



Armada Township

ZONING BOARD OF APPEALS

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ZONING BOARD of APPEALS

Minutes

February 1, 2021

7:00 p.m.

Please take notice that a regular meeting of the Armada Township Zoning Board of Appeals and Public Hearing was held on Monday, February 1, 2021 at 7:00 p.m. by electronic remote access in accordance with the Emergency Order under MCL 333.2253, implemented in response to COVID-19 social distancing requirements and Michigan Department of Health and Humans Services. [HTTPS://global.gotomeeting.com/install/729093557](https://global.gotomeeting.com/install/729093557)

1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. ROLL CALL
 4. APPROVE / AMEND AGENDA
 5. APPROVAL OF MINUTES: September 4, 2019
 6. PUBLIC HEARING: Henshaw Automotive Dimensional Variance
 7. NEW BUSINESS: Henshaw Automotive Dimensional Variance
 8. PUBLIC COMMENTS
 9. ADJOURNMENT
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- 1.) **Call to Order:** Chair Hicks called the virtual meeting to order at 7:03 p.m.
- 2.) Chair Hicks led the audience in the **Pledge of Allegiance**.
- 3.) **Roll Call:** Members Present: Chair Hicks, Vice-Chair Kehrig, Finlay, Tharp. Members Absent: Xagoraris. Also, present: Christine White, Recording Secretary
- 4.) **Approve/Amend Agenda: Motion made by Kehrig, seconded by Finlay, to approve the agenda as presented. All ayes; Motion Carried.**
- 5.) **Approval of Minutes: Minutes from September 4, 2019**
Motion made by Finlay, seconded by Kehrig to approve minutes from September 4, 2019 as presented. All Ayes: Motion Carried.
- 6.) **Public Hearing: Henshaw Automotive Dimensional Variance:** Chair Hicks presented that all necessary notifications and publications were made and presented that the meeting is to hear from Henshaw Automotive seeking a dimensional variance. **Motion made by Kehrig, seconded by Thrap, to open the Public Hearing at 7:06 p.m. All Ayes: Motion Carried.** Mr. David Clark owner of Henshaw Automotive presented that he is seeking a dimensional variance for eighteen and half feet (18.5) for the set-back requirement in order to construct a 50 x 124 garage. The property was purchased with the assurance from the township that water and sewer would become available to construct 75,000 square feet building with expansion of another building to the south side of the site later. They approached the township prior, during, and after purchasing the property to get guarantees that the

project would in fact be constructed. After receiving confirmation from the township, the property was purchased, the site was designed, submitted, and engineering plans approved with the utilities incorporated into the design. After months of waiting for the sewer project to begin and no activity, the township abandoned the project. This left no choice but to redesign the site moving the building further to the south so that a septic field could be constructed. The entire cost to re-design and 100% of the cost of extending the water main from the northwest corner of the property to the south property line was incurred by Henshaw Automotive. After the redesign of the site, the ability to construct and expand another building to the site without a variance is why they are here. They are requesting a decreased side yard set-back to accommodate a 6000 square foot garage. They have continued to grow and need additional storage space. The hardship was not caused by them. They did their homework prior to purchasing the property and only need this variance because of the failure of the township to complete the public works project. Mr. Michael D'Agostini of Quadrate Construction representing Henshaw Automotive spoke in regard to the demand of the work load and need to survive. He stated that the variance is being requested because the sewer project never happened. He also mentioned that the D'Hondt property to the east was granted a similar variance. The new garage will be nice and match the existing the building. There was no public input. **Motion made by Finlay, seconded by Kehrig, to close the Public Hearing. All Ayes: Motion Carried.**

- 7.) **New Business: Henshaw Automotive Dimensional Variance:** Chair Hicks went over the application and asked the board members if they had any questions. Kehrig asked Mr. Clark if he owned the property to the south, which he does. Kehrig stated the building was not on the site plan. Mr. Clark said it was originally, and then labeled for future. The building would have fit. He has seventy employees. 10 spots will be lost, but are not needed. If parking becomes needed there is substantial space for more. The storage will be used for trailers and vehicles used for the company. They do not want them exposed to the weather. The set-back requirement in the M-1 district is twenty (20) feet. The variance would allow the building to be 1.5 feet from the property line. Kehrig asked if the building could be pulled forward to allow less of a variance. Mr. Clark said a radius for tractor trailer trucks to pull in needs to be maintained and trucks need to access the dumpster area to the rear. Mr. D'Agostini added that grading issues in regard to the slope and pitch had to have a buffer. The building is on a flat grade, the parking lot is pitched. No severe change could be made. There are underground storm drains that run on the east side, which make grading impractical. Finlay asked if the properties could be joined. Mr. Clark wants to leave as is at this time, he is not sure what will make sense in the future. Kehrig went through the finding of fact. The strict enforcement of the provisions of the zoning ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district is justified because they had to move the building over twenty-six (26) feet to put in a septic field. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same zoning districts is unique in that the public works project did not happen. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title but by the township when a public works project failed to service the site. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district because there are no other properties subject to this situation and the site had to be adjusted to accommodate. The variance will not be contrary to the spirit and intent of the zoning ordinance because it is enjoyed by the property next to them to the east and is within both street set-back requirements and is in the least intrusive place. Kehrig inquired if the building could be pulled up four to five feet. Mr. Clark stated, it was originally drawn like that, but because of the pitch of the parking lot it had to be moved away. If it were closer the concrete would have to be cut out. Mr. D'Agostini said building was pulled back due to catch basin to the east being too close to the gutter line. If the property is sold to the south there would be no way to maintain the building. Mr. Clark stated that it would be a parking lot and that buildings have to be 20 to 40 feet away from each other, and a drive could be put in along the property line. Discussion of a five to six foot variance continued with Mr. D'Agostini and Mr. Clark agreeing that they would have the engineer take a look and write a recommendation that if it could work that would be fine but had concerns if it could not work, they did not want to come back. Mr. D'Agostini

went over that the property to the east was granted a hardship even though he did not agree that the gas line was a hardship. Mr. Clark did his due diligence prior to the purchase of the property and attended meetings. Kehrig went over that the property to the east was justified due to the Department of Roads re-aligning the driveway. Discussion on a fifteen-foot variance or eighteen and half continued. Variance can continue on administratively. Finlay asked if engineer opinion is convenient or a necessity. **Motion made by Kehrig, seconded by Thrap, to approve variance due to practical difficulty created by government action, forcing the re-location of the building, eighteen and half (18.5) feet from side yard set-back contingent on engineering review of necessity of that location. All Ayes: Motion Carried.**

8.) Public Comments: Mr. David Clark loves Armada and looks forward to the future. Kehrig believes building is beautiful and Mr. Clark has done a good job.

9.) Adjournment: Motion made by Kehrig, seconded by Finlay, to adjourn meeting at 7:59 p.m. All ayes: Motion Carried.

Respectfully submitted:

Christine White
Recording Secretary
Approved:

Gail Hicks, Chairperson

Date