

# **Minutes of the Meeting of the Avon Township Planning Commission**

June 27, 2012

Avon Township Hall (16881 Queens Road, Avon)

**Call to Order:** Chairman Mergen called to order the regular meeting of the Avon Township Planning Commission at 7:30 P.M. in the Main Chamber of the Town Hall.

**Pledge:** Clerk Saupe led the Pledge of Allegiance.

**Roll Call:** Present – Gerry Kremers, Ken Mergen, Roger Nelson, Lowell Rushmeyer, and Stephen Saupe.

**Approval of Agenda:** Rushmeyer moved to approve the agenda as presented. Mergen second. All in favor. Motion carried.

**Minutes:** The minutes of the May 30, 2012 were amended to read, “The length of a term was corrected from five to three years.” Nelson moved to approve the amended minutes of the May 30, 2012 meeting. Kremers second. All in favor. Motion carried.

## **Public Hearings:**

**Notch Interim Use Permit Hearing** – Although the Supervisors approved an IUP hearing for tonight’s meeting for Ms. Linda Notch to install a mobile home on her property for supportive care, she withdrew the request before the hearing was publicized. Thus, the public hearing was cancelled. However, Ms. Notch changed her mind and the Supervisors rescheduled the hearing for the July meeting.

**Schwalbe Variance** – Chair Mergen opened the public hearing at 8:15 PM. Mr. Steve Schwalbe appeared and provided an overview of his request for a variance to construct a pole barn 70 feet from the center-of-the-road (363<sup>rd</sup> St.), which is closer than permitted by Town ordinance. Nelson visited the site and didn’t notice any problems. No public comments about the variance were received. A personal letter alerting individuals about the hearing was sent to residents within 1500 feet of the property. The hearing was also posted in legal posting places and published in the *Enterprise*. Rushmeyer moved to close the public hearing. Mergen second. All in favor. Motion carried.

During discussion, it was noted that placing the pole shed in the proposed location rather than on the other side of the property would preserve farmland, which is consistent with the Comprehensive Plan. It would also not require a new driveway and would preserve a row of trees. Further, this road is a dead-end and the variance would not place the structure closer to the road than is allowed by general County ordinance. The Findings of Fact showed that: (1) the variance will keep with the character of the area (there are similar buildings across the street from Mr. Schwalbe’s); (2) the need for the variance was created by the contour of the land that makes it difficult to put the shed further from the road; (3) compliance with the ordinance is difficult or not possible in order to preserve agricultural land, reduce the need for another driveway, preserve trees, and deal with a culvert and land contours; (4) the owner is not deprived of a reasonable use of the property without a variance; and (5) the proposal does not involve only economic considerations. The criteria for granting a variance were discussed and the following

conclusions were made: (1) the issuance of the variance will not allow a prohibited use in the zoning district; (2) the variance is in harmony with the general purpose and intent of the ordinance; (3) the variance is consistent with the Comprehensive Plan (preserve ag. land); (4) the variance is necessary to alleviate practical difficulties (fitting the shed within the land contours/drainage area) resulting from strict enforcement of the ordinance; and (5) the proposal does not involve only economic hardship.

Rushmeyer moved to recommend to the Supervisors the approval of the variance request by Mr. Steven Schwalbe to construct a pole shed 70 feet from the center-of-the-road of 363<sup>rd</sup> Street contingent on it complying with pertinent County and other ordinances. Nelson second. Four in favor, one (Saupe) opposed. Motion carried.

### **Business:**

1. **Variance Forms** – These will be reviewed and edited at the next meeting.
2. **Public Hearing Scheduling** – Supervisor LeRoy Gondringer, who was in attendance, suggested that if there are multiple public hearings they should all be set to start at, say, 7:45. This would mean that there wouldn't be any waiting between hearings and would also avoid the problem of one hearing extending too long. This will be considering when scheduling hearings in the future.
3. **Streamlining the Public Hearing Process** – Supervisor Gondringer also suggested that the Planning Commission should set public hearings and simply alert the Supervisors to the planned hearing. This would save time at the Supervisor meeting and streamline the process. Kremers moved to recommend to the Supervisors that the Planning Commission be given the authority to set public hearings, so long as this proposal adheres to all pertinent ordinances. Nelson second. All in favor. Motion carried.
4. **Planning Commission Survey** – The County is updating the list of Towns with a Planning Commission and who sign final plats. In response to the survey: Avon Township has a Planning Commission that discusses and signs plats. Saupe will return the completed survey to the County.
5. **Gondringer Driveway Permit** – Mr. LeRoy Gondringer and Mr. James Gondringer are requesting a driveway permit for their property on Tower Road (parcel 03.00911.0000). The driveway would allow semi's better access to their grain bins. No culvert or drainage work would be required. Nelson moved to recommend to the Supervisors to approve the driveway permit requested by Mr. LeRoy Gondringer and Mr. James Gondringer. Rushmeyer second. All in favor. Motion carried.

### **Announcements/Reports:**

1. **Wunderlich Plat** – Gondringer reported that Mr. Jim Wunderlich, accompanied by Ms. Angie Berg and Mr. Jack Ramler, appeared at their last meeting to present a plan in which Mr. Wunderlich and Mr. Ramler would swap land to 'square up' their property boundaries and some of Mr. Wunderlich's property would be dedicated to the public good. The Supervisors took no exception to the plans.

2. **Compost Facility** – Saupe reported he spoke with the new Avon Clerk/City Administration, Jim Thares. The City is requesting the Town to contribute to the compost site.
3. **Noise Complaint** – The Town received a complaint about loud music late at night from a band playing in the City. This is an issue for the City.

**Adjournment:** Rushmeyer moved to adjourn the meeting at 9:00 P.M. Kremers second. All in favor. Motion carried.

**Next Meeting:** The next meeting is July 27, 2012 at 7:30 PM.

Respectfully submitted,  
Stephen Saupe, Clerk

Minutes amended & approved:

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Ken Mergen, Chair

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Date

Attest:

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Date