

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF SEPTEMBER 13, 2018**

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

Chairperson McGuirk called the meeting to order at 7:05 p.m.

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

Recording Secretary: McDonald

Absent: Tucker arrived at 7:15 p.m.

APPROVAL OF AGENDA:

Motion to approve the agenda as amended to allow the informal communication prior to the hearing on the zoning ordinance amendment

Motion by: McGuirk

Seconded by: Warren

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

Nays: None

Absent: Tucker

Motion carried

COMMUNICATIONS:

Informal review of final site plan approval submittal materials for Springbrook South. Kim Carlson, Flint Surveying 5370 Miller Road Suite 13, Swartz Creek said they are here to show the commission what they have to submit for final site plan approval. Carlson said they have updated the entire site plan adding the utilities. He submitted storm water calculations, stating the pond is sized to accommodate storm water of this site as well as off-site storm water that is flowing to this 8 acre parcel. He also submitted a landscape plan that included the entrance sign and a soils map. He said the grades on the plan are existing and he submitted a small typical section of the grading plan for an area showing 12 of the units. He indicated the grade of the road will be raised about 2 ft. to accommodate walkout and daylight basements. He also provided 3 building plans from Springbrook East located in Swartz Creek. McGuirk questioned the building plans asking if these were conceptual or actual buildings that will be built here. Kal Neemer, Builder explained these are the same homes that will be built in this development. They are customized for each owner to make them more individual and they can be a little bigger or smaller depending on enclosing a porch. McGuirk asked that they show the models that will be built. Carlson said they have submitted to the Genesee County Road Commission but have not heard back from them as of tonight. Recording Secretary McDonald stated she has also received the master deed. She indicated the language for storm water maintenance that the Township requires was not included and that language was sent to the applicant to be incorporated. The commission told the applicant that the plan must be reviewed by the Township Engineer prior to the meeting at which they want to be heard for final approval. Khalil Saab, owner of the property encouraged the commission to approve the plans because time is of the essence. The commission said they will consider a final approval after they have engineering comments.

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 principal structures.

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John Tucker explained that after the last meeting he took a drive around the lakes to see what is existing. He said there are good things and bad things happening on these back lots. He said after thinking about the situation he thought this should be handled as a special use permit. He said that way certain concerns like whether a free-standing accessory structure would fit-in with surrounding houses in the neighborhood, whether there are any existing free-standing accessory structures already located on the off-lake side of the road, whether it would violate building and use restrictions, whether inconsistency with neighborhood can be overcome by design elements in the structure, probability the proposed structure could/would be used for occupancy/rental, magnitude of hardship on owner i.e. how much accessory space can/does the owner have on the lake side of the road and the distance between proposed structure and existing residential structures on the off-lake side of the road to mention a few. Tucker said he wanted to get everyone's opinion. Chairperson McGuirk called for public comments. Jason Primeau, 13336 Wenwood, stated concerns about adding another step. He said he did his due diligence prior to purchasing a lot across the street from his home. He stated concerns about limiting the size to 1200 sq. ft. when under the old calculation he could and was planning on building a 1400 sq. ft. building. The commission talked about the aesthetics of the buildings. They said they should be built to match the houses exterior. Primeau said they are working with an architect to design elements to change the appearance of the house and they are planning on building the accessory to match the new exterior. His concern is that they do not want to match the existing house. Tucker said that is the beauty of the special use permit were the applicant can explain what they are doing. Dan Brewer, 11278 Sharp Rd., asked what would happen if the house structure was in disrepair when the commission is requiring the accessory building to match the house. Secretary Warren read a letter that was not signed nor had an address that stated the commission should develop an amendment to prevent large industrial looking buildings from being built in residential neighborhoods. Tucker said each one will be scrutinized by the commission for a number of elements including the size, material and location for these accessory buildings. Each member was given the opportunity to provide input regarding the building of accessory building on vacant property. The majority of the commission members were in favor of the use being allowed by special use permit. They then discussed the standards that they wanted to see in the design standards. They all agreed on the standards discussed at the last meeting which included the following:

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

No detached accessory building shall be used for dwelling, lodging or sleeping purposes.

No detached accessory building shall be used for commercial purposes.

Accessory structures and buildings shall be permitted subordinate to a dwelling for residential use only if there is an existing dwelling on a contiguous lot that is under common ownership. Roadways do not negate contiguity.

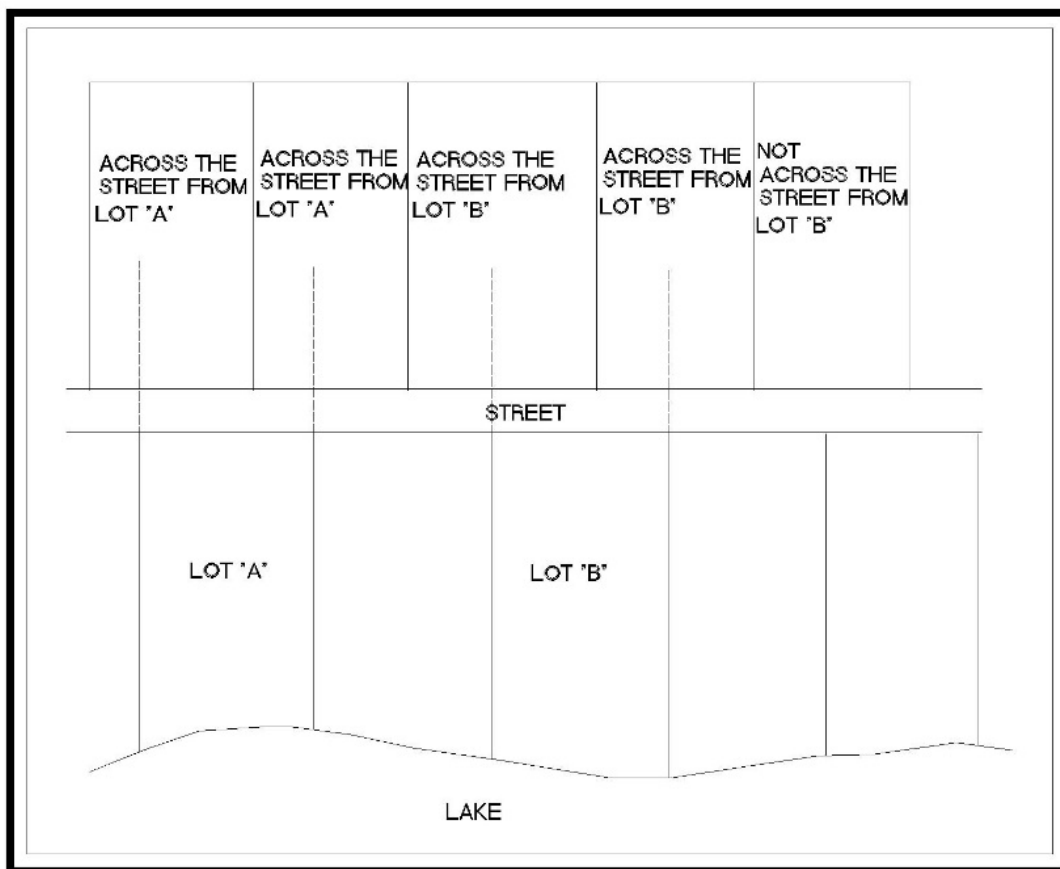
The lot where the accessory building will be built must be joined, for the purposes of zoning, with the lot on which the principal structure is built. This will be considered one zoning lot. The owner of the two lots being considered as one zoning lot must record

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deed restrictions (or other legal instruments) acceptable to the township attorney with the Register of Deeds Office requiring the two lots to be used and/or sold as one development site.

For the purpose of the zoning lot the road separating the two parcels must be a local road as defined in the Townships Master Plan.

The lot where the accessory building will be built is contiguous to the property where the associated principal structure is located. The lot upon which the principal building is located must be generally across the street or road from the lot being used for the accessory building. This requirement is complied with if the side lot lines of the lot upon which the principal building is located on were extended touch a portion of the lot across the street.



Detached accessory buildings shall not exceed nineteen (19) feet in height (see definition of building height) however the Planning Commission may increase the height at the time of site plan approval.

Setbacks for accessory buildings in this section shall be determined by the Planning Commission at the time of site plan review

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

Total square footage of the accessory structure on the lot that does not have the principal structure shall not exceed 1200 – 1400 square feet which will be determined by the Planning Commission at the time of site plan review.

The accessory building's exterior material shall be the same or similar to the principal building.

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

Tucker asked that Zoning Administrator, Piggott draft language including these items and the ones he stated in the beginning of this discussion.

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

MINUTES: August 9, 2018 stand approved as submitted

ADJOURN: 9:00 p.m.

Jim McGuirk, Chairperson
Minutes Posted 09/18/18

Donna Warren, Secretary