

**Chair**  
Christopher LaGrand  
**Vice-Chair**  
Steve Gobbo  
**Secretary**  
Robert Reese, III  
**Board Members**  
Johanna Balzer, Trustee  
Donald Riel  
Andrew Richards  
Jeff Carpenter



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**Planner**  
Assistant Planner Tory Niewiadomski

**Planner**  
Assistant Planner Brett Wittenberg

**Recording Secretary**  
Linda K. Parkinson

**ZONING BOARD OF APPEALS  
MINUTES  
WEDNESDAY, MARCH 19, 2014  
7:00 P.M.**

The regularly scheduled meeting of the DeWitt Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. by Vice Chairman Steve Gobbo.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Secretary Reese.

**MEMBERS PRESENT:** Andrew Richards, Robert Reese, III, Jeff Carpenter, Donald Riel, Steve Gobbo, Trustee Johanna Balzer.

**MEMBERS ABSENT:** Chris LaGrand.

**STAFF PRESENT:** Assistant Planner Tory Niewiadomski.

**APPROVAL OF AGENDA:** Carpenter moved to approve the Agenda as printed. Supported. **MOTION CARRIED.**

**APPROVAL OF MINUTES:** Riel moved to approve the minutes of the February 19, 2014 Meeting. Supported. **MOTION CARRIED.**

**CORRESPONDENCE:** None.

**PUBLIC COMMENTS:** None.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

- I. PUBLIC HEARING - Appeal 14-770002 – From Robert Acre**, requesting a variance of 5,450 square feet to the minimum lot size requirement for outdoor sales of new and used automobiles of 30,000 square feet. If approved, the applicant would be allowed to sell used automobiles with a usable lot area of 24,550 square feet. The property is located at 16001 S. US 27, Lansing, MI 48906, (Parcel #050-034-200-105-00), on the southeast corner of State Road and S. US 27, in the northwest ¼ of Section 34 of DeWitt Charter Township.

- A. Open Public Hearing. **Balzer moved to open the Public Hearing at 7:05 p.m. Supported. MOTION CARRIED.**
- B. Administrative Comments/Applicant/Public Comments.

Assistant Planner Tory Niewiadomski briefly reviewed staff's report dated March 12, 2014 pointing out the location of the site. The applicant is proposing to open up a used automobile sales establishment on property located at 16001 S. US 27, Lansing, MI 48906. For the applicant to be able to conduct the proposed business, a variance to the minimum lot size requirement is needed. The proposed site is the location of a former financial institution (bank) at the southeast corner of S. US 27 and State Road. The site has been vacant for at least seven years, possibly more. The site is also located within the Corridor Improvement Authority District (CIA). The goal of the CIA is to try to promote and encourage reinvestment in the area.

Niewiadomski went on to advise that the site is 39,000 square feet. However, when the right of way is subtracted the usable lot size is reduced to 24,550 square feet. Therefore, the applicant is requesting a variance of 5,450 square feet.

Niewiadomski stated the applicant does not intend to perform any servicing or repair work at the site, which would be a permitted ancillary use for used auto sales establishments. This is significant because when repair of automobiles takes place on a site there must be adequate space for storage of vehicles awaiting service.

Niewiadomski noted that the subject site is zoned BC (Business, Community). The surrounding properties are also zoned BC.

Niewiadomski went on to review the request for compliance with the four Basic Conditions and two Special Conditions set forth in Section 42-70 of the Zoning Ordinance. Staff's findings are as follows:

Basic Conditions:

*Basic Condition a) – Granting the variance will not be contrary to the public interest or to the intent and purpose of this Ordinance.*

This particular piece of property has remained vacant for several years and was originally set up as a bank. The applicant has stated that they would limit the activity on the site to sales only without performing any repair or service work on site.

*Basic Condition b) – Granting the variance shall not permit the establishment within a district of any use which is not permitted by right, under special conditions, or by special use permit within that district.*

The proposed use is a permitted use in the BC (Business, Community) Zoning District. Staff finds that the request complies with this condition.

*Basic Condition c) – Granting the variance will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.*

There is no reason to believe that granting the variance would have a significant adverse impact on surrounding property values since there would be no servicing or repair work being conducted on this site.

Staff finds that the request complies with this condition.

***Basic Condition d)*** – *The variance is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.*

Requests of this nature have been infrequent. This property lies in an area that has a number of vacant and underutilized buildings within the Corridor Improvement Authority District. The current layout of this building was designed for a bank use with a drive through which has not generated any interest in opening back up as a bank.

Staff finds that the request complies with this condition.

Special Conditions:

***Special Condition a)*** – *Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district and when such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance and when such circumstances or conditions shall not have resulted from any act of the applicant in violation of a prior zoning ordinance applicable to said property.*

As mentioned previously, the intended use of the property when it was developed was specifically for bank purposes. The property is located on a corner lot containing right of way that consumes approximately 37% of the lot's usable area. Given the layout of the site and existing building configuration, it provides for limited opportunities to be utilized in its present state without substantial modifications as evidenced by its vacancy for several years. The proposed use of auto sales is a permitted use within the BC (Business, Community) Zoning District and would not require any major changes to the site.

Staff finds that the request complies with this condition.

***Special Condition b)*** – *Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.*

The variance is not necessary to preserve a substantial property right held by others in the district since this is a use that requires certain site development requirements and is a privileged use.

Gobbo questioned how many vehicles the applicant plans to have on the property versus the number of parking spaces available.

Niewiadomski advised there are nine display parking spaces. He noted the applicant would still have to go through Zoning Compliance review to determine if adequate off street parking was sufficient. Staff has done preliminary calculations and approximately 3 parking spaces would be required.

Robert Acre, applicant, 13141 Old Hickory Trail, DeWitt, MI 48820, advised they intend to have 3 to 5 vehicles for sale on the site at any one time. Ideally he would like to have

customers who already know what they are looking for and he would like to go to auctions to find cars rather than have an inventory on site. In addition, Acre stated he has no intention of performing service or repair work on the site. He has contracted with Panther Auto to do any repair work on the vehicles.

Balzer questioned what the hours of operation would be. She further questioned if both access points on the site be kept open.

Acre advised there are not set hours of operation but his contact information will be posted at the site. He intends to keep both driveways opened.

Niewiadomski advised that the Township does have access management standards. However, those standards apply to redevelopment of property such as expansion or alteration to the existing building. The applicant is not proposing any changes to the existing building.

Balzer also questioned if the implementation of the Non-Motorized Plan would impact the applicants site area.

Niewiadomski advised the proposed pathways and sidewalk along S US 27 are intended to be placed within the existing right of way.

Balzer questioned what type of signage the applicant is proposing.

Acre stated he intends to reface the existing sign.

Niewiadomski noted although the existing sign is nonconforming the Ordinance allows for changes to the face of the sign.

Discussion followed regarding the fact that any lighting of the site would have to be directed away from any adjacent properties.

Further discussion followed regarding the fact that staff's recommendation for approval is subject to the condition that the applicant not perform any service or repair work on the site. If approved, this would run with the property. Any owner of the subject site would be held to the same condition of approval.

Hearing no further questions or comments, Vice Chairman Gobbo invited public comments.

There were no public questions or comments.

- C. Close Public Hearing. **Riel moved to close the Public Hearing at 7:24 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Board of Appeals.

**Richards moved that Appeal 14-770002 for property located at 16001 S. US 27, Lansing, MI 48906 (Parcel #050-034-200-105-00) from Robert Acre, granting a variance of 5,450 square feet to the 30,000 square foot lot size requirement for an automobile sales use, as referenced by Section 42-1150 of the Zoning Ordinance, be approved based on a determination that the request meets all four of the Basic Conditions and Special Condition (a) listed in Section 42-70 of the Zoning Ordinance, conditional upon the applicant not performing any automobile service or repair work on the site due to its limited lot size. Supported.**

**ROLL CALL vote on motion:**

**AYES: 6    NAYS: 0    ABSENT: 1 (LaGrand)**  
**MOTION CARRIED.**

E. Possible Certification of Decision.

**Richards moved to approve the Certification of Decision for Appeal 14-770002 from Robert Acre as stated in the above motion.**

**Supported. MOTION CARRIED.**


PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

TRUSTEES REPORT:

Trustee Balzer gave a brief report on business conducted and action taken by the Board of Trustees at their recently held meetings.

DISCUSSION: None.

ADJOURNMENT: **Balzer moved to adjourn the meeting at 7:37 p.m. Supported. MOTION CARRIED.**

  
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Linda K. Parkinson, Recording Secretary

  
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Robert Reese, III, Secretary