

Minutes of the Gun Plain Twp. Zoning Board of Appeals – September 17, 2007

Meeting was called to order by acting Chairman Ron Kopka at 7:10 p.m.

Members present: Ron Kopka, Jack Kellogg, Tim Oosting and Connie Haan

Members absent: Jerry Pickett

Public: Tim Allspach – TJA Architecture
Mike VanderBerg Plain Twp. Trustee
John Menzie – Twp. Zoning Officer
Dr. Reid-

Minutes of the October 19, 2006, meeting were reviewed. Motion to approve as written (Kellogg/Oosting) carried.

First agenda item: Request from TJA Architecture for a variance to section 11.04H to install a septic system in lieu of a sanitary sewer.

Tim Allspach representing Dr. Reid presented the justification to grant a variance to install a septic system instead of the requirement of a sanitary line if the building is within 1000 feet of a sewer line. Tim outlined this justification by using the four questions used to determine the validity to grant a variance.

1. Whether strict compliance would unreasonably prevent the owner from using the property for permitted use, or would conformity be unnecessarily burdensome?

Response: The tap can not go into the force line which would require a line to be constructed under two roads and would cost approx. 10% of the total building cost.

2. Why this is not self created.

Response: The existing utilities present two issues one tapping into a force line can not be done and the other available line is difficult to connect to due to distance and location.

3. Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether 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?

Response: The other owners of property on the same side of the road were not required to hook into the system. This facility would use less than 1/3 of what a normal residence would use for water/sewer.

4. Whether the plight of the owner is due to unique circumstances of the property and not to the general condition in the area.

Response: The unique circumstances result from the location of available sanitary lines to be able to abide by the ordinance.

Open to the Public: Mike VanderBerg spoke in support of the variance due to the unique situation with the available lines.

Board Questions and Comments: After discussion the Board agreed the request was reasonable based on the unique circumstances of available sanitary lines and the cost factor to the owner for construction of the sanitary line.

The Board also received an opinion from Roxanne Seeber, Twp. Attorney stating: The designation of an area as a "sewer district" without the coordinating infrastructure improvements does not trigger the "available sewer" provisions of either the Township Zoning Ordinance or MCL 333.12752. Furthermore, the location of the originating structure, as opposed to the boundary line of the parcel, would be preferred method of measurement respecting the determination of whether a sewer connection is required.