

Birch Run Township Zoning Board of Appeals Special Meeting Minutes January 24, 2007

The special meeting of the Birch Run Township Zoning Board of Appeals was called to order at 7:00 p.m. by Secretary Rosemary Manchester with the Pledge of Allegiance.

Roll was called. Present were, Secretary Rosemary Manchester, and Vice Chair Debbie Doll, and Board Members Beverly Nelson, and Ed Magnus. Absent was Board Member Dennis Bronner. A quorum was present. Also present were Zoning Administrator Michael Setzer, Public Hearing Petitioner Jeffery Miller, and seven members of the public.

Moved by Magnus, **supported** by Nelson, to excuse the absent member.

Yeas: Doll, Nelson, Magnus, Manchester

Nays: none

Motion carried

Moved by Nelson, **supported** by Manchester, to remove election of Vice Chair from the Agenda.

Yeas: Magnus, Nelson, Doll, Manchester

Nays: none

Motion carried

Dennis Bronner arrived at 7:05 p.m.

Moved by Magnus, **supported** by Bronner, to elect Beverly Nelson to Chair the Zoning Board of Appeals, for the term ending April 2007.

Yeas: Doll, Magnus, Bronner, Nelson, Manchester

Nays: none

Motion carried

Beverly Nelson assumed the Chair.

Moved by Magnus, **supported** by Manchester, to approve the Minutes of the November 13, 2006 meeting of the Zoning Board of Appeals.

Yeas: Magnus, Doll, Manchester, ~~Bronner, Nelson~~

Abstain: Bronner, Nelson

Nays: none

Motion carried

Moved, by Magnus, **supported** by Manchester, to approve the Minutes of the November 13, 2006 meeting of the Sign Board of Appeals.

Yeas: Manchester, Bronner, Magnus, Doll, Nelson

Abstain: Bronner, Nelson

Nays: none

Motion carried

Public Comment No citizens sought information of brought matters to the attention of the Board.

Public Hearing was opened 7:11 p.m.

Mr. Jeffery Miller is requesting an administrative review pertaining to the decision of the Zoning Administrator. The Zoning Administrator denied a permit for a residential accessory building in the A-1 District to be utilized a storage facility/office for a commercial enterprise. The property in question is Parcel # 05-10-6-19-2008-000, located at 11495 Elms Road. Notice of this Hearing was published in the January 3, 2007 edition of the *Birch Run/Bridgeport Herald*.

Mr. Miller addressed the Board.

Public Comment

- Kristen Vowels, 11520 Elms Road, commented that she is opposed to increased traffic and the appearance of a business.
- Noah Duval, 11525 Elms Road, commented that Mr. Miller initially told him that no business would be operated at the property in question. Mr. Duval stated he has no problem with vehicles being parked on the property, but does not want a business conducted next door to him.
- Gail Gunnels, 11490 Elms Road, commented that the workers come to the property, park their personal vehicles, and leave in company vehicles, at about 5:00 a.m., and return at 6:30-7:00 p.m., and she has had no problem with noise.

Public Hearing was closed at 7:28 p.m.

Moved by Magnus, **supported** by Bronner, to determine if the Zoning Administrator was arbitrary or capricious in his decision.

Yeas: none

Nays: Bronner Magnus, Doll, Manchester, Nelson

Finding in favor of the Zoning Administrator

Moved by Magnus, **supported** by Bronner, to determine if the Zoning Administrator's decision was based of an erroneous finding of material fact.

Yeas: none

Nays: Manchester, Doll, Magnus, Bronner, Nelson

Finding in favor of the Zoning Administrator

Moved by Magnus, **supported** by Bronner, to determine if the decision of the Zoning Administrator constituted an abuse of discretion.

Yeas: none

Nays: Doll, Manchester, Bronner, Magnus, Nelson

Finding in favor of the Zoning Administrator

Moved by Magnus, **supported** by Bronner, to determine if the decision of the Zoning Administrator was based on erroneous interpretation of the Zoning Ordinance or zoning law.

Yeas: none

Nays: Magnus, Manchester, Bronner, Doll, Nelson

Finding in favor of the Zoning Administrator

Moved by Magnus, **supported** by Bronner, to determine if the decision of the Zoning Administrator did not follow required procedures.

Yeas: none

Nays: Bronner, Doll, Manchester, Magnus, Nelson

Finding in favor of the Zoning Administrator

Moved by Magnus, **supported** by Manchester, to uphold the decision of the Zoning Administrator in whole.

Yeas: Manchester, Doll, Bronner, Magnus, Nelson

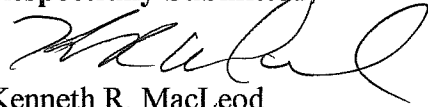
Nays: none

Motion carried

Moved by Magnus, **supported** by Bronner, to adjourn at 8:02 p.m.

Motion carried by voice vote

Respectfully Submitted,



Kenneth R. MacLeod
Recorder

Approved at the meeting held 2/20/07,

Rosemary Manchester
Secretary

