

PLANNING COMMISSION
Minutes for Regular Meeting of
September 5, 2024

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

NOT PRESENT Commissioners John Gloster and Mike Holman.

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

CALL TO ORDER Chairperson Roesler called the September 5, 2024 meeting to order at 6:00 p.m.

AGENDA Motion by Commissioner Warner second from Commissioner Butler, **ADOPTED** to accept the September 5, 2024 agenda as written.

5 AYES
2 ABSENT

MINUTES Motion by Commissioner Warner, second from Commissioner Campeau, **ADOPTED**, to accept the July 11, 2024 Regular Re-Scheduled Meeting Minutes as written.

5 AYES
2 ABSENT

PUBLIC COMMENT

None

OLD BUSINESS

1. Electric car charging stations

No update per Chairperson Roesler.

2. Solar structures as accessory structures

Chairperson Roesler explained he had not heard from Attorney Even until just before coming to the meeting, he has been traveling in Europe, however, said he would review and get something to him.

Commissioner Butler asked if after we get it from Attorney Even and review does it have to go back to him again.

Chairperson Roesler stated probably not as the intent shouldn't be changed.

Commissioner Butler asked if we could give a timeline when we expect to have this adopted. We have an applicant; Mark Grotenhuis, the citizen who was on the sub-committee. Chairperson Roesler advised we can schedule a public hearing after we get language from Attorney Even. If we review language from Attorney Even at the October meeting hopefully, we can hold a public hearing at the November meeting.

NEW BUSINESS

1. Public Act of 2023

Chairperson Roesler references the MTA document that was emailed to them regarding Public Act of 2023 which goes into effect November 29, 2024, township and other local units of government are generally preempted from siting control for certain utility-scale renewable energy facilities-solar, wind and energy storage (battery) facilities, however, with adoption of an Ordinance it allows the township the chance to intervene, costs, etc., performance bonds. He asked that Commissioners review the proposed ordinance for discussion and he will discuss with Attorney Even as well.

PLANNING/ZONING UPDATE

Commissioner Warner advised there have been no variance applications for the Board of Zoning Appeals.

Recording Secretary Dion advised the Board of Zoning Appeals has not had an application since August 2023.

Zoning Administrator Jensen requests Article III, General Provisions, Section 3.23 Non-conforming Building, Structures and Uses as written be reviewed as he feels the last paragraph is contradicting and why isn't it numbered?

B. Expansion and Substitution of Nonconforming Buildings or Structures.

Non-Conforming buildings and structures may be maintained and repaired to be kept in sound condition and may be restored or rebuilt provided they meet one of the following four (4) requirements:

1. Meet all site development standards of that zoning district thereby eliminating the non-conformity.
2. On lakefront properties if the side and rear setbacks are met expansion or enlargement shall comply with the setback and height requirements and all other applicable requirements of that zoning district.
3. On lakefront properties if the side or rear setbacks are not met then only that portion which meets the setback requirements may be expanded or enlarged up to 50% of the gross floor area as it existed as of January 1, 2012. Any such expansion or enlargement shall comply with the setback and height requirements and all other applicable requirements of that zoning district.
4. On non-lakefront properties buildings and structures may be maintained, repaired, expanded or rebuilt on the existing footprint but may not be expanded or rebuilt into any setback requirement beyond the original height or location other than the front setback may be expanded along the line of the existing structure as long as the side yard setback of the zoning districts are maintained.

A topographical survey prepared by a licensed surveyor shall be required for all lakefront non-conforming structures to assure proper existing grade elevations and placement. Restoration or rebuilding is permitted whether the non-conforming building or structure is damaged by fire, wind, act of God, or other casualty or is demolished and regardless of the cost of such rebuilding

or restoration. A building permit shall be obtained within one (1) year of loss, or else restoration or rebuilding shall not be permitted as described above.

Chairperson Roesler stated he would like to look at revisions done in the past to see when this language was added to see if he would have a better understanding of why and how it might be written different.

Zoning Administrator Jensen went on to say he also has an application to demolish and rebuild a second home on a parcel in the Lake Michigan Shoreline District. Because the zoning ordinance only allows one single family dwelling, he is using Article III, General Provisions (B) Expansion and Substitution of Nonconforming Buildings or Structures B and the last paragraph starting needing a topographical survey prepared by a licensed surveyor shall be required for all lakefront non-conforming structures

He also stated that under the Lake Michigan Shoreline District under Permitted by Use it lists Single Family Dwellings, which Zoning Administrator Jensen said he would mean more than one is allowed.

Chairperson Roesler stated he doesn't believe that is the context it was meant; however, it can be reviewed.

COMMISSIONER COMMENTS

None

PUBLIC COMMENT

None

ADJOURMENT

Motion by Commissioner Warner, second from Commissioner Butler, **ADOPTED**, to adjourn the September 5, 2024 regular meeting at 6:45 p.m.

5 AYES

2 ABSENT

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland