



**CITY OF CHELSEA**  
**ZONING BOARD OF APPEALS**  
**AGENDA**  
**AUGUST 21, 2013, 5:00 P.M.**  
**CITY OFFICES**  
**305 SOUTH MAIN ST.**  
**CHELSEA, MI 48118**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES**

Approval of the Minutes for the July 17, 2013 ZBA Meeting.

**13-6**

**671 W. Middle St.** - An application has been filed by ERIC AND JUDY NYHUIS of 671 W. MIDDLE ST. CHELSEA, MI for a variance from the requirements of Section 4.08 C-1a, and C-2a&b of Ordinance No.166 (Zoning Ordinance), to allow for a 4' x 18' foot addition to the front of the home on a non-conforming lot. Tax code: # 06-06-12-330-013, 671 W. Middle St., Chelsea, MI

**NEW BUSINESS**

DRAFT

**Zoning Board of Appeals Meeting  
July 17, 2013  
Chelsea City Offices, Lower Level  
305 S. Main Street, Suite 100, Chelsea, MI**

Members Present: Charles Schauer, Tom Osborne, Jasen King

Others Present: Marcia Parker, Karon Barbour

Chairman Osborne called the meeting to order at 5:00 pm.

Chairman Osborne read the minutes of the June 19, 2013 ZBA meeting.

Motion by Schauer, 2<sup>nd</sup> by King, to approve the minutes of June 19, 2013 ZBA meeting as read. Motion passed all ayes.

**13-4 - WILLIAM AND PAMELA HINTALLA 654 PARKSIDE CT.** An application has been filed for a variance from the requirements of the Chelsea Fairways PUD of Ordinance No.166 (Zoning Ordinance), to: Reduce the rear yard setback from 25' feet to 21' to allow for a sunroom. Tax Code: # 06-07-18-330-022.

Bob Clark from Four Seasons Sunrooms explained the sunroom that is being proposed. It will be a 14' x 6' foot sunroom that will go on the existing deck.

Motion by Schauer, 2<sup>nd</sup> by King, to grant the variance. The original variance that was granted for the deck is not being expanded, and there is nothing behind them but woods. Motion passed all ayes.

**13-5 - AMANDA NIMKE 521 ARTHUR ST.** An application has been filed for a variance from the requirements of Section 5.15 (B) of Ordinance No.166 (Zoning Ordinance), to be allowed to keep up to (10) small mammals or non-migratory birds in an enclosure as part of a volunteer non-profit rehabilitation program licensed by the State of Michigan. Tax Code: # 06-06-13-201-009.

Osborne asked the audience to keep comments pertinent to the variance request. Ms. Nimke went over her request and the requirements for getting DNR approval to be a rehabilitator. You must take a class on rehabilitation and pass the exam, you must have a letter of recommendation and support from a current rehabilitator, and a letter of recommendation and support from a licensed veterinarian and lastly, you must have your facility inspected from the state. The DNR inspects the cages and housing. She went on to say that this is done on a volunteer basis, including the cost. The goal is to rehabilitate the animals and put them back in their natural habitat as soon as possible. If an animal is not placed with a rehabilitator, they are euthanized.

There were many supporters of the service that is being provided from Ms. Nimke's neighborhood. Howard Blough of 523 Arthur said he does not have a problem with this type of use going on in his neighborhood. Diana Fararo who lives just east of the property said she has no problems either. She doesn't see them, hear them or smell them.

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Ashley Cook said that it is a safety concern for her, and that one of her children was scratched by one of the raccoons. She asked who the licensing was through, and Ms. Nimke said the DNR. Ms. Cook also asked if Ms. Nimke checked zoning before getting the animals to see if this was allowed. Ms. Nimke said she did check the ordinance online, but she did not see the section which prohibits exotic animals, nor did she see the amended zoning ordinance. Ms. Cook went on to say that in her opinion Ms. Nimke used poor judgment by not following the guidelines. Bonnie Cook also had safety concerns because of parasites and rabies. She asked who should be contacted if they feel that this variance is being violated. Charles Schuaer said that depending on what the violation is, it would either be the City of Chelsea Zoning Administrator or it would be the State.

A further explanation was needed on where these animals come from. Ms. Nimke that the animals come from the Human Society and are checked out before she gets them. They are quarantined. Raccoons come from the Human Society and are looked at by a veterinarian. The two animals they are not allowed to rehabilitate are bats and skunks because they don't show signs of rabies. Coons do. They are also wormed before she gets them.

Schauer asked why the DNR listed raccoons as being a special concern and that some rehabilitators will not take them. Ms. Nimke said it's because they have stricter guidelines and have to be released in the same county they were found in.

She also clarified that she only rehabilitates native mammals in the area.

Charles Schauer asked what she would do if she ran into a situation with too many animals. Ms. Nimke said anything over 10 she would have to find another rehabilitator to take them.

A motion was made by Tom Osborne, supported by Charles Schauer to grant the variance for the rehabilitation of not more than 10 small mammals or non-migratory birds provided the variance will be reviewed in one year, all licensing required by the DNR is maintained and all inspections to be done, and that all of the animals are visited only by delegated caregivers. After one year we can review for further action. There is a need for this type of service in the Chelsea area with nothing closer than Ann Arbor. Motion passed all ayes.

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Motion by Charles Schauer, seconded by Jasen King to adjourn the meeting at 6:05 p.m. All ayes, motion passed.

Respectfully submitted,

Karon Barbour  
Planning and Zoning Administrative Technical Assistant



## CITY OF CHELSEA

### NOTICE OF VARIANCE HEARING

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**TAX CODE: # 06-06-12-330-013**  
**671 W. MIDDLE ST., CHELSEA, MI**

Pursuant to the procedure for a variance request: a Notice of Hearing shall be given and will be served personally or by mail at least fifteen (15) days prior to the date of such hearing, upon the party or parties making the request for appeal, and all owners of record of property and occupants of property located within three-hundred (300) feet of such premises in question.

You are herein notified that a hearing will be held by the Chelsea Zoning Board of Appeals on Wednesday, August 21, 2013 at 5:00 o'clock P.M. or as soon thereafter as possible, in the Chelsea City Offices, 305 S. Main Street, Suite 100 (lower level conference room), to consider objections to said request.

The petition is on file in the office of the Planning and Zoning Department, 305 S. Main St., Suite 100, Chelsea and may be examined prior to the date of the hearing.

Persons requiring reasonable accommodations to disabilities in order that the hearing be accessible to them, are requested to notify the Zoning Board of Appeals Chairman no later than five (5) business days prior to the date of the hearing of such disability.

DONALD T. OSBORNE, CHAIRMAN  
ZONING BOARD OF APPEALS

Variance #13-06 Eric and Judy Nyhuis of 671 W. Middle Street involves the following variance requests:

4.08 C-1 a Reduction in lot width from 60 feet to 45 feet.

4.08 C-2 a Reduction in the front yard setback from 25 feet to 24.2 feet.

4.08 C-2 b Reduction of the side lot line from 15 feet on one side to 2.5 feet. Reduction of the other side lot line from 15 feet to 11.5 feet.

Property is in RM-2 zoning.



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**DONALD T. OSBORNE, CHAIRMAN**  
**ZONING BOARD OF APPEALS**

# Zoning Boards of Appeals Application

## City of Chelsea

### Washtenaw County, Michigan

Date July 15, 2013

APPLICANT(S) NAME (print) Eric and Judith Nyhuis

APPLICANT(S) ADDRESS 671 W. Middle St.

Chelsea, MI 48118 PHONE# 415-9328

Type of Appeal – The Appeal made herewith is for:

- A Variance from the Zoning Ordinance
- An interpretation of the Zoning Ordinance

For the following reasons: To build an addition to our house  
which is on a non-conforming lot. Addition on front of  
house to be 4 ft, make front set back less than required 25 feet,  
 NOTE: By signing this appeal application, you are stating that you have had the opportunity to read at  
 the Automatic Stay Rule governing the Board of Review's decision and that you understand the rule. 24.4 feet.

Date: July 15, 2013 Applicants signature: Judith Nyhuis Eric Nyhuis

THE APPLICANT(S) ARE:  OWNER(S) OF THE PROPERTY INVOLVED.  
 ACTING ON BEHALF OF THE OWNER(S) OF PROPERTY INVOLVED.

Fee received: \$ \_\_\_\_\_ by the Planning & Zoning Inspector \_\_\_\_\_

### For Variances from the Zoning Ordinance

Address of the Property involved: 671 W. Middle St.

Indicate the provisions(s) of the Zoning Ordinance that are being addressed in this appeal. **DO NOT** Quote the Ordinance. Indicate the Article, Section, Subsection and Paragraph in question:

4.08, 2. a + b

a. Front yard - 25 feet

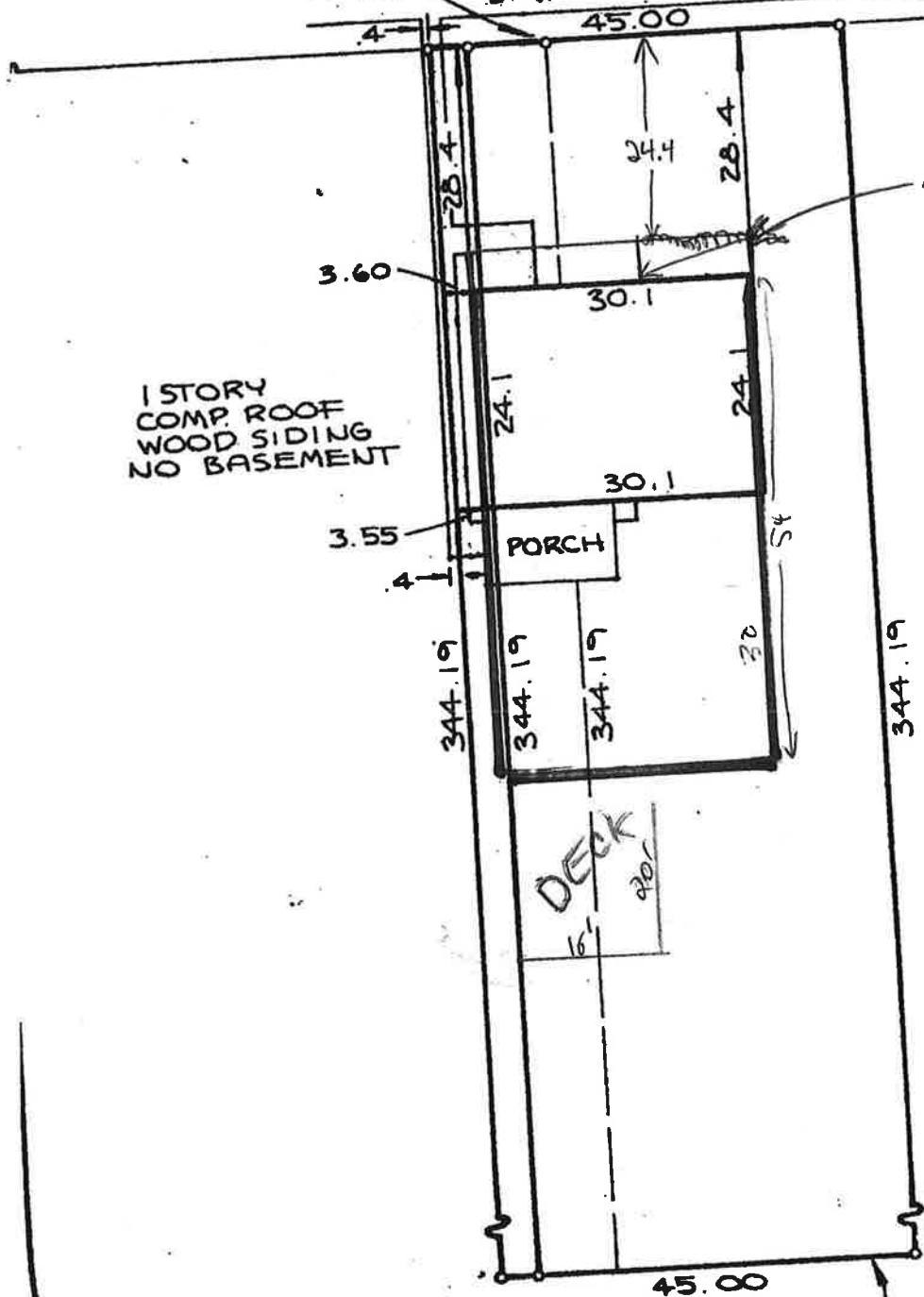
Lot width

b. Side yard - 15 feet

NW CORNER - LOT 18, BLOCK 2,  
'JAMES M. CONGDON'S ADD'N  
TO CHELSEA" LIBER 55 OF  
DEEDS PAGE 526, WASHTENAW  
CO. RECORDS

CONC. C & G.

5' WD. CONC. WLK.



1 STORY  
COMP. ROOF  
WOOD SIDING  
NO BASEMENT

NEW ADDITION

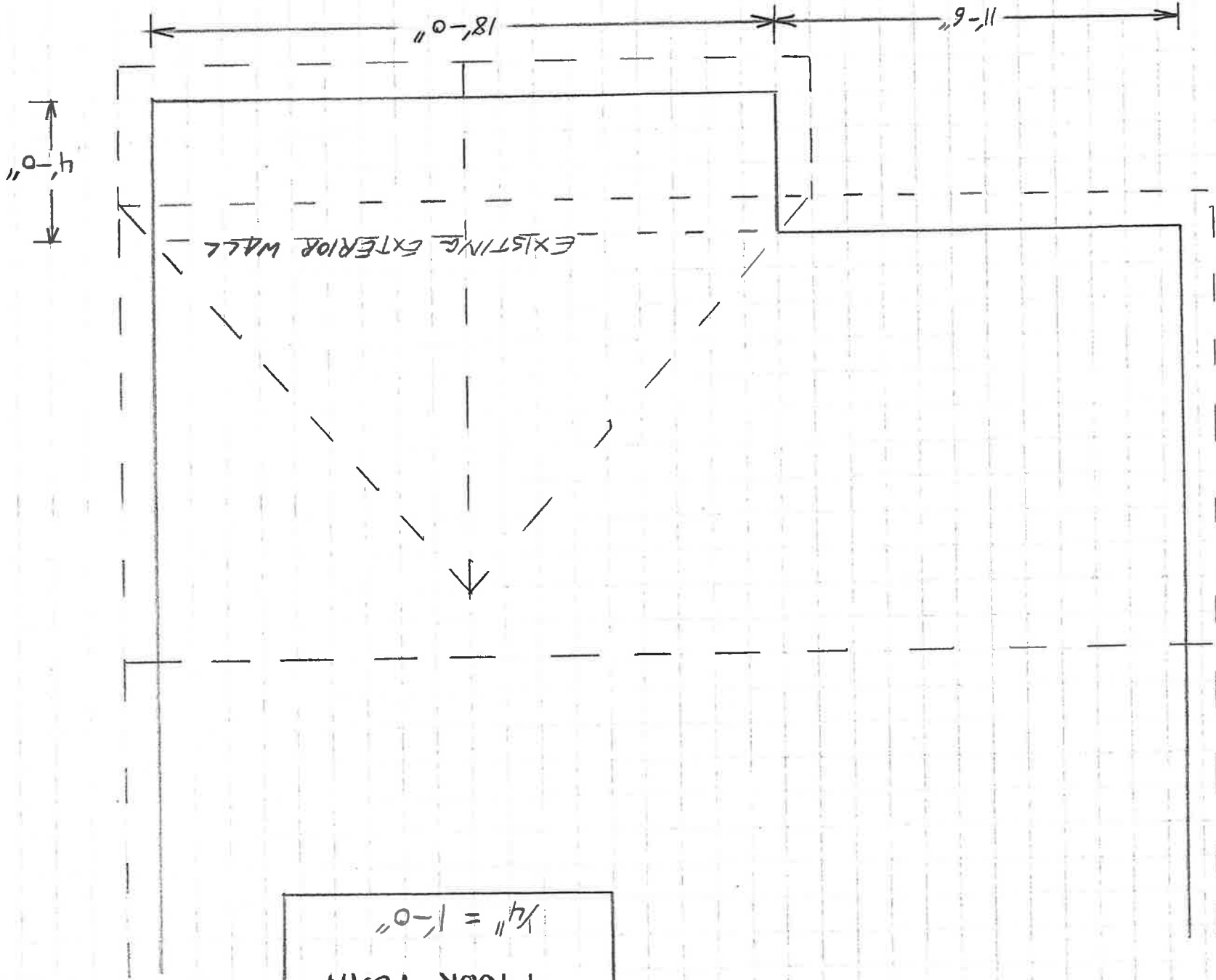
DECK  
6'-0"

SCALE 1" = 20'

LOCATION SURVEY  
671 W. MIDDLE

SOUTHERLY LINE  
LOTS 18 & 19

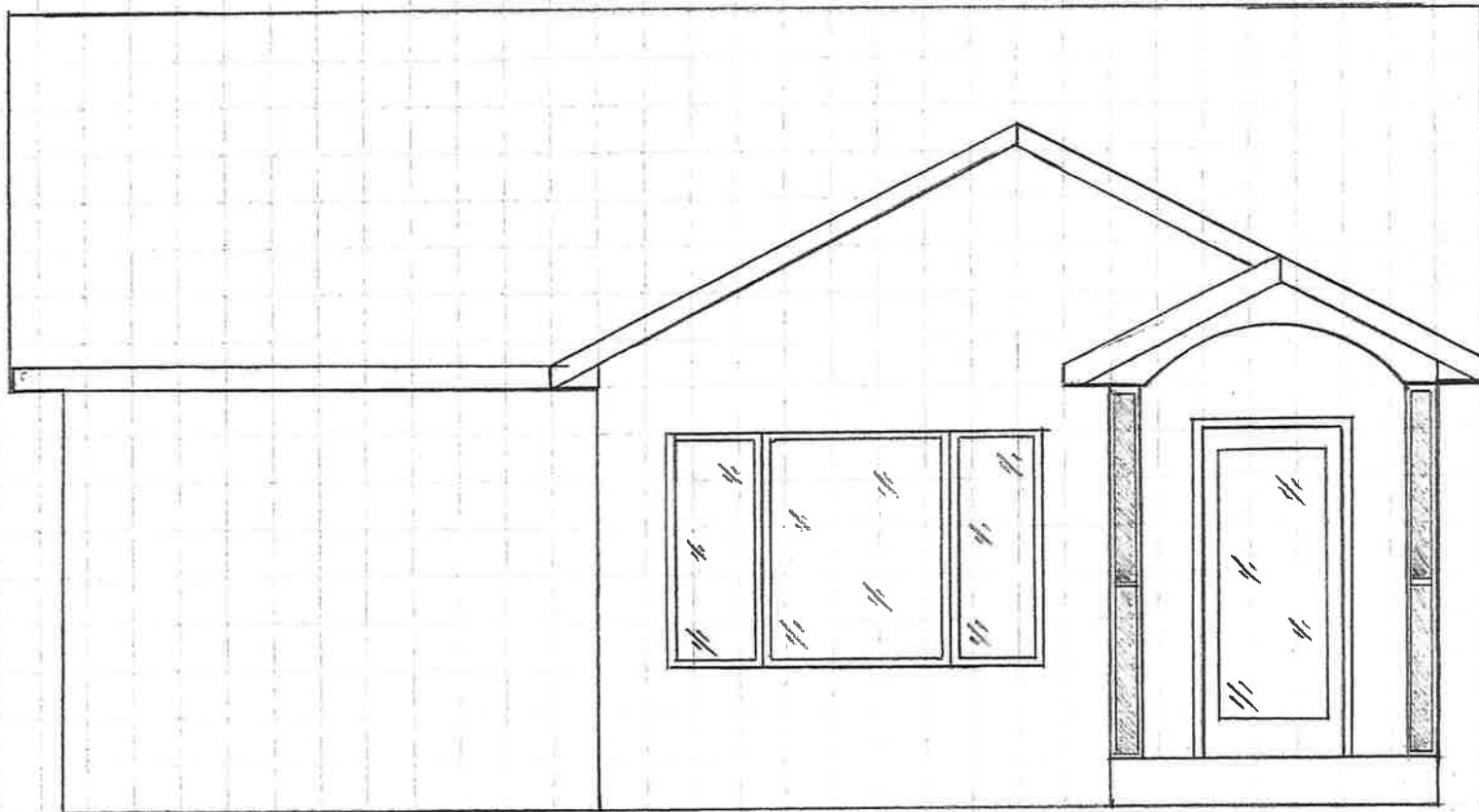




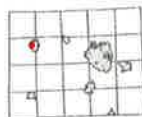
FLOOR PLAN  
1/4" = 1'-0"

ERIC + JUDY NYHUS  
671 W. MIDDLE ST.  
CHELSEA, MI 48118

FRONT ELEVATION  
 $\frac{1}{4}'' = 1'-0''$







1: 561

7/17/2013



NOTE: Parcels may not be to scale.

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662