

**CITY OF WILLIAMSTON
ZONING BOARD OF APPEALS
SEPTEMBER 12, 2023
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:07 p.m. in the City Hall Council Chambers by Chairman Robert DeGarmo and the Pledge of Allegiance was recited.

3. Roll Call:

Chairman Robert DeGarmo, Vice Chair Derik Feldpausch, and Board Member Dan Rhines. Absent: Bruce Bellinger and Brandon Gilroy.

Also Present: City Manager John Hanifan, Deputy Clerk Barbara Burke, City Attorney Timothy Perrone, McKenna Planner Raphael Kasen, and applicant Jeremy Jesse.

4. Audience Participation:

Chairman DeGarmo called for public comments at this time and there were none.

5. Approval of Agenda:

Motion by **Rhines**, second by **Feldpausch**, to approve the agenda as presented.
Motion passed by voice vote.

6. Zoning Board of Appeals Regular Minutes of April 18, 2023:

Motion by **Rhines**, second by **Feldpausch**, to approve the April 18, 2023 minutes as presented. **Motion passed by voice vote.**

7. Public Hearing- Dimensional Variance for Parcel ID 33-18-07-02-126-008, 3448 Corwin Road:

7a. Open Public Hearing:

Chairman DeGarmo opened the public hearing at 7:10 p.m.

7b. Chair States the Purpose of the Hearing and Rules of Procedure:

Chairman DeGarmo explained the purpose of the public hearing and rules of procedure.

7c. Presentation by Staff Summarizing the Item:

McKenna Planner Kasen went over the written report from McKenna Associates stating the applicant is requesting a 20-foot variance from ordinance standards for parcel ID 33-18-07-02-126-008, 3448 Corwin Road.

7d. Questions from Board to Staff:

There were questions on the photo (the one provided is clear); and clarification on the I-2 industrial district.

7e. Presentation by Applicant:

Mr. Jesse said he lives in Wheatfield Township and owns a self-storage unit in DeWitt. This facility will be gated, lighted, top of the line technology, etc.

7f. Questions from Board to Applicant:

None.

7g. Testimony from Public:

1. **Presentation of Written Comments:**

None.

2. **Presentation of Oral Comments:**

None.

7h. Concluding Comments from Staff:

Attorney Perrone provided three resolutions for consideration of the variance.

7i. Concluding Questions or Comments from Applicant:

None.

7j. Concluding Questions or Comments from Board:

None.

7k. Close Public Hearing:

Chairman DeGarmo closed the public hearing at 7:20 p.m.

8. Action Items

8a. Dimensional Variance for 3448 Corwin Road, Parcel ID 33-18-07-2-126-008

Motion by **Rhines**, second by **Feldpausch**, to adopt resolution Option 2, Granting Variance with Conditions

RESOLUTION

OPTION 2 – GRANTING VARIANCE WITH CONDITIONS

BE IT RESOLVED that the Williamston Board of Zoning Appeals hereby finds, with respect to the request for the variance requested by Williamston Self-Storage, LLC, Applicant, of 1057 Frost Rd., Williamston, Michigan, from the rear yard setback requirements under the Zoning Ordinance of the City of Williamston, Article 2, Section 2.311, for a 20 foot variance in the 50 foot rear yard setback in the I-2 Industrial District to allow for the construction of a 12,000 sq. ft. storage facility (mini-warehouse) on the property located at 3448 Corwin Rd., Williamston, Michigan, Tax ID No. 33-18-07-02-126-008, as follows:

1. That the rear yard setback variance is necessary because compliance with the strict letter of the rear yard setback requirements will unreasonably prevent the owner from using the property for a permitted purpose, or will render conformity with the

standards unnecessarily burdensome. The 0.8 acre property was previously split from a larger parcel, and does not meet the current minimum 2-acre lot size, which would have accommodated the proposed 12,000 sq. ft. building without a setback variance. A smaller building for the intended use that met setback requirements would not be economically feasible.

2. That the rear yard setback variance is necessary because a grant of the variance will do substantial justice to the applicant as well as to other property owners in the zoning district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the district. The variance will allow the economical development of the vacant property, create jobs, and revitalize the industrial district. A lesser variance is not possible due to the non-conforming lot size and the need for a building large enough to be financially feasible.

3. That the plight of the applicant is due to the unique circumstances of the property. The property is unique in that it was split from a larger parcel and does not conform to the minimum lot size. A financially feasible structure cannot be constructed elsewhere on the property.

4. That the problem to be addressed by the rear yard setback variance is not self-created. The lot was split from a larger parcel before the applicant acquired it. Without the variance, a financially feasible structure could not be built on the property.

5. That the rear yard setback variance will allow the spirit of the Zoning Ordinance to be observed, public safety and welfare secured, and substantial justice done. A grant of the rear yard setback variance would permit economically reasonable development of the property, which is adjacent to other industrial property, consistent with the City's Master Plan, and is harmonious with similar setbacks in the I-2 district and surrounding properties. Public safety will not be impaired.

6. That the variance will not impair adequate supply of light and air to adjacent properties, unreasonably increase the congestion in public streets, increase the danger of fire or endanger public health, or unreasonably diminish established property values within the surrounding area. Approval of the variance will not negatively impact other properties, property values, or the public health. The actual development of the property will require Planning Commission approval of a site plan.

BE IT FURTHER RESOLVED, that based in the aforementioned findings, the Applicant's variance is hereby granted to permit the development of the property by allowing a 20 foot variance in the 50 foot rear yard setback requirement, resulting in a 30 foot setback on the rear (east) line of the property, to allow the construction of a 12,000 sq. ft. storage facility (mini-warehouse), consistent with an approved site plan.

BE IT FURTHER RESOLVED, that the variance granted to Applicant shall be subject to strict compliance with the following condition:

1. The variance must be used within one (1) year from this date.

Yes: Rhines, Feldpausch, DeGarmo. No: None. **Motion passed.**

11. Audience Participation:

Chairman DeGarmo called for public comments at this time and there were none.

12. Member Comments:

None.

13. Adjournment:

Chairman DeGarmo adjourned the meeting at 7:22 p.m.

Meeting Adjourned at 7:22 p.m.

***THE PRECEDING MINUTES ARE A SYNOPSIS OF A ZONING BOARD OF APPEALS MEETING AND DO NOT REPRESENT A VERBATIM RECORD.**

Respectfully Submitted by: _____
Barbara J. Burke, Deputy Clerk

Date Approved: _____