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TRUSTEES
David Gordon
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June 5, 2009

Mary (Micki) Gabriel
11385 Stallion Lane
Holly, MI 48442

Subject: Special Land Use (Kennel)

Dear Ms. Gabriel

On June 4th, 2009, the Rose Township Planning Commission held a public hearing to determine the appropriateness of your request for a Special Land use Permit for a Breeding only Kennel that you proposed.

The Commissioners had several points of concerns in regards to your requested and have tabled the Special Land Use a maximum of ninety (90) days to allow you the opportunity to address these concerns.

The Commissioners are requiring that although you own the dogs that are being utilized for breeding, the house can not be considered the kennel structure.

The Commissioners are requiring a site plan that provides for all of the listed requirements of Section 18-07 Specific Use Standards, Q Kennels (copy included). The site plan must show the location of the kennel building, dog runs, fencing and necessary parking. In additions the type of materials to be utilized must be determined and that information shall be presented to the Commissioners.

The Commissioners are concerned with the on going litigation in Farmington Hills and would like you to provide written clarification to the charges and provide evidence that allegations were false or that they have been resolved.

The Commissioners are concerned with the number of adult dogs, the treatment of those dogs, the number of litters proposed and the number of puppies that could be present at any one time on the property.

The Rose Township Planning Commission as part of their decision process in regards to your Special Land Use will consider the following criteria:

1. The proposed special land use shall be compatible with and in accordance with the general principles and objectives of the Township's Master Plan and shall promote the intent and purpose of this ordinance.
2. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
3. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic.
4. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
5. The proposed use shall be such that the proposed location and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
6. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.

In closing it is the applicants responsibility to provide the Planning Commissioners all of the required information and to show the ability and desire to meet all of the Special Land Use standards and to satisfy all of the requirements of the Rose Township Zoning Ordinance in regards to the your special land use request.

If you have any questions and/or concerns, please contact me at (248) 6234-0290, Monday thru Friday, 9:00am to 4:00pm.

Sincerely,

David Plewes
Rose Township
Zoning Administrator

ROSE TOWNSHIP

June 16, 2009

Mary (Micki) Gabriel
11385 Stallion Lane
Holly, MI 48442

Subject: Special Land Use (Kennel)

Dear Ms. Gabriel

On June 4th, 2009 the Rose Township Planning Commission held a public hearing on your Commercial Kennel Special Land Use/Site Plan request.

Based on evidence provided during the public hearing and the history of the property the Planning Commission tabled your request for ninety (90) days, to allow you to provide additional information. In a letter dated June 5th, 2009 from Rose Township, the findings of the Rose Township Planning Commission from the June 4th, 2009 Planning Commission meeting and public hearing was provided to you along with the criteria that the Commission uses in approving/denying Special Land use requests (copy included).

A letter dated July 30th, 2009 (copy included), informed you that at the September 3rd, 2009 Rose Township Planning Commission meeting your ninety (90) days would lapse and your Special Land use request would be removed from the table and you would be given an additional opportunity to meet the requirements of the Rose Township Zoning Ordinance.

At the Rose Township Planning Commission meeting of September 3rd, 2009, your request was removed from the table and you were given an additional opportunity to have the Planning Commission make a decision on your request. During that meeting your additional information that you provided and dated August 15th, 2009, was reviewed and discussed. You were also allowed to make any additional comments and to answer any remaining questions that the Commissioners had. After receiving the additional information and hearing from you in response to additional questions and additional public comments, the Commissioners voted unanimously to deny your request for a Special land use (kennel, breeding only).

The Rose Township Planning Commission determined that you did not meet the minimum requirements to have a breeding only kennel at your residence at 11385 Stallion Lane.

If you have any questions or concerns on your variance, contact me at (248) 634-0290.

Sincerely,

David Plewes
Rose Township
Zoning Administrator

File
Bldg/Code

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TRUSTEES
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Diane Scheib-Snyder

August 20, 2009

Rose Township Planning Commission

Subject: Special Land Use (Kennel)

On August 20th, 2009 Ms. Mary Gabriel, submitted additional information in regards to her Special Land Use request for a breeding only kennel.

After reviewing the additional information, I find it important to clarify some of Ms. Gabriel's comments in regards to comments that she made in reference to discussions that I had with her.

In regards to her comments that it "would be fine if I (Mary Gabriel) kept the dogs in my home in the basement or made the garage into a kennel." All of her initial discussion was in regards to her personnel dogs, dogs that she owned. Never in any of our initial discussions did I say that a separate building would or would not be required; that issue never was addressed.

Her application was processed for Special Land Use, based on the fact that she was the owner of all of the dogs. The ordinance does state that a "kennel shall consist of a kennel building, dog runs, fencing and necessary parking...". The request was submitted at the insistence of the applicant that here house could constitute the kennel building.

The decision that the residential structure could not be considered the "kennel building" was made after the Planning Commission took public comment, receive additional information from the applicant, after questioning the applicant to the operations of her breeding operations and after additional information from the Rose Township Planner.

In response to Ms. Gabriel's comment that I stated that "it must have been a miscommunication". I have always and will continue to give each applicant the benefit of doubt when there seems to be a difference in what was said. I will not ever imply an applicant mislead or lied about what was said. I have never given a definitive answer to any applicant in regards to any possible decision by the Planning Commission. It is not my place to determine the appropriateness of any applicant request, that is the duty of the Rose Township Planning Commission.

Ms. Gabriel in her letter continues to imply that our ordinance does not specify that a kennel must have a separate "kennel building". Since I have been the Zoning Administrator, Rose Township has only had three (3) kennel requests. Two (2) of those requests proposed a separate kennel building. Ms. Gabriel's is the first that did not propose a separate building and the first to specify that all of the dogs would be owned by the property owner.

The licensing authority in Oakland County in regards to kennels is the Oakland County Animal Control and they do not consider any dog activity a Kennel unless it is operated in a separate building.

Ms. Gabriel in several instances states that I "confirm" what statement she just implied. In no instance did I state or imply that "your dog can be off leash and be free as long as you have them under control and they are on your property". Ms. Gabriel made this statement and I acknowledge it, she also stated that "personal dogs do not have the same requirements as a boarding dog". Again Ms. Gabriel made the statement I acknowledge the statement. Not agreeing or disagreeing only to acknowledge her comment.

In closing, the Planning Commission must make a decision on approving or denying this Special Land Use request based on the all information provided from the applicant, from the public during the public hearing and the requirements of the Rose Township Zoning Ordinance.

David Plewes
Rose Township
Zoning Administrator