

**Town of Buffalo
Board of Appeals
Public Hearing
September 8th, 2016
@ 7:00 p.m.
Buffalo Town Hall**

Present- Jan Banicki, Charles Church, John Goetz, Tom Wilson, Shane Dedrick & Laurie Beahm

Others Present-13

Jan Banicki chairman called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

The board reviewed the July 2016 minutes. Motion to approve the minutes from August 2016 by Shane Dedrick. Second by John Goetz.
IN FAVOR-5 OPPOSED-0 Motion Carried.

Jan Banicki gave instructions on how the proceedings will be run.

Tom Onofrey made a statement regarding the appeal process.

Jan Banicki read the request from James and Laurie Briggs.

The board preceded with a discussion regarding the request. There were questions asked of Tom Onofrey.

Jan Banicki presented some documentation regarding the request. The board members asked more questions regarding the request. Tom Onofrey helped to explain the questions regarding the request.

Jan Banicki then opened the public hearing.

David Larkin spoke regarding the request and how the town should handle it. He wanted to remind the board that the law is very clear on how the town laws are set up regarding multifamily residences.

Joie Woodard asked why there were 2 fire numbers. She spoke saying that because there were 2 fire numbers she feels it has already been established.

Dustin Wollschlager asked if they knew where the old building went? The board stated that it was removed. He asked if it was properly disposed of. He was told it was properly disposed of.

The question was asked when it was removed. Tom Onofrey stated that one of the reasons this was asked for was because the septic had failed and they were going to have to install a new septic.

Fred Wollenburg stated another similar situation in another township. He feels this does not meet our requirements. He feels this would open up other problems if this request is passed. The board needs to consider the past and potential problems in the future. Does it fit in to the comprehensive plan? Is there a way we can do this and be flexible?

Shane Dedrick asked if he could read something regarding exactly what the job is of the Board of Appeals. He explained that it is the board's job to follow the laws.

Jan Banicki asked if there were any more people for or against this.

Dennis Schwochert stated that he agreed with Fred. He feels that this could get very difficult if the board passes this because there are many similar situations within the township.

Joie Woodard asked if they had gone about it in a different manor would it have been ok. The board stated yes but because they tore it down and removed it before checking that is why there is a problem

David Larkin thinks that the board is in a difficult place. He knows in our hearts you want to help the neighbors-however the obligation is to follow the law and make the decision according to that. Please don't make an acceptance for this.

Jan Banicki asked if there was anyone else either for or against. There were no more comments.

Jan Banicki closed the public hearing.

The board began discussion regarding the request.

Charles Church read the law regarding the reasons that this situation does not fall in the list of possible reasons for an accept ion.

Shane Dedrick read regarding conforming uses. He feels this maybe does not come under conforming use.

Jan Banicki asked James & Laurie Briggs to come up front and explain the situation and how it came about.

James explained that when they had the septic pumped and it failed. This is one of the reasons that they made the decision to tear apart the trailer. When they started to tear it apart there was mold underneath. They decided it was in to bad shape so they tore it down. After it was done and disposed of they talked to Laurie's parents and it was decided to bring in a new home for them to live in. They did not realize that they should have checked in to the process before they did this. They were not aware that just because there is a separate fire #, septic, & phone line that they could not do this.

The question was asked if they were planning on putting in a basement or just a slab. James stated that there would be a basement. Shane Dedrick stated that because of the way it was written he feels that it would have to be rezoned and separated in to 2 parcels in order to do this. When he has reviewed this and the way it is written that would be the proper way to do this. John Goetz stated that maybe the board maybe would grant a variance if it was maybe a temporary situation but due to the fact that they are putting in a basement it sounds more permanent. James Briggs stated that they were planning on the basement because in case of storms. John Goetz also stated that maybe rezoning is a possibility. Charles Church stated that no matter what, the way the existing ordinance ls written, it cannot be done.

Jan Banicki asked for a board vote.

Tom Wilson-I would say no.

Shane Dedrick-Opposed due to its against the ordinance.

Charles Church-In favor of denying the application

John Goetz-It is a nice concept but it does not meet the guidelines.

Jan Banicki made a motion to adjourn.

Meeting was Adjourned