

DRAFT
WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES OF MARCH 7, 2012, REGULAR MEETING

Call to Order by Zakrajsek at 7:00 pm

Roll Call: Zakrajsek, Dean, Boyd, Link, Lyons, Mangus, Recording Secretary-MacLean, Zoning Administrator-Meyers + 6 audience.

Absent: Miller

Set/Adjust Agenda: Per Larry Lake request discussion of Cheryl Walton presentation, do it first as New Business, ahead of Old Business

Approval of Minutes of Regular Meeting 2/1/2012. Motion by Lyons to approve seconded by Boyd; all in favor. Motion Carried.

Approval of Minutes of Special Meeting 2/8/2012. Motion by Lyons to approve, seconded by Boyd ; all in favor. Motion Carried.

Approval of Minutes of Special Meeting 2/15/2012, Motion by Boyd to approve, seconded by Lyons ; all in favor. Motion carried.

Conflict of Interest: None declared

Public Comment:

Jim Snider, 8316 Old M72: Regarding some of the township zoning in the village done in 1998, so restricting with fences. Vanessa said she did not have to put in sidewalks, etc. Asking the commission to take away some of the restrictions, set backs, roof pitches. Township should not have much to do in the 'burg. Let businesses improve. People that own down there, rights were taken away – stockade fence so people can line their property. Hope you will look at what the zoning in the 'burg area is. The tower does not have a fence - doesn't have to follow the rules.

Public Hearing: NONE

Reports:

Correspondence: Milton Twp. preparing an update to the Master Plan – Milontownship.org
ZA Report: Report. DTE is on another mission to provide natural gas to residents, 350 potential names/customers given.

Township Board Rep: Boyd: Nothing

Chair: Zakrajsek: Meijer was approved in Acme. MDOT and Acme Township are requiring a round-a-bout.

NEW BUSINESS: Cheryl Walton had sent a letter to the twp. board to do a presentation. Lake felt it was more appropriate as Planning Commission presentation. If the PC says it is appropriate then it will go to the twp. Letter: Regarding Land Use Policies. Letter read requesting board presentation. Discussion: Lake thought this is a PC issue rather than a board issue. Boyd: this is a PC meeting issue and then moved forward to the board if appropriate. WALTON: it has nothing to do with Future Land Use or Map, just land use in general. Dean: it is appropriate to get information. We've made some progress. Zakrajsek: Consensus: we would like to hear the presentation. WALTON: 11613 Top View Dr., would like to make presentation, PC and Board has a duty to listen. Very relevant, current information. Invited Larry Inman will be here on the 13th along with other people. Don't really want it as continuing education. Willing to make the presentation twice for township and PC meetings. Presentation is ready to go, both bodies need to hear, doesn't matter which one first. If there is an additional March meeting it would be okay for me. Zakrajsek: Lake has time on the board meeting. Boyd: should go through the steps in proper order. Link: We should see it here and the board can see it there too. WALTON: the pc meeting was too soon for when information was ready, just went with next available township meeting – the 13th board meeting. Figured the PC meeting agenda would be too full. Recommendation to send to

the Board and put on our next meeting agenda. Put it at the beginning of our meeting, keeping it to the 30 minute presentation time.

Old Business:

1. **Camp/Campground Ordinance:** Meyers: made the requested changes. Brief run down on what was previously discussed. Questions / discussion:
Zakrajsek: 700 square feet of the dwelling or other main building. Camps 1 per 5 acres. Covered porches are part of the dwelling. Storage structures would be 400 sf. Out buildings? Shall be allowed, limited size but no limit as to the number of out buildings.
Boyd: With the condition of what Mr. Evina has asked for, what does this do for/to him. Mangus: Primary residence should be allowed – concerned. The only way to do that would be to split off a parcel.
Dean: Does Mr. Evina have road frontage issues? Meyers: Yes and he is dealing with wetland, he would have to build a road.
Zakrajsek: Commercial campground, residency in allowed.
Mangus: Would want the same residency allowed in private as commercial. Probably need to change the name from private campground to family compound.
Zakrajsek: Can we move this forward.
Mangus: Does anyone else see a problem with not allowing a residency?
Boyd: I see that as something people will take advantage of it and it will cause problems in the future.
Zakrajsek: Our intent is for family and friends to enjoy their property. They can split off if they want something near.
Mangus: Change the name from Private to family campground.
Zakrajsek: Call it a Camp, a family camp.
Boyd: Private Family Campground
Link: A residence in a family campground / camp but any number of out buildings?
Meyers: One accessory building per site? One building, 1200 sf. Plus provisions for one cooking/dining pavilion.
Boyd: The 1200 sf building could accommodate the cooking/dining?
Link: Health department will have to deal with water and sewer. Campground law is for commercial campground only. They may or may not be required by the county to have sewer and water.
Mangus: Temporary / port-a-johns is that something someone could be doing?
Zakrajsek: One storage building 1200 sf. One pavilion.
Link: Regulated in R2. What if we change R2? It would all change. Language and names would all be changed.
Zakrajsek: One storage building 1200 sf and one pavilion, 400 sf and adding Family to private
Motion to set public hearing regarding Camp/Campground Ordinance Definitions, Permitted Uses, Building Sizes, Yard Requirements, Site Plan Review, Special Land Uses and Supplementary Provisions (with changes) by Boyd seconded by Lyons . Roll call: Mangus-yes; Lyons-yes; Boyd-yes; Link-yes; Dean-yes; Zakrajsek-yes. Motion carries 6-0
2. **Accessory Dwelling Units (ADU's):** Meyers: Made the requested changes. Read through. Assessors indicated it would take away a percentage of the Homestead Exemption. It would be a restriction that would have to go with the new owner.
Mangus: The new owner would have to be notified of what the restrictions are.
Zakrajsek: They are assuming ownership of the restrictions.
Link: It comes down to Homestead. How is it enforced? It is not.
Mangus: The Assessors are always looking for this type of thing.
Zakrajsek: It started out as a “mother-in-law” building.
Meyers: Also for assistance, rental, etc.
Zakrajsek: Meeting all current set backs, we are allowing two residences on a single piece of property.
Dean: What is the size restriction?
Meyers: Original was 800 sf., it's been changed.

Mangus: Shall be less than the primary residence.

Zakrajsek: Cannot agree with building two residences on a single piece of property.

Boyd: Currently reads 1200 sf or ½ of the main residence “which ever is smaller” covers the ADU as being larger issue.

Meyers: Guest house, mother-in-law, grandma for help and companionship, then move it to a rental.

Boyd: New owner would have to let us know what their intent is.

Zakrajsek: Would love to be able to build two buildings on each property. This went in a direction that I don't like, this has turned into two units on a property. Change in the wording? Is this ready to move forward for public hearing?

Meyers: If there is not an intent of this commission to do this, we do not need to move forward with it.

Dean: Could you make it a special use?

Mangus: What people are allowed to do with it as far as restriction. Someone living there where the compensation is the act of helping.

Boyd: Transfer the ADU restrictions at sale. Is there a process?

Meyers: It would just be a notification of 37.64 Nothing says it is a requirement to be a family member.

Mangus: For this to work you have to allow the other uses as caretakers, etc.

Link: Someone added on to the house, with their own entrance and exits. To me when they have someone there to take care of them it is not rental. Is this a rental or a mother-in-law flat? Could make it as an attached.

Zakrajsek: This document has gotten very liberal and open since its conception.

Mangus: If we change the sf?

Zakrajsek: “Make housing units available for lower income home”, has nothing to do with a care-giver. Do we want to send this to public hearing?

Mangus: See what the public has to say

Boyd; My intent is that I have a house and I don't want my in-laws in my house but they need to be near. I want to be able to do that. When they are gone and I am gone, the new owner has to do the same. Why do we have to have – can we have something that says it has to be family?

Dean: What if the new owner says they want to rent both. Cannot do.

Link: It falls back to the assessor.

Meyers: You are in violation of the agreement with the township.

Mangus: It is a deed restriction. We are making something that currently exists legal

Link: It is up to the neighbors to complain

Zak: Our intent was for the convenience of family members.

Dean: Attached rather detached.

Mangus: Registered vs. unregistered, the township has a process to go through already.

Zakrajsek: If we have residents who want to rent out part of their house, it's okay.

Mangus: Attached, no problem. Special use?

Zakrajsek: We are building two dwellings on a single piece of property. We are only interested in the land use. What someone does with it after it is built is their own business.

Motion to set public hearing regarding Accessory Dwelling Units Definitions, Permitted Uses, Building Sizes, Yard Requirements, Site Plan Review, Special Land Uses and Supplementary Provisions by Dean seconded by Mangus. Roll call vote: Link-no; Boyd-no; Dean-no; Lyons-no, Zakrajsek-no; Mangus-yes. Motion did not carry as written. If someone wants to bring it forward in the future it can be rewritten, not right now.

3. **Fences:** Residential fences, commercial and agricultural. Does not apply to the village.

Dean: Residential to the west end of the village.

Mangus: Why does this not cover the village?

Meyers: It has not come up; chain link and stockade fences are not allowed if the fences are viewable from the road. As the ordinance is written it says not viewable from the street.

Dean: Is there a consensus that the village fence rules should be different than other places in the village?

Zakrajsek: What is good for one is good for all. Is there a special reason for a special area?

Meyers: Ordinance 8.15 still stands on its own.

Mangus: Comfortable with this the way it is written and apply them to the village.

Zakrajsek: What is the reason? We all see where the village is going. In a commercial district, they almost encourage a screening type fence between businesses and residences.

Meyers: We do not have the history of 1998, we have no definition. Mr. Snider brought it up at the February 15, meeting. We came up with a definition of fences. This was initially not intended to deal with the village. The village stands on its own with its own regulations.

Mangus: So we add village to the verbiage.

Link: Why doesn't the village fall in residential?

Meyers: They changed that back then. There are a lot of requirements.

Zakrajsek: Let's address this.

Mangus: Mr. Snider said he has fence panels available and I would like to let him put them up.

Zakrajsek: We are not looking at anyone person in particular. Some areas require screening.

SNIDER: I have a fence I could put it up and was told I could not. Wanted to privatize my yard. What is stockade fence? We need a definition. Stockade fence is a six foot vertical board. Legal reasons keep him from stating more information. It is a goofy thing, it doesn't make any sense. No one can come up with why it cannot be allowed. I could put a fence that is six feet tall, just not vertical.

Mangus: In the interest of time: Eliminate 8.15 G from the provision and add the word village to 37.61

Link: 4 feet from the front of the house.

Zakrajsek: In the village district where does the lot begin / end at the street.

Mangus: Make the same rules.

Dean: Make a 37.64 for village

Link: Agree

Mangus: Less than 6 feet.

Boyd: The old perception of a fence in a farm yard, was the intent back then to keep the "farm looking" fences out of the village. We need to add a section.

Mangus: Let's do this.

Dean: There is a provision for privacy.

Meyers: Will look at other villages and see what they have.

Mangus: Make a couple changes.

Boyd: When we are talking about whether it can be put up properly, says it will and doesn't happen. Don't see that it is going to happen, just an extension – with respect to Snider.

Dean: 20 residences in the village

Link: Why any different, except for the front of the house.

Dean: Get info on regulations of the village

Zakrajsek: We can accept the document and add village information next time. This will come back next month. Do it all at once. On hold.

4. Master Plan: Table.

Schedule a special meeting for March 21, 2012, will include 30 minute presentation by Cheryl Walton.

Continuing Education: None

Public Comment: Snider: appreciate your talking about his. To Arnell: whatever I do is my business not yours. I've done everything by the law. Showed your true colors tonight.

Motion to adjourn at 9:10 p.m. by Boyd , seconded by Mangus , MOTION CARRIED.

Tabled Items: Non-conformities; Permitted and Special Uses; Camp Site Plan Request; Essential Services