


<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION Regular Meeting Thursday, August 21, 2014 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>FINAL MINUTES Page 1 of 5 Approved Sept. 18, 2014 As presented APPROVED: </p>
<p>Meeting called to order at 7:00 PM by Chairman Frank Fiala.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Roll Call:</u> Present: Cunningham, Purcell, Beukema, Strickland, Campbell Heystek and Fiala.</p> <p><u>Also Present:</u> Rebecca Harvey, Professional Planner</p> <p><u>Staff Present:</u> Zoning Administrator Larry Knowles, Sandy Marcukaitis, and John Jerkatis.</p> <p><u>Visitors:</u> 3 (not including staff present).</p>	<p>PLEDGE CALL TO ORDER ROLL CALL</p>
<p>ADDITIONS OR CORRECTIONS TO AGENDA: None</p> <p>Fiala commented that he would like to put the sign ordinance in Old Business before accessory building work on Old Business.</p>	<p>ADDITIONS/CHANGES TO AGENDA: None</p>
<p>BOARD REPORTS from REPRESENTATIVES</p> <p>Richard Beukema, regarding the ZBA meeting of August 12, 2014 commented on a request of William & Melissa Schilthroat on N. Norris Rd., Middleville – The Schilthroat’s have two parcels of land and they wanted to make one smaller in order to combine a building that was on that land with the parcel that had their home on it. The ZBA determined (at that time) Schilthroat’s request was a land split issue and referred it to the township board. However, it has been determined that this is not a land split and the request will go before the ZBA on September 2, 2014. PC Chairman Fiala commented that this request has been discussed with the planner and it has been determined when there is a meets and bounds situation, and the lot line is requested to be moved, it is not considered a “land split”.</p> <p>The other request brought before the ZBA was that of Bradley Knowles who was granted a 60% variance and a 10’ side setback on Gun Lake Rd. for an accessory building. A 5’ setback was requested.</p> <p>Also occurring in the ZBA meeting of Aug. 12, 2014: Mary Cook was elected Chair and Chuck Biggs was Vice Chair.</p> <p>F. Fiala commented on the Schilthroat request and that a more clarified approach will be taken in the near future.</p>	<p>BOARD REPORTS from REPRESENTATIVES</p>

BOARD REPORTS from REPRESENTATIVES continued

Larry Knowles, Zoning Administrator, commented that Planning & Zoning was still working on map of WP. L. Knowles commented that he would like clarification and it was confirmed by R. Harvey, Professional Planner, that when the ZBA gets done, the situation of moving of the lot line does not have to go before the Board. Fiala inquired regarding the procedure for platted lots. Harvey commented that this would be a different process and would have to see the township's ordinances regarding subdivisions. Further details were discussed regarding platted lot divisions and combinations, and the role the township board would have in these situations (platted lots).

Fiala commented regarding Whispering Pines and the various communications that have taken place. Fiala commented that WP complaints will now be handled by Mark, as opposed to coming into the Planning Commission. R. Harvey commented that the PC is not the enforcement arm of the township.

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PUBLIC COMMENT:

Sandy Marcukaitis commented that the gray ordinance book entitled "Compilation of Ordinances" is not up-to-date. Two ordinances are not codified – one on the park and one on buoys.

Frank Fiala mentioned the noise ordinance was also given to Julie Jones (of the Barry County Sheriff's Department) who was present at the last PC meeting of Aug. 7, 2014. J. Jones was going to take it to a certain law enforcement group and see if it needed any modification to serve her purposes.

PUBLIC COMMENT

APPROVAL OF MEETING MINUTES:

Motion by Cunningham with support from Heystek to accept Planning Commission minutes of August 7, 2014 meeting as presented. All ayes. MOTION CARRIED.

APPROVAL OF MEETING MINUTES

Motion to accept August 7, 2014 PC minutes as presented. MOTION CARRIED.

NEW BUSINESS:

- 1. **SEU Public Hearing** - A request by Richard Gannon to locate an outbuilding on a lot or parcel that is bisected by a road and is placed on the opposite side of the road as the principal structure located at 923 Palmer Dr., Middleville, MI.

It was noted that this (Palmer) is a private drive.

Opening of Public Hearing- at 7:10 p.m.

R. Gannon commented that he would like to build a three stall garage across and facing the front of his home with same siding, windows, etc. as the principal residence. 46' x 26' building structure. James Thorne is the builder. They would like to get started in 30 days or so. Ingress / egress will be down on Palmer Drive.

NEW BUSINESS

A request by Richard Gannon at 923 Palmer Dr., Middleville, MI

Opening of Public Hearing- at 7:10 p.m.

NEW BUSINESS:

SEU Public Hearing – continued -Lot coverage was discussed and a rough estimate was made showing that 30% lot coverage was not exceeded.

It was noted that the building was to be built into the hill. It was also noted that a survey was needed. Mr. Gannon commented that surveyors comment that they will not touch Barlow Lake. Fiala commented that Brian Reynolds, County Surveyor would do this (survey work). According to James Thorne, the builder, Reynolds was called and would not get involved in the survey. Heystek had the Gannon's neighbor's survey which was done by Nederveld. It was recommended that Nederveld Surveyor's should be contacted – if not already contacted.

R. Gannon commented that every house south of their home was built into the hill. Gannon commented that he will be reinforcing a crumbling down hill. There will be a 12' cement wall. The cement wall will also be part of the foundation.

Cunningham commented that the neighbors had received letters regarding this. No one is at the meeting here opposing it.

Fiala reviewed a list of items dealing with outbuildings – height being one of the issues and occupancy, setbacks, consistency with the neighborhood, parking and ingress/egress.

R. Harvey commented regarding conditional approval.

Public Hearing Closed by Fiala at 7:55 p.m.

Fiala asked for comments from members of the Planning Commission.

Motion by Purcell with second from Cunningham that the PC would grant conditional approval of request as presented with these conditions: #1) Building meets lot coverage requirements and all dimensional standards unless a variance is given by the ZBA. #2) Building is built entirely on their (Gannon) property as shown on registered approved survey. #3) No residential use of the building. #4) Zoning Administrator will review site plan to see all conditions are met before building permit can be issued.

ROLL CALL: Beukema- yes, Purcell- yes, Cunningham- yes, Fiala- yes, Strickland- yes, Heystek- yes, Campbell- yes. All Yes (7). No: (0)
MOTION CARRIED.

R. Harvey commented the plat map was on-line (County) and could be brought to a surveyor.

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APPROVED: 

Public Hearing Closed by Fiala at 7:55 p.m.

Motion to grant conditional approval of Gannon request as present with conditions as noted. MOTION CARRIED.

OLD BUSINESS:

Sign Ordinance:

C. Strickland produced and distributed: "Working off of Suggested Revisions to Sign Ordinance of August 7, 2014 Meeting" (6 pages plus 2 tables/charts). (Items highlighted in turquoise to be worked on).

Cathy Strickland reviewed all of the changes that were made at the last meeting's work section on Article XVII.

After review of all of the changes, discussion started on seasonal signs, and the duration of them.

Discussion took place regarding different non-conforming sign scenarios. Rebecca Harvey commented that whenever you are dealing with "non-conforming" you have to pay attention to what is non-conforming about it, and that will dictate the issue. "Abandoned" signs were discussed.

R. Harvey recommended for non-conforming signs to reference Article XVI (16) - Non-conforming uses or structures.

R. Harvey also recommended the following wording: "An off-premise sign shall be subject to the on-premise sign standards of the underlying zoning district."

R. Harvey had two additional questions: #1- regarding changeable copy signs in regards to 17.7, and #2 – regarding A. 12. Commercial / Industrial – Multi-Businesses –Permanent sign -50 sq ft. per business up to 250 sq feet. Take out (max. 5 businesses).

G. Purcell confirmed that a new public hearing was not necessary for the additional changes. R. Harvey commented that prior language was written to cover this.

Motion by R. Beukema with support from G. Purcell to present Sign Ordinance Article XVII, with modifications made tonight, to the Board of Trustees at their next regular meeting. All Ayes. Motion Carried.

Fiala consulted John Jerkatis, Treasurer regarding presenting the ordinance at the next meeting (Aug. 7 Bd. Work Session). Jerkatis commented that the board tries to make decision-making matters only at the regular Thursday meetings, which is on the second Thursday of the month. The next Regular meeting will be 9/11/14.

Fiala summarized all the things that the PC wanted to do on Article XII. These items were previously written on the white board in the hall. One of those items was "Granny Flats". Previously, Fiala recommended taking the item and pushing it aside, and this has been switched around. The township supervisor requested that this issue be addressed head on. The county planner uses the term "accessory dwelling". Prairie Township uses "guest houses". Fiala distributed a copy regarding the county's view on this issue. Lengthy discussion took place regarding granny flats/accessory dwellings.

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Motion to present Sign Ordinance (Art. XVII) with modifications made this evening to the Bd. Of Trustees at their next regular building. MOTION CARRIED.

Comments were also made regarding combining multiple lots of one owner onto one parcel for homesteading purposes and for sending out a single tax bill. It was noted that “legally combining” is different than “combining” lots for tax bills purposes. It was also mentioned that there are two different things going on – one for taxation purposes, and one for zoning purposes. Wording of lot numbers on deeds were mentioned as well.

Beukema spoke of the violation of due process, being an issue in regards to enforcement. Also, complaint driven enforcement was brought up as well. Comments were made regarding the PC being the “legislative” branch and the judicial branch has come to the PC and said “address this legislatively”. The role of the PC in the township’s structure of rules and ruling was discussed.

G. Purcell commented that he’d like to see examples of other communities regarding “accessory dwellings”/”granny flats” in other communities and how they are impacted. R. Harvey recommended going to coastline communities such as Traverse City and Saugatuck. Information from MTA, and MAP was mentioned as possible resource sites, as well as, APA. Fiala commented that direction should come from the township board regarding this topic. Fiala also noted that the PC has a number of straightforward items that it has to work on.

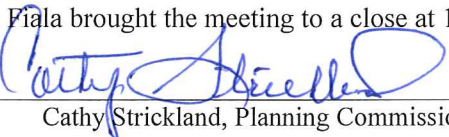
John Jerkatis, thanked the PC members for all the time and work they put in doing what they do. Jerkatis commented that he would be happy to give anyone a copy of his stance, and of his opinion regarding some of items that the PC was just talking about (zoning, laws, rules, regulations, enforcement, etc.) This was previously published in the newspaper. Jerkatis also reflected back to when gasoline was 20 cents a gallon, and a trip to Grand Rapids was rarely made. Jerkatis mentioned all that could be found (business-wise) on Main Street in downtown Middleville. Two grocery and hardware stores, as well as a movie theatre, were mentioned by Jerkatis. However, Jerkatis mentioned that now residents have to go to Grand Rapids because things aren’t local any more. There are no less than a dozen empty storefronts in downtown currently. Jerkatis commented that things weren’t any tougher today than they were in the 1950’s when on Friday nights one would find hundreds of people in downtown Middleville. Jerkatis feels that we’ve gone backwards in our society since the 50’s until now. Jerkatis doesn’t feel like zoning is the cause of it at all, but just wanted to share his thoughts.

C. Strickland mentioned the flyer distributed by M. Cunningham regarding an upcoming fundraiser at Sam’s Gourmet. The fundraiser will benefit the Veteran’s Memorial Fund. The date of this event is scheduled for Thursday, Aug. 28th. The fundraiser involves a prize raffle along with a food/wine event at Sam’s Gourmet.

ADJOURNMENT:

Chairman Fiala brought the meeting to a close at 10:21 p.m.

Approved
by:



Cathy Strickland, Planning Commission Secretary

Date

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ADJOURNMENT

Deb Mousseau
Recording Secretary
August 21, 2014