



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

November 18, 2022

7:00 p.m.

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 Inc Dimensional Variance
 7. NEW BUSINESS: Henshaw Inc Dimensional Variance
 8. PUBLIC COMMENTS
 9. ADJOURNMENT
-

- 1.) **Call to Order:** Chair Hicks called the meeting to order at 7:00 p.m.
- 2.) Chair Hicks led the audience in the **Pledge of Allegiance**.
- 3.) **Roll Call:** Members Present: Chair Hicks, Vice-Chair Kehrig, Moegle, Jim Goetzinger. Members Absent: Liaison Grembi. Also, present: Cris Martin, Recording Secretary,
- 4.) **Approve/Amend Agenda: Motion made by Kehrig, seconded by Xagoraris, to approve the agenda as presented. All ayes; Motion Carried.**
- 5.) **Approval of Minutes: Minutes from February 1, 2021**
Motion made by Kehrig, seconded by Xagoraris, to approve minutes from February 1, 2021 as presented. All Ayes: Motion Carried.
- 6.) **Public Hearing: Henshaw Inc Dimensional Variance:** Note: Public hearing publishing and adjacent property notifications documentation was available but not requested to be presented. **Motion made by Kehrig, seconded by Jim Goetzinger, to open the Public Hearing at 7:03 p.m. All Ayes: Motion Carried.** Mr. David Clark owner of Henshaw and DC & Sons properties, Inc assisted by Mr. Robert Lindh of Urban Land Consultants, presented that he is seeking a dimensional variance for fifteen feet (15) for the north side yard setback requirement and a forty-foot (40) rear yard setback variance in order to construct an 80 x 118 pole building, which was reduced from the original intent. The variance is required to ensure that when the industrial building is added in phase two of this project, fire equipment and semis can turn around in the area between the buildings. They have continued to grow and need additional storage space. He stated that the variance is being requested because they have an odd-shaped lot and are trying to make the best use of the property so they can keep the frontage of the property aligned with his other existing building. The entire site plan had to be shifted by 30 feet due to the unavailability of sewer that was promised by the township when he was purchasing the property. The property is surrounded on all sides by other industrial sites, no residential. There are letters from both neighboring properties, D'Hondt and KLM stating they are ok with the variance, and there is a letter from the fire marshal stating that the design of site

meets his safety standards. There was no public input. **Motion made by Xagoraris, seconded by Kehrig, to close the Public Hearing at 7:11 p.m. All Ayes: Motion Carried.**

7.) **New Business: Henshaw Inc Dimensional Variance:** Kehrig read into the record a memo from Planner Haw of McKenna regarding required setbacks of similar communities showing that the Armada setbacks are much more restrictive than neighboring communities. In the past, the Armada ZBA has granted setback variances for Henshaw in 2021, and DeHondt in 2018. The side yard set-back requirement in the M-1 district is twenty (20) feet, the rear yard setback requirement is (50) feet. The variance would allow the building to be 5 feet from the north side property line and ten (10) feet from the rear property line. Kehrig went through the finding of fact.

1) 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: caused by the unusual shape of the property

2) The conditions and circumstances unique to the property, which are not similarly applicable to other properties: Is caused by the odd shaped lot.

3) The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title but by the odd shaped lot and by the township when a public works project failed to service the site.

4) The requested variance will not confer special privileges that are denied other properties: similar variances have been granted to other properties, and not granting it would limit the development potential of the property.

5) Granting the variance would not be contrary to the spirit of the ordinance. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district because the planning commission is looking to modify the ordinance to allow facilities to develop to their fullest potential, and denying the variance would limit the development by the current property owners.

Motion made by Kehrig, seconded by Jim Goetzinger, to grant a rear yard setback variance of forty (40) feet and a north side yard setback variance of fifteen (15) feet to the property at 70710 Powell Rd, commonly known as Henshaw, due to practical difficulty caused by the unusual shape of the property. It does not create special privileges denied to other properties, and is not in conflict with the spirit and intent of the ordinance as denying it could limit the potential development of the property. All Ayes: Motion Carried.

8.) **Public Comments:** Mr. David Clark appreciates everyone coming in on a Friday night, Thank you. Kehrig appreciates the development done by Henshaw, Hicks says the site looks great. Mr. Clark has done a good job.

9.) **Adjournment: Motion made by Hicks, seconded by Kehrig, to adjourn meeting at 7:26 p.m. All ayes: Motion Carried.**


PLEASE NOTE: Jim Goetzinger was not appointed as liaison at the time of this meeting. On the advice of the township attorney, these minutes reflect the votes as actually cast. Due to the unanimous vote, there was no impact on the decisions made.

Respectfully submitted:

Cris Martin

Recording Secretary

Approved:


Gail Hicks, Chairperson

Date 6/22/2023