

# Armada Township

## ZONING BOARD OF APPEALS

23121 E. Main Street, P.O. Box 578

Armada, Michigan 48005

Telephone: (586) 784-5200 Facsimile: (586)784-5211

## ZONING BOARD of APPEALS

### AGENDA

**November 18, 2022**

**7:00 p.m.**

**In-Person and Virtual**

Please take notice that a regular meeting of the Armada Township Zoning Board of Appeals and Public Hearing will be held on Monday, Friday, November 18, 2022 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. Per state directives, public meeting access and participation is permitted though conference calling, real time streaming, and other technologies in compliance with Public Act 267 of 1976, the Open Meeting Act (OMA). The public may participate in the meeting through GoToMeeting access by way of computer, tablet or smartphone using the following link: <https://meet.goto.com/349530381>

Members of the public may also participate in the Board meeting by calling in to the following number:

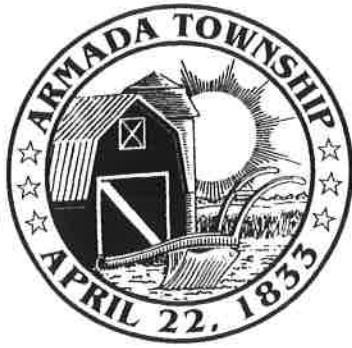
**1 (872) 240-3412 Access Code: 349-530-381**

New to GoToMeeting? Get the app now and be ready when your first meeting starts:  
<https://meet.goto.com/install>

In the event a member of the public wishes to submit questions or provide input to Board members prior to the meeting, they should contact the Township Zoning Board of Appeals members by emailing their input to [planning@armadatwp.org](mailto:planning@armadatwp.org). All input received from members of the public prior to the meeting will be read into the record during the meeting.

The agenda for the regular meeting of **Friday, November 18, 2022** is as follows:

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVE / AMEND AGENDA
5. APPROVAL OF MINUTES: **February 1, 2021**
6. PUBLIC HEARING: **Henshaw Custom Automation Dimensional Variance**
7. NEW BUSINESS: **Henshaw Custom Automation Dimensional Variance**
8. PUBLIC COMMENTS
9. ADJOURNMENT



# Armada Township

## ZONING BOARD OF APPEALS

23121 E. Main Street, P.O. Box 578

Armada, Michigan 48005

Telephone: (586) 784-5200 Facsimile: (586)784-5211

## 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
- .....

- 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 Quadrata 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 feet 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:

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Gail Hicks, Chairperson

---

Date



Armada Township – Macomb County – Michigan  
23121 East Main Street, Armada, MI 48005  
Zoning Board of Appeals Application # \_\_\_\_\_

This section for the applicant to fill in:

I/we David Clark of Henshaw Inc 70890 Powell Rd  
Name Address  
Bruce Mi 48005

Hereby appeal to the Zoning Board of Appeals, the rulings of:

( ☒ ) Zoning Ordinance ( ☐ ) Inspector ( ☐ ) Township Board

If ruling was made by inspector and/or township board, include the date of the ruling: \_\_\_\_\_

Address of property involved: 70710 Powell Road Armada Mi 48005

Legal description: Parcel #02-31-100-018

Zoning of property: M-1 Industrial

Current use of property: currently vacant land

Provisions of the zoning ordinance appealed. Indicate the article, section, subsection and page number of the zoning ordinance being appealed. Do not quote the ordinance: Armada Township Zoning Ordinance  
Section 14.03 subsection C Page 110

Type of Appeal – Appeal is made herewith for:

( ☒ ) A variance from the zoning ordinance

( ☐ ) A temporary use permit

( ☐ ) An interpretation of the zoning ordinance

This appeal is made for the following reasons: Henshaw Inc needs to expand to handle the  
upcoming work, the expansion will be in two phases. The first phase will  
need the variance so that it allows upcoming work to be completed and  
does not hinder phase 2 at a later date..

This section for township office use only

Fee received 10/27/2022

Site plan received 10/26/2022

Notices sent 10/31/2022

Notice published: 10/2/2022

Received by Cris Martin Planning & Zoning

Affidavit received 10/26/2022

Applicant notified 10/28/2022

Name of paper Re Record

This section for the Zoning Board of Appeals use only

At a meeting of the Zoning Board of Appeals held on this date: \_\_\_\_\_

The above described appeal was considered and the request was:

( ☐ ) Granted

( ☐ ) Denied

For the following reasons: \_\_\_\_\_

Requested interpretation: \_\_\_\_\_

Zoning Board of Appeals Chairman: \_\_\_\_\_

Please note: This application must be filed in triplicate with a copy for the inspector, ZBA chairman and the applicant.



Armada Township – Macomb County – Michigan  
23121 East Main Street, Armada, MI 48005  
Zoning Board of Appeals Affidavit

The Zoning Board of Appeals application shall be accompanied by this affidavit by the applicant explaining the following:

1. How the strict enforcement of the provisions of the Township 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.

Strict Enforcement would not allow Henshaw to Handle Phase1 upcoming Workload which could adversely affect the company

2. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same zoning districts.

This property has a very oddshaped lot - requested variance would be burried in an ideal area of the oddshaped lot surrounded by industrial land only - not residential

3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.

Oddshaped Lot

4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.

Neighboring lots were given similar variances. variance would be in non critial part of lot surrounded by industrial land not residential

5. Why the requested variance will not be contrary to the spirit and intent of the zoning ordinance.

variance would allow current and future expansion needs for the company to be met within an oddshaped lot and allows for the Phase2 building along Powell to maintain its high level of appeal for an industrial Building as Henshaw provided for its main building

The facts presented above are true and correct to the best of my knowledge:

Signature: David Clark

Print your name here: David Clark

Date: 10/26/22









**SOL'S (ENTIRE SITE IS CELINA LOAM)**  
 C&G is a Civil Engineering firm located at 11111 N. 11th Ave., Suite 100, Omaha, NE 68131. We are a full-service engineering firm with a focus on civil engineering, surveying, and site planning. We have been in business since 1985 and have a strong reputation for quality work and customer service.

**NOTE:**  
 NO 100 YEAR FLOODPLAIN  
 OR WETLANDS EXIST ON SITE

**NORTH**



**SCALE: 1"=30'**



**BENCHMARKS**  
 1. 100' M. L. LUMEN TO THE  
 11111 N. 11th AVE. (11111)  
 2. 100' M. L. LUMEN TO THE  
 11111 N. 11th AVE. (11111)

**LOCATION MAP**

**PROPERTY DESCRIPTION**

**SITE CRITERIA**

1. 100' M. L. LUMEN TO THE  
 11111 N. 11th AVE. (11111)  
 2. 100' M. L. LUMEN TO THE  
 11111 N. 11th AVE. (11111)

**POWELL ROAD (33' HALF-WIDTH)**

400' 00" 33' W 315.41'

400' 00" 33' W 382.72'

400' 00" 33' E 423.80'

300' 00" 33' W 315.41'



The location of existing underground utility lines is shown on this sheet. It is the responsibility of the user to verify the location and depth of these lines before any excavation or construction work is undertaken. The user should contact the appropriate utility companies for more information.

**TOPOGRAPHY LEGEND**

1	Spot Elevation	10	Contour Interval
2	Contour Line	11	Contour Line
3	Contour Line	12	Contour Line
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**LEGEND**

1	Proposed Pole Barn
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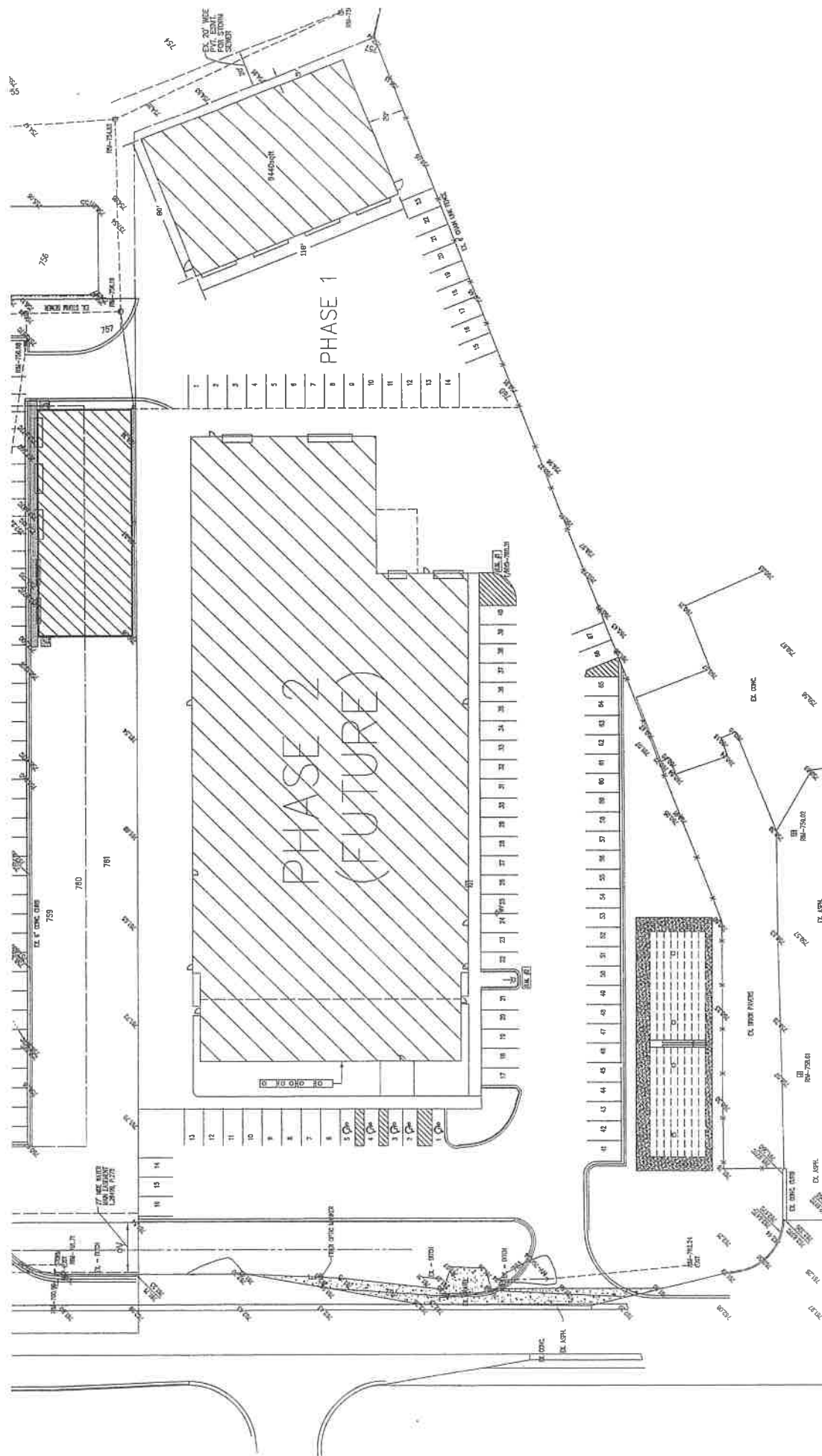
EXISTING CONDITIONS - SHEET 3 OF 3

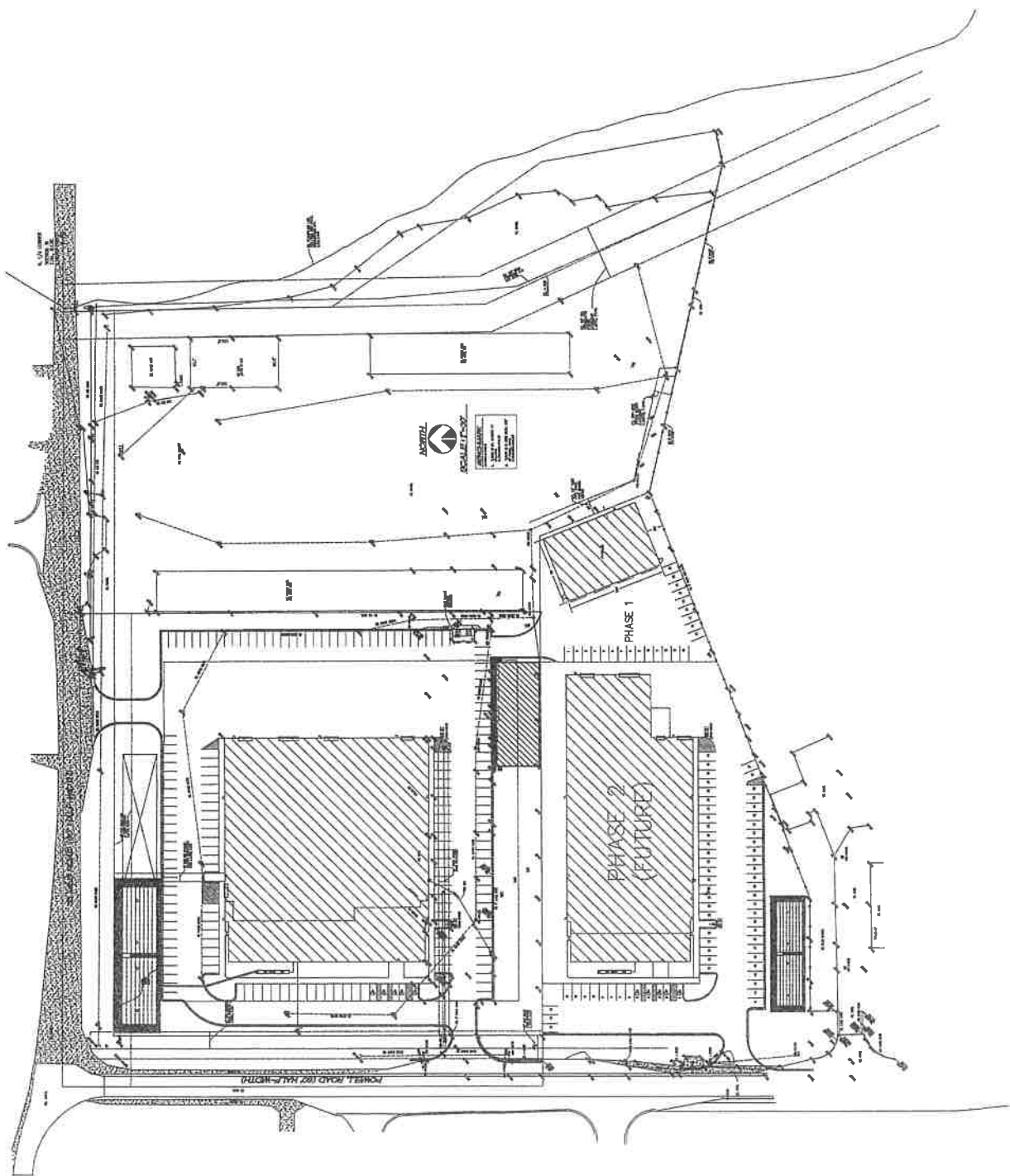


**PROPOSED POLE BARN**

**EXISTING CONDITIONS**

2023.01.10  
 11111 N. 11th AVE.  
 11111 N. 11th AVE.  
 11111 N. 11th AVE.





Google Maps

02-31-100-018



Imagery ©2022 Google, Imagery ©2022 CNES / Airbus, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022

50 ft

No Scale

12

## SOIL EVALUATION

Record Number OSP22-45071

Address POWELL RD, ARMADA TOWNSHIP, MI 48005

CONTRACTOR Mike Dagostini

MCHD REP Scott Hankus

SERVICE DATE(S) 09/02/2022

HOLE#	LOCATION	ELEVATION	DEPTH	SOIL TYPE	STRUCTURE	COLOR/CHARACTERISTIC	TEXTURE	SW	RW
1	35 ft south prop line, 233 ft center line powell rd		0-1 feet	Loam Top Soil	Blocky			24 inches	none
1			1-3 feet	Loam	Blocky				
1			3-6 feet	Sandy Clay Loam	Blocky				
2	35 ft spl, 200 ft cl rd		0-1 feet	Loam Top Soil	Blocky			24 inches	none
2			1-4 feet	Loam	Blocky				
2			4-6 feet	Sandy Clay Loam	Blocky				
3	35 ft spl, 150 ft cl rd		0-1.5 feet	Loam Top Soil	Blocky			24 inches	none
3			1.5-6 feet	Sandy Clay Loam	Blocky				
4	35 ft spl, 100 ft cl rd		0-2 feet	Fill	Blocky			24 inches	none
4			2-6 feet	Loam	Blocky		Heavy		

ANCHOR MARK

CENTER LINE OF ROAD

AT

ISOLATION DISTANCES City water proposed

ADJACENT WELL LOCATIONS +75 ft

RESERVE AREA AVAILABLE Yes

TOPOGRAPHY flat

PERCOLATION RATE(Minutes/Inch) 45

SOIL SERIES

REMARK/SPECIAL CONDITIONS:

\*SW= Seasonal water table (inches) as evidenced by mottling of the soil

\*RW= Recorded water table (inches) on date of evaluation

Structure Abbreviations: BK=Blocky, GR=Granular, PL=Platy, OM=Structureless/Massive, PR=Prismatic



## Armada Township Fire Department

23175 Armada Center Road  
Armada Township, MI 48005

[www.armadatwp.org/fire-department](http://www.armadatwp.org/fire-department)

Phone: (586) 784-9464  
Fax: (586) 784-8586

**Date:** 10/13/2022

**Subject:** Henshaw Expansion Phase 1 Proposal

Per our meeting regarding the planned Phase 1 and Phase 2 expansion projects, we are in agreement with there being adequate fire department apparatus access and fire hydrant distance for the building of Phase 1 storage building. Phase 2 project, as presented, would have adequate fire department access. Additional fire hydrant locations would only be required during Phase 2 proposed edition of project. We are also pleased with plans to tie in Phase 2 proposed edition with the rest of commercial site as to ensure more than one access to main roadway (access provided to Powell Road and 33 Mile Road).

Please keep this as records of our approval from the Armada Township Fire Department for Phase 1 expansion project site plan. Floor plan review of phase 1 building is still required to ensure adequate egress, emergency lighting, fire extinguishers and other life safety code requirements. Thank you for presenting a thorough plan for your phased expansion project to ensure life safety requirements are met to a satisfactory level of the Armada Township Fire Department. We value your continued success within our community.

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin Kanehl".

Kevin Kanehl  
Fire Marshal



**From:** Kirk Knobloch <kirk@klmlandscape.net>  
**Sent:** Tuesday, October 4, 2022 5:05 PM  
**To:** David Clark  
**Subject:** Re: Henshaw new building approval  
**Attachments:** image001.png; image001.png; Henshaw Phase 1 and 2 Lot Layout.pdf

David

Yes I approve

Thanks

Sent from my iPhone

On Oct 4, 2022, at 1:38 PM, David Clark <dclark@henshawusa.com> wrote:

Hi Kirk,

Per our discussion today, could you please verify that you are good with the proposed layout for the Phase 1 and Phase 2 future Henshaw Buildings per the attached layout. You can see that the Phase 1 building will be 20' from our adjoining property line.

Best Regards,

**Dave Clark**  
CEO  
[dclark@henshawusa.com](mailto:dclark@henshawusa.com)

70890 Powell Rd.  
Armada, MI 48005  
Phone: (586)752-0700 ext. 301  
Fax: (586)752-0800  
Cell: (586)206-3300

**ISO 9001 CERTIFIED**

Solutions for Advanced Manufacturing  
& Material Handling  
[WWW.HENSHAWUSA.COM](http://WWW.HENSHAWUSA.COM)

**From:** Jerry Dehondt <Jdehondt@dehondtinc.com>  
**Sent:** Monday, October 3, 2022 9:34 AM  
**To:** Bob Lindh  
**Cc:** David Clark  
**Subject:** Re: Variance Letter for Henshaw Storage Building:  
**Attachments:** David Clarks Set Back Letter .pdf; PastedGraphic-12.tiff

Good morning Bob,

Please see attached letter for no objections with the proposal for the set back along the property line.  
If you need anything else please let me know.

Thank you,

***Jerry DeHondt***

President / Master Electrician

**DEHONDT ELECTRIC INC.**

15450 33 Mile Rd. Armada, MI 48005

**Phone:** 586-419-9572

**Cell:** 586-612-4301

**E-mail:** [jdehondt@dehondtinc.com](mailto:jdehondt@dehondtinc.com)

\*\*\*\* To prevent fraudulent activity, ALL DeHondt Companies would kindly ask you to **NEVER modify our banking information** and ALWAYS confirm any other requests or changes to our account by contacting DeHondt using the phone number you have had on file, and speaking directly to us. \*\*\*\*

On Oct 3, 2022, at 7:50 AM, Bob Lindh <[bob@urban-land.com](mailto:bob@urban-land.com)> wrote:

Hi Jerry: Can you please write a memo to Dave Clark stating that you have no objections to him building a new Storage Building as shown on the attached Site Plan? Dave needs a rear yard setback variance. Dave wants to build a 9440 SF Pole Barn with a 5 foot setback. We met with the Armada Township Fire Department and they have no objections. Thanks for your help. Bob Lindh

**BOB LINDH, P.E.**

<001.jpg>

[bob@urban-land.com](mailto:bob@urban-land.com)

<01 SITE PLAN-Model.pdf>

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## DEHONDT ELECTRIC INC

15450 33 MILE RD: ARMADA, MI 48005 / 586-419-9572



Bob Lindh,

RE: Set Back for Property Line.

To Whom This May Concern,

Jerry DeHondt has no objections with the proposed set back for David Clark's new Storage Building. This will create no issue with where our properties adjoin. If you need any further information please feel free to contact me.

Thank you,

Jerry DeHondt  
President / Master Electrician

DeHondt Electric Inc.  
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E-mail [jdehondt@dehondtinc.com](mailto:jdehondt@dehondtinc.com)