

MINUTES

DRAFT

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS
THOMAS TOWNSHIP PUBLIC SAFETY BUILDING
8215 SHIELDS DRIVE, SAGINAW, MICHIGAN
OCTOBER 19, 2021
4 O’CLOCK P.M.**

Members Present

R. Iamurri
M. Lenczewski
R. DeSander
D. Milne

Members Absent

M. Thayer

Others Present

D. Sika, Dir. Of Community Dev
C. Watt, Plann’g Asst/Code Enf.
C. Kloha
Two Interested Parties

Mr. Milne called the meeting to order at 4:00 p.m.

Approval of Minutes:

Motion by Mr. Iamurri, supported by Mr. DeSander, to approve the minutes of July 14, 2020 as presented.

New Business:

A. Election of Chairman of the Zoning Board of Appeals.

Due to Steve Witt’s election to the Thomas Township Board of Trustees, it is necessary to elect a new Chairman for the Zoning Board of Appeals.

Mr. Milne requested nominations: Mr. DeSander nominated Mr. Iamurri as the Chairman. Second was received by Mr. Lenczewski.

VOTE

YEAS: 4

NAYS: 0

ABSENT: 1

Mr. lamurri becomes the Chairman of the Zoning Board of Appeals.

Hearings:

A. Mr. Chad Kloha is requesting a variance to utilize portable storage containers on his property at 4600 N. River Road as a means of permanent storage.

Mr. lamurri opened the public hearing at 4:04 p.m. Mr. Chad Kloha explained his reasoning for wanting to utilize the storage containers at 4600 N. River Road to remain there permanently. After experiencing some theft of items and having people try to golf and stop at the clubhouse, which is now being rented as a home, Mr. Kloha had purchased the portable storage containers with the thought of repainting them and using them to fence in this area. He was not aware of an ordinance that prohibited them being kept on a property and limiting their time they could remain there. At this time, Mr. lamurri read into the minutes a letter received from the Grove Condominium Association, P.O. Box 6124, Saginaw, MI 48608, in opposition of the portable storage containers. Mr. lamurri then opened the hearing to public comment from those physically present. Mr. Robert Smith of 4627 North River Road spoke of his concerns that a business was actually being run from the property and that these containers are not only unsightly but they are always being moved in and out at all hours of the night. Mr. Roy Lafray of 4711 North River Road stated that there is a business being run from the property and these storage containers were a huge eyesore that doesn't belong in the neighborhood. He claims that machinery is being run up and down the road all the time. This area is not zoned for business and he felt there was no way to enhance them painted or not. Mr. Kloha did offer that there is not a business being run from this property. He does have equipment he uses to mow and equipment that he takes to the office just down the road on occasion but no business is being run there and these containers were delivered a year ago and have not been moved in and out ever. Mr. lamurri closed the public hearing at 4:20 p.m. at which time the board began its deliberations. Mr. DeSander stated that if they approved this variance for him then they would have to do the same for anyone and that would not be advantageous. It doesn't meet any of the requirements for setbacks or fencing or anything. He added that fortunately being a contractor you have the capability to build some sort of structure to use for storage if that's what you need. Mr. Kloha said there is nothing being stored in the containers. Mr. DeSander added than there is no need for them. Mr. Kloha said the intent was to use them as a fence. Mr. DeSander stated they do not meet the requirements for fencing. Mr. Milne said if a fence was the consideration and they were not being used as storage he did not see the point of a variance. He added that if they were to keep people out of the parking lot area and it is now a residence then maybe The solution was to tear up the parking lot and remove it. Mr. Lenczewski concurred with these statements. At this time the Zoning Board of Appeals completed their checklist with the results below:

ZONING BOARD OF APPEALS CHECKLIST

(A variance will only be granted if all of the following Basic Condition questions are answered "yes")

BASIC CONDITIONS

The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, provided that all of the Basic Conditions listed below are answered "YES" and one (1) of the Special Conditions listed thereafter can be satisfied;

- 1. Has the Applicant demonstrated that this variance is not contrary to the intent and purpose of the Zoning Ordinance? Explain.**

YES _____ NO 4 _____

Don Milne stated that the applicant did not show a hardship, did not show the variance was 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 _____ NO _____

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

YES _____ NO _____

- 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 _____ NO _____

- 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 _____ NO _____

SPECIAL CONDITIONS

When all of the foregoing Basic Conditions can be satisfied, a variance may be granted when any one of the following Special Conditions can be clearly demonstrated:

- 1. Are there non-economic practical difficulties or unnecessary hardships, which prevent carrying out the strict letter of this Ordinance? Explain.**

YES _____ NO _____

- 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? Explain.**

YES _____ NO _____

- 3. Is the variance necessary to preserve a substantial property right possessed by other properties in the same zoning district? Explain.**

YES _____ NO _____

Mr. lamurri stated that because the variance request did not meet the basic conditions as required, he needed a motion.

A motion by Mr. DeSander, supported by Mr. Milne to deny the request for a variance to keep the portable storage containers on the property at 4600 N. River Road based on the findings of not meeting the basic conditions A period of four months was given to have these containers removed.

ROLL CALL VOTE :

YEAS: DeSander, Milne, Lenczewski, lamurri

NAYS: None

ABSENT: Thayer

MOTION CARRIED

Adjournment:

Motion by Mr. Milne, supported by Mr. DeSander, to adjourn the meeting at 4:25 p.m.

VOTE 4 YEAS 0 NAYS 1 ABSENT MOTION CARRIED