

PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present: Edward Resha, Robert Grosshans, Alayna Stagg, Kenneth Brostrom.

Members Absent: Ishwar Naik.

Others Present: Gerald Feeman, Zoning Administrator Mark Spencer, and Recording Secretary Laura Ford.

1.0 Call Meeting to Order/Determination of a Quorum

Vice-Chairperson Grosshans called the meeting to order at 6:40 p.m. A quorum was present.

2.0 Approval of Agenda

Motion by Member Resha, supported by Member Brostrom, to approve the agenda, as presented.

MOTION CARRIED

3.0 Communications and Announcements

Planner Spencer discussed the suggested format for tonight's meeting.

4.0 Items from the Floor

None.

5.0 Old Business

None.

6.0 New Business

6.1 ZBA 04-09 Gerald Feeman
(submitted to expand a non-conforming building)

Vice-Chairperson Grosshans asked Mr. Feeman if he would like to continue the meeting even though only four (4) members are present and there is a chance that the vote could be tied.

Gerald Feeman, owner of Gerry's Tires, stated that he would like to continue.

Zoning Administrator Spencer reviewed his report. He stated that Section 57.03 F of the Zoning Ordinance states, "Non-conforming structures may be expanded in compliance with the following regulations...All other [non-residential]

non-conforming structures, in any zoning district, may be expanded only after approval from the Zoning Board of Appeals.” He said that this proposal is a minor expansion and remodeling of an existing structure. He said that this property is an island in the City of Saline. He said that the ZBA can place conditions on the approval. He referred to his report Item A and said that the reasons for the non-conformity shall be limited to the minimum lot area and width, yard, off-street loading and parking requirements. He said that staff does not feel that lot coverage or floor area ratio is an issue. He referred to Item B in his report and stated that the use is permitted in this district with a Conditional Use Permit.

Zoning Administrator Spencer stated that this building is non-conforming because of the front yard setbacks on Michigan Avenue and neither is proposed to change. He said that the proposed expansion is for a storage or display area. He said that it is his opinion that this could be used as a storage room. He referred to Item C in his report and stated that the improvements should conform to all of the requirements in the district. He said that the applicant has stated that products will be displayed in this area. He said that because the footprint is not changing the ZBA is not dealing with any other setback issues.

He said the Board should determine the following:

- 1. That the retention of the non-conforming building or structure is reasonably necessary for the proposed improvement or that the requiring of removal of such building or structure would cause unnecessary hardship.**

Zoning Administrator Spencer stated that it would be expensive to remove the building and build a new building. He said that the ZBA should determine if this is reasonably necessary to continue the existing use.

- 2. That the proposed improvement is reasonably necessary for the continuation of activities on the property.**

He said that staff would prefer to see the building demolished and a conforming building built.

- 3. That the enlarged or otherwise improved non-conforming building or structure shall not adversely affect the public health, safety, welfare and convenience.**

Zoning Administrator Spencer stated that the footprint of the building is not changing and thus these things should not be an issue. He said the ZBA should discuss the current outdoor storage issues with the applicant.

- E. The Board shall have the authority to require removal or modification of the non-conformity, where such is reasonable, as a condition for**

approval. The board may attach other conditions for its approval, which it deems necessary to protect the public health, safety, welfare and convenience.

Zoning Administrator Spencer said that the ZBA may want to make the site conforming and remove the outside storage.

F. All expansions permitted under this section shall meet all requirements of Article 55.0 herein.

Zoning Administrator Spencer stated that the expansion is minor and it does not meet the requirements for Planning Commission review.

Zoning Administrator Spencer stated that if this did go before the Planning Commission the applicant would be asked to comply with the WCRC and landscape standards. He said that there is another provision in the Ordinance that limits the repair expenses for a non-conforming building.

Mr. Feeman stated that the building's old façade was falling apart. He said that the new façade would be on the whole building except the area where the show room will be. He said that the show room will have windows on all sides and it will display Christmas trees and other items. He said they are not adding much to the building. He added that the expansion will not be a storage room. He said that the building is not getting bigger or moving closer to Michigan Avenue. He asked how far the building is from Michigan Avenue.

Zoning Administrator Spencer stated that the building is forty-two (42) feet from the right-of-way. He said the new setbacks went into effect in 1988. He asked Mr. Feeman if anything else would be done to the building.

Mr. Feeman stated the building will be painted.

Vice-Chairperson Grosshans asked Mr. Feeman if he ever considered tearing down the building.

Mr. Feeman replied no.

Member Brostrom asked what was being stored outside of the building.

Mr. Feeman stated that cars are being stored outside, and there are new tires in the trailer. He said that the old tires on the side of the building are hauled away once a month.

Zoning Administrator Spencer stated that it is not permitted to have tires stored in a trailer. He said that trailer storage is permitted if the trailer is in a truck dock or

hooked to the truck. He asked Mr. Feeman how many tires can be stored without the State regulating it as a disposal facility.

Mr. Feeman said that the State said he could have 800 to 900 tires stacked away from the building. He said that the tires have been set along the side of the building since 1973. He said that the Township wanted him to store the tires inside and he does not have room and now he has the tires picked up two (2) times a month.

Vice-Chairperson Grosshans asked if a storage area is being added to the rear of the building.

Mr. Feeman replied no, because this could require him to install a [retention] pond.

Zoning Administrator Spencer stated that a variance could be obtained for an addition.

Mr. Feeman and Zoning Administrator Spencer discussed a retention system.

Member Resha asked what the ten (10) foot section on the back of the building is used for.

Mr. Feeman stated that it is a storage room.

Member Resha asked if this is where the tires will be stored.

Mr. Feeman replied no. He stated that car parts are stored in that room.

Member Resha stated that this area could be expanded back twenty-five (25) feet for more inside storage.

Zoning Administrator Spencer stated that the threshold before the Planning Commission gets involved is 500 square feet.

Vice-Chairperson Grosshans stated that the storage area could be 300 square feet. He asked Mr. Feeman how tall the building is.

Mr. Feeman stated that the walls are ten (10) feet high.

Vice-Chairperson Grosshans stated that the building could be squared off.

Mr. Feeman stated that the building is twenty-eight (28) feet wide. He then explained the drawing to the ZBA members.

Member Resha asked if there is a bay in the front of the building.

Mr. Feeman stated that there are two (2) bays in the front of the building.

The Members and Mr. Feeman reviewed the drawings.

Zoning Administrator Spencer stated that any addition cannot be within the ten (10) foot side setback. He said that the applicant could add 490 square feet to the building. He said that the applicant may want to meet the setbacks of the City of Saline. He asked the ZBA members if they feel comfortable extending the life of a non-conforming building, and if so, should conditions be placed on the approval.

Member Resha stated that various buildings along Michigan Avenue are non-conforming.

The Members and staff discussed the existing non-conforming buildings on Michigan Avenue.

Vice-Chairperson Grosshans asked if it [the proposed improvement] would work if the addition is within the proper setbacks.

Zoning Administrator Spencer replied yes. He said that the Ordinance states that an expansion cannot be granted that does not meet the conditions of the Ordinance. He said that it is his opinion that the building would look nicer [if the façade was replaced].

Member Brostrom asked if the future storage area would be for the new tires.

Mr. Feeman stated that the storage area would be for both the new and old tires.

Vice-Chairperson Grosshans opened the public hearing.

There were no comments.

Motion by Member Resha, supported by Member Brostrom, to close the public hearing.

MOTION CARRIED

Vice-Chairperson Grosshans reviewed the findings:

- A. The property cannot be reasonably used in a manner consistent with the existing zoning. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a**

permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.

Vice-Chairperson Grosshans stated that this building is non-conforming because of the yard setbacks and lot coverage. Neither are proposed to be changed.

Member Stagg stated that it would be burdensome for the applicant to change how the building is setback. She said that the addition would not change the footprint of the building.

There was a consensus of the Members that the building meets the limitation requirements.

B. The tires sales and automotive service uses are permitted uses in the General Commercial (C-2) District.

There was a consensus with this statement amongst the Members.

C. That the plight or problem is not self-created because the improvements conform to the district requirements since the footprint of the building is not changing.

There was a consensus with this statement amongst the Members.

D. Determinations:

1. That the retention of the non-conforming building or structure is reasonably necessary for the proposed improvement or that the requiring of removal of such building or structure would cause unnecessary hardship.

Vice-Chairperson Grosshans stated that removal of the building and building a conforming building on the site would be very expensive.

There was a consensus with this statement amongst the Members.

2. That the proposed improvement is reasonably necessary for the continuation of activities on the property.

Vice-Chairperson Grosshans stated that the Members agreed that the improvements of the building are necessary to continue the retail and service business that the applicant runs there.

There was consensus amongst the Members.

3. That the enlarged or otherwise improved non-conforming building or structure shall not adversely affect the public health, safety, welfare, and convenience.

Vice-Chairperson Grosshans stated that since the footprint of the building will not change and the increase of floor space is for storage or display only, it should not impact public health, safety, welfare and convenience.

Vice-Chairperson Grosshans stated that the tires stored inside the trailer need to be placed inside of the building. He said that the applicant needs to provide additional storage area in the rear of the building. He said that 490 square feet of storage space can be added.

Zoning Administrator Spencer suggested that the applicant submit drawings to the ZBA of the addition.

There was a consensus with this statement amongst the Members.

The Members, staff, and Mr. Feeman discussed the square footage limitations of the addition.

Motion by Member Brostrom, supported by Member Resha, to approve the remodeling expansion of the non-conforming building as depicted in petition ZBA 04-09 Gerald Feeman, on the condition that all outside storage is prohibited including all storage in semi truck trailers.

ROLL CALL:

YES: RESHA, STAGG, BROSTROM, GROSSHANS
NO: NONE
ABSTAIN: NONE
ABSENT: NAIK

MOTION CARRIED

7.0 Zoning Administrator's Report

None.

8.0 Member's Report

None.

9.0 Secretary's Report

None.

10.0 Chairperson's Report

None.

11.0 Approval of Prior Minutes

11.1 Minutes of September 13, 2004

11.2 Minutes of September 27, 2004

Motion by Member Resha, supported by Member Brostrom, to approve the minutes of September 13, 2004 and September 27, 200, as submitted.

MOTION CARRIED

12.0 Adjournment

Motion by Member Resha, supported by Member Brostrom, to adjourn the meeting.

MOTION CARRIED

Vice-Chairperson Grosshans adjourned the meeting at 7:52 p.m.

s/Alayna Stagg, Secretary

January 24, 2005