

# Minutes of the Meeting of the Avon Township Planning Commission

April 28, 2021

Avon Township Hall (16881 Queens Road, Avon)

**Call to Order:** Chair LeRoy Gondringer called to order the meeting of the Avon Township Planning Commission at 7:00 PM in the Main Chamber of the Town Hall. The meeting was also available online at the following URL: <https://csbsju.zoom.us/j/94391850163>.

**Pledge:** The Pledge of Allegiance was recited.

**Roll Call:** Present – Craig Blonigen, LeRoy Gondringer, Rich Sanoski, Stephen Saupe, and Lori Yurczyk.

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

**Minutes:** Yurczyk moved to approve the minutes from the March 31, 2021 meeting as presented. Blonigen second. Four in favor. Gondringer abstain (*absent for meeting*). Motion carried.

**Public Hearings: Thelen Variance** – Gondringer opened a public hearing for David, Ann & Alice Thelen at 7:15 PM. Mr. Dave Thelen was present to summarize their request for a variance to construct a new home with attached garage on their property at 32957 Spunk Tree Circle (Avon). The existing home would be torn down and a new one, 1000 square feet smaller than the existing one according to Mr. Thelen, would replace it. To fit the septic, well, garage and home on the lot, the proposed garage would be 8.4 feet from an unnamed road that occupies the northern sections of lots 19, 20, 21, and 22 in Connaught Addition. This unnamed road serves as a driveway for at least two properties.

Announcement of the hearing was published, posted and 25 letters were mailed to local residents. An email in support of the variance was received from Fred & Terri Edstrom (32941 Spunk Tree Circle). A letter in opposition to the variance was received from Mr. Paul Nathe (32959 Spunk Tree Circle), who shares the unnamed road with the Thelen's. In addition, Ms. Geralyn Nathe appeared at the hearing representing Paul Nathe in opposition to the variance. She stated that the Nathe's want to keep harmony with the Thelen's and allow them use of their property, but they are concerned that the proposed variance would reduce property values, reduce personal enjoyment of their property, and reduce access to their property by emergency vehicles. No other comments were received. Yurczyk moved to close the public hearing. Sanoski second. All in favor. Motion carried.

The redesign of the Thelen's property, especially removing a current wall, appears to increase access to the Nathe property and parking availability, both of which have been a problem in the past. In addition, Mr. Thelen stated he was willing to work with the Township to maintain the road/access by spreading crushed granite. When asked why the home wasn't initially designed to fit within the lot, Mr. Thelen stated that they didn't realize a variance would be necessary to the unnamed road. If a new septic is required Mr. Thelen said the old materials would be removed and replaced with new or a closed system would be installed. He stated he couldn't move the entire structure to the east because then it would be too close to the septic system.

The Planning Commission considered the Findings of Facts and agreed that: (a) the proposed use is allowed in the zoning district; (b) the variance is in harmony with the general purpose and intent of the applicable ordinance; (c) the terms of the variance are consistent with the comprehensive plan; (d) the property owner proposes to use the property in a reasonable manner; (e) the situation is due to circumstances unique to the property and not created by the property owner; (f) the variance will not alter the character of the locality; and (g) the variance involves more than economic hardship.

Blonigen moved to recommend to the Supervisors to approve a variance to construct a garage 8.4 feet closer to the unnamed road that occupies the northern sections of lots 19, 20, 21 and 22 in Connaught Addition than is currently permitted by Section 9.9, Ordinance #4 on the conditions that (a) a 1 rod (16.5 feet) access to the Nathe property be maintained even if there are parked vehicles; (b) Mr. Thelen signs an agreement with the Township for any maintenance to the unnamed road; and (c) “no parking” signs are erected on the north side of the unnamed road. Sanoski second. All in favor. Motion carried.

### **Business:**

1. **Elections** – Blonigen nominated Gondringer to serve as chair. Sanoski second. Blonigen moved to withdraw the nomination of Gondringer. Sanoski second. Motion carried. Chair and Vice-Chair selections were tabled until the next meeting.
2. **Tiede Certificate of Compliance** – Dan & Julie Tiede (18504 Co Rd 9) appeared to request a Certificate of Compliance to split a parcel to sell to their neighbors (Jeff & Sarah Suchy, 32452 Co Rd 156). The Tiede’s want to do this to make it easier to sell their remaining property, and also to return some land to the family of the original owners. The split parcel will be zoned A40 and not have a building entitlement associated with it. Sanoski moved to recommend to the Supervisors a Certificate of Compliance for Dan and Julie Tiede, 18504 Co Rd 9, to split their parcel in half. Blonigen second. All in favor. Motion carried.
3. **Gondringer Certificate of Compliance** – Mr. Jim Gondringer, 35538 Tower Road, appeared to request a Certificate of Compliance to split a 5-acre parcel from his property. Thirty-five acres of his properties will be set aside as non-buildable. Sanoski moved to recommend to the Supervisors to approve a Certificate of Compliance for James & Joan Gondringer to split a 5-acre parcel from their property at 35538 Tower Road. Blonigen second. Four in favor. One abstain (Gondringer). Motion carried.
4. **Maciejewski Rezoning** – Mr. Wayne Maciejewski stated at the recent LBAE meeting that he would attend tonight’s meeting to request rezoning his property. Since he was not present; no action was taken.
5. **Avalon Homes Variance Request** – Jeremy Schommer from Avalon Homes Inc. appeared to request a variance to construct a home at 33668 Poverty Point Drive 6 feet closer to the center-of-the-road than is currently permitted by Section 9.9, Ordinance #4. Even though Poverty Point Drive is a private road not maintained by the Township, because it is a platted road means that either the Township or County must handle the variance request. The Township prefers to handle such variances. Sanoski moved to recommend to the Supervisors to set a public hearing on May 26, 2021 at 7:15 PM to consider a variance by Avalon Homes Inc. for a variance to construct a home at 33668 Poverty Point Drive 6 feet closer to the center-of-the-road than is currently permitted by Section 9.9, Ordinance #4. Yurczyk second. All in favor. Motion carried. Mr. Schommer will complete the necessary paperwork and pay the fee prior to the upcoming Supervisor’s Meeting.
6. **Parish Cemetery Monuments** – Mr. Jim Gondringer discussed monuments in the parish cemetery along Upper Spunk Lake Road. He stated that until recently no one realized how close some of the monuments are to the road. At least one large monument has been hit in the past and it was almost hit again last year. These monuments could be a safety issue for future motorists. Moving a monument or replacing it with a flat one is not feasible because the monument belongs to the family. Moving the monument to another location in the cemetery is problematic because there is no plot map and there are poor records regarding burial sites. One option would be to install a guardrail along the road. The Planning Commission suggests having our maintenance person determine the cost of a guardrail and if one could be installed in that location.

- 7. **Culverts** – the Planning Commission discussed whether a permit should be required if a culvert is replaced/installed in the township road right-of-way. Generally, any work in the Township road right-of-way should be first approved. However, we don’t want to deal with things like installing a mailbox. If a culvert is installed, it must meet Town standards, but without a permit there is no way to ensure that it would be done properly. Excavators could be alerted. There was no consensus about how to proceed. It was suggested that our maintenance person should be authorized to measure some culverts to see how much of a problem this might really be.
  
- 8. **Ordinance Review** – the Shape 2040 plan has resulted in a number of changes that concern the Township including hearings for solar gardens, agricultural housing and so on. Since we don’t fully understand the nature of the changes, the Planning Commission recommends to the Supervisors to have a representative from the County like Ms. Angie Berg to attend a meeting to provide details and to help us understand the impact of the changes.
  
- 9. **Township Comprehensive/Growth Plan** – The Township has adopted the County Comprehensive Plan, which means that there is no need for a Township comprehensive plan. However, the Town can be more restrictive than the County Plan, which is in our Ordinance #4. The consensus was to table work on a Township Comprehensive/Growth Plan and to wait to talk to the County representative to see if Town ordinances need to be adjusted.

**Old Business:**

**Reports/Announcements**

- 1. Yurczyk was asked to consider serving on the County Planning Board.

**Other Meetings:** The next PC meeting is May 26, 2021 at 7:00 PM. The next Supervisor’s Meeting is May 5, 2021.

**Adjournment:** Sanoski moved to adjourn the meeting at approximately 9:29 PM. Blonigen second. All in favor. Motion carried.

Respectfully submitted,  
Stephen G. Saupe, Clerk

Signature: \_\_\_\_\_

**date:** May 3, 2021

**Approval:**

\_\_\_\_\_  
LeRoy Gondringer, Planning Commission Chair – signature

**date:** \_\_\_\_\_