

PLANNING COMMISSION
Minutes for Regular Meeting of
January 8, 2014

PRESENT Dave Roesler, Tom Thompson, Jan Deur, William Josephson, Leslie Sprott, John Warner and Mark Dykhouse.

ALSO PRESENT Zoning Administrator Sandel, Recording Secretary Dion and 1 interested party.

CALL TO ORDER Chairperson Roesler called the January 8, 2014 meeting to order at 6:31 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA **Motion by Willie Josephson, second from John Warner, *ADOPTED*, to accept the January 8, 2014 meeting agenda as written.**
7 AYES

MINUTES **Motion by John Warner, second from Leslie Sprott, *ADOPTED*, to accept the December 4, 2013 meeting minutes as written.**
7 AYES

PUBLIC COMMENT

None

OLD BUSINESS

1. Reports from Sub-Committees

- Fences, walls, hedges, berms and screens language in Lakefront Districts

Commissioner Josephson stated the sub-committee met and afterwards he compiled the following list for discussion. After discussion he would like to set up a meeting with Attorney Even.

Setbacks

Propose that fences may not be placed within fifty (50) feet of the ordinary high water mark of White Lake and Duck Lake and within one hundred (100) feet of the bluff line of Lake Michigan. Propose fences across the water frontage (behind the designated setback) and road frontage (outside the right-of-way) may be up to four (4) feet high if they are of a chain link, split rail, or wrought iron design or up to three (3) feet high if of solid design.

Good Side Fencing and Location

Add language stating the good side of the fence must face abutting property owners and all fences shall be erected so as to locate visible supports and other structural components toward the subject property.

Propose fences, hedges and screens of plant material shall be erected or planted entirely within the owner's property unless erected jointly by written agreement on the property line by abutting property owners. The written agreement between abutting property owners shall specify the

responsibility for maintenance and the agreement shall be approved by the Zoning Administrator and placed on file with the Township.

Snow Fencing

Add language to allow temporary fencing, including the use of wood or plastic snow fences for the purpose of limiting snow drifting between October 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days. Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.

Swimming Pool Fences

Propose amendment to allow four (4) foot fences in Lakefront District rear yards to meet State of Michigan Requirements.

Lakefront Districts Rear Yard Height Requirement

Propose to allow six (6) foot high fence between off-set houses to midpoint or to the one hundred (100) foot setback.

Construction of Fence or Screens

Prohibit use of dead branches or other garden debris.

Clarify term 'Fence' to 'Boundary Fence' and amend definition of Hedges

Existing Definition for Hedge: "A close-set row of bushes, shrubs, or small trees, usually with their branches intermingled, forming a barrier contiguous to a boundary line."

Propose to eliminate 'small' in front of trees

Propose to add in definitions: "Any plantings forming a row more than 50% opaque is considered a hedge."

Would one hundred (100) foot setback eliminate hedges on Lakefront lots? (Research and discuss with attorney a reasonable percentage.

Just for a matter of discussion Commissioner Josephson stated (from the City of South Haven Zoning Ordinance): "A waterfront lot shall maintain the yard on the water side of the primary structure as an open un-obscured yard from the water's edge to the nearest wall of the primary structure."

During discussion some Commissioners expressed that the State has ruled there is no right to a view so we need to be sure and have Attorney Even review any proposed language. The question was asked if what was quoted from the City of South Haven Zoning Ordinance has been challenged. Chairperson Roesler stated we need to work towards a balance for all property owners. Possibly we could keep the three (3) foot requirement from the house to the one hundred (100) foot setback but it has to be see-through. It may also be helpful to see how fence is used in the current zoning ordinances. Recording Secretary Garvey will do a search and report to Commissioner Josephson. Consensus was to continue further discussion at the next meeting.

Motion by John Warner, second from Jan Deur, ADOPTED, to suspend rules and re-open Public Comment.

7 AYES

Jason Haywood, Signature Landscape LLC, stated he was here to speak on behalf of Joseph and Tanya Vandenbosch, homeowners, 2275 Scenic Drive, 61-06-160-000-0004-10, whom were denied a variance for the construction of a swimming pool and spa between the home and top of the bluff. The Lake Michigan Shoreline District required rear setback for all structures, buildings, and new construction above and below ground, including septic systems, is a minimum of one hundred (100) feet landward from the Ordinary High Water Mark of 580.5 IGLD 1985 or one hundred (100) feet landward of the bluff line, whichever is further landward. Mr. Haywood states most other areas separate out structure types, ie: recreational structure which may include play sets, pools, spas, outdoor kitchens, etc. which would be allowed between a dwelling and a lake. Because of this the Vandenbosch's are asking that the Planning Commission consider revising the existing Zoning Ordinances pertaining to pools. Mr. Haywood offered to help in any way that he could to help develop amended language.

Motion by Jan Deur, second from William Josephson, ADOPTED, to un-suspend rules and go back to regular session.

7 AYES

Consensus was to set up a sub-committee to review Swimming Pools in the Lake Districts. The sub-committee will be Commissioners Josephson, Thompson and Dykhouse.

- Zoning for Sylvan Beach

The sub-committee has not met yet. With it being winter time there are only a few Sylvan Beach residents around. Commissioner Sprott believes Alan Jackman will not be back until April. Consensus was to have the sub-committee reach out to the Sylvan Beach board to see if they want to appoint someone else to represent them or to wait for Mr. Jackman to return.

2. Discussion on Article III, General Provisions, Section 3.31 Average Setback Lines

- Intent
- Possible conflicts with Zoning District Site Development Standards regarding Streams, Creeks & Lakes.

Consensus of all Commissioners was to review these sections and be ready to discuss at the next meeting. Zoning Administrator Sandel said some clarification is necessary for some of the language.

ADJOURNMENT

Motion by Tom Thompson, second from Leslie Sprott, ADOPTED, to adjourn the January 8, 2014, regular meeting at 8:40 p.m.

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary