

Township of Thetford
Minutes of the Board of Appeals
January 25, 2017
6:30 p.m

Pledge of Allegiance was led by the Board of Appeals
The meeting was called to order by Chair Dennis Bloss

Members Present: Chair Dennis Bloss, Trustee Rachel Stanke, Jeremy Kline, Alan Levijoki, Theo Gantos

Staff Present: Leanne Pennington, Clerk, Recording Minutes
Gary Stevens, Supervisor
Erik Gunnels, Trustee

Motion by Alan Levijoki, supported by Jeremy Kline to approve the December 28, 2016 minutes with the correction on to of. Call for Vote. Motion Carried.

Add to Board Comments discussion on Paragon Rule lead by Theo Gantos.

New Business

- Carol Hallwood, 12074 N Genesee Road, Clio, MI 48420, Zoned RSF/LM requesting a variance on frontage, splitting 2 acres from the 15 acre parcel.

Carol Hallwood son in law William Stroope talked on her behalf, Carol was also present.

The parcel is a 15 acre parcel with 5 acres zoned LM and the remaining zoned RSF, we are asking for a variance acreage and frontage for house and 2 arces.

Chair Dennis Bloss explains to the board that the house is part of the RSF zoning, which in RSF you need 5 acres and 330 frontage. Which will still leave a dual zoning on the remaining property.

Theo Gantos so really we have two variance, they are asking for 2 acres and 198 frontage.

A little bit of history the house and building was built in 1954, as far as our records go back they have always been dual zoning RSF/LM.

There was question regarding PUD zoning, that doesn't apply because PUD zoning came into effect 1980. PUD zoning is when one parcel has multiple uses on the property and an ordinance would be created specific to that property set by the local, planning and zoning board of appeals.

Theo Gantos question the parcel being existing non-conforming and us not having a problem with it.

Chair Dennis Bloss it would be existing non-conforming if the homeowner if the house was trapped on the LM zoning, but in 1954 the township zoned it RSF/LM and avoided the non-conforming.

Theo Gantos, residential and light have different effect on boundaries.

Chair Dennis Bloss, if the owner changes hands then you are correct they would have to go to planning with a site plan review, they could be ordered to do boundaries, fencing and parking lots. But this exists and it's there today, we cannot go back and punish them today.

Alan Levijoki, so I understand this if the owner changes hands then they would have to meet today rules.

Chair Dennis Bloss, correct they would have to meet today standards.

Trustee Rachel Stanke, would like to know why they didn't want to take the property all the way to the back.

William Stroope, because we have a farmer that farms it and we don't want to mess with his crops.

Motion by Alan Levijoki, supported by Jeremy Kline to approve the variance as requested at 12074 N Genesee Road, splitting 2 acres off of the 15 acres leaving the remaining dual zoned RSF/LM, also approving the request on frontage 198 ft. The owners also will need to meet with the assessor to finish the split. Call for Vote. Motion Passed.

Audience Comments: None

Board Comments:

Theo Gantos, this information is coming from the Zoning Board of Appeals Handbook from the Michigan Municipal League. Use Variance and Rezoning's – The Paragon Rule, understanding use variances was made more important by a 1996 decision of the Michigan Supreme Court, Paragon Properties Company v City of Novi. There has been a consent thing the people are rezoned by variance that have caused problems. Variances are the final judgment. If you are seeking rezoning through a variance then you should be going to the planning commission if denied then come to the zoning board. That is the proper process.

Chair Dennis Bloss that is good guidelines to go by, there has been some cases that have been a hard decision on if it should go to planning commission or zoning. We

have had cases that we have discussed for a while and realize that they should have probably went to planning, now we have wasted their time and ours. We now spend a lot more time with the building official Stuart Worthing, the assessor, our attorney and Leanne Pennington to make sure that they are going to the correct board. Don't want to get the township into trouble.

Also discussed changing the application form. Chair Dennis Bloss liked some of Theo Gantos idea and asked if he would get with Leanne Pennington, Clerk and design a new form and bring back to the board.

Motion by Alan Levijoki, supported by Theo Gantos to adjourn at 7:00 p.m Call for Vote.
Motion Carried