

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

**MINUTES
OCTOBER 17, 2007**

THE MEETING WAS CALLED TO ORDER BY CHAIRMAN PAT MOONEY AT 7:02 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

MEMBERS PRESENT: PAT MOONEY, AL BERRY, GEORGE POULIAS, NANCY BENNER, BRIAN JOHNSON, BRIAN HEETHIUS, GLEN JONKER.

AGENDA-MOTION BY PAT MOONEY TO ACCEPT AS SUBMITTED, SECOND BY NANCY BENNER. ALL AYES. AGENDA APPROVED

MINUTES- AL BERRY MOTIONED TO ACCEPT THE JUNE 13,2007 MINUTES AS SUBMITTED, SECOND BY GEORGE POULIAS. ALL AYES. MINUTES APPROVED

NEW BUSINESS:

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

Catherine Farr

7500 Tiffany, Rockford Mi

Parcel # 41-12-07-102-001

2. Summary of Variance

Article 3, Section 3.01B3 (b) and (c) to construct an accessory structure on a new rear lot in the A2 District, as part of a land division. The new lot area (referenced as Parcel 2 on Glen S. Hackbardt's survey dated 9-25-07) will gain access off a new private road that has a lot area of less than 5 acres when all easement areas are subtracted to determine the minimum lot area calculations per Article 2.37. The proposed accessory structure location would have front yard setback of 20'-0" in lieu of the required 75'-0" setback.

3. Summary of Written Documentation.

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

4. Overview of Application

Todd MacQueen was the spokesman for Catherine Farr, he explained that the variance request that she is asking for is to place a barn in front of the home. The topography , cul-de-sac and soil is ideal for the barn and it will be tucked away into the trees as it will be used mainly to house 4-H animals and hay. It would be difficult to make the barn smaller as it would be difficult to house the animals, and moving it back would require fill to be brought in.

5. Summary of Applicant's Presentation. SEE ATTACHED

6. Comments from Public Hearing. Katherine Farr-positive comment

7. BZA Discussion and Deliberation.

After consideration of the application by the BZA, the BZA hereby concludes as follows: variance request 3.01B3(c) for accessory building set back.

Literal enforcement of the Ordinance *would* 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. Increased slope toward back of property would require extensive fill.
2. Moving the accessory building north in to pasture area would reduce available pasture land for the horses. Barn would also be more visible to neighboring properties.

There *is* 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. This is a back lot, and property is 700-feet from Tiffany Rd. Placing at that distance would not be as visible to the public.

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. Unique lot
2. Not many like this in the Township

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. Position of the barn as requested by applicant will not have adverse impact.

8. Motion and Voting.

(a) Motion to Deny: “Motion made by member _____ and seconded by member _____ 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.”

(b) Motion to Approve: “Motion made by member Brian Heethius and seconded by member Al Berry to approve variance for a front yard set back of 20-feet in lieu of the required 75-foot setback, based on application 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:

Glen Jonker –yes,

George Poulias-yes

Pat Mooney-yes

Nancy Benner-yes

Al Berry-yes

Brian Johnson-yes

Brian Heethius-yes.

Variance request – approved.

Variance request #2 Catherine Farr request for Parcel under 5 acres 3.01B3 (b)

Literal enforcement of the Ordinance *would* 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. There are ways to site the building without a variance.

There *is* 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. Private road easement requirements decrease the amount of available acreage to less than 5 acres.

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. Unique back lot parcel of 2 parcel split requiring private road.

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. No issues of any type.

8. Motion and Voting.

Motion to Approve: “Motion made by member Al Berry to allow a lot area of less than 5 acres for the construction of an accessory building in the front yard of a lot with an area less than 5 acres; second by Brian Heethius 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, and based on the BZA’s

Roll call vote:

Brian Heethius, Brian Johnson, Al Berry voted yes.

Nancy Benner, Pat Mooney, George Poulias, and Glen Jonker votes no

4 no’s, 3 yes Variance request denied.

Motion to Deny: “Motion made by member Brian Heethius and seconded by member Pat Mooney 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:

Brian Heethius, Brian Johnson, and Al Berry voted no.

Nancy Benner, Pat Mooney, George Poulias, and Glen Jonker voted yes.

OLD BUSINESS

New members- Brian Johnson and Nancy Benner regular members of the ZBA and John Jakeway as alternate.

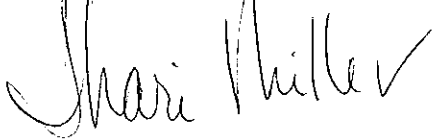
Nomination of Vice Chair – Brian Johnson nominates Brian Heethius as Vice, Al Berry nominates Nancy Benner. The ZBA nominates Nancy Benner as Vice Chair for the ZBA

Expiring terms for 2008- Al Berry, Pat Mooney and Glen Jonker.

Next meeting November 21,2007

Adjourned-9:15p.m.

Respectfully Submitted,



Shari Miller, ZBA recording secretary