

#### **ZONING BOARD OF APPEALS**

Regular Meeting May 1, 2019 7:00p.m.

- 1. CALL MEETING TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF MINUTES
  - -April 3, 2019 Regular ZBA Meeting
- 5. CORRESPONDENCE / BOARD REPORTS
  - Boards and Commissions Expiration Dates
- 6. APPROVAL OF AGENDA
- 7. PUBLIC COMMENT: Restricted to (3) minutes regarding issues not on this agenda
- 8. <u>NEW BUSINESS</u>
  - A. VAR 2019-04 Public Hearing 1963 E. Remus Rd., Mt Pleasant, MI 48858 Owner: McDonald's USA LLC: A variance from section 8.325 Sidewalks (Conduct a Public Hearing. Grant or deny Variance Request with reason. Conditions may apply)
- 9. OTHER BUISINESS
- 10. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
- 11. FINAL BOARD COMMENT
- 12. ADJOURNMENT



Peter Gallinat, Township Planner pgallinat@uniontownshipmi.com 2010 South Lincoln Mt. Pleasant, MI 48858 Phone 989-772-4600 Ext. 241 Fax 989-773-1988

TO: Zoning Board of Appeals Meeting 05/01/2019

FROM: Township Planner

#### **NEW BUSINESS**

SUBJECT: A) VAR 2019-04 Variance from sections 8.325 for the construction of a sidewalk along S. Lincoln Rd. located at 1963 E. Remus Rd. Mt. Pleasant, MI 48858 Owner:

**McDonalds USA LLC** 

<u>Location:</u> 1963 E. Remus Rd. Mt Pleasant MI, 48858 <u>Current Zoning:</u> B-5 (Highway Business District)

**Adjacent Zoning:** B-5

<u>Future Land Use/Intent:</u> <u>Retail Service:</u> This district is intended for the widest variety of retail and service businesses. They could range from apparel shops, auto service, and restaurants through small commercial strip centers and office buildings. This district is not intended for heavy commercial/light industrial uses like landscaping or contractor yards, heavy auto repair, or similar uses that may require some form of outside storage. Locations for this district are based on arterial road frontage and the need for high traffic volumes with convenient, well-managed access. <u>(Please note that FLU is more for rezoning and not to be used to weigh heavily into Variances.)</u>

**Reason for Request:** Relief from constructing a sidewalk along S. Lincoln Rd.

<u>History:</u> The Planning Commission approved SPR-2019-02 without granting provisional relief for sidewalk construction along Remus Rd. The Planning Commission then approved SPA 2019-01 again without granting provisional relief for sidewalk construction along Remus Rd. During both reviews the PC did not discuss Lincoln Rd as it is a designated priority street per the Township Sidewalk Policy.

<u>Objective of board:</u> Review section 8.325 of the Zoning Ordinance. Determine from section 5.8.C.1.a-e if a variance should be granted or denied with reason.

I would recommend denial of what the applicant has requested. All new construction or additions requiring Site Plan Review per Section 12 of the Zoning Ordinance are required to construct sidewalks. All commercial uses require site plan approval by the Planning Commission.

Twp Planner Peter Gallinat

#### **CHARTER TOWNSHIP OF UNION**

# **Zoning Board of Appeals Regular Meeting**

A regular meeting of the Charter Township of Zoning Board of Appeals was held on April 3, 2019 at 7:00 p.m. at Union Township Hall.

#### Meeting was called to order at 7:00 p.m.

#### **Roll Call**

Present: Jake Hunter, Bryan Mielke, Taylor Sheahan-Stahl, Andy Theisen, and Tim Warner

#### **Others Present**

Peter Gallinat, Jennifer Loveberry, and alternate John Zerbe

#### **Approval of Minutes**

**Theisen** moved **Sheahan-Stahl** supported the approval of the March 6, 2019 minutes as presented. **Vote: Ayes: 5 Nays 0. Motion carried**.

#### **Correspondence / Board Reports**

Mielke - updates from the Planning Commission

#### Approval of Agenda

Mielke moved Sheahan-Stahl supported to approve the agenda as presented. Vote: Ayes: 5 Nays 0. Motion carried.

#### Public Comment: Restricted to (3) minutes regarding issues not on this Agenda

Open – 7:03 p.m.

No comments were offered.

#### **New Business**

# A. <u>VAR 2019-03 - 5316 E. Pickard.</u>, <u>Mt Pleasant</u>, <u>MI 48858 Owner: SOS Holding Company LLC: A variance from section 24.4.1 for parking area setback requirement</u>

Township Planner, Gallinat read the Public Hearing Notice for Variance 2019-03, a variance from section 24.4.1, requesting 10 feet for parking area setback requirement. Background history was given, stating that the applicant currently has an approved site plan, with the condition that this variance is granted.

#### **Public Hearing**

Public Hearing – open 7:05 p.m. No Comments were offered. Public Hearing – closed 7:05 p.m. Tim Beebe of CMS&D, representative of the applicant, stated the desire of a 10ft variance from the 20ft requirement for parking area setback from the right of way.

Discussion was held by the ZBA board.

**Sheahan-Stahl** moved **Hunter** supported to approve VAR 2019-03 for 10 feet for parking lot setback requirement, based on the criteria from section 5.8.C.a of the Board of Appeals powers and duties section, that special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same Zoning District. **Vote: Ayes: 5 Nays 0. Motion carried.** 

Township Planner, Gallinat stated that there would be a 21-day appeal period before the decision is final. Starting after the minutes are approved at the next scheduled meeting in May 2019.

#### **Other Business**

#### **Extended Public Comment**

Open 7:29 p.m.

No comments were offered.

#### **Final Board Comment**

Theisen suggested thoroughly going over section 5.8 Board of Appeals: Powers and Duties during the zoning rewrite

#### **Adjournment**

Chair Warner adjourned the meeting at 7:31 p.m.

APPROVED BY:	
	Jake Hunter –Secretary Andy Theisen – Vice Secretary
(Recorded by Jennifer Loveberry)	



# **Board Expiration Dates**

Planning Commission	on Board Members (9 Me	mbers) 3 year term	
#	F Name	L Name	Expiration Date
1-BOT Representative	Lisa	Cody	11/20/2020
2-Chair	Phil	Squattrito	2/15/2020
3- Vice Chair	Bryan	Mielke	2/15/2021
4-Secretary	Alex	Fuller	2/15/2020
5 - Vice Secretary	Mike	Darin	2/15/2022
6	Stan	Shingles	2/15/2021
7	Ryan	Buckley	2/15/2022
8	Denise	Webster	2/15/2020
9	Doug	LaBelle II	2/15/2022
Zoning Boar	rd of Appeals Members (	Members, 2 Alternates)	3 year term
#	F Name	L Name	Expiration Date
1-Chair	Tim	Warner	12/31/2019
2-PC Rep / Vice Chair	Bryan	Mielke	2/18/2021
3-Secretary	Jake	Hunter	12/31/2019
4- Vice Secretary	Andy	Theisen	12/31/2019
5	Taylor	Sheahan-Stahl	12/31/2021
Alt. #1	John	Zerbe	12/31/2019
Alt. #2	Liz	Presnell	2/15/2021
	Board of Review (3 N	Members) 2 year term	
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2020
2	James	Thering	12/31/2020
3	Bryan	Neyer	12/31/2020
Alt #1	Randy	Golden	1/25/2021
Citize	ens Task Force on Sustaina	bility (4 Members) 2 year	term
#	F Name	L Name	Expiration Date
1	Don	Long	12/31/2020
2	Mike	Lyon	12/31/2020
3	vacar	it seat	12/31/2018
4	Phil	Mikus	11/20/2020
Co	nstruction Board of Appe	als (3 Members) 2 year te	rm
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2019
2	Richard	Jakubiec	12/31/2019
3	Andy	Theisen	12/31/2019
Hannah's Ba	rk Park Advisory Board (2	Members from Township	) 2 year term
1	Mark	Stuhldreher	12/31/2020
2	John	Dinse	12/31/2019
	Chippewa River District L	ibrary Board 4 year term	
1	Ruth	Helwig	12/31/2019
2	Lynn	Laskowsky	12/31/2021



# **Board Expiration Dates**

	EDA Board Members (12	1 Members) 4 year term	
#	F Name	L Name	Expiration Date
1	Thomas	Kequom	4/14/2023
2	James	Zalud	4/14/2023
3	Richard	Barz	2/13/2021
4	Robert	Bacon	1/13/2023
5	Ben	Gunning	11/20/2020
6	Marty	Figg	6/22/2022
7	Sarvijit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2019
9	Vance	Johnson	2/13/2021
10	Michael	Smith	2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2020
2	Vacant		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Brian	Smith	12/31/2019
Sidewalks and Pathways Prioritization Committee (2 year term)			
#	F Name	L Name	Expiration Date
1 BOT Representative	Phil	Mikus	7/26/2019
2 PC Representative	Denise	Webster	8/15/2020
3 Township Resident	Sherrie	Teall	8/15/2019
4 Township Resident	Jeremy	MacDonald	10/17/2020
5 Member at large	Connie	Bills	8/15/2019



## NOTICE OF APPEAL Charter Township of Union

## **ZONING BOARD OF APPEALS**

	DATE: 3/22/19
I (we) McDonald's USA, LLC - John Lorentzen, ACM	110 N. Carpenter St., Chicago, IL 60607
Name	Address
owners of property at1963 E. Remus Road, Uni	on Twp., MI,
the legal description is: See Site Plan, Sheet C	1
respectfully request that a determination be ma	de by the Zoning Board of Appeals on the
following appeal or application which was den	ied by the Zoning Inspector because, in the
opinion of said inspector, does not comply with	the Union Township Zoning Ordinance and
therefore must come before the Zoning Board of	of Appeals:
X IX	/ariance
II. i	nterpretation of Text or Map
III. A	Administrative Review
NOTE: Use one section below as appropriate. separate sheet.	. If space provided is inadequate, use a
***************************************	
<del></del> .	
<ul><li>Written application for a zone variance as p</li><li>(c)</li></ul>	rovided by the Zoning Ordinance Section 5

a. Provision of the Zoning Ordinance from which a variance is sought 8.325

DESCRIPTION	REQUIRED	DESIRED (I can only provide X)	VARIANCE (= Required – Desired)
Example – Side Yard	10 feet	8 feet	2 feet
Township property along Lincoln Road	350 L.F. sidewalk construction	Not Feasible	Requesting Relief

b. What are the special conditions and/or circumstances peculiar to this land, structure, or building which are not found belonging to similar properties in the same zoning district in other parts of Union Township?

This site has (2) retention basins; steep grade changes in close proximity to Lincoln Rd.; spillways; swales & ditches, a gate valve; power and utility poles w/guy wires.

There are no sidewalks along Lincoln Road at the property to the north, east or south of McDonald's restaurant site.

c. Which is any of the above (b) special conditions or circumstances are the direct result from actions taken by the applicant for this variance?

None. The existing conditions are the result of required detention basins and the site drainage design from the original construction development of 1995.

d. If the Zoning Ordinance were to be strictly enforced in your particular case, what would be the nature and extent of unnecessary hardships or particular difficulties? The required existing retention basins, as well as swales and ditches, along Lincoln Road would need to be re-designed and reconfigured in order to install 350 lineal feet of an A.D.A. compliant sidewalk.

There are existing spillways from Lincoln Road to the retention basins that would interfere with a sidewalk, potentially causing improper drainage and a pedestrian safety hazard.

e. If your request for the variance was granted, do you feel that you would have been given any special privileges that others in the same zoning district would not have? No If yes, please explain:

f. Attach plot plan, showing lot lines, location of existing building, proposed buildings and any additions to existing buildings, plus distance from property lines.

g. Date property was acquired 1995

II.	Ap	peal for Interpretation
	Re	lating to enforcement of the Zoning Ordinance
	a.	Article, section, subsection, or paragraph in question
	b.	Describe if interpretation of district map
III.	Ad	ministrative Review
	a.	Article, section, subsection, or paragraph in question
	_	
Fee	**** S _	\$350.00 Acm
***	****	Signature of Applicant / Owner - Mc CONALS USA LLC  **********************************

FOR ZONING BOARD OF APPEALS USE ONLY

Appeals received, date:
Public Notice published, date:
Public Notice mailed, date:
Hearing held, date:
Decision of Board of Appeals:
Reasons:

UNION TOWNSHIP OFFICE TO COMPLETE THIS SHEET FOR VARIANCE ONLY



MICHIGAN GROUP

#### AFFIDAVIT OF PUBLICATION

2125 Butterfield Dr, Suite 102N • Troy MI 48084

CHARTER TOWNSHIP OF UNION 2010 S Lincoln

Mount Pleasant, MI 48858 Attention: PETER GALLINAT

> STATE OF MICHIGAN, COUNTY OF ISABELLA

The undersigned <u>Undy Slater Undersigned</u>, being duly sworn the he/she is the principal clerk of Morning Sun, morningstarpublishing.com, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

#### **CHARTER TOWNSHIP OF UNION**

#### Published in the following edition(s):

Morning Sun 04/16/19 morningstarpublishing.com 04/16/19

Union Township Public Hearing Notice - Variance

NOTICE is hereby given that a Public Hearing will be held on Wednesday, May 1, 2019, at 7:30 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Union Township Zonling Board of Appeals for the purpose of hearing any interested persons in the following request for a Variance from Sections 8.225 as reguired by the Union Township Zoning Ordinance 1991-5 as amended.

Requested by: McDonalds USA LLC.: A variance from section 8.325 Sidewalks

Legal Description of property: T14N R4W SEC 17 8EG AT SE SEC COR TH W 300' TH N 400' THE E 300' TH S 400' BK TO POB UTIL EZMT L843 P367 MCOPCO 2983 NATIONAL 17104

This property is located at 1963 Remus Rd.

All interested persons may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone number (989) 772-4600 Fxt. 741:

Peter Gallinat, Union Twp. Planner

Published: April 16, 2019

TINA M CROWN

Notary Public - Michigan

Lapeer County

My Commission Expires Har 30, 2021

Acting in the County of Chicago

Sworn to the subscribed before me this 17th April 2019

Notary Public, State of Michigan Acting in Oakland County

**Advertisement Information** 

Client Id: 531226

Ad Id:

1787323

PO:

Sales Person: 200301

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Peter Gallinat, Union Twp. Planner



The GREEN outlined parcel represents the applicant, McDonalds located at 1963 E. Remus Rd. The YELLOW border around the subject parcel is a 300ft radius. Owners within the 300ft radius are sent notice of the public hearing for variance request.

STB REALTY LLC **1321 PINE AVE** ALMA, MI 48801

RYAN'S INVESTMENTS LLC PO BOX 753 MOUNT PLEASANT, MI 48804-0753 RI CS4 LLC 11995 EL CAMINO REAL SAN DIEGO, CA 92130

IMPERIAL COMPANY PO BOX 408 MOUNT PLEASANT, MI 48804-0408 MCDONALDS CORPORATION (21-1306 PO BOX 182571 COLUMBUS, OH 43218-2571

**FIRSTBANK** 102 S MAIN ST MT. PLEASANT, MI 48858

TWENTY WEST PARTNERSHIP INC PO BOX 329 MOUNT PLEASANT, MI 48804-0329 **CREATIVE BEGINNINGS CHILD** 1965 E OFFICE- PKWY MT PLEASANT, MI 48858

MAAS DEVELOPMENT II LLC 2445 S LINCOLN RD MT PLEASANT, MI 48858

MCGUIRK MINI STORAGE INC PO BOX 530 MT PLEASANT, MI 48804-0530 MCGUIRK MINI STORAGE INC PO BOX 530 MT PLEASANT, MI 48804-0530 MID MICHIGAN PROPERTY GROUP 2060 E REMUS RD MOUNT PLEASANT, MI 48858

CAMPBELL ANNA M TRUST 2732 ELAND CT MOUNT PLEASANT, MI 48858

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> > Feertify that Public Notices for file #VAR 2011-04were

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