

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**Meeting Minutes - December 3, 2012**

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**PRESENT:** Chair. P. Nilsson, J. Case, C. Rider, M. Sharman, R. Ehmann, J. Campbell - Town Attorney, K. Masterson - Code Enforcement Officer & Tammie Schwerzler - Recording Secretary

**AGENDA:** - Joanne Buchanan  
- 3851 Kathryn's Way  
- Area Variance  
- 12' x 12' Storage Shed

Chair. P. Nilsson opened the meeting at 7:03 p.m.

Chair. P. Nilsson asked the board to review the November 19, 2012 meeting minutes. M/2/C (C. Rider/R. Ehmann) to adopt the November 19, 2012 Livonia Joint Zoning Board of Appeals meeting minutes as presented. Motion carried 5-0.

This meeting is a continuation of the previous November 19, 2012 meeting for applicant, Joanne Buchanan. Chair. P. Nilsson had tabled a decision from the board until such time they had the opportunity to review the Sheriff reports provided by Ms. Buchanan.

- Joanne Buchanan  
- 3851 Kathryn's Way  
- Area Variance  
- 12' x 12' Storage Shed

Chair. P. Nilsson explained that at the previous meeting the board was able to hear from the applicant as well as some people from the public. They are looking for more material to help them make their decision. One of those items was police reports in which they have had the opportunity to review.

Neighboring property owner of Ms. Buchanan, Gerry Gilbert, asked to address the board regarding several items. Chair. Nilsson acknowledged Mr. Gilbert even though the public hearing portion of the previous meeting was closed.

Last time this board met, he was taken aback that the board wanted to go over the police reports from earlier situations with Ms. Buchanan, they have nothing to do with this application request. He has looked at the zoning laws and feels the police reports should not have a reflection on the members' decision. He felt they only heard one side of the story and there are discrepancies, inaccuracies in the reports. He stated that in the reports he was never reprimanded by any officers or was told he was doing anything wrong. He never called the police, Ms. Buchanan did each time.

Gerry stated that he shouldn't really say this, but... "The officers were grinning at me and saying the incidences where closed. I was never on her property, or threatening in any way toward Joanne. I am not doing anything in revenge and I don't feel the board should side with her."

Gerry went on to say that her dogs were on her property, he knows this because Joanne has an invisible dog fence to keep them from exiting her property, although the police officer saw, "unbeknownst to me, that the fence was 7" onto my property." This is obvious because there are brown spots on his lawn where her dogs have gone to the bathroom.

Gerry talked in detail about his son who has a learning disability and that he is gentle but he is a big person and he can see why Ms. Buchanan might feel intimidated by his size. Gerry admitted that his son was hostile because his dog, who is like his child, was being shred to pieces by one of Joanne's dogs. The reason his son had a leash with him was to get his dog. Again, he talked about how his son is a big kid and he would never hurt anyone. He was scared for his child (his dog).

M. Sharman asked what the \$1,500 he referred to at the last meeting was for. "Is this for a vet bill or a fine?"

Gerry said it was for both and he would explain.

Gerry began to speak again but Chair. P. Nilsson asked him to stop.

Chair. explained that most of what he just heard from Mr. Gilbert is not relevant to this application.

Gerry began to speak again, saying he had a lot more to say.

Chair. explained to Gerry that he was allowed time at the November 19th meeting to speak to the board, but he (Chair.) had closed the public hearing portion of the meeting at that time. He feels he has allotted ample time for Mr. Gilbert to speak. He will, however, allow another two minutes.

Gerry explained that he tried to talk with Joanne at one time (before his son's court date) but Joanne said she had nothing to say to him.

He did say he had put stakes in the ground with posted signs displayed on the east and south sides of Joanne's property, however Joanne pulled them out. He put more stakes up at that time. Shortly after, Joanne came to him to ask what was going on. He explained that he posted the signs for "court reasons."

Gerry said that Joanne admitted herself that she mows onto his property. He said in most cases weeds or trees grow between property lines, there are none between their properties because Joanne mows onto his property and that's how this all came up.

Chair. Nilsson stopped Gerry at this point, telling him he has heard enough.

Gerry said he had more to say, a lot more.

Chair. P. Nilsson said "That's enough." We closed the public hearing last time and you've had more than enough time this meeting.

Chair. Nilsson asked applicant, Joanne Buchanan, if there was anything she'd like to add.

Joanne replied, "All I said at the prior meeting is true." She added that not only did she hear Gerry threaten her, but a neighbor heard him as well.

Gerry asked to admit a petition as well as the "area variance" form for the record. Some of his neighbors signed a petition stating they feel zoning codes are written to protect people's rights and they feel the codes should be enforced.

M. Sharman asked Mr. Gilbert, "Who lives at 3859 Kathryn's Way?"

Gerry does not know.

Gerry began addressing the board again.

Chair. P. Nilsson asked Mr. Gilbert to kindly give the board an opportunity to deliberate.

M. Sharman asked who owns the property at 3855 Kathryn's Way.

Gerry stated that he does. He does not live there however, his ex-wife and two sons do.

Chair. P. Nilsson made a comment with respect to the board that this shed is 2.9' from the eastern property line and is 24' over the 120 sq. ft. that would allow a shed to be placed as close as 4' to the property line. He does not see an intention to deceive by the applicant, therefore he feels they should grant the variance.

R. Ehmann said she was inclined to agree with Peter.

M. Sharman said to Mr. Gilbert that he was glad to understand some things more clearly now. He also reminded Mr. Gilbert that at the previous meeting, Mr. Gilbert stated he was concerned about his property value and that having the shed this close to his property line would be cause the value to go down. M. Sharman said that perhaps he should consider the numerous posted signs along the two property lines being a detriment to property value.

M. Sharman agreed with Chair. although he suggested the shed be moved 1.10" to be 4' from the east property line.

Gerry said, "This has been a problem for seven years."

Chair. Nilsson thought the shed should be left where it exists, yet if the shed were ever to be replaced, the new shed shall be placed no closer than 4' to the east property line.

M/2/F (M. Sharman/C. Rider) to have applicant move the shed 4' off the east property line and 28.5' off the north property line.

Joanne stated it would be difficult to move the ramp that is in front of the shed.

Kevin Masterson explained that he is not comfortable with determining where the 4' mark would be from the property line, he is not a surveyor.

Joanne thought she measured the shed to be 4' from the east property line.

Kevin corrected her by saying it is not 4' from that property line, it is 2.9 +/- feet. Ms. Buchanan may have to hire a surveyor to determine exactly where the 4' would be.

Motion failed 2-3.

M/2/F (Chair. P. Nilsson/R. Ehmann) to allow the shed to stay in its present location until such time and if the shed needs to be replaced in the future, then the property owner would need to meet all setback requirements.

Motion failed 2-3.

J. Case stated that he feels the shed should stay exactly where it is located at present time. He feels it's never been a problem for the last seven years, and is only an issue now because of the dog situation that occurred recently.

M/2/C (Chair. P. Nilsson/J. Case) to grant the area variance as requested and as submitted, allowing the shed to remain where it presently exists, approximately 2.9' from the east property line and approximately 28.5' from the north property line.

Motion carried 4-1.

It was a consensus to cancel the first meeting in January 2013 due to two of the members not being able to attend the meeting.

M/2/C (M. Sharman/R. Ehmann) to adjourn the meeting at 7:45 p.m.

Motion carried 5-0.

Respectfully submitted,

Tammie Schwerzler  
Recording Secretary

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