

Gun Plain Charter Township
Zoning Board of Appeals
October 28, 2019

Meeting called to order by Oosting at 7:00 PM

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

Consultant in attendance: Lori Costello, Professional Code Inspections of
Michigan, Inc. (PCI)

Approval of Minutes: Motion by Kopka, 2nd Busk to approve the Minutes of September 23, 2019 Meeting. Motion approved.

Notes: 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.

Agenda Correction: Motion to remove Item 3 made by Kopka, 2nd Oosting. Motion approved.

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

Public Hearing: Agenda Item no. 1 – Request by Plainwell Retail Management, LLC., for a variance at 1175 M-89, Plainwell, Michigan. The Variance requested is for a 2.5 foot side yard setback at Parcel # 03-08-013-001-30. The property in question is zoned C-2. The purpose of the requested variance is to facilitate the construction of a five (5) tenant multi-tenant building with parking and a requisite drive-thru facilities. Current minimum side yard setback is 10 feet. A presentation was made by Southfield Engineering (representing the Requesting Party) and by Ms. Rachel Miller of the Requesting Party. A detailed discussion with the noted representatives took place.

Public Comments: None

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

Finding of Facts:

1. Given the layout of the building and the necessity for parking and requisite drive-thru facilities, the requested side lot variance was determined to be a necessity for planned use of the land and building.
2. The opportunity for a lesser relaxation does not exist given the building layout and parking/ transit and drive-thru minimum dimensional requirements.
3. The variance request is due solely to the unique and non-standard configuration of the property itself and not general neighborhood/ area conditions.
4. The proposed building layout (9371 sq. ft.) and land use requirements (parking, outdoor seating, drive-thru) necessitate a variance request to meet an efficient and effective use of the property.

Following Facts Review, the motion was made by Kopka, 2nd Travis to grant the requested variance of Side Lot Setback from 10 ft. to 2.5 ft. Motion was approved.

Agenda Item no. 2 – Motion was made by Busk, 2nd Travis to put an Item continued from the September 23, 2019 ZBA Meeting back on the table for review and consideration. Motion Approved.

Agenda Item no. 2 – Request by Carl 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 two residential dwellings, 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: Mr. Michael Van Den Berg, speaking as a private citizen and neighboring property owner, indicated no objection to the requested variance.

Finding of Facts: Note: Ms. Costello, PCI provided written interpretation of the applicable ordinance and written answers/clarifications to relevant questions asked during the September 23, 2019 ZBA Meeting review of this variance request.

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. It was determined that compliance with applicable ordinance requirements and regulations would not keep the owner from

using the property for its permitted use.

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). It was determined that a granting of the requested variance would not do substantial justice to the other “Parent” Parcel owners in the District as they are held to the maximum divide requirements.
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 the property owner failed to divide again per his noted intent, it was determined that the practical difficulties are self-created.

In consideration of the Request failing to meet the four (4) elements of the Objective Criteria for approval, additional discussion was held with respect to the size of the parcel in question and the realistic possibility of the remaining open land within the parcel being used for agricultural purposes.

Motion was made by Busk, 2nd Travis to grant the variance request as a non-precedent setting action, with respect to the remaining “Parent Parcels” in the District” and conditioned upon Mr. Sparks receiving all required approvals from all necessary Township and County Agencies/Departments. Motion was approved by 3 to 2 vote.

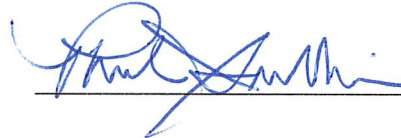
Agenda Item no. 4: Discussion and Review regarding Ordinance interpretation with respect to the possibility of granting a trucking company (typically a Industrial zoning type business) approval to operate in a currently C-2 Zone location – 575 10th Street. Interpretation was requested by PCI.

Zoning Ordinance interpretation- Following discussion with Lori Costello, PCI and joint review of the applicable circumstances and intent (reference PCI Ordinance Interpretation document dated October 17, 2019) with Gun Plain Township Supervisor, motion was made by Travis, 2nd Kopka to deny trucking company use in C-2 for the described purpose and to require such an enterprise to operate in an area zoned Industrial as more suited to its purpose.

Agenda Item no. 5: Township Supervisor reviewed the allocation and assignment of official Township database E-mail addresses for each ZBA Member.

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

Meeting was adjourned at 9:00 PM.



Paul Sullivan, Secretary

19 Nov. 2019