

MINUTES
DRAFT
THOMAS TOWNSHIP ZONING BOARD OF APPEALS
THOMAS TOWNSHIP PUBLIC SAFETY BUILDING
8215 SHIELDS DRIVE, SAGINAW, MICHIGAN
December 12, 2023
4 O’CLOCK P.M.

Members Present

R. Iamurri
M. Lenczewski
D. Milne
R. Desander
M. Thayer

Members Absent

Others Present

D. Sika, Dir. Of Community Dev.
A. Bicigo, Planning Asst./Code Enf.
David Androl
Leasa Androl

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

Approval of Minutes:

Motion by Lenczewski, supported by Thayer, to approve the minutes of May 23, 2023 as presented.

VOTE 5 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

New Business:

A. Email from Township Resident regarding a previous ZBA decision

Motion by Desander, supported by Lenczewski to receive and file the email from Judi Sweany.

VOTE 5 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

B. Approve 2024 Meeting Dates

Motion by Milne, supported by Desander to approve the 2024 meeting schedule as presented.

VOTE 5 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

**Thomas Township
Zoning Board of Appeals
Meeting Schedule
2024**

**Thomas Township Public Safety Building,
8215 Shields Drive, Saginaw, MI 48609
4:00 p.m.**

Meetings will be posted.
Meetings, **when needed**, are normally scheduled for
the fourth Tuesday of the month.

January 23, 2024
February 27, 2024
March 26, 2024
April 23, 2024
May 28, 2024
June 25, 2024
July 23, 2024
August 27, 2024
September 24, 2024
October 22, 2024
November 26, 2024
December 17, 2024*

*Date moved to the third Tuesday in December; the fourth Tuesday is Christmas Eve

Hearings:

- A. A variance has been requested by David & Leasa Androl to use a Coverstar Automatic Swimming Pool Cover in lieu of the required fence around their Type 1 pool.**

Iamurri opened the public hearing at 4:04 pm.

Leasa Androl of 2588 Lone Rd presented their request for a variance. Androl stated that their main concern is safety, especially regarding their autistic son. A fence around the would not be sufficient for his safety, as he can easily open any gate. They felt that an automatic pool cover that requires a code to open would be a safer alternative. Androl explained that their property is far from the road and neighbors, and much of the property is fenced. The cover they installed requires a code to be opened and closed, and meets all of the requirements set forth by the Michigan Residential Code, International Swimming Pool and Spa Code, and ASTM F1346. The Androls provided all of the documentation for the cover used.

Iamurri closed the public hearing at 4:09 pm at which time the board began its deliberations. Iamurri explained the use of the checklist to ensure that all applicants for a variance are treated the same and a variance is truly needed. Iamurri read the questions and discussion took place on each and a vote was taken after the discussion of each question. The checklist and the results of the vote on each question are listed below, along with an explanation:

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___5___ NO___0___

The intent of the ordinance is safety, and in this case the ZBA agreed that the automatic pool cover would be a safer alternative to what the ordinance requires, and is allowed as an alternative to fencing requirements by the Michigan Residential Code.

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

YES___5___ NO___0___

The ZBA members agreed that due to the secluded nature of the property and distance from the neighbors, there would be no adverse effect.

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

YES___5___ NO___0___

Milne stated that, due to the distance from the pool to neighboring properties, no nuisance would be created.

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___0___

Due to the family's focus on the safety of their autistic son, as well as the distance from their neighbors, this situation is unique and not shared by other properties.

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___0___

Iamurri stated that the applicant's main concern is safety, and in this case an automatic pool cover is as safe as, if not safer than a fence.

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 demonstrated:

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

YES___5___ NO___0___

The ZBA members felt that due to the uniqueness of the situation, requiring a fence in addition to the already installed safety cover would present unnecessary hardship.

2. Are there unique or extraordinary physical conditions that do not apply to other properties 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_____

Because the request met the requirements for a variance a motion was made by Thayer, supported by Lenczewski to approve the variance requested by David and Leasa Androl to allow an automatic swimming pool cover meeting the requirements in the Michigan Residential Code, International Swimming Pool and Spa Code, and ATSM F1346 in place of a fence around their in-ground pool at 2588 Lone Rd.

ROLL CALL VOTE:

YEAS: Milne, Iamurri, Lenczewski, Desander, Thayer

NAYS:

ABSENT:

MOTION CARRIED

Adjournment:

Motion by Thayer, supported by Milne, to adjourn the meeting at 4:18 pm.

VOTE 5 YEAS 0 NAYS 0 ABSENT MOTION CARRIED