

Township of Thetford
Minutes of the Board of Appeals
June 26, 2013
6:30 P.M
APPROVED

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

MEMEBERS PRESENT: Chairmen Bloss, Liz Helms, Gary Stevens, Alan Levijoki, Gregg Bryan

MEMEBERS ABSENT: Clyde Howd not needed at this meeting

STAFF PRESENT: Leanne Pennington ~ recording minutes
Martin Cousineau ~ Board of Trustee
Attorney Bob Swartword

APPROVAL OF MINUTES: Motion by Gregg Bryan, supported by Liz Helms to approve the May 22, 2013 Board of Appeals as printed. All in favor. Motion carried.

CHANGES TO AGENDA: None

PUBLIC COMMENTS: None

OLD BUSINESS:

Case #5913 ~ Ken and Marilyn Kingsley ~ 3416 East Lake Road, Clio, MI 48420 ~ asking to put bamboo above existing fence ~ copy pictures are included, the originals are with the original paperwork in Leanne's file.

Chairmen Bloss ~ asked in Mr. and Mrs. Kingsley was present at the time they were not later they showed up

Chairmen Bloss ~ we called this meeting initially, because we had some follow ups. One was which Gregg brought up that the device that the neighbor had up could be a nuisance. With that we had Chief Kenny visit the location and has attached a letter. I will read that "My office was contacted to investigate a complaint made in regards to a platform that had been built in a tree on the property located at 3402 E Lake Rd. The complaint implied that the platform was a nuisance and could be used to see into the adjoining property tot eh east of that residence located at 3416 E Lake Rd. On June 6, 2013 as inspection was made at the property location at 3402 E Lake Rd. in Thetford Township regarding said platform. It was determined that the platform in question is not menacing in any fashion; and additionally, that it is enough from the

property line which would not constitute a nuisance. As for the loss of privacy issue due to the platform, there is no infringement due to the platform and what is could be used for. There must be actual instanced where the complainants privacy was breached in order for there to be a violation.” That is Chief Kenny’s opinion on it being a nuisance that was brought up at the last meeting. (Mrs. Kingsley showed up) Number two the Kingsley was asked to provide plans on what they were intending to put up. What I have in front of me, along with the other board members, looks like advertising possibilities that could be put up, but not specific plans. However, they attached a hand written note. I am going to read part of “to re-confirm the discussion pertaining to future work. The company said they would not be attaching anything directly to the exciting fence.” I will paraphrase here it sounds like you are putting up a bamboo arbor to hold vegetation.

Marilynn Kingsley ~ correct

Chairmen Bloss ~ that would seem to change the question, and Bob (Attorney Swartwood) I may refer to you. If we are not going to add to the fence, which is the original request, then I don’t know if it’s a matter of this board. I know for example, if a applicant intended to plant trees, they could plant trees as a hedger as a wind break. I have found nothing in the ordinance how close that can be on the property line. Has anyone else on the board found anything there? As I read your letter, you intend to put up an arbor to support a vine like vegetation. Which is not attached to your fence its inside on your property. Correct?

Marilynn Kingsley ~ yes

Chairmen Bloss ~ my opinion right now is it’s not a matter of this board. I believe you can put an arbor on your property, near the edge, and plant vegetation. Any other question from the board members?

Alan Levijoki ~ I support what you are saying, the only thing I would like to clarify is what I did hear in the last meeting is an opinion from the fence company. I did contact the city of Flushing, talked to the city manager, talked to ordinance person that did inspect the property that in contention in the City of Flushing. I also visited The Flint Journal to get the article that was published, in the opinion of the City Manager in Flushing that the article in The Flint Journal was totally incorrect. I talked to the Ordinance Enforcement person for the City of Flushing that they have in written and in order that the fence is still incompilant and they are in litigations. What is published might be the source for the fence company but it is not shared by the City Manager of City of Flushing or by the Ordinance Enforcer.

Marilynn Kingsley ~ Alan, can you tell me is it something she put on the fence?

Alan Levijoki ~ actually it was a separate standing fence and it exceeded the limit, it was about 10 feet.

Marilynn Kingsley ~ so it was inside her property and just going over 10 feet?

Alan Levijoki ~ it was on the property line but 10 (ten) feet high. Separate from what you are requesting now, I just wanted to clarify the point that the fence company indicated to you based on the Flushing case you or we could go over 6 (six) feet. Based on what I found out that it is still under litigations, the city has a different opinion then the property owner and it still is being litigated.

Marilynn Kingsley ~ but to clarify I am able to go over the 6 (six) foot fence with what I do on my property.

Alan Levijoki ~ that's correct I was just clarifying the original request that the chairmen had pointed out that it was no longer an issue. I just wanted to clarify that we don't concluded because the City of Flushing done it and the fence company is saying anyone can do it.

Marilynn Kingsley ~ no, they were very respectful and told me to check with my township

Chairmen Bloss ~ Thank you Alan, that was one of the follow up items. The Flushing township officials have asked us not to consider there issue as settling as precedence. Any further discussion?

Motion by Chairmen Bloss, supported by Alan Levijoki, for the board not to act on the request, and that the applicant has now not intending to extend the fence. But to add an arbor with vegetation on her own property. All in favor. Motion passed

NEW BUSINESS:

1. Case # 61213 ~ David West ~ 9315 N Bray Road, Clio, MI 48420 ~ asking for a variance to build permanent structure 10' off rear lot line is building a 20' x 24' storage building

David West ~ would like to store his trailer in the storage shed that he has a building permit for but it would be easier to have it 10' off the rear then 20'. It would give him more room to back the trailer into barn.

Chairmen Bloss ~ would you mind coming up here and showing the board what exactly you are looking at doing?

David West ~ took his paper work and Chairmen Bloss had a map, Mr. West explained to the board and showed him exactly what his plans were.

There was much discussion.

Gregg Bryan ~ what kind of style are you going to build? Pole barn? Garage? Size?

David West ~ storage barn, 20 x 24

Alan Levijoki ~ I did go and visit the property and walked through it, unfortunately no one was home I do have permission to do that on the board. I did talk to the neighbors on both sides and they both approve with no problems.

Liz Helms ~ I did too talk to the neighbors and they had no problem.

Motion by Gregg Bryan, support Gary Stevens to approve the request to let Mr. David West build his pole barn 10' from the property line as presented. All in favor. Motion Carried.

2. Case # 61413 ~ John Walden ~ Lake Road and Bray Road ~ Sears Farm ~ variance would be required to split anything less than these specifications. Zoned RSF. Chairmen Bloss asked for John Walden and Edwin Sears to come up to the stand and explain what exactly what is being requested. A lot of discussions on what the splits are exactly about and how it is being split.

Motion by Alan Levijoki, supported by Gary Stevens to approve the splits as the survey has presented. All in favor. Motion Carried.

OTHER BUSINESS: None

AUDIENCE COMMENTS: None

BOARD COMMENTS: None

Motion by Gregg Bryan, supported by Liz Helms to adjourn. Motion carried at 6:52 p.m