

Minutes of the Gun Plain Charter Twp. Zoning Board of Appeals. August 26, 2008

Call to Order

- Meeting was called to order by acting Chairman Jack Kellogg at 7:05 p.m.
- Members present: Jack Kellogg, Tim Oosting, Ron Kopka, Rob Busk and Connie Haan
- Public: Applicant Brad Herrington
Mr. and Mrs. C Hill Box 194
Ruth Jaynes 1041 Fairlane Rd
Kirtis Carpenter 726 10th Street
Leandra Burke 1039 Fairlane Rd

Two letters received in support of granting the request for a variance.

Everett and Delores Alton 1029 Fairlane Rd.
Les Collick 1035 Fairlane Rd.

Acting Chairman Kellogg welcomed new board member Rob Busk and introduced the other board members. He welcomed the public and explained the procedures and agenda.

Minutes:

- Minutes of the September 17, 2007, meeting were reviewed. Motion Kopka/Oosting to approve minutes as written. Carried.

Agenda Item:

- Brad Herrington residing at 717 E. Gun River Dr. is requesting a dimensional variance to build a residential barn 32 feet by 26 feet with a rear set back of 7 feet. Parcel number 03-08-180-008-00. The ordinance requires a rear set back of 25 feet.

Brad Herrington presented a survey of his property with a diagram of the size and requested location for the construction of a residential barn. The placement of the barn is limited due to the present drain field and possible future drain fields. He explained the only place for the barn would be in the back corner of the lot. To place the barn in this location would require a variance of 18 feet. The barn will be constructed to match the style of the house.

Open to Public:

Kirtis Carpenter expressed concern with the close placement on the back property line of a lot he owns that is currently vacant. He also felt he would have to look at it from his present house. He objected to the building being only 7 feet from the property line.

Mr. and Mrs. Hill expressed support for the project. They have out buildings and they mentioned several homeowners in the area also have sheds and barns. They also felt Brad Herrington would build an attractive building, better than most in the neighborhood.

Leandra Burke expressed support for the variance to allow the building.

Ruth Jaynes felt rules should be followed but agreed that there are already out buildings in their neighborhood that are probably less than 25 feet from rear property lines.

Board Discussion:

Kopka expressed concern because another resident in the area wanted to build a structure with a set back of less than 25 feet and was discouraged by the Planning Commission.

Haan wondered why the Planning Commission would not recommend coming to the ZBA. Anyone requesting a variance is always welcome to come to make a request. The applicant should be given ordinance information and they should make the determination if they want to request a variance.

Questions from the public regarding the drain field placement were answered by Tim Oosting. Tim has had experience installing systems and agreed that the barn can not be placed over any area presently being used for a drain field or areas reserved for future drain fields.

Kellogg called on the board to review the four questions asked to consider a variance.

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

- *The general consensus was the property could be used for its permitted use of a residential building lot.*

2. Whether a grant of 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.

- *In the opinion of most members a lesser relaxation applied would be more consistent with the other property owners because many property owners in the area currently have storage sheds or residential barns.*

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

- *Due to the placement of the present and future drain fields the location of a residential barn is limited.*

4. Whether the problem is self-created.

- *The problem or need for a request is not self created due to the placement of the drain fields.*

Motion Haan/Busk to allow an 18 foot dimensional variance from the rear lot line of parcel no. 03-08-180-008-00 717 E. Gun River to construct a residential barn 32x26 to look similar to the house.

Roll call vote: Kopka no, Oosting yes, Busk yes, Haan yes. Motion passed 3 yes 1 no, Chair did not need to vote.

Other Business:

Motion Kopka/Oosting to appoint Jack Kellogg Chairman of the Zoning Board of Appeals. Motion carried.

Meeting was adjourned at 8:00 p.m. Kopka/Oosting carried.

Respectfully submitted,
Connie Haan, Secretary