

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

October 20, 2020

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Road, Leroy Township, on October 20, 2020.

Chairman Rudy Veselko called the public hearing to order with the Pledge of Allegiance.

Members present were: Rudy Veselko, Shawn Parker, Susan Hanna, Tim Toman and Greg Miller.

Also present were: Attorney, Ron Graham, Zoning Inspector, Noell Sivertsen and Julie Himmelman, Zoning Secretary.

Guest: Applicants Tom and Marcia Winfield; and Michael and Rachel Fier

Audience: Rob Stutzman, Dan Himmelman and Karen Suttman

The chairman read the Notification of Application: The Purpose of the first hearing is a request by Michael and Rachel Fier for a variance to decrease the setback from 100 feet to 75 feet for a new build on Sublot 15 on Monte Drive.

Chairman, Rudy Veselko stated that the publication of the meeting was posted in the News Herald on October 8, 2020 as well as the Township website. Legal Notices were mailed to surrounding property owners.

Rudy administered the oath to all who were to testify and asked the applicant to give testimony as to their request.

Mr. Fier stated that he and his wife were looking to build a 2,540 square foot house on subplot 15 which is 1.54 acres. Due to poor soil conditions, there is only a certain place where the septic system could be placed. He provided soil test results. If the house was built at a 100-foot setback, the side setback would only be 10 feet from the sideline and close to the neighbor's house. He cited several homes on Monte Drive that had less than a 100-foot setback including the home recently granted variance at 75-foot setback. With the 75-foot variance, the house would sit over 20 feet from the sideline, the home would be over 83 feet from the setback line, with the attached garage extending to 75-foot setback. The variance would allow them to keep a safe distance from the mound system, be off the sideline setback and maintain the continuity of curb appeal on Monte.

Susan asked about the situation of the septic. Mr. Fier stated due to the shape of the land and the soil tests, that was the only place it could be acceptably placed. Mr. Fier provided copies of additional soil evaluations.

Rudy asked if there were any other clearing done since the test holes were done. Mr. Fier said there was not.

The Zoning Inspector reported that due the size of the lot and the soil restrictions she felt that the 75-foot setback would be reasonable and a better alternative than a sideline variance.

The well location was discussed.

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Correspondence: The secretary reported that she received the following email from Krystle Edixon:
Leroy Township,

We are in favor and have no issues with the Fier's variance request to build with a 75ft setback.

Sublot 16
6490 Monte Dr

The chairman asked if there was any further testimony, for or against the requested variance. There was not.

As there were no further questions for Mr. Fier, the chairman asked for a motion to go into executive session. Susan made the motion. Shawn seconded and all were in favor.

Greg motioned to end Executive session. Tim seconded and all were in favor.

Shawn made a motion to approve the 75-foot setback variance requested by Michael and Rachel Fier. Greg seconded. Poll of the vote: Shawn, yes. Rudy, yes. Tim, yes. Susan, yes. Greg, yes.

The motion was approved.

The reading of the September 22, 2020 minutes was waived. Rudy made a motion to approve the minutes with corrections. Tim seconded and all were in favor.

The chairman read the Notification of Application: The purpose of the second hearing is a request by Thomas Winfield of 7745 Brakeman Road for a variance to decrease the side setback from 20 feet to 5 feet for an accessory building.

Chairman, Rudy Veselko stated that the publication of the meeting was posted in the News Herald on October 8, 2020 as well as the Township website. Legal Notices were mailed to surrounding property owners.

Rudy administered the oath to all who were to testify and asked the applicants to give testimony as to their request.

Tom Winfield testified that he and his wife had built their home on Brakeman 55 years ago and at that time there wasn't a lot of thought put into where he built his house on the property and any outbuildings. He stated that he wanted the proposed building to be close enough to the house to allow for easy access while he was working on his boats, but far enough away from the house to provide access by delivery trucks for feed and other materials and access to the attached garage.

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Discussion was made regarding their property and adjacent properties, both of which are owned by their daughter and her husband. The building would be 5 feet from the sideline of the property used by Seven Brothers Distillery with a 5-foot drainage ditch between them.

Questions were raised as to other possible placement of the building with explanations given for each, including the cost, issues with disturbed soil and an old-growth tree with roots to be avoided. Marcia Winfield stated that she needed to drive back to her pig barn to care for her animals and access was also important for that reason.

Mr. Winfield stated that he wanted to get his two boats inside to keep them out of the elements and to work on them during the winter months.

Karen Suttman (daughter of the Winfields) provided both verbal and written testimony that she was aware of and had no objection to the variance being requested.

The Zoning Inspector stated that she felt they could at least move the structure another 5 feet from the property line, if it was shifted back a short distance more.

The chairman asked if there was any further testimony, for or against the requested variance. There was not.

As there were no further questions for the Winfields, the chairman asked for a motion to go into executive session. Shawn made the motion. Tim seconded and all were in favor.

Shawn motioned to end Executive session. Susan seconded and all were in favor.

Shawn made a motion to approve the 5-foot side setback variance requested by Thomas and Marcia Winfield. Susan seconded. Poll of the vote: Shawn, no. Rudy, yes. Tim, yes. Susan, no. Greg, yes.

The motion passed.

Susan made a motion to adjourn, Shawn seconded and all were in favor.

Respectfully submitted,

Julie Himmelman
Zoning Secretary