**WALES TOWNSHIP ZONING BOARD OF APPEALS**

**JULY 18, 2023 HEARING**

**PINE RIVER KENNELS**

The hearing opened at 7 pm by Chair Bill Gilmer. Members present were: Glass, Minor, Maki, Sulkowski and Gilmer.

Chairman Gillmer gave an overview of what a ZBA hearing is and how it is conducted. He also explained the rules of a hearing and how the decisions are made by the Zoning Board of Appeals.

The hearing tonight is for a variance for road frontage from Pine River Kennels, aka Jonathan and Kassandra Moore. This property is commonly known as 1215 Wales Center Rd, 74-31-022-4001-100.

Chair has stated that included in this hearing are a 5-page site plan review, application for this hearing, the thorough plan, a signed letter from property owners Jerome and Georgia Zeigler giving Pine River Kennels the authority to proceed with this variance application, the planner’s review, and the parcel geographical description.

Motion by Minor, second by Glass to accept all documents and proceed with the hearing. Roll call: all ayes, motion approved.

**Petitioner:** Jonathan Moore: Mr. Moore explained that he is requesting a variance be approved for the road frontage of 259 feet, when the ordinance states that 330 feet is required. He would like to build a dog kennel and training and grooming facility. This property is zoned agricultural. He lives next door and owns 1-1/2 acres. He does not want to attach the parcel in question to his 1-1/2 acres. He will purchase this parcel of 11.54 acres if the variance is approved. He wants to build a 3,388 square foot building with a porch of 444 square feet. The gravel parking lot would accommodate 16 cars. Mr. Moore stated that the Planning Commission said he needed an approval on this variance before he can proceed with the purchase.

**Questions from the ZBA members:**

Minor stated that the appeal states no grounds for the request, it just says “I want a variance”. It does not show uniqueness, hardship, or practical difficulty. He asked if he could combine his property with the parcel in question.

Mr. Moore said it would be a hardship because it is zoned agricultural, and a 330-foot frontage is required. He does not know what his current road frontage is. He also stated that he doesn’t want to combine his property with the new property to become contingent because of the proposed business.

Minor asked if he had contacted the Planning Commission.

Moore stated that he had and was told that the only option available was to appear before the ZBA for a variance approval.

Minor stated that the following review from the planner be read out loud. “Unfortunately, a variance is needed because the ordinance has a specific frontage to follow, and the deficiency does not give it a right to go beyond the law”. This says it cannot be allowed.

Mr. Glass stated that the Planning Commission did not meet on this. The applicant was told that the first step would be to go to the ZBA for a variance and if approved, the following steps would be next: Site plan review then a special use hearing. This current parcel is a non-dimensional variance. It does not meet the requirements of hardship, uniqueness, and practical difficulty.

Minor stated that the current land is conforming. He stated that the Master Plan is trying to keep natural aspects and appearance. If variance is granted, it would create a non-conforming lot and set a precedence for future requests.

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Moore asked how the previous split happened to create this non-conforming lot.

Minor replied that the current parcel is a legal parcel. The proposed split would create a non-conforming lot. He stated that this is not a unique situation, and he must have a variance for the dimensional rezoning requirements. This is also not a hardship for the availability of combining his land with this parcel is present. No practical difficulty was presented by the applicant.

**Rebuttal:**

Mr. Moore stated that he cannot combine his current property with the property being discussed for he doesn’t want to have a business on his land. The proposed property has a 260-foot frontage and that is not his fault. He would like the variance so he can purchase this property and create a dog kennel facility. He does not know what loopholes he needs to deal with to obtain this variance. An attorney?

Minor asked again if he owns this property.

Moore replied no that he intends to purchase it from Jerome and Georgia Ziegler if the variance is approved.

Minor said he has excess frontage on his property which can be combined with his and not be a financial gain.

**Decision:** Motion by Glass, second by Minor to deny this request on grounds that practical difficulty and uniqueness cannot be met, hardship is not present in this situation and this variance request does not allow the Board to approve it, as other options are available. Roll call: Glass, aye; Minor, aye; Maki, aye; Sulkowski, aye; Gilmer, aye. All ayes, motion approved.

**Adjourn:**

Motion by Sulkowski, second by Glass to adjourn. Roll call: all ayes. Motion approved. The meeting adjourned at 7:40 pm.

Cynthia Bobcean, Clerk

Acting Recording Secretary.