

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**March 3, 2022**

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

**NOT PRESENT** Chad Kuipers, Maribeth Picard and John Gloster, excused.

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

**CALL TO ORDER** Chairperson Roesler called the March 3, 2022 meeting to order at 6:00 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.

**4 AYES**  
**3 ABSENT**

**MINUTES** Motion by Commissioner Josephson, second from Commissioner Warner, **ADOPTED**, to **ACCEPT** the February 3, 2022 Regular Meeting Minutes as written.

**4 AYES**  
**3 ABSENT**

**PUBLIC COMMENT**

None

**PUBLIC HEARINGS**

**1. ARTICLE III, GENERAL PROVISIONS, SECTION 3.08 ACCESSORY BUILDINGS AND USES**

A. Accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of such buildings and must conform to all regulations of this Ordinance applicable to such main buildings.

**B. In addition to the accessory buildings and structures permitted herein, each single-family and each two-family dwelling may provide one garage for use by the occupants of each dwelling unit. The garage may be attached to the dwelling or detached from the dwelling. The maximum size of such garage shall not exceed 1,000 square feet.**

**B-C.** On corner lots, accessory buildings or uses shall meet the site development standards for the zoning district in which the accessory building is located, **and according to the requirements of Section 2.13 Definitions-L.** In the case of double frontage lots, one street will **shall** be designated as the front **lot line** street for all lots, and accessory buildings or uses shall be located no nearer to the front street than the required front yard setback line. If there are existing structures in the same block fronting on one or more of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

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~~C.D.~~ An accessory building or use shall only be permitted on a lot which contains a principal use or main building.

~~D.E.~~ No part of a detached accessory building shall be used for independent living facilities for one or more persons. No accessory building shall include all the permanent provisions for living, sleeping, eating, cooking and bathroom **sanitary** facilities.

~~E.F.~~ Detached accessory buildings shall:

1. be located a minimum of ten (10) feet from any building on the lot, **as measured from the eaves of the accessory building, or any portions of the structure, whichever is closer;**
2. be placed at least two hundred (200) feet from the road right-of-way if located in the front yard, between the house and road in the RR, LDR, MDR, MHDR, and HDR Districts, **with the exception of double frontage lots as regulated by Section 3.08 C. herein.**

~~F.G.~~ Setbacks for detached accessory buildings shall be measured to the eaves of the building, **or any portion of the structure, whichever is closer.**

~~G.H.~~ Accessory building sizes, heights and setbacks.

1. The total area for all accessory buildings shall not exceed the maximum footprint areas, **including any cantilevered or open-sided lean-to**, noted below, **as required by Section 3.08 H. 2. herein**, except that in no case shall the total square footage of all accessory buildings exceed thirty-two hundred (3,200) square feet.
2. Maximum floor areas and heights (as measured from the ground to the highest point of the roof) and setbacks for buildings accessory to single and two-family dwellings:

MAXIMUM ACCESSORY BUILDING FOOTPRINT SIZE	
Parcel Size	Maximum Building Footprint Size
Less than 1.00 acre	<del>672</del> <b>1,200</b> square feet
1.00 to 1.99 acres	<del>888</del> <b>1,500</b> square feet
2.00 to 2.99 acres	<del>1,104</del> <b>1,800</b> square feet
3.00 to <del>3.99</del> <b>4.99</b> acres	<del>1,536</del> <b>2,100</b> square feet
4.00 to 4.99 acres	<del>1,968</del> square feet
5.00 to 9.99 acres	2,400 square feet
10.00 to <del>19.99</del> acres <b>and over</b>	<del>2,800</del> <b>3,200</b> square feet
<del>20 acres and over</del>	<del>3,200</del> square feet

MAXIMUM ACCESSORY BUILDING HEIGHT	
Building Footprint Size	Maximum Building Height
Less than <del>673</del> <b>2,400</b> square feet	<del>22</del> <b>24</b> feet
<del>673 to 1,103</del> square feet	24 feet
1,104 to 2,400 square feet	24 feet
<del>2,401</del> <b>2,400</b> to 3,200 square feet	35 feet

ACCESSORY BUILDING SIDE AND REAR YARD SETBACKS		
Building Footprint Size	Minimum Building Setback	
	Side	Rear
100 square feet or less	10 feet	5 feet
Less than <del>673</del> <b>1,200</b> square feet	10 feet	10 feet
<del>673</del> <b>1,200</b> to <del>1,104</del> <b>less than 1,500</b> square feet	15 feet	15 feet
<del>1,104</del> <b>1,500</b> to <del>2,400</del> <b>less than 2,400</b> square feet	25 feet	25 feet
<del>2,401</del> <b>2,400</b> to <del>2,800</del> <b>3,200</b> square feet	50 feet	50 feet
<del>2,801</del> to <del>3,200</del> square feet	<del>75 feet</del>	<del>75 feet</del>

3. The requirements for accessory buildings **and structures** in the **Lake Michigan Shoreline Overlay** District shall prevail.
4. **The requirements for accessory building and structures in the Waterfront Marine District shall prevail.**
5. **Accessory buildings and structures on lakefront lots shall be subject to the requirements of Section 3.31 herein.**
6. **The requirements for accessory buildings and structures in the Manufactured Home Park District shall prevail.**
7. **Requirements for accessory structures and uses for specific uses as regulated by Article XIV, Special Land Uses, shall prevail.**
- 4 8. Maximum floor areas and heights (as measured from the ground to the highest point of the roof) for buildings accessory to uses other than single and two-family dwellings:
  - a. Multiple-family developments: nine hundred (900) square feet **and 24 feet in height.**
  - b. Other uses in Nonresidential Districts and nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the ground floor area and the allowable height of the main building(s) for the district in which the use is located.

**H.I.** The architectural character of any accessory building shall be substantially compatible with that of the principal building **as determined by the zoning administrator.**

**SECTION 2.02 DEFINITIONS – A**

**ACCESSORY BUILDING**

A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. An independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the housing or storage of persons, animals or property, or carrying on business activities. When an accessory building is attached to a main building in

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a substantial manner, such as a common wall or roof, **enclosed breezeway, or a covered colonnade**, the accessory building shall be deemed to have been integrated into the main building and no longer considered an accessory building.

**PUBLIC HEARING OPEN 6:02 P.M.**

No public comment or correspondence.

**PUBLIC HEARING CLOSED 6:04 P.M.**

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to recommend approval to the Township Board of Trustees, the language as written above.

**4 AYES  
3 ABSENT**

**2. ARTICLE VIa LAKE MICHIGAN SHORELINE DISTRICT, SECTION 6.04a SITE DEVELOPMENT STANDARDS, 4. a).**

4. All structures and buildings installed or built (or expanded) within the Lake Michigan Shoreline Overlay District shall conform to the following standards related to the natural topography and vegetation of the bluffs and dunes.

- a) No structures or buildings shall be built or installed lakeward of the bluff line except for wooden stairs and platforms, **an elevator, incline lift, residential stairway lift, or residential platform lift** which provide beach access and comply with the requirements of Michigan Law, **The Elevator Safety Board** and the Department of Environmental Quality (DEQ). All such Items (including stairs and platforms, **an elevator, incline lift, residential stairway lift, or residential platform lift**) shall be approved by the Zoning Administrator. **For the purposes of this section the term elevator and lifts are used as defined by the Michigan Elevator Safety Board under Act 227 of 1967, as amended.**

**PUBLIC HEARING OPEN 6:06 P.M.**

No public comment or correspondence.

**PUBLIC HEARING CLOSED 6:08 P.M.**

Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to recommend approval to the Township Board of Trustees, the language as written above.

**4 AYES  
3 ABSENT**

3. ARTICLE VIIIa INLAND LAKES DISTRICT, SECTION 8.02a SITE DEVELOPMENT STANDARDS, 11.

11. No structures or buildings shall be built or installed lakeward of the bluff line except for wooden stairs and platforms, **an elevator, incline lift, residential stairway lift, or residential platform lift** which provide beach access and comply with the requirements of Michigan Law, **the Elevator Safety Board** and the Department of Environmental Quality (DEQ). All such Items (including stairs and platforms, **an elevator, incline lift, residential stairway lift, or residential platform lift**) shall be approved by the Zoning Administrator. **For the purposes of this section the terms elevator and lifts are used as defined by the Michigan Elevator Safety Board under Act 227 of 1967, as amended.**

**PUBLIC HEARING OPEN 6:09 P.M.**

1. Frank Bednarek, 6024 Duck Lake Road, thanks Commissioners for the proposed language to allow an elevator, incline lift, residential stairway lift or residential platform lift to provide beach access.

**PUBLIC HEARING CLOSED 6:10 P.M.**

Motion by Commissioner Josephson, second from Commissioner Holman, **ADOPTED**, to recommend approval to the Township Board of Trustees, the language as written above.

**4 AYES  
3 ABSENT**

**PLANNING/ZONING UPDATES**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to **ADJOURN**, the March 3, 2022 regular meeting at 6:20 p.m.

**4 AYES  
3 ABSENT**

Respectfully Submitted,

Sally Dion, Recording Secretary  
Township of Fruitland