

**CITY OF WILLIAMSTON  
ZONING BOARD OF APPEALS  
APRIL 18, 2023  
REGULAR MEETING MINUTES**

**1. Call To Order:**

The meeting was called to order at 6:00 p.m. in the City Hall Council Chambers by Chairman Robert DeGarmo and the Pledge of Allegiance was recited.

**3. Roll Call:**

Chairman Robert DeGarmo, Vice Chair Derik Feldpausch, Board Members, Dan Rhines, and Brandon Gilroy. Absent: Bruce Bellingar.

Also Present:

City Clerk Holly Thompson, McKenna Planner Raphael Kaesin Applicant Kenny Szymusiak, citizens Terry Hansen, Craig VanBuren, Tammy Gilroy, and other members of the public.

**4. Audience Participation:**

Chairman DeGarmo called for public comments at this time and there were none.

**5. Approval of Agenda:**

Motion by **Rhines**, second by **Gilroy**, to approve the agenda as presented.

**Motion passed by voice vote.**

**6. Zoning Board of Appeals Regular Minutes of August 9, 2022:**

Motion by **Rhines**, second by **Gilroy**, to approve the August 9, 2022 minutes as presented. **Motion passed by voice vote.**

**7. Public Hearing- Dimensional Variance for Parcel ID: 33-18-07-01-151-026, 200 Elevator Street:**

**7a. Open Public Hearing:**

Chairman DeGarmo opened the public hearing at 6:05 p.m.

**7b. Chair States the Purpose of the Hearing and Rules of Procedure:**

Chairman DeGarmo explained the purpose of the public hearing and rules of procedure.

**7c. Presentation by Staff Summarizing the Item:**

McKenna Planner Kaisen went over the written report from McKenna Associates and recommendations for the variance request for 200 Elevator Street, parcel number 33-18-07-01-151-026.

**7d. Questions from Board to Staff:**

Chairman DeGarmo asked if the proposed fence will interfere with water tower maintenance.

McKenna Planner Kaisen answered that the water tower is already fenced so this development will not impact it.

**7e. Presentation by Applicant:**

Kenny Szymusiak commented he is present to answer any questions.

**7f. Questions from Board to Applicant:**

None.

**7g. Testimony from Public:**

1. **Presentation of Written Comments:**

None.

2. **Presentation of Oral Comments:**

None.

**7h. Concluding Comments from Staff:**

Clerk Thompson commented Attorney Perrone provided three resolutions for consideration of the variance.

**7i. Concluding Questions or Comments from Applicant:**

Mr. Szymusiak thanked the board for their consideration.

**7j. Concluding Questions or Comments from Board:**

None.

**7k. Close Public Hearing:**

Chairman DeGarmo closed the public hearing at 6:15 p.m.

**8. Action Items**

**8a. Dimensional Variance for 200 Elevator Street Parcel ID:**

Motion by **Rhines**, second by **Gilroy**, to adopt resolution Option 2, Granting Variance with Conditions

**RESOLUTION**

**GRANTING VARIANCE WITH CONDITIONS**

**BE IT RESOLVED** that the Williamston Board of Zoning Appeals hereby finds, with respect to the request for the variance requested by Cold Storage, LLC, Applicant, of 1267 Berkshire Dr., Williamston, Michigan, from the side yard setback requirements under the Zoning Ordinance of the City of Williamston, Article 3, Section 3.103.B and Section 3.102, Table 3, for a 25 foot variance in

the 30 foot side yard setback to allow for the construction of a 3000 sq. ft. distilling facility and tasting room on the property located at 200 Elevator St., Williamston, Michigan, Tax Id No. 33-18-07-01-151-026, as follows:

1. That the side yard setback variance is necessary because compliance with the strict letter of the side yard setback requirements will unreasonably prevent the owner from using the property for a permitted purpose, or will render conformity with the standards unnecessarily burdensome. Due to the historic structure already on the site, and the required width of the parking lot driveway, the proposed variance is necessary to allow the construction of the new 3000 sq. ft. distilling facility near the property line adjacent to the I-2 district. The adjacent property contains the City's municipal water tower and is not used for industrial purposes.
2. That the side yard setback variance is necessary because a grant of the variance will do substantial justice to the applicant as well as to other property owners in the zoning district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the district. The variance will allow the commercial development of the property, create jobs, and revitalize the commercial district. A lesser variance is not possible due to the existence of the historic building on the property and the parking lot driveway.
3. That the plight of the applicant is due to the unique circumstances of the property. The property is unique in that there is an existing historic building on the property that should be preserved consistent with the City's Master Plan. The proposed structure cannot be constructed elsewhere on the property.
4. That the problem to be addressed by the side yard setback variance is not self-created. Without the variance, no new structures could be built on the property without demolishing the historic structure.
5. That the side yard setback variance will allow the spirit of the Zoning Ordinance to be observed, public safety and welfare secured, and substantial justice done. A grant of the side yard setback variance would permit development of the property, which is adjacent to City-owned property, consistent with the City's Master Plan, and is harmonious with the C-3 district and surrounding properties. Public safety will not be impaired.
6. That the variance will not impair adequate supply of light and air to adjacent properties, unreasonably increase the congestion in public streets, increase the danger of fire or endanger public health, or unreasonably diminish established property values within the surrounding area. The adjacent property is owned by the City, and contains the City's water tower, with no employees regularly on site. There is very little traffic on the street as it is a cul-de-sac that does not connect to any other streets to the east. There are no buildings to the

east. Therefore, approval of the variance will not negatively impact other properties, property values, or the public health.

**BE IT FURTHER RESOLVED**, that based in the aforementioned findings, the Applicant's variance is hereby granted to permit the development of the property by allowing a 25 foot variance in the 30 foot side yard setback requirement, resulting in a 5 foot setback on the east side of the property, to allow the construction of a 3000 sq. ft. distilling facility and tasting room, consistent with the conditionally approved site plan.

**BE IT FURTHER RESOLVED**, that the variance granted to Applicant shall be subject to strict compliance with the following conditions:

1. The variance must be used within one (1) year from this date.

Yes: DeGarmo, Feldpausch, Rhines, Gilroy. No: None. **Motion passed.**

**8b. Consideration of 2023 Meeting Dates and Times:**

Motion by **Gilroy**, second by **Rhines**, to approve the 2023 Zoning Board of Appeals meeting dates and times as presented. No: None. **Motion passed.**

**11. Audience Participation:**

Chairman DeGarmo called for public comments at this time and there were none.

**12. Member Comments:**

None.

**13. Adjournment:**

Chairman DeGarmo adjourned the meeting at 6:19 p.m.

**Meeting Adjourned at 6:19 p.m.**

**\*THE PRECEDING MINUTES ARE A SYNOPSIS OF A ZONING BOARD OF APPEALS MEETING AND DO NOT REPRESENT A VERBATIM RECORD.**

Respectfully Submitted by: \_\_\_\_\_  
Holly M. Thompson, City Clerk

Date Approved: \_\_\_\_\_