

**Charter Township of Haring
515 Bell Avenue – Cadillac MI 49601
Zoning Board of Appeals Meeting Minutes
Tuesday, December 16, 2008 – 6:00 pm.**

1. **Call to Order:** Chairperson Grahek called the meeting to order at 6:00 pm.
2. **Those Present:** John Long, Stanley Padyjasek, and Greg Grahek.
3. **Others Present:** Michael Green, Zoning Administrator; Nancy Skoog, Court Reporter.
4. **Consider Approval of Agenda:** Motion was made by Long, with support by Padyjasek, to approve the agenda as presented. Motion carried with all in favor.
5. **Consider Approval of April 30, 2008 Minutes:** Motion was made by Long, with support by Padyjasek, to approve the April 30, 2008 Minutes as presented. Motion carried with all in favor.
6. **Public Comment for Items Not on the Agenda:** None
7. **Public Hearings:**
 - a. **Request for a classification of the following uses that are currently not classified in the Haring Charter Township Zoning Ordinance, pursuant to Section 703(3 and 5):**
 - 1) **Adult foster care facilities for seven or more residents, 2) Nursing homes and homes for the aged.**
 - (1) **Open Public Hearing:** Chairperson Grahek opened the public hearing at 6:04 pm.
 - (2) **Acknowledge Affidavit of Mailing/Other Notifications:** The Board acknowledged that they received a copy of the affidavit of mailing of meeting notices.
 - (3) **Review Staff Report:** Grahek noted the staff report and read the portion of the staff report that addresses the authority of the Zoning Board of Appeals to hear the question on the agenda tonight and provides some probable alternatives to the Zoning Board of Appeals.
 - (4) **Acknowledge Any Written Comments Received:** None received.
 - (5) **Receive Public Comments:** None
 - (6) **Zoning Board of Appeals Discussion:**
 - (a) Green gave a brief history of events that led to the request for interpretation. Green explained that there have been two requests from applicants who were seeking zoning approval to construct adult foster care homes. In considering one of the requests, the Haring Township Planning Commission determined that the Zoning Ordinance does not allow them in any district, other than those classified as “State-licensed residential facilities”, which are those that offer residential care for less than seven persons. Both requests exceed the six residents allowed under the use definition for “State-licensed residential facilities”. Green explained that Wexford County is currently re-writing its Zoning Ordinance and has addressed adult foster care facilities. According to Green, the new Ordinance will allow adult foster care facilities in the Rural-Residential district, which is similar in character to Haring Township’s Agriculture district. At the same time, the Haring Township Planning Commission will likely begin updating its Zoning Ordinance

in 2009. As Haring Township has modeled its Master Plan after the County Plan, it will likely model it's zoning after the county as well, at least in areas where the township Zoning Ordinance. According to Green, the county is also including adult foster care facilities under a broad category of licensed residential and nursing care facilities and making distinctions on the size, rather than sub-categories, of the overall use.

- (b) John Long asked if there were similar adult foster care facilities currently in operation in Haring Township. Janine Tucker, one of the applicants, stated that she operated, and recently sold, one just south of the facility she is planning along Old US 131. She explained that the Haring Township Planning Commission issued a Special Use Permit for the facility despite the issues brought up at this meeting about it being an "unlisted use". Grahek and Padyjasek pointed out other similar homes currently operating in other residential areas in Haring Township.
 - (c) Roxanne Prince, representing Curry House, responded to various questions from Board members. She explained that Curry House is currently classified as an adult foster care home. The facility functions primarily as an assisted living facility, as all the rooms have kitchen facilities. The current facility has twenty (20) beds. The proposed expansion would add an additional forty (40) beds, including twenty (20) apartments and a twenty (20) bed memory-care unit.
 - (d) Stanley Padyasek stated that in his research, he found that most of the adult foster care facilities are located in residential areas, in which there are not many of in Haring Township.
 - (e) Greg Grahek pointed to the locations in the current Zoning Ordinance where "State-licensed residential facilities" are allowed as an example, which currently include the Agriculture, Forest-Recreation and Residential districts. Of the three zoning districts, Grahek felt that the Agriculture and Residential districts would be most appropriate for adult foster care facilities. Grahek felt that adult foster care residents would not want to live in an industrial or commercial area where noise is prevalent.
 - (f) After discussing various alternatives, as described in the staff report, The Board members and Green developed an alternative that would feature a new category, entitled "Community Residential Care Facilities", which would be a special use in the Agriculture and Residential districts and would have specific standards.
- (7) **Consider Motion:** Motion was made by Long to create a new land use category entitled "Community Residential Care Facilities", subject to the following standards:
- (a) Minimum Parking Standards: One (1) space per three (3) beds.
 - (b) Special Use Standards:
 - (i) Must meet minimum district lot size and setback requirements.
 - (ii) Must be served by public water, sewer, or suitable alternative.
 - (iii) Must be located on an improved county road.

Motion was supported by Padyjasek. Motion carried unanimously by roll call vote.

8. **Public/Commissioner Comments:** None

9. **Adjournment:** Motion was made by Long, with support by Padyjasek, to adjourn the meeting at 7:26 pm. Motion carried with all in favor.

(An official transcript was prepared for this meeting and shall be considered part of the public record. The transcript was prepared by Nancy Skoog, Network Reporting, CER 5525.)

Respectfully submitted by:

Michael Green, Zoning Administrator

Greg Grahek, Chairperson