

Minutes of the Meeting of the Avon Township Planning Board
June 25, 2008
Avon City Hall

Call to Order: The regular meeting of the Avon Township Planning Board was called to order by Chairman Ken Mergen at 8:00 P.M.

Pledge: Everyone stood for the Pledge of Allegiance.

Roll Call: Present – Gerry Kremers, Ken Mergen, Lowell Rushmeyer and Stephen Saupe. Absent – Joe Scepaniak. Chairman Gondringer was also present.

Approval of Agenda: The following items were suggested for addition to the agenda: (1) Louis Fisher requested a discussion for a rezoning; and (2) Sandra Dean Zwilling requested a Certificate of Compliance. Rushmeyer moved to approve the additions to the agenda. Mergen seconded. Approved unanimously.

Minutes: A minor correction was made to the minutes of the April 30, 2008 meeting. Mergen moved to approve. Kremers seconded. Approved unanimously.

Business

1. Mr. Louis Fisher appeared before the Planning Board on behalf of Tom and Paula King (325th St., St. Joseph). They seek to split a five-acre parcel from the east-side of the King's property and rezone it from A40 to R5. The sale of this lot would help ease the financial burden associated with the accident that left Mr. King disabled. There is a potential buyer(s) for the property and Mr. Fisher stated that a realtor will handle the transaction for 'no charge.' The Board was concerned that by permitting the King's to split and rezone their existing parcel it could set a bad precedent. Mr. Fisher argued that this is a unique situation because of Mr. King's permanent physical disability. The Board was also concerned that if it is necessary to rezone the entire parcel to R5 that it could potentially allow the future development of two additional lots. Mr. Fisher replied that a binding document could be prepared to prevent any future development of the King property. It was noted that a five-acre parcel is consistent with the other properties in this area. The Board was concerned whether this would undermine recent efforts in which zoning was evaluated throughout the township, and whether this would undermine township credibility with the County.

The Board debated whether a public hearing should be set to discuss this matter. Rushmeyer indicated that County law does not require a public hearing and that by-passing the process, it saves time and money. On the other hand, Gondringer indicated that it has been township practice to hold public hearings for zoning changes and that we need to be consistent. Considering that the township has been unnecessarily holding hearings, to save time and fees the Board decided to not hold a public hearing in this instance. However, the Board felt strongly that neighbors should be alerted to this proposal.

Mergen moved that the Planning Board recommend to the Board of Supervisors that Tom and Paula King be permitted to rezone a five-acre parcel to R5 for a potential building site. This recommendation is contingent on the following: (a) whether County ordinance permits rezoning only a portion (five acres in this case) of the King's property

to R5 while the remaining acreage remains A40, or if not possible to rezone only a portion R5, then it is possible to restrict the remaining piece from further development; (b) physical evidence (*i.e.*, signatures) be obtained from the 10 closest neighbors in lieu of a public hearing; and (c) a letter or other evidence that Mr. Fisher is acting as a representative for the Kings. Kremers seconded. Approved unanimously.

2. Sandra Dean Zwilling appeared before the board to request a Certificate of Compliance regarding an administrative subdivision. Ms. Zwilling owns a narrow (ca. 10 feet wide), L-shaped property along the east and north sides of Sun Ridge addition. This parcel is landlocked. Ms. Zwilling intends to split the piece into two sections: she will keep the eastern portion and sell the northern portion of the "L" to Mr. John Maciejewski. Rushmeyer moved to approve to the Board of Supervisors a Certificate of Compliance regarding this administrative subdivision application. Saupe seconded. Approved unanimously. Ms. Zwilling was told she needed to send to the township clerk an administrative fee of \$25.

Announcements: Gondringer announced that he had recently met with the mayor of Avon, Mr. John Grutsch to maintain open communication between the City and Township. Gondringer reported that: (a) Mr. Grutsch was surprised that the township was requested to find an alternate site to vote in November; (b) the City was open to the idea of sharing maintenance; (c) the City was open to the possibility of providing the Township a space for record storage; and (d) the Good Shepherd development seems unlikely at this point in time. Rushmeyer reported that the Joint Powers Board has not met recently.

Next Meeting: The next Planning Board meeting will be July 30, 2008.

Adjournment: Rushmeyer moved to adjourn the meeting at approximately 9:45 PM. Saupe seconded. Approved unanimously.

Respectfully submitted,

Stephen Saupe
Deputy Clerk

Minutes amended & approved: