

MINUTES

DRAFT

**THOMAS TOWNSHIP ZONING BOARD OF APPEALS
THOMAS TOWNSHIP PUBLIC SAFETY BUILDING
8215 SHIELDS DRIVE, SAGINAW, MICHIGAN
OCTOBER 25, 2022
4 O'CLOCK P.M.**

Members Present

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

Members Absent

Others Present

D. Sika, Dir. Of Community Dev
B. Collison, Plann'g Asst/Code Enf.
Peter Shek
Millie Shek

Mr. Iamurri called the meeting to order at 4:01 p.m.

Approval of Minutes:

Motion by Mr. Milne, supported by Mr. DeSander, to approve the minutes of October 19, 2021 as presented.

Hearings:

A. Mr. Shek is requesting a variance to split a lot, creating less than the required lot width of the lot at 7284 Gratiot, Saginaw MI 48609

Mr. Iamurri opened the public hearing at 4:05 p.m. Mr. Sika started the meeting by stating that Mr. Shek is requesting to split a lot located at 7284 Gratiot Rd. The law requires a 4 to 1 depth-to-width ratio which the property split would exceed. Mr. Sika also stated that this is a state law, and the township has an ordinance to

follow the state requirements for land divisions. The state puts it on the local municipality to handle all requirements and gives the municipality the authority to grant variances to the 4 to 1 requirement. It was stated that the property Mr. Shek is trying to split is adjacent to the property that he owns to the east and has control over that property giving him access to the driveways of that property. Mr. Sika stated that he talked with the township assessor Jill Peters about the requested variance and there were some points that she wanted to make for the board to help in any decision. 1) The parcel is unusual for the area, narrow and deep lots were common in this older section of the Township, but not now. 2) There are a lot of renter houses across the street from the proposed split that are not of extremely high quality, so the split and selling of property for the construction of a new business may bring in more businesses to the Township, and hopefully the older rentals may be purchased, reducing blight in the area. 4) The last thing that she wanted to express was that this property is less likely to be purchased and developed if it isn't split into a smaller parcel. This makes the property less likely to get sold unless a split happens. Properties are less likely to be sold as larger lots due to the minimum lot size. Mr. Shek then took the stand and stated that he is speaking on the split but also that MDOT will not grant him a permit to finish the split until he has the parcel split and sold. MDOT is requiring Mr. Shek to have a shared driveway that will be directly across from Swanson St. Mr. Shek stated that he has no problem moving the driveway, but he cannot get an agreement from Mr. Levi who is interested in purchasing the property until he can transfer the property. Mr. Shek stated that hopefully in the future he was looking to make a service drive that will be located in the rear of the property. Mr. Iamurri then asked some questions. Mr. Shek stated that there is already a purchase agreement in place with him and they are just waiting for the hopeful approval of this split. Mr. Shek stated that the timetable of closing with Mr. Levi would be as soon as possible if he were to receive the blessing from the Board for the approval of the split. Mr. Milne stated he was curious if there was any conversation with Mr. Hundley (MDOT) to use the existing drive of Mr. Shek's property to the east as a shared drive for the new split. Mr. Shek states that MDOT intends to try and close as many drives as possible, and he gets why that is the route to go. He also added that part of that problem is that there is a state law in place that prohibits him from making the parcel at 7284 Gratiot part of the condominium. The condominium law states that the property would have needed to be added within five years and that is long gone on this property.

Mr. Iamurri closed the public hearing at 4:18 PM at which time the board began its deliberations. At this time the Zoning Board of Appeals completed its checklist with the results below:

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. 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 is 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_____

Mr. Milne stated that it meets the minimum size for a lot.

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

YES___5___ NO_____

Mr. Milne stated that the only property it would affect is owned by Mr. Shek who is requesting the variance.

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

YES___5___ NO_____

Mr. Iamurri stated it won't be a nuisance and might be an advantage once sold because a new business might appear.

- 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_____

It is not shared because it has narrow and deep lots, to begin with, and it was the old area of Gratiot.

- 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_____

Mr. Iamurri stated that it will improve on safety based on the MDOT requirements once the property is split.

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_____

It was summarized in the prior list of 5 questions, such as the split may make it safer for traffic in the future, and that it was an old area of Gratiot that had long and deep lots that were not very marketable to smaller businesses.

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_____

Mr. Iamurri stated based on the results of the ZBA checklist the variance can be granted because it met all of the requirements. A motion by Mr. DeSander, supported by Mr. Milne to approve the variance to the depth to width ratio requirement to allow the split as requested at 7284 Gratiot Rd.

ROLL CALL VOTE :

YEAS: DeSander, Milne, Lenczewski, Iamurri, Thayer

NAYS:

ABSENT:

MOTION CARRIED

Adjournment:

Motion by Mr. Lenczewski, supported by Mr. Milne, to adjourn the meeting at 4:23 p.m.

VOTE 5 YEAS 0 NAYS 0ABSENT MOTION CARRIED

