

# Leighton Township Planning Commission Minutes

Date: August 13, 2008

Members Present: Al Zuidema, Scott Chestnut, Harry DeHaan, Louis Murray, Dave Wright,  
Ron Schrotenboer

Members Absent: Brian Martin

Others Present: Mark Sisson (Township Planner), and 11 interested persons

**Art. 1 Chairman Zuidema** called a Regular Meeting of the Leighton Township Planning Commission to order at 7:30 pm at the Leighton Township Hall.

**Art. 2 Minutes** –  
Minutes of the July 9, 2008 were approved as presented

**Art. 3 Public Comments** – None

**Art. 4 Inquiry of Conflict** – None

**Art. 5 Public Hearing** –

**a. Nguyen/Great Wisdom Meditation Center Special Use**

Thomas Nguyen is requesting a special use permit to conduct a home occupation on the property located at 4303 Division Ave. The property is located in an Agricultural District.

The Public Hearing was opened at 7:33pm. Comments received:

Ron Mrozinski stated that Mr. Nguyen should be granted a special use permit for the Meditation Center. The Township should be concerned with more pressing matters than this.

Carol Mrozinski stated that she is in full agreement with granting Mr. Nguyen a special use permit. Even though she is not part of the meditation center, they should be welcomed into the community.

Marc Freed introduced himself to the Board, as Mr. Nguyen's lawyer, but also a student and friend. He thought communication had progressed well with the Township Supervisor and PCI.

The Public Hearing closed at 7:37pm.

Discussion returned to the Board. Mark Sisson, Township Planner, reiterated that the Zoning Administrator had determined that the nature and intensity of the activities described in the request are generally similar to permitted home occupations such as "(6) consulting and counseling services", and "(13) office of a minister, priest or other member of the clergy (which are both listed as "permitted home occupations")". (Attach 1) Parking concerns were addressed by Mr. Freed, stating that parking would be in the back of the property, with cars being able to drive in, park and leave in a safe manner. A sign would be posted to resolve the issue of no backing out from the driveway onto Division Ave.

Motion by Chestnut, supported by Murray to approve the Special Use Permit to Mr. Nguyen, Great Wisdom Meditation Center based on the adoption of the following findings:

1. Based upon the physical characteristics of the use and scale and frequency of the activity, it is found that the home occupation (religious meetings/meditation/worship) will be incidental and secondary to the use of the premises as a dwelling.
2. The likely effects of the home occupation upon adjacent and nearby lands are within the scope of the effects likely to result from other uses permitted and occurring in the district and are similar home occupations that are specifically permitted in this section.
3. The use will have no appreciable adverse effects upon adjacent and nearby lands and the uses thereof.

And with the following stipulations and conditions:

1. The building will remain intact and capable of functioning as a primary residence (of Rev. Nguyen).
2. The area of the home (meditation room) that is to be used primarily for religious purposes is limited to 722 sq. ft. or approximately 21 percent of the total area of the residential structure.
3. With the exception of a small sign placed in the front yard, no exterior changes are proposed to be made to the home or to the site. The sign shall comply with zoning ordinance requirements with respect to size and placement.
4. The meetings will be small indoor gatherings of between 8 and 15 persons occurring primarily on Saturdays from 9:00 am to 11:00 am and on Sundays between 9:00 am and 1:00 pm. Occasional weeknight gatherings of small groups may also occur.
5. Up to 6 times, a year, larger gatherings of up to 60 people may occur. These gatherings will take place predominantly outdoors and will involve up to 30 vehicles.
6. Off street parking for the use shall occur in the areas behind the house as indicated by the site sketch. There shall be no parking along the street or elsewhere within the street right of way.

**Roll call vote:** Aye: Chestnut, Wright, Murray, DeHaan, Zuidema  
 Nay: None  
 Absent: Martin, Schrotenboer

**All aye/Motion Carried**

**b. Biesbrock Special Use**

Elizabeth Biesbrock is requesting a special use permit for a kennel to be located at 859 142<sup>nd</sup> Ave in the R-1 District. The kennel is to include up to 13 individual kennels within an existing pole barn. These kennels would be for their six show dogs, and to house visiting show dogs. Her daughter trains puppies and 3 puppies are allowed in one kennel. There would also be some breeding. On the east side of the property, there would be an indoor/outdoor exercise run, with a privacy fence. The 13 kennels would be portable and could be put up and taken down, according to how many dogs were on premise. The dogs are locked in at night, and the pole barn is insulated.

The Public Hearing was opened at 8:20pm. Comments received:

Mike Hielkema, a neighbor stated some concerns about having 13 dog kennels. He has a pool and an outside screened porch. Concerns included the value of his home decreasing, a problem with barking dogs, and the odor from so many kennels.

Chairman Zuidema requested Recording Secretary, Shari Harmon, to read a letter from Mike and Amy Hielkema, stating the concerns they had with the Special Use Permit request.

The Public Hearing was closed at 8:50 pm.

Discussion returned to the Board. There were many concerns regarding the amount of dogs on the property, problems with barking dogs, and then disturbance to other existing dogs in the neighborhood. Other concerns stated included the housing, boarding, breeding, grooming and training that could take place in these kennels. Also, there should be an acceptable plan for addressing liquid and fecal waste.

Ms. Biesbrock explained that fecal waste is picked up weekly and the dog runs are washed down and would go into a drain field with stones on top, so lime could be put in the stones for urine odor. The kennels would be licensed and checked yearly by the county.

Motion by Wright, supported by Schrottenboer, to deny request of the special use permit on the basis of the following:

1. Property does not fit the Zoning. A large number of dogs (13) on site for the size property, which is 3.1 acres and surrounded by other residences. The likelihood of noise or other disturbance(barking dogs) for adjoining properties and the surrounding neighborhood. Approval could set an undesirable precedence
2. The size, nature and character of the kennels. Number of dogs being requested would be excessive and the number difficult to monitor or enforce. The number of animals for housing, boarding, breeding, grooming and training was a concern and would in effect result in the insertion of a commercial operation in the neighborhood..
3. Uncertainty over waste management plans. Issue not totally resolved to the satisfaction of the Commission.

Roll Call Vote: Aye : Wright, Schrottenboer, Murray, DeHaan  
Nay : Chestnut, Zuidema  
Absent: Martin

**Motion Carried/Request denied**

**Art. 6 New Business - None**

**Art 7. Unfinished Business –Zoning Ordinance Review**

Discussion ensued with Mark Sisson and the Board regarding several draft ordinances. Sisson and the Board will set up a workshop to go over revisions of the draft ordinances.

**Art. 8 Other Business – None**

**Art. 9 Public Comments – None**

**Art.10 Commissioners Comments – None**

Meeting adjourned at 9:22pm

Respectfully submitted,

Shari Harmon, Recording Secretary  
Leighton Township Planning Commission