

BIRCH RUN TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING
DECEMBER 20, 2018

CALL TO ORDER: Chair Mike Musial called the meeting to order at 7:02 p.m. There were approximately two people in the audience.

ATTENDANCE: Mike Musial (Chair) present; Dale Trinklein (Vice Chair) present; Kurt Kiessling (Secretary) present; Brett Polley (Member) present; Mike Marr (Member) present.

PASSED: Motion by Marr seconded by Polley to approve the October 23, 2018 meeting minutes as presented.

PASSED: Motion by Trinklein seconded by Marr to approve the agenda as presented.

PUBLIC COMMENT: 7:04 to 7:04 there was no public comment.

PUBLIC HEARINGS: Mr. Donald Vogel is requesting a non-use dimensional variance regarding his parcel of land at 2212 W. Willard Rd. Birch Run MI 48415. The variance is for permission to construct a new dwelling while occupying an existing dwelling on the same lot which would be in conflict with Section 20.07 One Single Family Dwelling to a Lot which states: No more than one (1) single family dwelling unit shall be permanently established on a lot or parcel, unless specifically provided for elsewhere in this ordinance. Public Hearing opened at 7:04 p.m. Presentation was made by Mr. Donald Vogel. Public Hearing was closed at 7:22 p.m.

FINDING OF FACT: Section 6.07 B Standards-

- 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: Mrs. Vogel is both physically and mentally handicapped and both are senior citizens. The difficulty exists in finding a place to live and moving all their belongings and furniture twice. They are requesting to live in the old house only until they can move into the new house. The old house is contracted for immediate removal afterward.
- 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: There is no problem with the property or the use of it.
- 3) That the practical difficulty or special conditions or circumstances do not result from the actions of the applicant: There are no difficulties as a result of the applicant.
- 4) That the variance will relate only to the property described in the variance application: This temporary variance will only relate to the property described in the application.
- 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 temporary variance will not cause any adverse effect in the neighborhood or district.
- 6) That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome: Compliance would not prevent the owner from using the property for the permitted purpose.

- 7) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship: The temporary variance requested is the minimum necessary to overcome the hardship.

PASSED: Motion by Marr seconded by Trinklein to approve two residences on the property until the new house is given an occupancy certificate. The conditions of the motion are that the old residence will be demolished 60 days thereafter and a Surety Bond be purchased to cover the cost of demolition.

OLD BUSINESS/CORRESPONDENCE: None

REPORT OF PLANNING COMMISSION REPRESENTATIVE: Mike Marr said that the Planning Commission has had a busy year with 8 total meetings.

OTHER: None

PASSED: Motion by Trinklein seconded by Marr to Adjourn at 7:58 p.m.

Respectfully submitted by:

Kurt Kiessling
Recording Secretary