

MINUTES

DRAFT

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS
THOMAS TOWNSHIP PUBLIC SAFETY BUILDING
8215 SHIELDS DRIVE, SAGINAW, MICHIGAN
MAY 26, 2026
4:00 P.M.**

Members Present

R. Iamurri
M. Lenczewski
D. Milne
R. Desander
C. Monahan

Members Absent

Others Present

D. Sika, Dir. Of Community Dev.
A. Bicigo, Planning Asst./Code Enf.
2 Interested Parties

Iamurri called the meeting to order at 4:00 pm.

Approval of Minutes:

Motion by Lenczewski, supported by Milne, to approve the minutes of the September 23, 2025 meeting as presented.

VOTE

5 YEAS

0 NAYS

0 ABSENT

MOTION CARRIED

Hearings:

A. Variance Requests at 12753 Basell Dr, Hemlock, MI 48626. Parcel # 28-12-3-30-3531-000.

Iamurri opened the public hearing at 4:01 pm.

Sika explained that the ordinance allows two accessory structures: one up to 600 square feet, with additional size permitted for larger lots, and a second up to 150 square feet. In the applicant's case, an accessory structure was constructed without a building permit and exceeded the 150-square-foot limit for a secondary accessory structure. There was already an existing detached garage and shed on the property when the structure was built. The shed has since been removed.

Sika further explained that the structure was built with 12-foot side walls, exceeding the maximum permitted side-wall height of 10 feet. For the structure to remain, Sika stated that a variance of 2 feet for side-wall height and a variance of 355.8 square feet for additional accessory building area would be required.

Phillip Ellison presented the variance requests on behalf of the applicant. Ellison explained that the lot in question is surrounded by heavily wooded properties and that the structure is not easily visible from the road or neighboring properties. Because of this, allowing the structure to remain would not affect the character of the neighborhood. Ellison reiterated that the small shed shown in the submitted photographs has been removed from the property and restated the variances being requested. He also noted that they had received a letter from a neighbor expressing no objection to the variances.

Desander questioned whether permits had been obtained for the existing detached garage, to which the applicant replied in the affirmative. He also asked why the applicant chose to build a structure with 12-foot side walls. The applicant replied that the height resulted from a builder error and that he chose to leave the structure as constructed.

Milne questioned the reasoning behind the side-wall height requirement and verified that the overall height of the structure complied with the ordinance. He also verified that the combined square footage of the two accessory structures was very close to the total square footage otherwise permitted under the ordinance.

Iamurri closed the public hearing at 4:25 pm.

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 4 NO 1

Milne stated that the overall height of the structure complies with the ordinance, so it does not go against the intent of the ordinance.

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

YES ___5___ NO ___0___

No neighbors spoke in opposition to the requested variance, and one letter was provided stating there was no objection.

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

YES ___5___ NO ___0___

Because the overall height is compliant and the structure is within the required setbacks, there is no impact to the neighboring properties.

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 ___1___

Because of the size of lot, the location of the structure, and the wooded surroundings, the ZBA members found the property to be unique.

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___

The ZBA felt that because of the secluded nature of the lot, and the fact that no neighbors spoke in opposition of the request, there would be no impact to the residents of the Township.

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 4 NO 1

The ZBA felt that the secluded nature of the property was unique, and that the contractor, not the applicant was at fault for not meeting the Township’s requirements.

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

YES NO

Having demonstrated that the requests meet all of the Basic Conditions and one of the Special Conditions of the Zoning Board of Appeals Checklist, motion by Milne, supported by Lenczewski to approve a variance of 2 feet to the sidewall height requirement of 10 feet, to allow the existing 12-foot side wall height.

ROLL CALL VOTE:

YEAS: Milne, lamurri, Lenczewski, Monahan

NAYS: Desander

ABSENT:

MOTION CARRIED

ZONING BOARD OF APPEALS CHECKLIST

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BASIC CONDITIONS

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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

Because the total square footage of the two buildings is close to the total that would be allowed if added together, it is not contrary to the intent of the ordinance.

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

YES 5 NO 0

It was the opinion of the ZBA that, because the building is set so far back and the property is surrounded by woods, there will be no adverse effect on the adjacent properties.

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

YES 5 NO 0

The ZBA felt that, due to the wooded lot and distance from the road, no nuisance condition 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 3 NO 2

The ZBA felt that the wooded nature of the lot, the size of the lot, and the shape of the lot were all unique in this situation.

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

Because the overall size of both accessory structures is close to what would be allowed and lot coverage is not exceeded in this case, there will be no impact to the safety and welfare of the residents of Thomas Township.

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 _____

The ZBA felt that forcing the applicant to demolish the building would create an unnecessary hardship, especially considering the contractor was at fault in this case.

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 _____

Having demonstrated that the requests meet all of the Basic Conditions and one of the Special Conditions of the Zoning Board of Appeals Checklist, motion by Milne, supported by Lenczewski to approve a variance of 355.8 square feet for accessory building square footage to allow the non-permitted accessory building to remain.

ROLL CALL VOTE:

YEAS: Milne, Iamurri, Lenczewski, Monahan, Desander

NAYS: None

ABSENT:

MOTION CARRIED

Adjournment:

Motion by Lenczewski, supported by Milne, to adjourn the meeting at 4:46 pm.

VOTE 5 YEAS 0 NAYS 0 ABSENT MOTION CARRIED