

**GRATTAN TOWNSHIP
12050 OLD BELDING ROAD
BOARD OF ZONING APPEALS**

**MINUTES
FEBRUARY 21, 2007**

The meeting was called to order by Vice Chairman, Pat Mooney at 7:02 p.m. followed by the Pledge of Allegiance.

Members Present: Gloria Burns, George Poulias, Al Berry, Pat Mooney, Brian Heethuis, Jon Vanderwiell.

Agenda: Motion By B. Heethuis, second by A. Berry to do the variance request first and then do new business after. All Ayes. Motion carried.

Minutes: Motion By Al Berry to accept minutes as presented, second by G. Burns. All Ayes. Minutes approved.

VARIANCE REQUEST:

1. Applicant's/Property Owners Name; Address and/or Property I.D. No.

Mr. William Zaskowski of 13266 - 7 Mile Rd. Belding Mi

Parcel # 41-12-23-201-025

2. Summary of Variance Sought. Variance from Article 7.03A of the R-L District to construct an accessory building that is 19-feet tall, which exceeds the maximum height of 16 feet.

3. Summary of Written Documentation. Al Berry read the request as it appeared in the paper. The applicant submitted a statement of "No Objection" with signatures of neighbors on it, along with drawings of the proposed building and a Warranty Deed. The applicant also submitted a written statement addressing the standards for a variance.

4. Overview of Application. Mr. Zaskowski explained to the ZBA that he would like to build an accessory building measuring 88-feet by 444-feet, to house his motor home, trailer etc. He would like this building to look appealing and therefore is asking to build it 3-feet over the maximum height restriction to accommodate the height of his motor home. He is unable to buy more land on either side of him.

5. Summary of Applicant's Presentation. The applicant presented a verbal summary of his written application materials.

6. Comments from Public Hearing. none

7. BZA Discussion and Deliberation. The BZA engaged in deliberations and considered whether the application for a variance met the standards for approval under Section

18.06 of the Zoning Ordinance. In considering these matters, the BZA members made the following observations and factual determinations:

1. There are no extraordinary conditions affecting the applicant's land. Topographically, the parcel is flat, and the parcel is not exceptionally shallow or narrow.
2. There is no physical condition affecting the applicant's property that would prevent an accessory building from being built in compliance with the maximum height requirement of the Zoning Ordinance.
3. There are other facilities within the Township in which to store a large mobile home indoors, and so the inability to do so on this one particular parcel does not present a practical difficulty.
4. The applicant's inability to store his particularly large motor home indoors on this parcel is a self-created problem, not related to the condition of the land, and so this does not justify the granting of a variance.
5. A large number of variance requests considered by the BZA relate to height variances for accessory buildings. However, the Planning Commission has recently considered requests to increase the maximum permissible height for accessory buildings, and has declined to recommend approval of such an increase.
6. The applicant's neighbors have not objected to the proposed accessory building; however, the size of this building could be detrimental to views on adjacent property.
7. In the absence of unique or special topography affecting this property, the public safety and health is best served by uniformly enforcing the requirements of the Zoning Ordinance.
8. The applicant's purported difficulties arise from a self-created problem. Granting a variance to remedy a self-created difficulty would be contrary to the intent and purpose of the Zoning Ordinance, and would be detrimental to the public health, safety and welfare.

8. Motion and Voting.

Motion to Approve: Motion made by member B. Heethuis and seconded by member A. Berry to approve variance.

Roll call vote:

(Jon Vanderwiel has not been sworn in and is unable to vote)

G. Poulias=yes, P. Mooney=no, Al Berry=no, Brian Heethuis=yes, G. Burns=no.

Variance not approved.

II. Old Business

A. Final Decision on Variance Request of Mr. William Zaskowski, 13266 – 7 Mile Road, Belding, Michigan, Parcel No. 41-12-23-201-025

At the BZA's February 21, 2007 meeting, the BZA held a public hearing on Mr. Zaskowski's variance request, considered the application against the standards of Section 18.06 of the Zoning Ordinance and rejected a proposed motion for approval of the requested variance. The BZA now desires to make its final decision on the Zaskowski application and to make certain factual findings in support of its decision.

FACTUAL FINDINGS UNDER SECTION 18.06 OF ZONING ORDINANCE

The enforcement of the literal requirements of the Zoning Ordinance would not involve practical difficulties because of the exceptional narrowness, shallowness or shape of the land, or because of exceptional topographical conditions or other extraordinary situation of the land or premises. In support of this determination, the BZA hereby makes the following findings of fact:

1. There are no extraordinary conditions affecting the applicant's land. Topographically, the parcel is flat, and the parcel is not exceptionally shallow or narrow.
2. There is no physical condition affecting the applicant's property that would prevent an accessory building from being built in compliance with the maximum height requirement of the Zoning Ordinance.
3. There are other facilities within the Township in which to store a large mobile home indoors, and so the inability to do so on this one particular parcel does not present a practical difficulty.
4. The applicant's inability to store his particularly large motor home indoors on this parcel is a self-created problem, not related to the condition of the land, and so this does not justify the granting of a variance.

No exceptional conditions or extraordinary circumstances exist which are unique to the land, structures or buildings involved, and which are so general or recurrent in nature so as to make reasonably practicable an amendment to the Zoning Ordinance. In support of this determination, the BZA hereby makes the following findings of fact:

1. A large number of variance requests considered by the BZA relate to height variances for accessory buildings. However, the Planning Commission has recently considered requests to increase the maximum permissible height for accessory buildings, and has declined to recommend approval of such an increase.
2. There are no exceptional or extraordinary conditions affecting the applicant's land.

The literal interpretation of the provisions of the Zoning Ordinance would not deprive the applicant of a substantial property right commonly enjoyed by other properties in the same zoning district. In support of this determination, the BZA hereby makes the following findings of fact:

1. Constructing an accessory building having a height in excess of 16 feet is not a property right commonly enjoyed by other properties located in the R-L zoning district.

The authorizing of such variance may be of substantial detriment to adjacent and nearby properties and would be contrary to the spirit and purpose of the Zoning Ordinance. In support of this determination, the BZA hereby makes the following findings of fact:

1. The applicant's neighbors have not objected to the proposed accessory building; however, the size of this building could be detrimental to views on adjacent property.
2. In the absence of unique or special topography affecting this property, the public safety and health is best served by uniformly enforcing the requirements of the Zoning Ordinance.
3. The applicant's purported difficulties arise from a self-created problem. Granting a variance to remedy a self-created difficulty would be contrary to the intent and purpose of the Zoning Ordinance, and would be detrimental to the public health, safety and welfare.

B. Motion to Deny.

Motion made by Member _____ and seconded by Member _____ to deny the variance, based on the BZA's factual findings, as stated above, that the applicant does not satisfy the standards stated in Section 18.06 of the Zoning Ordinance.

Roll call vote: _____

Variance Request Denied.

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New Business:

1. Appointment of Officers -

Nomination for Pat Mooney for Chairman by Gloria Burns, second by Al Berry

Nomination for Brian Heethuis for Chairman, no support.

Roll call vote for Pat Mooney for Chairman-G. Burns-yes, B. Heethuis-no, Al Berry-yes, P. Mooney yes, G. Poulias-no. P. Mooney is Chairman.

Nomination for Vice Chairman for Brian Heethuis

Roll call vote for Brian-G. Burns-no, B. Heethuis-yes, A. Berry – no, P. Mooney-no, G. Poulias-no.

Nomination for Gloria Bums for Vice Chair supported by A. Berry

Roll call vote: B. Heethuis-no, G. Burns-yes, A. Berry-yes, P. Mooney-yes, G. Poulias-yes.

Nomination for Secretary for Al Berry supported by G. Bums

Roll call vote- G.Burns-yes, B. Heethuis-yes, A. Berry-yes, P. Mooney-yes and G. Poulias-yes.

*ZBA Officers for 2007:

Chairman-Pat Mooney

Vice Chairman- Gloria Bums

Secretary-Al Berry

2. Approval of Meeting Dates for Upcoming Year

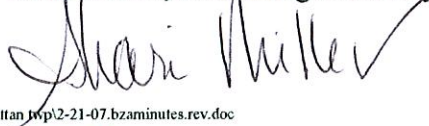
Motion by A. Berry that the ZBA will meet the 3rd Wednesday of every month, second by B. Heethuis. All ayes.

Next meeting: March 21, 2007

Meeting adjourned: 8:26 p.m.

Respectfully submitted,

Shari Miller, Recording Secretary for the ZBA



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