

**IMLAY CITY ZONING BOARD OF APPEALS
150 N MAIN STREET
IMLAY CITY MI 48444**

**REGULAR MEETING
Thursday, October 24, 2024
6:00 PM**

1. CALL TO ORDER

Chairman Blount called the meeting to order at 6:00 PM

2. PLEDGE OF ALLEGIANCE

Blount led the Pledge of Allegiance

3. ROLL CALL

Present: Chairman Tom Blount, Vice-Chair Luke Stempien, Charles Boadway, Stu Davis, Earl Gass, John Lengemann

Absent: Barbara Yockey

Also present: City Manager Craig Horton, Clerk-Treasurer Dawn Sawicki-Franz and public

4. ELECTION OF OFFICERS

City Manager Horton suggested to postpone the Election of Officers until the next ZBA Meeting due to Commissioner Elections being in a few days and positions could change based on the outcome of the Elections.

MOTION by Davis seconded by Stempien to postpone the Election of Officers until the next ZBA Meeting

MOTION CARRIED UNANIMOUSLY

5. APPROVAL OF AGENDA

MOTION by Davis seconded by Gass to approve the agenda as presented

MOTION CARRIED UNANIMOUSLY

6. APPROVAL OF MINUTES

MOTION by Davis seconded by Boadway to approve the minutes of the November 16, 2023 regular zoning meeting as presented.

MOTION CARRIED UNANIMOUSLY

7. CITIZENS FROM THE FLOOR

None

8. VARIANCE REQUEST – PAUL LAFONTAINE, IMLAY CITY FORD 1788 S CEDAR STREET, PARCEL ID #119-85-231-040-00

A. NOTICES AND PUBLICATION TO RECORD

MOTION by Davis seconded by Gass to enter all notices and publication to record

MOTION CARRIED UNANIMOUSLY

B. PUBLIC HEARING-OPEN

Chairman Blount opened the Public Hearing at 6:03 pm

Paul Deters from Metro Signs & Lighting explained their case and ZBA Board Members asked questions of Dan Rivet and Alex Lafontaine in addition to Paul Deters to get a good understanding of the Petitioner's request for a variance and plans for the sign request.

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In addition, a letter from Zoning Administrator Lonnie Hayes, who was unable to attend, was read with his explanations and recommendation regarding this variance request.

C. PUBLIC HEARING-CLOSED

Chairman Blount closed the Public Hearing at 6:32 PM

D. ACTION

MOTION by Lengemann seconded by Gass to deny the variance as requested by Petitioner Metro Signs & Lighting.

LENGEMANN – Yes, I don't think that they have shown the requirements to show that they would be unreasonably prevented from using their property for the intended use and that's one of the criteria required to show that there is a practical difficulty and so we should not grant a variance.

GASS – Yes, with the caveat that there is an avenue since at the Planning Commission doing some tweaking on the sign's ordinance

DAVIS – Yes, it is oversized and it is a rule and keeping the same with our laws

STEMPIEN – Yes, petitioner has not shown this as a hardship

BOADWAY – Yes, the way that the ordinance is stated, it does not allow

BLOUNT – Yes, does not meet the requirements of the ordinance and no hardship is involved

MOTION CARRIED UNANIMOUSLY

9. VARIANCE REQUEST – NANCY ELLIOTT (JANA PEMBERTON) 265 W 4th STREET, PARCEL ID #120-02-700-000-00

A. NOTICE AND PUBLICATIONS TO RECORD

MOTION Lengemann seconded by Stempien to enter all notices and publications to record

MOTION CARRIED UNANIMOUSLY

B. PUBLIC HEARING – OPEN

Chairman Blount opened the Public Hearing at 6:38 PM

Jana Pemberton stated that she had been living at this address since 1981 with ownership to be transferred prior to project starting and needs modification to her home due to health issues. Pemberton continued stating that she would like to add a full bathroom on the main floor as the full bathroom is currently upstairs and she would like to add a one-car garage with ramp on the home to house her truck.

Pemberton read a letter from her neighbor, the Lieb Family, who stated in their letter that they encourage the approval of the variance for Pemberton's project.

ZBA members asked questions of Pemberton to gain a full understanding of her request.

In addition, a letter from Zoning Administrator Lonnie Hayes, who was unable to attend, was read with his explanations and recommendation regarding this variance request.

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C. PUBLIC HEARING – CLOSED

Chairman Blount closed the Public Hearing at 6:52 PM

D. ACTION

MOTION by Lengemann seconded by Davis to approve the variance request of four feet, making the setback two feet from the lot line on the west side of the dwelling

LENGEMANN – Yes, hardship not been created by petitioner but created by the lot sizes when they platted the property and we should grant this because of the narrow lot size, the neighbor next door is in align with it and I have no objection.

DAVIS – Yes, I lived in row houses and this is further apart

GASS – Yes, the property is too small

BOADWAY – Yes, the neighbor agrees and the prints are fine

STEMPIEN – Yes, petitioner has shown this as a hardship and the need for the variance with the 2-foot plan that the architect has drafted us ok

BLOUNT – Yes, hardship was given from the applicant due to the narrow lot and the neighbors are in favor

MOTION CARRIED UNANIMOUSLY

10. OTHER

A. ZONING BY-LAWS

It was suggested to wait on reviewing and amending the Zoning By-laws until the new Zoning Board is in place after Elections.

NO MOTION, DISCUSSION ONLY

B. BOARD MEMBER DISCUSSION

None

11. ADJOURNMENT

MOTION by Lengemann seconded by Gass to adjourn at 6:58 PM

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted by: _____
Dawn Sawicki-Franz, Clerk/Treasurer

Approved by ZBA: April 24, 2025

Approved by City Commission: May 06, 2025