

GRATTAN TOWNSHIP ZONING BOARD OF APPEALS
Regular Meeting of April 21, 2010

1. Call to Order

Chairman Pat Mooney called the meeting to order at 7:04 p.m.

2. Pledge of Allegiance

P. Mooney led the Pledge of Allegiance.

3. Roll Call

Members present: P. Mooney, N. Benner, A. Berry, J. Jakeway, G. Jonker, and B. Johnson. Members absent: none. It was noted that there was no alternate member at the meeting. Township Supervisor Frank Force said Dee Hockemeyer, newly appointed ZBA alternate, was in attendance to observe a ZBA meeting. She was asked to sit with the ZBA as an alternate for this meeting and agreed.

4. Approval of Agenda

A. Berry added election of officers to the agenda. P. Mooney asked that the agenda be amended to show approval of the minutes being considered for approval are from the November 18, 2009 ZBA meeting.

A. Berry moved and J. Jakeway seconded to approve the amended agenda. All ayes. The motion carried.

5. Election of Officers

N. Benner moved and J. Jakeway seconded to nominate P. Mooney as Chairperson of the ZBA. All ayes. The motion carried.

A. Berry moved and P. Mooney seconded to nominate N. Benner as Vice Chairperson of the ZBA. All ayes. The motion carried.

P. Mooney moved and J. Jakeway seconded to nominate A. Berry as Secretary of the ZBA. All ayes. The motion carried.

6. Approval of Minutes

ZBA members reviewed the minutes of the November 18, 2009 meeting. A. Berry and P. Mooney noted 2 corrections to the minutes.

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N. Benner moved and G. Jonker seconded to approve the amended minutes. All ayes. The motion carried.

7. New Business- Batchelder Variance Request

Minnie Batchelder explained her request for a dimensional variance to build a non-agricultural use accessory building in the front yard within the setback from the road right-of-way. She said there is not enough room to the west of her house for the proposed building and would not be enough room to the south as the well is located in that area. Also, the proposed building must be 25' from the lot line. She said to the north of the house where 2 septic tanks are located the land drops off 8' from the house. The parcel is also very wooded and wet.

P. Mooney asked if the ZBA received any correspondence regarding this request. A. Berry said none was received.

J. Jakeway moved and N. Benner seconded to open the public hearing. All ayes. The motion carried.

John Ford, Marcia Kutchen, Don Ensley, Cheryl Tolley and Bonnie Bilski said they had no problem with the requested variance.

J. Jakeway moved and G. Jonker seconded to close the public hearing. All ayes. The motion carried.

N. Benner said she requested information from the County Road Commission regarding the road right-of-way at this property because they do not allow buildings within the right-of-way. ZBA members reviewed a map of the road right-of-way provided by the Road Commission and noted that the right-of-way extends 150' from the center line of Wabasis Avenue into the Batchelder's property, not the usual 33'. They discussed how this further limited the area in which the proposed building could be built and asked the applicant if she has considered an attached garage. The applicant said an attached garage would block views, increase taxes and insurance and require the removal of trees. ZBA members asked the applicant if the building location could be moved 3' to the west. The applicant said it could be moved. B. Johnson advised the applicant to check with Consumers Energy regarding encroachment of their easement.

ZBA members reviewed the standards for a variance. They agreed that the enforcement of the literal requirements of the Zoning Ordinance would involve practical difficulties and cause an unnecessary hardship due to the location of the well, septic, the large road right-of-way and the very wet land. The large road right-of-way is an exceptional circumstance. Literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of a substantial property right commonly enjoyed by other properties in the same zoning district and the authorizing of the requested variance would not be of substantial

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detriment to adjacent and nearby properties and will not be contrary to the spirit and purpose of the Zoning Ordinance.

ZBA members amended the proposed resolution to show a variance for a minimum setback of 1' 0" from the road right-of-way and a dimensional variance of 299' 0" and added the following findings of fact:

- Most of the site is very wet.
- The size and shape of the property is a condition with the wide road right-of-way.
- The majority of the property is unbuildable due to wet conditions and setbacks.
- The large size of the property (10 +/- acres) helps with complying with the spirit of the ordinance.

A. Berry moved and B. Johnson seconded to approve amended resolution ZBA 10-001 approving the dimensional variance. Roll call vote: Ayes: A. Berry, G. Jonker, N. Benner, J. Jakeway, B. Johnson, P. Mooney and D. Hockemeyer. Nays: none. The motion carried 7-0.

8. Schedule Next Meeting

The next meeting will be scheduled as needed.

9. Adjournment

There being no further business, N. Benner declared the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Al Berry, ZBA Secretary

Diane Timmons
ZBA Recording Secretary