

**BRADY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF MEETING HELD SEPTEMBER 21, 2010**

A meeting of the Brady Township Zoning Board of Appeals was held September 21, 2010. Chairman Jim Dyke called the meeting to order at 7:05 p.m.

Members Present: Chairman Jim Dyke
Ed Haberle
Vice Chairman Joe Timko
Mike Oswalt
Alternate Aileen Greanya

Absent was Gerrit VanderKamp.

Also attending were Township Attorney Craig Rolfe and four others.

APPROVAL OF MINUTES

A correction was made to the minutes of August 17, 2010: on page 4, paragraph 3, change Joe Timko to Mike Oswalt. A **motion was made** by Jim Dyke to approve the minutes of August 17, 2010 as written. Ed Haberle **seconded** the motion. The motion was **carried unanimously**.

REQUEST FOR A VARIANCE by Michael Kline

Michael Kline has requested relief from the rear yard setback requirements in order to build a 42'x 72' accessory building on land he owns 10585 East Z Avenue in Brady Township. The rear of the proposed building is 18' from the rear property line, and 35' is required. He stated that he farms and needs a building large enough to house his tractors and baler and other farming equipment. He currently rents storage space for this equipment.

Chairman Jim Dyke opened the Public Hearing.

Mr. Kline distributed photos of his property showing a drop off and wet lands and a pond to the east of the house. A site plan was available showing the placement of the house, a horse barn and the proposed building. He noted that the site plan shows approximately two acres of the six he owns. Mr. Kline also prepared a letter stating that any other placement of the proposed accessory building would not allow the farm vehicles access to the doors.

Chairman Dyke stated that no written correspondence has been received on this variance request.

Joe Timko asked what was to the north of the proposed building. Mr. Kline responded that there are 800 acres of soy beans—the land is farmed.

Township Attorney Craig Rolfe noted that in the ag zoning, the permissible floor area for all accessory buildings (in this case of 3 to 10 acres) 6,000 square feet of allowed. Mr. Kline would have approximately 4300 square feet, including the proposed accessory building.

There were no further public comments, and the Public Hearing was closed.

The Zoning Board of Appeals considered the variance request pursuant to the variance standards in Section 23.8 of the Zoning Ordinance.

It was agreed by all members present that item 1(a) is met. Due to the topography of the parcel including wetlands, a pond and a drop off on the east side, Mr. Kline is unable to place the proposed accessory building within the ordinance requirements.

It was agreed that item 1(b) is met; no detriment will occur to the adjoining farmland.

It was agreed that item 1(c) is met. There are exceptional conditions of this property as noted under item 1 (a).

It was agreed that item 1(d) is met because his zoning (ag) allows 6000 sq. ft. of accessory floor area, therefore exercising his property rights similar to other agricultural properties.

The ZBA agreed that item 2 is met because no economic hardships have been cited.

The ZBA agreed that item 3 is met because the difficulty is not self-created.

Joe Timko **made a motion** to approve Mr. Kline's variance request, for the reasons based on the findings that the variance standards are met, and the rear yard setback will not be closer than 18' from the rear property line. Aileen Greanya **seconded** the motion. The motion was **carried unanimously**.

At this time, the Township Attorney updated the Zoning Board of Appeals on a case being appealed through the circuit court.

Ed Haberle **made a motion** to adjourn at 8:45 p.m. Jim Dyke **supported the motion**, and it was **passed unanimously**.

Respectfully submitted,

Jim Dyke
Chairman

Brenda Brock
Recording Secretary

