


**YANKEE SPRINGS TOWNSHIP
 PLANNING COMMISSION
 Regular Meeting
 Thursday, October 20, 2011
 Yankee Springs Township Hall
 284 North Briggs Road, Middleville, Michigan 49333**

FINAL MINUTES
 Page 1 of 6
APPROVED: 

MINUTES

Meeting called to order at 7:00 PM by Chairman Frank Fiala.
Roll Call: Cunningham, Fiala, Jansens, Purcell, Schwennesen, Wells. Cathy Strickland was absent with notice.
Staff Present: Constable Jim Orr, Zoning Administrator Robert Lippert, Greg Milliken of McKenna & Assoc.
Visitors: 2 (not including staff present).

**CALL TO ORDER
 PLEDGE of ALLEGIANCE
 ROLL CALL**

ADDITIONS OR CORRECTIONS TO AGENDA:
 Approved as submitted.

ADDITIONS TO AGENDA

MEETING REPORTS:

MEETING REPORTS

ZBA REPORT: Gordon Wells: A ZBA Meeting was held on October 11, 2011.

- Request of a 2' 3" variance on the street side setback at 3458 Elmwood Beach, Middleville, MI. Request granted.
- Request of a 6 foot variance on the street side setback at 1998 Parker, Wayland, MI. House was torn down. New home needed a porch to assist handicapped relative of owner. Request granted.

ZBA Report- G. Wells

BOARD OF TRUSTEES REPORT: Al Schwennesen

- Meeting was held October 13, 2011. It was a general meeting.
- Final payment on the multi-sport complex of the township park was authorized.
- Discussion and public comments were made on the intersection of Patterson & Bowens Mill Rd.
- Article in the Sun & News was mentioned regarding Russ Yarger, Drain Commissioner. R. Yarger's home recently burned down and his dealings with County Zoning and Planning for temporary housing were highlighted. R. Lippert, ZA, added that R. Yarger was requested to wait two or three months for the county to address his request for temporary housing. Schwennesen noted that Yankee Springs already allows for emergency situations such as this in its ordinance.

Board of Trustees Report- Al Schwennesen

ZONING ADMINISTRATOR'S REPORT: Robert Lippert

- SPR's:** 4 for Sept.
- Complaints:** 3
 - Complaint regarding a used car parts business working out of a residence (documented with pictures). Renters of this residence moved out. CLOSED case.
 - Funneling – Edwin Drive. A court order was found allowing boats to be docked. Those involved were notified of the court findings.
 - Damaged Motor Home. Met with owners. Motor home will be repaired and moved off property.

ZA Report: R. Lippert



- **FEMA Update: 256 LOMA's (Letter of Map Amendment) of 475. (54% error factor)**

PUBLIC COMMENT:

Frank Fiala commented that the Road Commission met with Allegan County. They (Allegan) are going to try to update the records of the accidents that have occurred at the intersection of Patterson Rd. and Bowens Mill Road. Recommendations were discussed such as: stop signs being elevated and larger in size, red reflecting tape on the signs, and signs noting that "Cross Traffic Does Not Stop". Rumble strips are noisy and hard on snow plows. A street light will probably have to be paid for by YS Twp.

Frank Fiala and Al McCrumb were thanked for their prompt action regarding this matter.

PUBLIC COMMENT

APPROVAL OF MINUTES

Motion by Purcell with support from Cunningham to approve minutes of Planning Commission meeting of September 15, 2011 as presented. All ayes. MOTION CARRIED.

Motion to approve PC meeting minutes of Sept. 2011 as presented. Motion Carried.

MCKENNA BILLING:

Motion by Schwennesen with support from Wells to recommend payment of September billing of \$630.00 from McKenna and concurs with the Board of Trustees. All ayes. MOTION CARRIED.

Motion to recommend payment of Sept. billing of McKenna Assoc. Motion Carried.

NEW BUSINESS:

Sign Ordinance: MSU Extension will be publishing a guidebook addressing Best Practices for sign ordinances in a month or month and a half. Training sessions at which the guidebooks will be available should take place in January.

Article XII, Standards

12.3 Dwelling Standards and Requirements:

Discussion began with (4) Exterior dimensions, Height. It was commented that fire prevention is an issue with height, and that this is something the fire chief should be consulted about.

M. Cunningham asked if the PC should let the fire department dictate what residents want to do with their houses and land. G. Purcell asked if taxpayers pay for this and he would like the fire dept. to have a say in any alterations to the ordinance. G. Milliken said that 35 feet is a common standard. Building code is pushing for sprinklers. Fiala added that he'd like to red flag this and get the fire department's

NEW BUSINESS

Sign Ordinance

Article XII, Standards

Height Requirements/Dwelling Standards



NEW BUSINESS cont'd:

thoughts on this. Fiala added that there are people with a remote farm and/or home that might be restricted. Purcell asked what the cost would be to taxpayers for equipment to handle fires at higher heights. M. Cunningham was thinking of variance requests for higher than 35 feet and he added that limits on building stories might be considered. G. Milliken added that the only additional thing in regards for building height – goes back to Ch. 2- and it should be updated with modifications to reflect past changes.

Moving on to page 6, Fiala commented about a large building that has been built on Archwood Dr. and how it has improved drainage in that area.

On page 8, Cunningham said that the wording of 2.b.1.a under “i” should be “be less than” rather than being permitted to “be closer than 10 feet.”

On page 9, **Section 12.5 – Parcel Size Requirements**, It was discussed that the County Health department doesn’t want septic systems on lots smaller than one acre. It was also commented that maybe zoning should be tied into the health department. . R. Lippert added that in order to obtain a building permit, approval must come from the Barry-Eaton Health Department for a septic system.

Section 12.5 -Parcel Size Requirements

Septic Systems

M. Cunningham recommended leaving the ordinance as it is and letting the county turn down the applicants - not YS Twp.

Further discussion occurred regarding building on an existing parcel, and a non-conforming parcel not being able to be created into a new parcel. More discussion occurred on platted lots, meets and bounds, splitting of lots, and platted lots being affixed to a neighbor’s lot (neighbor to neighbor sales).

In regard to the Zoning ordinance history of Yankee Springs, an interim ordinance was established in 1972 and a permanent ordinance in 1974.

G. Milliken said that he will contact the attorney about page 9 regarding Section 12.5 - numbers 1 and 2.

The question was posed, “What if a home was built before current standard for parcels was established and the home burned down, would the parcel be grandfathered-in as a buildable lot even if the size and width of the parcel make the lot not “buildable” under the current standards? Fiala commented that if more than 50 % of a structure on a non-conforming property is destroyed, then the owners will be out of luck. Discussion then occurred regarding not having a line as to the date (of standards). G. Milliken said, “Lot size is about the creation of lots.” It was noted that there is a gap between 1979 and today. Purcell said he’d like to have something in the ordinance that makes the situation of “rebuilding” after losing 50% more comfortable to handle. R. Lippert added that the only unbuildable lot that he knew of was 30’ x 40’ (depth). The 720’ minimum residential footprint requirement could not be met. Cunningham asked,

Rebuilding on lots – grandfather clause

“What about tearing down a building? Is that different from burning it down?”

Discussion followed regarding two lots being made into one-becoming one parcel, and assessing (tax) purposes and building purposes. If a property owner voluntarily combines two lots:

Title-wise: there are two lots

Zoning Board perspective: there are two lots

In the Parcel Book: the two lots become ONE parcel

Tax bill: One tax bill.

G. Milliken said that two lots and two tax bills are treated as two separate development situations. The assessor may treat as one, but they retain individual characteristics. A totally combined lot is treated as one parcel and one residence on it. Milliken added that whatever the lot size is, if it is vacant, it should be buildable.

M. Cunningham brought attention to Sec. 12.5, #2: “Parcels legally created after November 29, 1979, shall be required to meet the following size and width requirements to be considered as buildable”. Cunningham added that this gives comfort to those who want to rebuild on parcels created prior to this date.

Discussion moved to Section 12.6 – Maximum Lot Coverage: the issue of, “shared driveways” was brought up. Fiala said that the county road commission recommends reviewing the Yankee Springs ordinance regarding private roads. Purcell asked, “Who’s going to maintain roads (private) in the long run? If a lake association owns the road and later they want to make it public, the costs will fall the shoulders of the taxpayers.” R. Lippert added that private roads have existing problems with drainage, run-off and encroachment of right-of-ways. Cunningham asked, “Anything we (PC) would do would address new roads in the township?” Fiala remarked, “Yes” to this inquiry.

Moving to Lot Coverage, Cunningham commented that the PC should potentially look at increasing “30%” lot coverage because this is an area for which people come to the ZBA. Cunningham added that if a deck is included in the 30% coverage, maybe the PC should increase the coverage amount or decks shouldn’t be included. Cunningham said that he doesn’t see a deck as being part of a house and added that he could have built his house at 25’ away from the shoreline, but he built the deck 25’ away from the shore. Discussion of patios, patios over decks, and surface imperviousness then occurred. Fiala said that water and drainage was more of an issue with decks when the ordinance was created. It was suggested that “if it’s pervious, it doesn’t count.” Purcell added that he thought the ordinance was discouraging people from making deck improvements. R. Lippert felt it would be important to make a distinction such as decks higher than 18”, deck is raised, made of wood, etc.

NEW BUSINESS cont’d

Combining Lots

Sect. 12.6 – Maximum Lot Coverage
Shared driveways and Private Roads

Decks



G. Milliken suggested removing "patio" from the ordinance, page 10, 12.6 B. Patio isn't a term used in the ordinance. Move decks to total lot coverage.

Also on page 10, A. Schwennesen questioned "Industrial" on the table being 1,000 feet for maximum road coverage.

OLD BUSINESS:

G. Milliken distributed two bulletins that his firm had published regarding Gambling: Internet Cafes and Festivals: Farmer's Markets, apple, pumpkin and cider stands.

G. Milliken mentioned a Supreme Court case involving Kasson Township (Up North) regarding gravel mining. The Supreme Court ruled in favor of the community against the industry, granting a lot of power to its Planning and Zoning. Industry went to legislation. Legislation allows for the removal of minerals anywhere unless there are "very serious consequences." There are eight different standards for what that means.

R. Lippert added that he has read that this bit of legislation is most unpopular. It has been approved in record time, involving special interest groups.

F. Fiala asked G. Milliken if it is reasonable to do nothing at this time; similar to the medical marijuana act. Milliken agreed that the YS Planning Commission was ahead of a lot of other places in updating its mining ordinance. Milliken also added that Planning & Zoning can still regulate things like noise, haul routes, hours of blasting, and hours of operation.

PUBLIC COMMENT

G. Purcell encouraged others read the article in the Sun & News regarding Russ Yarger's (Drain Commissioner) situation with Barry County's Planning and Zoning. Purcell said that he knew some people were interested in moving YS Planning and Zoning to the County for some compelling reasons but said, "I think it's a factor that we should look at about changing Planning and Zoning to the county and how we weigh it out."

R. Lippert outlined the procedures of Yankee Springs Planning and Zoning regarding a situation such as Yarger's.

1. Our ordinance provides for temporary housing for property while under construction.
2. If an individual would like a special meeting and pays a fee for it, they can have it.
3. That fee can be waived due to hardship by the Township Board of Trustees.

John Jerkatis asked about grade and contour of building lot sites, stating that most of our lake lots are compacted hard enough so that most of today's rain ran right into the

OLD BUSINESS

Kasson Twp. Gravel Mining ruling by Supreme Court

PUBLIC COMMENT

Sun & News Article – R. Yarger vs. County Planning and Zoning.

Grade & Contour of Lots

FINAL MINUTES

Oct. 20, 2011

Page 6 of 6

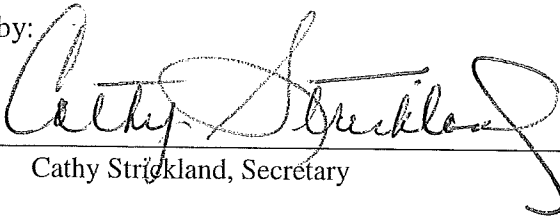
APPROVED: 

lake. But if lots are not graded or contoured in favor of their neighbor's, it's still a problem, he added. Purcell remarked that structures should not be building in a manner so that the water runs onto the neighbor's property. Fiala felt that it would be helpful to review the ordinance language on this issue. R. Lippert noted that this concern is specified on the Site Plan Approval form.

ADJOURNMENT

Meeting was adjourned at 9:35 p.m. Approved by all.

Approved by:



Cathy Strickland, Secretary

Date

18 Nov 2011

ADJOURNMENT

Deb Mousseau
Recording Secretary
10-21-2011