



MINUTES

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS
PUBLIC SAFETY BUILDING, 8215 SHIELDS DRIVE, SAGINAW, MI 48609
May 12, 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.**

Motion by Mr. DeSander, supported by Mr. Thayer to approve the minutes of February 25, 2014 as presented. Motion carried unanimously.

4. **Election of Zoning Board of Appeals Officers.**

Mr. Sommers opened the nominations for officers for the Zoning Board of Appeals. A motion was made by Mr. Milne, supported by Mr. DeSander to elect Mr. Sommers as the Chairperson of the Thomas Township Zoning Board of Appeals. Yeas 5, Nays 0.

A motion was made by Mr. DeSander, supported by Mr. Sommers to elect Mr. Milne as the Vice-Chairman of the Thomas Township Board of Appeals. Yeas 5, Nays 0

A motion was made by Mr. DeSander, supported by Mr. Thayer to elect Bill Bailey as the Secretary of the Thomas Township Board of Appeals. Yeas 5, Nays 0.

5. **Hearings.**

- A. Mr. Tom Beagle of Beagle Construction is requesting a variance from Section 10.2, Figure 8 of the Thomas Township Zoning Ordinance to construct a new dwelling within twenty-three feet, two inches (23' 2") of a future road right-of-way.

Mr. Beagle and Mr. Gary Kowalski, of Beagle Construction, were present to answer any questions.

Mr. Sika explained this is a Site Condo development with areas set aside for building construction. By Ordinance a thirty-five foot (35') front setback is required. Because the lot in question is a corner lot, there would be a required setback of thirty-five feet (35') on the east side as well. Right now that setback with the construction of this particular home as shown in the plan, would be twenty-three feet, two inches (23' 2") therefore the variance request of eleven feet, nine inches (11' 9").

Mr. Beagle informed the Board that he does not own the area where the future road is located. However, he has not heard of or been made aware of any plans for the road. He said it was requested by the Fire Department as a turnaround and will continue to be used as such regardless. He further stated that he does have people with an agreement who are ready to build a home with a three-car garage immediately if the variance is granted. Mr. Kowalski added that the property is unique due to its wedge shape. Mr. DeSander pointed out that even reducing the garage to two (2) cars would require a variance because of the limited frontage.

Discussion took place as to the ability to move the house further back on the property to where the east side of the property is wider. Mr. Beagle informed the Board that with the required rear yard setback of forty feet (40') he is as far back as he can go because there is a drain (Wolgast Drain with easement) that runs along the rear of the lots along with a ditch.

A motion was made by Mr. DeSander and supported by Mr. Milne to amend the variance request to not to exceed twelve feet (12'). Motion passed unanimously.

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 intent is to maintain the

- setback, however, the roadway doesn't and may not ever exist. Yes: DeSander, Milne, Thayer, Bailey and Sommers. No: None
2. Has the applicant proven that a variance will not adversely impact adjacent properties? Would not affect any neighbors to the east because at this time there are none. To the north is a field. Requirements are met elsewhere. Yes: DeSander, Milne, Thayer, Bailey and Sommers. No: None
 3. Has the Applicant proven that a variance would not produce a nuisance condition to nearby premises? All other setback requirements have been met except those on the side of where a road may/may not be completed. 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? Due to the unique wedge shape of the property, the ditch in the rear with easement and having only fifty feet (50') in which to construct a home. Yes: DeSander, Milne, Thayer, Bailey and Sommers. No: None

Special Conditions:

2. Are the 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? Explain. The lot has a unique wedge shape to it. Even with reducing the home size the setbacks would still be affected due to the Wolgast Drain to the north and proposed street to the east. Yes: DeSander, Milne, Thayer, Bailey and Sommers. No: None

A motion was made by Mr. Sommers and supported by Mr. DeSander to grant the street side yard requirement variance as amended not to exceed twelve feet (12') contingent upon a review of the language of the amended Master Deed by the Thomas Township Attorney, Mr. Otto Brandt. Motion carried unanimously.

6. **Discussion** – None.
7. **Old Business** – None
8. **New Business**
 - A. Approval of the 2015 Meeting calendar for the Thomas Township Zoning Board of Appeals. These meetings are scheduled only on an as needed basis. A motion was made by Mr. Milne and supported by Mr. Sommers to accept the 2015 calendar.

9. **Adjournment**-a motion was made by Mr. Thayer and supported by Mr. Milne
For adjournment of the meeting at 4:30 p.m.

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