

# Hopkins Township Board of Appeals

## Minutes of Quarterly Meeting February 13, 2007

MEMBERS PRESENT: Bruce Modreske, Doug Hills, Tom Macarthur - Chairman, Lori Costello and Carol Levandoski - Secretary

GUESTS PRESENT: Bertha Tew, Jonathan Tew, James Tew, Mark Evans  
Meeting called to order at 7:30pm by Macarthur Meeting adjourned at 8:50pm

### NEW BUSINESS CONDUCTED:

1. Variance petition from James and Bertha Tew, to allow another split to build a single family dwelling. Approximate location of property: 3241 20<sup>th</sup> Street, Hopkins. Parcel # 0310-009-005-00.

Jonathan Tew indicated the land doesn't meet the AG regulations, the house will be built at the eastern edge of the property on higher ground that has been perked by the Allegan County Health Dept.

Hills indicated his concerns about granting this request based on previous minutes of October 9, 2002 indicate that this will be the last split of the property possible due to remaining portion being too wet for acceptable build site(s).

Costello listed concerns for traffic and emergency services vehicle access. In addition, Costello believes based on the Chapter XVI, Board of Appeals, section 15.682 Powers and Duties of the Board of Appeals item (b) Variances:, the Board doesn't have the power to approve the request.

Costello indicates that the request does not meet all the conditions outlined in Chapter XVI, Board of Appeals, section 15.690 Sec. 16.10 Variances Permitted.  
Costello indicates that the request does not meet at least two (2) of the facts and conditions in Chapter XVI, Board of Appeals, section 15.690, Sec. 16.11 Variances Prohibited to allow the board to permit the variance request.

Levandoski indicated the property is in an Ag. Zone and doesn't meet any of the conditions of the Ag. Zoning requirements. Therefore, this property should be viewed as an exception because it is unique in nature.

Levandoski believes that this property should be granted the variance based on Chapter V, AG Agricultural District, Section 15.168, item (d), (1), newly created lots do not consist of the best quality agricultural soils on the parent parcel unless, due to practical problems of access, there are no other locations available.

Evans stated that the board should consider the precedent setting decision they are being asked to make. If the board approves this request there will be more like it and the board needs to keep their decisions uniform for all residents.

Motion by Costello: Deny the request for a variance under Chapter XVI, section 15.691 where the request only meets one of the conditions required and section 15.690 where the request doesn't meet all of the requirements for approval. Hills seconded the motion.

3 ayes; 2 nays Motion passed.

Motion to adjourn was made at 8:50pm by Levandoski, and supported by Modreske.

5 ayes; 0 nays Motion passed

Respectfully submitted,  
Carol Levandoski