

**DELHI CHARTER TOWNSHIP
MINUTES OF THE ZONING BOARD OF APPEALS
HELD ON SEPTEMBER 9, 2019**

The Delhi Charter Township Zoning Board of Appeals met in a regular meeting on Monday, September 9, 2019 in the Multipurpose Room at the Community Services Center, 2074 Aurelius Road, Holt, Michigan. Commissioner Sierawski called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Members Present: Glen Etalamaki, Thomas Kaiser, Frank Sierawski, DiAnne Warfield

Members Absent: Michael Goodall

Others Present: Tracy Miller, Township Manager & Director of Community Development
Noelle Tobias, Assistant Planner

AMENDMENTS TO THE AGENDA: None

APPROVAL OF THE MARCH 11, 2019 ZONING BOARD OF APPEALS MINUTES

Warfield moved and seconded by Etalamaki, to approve the March 11, 2019 meeting minutes as presented.

A Voice Poll was recorded as follows: All Ayes
Absent: Goodall

MOTION CARRIED

PUBLIC COMMENT (Non-Agenda Items): None

**ZBA CASE #19-156, 2765 EATON RAPIDS ROAD, SPEEDWAY, LLC, 33-25-05-07-251-009,
FRONT YARD SETBACK VARIANCE REQUEST**

Ms. Tobias reviewed the staff report. The applicant, and owner, in this case is Speedway, LLC. Speedway is proposing to demolish the existing building, with the exception of the existing carwash, and rebuild/expand. The site is located on the corner of Eaton Rapid Road and Bishop Road. The property is currently zoned C-3: Highway Service. Most of the surrounding properties are also zoned for commercial land uses. The property to the immediate west of the subject site is zoned R1-E: One-Family High Density Residential. However, this property is fully developed for use by a church.

The Front Yard setback in the C-3 zoning district is 50'. The applicant is requesting a 10.81' variance from the property line to the canopy (perpendicular dimension from the canopy corner to the property line). If the variance is granted, it would result in a small corner of the canopy being setback 39.19', rather than the normal 50'.

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Ms. Miller explained that this situation exists because of the “clipped corner” created by the obtuse angle of the intersection of Eaton Rapids and Bishop Road. Unlike corner properties that are at an intersection where the roads are perpendicular to one another, the corner of this property has three straight sections, one of which is at the clipped corner created by the road angles.

Kevin Foley of Speedway, LLC, and Mandy Gauss from CECO, were both present.

Discussion:

Sierawski asked exactly where the utility easement was on the site. Ms. Gauss showed the ZBA a property map, showing the easement which runs down the middle of the site.

Sierawski asked if the existing building is in the easement. Ms. Gauss answered that it is currently in the easement and the proposed building has the same amount of area within the easement. The easement owner, AT&T, has approved this continued use of the easement area.

Etalamaki asked where the new canopy will be relative to the existing one. Ms. Gauss indicated the existing canopy is closer to the road right-of-way and farther into the required setback than the proposed canopy will be. Currently, the front portion of the entire length of the canopy is within the 50’ setback from Eaton Rapids Road. The proposed canopy only has a small portion of the corner intruding into the setback by 10.81’.

Kaiser asked if the new canopy would be narrower than the existing. Ms. Gauss stated it would be narrower, only 28’ deep.

Public Hearing Opened at 5:38 pm

No Public comment.

Public Hearing Closed at 5:38 pm

MOTION TO APPROVE

Move to approve variance to Zoning Ordinance Section 5.11.4 (3)(a) for property located at 2765 Eaton Rapids Road, parcel number 33-25-05-07-251-009, as follows:

- 1. Permit a Front Yard Setback variance of 10.81’. This approval is based on meeting all the Basic Conditions and at least one of the Special Conditions of Section 4.4.3 of the Zoning Ordinance and becomes effective immediately.**

Discussion: None

A Roll Call Vote was recorded as follows:

Ayes: Etalamaki, Kaiser, Sierawski, Warfield
Nays: None
Absent: Goodall
Abstain: None

MOTION CARRIED

SUBJECT TO APPROVAL

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GENERAL DISCUSSION AND UPDATES

None

ADJOURNMENT

Meeting adjourned at 5:38 p.m.

Date: _____

Michael Goodall, Secretary

/nt

SUBJECT TO APPROVAL