

**Charter Township of Haring
515 Bell Avenue – Cadillac, MI 49601
Zoning Board of Appeals Minutes
April 30, 2008 – 6:00 p.m.**

Present: Grahek, Long, and Padyjasek

Also Present: Michael Green, Haring Township Zoning Administrator; Mr. David Gilde, visitor

Call to Order: Chairman Grahek called the meeting to order at 6:00 p.m.

Approval of Agenda: Long moved to accept the agenda as presented; supported by Padyjasek. Motion carried by an aye vote with no one opposed.

Approval of February 6, 2008 Minutes: Letter (f) of the Practical Difficulties Standard table was not in the proper place. There is no letter (f), it needed to go under 'Section 703 (5d). Padyjasek moved to approve the February 6, 2008 minutes as amended, supported by Long. Motion carried by an aye vote with no one opposed.

Public Comments for Items Not on the Agenda: None

Public Hearing: Request for a variance by Lake City Ready-Mix to construct a portion of their proposed minerals processing facility two-hundred (200) feet from their lot lines. Pursuant to Section 505 of the Haring Charter Township Zoning Ordinance, the required setback for a mineral processing facility in the Industrial District is two-hundred fifty (250) feet. Property is generally located in the Southwest ¼ of the Southwest ¼ of Section 31 in Haring Township – Parcels #2209-21-3306, 3308, 3309, and 3310.

- 1) **Open Public Hearing:** Public hearing was opened by Chairman Grahek at 6:08 p.m.
- 2) **Acknowledge Affidavit of Mailing/Other Notifications:** Acknowledgement was made by Chairman Grahek. All board members had copies.
- 3) **Present Application for Variance Request:** Variance Request Application was presented by Chairman Grahek.
- 4) **Acknowledge Any Written Comments Received:** A letter from B & P Manufacturing located at 8051 East Boon Road, Cadillac, MI dated April 7, 2008 in favor of granting the variance was presented and read by Green.
- 5) **Receive Public Comments:** None
- 6) **Zoning Board of Appeals Discussion:**
 - a) Padyjasek asked Mr. Gilde how long he was going to run the crusher. Mr. Gilde replied that it would be once a year for approximately three (3) to ten (10) days depending on the material.
 - b) Padyjasek also inquired as to how many people were at the warehouse to the east. Mr. Gilde indicated that was Lumberman's and that there were trucks in and out. He also indicated that

he had spoke with them and that he is going to clean up their back with any excess dirt he may have.

- c) Chairman Grahek indicated that he visited the site where Mr. Gilde will be having the crusher operation and said that the last building behind Lumberman’s has a big cement slab where they stored materials and what Mr. Gilde is referring to is that there is an excess amount of soil on his property and there is a hole below the concrete area that he will fill in. Chairman Grahek indicated that in his opinion would be enhancing Lumberman’s property and making it look nicer.

7) Review of Practical Difficulty Standards: The board went through the practical difficulties standards.

- a) Will granting the variance be fair to the applicant, or would a lesser variance work just as well? (Whether a grant of variance would do substantial justice to the applicant, as well as other property owners in the district, or whether a lesser relaxation, other than the one applied for, would give substantial relief to the owner of the property and be more consistent with justice to other property owners),
- b) Is the need for the variance due to a situation that is unique to the property and not generally found elsewhere in the same zoning? (Whether the plight of the owner is due to unique circumstance to the property and not general conditions in the area. Uniqueness includes but is not limited to parcels which are odd in shape, small in size, possess areas of wetlands or other water bodies, contain natural features like bedrock or threatened plant species, or similar circumstances).
- c) If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties?
- d) Has the need for the variance been created by some action of the applicant? (Whether the problem is self-created).
- e) Has the need for the variance been created by some action of the applicant? (Whether the problem is self-created).

| # | Long | Padyjasek | Grahek | Req. Answer | Majority |
|----|------|-----------|--------|-------------|----------|
| a. | Yes | Yes | Yes | YES | Passed |
| b. | No | No | Yes | YES | Failed |
| c. | Yes | Yes | Yes | YES | Passed |
| d. | Yes | Yes | Yes | YES | Passed |
| e. | No | No | No | NO | Passed |

Section 703 (5d) [Excerpt from Zoning Ordinance]

CONSIDER PROPERTY VALUES. In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located.

| Long | Padyjasek | Grahek | Req. Answer | Majority |
|------|-----------|--------|-------------|----------|
| No | No | No | NO | Passed |

Item (b) failed, the remaining items passed.

A motion was made by Padyjasek to approve the variance request based on the passing of practical difficulty standards. Motion was supported by Long, carried by unanimous roll call vote.

Public/Commissioner Comments: None

Adjournment: A motion to adjourn the meeting was made by Long, supported by Padyjasek. Motion carried by an aye vote with no one opposed.

Meeting adjourned at 6:25 p.m.

Respectfully Submitted By:

Shelly Payne, Recording Secretary