

**Cannon Township Zoning Board of Appeals
Regular Meeting Held Tuesday, December 16, 2014 at 6:00 PM**

Business Agenda Items:

ZBA 14-6 Herrick & Karen Wilburn

Members Present: Birn, Eslinger, Hanna, Levan, & McBrien

Members Absent: None.

Staff Present: Zoning Administrator Lovelace

The invocation was offered by Commissioner Hanna

Approval of Minutes: Move to approve minutes as written with the exception of correction page 3 (change “to” to “two”). **Motion:** Eslinger. **Support:** Birn. **Voice vote:** Yes – 5, No – 0. **Motion carried.**

Public Comments: None.

Public Hearing:

ZBA 14-6 Herrick & Karen Wilburn
4877 Meandering Creek Dr NE
Belmont MI 49341

The applicant appeals a decision under Zoning Ordinance Section 3.03B.1.d (no accessory building in front yard) and asks the Board to grant relief from this ordinance. Mr. Wilburn addressed the Board and explained that there is only one spot to put the pole barn. Birn asked if this would create runoff and it would not, as runoff would run behind the house to the west.

New Business:

ZBA 14-6 Herrick & Karen Wilburn
4877 Meandering Creek Dr NE
Belmont MI 49341

Eslinger felt the request was very reasonable considering the topography. Lovelace had received no public comment so the neighbors must not have a problem with it. Levan stated the neighboring pole barn was granted a variance in 1993. McBrien had mixed emotions on this. Visually, we do not want a pole barn in the front yard. However, we have set a precedent for allowing it and that is an issue. He was going to support their request, but he felt we should not have set a precedent.

Move to accept the variance request with the following findings: There were extraordinary circumstances due to drain field location; it is a unique situation inasmuch as the topography is problematic; it is not self created because of topography and lack of options in terms of placement; there is substantial justice inasmuch as that there are other pole barns in the vicinity that also are in front yard; and it is the minimum variance necessary to grant relief. **MOTION:** McBrien. **SUPPORT:** Levan. **Roll call:** Eslinger - Yes, Hanna - Yes, Levan - Yes, McBrien - Yes, Birn – Yes. **Motion carried 5-0.**

Pending Business: None.

Board Comments:

Shawkoto Trail - Hanna stated we gave 90 days for Shawkoto Trail to meet the two contingencies discussed at the last Board meeting. He felt it is now a civil matter. There is no way to apply the five criteria, so coming back before the Board would be pointless. Levan agreed. He felt that Shawkoto Trail has created their own problem and it is beyond the scope of what the Board can do. Eslinger stated they were given very reasonable options. Birn and McBrien were also in agreement.

This was Rob McBrien's last ZBA meeting. Hanna thanked McBrien for his time on the ZBA and Board. He learned a lot from the few meeting that he sat on and having been on the ZBA with McBrien. He has always looked out for the best interest of the Township Residents. McBrien stated he learned a lot from this group.

Adjournment: 6:20 p.m.

Next Meeting: No meeting in January

Julie Lovelace
Zoning Administrator

Mike Hanna
Chair, Zoning Board of Appeals