

ATTICA TOWNSHIP
MINUTES OF THE
ZONING BOARD OF APPEALS
OCTOBER 12, 2023

At a meeting of the Attica Township Zoning Board of Appeals held on October 12, 2023 at the Attica Township Hall, 4350 Peppermill Road, Attica, MI, 48412. Chairman Gierman opened the meeting at 6:30 p.m. The following members were present: Patty Clendenan, Kent Gierman, Cindy Goerlitz, Elaine Thayer. Absent: One (Dale Zehr). Also present: Attorney Gildner and the public per the sign in sheet attached.

Approve minutes of the September 14, 2023:

MOTION by Thayer, seconded by Clendenan, to approve the September 14, 2023 ZBA meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: One (Zehr). **MOTION CARRIED.**

Public Hearing:

Chairman Gierman opened the Public Hearing at 6:33 p.m. for a request by David Vasbinder for a variance from the zoning ordinance to build a garage and deck that does not meet the setbacks on a non-conforming lot in the R-1 district.

Mr. Vasbinder explained to the Board about the changes that have been made to his site plan. The site plan is showing 18 feet from the road and Mr. Vasbinder would like if this could be changed to 16 feet. The Board questioned the accuracy of the distance between the road and garage.

Supervisor Al Ochadleus stated that Mr. Vasbinder could edit his plans to an 8-foot side wall with a 4/12 roof pitch.

Five residents voiced their concerns (See attached sheet).

After questions from the Zoning Board of Appeals, and requests for input from the public, without hearing any, Chairman Gierman closed the Public Hearing at 7:04 p.m.

ZBA Decision – Request by David Vasbinder:

Request of David Vasbinder for a variance from the zoning ordinance to build a garage and deck that does not meet the setbacks on a non-conforming lot in the R-1 district. The property is located at 4795 Northway Drive, Attica, MI 48412. (Parcel ID #44-003-300-006-00)

There was much discussion.

MOTION by Clendenan, seconded by **None** to approve the request of David Vasbinder for a variance from the zoning ordinance to build a garage and deck that does not meet the setbacks in the R-1 district because due to the unique circumstances of the property 7justifies the reasoning for accepting the 16-foot setback, it meets the standards of 7.16.2 A-J. **MOTION FAILED FOR LACK OF SUPPORT.**

MOTION by Goerlitz, seconded by Thayer, to deny the request of David Vasbinder for a variance from the zoning ordinance to build a garage and deck that does not meet the setbacks in the R-1 district due to the finding of fact that it does not meet the standards of 7.16.2 J, E. It presents a safety issue, lowered property value and is a self-created hardship. A roll call vote was taken. Gierman: Aye; Thayer: Aye; Clendenan: Nay; Goerlitz: Aye. Ayes: Three; Nays: One. Absent: One (Zehr). **MOTION CARRIED.**

There being no further business before the Zoning Board of Appeals, **MOTION** by Thayer, seconded by Clendenan to adjourn the meeting at 7:20 p.m. A vote was taken. Ayes: All; Nays: None. Absent: One (Zehr). **MOTION CARRIED.**

Kent Gierman, Chairman

Maureen Lemons, Recording Secretary