

**ARCADIA TOWNSHIP ZONING BOARD OF APPEALS  
PUBLIC HEARING  
MEETING MINUTES OF March 18, 2021  
SPECIAL LAND USE VARIANCE AND REZONING  
CLASSIFICATION – Tyler Hargis, Disaster MD Restoration Services, LLC**

The Arcadia Township Zoning Board of Appeals held a Public Hearing on Thursday, March 18, 2021, at 7:00 p.m. at the Arcadia Township Hall, 4900 Spencer Street, Lum, Michigan.

Chairman Richard McClelland called the meeting to order at: 7:01 p.m.

**MEMBERS PRESENT:** McClelland, Bonesteel, Johnson, and Ostrom.  
**Absent:** Jostock

**OTHERS PRESENT:** Julie Dockham, Recording Secretary; See attached sheets for public attendance list.

**APPROVAL OF AGENDA:** MOTION BY Bonesteel, SECONDED BY Ostrom to approve the Agenda as presented. MOTION CARRIED.

**ELECTION OF OR REINSTATEMENT OF OFFICERS for 2021**

Nominations were opened by McClelland at 7:02p.m.

**MOTION BY Ostrom, SECONDED BY Johnson, to keep officers as were previously elected. MOTION CARRIED**

**NEW BUSINESS – SPECIAL LAND USE VARIANCE AND REZONING CLASSIFICATION – Tyler Hargis, Disaster MD Restoration Services, LLC**

Chairman McClelland opened the floor to Tyler Hargis, at 7:03p.m. and asked him to state his full name and address.

Mr. Hargis stood and stated his name and address: Tyler Von Hargis, 3415 Haines Rd, Attica MI.

Chairman McClelland asked Mr. Hargis what his purpose was....

Mr. Hargis stated that he has a contractor service business that he does offsite work at his farm at his home and that he uses his property to park his vehicles for his service business.

Mr. Johnson from the Zoning Board asked Mr. Hargis if that was all?

Mr. Hargis did not respond.

Chairman McClelland stated to Mr. Hargis that it was up to him whatever he wanted to say.

Mr. John Miller (Lapeer County Prosecutor) stood up and introduced himself that he represented Mr. Hargis before and that he had dealt with Mr. (Michael) Gildner (Arcadia Township Legal Representative) in this matter and met with (Township) Supervisor Howell before, regarding the use that Mr Hargis is responding to and the complaints surrounding that. He stated that he would just like to address this body and that he has been in contact with Mr. Gildner previously about this matter.

**MILLER** - I do think that there are a couple avenues of relief that might be discussed that this board might have the authority to grant but there are some other considerations that might go out side this board. I would like to

start by saying that the subject of the property that is complained of for business use in a residential / agricultural district, the address that Mr.Hargis resides at. The business that he operates is called Disaster MD, it is a remediation restoration type company that responds to floods, sewer back-ups, fires and things of that nature for property type work in emergency situations.

The business that he operates is not a, I don't know if any of this board had the opportunity to view this subject parcel that we are talking about tonight, I think that it's important to note that the parcel but for the dispute with the neighbor that kind of precipitated this matter I think that this parcel thing was quietly used for this purpose for some time. And the purpose I'll point out admittedly that a couple small commercial duty vehicles leaving the property to go perform site work and return to the property. It's not a situation where there's business open to the public and there's people coming back and forth all day long various days of the week, so it's a limited type situation, yes there is some commercial activity going on there but it's not to the extent that rises to the level of a business as we would traditionally concede that label. So, I would point out to the board, if you haven't had a chance to view that subject parcel, or as I did today, or if you looked at it on Google Earth, you'll find that it is surrounded by trees, it's in the middle of a large parcel of land, if you didn't see a occasional small commercial vehicle traveling up the driveway every once in a while you probably wouldn't notice any kind of commercial activity going on there or a business being run out of there. I think it's also important to consider the times that in the environment we are in today that there are more and more of this activity going on in agricultural residential zoning districts than ever before. But I think the clearcut avenue of relief that I would propose would be a conditional use permit, I think that this is something outside this boards authority to grant, I'm not sure if that relief exists in with townships authority. But it is something common place for situations like I described. It's important to note that a conditional use permit does not run with the property so it's not something that you're saying hey this is something we're granting aa a special use application here, this is not something that runs with the parcel so once we take action or grant relief on the subject parcel, it does not stay with the parcel with the conditional use permit. The conditional use permit would change or be revoked or be terminated once the property was sold, as soon as the property changed hands, conditional use permit no longer applies, new owners come in and they have to meet rezoning ...(words unintelligible due to child in room screaming)...but as I mentioned already, I don't want to be-labor the point the limited use that is going on here is not something that rises to the level I think the drastic measures that the township should be concerned with, I'm available for questions if there's any.

Chairman McClelland asked the Arcadia Township Legal representative, Michael Gildner, if he wanted to stand up and share time with the attorney.

GILDNER – I'm happy to, as Mr. Miller indicated the paperwork that was submitted mentions a few different avenues of relief and he mentioned one tonight but I will go thru all of them because I think it's important we keep in mind of what is being requested and what this board can do. At one point in the paper work the request was made to rezone the property from agricultural designation to commercial designation. The re-zoning is not something that this board can do, it needs to start at the planning commission and go to the township board and even if you were inclined to do that, by you what I mean is the township this is not the proper place to consider that. And as a brief side note, when a request is made to rezone and there is a particular applicant it's very tempting to think well what we'll do we may allow rezoning for that particular use, but that's not how it works. When a parcel is rezoned, in this case if it is rezoned commercial, any of the principal permitted uses in the commercial zoning district are allowed there in other words this particular applicant he may have this business in mind but he has not stuck with that and your commercial district has says there to be repair shops, personal service establishments, retail businesses, etc., that go in there. But in any event that I don't think is properly before you tonight. There was also a request made for a use variance, I don't know if that phrase was used specifically but variance was mentioned in the paperwork as well and the only variance that may apply here is a use variance. I'm not convinced that a use variance exists under your zoning ordinance, it's possible in some communities where it's specifically provided for your zoning ordinances doesn't in my opinion provide for it. And what a use variance is it is essentially a license to do something in violation of the zoning ordinance and that runs with the land meaning if you did that that once Mr. Hargis is gone and someone else comes in, that

new owner can continue the operation. That is an important distinction as well. The third and final request made here tonight or emphasized here tonight is the conditional use permit. I don't know whether if that is appropriate for this particular use. But I don't think it's before you (the ZBA board) that's a planning commission issue. It appeared from the paperwork that what he's asking for is essentially a home occupation, and again I don't think those words were used specifically but as I understand it this is his home and he also operates a business and he wants to continue to operate a business from his home it is a home occupation and you can ask for special approval in some instances to run a home occupation there. That however goes to the planning commission which obviously you're not. Those are three options as I saw them, other than that I'm happy to answer any questions you may have.

BONESTEEL – I would like to know where they were before they moved to Arcadia Township and whether they had a special use permit there or if they were in a zoning district that allowed that service?

GILDNER – That I cannot answer, I don't have any, the extent of my knowledge about this is from the paperwork that was submitted.

Chairman MCCLELLAND – Homeowner, Mr. Hargis can you answer that for her?

TYLER HARGIS – Yes, yes it was out of a commercial building in Clinton Township (Michigan)

JOYCE BONESTEEL – So you knew that you were in the right district then why did you not think that you had to...(cut off by Hargis)

HARGIS – I didn't own the building over there so there was no type of formal thing I had to do I just had the business there.

Chairman MCCLELLAND – The question is do you still have the business there?

HARGIS – No sir

Chairman MCCLELLAND – You no longer have...

HARGIS – It's a service business so it basically operates out of trucks anywhere the trucks are so it's basically all the work I do is online and then the trucks come back and park

Chairman MCCLELLAND – (child yelling in the room) You still have that business? (in Clinton Twp)

HARGIS – Just for marketing purposes

HARGIS – (child yelling – mumbled words, he started addressing an audience member)

Chairman MCCLELLAND – (To Hargis) Please address the Chairman and not the audience

HARGIS – Oh sorry, I apologize

Chairman MCCLELLAND – So you're saying the place in Clinton Twp you no longer have

HARGIS – No sir

Chairman MCCLELLAND – It comes up on Google Maps

HARGIS – We use it for marketing purpose for online, so if somebody on Google types in water damage in Clinton Twp our business will pop up

Chairman MCCLELLAND – the phone number is not a Clinton Twp phone number?

HARGIS – No, we use an online phone

Chairman MCCLELLAND – It's strange that bringing it on Google Earth you can still see trucks parked at your other place...now somebody here isn't honest

HARGIS – I think that's about 5 years old that Google picture, they haven't updated my home either

Chairman MCCLELLAND – What is the address at the former place?

HARGIS – 3415 at the former or the new one? 35186 Automation Dr Clinton Twp

Chairman MCCLELLAND - Anybody else have any questions? (addressing ZBA members)

OSTROM – Yeah I want to ask the deputy if they have had any complaints out there in that property

DEPUTY PONIATOWSKI – (Lapeer County Sherriff Deputy) We've had since June 2<sup>nd</sup> of 2019 we've had 5 calls related directly to the business and we've had 10 or 11 not relating to the business. I've personally handled about 8 calls.

BONESTEEL – What were the nature of the complaints?

DEPUTY PONIATOWSKI – I've had lots of different ones. Issues with former employees wanting to get a paycheck, one of them wanting to get a vehicle out of there, they had a former employee fraudulently cashing checks possibly, then they've had neighbor complaints, property disputes with another neighbor, it's a wide variety of calls.

BONESTEEL – Thank you

OSTROM – I would like to ask the gentleman back there why actually don't you have any hours for your business if you're trying to be a good neighbor?

HARGIS – (child screaming loudly) What's that? Why don't I have any direct hours?

OSTROM – Yeah (child screaming – cannot understand words)

HARGIS – We are a 24 hour but basically it's the vehicle leaving and then we go to the job and we're gone 5-6 hours sometimes.

Chairman MCCLELLAND – Sometimes longer

HARGIS – Sometimes longer, yes, depending on how big the job is

Chairman MCCLELLAND – So you don't actually run a 9 – 5 business?

HARGIS – We do run office hours 8:30 – 5:30 and that’s the only time we have emergency services like your typical electrician or plumber. So somebody calls with an emergency and we would dispatch an on-call crew to help them out.

Chairman MCCLELLAND – So at that time if that happens you get a hold of somebody and they come in and pick up a truck and away they go?

HARGIS – Yes, exactly, I take all the calls

Chairman MCCLELLAND – So you don’t have any set hours ...mumbled words

HARGIS - Just office set hours, everything else is emergency service but the office only runs from 8:30 – 5:30 which is in my home, me answering phone calls.

Chairman MCCLELLAND – But that’s where they pick the trucks up at right?

HARGIS – Yes

Chairman MCCLELLAND – but that’s where they pick the trucks up at right?

HARGIS – Correct

Chairman MCCLELLAND – that means you’re open 24 hrs a day

HARGIS – You could say that I guess...inaudible words...emergency service

Chairman MCCLELLAND – that’s exactly what I’m saying

OSTROM – We did hear sir that there is a rumor that you have an apartment up there is that true?

HARGIS – Ah, there was an apartment built in but we don’t use it as an apartment we use it as a bedroom.

OSTROM – And you have people staying there?

HARGIS – No just our kids

At 7:18 p.m. Chairman MCCLELLAND opened the floor up to the public

Chairman MCCLELLAND - Here is what we will do we will open this up to the public, anybody sitting here in the audience who would like to say something, state something. Here’s how we will do it, you’ll be allowed about 3 minutes time, stand up, state your name, your address and state your problem, request whatever you’d like, comments, to me, the Chairman and I will direct it to the homeowner, lawyer, whomever, but address to me don’t be confronting someone else in the crowd. So it’s open, anyone have anything they’d like to say?  
Yes sir

JAMES RICHARDSON – 3369 Haines Rd, I live directly in front of ..(words unintelligible) but I’ve never personally met him or talked to him. But when he first moved into his house there was numerous times in the middle of the night 2:00 – 3:00a.m. in the morning they are back there dumping trucks in the dumpster. He’s got this dumpster parked in this treed in area, where he keeps this 30 yard dumpster right there where you can see it when you look out your back window and see this dumpster. There are numerous times in the middle of the night and we are woke up with these trucks dumping his 24 x 7 emergency service and he’s talking about if

he gets his permit .... There was another situation with another gentlemen in here where he got into a confrontation about this dumpster or whatever I'm not sure, but he literally moved that dumpster as close to that guys house as he could just to aggravate him. I work for a utility company and I came home one night at 11:00 at night one night and there were 3 vehicles parked in the back field with their bright lights on shining on the guys house just to aggravate him, I don't know what happened between the two of them and I don't care, but if he's doing this stuff then and he didn't have permission to do it and you give him permission to do it how is he going to treat his neighbors then? Plus the property value of my house if I try to sell my house in the next 3 years or whatever and someone comes and looks at my house and oh it looks like you have commercial property you have a bunch of trucks going in out of here, a dumpster you're looking at, that's a big deterrent for me to sell my house.

ROBERT RUGENSTEIN (Sr.) – 3565 Galbreath Lines Rd, Brown City, MI – My son lives directly in front of Mr. Hargis and I've seen this personally, 1:00 in the morning, Mr. Miller says small, no they're box trucks coming in and out of there 1:00, 1:30, 2:00 in the morning and in the summer, what she didn't mention is a quarter mile long and the dust rolls across there (not sure who 'she' is he's referring to). And I'm just saying what I've seen, I got to dispute Mr. Miller's claims that they're small trucks, no they're box trucks. And what this other gentlemen said, that dumpster is over flowing most of the time.

Chairman MCCLELLAND – Is that your son?

RUGENSTEIN (Sr.) – Yes

Chairman MCCLELLAND – Go ahead if you want to say something

ROBERT RUGENSTEIN (Jr) – 3405 Haines Rd, I live directly in front of Mr. Hargis. It might take me more than 3minutes sir. It sucks at night when I'm sitting in my living room and when their employees are coming out and I get the headlights in my living room. It also sucks when I'm getting ready for bed at 9:00 at night I get their headlights in my bedroom window. and then they commence the dumping of trash in that dumpster for the next half hour like he did last Thursday at 9:00 two box trucks came in at 9:00 and they commence for the next 20 minutes throwing stuff in that dumpster 3 or 4 employees come out at 10:00 and it's very very frustrating because I know the township has numerous pictures, close to 500 pictures from over the summer to early fall of Mr. Hargis' vehicles coming in at 9, 10, 11, 12, 1, 2, 3 o'clock in the morning. I have to get up and go to work, my son has to go to school. My house is only 40 – 45 ft from that driveway. We need sleep. It's very frustrating when you're constantly getting woke up. I should be able to sit on my back deck with my family and enjoy a nice summer day and not witness Mr. Hargis' vehicles come in and out at all hours dumping trash in that dumpster. I should be able to enjoy my weekends and my holidays without witnessing Mr Hargis' vehicles constantly coming in and out. Mr. Miller says they are small commercial vehicles, I think that the over 500 pictures I provided to the township over the summer and fall prove otherwise that they are (not) small vehicles. When me and my wife signed our mortgage 16 years ago we signed papers stating that was agriculture/residential. I want to know if Mr. Hargis signed those same exact papers and he did, ... words unintelligible....you cannot let a business like that come in here like that it's very very inconvenient. I don't enjoy the dumpster, you know you don't know what's going in that dumpster he's running a fire restoration, God knows what he's throwing in it, it's just, you got the employees coming in and out at all hours, we need sleep. You know my son was woken up Monday because of this.

Chairman MCCLELLAND – Ok, Thank you. Anybody else

PHIL BUSCH - My name is Phil Busch – 3455 Haines Rd, I've never met him, and don't have no qualms against him he owns a business that's great, but from what I've seen him doing things, he does what he wants when he wants how he wants and I don't think that's right. I have something here I'd like to show the board if I could (bringing cell phone to board members). He had this dumpster out front and at first I thought they were

using it clean out the house when he bought it until I realized the trucks are coming in and using this. But the township made him move it back where it is and I thought great it's out of my sight I can't see it anymore. But I noticed what they're doing now, I guess to spite the township this they call 1-800 Rolloff (dumpster) they drop the dumpster before the empty one. They drove back in dropped it off, loaded the full one brought it out. Now they're doing it all on Haines road, I'm like you can't use the road like that, that's my beef. He's got 30 some acres.

Chairman MCCLELLAND – What you're saying is they put the dumpster, they dump....

BUSCH – They drop the empty one on Haines Road, drive back to get the full one, bring that out and drop that one on Haines Road and re-load the empty one take it back there then come back out and re-load the full one and take off. (Phil showing board members video from phone)  
Nothing against him but I think he's doing to spite the township for making him move the dumpster back.

Chairman MCCLELLAND – (asked board members if they wanted to see videos from Phil Bush's phone)

BONESTEEL – He painted a clear picture

BUSCH – It's just that I don't have anything against the guy, he owns a business but if it gets commercialized I think it's going to get worse back there. We don't know how many trucks are going to be going in and out and how many dumpsters

Chairman MCCLELLAND – Do you know how often they are changing the dumpsters?

BUSCH– Oh every 2-3 months, I've seen them do this 3 times, this is the 3<sup>rd</sup> time.

GILDNER – Mr. Chairman, if you could ask if that video whatever or pictures or whatever be made available to the township we should make it for the record

BUSCH – I don't know how you do that

GILDNER/DOCKHAM – Stop and see one of us at the end of the meeting

Chairman MCCLELLAND – Anybody else, have anything to say, comments... Yes ma'am

VALERIE HAUXWELL – 1686 Hayden Rd, my husband's family has owned property there for many many years, I work at the hospital. We see trucks coming and going and there's been no problem, we have not had one single problem. So he has a dumpster on his property. What gets me, and I understand that people need to sleep, we need to sleep we live around the corner from them but we see them as neighbors and we have not had one, and believe me if my husband had an issue he would let it be known. In this day and age and people are struggling as hard as they are and he's trying to have a business, run a business, I think it's borderline shameful that he is being raked over the coals for doing that. If you have ever had a business which my husband had a business in Lapeer for many years before he retired. You do have dealings with employees, you do have mishaps, that comes with having a business interacting with people, some of these things have been blown a little out of proportion and people get angry lose site of what it is to be a good neighbor and you know a little communication goes a looong way.

Chairman MCCLELLAND - Let me understand, ma'am, you would have no problem changing or possibly or trying to get a commercial property changed back there?

HAUXWELL- No, I would have no problem with that. They do good work, my husband goes over there, and maybe it was one of our vehicles that shown the lights going down your driveway again I'm sorry my husband is a night owl. But a little communication goes a long way, and believe me and I speak on behalf of my husband, he is a disabled veteran if he were to think that by any stretch of the means that there was a problem here he would be telling more than the board here.

Chairman MCCLELLAND – Thank you

JUSTIN HOWELL – 6207 N Linden Rd, Mt Morris, MI, I'm not in this area, ...inaudible words... I'm also a disabled vet so I do not work and I hunt and that is my therapy and I've been coming out here I've been coming out here religiously ever since the bow season started and I have not noticed near as much is what all these guys are saying about all this stuff. One dude saying that they dump this dumpster they only dealing with it what 3 times in 3 months he said, it's not every day, these other guys I understand their frustration, there are people that love this man there are people that love this man and there people that stand behind this man 100% and there are a lot of people that are not here today and the fact that everything that this man does for all these people probably in this area and probably would do is outstanding, he's a good guy as far as I understand at night stuff like that it's not every single day this is not a having a business where people are constantly running up the road all day every day, it's not like that and I've witnessed that myself because I'm out at his property constantly hunting you know I hear their frustration but again that could be us out there shining at night looking for a deer that we shot at night or in the daytime and it got dark and we're looking for it, this is a lot of speculating going on right now, you don't have a lot of facts on it, I mean you got picture and some stuff but as far as the lights, and keeping them up at night that's speculation at this point hard evidence would be better....

Chairman MCCLELLAND – Just for your point we do have evidence here, we have pictures...

HOWELL – You do but you don't have it where it's an every day thing that these people are describing

Chairman MCCLELLAND – It's the all hours of the day that's the problem, it's the all hours of the day

HOWELL – But it's not constantly every single day that's what I'm trying to say it's speculation

Chairman MCCLELLAND – It doesn't have to be every single day, Thank goodness it's not

HOWELL – I'm just saying, I'm here to support him he's a good guy....

Chairman MCCLELLAND – Thank you

BUSCH – Can I say something again? I have nothing against him but my thing is it's a commercial business. I don't see why, I mean Serv Pro has a business but they're on McCormick Drive I mean,

HARGIS – We don't Serv Pro Trucks

Chairman MCCLELLAND – Address your comments to me please!

BUSCH - I don't mind them living there but to me it shouldn't be commercial vehicles coming and going I don't see why he couldn't put them some place else along with the dumpster and everything would be fine. I know it's a 24 hour service and I understand that and really you can't restrict them to certain hours if they're going to be working around the clock. My thing is if the trucks and the dumpster were somewhere else I would have no problems at all. I don't think it should be in an area where we are at that's all.

Chairman MCCLELLAND – Mr. Hargis you want to say something?



HARGIS – I just want to say that we don't have near the staff nor the vehicles we have all local guys that worked for me, one of the neighbors worked for us, we have one to two trucks on the road most of the time, sometimes just one truck. I mean we're not over here running Serv Pro numbers, we are doing small jobs

Female speaking – yeah 6 trucks coming and going out of there all the time....inaudible words

Chairman MCCLELLAND - He's got the floor now ma'am!

HARGIS – There's a lot of other traffic that goes to my farm that they may think is my business but really it's for agriculture, I've got cattle, I've got horses, I've got goats, I have ducks, I have chickens, I'm constantly dealing with stuff like that bringing in hay things like that so a lot of times they may think it's for the business but it's really I mean I keep a farm hand on staff always dealing with the farm and I have things coming and going from the farm

Chairman MCCLELLAND - What actually I see in the pictures isn't farm equipment

HARGIS – it's probably the same box truck the one truck that I have

Chairman MCCLELLAND – I see some vans in there (looking at pictures of vehicles coming and going from property)

HARGIS – I don't have any vans

OSTROM – You have two small vans don't you?

HARGIS – broke down vans in the back that's it

Chairman MCCLELLAND – apparently they were working at some time

HARGIS – No sir not since I've been here

OSTROM – When I was there the other day did you have some vans that the boys were washing?

HARGIS – those broke down vans on the hill

OSTROM – No the ones up by the house

HARGISs – I got 2 box trucks and a Sprinter I don't know if you classify that as a van or not but it's basically the same as box truck. And the only ones that stay on the road is a brand new box truck that I keep on the road, the other two if I get more jobs coming in

JOHNSON– The problem I have is the police coming there

HARGIS – the police situation is mostly been with this neighbor I've met him one time and he kind of went off the rails on me

JOHNSON – there's inaudible words ...there's between you and the employees so now you got the confrontation with the police out there that's kind of, you're supposed to keep your neighbors happy

HARGIS – Yes I have plenty of neighbors here to support as well there are a couple here against me

JOHNSON – It only takes one

HARGIS – I understand that completely

JOHNSON – That's all it takes, I feel for ya too, it only takes one

HARGIS – But I'm not here to cause problems with anybody I moved that dumpster way out of the area so it wasn't around his house he's kept a trail cam on my property for a year and a half now watching my every move so I'm sure you've got tons of pictures you know, I don't create any, I could be crazy out there and run a backhoe through everything you know. I just letting it be, I don't have no problems with anybody I'm just trying to support my family feed my kids and make it to where they can go to school safely.

JOHNSON- well normal ordinance inaudible words

GILDNER – Mr. Chairman may I make a suggestion

Chairman MCCLELLAND – Yes

GILDNER – What we are doing here is highly improper, this is a public session, we are supposed to hear public comment then when that is done there can be some discussion here but the back and forth we'll be here all night, just a suggestion.

Chairman MCCLELLAND - Great Mike Thanks. Yes, ma'am

ALISHA BAUR – I am a widow of a Vietnam Veteran, I live in Saginaw but I am also Tyler's mother so I stay on the farm occasionally to do work for the company because I am retired and my husband built a house for us so I don't live there but when I do stay at the farm I help with the work, it's generally from 9:00 to 4:00 whatever I decide because I'm older and I don't have to work all day. Yes this man threatened my life and we called the police on him as well. If you would get to the point of what Mr. Pontowski I'm sorry I don't remember your full name I apologize (referring to the deputy) but the police have been called we had a young man who left his truck on our property and I called his mother and asked if he was ok, at midnight when he tried to come to the property to retrieve that truck drunk and I threw him off the property he called the police on us. I had another man that didn't work for us but one week and refused to give me his social security card, without that I wasn't going to give him his check he called the police. Some of these things that you're hearing are WAY out of line! I have never had Tyler Hargis be a jerk to anyone, since I have helped him with his company we have made food baskets, we have helped him with Vietnam veterans, we went to VFW halls, we went to all kinds of funding things we have made money for women's shelters where we've given them purse and things to put in their purses, bars of soaps and things like that. And it's only because the company gave back. We don't own a Serv Pro, this is not a multi-million dollar company he literally has 3 trucks and a few in the back that are broke down. We are not coming all hours a day, we can TAKE calls 24 hours a day 7 days a week. We don't GET calls 24 hours a day 7 days a week. There were 2 months where we didn't even get a call. And then yes, we got 2 calls in one day and generally the unfortunate part about life isn't it a emergency you're not going to find out until after work and when is that? Usually after 5:00p.m. So I apologize if them hours are bad. But if a neighbor stirs up the pot that's where it goes. And rather than comes to us as a neighbor HE immediately called the police on us. We would have been fine being neighbors, but now he's got a complaint where every single day I've got a video camera on me. I've got a video camera on my grandchildren and this neighbor allows that because nobody has told him he can't do it. And I feel uncomfortable daily with that. I was married to a Vietnam vet with PTSD, I've got PTSD, I don't like being videotaped, but I'm going to deal with it. I have several friends and family that come in Tyler's house and you can bet and guarantee that there lots of times they leave after midnight. So you cannot tell me it's just from these vehicles. I can guarantee it. I can swear on my

life about it. There are times that I leave at 2:00 in the morning because I have things to do. So there's no way its just these big ol trucks. By the way our trucks are not even regulated to be on the roads because they're under the limit they're box trucks like bread would be delivered in, it's not a big truck. And I apologize if Rolloff does that, I swear if I had any idea Rolloff was doing that, maybe if somebody could've came to us and we could've said 'Hey Rolloff don't do it like that' we're not even aware of it I did not know that we've already moved the dumpster so it's out of the way so that we would appease the neighborhood not to piss them off. Now you're saying that Rolloff is doing something to make you angry but we had no idea. If I had known maybe I would've said something to Rolloff but I don't own that company so I can't. But if you'd like to hear from many many people, veteran's at that, that could sit here and tell you that he is not a bad guy and this isn't, we are not trying to start a business that's going to go crazy in this yard. We have babies at night – I have a baby, somewhere around here, that sleeps in that home. I've never been woke up when I've babysat in that home and I live there, when I need to, to babysit. So. Thank you.

Chairman MCCLELLAND – Thank you. Ma'am...

TIFFANY LIETZ – My name is Tiffany Lietz and I live at 6328 North Vassar Road Flint Michigan. I first came here – I was in Kansas City for 7 years. I came back to see Tyler – he is my cousin. I had not been to his new home yet. I accidently turned into his neighbors drive way and he decided to call the cops on me and Tyler had to go to court over this because he decided to make me seem like I was going to hurt his children. I knocked on the door, I asked for Tyler. His son let me in, I stood on the rug in front of the door, he got his sister and I figured out this was not Tyler's house so I went next door. Now I worked for Tyler ever since then and this neighbor seems to want to cause problems constantly.

JUSTIN HOWELL – Which is harassment

LIETZ – Yes.

Chairman MCCLELLAND – She's got the floor.

JUSTIN HOWELL – mumbles

LIETZ – Anyhow, I am not someone who would violate anyone's children I have four of my own and a grandchild. This is my cousin. He is a wonderful person. This is my cousin, this is my aunt, this is my sister in law, this is my best friend. Like this is a family business. We're not sitting here trying to tick anybody off. We're just trying to survive. That's it and I think it's all petty!

Chairman MCCLELLAND – Thank you

LIETZ – You're welcome.

Young man stands up – So back last summer-

Chairman MCCLELLAND – Your name?

HAYDEN RUGENSTEIN -3405 Haines Road. So back in the summer, uh I got a knock on the door uh someone walked, like someone drove in our driveway. She drove in our uh driveway, she came knocking. I didn't know who it was. I thought it was some meter person and she just walked inside our house uninvited. My sister was there. I didn't know who she was. Didn't know what her name was or anything. She was asking for Tyler. I didn't know who that was. I never met them before. And then I texted my dad that there was some random person walking around in our driveway and about an hour after my Dad got home, Tyler came knocking on our door threatening us saying uh Tyler said uh to us 'are you going to shoot me'. My dad doesn't

own any gun. He doesn't own anything that's like a weapon. So my Dad didn't threaten him at all. I have a video of it on my phone right now, I can show you, of him threatening us.

Female voice – (gets excited) you're full of shit!

RUGENSTEIN (Jr) – I got it on video lady

ALISHA BAUR – Listen, I'll not to be lied to...

Chairman MCCLELLAND – Hey, Sir! Sir!....Sit down Rob. (yelling all at once)

LIETZ - The cops were there that night, sticking up for us! not for you!

Chairman MCCLELLAND – MA'AM! You do not have the floor right now!

HAYDEN RUGENSTEIN – And then later that night um they came driving to our property, at the property line where we have a fence and they shined the lights on our house for an hour and thirty minutes, around there. And it all happened in one day.

Chairman MCCLELLAND – Thank you. Yes sir.

RUGENSTEIN (Sr) – 3565 Galbraith Line Rd Brown City. This is a whole thing that could have been avoided. Number one, she shouldn't have walked into my sons house which started it, okay. That wasn't a big deal. I got called 10:30 - 11 o'clock at night, they lined every vehicle up, ask them to deny it, I asked his mother to deny it. They lined every vehicle up they own on my sons property line, shining the lights into his house for over an hour and a half. They, then, my son maybe made a mistake. He shouldn't have called the police. If he made a mistake, I'm sorry, but you shouldn't have walked into his house.

LIETZ – I was invited.

RUGENSTEIN (Sr) - ...it just escalates you know what I'm saying? Escalates, escalates, escalates... this is my son. I go to see my son all the time especially since he lost his wife. Okay? Which has nothing to do with this. I see my what goes up down that drive. I'm telling you, where I come from I'm not lying but somebody is.

Chairman MCCLELLAND – Anybody else?

JULIA WHITE – My name is Julia White, I live at 3415 Haines Road. I am the contractor for my husbands company. Um we do have a dumpster on there which a lot of people have problems with. We have never, one single time, had anybody come to us and say I have an issue with what's going on on your property. I absolutely would have addressed that with them. We are very neighborly, um, we have helped out several of our neighbors who have had issues in their home. We haven't charged them. That's the neighborly thing to do. I've made sure anything that goes into our dumpsters is not any kind of waste material that anybody has to be afraid of. I hold several OSHA certifications for health and safety and I make sure that our employees are trained that um when we do dispose of something that its not going to be anything that's going to be dangerous. I heard somebody say they had problems selling their home and property value. If anything, and I'm sure if the people here knew the person there before us, when we bought the property it was an absolute blight nightmare. There was just, we had to use dumpster after dumpster after dumpster after dumpster after dumpster to clear our property out. There was all these abandoned cars, mountains of tires, just mountains of oil, and all this just waste everywhere. We have tremendously improved the property value since we have been there. We have put over like \$150,000 of our own money into improving the property, into improving the farm land that's on there. And we do like we do have moved here, we do our home business from there. We have our office there. I'm

there, his Mom's there, his brothers there. So we do our home office there. The technicians, and we have four technicians. So, we have four technicians and they do their jobs in locations off of the property. And its not everyday. Were not – it's a couple times a week. And I get that people don't want that – but nobody has said anything to us. No one has discussed like hey you know what, maybe we could just take the dumpster off of our property, lets talk about lets open up this dialect 'what's going on and I'm you know not comfortable with this so it would make me feel better' or 'I'd be okay with you guys being here if you moved the dumpster and just took your trucks and dumped them at a waste management facility' or something. Nobody has come up to us. Nobody has said anything to us, they just go the city. And the neighbor gets in front of us and he has been an absolute terror. My nanny can't even take our 2 year old baby that um is outside with her siblings right now. He flips them off when they go to get the mail, he is like absolutely torments my children. Like I can't even let them go outside to the front, because he keeps trail cams on our property alone. He doesn't have it on the property the people in either direction except for us, um, and the people that are next to us, they had water a damage issue in their home, their basement flooded. He was filming the inside of their home while she was there alone and she was scared. I mean, it has gotten like really bad with his behavior over an incident of somebody accidentally walking into his home. It has just snowballed. The people on the other side of him would not come here tonight because they are so afraid of him. He tried to get a PPO against them as well....

JAMES RICHARDSON – We're here right now.

WHITE – Oh

JAMES RICHARDSON – the other side.

Chairman MCCLELLAND – She's got the floor right now. Everybody be quiet so we can hear.

WHITE – This has just been an absolute nightmare. We just want to quietly-we came from the city to the country. 95% of our property is farmland. We have one building where we store our vehicles at night. There are no building, uh, vehicles that are stored where anybody can see. They immediately go into the building. We do use a dumpster. I would absolutely be willing to discuss taking the dumpster off of our property and just going to a waste management site if that would be a remedy to this. We had no idea, until tonight, that Waste Management was doing that because no neighbors told us Waste Management was doing that and I do not go out and supervise on my road to make sure that this company is doing, you know, dumpster exchange in a manner that's not going to anger the neighbors. So, I mean, there's a lack of communication here where nobody is wanting to come and be neighborly and talk to us and there is just ah, ah this is just snowballed.

Chairman MCCLELLAND – Okay.

LORA RICHARDSON – I am Lora Richardson 3369 Haines Road and I think I just want to point out that our main concern is changing it to commercial. Not the fighting of neighbors and all that stuff. It's changing it to commercial. Because if it goes to commercial, I thought he said it wouldn't go back to agriculture even though I had read on the paper that it would, but I thought he just said earlier it would not. So we live directly in front and we moved to the country to be in the country. Not have these trucks coming up and down – yeah it's not every day, all day long but has been 1:00 on the morning and we have heard the dumpsters – the stuff being dumped. We've heard the beeping of the trucks backing up or sitting there with the beeping on for hours – well maybe not for hours- but I'm exaggerating on that, but seriously its turning it agriculture where we want to be out in the country to something commercial where it might stay commercial forever. And what's to stop them from bringing in more dumpsters. We look out our back window, we want to see deer we want to see wildlife we don't want to see dumpsters and if it turns commercial we don't know what we will see in the future. And like my husband said, what if we do decide we want to move, it will lower our value of our house. I've done research. I don't want to take that chance.

Chairman MCCLELLAND – Anybody else?

HARGIS – Can I respond to anything?

Chairman MCCLELLAND – Sure

HARGIS – I just want to say that with the dumpster situation, I mean we have completely moved it you can't see it from the road. (addresses the Richardsons) You can't see it from your guys house.

Both RICHARDSONS – We can see it.

HARGIS – (addresses back to the board) It, it's in a tree line. There is no way anyone can see this dumpster.

Chairman MCCLELLAND – SIR! SIR! (inaudible words)

HARGIS – You'd have to look through several trees and a fence to see this dumpster. We've got it moved. We can move it even further back, I mean I bought 40 acres to enjoy my land as well. I mean, I think it's kind of silly that everyone is telling me I can't have a dumpster on my property. I mean, I'll move it to the middle of my property but realistically we all buy property to use our property. I'm not doing a Walmart, I'm not doing a big Serv-Pro over there. I'm providing for my family and I am taking care of my property as I'm doing it. I mean, most of the time we are farming on this property, taking care of my animals, I mean, that's an everyday project. That's what we are doing out there. So vehicles coming and going, it might be me getting bushels of corn. Might be hay coming in. Most of the time Fed Ex, Amazon, UPS. The Fed Ex trucks are bigger than my trucks. They're coming down the road all day long, you know, and yes they do beep late at night once in a while, but like it was said one to two times a week a trucks going out. There are plenty of neighbors all around me that are running businesses. I don't know if they're through the city or not if they've done they're variances but I can think of dozens on my street of people that have small business and they're all doing the same thing. You know I'm being picked on because my cousin accidentally went to his house. I understand she shouldn't have went there but it's kind of silly that they called the police you know at the same time so I mean she wasn't there he let them in, they called the police and that's where this all stems from. So, I mean, we really are not trying to cause any problems, we're just trying to take care of our family.

Chairman MCCLELLAND – Just to (inaudible) I think that dumpster situation off that phone that I saw was them making a swap out on Haines Road...

HARGIS – I agree. I don't like that either. I don't know why they were doing that. I wished I would have known. If someone would have said 'hey bro, look dude your dumpsters in my driveway'.

Chairman MCCLELLAND – First of all, if it's your business being run out of there, you outta be, you outta know what's going on.

HARGIS – Most of the time I do but a lot of times I could be out back, I mean it's a big property, I mean I can't see every minute.

Chairman MCCLELLAND – I'm sure it takes more than 5 minutes to make a swap. You got to dump the empty one off,

HARGIS – Sometimes I'm in the office

Chairman MCCLELLAND – (continues to talk) go back get the full one bring in dump that off, pick up the empty one. You know

HARGIS – I'm going to let them know as soon as tomorrow and let them know...obviously we don't want the trucks out in front of the road doing a swap with the dumpster. I agree. Unacceptable. I mean, get it and move it and figure it out. It's a big property, you know, and he has to do it in the street. You know I've got 40 acres there is no reason they can't do it on the property.

BUSCH – Can I ask him a question?

Chairman MCCLELLAND – No. You can ask me and I will direct it to him.

BUSCH – No that's okay. I can talk to him later or something. It's no big deal. It's fine.

Chairman MCCLELLAND – Anybody else? Ma'am

BAUR – I apologize. I did not know anybody else but if you get Amazon packages, their trucks do beep and because of Covid with a large family such as Tyler's, they have five children, there are a lot of a lot of Amazon packages that have been delivered. It has absolutely nothing to do with the company. But yes, we do get Amazon deliveries. So I did want to mention when the young lady mentioned beeps, our trucks don't beep. That has to be an Amazon company I would assume.

Chairman MCCLELLAND – backing all the way up your driveway then. It would take a good while (laughter)

HARGIS – We do not have no beepers on any of our vehicles at all. There's no sound. It's a normal van with a box on the back, that's it.

Chairman MCCLELLAND – Anybody else?

Mr. RICHARDSON – If there's no beepers on a commercial vehicle, it's a violation so then they're all backing trucks without

HARGIS – You guys are really going to take me for a (inaudible) I will get it fixed....

Chairman MCCLELLAND – HEY! HEY! Address it to me please.

HARGIS – (inaudible)

BAUR – I will assume we meet the weight limit? I don't know.

Chairman MCCLELLAND – Okay. We are going to close the public time right now. Public time is now closed. (continued talking) Joyce..

BONESTEEL - I went out there Tuesday for a site review. With the way the dumpster is in the trees, um, they couldn't, they had to, they had all the vacant land on either side. They could do it there but I mean if they swap it out on the road, I don't see where that's really the problem. What concerns me is how well established this business already was. I saw cars neatly lined in front of what must have been an office barn and um the big question in my mind is when they lived in Clinton Township and did business in Clinton Township, did they live on the same property as they, where they ran their business? Or was it two separate? Why did they think they could do that here without permission when assumedly they did not do it in Clinton Township?

Chairman MCCLELLAND – Sir, you want to answer that?

HARGIS – So I started from nothing. I had not a penny to my name. I worked my butt off, bought a van and I started it in my garage in Roseville right outside Clinton Township. Worked my butt off every fricking day sucking up poop out of people’s houses by myself ok, I finally got a little bit of money and I bought a house. And now I’m trying to get my business going Covid hit and we didn’t hardly get any work in with Covid so we’ve been dead, I’m trying to build back up and hopefully one day I would like to have a Serv Pro shop but right now I’m one man with a barn and some animals trying to make it.

Chairman MCCLELLAND – The question was when you were down in Clinton Township...

HARGIS – I started in a garage at my house

Chairman MCCLELLAND - Did you live on the property you had the trucks on?

HARGIS – Yes sir, then I moved it to the commercial property

Chairman MCCLELLAND – That’s, so it was commercial property?

HARGIS – then I moved it to commercial property yes, I rented it off Craigslist so it was nothing serious

Chairman MCCLELLAND – Were you forced to move to commercial property?

HARGIS – No I was just trying to build the business up like any man would do

Chairman MCCLELLAND – So I think what Joyce’s question is is knowing what you knew down there why would you buy agricultural/residential property thinking you could run a business commercially ...inaudible words (gets cut off by Hargis).

HARGIS – (cutting off McClelland) ...I didn’t realize I had to get a variance to be honest, this is my first business I’ve owned it now almost 6 years, it’s going good, um I’m hoping to be able to grow it bigger but you know realistically it’s not going to be super huge like anybody’s thinking even if I blew this up big Serv Pro in Lapeer you know they didn’t even make it they left that building its sitting there empty I think you know it’s Covid there’s nothing around, we’re trying our best to make a living, I’m not over here making billions and going to build a Walmart on the property I’m just trying to run my family business and provide for my family that’s it.

Chairman MCCLELLAND - I think Walmart started in one building

HARGIS – So did Bass Pro Shop

Chairman MCCLELLAND – I think so too, (laughter)

Alisha Baur trying to speak

Chairman MCCLELLAND – Ma’am Ma’am public time is closed

BAUR – Oh I wanted to answer one of the questions....

Chairman MCCLELLAND – Public time is closed

BAUR – mumbles...



Chairman MCCLELLAND – Committee? Anything else

OSTROM – (inaudible) (addressing Chairman MCCLELLAND) The only thing I don't like is that is  
....inaudible words – going down the road....24hours...

BONESTEEL – And another thing is they said the same thing about Lumco when I moved out here 25 years ago and I came to the township board meetings just as a citizen I remember the elderly couple that lived right down the road, the Millers, from Lumco, and they were stressed til they went to their graves over the water run off that was never there before Lumco was built. Jim's Recycling, 'Oh we're just going to stay real small, we just want one little variance' and you've seen how they've grown AND if even we were allowed to approve a conditional use permit they have a nice family this could go on for generations you know and they always do get bigger.

HARGIS – And I do support locals I've got neighbors working for us, I mean I would hope it would go for generations, I mean it's good for our area, I'm putting in schools – I've got kids in the schools we're paying for the kids to go to school, we are paying our taxes...

Chairman MCCLELLAND – That isn't the problem, the problem is if you want a commercial business buy commercial property

HARGIS – Can I get a variance for the commercial business that would expire if my home was to be sold or after, why not?

Chairman MCCLELLAND – No, no it doesn't work that way. It continues with the property, That's what she just got done saying. Lumco, Lumco started that way a little family company and now it's big as ever because they made it commercial property...

BONESTEEL – And it's sort of an example of spot zoning there are there are.... inaudible words....but once the residents did move up here and I lived in the county when I grew up....oh...I forgot what I was going to say..but me too, we like to sit in our backyards and listen to the birds and watch the...interrupted by Hargis

HARGIS – interrupting Bonesteel... I just want to say that even if this business isn't here, I've got so much farm stuff going to be going on that it's always going to be like that I've got tractors coming and going.

Chairman MCCLELLAND – You have a right to farm! You have right to farm! We are not arguing that point, you have a right to farm and go at it 100% if you want. You have a right to do that, we cannot stop that..

HARGIS – I understand and that's what I'm saying (multiple voices) I'll farm even harder with more tractors and more trucks...

Chairman MCCLELLAND – if that's if that's your....(gets cut off by Hargis)

HARGIS – Cuts of Chairman MCCLELLAND – I'm trying to be peaceful, have you guys seen that movie where the guy drove the backhoe thru the township? That's what you guys are pushing me to, it's crazy...(multiple voices in the room) I'm trying to run a business, I like everybody, I get along with everybody I'm not trying to cause problems, I just want to run my business and take care of my family.

Chairman MCCLELLAND – And all we are saying, I think up here what I'm hearing and everybody's got to have a vote to agree or disagree with me – ...(gets cutoff by Hargis)...

HARGIS – Cutting off Chairman McClelland – well I see where your guys hearts are at, I understand....

Chairman MCCLELLAND – If you want to run a commercial business you need to get commercial property to do your business out of..

HARGIS – What’s the point of a variance then?

Chairman MCCLELLAND - We wouldn’t be able to grant that anyways, the Planning Commission would have to grant that

BAUR – I think one of the issues you guys are having is ...

Chairman MCCLELLAND – Ma’am, Ma’am public time is closed!

People walking out, chairs moving, people talking

Chairman MCCLELLAND - Committee, anything else? Julie if you want to take notes

DOCKHAM - Okay

OSTROM – I have problems with the hours and problems with what is going on down the road...inaudible words

BONESTEEL – I have one more comment, if they weren’t running a commercial business I don’t think there would have been most of these problems. And it’s not fair to the neighbors be they in favor or against.

Chairman MCCLELLAND – What I hear pretty much the neighbors, they want it to be a ag/residential area, whether it’s behind a tree-line or not.

OSTROM – inaudible words, talking too low

Chairman MCCLELLAND – No. No. I think you’ve been here 2 years? Correct?

HARGIS – Yes sir.

OSTROM – 2 years.

Chairman MCCLELLAND – He’s been trying to run his business for 6 years? Right?

HARGIS - yes

OSTROM – Alright.

BONESTEEL – And I have one more question, and it’s not, it doesn’t really relate to him. It’s that if someone told him to move the dumpster, then they must’ve been aware. Who told him that? And they must’ve been aware that he’s running a business, how come it went on for 2 more years (inaudible). Who did that?

MILLER (Hargis legal counsel and Lapeer County Prosecutor) – I can respond to that. (inaudible words) This matter was precipitated as the commission is well aware by a neighborly dispute. When the dispute first arose, Mr. Hargis, myself came to meet with Supervisor Howell. At that time, some of these issues were raised and addressed and that was back in I believe June of this past summer of 2020. So, some of these things already

have already evolved somewhat. The dumpster was located closer to the road. Which with by necessity being close proximity to the neighbors that live close to that uh, the dumpster, after learning in that June meeting that this was an issue, Mr. Hargis did fall back and move the dumpster back to the location where it sits today, I believe, which is behind the trees in more secluded on that parcel so it wouldn't interfere with the other neighbors peaceful enjoyment of their property. So, I think it's kind of a sticky situation here because this whole matter has been precipitated by what started as a neighborly dispute which I'm sure you are well aware these are some of the worse disputes out there uh...

BONESTEEL – Okay. Thank you

MILLER – But I just wanted to clarify those points.

BONESTEEL – But then again but that was 9 months ago. Why did it take 9 months if the Supervisor knew about there was a business going on there? Why did it take 9 months to come to our board.

Chairman MCCLELLAND – Covid

BONESTEEL – oh (inaudible) (laughter)

DOCKHAM – Well this is our first meeting, they did come in December to come before the board. So we had to wait (because of Covid).

BONESTEEL – Okay. Thank you. If I understood our attorney correctly, we really don't have anything we can do anyhow. And if we could, I for one, would not be in favor of a conditional use permit.

GILDNER – Mr. Chairman,

Chairman MCCLELLAND – yes

GILDNER - If I could just speak to that perhaps just to help steer the conversation a little bit and organize your thoughts. If we could go through his different requests, one is rezoning.

BONESTEEL – Which we don't have the power.

GILDNER – That you don't have the authority to do and so the minutes ought to reflect that. I don't think a decision by this board can give you jurisdiction, the Zoning Ordinance and the Zoning Enabling Act doesn't give you that power. So that's off the table. The use variance is also off the table because your ordinance does not permit a use variance. That again, I don't think a decision by this board is necessary but the minutes ought to reflect that. You do have the power over conditional rezoning and I heard something of that tonight, uh, listen, I'd like to rezone and you guys can put conditions on that and that is something you have the power to do. And you should decide tonight whether you are inclined to do that.

BONESTEEL – Thank you. Now I understand more clearly. Sorry you had to repeat it. I'm not in favor of the adoption.

Chairman MCCLELLAND – So first of all as far as changing the zoning agriculture/residential to commercial we cannot do. You understand that?

HARGIS – You guys can't right?

Chairman MCCLELLAND – We cannot do it.

HARGIS – But there is a board that I can go to?

Chairman MCCLELLAND – Well the Planning Board. Correct. Now, the next thing is we can with stipulations give him a conditional use permit.

GILDNER – A conditional rezoning. Conditional rezoning.

Chairman MCCLELLAND – Conditional rezoning. That would be rezoned to what? Just conditional rezone?

GILDNER – It would be, yeah it would be, it doesn't change the zoning classification but essentially, well actually it does change the zoning from agricultural to commercial which you have conditions that you can apply to it.

Chairman MCCLELLAND – What's your thoughts on that?

BONESTEEL – Well I just said I'm not in favor of it.

JOHNSON – (inaudible) I wouldn't know....(inaudible cannot hear due to talking too low)

Chairman MCCLELLAND – Well first of all (inaudible)

JOHNSON – inaudible

OSTROM - inaudible

Chairman MCCLELLAND – Right Joyce? So..

BONESTEEL – We have the power to do conditional re-zoning I am in not in favor of doing that.

Chairman MCCLELLAND – Are you making a ....

BONESTEEL – I don't think we need to we're not required to take any action

GILDNER – With all due respect the request has been made of and uh whatever you decide someone who doesn't like it, has the right to appeal so there has to be some decision on this.

BONESTEEL – Alright. Thank you.

Chairman MCCLELLAND – (inaudible)

BONESTEEL – I move that we deny the request for conditional rezoning because A. It was self inflicted. B. It causes strife in the neighborhood. C. I believe it should stay ag/residential.

Chairman MCCLELLAND – (inaudible)

BONESTEEL – Pardon?

Chairman MCCLELLAND – That pretty much it?

BONESTEEL - And I believe that the 4<sup>th</sup> reason would be that that commercial does not belong in a ag/residential zone.

HARGIS – I'm located right next door to the golf course. Drunk guys come all day long down that road and we are worried about my service..

Chairman MCCLELLAND – Public time is closed now sir.

HARGIS – I understand but I don't care. At this point you're denying me, I don't care. I don't care. I don't care. I hope your families don't have businesses.

Chairman MCCLELLAND – Joyce, go ahead. Are you done?

BONESTEEL – Yes . I made the motion.

OSTROM – (Inaudible-something about second)

HARGIS – This is what people fight in the military for. I'll tell you that!

Chairman MCCLELLAND – Ok! A motion is on the floor , its been seconded. Roll Call vote....

HARGIS – (gets up and starts walking out) We will fight it in the other board. Bunch of Democrats.

Chairman MCCLELLAND – Roll call Vote

DOCKHAM – Oh sorry, Did we get Don? I got Gary and Joyce...

Chairman MCCLELLAND – No no no no.

BONESTEEL – We, I made the motion....

Chairman MCCLELLAND – She made the motion, Gary ....you got the motion?

DOCKHAM – Yep

Chairman MCCLELLAND – Roll call vote

DOCKHAM – Ostrom?

OSTROM – No

DOCKHAM – Bonesteel?

Chairman MCCLELLAND – yes or no? (addressing Gary Ostrom) You want the motion that she she

OSTROM – Yeah I'm denying it

BONESTEEL – Then you vote yes?

OSTROM – Yes

DOCKHAM – Bonesteel?

BONESTEEL – Yes

DOCKHAM – McClelland?

Chairman MCCLELLAND – Yes

DOCKHAM – Johnson

JOHNSON – No

Dockham – Sorry, what’s that?

JOHNSON – No

McClelland – The motion denied. You’ve got the reasons why and all that? (inaudible)

DOCKHAM – Yes

DOCKHAM – are we adjourning the meeting?

Chairman MCCLELLAND – Ok, anything besides this special land use variance from the public? Public time is open. If not public time is closed. Unfinished business we have none right now. Set the next meeting is March 23<sup>rd</sup> 2021, Tuesday 7:00 for our next variance request. Inaudible words.

Chairman MCCLELLAND - Motion on the floor to adjourn, all in favor Aye, opposed, Motion carried.

MOTION BY Bonesteel, SECONDED BY Ostrom to deny the conditional re-zoning due to the following reasons:

A. It was self inflicted. B. It causes strife in the neighborhood. C. It should stay ag/residential. D. Commercial does not belong in a ag/residential zone.

ROLL CALL VOTE:

Ostrom, Aye; ; Bonesteel, Aye; McClelland, Aye; Johnson, Nay; Absent: Jostock

AYES (3) NAYS (1) Absent (1).

MOTION CARRIED.

MOTION BY Bonesteel, SECONDED BY Ostrom, to adjourn the meeting. MOTION CARRIED.

Meeting adjourned at 8:16pm.

Submitted by: \_\_\_\_\_  
Richard McClelland  
ZBA Chairman

Signed: \_\_\_\_\_  
Julie Dockham  
Recording Secretary