

# Birch Run Township

## Planning Commission

### Minutes

Special Meeting

29 Oct 2001

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#### Members Present

Jaime Trevino  
Bob Scharrer  
David Hinds  
Alan Hunter

Jeff Putnam  
James Totten (abs)  
Wyn Wilson

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Meeting called to order by Chairman Al Hunter at 7:00 PM to hear Special Use Permit Application #2001-07, by Mr Michael Moore of 4094 Willard Rd, Birch Run, to erect temporary housing on his property to care for an Aged Relative, his mother Bertha Moore.

Quorum was present.

10 People were in the audience.

Chairman AL Hunter read the official notice of the meeting.

Chairman Hunter requested Debbie Trevino, Twp Treas, to act as recording secretary.

Opening comments by Chairman Hunter regarding ordinance provisions, permits, etc.

Mr Moore stated that he requested permission for a double-wide mobile home, set on pylons, skirting around it with a 1500 gallon septic tank and 600' of drain field. He has already applied for a septic permit.

Mr Moore admitted that the mobile home was already in place on the property.

A couple of questions were asked by members in the audience regarding septic field and existing field tile. Mr Moore stated that the County Health Dept told him he would have to cut the field tile and cap it.

Chairman Hunter asked Mr Moore if he would care to amend his application to state the nature of the request to read "Mobile Home" rather than "Temporary Housing", as the ordinance has no provisions to grant "Temporary Housing" for an aged parent. Mr Moore amended his request.

Mr Moore stated that he completely understands the provisions of the zoning ordinance regarding his request. Chairman Hunter then read the ordinance definition of a mobile home.

Chairman Hunter asked Mr Moore why he put up the structure prior to obtaining a special use permit.

Mr Moore responded; "because he has a Mother in her mid 80's in an apartment in Flint. He feels he met all regulations and has not broken any laws. Chairman Hunter stated that he(Mr Moore) placed the structure on his property without permits, and that the structure does not appear to be a mobile home.

Mr Moore stated that if the permit is not granted that he would have to spend the money to remove the structure, and that he did not break any laws.

Chairman Hunter emphasized that no permits were issued.

A comment from the audience about an apartment in the rear of Mr Moore's home. Chairman Hunter stated that it was not an issue that the Planning Commission could address.

Comment from the audience about removal of the home when the aged relative no longer lives there. Chairman Hunter stated that the Planning Commission can revoke a special use permit when its terms are not complied with, and would then turn it over to the Code Enforcement Officer and Zoning Administrator.

Mr Moore stated that the home's wheels and tongue are in place and it has a title.

Jaime Trevino stated that he would like to see the title.

Chairman Hunter told Mr Moore the he felt he had "jumped the gun" - "you have an option to apply for permits anytime you wish. It appears that you are going around us a little bit"

Comment by Mike Setzer: that he had met with Mr Moore and directed him to the Planning Commission. He also told Mr Moore to get appropriate permits.

Mr Moore stated that his mother is not incapacitated and that his 21 year old daughter will be living there. Chairman Hunter stated that the daughter may not live there. Only the aged relative may occupy the mobile home and use it as her residence.

Debbie Trevino expressed concern that a precedent would be set if this permit is granted.

Mike Setzer, Zoning Administrator, stated that he felt that it would set a precedent.

Chairman Hunter then called for a motion to dispose of the matter.

Motion by Dave Hinds "To approve Special Use Permit Request #2001-07."  
Support by Wyn Wilson

Discussion: Wyn Wilson commented that the timing of the permit is clear. That another person in the Twp had dug a pond first and then got a permit. The regulation is worded by the people of Birch Run and that people have anticipated the problems. He would like the Tw p attorney to look at this to clarify the definition of a Mobile Home/Manufactured Home.

|       |          |     |         |     |
|-------|----------|-----|---------|-----|
| Vote: | Hunter   | Yes | Putnam  | No  |
|       | Wilson   | Yes | Hinds   | Yes |
|       | Scharrer | Yes | Trevino | Yes |

Meeting adjourned at 7:50 PM.

Respectfully submitted:

  
Alan J. Hunter  
Chairman

Approved:

11-26-01