

**Gun Plain Charter Township
Zoning Board of Appeals
Minutes**

April 17th 2012

Meeting called to order at 7:05 pm by Kellogg.

Present- Oosting, Kopka, Busk, Kellogg & (alt) Vance

Motion By Kopka to close regular meeting & opened the public hearing, seconded by Vance.
Motion passes.

Request from Michael Bolf for a variance from the provisions of the Gun Plain Township zoning ordinance to allow this property to be divided into two (2) equal parcels. Location is 630 Marsh Rd. Plainwell, MI. Parcel #03-08-015-009-00.

Open Public hearing:

Tom & Brenda Bolf spoke for the variance.

Rick Knowlton of 609 Marsh Rd voiced concerns otherwise had no problem with the variance.

Bill Geresy of 543 6th street asked questions about the variance.

Motion by Kopka to close the Public Hearing and re-open the regular meeting, seconded by Vance. Motion passes.

- Objective criteria to evaluate a non-use or dimensional variance – “Practical Difficulties”:

1. Would strict compliance with the strict letter of the Zoning Ordinance regulating the minimum area, yard setbacks, frontage, height, bulk or density or other regulation render conformity with such restrictions of the Zoning Ordinance keep the owner from using the property for the permitted use, or would conformity be unnecessarily burdensome?

Discussion was held. It was generally agreed by the members that strict compliance would be burdensome. However, the ordinance is clear that there is a 40 acre minimum. However, granting the variance would be precedent setting.

2. Would granting the requested variance do substantial justice to the applicant as well as to other property owners in the district, or would a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners?

Discussion concluded that granting the variance would do justice to the applicant.

3. Is the plight of the property owner/applicant due to unique circumstances of the property and not to the general neighborhood conditions in the area?

The property and the circumstances are unique to this situation and are not part of the general neighborhood.

4. Are the practical difficulties alleged self-created?

Reviewing the documents (trust and will) it was generally agreed by the members of the Zoning Board that the situation was self created. The documents were created after the Zoning Ordinance was put into effect and was not researched by the attorney of the family.

Motion by Kopka to approve zoning variance to split property in half, seconded by Vance.

Vote: Kopka yes, Vance no, Oosting no, Busk no, Kellogg no. Motion fails.

Motion by Kopka to table the variance until we hear back from TWP Supervisor VanDenBerg on whether the applicant can get splits without the variance. Seconded by Busk. Motion passes.

Motion to adjourn at 8:03pm