

# Conway Township ZBA Meeting Minutes

June 14, 2021

1. Meeting was called to order at 7:00 pm by Chairman Bowdoin
2. Pledge of Allegiance was recited.
3. Roll Call was taken, members present Dennis Bowdoin, Chuck Skwirsk, absent Gary Klein, Alternate Richard Kastner.
4. Chairman Bowdoin asked if the applicant would like to proceed without a full board.  
The applicant said yes.
5. Also present: Applicant Asa Kreeger, Attorney Abby Cooper, Zoning Administrator Todd Thomas, Recording Secretary Elizabeth Whitt, and several residents.
6. Motion to approve the agenda as presented. Motion by a Skwirsk. Support by Bowdoin.  
Motion approved.
7. Motion to approve the minutes of the 08/11/2021 meeting. Motion by Skwirsk. Support by Bowdoin. Motion approved.
8. Public comment was heard at the public hearing regarding: Application # ZBA 01-021; 6995 N. Fowlerville Road, Fowlerville Mi, Property ID # 47 01 34 200 006. Applicant Asa Kreeger. The issue at hand is an application for a variance to the Zoning Ordinance Section 13.10(R)(a) minimum 2 acre lot. Sections 13.10(R)(c,d,e,f) were withdrawn. Section 10.06(A)1 Storage of materials or good shall be enclosed entirely within a building or shall be enclosed so as not to be visible to the public from any abutting residential district or public street.
9. The property is zoned Commercial.
10. Several residents who neighbor the property spoke. The cited concerns were: traffic, noise, lights from the proposed canopy and run off from the proposed fuel pumps.
11. The Public hearing was closed, and the members began deliberation utilizing the ZBA Findings of Fact/Reason for decision form (attached).

7. New business

- a. Motion to deny variance request regarding the minimum lot size as presented.  
Motion by Skwirsk. Support by Bowdoin. Motion approved.
- b. Motion to approve the variance request regarding outside storage. Motion by Skwirsk. Support by Bowdoin. Motion approved.

8. Call to Public

Motion to adjourn at 7:51 pm. Motion by Skwirsk. Support by Bowdoin. Motion approved.

Submitted by:

A handwritten signature in black ink, appearing to read 'E Whitt', written over a circular stamp.

Elizabeth Whitt

Recording Secretary

FINAL DECISION OF THE CONWAY TOWNSHIP  
ZONING BOARD OF APPEALS

For an appeal by right of this decision to be timely, it must be made to the Livingston County Circuit Court within 30 days of the date of this order or within 21 days of the ZBA approving the minutes of its decision, whichever occurs first (MCL 125.3606).

Appeal Number: ZBA 01-021  
Hearing Date: 6/21/21

Applicant: ASA Kreeger  
Address: 6995 Fowlerville Rd  
Phone / Fax: \_\_\_\_\_

Type of Request to ZBA:  
 Administrative Review  
 Variance  
(If variance, complete page 2)  
 Interpretation of Zoning Ordinance  
 Other: \_\_\_\_\_

ZBA Findings of Fact: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZBA Decision: \_\_\_\_\_  
\_\_\_\_\_

Reasons for Decision: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Votes of ZBA Members:  
(Yes) (No) Dennis L. Bonobin  
(Yes) (No) Charles Skwirski  
(Yes) (No) \_\_\_\_\_

Signature(s) of Designated ZBA Member(s):  
[Signature]  
\_\_\_\_\_

I, Charles Skwirski, Secretary of the Conway Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this final decision report.

/s/ [Signature] 6-21-21

**VARIANCES:** Variance Requested from Zoning Ordinance Section 10.06(A)(1)  
Description of Variance Permission to store goods or materials

outside building visible from public street + residential district.

**ZBA DECISION:**

Approved     Denied     Approved with conditions (& reason for conditions) \_\_\_\_\_

**ZBA FINDINGS OF FACT/REASONS FOR DECISION:**

**1. Practical difficulties exist (must find yes for (a) through (e) below)**     Satisfied     Not Satisfied

a. There are exceptional characteristics of the property that make compliance with the dimensional or other requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district.     Yes     No  
Reason \_\_\_\_\_

b. The characteristics that make compliance with the dimensional or other requirements difficult are related to the premises for which the variance is sought, and not another location.     Yes     No  
Reason \_\_\_\_\_

c. There is not a lesser relaxation of the requirements than that applied for that would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.     Yes     No  
Reason \_\_\_\_\_

d. The characteristics that make compliance with the dimensional or other requirements difficult have not been created by the current or previous owner.     Yes     No  
Reason \_\_\_\_\_

e. The proposed variance will not be harmful to or alter the essential character of the area in which the property is located.     Yes     No  
Reason \_\_\_\_\_

**2. Intent and purpose of the Zoning Ordinance will be observed.**     Satisfied     Not Satisfied  
Reason \_\_\_\_\_

**3. Public safety will be secured.**     Satisfied     Not Satisfied  
Reason \_\_\_\_\_

**4. Substantial justice will be done.**     Satisfied     Not Satisfied  
Reason \_\_\_\_\_

FINAL DECISION OF THE CONWAY TOWNSHIP  
ZONING BOARD OF APPEALS

For an appeal by right of this decision to be timely, it must be made to the Livingston County Circuit Court within 30 days of the date of this order or within 21 days of the ZBA approving the minutes of its decision, whichever occurs first (MCL 125.3606).

Appeal Number: ZBA 01-021  
Hearing Date: 6/21/21

Applicant: Ara Kreese  
Address: 6995 Fowlerville Road  
Phone / Fax: \_\_\_\_\_

Type of Request to ZBA:  
 Administrative Review  
 Variance  
(If variance, complete page 2)  
 Interpretation of Zoning Ordinance  
 Other: \_\_\_\_\_

ZBA Findings of Fact: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZBA Decision: \_\_\_\_\_  
\_\_\_\_\_

Reasons for Decision: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Votes of ZBA Members:  
(Yes)  (No) Dennis L. Bowdoin  
(Yes)  (No) Charles Skwieske  
(Yes) (No) \_\_\_\_\_

Signature(s) of Designated ZBA Member(s):  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_

I, [Signature] Charles Skwieske, Secretary of the Conway Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this final decision report.

[Signature] 6-21-21



**VARIANCES:** Variance Requested from Zoning Ordinance Section 13.10(R)(2)(a)  
Description of Variance Minimum 1.5 acre lot area

**ZBA DECISION:**

Approved  Denied  Approved with conditions (& reason for conditions) \_\_\_\_\_

**ZBA FINDINGS OF FACT/REASONS FOR DECISION:**

**1. Practical difficulties exist (must find yes for (a) through (e) below)**  Satisfied  Not Satisfied

a. There are exceptional characteristics of the property that make compliance with the dimensional or other requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district.  Yes  No

Reason only 1.5 acres and location of building on this site leave no room for additional use; only property in this zoning dist.

b. The characteristics that make compliance with the dimensional or other requirements difficult are related to the premises for which the variance is sought, and not another location.  Yes  No

Reason \_\_\_\_\_

c. There is not a lesser relaxation of the requirements than that applied for that would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Yes  No

Reason \_\_\_\_\_

d. The characteristics that make compliance with the dimensional or other requirements difficult have not been created by the current or previous owner.  Yes  No

Reason applicant bought property knowing the lot size

e. The proposed variance will not be harmful to or alter the essential character of the area in which the property is located.  Yes  No

Reason pond runoff, red cedar river, traffic + safety issues already with service station addition

**2. Intent and purpose of the Zoning Ordinance will be observed.**  Satisfied  Not Satisfied

Reason \_\_\_\_\_

**3. Public safety will be secured.**

Satisfied  Not Satisfied

Reason \_\_\_\_\_

**4. Substantial justice will be done.**

Satisfied  Not Satisfied

Reason sets a bad precedent