

FRANKLIN TOWNSHIP PLANNING COMMISSION September 7, 2021

The Franklin Township Planning Commission met for a regular meeting. Chairman Wise brought the meeting to order at 7:02 p.m. Present: Greg Wise, Doug Sherman, Gordon Whelan, Larry Shea, John Krueger, John Hinkley, Joel Whelan and Jeff Fineske. Absent: Jane Murphy. Also Present: Twp. Attorney Fred Lucas, Zoning & Building Official Bruce Nickel, Recording Secretary Sue Whitehead and Twp. Supervisor Dan VanValkenburg.

Chairman Wise changed the regular order of business and opened the public hearing for applicants Tracey and Fannessa Barton who requested a conditional use permit for “the commercial raising of domestic animals” (Section 7.03 dog kennel) on AG-Agricultural zoned property they wish to purchase at 2040 Robbins Road, Tipton (FR0-135-3650-00). The property is owned by the Janice Whitehead Estate and consists of 30 acres. The Barton’s introduced themselves and said they currently have 12 Akita dogs who are AKC and microchipped. Mrs. Barton shows that particular breed, and 5 of those are now retired show dogs. The Barton’s said Akita’s by nature are not barkers unless there is a reason to bark. Maximum dogs:16. The dogs would not be kept outside at night. The Barton’s want to be courteous to their neighbors.

The Chairman opened the hearing to questions from the public: Tim Johnston who resides at 2028 Robbins Road asked if the property will stay AG. Nickel replied yes, it will stay in AG. Terry Betz, residing at 2043 Robbins Road said he was against the proposed kennel due to barking. Teresa Butchart who resides at 2047 Robbins Road asked if the owners moved would the conditional use remain in effect. Nickel: yes. Betz asked if the dog yard could be moved from the front of the barn to the back of the barn area because of barking. Mr. Barton said he does not want to listen to barking dogs either. Johnston asked how long a conditional use was for. Attorney Lucas: can put reasonable limits on anything including the number of dogs. Betz once again said he would like it to be quiet at night and favors if approved, renewing the conditional use annually. Two letters were received by the Planning Commission: Don & Sue Cappelletty, 2051 Robbins

Road, who were opposed to the conditional use permit due to being a breeding facility and noise disturbance. A letter was also received by Gregory & Teresa Butchart, 2047 Robbins Road, opposing the conditional use permit due to noise, visibility, and a breeding facility. Chairman Wise asked for any more questions, having none, he closed the public portion of the meeting. The public decided they did have more questions. Krueger asked the Chairman to open the public comment again. Wise did so. Butchart asked how many puppies from a birth. Mrs. Barton said 5-6 puppies. The Barton's sell the puppies at 8 weeks old. They have 1-2 litters a year. Chairman Wise closed the hearing to the public. Board Questions: Shea asked if it would be too hot in the barn in the summer at night. The Barton's said the dogs prefer cooler weather but are in a pole barn now. Gordon asked what type of fence would be used. Barton's: a chain link with privacy fence. 6-foot max. They also wanted to verify that horses were allowed on that parcel. Nickel: yes, the property is in an AG district. The Barton's said they plan to live there forever. Chairman asked Nickel if he had any comment. Nickel said the site plan fits within the zoning ordinance. Krueger said conditions he proposes is opaque fencing and the dog run being behind the barn to screen out people to reduce barking. The numbers of dogs probably would not make much of a difference between 12 or 16. Plus periodic reviews. The Barton's felt that was doable. Barton's said the waste would be disposed through commercial trash pick-up. The Barton's would only raise the Akita breed. Chairman Wise asked about change of ownership. Attorney Lucas replied that can be put in as a condition on the permit along with the Barton's phone number and the Township's phone number to keep track of any problems that might need to be addressed at the time of review. If violations occur subject to the conditional use it would be revoked.

Krueger moved to approve the conditional use for the dog kennel due to the 30-acre AG parcel with the following conditions: outdoor dog run on rear of barn (North), surrounded by 6 ft. high opaque fence, 2-year review, property owners within 300 feet of property receive owners phone number and Township's phone number, maximum 3 litters per year, from dusk till dawn dogs housed in barn, no more than 16 adult dogs. Shea supported. Motion carried 8-0 unanimously. Public Hearing closed.

Chairman Wise opened the second public hearing of the night for the proposed text amendment to the Franklin Township Zoning Ordinance regarding the Lake District Overlay Zone, Section 9.05.1(B)4 which currently reads "*Plat of Ardendale Subdivision (except lots 1 through 13)*". The proposed text amendment

to read: “*Plat of Ardendale Subdivision*”. No public was present. Kreuger moved to approve the change and remove the exception. G. Whelan supported. Discussion: none. Motion carried 8-0. Public Hearing closed.

Returned to regular order of business. Shea moved to approve the previous minutes as written. Sherman supported. Motion carried 8-0.

OLD BUSINESS: Wedding (Barn) Venues. Attorney Lucas said the areas of concern for event venues are parking, noise and alcohol. Franklin has no police department of their own. Need adequate setbacks, hours of operation, maintain the character of the neighborhood, lighting, a manager always on site and security. Gordon asked the difference between a party and a venue. Lucas replied a party becomes a venue when there is a fee. A wedding barn is converted from barn use to an event venue and cannot be a new structure. Krueger said why allow it. Should be under commercial “banquet and rental hall” as it is currently in the zoning ordinance. The Planning Commission decided not to pursue wedding (barn) venues at this time.

Update on Hardy Farms Event Center. A violation letter (8/20/21) was sent to cease and desist immediately of all commercial and non-agricultural uses. The structure was built without permits or inspections under the Michigan Right to Farm Act for AG use not commercial use. The Commission asked about a variance. Lucas: variances cannot be granted for something that is illegal.

NEW BUSINESS: None.

Having no further business the meeting was adjourned at 8:54 p.m.

Sue Whitehead
Recording Secretary