

ISABELLA COUNTY
ZONING BOARD OF APPEALS
February 15, 2012

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held February 15, 2012 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT: Jim Wynes, Gordon Gilchrist, Marilyn Fosburg, Tom Courser, Brent Duffett.

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Mike Zalewski, Planner/Zoning Administrator
Brandy Harger, Recording Secretary

The meeting was called to order by the chair at 9:00 a.m.

The Pledge of Allegiance was recited by the board.

APPROVAL OF AGENDA

The agenda was approved as submitted.

PREVIOUS MINUTES

The minutes of the January 18, 2012 meeting were approved as submitted.

PUBLIC COMMENTS

None heard.

PUBLIC HEARING ON VARIANCE #12-01

Mr. Zalewski explained that Pamela Decker is requesting a variance to allow the keeping of 8 dogs on a two acre parcel and to house the dogs 4' to the side property line. The minimum requirements to house more than four dogs is a parcel at least 5 acres in size and housing the dogs at least 100' from any property line. The property is located at 7893 S. Mission Road in Section 11 of Lincoln Township. Jerry and Pamela Decker recently purchased this property and inquired to our office about the requirements for keeping this many dogs. The ordinance states that the keeping of more than four dogs, 6 months or older, may be permitted on any lot provided that certain conditions are met. Those conditions are that the lot must be at least five acres in size and the animals must be housed at least 100' from any adjoining property line. As noted, the property in question is only two acres in size and one of the kennels is 4' from the side

property line. Therefore, they are applying for a variance from those requirements. Staff has visited the site and would encourage the board members to do so as well.

Ms. Decker stated that 4 of the dogs are currently housed outside and the others are inside dogs. She also explained that they own other property where some of the dogs could be kept, but for their care it is much easier to have them at their home. Many of these dogs are pets that are older and they have owned them for years.

The public hearing was opened at 9:05 a.m.

Mr. Zalewski read 3 letters into the record that were submitted (see attached).

Ms. Lavonne Balcom, 2195 E Jerseyville Rd., stated that she owns the property directly to the north of Ms. Decker's residence. She explained that she would like to sell her property, but the noise from the dogs may be an issue for potential buyers.

Mr. Jim Ramon, 536 Moyer Ave., stated that he and Richard Kenny own and farm the property around Ms. Decker's property. They are concerned with the dog waste and where it would be put. They are also concerned with issues such as safety. If someone is working on the farm by themselves one of the dogs could get loose and someone may be injured. He also explained that they have nothing against the Decker's, they are just concerned that if the variance is approved these types of things could happen.

Mr. Cliff Lehner, representative from the Lincoln Township Board, stated that you are doing this job because we didn't want to as a township. It takes a lot of thought to setup an ordinance. This issue was discussed at the board meeting last night. In response to Tom Ramon's letter, who was not at last night's meeting, the last sentence that states, "Therefore, the Lincoln Township Board is asking you to deny this variance." As a board we decided we didn't really want to approach it that way. At the Township Board we put into your hands the responsibility of making the rules and guidelines. It took a lot of thought to come up with acreage, sizes, and distances. Therefore, the board would need to see a valid reason for this variance to be granted.

Mr. Jim Raymond stated that he has grandchildren that like to come out and help them work and he is concerned for their safety. He also stated that if any of the dogs were to get loose and get run over by one of their tractors, they would be responsible.

The public hearing was closed at 9:18 a.m.

Mr. Courser read the requirements as listed in section 14.04 of the Isabella County Zoning Ordinance.

A motion was by Ms. Fosburg, supported by Mr. Courser to deny variance #12-01 because it does not meet the requirements of section 14.04 of the Isabella County Zoning Ordinance.

Roll call vote:

Mr. Duffett: Yes

Mr. Gilchrist: Yes

Ms. Fosburg: Yes

Mr. Courser: Yes

Mr. Wynes: Yes

Motion Carried.

Variance Denied.

STAFF COMMENTS

None heard.

BOARD COMMENTS

None heard.

ADJOURNMENT

A motion was made by Mr. Courser, supported by Mr. Duffett to adjourn at 7:24 a.m.

Yes: Wynes, Gilchrist, Fosburg, Courser, Duffett.

No: None.

Motion Carried.

Marilyn Fosburg, Secretary

Brandy Harger, Recording Secretary

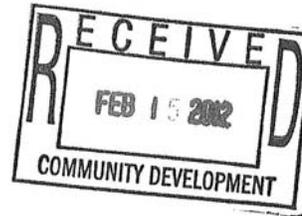
LINCOLN TOWNSHIP

Tom Ramon
Supervisor & Assessor

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February 12, 2012

Mike Zalewski
Zoning Director
Isabella County



Zoning Board of Appeals:

This letter is regarding Variance 12-01, Parcel #10-001-30-004-01. Pamela Decker is requesting a variance for keeping eight (8) dogs on a non-conforming parcel. The parcel size is too small, and the house is located too close to the property line to warrant a variance.

Mrs. Decker contacted me regarding a variance in January, and I advised her to go to the Zoning Department. During our conversation, she informed me that she had eight (8) dogs and that she would be breeding and selling them. Per a conversation she had with Mike Zalewski, she will have eight (8) dogs and pets and will not be breeding and/or selling them. If the variance is granted, it will allow her to have eight (8) dogs in her possession. However, she would need a Special Land Use Permit to breed and sell the dogs. I am not convinced that Mrs. Decker will house these eight (8) dogs without the idea of breeding and/or selling them.

I have been contacted by Mrs. Shaw and Mr. Balcolm. They are concerned about the not only the noise, but how these dogs will be restricted to the parcel. They are concerned for their safety as well.

In closing, I believe this will be a constant problem that not only Lincoln Township, but Isabella County and Animal Control, will be dealing with in the future. Therefore, the Lincoln Township Board is asking you to deny this variance.

Sincerely,

Tom Ramon
Lincoln Township Supervisor

February 7, 2012



To whom it may concern:

My name is David Shaw; I am currently residing at 7645 South Mission Road Mt Pleasant Michigan 48858 with my mother. I feel that breaking the township ordinance by allowing several dogs to kennel close to the property owned by my mother is a grave injustice of our own rules that were set up prior to this contingent meeting being held outside over the boards own statues.

This many animals (dogs) should have been placed in a **licensed facility**, for a state dog kennel for whatever reason, (breeding purposes, sales, or simply overabundance of pets). In my opinion this is considered an animal farming environment, "not a residential environment" you are creating, where small children are close by, and taking a risk of being bitten or worse attacked by such an animal. "Let alone the loud barking, stench of animal waste, and contamination of wildlife refuge in the surrounding area.

I seriously believe the Commission on Aging (COA) for one may have something to say about this placement, let alone the Department of Environmental Quality (DEQ), "due to run off of waste" and the housing development for local residents. This area consists of natural wildlife and may need to be looked into further with the Department of Natural Resources (DNR) for the disruption of the surrounding woodland, let alone the main highway which may indeed cause Deer shock to move without thought crossing a busy highway.

I am sincerely against this action being allowed for these reasons and many others. Not to mention the discussion from the surround neighbors. We feel that the statue that allows 4 dogs on a 5 acres parcel within the area of 100 feet from any neighboring property and the zoning board should hold up to the guidelines presently set for these reasons. The variance #12-01 is in non-compliance with only 2 acres of property. Obviously this is illegal and should be addressed immediately.

I feel that this board will do the right thing, and not allow this to become a major event for further discussion. I know that you will make the right choice, as if you were the neighbor of such an animal farm to be implemented.

Thank you in advance for your cooperation

Sincerely,

A handwritten signature in black ink that reads "David D. Shaw". The signature is written in a cursive style with a large, prominent "D" at the beginning.

David D. Shaw

February 11, 2012

Isabella County
Zoning Board of Appeals
200 N Main St.
Mt Pleasant, MI 48858



To Whom It May Concern,

RE: Variance #12-01
Request by Pamela Decker

I am highly OPPOSED to this request for the following reasons.

1. I am presently Doctoring for sleep deprivation. My windows are open during season times and being only a few feet away, I would hear nothing but constant dog barking. This in fact would cause more health issues. Ms Decker presently has dogs inside her home. When they are let out I hear the loud barking even though my home has no open windows in the cold months. Reason being, my home is close to her property.
2. My grandchildren play in my back yard and if only once one of these dogs would break loose this could be devastating for our family. I'm not willing to take any chances for this type of thing to occur. With no one at her residence during the day what happens if this would and could happen.
3. Pamela Decker has purchased two acres, not the five this variance calls for. The four feet to the side of the property line which she intends to house the dogs would be tight to the property of Lavonne (Densmore) Balcom, of whom is totally opposed to such action. The variance calls for 100 feet from any property line. The next property to the North is mine and this request would only be approximately 198 feet from my property line where I live continuously year around. These facts alone are good reasons why these variances have already been set up for our township long before Ms Decker moved in the area.
4. The valuation of my property where I have lived for over 20 years, paid property taxes, permits to build etc. would DECREASE immensely. Who would want to buy property with a constant noise of barking dogs.

5. This request for eight dogs could grow into several more and what would you do to control such a thing from happening. I am sure the County is not funded to monitor something of this nature.
6. I cannot imagine the terrible stench from animal waste being so close to my property, also causing a health hazard.

I have had to contact Animal Control because of the major barking and I'm sure they will not want to be contacted on a frequent basis. Causing all the extra work and hours spent by other departments for this request would be costly and unnecessary.

It is my desire and trust that the Zoning Board of Appeals uses empathy when you make your decision. Imagine living in your home listening to barking dogs 24/7. My life would become overwhelmed by such a move.

I want to thank all of you for taking this opposing action very seriously and I appreciate the work you do for the residents of Lincoln Township. If you have any concerns or questions, please contact me at:

Sharon Shaw
7645 So Mission Rd.
Mt Pleasant, MI 48858

Phone (989) 828-6559 or Cell Phone (989) 506-5550

Sincerely,

Sharon Shaw

cc: Tom Ramon
Lincoln Township Supervisor