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**Charter Township of Kalamazoo**  
**Minutes of a Zoning Board of Appeals Meeting**  
**Held on August 23, 2017**

A special meeting of the Kalamazoo Charter Township Zoning Board of Appeals was conducted on August 23, 2017 commencing at 7:00 p.m. at the Township Hall.

Present were:

Chairman James Short  
Steve Leuty  
Fred Nagler  
Bob VanderKlok  
Warren Cook, alternate

Absent was:

Ann Simmons

Also present were Township Manager Dexter Mitchell; Township Attorney Roxanne Seeber and 12 additional interested persons.

**Call to Order**

The chairman called the meeting to order at 7:00 p.m.

**Roll call and Recognition of Visitors**

VanderKlok moved, supported by Short to excuse Simmons. The motion passed unanimously.

**Approval of Meeting Agenda**

VanderKlok moved, supported by Leuty to approve the agenda as submitted. The motion passed unanimously.

**Approval of the Minutes of the July 19, 2017 ZBA meeting**

The next item on the agenda was the approval of the minutes of the July 19, 2017 Zoning Board of Appeals meeting. VanderKlok moved, supported by Leuty to approve the minutes of the July 19, 2017 Zoning Board of Appeals meeting as submitted. The motion passed unanimously.

**Public Hearing—Interpretation of 6.02 and 6.03 Fence Regulations**

The next item on the agenda was the request of the Township Zoning Administrator for an interpretation as to whether a proposed metal, cement and chain link structure planned for the property line at 2507 Sagebrush constitutes a permitted “fence” or “wall” in accordance with Section 6.03 B. or 6.02 of the Township Zoning Ordinance with a coincident determination as to which provision(s) of the Zoning Ordinance regarding height, appearance, materials and the like would apply; and the further request of the Township Zoning Administrator regarding the same property and

1 structure for an interpretation as to whether the proposed metal/chain link and concrete structure is  
2 made up of materials that are “architecturally compatible with the materials used on the façade of the  
3 principal structure on the site, such as face brick, decorative block or poured concrete with simulated  
4 brick or stone patterns” (for walls); or consist of “materials commonly used in conventional fence  
5 construction, such as wood, vinyl or plastic, and metal” (for fences); and the further request of the  
6 Township Zoning Administrator as to the same property for a determination as to where the “height” of  
7 the same structure on the same property is to be measured from. The property is in the “R-2”  
8 residential district zoning classification.  
9

10 The Township Attorney provided some background on the matter, indicating that the Township  
11 Manager and Zoning Administrator had placed a stop work notice on the metal structure which had  
12 been placed on the edge of the Porath property parallel to an existing chain-link fence. The issues, she  
13 indicated, were for the ZBA to determine whether the metal structure constitutes a “fence” or a “wall”  
14 as defined by the Zoning Ordinance and regulated by Sections 6.02 and 6.03 thereof. She stated the  
15 determination as to whether the structure was a “fence” or a “wall” or “neither” would then drive the  
16 second question as to whether it adhered to the standards for the structure from the Zoning Ordinance.  
17 She read the definition of “fence” and “wall” from the Zoning Ordinance. She explained to the audience  
18 that the Zoning Ordinance was completely revamped within the last year and that sometimes issues like  
19 this arose in which the Zoning Administrator was uncomfortable making a decision. Thus, the applicant  
20 in this case was the Township Zoning Administrator.  
21

22 Township Manager Dexter Mitchell, in the absence of the Zoning Administrator who was at a training  
23 session, provided photographs and a video of the structure in question. He indicated that there were  
24 bolts holding the metal structure to the posts on the chain link fence. The bolts were sticking out onto  
25 a neighbor’s side of the fence. Additionally, it was apparent that the structure had been partially buried  
26 in the ground, with cement poured along the side of it. Mitchell indicated that the structure does not  
27 appear to have been solidly constructed. He identified a hose/downspout which comes from the  
28 Porath house into the ground. The water is then trenched through the middle of the two yards.  
29 According to his information, the property owner intended to use a 4-foot high pallet of bagged  
30 concrete mix to hold the structure in place. There appeared to be a 3-foot high wooden barricade on  
31 the top of the structure. The property owner intended to pour a 3-foot high retaining wall on his side of  
32 the property line. Mitchell stated that the property owner wished to ensure that the water didn’t flow  
33 onto his property. The Township does not require a fence permit, Mitchell stated. He questioned the  
34 use of the structure when it was buried into the ground. Further, the materials utilized seemed to have  
35 a more “universal” than “residential” component.  
36

37 Mitchell produced the manufacturer’s installation instructions and provided copies to the members of  
38 the ZBA. These instructions, he said, do not appear to provide for the burying of the structure. The  
39 fence height limitation in residential districts is 6-feet, he stated. He was concerned that the metal was  
40 being buried in order to increase the level of the ground and therefore to increase the fence height.  
41

42 Mike Porath spoke as the person constructing the structure. He indicated that he was in the process of  
43 putting in footings for the sheet metal structure when the stop work order was placed on it. The metal  
44 structure, he said, was separate from the chain-link fence. The Township Manager and Zoning  
45 Administrator made him stop construction on the structure, he said. He was in the process of grinding  
46 off the bolts which were showing through to the neighbor’s side and capping them. He said that he  
47 purchased the materials for the structure from Menards as fencing. He was a restaurant owner, Porath  
48 said, and he was satisfied that stainless steel would last for 40 years. The structure was incomplete. He

1 intended to put the cap on the top of the structure as was shown on the installation guide that Mitchell  
2 had provided. He indicated that the stainless steel structure is a "fence". The wall that he is digging a  
3 trench for is the retaining wall. There are now two fences along the property line, the stainless steel one  
4 and the chain link.

5  
6 Short inquired as to where the retaining wall was supposed to go. Porath pointed to one of Mitchell's  
7 photographs, indicating that it would be on his property. "We've had some animosity over the stakes",  
8 Porath said, indicating that the neighbors had removed the stakes after he had gotten a survey. The  
9 fence, he said, was to separate his yard from the neighbors. "A good fence is a good way to have good  
10 neighbors", he said. He needs the retaining wall because his basement floods. His furnace went out.  
11 He wished to have privacy and relief from the water with the retaining wall. Porath indicated that the  
12 neighboring property owners changed the topography of the adjoining property by removing a bank. He  
13 had to put cement in the ground in order to keep the water from coming onto his property from the  
14 neighbors. He stated that the property behind the neighbors was also part of the problem. All of these  
15 properties were draining onto his property and into his basement. Just yesterday, Porath stated, he was  
16 standing in six inches of water from the rain. He had started building the wall and Shawn (Gallagher,  
17 the Township Ordinance Enforcement Officer) came out and said the fence wasn't proper. He showed  
18 Gallagher the information establishing that it was good for residential fencing. He had received the  
19 "okay" from Gallagher, who had told him to lower it to six feet and take care of the bolts. As far as the  
20 sides, Porath stated, the panels look the same from both sides. He decided that he would be facing the  
21 good side. The chain link fence is getting old. He had the entire steel structure built when the stop  
22 work order was placed. He needs permission to finish the fence and leave it in its current location. As it  
23 was, Porath stated, he has 235 bags of cement ready to mix and pour.

24  
25 Short commented that the structure was two different colors. He indicated that the structure was  
26 obviously intended to be a barrier. Nagler inquired as to whether Porath intended to encase the chain  
27 link fence in concrete. Porath stated that the form was on the inside of the concrete. It won't encase  
28 the chain link fence if he does the operation in the manner in which it is planned. The boards are in  
29 place to stabilize the fence, Porath stated. He did not have an opportunity to finish the top of the fence,  
30 but he planned to put treated lumber on it. Nagler inquired as to how the lumber would be attached  
31 to the posts. Porath indicated that there were no posts; it would just sit on top of the sheet metal.  
32 Cook indicated that the structure would wobble.

33  
34 VanderKlok inquired as to whether the outer part of the concrete structure is right on top of the  
35 property line. Porath indicated that he used to have a drainage line along the trees. He had Sears out 25  
36 years ago and they only found one monument. Porath stated that the structure is 5 feet off the  
37 property line at the street. VanderKlok inquired as to whether the metal structure was on the property  
38 line. Porath responded that Shawn told him that it should go on the property line. He had to move a  
39 section of his chain link fence in order to ensure that the metal structure did not encroach over the  
40 property line. Porath assured the group that he was on his own property entirely, as was apparent  
41 from the location of the survey stakes. He had put a PVC cover over the stakes in order to keep the  
42 neighbors from moving them. Nagler inquired about the concrete. Porath conceded that some of the  
43 concrete might be on the neighboring property; however, the neighbor's dirt was collapsing his fence.

44  
45 VanderKlok inquired as to Porath's plan for maintenance. He was concerned about wind damage.  
46 Porath stated that it would not get wind damage. It would probably just wobble, he said. That was the  
47 reason for the concrete. Nagler wished to affirm that the plan was to attach the metal panels to the

1 fence posts for the chain link fence by means of bolts. Porath confirmed this. He stated that there  
2 were already a few fence posts put in. They are thick pressed steel and they are not going anywhere.

3  
4 In response to an inquiry from Cook, Porath indicated that he and the neighbors were not sharing  
5 anything. The planned retaining wall would bolster the strength of the fence, he said. Cook asked for  
6 clarification as to the posts. Porath stated that he couldn't go any closer to the property line, so he was  
7 just going to use the posts from the chain link fence and then fill in with concrete. "Hopefully the  
8 cement is there to make it sturdier", he said.

9  
10 VanderKlok stated that the only place he had ever seen this type of metal fencing was for industrial or  
11 commercial use. Porath indicated that he had brought photographs of the same fencing used in the  
12 neighborhood. VanderKlok indicated that he had never seen this type of metal fencing in a residential  
13 yard. It is different colors and it is sharp, he said. It is the kind of material that is used as a barrier to  
14 keep junk cars from being seen at a junk yard. He had a hard time saying that it would be suitable for  
15 residential purposes.

16  
17 Porath indicated that he went with a neutral color because he knew that the neighbors would give him  
18 grief. He thought that the stainless steel was the best and cleanest look. The only objection, he said,  
19 was to the galvanized color. Porath indicated that some of the fences produced by the same company  
20 are plastic, but they only have a five year lifespan. The stuff used on junk yard fences, he stated, was  
21 aluminum. That is a vast difference from the stainless steel he had chosen. In fact, the steel was so  
22 dense that they had to use grinders to remove the top of the fence.

23  
24 Showing the photographs once again, Mitchell pointed to a place where it appeared that a supporting  
25 post was in the drainway. Porath indicated that the post was already in place. He needed to pour the  
26 cement and the posts were added after the fact, he said. He appreciated the 40-year guarantee on the  
27 steel. "Beauty is in the eye of the beholder", he said. "There is no finer material that you can put on  
28 the ground".

29  
30 Short indicated that water problems are not unusual in the area, with the high water table. Porath  
31 indicated that his property had flooded four times. The neighbors changed the topography of their site  
32 twice. Short inquired as to whether grading would correct the issue. Porath indicated that if they  
33 want to change the topography of their yard, they can. The person that did their excavating and  
34 construction had placed 4 feet of gutter with a 4 foot pipe directed to Porath's driveway. The whole  
35 front of their house now drains to the foundation of his house. His property was already present and  
36 graded. He had been in the same house for 35 years and never had problems until the neighbors built.  
37 They had a big swamp on their patio and water in their house. Then they did the grading and now the  
38 water all comes to Porath's place, he said. When he put his yard in, his topography was 2 feet higher  
39 than the neighbors. They added 3 or 4 feet of fill which made all of the water slant towards his  
40 foundation

41  
42 Cook asked Mitchell to bring up one of the photographs, looking towards the street. In response to an  
43 inquiry from Warren, Mitchell stated that the yards in this area slope up from the street so that the  
44 houses are on higher ground than the street. Porath indicated that the problem was the neighbors'  
45 clear-cutting of their yard. Mitchell indicated that there is a storm drain near the street that the water  
46 from both properties appears to drain into. Porath wished an opportunity to show all of the other  
47 yards. Some of the houses retained their trees, so there is not as big a problem from them. Nagler  
48 indicated that you cannot push your water onto an adjoining property. He inquired as to whether the

1 steel structure goes to the property line. Porath indicated that it aligns with the front of the house and  
2 goes back from the street, so that it is only a side yard structure. He stated that the fence in the back  
3 yard is made of wood and that the neighbor there is named Larry. There are six grown white pines in  
4 that back yard.

5  
6 Leuty noted that it appeared that the Porath parcel had not changed much over the years. He had  
7 gutters on the house. He inquired as to whether they are regularly cleaned. Porath answered in the  
8 affirmative. Leuty indicated that there was a lot of concrete around the house. Porath indicated that it  
9 kept the water away from the foundation. Leuty inquired as to whether other avenues of dealing with  
10 the water situation had been investigated. He inquired about a perforated pump, or a mini dry well.  
11 Porath surmised that the pipe that used to serve the house had been torn up by the adjoining property  
12 owner. The portion that he had located was added onto his existing pipe and redirected onto his own  
13 property. The neighbors had come in and “dug the daylight” out of the adjoining fence. His pipe had  
14 originally gone all the way down to the street. The neighbors had removed a lot of dirt, which caused  
15 problems with the original drainage plan.

16  
17 When Leuty inquired as to whether Porath had consulted with waterproofers, Porath responded that it  
18 was not his place to deal with their water. The entire block is new, all the way to the corner, Porath  
19 stated. The developer had artificially raised the level of all of those lots by adding fill. In doing so, they  
20 flooded the street. Thick trees that belong to the neighbors are still there, showing that they had not  
21 clear-cut the back yard like the adjoining property did.

22  
23 VanderKlok redirected the group to the question of interpretation. Water was not part of the equation  
24 at the present time, he stated. He wished for more materials, with elevation maps to show where the  
25 water is going if the ZBA were to get involved in that question. It really seemed to him to be a flooding  
26 situation. He inquired as to why the matter was at the ZBA at all. The Township Attorney indicated  
27 that the Township Manager and Zoning Administrator had gone out to investigate a complaint. When  
28 the Zoning Administrator was unsure whether to proceed with a “fence” or a “wall”, he asked the ZBA  
29 for an interpretation.

30  
31 Porath indicated that it was a fence. Mitchell stated that when he had approached Porath, he stated  
32 that it was a retaining wall. Hudson had told him that it only could be three feet high. After that, he  
33 said, it was no longer a wall but a fence. Mitchell indicated that there is a nice wall at the Northwood  
34 fire station. Porath indicated that most of the work was already done. Mitchell indicated that they had  
35 been out there with Porath on the property for two hours. He had spent another two hours with the  
36 neighboring property owners, Justin and Megan Thomson. Porath indicated that if it’s an industrial  
37 separation wall, it can go up to six feet. “I had permission from the Ordinance Enforcement Officer. He  
38 approved the project. He said it was 100%. I only had two sheets up after the first inspection. I  
39 corrected the problem”, Porath stated. The materials are approved fence materials, he said. Gallagher  
40 had told him to “Go ahead and build it”. He indicated that he would not have put the money into  
41 fence completion had he not felt that it was approved. Mitchell indicated that Gallagher did not see  
42 the stainless steel being set into the ground with concrete. Porath was concerned that he could not  
43 build a berm. The stainless steel material, he said, is also used for roofing.

44  
45 Cook indicated that it appeared that it was up to the ZBA to make a determination as to whether the  
46 structure was a fence or a wall. A fence or wall cannot be solid unless it is in a side yard, he said. It  
47 would make sense to assume that an opaque fence can be added in a side yard or a rear yard.

1 Porath indicated that Mitchell had woken him up from a sound sleep. He may not have been entirely  
2 awake when he said that it was a retaining wall.

3

4 Justin Thomson, 2433 Sagebrush, voiced concern for his one year old son. He did not wish to debate  
5 whether the structure is a fence or a wall. He wished to express concerns. First, the methods in which  
6 the steel panels have been erected and anchored to the chain link fence do not appear to be in  
7 compliance with the installation instructions. He had provided photographs of the construction. He was  
8 concerned about the attachment of a steel panel to the chain link fence posts. Thomson continued that  
9 the u-bolts hung onto his property and he was concerned about safety. Some portions of the panels  
10 were not attached correctly so that the result was disjointed and improper looking. He was concerned  
11 about the trench, in which Porath had poured concrete to bury the steel panels. They are then just  
12 bolted to the poles for the chain link fence with a u-bolt. The panels are not correctly overlapped as  
13 required by the installation guide, Thomson said. The panels have a front and a back. It did not appear  
14 that this was adhered to. Some of them have been installed backwards. He was concerned about  
15 long-term effects of the elements, particularly wind. The structure looks like an industrial fence, he  
16 said. It would have been unattractive even if it had been installed in accordance with the  
17 manufacturer's instructions. Thomson did not know whether there was any way to correct the  
18 improper construction methods.

19

20 Ruth Beem and her husband, 2428 Chaparrel, are back yard neighbors of the Thomsons. They can see  
21 the steel structure from their back yard. She was concerned that pet cats could get trapped between  
22 the structure and the chain link fence. The metal structure looks like a barn yard. There are no other  
23 metal panel fences in the direct vicinity on Chapparel, Aspen, or Sagebrush. Steven Beem indicated that  
24 the looks were intolerable. It appears to be the type that is utilized for a junk yard. They had been  
25 watching the progress of the installation, which had been done in a "willy-nilly" manner.

26

27 Megan Thomson indicated that even if it is deemed to be a fence, the visually pleasing side is supposed  
28 to face the neighbors. There are bolts sticking out at eye level. Furthermore, the panels are two  
29 different colors, one is bright silver and the other is green. Nagler inquired as to whether it was the  
30 installation method that made them look like two different colors. Megan Thomson indicated that they  
31 were actually two different colors. Justin Thomson indicated that the panels are meant to overlap.  
32 They were not installed so as to overlap. That was part of the problem. The installation was made  
33 without regard for the overlapping. He referred the group to one of his photographs. Megan Thomson  
34 indicated that the cement is already disintegrating. She did not think that Porath would maintain the  
35 fence properly.

36

37 Justin Thomson indicated that their yard slopes toward the trench. He wasn't sure that backfilling and  
38 adding concrete was required to address the problem. Porath could have backfilled his yard. Now they  
39 are faced with looking at unfinished concrete and shiny silver panels that are dangerous.

40

41 Don Martin, 1303 Calhoun, stated that he has never seen a fence that needs to be buried underground.  
42 If a portion has to be put underground, it's a wall and not a fence.

43

44 Ruth Beem indicated that they had been living there for 46 years. The hill was not changed. The  
45 Thomson's was an access lot for 30 years. It was a cornfield/rye field until they started building. The  
46 developer took out a lot of trees; but the level of the land had not changed. She observed that Porath's  
47 house is higher than the Thomson driveway.

1 Harold Armstrong, 2510 Sagebrus, stated that his main concern was aesthetic. He did not think a silver  
2 board fence or a chain link fence was the best look for the neighborhood. He did not think the structure  
3 would add value to the property. He indicated that wood would be a much better choice. He did not  
4 want to see something go into the neighborhood that is going to deter the beauty of the neighborhood.  
5 He voiced concern over glare. Porath stated that the structure was dull silver. It would not reflect.  
6 The cement, he said, was cracked because the neighbors were out stomping on it. He thought that the  
7 structure looked great and was an asset to the community. Short inquired as to why the bolts were  
8 facing the neighbors. Porath stated that he didn't have enough property to allow adding the bolts to his  
9 side.

10  
11 Leuty inquired as to whether bracing rails would be beneficial. He stated that when an excavation  
12 occurs, it typically means a wall and not a fence. Porath stated that the wooden fences are all  
13 termite-ridden. The panels need to be replaced every three years.

14  
15 Nagler questioned whether the appropriate construction methods had been utilized. The structure in  
16 question did not appear to look like the one on the installation guide. He was unsure as to whether the  
17 installation guidelines were being followed at all. He agreed with Martin's comment that the structure  
18 was a wall. A fence is not built for the purpose of directing or relocating water, he said. The stated  
19 intention of water diversion together with the burying of a portion of the structure in concrete made  
20 him determine that the structure was a wall. Leuty agreed that the structure was a "wall" as  
21 contemplated by the ordinance. A wall is an opaque screen. Even as a wall, the ordinance requires the  
22 structure to be maintained in good condition. He was seeing signs to the contrary. Additionally, as a  
23 wall it would need to be made of materials that were compatible with the exterior of the principal  
24 building. He was out there a few weeks ago. Even assuming that a roof could be made of metal, the  
25 one on the Porath house was not. Further, a reflection from a roof would go up in the air. The wall in  
26 question was a vertical surface, which would then glare to the neighbors. At any rate, the structure was  
27 not presently made of materials compatible with the main residence. The concrete already appears to  
28 be deteriorating. A portion of the wall is already oxidizing.

29  
30 Short agreed that burying a portion of the foundation made the structure a "wall". He indicated that  
31 the materials used were commercial and industrial in nature. He surmised that if a contractor had  
32 done the installation, it may look entirely different. VanderKlok was in agreement that the structure  
33 was a "wall". His first reaction when he went out to see the property was "oh my goodness". It  
34 matches nothing in the neighborhood or on the property. The concrete appears to be unfinished. It  
35 looks like it was not mixed and just thrown into the trench. He saw an entire yard that was available for  
36 a fence/wall. He sympathized with Gallagher, indicating that going out with only one or two panels up  
37 would not have provided the entire flavor of the situation as it is now. The color difference may not  
38 have been noticeable with only one or two panels up. In his opinion, "metal" referred to wrought iron  
39 decorative fences and those types of things. He had gone into a number of area neighborhoods and this  
40 was the only stainless steel panel wall/fence that he could find. He would not like the steel panels on a  
41 yard next to him. The steel panels were not compatible with a residential setting.

42  
43 Cook agreed that the structure was a wall and not a fence, due to the placement of footings and the  
44 desire to address water flow. He recognized that the owner probably put a lot of money into the  
45 structure. The language in the ordinance doesn't allow for a landowner to decide whether what he  
46 was planning was a fence or a wall. Porath may have been trying to take matters into his own hands,  
47 but it does not appear that his result was effective or lawful under the Zoning Ordinance.

48

1 There being no additional discussion, the Chairman closed the public hearing. Nagler moved, to  
2 interpret the Zoning Ordinance so as to determine that the stainless steel structure constitutes a “wall”  
3 under the Township Zoning Ordinance, based on the intention to direct water flow and the positional  
4 burying of the same in a trench filled with concrete. The purpose was not to create privacy or a border,  
5 but to direct water flow. Leuty seconded the motion. The motion passed unanimously.

6  
7 Leuty next moved, supported by VanderKlok, that the stainless steel materials used on the wall are not  
8 architecturally compatible with the materials of the façade used on the principal structure on the site in  
9 accordance with 6.03 B. The motion passed unanimously.

10  
11 Leuty next moved, supported by VanderKlok, to interpret the word “metal” in the first paragraph of  
12 Section 6.03 of the ordinance relating to fences in residential areas to include commonly used metal  
13 such as chain link and ornamental wrought iron of an equivalent, to be distinguished from sheet metal  
14 which is deemed to be unacceptable. There was considerable discussion on the motion, with Nagler  
15 contemplating a possible text amendment so as to ensure that the “residential” use was distinguished  
16 from the others. The motion passed unanimously.

17  
18 VanderKlok next indicated that the ordinance was clear as to the height limitations and the measuring  
19 point for walls, thus no interpretation was needed. The rest agreed and the ZBA therefore declined to  
20 make an interpretation as such was unnecessary.

21  
22 **Old Business**

23  
24 Roger Brown, 35850 36<sup>th</sup> Avenue, Paw Paw appeared to request an extension for the property located at  
25 1108 Dupont. He had received a DEQ permit and hired an engineering firm. A survey crew should be  
26 done within the next week. He was to meet on Monday with the engineering firm. Installation of  
27 gutters on the building has been scheduled. The planning stage took longer than anticipated due in part  
28 to the relatively small size of the job. The tenant had moved out. A drainage plan has been prepared.  
29 The topographical analysis would be prepared within the next couple of weeks. The Township Attorney  
30 explained that the applicant had requested a deadline extension prior to the July meeting date.  
31 Hudson had initially been unwilling to make an extension. Seeber had found a provision indicating that  
32 the Zoning Administrator could grant an extension. Because there was no other business on the ZBA  
33 agenda in July, she suggested to Hudson that he allow a one-month administrative extension and  
34 require the applicant to report in the future. Hudson had requested that the applicant appear at the  
35 meeting and explain his progress

36  
37 Brown expected to have the entire project completed within three months. VanderKlok voiced concern  
38 about the water flowing to the neighboring property. Brown stated that he had met with the neighbor  
39 and promised to make it right. The fire marshal had been to the property. There are no lights on the  
40 property at the present time. There is no operation in the building at the present time. VanderKlok and  
41 Nagler suggested that Brown report to the Zoning Administrator as reports were obtained. The Zoning  
42 Administrator should give the members an emailed report every two weeks. VanderKlok moved,  
43 supported by Cook, to grant a three-month extension to the property owner at 1108 Dupont  
44 conditioned upon communication with the Zoning Administrator as progress was made. The motion  
45 passed unanimously.



1 **Comments from the Public**

2  
3 None.

4  
5 **Correspondence Received**

6  
7 Correspondence received was relative to the interpretation request.

8  
9 **Zoning Board of Appeals Member Comments:**

10  
11 Leuty provided an update on the road and sidewalk work being done in the township. He stated that a  
12 board retreat was scheduled for Saturday. Armstrong from the audience voiced concern over the  
13 railroad tracks in the roads.

14  
15 VanderKlok supported Leuty’s sidewalk work.

16  
17 Warren Cook, alternate, introduced himself and gave his background.

18  
19 **Report of PC Member**

20  
21 Nagler had no report.

22  
23 **Adjournment**

24  
25 Nagler moved, supported by VanderKlok, to adjourn the meeting at 9:30 p.m. The motion passed  
26 unanimously.

27  
28  
29  
30  
31 \_\_\_\_\_  
32 Roxanne C. Seeber, Recording Secretary

33 **SYNOPSIS OF ACTIONS**

34  
35 The Kalamazoo Township Zoning Board of Appeals undertook the following actions at  
36 the August 23, 2017 special meeting.

- 37  
38 1. Made an interpretation that a stainless steel structure placed next to an existing chain  
39 link fence intended to address drainage problems constituted a “wall”.  
40 2. Made an interpretation that the stainless steel wall was not made of materials  
41 compatible with the façade of the house.  
42 3. Made an interpretation that metal, as used in the language related to residential fences,  
43 meant chain link or decorative wrought iron and not stainless steel.