

**BUTLER TOWNSHIP PLANNING COMMISSION SPECIAL USE HEARING
AUGUST 1, 2024**

MEETING CALLED TO ORDER At 7:00pm by Chairperson Doug Bracy.

PLEDGE OF ALLEGIANCE

ROLL CALL: Janis Olney, Chris Parker, Tom Waltke, Derrick Bracy, Michelle Reed, Chairperson Doug Bracy, and Eileen VanVleet, all members present,

OTHERS PRESENT: Township Supervisor Gary Smith, Rod Olney, Emily Heffner, Fullbright Family, Penny Stewart, Steve Dobson, Michael and Robin Fullbright, Heather Ivy Lalor, C J Ivey, Reggie Ivy, Henry English, Maureen English, Mark Barry, Joseph Graber, James Graber, Marcus Graber, Chrissy Weiss, and Mary Ann Weiss.

APPROVAL OF PREVIOUS MEETING MINUTES: Motion to approve minutes from the May 29th, 2024 meeting. T. Waltke/C. Parker. All in favor, motion passes.

CLOSE REGULAR MEETING

CALL SPECIAL USE MEETING TO ORDER.

A. Request from Michael and Robin Fullbright, 1049 Brookwood Drive.

Mr. and Mrs. Fullbright are requesting a Special Use Permit to allow them to have livestock for the purpose of having animals around for joy and caring and rescue. Mrs. Fullbright wants to keep all animals, they are kept clean, she said they have 5 hens and they donate their eggs to a church, family members or they keep the eggs, they have 5 baby male goats under 20 weeks old, also rescued a neglected ewe. They don't plan on having any more that 10 goats.

Mr. Ivy handed a letter to Doug and Doug read the letter to the public at the meeting,

The letter basically states that according to the Brookwood Subdivision restrictions, established in March of 1971 **"no animal, livestock, fowl or pets of any kind shall be raised, bred, or kept on any lot, except dog's, cats, and other household pets may be kept, provided they are not kept, bred, or maintained for commercial purposes."**

Also stating that **SECTION 16.12** of the Butler Township zoning Ordinance adopted October 3, 2003, stated the following: **"The keeping, raising, or breeding of animals, poultry or livestock, including farm animals and non-domestic animals and reptiles (except domesticated cats, dogs, canary's parakeets, parrots, gerbils, hamsters, guinea pigs, turtles, fish, rabbits, and similar animals commonly kept as pets outside of the AG or R1 zoning districts shall be prohibited"**

Mr. Ivy also stated his concerns regarding waste products with the number of animals in such a confined space. Also referring to Item **E of Section 19.01: STANDARDS FOR GRANTING SPECIAL USE APPROVAL:**

Mr. Ivy's daughter Heather, stated that Brookwood is not a petting zoo, and also read **Chapter 19, SPECIAL LAND USE PERMIT REVIEW PROCEDURES, SECTION 19.01, pages 1 through 7.**

Mr. Fullbright stated he and his wife did not know of the Brookwood restrictions when they purchased their home 13 years ago. Their real estate agency and or previous owners did not tell them about it. they also said they do not have a petting zoo; they are not making any profit from having the animals. Mr. Fullbright remarked about the horses on another property in the Brookwood subdivision.

A neighbor, Mrs. Heffner stated that she has 2 lots and has no issues with the animals that the Fulbright's have. Stated they were always clean.

Derrick Bracy raised the question to Mr. Dobson if the Brookwood restrictions information is given to the land owners when they purchase a home in the Brookwood subdivision. Heather said that the realtor is supposed to let the home owner know of the restrictions.

Mrs. Heffner stated they found the document on their dining room table when they entered their home after they purchased it. She also said she put it away and didn't read it until this issue came up with the Fullbright's.

Doug read a letter from the Township's lawyer. Chuck Lillis:

Good afternoon, Doug, I have looked over what you sent. The restrictive covenants for Brookwood Acres prohibit farm animals, but the other owners would have to enforce that, the Township cannot. At the same time, the Township cannot grant a special use or variance that would violate the Subdivision restrictions SO, I don't believe you can do anything.

Mr. Ivy stated that it is sad that the realtors do not let the new owners about the restrictions in the Brookwood subdivision. He also stated that his horses are not in Brookwood, they are on the Dobson farm land and not in the Brookwood subdivision.

Neighbor, Mrs. Weiss said she thought the animals were cute and was not bothered by them.

Janis Olney stated that we have to go by what our zoning standards.

Mr. CJ. Ivy stated that he has been lived in several different subdivisions and there are always restrictions, that is the way it is.

CLOSE THE PUBLIC PORTION OF THE MEETING

Motion to deny the request for a Special Use permit for Mr. and Mrs. Fullbright.

D. Bracy/T. Waltke. But if they reapply in 45 days the fee is waived.

ROLL CALL VOTE: D. Bracy: YES, Chris Parker, YES, Janis Olney, YES, Derrick Bracy, YES, Michelle Reed, YES, Eileen VanVleet YES. All in favor motion passes

The request for a Special use permit is denied.

Motion to adjourn the Special use meeting, D. Bracy/T. Waltke. All in favor motion passes.

Motion to adjourn Planning Commission meeting. D. Bracy/ T. Waltke, all in favor, meeting adjourned.

Meeting adjourned at 7:51pm.

Please note the next Planning Commission meeting is Scheduled for September 9, 2024

Respectfully submitted:



Eileen R. VanVleet

August 1, 2024

Butler Township Planning Commission:

I write to express my objection to a special land use permit at 1049 Brookwood Drive, and I hereby request that it be vehemently denied for the following reasons:

First and foremost, in March of 1971 the creators (Elmer and Dorothy Dobson) of the Brookwood Plat also established a set of restrictions to govern the use of the lots within the plat which are to run with the land and remain in effect to this date. Item number 10 of the restrictions states as follows: **"No animal, livestock, fowl or pets of any kind shall be raised, bred, or kept on any lot, except dog's cats and other household pets may be kept, provided they are not kept, bred or maintained for commercial purposes"**. They never intended the land to be used in its current manner occupied by chickens, goats, pigs, sheep, and geese along with several animal hutches, chicken coops, and what appears to be kiddy pools.

Secondly Section 16.12 of the Butler Township Zoning Ordinance adopted October 3, 2003, states as follows:

"The keeping, raising, or breeding of animals, poultry or livestock, including farm animals and non-domestic animals and reptiles (except domesticated cats, dogs, canaries parakeets, parrots, gerbils, hamsters, guinea pigs, turtles, fish, rabbits and similar animals commonly kept as pets outside of the AG or R-1 zoning districts shall be prohibited." The Brookwood Drive subdivision is and has been zoned R-2, and livestock is prohibited.

Most important Section 1.02 of the Butler Township zoning ordinance in part reads as follows:

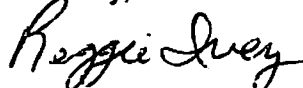
Whenever the provisions of any other law or ordinance impose more stringent requirements than are required by this Ordinance, then the provisions of such law or ordinance shall govern.

In addition, I have concerns as to what provisions have been provided to take care of the waste products which undoubtedly are present with the number of animals in such a confined space.

Lastly, as an owner of several vacant lots immediately across the road I must believe that the continuance of the current activity can only have a negative impact on the economic value of these and all properties in the Brookwood Plat.

Having reviewed the standards which an application must meet to obtain a special use permit described in item E of section 19.01, I respectfully request that the application be denied.

Sincerely,



Reggie Ivey

1035 Brookwood Drive

MEMBERS OF THE BUTLER TOWNSHIP PLANNING COMMISSION:

GOOD EVENING. I'M HEATHER IVEY LALOR. I'M HERE TO EXPRESS MY CONCERNS AS HEIR TO THE ADJACENT LOTS IN THE SUBDIVISION AND THE HOMESTEAD MY PARENTS BUILT IN THIS SUBDIVISION.

MY GRANDPARENTS, DOROTHY & ELMER DOBSON, ESTABLISHED THE BROOKWOOD SUBDIVISION 1971 AND INTRODUCED A SET OF CLEAR COVENANTS FOR THE BENEFITS OF ITS FUTURE INHABITANTS. UNTIL THIS POINT, SUBDIVISION RESIDENTS HAVE ADHERED TO THESE RESTRICTIONS.

FOR DECADES, THIS HAS BEEN A NICE, PEACEFUL, TRANQUIL PLACE TO GROW UP AND LIVE. HOME AND PROPERTY OWNERS HAVE CARED FOR THEIR PROPERTIES, AND THEY'VE BEEN WELL MAINTAINED.

UNTIL NOW.

>>SECTION 1 OF BUTLER TOWNSHIP ZONING RESTRICTIONS CLEARLY DEFER TO MORE RESTRICTIVE <<<< THE BROOKWOOD SUBDIVISION COVENANTS ARE MORE RESTRICTIVE THAN TOWNSHIP GUIDELINES AND ARE THEREFORE RELEVANT.

1049 BROOKWOOD DRIVE, QUINCY, MICHIGAN, FOR WHICH A SPECIAL USE PERMIT IS BEING REQUESTED, IS IN CLEAR VIOLATION OF THE BROOKWOOD SUBDIVISION COVENANTS.

IF YOU LOOK AT THE GOOGLE EARTH IMAGE OF THIS PROPERTY, IT WAS PREVIOUSLY CLEAR OF LIVESTOCK AND REPRESENTATIVE OF A SUBDIVISION, AND IN LINE WITH COVENANTS.

TODAY, YOU'LL FIND A MENAGERIE OF LIVESTOCK AND MULTIPLE PIECES OF LIVESTOCK EQUIPMENT, AND APPARATUSES. WE HAVE PHOTOS FOR YOU TO REVIEW IF YOU'VE NOT WITNESSED THIS PETTING ZOO IN A SUBDIVISION.

FURTHER, THE STANDARDS TO JUSTIFY APPROVAL OF A SPECIAL USE PERMIT ARE NOT MET.

THE APPLICATION SHOULD BE DENIED IF EVEN ONE STANDARD IS NOT MET.

THIS PETTING ZOO FAILS TO MEET 8 OUT OF 9 STANDARDS.

1. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.

IT IS NOT COMPATIBLE WITH ADJACENT USES AND ZONING OF LAND, LIVESTOCK IS NOT ALLOWED ON ADJACENT PROPERTY USES EITHER. THIS STANDARD IS NOT MET.

2. The proposed use shall promote the use of land in a socially and

economically desirable manner. The proposed use shall **not adversely impact the social and economic well-being** of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Township as a whole.

THIS STANDARD IS NOT MET.

3. The proposed special land use shall be compatible with and in accordance with the general principles and future land use configuration of the Township Master Plan and shall promote the intent and purpose of this Ordinance.

THE FUTURE LAND USE OF THIS AREA IS SUBDIVISION R-2 ZONING, IN WHICH PETTING ZOOS AND LIVESTOCK ALSO AREN'T ALLOWED.

THIS STANDARD IS NOT MET.

4. The Planning Commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.

THERE IS ZERO NEED FOR A PETTING ZOO IN A LAND ZONED R-2, IN WHICH USE CONFLICTS WITH BOTH THE SUBDIVISION RESTRICTIONS/COVENANTS AND CONFLICTS WITH ZONING AS WELL.

THIS STANDARD IS NOT MET.

5. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses.

Consideration shall be given to:

- The size, placement, and materials of construction of the proposed use in relation to surrounding uses.
- The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
- The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding

development.

- The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding

THERE ARE NO LIVESTOCK ALLOWED IN OUR SUBDIVISION, NOR WERE THEY EVER INTENDED TO BE BY MY GRANDPARENTS AND THE FOREFATHERS WHO ESTABLISHED ZONING.

THIS USE OF SUBDIVISION LAND WILL ADVERSELY AND NEGATIVELY IMPACT THE PROPERTY VALUES OF THE HOMEOWNERS AROUND THIS CURRENTLY ESTABLISHED ZOO IN THE BROOKWOOD DRIVE SUBDIVISION.

THUS, THIS STANDARD IS NOT MET.

7. The proposed special land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.

THERE IS NOTHING CONSISTENT WITH EXISTING OR FUTURE CAPABILITIES OF PUBLIC SERVICES, AS THERE ARE NO PARAMETERS IN PLACE TO ELIMINATE WASTE.

THUS, THIS STANDARD IS NOT MET.

8. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights. The proposed use shall be compatible with the natural environment.

THIS WILL BE DETRIMENTAL TO PUBLIC HEALTH, SAFETY AND WELFARE AFFECTING PROPERTY VALUES AND IT'S NOT COMPATIBLE WITH SURROUNDINGS AND IS NOT A POSITIVE ENHANCEMENT.

THUS, THIS STANDARD IS NOT MET.

9. The proposed use shall be compatible with the natural environment.

THIS IS NOT COMPATIBLE WITH THE NATURAL ENVIRONMENT – THUS THIS STANDARD IS NOT MET.

THIS APPLICATION DOES NOT MEET 8 OF THE 9 STANDARDS.

IT'S A BLATANT VIOLATION OF THE COVENANTS ESTABLISHED IN 1971.

BROOKWOOD DRIVE COVENANTS HAVE BEEN IN PLACE FOR OVER 53 YEARS AND PRIOR TO THIS MOST RECENT AND EGREGIOUS VIOLATION HAVE NOT ONLY BEEN HONORED, BUT RESPECTED.

THESE COVENANTS TAKE PRECEDENCE OVER ANY ZONING ORDINANCES BEING THAT THEY WERE ESTABLISHED LONG BEFORE BUTLER TOWNSHIP ZONING WAS EVEN IN PLACE.

AND I KNOW THAT AS MY OWN FATHER, REGGIE IVEY AND MY MOTHER AUTUMN IVEY WERE INTEGRALLY INVOLVED IN SETTING UP ZONING WHEN HE SERVED AS TOWNSHIP SUPERVISOR.

THE PROPERTY OWNER'S SON WAS ADVISED VERBALLY BY MY FATHER ON APRIL 11TH 2024 WHEN HE SAW HIM IN THE INITIAL PROCESSES OF ERECTING A FENCE THAT THEY COULD NOT DO THAT IN THE SUBDIVISION.

THE PROPERTY OWNER PROCEEDED WITH COMPLETE AND UTTER DISREGARD OF THAT VERBAL NOTICE.

PROHIBITED MEANS = NOT ALLOWED. IT'S THAT SIMPLE.

EXCEPT AS MAY BE PERMITTED BY SPECIAL USE PERMIT IN THE 4-2 AND R-3 ZONING DISTRICTS AND UNDER CONDITIONS OF PUBLIC SAFETY, COMFORT, CONVENIENCE AND QUIET USE OF PROPERTY IMPOSED BY THE TOWNSHIP PLANNING COMMISSION.

ANY SPECIAL USE PERMIT FOR FARM ANIMALS IN A RESIDENTIAL SETTING WILL NOT BE UNDER THE CONDITIONS OF PUBLIC SAFETY, COMFORT, CONVENIENCE AND QUIET USE OF PROPERTY.

FURTHERMORE, HE'S ALSO IN VIOLATION OF ZONING ORDINANCE SECTION 16.15 PERFORMANCE STANDARDS: NO ACTIVITY, OPERATION, OR USE SHALL BE PERMITTED ON ANY PROPERTY WHICH BY REASON OF THE EMISSION OF ODOR, FUMES, SMOKE, VIBRATION, RADIATION, NOISE OR DISPOSAL OF WASTE IS DELETERIOUS TO TOTHER PERMITTED ACTIVITIES IN THE ZONE DISTRICT OR IS OBNOXIOUS OR OFFENSIVE TO USES PERMITTED IN NEIGHBORING DISTRICTS, OR IS HARMFUL TO THE GENERAL HEALTH, SAFETY OR WELFARE OF THE COMMUNITY.

NOISE OF ROOSTERS, THE WASTE OF ANIMALS, AND NEGATIVELY IMPACTING PEOPLE'S PROPERTY VALUES IS HARMFUL TO THE GENERAL HEALTH, SAFETY OR WELFARE OF THE COMMUNITY.

NOBODY IN THE SUBDIVISION CAME WITH THE INTENT OF LIVING NEAR A ZOO OR ON A FARM.

AND, THE MERE PRESENCE OF THIS AFFECTS THE PROPERTY VALUES OF THE ADJACENT HOMEOWNERS, AND ALSO IMPACTS THE PROBABILITY OF FUTURE SALES OF THE LOTS THAT MY PARENTS, NOW MY FATHER SINCE MY MOTHER'S PASSING, OWN DIRECTLY ACROSS FROM THIS LOT #8.

THE OTHER BROOKWOOD DRIVE RESIDENTS HAVE HAD TO ADHERE TO AND UPHOLD THE PROVISIONS FOR LIVING AND RESIDING IN THE BROOKWOOD SUBDIVISION, WHY DOES THIS INDIVIDUAL THINK THAT HE'S ESSENTIALLY ABOVE THE LAW?

WHEN MY GRANDPARENTS DEVELOPED THIS SUBDIVISION, THEY DREAMT OF A PEACEFUL AND TRANQUIL SUBDIVISION WHERE FAMILIES COULD RAISE THEIR CHILDREN IN A WONDERFUL SETTING. THAT'S WHY THEY PUT THOSE RESTRICTIONS IN PLACE.

AND MY MOTHER AND FATHER UPHELD THEIR RESTRICTIONS AND THEIR WISHES FOR THE SUBDIVISION TO REMAIN AS SUCH. UPON DEVELOPMENT, THEY HAD TO ADHERE TO PROVISIONS FOR DOING SO.

WE HUMBLY AND HONORABLY ASK THAT YOU UPHOLD THE RESTRICTIONS OF THE BROOKWOOD SUBDIVISION AND ADVISE THE PROPERTY OWNER THAT HE'S IN VIOLATION OF BOTH THOSE RESTRICTIONS AS WELL AS MULTIPLE ZONING ORDINANCES AND SIMPLY TELL HIM –THIS SPECIAL USE APPLICATION IS DENIED AND THAT HE PLEASE IMMEDIATELY REMOVE THE PETTING ZOO THAT HE'S CONSTRUCTED IN THE BROOKWOOD DRIVE SUBDIVISION.

DO UNTO OTHERS IS A SIMPLE PRINCIPLE – AND WORKING SO DEFIANTLY TO HARM THE QUALITY OF LIFE OF THOSE AROUND HIM AS WELL AS THEIR PROPERTY VALUES – IS DOING NEGATIVELY UPON OTHERS AND WE ASK THAT YOU SAY ENOUGH IS ENOUGH AND VEHEMENTLY DENY THIS APPLICATION.