

ATTICA TOWNSHIP
MINUTES OF THE
ZONING BOARD OF APPEALS
April 20, 2023

At a meeting of the Attica Township Zoning Board of Appeals held on the 20th day of April 2023 at the Attica Township Hall, 4350 Peppermill Road, Attica, MI, 48412. Chairman Gierman opened the meeting at 7 p.m. The following members were present: Kent Gierman, Gerry Fackler and Patty Clendenan. Absent: Two (Zehr and Thayer). Also present: Attorney Mike Gildner and the public per the sign in sheet attached.

Approve minutes of the March 23, 2023 ZBA meeting:

MOTION by Clendenan, seconded by Gierman, to approve the March 23, 2023 ZBA meeting minutes. A vote was taken. Ayes: All. Nays: None. Absent: Two (Zehr and Thayer). **MOTION CARRIED.**

Public Hearing:

Chairman Gierman opened the Public Hearing at 7:01 pm to consider the request of Mike DeVriendt for a variance from the zoning ordinances 5.16.1, 7.13.4.B, 7.13.3.C, 7.13.2A, and 7.13.5.E to rebuild a home on a non-conforming lot in the R-3 district. The property is located at 968 N. Boshaw Dr., Attica, MI 48412. (Parcel ID #44-003-004-102-36)

Mr. DeVriendt's spokesperson, Matt Keller, explained the history of the parcel and the previous home which burned twice due to electrical wires falling on it. Mr. DeVriendt worked with DTE to move the power lines so the lot would be usable. Mr. DeVriendt intends to use the foundation of the burned down home to build a new home for his mother.

Mr. DeVriendt said that he was involved in a law suit with DTE which prevented him from rebuilding within the required timeframe to rebuild on a non-conforming lot. Mr. DeVriendt also stated that there was confusion with Construction Code Authority.

Attorney Gildner reviewed the requested variances for the ZBA members.

Mr. DeVriendt discussed the extenuating circumstances and confusion leading to his assumption that he could rebuild on the non-conforming lot.

James Frierberger, of 4146 Lakeview, expressed his support of Mr. DeVriendt rebuilding the house.

There was discussion.

Chairman Gierman closed the Public Hearing at 7:21 p.m.

ZBA Decision – Request by Michael DeVriendt:

Request of Mike DeVriendt for a variance from the zoning ordinance 5.16.1, 7.13.4.B, 7.13.3.C, 7.13.2A, and 7.13.5.E to rebuild a home on a non-conforming lot in the R-3 district. The property is located at 968 N. Boshaw Dr., Attica, MI 48412. (Parcel ID #44-003-004-102-36)

There was discussion.

MOTION by Clendenan, seconded by Fackler, to grant the request of Michael DeVriendt for a variance from zoning ordinances 5.16.1, 7.13.4.B, 7.13.3.C, 7.13.2A, and 7.13.5.E to rebuild a home on a non-conforming lot in the R-3 district. The property is located at 968 N. Boshaw Dr., Attica, MI 48412. (Parcel ID #44-003-004-102-36). The variance is granted due to a lawsuit with DTE affecting the time frame required to rebuild on a non-conforming lot, the unique circumstance of the property being leased land and because the request is not due to a self-inflicted hardship.

A roll call vote was taken. Clendenan: Aye; Fackler: Aye and Gierman: Aye. Ayes: All. Nays: None. Absent: Two (Zehr and Thayer). **MOTION CARRIED.**

There being no further business before the Zoning Board of Appeals, **MOTION** by Clendenan, seconded by Fackler to adjourn the meeting at 7:34 p.m. A vote was taken. Ayes: All; Nays: None. **MOTION CARRIED.**

Kent Gierman, Chairman

Valerie Schultz, Recording Secretary