

Burtchville Township Zoning Board of Appeals

March 22, 2023

John Ferda grf

Alan Heiing AH

James King JK

Minutes approved on March 24, 2023

Present: Alan Heiing, John Ferda, James King

Acting Chairman King called the meeting to order at 7:03 PM followed by the Pledge of Allegiance.

Board introductions

Approval of agenda

A motion to approve agenda was made by Mr. Heiing; Mr. Ferda seconded the motion. A vote to approve the agenda was taken and all three board members signified by saying "aye".

Public Hearing

The board took up the matter of a variance request by Dr Frank Brettschneider and Robert Heine for Parcel 74-11-008-4015-300 "Lager Storage", 8032 Kimball Drive, Burtchville MI 48059, requesting the use of gravel and stone in substitution for concrete, asphalt or asphaltic concrete, as required in rule 154.131 section E.

The Petitioner request was presented by Dr. Frank Brettschneider and Robert Heine. Dr. Frank Brettschneider and Robert Heine reviewed a letter they sent to the ZBA on 1/16/2023 (see attached).

Zoning Administrator: Pamela Patterson was in favor of granting the variance requested. She wanted a provision included that mandated annual gravel upkeep maintaining 8" of gravel between the buildings, and that the entrance be paved up to and in front of all the buildings.

Public comments:

Drain Commissioner Robert Wiley, was in favor of allowing the variance as requested.

Burtchville resident David Klinesteker asked the ZBA to use and follow the use verses non use variance guidelines in the deliberation of this matter. He added that a special land use for mini warehouses has not yet been granted for this parcel as is needed in the general business districts.

Correspondence: The 1/15/2023 letter from Dr. Frank Brettschneider and Robert Heine was the only correspondence received.

The public hearing was closed at 7:58 PM.

Board deliberations began.

Findings:

Mr. King cited the variance requested is a "use" variance. Proof of unnecessary hardship is not proven as the property "Can" be used for the purposes permitted in the zone, the problem is "Not" due to unique circumstances peculiar to the property, and the problem "Is" self created by the property owners' site plan.

Mr. Heiing's and Mr. Ferda's cited the current zoning rules 154.131 should be followed. They acknowledged a mini storage business would be a welcome addition to the township, however, following the rule 154.131 as written.

Board deliberations ended at 8:10 PM.

Mr. Heiing's made a motion to deny the variance request by Dr. Frank Brettschneider and Robert Heine for Parcel 74-11-008-4015-300 "Lager Storage", 8032 Kimball Drive, Burtchville MI 48059 requesting the use of gravel and stone in substitution for concrete, asphalt or asphaltic concrete, as required in rule 154.131 section E.

Mr. Ferda seconded the motion.

A vote to deny the variance was taken and all three board members signified by saying "aye"
Variance denied.

Meeting adjourned at 8:14 PM

Respectfully Submitted

James King, Acting Chairman