

**DAVISON TOWNSHIP
ZONING BOARD OF APPEALS
SEPTEMBER 10, 2024**

MEMBERS PRESENT: Richard Hill, Carol Hagler, Eric Hernandez, Joy Smith, Nancy Davis, Treasurer Tim R. Green, Travis Howell
Building Official Planning/Zoning Admin./ Matt Place
Recording Secretary Jami Vert

MEMBERS ABSENT: Attorney David Lattie

OTHERS PRESENT: Granger Stefanko, Bruce Calhoun, Nate Shango

CALL TO ORDER

The regular meeting of the Davison Township Zoning Board of Appeals was called to order at 7:00 P.M. at the Davison Township Municipal Center, 1280 N. Irish Road, Davison, MI 48423.

ADOPT THE AGENDA

MOTION BY HOWELL, SECOND BY HAGLER to amend the September 10, 2024, agenda to add unfinished business 16-V-2024-2 tabled to the Planning Commission for meeting time. Motion carried unanimously.

APPROVE PREVIOUS MINUTES FROM AUGUST 13, 2024

MOTION BY HAGLER, SECOND BY DAVIS to approve the August 13, 2024, regular board meeting minutes as presented. Motion carried unanimously.

UNFINISHED BUSINESS

MOTION BY HAGLER, SECOND BY DAVIS to add case #16-V-2024-2 tabled to the Planning Commission for the next meeting. Motion carried unanimously.

Hill – that has not gone in front of the Planning Commission yet?

Place – no, they are finishing up their plans and going to be submitting them and along with that I did submit a request to the township planners for their opinion and I did get their results and sending that on.

NEW BUSINESS

CASE #16-V-2024-3 DCC CONSTRUCTION

Granger Stefanko – all the information is included in the affidavit; I am here to answer any questions.

Place – administrative review; DDC Construction; 9100 Lapeer Rd; Case #16-V-2024-3; this parcel of land is located on the South side of Lapeer Road between Gale Road and M-15; variances requested for a reduction in the side yard parking set back of 7ft 6in (10 feet required per section 1601.cc of the Davison Township Zoning Ordinance); the hardship/practical difficulty is due to the growth in the businesses that occupy the plaza there is a need for more parking space; four spaces can be added without a variance but they trying to add a total of six for their growth; the parcel along Lapeer Road is shallow abutting the freeway; the

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Building/Planning Department would support recommendation for approvals based on the following reasons:

1. The lack of depth to the parcels along the freeway prohibit installing more parking in the rear of the property.
2. The property still maintains more than 30 percent green space.
3. This request is consistent with the spirit and intent of the ordinance.

Hill – I see the CNT LLC letter and Church and Sons letters are in support of this.

Hagler – since they can get by with the four spaces, do they have to come to us for this parking variance?

Place – you are only approving of the setback.

Hagler – oh, okay thank you for clarifying.

Smith – so is the setback on the front or the side?

Place – it is going to be the side.

Smith – so all the grass in between the two parking spots will be gone?

Place – left about 2ft 6 and angles up and gets wider.

Smith – is that going to do anything with drainage; I know there are issues.

Place – you can see where the drainage goes out to the front catch basin.

Smith – is the building at capacity?

Granger Stefanko – no, we have one spot still available in the building because we don't have the parking spots to accommodate other businesses going in there.

Smith – so it is going to stay that way indefinitely?

Granger Stefanko – yes.

MOTION BY HOWELL, SECOND BY HAGLER to approve case #16-V-2024-3 DCC

Construction due to the recommendation noted in the report from the building department for the lack of depth to the parcels. Motion carried unanimously.

CASE #16-V-2024-4 NAMIR SHANGO

Bruce Calhoun with Creekwood Architect representing Nate Shango – requesting variance; just had it rezoned from residential to commercial; requesting few variances with the shape of the parcel; develop a gas station with a convenient store on the property; setback on the rear property line; this setback will enhance the property with placing 30 foot pine trees; that will be addressed in the Planning Commission and since I chair that board I know what is going to happen; purchase the trees from Daily's Farm on Court Street; variance for the canopy which has been a known variance with the gas stations in the Township to be within the front yard of the property; need another setback on the front property with two front yards; we do meet the hundred foot off the front yard of M-15, but we can't meet the hundred foot off the Bristol Road if we did the building would only be a 10x10 shed; the biggest thing across from the location is Kitchen School which is not a school; they have the school go out once in a while, rent the hall; it is really not a park; as the ordinance would say that is does; purpose is to keep gas stations away from schools; so looking at this we would ask for your approval.

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Place – administrative review; Nate Shango; Parcel #05-27-300-018; case #16-V2024-4; this parcel was rezoned from RSE (residential suburban Estate) by the Planning Commission and the Davison Township Board by unanimous decision; this parcel of land is located at the intersection of Bristol Road and M-15 on the northwest corner; the variances requested are:

1. 60 ft front setback of Bristol Road for building
2. 80 ft rear yard setback to residential property
3. 59 ft front setback for canopy from M-15
4. 67 ft front setback for canopy from Bristol Road
5. 50 ft rear setback for canopy of residential property
6. 4 parking space reduction
7. 285 ft variance from school or park

The hardship/practical difficulty is as follows:

1. This parcel is an unusual shape, A right-angled triangle that backs up to a county drain and a Consumers Power easement
2. This parcel was rezoned from RSE (residential suburban estate) to GC (general commercial) which has created set-back issues from residential property which require a 100-foot setback
3. This parcel is a corner lot so it has frontage on two roads that require 100-foot setbacks, if this parcel was in the DDA district this would not be an issue for that setback would be 35-feet
4. Gasoline filling stations require a 400-foot setback from a church, school, public park or playground or any public place of assembly where twenty-five or more persons ordinarily, and with some regularities are gathered for lawful purposes

The recommendations are the Building/Planning Department would support recommendation for approvals based on the following reasons:

1. The proposed development to the residential property has a buffer of the consumer power easement and the county drain between
2. The irregular shape of the lot and frontage on two streets has created a very difficult scenario
3. The usage provided by the parks department doesn't feel like it meets the definition of ordinary or with regularity. (five uses per month)
4. The majority of people who use the store usually park at the pumps and enter the store after or before fueling.

Hill – this letter just reiterates that it is not a school.

Davis – but it is a park.

Hill – yes.

Hernandez – will your gas be as cheap as Dort Hwy?

Nate Shango – priced fairly, customer service happy.

Davis – did Casey understand the usage with the gas station and the usage?

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Place – yes, she stated most of the stuff is done at William’s.

Hernandez – is there going to be an entry of M-15?

Place – we can only address the variances.

Davis – understand why they need it, but there are a lot of variances.

Place – the way it is shaped.

Davis – it is a horrible intersection.

Place – we are hoping the traffic study will come back with some sort of changes for safety.

MOTION BY GREEN, SECOND BY HAGLER to approve case #16-V-2024-4 Namir Shango for all the variances requested. Motion carried unanimously.

PUBLIC COMMENT PERIOD

Public comment period opened at 7:20 p.m./ Public comment period closed at 7:20 p.m.

INFORMATIONAL ITEMS

Place – Aldi should be open around April 2025.

Smith – what is going on with the two vacant homes on M-15?

Place – I have let them know to get them torn down before December 31, 2024, to be removed from the tax roll; and will make the area look better; they are changing a few things and sending them to the county.

ADJOURNMENT

MOTION BY HAGLER, SECOND BY DAVIS to adjourn at 7:24 p.m. Motion carried unanimously.

Eric Hernandez, Secretary