



MINUTES

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS  
PUBLIC SAFETY BUILDING, 8215 SHIELDS DRIVE, SAGINAW, MI 48609  
January 23, 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, Rene DeSander and Michael Thayer. Also present were Dan Sika, Community Development Director and Connie Watt, Planning Assistant/Code Enforcement Officer, Mr. Chad Kloha and two interested parties.

Absent:

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

Motion by Thayer seconded by Iamurri to approve the minutes of the October 10, 2017 meeting with one grammatical change. Motion carried unanimously.

4. **Hearings:**

A. Chad Kloha is requesting a ten foot (10') variance to the requirement of 100' at the front building line of a property in the R-2 zoning district to construct a duplex. Iamurri questioned if the construction would be single or two story. Kloha answered that it would be a ranch type home, two bedrooms on each side, one bath. Iamurri questioned if there would be a concrete driveway and landscaping on the property. Kloha answered yes, a concrete drive and landscaping in the front area of the home. Iamurri asked if it would meet all of the requirements to which Kloha responded it would. Sika added that Kloha has done developments in the Township before and is aware of what is and is not required. He added that in his report he did note that there has not been any construction in this area in some time and to make sure that everything is taken into consideration. He said that the one issue Mr. Kloha faces is that if he builds a single family home he may not be able to get his investment in the property back. At least with a duplex it's more viable. Another consideration is that the end of McCliggott near River Road is inundated with flood plain which is another

hindrance to development. Iamurri stated that the back is wooded, who would be maintaining this area? Kloha said it will remain wooded. He is retaining ownership of the duplex so he would be keeping it wooded, natural. Milne asked if these were currently two separate parcels. Sika noted they were but the rear parcel is landlocked and they would be combined into one. Iamurri asked Kloha if the variance is approved was it his intention to consolidate the parcels. Kloha responded yes. Desander asked if any verbal or written concerns were received from neighboring properties. Sika stated none had been received in the office. Lynne Parker of 7315 McCliggott addressed the members. She said they have duplexes on the street and have trouble with the occupants. Eric Parker of 7315 McCliggott addressed the members. He stated that five of six duplexes on the street are empty and all have been updated/remodeled. Also the duplex will be “right there” in proximity to his home and his neighbor “Phil’s” home. He feels renting is not a good idea. If it were a single family home it would be a lot better. Iamurri asked Kloha the size he was intending on the duplex to be? Kloha stated 800 sq. ft. per side, 2 bedroom, 1 bath, 1 car garage. He added they will have the same setbacks as a regular house so they wouldn’t be encroaching to those on either side. He will be consolidating to use more of the back yard than the side yards. He added that he has about 180 rental properties. They have a good, strict screening policy and it is not their goal to have someone disruptive to the neighbors. They look for good people. He has a full-time lady who is his project manager who works on nothing but the screening. He said he has a full time staff to take care of his units/repairs. He added that he will be investing in this and it is not inexpensive to do so. He doesn’t want it to look run down or done cheaply. They are in it for the long haul. Parker added she is concerned about the water from this property coming onto her property. E. Parker added that the drainage is not very good there anyhow. Kloha said when building they will be checking for the grade of neighboring properties. They will drain to the front and rear of their own property. Everything that can be done will be for properties to either side of his property not to take on his water.

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**

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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 1 (Witt)

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

YES 4 NO 1 (Witt)

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

YES 4 NO 1 (Witt)

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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 5 NO \_\_\_\_\_

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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 5 NO \_\_\_\_\_

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***SPECIAL CONDITIONS***

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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 \_\_\_\_\_

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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 \_\_\_\_\_ NO \_\_\_\_\_

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

YES <sup>4</sup> \_\_\_\_\_ NO <sup>1</sup> (Witt)

Preserves the right to build what is allowed as per the ordinance.

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Motion by Iamurri, supported by Milne to approve a variance of ten feet (10') for the front building line width to construct a duplex at 7355 McCliggott Road on Parcels 28-12-3-25-1060-001 and 28-12-3-25-1060-000 which are to be combined as requested by Mr. Chad Kloha. Motion passed unanimously.

6. **Old Business** – None

7. **New Business**

A. ZBA Training Workshop-Information was presented for a Zoning Board of Appeals training offered in Frankenmuth on March 1, 2018.

B. 2018 ZBA Meeting Schedule-The 2018 potential meeting date schedule for the Zoning Board of Appeals was presented. The dates would be on an as needed basis. Motion by Iamurri, supported by Thayer to approve the 2018 ZBA Meeting Schedule. Motion passed unanimously.

8. **Adjournment**-a motion was made by Iamurri and supported by Thayer for adjournment of the meeting at 4:35 p.m.

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