

DRAFT

WALES TOWNSHIP ZONING BOARD OF APPEALS

HEARINGS, JUNE 24, 2021

Meeting opened by Chairman Minor at 7:00pm. Present were John Minor, Scott Hall, Chris Sulkowski, Bill Gilmer And Terry Maki. There were also thirteen (13) members of the public, Chairman Minor gave an overview to the public of what a ZBA hearing is and how it is ran. He also explained zoning rules and how decisions are made.

There are two (2) hearings tonight. Matthew and Ashley Kettlewell.

Jay Dusenberry case brought by zoning administrator.

Matthew and Ashley Kettlewell appeal;

Minor started with Matthew and Ashley Kettlewell, 2310 Cove Rd., Wales, MI 48027, Parcel # 74-31-008-2008-000.

Mr. Kettlewell submitted an appeal for a pond he dug on his property to alleviate flooding on his and surrounding properties. He is asking for an after-the fact variance for this pond.

Mr. Kettlewell presented his appeal to the board. He purchased the property in March 2019 and dug the pond in 2019 to try to alleviate flooding in his home and property and surrounding properties. Flooding issues were not disclosed by previous owners. Water would flood his basement and back yard with 18" of water. The area was named "Lake Newman" by the areas resident, referring to a previous owner who removed and sold all the top soil. He was unaware of the ordinances of the township and did not know that he needed 5 acres to dig a pond. He submitted eighteen (18) pictures to the board of different stages of flooding before and after the pond. His pond is 390 feet from the road and he feels it doesn't endanger anyone.

Chair opened hearing for questions form the board to the applicant. All responses below are from Mr. Kettlewell.

Minor asked if he previously contacted the township regarding the flooding issues. No he answered. Minor stated his house is in a drainage area with 2 creeks and asked if he contacted the drain commission. No he replied. Minor asked about the pond in the pictures and if it was there previously. No he replied, that this why I am here tonight asking for and after-the fact variance. Minor then asked if he obtained a permit for the pond. No he replied. Minor pointed out the he was unaware of that a permit was not obtained before the dig and if he knew the hearing would have been stopped due to non-compliance. Kettlewell presented a letter from the township supervisor regarding ordinances that were not followed. Minor stated the property is in an agricultural district.

Sulkowski asked when he purchased the property and when he dug the pond. He replied that the property was purchased in March 2019 and pond was dug in the summer of 2019.

Hall asked if talked to the previous owners regarding the flooding. Yes he replied and was told that when it rains, it floods. He feels this should have been disclosed at time of purchase.

Maki asked if the flooding has continued since the pond was dug. No he replied, no flooding since it was dug and throughout all of 2020.

Minor asked if the pond was engineering. No he replied. Minor also said a retention pond needs access for runoff water to the drains.

Gilmer asked if the water can escape. No he replied. Gilmer asked if there is a county drain nearby. Yes he replied, just past Sparling Rd.

Minor stated that there is also a ditch north of the property.

Gilmer asked if the neighbors are having the same flooding issues. He replied yes, before the pond was dug.

Minor opened hearing to the public for comments. Gail Findlay, 2270 Cove Rd. Wales MI- lives 2 lots south from applicant. When pond was dug, flooding went away. She is in favor of the pond. Fran Evans, 2343 Cove Rd. Wales MI- neighbor, she has no problem with pond and is in favor of it. Anita Allison, 2328 Cove Rd. Wales, Mi- neighbor. Flooding is a problem in the area. She could not dig a pond for she has less than 5 acres. Drain Commission told her she could put drainage tiles to the county ditch to alleviate the flooding. She spent \$ 7700.00 for tiles to the drain ditch. After the pond was dug, all the water drains to her property from the applicant's property. She now has flooding and bug

problems. She is against the pond. Larry Kettlewell, vacant property owner north of applicant. He has no water problems and is in favor of the pond. Jim Waddy, Wales Township Zoning Administrator, stated that there has been a flooding problem for 15-20 years in this area. A pond permit couldn't have been issued in the past because there is not the 5 acres needed. He has received comments from neighbors about the regular flooding in this area. Kelly Sketcher, lives with Anita Allison, she is concerned because the water is now at Anita's property. This is dangerous with the stagnant water and bud infestation. Jim Waddy said the previous owner contacted the drain commission and it is not allowed to drain to the road ditch. Anita Allison stated she tiled per the advice of the drain commission. Kelsey Ebright-1540 Tuscany LN, Lansing, MI-friend of applicant. She has seen the before and after the pond flooding. She is in favor of the pond. It is well taken care of and it beautiful.

At this time Mr. Kettlewell gave his rebuttal. The water is now clean, no stagnant water. If he has to fill in pond, he will raise the ground level at his property which will cause the neighbors to flood again.

Hall asked Waddy about the zoning rules for ponds in section 20.25. He replied that this is for shared ponds. Gilmer asked Waddy if there have been similar case like this one. Yes he replied. Sulkowski asked Anita Allison where she put her tiles. She said the main drain which is accessible to all the neighbors.

At this time, Minor read the attached letter to the ZBA members. The member's comments are as follows:

Maki- followed all pond rules except the 5 acres.

Sulkowski- could have tiled to the main drain.

Hall- asked if a variance and come with conditions. Yes replied Minor.

Gilmer- area properties are close to each other.

Sulkowski to Waddy- asked what the side guidelines are. Waddy stated they are in section 20.25 in the zoning regulations.

Waddy- a pond requires zoning compliance and a permit.

Minor asked for a motion to decide the appeal. Motion by Minor, second by Gilmer that the applicant did not meet the requirements for a variance as requested. His motion is to read "to not grant the variance to the applicant". Roll call vote taken: Minor, affirm; Gilmer, affirm; Hall, affirm; Sulkowski, affirm; Maki, affirm. All affirmed, variance denied. Motion passed.

Minor explained to Mr. Kettlewell the decision and how he can pursue the problem with Township Board, Planning Commission and the Drain Commission.

Hearing for Kettlewell closed at 8:00 pm.

Hearing for Jay Dunsenberry will follow and be on a separate page.

Respectfully submitted



Cynthia Bobcean

Wales Township Clerk