



## MINUTES

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS  
PUBLIC SAFETY BUILDING, 8215 SHIELDS DRIVE, SAGINAW, MI 48609  
APRIL 9, 2013 - 4:00 P.M.**

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

Present: Bette Syrek, Mike Thayer, Don Milne, Dave Sommers and Rene DeSander. Also present were Dan Sika, Community Development Director, Susan Coggin, Planning Assistant and eight (8) interested parties.

Absent: None.

2. **Pledge of Allegiance.**

3. **Swear In Zoning Board of Appeals Members – Election of Officers.**

Betsy Wietfeldt, Thomas Township Deputy Clerk, swore in Bette Syrek, Mike Thayer, Don Milne and Rene DeSander.

Motion by Mr. Milne, supported by Mr. Sommers to elect Bette Syrek as the Chairman of the Thomas Township Zoning Board of Appeals. Motion carried unanimously.

Motion by Mr. Thayer, supported by Mr. Milne to elect Dave Sommers as the Vice-Chairman of the Thomas Township Zoning Board of Appeals. Motion carried unanimously.

Motion by Mr. Sommers, supported by Mr. DeSander to elect Mr. Milne as Secretary of the Thomas Township Zoning Board of Appeals. Motion carried unanimously.

4. **Approval of the Minutes.**

Motion by Mr. Sommers, supported by Mr. Thayer to approve the minutes of January 25, 2013 as presented. Motion carried unanimously.

## 5. Hearings

- A. Variance Request: Mr. James Stevens of 12585 Dice is requesting a variance from Section 10-2-2.G.2.a of the Thomas Township Zoning Ordinance in order to construct a total of three thousand five hundred and ninety (3,590') feet of six (6') foot fencing within the required front yard setback of an agricultural zoned district.

Mr. Sika stated that the applicant is requesting a variance from Section 10-2-2.G.2.a of the Thomas Township Zoning Ordinance in order to construct a total of three thousand five hundred and ninety (3,590') feet of six (6') foot fencing within the required front yard setback of an agricultural zoned district.

Mr. James Stevens and Mr. Scott Peters were present to answer any questions or concerns regarding this proposed variance request. Mr. Stevens stated that the variance is to install the fence in such a manner that he is able to maximize and utilize all of his property without destroying existing trees. Mr. Stevens also states that due to the proximity of the existing Hall Drain and an existing gas line on the north, he is limited on where he can place a fence on the property.

Ms. Syrek asked for public comments in favor or in opposition to this proposed variance request. All adjoining property owners within five hundred (500') feet were notified of the request. The following people were heard:

1. Mr. Michael Trew, 3500 North Orr – Mr. Trew is opposed to the proposed fencing. He stated that his home sits back off the road and a solid fence would be an unwanted obstruction to both the view and to the drifting snow.
2. Mr. Thomas Kaczmarek, 12766 Dice Road – Mr. Kaczmarek is opposed to the proposed fencing. Mr. Kaczmarek is concerned that the fencing will hinder the movement of the deer.
3. Ms. Shirley Fuller, 12906 Dice Road – Ms. Fuller is opposed to the proposed fence. She is concerned that the deer will get caught in the fence. She is also concerned about the maintenance of the fence.
4. Mrs. Debbie Trew, 3500 North Orr – Mrs. Trew is opposed to the proposed fence. She is concerned with the maintenance of the fence.
- 5.

There being no further public comments, Ms. Syrek closed the public hearing portion of this variance request.

Discussion followed among the Zoning Board of Appeals members. Mr. Sommers asked the applicant if this property is classified as a wildlife refuge through the State of Michigan? Mr. Stevens stated that it is not. Mr. Sommers also asked if Mr. Stevens had any documented accounts of the

poaching on the property. Mr. Stevens stated that he has not been able to prove the poaching. Mr. DeSander questioned if the new fence would be the same height as the existing fence. Mr. Stevens stated that the existing and new fence are both 6' in height.

The Zoning Board of Appeals completed the Zoning Board of Appeals checklist as follows:

1. Has the Applicant demonstrated that this variance is not contrary to the intent and purpose of the Zoning Ordinance? Explain. It was the opinion of the Zoning Board of Appeals that the setback could be met if it were moved back away from the septic field.

YES None NO Sommers, Milne, Syrek, Thayer and DeSander – The applicant has not demonstrated that this variance is not contrary to the intent and purpose of the Zoning Ordinance.

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

YES Milne and Syrek NO Sommers, Thayer and DeSander - The applicant has not proven that a variance will not adversely impact adjacent properties.

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

YES None NO Sommers, Milne, Syrek, Thayer and DeSander - The applicant has not proven that a variance would not produce a nuisance condition to nearby premises and would potentially prove a traffic safety hazard.

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 Sommers, Milne, Syrek, Thayer and DeSander NO None – The applicant has not shown that the proposed variance is unique and not shared by other properties in the same zoning district throughout the Township.

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 DeSander NO Sommers, Milne, Syrek and Thayer - The applicant has not shown that that a variance will not otherwise impair the public health, safety or general welfare of the residents of Thomas Township.

Motion by Mr. Sommers, supported by Mr. Thayer to deny a variance to construct three thousand five hundred and ninety (3,590') feet of six (6') foot fence within the front yard setback of an agricultural zoned district. Motion carried unanimously.

6. **Discussion** – None.

7. **Old Business** – None.

8. **New Business**

A. Adopt 2013 Board of Appeals Meeting Schedule.

Motion by Mr. DeSander, supported by Mr. Thayer to adopt the 2013 Board of Appeals meeting schedule as presented. Motion carried unanimously.

9. **Adjournment**

It was moved by Mr. Milne, supported by Mr. Thayer to adjourn the meeting at 5:01 p.m. Motion carried unanimously.

*Respectfully submitted by Susan Coggin, Planning Assistant/Code Enforcement Officer.*