

March 5, 2007

Saline Township Zoning Board of Appeals Meeting

Meeting called to order at 7:30 PM

Attendance:

Chair: Eugene Heusel

Sec.: Carrie DeJonghe

Judy Gordon

Richard Zahn

James Laramie

Pledge of allegiance led by Mr. Heusel

Agenda: Hearing on Farm Barn which encroaches on the required set back of fifty feet.

Variance application filed by Kirk and Marilyn Gordon re property recently purchased from Wava Hammond, recently deceased. Property address: 4165 Willow Rd., Saline Twp

Mr and Mrs Gordon are requesting a variance from the requirement of a fifty foot setback from the North property line of 2 barns, #3 36x84 and #4 24x32 as referenced in description. Property in question has been purchased by the Gordons. Mr & Mrs. Gordon state that when line was drawn by surveyor with the presence of Township Zoning Official Robert Gordon it appeared to meet the desires of the Gordons to purchase the barns on the South side of line and Ms Hammond to retain two smaller outbuildings on the North side of the line. This was a direct straight line and appeared to be the clearest division. Mr. Robt. Marion agreed. Line was surveyed, property description written property was purchased and appeal made to ZBA.

The ZBA members had reviewed application and found some difficulties with the request. Several concerns were brought up. Using the Saline Township Zoning Ordinance, the following discrepancies were noted by board members Carrie DeJonghe, Eugene Heusel, and James Laramie: Sec 4.04 regulations, #5 on pg 38 describing the required setback, Sec. 13.11D, c. re special circumstances resulting from the actions of the applicant, and Article 17, Zoning Board of Appeals pg. 17-7 #6 re self created problem. Also referring to MTA Article in Nov. 2006 issue re guide for granting variances. All were cited and discussed by board members and others in attendance.

The Gordons pointed out that variances of similar type have occurred in the past. Mr. Heusel recollected one in the last several years. The Gordons also indicated that they appropriately sought the assistance of the Zoning Administrator Mr. Robt. Marion. Mr. Marion was in attendance and stated that he believed the property line decision was appropriate to the situation and that similar setback variances had been granted in the past. Mr. Heusel pointed out that this

particular case was self created when the property line was decided upon and did not "grandfather in" like some of the older encroaching bldgs. in the Township.

Lively discussion between the board and audience ensued. It was made clear that no one really wanted the large barn torn down and the general feeling was that Wava Hammond would not have wanted that to happen. Tearing down or burning down the large barn was nonetheless one option. Also considered were the following:

Tearing down the milkhouse addition to gain 12 ft.
Moving the line in one of several ways, generally 21 ft to the north or some variance with a jog in the line (which would require re-surveying and purchasing property)
Also moving the 2 bldgs on the North side of the line would be required (several members of the board indicated a desire to be of assistance in this project) this would be assumed to be the responsibility of the Hammond estate
The Gordons reselling the barns back to Hammond estate
Considering the west side of the barn the front to change setback requirement from 50 to 30 ft.

These were all discussed. The question of setback requirement from the well of the house (on the north) was also brought up. The family of Wava Hammond is currently in distress over her passing and were not present, so their wishes were not known.
Motion made by Eugene Heusel to table the decision for 60 days. Motion supported by James Laramie and Richard Zahn and passed unanimously. Plan: board will reconvene on or about May 3rd, 2007. Communication will continue.

Mtg adjourned at 8:40 pm.

Respectfully submitted,

Carrie DeJonghe, Secretary