

Village of Holly
ZONING BOARD OF APPEALS REGULAR MEETING
Minutes of December 3, 2018

Board Member Rebar called the regular meeting of the Zoning Board of Appeals of the Village of Holly to order at 7:14 P.M. in the Holly Area Schools Board of Education Meeting Room, Karl Richter Center at 920 E. Baird St., Holly, Michigan.

Board Members Present

Larry Magaw
Bob Allsop
Josephine Campbell
Nancy Rebar
Nicole Edwards
Joe Hutchins

Board Members Absent

Margaret Hejhal

Staff Present

Katy Hughes
Janell Minnick
Jeremy Watson

Others Present

Rebar opened the meeting.

Rebar said the Pledge of Allegiance.

Rebar welcomed Nicole Edwards to the Zoning Board of Appeals.

Motion Rebar, Second Campbell to excuse the following member from the meeting:
Margaret Hejhal.

APPROVAL OF THE MINUTES:

Motion Magaw, Second Campbell to approve the minutes from November 5, 2018. Motion carried by a voice vote of all ayes and no nays.

APPROVAL OF THE AGENDA:

Motion Edwards, Second Magaw to approve the agenda as presented. Motion carried by a voice vote of all ayes and no nays.

PUBLIC COMMENTS: NONE

GENERAL BUSINESS:**A. Case 2018-005**

Application for a Variance filed by Ronnie Antoon-Holly Group LLC, 15201 N Holly Rd, Parcel ID #01-27-151-008. Applicant is requesting a variance of ordinance 157.036 (B)(I)(a) and (b) which determines the location of waste receptacles.

- Caitlyn Habben, ROWE Professional Services, presented and explained the criteria that the board would use in evaluating the Variances: That the business would like their trash receptacle (enclosure) in front of their yard.
 - Property is zoned commercial, with commercial surroundings.
 - Existing retail center
 - There is an existing building occupying the entire rear and side yard.
 - The proposed location is the 2nd parking space on the Northside from N. Saginaw Rd. It would appear there is no existing or proposed landscaping to help minimize the view from the public. This would remove 1 parking space from the property.
 - It would appear the garbage truck would occupy the maneuvering lane by 9.4 ft. -14.4 ft. (6ft concrete pad 7.4 ft remaining space from the property. The maneuvering lane is usually 20 ft wide.)
 - The zoning ordinance allows for non-residential uses to share dumpster enclosures between 2 or more businesses. (section 157.036.b(5)(a))
- Habben then spoke about the standards for approval of the ordinances:
 1. Practical Difficulties: Subject property has an existing non-conforming building without a rear or side yard. The building is land locked from all 3 sides therefore the only feasible place to the dumpster is in front of the building.
 2. Substantial Justice: The applicant could potentially be unable to agree with neighbors on utilizing their waste receptacle and would be a size able distance from their building. The building is land locked from all 3 sides therefore the only feasible place to the dumpster is in front of the building.
 3. Public Safety and Welfare: The location of the dumpster would be out of normal maneuvering traffic and occupy 1 existing parking space. It appears vehicles would be able to maneuver around the trash enclosure while it is being emptied.
 4. Extraordinary Circumstances: Subject property is an existing non conforming building without a rear or side yard. The building is land locked from all 3 sides therefore the only feasible place to place the dumpster is in front of the building.
 5. No Safety Hazard and Nuisance: Proposed waste receptacle would otherwise meet our design standards for waste receptacles. Vehicles would be able to maneuver around trash enclosure while it is being emptied.

6. Relationship to adjacent Land Uses: The surrounding area is commercial and is accustomed to providing a location for waste receptacles on site.

- Allsop asked why he couldn't share with another dumpster.
- Watson said in that plaza is Wild Bills, ATI physical Therapy and Metro PCS.
- Allsop asked how many dumpsters they had there now.
- Watson said they were sharing with the north property but there was a fall out a while back and were told they could not use theirs. They put the dumpster in the back of the property but that was on CVS lot, then moved to the front yard. It has been there for a year and Watson has been in court on this matter with the applicant. This is a last resort for him.
- Allsop asked about a nice brick enclosure?
- Watson said yes that is what is submitted.
- Watson's suggestion would be to put it at the south side of the parking lot. It will look like what dumpster enclosure is supposed to look like per our zoning ordinance. Example is Dollar tree.
- Habben said a brick façade was being completed.
- Edwards asked how many other businesses in Holly are also landlocked like this property.
- Watson said that he can't recall any properties
- Rebar asked about the neighbors being notified...Red Devil was notified and they are quite a ways away.
- Minnick said that Red Devil owns a small piece of property off Grange Hall (next to Kerton Lumber) it was within the 300 ft radius.
- Watson does not like the dumpster in the front yard. He suggested roll cans. Difficult owner. He has gone thru many other avenues to not have a dumpster in the front.
- Rebar asked about the lease contract
- Watson said ATI signed for a 5 yr. lease.
- Rebar asked if we could approve an end date.
- Habben said the variance will follow the property. No rear yard. No side yard. Unique circumstance.
- Hutchins asked if they negotiated anything with the recent owner of the next complex.
- Watson said they were sharing the Little Caesars dumpster but something happened.
- Edwards asked if they could lease a portion of that land behind little Caesars for their dumpster.
- Watson said not an option at this time.
- Rebar asked if there was a photo or a proposed look.
- Watson said McDonalds, Dollar tree are examples of most recent dumpsters but they are in the back.
- Edwards asked about the size of the trash container.
- Habben said this variance is only for where it is located, it meets all other requirements.

Motion Hutchins, Second Allsop to approve a requested variance Application for a Variance filed by Ronnie Antoon-Holly Group LLC, 15201 N Holly Rd, Parcel ID #01-27-151-008. Applicant is requesting a variance of ordinance 157.036 (B)(1)(a)and(b) which determines the location of waste receptacles. The location considered is the Southwest corner of the parking lot based on the variances below, contingent upon the waste receptacle collection should take place after 5pm but prior to 7am.

1. Practical Difficulties: Subject property has an existing non-conforming building without a rear of side yard
2. Substantial Justice: The applicant could potentially be unable to agree with neighbors on utilizing their waste receptacle and would be a size able distance from their building.
3. Public Safety and Welfare: The location of the dumpster would be out of normal maneuvering traffic and occupy 1 existing parking space.
4. Extraordinary Circumstances: subject property is an existing non con forming building without a rear or side yard.
5. No Safety Hazard and Nuisance: Proposed waste receptacle would otherwise meet our design standards for waste receptacles
6. Relationship to adjacent Land Uses: The surrounding area is commercial and is accustom to providing a location for waste receptacles on site.

- **A roll call vote was as follows:**
- **Voting for: Allsop, Campbell, Magaw, Rebar, Edwards, Hutchins**
- **Voting against: None**
- **Absent: Hejhal**
- **The motion carried to approve the variance.**

BOARD MEMBER COMMENTS:

- Magaw read a comment in the newspaper about Katy Hughes almost getting hit outside the office? Where abouts?
- Katy said this was when she was leaving work by the Village Office.

ADJOURNMENT:

With nothing further to discuss, Rebar adjourned the meeting at 8:02 PM.



Jahell-Minnick
Deputy Clerk/Treasurer