

**CHARTER TOWNSHIP OF CANTON
ZONING BOARD OF APPEALS
October 12, 2023**

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, October 12, 2023 at the Township Administration Building located at 1150 S. Canton Center Road, Canton Township, Michigan 48188.

Meeting began at 7:00 p.m.

Mark Quimby led the Pledge of Allegiance to the Flag.

ROLL CALL:

Members Present: Greg Greene, Clarence Lee, Alan Okon, Mark Quimby, Aaron Tassell

Staff Present: Patrick Sloan - Community Planner

ACCEPTANCE OF AGENDA FOR OCTOBER 12, 2023

Motion by Greg Greene to approve the agenda. Supported by Aaron Tassell.

Ayes: All (5-0)

Nays: None

APPROVAL OF MINUTES FOR THE SEPTEMBER 14, 2023 MEETING

Motion by Aaron Tassell to approve the minutes. Supported by Alan Okon.

Ayes: All (5-0)

Nays: None

GENERAL CALENDAR

1. Application 014-ZBA-7913. Applicant, Michael Wojtas, for property located at 8192 North Pointe Ct., Canton, MI 48187, which is located on the east side of North Pointe Ct. (Parcel ID 014-01-0006-000). Zoning is R-2 Single Family Residential. Applicant requests a variance from Section 6.03(D)(4) of the Zoning Ordinance (Cluster Development Criteria) to construct an addition to the home that is within the required 45-foot rear-yard setback.

Patrick Sloan, Community Planner, summarized his staff report dated for the October 12, 2023 meeting. He stated that this proposal is to construct a 14 ft x 14 ft. sunroom addition on the rear yard of the home. It is a Cluster Development and has a required rear yard setback of 45 ft. The proposed distance to the rear lot line is 40.1 ft., so the proposed encroachment is 4.9 feet into that rear yard setback. Based on Staff's review of the variance and the number of criteria in Section 27.05(D)(1), Staff does not think that there is a practical difficulty that warrants variance to approve the proposed encroachment into the rear yard setback. Some of the findings are that there can be a conforming addition built on the rear of the house that extends 9.1 ft. from the rear of the house and still complies with the setback requirement. They did not find anything rare or unique to the property that showed a practical difficulty. Sloan stated that he talked with the property owner and discussed their findings. Depending on deliberations and the public hearing, there is an option to table the application to a future meeting if the applicant chooses to submit new information or revised plans.

Applicant, Mike Wojtas, of 8192 North Pointe Ct stated that he and his wife have resided in this house for 25+ years. When they discussed building a sunroom, they wanted to make sure it was big enough

to possibly be used as a first-floor bedroom due to some health issues. He said that he would like to get an answer today, and he would like to move forward with this. He has never lived in a house with a 9-foot room. He is only looking to add less than 5 feet. He has a very large lot and he is not sure what he'd be infringing on.

Greene asked if Mr. Wojtas has talked to his neighbors about this.

Wojtas said that letters were sent to all of his neighbors, and no one has a problem with this.

Quimby stated that he does sympathize with Wojtas' desire for the addition. However, he stated that the Zoning Board of Appeals is constrained with the criteria they must meet.

Quimby asked Sloan if the setback requirement is part of the zoning classification or if it is a PUD.

Sloan said that the typical rear yard setback is 50 feet. This development is a cluster development, similar to a PUD or a PDD. It allows for a lower minimum lot area and reduced setbacks so that more open space can be preserved.

Quimby clarified that this is already a reduction from the setback within this zoning classification. In looking at the aerial view of this neighborhood, the lots appear to be different sizes.

Sloan brought up an aerial image on the screen. He discussed the lots around the cul-de-sacs. He noted that pools have different setbacks than buildings.

Quimby noted that even though the Township says that he can still build a 9 x 9 addition, that may not be market feasible.

Sloan said that one thing that Staff looks at is the minimum size for reasonable use of the property. He questioned if an addition is even necessary based on the history of the building as a viable single-family residence.

Quimby asked if there are other options, like putting an addition behind the driveway.

Wojtas does not think that would look right. He would like to just open the patio door and walk into the new room.

Motion by Alan Okon, supported by Greg Greene, to open the Public Hearing at 7:21 pm.

Ayes: All (5-0)

Nays: None

Bill Albert is with Accent Remodeling located at 8424 Lilley Road, Canton, MI. He is the builder working with Wojtas. He feels that some of their wording could have been better on the application, to describe the use of the addition. He believes that the neighbors on each side of Wojtas could build this addition and said that it would be nice if Wojtas could build it as well. He handed each Board Member a copy of what the layout would like at 9 feet. He does not think that this would be practical.

Motion by Greg Greene, supported by Aaron Tassell to close the public hearing at 7:26 pm.

Ayes: All (5-0)

Nays: None

Lee asked if they could make the room longer, more rectangular shaped.

Albert answered that there is a side yard setback on the side, and a bay window that sticks out on the other side.

Greene said that the Canton has to have general rules and regulations. But looking at this scenario, the configuration of the property, what is adjacent to it and behind it, he feels it is such a small request and doesn't see a reason that it shouldn't be granted.

Tassell agrees with Greene.

Quimby asked Sloan why a 45-ft. setback is important for this type of development.

Sloan said that rear yard setbacks are to allow for a rear yard for a use of a backyard. It also creates a setback from the adjacent properties. This property backs up to a non-residential use property. This would probably make the case for having a higher rear yard setback for the non-residential use. Also, in cluster communities, they tend to have uniform rules that apply based on the lots that are created when the development is originally planned and approved. Because of the findings, if this variance is granted, there is nothing to prevent a neighbor from seeking a similar or larger variance for their property. Variances are typically not granted for the personal reasons of the condition of the owner.

Okon stated that that he has to base his decision on the 11 rules/standards of the Zoning Ordinance, and he does not see the variance request fitting those. Typically, setbacks are 50 feet; this has been reduced to 45 feet, and now even more is requested. He would not be in favor of this. He also noted that maybe there is another room on the first floor that can be turned into a master bedroom.

Lee agreed with Okon and questioned if this would be setting a precedent.

Quimby also agrees with Okon. Quimby discussed looking for something to make this unique, but unfortunately given the information presented, he does not support the variance request. He noted that people can have really good reasons as to why they want a variance, but ultimately the Board is constrained to the standards of the Zoning Enabling Act and the Zoning Ordinance which is related to the land. There needs to be something associated the property layout itself to justify the variance. He does not feel that it meets the minimum requirements of the statute and the Zoning Ordinance. Quimby explained to the applicant that they have all voiced their thoughts on this case, and the applicant has the option of tabling this or the ZBA can vote, and the case will then be closed.

Wojtas asked what the R-2 coverage section is on the staff report.

Sloan said that in the Zoning Ordinance, there are the general standards for the R-2 district. Then, there is a separate section, 6.03(D)(4) which provides the coverage and building separation. That indicates the lot area and setbacks for both front rear and sides. It is a reference to the Zoning Ordinance.

Quimby asked why a range of 30' – 45' in the rear setbacks is there.

Sloan said that there is a range in the Zoning Ordinance so there is an option available to the Planning Commission and the Township Board when they review a development proposal. This development was approved with 45-foot rear yard setbacks.

Motion by Green to approve the variance based on it meeting the criteria of Section 27.05(D) of the Zoning Ordinance.

Sloan stated that the motion language is very important because the Zoning Board of Appeals is a quasi-judicial body. Anything that is appealed goes directly to Circuit Court. All decisions must have very clear findings of fact. Therefore, any motion to approve or deny a variance request must include specific findings of fact pursuant to Section 27.05(D) of the Zoning Ordinance.

Greene withdrew his motion.

Motion by Alan Okon to deny the request for a variance from Section 6.03(D)(4) of the Zoning Ordinance to allow the construction of a rear addition to the principal dwelling within the required 45-foot rear-yard setback on Parcel # 014-01-0006-000 based on the 11 required standards of Section 27.05 (D) as prepared by Staff in the October 12, 2023 Staff Report.

Supported by Clarence Lee.

Ayes: Lee, Okon, Quimby

Nays: Greene, Tassell

Variance application is denied.

2. Application 104-ZBA-7921. Applicant, William Bernardara, for property located at 41860 North Dr., Canton, MI 48188, which is located on the north side of North Dr. (Parcel ID 104-02-0021-000). Zoning is R-1 Single Family Residential. Applicant requests a variance from Section 26.02 of the Zoning Ordinance to construct an addition to the home that is within the required 20-foot side-yard setback.

Patrick Sloan, Community Planner, stated that this request is to construct a house addition at 41860 North Drive within the required 20-foot side yard setback from the eastern lot line. The property is in the R-1 district. The addition is roughly 34 ft. wide by 41 ft. deep. and would enclose an in-ground pool that was installed in 2022. This proposed addition encroaches roughly 4 ft. into the required side setback for a proposed side yard setback of 16 feet. The application included a letter from the property owner's doctor stating that a pool provides a non-impact type of exercise. To grant a variance, it must meet all standards of Section 27.05(D) of the Zoning Ordinance. Staff does not find that all standards have been met. Sloan stated that first, since the pool was just recently constructed in 2022, if there was a proposed enclosure at anticipated at that time, it could have been incorporated with the pool design and perhaps a conforming addition could have been constructed. Next, the pool itself is 5 feet from the eastern wall of the addition. It is possible to still enclose that, and the pool would just be 1 foot from the wall. Another reason is looking at the neighborhood, Staff is unaware of any indoor pools or variances that have been granted for a similar type of addition. Based on this analysis, the standards of Section 27.05(D) do not appear to have been met. Their recommendation is denial of the variance request.

William Bernardara, 9000 Ferry Rd., Grosse Ile, MI is the pool builder for the property owners, Thomas and Susan Murphy. Bernardara stated that they would like to enclose the pool so that they can use it all year long. He noted that Sloan was incorrect with the distance from the side of the pool to the eastern wall, which is only 3 feet and not 5 feet. He said that it could not be moved any closer because it would put too much pressure on the pool wall. At first, when applying, he was unaware that there was a 20-foot side yard setback.

Quimby stated that the ZBA can only consider what is in front of them. It is critically important that the materials provided to Staff and the Board are accurate. He said that it is difficult for them to process everything when the submitted plans show one thing, and the applicant is saying something different.

Bernardara said what he is looking for is 17 feet between the property line and the wall. He said that the house next door is 80 feet from the property line.

Quimby said that the fact that the adjoining house is farther from the minimum setback doesn't help to make a practical difficulty of the specific property in question.

Sloan showed the submitted plans that have 16 ft. between the property line and the pool enclosure. With a 20-foot setback and 16 feet shown on the plan, that would be a 4-foot variance request, as stated on their application.

Tassell asked if the 20-ft. setback is to the wall or the foundation.

Sloan said that the setback goes to the wall.

Quimby asked what the minimum distance from the edge of the pool is to accommodate the foundation.

Bernardara said that he would like to have at least a 2 ft. walkway.

Okon noted, looking at the plan, that the distance between the property line and the edge of the pool appears to be 21 feet. He stated that they have to follow the standards in the Township Ordinance.

Quimby said it is difficult for him to consider applications when they are not accurately represented. He said that the variance that in front of them on paper is not currently what the builder is asking for this evening. Whenever the Zoning Board of Appeals does approve a variance, it is to be the minimum relief necessary. He noted that the applicant may want to consider tabling this and reevaluating the measurements.

Motion by Alan Okon, supported by Aaron Tassell to open the Public Hearing at 8:05 pm.

Ayes: All (5-0)

Nays: None

Sloan noted that they received a public comment from a neighbor at 41831 Glen Arbor Rd., who is in support of this variance.

Susan Murphy, homeowner at 41860 North Drive stated that she has been a resident at that address since 2007. Her husband has had several surgeries on his feet. He can hardly walk. That is a hardship. She noted that none of her neighbors have had a problem with this.

Thomas Murphy, homeowner at 41860 North Drive stated the reason for the variance. He can only walk short distances due to medical issues with his leg. The pool is for therapy and he wants to be able to use it all year.

Motion by Greg Greene, supported by Alan Okon to close the public hearing at 8:10 pm.

Ayes: All (5-0)

Nays: None

Quimby stated that he is sympathetic to the applicant's request. The Board also has to consider the idea of self-created conditions even if that was not the owner's intent. The pool was built close to the lot line, so it could be considered a self-created condition.

Okon said that since there is some misinformation presented, he has no problem tabling it.

Quimby agreed. He said that even if tabled, the Board cannot guarantee the outcome the owners are looking for.

Motion by Greg Greene to table this variance request to a future meeting.

Supported by Alan Okon.

Ayes: All (5-0)

Nays: None

Variance application is tabled.

3. Application 094-ZBA-7949. Applicant, Benjamin Tobin, for property located at 40476, 40464, and 40452 Douglas Dr., Canton, MI 48188, which is located at the southwest corner of Cherry Hill Rd. and S. Lotz Rd. (Parcel IDs 094-04-0001-000 through 094-04-0020-000 and 094-04-0025-000 through 094-04-0028-000). Zoning is MR Multiple Family Residential. Applicant requests a variance from Section 26.02 of the Zoning Ordinance to construct balconies to the buildings that are within the required 50-foot front-yard setback.

Patrick Sloan, Community Planner, showed a map of the property on the overhead screen. He summarized the staff report dated for this October 12, 2023 meeting. He stated that the property, Autumn Ridge Apartments, is located on the south side of Cherry Hill between S. Lotz Rd and I-275. The complex is in the process of replacing all of the existing balconies on the units. The proposal is for all the balconies to be replaced with 5-foot-deep balconies. At the time the development was established, it was under a different setback standard for the front yard. The current front yard setback is 50 feet. The current 4-ft. balconies facing Cherry Hill Rd are 44.3 ft. and 44.6 ft. The current setback of the 4-ft. balconies facing Lotz Rd is 40.1 ft. These are existing nonconformities. The buildings themselves are in the 50 ft front yard setback. They would like to expand the balconies by adding one foot. The Zoning Ordinance does not allow the reconstruction of nonconforming structures, so the applicant is required to apply for a variance for any reconstruction of the balconies, even if they remain at 4 feet. The applicant would like to make these balconies 5 feet deep to be uniform with all the other balconies that have been constructed throughout the apartment complex. The extra foot would provide a little more accessibility and maneuverability to residents. Sloan stated that after review, Staff finds that the criteria of Section 27.05(D) are met, and they recommend the front yard setback of 43.3 ft and 43.6 ft. for the balconies facing Cherry Hill and 39.1 ft. for the balconies facing S. Lotz Rd. as shown on the submitted plans. He discussed the findings as listed in the Staff Report dated for the October 12, 2023.

Okon asked what year the apartments were built.

Sloan said that the original site plan was approved in 1979.

Quimby asked why the Planning Staff believes that this one-foot difference is okay, but in previous two cases, a few feet for an addition is not.

Sloan said that there are some differences between the cases. First, this is not an enclosed structure, so there is no impact in terms of a building or a building addition. Also, this building was conforming when it was built and right now the buildings and decks are nonconforming due to amendments to the Zoning Ordinance that took place after the plans were originally approved. In the previous two cases, the buildings do comply with the Zoning Ordinance, so their proposals were new encroachment into a setback. In this case, the building is already encroaching, and they just want to replace the existing balconies with something 1 foot deeper. Even to rebuild the 4-ft. balcony they would have to apply for a variance to get approval, which we would also recommend approval based on the same findings. Finally, building the balconies at 5 ft would keep them looking consistent with the rest of Autumn Ridge.

Greene asked if this would be a precedent and asked what would happen if the Zoning Ordinance was amended again.

Sloan said that if a variance is granted it runs with the property in perpetuity. For example, if there is a fire and they needed to rebuild a structure that previously obtained a variance, they could rebuild it in accordance with the approved variance. He stated that the variance is only for the subject decks on the three buildings in the front yard setback.

Applicant Benjamin Tobin spoke on behalf of T.G. Canton. His address is 31151 West 10 Mile Rd., Farmington Hills, MI. He stated that they are replacing the balconies for safety concerns. The old cantilever balconies were built in the late 70's and early 80's. They want to make sure that the residents are safe and have a little bit more room to move. They are doing this to prevent any issues from happening in the future. He showed a picture of what the new balconies look like.

Quimby asked how many floors the apartments have and what is below the balconies on the first floor.

Tobin responded that they are two-story buildings, and he said that there are patios on the first floor that protrude out past the balconies that are being built.

Motion by Alan Okon, supported by Greg Greene to open the Public Hearing at 7:29 pm.

Ayes: All (5-0)

Nays: None

No one in the audience wished to speak.

Motion by Alan Okon, supported by Aaron Tassell to close the public hearing at 7:29 pm.

Ayes: All (5-0)

Nays: None

Okon stated that 4-foot balconies have worked just fine for the last 43 years. He feels the same as the last two applications. He questioned if the ZBA would deny this application if the request is any larger, such as 2 feet or 3 feet larger. He said that he would be supportive of the 4-ft. depth but not the 5-ft. depth.

Tobin said that they have already constructed these new balconies on other buildings in the complex. Permits were issued and there was no need for variances for the conforming balconies. If they do not continue the same throughout the property, they may run into issues of fair housing. What they provide to some residents will be different than others.

Quimby said that they could charge different rent for different properties.

Tobin said that it would just make everything a little harder to keep track of.

Greene stated that he appreciates that safety is foremost on applicant's mind. There have been tragedies with cantilevers. Making it bigger is not always making it better, but if the engineering is there and safety is foremost, then he is okay with this.

Tobin pointed out that he did discuss with the Planning Division about getting a variance for future purposes in case something would come up in the future with the 3 buildings, but he was told he could not do that because he only had so much time to act on the variance.

Sloan clarified that they could make a variance application for the 3 buildings, but it would be a different consideration than just the decks themselves. The balconies are based on the existing buildings as they are now. If there was a variance for the three buildings it would be a much more thorough review that would include how reconstructing the buildings in accordance with the current Zoning Ordinance affects parking, landscaping, etc. and whether the standards of Section 27.05(D) of the Zoning Ordinance could be met for the reconstruction of the buildings.

Quimby asked if a 5-ft. balcony is the standard size balcony or more of a premium size.

Sloan is not certain but said that in general the maneuverability allowed for a 5-foot balcony would be better. If the property does not have a setback encroachment, they can build a balcony as large as they want if it is outside of the required setbacks.

Motion by Greg Greene to adopt the model motion and findings prepared by staff in the report dated for the October 12, 2023 meeting to grant the variance request from Section 26.02 to construct the proposed 5-foot-deep balconies in the Autumn Ridge Apartment complex within the required 50- foot front-yard setback as follows: Setbacks of 43.3 feet and 43.6 feet for the balconies facing Cherry Hill Rd. (40476 Douglas Dr.), setbacks of 39.1 feet for the balconies facing S. Lotz Rd. (40464 and 40452 Douglas) as shown on the submitted plans. Approval is based on the required standards of Section 27.05(D) of the Zoning Ordinance as noted in the model motion prepared by staff.

Supported by Clarence Lee.

Ayes: Greene, Lee, Tassell, Quimby

Nays: Okon

Variance is Granted (4-1).

4. Application 057-ZBA-7950. Applicant, Justin Ellis, for property located at 43774 Stuart Dr., Canton, MI 48187, which is located on the north side of Stuart Dr. (Parcel ID 057-02-0101- 000). Zoning is R-5, Single Family Residential. Applicant requests a variance from Section 78-131(4)(a) of the Code of Ordinances to allow for a 6-foot-high fence in front of the rear building line of the home on the subject lot and in front of the rear building line of the home on the adjacent lot.

Patrick Sloan, Community Planner, summarized his staff report dated for the October 12, 2023 meeting. He said that the application is to install a fence at 43774 Stuart Dr. The Zoning Board of Appeals has seen similar appeals to this one in recent months. The applicant is asking for a 6-ft. high fence that is in front

of the rear building line of the home on the subject lot and in front of the rear building line of the home on the adjacent lot. The Ordinance states that the fence shall not extend closer to the front of the lot line than the rear building line of the site or adjacent sites. The applicant is requesting to replace an existing 6-ft.-high privacy fence on the west side of the lot which extends closer to the front lot line than the rear building line of the home or of the adjacent lots. Sloan said that the applicant noted some reasons are that that the existing 6-ft.-high fence extends north beyond the rear building line to enclose the property and screen the rear yard from street view. The applicant also noted that the design and layout of the dwelling on the adjacent lot should not impact the installation of a fence on the subject property. Another reason the applicant stated is that the fence is for security and privacy purposes. There are two unique circumstances applicable to this property. The first is that the owner requests to remove the 6-ft. privacy fence and replace it with a new 6-ft. privacy fence. The nonconformity of the existing fence will not be enlarged or expanded if the variance is granted. The other circumstance noted is that the adjacent property is larger than the subject property and the footprint extends farther north than the subject dwelling. Sloan stated that he believes that the standards of Section 27.05(D) of the Zoning Ordinance are met to justify a variance. Staff's recommendation is to grant the variance as requested.

Okon asked when the new fence ordinance will be in place.

Sloan said that are still working through some elements on corner lots. He is hoping to have it in front of the Planning Commission in November.

Motion by Alan Okon, supported by Aaron Tassell to open the Public Hearing at 8:43 pm.

Ayes: All (5-0)

Nays: None

No one in the audience wished to speak.

Motion by Alan Okon, supported by Aaron Tassell to close the public hearing at 8:43 pm.

Ayes: All (5-0)

Nays: None

Motion by Okon to grant the request for a variance from Section 78-131(4)(a) to allow the installation of a 6-foot-high privacy fence in front of the rear building line of the home on the subject lot and in front of the rear building line of the home on the adjacent lot, subject to the proposed fence not extending farther toward the front property line than the existing fence, based on the 11 findings of fact listed on the staff report model motion dated for the October 12th meeting in regards to the standards of Section 27.05(D) of the Zoning Ordinance.

Supported by Aaron Tassel.

Ayes: All, (5-0)

Nays: None

Variance is granted.

5. Application 002-ZBA-7952. Applicant, Rocky Yaldo, for property located at 8773 Haggerty Rd., Canton, MI 48187, Haggerty Mobile, LLC, which is located on the southwest corner of Joy and Haggerty Roads. (Parcel ID 002-99-002-707), Zoning is C-3 Regional Commercial. Applicant requests variances from the following sections of the Zoning Ordinance: Section 6.02(C)(3)(a)(3) to construct an automobile filling station building addition within the

required front-yard setback from Old Haggerty Rd.; and Section 2.14(A)(1)(a) to locate a dumpster in a front yard adjacent to Old Haggerty Rd.

Patrick Sloan, Community Planner, stated that this applicant was also before the Zoning Board of Appeals at the August 10, 2023 meeting. Since that time, the applicant has modified the plans by removing the 6,000-sq. ft. convenience store and instead proposes to construct a smaller addition. As a result, there have been other changes such as landscaping, parking, dumpster enclosure, and alignment of the middle driveways. Based on these changes, the applicant is asking for two additional variances that were not granted on August 10, 2023. The dumpster enclosure is now located in the front yard of Old Haggerty Rd. The Zoning Ordinance permits dumpster enclosures in the side yard or rear yard only. The second item is to place the convenience store addition closer to the front yard setback of Old Haggerty Rd. than what the Zoning Board of Appeals approved on August 10, 2023. Since the new addition is closer to Old Haggerty Rd. than what the ZBA approved on August 10, 2023, there is a new variance that is requested. Most of the 7 variances requested on August 10, 2023 are still in effect as a result of the recent site plan changes by the applicant. The minimum required front yard setback is 85 ft. and the setback from Old Haggerty Rd is 14.16 ft. On August 10, 2023, the ZBA approved a variance for 20.24 ft based on the previous plans. The new proposed variance is to encroach about 6 more feet into the setback from Old Haggerty Rd. One practical difficulty is that the lot is so narrow and the setbacks from Haggerty Rd. and Old Haggerty Rd. are overlapping as a result, so there is nowhere on the site where a building can be constructed. The front yard setback that is least impacted by a structure is Old Haggerty Rd. There are only a handful of industrial properties that use Old Haggerty Rd. Also with the dumpster enclosure, the findings are the same where, based on the orientation of the site and the proposed building location, the most feasible place for the dumpster is in the proposed location, which is in the front yard area adjacent to Old Haggerty Rd. The plans proposed have been reviewed by the Planning Commission on October 2, 2023, and the Planning Commission recommended approval of the site plan subject to approval of the variances and a few other conditions unrelated to the variance requests. Planning Staff finds that the standards of Section 27.05(D) of the Zoning Ordinance have been met for both variance requests. Staff recommends approval of the proposed variances as stated on the plans.

Motion by Aaron Tassell, supported by Greg Greene to open the Public Hearing at 8:53 pm.

Ayes: All (5-0)

Nays: None

No one in the audience wished to speak.

Motion by Aaron Tassell, supported by Greg Greene to close the public hearing at 8:53 pm.

Ayes: All (5-0)

Nays: None

Alan Okon stated that the Planning Commission has been working with the applicant for many months now. They have an odd situation with three front yards. Okon is in favor of them making the proposed improvements to the site.

Mark Quimby said that this reminds him of the car wash variance on Michigan Ave. He is happy that the property is being productively used.

Motion by Aaron Tassell to adopt the model motion and findings prepared by staff in the report dated for the October 12, 2023 meeting to grant the variance request from Section 6.02(C)(3)(a)(3) to construct an automobile filling station convenience store building addition within the required

front-yard setback from Old Haggerty Rd.; and Section 2.14(A)(1)(a) to locate a dumpster in a front yard adjacent to Old Haggerty Rd.

Supported by Clarence Lee.

Ayes: All, (5-0)

Nays: None

Variances are granted.

Motion by Clarence Lee to adjourn meeting. Supported by Aaron Tassell.

Ayes: All, (5-0)

Nays: None

Meeting adjourned at 8:55pm.

Alison Eisenbeis, Recording Secretary