

BIRCH RUN TOWNSHIP BOARD OF APPEALS  
REGULAR MEETING  
APRIL 19, 2015

CALL TO ORDER: ZBA Board Member Ed Magnus called the meeting to order at 7:02 pm.

ATTENDANCE: Richard Belger, Chair (ABSENT); Mike Musial, Vice Chair (ABSENT); Kurt Kiessler, Secretary (PRESENT); Ed Magnus and Elaine Parlberg, Board Members (PRESENT); approximately 2 persons were in the audience.

ABSENT BOARD MEMBERS: Richard Belger and Mike Musial

PASSED: Motion by Kiessler seconded by Parlberg to approve the agenda as presented.

APPROVAL OF MINUTES: No minutes to approve.

PUBLIC COMMENT: Opened at 7:04 pm; no public comment thus closed at 7:04 pm.

OPENED PUBLIC HEARING at 7:05 pm: Mark Beyer (10390 E. Townline) is requesting a reduction in the side yard setback requirement in the Agricultural A-1 Zoning District from fifteen feet (15') to seven feet (7') for a proposed detached accessory structure to be located on Parcel ID # 05-10-6-3-2001-007. Closed Public hearing at 7:10 pm.

PASSED: Motion by Kiessler seconded by Parlberg to approve the variance request for a reduction in the side yard setback to seven feet (7') for parcel ID # 05-10-6-3-2001-007 based on the following findings of fact that this applicant has proved to demonstrate compliance with 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 placement of the septic field and geothermal field for this particular home will not allow the placement of the new building in any other area of the lot.
- 2) That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, 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 layout of the property, geothermal Northeast and septic Southwest, restrict the placement of this accessory building.
- 3) That the practical difficulty or special condition or circumstances do not result from the actions of the applicant: the home was purchased with these systems (septic and geothermal) already in their current location.

4) That the variance will relate only to the property described in the variance application: there are no other properties like this because geothermal fields are quite rare and would not normally restrict the placement of an accessory building.

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: these are large country lots abutting a 66 foot wide entrance to the back field and the nearest neighbor (to the west) is quite far away from this accessory building.

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: the area intended for construction is the only practical building site available on this property.

7) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship: to provide space for entrance and exit from this homes attached garage this variance would need to be made available.

OTHER: None

ADJOURNMENT: Motion by Kiessling seconded by Parlberg to adjourn at 7:40 pm all aye.

Respectfully submitted by  
Kurt W. Kiessling  
Recording Secretary