

**AGENDA  
CITY OF SWARTZ CREEK  
ZONING BOARD OF APPEALS  
WEDNESDAY, DECEMBER 18, 2024  
6:00 P.M.**

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:** Commissioners: Gilbert, Hicks, Packer, Smith, Wyatt.  
Alternates: Brill, Vacant
- 4. APPROVAL OF AGENDA:**
- 5. APPROVAL OF MINUTES:**
- 6. CORRESPONDENCE:**

	<b>Page</b>
A. Resolutions	<b>02</b>
B. Virtual Meeting Instructions & Policy	<b>04</b>
C. Minutes of October 16, 2024	<b>09</b>
D. Meeting Staff Letter	<b>11</b>
E. Variance Application Materials	<b>15</b>
- 7. MEETING OPENED TO THE PUBLIC:**
- 8. VARIANCE APPLICATION:**
  - A. 9237 Miller Road; PID 58-300-200-007; Request for a dimensional variance reduction to implement Tavern uses in the Neighborhood Business District
- 9. MEETING OPENED TO THE PUBLIC:**
- 10. ADJOURNMENT:**



1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 241218-05**

Motion by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals adjourns the December 18, 2024 Zoning Board of Appeals meeting.

Second by Board Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**CITY OF SWARTZ CREEK  
VIRTUAL ZONING BOARD OF APPEALS MEETING  
ACCESS INSTRUCTIONS  
WEDNESDAY, DECEMBER 18, 2024 7:00 P.M.**

The ZBA meeting of December 18, 2024 will commence at 6:00 p.m. This meeting will be conducted in-person and virtually (online and/or by phone).

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Renee Kraft, 810-429-2766 48 hours prior to meeting,

**Zoom Instructions for Participants**

**To join the conference by phone:**

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

**Before a videoconference:**

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

**To join the videoconference:**

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](https://join.zoom.us) on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DMTF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

**Participant controls in the lower left corner of the Zoom screen:**



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Topic: City of Swartz Creek Zoning Board of Appeals

Time: December 18, 2024 06:00 PM Eastern Time (US and Canada)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/83096401128>

**Meeting ID: 830 9640 1128**

**One tap mobile**

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

**Dial by your location**

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

**Meeting ID: 830 9640 1128**

Find your local number: <https://us02web.zoom.us/j/83096401128>

**If you have any further questions or concern, please contact 810-429-2766 or email [rkraft@cityofswartzcreek.org](mailto:rkraft@cityofswartzcreek.org). A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.**

**CITY OF SWARTZ CREEK  
VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES**

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city’s public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
  - (a) why the public body is meeting electronically;
  - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
  - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
  - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City’s website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website’s homepage that clearly describes the meeting’s purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

## **MAINTAINING ORDER**

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing \*9 on their phone.

## **MOTIONS & RESOLUTIONS**

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

## **PUBLIC ADDRESS OF BOARD OR Commission**

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

## **VOTING RECORD OF PUBLIC BODIES**

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.



**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE ZONING BOARD OF APPEALS  
OCTOBER 16, 2024**

The Regular Meeting was called to order at 6:08 pm by Chair Packer in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Board members Present: Packer, Gilbert, Smith.

Alternates Present: Melen.

Board members Absent Brill, Hicks, Wyatt.

Staff Present: Adam Zettel.

Others Present: None.

**APPROVAL OF AGENDA**

**Resolution No. 241016-01**

**(Carried)**

Motion by Board Member Smith  
Second by Board Member Gilbert

The Swartz Creek City Zoning Board of Appeals hereby approves the Agenda of the Regular Board Meeting of October 16, 2024 as printed.

Unanimous Voice Vote  
Motion declared carried

**APPROVAL OF MINUTES:**

**Resolution No. 241016-02**

**(Carried)**

Motion by Board Member Smith  
Second by Board Member Melen

The Swartz Creek City Zoning Board of Appeals hereby approves the Minutes of the Regular Board Meeting September 18, 2024 to be approved.

Unanimous Voice Vote  
Motion declared carried

**Meeting Open To The Public:** No comments.

**BUSINESS:** None.

**Meeting Open To The Public:** None.

**Adjourn**

**Resolution No. 241016-03**

**(Carried)**

Motion by Board Member Gilbert  
Second by Board Member Melen

**I Move** the Swartz Creek Zoning Board of Appeals adjourns the October 16, 2024 ZBA meeting.

Unanimous Voice Vote  
Motion declared carried

The meeting adjourned at approximately 6:13 p.m.

---

Ronald Smith  
Secretary



Where Friendships Last Forever

Adam Zettel, AICP  
City Manager  
[azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)

---

Date: December 9, 2024

**To: Zoning Board of Appeals Commissioners**  
**From: Adam Zettel, AICP**  
**Subject: December 18, 2024 ZBA Meeting**

Hello everyone,

**The Zoning Board of Appeals shall convene at 6:00pm on Wednesday, December 18, 2024 in the city council chambers. This will be an in-person meeting for ZBA members.** The meeting will also be available to the public via Zoom. The instructions are attached.

The board is convening to hear a variance proposal to permit a Tavern at 9237 Miller Road, commonly known as the Country Carriage Restaurant, a parcel within the Neighborhood Business District zoning district.

Taverns are permitted by ordinance in Neighborhood Business District zoning districts as a conditional land use. Zoning Section 23.04.E, subsection 1 requires that the principal building of a tavern shall be setback at least 100 feet from the residential district. The principal building in question is measured to be 62' from the closest residential parcel. The owner seeks a dimensional variance to permit alcohol sales at the current restaurant with the current setback of 62' instead of 100'.

Enclosed, you will find the variance application materials. **Please read and study all materials carefully!** Please see the ordinance excerpts and variance petitioner narrative for details.

The petitioner's proposal is reviewed as follows, under zoning ordinance section 15.06:

*A. Area or dimensional variance: The board may grant an area or dimensional variance only upon a finding that practical difficulties exist. An area or dimensional variance is a variance from any dimensional standard or requirement of this ordinance, such as, but not limited to, a deviation from lot width, lot size, density, building and sign height, building and sign bulk, building and sign setback, and other standards and requirements. A finding of practical difficulties shall require demonstration by the applicant of all of the following:*

---

8083 Civic Drive  
Swartz Creek Michigan 48473  
Phone: (810)-635-4464 Fax: (810)-635-2887  
[www.cityofswartzcreek.org](http://www.cityofswartzcreek.org) <ftp://cityofswartzcreek.org>

*1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other "non-use" matters that will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome. The variance will do substantial justice to the applicant, as well as to other property owners.*

**Staff Findings: The owner has a setback issue that makes alcohol service impossible without extremely burdensome measures (e.g. relocation of the building or acquisition and incorporation of adjacent residential structures). The owner seeks terms and conditions under which the conditional use would still be appropriate given the smaller than required setback.**

*2. A lesser variance than that requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.*

**Staff Findings: There are only two restaurants that are in the NBD in the City of Swartz Creek. They include the petitioner's establishment and El Portrero, which serves alcohol and has a full service bar. El Portrero is a 'grandfathered' establishment. The petitioner seeks to provide a less intense use, under conditions that they believe enable them to participate in alcohol sales and provide the expected consistency and justice to residential properties nearby.**

*3. The need for the variance is due to unique circumstances or conditions peculiar to the property and not generally applicable in the area or to other properties in the same zoning district such as exceptional narrowness, shallowness, shape, topography or area.*

**Staff Findings: As stated, there are only two restaurants that are in the NBD in the City of Swartz Creek. All others located in the General Business District or Central Business District, which do not require this setback. That this establishment is the only restaurant in NBD that does not serve alcohol is unique. The property itself does not exhibit any shape, topography, or other physical uniqueness.**

*4. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessor; this may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.*

**Staff Findings: The zoning requirement is a relatively new feature of the ordinance that could not have been considered during the building planning, construction, and subsequent use.**

*5. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.*

**Staff Findings: With the self imposed conditions, which are enforceable, it appears the function of the establishment will not be noticeably altered as it relates to noise, traffic, or hours of operation. Of course, this is a relatively subjective factor for which public comment is necessary.**

*6. The granting of the variance will not materially impair the intent and purpose of this ordinance.*

**Staff Findings: If one expects that the intention of the ordinance requirement is to buffer residential uses and structures from externalities such as late-night noise, potential drunkenness/crime, litter/debris and other common externalities of taverns, it appears the self-imposed restrictions will mitigate many concerns. The extent to which the public and ZBA believe this to be the case is subject to neighborhood input.**

*7. Other specific variance criteria as set forth elsewhere in this ordinance including but not limited to [section 16.12](#), Flood hazard area zoning variances.*

### **No Staff Notes**

I am including the narrative that has been submitted by the petitioner.

If you have any questions or have comments, please contact the city office or send me an email. I shall see you at the meeting.

Sincerely,



December 18, 2024  
Zoning Board of Appeals  
9237 Miller Road Variance Request

Adam H. Zettel, AICP  
City Manager  
City of Swartz Creek





**APPLICATION FOR VARIANCE**  
**City of Swartz Creek**  
 (An Equal Opportunity Employer)  
**8083 Civic Drive**  
**Swartz Creek, MI 48473**  
**810-635-4464**

Fee Received: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Receipt No: \_\_\_\_\_

**NOTICE TO APPLICANT:**

This application for Variance must be filed approximately twenty (20) days before a meeting may be scheduled.

The property sought to be used as a "Special Use" is located and described, as follows:  
 Assessment Roll Description No. 58-03-200-007.

RE: 9237 Miller Rd Swartz Creek, MI 48473

It has a frontage of: 138 feet and a depth of: 305 feet.

PRESENT ZONING: NBD/COMMERCIAL

**TO THE ZONING BOARD OF APPEALS:**

I, (We), the undersigned, do hereby respectfully make application for a Variance, for the following reason: ① Business is "need of source of additional income & customers requests"

② Desire to acquire a CLASS license, Variance

is needed due to business within 100 Feet of

residential property @ the rear & The use of the licenses will not adversely affect the homes at the back of

PROPERTY SOUGHT FOR VARIANCE IS OWNED BY: the parking lot

Name: JEZA Gojcaj, as survivor of herself & Luigi Gojcaj

Address: 9237 Miller Rd Swartz Creek MI 48473

Phone Number: 810-931-3729 (# of son Agon)

CRUCIAL POINTS OF VARIANCE: (All elements must be present)

- A. Undue Hardship
- B. Unique Circumstances

Attached hereto are two (2) prints of the subject property plot plan showing the lot or parcel location within the City. These prints are made a part of this petition and are drawn to scale showing the existing and proposed structures.

Signature of Applicant JEZA Gojcaj

Home Address: 5078 Highpoint Dr Swantz Creek, VA 48473

Phone Number: 810-931-3729 (son's # Agjcaj)

Email Address: agjcaj@gmail.com

A. Action Taken by the Zoning Board of Appeals:

- 1. Date application:     /    /
- 2. Date of Public Hearing:     /    /
- 3. Findings of Zoning Board of Appeals:

---



---



---

B. Final Disposition of Zoning Board of Appeals:

---



---



---

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



To whom it may concern,

I, Ljeza Gojcaj, from Country Carriage Restaurant, am applying for a variance to allow the use of a Class C License at my establishment. I understand this variance is needed because my property is within a neighborhood business district and rightfully, so the respect of my neighbors is a top priority of mine. Our goal is to offer the community a better customer experience and variety. We aim to offer beer and wine with our lunch and dinner service and potentially offer cocktails in the future but we have no intention on turning our family restaurant into a bar scene.

We currently operate Monday through Friday (7am-7-pm.) summer hours (7am-8pm.) Saturdays (7am-2pm). Closed on Sundays.

With the addition of beer and wine to our menu we look to extend our operating hours Monday through Friday (7am-8pm) with summer hours (7am -9pm.) Saturdays (7am – 8pm.) Closed Sundays.

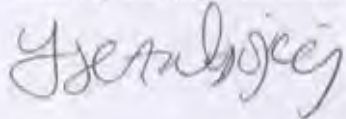
We will not become a disturbance to our neighbors and are willing to abide by these constraints and conditions meaning we will not become a bar with late night hours but rather serving our customers beer and wine to accompany their dining experience.

We are one of the few restaurants within the neighborhood business district. El Protrero being one of them with a Liquor License. We hope that similar circumstances will be considered on our side of town.

Thank you,

Ljeza Gojcaj , Owner

Country Carriage Restaurant

A handwritten signature in cursive script, appearing to read "Ljeza Gojcaj".

**9237 MILLER RD SWARTZ CREEK, MI 48473** (Property Address)

Parcel Number: 58-03-200-007 Location ID: MI10-009237-0000-02



Item 1 of 2 1 Image / 1 Sketch

**UB Customer Name:** GOJCAJ, LUIGI

**Summary Information**

- > Commercial/Industrial Building Summary
  - Yr Built: 1990 - # of Buildings: 1
  - Total Sq.Ft.: 9,507
- > Assessed Value: \$205,500 | Taxable Value: \$178,339
- > 4 Building Department records found
- > Property Tax information found
- > Utility Billing information found

**Owner and Taxpayer Information**

**Owner** GOJCAJ, LUIGI & LJEZA **Taxpayer** SEE OWNER INFORMATION  
 9237 MILLER RD  
 SWARTZ CREEK, MI 48473-8528

**General Information for Tax Year 2023**

**Property Class** 201 COMMERCIAL-IMPROVED **Unit** 58 CITY OF SWARTZ CREEK  
**School District** SWARTZ CREEK COMMUNITY **Assessed Value** \$205,500  
 SCHS  
**MAP #** *No Data to Display* **Taxable Value** \$178,339  
**USER NUM IDX** 0 **State Equalized Value** \$205,500  
**USER ALPHA 1** *Not Available* **Date of Last Name Change** 10/30/2007  
**USER ALPHA 3** *Not Available* **Notes** *Not Available*  
**Historical District** No **Census Block Group** *No Data to Display*  
**USER ALPHA 2** *Not Available* **Exemption** *No Data to Display*

**Principal Residence Exemption Information**

**Homestead Date** *No Data to Display*

Principal Residence Exemption	June 1st	Final
2023	0.0000 %	0.0000 %

**Previous Year Information**

Year	MBOR Assessed	Final SEV	Final Taxable
2022	\$184,600	\$184,600	\$169,847
2021	\$179,800	\$179,800	\$164,422
2020	\$182,900	\$182,900	\$162,152

**Land Information**

**Zoning Code** NBD **Total Acres** 0.966  
**Land Value** \$170,400 **Land Improvements** \$30,152  
**Renaissance Zone** No **Renaissance Zone Expiration Date** *No Data to Display*  
**ECF Neighborhood** COMMERCIAL & INDUSTRIAL (NON GM) **Mortgage Code** *No Data to Display*  
**Lot Dimensions/Comments** *No Data to Display* **Neighborhood Enterprise Zone** No

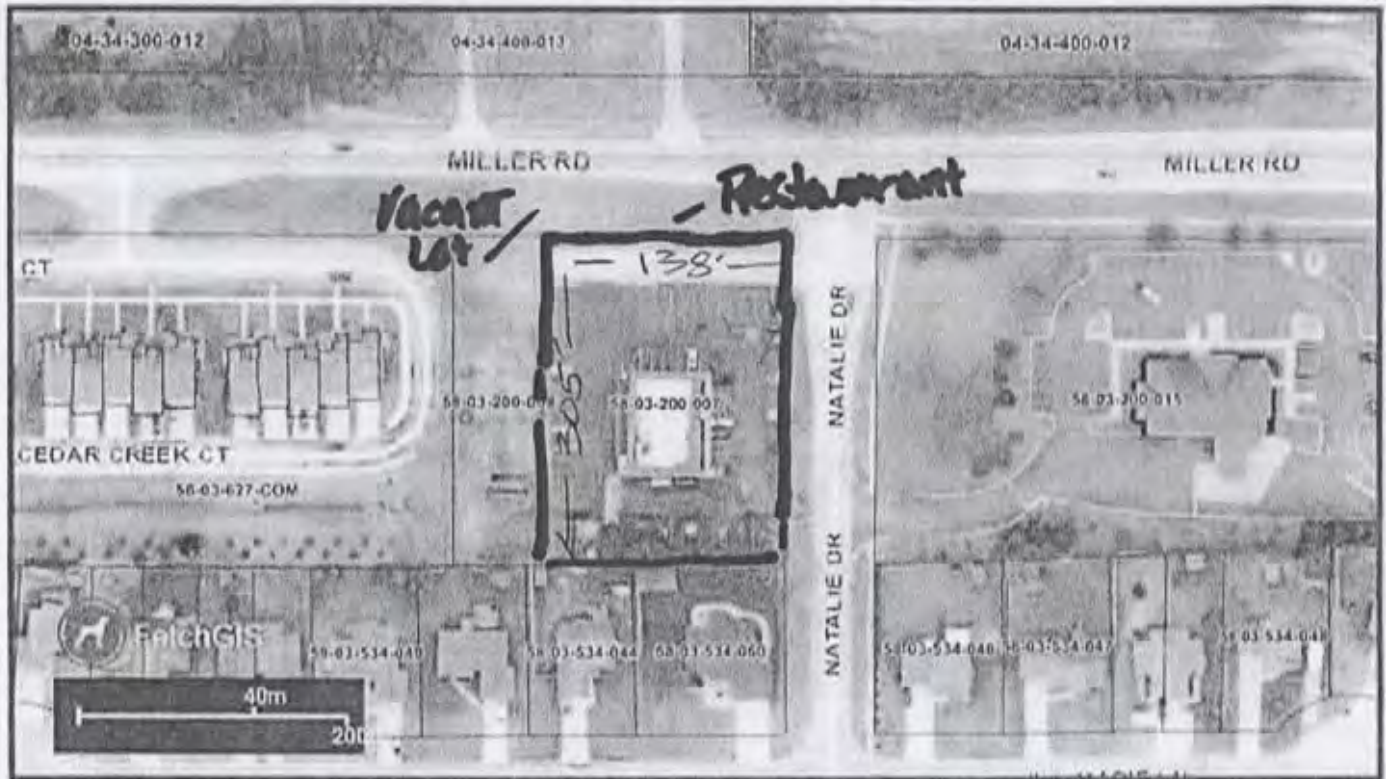
Lot(s)	Frontage	Depth
Lot 1	138.00 ft	305.00 ft
<b>Total Frontage: 138.00 ft</b>		<b>Average Depth: 305.00 ft</b>

By continuing to use this website you agree to the [BS&A Online Terms of Use](#)

Agree

IF SEC. TH S 85 DEG 13 MIN E 138 FT TH S S DEG 58 MIN 45 SEC W 305.60 FT TH N 85 DEG BEG SEC 9 T6N R5E 1 A (90)





### Property Address

9237 MILLER RD  
 SWARTZ CREEK, MI, 48473-8528

### Owner Address

GOJCAJ, LUIGJ & LJEZA

Unit:

58

-

Unit Name:

CITY OF SWARTZ CREEK

9237 MILLER RD  
 SWARTZ CREEK, MI 48473-8528

### General Information for 2023 Tax Year

Parcel Number:	58-03-200-007	Assessed Value:	\$205,500
Property Class:	201	Taxable Value:	\$178,339
Class Name:	201-COMMERCIAL IMPROVED	State Equalized Value:	\$205,500
School Dist Code:	25180		
School Dist Name:	SWARTZ CREEK SCHOOLS		

Zoning Ordinance Excerpt

Section 23.04

E. Bars, taverns, lounges, microbreweries (accessory), and brewpubs.

1. The principal building shall be setback at least 100 feet from a residential district (does not apply in the CBD, Central Business District).
2. Noise shall not be a nuisance outside of the building, in accordance with [section 20.04](#), Performance standards, and other city ordinances.