
ZONING BOARD OF APPEALS MINUTES

April 17, 2025

Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Thursday, April 17, 2025 at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall Zoning Board of Appeals was called to order by Chair Fisher-Short.

2) ROLL CALL

Roll was called:

Present: Chair Fisher-Short, Byrne, Hill and alternate Underhill

Also Present: Director of Community Development Strange and Deputy Clerk Cary

Absent: Stewart

3) PLEDGE OF ALLEGIANCE

4) APPROVAL OF AGENDA - Items can be added or deleted from the Agenda by board action.

Moved by Art Hill, supported by Ryan Underhill to approve the agenda as submitted On a voice vote: **Motion Carried**

5) APPROVAL OF MINUTES - Items can be added or deleted from the Agenda by board action.

A. Approve January 16, 2025 Meeting Minutes

Moved by Art Hill, supported by Ryan Underhill to approve the January 16, 2025, meeting minutes On a voice vote: **Motion Carried**

6) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.

none

7) PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION

A. 775 INDUSTRIAL ROAD - APPEAL FOR DIMENSIONAL VARIANCE

Director Strange stated that the owner of 775 Industrial Rd is seeking two variances. There are two front setbacks on the corner lot. The front on Industrial Rd they are asking for a setback change from a 60-foot to a 50-foot setback. They are also asking for a setback variance for Mulberry St from a 60-foot setback to a 30-foot setback which would treat it more like a side yard setback. She stated that there is some information in the packet about this site being a Brownfield site. This doesn't play a part into this request but wanted to make this group aware of it. She stated that this site has a very active easement that is utilized by the city on a daily basis. The city does not own access to the wastewater treatment plant. This access is on this property. The owners have been extremely cognizant of that and have been very forthcoming in trying to maintain that access as their project moves forward. There has been a lot of discussion with the DPW

about their use of the easement. What the needs of the forthcoming project would also require screening for some of their use. The proposed use does require a fence that would be opaque screening for a portion of that site. Normally, you could put a fence all the way up to the right-of-way line or all the way up to the easement line. Having a fence all the way up to the easement line doesn't make sense because of how the easement is being used. There is also kind of an unusual right of way on the north side of the site. There is a 66-foot-wide right of way on industrial, but it varies along that stretch of the road in particular in this property. The increase was due to the old railway easement all the way back from when the railway was almost in line with industrial road. We have discussed with DPW utility requirements within that right of way and whether adjusting the setback would be a concern. There were no concerns with DPW about the setback variance.

Fisher-Short asked if the petitioner would like to approach and add any additional commentary, then we would open it up for questions from the board.

Randy Hammer stated that director Strange went over it fairly well. The push to move the southern fence north is the snow removal on that easement because it is like a two-lane. So there is room to pass one another going east and west. If they started to push snow over, he didn't want it to pile up against the fence or damage the fence, which is the whole reason for the whole shift.

Underhill stated that he is recusing himself from voting tonight since he also sits on the planning commission.

Fisher-Short stated he is persuaded here by the lack of concern from the various stakeholders that the city has already consulted with.

Director Strange stated that she did get one phone call just inquiring about what the possible future use of this site was. She informed them that the proposed project was not being voted on at this time, but it was for some future storage units and also for a section of the site to be used as a small compound lot.

Fisher-Short stated that if we had any issues with the proposed use we would be talking about a use variance tonight.

Director Strange stated that if it is screened appropriately, which is why the fence is such a high value at this location, the proposed use is allowed

Fisher-Short stated that if the variants were to be granted tonight, the concerns that had been put forth around traffic visibility would not undo any ability to ensure that it is taken care of.

Director Strange stated that before proceeding to the planning commission we could do an exercise with sight lines or anything at that corner to kind of ensure or make our staff feel comfortable about that fence location.

Fisher-Short stated that we are dealing with a unique property here with various easements. Utilities are running through it though he certainly doesn't see any harm or safety concerns. In fact, everyone is quite cognizant of them and the way that they are

going about it.

Hill stated that he agrees with the easements on the east side and the easements on the south side and thinks they are very cooperative.

Moved by Art Hill, supported by Russ Byrne to approve the appeal for the dimensional variances for 775 Industrial Road.

On a roll call vote: **Motion Carried**

Ayes: Justin Fisher-Short, Russ Byrne, Art Hill,

Nays: None

Abstain: Ryan Underhill

8) OLD BUSINESS

none

9) REPORTS AND RECOMMENDATIONS/NEW BUSINESS

None

10) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.

none

11) BOARD REPORTS

none

12) ADJOURNMENT

The meeting was adjourned at 7:18pm.

Respectfully submitted by,

Brandie Cary
Deputy Clerk