

**GUN PLAIN TOWNSHIP
Zoning Board of Appeals
Minutes of February 12, 2024**

ZBA Members Present: Sullivan, Pearson, Joslin, Bennick
Mike Vandenberg, Gun Plain Township Supervisor
ZBA Members Not Present: Oosting (Arrived at 7:18 pm)

Applicants Present: James Kaleel, Edward Kaleel, Kaleels' Builder, adjacent residents

Meeting Called to Order: Vice Chair Sullivan called the meeting to order at 7:03pm EST

Introduction of ZBA Board Members: The four (4) ZBA Board Members present introduced themselves.

Approval of December 19, 2023 Minutes: Motion made by Joslin to approve Minutes of February 1, Minutes. Seconded by Bennick, carried unanimously.

Approval of the Agenda: Motion made by Pearson to approve the Agenda of the February 12, 2024 Meeting. Seconded by Joslin, carried unanimously.

Election of Officers:

- #1. Motion made by Sullivan to nominate Tim Oosting as Chair, seconded by Bennick, carried unanimously.
- #2. Motion made by Bennick to nominate Paul Sullivan as Vice Chair, seconded by Joslin, carried unanimously.
- #3. Motion made Pearson, to nominate Tom Bennick as Secretary seconded by Joslin, carried unanimously.

Agenda Item: Request from James Kaleel, parcel located at the corner of 5th Street and 112th AVE, Plainwell, Michigan 49080 for a variance to have a parcel split into two 26.74 acres parcels. Parcel # 03-08-003-002-00

Procedures Followed by Board to make a Decision:

#1. Motion made to close Regular Meeting and open the Public Hearing: Motion made by Pearson and seconded by Joslin, carried unanimously.

#2. Applicant states request: James Kaleel explains background as stated in request dated 01/03/2024.

#3. Open to Public Comments: Vandenberg reported that Public Notice was issued and there were none received, for or against. Resident of 497 112th, an adjacent neighbor, stated that they wanted to meet their neighbors and hear what was happening.

#4. Motion to close Public Hearing and re-open regular meeting: Motion made by Pearson, seconded by Joslin, passed unanimously.

#5. Evaluate criteria for a Variance: After review of each criteria by each ZBA Member, the criteria evaluation resulted as follows;

#1. 4 No #3. 4 No
#2. 2 Yes/2 No #4. 4 Yes

#6. Motion and Second: Pearson made a motion to approve the variance and there was no Second. Motion failed. A second motion was made by Joslin, seconded by Sullivan to deny the variance which passed. Request denied.

#7. Roll Call Vote: 3 to not approve, 1 to approve.

Other Agenda Items: none

Adjournment: Motion made by Bennick, second by Joslin, Approved unanimously.

Meeting Adjourned at 6:50pm.

**Objective Criteria to evaluate a non-use or Dimensional Variance –
“Practical Difficulties”:**

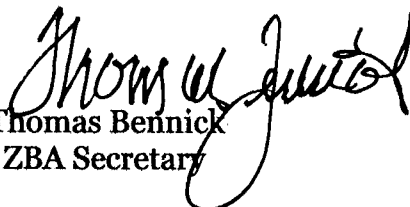
#1. Would strict compliance with the letter of the Zoning Ordinance regulating the minimum area, yard setbacks, frontage, height, bulk or density or other regulation render conformity with such restrictions of the Zoning Ordinance keep the owner from using the property for the permitted use, or would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

#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?

#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?

#4. Are the practical difficulties alleged self created?

Respectfully Submitted,


Thomas Bennick
ZBA Secretary