

Township of Thetford  
Minutes of the Board of Appeals  
November 20, 2013  
6:30 PM  
APPROVED  
These minutes are recorded word for word.

The Pledge of Allegiance was led by the Board of Appeals.  
The meeting was called to order by Chairman Dennis Bloss at 6:30 p.m

**MEMEBERS PRESENT:** Chairman Bloss, Gary Stevens, Clyde Howd, Alan Levijoki, Gregg Byran

**MEMEBERS ABSENT:** Liz Helms was excused

**STAFF PRESENT:** Leanne Pennington ~ Recording Minutes  
Robert Swartwood ~ Township Attorney  
Martin Cousineau ~ Board of Trustee  
Eric Gunnels ~ Board of Trustee  
Stuart Worthing ~ Building Inspector

**OPEN PUBLIC HEARING:** Motion by, Clyde Howd, supported by Gary Stevens to open the public hearing. All in favor. Motion Carried

**BRIEF PUBLIC COMMENTS:**

Case #101513 ~ Jeff Penrod, 1002 E Vienna Road, Clio, MI 48420 ~ asking for a variance on building a pole barn in the front of the house ~ Zoned RU-1 with 4.99 acres

Let's go over the rules please, the audience you can make a brief comments at the podium it's important that you address all comments and questions to the board do not have conversation or questions go to other people in the audience. And again please keep it brief, with that the podium is open.

Jeff Penrod ~ 1002 E Vienna Road, just here to request a variance for the location of my pole barn, I addressed all issues in the previous meeting.

Chairman Bloss ~ so your plans are the same as what you presented to the board at the last meeting

Jeff Penrod ~ Read a letter (attached)

Chairman Bloss ~ any members of the board have any questions for Mr. Penrod

Alan Levijoki ~ yes, one question just for clarification on the south east location. The 250 feet is that essentially the same distance were you are planning on put this, in other words I don't understand why it will be 250 feet from the house.

Jeff Penrod ~ do to Consumers Pipeline and running at an angle across the property it has to be a certain distances

Alan Levijoki ~ I am on the other side of the house south east corner, there is no pipeline there? I am just trying to understand your paragraph that says its 250 feet if you were to put it on the south east side. Water is one problem, but I guess I have two questions when it gets wet how close does it get to the house? And why is it 250 feet from the house where you would have to put the barn, if it was in the south east corner? I realize that is not what your variance request is I just want to understand

Jeff Penrod ~ because to put the pole barn on the property to put any other place it would put it dead center middle of the lot

Alan Levijoki ~ in other words the issue relative to the edge of the property lot is well, the dimension that you talk about is well within the current ordinance requirement for distance on the lot line

Jeff Penrod ~ yes

Alan Levijoki ~ so I am just trying to understand the 250 feet, looking were you are purposing the barn its 60 plus 80 is 140 minimum from the house but yet it is 250 the other direction I am just trying to figure out where that why it's not close

Jeff Penrod ~ I am figuring traveling distance so like the front of the house where you exit the home, to walk around the house the physical distance corner to corner it would be around 200 feet were travel distance would be about 250 is what I am figuring within it being further north on the property line from traveling distance it would be significant shorter

Alan Levijoki ~ that I understand and of course there is not a lot relevance of were the door are on the house, I am just trying to figure out the barn from the closes point of the house in the south east corner it doesn't appear that there is any reason why the barn wouldn't sit 50 feet from that corner of the house. I know you call that the front of the house but the legal description for the front of course is

Jeff Penrod ~ I am describing the front of the house, I have been corrected.

Alan Levijoki ~ I am just trying to understand, if you were on the south east corner at what point will that become a water problem with all the addition fill? Which certainly a hardship to do that. When I looked at the property it didn't look that low but of course it was not a surveying assessment. The question picking that spot, just wanted to understand why it doesn't work there?

Jeff Penrod ~ well I wouldn't prefer the pole barn directly in center of the lot which it essentially cuts off the rest of the yard from the house. I wanted it to one side or the other to open the yard, so I have as much as possible without having a building directly in the center.

Alan Levijoki ~ that I understand but also as a review of the last meeting the bases for a variance request is that there is a unique circumstance not just your preference, there has to be a unique circumstance. Which the low area is with additional fill but I am not understanding a unique circumstance that province

Jeff Penrod ~ the unique circumstance in the pipe line, I am unable to do any significant excavation in that area. I actually prefer to have it were the low area is but I cannot add or remove dirt from that area. Consumers restricts that from happening.

Alan Levijoki ~ but the pipe line is on the east side

Jeff Penrod ~ correct

Alan Levijoki ~ I am asking the question on the west side of the house

Jeff Penrod ~ oh I am sorry, I missed understood

Alan Levijoki ~ the west property line I guess is the way to say it. From your sketch labeled that the front of the house, I know now we are referring other surfaces the front. My question is in the location there has to be a unique reason why it cannot be put on the location. If it is a low spot I agree, I just wondering were that low spot starts and were the fill will be required to put it there.

Jeff Penrod ~ you are referring to the south west corner

Alan Levijoki ~ correct

Jeff Penrod ~ yes it is a low area, water runs off directly from the drive way straight down to the low area the would require us to fill also

Alan Levijoki ~ and the water doesn't run the other way, it that correct

Jeff Penrod ~ actually it run right down the middle of the lot, this also come out the south side of the house

Chairmen Bloss ~ other comments from the audience

Mike Long ~ the neighbor north of his house, 1026 E Vienna Road (moving over picture boards that he has brought to the meeting) asked if visible to everyone on the board. This is what id referred to as a site plan, of course there is no dimension on the building, there no set back from the front lot, its labeled the front of the house which is actually

the side of the house, this shows a very little amount of land here, this shows a little marsh area and one more thing I have owned this land from 1971 until it was sold 2003 to the person who built the house there which is not the person who is asking for the variance. Anyways if you take this over to reality its 110 feet to that line to this point of the house from that back of the house its 175 feet to that line, you will find the telephone is here and so the electricity runs here. If the site plan would have been properly laid out I could tell you how much further distance it is because I would have had the length of the house, but it's not. Also if it was properly laid out you would have the width of the house for so this would be more than 175 feet there's trees all along here, there's trees all along there, people live over here, people live over there, a person lives way up here out of site out of mind. I don't know where he gets 250 some feet, the driveway is here. I really don't see any relevant nor do I see a hardship. For a variance if I understand it you have to have a hardship this pipeline is not a hardship, it's a self-induce problem back in 1941 by a couple people Murray Felt and I believe the other person is Ray Tobias when they sold that property and the easement back then. The reason for the hardship cannot be self-induce by a previous owner or changing of title. But anyway there plenty of room to build here within the zoning, there's plenty of room to build here. That's not wet, that's not wet, this is the wet spot its right here this is the area where it runs, this is farm all of this including the house is from 73 until I sold the land to the people. It's not marshy, its farm land previous farm land I have plowed it, I have disked it, I have used it, and planted crops on it. There's some fill in part of construction that you have, you have to have some fill. But not thousand yards of fill that's a really over estimate. So in my opinion there is no reason to build outside the zoning hardship and I don't see a site plan that is supposed to be in front of you. What was the reason for the variance, again? The hardship? Mr. Bloss

Chairmen Bloss ~ you tell me your opinion at this point

Mike Long ~ I will tell you exactly what my opinion is, to get a variance from the Zoning Board of Appeals you need a hardship, is that true?

Chairmen Bloss ~ there are guideline provided to us and hardship is one of the points. There not set in stone there guidelines.

Mike Long ~ ok, I will now pass this unto my son because they are set in stone

Roy Long ~ 1026 E Vienna, what he is referring to is in section 19.04, Building Ordinance Zone 78 of Thetford Township: (read from the Zoning book) The Board of Appeals shall not approve an application for a variance unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

1. That the strict enforcement of the provision of the this Ordinance would cause practical difficulties for in-use variance or unnecessary hardship for use variances and deprive the owner of rights enjoyed by all other property owners property within the same zoning district or render conformity with such restrictions unnecessarily burdensome.

2. That the conditions and circumstances are unique to the property and are not similarly applicable to other properties in the same zoning district.
  3. Number three I will come back to
  4. That the requested variance will not confer special privileges which are denied other properties similarly situated and in the same zoning district.
  5. That the requested variance will not be contrary to the spirit and intent of this Ordinance.
  6. That a lesser variance would not provide the necessary relief to the applicant.
- Well a lesser variance would include just getting an average building permit. Now back to three.

3. That the conditions and circumstances are unique to the property and were not created by the owner, or his predecessor in title, within the time following the effective date of the provision alleged to adversely affect such property.

In August 20, 1941. Mr. Tobias and Mr. Felt the land owners at the time, were compensated 50 cents per foot for an easement to Eastern Pipeline to cross the property. That means the predecessor in title created the circumstances of the pipeline. On July 12, 1956 Hewthorne Home Builders reaffirmed the assessment with Eastern Pipeline Company on negating terms on building the land called Hewthorne Heights which in the North West Section of 19. Having read Thetford Township Ordinance gives instances to The Board of Appeals the same ordinance defines the limitation for the same Board of Appeals to work within. The variance falls outside the scope for approval of The Board of Appeals both are divined in Thetford Township Ordinance 78 and Public Act 110 of Public Act 2006.

Chairmen Bloss ~ any other comments

Mike Long ~ thee egress to propose building causes the hardship for me. With a little water problem that arose this people moved in. (Now pointing at pictures) this right here is going to build his pole barn over here, this is a dam that he built that holds the water back here and it's a concrete dam. The same level as his quote on quote driveway I call it an egress unnecessary totally. You will notice a plug over the 6 inch drain that was place there by him which was preexisting and agreed to by the previous owners. So when he decided to remove this, this is this drain right here he removed this and added 9 inches of fill. That's where the pipe use to be not a good stuart of the land, not a good stuart of my land and I see no reason to create a water problem for me because his existence is supposed to allow him to fit in the neighborhood. (Flipping pictures over) these pictures are a little more important. Yes, I have a vested interested rather it is place there or not. I don't want to drown.

Chairmen Bloss ~ any further comments from anyone from the audience

Jeff Penrod ~ I prefer not to get into a water issue here but all of the hardship that is previous discussed have all been address and taken care of. All of these photos that have been showed to you are obsolete. The dam that was referred to is simply a driveway with a culvert underneath is and the pipe with a plug in it was a pipe that was

running underneath a fence line 9 inches below grade. All of these hardship are no longer a concern.

Chairmen Bloss ~ thank you Mr. Penrod, Mrs. Penrod

Mike Long ~ since these picture are being called obsolete, these pictures are after the 6<sup>th</sup> water runs downhill. With the vegetation he planted, this is my land here, this is the water, this obsolete picture after his fix where the trees are the water flows about a foot. As per the people there, they said that the water will flow downhill and it will. But that's not that's not downhill, he went less than a foot away from the fence less the 40 feet that was agreed on with the building inspector. I raised my land within two inches from the bottom of the fence, which is what I fence is all the way around like the rest of my property. And you can see the water stopped and not flowing. Those are not obsolete picture, does anyone want to see them? This is the water that as per his fix, so we do talk about elephant in the room which is the water because a site plan has to take into consideration what is has effect on various people when you are asking for a variance. In fact it has to fit into the harmony of the neighborhood I believe it what is says. Doesn't cause any distress I don't think that's the right word distress, it doesn't cause any hardship of the neighbors.

Chairmen Bloss ~ thank you Mr. Long, any other audience comments

Motion by Alan Levijoki, supported by Gary Stevens to close the public meeting. All in favor. Motion carried.

### **Opening regular meeting at 6:56 p.m**

**APPROVAL OF MINUTES:** Motion by Clyde Howd, supported by Alan Levijoki to approve the October 23, 2013 Board of Appeals meeting as printed. All in Favor. Motion carried.

**CHANGES TO AGENDA:** None

### **OLD BUSINESS:**

1. Case #101513 ~ Jeff Penrod, 1002 E Vienna Road, Clio, MI 48420 ~ asking for a variance on building a pole barn in the front of the house ~ Zoned RU-1 with 4.99 acres

Chairmen Bloss ~ we did hear most of the details on this application at the last month's meeting and we have just completed the public hearing. Discussion of the board members.

Alan Levijoki ~ I guess the first question for cleared in my mind I guess. With prospect to a variance we are assuming or we have to assume rather it is a water issue, or a setback, rather it is complying with the consumers pipeline. All those are issues that must be handled, they really don't have anything to do with a variance they are issues like building any other kind of building code. A lot of discussion on these but they aren't

clear in my mind that they are reason for granting or not granting the variance. Those are issues that must be comply with community member and you would have to comply with the ordinance. I cannot see were many of these issues are a yea or a nay on the variance based on what may or may not be done on terms compliance. Things you have to comply with you have to do. So when we are talking about water, how far you are from the consumers pipeline those are requirements that you must meet, those are given those have nothing to do with the variance in my mind. Does that statement make since?

Chairmen Bloss ~ yes, it does make since thank you Alan. My comments that package that Leanne provided I see copies of investigation from the Genesee County Drain Commission. So it looks like this water issue has been going on for some time. Am I right?

Mike Long ~ it was settled in 2006 when the drain commission original came out the first time and talked to all the neighbors at the time and it was settled by the neighbor who had the problem directly petition drain across his property just south of us and now is all the way in the back. And he was excited about the flow of water the problem is the house is built in a normal low area. The basement was set out of the ground approximately 6 feet and then back filled. I knew it would cause a water problem when all settled of the swale.

Chairmen Bloss ~ thank you for the information, but let me continue my point. My point is that the water issue seems to be merely a separate. I remember at our last meeting that you Mr. Long made a comment that it really didn't matter to you where he put his pole barn you just wanted the water not to be an issue. You wanted the water to flow.

Mike Long ~ that has since changed, I don't want his pole barn next to the fence. If you look around some of the junk he has put around the temporary building. The motorhome has no title to it the guy who owned it died 10 years ago is sitting on the property. And has since he moved in, then he bought in an old pick up that is in pieces and placed it all in his front yard so we can all look at.

Chairmen Bloss ~ I am going to stop you right there, we have already had the public meeting on this. We are here to address the request for the variance on the placement of the pole barn. My view and I have looked at the property a couple of times it's a flag staff piece of property. I know when the township approved these things that it seems ok at the time but a sure it can cause issues later. If you stand at that yard The Penrod backyard there are several back yards that back up to the property. I appreciate Mr. Worthing set me straight about the law and what is in front of the house relative to the road no matter what it looks like on the property. But when you stand on the property the placement that they request looks natural and looks good to me. It fits the lay out of the property but it still requires a variance and that variance requires approval of this board. My concern is that if we approve this, this issue of water would hang around and come back to be an irritant. I appreciate your comments Alan everyone has to follow the rules, the rules of this township, the rules of Genesee County Drain Commission,

State rules relative to water you have to follow all those. But I just don't care to be party to ongoing issue relative too approving or disapproving this. I just don't. So if we get to the point of making a motion, if we do get to a point of making a motion to approve that we have not done that yet. I would absolutely myself recommend to have a third party repair engineer, someone who business is drainage to provide a plan that shows the water being care of. And have the building clearly be a separate issue from these water issues according to the notes I got it's been irritant between two neighbors for a sometime. That's my view, other board member please.

Gary Stevens ~ I really see an issue variance if there is no possible place to put a pole barn. Apparently there is five acres, you know when you buy property you never really plan on building something in a certain spot and if it cost excavation to add dirt that's the way it has to go. It's part of building, you have to build to grade and build things up if it's a low area. All the best land was farm houses on the hill everyone cannot live in a farm house on top of a hill. So I guess if there was no other place I could see giving a variance but I believe that there is another place that's a good spot. That's my opinion.

Clyde Howd ~ I personally believe looking at the property and I have talked to other people. That the board doesn't deal with water, the zoning board it's to approve or disapprove his building. I personally believe that I don't have a problem approving the site plan of the building and allow him to build at this time. That's my personal feeling on that just because we are here to grant variances not to dispute water as you suggest. I am not disagreeing with that, water is an issue but he is asking for a variance like many other people, I had a gentlemen that lived next to me his barn is 5 feet next to the property line. After he built it his motor seemed to bother us when we were sleeping but I lived with that. I personally don't believe that this would be an issue, you said they have already worked on the drainage and I don't have a problem approving it that this point. Now that personally opinion, I don't see why not.

Chairmen Bloss ~ thank you Clyde, anyone else. Alan any further comments

Alan Levijoki ~ well I am just going to reflect on both of the other comments made by the other members have identified, which are good points. I wish I had a picture I guess that how far the water intrudes in this south east corner. Because if that is a water intrusion with the fill and everything else then I agree then the way the variance request is good place for the barn, there are other requirements water has to be handled, the pipeline has to be handled, all that makes since. But that's information that we don't have at this time so listening to what was said I tend to agree to that the placement of the barn paying attention to the consumers line, paying attention the water requirements the way the variance is stated. I don't see a major problem with that either.

Chairmen Bloss ~ any other comments

Gregg Bryan ~ I am not going to vote on this one but I fear we are missing the two issues, water issue and the barn issue. And I don't want to see us fall into a trap we cannot get out of. Again because I am not in on this one I am not voting but we are not



really here to solve the water issue we are here to decide rather variance is issued for the barn. So I would caution the rest of the board to make sure we are not falling down a slippery wet slope here.

Chairmen Bloss ~ very good choice of words

Clyde Howd ~ I have a question, but being that Mr. Bryan has sat in on the meeting tonight, has been in the public hearing on this one. Why Mr. Attorney, Mr. Chairmen why is there a reason why Mr. Bryan would not vote?

Chairmen Bloss ~ we have a quorum without Mr. Bryan and he was not here for the first meeting and that was a significant conversation

Clyde Howd ~ I just wanted to check with that, thank you very much

Chairmen Bloss ~ with that I entertain a motion to support or to deny the variance.

Attorney Swartwood ~ Mr. Chair do you mind if I step in

Chairmen Bloss ~ no, please

Attorney Swartwood ~ Bob Swartwood I am the township attorney, I am obvious not a voting member, I don't want to influence this board in any way but understand my rule is to protect the township and I would just caution the parties to be very careful when you approve something that would cause damage to a neighbor's property because that could put us in a little bit of a liability situation because you then become a vehicle that caused the problem to exist if the problem exist. So I personally like what the chairmen says earlier to do the proper due diligence would be to have an engineering report to give the board a little bit more information because I don't think there is anyone here qualified including people in the audience certainly not the applicant or the neighbor. To say on any doubt that this is not a problem. Now if you got an engineering report that says this is not going to be a problem, this is a bunch of preside problems with two anger neighbors then you have done everything you possible could do and then you could go accordingly. But without that information I fear if there is a problem down the road it could be a little bit of a liability on behalf of the township and that causes me some concern.

Chairmen Bloss ~ thank you Bob, floor is open for a motion

Alan Levijoki ~ with the motion I would make to follow up, Mr Chairmen with what you said I realize at the last meeting we thought we would resolve this but I believe with the statements that you have made and the ones Mr. Swartwood made to end up with a good engineer report and study this does make since. And so the motion that I would make is that the study of the water problem be assembled this board can review and understand if the variance will be granted that there is an engineering solution to this problem.

Chairmen Bloss ~ Alan would you suggest that we approve it pending that report being presented to the building inspector

Alan Levijoki ~ yes that would make since

Chairmen Bloss ~ please restate your motion

Motion by Alan Levijoki, supported by Clyde Howd in the case 101513 that the variance be granted pending the acceptance for an engineering analyzes that the water problem is managed correctly. Roll call vote: Gary ~ no, Denny ~ yes, Clyde ~ yes, Alan ~ yes, Gregg ~ abstains Motion carries 3 yes 1 no 1 abstains

Chairmen Bloss ~ Mr. Penrod let me make sure you understand what we agreed on here. Your variance is approved pending you getting a 3<sup>rd</sup> party professional to describe how to handle the water drainage on your property so it's not an issue. And have anything to do with the building, the roads or driveway you would put to that building. And present that to Mr. Worthing and if he accepts what you put together then you can precede. Do not precede until you have that professional report completed to Mr. Worthing satisfaction.

Mr. Swartwood ~ we also sir need to get a copy of that to Mr. Long so he can study that and if he wants to get his own engineering support he has the right to do that and make sure this is not something you can draft up it has to be someone with the proper credentials. The board is going to relay on that engineering information cannot be in anyone possession it has to be a natural party that specializes in water drainage issues not every engineer does that so we are counting on the proper report I recommend that to be rejected

Jeff Penrod ~ understood

Chairmen Bloss ~ thank you

## **NEW BUSINESS**

1. Case #10713 ~ Denny Wasmund, 14247 Montle Road, Clio, MI 48420 ~ asking for a variance on building a pole barn in the front of the house ~ Zoned RE with 1 acre.

Chairmen Bloss ~ is Mr. Wasmund here, please explain what you would like to do

Denny Wasmund ~ I would like to build a pole barn adjacent to the house it's not directly in front of the house as you would go up the drive way it would be to the right of the house. Really because the septic tank is in the back of the house and the drain field. I don't want to put it there electric and gas is on the other side of the house which that is an issue. For the neighbors it is not an issue either I have talked to the neighbor across the street she doesn't have any problem with it. I have talked to the neighbor just to the right as you go up to the driveway. I know Gregg has been to the house today, I am not sure if anyone else have

Clyde Howd ~ I have

Chairmen Bloss ~ I have checked it out from the road

Denny Wasmund ~ I won't have the doors facing the street where the neighbor will see what is going on in the inside. The doors facing toward the left toward the south and the side door will be on the other side of the garage. I would hate to put the barn to the side of the house because then I won't have any access to the back of the house. Any lines being there, there is nothing there. It's well off the property line which it says on the sheet there.

Chairmen Bloss ~ question shown on the drawing and I can see it from the road a above ground pool in the back yard.

Denny Wasmund ~ yes, we just purchased that house six weeks ago. We haven't had a chance to move that we are going to keep it.

Chairmen Bloss ~ is it possible to put the barn where the pool is now? It doesn't show is on your drainage or septic field

Denny Wasmund ~ well hate to, I believe it's going to be 24x32 that's a pretty good size it would take up most of the back yard. That wasn't the plan but because the back yard is we have somewhat of a yard but the front is where the property is basically.

Clyde Howd ~ was going to make a comment about a septic field, when you put in a septic field if you know this Denny, that the health department use to say you need to leave another big section of property front or back of your house free so if you need to build another field you have to move it and you couldn't build it over your old field. I see the back section is a large spot that if he had to rerun his piping. I am just saying, I don't know how long the house has been there I am just mentioning that because I have run into the same thing when I built my field. They said you just make sure you leave a big chunk by the house free to put another field in if you had to. I looked at the property on both sides I looked with having the barn in the front of the house if you looked at the survey and the picture that Leanne gave the house to the south there's an open field or that's nothing there, that house is way front there is not real line. You look at the houses to the north there not in line like if you go down Bray Road or Lewis Road there all within one set equal. So to have him, with his request is not unreasonable to do it in the front it is not in any way shape or form, me personally that it is out of line.

Gregg Bryan ~ it looks like what it might have been many years ago might have been a right away

Chairmen Bloss ~ but that is the south side of the building he is looking at the north side right?

Denny Wesmund ~ yes

Chairmen Bloss ~ toward the north side of the property

Denny Wesmund ~ yes, you going up the driveway to the right

Clyde Howd ~ how far will the barn be from the road? It looks like 20 feet

Denny Wesmund ~ ya something like that, there will be plenty of room there. I want to be able to get behind it to mow and be able to get in the back yard

Alan Levijoki ~ I am kind of on the same page with you Denny, I look at the property, and I looked up and down the road. While there are a lot of houses that have been there for a number of years, with all but exception of one is basically the pole barn that do exists are in the back of the property, this would be unique, it would be that sets presentence. There is one across the street that has been, sort of across the street that has been there for a long time that is in front of the house. But if we are trying to maintain continuity in the appearance here it make since when I looked at it that the pole barn should be in the back yard.

Denny Wesmund ~ it's just tough to get it back there, just so easy for me to pull up into the pole barn. I have three cars

Alan Levijoki ~ that I understand, that's if you are. You have chosen to make the pole barn the long dimension which is north and south and your doors are on the south side. But if you chose to put the doors on the east side for your entrance, that something you could decide to do depending on where you put the restriction on where you put the barn

Denny Wesmund ~ the doors are going to be in the front

Alan Levijoki ~ the way it is now, if you were to design it in the backyard you might put the doors at a different location. And still address your straight in driving situation

Denny Wesmund ~ there are some trees there too that I would have to excavate that I really don't want to do that

Alan Levijoki ~ ya, three nice trees out there I am a tree hugger but I realize that it looked to me that there was placement you could put a barn there without having to put down those trees that have probably been there 50 to 75 years

Chairmen Bloss ~ Montle Road is an interesting road, I have lived less than a mile from your property I have lived in that area most of my live minus just a few years and it's a road that has changed over the years. When I first recognized were Montle Road was it was a very humble location but it has changed. New homes have been built in there, a lot of remodeling it's an area over time that has added value to the township. As people have added new homes and adding nice things to your property. Even though the properties are not completely in a row a pole barn in your front yard is nearly in your neighbor's front yard. You would have to be pretty close to the property line what do you have a 10 ft. set back or the minimum. What's the setback Stuart?

Stuart Worthing ~ 5

Gregg Bryan ~ according to this he has a 12 foot

Chairmen Bloss ~ 5 foot and you are planning a 12 foot, off the property line, the neighbor's property line

Denny Wesmund ~ yes

(Leanne handing Denny Wesmund a copy of the site plan on what he submitted)

Chairmen Bloss ~ even though you said this neighbor doesn't have a problem, that neighbor is not here. So that support is something I would have to question. In my opinion it would change the character of the neighborhood, it would look more attracted from the road if it was not in the front yard that's just how I see it. Because that's what you see from the road, there are other except one garage there is none in the front yard. You do see that on large farm properties and it is allowed on large farm properties that we have active work buildings near the front but in residential areas typically no.

Gregg Bryan ~ I am just curious when I was out there today I was under the assumption that the building we going to be built east to west now I am seeing that it's being built north and south. It just seems like an unusual way of doing it with the dimension of the property in comparison to your neighbor. Is there a particular reason why you couldn't turn that?

Denny Wesmund ~ what why would you like me to turn it

Chairmen Bloss ~ what he is saying because your property is narrow and long turning the building this way just in his opinion doesn't seem like a good fit. If it was at least turned this way statically in the front yard is one issue

Denny Wesmund ~ want to know why I did it this way because I didn't want the neighbor here to see my doors opened and what have you because I was going to have my doors here, so I can just pull in. and in the back of it the neighbor here she cannot see nothing. But if I put the doors here, I can but I was just looking out for the neighbor. If I had my doors open or what have you she wouldn't have to see inside there.

Chairmen Bloss ~ any more question or comment from the board members. I would like to make one additional comment that if the board wanted to consider this matter further I believe a public hearing would be in order to really see what the neighbors think. I hate calling another meeting for the township it cost money and personally I don't care for this lay out I think it detracts from the value of your property it just doesn't look attractive to me.

Clyde Howd ~ my thought if you still turned your barn this way, and you put your 16 foot door and a small door an 8 foot door, I don't know what your plan is but you can still go into the back yard through that way with a tractor, a lawn mower. Even if you moved it 36 feet like the picture it still would be sorta in the front yard but you would be around the side, you still would be behind her house. See what I am saying

Denny Wesmund ~ yes I see what you are saying. I can move it back

Stuart Worthing ~ may I say something, remember if move closer to the house remember you have to maintain 10 feet from the house to the building

Clyde Howd ~ so how far from the house to the property line

Stuart Worthing ~ from the house or the detached building

Clyde Howd ~ house to the property line

Stuart Worthing ~ let me look to the zoning because each zoning is different.

Some talking over each other

Stuart Worthing ~ the house from detached building has to be 10 feet

Clyde Howd ~ ok its 24 foot and if it's 36 now then 12 and it's going to be right next to this even with the house. If you turned it you would have 10 and so 10 and 24 is 34 so it's the same thing as 36. I personally if you turn it and start the barn here even though you came out a little bit came out. See what I am saying?

Denny Wesmund ~ yes

Clyde Howd ~ it gives you 10 feet here and gives you 12 feet there, am I correct? And if Stuart says he only needs 5 feet he will have plenty of room to go between the house and away from the property line. Then you don't need us

Denny Wesmund ~ won't need a variance

Conversation between Chairmen Bloss, Clyde Howd, Gregg Bryan and Stuart Worthing

Clyde Howd ~ if you look at this and then look at the picture if he started even with the back he still would be from this house here. How wide is your house 24 feet? Standard manufacture home 24 to 26 feet. Even if you went the 10 feet in front of it and hooked it. You see what I am saying?

Chairmen Bloss ~ we would have to ask Stuart if that

Clyde Howd ~ cause the house next to it and beside it, and he still is not in front of it. And if that is the case, I am not trying to change anything here, well I am trying to change I am trying for you not to get a variance

Chairmen Bloss ~ we are informal enough that we can try to look for another solution

Clyde Howd ~ that's what I am trying to do find another solution. If you have 10 feet here and 12 feet there

Stuart Worthing ~ he doesn't need 12 there

Clyde Howd ~ oh you said he needs 5

Stuart Worthing ~ he need 5 correct

Clyde Howd ~ so he moves it over here, now if you starts in the back even though its 10 feet in front of the house. That still would be behind that house there it that legal

Stuart Worthing ~ the variance has no a fact on the neighbor's property only for in front of his house. That's where the variance comes in

Clyde Howd ~ if the barn starts in front of his house no matter where, even though if it goes in front a few feet

Stuart Worthing ~ that part requires a variance, if the accessory structure goes any point that structure goes of that house it requires a variances. In front of his house not the neighbors.

Clyde Howd ~ can you afford to go 10 feet behind your house? So instead of being in the front being right here and going back

Alan Levijoki ~ you can go east/west or north/south there is room. The aerial view we have is a little deceptive looking at it because at this angle.

Clyde Howd ~ if he goes the 36 feet, he has to have 5 feet here and 10 feet here but there is nowhere for him to put his garage the doors on the side like he had it

Alan Levijoki ~ all I am saying he can go this way or this way

Denny Wesmund ~ the doors will be in the front, I was just looking out for the neighbor

Clyde Howd ~ you would have to start at the side of your house in front and go back 36 feet

Stuart Worthing ~ just make sure your front lines up, if your fronts line up you don't need a variance. If you have 10 or 5 here

Clyde Howd ~ I understand what you are saying, we are trying to work it out so

Chairmen Bloss ~it's a continuous scale if you make it flush with the front of the house the you are done with this board. Then you just work with Stuart if its slightly in front of the house were you need approval with this board but there is a big difference between 5 or 10 feet in front of the house then sideways half way to the road

Clyde Howd ~ I understand what you are saying

Stuart Worthing ~ that's when you have to make your decision (to Denny Wesmund)

Clyde Howd ~ if you want it in front of your house like the Chairmen said we will have to have a public hearing, if you want to start in front of your house and go back length wise going east to west.

Denny Wesmund ~ I might have to take a bush out

Clyde Howd ~ you might have to but no trees or your pool

Chairmen Bloss ~ just my personal opinion your property will look my attracted and more valuable

Some more talk with each other, talking at the same time

Gregg Bryan ~ have him resubmit his plan with the directions that Clyde has talked about to Mr Worthing so both are on the same page, with no questions about anything and he can proceed

Clyde Howd ~ I am sure that's what he was going to do anyways, you are going to go back to Mr. Worthing and say I am going to move my building and this is where I want it and he will come out and take a look at it and then go from there.

Stuart Worthing ~ submit a site plan that doesn't need a variance and the building department to look at it

Clyde Howd ~ you happy with that

Denny Wesmund ~ thank you sir

Chairmen Bloss ~ someone help me with the proper way to close this item

Gregg Bryan ~ if he doesn't need a variance

Chairmen Bloss ~ I understand but we had this on the agenda and we discuss it so we need to close it up

Bob Swartwood ~ what I would do gentlemen to adjournment to give him time to work on it with the building inspector because I wouldn't want him to reapply if he does need you. So just adjourn it for 30 days or so and if he works it out and doesn't need the variance then you can just cancel it at that point. I am doing this primarily to protect the citizens so he can come back before the board if it doesn't work out and not to pay another fee.

Motion by Clyde Howd, Supported by Alan Levijoki for case #10713 to be adjourn to the building department to approve it for 45 days. All in favor. Motion carried

**OTHER BUSINESS:** None

**AUDIENCE COMMENTS:**

Roy Long ~ under section 19.03 in Power and Duties reads, the decision of the Board of Appeals shall set forth specifically the grounds upon which its decision is based. I would like clarification how you passed 19.04

Chairmen Bloss ~ well we already approved it, we passed it our business is done on that

Roy Long ~ I want a clarifying the zoning



Bob Swartwood ~ Sir we cannot give you legal advice people come to the board all the time and read unto us. You have your own attorney, we can intrepid these things differently. I am very comfortable on the boards stand they haven't decided anything yet they are trying to get more continence to make an intelligence decision. But we are not going to debate the law I cannot give you an explanation you will have to use your own attorney for that. Because you're trying to intrepid it another way and I am the board's attorney I am not going to get into a debate

Chairmen Bloss ~ any other comments, any board comments

Motion by Clyde Howd, supported by Gregg Bryan to adjourn. All in favor. Motion carried

Adjourned at 7:34 p.m