

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JUNE 11, 2015**

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

Chairperson McGuirk called meeting to order at 7:00 pm

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

APPROVAL OF AGENDA:

Motion to approve the agenda as presented

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

Motion carried

PUBLIC HEARINGS:

R15-003 Kevin & Lahna Ward, 1459 Wiggins Road, Fenton:

06-01-300-003 vacant land south of the corner of Wiggins & Thompson
Rezone PUD to R-3

Secretary Warren reviewed the file. Kevin & Lahna Ward were sworn in. Kevin Ward explained he and his wife recently purchased this 18+ acres zoned PUD, he noted the intention is to divide and exchange land with Gerald and Deborah Jones, 1439 Wiggins. The Jones can not access the rear of their property because of a pond. If approved, this portion of the Jones property will be added to the Ward's property in exchange for 2 conforming R-3 parcels with 100 ft. of frontage on Wiggins Rd. He said that when they came to the Township Assessor she explained the property would have to be rezoned before she could combine the additional land that is zoned PUD with the parcels are zoned R-3. Chairperson McGuirk called for public comments. Doris Skinner, 1357 Wiggins asked how the property was being divided and how much land would remain to the west of her property. The Wards showed her a map and explained there would be 100 ft. of vacant land between her and the next parcel. She then asked about plans for the Township park. Tucker explained the Township applied for a grant to develop the park but did not receive funding. He indicated there has been talk about soliciting funds from public and private citizens but the Township does not have the funding to develop a park. He suggested Skinner contact Township Clerk Krug who may have additional information. The Commission discussed the rezoning and agreed the request is consistent with the Future Land Use Plan. Tucker indicated that the PUD that was proposed will not be developed as planned and the Township may want to consider rezoning the remaining parcels that were part of that PUD.

Motion to recommend approval to rezone from PUD to R-3

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

Motion carried

Zoning Ordinance Amendments:

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Article 4, General Provisions, Section 4.02, Accessory Buildings, changing the square footage allowed and adding provisions regarding the accessory buildings relationship to the principal structure and its habitability.

McDonald explained the changes to the language that were discussed at the ZBA meeting. She indicated Warren pointed out there were 2 sections that essentially said the same thing. McDonald read from the amendment "When determining allowable square footage for accessory buildings associated with a residential dwelling, garage area (whether attached or detached) as well as any sheds or other out buildings will be used in the calculation." McGuirk stated the last statement in C. should be moved to the second sentence to read. "No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for its principal structure. The principal structure must be constructed prior to or at the same time as the accessory building. A property owner may request a variance to allow the construction of the detached accessory building first. In granting such a variance, the ZBA shall require a performance guarantee to ensure demolition or removal of the accessory structure if the principal structure is not constructed within the required time frame." Tucker stated concerns about the posting of a performance guarantee and the Townships' demolition of a newly constructed building. He suggested the Township require proof of funding for the principal structure instead. The Commission discussed this and concluded this language could be discussed and modified by the Township Board at the first reading. Tucker asked if the Planning Commission wanted to see the language again. They determined this call can be made by the Township Board without the Commission considering it again. Franz spoke for the ZBA stating the language can be determined at the Board level, if the ZBA has to consider a case for the building of the accessory building prior to the principal structure they can approve with any conditions they feel necessary in order to accomplish the goal of not having accessory buildings on residential lots without a principal residence. McDonald also noted more clarification was added to the last paragraph by ZBA member Reid as follows (bold and underlined): "Any additional square footage of accessory building allowed for the combined parcel must be built on the portion that was a vacant parcel at the time of the consolidation of parcels." Chairperson McGuirk called for public comments. There were none. McGuirk asked if there was a consensus amongst the Commission to recommend the language as modified. The Commission unanimously agreed. There was some discussion regarding the allowable square footage and how it is calculated. The Commission commended the ZBA for a job well done and made no changes to the proposed language regarding allowable square footage.

Motion to recommend approval with the modifications as stated above

Motion by: Tucker

Seconded by: Warren

Ayes: Cypher, Franz, Hemeyer, McGuirk, Richard, Tucker, Warren

Nays: None

Absent: None

Motion carried

Article 4, General Provisions, Section 4.23, Private Roads, to address review approval and development of Private Roads.

The Commission discussed minor changes to the language and a sentence structure change Chairperson McGuirk called for public comments. There were none. The Commission unanimously agreed on the following:

The construction of the private road, including the top course of asphalt for asphalt roads, must be completed prior to the issuance of any certificate of occupancy for any buildings within the development served by the private road. In no case shall the road construction be completed any later than October

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1st of the year in which said road construction begins. If the project is to be developed in phases, this provision shall apply only to those phases where the private road construction has begun.

Any curbing or gutters fronting a lot that are damaged during construction on said lot must be repaired or replaced prior to the issuance of a certificate of occupancy for any building on that lot.

Motion to recommend approval as modified and as appears above

Motion by: Hemeyer

Seconded by: Warren

Ayes: Cypher, Franz, Hemeyer, McGuirk, Richard, Tucker, Warren

Nays: None

Absent: None

Motion carried

PUBLIC COMMENT CONCERNING ITEMS NOT ON THE AGENDA: 5 Minute Limit

COMMUNICATIONS:

Discussion Items:

Require surveys on any lot that is requesting a variance or closer then the 5 ft. set back requirement.

The Commission agreed that requiring a survey and verification for set backs less than 5 ft. would be a good idea and asked that members knowing of other communities that do this obtain sample language and get them to McDonald to schedule a public hearing making this requirement a part of the Zoning Ordinance

If a site plan or building plan is changed after an approval has been granted for a variance it must be resubmitted for approval thru the ZBA.

The Commission asked McDonald what the procedure was for someone to obtain a zoning permit after they have been granted a variance. McDonald explained that the variance paperwork is reviewed with the site plan submitted for the building permit to insure that the documents match prior to issuing the building permit. The Commission felt that as long as the person reviewing the zoning permit application is aware and checking to insure compliance there is no need for any other action at this time.

Rules or regulations on docks, hoists, or boats that are over the property lines that extend into the water on the lakes.

The Commission discussed this problem and agreed that because this is a property line issue the avenue for dealing with issues regarding docks, hoist and boat are civil matters.

MINUTES: April 16, 2015 stand approved as submitted
May, 7, 2015 stand approved as submitted

ADJOURNED: 8:18 pm.

Jim McGuirk, Chairperson
Minutes Posted 06/12/15

Donna Warren, Secretary