

MINUTES

DRAFT

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS
THOMAS TOWNSHIP PUBLIC SAFETY BUILDING
8215 SHIELDS DRIVE, SAGINAW, MICHIGAN
February 28, 2023
4 O'CLOCK P.M.**

Members Present

R. Iamurri
M. Lenczewski
D. Milne

Members Absent

R. Desander
M. Thayer

Others Present

D. Sika, Dir. Of Community Dev
A. Bicigo, Planning Asst/Code Enf.
Kristi Curbey
Ryan Curbey
Todd Hall
Amy Hall

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

Approval of Minutes:

Motion by Mr. Milne, supported by Mr. Lenczewski, to approve the minutes of October 25, 2022 as presented.

Hearings:

A. A variance request has been submitted by Ryan and Kristi Curbey to construct a 560 foot addition onto an accessory building (garage).

Mr. Iamurri opened the public hearing at 4:01 p.m. Mr. Iamurri requested that Mr. Sika explain the variance being requested. Mr. Sika stated that Mr. and Mrs. Curbey are requesting a variance to construct a 560 sq. ft. lean-to addition to a pole building that was recently completed. The ordinance allows a certain amount of square footage for such an accessory building, as well as a specific height. The side walls can be at most 10 feet in height, with a maximum overall height of 17 feet. The roof can be taller than 17 feet, provided they match the roof pitch of their house, which Mrs. Curbey stated is 9/12 pitch with a height of 21 feet. Mr. Sika

explained that, in this case, the building inspector failed to mention this exception. The 560 square feet being requested could have been included in the original construction as a second floor if they had been allowed to include the extra 3 to 3 1/2 feet of overall height. Mr. Sika stated that due to the uniqueness of the situation, Mr. and Mrs. Curbey should be granted a variance to construct the 560 sq. ft. addition onto the side of the accessory building. Mr. Iamurri then requested that Mr. and Mrs. Curbey give their statement on the matter. Mrs. Curbey explained they originally wanted to build a 30 ft. x 50 ft. structure with at least 12 ft. walls. They called Thomas Township and were told they could only build a 35 ft. x 40 ft. building with 10 ft. walls and a maximum height of 17 ft. Due to this height restriction, the contractor told them the roof pitch could only be 5.5/12, which would make the loft/attic space only 3 ft. 11 in. high. Based on this information, the homeowners decided to use standard trusses instead of attic trusses. Mrs. Curbey explained that one of their neighbors is currently constructing a similar accessory building, and this neighbor informed the Curbeyes of the height exception for matching the pitch of the existing dwelling. At this point, Mrs. Curbey called Mr. Sika, who confirmed this exception. Mr. Iamurri inquired as to when the accessory building was completed, and what the plan to add on would be. Mrs. Curbey stated it was completed a week before Christmas 2022. She added that the plan is to add on a 560 sq. ft. addition, which matches the square footage that was lost when they were limited to 17 ft. Mr. Iamurri asked for confirmation that if approved, the variance would meet what the homeowners are trying to achieve. Mr. Curbey answered in the affirmative. Mr. Iamurri opened the floor for any public comments at 4:10 pm. Community member Mr. Hall stated that he is in favor of granting the variance. Mr. Milne asked to confirm that the space granted by the current truss arrangement is not usable. Mrs. Curbey confirmed that is just an open space.

Mr. Iamurri closed the public hearing at 4:12 PM at which time the board began its deliberations. Mr. 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. Mr. 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 ___3___ NO _____

Mr. Milne stated the design that would have allowed the square footage requested was already allowable by the ordinance. Mr. Iamurri added that if the homeowners had all of the information they would have designed accordingly.

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

YES___3___ NO_____

Mr. Iamurri stated there are very few neighbors and they are set back from the road enough that it is not visible.

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

YES___3___ NO_____

Mr. Lenczewski stated that the public in attendance were in agreement with granting the variance.

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___3___ NO_____

Mr. Milne stated it is because this was a mistake by the Township that is being rectified.

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___3___ NO_____

Mr. Iamurri stated yes because this is their own private 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 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 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___3___ NO_____

Mr. Milne stated that they originally had a right that was denied to them.

Mr. Iamurri stated that all of the conditions of the checklist had been met. Motion by Mr. Milne, supported by Mr. Lenczewski to approve the variance requested.

ROLL CALL VOTE :

YEAS: Milne, Iamurri, Lenczewski

NAYS:

ABSENT:

MOTION CARRIED

Adjournment:

Motion by Mr. Lenczewski, supported by Mr. Milne, to adjourn the meeting at 4:18 p.m.

VOTE 3 YEAS 0 NAYS 2 ABSENT MOTION CARRIED