

**CHARTER TOWNSHIP OF HAMPTON
BOARD OF APPEALS
NOVEMBER 16, 2017**

The regular meeting of the Charter Township of Hampton Board of Appeals was called to order at 7:08 p.m. by Chairperson Noble in the Boardroom of the Hampton Township Administrative Offices.

PRESENT: Goetz, Noble, Foret, Brey

ABSENT: Spyhalski

ALSO PRESENT: Sheppard, E. Schafer-Andress and 2 people in the audience

Motion by Goetz seconded by Foret that the minutes of the August 3, 2017, meeting be approved as printed and that the reading of the minutes be waived. Motion carried.

COMMUNICATIONS:

No Communications

UNFINISHED BUSINESS:

No Unfinished Business.

NEW BUSINESS:

Discussion was held on the following: Representatives from Brookdale Senior Living appeared before the board for a two (2) foot fence variance. The current fence is six (6) feet in height and they are proposing the installation of a fence that is eight (8) feet in height. Recently, a resident of the Memory Care unit was able to jump the existing fence and this had to be reported to the State of Michigan. The State of Michigan made the suggestion that an eight (8) foot fence be erected on the property to prevent any more instances. While the State is making a recommendation, they cannot provide a written opinion on the matter.

The representatives from Brookdale stated that younger people are now being seen in the memory care unit and that a lot of them still possess athletic abilities, which could result in more patients being able to jump the fence. They mentioned that the fence at the Brookdale in Saginaw Township is eight (8) feet in height and this fence would be modeled after it with a smooth vinyl finish to prevent anyone from being able to grip onto it.

Goetz stated that many people have come in front of the board to request a variance for higher fences and they have been declined. Sheppard mentioned that there are no unique features of the property making the existing fence a hardship and that if the board chooses to grant the variance it should only be for the life of the business as it pertains to the health, safety and welfare of the memory care patients. Sheppard also mentioned that if another assisted living facility with a memory care unit approached the board in regards to the fence height, a variance would need to be granted for them as well. Brey asked if the township has any liability if something is to happen while this issue is debated. Sheppard said that there is no liability under government immunity.

Sheppard gave the option of tabling the variance request and taking it to the Planning Commission to revise the current fence ordinance, allowing for any memory care unit to have an eight (8) foot fence. This would avoid setting the precedence, as well as providing the extra security needed. If the Planning Commission agrees to the ordinance revision, a temporary variance could be granted for Brookdale Senior Living.

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OPEN TO THE PUBLIC:

At this time the meeting was open to the public. No one addressed the board

Motion by Foret seconded by Brey, that the Board of Appeals refer this matter to the Planning Commission for discussion of revising the current zoning ordinance, allowing for eight (8) foot fences at all memory care units located in the township. This issue is tabled until the next meeting following the Planning Commission's meeting.

AYES: Noble, Brey, Foret

NAYS: Goetz

ABSENT: Spyhalski

Motion carried.

OPEN TO THE PUBLIC:

Goetz announced that this will be his final meeting with the Board of Appeals. All board members thanked him for his years of service and dedication to the Board.

Motion by Foret seconded by Brey that the meeting adjourn. Motion carried. Meeting adjourned at 7:49 p.m.

Respectfully submitted:

Ruth Noble, Chairperson

Erin Schafer-Andress, Recording Secretary