

MINUTES OF THE SCHOOLCRAFT TOWNSHIP ZONING BOARD OF APPEALS

MEETING ON SEPTEMBER 8, 2022

A meeting of the Zoning Board of Appeals of Schoolcraft Township was held on September 8, 2022, located at the Schoolcraft Township Hall, 50 East "VW" Avenue, Vicksburg, Michigan.

Members Present: John Gardner, Gary Steensma, Terry Blodgett, Ray Hocevar and Steve Fryling.

Members Absent: None.

Also Present: Nelson Karre on behalf of applicant, Applicant; Township Supervisor Don Ulsh, and Township Attorney, Leslie Dickinson.

Chairman Blodgett called the meeting to order at 7:00 p.m.

Review and Approval of Minutes

A motion was made by Comm. Fryling to approve the minutes of the March 17, 2022 meeting, supported by Comm. Gardner. Motion carried 5-0.

Public Comment

None.

Public Hearing on Zoning Variance Request of Reggia Auto Group

Nelson Karre stated that he represents the Applicant, Reggia Auto Group, LLC. Mr. Karre remarked that they are seeking a variance to construct an extension to an existing accessory building on an existing foundation by enclosing the current buildings. The property in question was once a landscape supply business with open structures to store landscape materials such as rock, mulch, and soil. The applicant would like to close in open bays of the current structures and turn them into enclosed buildings to store cars and equipment for his business. Due to the expanded use of the non-conforming structures the applicant is seeking a variance of the 25-foot setback requirement for the year yard to a 15-foot setback. The previous landscape business had obtained a variance allowing them to construct the bays within a 15-foot setback which is the same footprint Reggia Auto Group, LLC would like to use when remodeling the buildings. Mr. Karre explained that the applicant wasn't asking for an additional variance, but just seeking to keep the previous variance in place for the expanded use of the structures.

Comm. Blodgett asked about the exact size of the variance request since the application, and the Zoning Administrators reports don't line up. The builder for the applicant responded that they were relying on a survey which had measured the setback from assumed property lines when they filed the application that they later found out were not accurate. To clarify, the builder stated that they are seeking the same variance as was previously granted in 2000 when the structures were built which was for a 15-foot setback.

The Board discussed their authority to grant the requested variance. Attorney Abdoo stated that the ZBA has the authority under section 27.3 of the zoning ordinance to allow expansion of a nonconforming use if the extension does not expand, enlarge, or otherwise alter the nonconformity of the property. The builder remarked that the applicant is not seeking to enlarge the structures or increase the size of them in any way, but only wishes to enclose them.

Comm. Hocesvar asked how the finished building would look so that doesn't appear unsightly or like an unusual addition. The applicant stated that they were working diligently to update the property, and that some updates have already been made to its appearance. He added that the enclosed area would be painted to match the existing building.

The applicant stated that he would have loved to have designed the property from the start, but that while growing the business they have limitations on what they can financially do with the property therefore completely re-siding the buildings was not feasible. They plan to paint the exterior of structures to match making them as visually appealing as possible. The current plans for the property include resurfacing the parking area and updating the landscaping.

After a discussion among the members, the board reached a consensus that granting the variance would not substantially extend the otherwise reasonably anticipated useful life of the nonconforming building/structure because the applicant is not seeking to enlarge the structures or increase the size of them in any way, but only wishes to enclose them. Attorney Abdoo stated that the standards for granting a dimensional variance were found in section 28.9 which she read for the board.

The standards which must be met for the ZBA to grant a variance are the following:

- By reason of the exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary conditions of the property in question, there are practical difficulties preventing compliance with the strict letter of the Ordinance.
- The exceptional or extraordinary conditions applying to the specific property do not apply generally to other properties that are subject to the requirement at issue.
- The variance will not be of substantial detriment to adjoining property.
- The variance will not materially impair the intent and purpose of this ordinance, or the public health, safety and welfare.
- The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties that are subject to the requirement at issue.

The Board discussed the standards for the dimensional variance, and reviewed the meeting minutes of the October 2, 2000 planning commission meeting in which they discuss the original variance was subsequently granted on October 5, 2000. The Board found that the standards had been

previously met when the original variance was granted in October of 2000. They agreed that approval of this variance would not be detrimental to adjoining properties, and would not impair the intent and purpose of the ordinance. Additionally, they found that granting the variance would be necessary for the applicant to enjoy the same substantial property right as the previous owner did. When reviewing the application, it was apparent that the hardship was created due to the previous variance, and not of the applicants making, thereby justifying the relief requested.

Attorney Abdoo mentioned that if Board moved forward with approval, they had the option to impose conditions, such as a screening requirement.

Comm. Hocevar stated that he was concerned with the way the property will appear from the south considering that the southern facing wall is made up of concrete blocks. Comm. Hocevar added that he would vote yes if the applicant agreed to update the southern wall, so it has siding or stucco instead of just concrete block to make it visually appealing to the surrounding area.

Having found that the previous variance met the standards in Section 28.9, and therefore the extension of the variance to enclose the buildings would also meet the standards, a motion was made by Comm. Steensma, supported by Comm. Gardner to approve Reggia Auto Group's variance request. A roll call vote was taken. Comm. Gardner: Yes, Comm. Steensma: Yes, Chair Blodgett: Yes, Comm. Hocevar: No, Comm. Fryling: Yes.

Adjournment

There being no other business a motion to adjourn the meeting was made by Comm. Fryling, seconded by Comm. Hocevar. Motion carried 5-0.

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Date: 11/9/23

Signed: T. W. Blodgett