

MINUTES

DRAFT

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS
THOMAS TOWNSHIP PUBLIC SAFETY BUILDING
8215 SHIELDS DRIVE, SAGINAW, MICHIGAN
JULY 14, 2020**

Members Present

R. Iamurri
S. Witt
R. DeSander
D. Milne

Members Absent

M. Thayer

Others Present

D. Sika, Dir. Of Community Dev
C. Watt, Plann'g Asst/Code Enf.
S. Goward, J&B Boots

Mr. Witt 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 February 12, 2019 as presented.

Hearings:

- A. Mr. Steve Goward, owner of J&B Boots at 7648 Gratiot Road is seeking a variance of twenty-six feet (26') to the required setback of forty feet (40') to construct a pole building for cold storage.**

Mr. Sika explained to the ZBA that Mr. Goward had been working with the Township for awhile. He has renovated and put his life into opening this business on this parcel and needs storage for his inventory. Presently he is using metal storage containers. What he is seeking is to reduce the requirement for the front yard setback to build a pole building for storage. The request is twenty-six feet (26'). The zoning district requires a forty foot (40') setback from the right-of-way (of which he has two). The new pole building will be fifteen feet (15') back further than the existing building. This area of McCarthy is not a public road but a private one owned by the applicant and Dale Stroebel across the street. It does

switch to a public road back a number of feet. Mr. Sika stated he had discussed this with Scott Hare at the Road Commission. Regardless, both public and private roads still have the same setback requirement. The proposed building will be forty feet (40') by sixty-four feet (64') set to the north, fifteen feet (15') from the existing building. We only received one phone call from the property owner to the east and he had some questions that were answered. He did not present any comments or concerns in writing. The biggest concern he had was that his air conditioning units are very close to the property lines and he wanted access with a lane on the applicant's property. Nonetheless, the setbacks on that side that are required are being met and no variance is even needed on that side. Mr. Sika also said Mr. DeSander had questioned if there had ever been variances such as this granted and that information was checked on and yes, there had been. Some to properties that may not have been as unique as this one. The request has been reviewed by the Township Attorney and he also agreed there were many unique situations with this lot. Mr. Steve Goward, owner of J&B Boots spoke. He said the pole building will finally allow him to be in compliance as he will be removing the storage containers, and to have the storage he needs. Mr. DeSander questioned the height. Mr. Goward answered 10/2 pitch with sixteen foot (16') sidewalls. Mr. DeSander went on to ask that the storage containers will be moved and we can be assured they will never be returning. Mr. Goward stated this was correct. He also questioned what was going to be done with the forty or so feet in back of the proposed building. Mr. Goward answered that it would be for parking. At this time Chairperson Witt went through the Zoning Board of Appeals checklist. The answers were as follows:

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 4 NO 0

Property is extremely unique; best you can do with it.

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

YES 4 NO 0

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

YES 4 NO 0

- 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 4 NO 0

- 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 4 NO 0

Will be an improvement to the existing property.

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 4 NO 0

Yes, the nature of this being a private street.

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 _____

A motion by Mr. Iamurri, supported by Mr. Milne to approve the variance of twenty-six feet (26') to The requirement of forty feet (40') for the construction of a pole building at 7648 Gratiot Road

ROLL CALL VOTE :

**IAMURRI-YEA, DESANDER-YEA, MILNE-YEA, WITT-YEA
THAYER-ABSENT**

MOTION CARRIED

B. Request a permit for temporary dwellings for those affected by the May 2020 flooding (must meet all requirements in the zoning ordinance.)

Mr. Sika explained that it was the decision of the Township to request that the Zoning Board of Appeals be asked for their approval of a permit to allow for temporary dwellings for those residents who were affected by the flooding in May who wish to use a temporary dwelling until home repairs are completed. With this it would be asked that the required fee is waived for any ZBA hearing for anyone requesting such a permit up until the end of August. After that time, they would have to go through the normal hearing process to get a permit. This permit, if granted, would be good for six months with the option to continue it for another six months but at that time would have to be brought before the ZBA. After discussion, it was decided that considering the hardships already experienced, the ZBA would recommend that anyone who would apply for this permit should not have to pay a fee and make a request for a six month extension.

Motion by Mr. DeSander with support from Mr. Iamurri to allow those affected by the May floods to apply for and receive a temporary dwelling permit as long as all requirements of the ordinance have been met with any fees waived, further if those same people need to extend the permit for an additional six month period, the fees will also be waived.

VOTE 4 YEAS 0 NAYS 1 ABSENT MOTION CARRIED.

Adjournment:

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

VOTE 4 YEAS 0 NAYS 1 ABSENT MOTION CARRIED