

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF SEPTEMBER 11, 2014**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Chairperson Pro-Tem Tucker chosen

Chairperson Pro-Tem Tucker called meeting to order at 7:00 pm

Present: Franz, Hemeyer, McGuirk, Richard, Tucker, Warren
Recording Secretary: McDonald
Absent: None

APPROVAL OF AGENDA:

Motion to approve agenda as presented

Motion by: McGuirk
Seconded by: Franz
Ayes: Franz, Hemeyer, McGuirk, Richard, Warren
Nays: None
Absent: None

Motion carried the agenda stands as presented

Chairperson Pro-Tem Tucker explained meeting procedure.

PUBLIC HEARINGS:

R14-002 Robert Emerick, 2273 Sonora, Fenton:

Requesting recommendation to the Township Board to rezone from C-2, General Business to R-5, Single Family Residential parcel 06-11-527-026 located at 2273 Sonora.

Secretary McGuirk reviewed the file. Robert Emerick, 2273 Sonora was sworn in. He explained that he has sold his house at 2273 Sonora but when the new buyer sought financing he was unable to secure a loan because the property was zoned commercial and the structure could not be rebuilt if it was destroyed. Chairperson Pro-Tem Tucker explained the next item on the agenda which is an amendment to the Township Zoning Ordinance it is intended to take care of this kind of situation. Emerick stated concerns that the bank would not except the language and continued with the rezoning process. Richard asked about this being a spot zone with one small parcel zoned R-5 in the midst of the all of the commercial. Tucker stated this is a different situation because all 5 of these parcels have residential structures on them. McDonald explained that in 2002 the Township proposed rezoning all of these parcels at the time the new zoning map was adopted. The owner of the majority of the residential structures objected to the rezoning at the time and the Township did not rezone them. Chairperson Pro-Tem Tucker called for public comment. Guy Wedell, owner of 2265, 2267, 2271 Sonora stated he supported Emerick's request and was attending because all of his properties are also zoned commercial and are for sale. Frank Thorley, 12310 Windsor Bch. had no issues with the rezoning of this parcel but, because he owns property near this he was inquiring about the rezoning of the old Langs marina property. Tucker explained this is not the marina property it is a single family residence at 2273 Sonora.

Motion to recommend the Township Board approve the rezoning from C-2, General Business to R-5, Single Family Residential parcel 06-11-527-026 located at 2273 Sonora

Motion by: Warren
Seconded by: Franz
Ayes: Franz, Hemeyer, McGuirk, Richard, Warren
Nays: None

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Absent: None
Motion carried

Amendments to Fenton Township Zoning Ordinance #594:

Amendment to Article 5 Section 5.05 Non-conforming uses of structures to add language that would allow for a non-conforming structure to be rebuilt if destroyed by fire, flood, act of a public enemy or similar event.

Chairperson Pro-Tem Tucker explained this language is being proposed to, hopefully, help eliminate the problem Mr. Emerick is having. McDonald explained she has sent the proposed language to a couple of lenders but has not heard anything to date. Chairperson Pro-Tem Tucker stated he would like the language to be amended as follows and he read the section:

Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent more than one hundred (100) percent of the state equalized value (SEV) value at time of destruction, or fifty (50) percent of its market value as determined by a certified appraiser hired by the property owner. **Single family residential structures housing a single-family non-conforming principal use that are completely destroyed by fire, flood, act of a public enemy or similar event may be rebuilt and used as a single-family home, provided the structure is rebuilt on the existing building footprint and reconstruction begins within one (1) year of the destruction.**

He then called for audience comments. Wedell and Emerick stated concerns about this being expectable to the lending institutions. McGuirk stated the problem is two fold involving the insurance companies also because they provide coverage to secure the lenders investment in properties and the structures on them. Tucker explained that if this language would work for Emerick's buyer to be able to secure his financing, he could withdraw his request before it goes to the Township Board.

Motion to recommend the Township Board approve the amendment to Article 5 Section 5.05 Non-conforming uses of structures as amended

Motion by: McGuirk
Seconded by: Franz
Ayes: Franz, Hemeyer, McGuirk, Richard, Warren
Nays: None
Absent: None

Motion carried

Amendment to Article 11 Section 11.01 Communications towers and antennae - General Standards to increase the height of the equipment structures to the standard 10 ft.

Chairperson Pro-Tem Tucker explained that this amendment is a result of the last application the Commission reviewed for a tower in the Township when the applicant pointed out that the industry standard for the equipment shelters is 10 ft. in height and our ordinance specifies a maximum height of 8 ft. He then called for public comment. There was none.

Motion to recommend the Township Board approve the amendment to Article 11 Section 11.01 Communications towers and antennae - General Standards as presented

Motion by: Hemeyer

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Seconded by: Tucker

Ayes: Franz, Hemeyer, McGuirk, Richard, Warren

Nays: None

Absent: None

Motion carried

PUBLIC COMMENT CONCERNING ITEMS NOT ON THE AGENDA: 5 Minute Limit
None

COMMUNICATIONS:

None

MINUTES: August 14, 2014 stand approved as submitted

ADJOURN: 7:28 p.m.

John Tucker, Chairperson Pro-Tem
Minutes Posted 09/12/14

Jim McGuirk, Secretary