

**Sands Township Zoning Board of Appeals  
Special Meeting  
September 28, 2011**

**MINUTES**

**1. Call to order:** Chair R. Nelson called the meeting to order at 7:02 p.m.

**2. Roll call:** Present were R. Nelson, R. Vick, R. Vietzke, S. Foulks, and D. Walch. Also present were R. Yelle (Zoning Administrator) and Joe Ballone (requestor of Variance number 2011-02VAR). No other members of the public attended.

**3. Approval of agenda:** Motion (Foulks/Vick) to accept the agenda was approved.

**4. Approval of the March 2, 2011 minutes:** Motion (Foulks/Vick) to accept the minutes as written was approved.

**5. Open Public Hearing:**

**a. Variance number 2011-02VAR:** Chair Nelson opened the Public Hearing regarding Variance 2011-02 and explained the basic elements of the request. The ordinance (adopted 2001) requires a 5-acre parcel for an outdoor wood boiler. Mr. Ballone's lot size is 3.60 acres, necessitating a variance from Section 318 of the Sands Township Zoning Ordinance of 1.4 acres.

R. Yelle explained recent changes in burners and changes generally in requirements for such wood burners. He also explained circumstances of the requested variance. Mr. Yelle further explained that, since Sands first adopted the ordinance regarding lot size for outdoor wood burners, the expectations for lot size have changed; for example, Chocolay Township has no lot size limit in their ordinances.

**b. Requester's presentation:** Mr. Ballone presented information to support his request, explaining the following points:

- burner would use best burn practices and dry, seasoned wood
- site plan in packet; 285' from Olsen Rd and 400' from neighbor
- smoke dissipates well with more currently manufactured burners
- house is on knoll, higher than neighbors
- additional stack/chimney will be used as necessary; given the location and height of his house, his will be the one affected if the chimney isn't right and he and his wife don't want smoke in their house
- wood burner uses a renewable resource
- burner will be used most in fall, winter, and spring; used for hot water and garage as well as house; wood burner will be used in combination with propane
- if variance is not approved, his alternate plan is to locate a wood burner inside the house, which is allowed by Sands ordinance. If variance is approved, he will purchase the exterior wood boiler in the spring
- offered letter of support from Daniel and Donne Yelle in support of variance request

**c. Staff input:** R. Vietzke said his only concern is owner of Lot C, but he also pointed out there has been no responses to the variance request from other lot owners.

**d. Input in opposition:** None

**e. Input in support:** Two letters of support were received and presented to the ZBA: Daniel and Donna Yelle; Ann Steer.

**6. Close public hearing:** Chair Nelson closed the public hearing at 7:23 p.m.

**7. Board discussion and action:** ZBA members discussed: wood burners allowed (e.g. fireplaces, indoor boilers), chimney height and stability, and the possibility of smoke affecting neighbors. S. Foulks asked if there would be a catalytic burner on the stove; Mr. Ballone responded that he did not intend to install one.

**Motion** (Vick/Foulks): To accept the proposed language on Variance 2011-02VAR, as drafted by the Zoning Administrator, to grant the requested variance: After conducting the required public hearing, reviewing input from staff, receiving public comments, and reviewing the manufacturer's specifications and Township zoning ordinance, it is the decision of the Sands Township Zoning Board of Appeals to grant variance request number 2011-02VAR, allowing said external wood burning boiler to be installed and operated on Mr. Ballone's 3.60 acres and therefore grant a 1.4 acre variance. Mr. Ballone shall comply with all other Sands Township Zoning Ordinance requirements. **Vote on Motion:** Aye – 5 Nay 0. Motion granted.

**8. Public Comment:** None

**9. Close public comment:** Chair Nelson closed public comment at 7:35 p.m.

**10. Unfinished business:** An alternate is needed for the Zoning Board of Appeals; R. Yelle reported that Jackie Winkowski has agreed to serve as alternate and he is preparing the appropriate documents for the Township Board seeking approval of the appointment.

**11. New business:** R. Yelle reported the ZBA may receive a variance request for expansion of a non-conforming use at the next meeting, scheduled for November 9, 2011. D. Walch will serve as secretary for the ZBA. At the next meeting (11/9/11), the ZBA needs to select a Chair and Secretary and set the 2012 meeting dates.

**12. Public comment:** Mr. Ballone thanked the ZBA for considering his variance request.

**13. Close public comment:** Chair Nelson closed public comment.

**14. Adjournment:** Chair Nelson adjourned the meeting at 7:43 p.m.

D. Walch  
Secretary – ZBA

R. Nelson  
Chair - ZBA