

Birch Run Township Zoning Board Meeting
Mini Storage as unclassified
April 23, 2002

In response to a request by the Birch Run Planning Commission (see attachment A) regarding Mini storage, the Birch Run Township Zoning Board of Appeals has decided to issue the following response and ruling:

Currently Mini Storage is allowed by precedent only under M1. (ref: Fents storage). Mini Storage is never specifically mentioned within the Birch Run Township Zoning Ordinance. As such this use would require the granting of a variance request to be allowed within M-1. However, the ZBA feels that Mini-storage violates the intents and purpose of M-1 industrial storage (section 1501) for the following reasons.

M-1 permits "commercial establishments not engaged in retail sales".

-Mini storage involves retail sales of space to customers

M-1 Permits "service establishments which are of a type not generally requiring the customer To call at the place of business".

-Mini storage rental require multiple customers to call at the place of business.

M-1 "is intended to prohibit residential uses and intensive retail enterprises as being incompatible With the primary industrial and related uses permitted"

The ZBA feels that Mini storage is incompatible with the primary industrial and related uses allowed by right due to it's need to have retail customers call at the place of business and it retail sales of rental units.

Storage is allowed only by right under section **1502 Uses permitted by right (13) Warehouse and storage building or yards**. Certain retail and wholesale activities are allowed *only* under a special use permit. Storage is not a specified use allowed under **section 1503. Uses permitted by special use permit**. Therefore retail activities would not be allowed with storage activities.

Section 1704 Board of Appeals (4) Duties and powers (B) interpretations

Gives the ZBA the authority to "classify a use which is not specifically mentioned as part of the use regulations of any zone district so that it conforms to a comparable permitted or prohibited use in accordance with the purpose and intent of each district."

Therefore it is the ruling of the Birch Run Township Zoning Board of appeals that Mini Storage is an unclassified use within the Zoning ordinance of Birch Run township.

This ruling was approved by a unanimous vote of the Birch Run Township Zoning Board of appeals on April 23, 2002.