

Gun Plain Township  
Zoning Board of Appeals  
Minutes of February 15, 2022

Members present: Oosting, Kopka, Sullivan, and Joslin

Called to order by Oosting at 7:00 PM

Introduction of Board Members: The four Board Members present introduced themselves.

Motion by Sullivan, second by Kopka to approve the October 25, 2021 minutes, Motion carried.

**New Business:**

1. Election of Officers: Oosting(chairman), Sullivan(vice chairman), Joslin(secretary). Motion to approve officers by Kopka, second by Sullivan.

**Old Business:**

Reviewed request from Alex Kline 538 105<sup>th</sup> Ave. Plainwell, Michigan 49080 for a variance for 24 ground-mounted solar modules onto ground-mounted array in the front yard. Parcel #03-08-100-008-00. Judy Whyment 530 105<sup>th</sup> Ave was against the request due to visibility issues when pulling out of her driveway and turning left.

The ZBA went thru the objective criteria to evaluate a non-use or dimensional variance – “Practical Difficulties”

1. Would strict compliance with the strict letter of the Zoning Ordinance regulating the minimum area, yard setbacks, frontage, height, bulk or density or other regulation render conformity with such restrictions of the Zoning Ordinance keep the owner from using the property for the permitted use, or would conformity be unnecessarily burdensome?  
The ZBA agreed: Yes, it would be burdensome.

2. Would granting the requested variance do substantial justice to the applicant as well as to other property owners in the district, or would a lesser relaxation than the applied for would give substantial relief to the owners of the property and be more consistent with justice to the other property owners?

The ZBA position is that other property owners would suffer due to safety concerns.

3. Is the plight of the property owner/applicant due to unique circumstances of the property and not to the general neighborhood conditions in the area?

The ZBA concluded this is the way the house sits on the property.

4. Are the practical difficulties alleged self-created?

The ZBA concluded: Yes, due to the placement of the panels and the road setback.

Ron Kopka said the requestor did not produce proper site plan showing the distance from the road right away. Kopka moved to deny the request, seconded by Sullivan. Motion carried 4-0.

Kopka motioned to adjourn, seconded by Sullivan. Motion carried.  
Meeting adjourned at 7:40 PM.

Dick Joslin, ZBA Secretary