

PLANNING COMMISSION
Minutes for Regular Meeting of
November 4, 2021

AMENDED

PRESENT Commissioners Dave Roesler, Mike Holman, John Warner, John Gloster and William Josephson.

NOT PRESENT Maribeth Picard and Chad Kuipers, excused.

ALSO PRESENT Zoning Administrator Jensen, Recording Secretary Sally Dion and 2 interested parties.

CALL TO ORDER Chairperson Roesler called the November 4, 2021 meeting to order at 6:02 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA Motion by Commissioner **Holman**, second from Commissioner Warner, **ADOPTED**, to accept the agenda as written.

5 AYES
2 ABSENT

MINUTES Motion by Commissioner Josephson, second from Commissioner Warner, **ADOPTED**, to accept the September 2, 2021 Regular Meeting Minutes as written.

5 AYES
2 ABSENT

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to accept the September 30, 2021 Special Meeting Minutes as written.

5 AYES
2 ABSENT

PUBLIC COMMENT

- Jeff Marcinkowski, Supervisor, 3767 Jay Road, requested that a second Public Comment be added to the end of the agenda. He said sometimes those in attendance may have comment after something was discussed during the meeting.
- Dave Anderson, 1780 Duck Lake Road, wants to add to an existing Accessory Building, however, has been advised he already exceeds the maximum allowed, he asked what the chance of getting a variance is.

Chairperson Roesler explained a variance request goes to the Zoning Board of Appeals. He did advise the Planning Commission is reviewing the Accessory Building Ordinance, however, from what he has explained what he has already exceeds what they are proposing also.

OLD BUSINESS

1. Master Plan Review/Update

Motion by Commissioner Josephson, second from Commissioner Holman, **ADOPTED**, to set public hearing for December 2, 2021.

**5 AYES
2 ABSENT**

2. Accessory Buildings and Uses - Sizes

Chairperson Roesler advised that the sub-committee met with Planner Janis Johnson two times. They are hoping to have a document to discuss at the December meeting, then set public hearing.

NEW BUSINESS

Article III, General Provisions, Section 3.23 Non-conforming Buildings, Structures and Uses, (E.) Lots of Record, (4.) **Proposed Amendment**

4. In the Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Lake Michigan Shoreline (LMSD), Inland Lakes (ILD) and North Duck Lake Overlay (NDLOD) zoning districts, if two or more adjacent nonconforming vacant lots of record are held in common ownership, said lots shall be considered to be an undivided parcel for purposes of obtaining a zoning permit and shall be combined into a parcel (s) that has a lot width of at least 90 feet and a lot size of at least 50 percent of the minimum lot area required in the zoning district where the parcel (s) are located.

This was not allowed for all residential districts, thence, Zoning Administrator Jensen has had to deny a few applicants that had to request a variance. The Zoning Board of Appeals liaison to the Planning Commission, Commissioner Warner brought this to the Planning Commissions attention November of 2020. Unfortunately, with Covid, etc., it was never addressed. Proposed language is as follows:

4. In the ~~Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Lake Michigan Shoreline (LMSD), Inland Lakes (ILD) and North Duck Lake Overlay (NDLOD)~~ **residential** zoning districts, if two or more adjacent nonconforming vacant lots of record are held in common ownership, said lots shall be considered to be an undivided parcel for purposes of obtaining a zoning permit and shall be combined into a parcel (s) that has a lot width of at least 90 feet and a lot size of at least 50 percent of the minimum lot area required in the zoning district where the parcel (s) are located.

Consensus of Commissioners is this should be for all residential zoning districts.

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to set public hearing for December 2, 2021.

**5 AYES
2 ABSENT**

COMMISSIONERS COMMENTS

Chairperson Roesler stated he spoke with a friend who is familiar or in the know of what is going on with the Short-Term Rental Bill that was approved by the House and now is going to the Senate. Chairperson Roesler said he thinks all Commissioners should call and voice their opinion that they do not feel taking control from local Government is a good idea.

Commissioner Josephson talked about a Zoning Permit that was approved for an Accessory Building on a parcel that the Zoning Board of Appeals approved a Variance for the house to be at 29' from the Right-of-way. His opinion is the Accessory Building should have had to meet the 100' front yard setback. He was told by Zoning Administrator Jensen the Zoning Ordinance allows 5 days for appeal, however, that time has passed. He believes the appeal time should be increased.

Zoning Administrator Jensen stated that the Accessory Building met all requirements of the Zoning Ordinance and was therefore approved.

PUBLIC COMMENT

- Jeff Marcinkowski, Supervisor, 3767 Jay Road, stated, maybe the appeal time needs to be reviewed. He also concurred with Chairperson Roesler that the Short-term Rental Bill did pass the House and is moving onto the Senate. The Michigan Township Associate (MTA) is against it. Realtors are for it. It is going to be a battle. If it passes the Township Board will be looking at putting rental rules in place, including inspections, approvals from fire department, etc.

He also stated he believes side yard setbacks shouldn't change with the size of an Accessory Building.

PLANNING/ZONING UPDATES

None

ADJOURNMENT

Motion by Commissioner Holman, second from Commissioner Josephson, **ADOPTED**, to **ADJOURN**, the November 4, 2021 regular meeting at 7:10 p.m.

**5 AYES
2 ABSENT**

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland