that she felt it would encroach on the septic field. Matt Hoffman added that they wanted to hug the property line in the area where they'd like to build because he wanted to stay away from the pond located on the property to the east. Ralph Hall of 5540 S. Stehl Rd, who owns the neighboring property to the south, spoke. He said he has no problem with them wanting to build within five feet (5') of his property line. He said he has no worries of run-off because of the ditch and the pond and it's back far enough that it won't even be seen. He also added that his house is the only one within a quarter of a mile, which his son currently occupies, and sees no issue with it. Anna Hoffman said there would be no shadowing from the building and they are not interested in ever housing livestock there. Matt Hoffman added that due to the county drain at the rear of Mr. Hall's property he is unable to build anything there anyhow. Stafford Trinklein of 11535 Gratiot Road spoke. He said he believes since he owns the remaining property surrounding the Hoffman's that this will not impact him or anyone else. He sees no reason why it should not be granted. It's not as if the property will ever be developed. Mrs. Hoffman said she thinks this is a unique situation because they are pressed for space. Mr. Hall added that it was the best place because it lines up with the existing driveway and where they'd park.

Milne questioned Sika regarding the intent of the twenty feet (20') distance from the side property line and what the reasoning is for it. Sika answered that there are a number of reasons but in this particular zoning district, a barn can be constructed that is thirty-five feet (35') high whereas in a residential district it can only be seventeen (17). Milne asked the Hoffman's why the building could not be shifted over to fit the ordinance. Mrs. Hoffman said it's the slope of the property there. It is not level. Thayer said he had the same question as to why it couldn't be relocated a few feet to meet the Ordinance. DeSander explained that based on calculations indicated there is room that it could be moved, ample room. He said he believes it may be an inconvenience to the new owner of the property to the south and they may not want it that close to their property line and then what happens. He said if a precedence is set this would not be a good thing. He added that he understands they don't want it moved a few feet but it could be. Anna Hoffman said she felt then it becomes too close to the house and the driveway would be offset. She questioned Sika as to how far from the home they had to be. Sika answered they could actually have it attached to the home as long as Building Codes were met. Mrs. Hoffman told the Board that if they could not approve it within five feet (5') she'd be willing to accept ten, anything to give them some lead way. Sommers said he felt that the variance request was for aesthetic reasons and not a uniqueness. Matt Hoffman added that it was mainly due to problems with the topography of the land. DeSander said he felt that based on measurements the building would still clear the gas line and could be moved a

few feet. He added that if the variance was granted for them then the Ordinance should just be changed to make everyone entitled since the situation is not unique. Milne agreed that it is not a unique situation and thinks it is more for convenience and aesthetics.

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? The variance request is not for a unique situation but merely for convenience and aesthetics. Yes: None No: Thayer, Milne, Sommers, DeSander, Bailey
2. Has the applicant proven that a variance will not adversely impact adjacent properties? Yes: Thayer, Milne, Sommers, DeSander, Bailey No: None
3. Has the Applicant proven that a variance would not produce a nuisance condition to nearby premises? Yes: DeSander, Milne, Thayer Bailey 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? No. There are other residents who would like to build closer to the property lines as well. This situation offers no unique features that would make it necessary to grant the variance. Yes: None No: Milne, Bailey Thayer, Sommers, DeSander
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, Thayer, bailey, Milne, DeSander No: None

A motion was made by Mr. Milne and supported by Mr. Thayer to deny the request for a fifteen foot (15') side yard variance to construct a pole building because all Basic Conditions were not answered in the affirmative unanimously. Based on the facts presented to the ZBA a variance is not justified.

6. **Discussion** – None.
7. **Old Business** – None
8. **New Business**-None

9. **Adjournment**-a motion was made by Mr. DeSander and supported by Mr. Bailey for adjournment of the meeting at 4:28 p.m.

*Respectfully submitted by Connie Watt, Planning Assistant/Code Enforcement Officer.*