

OLIVE TOWNSHIP
ZONING BOARD OF APPEALS

SPECIAL MEETING
JUNE 21, 2006

The meeting was called to order at 7:10 p.m. by Chairperson Machiele.

PRESENT

Potter

Nienhuis

Machiela

Ransford, Planning & Zoning Director.

ABSENT

None.

Nienhuis provided a motion to approve the agenda. Motion carried unanimously.

Nienhuis provided a motion to approve the minutes from the May 10, 2006 Special Meeting. Motion carried unanimously.

Chairperson Machiela noted that there was no old business on the agenda.

At 7:12p.m. Chairperson Machiela opened the public hearing for Michael Busscher of 8457 120th Avenue, parcel number 70-12-09-200-028, seeking variance from Section 21.04(B) of the Olive Township Zoning Ordinance.

Michael Busscher presented his case through several photos of the property to provide an overview of the request. Mr. Busscher noted, through Michigan Department of Environmental Quality documents, that his property floods eight (8) feet above the bottom of the creek, which is practically to the rear of his house. In addition, the MDEQ docs note that wetlands likely exist on the property.

General discussion was held. Ransford noted that he included a topography map from the Ottawa County GIS Department that delineates the approximate floodplain area of the parcel, which appears to limit the buildable area of the parcel.

Machiela closed the public hearing.

Nienhuis provided a motion to discuss the request as a grant of the minimum variance necessary to reasonably use the property, which would be the positioning the west end of the proposed building at the power line serving the dwelling or within the closest point of the power line on the east side of said line, as permitted by the power company, based on the following:

1. The property contains a unique character of topography due to Sawyer Creek, which bisects the property and limits the ability for construction within the rear of the lot. The highest point of the floodplain may be partially located on the dwelling. Thus, any additional construction behind the house would likely be prohibited by the same floodplain area.
2. The literal interpretation of the Ordinance would deprive the applicant of the right to have an accessory building on the property, as provided by the Ordinance.

3. No special privilege would be granted to the applicant, as the character of the lot dictates a location outside of the rear yard. In fact, the minimum variance necessary to reasonably use the property is proposed in this motion, not the amount requested.

Motion seconded by Potter. General discussion was held.

A role call vote was taken to grant the variance as provided in the motion: Potter – Yes, Nienhuis – Yes, Machiela – Yes. Motion carried unanimously.

At 7:33 p.m. Chairperson Machiele asked for member comments. There were none.

At 7:34 p.m. Nienhuis provided a motion to adjourn. Motion carried unanimously.

Respectfully Submitted,

SIGNED: _____

DATE: _____