

Draft

**SAGINAW CHARTER TOWNSHIP BOARD OF APPEALS
SAGINAW CHARTER TOWNSHIP HALL
NOVEMBER 10, 2010
7:00 P.M.**

Members Present

P. Brucker
J. Dambro
C. Baldwin
M. Faerber
S. Gerhardt

Members Absent

Others Present

B. Smith, Planner
C. Edlinger, Recording
Secretary
M. Mahlberg, Attorney

Mr. Brucker called the meeting to order at 7:00 p.m.

Minutes:

Motion by Ms. Dambro, supported by Mr. Baldwin, to approve the minutes of July 14, 2010.

VOTE: 5 Yeas 0 Nays 0 Absent Motion Carried

New Business:

- A. **A-10-02** –LHL Entertainment of Saginaw, Michigan is requesting approval to deviate from three separate standards within the Zoning Ordinance: Sec. 303.2, Building Setbacks, Section 403.3.B, Building Perimeter, and Section 405.2.B.iii, Parking Design located at 6220 State Street commonly known as LeFevre’s Family Bowl. (12-4-18-4005-000)

Mr. LeFevre was present to answer any questions.

Mr. Brucker inquired of Mr. Joe LeFevre on why he was requesting these variances. Mr. LeFevre stated it was due to the expense or hardship of complying with the zoning ordinance requirements for the parking lot improvements. The addition to the rear of the building is for his customers, the facilities are fine and the proposed new addition is for the upcoming bowling tournament. It is the second largest tournament in Michigan that will bring in six million dollars into the area. Without the variances, LeFevre’s Family

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Bowl will lose 26 parking spots. The front parking is critical. Customers would probably park at Catholic Federal Credit Union to the east or the gas station to the west. Mr. LeFevre handed out snapshots of LeFevre's Family Bowling parking lot showing the front parking lot completely full showing the need to keep as many parking spaces in the front parking lot as possible.

Mr. Brucker stated LeFevre's Family Bowl would in fact only lose nine (9) parking spaces, not the 26 parking spaces as Mr. LeFevre stated earlier. Mr. Brucker further explained the planning process for any developments brought to the Planning Commission and the MDOT requirements for State Street. Mr. LeFevre stated that 26 parking spaces is also a fact. Mr. Gerhardt stated it is actually nine (9) additional parking spaces. Mr. Brucker stated per state law, financial hardship cannot be used in considering a variance. Mr. LeFevre stated that safety is also an issue especially regarding women. It would be safer for women to use the front entrance instead of coming from the rear parking lot and walking around the side of the building to gain access to Len and Jerry's. Ms. Dambro inquired if the north door located in the rear back lot goes into the business. Mr. LeFevre stated it goes into the bowling alley and then into the bar area.

Discussion followed among the Board of Appeals members.

Bridget Smith stated the applicant needs two (2) variances in order to gain the nine (9) spaces up front: one lane with no island but not double stacked = 77 spaces; revised plan would provide 88 spaces with double stacking and eliminate traffic island. This revised plan would gain nine parking spaces.

Peter Brucker stated he is not in favor of granting a variance on the front yard setback after the Township worked so hard on the "Recreate State" project. This would directly contradict what the Township worked so hard on in terms of the State Street corridor. Mike Faerber inquired if the curb cut to the west is to be eliminated they could pick up more parking spaces. The Township zoning ordinance requires parking islands. Possibly they could eliminate the west island and pick up two (2) more parking spaces. Bridget Smith stated the required road right-of-way for State Street is 80' plus berm. Mr. Faerber stated possibly keeping the 80' setback with berm but eliminate the west island so the applicant could gain two (2) parking spaces. Mr. Gerhardt stated the parking island doesn't seem important. Bridget Smith stated staff has offered the idea that with the redevelopment, the Planning Commission could reduce the number of required parking islands in an attempt to be flexible and reasonable. Eliminating the one western island is a variance. The west island is a requirement for flow of traffic. LeFevre's would like to eliminate all islands except the front parking area east island and encroach into the eight foot (8') setback.

Attorney Mark Mahlberg inquired exactly how many parking spaces would LeFevre's lose if they comply with all of the Township's zoning ordinance requirements for site improvements as opposed to doing none of the requirements. Twenty-six parking spaces will be lost. Mr. Brucker stated they would get back nine parking spaces if they comply. Jerry Dambro stated the zoning requirements are a great improvement for LeFevre's

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parking lot and that is the direction the Township is attempting for State Street and its corridor improvements through the Recreate State project. Mr. Faerber inquired if the zoning ordinance requires striping of the parking lot. Ms. Smith stated "yes". Ms. Smith stated it could be considered a practical difficulty with the installation of the west island. Reconfiguring some of the parking spaces to diagonal parking spaces could get them more parking spaces. Mr. Gerhardt inquired if the applicant would "outgrow" their current parking area with the proposed future tournaments. Mr. LeFevre stated with the day to day leagues parking is sufficient but they will definitely be crowded for the proposed tournaments.

Mr. Brucker then asked for public comments regarding this proposed variance.

There being no public comments, the public hearing portion of this proposed variance was closed.

Motion by Mr. Faerber, supported by Mr. Brucker, to deny variance request to encroach up to eight feet (8') into the required front yard setback and to find staff's analysis a finding of fact.

VOTE: 5 Yeas 0 Nays 0 Absent Motion Carried

Motion by Mr. Brucker, supported by Mr. Gerhardt, to grant a variance request on the elimination of the front parking area's westerly island and allow a painted hash mark.

VOTE: 5 Yeas 0 Nays 0 Absent Motion Carried

Motion by Mr. Faerber, supported by Mr. Gerhardt, to not require a raised five foot (5') walkway along the north and south portions of the building only where adjacent to the handicapped parking areas.

VOTE: 5 Yeas 0 Nays 0 Absent Motion Carried

Motion by Mr. Faerber, supported by Mr. Baldwin, to grant a variance request to permit two (2) parking islands in the rear parking area where four (4) were required. Location of the two (2) parking islands will be in deference to the applicant.

VOTE: 5 Yeas 0 Nays 0 Absent Motion Carried

Receive and File All Correspondence:

- A. A copy of the July 21, September 1, September 15, October 6, 2010 minutes from the Planning Commission.
- B. A copy of the August 2010 issue of Planning & Zoning News.

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Other New Business:

Adjournment:

Motion by Mr. Baldwin, supported by Ms. Dambro, to adjourn the meeting at 8:13 p.m.

VOTE: 5 Yeas 0 Nays 0 Absent Motion Carried