

**Cannon Township Zoning Board of Appeals
Regular Meeting Held Tuesday, February 17, 2015 at 6:00 PM**

Business Agenda Items:

ZBA 15-1 Cameron Cannon
7833 Blakely Dr. NE
Rockford MI 49341
Request relief from front yard setback requirement

ZBA 15-2 American Gas & Oil
6051 Belding Rd
Rockford MI 49341
Request use variance to allow residential use of back addition of building

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

Members Absent: None.

Staff Present: Zoning Administrator Lovelace

The invocation was offered by Commissioner Eslinger

Approval of Minutes: Move to approve minutes as written. **MOTION:** Eslinger. **SECOND:** Birn.
Voice vote: Yes – 5, No – 0. **Motion carried.**

Public Comments: None.

Public Hearing (time open 6:03 p.m. and closed 6:06 p.m.):

ZBA 15-1 Cameron Cannon
7833 Blakely Dr. NE
Rockford MI 49341
Request relief from front yard setback requirement

Mr. Cannon originally planned to build in the middle of the 2 acres. The Health Department changed the location of the house for the drain field. He then planned to move the east lot line forward, but that fell through.

Public Hearing (time open 6:09 p.m. and closed 6:15 p.m.):

ZBA 15-2 American Gas & Oil
6051 Belding Rd
Rockford MI 49341
Request use variance to allow residential use of back addition of commercial building

Jason Berris requested a variance to allow residential use in the back of the building. He bought the parcel around 2001. Birn asked when it was last used as a residential apartment. It has been vacant for five years. They have done work to fix up the space and he would like to rent it. There is no direct access into the convenience store. Birn asked if the space could be used for commercial purposes. Berris said it could not. Mrs. Licka 6850 Bonita Vista said her daughter rented it in the late 90s. When she moved out, the owner lived there. She had no problem with this being used as a residence. She commented that Mr. Berris has done a beautiful job cleaning it up. Eslinger drove by and appreciated the improvements that have been made to it.

New Business:

ZBA 15-1 Cameron Cannon
7833 Blakely Dr. NE
Rockford MI 49341
Request relief from front yard setback requirement

Levan felt it was clear that the variance should be granted. The Applicant thought he had done everything right.

Move to approve dimensional variance based on:

- 1) **The chain of events by the County created extraordinary circumstances.**
- 2) **This was unique to this lot (soil).**
- 3) **This was not self-created. The home owner could not foresee things would occur.**
- 4) **This was substantial justice in that it allowed homeowner to close with the lender.**
- 5) **This was the minimum variance necessary to please the lender.**

MOTION: Eslinger. SECOND: Levan. Roll Call: Birn – Yes, Betten – Yes, Eslinger – Yes, Hanna – Yes, Levan – Yes. Motion carried 5-0.

ZBA 15-2 American Gas & Oil
6051 Belding Rd
Rockford MI 49341
Request use variance to allow residential use of back addition of building

Levan asked if a residential use can use the access off of Belding. It was agreed that the attorney should weigh in on this. Birn and Eslinger were leaning toward approving the variance with attorney approval. Levan was leaning against it because it had not been used as a residence for over a year. Betten leaned against it because it is not in line with the current ordinance. Hanna also leaned against it because of the ordinance. Hanna preferred the option of postponing the vote for further information. Betten said there will be access and parking issues.

Move to postpone vote until Lovelace gets a memo from Attorney Scales regarding access and parking. In addition, Hanna would like to know if renovation that extends over a period of 5 years would entitle him to keeping a nonconforming use status. MOTION: Hanna. SECOND: Birn. Voice Vote: Betten – Yes, Birn, Yes, Eslinger – yes, Hanna - Yes, Levan – Yes. Motion carried 5-0.

Pending Business: Shawkoto Trail. John Ertle 5475 Shawkoto Trail is the new President of the Association. The Association intended to be done by the deadline, but that did not happen. They have made significant progress. They have hired a lawyer, declaration of easement, articles of incorporation and by-laws. Everyone agreed with the exception of Wiersma. They have not presented to Wiersmas yet. The Geers and Pursifull are not a part of this agreement until the current owners agree (according to legal counsel). The Association has been trying to work with excavators to get a quote, but that is difficult in the snow. Lovelace relayed Attorney Van Essen's statement that another extension should not be granted. Having said that, the variance request has not been officially denied either.

Move to grant Shawkoto Trail Development a six-month extension (August 18, 2015) to meet or surpass the conditions placed in the November 18, 2015 motion. MOTION: Hanna. SECOND: Betten. Roll Call: Betten – Yes, Birn – Abstain, Eslinger – Yes, Hanna – Yes, Levan – Yes. Motion carried 4-0.

Board Comments: Meeting dates reviewed.

Move to approve yearly ZBA regular meeting dates. MOTION: Levan. SECOND: Birn. Voice vote: Yes – 5, No – 0. Motion carried.

Adjournment: 7:00 p.m.

Next Meeting: March 17, 2015 to revisit American Gas & Oil request for use variance.

Julie Lovelace
Zoning Administrator

Mike Hanna
Chair, Zoning Board of Appeals