

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**January 11, 2024**

**PRESENT** Commissioners Dave Roesler, John Warner, Paul Josephson, Chris Campeau, and Brian Butler.

**NOT PRESENT** John Gloster and Mike Holman.

**ALSO PRESENT** Zoning Administrator Jensen, Recording Secretary Sally Dion and 4 interested parties.

**CALL TO ORDER** Chairperson Roesler called the January 11, 2024 to order at 6:00 p.m.

**AGENDA** Motion by Chairperson Roesler, second from Commissioner Warner, to **AMEND**, by adding #2. under New Business – Lower square footage and living quarters above the garage as primary residences and **ACCEPT**, the agenda as amended.

**5 AYES**  
**2 ABSENT**

**MINUTES** Motion by Commissioner Warner, second from Commissioner Campeau, **ADOPTED**, to accept the October 5, 2023 Regular Meeting Minutes as written.

**5 AYES**  
**2 ABSENT**

**PUBLIC COMMENT**

1. Jeff Marcinkowski (Township Supervisor), 3767 Jay Road, stated he had some things he would like to suggest the Planning Commissioners review. He said Lori Lundell is a Township Trustee and owner of Lundell Farms and she came to him stating confusion on the Agricultural Overlay. If you have Agricultural Overlay over your property, what can you do? If you don't have the overlay, you can basically do the same things, or at least that is her conception or misconception. If you have the Right to Farm Act and you own 20 acres and no overlay, can you do blueberries? He stated that he and Lori have met regarding Agriculture, just the two of them and a have also met with MSU Extension trying to sort out what things are conflicting then wants to bring what they find to the Planning Commission for review. If anyone would like to join call Jeff. How is a Bed and Breakfast different than short term rental? He requested they think again about White Lake Drive and establishing business/commercial for certain areas, all utilities are across the road. He stated the owners of the large red barn on the corner of White Lake Drive and Simonelli would like to use it as a community center. He believes the vacant large parcel on the corner of White Lake Drive and Zellar Road would be a great place for development, either homes or commercial.

Chairperson Roesler made motion to suspend Roberts Rules of Order. He explained the difference between a Bed and Breakfast and short-term rental, the owner of the Bed and Breakfast is on site and a short-term rental owner puts the property in someone else's hands.

Commissioner Butler asks why the Planning Commission was not addressed and a sub-committee formed. Jeff responded that anyone can review ordinances; you do not need permission.

Commissioner Warner made motion to return back to regular session.

2. Tom and Katy Bradford, 3775 White Lake Drive, asked who is able to give them guidance to restore their barn for community use as it used to be. They would like to know how they can fall within the ordinance. In 1947 it was highly publicized for public use, dances, etc.

Chairperson Roesler made motion to suspend Roberts Rules of Order. He explained if the barn had continued to operate it would be a grandfathered use, however, because the use stopped it is no longer something allowed by either Use by Right or Use by Special Land Use.

Commissioner Bulter asked about if the Board of Zoning Appeals could grant a variance. Both Chairperson Roesler and Commissioner Warner advised, no, they do not grant use variances.

Katy asked about a Bed and Breakfast with a large gathering area. Chairperson Roesler explained that is not something the Planning Commission can help with. She would need to seek a consultant.

Commissioner Warner made motion to return back to regular session.

## **NEW BUSINESS**

1. Maximum Accessory Building Footprint Size, Building Height and Minimum Square Footage for Homes.

Supervisor Marcinkowski stated an increase in Accessory Buildings was brought to the commission by him approximately two years ago. At that time the sizes were increased for smaller parcels. He would like the Planning Commission to review again and consider increasing sizes for larger parcels.

Chairperson Roesler stated the sizes for smaller parcels were increased because those parcels could not have something big enough to store all “toys” in. He reviewed surrounding townships and found that our biggest is on the high end around the townships near here. The number one concern for Accessory Buildings over 3,200 sq. ft. is it becomes used as storage for pay. He believes Accessory Buildings for Agricultural (Bona-fide farms) should be reviewed.

Supervisor Marcinkowski asks if the maximum height for a home is 35 feet why can't it be that high for Accessory Buildings.

Chairperson Roesler stated it has to do with aesthetics, there has to be a balance, otherwise you could have a 1,200 sq. ft. building being 35 feet high. He went on to say that a consultant was used when revising the Accessory Building language and this is what was suggested by them. We already have 35 feet high for larger buildings.

Supervisor Marcinkowski stated he would like the minimum square footage of 1,120 sq. ft. reviewed. He believes we need smaller homes for singles, newly married or the retired. He recommends the minimum square foot be 960 sq. ft.

He went on to advise that in 2002 the minimum square footage was put on a ballot for a vote of the people. That vote indicated minimum square footage of 1,120 sq. ft. minimum versus 960 sq. ft. He will follow up with Attorney Even to find out if this must go back to a vote of the people or if the Planning Commission can revise if they would desire to.

A question of solar panels mounted on the ground being considered as Accessory Building and Uses has recently came up. According to Zoning Administrator Jensen per the definition of Accessory Building he has considered the solar panels mounted on the ground as such, he has his first one that it would exceed

the maximum Accessory Building and Use size requirements. Chairperson Roesler stated he thinks it would be a good idea for the Commission to take a look at the language in the ordinance and determine if ground mounted solar structures should be considered as accessory buildings or if the ordinance needs to be updated.

2. Lower square footage and living quarters above the garage as primary residences – Scott Erdman 5401 South Shore Drive and Tim Mahanna 914 Lakeview.

The trend is going smaller, people wanting smaller residences, garage underneath with living space up top. Tim Mahanna would like to build a house on the parcel he bought on South Shore Drive, however, our existing ordinance prohibits his design citing definitions of first and second story. Zoning Administrator Jensen asked Tim to stop in and discuss with him.

### **OLD BUSINESS**

1. Solar Farm Ordinance

Attorney Even stated a petition is taking place to give authority back to local entities, suggests holding off, until he has a better idea of what is happening. Table and take off agenda until later time.

2. Grade – Definition

Attorney Even advised Chairperson Roesler he will get something soon.

3. Electric car charging stations

Chairperson Roesler suggested making these a Special Land Use so it has requirements.

### **PLANNING/ZONING UPDATE**

None

### **COMMISSIONER COMMENTS**

Commissioner Butler stated he would like an email sent to all Commissioners with update on all things being discussed with Attorney Even and asked why we are not meeting every month. Chairperson Roesler stated you have to be careful with emails sent to all members of the commission. They tend to lend themselves to responses/discussion back and forth and become violations of the open meeting act. When he consults with Attorney Even, reference items before the Planning Commission, he reports on those discussion during open meetings. As the Chair of the Planning Commission, he is authorized to contact and talk with the attorney, other members of the Commission are not granted that authority. He also stated we always hold scheduled meeting if there are official agenda items that applicants or the staff need action on by the Commission in order to move forward with a process. Adding that even special meetings have been approved to help move items when needed. Old business items pending, with no new information, and no new business requiring action, don't warrant a meeting for the sake of meeting. Keeping in mind how important time is for members of the staff and Commissioners.

Commissioner Campeau said when discussing accessory buildings, he not sure he wants to change setbacks, want to look at closely.

Zoning Administrator Jensen stated it has been a very busy year, he has received 109 Zoning Compliance Applications.

**PUBLIC COMMENT**

1. Scott Erdman shared he has been working with solar developers in Whitehall Township, said Michigan State has a pretty good ordinance.
2. Jeff Marcinkowski, Supervisor, said the owner of the Red Rooster has purchased the house on the corner of Whitehall Road and Riley Thompson, located in the Neighborhood Commercial District, he is looking at possibly installing charging stations, but only if Fruitland Township will allow them outdoor seating at the Red Rooster.

**ADJOURMENT**

Motion by Commissioner Warner, second from Commissioner Butler, ***ADOPTED***, to adjourn the January 11, 2024 rescheduled regular meeting at 7:35 p.m.

**5 AYES  
2 ABSENT**

Respectfully Submitted,

Sally Dion, Recording Secretary  
Township of Fruitland