



CHARTER TOWNSHIP OF PORT HURON

3800 Lapeer Road
Port Huron Twp., Michigan 48060

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Zoning Board of Appeals Agenda

Thursday, August 15th 2019 at 7:00pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Agenda Approval
 - a. Public Comment
5. Approval of Minutes – May 30th 2019
6. Correspondence
7. New Business
 - a. To hear all comments relative to a request for a variance from the Township Zoning Ordinances, Andrea Koontz; Parcel ID# 74-28-031-4004-000, known as 3005 N Range Rd. The applicant is requesting approval to construct a 6' high fence in the required side yard area which generally allows only 4' high fencing per Ordinance 40-737 Fences, section 3. Fences in Res. Districts, a. Locations and Height. Item 2.
8. Old Business
 - a.
9. Report's
 - a. Bill Livingston – Board Trustee
 - b. Jerry Sebastian - Planning Commission
10. Adjournment





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MINUTES OF THE REGULAR MEETING FOR THE CHARTER TOWNSHIP OF PORT HURON ZONING BOARD OF APPEALS HELD THURSDAY, AUGUST 15, 2019, 7:00 P.M., TOWNSHIP HALL, 3800 LAPEER RD, PORT HURON, MI 48060

1. Call to Order

The Meeting was called to order by Chairman Jerry Sebastian at 7:00 P.M.

2. Pledge of Allegiance

3. Roll Call

Attended: Michael Booth, Kirk Churchill, Trustee Bill Livingston, Jerry Sebastian and Dave Sickles.

Also Present: Building/Planning/Zoning Administrator Kirk Lavigne, Connie Campbell, Annette Churchill, Andrea Koontz, Crystal Melms and Recording Secretary Betty Child.

4. Agenda Approval

Motion by Trustee Livingston, support by Member Churchill, to approve the agenda. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, the agenda was approved.

(a) Public Comment

There being no Public Comment, Chairman Sebastian moved to Approval of Minutes.

5. Approval of Minutes, May 30, 2019

Motion by Member Sickles, support by Trustee Livingston, to approve the minutes as distributed. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, the minutes were approved.

6. Correspondence

A letter dated August 13, 2019, from applicant Andrea Koontz, was submitted regarding her request for the variance. There being no further Correspondence, Chairman Sebastian moved to New Business.

7. New Business

(a) To hear all comments relative to a request for a variance from the Township Zoning Ordinances, Parcel Number 74-28-031-4004-000, also known as 3005 N Range Rd, by owner Andrea Koontz. The applicant is requesting approval to construct a six (6) foot high fence in the required side yard area which generally allows only four (4) foot high fencing per Ordinance 40-737 Fences, Section 3; Fences in Residential Districts, a) Locations and Height, Item 2.

Applicant Andrea Koontz, owner of the Single-Family Residence, was requesting a variance to erect a six (6) foot high fence in an area where only a four (4) foot maximum high fence is allowed. Per her written request of August 13, 2019, a portion of the existing fence on the east and the rest of the north side fence would be removed and replaced with heavy duty dog-ear fence panels. A small section of fencing on the east side between the porch and garage would be moved forward to the corner of the porch and would not extend beyond the footprint of the garage and would not obstruct the line of sight. Other items included it is a corner lot; careless driving of vehicles; safety and wellbeing for her special needs' children and safe keeping of her dogs.

Chairman Sebastian mentioned the letter of opposition from neighbors Crystal Melms, Connie Campbell, Nancy Yeitter, Terri Rowbotham, Gary Nugent and Tracy Tracy. Reasons were the height of the fence; fencing and

property maintenance has not been kept; disposal of animal feces which causes foul smells; unruly animals which on occasion have attacked neighbors on their own property; and it impacts the values of neighboring parcels.

Comments from the Members and audience included:

- Member Booth was not in favor the request; does not like the dog-ear fencing; did not see a real threat of traffic; and respected the concerns of the neighbors who submitted the letter of opposition; and questioned if she had intentions of placing other animals, such as farm animals, on the property.
- Member Sickles inquired about the ages of the children and when the home was purchased. Answer: the children are 14, 11 and 7 and the home was purchased six (6) years ago.
- Member Churchill inquired if the neighbors who submitted the letter of opposition were aware of the applicant's intent for the fence variance. He stated the intersection was offset and could cause traffic issues. The biggest issue appears to be the type of the proposed fencing.
- Connie Campbell, 4510 West Water Street, was in opposition because the applicant does not maintain the property and take proper care of the animals.
- Crystal Melms, adjacent property owner, was also in opposition due to lack of maintenance of the property which included the overgrown bushes.
- Annette Churchill, 2505 West Water, in the past, the house has been hit several times and the fencing is for protection of the children.
- Andrea Koontz stated she would remove the bushes if necessary, to put up the fence. The only animals on her property would be the dogs.

Motion by Member Sickles, support by Member Churchill, to grant the variance for the six (6) foot fence. Hearing no further comments, Chairman Sebastian called for a voice vote. In favor: Churchill, Livingston, Sickles and Sebastian. Opposed: Booth.

8. Old Business

There being no Old Business, Chairman Sebastian moved to Reports.

9. Reports

(a) Township Board – Trustee Bill Livingston

- There being no recent meetings, there was nothing to report.

(b) Planning Commission – Jerry Sebastian

- There being no recent meetings, there was nothing to report.

(c) Building/Zoning Administrator – Kirk Lavigne

- Dollar General will be present at the next Planning Commission for a location at Dove and Minnesota Roads. There is a possibility this area will need to be rezoned.

10. Adjournment

Motion by Trustee Livingston, support by Member Churchill, at 7:36 P.M. to adjourn. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, meeting adjourned.

Submitted by Betty Child