

Conway Township ZBA Meeting Minutes

June 14, 2021

1. Meeting was called to order at 7:00 pm by Chairman Bowdoin
2. Pledge of Allegiance was recited.
3. Roll Call was taken, members present Dennis Bowdoin, Chuck Skwirsk, absent Gary Klein, Alternate Richard Kastner.
4. Chairman Bowdoin asked if the applicant would like to proceed without a full board.
The applicant said yes.
5. Also present: Applicant Asa Kreeger, Attorney Abby Cooper, Zoning Administrator Todd Thomas, Recording Secretary Elizabeth Whitt, and several residents.
6. Motion to approve the agenda as presented. Motion by a Skwirsk. Support by Bowdoin.
Motion approved.
7. Motion to approve the minutes of the 08/11/2021 meeting. Motion by Skwirsk. Support by Bowdoin. Motion approved.
8. Public comment was heard at the public hearing regarding: Application # ZBA 01-021; 6995 N. Fowlerville Road, Fowlerville Mi, Property ID # 47 01 34 200 006. Applicant Asa Kreeger. The issue at hand is an application for a variance to the Zoning Ordinance Section 13.10(R)(a) minimum 2 acre lot. Sections 13.10(R)(c,d,e,f) were withdrawn. Section 10.06(A)1 Storage of materials or good shall be enclosed entirely within a building or shall be enclosed so as not to be visible to the public from any abutting residential district or public street.
9. The property is zoned Commercial.
10. Several residents who neighbor the property spoke. The cited concerns were: traffic, noise, lights from the proposed canopy and run off from the proposed fuel pumps.
11. The Public hearing was closed, and the members began deliberation utilizing the ZBA Findings of Fact/Reason for decision form (attached).

7. New business

- a. Motion to deny variance request regarding the minimum lot size as presented.
Motion by Skwirsk. Support by Bowdoin. Motion approved.
- b. Motion to approve the variance request regarding outside storage. Motion by Skwirsk. Support by Bowdoin. Motion approved.

8. Call to Public

Motion to adjourn at 7:51 pm. Motion by Skwirsk. Support by Bowdoin. Motion approved.

Submitted by:

A handwritten signature in black ink, appearing to be 'E Whitt', written over a circular stamp.

Elizabeth Whitt

Recording Secretary

FINAL DECISION OF THE CONWAY TOWNSHIP
ZONING BOARD OF APPEALS

For an appeal by right of this decision to be timely, it must be made to the Livingston County Circuit Court within 30 days of the date of this order or within 21 days of the ZBA approving the minutes of its decision, whichever occurs first (MCL 125.3606).

Appeal Number: ZBA 01-021
Hearing Date: 6/21/21

Applicant: ASA Kreeger
Address: 6995 Fowlerville Rd
Phone / Fax: _____

Type of Request to ZBA:
 Administrative Review
 Variance
(If variance, complete page 2)
 Interpretation of Zoning Ordinance
 Other: _____

ZBA Findings of Fact: _____

ZBA Decision: _____

Reasons for Decision: _____

Notes of ZBA Members:
(Yes) (No) Dennis L. Bonobin
(Yes) (No) Charles Skwirski
(Yes) (No) _____

Signature(s) of Designated ZBA Member(s):
[Signature]

I, Charles Skwirski, Secretary of the Conway Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this final decision report.

/s/ [Signature] 6-21-21

VARIANCES: Variance Requested from Zoning Ordinance Section 10.06(A)(1)
Description of Variance Permission to store goods or materials

outside building visible from public street + residential district.

ZBA DECISION:

Approved Denied Approved with conditions (& reason for conditions) _____

ZBA FINDINGS OF FACT/REASONS FOR DECISION:

1. Practical difficulties exist (must find yes for (a) through (e) below) Satisfied Not Satisfied

a. There are exceptional characteristics of the property that make compliance with the dimensional or other requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Yes No
Reason _____

b. The characteristics that make compliance with the dimensional or other requirements difficult are related to the premises for which the variance is sought, and not another location. Yes No
Reason _____

c. There is not a lesser relaxation of the requirements than that applied for that would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners. Yes No
Reason _____

d. The characteristics that make compliance with the dimensional or other requirements difficult have not been created by the current or previous owner. Yes No
Reason _____

e. The proposed variance will not be harmful to or alter the essential character of the area in which the property is located. Yes No
Reason _____

2. Intent and purpose of the Zoning Ordinance will be observed. Satisfied Not Satisfied
Reason _____

3. Public safety will be secured. Satisfied Not Satisfied
Reason _____

4. Substantial justice will be done. Satisfied Not Satisfied
Reason _____

FINAL DECISION OF THE CONWAY TOWNSHIP
ZONING BOARD OF APPEALS

For an appeal by right of this decision to be timely, it must be made to the Livingston County Circuit Court within 30 days of the date of this order or within 21 days of the ZBA approving the minutes of its decision, whichever occurs first (MCL 125.3606).

Appeal Number: ZBA 01-021
Hearing Date: 6/21/21

Applicant: Ara Kreese
Address: 6995 Fowlerville Road
Phone / Fax: _____

Type of Request to ZBA:
 Administrative Review
 Variance
(If variance, complete page 2)
 Interpretation of Zoning Ordinance
 Other: _____

ZBA Findings of Fact: _____

ZBA Decision: _____

Reasons for Decision: _____

Votes of ZBA Members:
(Yes) (No) Dennis L. Bowdoin
(Yes) (No) Charles Skwieske
(Yes) (No) _____

Signature(s) of Designated ZBA Member(s):
[Signature]

I, [Signature] Charles Skwieske, Secretary of the Conway Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this final decision report.

[Signature] 6-21-21

VARIANCES: Variance Requested from Zoning Ordinance Section 13.10(R)(2)(a)
Description of Variance Minimum 1.5 acre lot area

ZBA DECISION:

Approved Denied Approved with conditions (& reason for conditions) _____

ZBA FINDINGS OF FACT/REASONS FOR DECISION:

1. Practical difficulties exist (must find yes for (a) through (e) below) Satisfied Not Satisfied

a. There are exceptional characteristics of the property that make compliance with the dimensional or other requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Yes No

Reason only 1.5 acres and location of building on this site leave no room for additional use; only property in this zoning dist.

b. The characteristics that make compliance with the dimensional or other requirements difficult are related to the premises for which the variance is sought, and not another location. Yes No

Reason _____

c. There is not a lesser relaxation of the requirements than that applied for that would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Yes No

Reason _____

d. The characteristics that make compliance with the dimensional or other requirements difficult have not been created by the current or previous owner. Yes No

Reason applicant bought property knowing the lot size

e. The proposed variance will not be harmful to or alter the essential character of the area in which the property is located. Yes No

Reason pond runoff, red cedar river, traffic + safety issues already with service station addition

2. Intent and purpose of the Zoning Ordinance will be observed. Satisfied Not Satisfied

Reason _____

3. Public safety will be secured.

Satisfied Not Satisfied

Reason _____

4. Substantial justice will be done.

Satisfied Not Satisfied

Reason sets a bad precedent