

Township of Thetford
Minutes of the Board of Appeals
September 25, 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, Clyde Howd, Alan Levijoki

MEMEBERS ABSENT: Gregg Bryan was excused

STAFF PRESENT: Leanne Pennington ~ recording minutes

APPROVASL OF MINUTES: Motion by Clyde Howd, supported by Liz Helms to approve the July 10, 2013 Board of Appeals special meeting as printed. All in Favor. Motion carried.

CHANGES TO AGENDA: None

PUBLIC COMMENTS: None

OLD BUSINESS: None

NEW BUSINESS:

1. Case # 91313 ~ Judith Donahue, 10127 N Center Road, Clio, MI 48420 ~ Asking for a variance for livestock in RU-1 zoning with 2.85 acres.

Judith Donahue was present.

Chairmen Bloss ~ asked Judith to explain on what she was asking to do.

Judith Donahue ~ would like to have a variance for this horse that we have. We have had a horse now for twenty years, Bob has had one since he was 9 years old. We do a little lively hood with this horse, his sublimit his income with this horse buggy rides and carriage rides, for weddings, proms, assists living homes, hay rides and with whatever he can pick up. He did real well in Bellville where we came from. I love it here, I love where we live its quiet. He keeps is real clean out there. Bob about 18 months ago had like a mini stroke he wasn't left with any impairment. The doctors thought it was really good for him because its repetition to get up every morning and every night to take care of his horse. I was thinking if we could get a variance for six year after that I don't believe we would need the horse no longer. I don't know if it's done here.

Chairmen Bloss ~ I am not really sure either, we have never put a time limit on a variance in the past. I don't know what would keep us from doing that. That is something we could consider during the deliberation. I see that the fences are already up, do you already have the horse on the property?

Judith Donahue ~ yes, the horse is already there.

Chairmen Bloss ~ what promote you to get this variance?

Judith Donahue ~ we got a notice from the Chief of police that someone was complaining about us. I understand that the first complaint that came in was he was obstructed traffic. He was out taking a buggy ride, he goes out three to four times a week. That's where I understand the complaint was, also I understand that there is nothing they can do about that. So now they are going after my property.

Chairmen Bloss ~ does any board members have questions?

Clyde Howd ~ you said he goes he gives buggy rides, do you have a license for that?

Judith Donahue ~ no, we carry insurance

Gary Stevens ~ has any of your neighbors say they don't like your horse?

Judith Donahue ~ no, in fact the lady across the street says she loves it

Clyde Howd ~ I have talked to two of your neighbors but not the one the words second shift the one to the north. How well do you get along with them?

Judith Donahue ~ I think we get along with all of them

Chairmen Bloss ~ how long have you had the horse unto the property?

Judith Donahue ~ I would say 60 days

Clyde Howd ~ when did you buy the property?

Judith Donahue ~ we moved in June 15th without the horse. I should say it was our negligence we didn't check this out first. We had looked at over 110 houses and was excited that we found this one.

Chairmen Bloss ~ any other question? Thank you Judith

Alan Levijoki ~ the only issue in looking at the variance check list that we use. In trying to understand RU – 1 classification zoning I don't see and unique, there has to be a unique

circumstance for us to consider it and I don't see that unique circumstance for the use of that property, meaning that the RU – 1 is the most restricted area of classification in additional housing, additional people who might be looking to build into that area that variance would be now outstanding. I am still troubled because I don't see the unique require requirement here that says that the property can be used for RU – 1 without or with granting the variance.

Clyde Howd ~ this point of time personal I don't see any reason not to grant this variance, personal for me it's one horse and almost three acres even if it wasn't in RU – 1 three acres is enough for one horse. The neighbors don't have a problem with it, so personally for me I don't have a problem with it in granting this variance.

Chairmen Bloss ~ in relative to the neighbors being ok with it I suggest that if we are to go further into consideration beyond this meeting we need to hold a public hearing would be most appropriate. In all other case where we were to consider live stock in a RU – 1 area we had a public hearing. If it is determine that we should go further into the matter. We have had other applications in RU – 1 with more acreage that have been turned down, one big reason why we have turned down the one on Bray Road was, even though he promised to keep things clean we could not insure the neighbors that there would be no odor or flies. You do look like you live in general farming area with two nice homes very close to you on both sides, that is a concern would exists there's going to be manure with an animal and then there will be flies. That could be an issue. As Alan has pointed out in a RU – 1 area that if someone moves or builds there has a expiation that there would not be any live stock in that area, I appreciate that across the road is not RU – 1 its one of our three farming zones just across the road and that waves into it.

Gary Stevens ~ I think this is a special and unique situation because of it is helping with this man's health and with them loving being here. I believe it's our job and duty to make sure that people want to come here. For this sort of thing, everyone says that they want to keep this rural around here and apparently this one way of not keeping it rural. By telling people that you cannot do this and you cannot do that, my situation is if you can do it across the street and there flies across the street what wrong with the flies on the other side of the street. That's not a very good excuse to me. I owe horses so I guess I am kind of bias.

Chairmen Bloss ~ Gary with all due respect I don't see it as an excuse, that's where the township official have drawn the line.

Gary Stevens ~ I see that but I don't understand why that is RU-1, its farming around there. Nothing to do about subdivision or hundred houses on that one strip of the road. I only believe there is only like six or seven in the mile. Not highly populated it's a real good place for a horse.

Chairmen Bloss ~ then you might want to pass on if you feel that strongly to get that zoning changed.

Gary Stevens ~ yes, I do feel that strongly

Chairmen Bloss ~ well then you might want to take that to the board

Gary Stevens ~ I will try

Chairmen Bloss ~ make that a follow up in the notes that Gary going to suggest to the board to reconsider the zoning to simplify for everybody.

Gary Stevens ~ I just don't understanding why it's zoned RU-1 in the stretch of the mile

Chairmen Bloss ~ well I guess I don't either, but our job is to consider the variance from the ordinance. We cannot change the ordinance here and we are not authorized to change the zoning. But we can consider the variance that's our job.

Chairmen Bloss ~ Judith, I appreciate your comment you made about the 6 years' time limit, when we make a variance goes with the property not with the people that own the property but I would ask Leanne, can you check with our attorney Swartwood to find out if we can make that a part of the requirement because you know it's an open area now and RU – 1 we expect and encourage one family dwellings. If it would progress in that RU-1 area we would have more homes then could end up in a situation an allowed variance that stayed with the property and is not appropriate in years from now.

Motion by Clyde Howd, supported by Gary Stevens to schedule a public hearing for October 23, 2013 at 6:30, all yeas. Motion carried.

Chairmen Bloss ~ we have three follow up:

1. Gary will be asking the board for the considerate of the longer term zoning change or an alteration.
2. Leanne to get with Attorney Swartwood on the time limitation on a variance that has been offered by the applicant that may make since in this case. If we were to approve it
3. Setting a public hearing next month October 23, 2013. 6:30 p.m

OTHER BUSINESS:

AUDIENCE COMMENTS:

BOARD COMMENTS:

Motion by Alan Levijoki, supported by Clyde Howd to adjourn, all in favor, motion carried.

Adjourned at 6:48 p.m