

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF AUGUST 9, 2018**

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

Chairperson McGuirk called the meeting to order at 7:02 p.m.

Present: Cypher, Marko, McGuirk, Tucker, Warren, Westbrook

Recording Secretary: McDonald

Absent: Mustola

APPROVAL OF AGENDA:

Motion to approve the agenda as written

Motion by: Tucker

Seconded by: McGuirk

Ayes: Cypher, Marko, McGuirk, Tucker, Warren, Westbrook

Nays: None

Absent: Mustola

Motion carried

PUBLIC HEARINGS:

Amendment to Zoning Ordinance 594, Section 4.02, Accessory buildings:

Ordinance amendment to allow accessory structures to be built on vacant lots across the street from riparian lot principal structures.

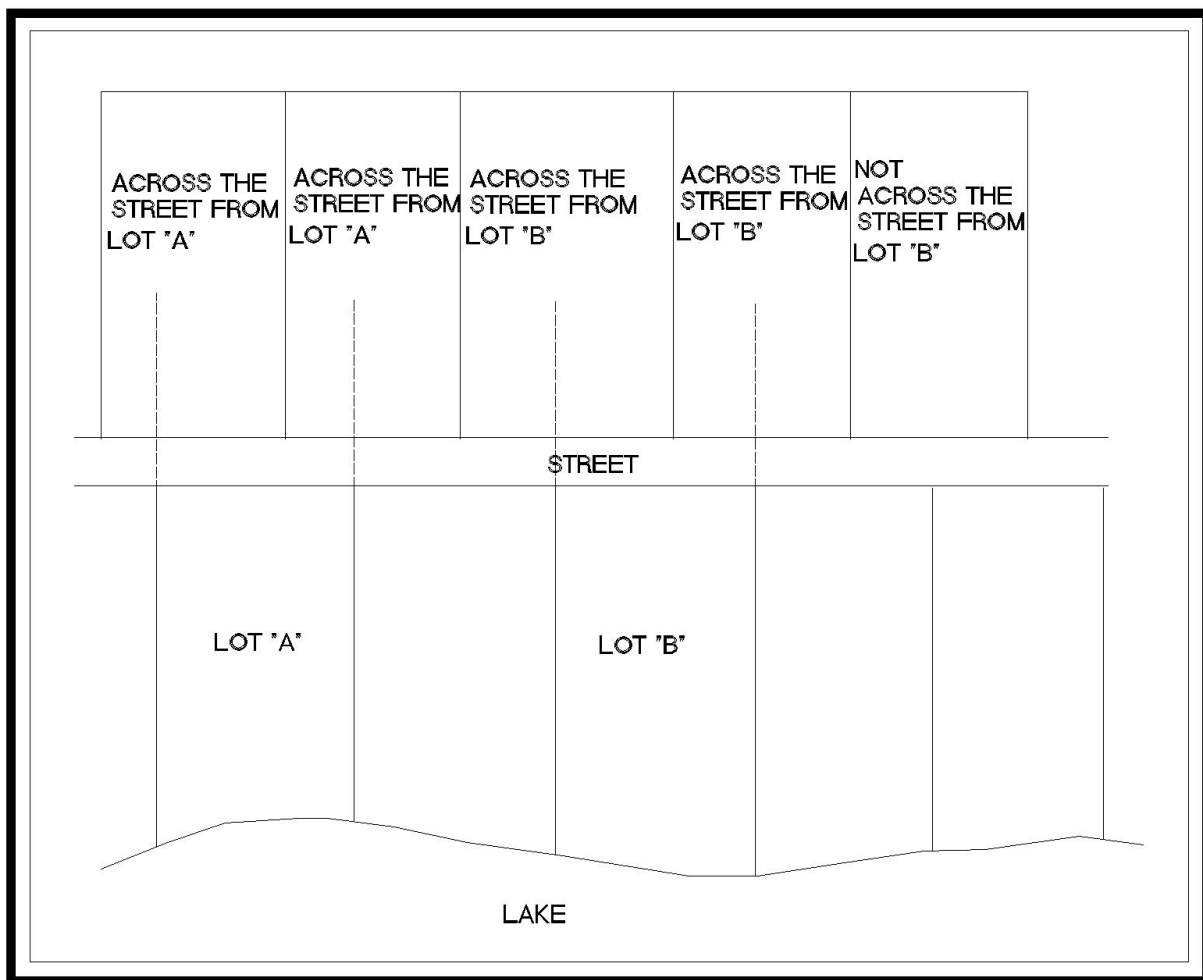
Chairperson McGuirk explained that a committee of 3 members of the Planning Commission have met and worked on the ordinance language presented tonight. Copies of the draft language were given to all members and those present at the meeting. Chairperson McGuirk called for public comments, Randy Butler, 3022 Ponemah, stated he had purchased property on which he planned to build an accessory building but when he approached the Township he was told he could not combine his principal structure parcel with the vacant property because they are not contiguous. He encouraged the Commission to do something to allow for this construction of accessory buildings. Keith Summers, 3479 Breeze Pointe, Kevin & Christine Wetzel, 3471 Breeze Pointe, and Renee Hurley, 3435 Breeze Pointe, spoke of their concerns about a vacant lot in Breeze Pointe that is across the street from a lake front parcel. They said their condominium documents prohibit the vacant lot from being used to build an accessory building without a principal residence. Tucker explained that the Township does not enforce condominium documents and restrictions. He said the enforcement of the provisions of the bylaws would be up to the association. The residence said they did not have an association. Tucker suggested they form an association if they want to be able to regulate and enforce the requirements of the bylaws. Christine Wetzel said this lot is at the entrance to the subdivision and a pole structure would not be appropriate. The Breeze Pointe residents asked if this was driven by an individual's request or how this came to the Commission. McGuirk explained that Genesee County has changed their position and told the Township that these vacant lots across the street cannot be combined because the road breaks the contiguity. Jason Primeau, 13336 Wenwood, stated concerns about allowing only 1200 sq. ft. he said that is less than what he would have been allowed if the old formula was applied. He stated he was given approval from the Township before he purchased the lot across the street, then he was told the county will not combine the lots and the Township will not issue a permit. He said he is frustrated because he had done his due diligence prior to the purchase of the property. The Commission began discussing the proposed language. They were concerned about allowing bathrooms in accessory buildings. Their concern was about the accessory buildings becoming rental units. They decided to discuss the changes to the ordinance to allow a minimum of 1200 sq. ft. then apply the sliding scale for accessory buildings on the same lot as the principal building. The

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only changes were allowing a larger sized building, limiting the number of accessory buildings to one and adding language to prohibit dwelling, lodging or sleeping. Then they discussed an ordinance to allow accessory buildings on vacant parcels across the street from riparian lots. After discussion there was a consensus that the following language be added to permit accessory buildings on vacant parcels of land contiguous to riparian parcels.

Accessory structures, detached shall be permitted subordinate to a principle structure for residential use, only if there is an existing principle structure on a contiguous riparian parcel of land that is under common ownership. Local roads do not negate contiguity. Contiguity exists if the side lot lines of the lot upon which the principal building is located were extended they would touch a portion of the lot across the street. (see Figure 4-1A).

Figure 4-1A



The parcel of land the accessory building will be built on must be joined, for the purposes of zoning, with the parcel of land on which the principal structure is built. This will be considered one zoning lot. The owner of the two parcels of land being considered as one zoning lot must record deed restrictions (or other legal instruments) acceptable to the Township with the Register of Deeds Office requiring the two (2) parcels be used and/or sold as one development site.

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No more than one (1) accessory structure can be built on the lot that does not have the principal structure.

No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for its principal structure.

The accessory building shall not be used for dwelling, lodging or sleeping purposes.

The accessory building shall not be used for commercial purposes.

Total square footage of the accessory structure on the lot that does not have the principal structure shall not exceed one thousand two hundred (1,200) square feet.

Accessory building, detached shall not be located in any required minimum front yard setback or closer than ten (10) feet to any building or closer than five (5) feet to any side or rear lot line (see figure 4-1).

Accessory buildings, detached in residential zoning districts shall not exceed nineteen (19) feet in height (see definition of building height).

The accessory building's exterior siding material shall not consist of steel, T-111, tarpaper, fiberglass, asphalt shingles or similar material.

The Commission asked that staff prepare an amendatory ordinance based on the discussion and send it to each Commissioner for review and comment by Monday. The comments will be taken until Thursday at which time it will be placed on the agenda for Monday, August 20, 2018.

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

MINUTES: July 12, 2018 stand approved as submitted

ADJOURN: 9:00 p.m.

Jim McGuirk, Chairperson
Minutes Posted 07/16/18

Donna Warren, Secretary