

**SCIO TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING REQUEST
827 North Zeeb Road, Ann Arbor, Michigan 48103
MEETING MINUTES OF WEDNESDAY, MAY 30, 2007**

1) ROLL CALL

Present: DeLong, Fuller, Ream, Van Hoek
Absent: Collica

2) CALL TO ORDER

Chair DeLong called the meeting to order at 7:00 p.m.

3) Swearing in at 7:04 p.m.

4) COMMUNICATIONS AND/OR CORRESPONDENCE

None

5) Public Hearings

- A. Variance #1503**, by Gilbert Company, for Jackson Madison LLC, regarding property code #H-08-23-400-019 and 026, 3950 Jackson Road, requests variance for temporary use of a parking lot for use by tenants at 3900 Jackson Road (adjacent parcel), without site plan approval pursuant to Section 7.02.

MOTION BY COMMISSIONER FULLER, SUPPORT BY COMMISSIONER VAN HOEK TO OPEN THE PUBLIC HEARING ON VARIANCE #1503 AT 7:05 P.M.

YES: 4 NO: 0 MOTION CARRIED

Applicant/representative:

E. J. Gilbert, Gilbert Company, 3515 Broad Street, Dexter, MI 48130
Bill Conlin

Applicant needs parking. This will be a temporary use only until PUD is approved. Applicant is trying to keep the impervious surface to a minimum. Existing asphalt surface will be used. No changes in the site will be made.

Public comment:

None

MOTION BY COMMISSIONER FULLER, SUPPORT BY COMMISSIONER VAN HOEK TO CLOSE THE PUBLIC HEARING AT 7:11 P.M.

YES: 4 NO: 0 MOTION CARRIED

Discussion by Board:

- Chair DeLong will be abstaining from voting on this matter, due to family relationship to the petitioner, grandson.

MOTION BY COMMISSIONER FULLER, SUPPORT BY COMMISSIONER REAM,

APPLICANT IS GILBERT COMPANY. PROPERTY IDENTIFICATION IS H-08-23-400-019 AND 026, 3950 JACKSON ROAD.

IN THE MATTER OF VARIANCE APPLICATION #1503, BASED ON THE FOLLOWING FACTS: THE TESTIMONY SWORN BEFORE THIS COMMISSION DURING THIS HEARING: THE INFORMATION PROVIDED IN THE APPLICATION, AND THE ANALYSIS PROVIDED BY THE TOWNSHIP PLANNER IN HIS REPORT DATED MAY 28, 2007.

I FIND, UNDER ARTICLE 15.04 SECTION E,

- 1. THERE ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE PROPERTY INVOLVED OR TO THE INTENDED USE OF THE PROPERTY THAT DO NOT APPLY GENERALLY TO OTHER PROPERTIES OR CLASS OF USES IN THE SAME DISTRICT; THE VERY SUBSTANTIAL USE CHANGE OF THIS PROPERTY, APPROVED BY THE TOWNSHIP REQUIRES A LARGER AMOUNT OF PARKING COMPARED TO ITS FORMER INDUSTRIAL SUPPLY USE. THE ADJACENT VACANT LOT HAVING A PAVED AREA, WHICH CAN BE UTILIZED AS PARKING, IS CERTAINLY A UNIQUE CIRCUMSTANCE RELATIVE TO OTHER PROPERTIES IN THE DISTRICT.**
- 2. SUCH VARIANCE IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF A SUBSTANTIAL PROPERTY RIGHT POSSESSED BY OTHER PROPERTY IN THE SAME ZONE OR VICINITY; WHILE NO OTHER PROPERTY IN THE DISTRICT HAS AN EXACTLY SIMILAR SITUATION, THE PARCEL IS PART OF PLANNED UNIT DEVELOPMENT BEFORE THE TOWNSHIP PLANNING COMMISSION PRESENTLY. IF THIS PUD IS APPROVED, PARKING IN THIS AREA WILL LIKELY BE PART OF THAT PUD. IF THE PUD IS WITHDRAWN OR DENIED, THEN THE TEMPORARY PARKING APPLIED FOR IN THIS VARIANCE WOULD HAVE TO BE APPLIED FOR SEPARATELY.**
- 3. THE GRANTING OF SUCH VARIANCE OR MODIFICATION WILL NOT BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE OR MATERIALLY INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN SUCH ZONE OR DISTRICT IN WHICH THE PROPERTY IS LOCATED.**
- 4. THE GRANTING OF SUCH VARIANCE WILL NOT ADVERSELY AFFECT THE PURPOSE OR OBJECTIVES OF THE MASTER PLAN OF THE TOWNSHIP; THE SUBJECT PARCEL IS PLANNED FOR "COMPOSITE COMMERCIAL" AND THIS VARIANCE WILL HAVE NO AFFECT ON THE PURPOSE OR OBJECTIVES OF THE MASTER PLAN.**
- 5. THE CIRCUMSTANCES OR CONDITIONS UPON WHICH THIS VARIANCE ARE BASED DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT OR HIS PREDECESSORS IN TITLE; IT IS NOTED THAT THE TOWNSHIP DOES NOT HAVE A PARKING STANDARD AT PRESENT FOR INDOOR RECREATIONAL USE WHICH IS PART OF THE PUD BEFORE THE PLANNING COMMISSION. IF THE PUD IS APPROVED, THE PARKING IN THIS VARIANCE WILL BECOME PART OF THE PARKING FOR THE PUD. IT IS FURTHER NOTED THAT THE VARIANCE REQUESTED IS TEMPORARY, AND THE NEED FOR THE VARIANCE WILL DISAPPEAR IF THE PUD IS APPROVED. AS NOTED ELSEWHERE, IF THE PROPOSED PUD IS EITHER DENIED OR WITHDRAWN, CONTINUED USE OF THE PARKING WOULD BE SUBJECT TO A SITE PLAN SUBMITTAL TO THE TOWNSHIP.**

AND THEREFORE, MOVE TO GRANT TEMPORARY USE OF A PARKING LOT FOR A PERIOD OF NOT MORE THAN ONE YEAR WITHOUT SITE PLAN APPROVAL PURSUANT TO SECTION 7.02 OF THE SCIO TOWNSHIP ZONING ORDINANCE WITH THE FOLLOWING CONDITIONS:

- 1. PRIOR TO THE USE OF THE LOT, OUTSIDE AGENCY APPROVALS, INCLUDING THE WASHTENAW COUNTY ROAD COMMISSION MUST BE OBTAINED.**

2. **SHOULD THE PROPOSED PLANNED UNIT DEVELOPMENT NOT BE APPROVED OR IS WITHDRAWN DURING THE PERIOD OF THIS TEMPORARY VARIANCE, THE APPLICANT WILL BE REQUIRED TO SUBMIT A SITE PLAN WITHIN THIRTY (30) DAYS FOR THE CONTINUED USE OF THE PARKING LOT.**
3. **PROVIDE A PLAN SHOWING PROPERLY DIMENSIONED PARKING SPACES AND MANEUVERING LANES, DRAWN TO SCALE.**
4. **PRESENT ASSURANCES THAT THE PARKING PROPOSED IN THIS VARIANCE, IN CONJUNCTION WITH THE EXISTING PARKING, WILL ADEQUATELY PROVIDE FOR THE INDOOR RECREATION FACILITY BEING SERVED. SUCH ASSURANCES TO BE TO THE SATISFACTION OF THE TOWNSHIP PLANNER.**
5. **THE PARKING AREAS WILL BE STRIPED PRIOR TO USE.**

YES: 3 NO: 0 ABSTAIN: 1 (DELONG) MOTION CARRIED

6) OLD BUSINESS

None

7) APPROVAL OF MINUTES

None

8) ANY OTHER BUSINESS

None

9) ADJOURNMENT

MOTION BY COMMISSIONER FULLER, SUPPORT BY COMMISSIONER VAN HOEK TO ADJOURN AT 7:21 P.M.

YES: 4 NO: 0 MOTION CARRIED

Minute preparation by James H. LaVoie