

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

**Business Agenda Items:** American Gas & Oil

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

**Members Absent:** None.

**Staff Present:** Zoning Administrator Lovelace

The invocation was offered by Commissioner Hanna

**Approval of Minutes:** Move to approve minutes dated February 17, 2015. **Motion: Eslinger. Support: Birn. Voice vote: Yes – 5, No – 0. Motion carried.**

**Public Comments:** Jason Berris reviewed the situation. When he bought the gas station, this addition it was being used as an apartment. He spoke with Chris James after he bought it and she said it could be continued residential. The use was discontinued for over one year. The surrounding areas may be rezoned to residential. He feels it is the best use for the space. He has redone the exterior of the structure. Betten asked who would get use of the garage. That is negotiable.

Supervisor Steve Grimm explained that Zoning Administrator Chris James came to him and said that Mr. Berris wanted to use the addition in the back as an apartment like the Bailey's had. She did not think the Township had ever intended that to be an apartment over there, but it was. She told Mr. Berris that he could continue that use.

**Public Hearing:** None.

**Pending Business:** American Gas & Oil – This was postponed at the last meeting for attorney input.

**New Business:** None.

**Board Comments:** Levan stated that the ordinance states that this use has been discontinued. He did not feel it met the criteria. Eslinger agreed; however, he struggled with the idea. He appreciated the improvements that were already done on the place. He also stated we could not control who lives there in the future if we allow this. Birn stated that this has been a residential apartment for decades. He felt it was compatible with the property, it is a reasonable use, there are no infrastructure problems, it was not self-created and could create a hardship for the owner if this is not allowed. He felt there was no reason to object to the owner's proposed use. There were no objections presented to the Township from neighbors. In fact, one neighbor recommended the use. Betten did not want to see this to go to court. Hanna thought it did seem to be the best use for the property. In the future, if it were to fall into disrepair, it is necessary for him to maintain this regardless of whether it is occupied.

**Move to approve the use variance request finding that 1) The proposed variance is compatible with the existing use of the property 2) It is reasonable because it has always been used as an apartment 3) There is no issue with public utilities 4) It may result as an unnecessary hardship to the owner if we did not allow it 5) It is not self created because it has been a residential use for at least 18 years. The Board reaffirmed that if the use is discontinued it will revert back to commercial use.**

Zoning Board of Appeals  
March 17, 2015  
Regular Meeting  
Page - 2

**MOTION: Birn. SUPPORT: Eslinger. Roll call: Betten – Yes, Birn – Yes, Eslinger - Yes, Hanna - Yes, Levan - No. Motion carried 4-1.**

**Adjournment:** 6:30 p.m.

**Next Meeting:** April 21, 2015

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Julie Lovelace  
Zoning Administrator

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Mike Hanna  
Chair, Zoning Board of Appeals