

BIRCH RUN TOWNSHIP BOARD OF APPEALS  
SPECIAL MEETING  
NOVEMBER 12, 2015

CALL TO ORDER; By Mike Musial Vice-Chair at 7:03 pm

ATTENDANCE: Mike Musial Vice-Chair; Kurt Kiessling Secretary; Ed Magnus and Elaine Parlberg, Board Members. There were approximately 8 people in the audience.

ABSENT BOARD MEMBERS: Richard Belger, Chair.

Passed: Motion by Magnus seconded by Parlberg to approve the November 12, 2015 Agenda as amended.

YEA: ALL

NAY: NONE

APPROVED

MEETING MINUTES: Reviewed and discussed meeting minutes from October 20, 2015. Motion by Magnus , seconded by Parlberg to approve October 20, 2015 meeting minutes.

YEA: ALL

NAY: NONE

APPROVED

PUBLIC COMMENT: 7:05 pm to 7:06 pm: Ray Letterman indicated that his family has no current or future interest in the property that is the subject of this meeting.

PUBLIC HEARING: Opened at 7:06 pm and closed at 7:19 pm. Byron W. Voorheis III, representative for Morse Development LLC, is requesting a reduction in Lot Width requirements in the Industrial Zoning I-1 District from 300 feet to 166.47 feet for a proposed Land Division.

PASSED: Motion by Magnus seconded by Kiessling to approve the variance request for a reduction in Lot Width frontage for Parcel ID # 05106201006007 based on the following findings of fact that the applicant has proved to demonstrate compliance with Article 6 Section 6.07 items 1 thru 7;

1) That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land: this unique property has frontage on Dixie Highway and I-75 that is not covered by the current zoning ordinance.

2) That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature: this is because there is a uniqueness due to size and shape of the property in question that corresponds to its placement between Dixie Highway and I-75.

3) That the practical difficulty or special condition or circumstances do not result from the actions of the applicant: the parallel geography of Dixie Highway and I-75 existed prior to the change to Industrial zoning.

4) That the variance will only relate to the property described in the variance request: this variance would only apply to Commercial or Industrial zoned areas bordered on the East by Dixie Highway and the West by I-75 within the confines of Birch Run Township.

5) That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district: this variance will help promote commercial and industrial use as per the Birch Run Township Zoning Plan and Master Plan.

6) That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted use, or would render conformity unnecessarily burdensome: current zoning ordinance lot width requirements would not allow zoned use of property at all due to uniqueness of geography.

7) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship: proposed frontage allows access of utility and emergency vehicles off the Dixie Highway while adhering to the spirit of the current lot width requirements on I-75. Current lot width requirements will need to be addressed by the Birch Run Township Planning Commission to insure wise development as per the Master Plan in the Commercial/Industrial Zone.

OTHER: none

ADJOURNMENT: 7:48 pm

Respectfully Submitted  
Kurt W. Kiessling  
Recording Secretary