

**Summit Township Zoning Board of Appeals
December 11, 2008**

PRESENT: Kevin Thomson, Chairman; Larry Dunn, Vice Chairman; Richard Erhardt, Planning Commission Liaison; James Brunner, James Bogie, Patricia Rayl, Alternate and John C. Worden, Zoning Administrator.

ABSENT: Township Board Liaison; and Jack Shelby

The meeting was called to order by Chairman, K. Thomson on Thursday, December 11, 2008 at 7:00 p.m. in the Township Hall meeting room at 2121 Ferguson Road.

A motion was made by J. Bogie, and supported by J. Brunner, to approve the minutes of the Thursday, September 11, 2008 meeting as written. The motion carried unanimously.

Case# 08-12-0012 – 209 17th Street – General Commercial (C-2) – Rear Yard Setback for Dog Runs – Linda Dake Applicant and Owner of Top Dog.

A public hearing was held on December 11, 2008, at the request of Linda Dake, Top Dog Pet Care owner/applicant to extend the existing roof to cover three (3) exercise areas. The required rear yard setback for the building is twenty (20) feet. The current setback of the proposed roof over the existing building is 7.2 feet requiring a variance of 12.8 feet.

Applicant/Owner, Linda Drake explained no dogs stay at the facility over night. The dogs are housed inside the facility during business hours, and they do not stay outside. The dogs are taken outside for 15-20 minutes in the morning and afternoon.

R. Erhardt questioned the applicant on neighbors, and indicated that he was not able to meet them.

J. Worden informed the nearest structure is a garage.

J. Brunner commented the facility was re-zoned for grooming.

Public Comment:

James and Patricia Hildreth of 1930 Herikmer, Jackson and they own several properties in the 1600 block of W. Washington and they are in opposition to the request. The Hildreth's questioned why the roof request was not considered at the time of rezoning. They stated they were not informed of the re-zoning, and that their tenants have complained about dogs barking.

Chairman K. Thomson explained re-zoning was a matter of what the business will be used for, and that he did not see any oversight on the part of the applicant.

R. Erhardt questioned if the wall he viewed at the walk through of the facility was part of the original construction.

Applicant, L. Dake indicated it was part of the addition and the wall is used for privacy so the dogs won't bark at traffic. Applicant also indicated she had a large number of cement blocks left over from the construction, and she is unable to use them because of the lack of footings.

Correspondent:

No letters were received in support or opposition to this case.

A motion by Chairman K. Thomson, supported by P. Rayl, to grant a variance of 12.8 feet from the required 20 feet for a rear yard setback for the building located at 209 17th Street and for the request presented only and having met the requirements of section 150.37 - (A) - (1 – 5) and (B).

J. Brunner questioned if the Hildreth's was objecting because the property was a dog grooming shop?

J. Hildreth responded their objection was the use of the property and moving further back on the property line.

The motion is contingent upon the applicant submitting payment for publication of \$163.02. The motion carried unanimously

J. Worden passed out handouts containing the updated Township Zoning Code that contained page and section number changes to the ordinances. A new set of maps are out and will be provided to the board. An additional three (3) page proposal for bylaws handout was given for the board to review.

A motion was made by Chairman K. Thomson, supported by L. Dunn, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:30 pm.

Respectfully submitted,

Richard Erhardt
Zoning Board of Appeals Secretary