

Meeting called to order at 8:00 p.m. by Cliff White.

Members present: Carol Post, Cliff White, Jim Dorr, Harold Scharrer;  
Tim Courtney absent.

Also present: Jim Reed, Walter Zuellig, his daughter and son-in-law.

Legal notice published in Bridgeport, Birch Run Weekly News on June 7, 1988.

Discussion:

Walter Zuellig restated his request and added that the reason that the distance is 20 feet 6 inches instead of 40 feet was that it was a mistake on his part.

Cliff White stated that if the board allows this it will be setting a precedent.

Harold Scharrer will not participate in the voting because of a conflict of interest due to owning property adjacent to the lot in question.

Walter stated that house could have been positioned correctly on lot if he had known about the 40 foot limitation in ordinance.

Cliff White went back through ordinance.

The information and evidence provided indicate that the residential structure being constructed, or to be constructed, can be constructed on the property owned by Petitioner in conformity with the requirements of the ordinance and without undue hardship. The evidence indicates that the Petitioner has split his one parcel of land into two parcels of land and that through the Petitioner's own voluntary action, the lot upon which he has commenced construction does not have the minimum frontage on a public road as required by the ordinance. A discussion of the provisions of the ordinance relative to the granting of a variance, and the application of the standards which must be applied by the Zoning Board of Appeals in considering whether or not it can grant a variance, was undertaken by the Zoning Board of appeals. The Zoning Board of Appeals considered the Basic Conditions as set out in the ordinance that must be satisfied in order to grant a variance.

The evidence and information provided indicates that the Petitioner can construct a residential structure on the parcel of land if he rejoins the two separate parcels into one piece, and that he can position the structure on his land so as to conform with the ordinance as to all yard setbacks.

Motion made not to grant a variance on this request by Jim Dorr.  
Supported by Carol Post. Cliff White agreed.

Motion carried on a 3 to 0 vote with Harold Scharrer abstaining and one member absent.

Adjourned at 8:40 p.m.

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HAROLD SCHARRER, Secretary  
Board of Appeals  
Birch Run Township