



MINUTES

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS
PUBLIC SAFETY BUILDING, 8215 SHIELDS DRIVE, SAGINAW, MI 48609
February 27, 2018 - 4:00 P.M.**

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

Present: Rod Iamurri, Don Milne, Steve Witt, and Rene DeSander. Also present were Dan Sika, Community Development Director and Connie Watt, Planning Assistant/Code Enforcement Officer, Mr. Jay Wheeler, of Wm. Kibbe & Associates.

Absent: Mike Thayer

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

Motion by Iamurri seconded by Milne to approve the minutes of the January 23, 2018 meeting with one grammatical change. Motion carried unanimously.

4. **Hearings:**

A. Justin Luneack, Rail Trail Motor Company has filed a petition for a variance request to the required parking setback for the B-3 Zoning District where the business is located. The variance would be 20' along the east (Victor Dr.) and 15.5' along Gratiot Rd. (M-46). Mr. Jay Wheeler of Wm. Kibbe and Associates represented Rail Trail Motors. He discussed the existing plan at the site and noted that the variance was necessary to allow for traffic circulation through the car lot. The variance along Gratiot would allow a continuance of the existing line across the front and then the area to install the pillars and fencing. Along Victor they would still be able to provide for an 18' greenbelt area with the requested variance. When you put together the fact that you have the Rail Trail, the existing building and Victor Drive the situation on the property becomes quite unique. There is no room with the current setbacks for flow. Survey work has been done to accurately determine the variance needed. Wheeler added that they came to the ZBA first for these variances because if they are not granted then there will be no site plan for the Planning Commission because they could not utilize the property.

There was discussion concerning the uniqueness of the property and the limitations as to what could be done on the property and variances would always be needed to do anything with it.

At this time the members answered the questions as listed under “Basic Conditions” and “Special Conditions” of the Zoning Board of Appeals Checklist. The results 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

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

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 and act of the applicant? Explain.

YES ⁴ _____ NO _____

The property is strictly limited due to size/location and would mostly likely be useless without variances.

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

YES _____ NO _____

Motion by Iamurri, supported by Milne to approve a variance of 20' along the east (Victor Drive) and 15.5' along Gratiot Road (M-46) to the setbacks for parking requirements in a B-3 Zoning District at the Rail Trail Motor Company; parcel #28-12-3-26-4064-001. Motion passed unanimously.

6. **Old Business** – None

7. **New Business-None**

8. **Adjournment**-a motion was made by DeSander and supported by Milne for adjournment of the meeting at 4:20 p.m.

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