

Zoning Board of Appeals Minutes
August 15, 2007

Chairman John Debrabander called the meeting to order at 7:05 p.m. in the City Hall Council Chambers.

Members present: David Rhodabeck, Steven Laux and John Debrabander.

Members excused: Randy Gregg. There is currently one vacancy on this board.

Also present: Peter Preston, Trinity Engineering and Surveying Services, Inc. Zoning Consultant for the City of Laingsburg and Gary Bendall, DPW Supervisor. Also, Applicants Mr. And Mrs. B.K. Singh and their engineer, Samir Matra, Wilcox Engineers.

There was no public comment.

Moved by Rhodabeck, seconded by Laux to approve the minutes of June 27, 2007, as presented. Motion carried.

The Zoning Board of Appeals met to “re-hear” a variance request from SPS Enterprises, LLC, Haslett, Michigan. The petitioner’s alleges he was not notified of the previous meeting regarding his request and asked that the ZBA meet again so he could be present to appeal his case. The variance request was listed on the application as follows: “Due to the proposed geometry of cul-de-sac and the narrowness of the parent parcel, Lot 4 and Lot 6 of the proposed Plat of Bates Pointe Subdivision requires a variance in the rear yard setback distance from 35 feet to 25 feet to increase the available build able area on the lots.”

Gary Bendall commented that the City did not have cul-de-sac requirements in the Municipal Standards adopted by City, so they deferred to Shiawassee County’s standards for cul-de-sacs and they didn’t work either. A cul-de-sac, with capital consultants approval, was then designed to work on the unique structure of the lot.

Moved by Rhodabeck, seconded by Laux to rescind the following motion:

Moved by Rhodabeck, seconded by Gregg to deny the variance request of SPS Enterprises, LLC, as there appears to be no practical difficulties due to unique circumstance of physical conditions of the property. It is understood that a rear yard setback of 35 feet would create a very narrow build able area on Lots 4 and 6, but other alternatives, such as redesigning

the cul-de-sac to the east or west on the existing parcel have not been explored to attain conformity with the Ordinance. Also, being that no practical difficulty or unique circumstance was determined to be present, possible precedent would be set for other future developments utilizing cul-de-sacs if this variance were to be approved. The motion carried unanimously.

Motion carried.

Moved by Rhodabeck, seconded by Laux to approve the variance request of SPS Enterprises, LLC, due to the narrowness of the lot as it was originally platted. The narrowness of the lot creates a practical difficulty in the typical development of a public road and cul-de-sac. In that the lot has existed for a significant period of time in its present form, the narrowness of the lot is not self-created and creates a unique circumstance of the land in question. Yeas – Rhodabeck and Laux. Nays – Debrabander. Absent – Gregg. Motion carried.

Moved by Laux, seconded by Debrabander to adjourn. The motion was unanimous and the meeting adjourned at 7:30 p.m.

Lana Kaiser
City Clerk