

Blair Township Zoning Board of Appeals
REGULAR MEETING APPROVED Minutes
July 13, 2016

- A. CALL TO ORDER:
The Regular Meeting of the Zoning Board of Appeals was called to order by Chairman McGee at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE:
The Pledge of Allegiance was recited.
- C. ROLL CALL:
Present at roll call: David McGee, Mike Mapes, Dave Taylor, Tracie Campbell, Lori LaBonte, Roger Zeits and Gary Welch.
Also present: Zoning Administrator Lindsay Wolf and Recording Secretary Joanne Tuck
- D. PUBLIC INPUT:
There was no public input.
- E. APPROVAL OF AGENDA:
Motion by Zeits seconded by Taylor to approve the agenda.
Motion carried.
- F. DECLARATION OF CONFLICT OF INTEREST:
There was no declaration of conflict of interest stated.
- G. MINUTES:
Minutes of June 8, 2016
Motion by Taylor seconded by Welch to approve the minutes of June 8, 2016 as presented.
Motion carried.
- H. CORRESPONDENCE:
A resident inquired with the Zoning Administrator about what the applicant was doing with the property being discussed in New Business today. He stated as long as it is not an encroachment on his property he was fine with the request for the variance.
- I. UNFINISHED BUSINESS:
There was no unfinished business
- J. NEW BUSINESS:
1. Public Hearing #16-03 Request from **JC Properties, 290 US 31 South, Traverse City, MI** for a side setback variance of 9' 10" from Zoning Ordinance section 18.05 Automobile Service Stations. The required setback for an automobile service station is 25'. The building is currently 15' 2" from the south property line.

Open Public Hearing 6:06 pm.

Bill Crain of Crain Engineering , and Fred Campbell of JML Design, discussed the use of the site for this property and the structure that is within the setback is for storage only. No repair work on vehicles will be done in that area.

Section 18.05 states that due to automobile use there is a 25' setback on all directions. The nature of the business is what brings the matter before the Zoning Board.

The proposed site use was presented to the Board of Appeals and asked questions of the applicant's representatives.

STAFF REPORT

Zoning Board of Appeals meeting July 13, 2016

ZONING VARIANCE REQUEST #16-03

RE: A request from **JC Properties, 290 US 31 South, Traverse City, MI** for a side setback variance of 9' 10" from Zoning Ordinance section 18.05 Automobile Service Stations. The required setback for an automobile service station is 25'. The building is currently 15' 2" from the south property line.

HEARING DATE: July 13, 2016 – 6:00p.m.

SITE LOCATION: 290 US 31 South, Traverse City, MI

Property Code: 28-02-005-005-00

SITE INFORMATION: The site is .69 acres in size, located west of US 31 South. The property is zoned CM Commercial Manufacturing. The surrounding area is zoned Commercial Manufacturing. There is an existing pole building on site.

APPLICANT: Please see attached application materials.

MAILING: All properties within 300 ft of the parcel (11 in total) were notified by mail 15 days prior to hearing. Public Hearing was posted in the Record Eagle newspaper 15 days prior to hearing. Public Hearing was posted on Township hall entries and website 15 days prior to hearing. There was no written response received.

AGENCY RESPONSES: NA

ZONING ORDINANCE FINDINGS:

A public hearing is required for a zoning variance request according to the Michigan Zoning Enabling Act and the Blair Township Zoning Ordinance. As Zoning Administrator, I have reviewed the Zoning Ordinance and the following are my findings:

Article 24 Board of Appeals

24.03 Standards of Approval Variance

To obtain a variance, the applicant must show practical difficulty by demonstrating:

a. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;

The applicant was instructed before they purchased the property that they did not meet the setback requirements. The applicant has stated they would remove the portion of the structure to bring it into compliance if the variance is

not granted. They would still be able to use the building for the intended purpose.

b. That a variance would do substantial justice to the applicant, as well as to the property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;

The current property has been vacant for about two years. They will revitalize the building.

c. That the plight of the owner is due to the unique circumstances of the property;

The applicant is occupying an existing building.

d. That the problem is not self created;

The applicant was instructed before they purchased the property that they did not meet the setback requirements.

e. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship;

I find this to be true for the variance requested.

f. That the variance shall not permit the establishment, within a district, of any use which it is not permitted by right within that zoning district, or any use for which a special use or temporary permit is required.

The use is commercial which is permitted within the district.

The Board of Appeals may impose conditions upon a variance approval. The conditions may include conditions necessary to ensure that public services and facilities affected by the variance will be capable of accommodating increased service and facility load, to protect the natural environment and conserve natural resources, to ensure capability with adjacent land uses, and to promote the use of land in an economically and socially desirable manner.

Hearing closed 6:21pm

Motion by Mapes, supported by Taylor , to grant the requested variance relief of the 25' setback requirement on the south side with the condition that the portion of the building be used only for storage.

Roll Call:

Labonte: No, No, does not meet requirements in 24.03 a-f

Welch: Yes, pursuant to 24.03 a,b, e and f

Zeits Yes, pursuant to 24.03 a, b, c, e and f

Mapes: Yes, pursuant to 24.03 b

Taylor: Yes , pursuant to 24.03 b,c e f

Campbell: No, does not meet requirements in 24.03 a-f

McGee: Yes, pursuant to 24.03 a, b c and f

Motion carried.

K. RECESS TO PREPARE DECISION FORM:

Recess: 6:37 p.m.

Meeting resumed: 6:46 p.m.

L. REPORTS:

1.) ZONING ADMINISTRATOR

Lindsay reported the Planning Commission elects in July and reminded the ZBA also needs to.

2.) PLANNING COMMISSION REPRESENTATIVE

There was a joint meeting of the Planning Commission and the Town Board to hear an update on the Master Plan. It is estimated with the next 60 days to get comments on the plan from Commercial developers. There was discussion also on blight issues in the Township and ideas of how to get approach with the owners.

2.) TOWN BOARD REPRESENTATIVE

Zeits reported on the meeting of last night's Town Board meeting.

3.) TRAILS

Dan DeVaun, Pat Pahl and Lindsay are meeting with a group interested in improving trails near the waterway and connecting with other townships. The presentation will be made to the group tomorrow.

M. ANY OTHER BUSINESS:

The ZBA discussed options of when to do the election of officers. It was decided that as long as all members were present to conduct the election.

Motion by Zeits, supported by Mapes to hold election of officers for the ZBA officers tonight.

Motion carried.

Motion by Zeits to keep all existing officers in the same office, supported by Campbell. The current Chair is McGee, the Vice Chair is Welch and the Secretary is Mapes.

Motion carried.

N. ADJOURNMENT:

Motion by LaBonte and supported by Welch to adjourn.

Meeting adjourned 7:03 p.m.

Respectfully submitted,
Joanne Tuck, Recording Secretary