

**Barry County Zoning Board of Appeals  
Minutes  
August 13, 2018**

The meeting was called to order by Richard Patterson at 7:00 p.m. in the Community Room of the Tyden Building located at 121 South Church Street in Hastings. The ZBA members in attendance included: Patterson, Clyde Morgan, and Shirley Barnum. Anthony Crosariol and Pamela Strode were absent. Others in attendance included Barry County Planning Director James McManus, John Garside, Jr., Warden Hall, Scott Ross, Dean Endres, Ryan Grider, and many other interested people.

Motion by Morgan to approve the agenda as printed. Support by Barnum. All ayes – motion carried.

Motion by Barnum to approve the minutes of April 9th, 2018. Support by Morgan. All ayes - motion carried.

**BUSINESS**

Patterson explained the procedures of a public hearing.

**Variances**

**Case No. V-3-2018**

**John W. Garside, Jr. & Miranda J. Garside  
(Property Owners)**

Patterson recessed the ZBA, opened the public hearing, and asked Garside to present his appeal.

Garside said there is a summer cottage on the parcel, and they would like to tear it down and build a permanent home on the property. He noted the lot is 66 feet wide, and the existing home is 5 feet off of the east line. He said he would like to build a 54 feet wide home which will leave 6-foot side yard setbacks. He noted the new home would be closer to the west line than the current cottage.

Patterson asked if anyone wished to speak in favor of the request. There was no response.

Patterson asked if anyone was opposed.

Ann Ransford, the owner of the property to the east, read a letter to the ZBA (see attached.)

Garside rebutted by stating that the new structure will be further away from Ransford's line than the current structure. He noted times have changed around Gull Lake.

Patterson closed the public hearing and reconvened the ZBA.

Barnum questioned if there were any other ways to situate the home on the property.

Barnum verified the existing cottage would be removed. Garside agreed.

Barnum asked how long Garside has owned the property. Garside said he purchased the property in 2007.

Barnum asked if he knew then he would be building a new home. Garside said he did not know his intentions when he purchased it.

Barnum verified the side yard setback would be 6 feet. Garside agreed and noted Ransford's home is also closer than 10 feet to the property line.

Barnum asked how big the new home would be. Garside said 2,800 square feet. Garside said he could not build closer to the lake than the neighbors.

Barnum asked what the lake setback was. McManus said 30 feet. Garside said he was going further back.

Barnum said she was concerned about the 6 foot setback. Garside noted there is not a home to the west.

Morgan noted fire trucks would have a difficult time driving between the homes. He asked if the fire department had been contacted. Garside said no.

Morgan asked about changing the size. Garside said he needed the width for a main floor bedroom.

Morgan asked if Garside's children would be living with them long-term. Garside said no.

Morgan asked what the bedrooms would be used for after the kids leave. Garside said for guests or grandkids.

Morgan noted there were five cars on the plan. Garside said that was the architect's rendering. He noted the new design will improve the parking.

Patterson was also concerned about the 6-foot setback. He noted other people have had to redesign homes and have found better options.

Patterson asked if Garside had considered a different design. Garside said a longer and narrower home would be more obtrusive. He said the proposed design will retain trees and green space.

Morgan noted trees do not last forever. Garside concluded that it is his intention to enjoy the peace and quiet of the lake.

Motion by Barnum to deny case no. V-3-2018 per Section 3107 C.1.f. of the Barry County Zoning Ordinance. Support by Morgan. Roll call vote taken: 3 ayes - 0 nays - motion carried. Variance Denied.

**Case No. V-4-2018**

**Warden M. Hall (Property Owner)**

Patterson opened the public hearing and asked Hall to present the request.

Hall said he would like to construct a 16x24 addition to an existing garage. He noted it will be a direct extension to the garage, and it will allow a direct drive from the driveway. He noted the house across the street is a rental.

Patterson asked if anyone wished to speak in favor of the request.

Anita Mennell said it will not change the view for her or create excess noise.

Thomas Drumm said there is a line of pine trees between the properties, so view or aesthetics are not an issue.

Patterson asked if anyone was opposed. There was no response.

McManus read a letter from Denise Straley.

Hall noted the construction will match the existing garage.

Patterson closed the public hearing and reconvened the ZBA.

Morgan noted the required setback is 50 feet, but the new structure will not create a view issue and will not impair M-37.

Motion by Barnum to approve case no. V-4-2018 per Section 3107 C.1.a.-h. and C.2.c. of the Barry County Zoning Ordinance. Support by Morgan. Roll call vote taken: 3 ayes - 0 nays - motion carried. Variance Approved.

**Case No. V-5-2018**

**Scott Ross (Property Owner)**

Patterson recessed the ZBA, opened the public hearing, and asked Ross to present his appeal.

Ross said he wanted to use Walnut Drive, which has a 45-foot easement, to create new parcels. He noted the extension only has two homes on it, but other people have used it to access pole barns and garages. He noted the road was created before zoning and is a public road, but it is not maintained. He noted he could build a road, but he cannot widen the easement.

Ross said he wanted to split the property so his children would have a place to build a home. He said one of the splits would go to a neighbor for a pole barn. He noted he has seven splits available. He said he would create a parcel that will add the existing barn to his house parcel as the well for his home is next to the pole barn.

Patterson asked if anyone wished to speak in favor of the request.

Jeff Otto asked if all of the easement would be changing to 66 feet wide. McManus explained why the request was asked for. Otto said he supported Ross' request.

Vaughn Mills, representing Gary Mills, questioned if the traffic would increase on the easement. He said safety is an issue. He also noted the drainage would need to be correct.

A woman named Harley, who was Ross' son's girlfriend, said she appreciates the opportunity to obtain property near family. She said they would help maintain the road.

Bernie Mills agreed that safety is an issue, but he said Ross would do it correctly.

Patterson asked if anyone was opposed. There was no response.

Patterson closed the public hearing and reconvened the ZBA.

Morgan commented on another private road in the area. When the road was created, people lost some of their property in the easement.

Morgan asked about road construction. McManus noted that will depend on Ross and the total number of splits.

Morgan said he was concerned about the speed on the road.

Barnum asked if there was another way to get a correct easement. Ross said no.

Patterson was also concerned with safety. Ross noted the road will be widened.

Motion by Barnum to approve case no. V-5-2018 per Section 3107 C.1.a.-h. and C.2.b. of the Barry County Zoning Ordinance with the stipulation that the road only be used for non-commercial uses. Support by Morgan. Roll call vote taken: 3 ayes - 0 nays - motion carried. Variance Approved with Stipulation.

**Case No. V-6-2018**

**Nancy Blok (Applicant)  
Nancy Blok/Sandra Henwood/Dean Endres  
(Property Owners)**

Patterson recessed the ZBA, opened the public hearing, and asked Endres to present his request.

Endres said he wanted to build a 30x40 pole barn on the property for storage. He noted a temporary shelter was blown away during a storm. He noted he would be storing pontoons, sea-doo's, etc.

Patterson asked if anyone wished to speak in favor of the request. There was no response.

Patterson asked if anyone was opposed.

Sherry Wood verified the site would be 30x40. Endres agreed. She noted the building is proposed to be 10 feet off of the property line, and she was concerned there would be a deck constructed overlooking her yard. She noted the temporary building ended up in her yard. She asked why it had to be next to her property.

Endres rebutted by noting he wanted to move the electrical lines, but it was too costly. He noted it will be a pole barn that has 12-foot walls.

Patterson closed the public hearing and reconvened the ZBA.

Morgan asked if the building would have any windows. Endres said no. Morgan asked about doors. Endres said he would have a door on each side and one service door. Endres said it would be for storage only.

Morgan asked about the deck on the other building. Endres said he does woodworking in the loft .

Morgan asked if the building would have water/sewer. Endres said no. Endres noted the family has two properties on the lake and lots of toys, so they need storage space. (Endres noted the lean-to will be removed.)

Morgan asked how much land they owned. Endres said 2.5 acres.

Patterson asked about attaching the structure to the existing barn. McManus noted that would definitely exceed 150% of the house size. Patterson noted Endres had enough space and said it was better than a temporary structure.

Motion by Barnum to approve case no. V-6-2018 per Section 3107 C.1.a.-h. and C.2.c. of the Barry County Zoning Ordinance. Support by Morgan. Roll call vote taken: 3 ayes - 0 nays - motion carried. Variance Approved.

**Case No. V-7-2018**

**Ryan & Charitie Grider (Property Owners)**

Patterson recessed the ZBA, opened the public hearing, and asked Grider to present his request.

Grider said they want to build a 32x48 accessory building with a lean-to for agricultural purposes. He said it will have a setback of 17.5 feet from the right-of-way. He noted he has improved the drainage and the intersection right-of-way.

Patterson asked if anyone wished to speak in favor of the request. There was no response.

He asked if anyone was opposed. There was no response.

Patterson closed the public hearing and reconvened the ZBA.

Barnum asked how many acres the parcel was. Grider said 19, but he noted 14 was wooded and wet.

Barnum asked about the animal use. Grider said they want to have goats for 4H and a camper will be stored in it.

Barnum asked about adding fill. Grider said the location will have the least amount of fill.

Morgan asked how tall the building would be. Grider said 16-foot walls. Morgan noted that will not cause an issue at the intersection. Morgan asked about the roofing. Grider said it would be metal.

Patterson agreed that it will not impede any views and noted it was the only good location on the property.

Motion by Morgan to approve case no. V-7-2018 per Section 3107 C.1.a.-h. and C.2.c. of the Barry County Zoning Ordinance. Support by Barnum. Roll call vote taken: 3 ayes - 0 nays - motion carried. Variance Approved.

Motion by Morgan to adjourn. Support by Barnum. All ayes - motion carried.

Meeting adjourned at 8:30 p.m.

Respectfully submitted,



James McManus