

**Gun Plain Charter Township
Zoning Board of Appeals
Minutes**

May 3, 2012

Meeting called to order at 6:30 pm by Kellogg.

Present- Oosting, Kopka, Busk, Kellogg & (alt) Vance

Motion by Kopka to approve the April 17th minutes, seconded by Busk. Motion passes.

Motion by Oosting to take zoning variance request from Bolf's off the table, seconded by Kopka. Motion passes.

Motion by Oosting to deny the zoning variance request from Bolf's for the following reasons, seconded by Vance.

Request from Michael Bolf for a variance from the provisions of the Gun Plain Township zoning ordinance to allow this property to be divided into two (2) equal parcels. Location is 630 Marsh Rd. Plainwell, MI. Parcel #03-08-015-009-00.

- Objective criteria to evaluate a non-use or dimensional variance – “Practical Difficulties”:
 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 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?

Finding of Fact:

1. In answering the four objective criteria to evaluate a non-use or dimensional variance we find the following. It was generally found by the members that strict compliance would be burdensome. However, the ordinance was clear that there is a 40 acre minimum and granting the variance would be precedent setting.
2. Discussion concluded that granting the variance would do justice to the applicant.
3. The property and circumstances are unique to this situation and not part of the general neighborhood.
4. After reviewing the documents (will and trust), it was generally agreed that the condition was self created. The documents were created after the ordinance was put into effect and was not researched properly. It put them in violation of the zoning ordinance.
5. After researching the situation with Professional Code Inspectors, the conclusion was that they have the ability to do three splits up to a total of 15 acres giving them relief to divide the property. This would put them into compliance with the ordinance.

Vote: Oosting Yes, Kopka No, Busk Yes, Kellogg Yes, Vance Yes. Motion passes

Motion by Vance to adjourn, seconded by Oosting at 8:03pm