

# Argentine Township Zoning Board of Appeals

Roger Kelley, Chairman

## Board Members

*Tom Hallman*  
*Patrick McLeod*  
*Mark Ruhlig*  
*Josef Rzepecki*

**Board meets the first  
Monday of each month.  
7:00 p.m.**

Office number (810)-735-5050  
Fax number (810)-735-9514

Minutes  
May 1st, 2017

## **Call to Order:**

Meeting was called to order at 7:00 p.m.

## **Members present:**

Chairman R. Kelley, Member M. Ruhlig and Member P. McLeod.

## **Members absent:**

Member T. Hallman and Member J. Rzepecki.

## **Pledge to the flag**

Chairman R. Kelley.

## **Approval of the Minutes: April of 2017.**

**Motion:** Member M. Ruhlig

**Seconded:** Chairman R. Kelley

**Discussion:** None.

**Approved:** 3-0

## **Old Business: None.**

## **New Business:**

**Lorraine Hinterman-Davila and John Davila** are requesting a variance for 5 feet sideyard setback to build a home. Described as 01-29-400-031, 6.1 A on Duffield Rd.

**Chairman R. Kelley** asked where the easement of the original house was to be located.

**Mrs. Davila** stated that the easement is planned to be located in the 50 foot wide area. It will run on the west side of the pole barn and then around the north side of the pole barn to the adjacent house. This area to the north of the pole barn appears to have been the original easement.

**Chairman R. Kelley** stated that he is not in favor of the 5 foot setback on the north side of the house. He said the area to the north could interfere with emergency access to the structure.

**Member P. McLeod** asked if there were any doors in the area of the variance request.

**Mrs. Davila:** No, just windows.

**Member P. McLeod:** How many feet are on the south side of the home from the property line?

**Mrs. Davila:** 15 feet on that side.

**Chairman R. Kelley:** Why maintain the 15 foot to the south side of the property?

**Mrs. Davila:** To allow trucks around and to the boat launch.

**Chairman R. Kelley:** Is it possible for you to move the house 2 foot farther from the north property line giving 7 foot on the north side? This would still give 13 foot on the south side.

**Mrs. Davila:** Yes, we could do that.

**Chairman R. Kelley:** "I still have concerns with the easement for the driveway. Is the easement legal now?"

**Mrs. Davila:** My attorney has said the easement construction and maintenance expenses for the driveway should be shared by both property owners. If you look, you can still see the original driveway which is visible by the pole barn. However, we have no agreement yet.

**Chairman R. Kelley** stated that properties on water, the water side are the front yard, between the lake and the house. Accessory structures are not allowed, by code, in the front yard. Therefore, the gazebo in the front yard would have to go.

**Mrs. Davila:** And that is in the plans.

**Chairman R. Kelley:** "I am good with 7 foot on the north and 13 foot on the south side." Part of your hardship here is the narrow lot.

**There being no other questions from Board Members, Chairman R. Kelley asked if there was any correspondence relative to the request. There was none.**

**Comments from the Board:**

None.

**Motion Chairman R. Kelley, seconded by Member P. McLeod** to approve the request for a variance, with 2 feet added thus making it 7 foot on the north side and reducing the 15 foot on the south side of the house to 13 feet. This approval is contingent upon an easement agreement being reached by both parties.

**Discussion:** None

**Motion approved 3-0.**

**There being no other discussion and/or business before the Board, the Chair adjourned the meeting at 7:48p.m.**

Respectfully submitted,

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Thomas Brooks, Secretary  
Argentine Twp. Zoning Board of Appeals