

**CHARTERTOWNSHIPOF PENNFIELD
ZONING BOARD OF APPEALS
MEETING MINUTES – JUNE 25, 2008**

Chairman Ken Davis called the meeting to order at 6:30 PM.

Members Present: Ken Davis, Lindsay Draime, Frank Schumacher, Jerry Robinson, and alternate member Perry Beard. Julia Newman was excused. A quorum was met.

Others Present: Sandra Cummings, Recording Secretary; Russ Wicklund, Zoning Administrator, Barbara Darlington, Deputy Supervisor, and at least 40 other persons.

The meeting opened with the Pledge of Allegiance.

Public Comment: There was no public comment at this time.

Approval of February 11, 2008 Meeting Minutes:

Motion was made by Lindsay Draime, seconded by Frank Schumacher, to approve the minutes from the previous Zoning Board of Appeals meeting on February 11, 2008.

Motion carried.

Unfinished Business:

No unfinished business at this time.

New Business:

A. William Bowen's dimensional variance for fence and gate within front yard

A Public Hearing was held for a variance request from applicant William Bowens, owner of a 3.07 acre parcel located at 7370 Morgan Road. The parcel # is 13-18-390-001-00, and the property is zoned R-2, medium density residential. The variance request is being administered under Appendix B. Zoning, Chapter 18, Zoning Board of Appeals, Section 18.06: Variance Procedures, (b) Granting of Non-Use Variances of the Zoning Ordinance.

Mr. Bowens was represented by Roger Justice, of Best Choice Fence Company, who was contracted by Mr. Bowens to install 5 foot high galvanized steel fencing and gate with electric operation on his property. The gate will be installed 66 feet from the center of the road, which would allow enough room for a vehicle to pull off the road and park prior to entrance. The fencing will function as deterrence to would-be vandals. Relief is from fencing requirements within the front yard. The unit will include decorative brick pillars, and be unobtrusive to vehicle traffic along Morgan Road.

No letters or phone calls were received prior to the meeting. There was no public comment in regard to the variance. Board comment included the plans of the Township Planning Commission to address fencing issues at the next Planning Commission meeting scheduled for July 7, 2008. It was pointed out that parcels in excess of 2 acres would have enough room to allow a generous setback from the road to allow vehicles to enter the driveway before entering the gate, similar to these plans for Mr. Bowens. A site plan was included with this variance request showing the proposed placement of the fence and gate.

Motion was made by Frank Schumacher, seconded by Jerry Robinson, to approve the variance request made by Mr. Bowens to construct the fence and gate as requested.

Motion carried with a vote of 4 to1. Roll call vote follows:

Ken Davis	yes	Lindsay Draime	no
Jerry Robinson	yes	Frank Schumacher	yes
Perry Beard	yes		

B. Kevin Wilder dimensional variance for accessory building

A public hearing was held to hear a request from Mr. Kevin Wilder, owner of 1181 Clear Lake Avenue, parcel # 13-18-180-009-00, lot # 9 of Alden Park. The property is zoned R-2 Medium Density Residential. The variance request is being administered under Appendix B. Zoning, Chapter 18, Zoning Board of Appeals, Section 18.06, Variance Procedures (b) Granting of Non Use Variances of the Zoning Ordinances. Relief is for setback requirements and separation distance for a detached accessory building.

Mr. Wilder was present, and was also represented by spokesman Michael Bye, who is also an adjacent property owner. It was indicated that there is a cement foundation already in place beside Mr. Wilder's house which is where he wishes to place a garage. The foundation was placed within a foot of the road which used to serve as a public boat launch. This gravel road now serves as Mr. Wilder's driveway. Mr. Wilder's original contractor began work without the proper building permits and did not meet setback requirements, therefore a stop-work order was placed on the project. The foundation footings were not inspected prior to the concrete being poured, and possibly may not meet building requirements. Mr. Wilder is asking for relief of setback requirements to continue construction with the garage. However, he now wishes to make it an attached garage, which would require a setback of 15 feet from the property line.

It was pointed out that no one uses the road for boat launching anymore, there is no place for public to park their vehicles and boat trailers other than in the road, and that if a person wants to go down to the lake, they would have to cross Mr. Wilder's property. He also owns lot #10 of Alden Park, which is a 10 foot by 100 foot strip located along the lakeshore which virtually prohibits launching of a boat. Also pointed out was the fact that the shape of the lot and location of the septic system prevents the applicant from constructing a garage at a different location on the property. Mr. Wilder maintains the road with gravel; it is not plowed or maintained by the county. There is also a drainage problem on the property as it slopes downhill from the road.

No letters or phone calls were received prior to the meeting. Public comment was made by one man who was against granting a variance as it would "set a precedence". The Board indicated that each case is considered individually, and that no decision "sets precedence" for any future cases.

Board discussion included the possibility of Mr. Wilder moving the location of the garage on the property, and providing a site plan showing the placement of the garage. Also, the fact that the request is now for an attached garage changes the setback requirements to 15 feet from the property line. Since the cement foundation is less than 1 foot from the road, relief would be for 14 feet from a side lot line.

Motion was made by Lindsay Draime, seconded by Perry Beard, to table the request until the next Zoning Board Meeting on July 15, 2008, pending receipt of more specific

relief requested, and/or a site plan for placement of the garage at a different location.
Motion carried.

C. Troy McAdam use variance to allow an accessory building prior to constructing a primary dwelling.

A public hearing was held to hear a request from Troy McAdam, owner of a vacant lot located at 450 Willison Avenue. He wishes to construct a 30' by 48' pole type building for storage of household items. The lot size is 110' by 198'. The parcel # is 13-18-500-207-00, and is zoned R-1 Low Density Residential. This is considered a use variance request under Section 3.14A.6, with an accessory building permitted prior to construction of a dwelling only in AG, AGP, and RR Districts.

Mr. Troy McAdam was not present, but was represented by Mr. Jim Baum. Mr. McAdam's variance request was submitted without plan for a primary dwelling. It was indicated that elsewhere in the township a two car garage has been constructed on a lot across the street from a home on Sunset Blvd, which is not a contiguous lot. Two letters were received prior to the meeting, and are on file. Both were opposed to the building due to the small size of the lot and the placement of the well and septic in the middle of the lot. In addition, Jan Gwilt, of 455 Willison, commented at the meeting that she was opposed to the construction.

Lindsay Draime commented that he felt that plans for a primary dwelling should be provided and a building permit obtained for the primary dwelling prior to requesting a zoning variance for the accessory building.

Motion was made by Lindsay Draime, seconded by Jerry Robinson to table the variance request until the July 15, 2008 Zoning Board of Appeals, pending receipt of plans for a primary dwelling. Motion carried.

D. Michael Terpening dimensional variances for three conditions: (1) Minimum 5 acres required for a dog kennel operation; (2) 100 foot setback from adjacent building, (3) paved parking lot.

A public hearing was held to consider three variance requests from Michael Terpening of E.A.R.T.H Services (Educated Animal Rescue and Teen Haven). The property is located at 23047 M-78, and the building is owned by Anthony Goodman. The parcel is 2.55 acres, parcel # 13-18-003-049-10, and is zoned C-2 Commercial. Mr. Terpening is seeking relief from specific conditions for a dog kennel operation under Section 17.07.Q, including minimum 5 acre parcel size and 100 foot setback from any building on an adjacent parcel. In addition, the application requests relief from the paving requirement under Section 16.02.B. for parking lots within the "C-2" Commercial district. Mr. Terpening would like to establish an animal shelter/clinic in the building owned by Mr. Goodman. The shelter would include a grooming area, a low cost spay/neuter clinic, and would offer volunteer opportunities for veterinary students and high school students. He had appeared before the Pennfield Planning Commission on June 2, 2008 where they recommended approval of a special use request with conditions. The shelter could house a maximum of 30 dogs and 30 cats and their puppies and kittens less than 6 months old.

There were a number of letters from residents of the township who responded in regard to both the Planning Commission meeting on June 2, 2008 and this Zoning Board of Appeals meeting. The majority of written comments were opposed to the granting of this variance. The letters are on file, and include a petition of opposition signed by 14 out of the 18 households residing on Rustic Lane, a housing development located adjacent to the proposed animal shelter/clinic site.

Public comments were heard from many of the above mentioned residents of Rustic Lane, and also Mr. Scott of 23100 M-78, who resides across from the proposed site. The majority of concerns centered on the size of the site being less than 5 acres, the close proximity of neighbors to noise from barking, odor, disposal of waste, contamination of water in the area from waste, increased traffic, and increase of stray animals that may be dropped off after hours at the site. Also, some were opposed to what may turn out to be a "Teen Hangout" or "Teen Haven".

A number of positive comments were made by residents who felt Mr. Terpening's program is an admirable venture, but thought it should be located in an area with the required 5 acres of land and could also meet setback requirements.

Board comments included the following: how frequently would the shelter be at capacity? How would the facility be funded? How far to the nearest residence? Would there be a privacy fence? How high? Would the interior of the building be modified?

The issues were addressed by Mr. Terpening. The shelter would try to turn around the animals by adopting them out or fostering them out to homes. Turn around time would probably average about two weeks. There would not be 30 dogs outside at any one time. Most of the time the animals would be inside the building. Funding will include grants, adoption fees and private sponsors. The nearest residence is less than 100 feet. The privacy fence will be solid, and 6 feet high. The interior would be modified to accommodate both dogs and cats, grooming area and spay/neuter clinic.

Perry Beard made a motion to deny the first variance of relief of the minimum 5 acres for dog kennel operation, seconded by Lindsay Draime, based on the fact that the request does not meet all standards for granting a non-use variance under Chapter 18, Zoning Board of Appeals, Section 18.06 (B), Sub-Sections 1 through 6. Motion carried to deny the variance. Roll call vote follows:

Ken Davis	yes	Frank Schumacher	yes
Lindsay Draime	yes	Jerry Robinson	yes
Perry Beard	yes		

Public Comment

Mr. Johnson asked if this applicant could appeal this request again. It was stated that the denial of the Zoning Board was final, and an appeal would have to be handled in Circuit Court.

Numerous residents thanked the board for supporting their rights by denying the animal shelter variance request.

Board Members Personal Privilege

Ken Davis extended get well wishes to Board Member Julia Newman.

Frank Schumacher made a motion to adjourn at 8:08 pm, seconded by Lindsay Draime. Motion carried.