

BIRCH RUN TOWNSHIP BOARD OF APPEALS
SPECIAL MEETING
APRIL 25, 2017

CALL TO ORDER: Chair Mike Musial called the meeting to order at 7:00 pm. There were five (5) people in the audience.

ATTENDANCE: Mike Musial (Chair) present; Dale Trinklein (Vice Chair) present; Kurt Kiessling (Secretary) present; Brett Polly (Member) present; Elaine Parlberg (Member) absent.

PASSED: Motion by Kiessling seconded by Polly to excuse Elaine Parlberg. All aye.

APPROVAL OF MINUTES: Motion by Polly seconded by Kiessling to approve the minutes from the march 28, 2017 minutes as presented. Passed all aye.

PASSED: Motion by Kiessling seconded by Musial to approve the agenda as presented. All aye.

PUBLIC COMMENT: Opened at 7:03 pm. No public comment presented. Closed at 7:03 pm.

PUBLIC HEARING: Mr. George Pavlicek Jr. is requesting a land division for two parcels of property he currently owns on S. Beyer Rd. Opened public hearing at 7:04 pm. Heard Comments from Mr. George Pavlicek Jr. and Mr. Lee Hoffman. Closed Public Hearing at 7:40 pm.

PASSED: Motion by Kiessling seconded by Trinklein to approve the variance request from Mr. George Pavlicek Jr for a land division of one parcel to be 260' feet in width by 873.90' feet in depth in the A-1 Zoning District identified as Parcel One and to combine the remainder of parcel Two to the parent parcel identified as 05-10-6-09-3002-005 on survey job #2017.052 prepared by D & M Site which document is attached to this motion. My basis for approval is found on compliance with all of the Standards in Article 6, section 6.07; 1 through 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. The new land division would allow for more land for the existing home while maintaining current driveway location and access.

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. The property is too narrow to provide both parcels with the frontage necessary to comply with the 2 to 1 width to depth regulation. The intended use of the property in this area is for residential, not farming operations and the granting of the variance would not appear to be recurrent in nature.

3) That the practical difficulty or special conditions or circumstances do not result from actions of the applicant. Birch Run Township amended the Zoning ordinance after the land was

originally divided into two parcels. There is no evidence of practical difficulties or special conditions resulting from the actions of the applicant.

4) That the variance will only relate to property described in the variance application. The request is actually affecting two parcels which are both contained in the variance application. The request would make both parcels in question non-conforming, whereas today only one parcel is legal non-conforming.

5) That the variance will be in harmony with 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. The purpose of the Ordinance is very specific and states: the depth of a lot shall not exceed 2 times its width in the A-1 Zoning District. This variance would not cause any adverse effect on the surrounding property or property values nor the use and enjoyment of property in the neighborhood and is consistent with the general purpose of the Ordinance. The intended use of this property is for a residential structure which is consistent with the purpose of this particular parcel of land.

6) The strict compliance with the 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. The new land division would allow for an increase in land area for the existing home while maintaining current driveway access and location. Also, there are multiple existing parcels of land on the West side of Beyer Road (across from the property in question) that are not in the 2 to 1 width depth ratio with no adverse effects.

7) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship. The end result from the requested land division will overcome the inequality inherent in this particular property and mitigate the hardship of the non-conforming lot. The pond will be on a lot with the resident maintaining and providing security.

Yeas: Musial, Trinklein, Kiessling, Polly.

Nays:

OTHER: None

ADJOURNMENT: Motion by Kiessling seconded by Trinklein to adjourn at 7:50 pm. All aye.

Respectfully submitted by
Kurt Kiessling
Recording Secretary