

Village of Holly
ZONING BOARD OF APPEALS REGULAR MEETING
Minutes of May 7, 2018

Board Member Kinnamon called the regular meeting of the Zoning Board of Appeals of the Village of Holly to order at 7:00 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
Joe Hutchins
Richard Kinnamon

Board Members

Absent

Nancy Rebar
Margaret Hejhal

Staff Present

Katy Hughes
Janell Minnick
Doug Piggot
Jeremy Watson

Others Present

Carol Howard
Audrey Bastas
Rick Swithart
Daniel Hryckowian

Kinnamon opened the meeting with the Pledge of Allegiance.

Motion Kinnamon, Second Hutchins to excuse the following members from the meeting: Nancy Rebar and Margaret Hejhal.

APPROVAL OF THE MINUTES:

Motion Hutchins, Second Magaw to approve the minutes from 2/5/2018. Motion carried by a voice vote of all ayes and no nays.

APPROVAL OF THE AGENDA:

Motion Campbell, 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:

Kinnamon opened the Public Hearing at 7:03 PM.

a. Case 2018-001

Consideration of a Zoning Variance at 1119 N Saginaw St, #01-28-427-015, by Daniel Hryckowian, for exceeding the maximum impervious surface coverage.

- Applicant is proposing an increase of impervious surface coverage of 20%. From 70% allowed to 90%.
- They are also going to share the parking lot.
- Doug Piggot – ROWE professionals
 - Presented a picture of the proposed building and site plan.
 - They are proposing addl parking and an additional building.
 - Shared parking arrangement.
 - Underground retention.
 - There are a few big issues with the site to address which is the green, the parking and retention of ground water.
 - Standard for approval:
 1. Practical Difficulties-We identify that the site can be developed to a lesser extent without meeting
 2. Substantial Justice-The applicant is
 3. Public Safety and welfare-applicant is proposing improvement to mitigate the imperious detention issue.
 4. Extraordinary Circumstances: Rowe could not identify any standards
 5. No Safety Hazard or Nuisance-The application has addressed this would be caused by the
 6. Relationship to Adjacent Land Use-Surrounded by Commercial with multiple green space and lot coverage would cause and issue.
- Magaw asked if they were going to black top the parking lot.
- Piggot said he assumes they will asphalt.
- Magaw asked how about the trees that they said they are going to plant...will they be large?
- Piggot said they would be Dogwood trees and pear trees with a 2 inch caliper. It has been passed by site plan review..so it has been met.
- Hutchins asked which way is the parking lot going to be pitched.
- Piggot said it is graded towards the catch basins the underground detention would hold it.

- Hutchins said on the existing parking is this improved to old surface. On a good storm there can pitched towards Saginaw and Saginaw is pitched towards Grange Hall be a flood and it feels like "salmon going up stream."
- Piggot said No connection site
- Kinnamon asked if the owner would consider the water on the existing lot to drain in that direction.
- The owner said no because it would cost \$250,000 plus.
- Kinnamon asked if he heard correctly that you have written agreement on the shared parking lot and would this be addressed on the deed.
- The owners replied Yes.
- Allsop asked about Dollar Tree and if there was enough room in the sewers. Was it the same line?
- Watson said ROWE is working on that.
- Piggot said the applicants need to meet all 6 standards for approval.
- Piggot gave some examples of a hardship for extraordinary circumstance.
 - If there are wetlands on the property
 - Lot is unusual in shape
 - Gully on the property.
- Rick Swihart – Creekwood Architecture
 - They want to increase the impervious area is in the back. We are providing additional parking for both lots.
- Watson added that it is a safety for trucks and now the delivery trucks will have room in back to deliver and not through the front where the parking lot is.
- Kinnamon asked if this would qualify as extraordinary circumstance.
- Piggot said this project would bring a lot of good things to the village. But when you stretch an ordinance like that then others will want to follow. I think the point that Jeremy made could be justified.
- Kinnamon asked if a building adjustment can only be made in the building itself?
- Piggot said that they are doing a mirror image of the building site.
- Allsop asked about lights?
- Watson said they were approved by the Planning Commission. They will match Dollar Tree, McDonalds, etc. The Village of Holly has a strict lighting ordinance.

Motion Hutchins, Second Magaw to close the public hearing at 7:16 pm, for a Zoning Variance at 1119 N Saginaw St, #01-28-427-015, by Daniel Hryckowian, for exceeding the maximum impervious surface coverage.

Motion Hutchins, Second Magaw to approve the consideration of a Zoning Variance at 1119 N Saginaw St, #01-28-427-015, by Daniel Hryckowian, for exceeding the maximum impervious surface coverage. Standards are being met.

1. Practical Difficulties: The property is required to have a 50 feet setback and buffering on the west property line because it is adjacent to the residential district. The lot does not appear to have any lot related inconveniences or burdensome setbacks.
2. Substantial Justice: the applicant to use a lesser variance would not be sufficient. There are several properties within the C-Commercial zoning district that meet this requirement.
3. Public Safety and Welfare: The intent of the provision is to assist in the storm water drainage, heat island impacts, and maintain a character of a certain amount of pervious surface. The 20% increase in impervious lot coverage will reduce the natural drainage of storm water into the ground and will contribute to the hear island affect.
4. Extraordinary Circumstances: This is Part of a larger existing site. The extra 20% of impervious lot coverage would be in the back of the property. It will be better for the safety vehicles and delivery trucks at this property.
5. No Safety Hazard or Nuisance: Does not appear that increasing the impervious surface coverage of the site would cause a public nuisance if the proposed underground storm water system is in working condition.
6. Relationship to Adjacent Land Uses: Property is Commercial. This property is proposed to blend and connect to the property to be north. 1121 N Saginaw St.

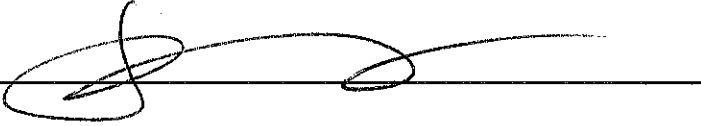
- **A roll call vote was as follows:**
- **Voting for: Allsop, Campbell, Kinnamon, Magaw, Hutchins**
- **Voting against:**
- **Absent: Rebar, Hejhal**
- **The motion carried to approve the variance.**

BOARD MEMBER COMMENTS:

- Magaw said that the property owners showed correct intent, and they will not damage any storm water issue. I think this will be a great addition to Holly.
- Allsop was very happy with the deal and it is great.
- Hutchins said he was also very happy. This will bring uptown and downtown together.
- Campbell said this is an improvement to the property.
- Kinnamon said he is looking forward to this property being developed.

ADJOURNMENT:

With nothing further to discuss, Kinnamon adjourned the meeting at 7:44 PM.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a long, sweeping horizontal line that ends in a small loop.

**Janell Minnick
Deputy Clerk/Treasurer**