



Board of Appeals on Zoning
City Hall Council Chamber, Room 205
1315 S Washington Avenue
Saginaw, MI 48601
Minutes
November 6, 2024

- I. **Call to Order** - Meeting was called to order by Chair Forbes at 6:00 pm.
- II. **Roll Call**
Members Present: Jamie Forbes, Bruce Gale, Jack Nash, & James Nightingale
Members Absent: George Copeland
Staff: Robert Gollin, Cassi Zimmerman, City Attorney Amy Lusk
- III. **Approval of Minutes.** Motion made by Board Member Gale, seconded by Board Member Nash, to approve the minutes of the October 2, 2024, meeting.
4 Ayes, 0 Nays, 1 Absent. Motion approved.
- IV. **Approval of Agenda.** Motion made by Board Member Nash, seconded by Board Member Gale, to approve the meeting agenda for November 6, 2024.
4 Ayes, 0 Nays, 1 Absent. Motion approved.

Board Member Copeland joined the meeting at 6:06 pm

- V. **Public Comment.** None
- VI. **New Business**

a. Public Hearing Case #J24-2806 BAZ Agenda Com – Consideration of a Property Line Setback Variance at 1419 Davenport Ave, 1414 State Street and 1418 State Street.

Chairperson Forbes opened the public hearing.

Staff Gollin summarized the proposed demolition and construction of a new convenience store, automotive service station, and drive through coffee shop by the applicant, Mid-Michigan Energy Holdings, LLC at 1419 Davenport Ave, 1414 State Street, and 1418 State Street. He explained that the request is for consideration of a property line setback variance to permit a reduction of the required 40 ft setback by 19.5 ft, closest to Mason St, and allow the redevelopment of the automobile service station.

Dennis Banaszak, W.A. Kibbe & Associates, and engineer for the project, was present and explained that the convenience store and gas station redevelopment is aggregated by the ordinance's definition of an automotive service center. He felt that the required 40 ft setback should not apply to the proposed convenience store the same way it does to a "true" automotive service station.

Several residents spoke in opposition to the proposed site plan and redevelopment with concerns over increases in traffic and noise. The owner of 1419 Davenport, Philip King, 5125 Swan Creek Road, stated that the site's boundaries are constrained by the CSX Railroad which runs almost through the middle of the

property. He also assured the commission that all underground gas tanks were removed properly, and a soil test was performed to check for environmental pollution.

Staff Gollin read several letters received from residents opposing the variance request. They were concerned that a larger gas station might cause an increase in crime and traffic accidents which are harmful elements to nearby school activities.

**Motion made by Board Member Nightingale, seconded by Board Member Nash to close the public hearing.
5 Ayes, 0 Nays, 0 Absent. Motion approved.**

Motion made by Board Member Copeland, seconded by Board Member Nash, to approve the Property Line Setback Variance at 1419 Davenport Ave, 1414 State Street and 1418 State Street.

Board Member Copeland began the discussion with his first-hand account of the existing traffic safety concerns by surveying the community near the proposed development. Board Member Forbes acknowledged the public's mixed opinions about the demolition but stated that the focus of the Board must be on the impact of the community.

Board Member Nash asks Staff to explain to the audience what the next steps in the development process will be. Staff Gollin says that the applicant would typically submit a site plan to the Planning Commission and request a special use permit at a public hearing. The Planning Commission could then impose additional standards, such as a traffic study. In this case, the applicant began the development process with the Board of Appeals on Zoning to know whether the setback variance would be approved before going to the Planning Commission. Staff Zimmerman added that due to the redevelopment's location on a state highway, the applicant must work with the Michigan Department of Transportation (MDOT). MDOT could then impose a traffic study on the project. The redevelopment would also have to be approved by Engineering.

Board Member Copeland asked Staff whether his concerns regarding traffic could have been answered prior to this meeting if the applicant had begun the development process with the Planning Commission. Staff Gollin stated that this decision is at the discretion of the applicant. Staff Zimmerman added that the Board of Appeals on Zoning would need to focus just on this variance request and the effect on the development. It still needs to go before the Planning Commission.

Ayes:

- **Gale** – The project may stimulate further businesses in the surrounding neighborhood

Nays:

- **Nash** – The proposed use may impact traffic and alter the neighborhood
- **Copeland** – The proposed use is of such location, size, and character that it will not be in harmony with the appropriate and orderly development of the surrounding

neighborhood

- **Nightingale** – The project presents an issue to traffic flow and poses a concern to the safety of nearby residents
- **Forbes** – The proposed use will be of the nature that it will make vehicular and pedestrian traffic more hazardous

1 Ayes, 4 Nays, 0 Absent. Motion denied.

VII. **Old Business** None

VIII. **Adjournment**

Motion made by Board Member Nash, seconded by Board Member Gale, to adjourn the meeting at 6:44 pm.

5 Ayes, 0 Nays, 0 Absent. Motion approved.