

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

**REGULAR MEETING
Thursday, April 28, 2022
6:00PM**

1. CALL TO ORDER

Chairperson Barbara Yockey called the meeting to order at 6:00PM.

2. PLEDGE OF ALLEGIANCE

Chairperson Yockey led the Pledge of Allegiance.

3. ROLL CALL

Present: Chairperson Barbara Yockey, Vice-Chairperson Teresa Richey, Tom Blount, John Lengemann, Bob Tanis, Charles Boadway

Absent: Ryan Cinader, Earl Gass

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

4. APPROVAL OF AGENDA

MOTION by Richey seconded by Blount to approve the agenda as presented.

MOTION CARRIED UNANIMOUSLY

5. APPROVAL OF MINUTES

MOTION by Blount seconded by Tanis to approve the minutes of the March 24, 2022 regular zoning meeting as presented.

MOTION CARRIED UNANIMOUSLY

6. CITIZENS FROM THE FLOOR

None

7. VARIANCE REQUEST

360 SHIRLEY BLVD – PAUL CROW – PARCEL ID #120-25-900-000-00

Variance from Section 15.1 – To allow side setback of eight (8) feet that is required in an R-1 district (retaining wall vs. walkway decking).

A. NOTICES AND PUBLICATIONS TO RECORD

MOTION by Richey seconded by Tanis to enter Notices and Publications for this public hearing to record.

MOTION CARRIED UNANIMOUSLY

B. PUBLIC HEARING OPEN

Chairperson Yockey Opened the Public Hearing at 6:03PM.

Paul Crow supplied photos for the project underway that he is requesting a variance for and admitted that he did not obtain a permit for this. Crow stated that he is requesting a variance of setbacks due to the corner of the garage being only seven feet from the property line and putting in a walkway from service door to service door then to the driveway has caused this issue.

Tamara Lindsey, Crow's neighbor, spoke in opposition regarding this project and also supplied photos.

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C. PUBLIC HEARING CLOSED

Chairperson Yockey Closed the Public Hearing at 6:19PM.

Each of the ZBA Board Members had the opportunity to speak and ask questions if they wished.

D. ACTION

MOTION by Lengemann seconded by Blount to approve the variance as requested and allow the setback to deviate from the Zoning Ordinance.

LENGEMANN - Yes, this is a non-use variance and the homeowner has a practical difficulty. For this reason, I think we should grant it.

BLOUNT - Yes, based upon the terminology of the ordinance provided, I believe it meets the requirements.

BOADWAY- Yes, the requirements have been met.

RICHEY- Yes, due to the odd shape of the lot, we are kind of at a crossroads here and I don't see the harm to the neighbors. It looks to be about two feet from the neighbor's driveway to the walkway and I feel that is plenty of clearance.

TANIS - Yes, I say we approve this. I think a walkway like this is better than a retaining wall because you have to go so high to make it work, if it's going to last. It is still two feet or roughly 18 inches from the corner of the neighbor's driveway and they're not going to drive on the neighbor's property, so I say allow it.

YOCKEY- No, I don't believe it falls under the definition of the ordinance regarding the structure. I don't believe this is a sidewalk as built.

MOTION CARRIED AND VARIANCE IS GRANTED

**8. OTHER
None**

9. ADJOURNMENT

MOTION by Lengemann seconded by Tanis to adjourn at 6:26PM

MOTION CARRIED UNANIMOUSLY

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

Approved by ZBA: July 27, 2023

Approved by City Commission: August 01, 2023