

**CHARTER TOWNSHIP OF HAMPTON
BOARD OF APPEALS MEETING
FEBRUARY 16, 2023**

The regular meeting of the Charter Township of Hampton Board of Appeals was called to order at 7:00 p.m. by Chairperson Noble in the Boardroom of the Hampton Township Administrative Offices.

PRESENT: Noble, Brey, Hebner, Johnson

ABSENT: Howell Spyhalski, Wisniewski

ALSO PRESENT: Sheppard, J. Dewyse, and 11 people in the audience

Motion by Johnson seconded by Brey that the minutes of the October 20, 2023, meeting be approved as printed and that the reading of the minutes be waived. Motion carried.

COMMUNICATIONS:

There were no communications.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Election of Officers: Motion by Johnson seconded by Brey that the election of officers be tabled until the full board is present. Motion carried.

Bachint and Vishal Rathor, owners of 536 W. Center Road (Kings Party Store) appeared before the board to request a variance of 12' to construct an addition onto the building resulting in the side yard setback to be 3' from the property line.

Discussion was held on the following: What is the hardship or practical difficulty of the property? The neighbor to the East is wanting to sell property to the applicant but it is contingent upon the variance. Chris Penny, Architect, noted that it would be very costly to put condensing units in the rear of the building for the cooler addition. Deliveries are made in the rear of the building as well. Discussion was also had on the underground kerosene tank buried in the rear of the building and the process for removal of the tank. The variance could be granted with conditions.

At this time the public hearing was open to the public. Jerry Sheffield, 532.5 W Center Rd, noted that he is willing to sell property to the applicant, but he could not sell enough for compliance with the ordinance.

At this time the meeting was closed to the public.

Motion by Brey seconded by Noble that the Board of Appeals of the Charter Township of Hampton, hereby reverses the denial of a building permit to Bachint & Vishal Rathor, 536 W Center Rd., under notice of appeal No 23-01, for the reason that there is either unnecessary hardship (or) there is practical difficulty in carrying out the strict letter of Ordinance No. 36A, and said applicant has demonstrated the existence of the conditions set forth in Chapter 8, Section 8.03 thereof. The reasons being no room in the rear of the building and that there is a

February 16, 2023
Board of Appeals, Regular Meeting
Page 2

kerosene tank buried in the rear of the building. Also to table the condition of removal of the kerosene tank via a Phase II study to determine what should happen to the tank.

AYES: Brey, Noble, Johnson, Hebner
NAYS: None
ABSENT: Spyhalski, Howell, Wisniewski
Motion carried.

OPEN TO THE PUBLIC:

Motion by Brey seconded by Noble to amend the previous motion that before the building addition can be started a phase II study must be completed and filed with the building inspector.

At this time the meeting was closed to the public.

ANNOUNCEMENTS:

There were no announcements.

Motion by Johnson seconded by Brey that the meeting adjourn. Motion carried. Meeting adjourned at 7:50 p.m.

Respectfully submitted:

Ruth Noble, Chairperson