

## CHIKAMING TOWNSHIP PLANNING COMMISSION MEETING

September 6, 2017

**Approved**

The Planning Commission regular meeting was called to order at 6:30 pm by Chairman Andrew Brown with members Jerry Kohn, Doug Dow, Richard Carlson, Gary Wood and Bill Marske present. Grace Rappe was absent.

The Agenda was reviewed. Dow moved to approve the agenda, supported by Wood. Motion carried.

Minutes of the prior August 2<sup>nd</sup> meeting were reviewed. Wood moved to approve the minutes, supported by Dow. Motion carried.

**Public Comments:** New Buffalo Planning Commissioner Dan Coffey expressed concern that there is a 6 unit building at 9663 Berrien Street in an R-1 District that cannot get a use variance and, if destroyed more than 50%, cannot be rebuilt. Coffey continued that this is a major issue that could be addressed in the new ordinance revisions. Marske asked if the dwelling could get site condominium status. Coffey responded it is his understanding that even if it is a site condo it could still not be rebuilt.

**6:30 p.m. – Special Land Use #197- Applicants, Beth Bollenbach and Dale Welling, 14671 Three Oaks Road, Three Oaks, MI 49128 Property Code No.: 11-07-0023-0002-02-6** are requesting a Special Land Use Permit per Article 11, Section 04.5 of Chikaming Township Zoning Ordinance No. 87, as amended, which allows riding stables and academies in an Agricultural District. If granted, the Special Land Use Permit would allow the applicant to operate a rescue, foster care, rehab/training of small domestic animals and farm animals, to use trained and certified animals to provide emotional or physical therapy and host community education classes on care of animals, garden and plant care and simplifying life in an AG-Agricultural District.

Beth Bollenbach and Dale Welling were both present to speak on behalf of their Special Land Use (SLU) request. Welling informed the commission that he spent time in central Indiana and during a difficult transitional phase of life he learned how helpful the presence of an animal can be.

Bollenbach stated that her dream stems from working as a social worker with a focus on healthcare. She is inspired by the concept of a retreat center with a more holistic approach. She continued that she and Welling purchased a home in New Troy and had been looking for a property that could accommodate their desired rescue and training operation. Bollenbach stated that she met Bill and Linda who are the current owners of the property and alpaca farm. Bill and Linda currently have existing animals and were having a difficult time finding a place to take all of the herd without splitting them up. If the SLU is granted Bollenbach and Welling plan to adopt the alpacas with the property.

Bollenbach informed the commission that it is not their intention to build the barn indicated on the plan for about 3 years. Dow expressed concern that the application states that if

construction of the barn is not started within a year the permit is null. Building and Zoning Administrator, Van Thornton, stated that an accessory structure is allowed in the AG district and the application is more related to use as opposed to the structure itself. Dow responded that the signed affidavit states that construction will take place within 12 months. An official change was then made to the original affidavit removing the proposed barn from the application.

Bollenback stated that she feels that there are gaps in service programs that currently exist and she hopes that their proposed operation will help fill these gaps. She provided the example of people who may require short term boarding for animals should the owner have to go through a surgery that renders them temporarily unable to care for their pet. Bollenback continued that the proposed use would also include providing access to therapy animals. She clarified that no medical diagnoses would be taking place on the premise but they would instead be considered a type of animal handler. Bollenback expressed a strong desire to include the community and collaborate with other organizations in the area.

Welling stated that it will be a high priority of theirs not to overtax the land with animals. He added that they intend to rescue and foster but not breed animals. Marske questioned how many dogs may be on the property at a time. Welling estimated likely 3 to 4 and no more than 6. Carlson asked how many alpacas are currently on the property. Bollenback responded that there are presently 13 and at one time the property had 30. Bollenback stated that her intention is not to grow the herd. Bollenback furthered that she estimates they may have 10-12 additional small livestock animals such as goats.

Neighboring property owner, Dave Nordquist, came forth to state that he purchased former Township Clerk, Doreen Heywood's home after living elsewhere in southwestern Michigan for 25 years. He continued that he enjoys the quiet and feels his neighbors are asking for a commercial business. Nordquist added that he is concerned about odors from the existing animals on the property. He informed the commission that the ordinance states a proposal such as this cannot have a negative impact on a neighboring property. Wood questioned if Nordquist recalled the description of an agricultural district when signing his property deed. Nordquist stated that he does not feel the proposal is harmonious with the existing neighborhood. He also expressed concern over odors experienced when sitting next to his pool.

Bollenback stated that she feels regular farm odors are part of living in an agricultural district. She continued that she hopes the remaining herd size of 13 will reduce the smell as their was once 30. She added that they will do their best to keep up with maintenance of the farm.

Anthony DeMatteo stated that he feels the same way as Nordquist.

Thornton stated that according to the ordinance the keeping and breeding of animals is allowed in an AG district so long as a parcel has 10 or more acres. He added that according to the ordinance the requested keeping of animals is allowed. Attorney Charles Hilmer agreed. Brown clarified that the AG district zoning would allow for 40 or unlimited alpacas so long as the owners have more than 10 acres. Dow added that the alpaca farm could be purchased and pigs could be added with no required permitting if so desired.

Wood stated that the agricultural district plays an important role in the community.

Nordquist interjected that he and some of his neighbors like to shoot skeet on their properties. Bollenback responded that would be fine as long as they do not shoot her animals. Thornton added that it is not permitted within 450 ft. of an occupied building.

With no further comments, the public hearing was closed at 7:35 p.m.

Moved by Dow, seconded by Marske, to approve Special Land Use Request #197 as described in the revised application with the following conditions: no pigs or cows will be allowed, small animals will be limited to 10, and large animals will be limited to 14 which does not include the existing 13 alpacas. Furthermore, the applicants agree to move the existing barn fan to the east side of the building.

Motion carried unanimously.

**Old Business:** None

**Other Communication:** None

**New Business:** It was discussed that a date and time would need to be set for a medical marijuana discussion. Carlson informed the board that much progress has been made by the zoning subcommittee. He continued that the state of Michigan is about to approve a Marijuana Act and the Commission should have draft ordinance wording determined by December 15<sup>th</sup>.

It was suggested that a special meeting take place on September 26<sup>th</sup> at 6:30 p.m.

Moved by Marske, seconded by Kohn, that a special meeting take place on September 26<sup>th</sup> at 6:30 p.m. to discuss a possible marijuana ordinance.

Motion carried unanimously.

**Public Comments:** None

**Adjournment:**

With nothing further, Dow moved to adjourn the meeting at 7:59 pm. Supported by Markse. Motion carried unanimously.

Meeting Adjourned.

Respectively Submitted,  
Jess Reed  
Recording Secretary

Bill Marske  
Secretary, Chikaming Township Planning Commission