

**Gun Plain Township  
Zoning Board of Appeals  
Minutes of November 1, 2022**

**ZBA members present: Sullivan, Kopka, Joslin  
Mike Vandenberg, Gun Plain Township Supervisor  
ZBA members absent: Bennick, Oosting**

**Meeting called to order by Vice-Chairman Sullivan at 7:00 PM EDT**

**Introduction of Board Members: The three members present introduced themselves.**

**Motion by Kopka, seconded by Joslin to approved the May 17, 2022 minutes.  
Motion carried.**

**Motion to close regular meeting and open the public hearing by Kopka,  
seconded by Joslin. Motion carried.**

**Vice-Chairman Sullivan read the Request for Variance from Scott Vandeboss dated September 20, 2022 for property located at 133 South Lake Doster Drive, Plainwell, MI 49080, Parcel number 03-08-460-065-00. Mr. Vandeboss is seeking to place a storage shed located on side of garage, pursuant to include survey, requesting 4 foot variance on North side of property line to accommodate location of attached shed.**

**Mike Vandenberg provided the ZBA with an aerial photo of the property along with that of his neighbors. Mr. Vandenberg also noted publicly that the Gun plain Township attorney had been consulted regarding any potential conflict of interest given that three (3) members of the Lake Doster Building Control Committee are ZBA members. Mr. Vandenberg further noted, upon review, no ZBA member lives within 300 feet of applicant property nor do any ZBA member have any financial interest in the property. Based on that, the township attorney determined no conflict of interest existed.**

**Mr. Vandenberg also stated a ZBA meeting notice was sent to all neighbors within 300 feet of the applicant's property. No letters from neighbors was received by the Township.**

**Mr Vandenderg also stated no building permit for this project was applied for by the applicant.**

**Mr. Joseph Craven was in attendance to speak on behalf of Mr. Vandeboss.**

**Mr Craven stated:**

**“Shed is attached to the side of the garage, used for the storage of tools, the roof blends in with the main residence, there is no electricity in the shed, the PVC under the structure is for to run wires for a future dog fence, the shed is made with fire retardant materials, and the siding will match the main residence.”**

**Mr. Craven went on to say that all construction on the project has stopped pending the outcome of the applied ZBA variance.**

**Dick Joslin made a motion to close the public hearing and reopen the regular ZBA meeting. Seconded by Kopka. Motion carried.**

**The ZBA then went thru the objective criteria to evaluate a non-use or dimensional variance.**

- 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 regulations of the Zoning Ordinance keep the owner from using the property for the permitted use, or would conformity be unnecessarily burdensome.**

**As noted above, Mr. Vandeboss applied for a four (4) foot variance from the Gun Plain Township ordinance requirement.**

**Mr. Joslin reviewed the survey conducted by Peabody Land Surveying dated September 23, 2022, Job No. 9625-22. The survey shows the main residence is 6.55 feet from the side lot line. The addition of the applicants storage shed will place it 3.15 feet from the side lot line. Gun Plain Township Zoning Ordinance states that the side yard should not be less than seven (7) feet from the side lot line.**

**The ZBA position is conformity to the ordinance would not be unnecessarily burdensome.**

**The ZBA voted No, vote was 3-0.**

- 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 ?**

**Mr. Sullivan stated maintenance of minimum setback is very important. The distance between homes has an effect on real estate values. Mr. Joslin pointed out that the ordinance was there so that emergency vehicles can have unimpeded access. Also the spacing between homes is important to prevent fire from spreading from one home to another.**

**The ZBA voted No, vote was 3-0.**

- 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?**

**Paul Sullivan stated there is no uniqueness to this property. Desires by the applicant can be satisfied other ways.**

**The ZBA voted No, the vote was 3-0.**

- 4. Are the practical difficulties alleged self-created ?**

**All ZBA members agreed the issues stated here were self-created.**

**The ZBA voted Yes, the vote was 3-0.**

**Dick Joslin made a motion to deny the variance, seconded by Kopka, Vote was 3-0,**

**As a result, the variance application by Mr. Vandeboss is denied.**

**Mr Kopka made a motion to adjourn meeting, seconded by Mr. Joslin  
Vote carried to adjourn**

**Meeting adjourned at 8:10 PM EDT**

**Respectively submitted,**

**Dick Joslin, ZBA Secretary**