The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, August 8, 2022, at 7:00 pm at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:
Dan Durham, Chairman
Tony Cook, Vice-Chairman
Mike Flood, BOT Rep to ZBA
Don Walker, PC Rep to ZBA
Diane Dunaskiss, Board member

ZBA MEMBERS ABSENT:
None

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Ted Adams
Christi Adams
Adam Martin
Lori Martin
Kenneth Backus
Mike Humbert
Catherine Bako
Kris Baker

1. OPEN MEETING
Chairman Durham called the meeting to order at 7:00 pm.

2. ROLL CALL

3. MINUTES

A. 07-25-22, ZBA Regular Meeting Minutes

Board member Dunaskiss moved, seconded by Chairman Durham, to approve the 07-25-2022 minutes as presented.

Roll Call Vote was as follows: Dunaskiss, yes; Cook, yes; Walker, yes; Flood, yes; Durham; yes. Motion passes 5-0.

4. AGENDA REVIEW AND APPROVAL

Trustee Flood moved, seconded by Chairman Durham, to approve the agenda as presented.

Vote was as follows: Flood, yes; Walker, yes; Cook, yes; Dunaskiss, yes; Durham, yes. Motion passes 5-0.

5. ZBA BUSINESS

A. AB-2022-29, Theodore & Christi Adams, 2922 Saturn Dr., 09-20-453-023

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 4 variances from Zoning Ordinance #78 – Zoned R-2
Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west.

Article XXVII, Section 27.17(B)
4. A 25-ft. wetland setback variance from the required 25-ft. to erect a 6-ft. privacy fence (structure) 0-ft. from a wetland.

Mr. Ted Adams and Christi Adams introduced themselves.

Chairman Durham stated that the Fire Department has no concerns with any of the cases on the agenda for tonight’s meeting. The Board received two letters. The first was from Mark Tarquini, 2823 Waring Place, Director of Keatington Homeowner’s Association, in support for the 6-foot height variance and the setback variances requested for the properties along Waldon Road and Chairman Durham listed all property addresses that the letter supports. The second letter was received from a neighbor expressing concerns and comments regarding the request for height and setback variances for fences along Waldon Road.

Mr. Adams summarized the variance request. They would like the 6-foot fence because of privacy and safety concerns.

Ms. Adams stated that when they purchased the home, they were told that a 6-foot fence was being paid for and put up by the Homeowner’s Association but after they moved it, they found out that this was false information. She explained what they have done up to this point to alleviate their concerns. They tried putting up a wood wall, but this was not effective. They also planted vegetation and the trees did not thrive and were not effective. When they heard about the fences that were placed on Baldwin Road, they thought this was their opportunity.

Chairman Durham asked if the traffic on Waldon Road has increased since they purchased the home.

Mr. Adams and Ms. Adams replied that it has definitely gotten busier, both traffic and pedestrian.

Ms. Adams expressed concerns over motorist stopping and trespassing on her property. People that walk along the path can see right into their home and a 4-foot fence could simply be looked over and would not provide privacy.

Chairman Durham asked how 2 more feet would help.

Ms. Adams replied that it would deter someone from hopping over the fence. If someone wanted to remove something from their property, it would be harder to take it over a 6-foot fence. When they have a 6-foot fence, it is more difficult to see a passing walker on the path.

Chairman Durham stated that he is concerned about a fence going into a wetland setback.

Mr. and Mrs. Adams explained that they have had individuals park and go onto their property to fish.
Trustee Flood asked if she had called the police.

Ms. Adams explained that she was afraid of repercussions.

Trustee Flood explained that the petitioner was actually asking for a site plan change because they are asking to replace a split rail fence that was part of the original site plan approval. He stated that they have a problem with 6 feet fences in the township. He thinks this is a Homeowner’s Association problem.

Ms. Adams stated that there is a lot more truck traffic on the road now.

Trustee Flood commented on traffic problems on Baldwin Road. He reiterated that this is a Homeowner’s Association problem because they are changing the site plan for the development. He thinks this should be worked out through planning and zoning.

Ms. Adams commented that they had listened to other meetings as to the fact that each was a case-by-case basis and she understood that this was the meeting that they should attend. She stated that for them to pay the money and then you say that they should go to the Homeowners Association, this does not seem fair.

Trustee Flood stated that he will base his decision on the practical difficulty. He believes that a 4-foot fence will suffice, and he explained.

Ms. Adams stated that the view is fine now, it is worse during the winter months.

Trustee Flood asked if the petitioner had informed the Homeowner’s Association about what is going on.

Ms. Adams stated that if someone comes down Waldon and enters the ice, they are supposed to call the Homeowner’s Association.

Trustee Flood commented on beach access in the area. He is not in favor of any 6-foot fence in the Township.

Chairman Durham asked for public comment.

Mark Rossi stated that he was the first one that was approved for a fence on Waldon Road. This petitioner’s case is amplified because of their proximity to the lagoon. The security issue is huge. He commented in the changes in the Township over the years. This petitioner is worse than his case because they have constant traffic, sound, etc. The quality of life that is affected by the changes in the Township affect them more drastically. The four-foot fence will not suffice, and a 6-foot fence is more secure and he commented on the visual aspect of having a barrier. His quality of life has increased since he was able to put up the fence.

Ms. Adams stated that they are willing to work with the Township if there is a setback issue. There isn’t anything they can do about the water’s edge.

Mr. Adams commented on the large tree on his property and explained that he would like the fence to go on the side of the tree.

Chairman Durham asked if they have considered greenery.
Ms. Adams commented that they had planted 14 evergreens and 3 lived.

Chairman Durham asked if the trees withholding the sun belong to the petitioner.

Mr. Adams and Ms. Adams stated that they do not know.

Trustee Flood stated that it would depend on the road right of way on Waldon Road.

Board member Walker stated that they can have a 6-foot fence if they move it in.

Ms. Adams stated that they asked for the setbacks so the neighbor’s fences and their fence would touch without a 10-foot gap. They understand that they can put a 6-foot fence 35 foot from Waldon Road, but they did not want to lose 35 feet.

Mr. Adams stated that that would probably be within their beach.

Board member Walker stated that he voted for Mr. Rossi’s fence but that was the last one. The problem is, they need a practical difficulty that goes with the land. He understands the changes that the Township has experienced but they would have to have to find practical difficulty with every case. He thinks this is the wrong solution. The right solution is to change the ordinance. He also is concerned with the wetland issue. They are asking for a variance against the wetland’s ordinance.

Ms. Adams stated that there is a split rail fence, and they want to put the 6-foot fence in the same location.

Chairman Durham asked Building Official Goodloe about the need to find practical difficulty with each case.

Building Official Goodloe stated that they are looking for unique circumstances that apply to the property.

Ms. Adams explained her concerns about someone drowning on her property and not being able to do anything about it.

Chairman Durham stated that how does the petitioner know where the people coming into their property are coming from.

Ms. Adams replied that they visually see the majority of them coming from Waldon Road.

Board member Dunaskiss asked if a berm could be built on the property line.

Building Official Goodloe replied yes, as long as it does not affect property drainage to adjacent properties.

Board member Dunaskiss asked if they could build a berm and put the 4-foot fence on top of the berm.

Building Official Goodloe answered yes.
Board member Dunaskiss stated that she shares the concern about the 6-foot fences. It is not the kind of look that is attractive in a community. She shares some of the same concerns with Trustee Flood. There are many trees on the property that are mature and not necessarily healthy and a lot of overgrowth preventing new greenery from being healthy. There is no point to keeping split rail fence. She suggested putting up a berm and putting a 4-foot fence on top and they could make it attractive. It would be safe and would help with visibility. She feels that this is a concern for the Homeowner’s Association, and they should share the burden. She asked if they could look at other alternatives and work with the Association to come up with a plan.

Ms. Adams stated that she can investigate this. Her practical difficulty is worse than Mr. Rossi. The Board is telling them one standard and then they are changing the meaning of practical difficulty.

Chairman Durham stated that they are looked at on a case-by-case basis. The former cases are approved. Each case should be looked at separately. He commented on the availability of coming on the property prior to tonight’s meeting and how that might not be possible with a stockade fence.

Board member Dunaskiss asked if a 4-foot fence would keep the people out of the wetland area. Ms. Adams replied no.

Mr. Adams commented on what it would look like if he put up a berm and a 4-foot fence and the neighbors put up something different. In his opinion, this would not be appealing at all.

Building Official Goodloe stated that when you are dealing with dimensional variances, he read from a document from MSU. He stated that this document says, “if the circumstances upon which a variance is warranted is shared among numerous properties in the same zone, the variance request should be denied.” It is because it is not particular to that property. If they held the problem of noise to a standard, then everyone could qualify for a variance. This is a bigger issue for the subdivision. When the ZBA grants a variance, it stays with the property. Dogs and disputing neighbors are not a practical difficulty. If it what is being asked for is shared among all the neighbors along Waldon Road, it is not particular to one specific property.

Vice-chairman Cook stated that he is not a fan of 6-foot fences at all. He is trying to come up with a practical difficulty. After he heard what Building Official Goodloe read, it is a commonality among neighbors. When you add the wetland issue, there is a reason why we have a wetland ordinance. He is trying to find a reason why this is unique and is not able to.

Mr. Adams stated that they are the only one along Waldon Road that someone can walk on the property and drown.

Chairman Durham stated that this is a blanket request from several residents. Mr. Adams brought up the issue of being on the water. He suggested that anyone looking to get an ordinance change can make a presentation to the Township Board.

Trustee Flood stated that right now they have a committee that is supposed to be addressing this problem.

Building Official Goodloe stated that anyone can apply at the Clerk’s Office to amend an ordinance. There is an application for that.
Ms. Adams asked who decides how that happens.

Trustee Flood replied the Township Board.

Chairman Durham explained the options to the petitioners.

Mr. Adams stated that he is okay coming back 5 feet, but he cannot do that at the water’s edge.

Chairman Durham stated that this would require them to ask to be postponed and come back to the Board with different measurements and drawing and try again.

Building Official Goodloe stated that they could request a lesser variance.

Chairman Durham commented that they would not be able to provide hard numbers at tonight’s meeting in moving the fence 5 feet.

Board member Walker stated that if the petitioner agrees to move their fence in and the neighbors did not agree to move their fence in, the fences will not line up. They have to think about what it would look like overall.

Building Official Goodloe stated that this is exactly why this is not unique to this property, it also involves the neighbors.

Trustee Flood stated that tomorrow, the petitioners could put a 4-foot line all the way down their property line along Waldon Road and it would be perfectly legal. It is the homeowner’s choice.

Building Official Goodloe stated that he would have to review the wetland area because this is different.

Trustee Flood stated that the Township already has one there. If someone climbs over the fence, that is their fault.

Board member Walker commented that he did not know a resident could fill out a form to change the ordinance, he has never heard of that.

Trustee Flood stated that for anything to be put on a Township Board Agenda, it must be approved.

Board member Walker asked if this item has come before the Board before.

Building Official Goodloe commented on another ordinance amendment that went before the Board.

Trustee Flood stated that they are working to get the Committee back together to get this resolved. The way the ordinance is set up now, if they have two front yards, it is 35 feet setback for this case. The Homeowner’s Association needs to address this. If they get denied, they have recourse to go to Oakland County Circuit Court.

Chairman Durham asked for additional public comment.
Mr. Ken Backus commented on his history of living in the Township. He lives across the canal from the petitioner. He is in favor of the things that the petitioner has presented. He commented on the big trucks that unload at Kroger and that could be a reason for a 6-foot fence. If he had a taller fence, which would reduce the sound being heard. He suggested that if they survey random residents in a mile radius and ask them about the attractiveness of the fences on Baldwin as compared to the fences along Waldon Road. He believes the fences on Baldwin Road are much more attractive.

Mr. Adam Martin, neighbor, pointed out that the petitioner has an attractive nuisance. People that drive down the road and they see access to the water. The unique detriment that the petitioner has is that it is so easy and inviting for individuals to feel that they have access to that space. It is not known that this is personal property, so people assume that it is public property. Out of all the fence cases, theirs is the most unique.

Ms. Adams stated that they cannot put a berm along the wetlands because it would be an EGLE issue.

Chairman Durham asked for final comments.

Mr. Adams asked for a vote on what was presented.

Ms. Adams stated that their unique hardship is people are able to come onto their property and access the water.

Board member Walker moved, and Vice-chairman Cook supported, in the matter of ZBA Case AB-2022-29, Theodore & Christi Adams, 2922 Saturn Dr., 09-20-453-023 that the petitioner’s request for variances from Article XXVI, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) including a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd.; a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east; a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west; and a variance from Article XXVII, Section 27.17(B) for a 25-ft. wetland setback variance from the required 25-ft. to erect a 6-ft. privacy fence (structure) 0-ft. from a wetland be denied because the petitioner did not demonstrate that the following standards for variances have been met:

The petitioner did not demonstrate practical difficulty in that from the discussions we had with the petitioner, these concerns that the petitioner has does not run, with the possible exception of the water issue. The issues of noise, too many people and trespassing are issues that are known everywhere and all of these things apply to all residents of the Township. It is not practical difficulty due to ownership of that particular property.

Roll call vote was as follows: Dunaskiss, yes; Cook, yes; Walker, yes; Flood, yes; Durham, yes. Motion passes 5-0.

B. AB-2022-30, Adam Martin, 2936 Saturn Dr., 09-20-453-024

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 3 variances from Zoning Ordinance #78 – Zoned R-2
Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west.

Mr. Martin introduced himself and summarized the variance request. He would like to postpone his case so he could come up with a practical difficulty.

Trustee Flood moved, and Chairman Durham supported, at the applicant’s request to postpone ZBA Case AB-2022-30, Adam Martin, 2936 Saturn Drive, 09-20-453-024, to October 10, 2022.

Roll call vote was as follows: Walker, yes; Dunaskiss, yes; Flood, yes; Cook, yes; Durham, yes. Motion passes 5-0.

Mr. Pat Kaputo stated that he has vegetation along his property and commented that this vegetation is very difficult to maintain. The practical difficulty argument makes no sense, and it makes perfect sense for these residents. It is only a very small percentage of residents of Orion Township who live along Waldon Road. He commented on the increased traffic in the area, the shopping center that was not there when they moved in, the roundabout, and the church. He commented on the weeds along the safety path. He commented on other neighbors that have come before the Board for a fence. The Board doesn't understand how this affects these neighbors’ everyday lives. The Township needs to take care of things in a timely manner.

Chairman Durham stated that practical difficulty is part of the Enabling Legislation.

Mr. Kaputo answered that he is aware, but he questioned the definition of it that the Board is using. He commented on the garbage behind Kroger. He urged the Board to listen to the petitioners.

C. AB-2022-31, Ken Backus, 2911 Walmsley Circle Dr., 09-20-452-013

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd.
2. A 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west.

Mr. Ken Backus introduced himself.

Chairman Durham explained the options for the petitioner.

Trustee Flood asked if the Homeowner’s Association will address this. The fences are the Association’s boundary lines and are the Homeowners Association’s problem.
Board member Dunaskiss moved, and Trustee Flood supported, in the matter of ZBA Case AB-2022-31, Ken Backus, 2911 Walmsley Circle Dr., 09-20-452-013 that this request, at the petitioner’s request, be postponed until October 10, 2022.

Roll call vote was as follows: Flood, yes; Walker, yes; Cook, yes; Dunaskiss, yes; Durham, yes. Motion passes 5-0.

D. AB-2022-32, Mike Humbert, 2917 Walmsley Circle Dr., 09-20-452-012

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west.

Mr. Mike Humbert introduced himself to the Board and asked for postponement of his case.

Trustee Flood moved, and Board member Dunaskiss supported, in the matter of ZBA Case AB 2022-32, B-2022-32, Mike Humbert, 2917 Walmsley Circle Dr., 09-20-452-012 at the applicant’s request to postpone this case until October 10, 2022.

Roll call vote was as follows: Cook, yes; Dunaskiss, yes; Walker, yes; Flood, yes; Durham, yes. Motion passes 5-0.

Chairman Durham urged petitioners that were postponed at tonight’s meeting, come back to the next meeting with some new information. They can contact the Township, Building Department and he asked them to use the time they were given to research new information.

Building Official Goodloe stated that he would gladly meet with any of the petitioners to look for their practical difficulty.

E. AB-2022-33, Catherine Baker, 2933 Walmsley Circle Dr., 09-20-381-004

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west.
Ms. Catherine Baker introduced herself and her son to the Board. She provided pictures to the Board. She stated that a lot of her concerns involve privacy so anyone can see into their yard. A 4-foot fence doesn’t work. She likes the idea of vegetation, but it is a lot to keep up and things die off. She described the existing vegetation in her yard and the road right of way. She described safety concerns and privacy concerns that she has for her property. She doesn’t understand why the fence is such an issue.

Chairman Durham stated that the 6-foot fence is prohibited by ordinance.

Trustee Flood stated that they can put up a 6-foot fence, 35 feet off the lot line.

Ms. Baker replied that they wouldn’t have any back yard left.

Mr. Baker stated that this is why they are asking for the variance.

Trustee Flood stated that this is why the ordinance needs to be addressed.

Mr. Baker stated that the Board has the power to approve the variance so therefore, they are trying to push it on someone else.

Chairman Durham asked for public comment.

Mr. Rossi stated that the rules have changed since he was approved. They have people that have received approval along Baldwin Road and now everything has changed on how the Board is looking at it. He suggested that the Board work on what they want from the Homeowner’s Association so that they can present it to the President and try to get it done. The Association is not concerned with the perimeter of the property that involves a small percentage of people in the development.

Trustee Flood asked if they should contact Building Official Goodloe.

Building Official Goodloe stated that they should talk to Tammy Girling, Planning and Zoning Director, to find out if it was a PUD or a site plan for this development. They need to find out if the development would consider putting a fence around the perimeter.

Trustee Flood commented that hopefully they can work this out without getting lawyers involved.

Ms. Adams stated that she watched the videos of the people who got approved for the fences. Vice-chairman Cook suggested that they get a group together for conformity. She surveyed the group and got the neighbors together and now she feels responsible for all the monies spent. She felt that they were doing what they were supposed to do and now they are telling them to do something different. Something should have been said before all the time and money was wasted.

Ms. Baker explained how she decided to go to the Board for a variance. She reiterated her concerns about safety and privacy.

Building Official Goodloe stated that having two front yards can be considered a practical difficulty. He stated that 10 foot is the minimum setback off a regular rear yard. He suggested she think about this and the topography of the yard when appealing to this Board. He suggested that they look for a compromise.

Ms. Baker explained her property difficulties.

Building Official Goodloe suggested that the petitioner put this all together and come back. None of the practical difficulties were on the application. He suggested that the petitioner look at the uniqueness of their properties.
Building Official Goodloe suggested that the applicants read the minutes from the meetings where the fences were approved. This Board can only look at what they are presented in the application and what they are presenting here. The Board can only vote on what goes with the land.

Chairman Durham explained the options to the applicant.

Ms. Baker explained all the effort that she has put in so far. She does not want to postpone.

Vice-chairman Cook asked what she has done in terms of planting vegetation.

Ms. Baker stated that she planted 10 of the emeralds and all of them died. She explained the problems with the vegetation in her yard.

Mr. Baker explained that the Black Walnut trees on the other side release a toxin inhibiting other plants to grow so it is impossible to get things to grow on that side.

Trustee Flood asked who owns the road right of way.

Building Official Goodloe replied that he doesn’t know.

Trustee Flood stated that he would like clarification. He believes that it is an Oakland County right of way.

Ms. Baker expressed her concern about the vegetation in the road right of way. She reiterated her privacy and safety concerns. She does not think a 4-foot fence is sufficient.

Chairman Durham asked for public comment.

Mr. Kaputo commented on the vegetation in the area and the pathways in the area. He commented on the neighborhood plan and the visibility of the subject parcel.

Ms. Baker reiterated her safety concerns.

Mr. Baker reiterated why a 4-foot fence would not help with their privacy concerns.

Board member Dunaskiss moved, and Vice-chairman Cook supported, in the matter of ZBA Case AB-2022-33, Catherine Baker, 2933 Walmsley Circle Dr., 09-20-381-004 that the petitioner’s request for 3 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) including a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd., a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east and a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west be denied because the petitioner did not demonstrate that the following standards for variance have been met in this case:

1. The petitioner did not demonstrate that there is a practical difficulty existing that is different from those in the zoning and area in which they reside.

2. The petitioner did not demonstrate exceptional or extraordinary circumstances or conditions that apply to the property involved.

3. The variances are not necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zoning or vicinity.

Roll call vote was as follows: Dunaskiss, yes; Cook, yes; Flood, yes; Walker, yes; Durham, yes. Motion passes 5-0.
6. **PUBLIC COMMENTS**

Mr. Michael Humbert commented that if he put a pool in his backyard, he would have to put up a 6-foot fence. This is a money issue.

7. **COMMUNICATIONS**

Trustee Flood commented on the activity of the Fencing Ad-Hoc Committee.

8. **COMMITTEE REPORTS**

9. **MEMBER COMMENTS**

Board member Walker urged residents to fill out the form to get this issue on the Township Board agenda.

Trustee Flood stated that it was one year ago in July 2021 when they held a joint meeting to address this problem. They wanted a six-month moratorium on new fences to get this resolved and they were denied.

Board member Dunaskiss commented that these requests are coming in more frequently, but they are bound by the rules too. This is a bigger problem, and she hopes that they address it.

Vice-chairman Cook commented that they do not change the rules. They have a set of parameters and they are consistent. They also go out and look at the properties. There are things going on the end of the Township and they need to do something to force their hand.

Chairman Durham thanked the Board for their support. The Board uses good judgement. Residents need to understand that the Board is bound by rules, things they must do and things that they look at in a certain way. He explained the Board’s role in the Township. The situation is only going to be changed by some different rules. As a group, they can speak louder than as an individual. The Board does the best job they can.

Board member Dunaskiss concurred with Chairman Durham. This area of Waldon Road has a great need. They should come together as a group and work together with other agencies to bring about positive change.

10. **ADJOURNMENT**

Moved by Trustee Flood, seconded by Chairman Durham, to adjourn the meeting at 9:17 pm.

Motion Carried (5-0)

Respectfully submitted,

Erin A. Mattice
Recording Secretary