

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

**MINUTES
MAY 16, 2007**

The meeting was called to order at 7:00p.m. Followed by the Pledge of Allegiance.
Members present: Glen Jonker, Al Berry, Pat Mooney, Gloria Burns, Jon Vanderweil and Brian Heethuis.

Members absent: Greg Clover and George Poulias.

Agenda: Motion by Gloria to move the approval of April minutes to the end of the meeting, second by Al Berry. Motion to accept amended minutes by Al Berry, second by Gloria Burns. All in favor. Motions approved.

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

Mr. Don Kurylowicz of 7379 Wimpole Dr. Belding Mi 48809
Parcel # 41-12-29-277-018 and 41-12-29-226-034.

2. **Summary of Variance Sought.**

Article 7.03B to have a front yard setback of 5'2" in lieu of 30' and Article 7.03D to have a rear yard setback of 19'.4" in lieu of 20" to build a new home.

3. **Summary of Written Documentation**

Al Berry read the public notice as it appeared in the paper.

4. **Overview of Application.**

Mr. Kurylowicz explained that he would like to tear down the existing house and build a new home. He requests that a variance be sought to allow him to do this. The proposed house will sit on a curved road and one corner would be 29-feet from the road. (Photos board and drawings were shown to all ZBA members) The road has multiple points and curves and had there been an actual corner on the road he would not be asking for a variance. The proposed house would be about 1250 square feet. He has been in contact with the Kent county road

commission and Consumers Energy as there is an easement on the property for their maintenance trucks, there is also a shared driveway to consider and the shape of the property.

6. Comments from Public Hearing- Positive comments from Anitra Mallendine, 4830 Abrahams and also from Bob Pope 11099 Keystone Dr. Negative comments from Chris Hekman of 4866 Abrahams.. Positive letter from Lisa Sostecke.

7. BZA Discussion and Deliberation

After consideration of the application by the BZA, the BZA hereby concludes as follows:

Literal enforcement of the Ordinance *would not* involve practical difficulties or cause undue hardship by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary situation of the premises or of the use of the premises immediately adjoining the premises in question. In support of that determination, the BZA hereby makes the following findings of fact:

1. Property is sufficient size to build a home
2. Sewer lights and aroma pre-existed ownership

There *is not* practical difficulty or unnecessary hardship in meeting the strict letter of the Ordinance so that the spirit of the Ordinance may be observed, public safety secured and substantial justice done. In support of that determination, the BZA hereby makes the following findings of fact:

1. Easements and power lines are within the set backs and therefore cause no difficulty
2. Shape of the parcel is unique and is a build able site.
3. Shared driveway is a self imposed hardship

The condition or situation of the property or the intended use of the property *is not* so general or recurrent a nature as to make reasonably practical a general regulation as part of the Ordinance. In support of that determination, the BZA hereby makes the following findings of fact:

1. Odd Shaped parcel with no special ordinance.

The variance *will not* be detrimental to adjacent property and *will not* impair the intent and purposes of the Ordinance or the public health, safety and general

welfare. In support of that determination, the BZA hereby makes the following findings of fact:

1. Unable to go back more than 20- feet from the power lines, because of the utility Right of Way, specified by Consumers Energy.

8. Motion and Voting.

Motion to Approve: “Motion made by member Al Berry and seconded by member Gloria Burns to approve variance based on application meeting all four standards for a variance, as stated in Sections 18.06 and 18.07 of the Zoning Ordinance, based on the BZA’s factual findings, as stated above, and based on construction being completed in accordance with the site plan that applicants submitted to the BZA with their variance request.”

Roll Call vote: A.Berry-no, G. Burns-no, P. Mooney-yes, G. Jonker-no, J. Vanderwiell-yes and B. Heethuis-yes. Variance Denied.

(a) Motion to Deny: “Motion made by member Brian Heethuis and seconded by member Gloria Burns to deny variance based on application not meeting all four standards for a variance, as stated in Sections 18.06 and 18.07 of the Zoning Ordinance, and based on the BZA’s factual findings, as stated above.”

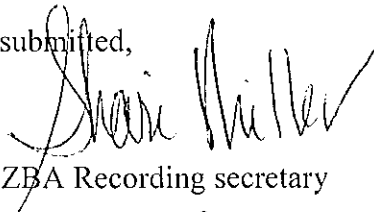
Roll Call vote: A. Berry-yes, G. Burns-yes, P. Mooney-yes, G. Jonker-yes, B.Heethuis-no and J. Vanderweil-no.

Minutes- G. Burns made a motion to approve the minutes from April 2007, second by B. Heethuis. All ayes, minutes approved.

New Business: G. Burns made a motion to have all cell phones placed on vibrate, or turned off, during the meeting, second A. Berry. All ayes. Motion approved.

Next Meeting: June 13, 2007

Respectfully submitted,



Shari Miller, ZBA Recording secretary

