**CITY OF ST. CLIAR**

**ZONING BOARD OF APPEALS SPECIAL MEETING**

**WEDNESDAY, APRIL 20, 2022**

**ST. CLAIR CITY HALL**

**547 N. CARNEY, ST. CLAIR**

**CALL TO ORDER: Chairman Jim Bier – 7:02 p.m.**

**ROLL CALL: Chairman: Jim Bier Vice Chair: Doug Glassford**

 **Secretary: Joann Westrick Member: Doug Vernier**

 **Member: Ralph Gizowski Member: Diane Ives**

 **Member: Burton Brooks**

**ABSENT: Joann Westrick – excused absence, Ralph Gizwoski – excused absence**

**AUDIENCE: Nancy Beaudua, Tom Jalosky, Gordon Potter, Luke Marion**

**APPROVAL OF AGENDA:** *Doug Glassford made a motion to approve the agenda as presented for April 20, 2022, supported by Doug Vernier. All in favor, none opposed.*

**APPROVAL OF MINUTES:** *Doug Vernier made a motion to approve the minutes as presented for September 15, 2021, supported by Doug Glassford. All in favor, none opposed*

**CORRESPONDENCE:** City Ordinance No. 2022-1

Appendix B, article 3, Section 3.6, Subsection 3.6.5

 Conditional Rezoning

**ELECTION OF OFFICERS:** Chairman Jim Bier explained the process of electing officers for the Zoning Board of Appeals Commission.

Chairman position - *Doug Glassford made a motion to elect Jim Bier as Chairman, supported by Burton Brooks. All in favor, none opposed.*

Vice Chair position – *Doug Vernier made a motion to elect Doug Glassford as Vice Chair, supported by Burton Brooks. All in favor, none opposed.*

Secretary position – *Doug Glassford made a motion to elect Joann Westrick as Secretary, supported by Burton Brooks. All in favor, none opposed.*

**OLD BUSINESS:** None

**PUBLIC HEARING:** MI Gardener – Luke Marion, owner

 1462 Oakland Avenue

 74-07-091-0028-000

 Section 4.5 Schedule of District Regulations

 Rear Yard Set-back for C-2

Jim Bier – Before we open the public hearing could we get Dee to give a quick review?

Dee Boulier – This building is at least seventy-five years old and is currently zoned R1-A but has always been used as commercial space since it was built. Most recently the building was sold to Luke Marion who owns MI Gardener. MI Gardener is a gardening seed operation which will house a small retail space approximately 400 square feet. The majority of sales from this location will be internet based.

City Council as recently approved a Conditional Zoning Ordinance #2022-01, as a tool to rezone a parcel that is non-conforming within a district that the structure is located. This parcel was conditionally rezoned to C-2. The ordinance states that the rear yard set-back for C-2 must be thirty (30) feet. The existing building is 1.7 feet off of the rear property line which requires a dimensional variance of 28.3 feet. All other set-backs are met.

*Doug Vernier made a motion to open the public hearing, supported by Burton Brooks. All in favor, none opposed.*

Jim Bier – Will the petitioner approach the podium and state your name, address and explain to us the variance you are requesting and why.

Luke Marion – 613 Lomasney, Marysville, Michigan. I am the owner of MI Gardener and we recently purchased the old Angler Rod located at 1462 Oakland in St Clair. Just after purchasing the building, which has always operated commercially, I was told it was located in an R1-A district and that without Conditional Rezoning, I would not be able to operate my business.

This came as a complete shock to me. I have invested a lot of money into this property. My wife and I have put in a lot of personal money just to get this business up and running in St Clair. We did go before the Planning Commission and were approved for the rezoning from R1-A to C-2 so we were happy with that. Now we find out that in the C-2 zoning the building is too close to the property line. Again, I am looking for some leeway in this matter because we can’t just move a building that has been there for 70 plus years. Please consider that variance needed on this property.

Jim Bier – Thank you. Is there anyone in the audience that would like to comment?

Tom Jaloski – 1424 S Riverside, St Clair. Thank you. I am wondering if the variance for set back is given does it stay with the property if the property sells?

Dee Boulier – Yes, it stays with the property.

Jim Bier – Thanks Dee. Is there anyone one else in the audience who would like to comment? If not, then I would entertain a motion to close the public hearing.

*Doug Glassford made a motion to close the public hearing, supported by Burton Brooks. All in favor, none opposed.*

**NEW BUSINESS:** MI Gardener – Luke Marion, owner

 1462 Oakland Avenue

 74-07-091-0028-000

 Section 4.5 Schedule of District Regulations

 Rear Yard Set-back for C-2

Jim Bier – Since there weren’t a lot of questions or concerns regarding this variance request, I think we can begin with the finding of facts.

Jim Bier – Due to pre-existing conditions of the building always being there I see no reason not to grant the variance. This does not create any hardship on any of the neighbors.

Doug Glassford – Agreed

Doug Vernier – Agreed

Diane Ives – Agreed

Burton Brooks – Agreed

*Doug Glassford made a motion that the Board vote on a request for a rear yard dimensional variance of 28.3 feet at 1426 Oakland Avenue, property 74-07-091-0028-000, as submitted. Supported by Doug Vernier.*

*Roll Call*

*Jim Bier – Yes*

*Doug Vernier – Yes*

*Doug Glassford – Yes*

*Diane Ives – Yes*

*Burton Brooks – Yes*

*Motion carries. Good luck.*

*Diane Ives made a motion to adjourn, supported by Burton Brooks. All in favor, none opposed.*

Meeting adjourned at 7:45 p.m.