

Gun Plain Charter Township
Zoning Board of Appeals
September 23, 2019

Meeting called to order by Oosting at 7:00 PM

Members present: Oosting, Busk, Kopka, Sullivan, Travis,

Approval of Minutes: Motion by Kopka, 2nd Busk to approve the Minutes of August 20, 2019 Meeting. Motion approved.

Note: Gun Plain Township Supervisor, M. Van Den Berg recused himself to avoid a possible conflict of interest with respect to the Agenda Item regarding a request by Carl and Linda Sparks.

Open to the Public: None

Open to the Public : Motion made by Travis, 2nd Kopka to close Regular Meeting and Open to Public Hearing. Motion approved.

Public Hearing: Agenda Item – Request by Carl and Linda Sparks, 921 Miller Road, Plainwell, Michigan for a Zoning Variance to subdivide Parcel # 03-08-020-004-50 in order to build a second residential dwelling on said parcel. Said parcel is currently 3.6 acres. In addition to a residential dwelling, the parcel also contains a garage/ storage building and a firewood inventory that are part of Mr. Sparks commercial business. The parcel in question is zoned AG (Agricultural).

Public Comments: Michael VanDenBerg (neighboring property owner) commented that he had no problems with the variance request.

Motion to close Public Hearing and open Regular Meeting made by Kopka, 2nd Busk. Motion approved.

Finding of Facts:

1. Mr. Sparks is currently using the property for a residential dwelling and a business as well (as noted). If the variance is granted, Mr. Sparks will divide the property for construction of an additional residential dwelling and permanently remove the firewood inventory and storage area.
2. The variance, if granted, would allow for a further subdivision of a parcel that currently is approximately 35 acres less than the average parcel size in the respective Section (Section 20), thus granting a right currently provided to only to owners of parcels much larger in size (30+ acres).
3. The circumstance of this request is unique as the intent to conclude the requested subdivision right was originally outlined prior to the enactment of the current Ordinance amendment. There are 12 parcels of similar classification (known as “parent parcels”) in Section 20. The average size of these parcels is 40 acres and only two are smaller than the parcel in question.
4. As the original parcel had been divided once prior to the current Ordinance and failed to divide again per his noted intent, there is some question as to a self -created aspect to the issue. However, questions were raised as to the size of the smaller parcels noted and as to the size of the nine (9) parcels zoned AG in Section 20 that are not 40 acres (the average of the parent parcels as noted above).

In the absence of the additional information needed to answer the noted questions and with concern regarding the impact of a possible precedent-setting decision, decision was made to request the additional information from PCI. The Motion to table the request for further consideration was made by Kopka, 2nd Travis. Motion approved.

Motion was made by Travis, 2nd by Kopka to put back on the table the request by Mr. Dustin Hubble (see August 20, 2019 Meeting Minutes).

Agenda Item – Request by Mr. Dustin Hubbell, 772 Doster Road, Plainwell, Michigan for a Zoning Variance to build a 32' x 48' x12' garage/ storage Out Building on Parcel # 03-08-013-001-30. The Parcel noted above is Mr. Hubbell's primary residence. Current zoning restrictions require side lot and back lot setbacks of 50 ft. (50 ft. for each side and 50 ft. for the back lot as well). Mr. Hubbell is requesting a variance to reduce the east side lot and the back lot setbacks to 5.0 ft. to facilitate building of the noted storage building. Mr. Hubbell noted that such a variance, if granted, will allow for a building placement that will not impinge on the current drainfield location and will allow for potential future expansion of the family residence .

A previous letter to the Board, received from Mr. & Mrs. Larry Snow, immediate

neighbors (east) of Mr. Hubbell, was again referenced and the Snow's were present to reiterate their objections to the potential variance grant. Open discussions between the two parties (Hubbell and Snow's) again did not result in a mutually agreeable resolution (reduction distance) that the Board could then consider.

Addition information, requested by the Board at the close of the August 20, 2019 Meeting from PCI was provided. It was noted that there is no code or ordinance restriction per se on the size of auxiliary buildings. Further, Set Back definitions were clarified by the Township Supervisor.

Additional discussions centered on the septic system impact due to both the auxiliary building footprint and a potential residential dwelling expansion noted in the open discussions. It was determined that this discussion, data evaluation and closure is essential to a final decision and given the seasonal impact to any construction initiation. Motion by Travis, 2nd by Busk to table the issue until a later date. Motion approved.

Motion to Adjourn made by Kopka, 2nd by Travis. Motion approved.

Meeting was adjourned at 8:43 PM.



Paul Sullivan, Secretary