

PLANNING COMMISSION
Minutes for Regular Meeting of
March 2, 2017

PRESENT Commissioners Dave Roesler, Tom Thompson, Leslie Sprott, Ina Ray, John Warner, William Josephson and Mike Holman.

ALSO PRESENT Zoning Administrator Jensen, Recording Secretary Sally Dion and 0 interested parties.

CALL TO ORDER Chairperson Roesler called the March 2, 2017 meeting to order at 6:30 p.m. and led those in attendance in the Pledge of Allegiance.

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

7 AYES

MINUTES Motion by Chairperson Roesler, second from Commissioner Sprott, **ADOPTED**, to amend the December 1, 2016 meeting minutes (page 5, 6th paragraph, 3rd sentence, (commission's task is to review if criteria ~~meet or not to~~ **are met then we must** grant the request) and accept as amended.

7 AYES

PUBLIC COMMENT – None

PUBLIC HEARING

Parcel number 61-06-013-100-0008-00, 5333 Scenic Drive, Applicant William Josephson on behalf of owner Dennis Hughes DBA White Duck Market, requests Site Plan Review according to Article XV Site Plan Review, to construct an addition to existing building for storage in the Neighborhood Commercial District.

Commissioner Josephson recused himself.

PUBLIC HEARING OPEN 6:37 P.M.

William Josephson was here on behalf of Dennis Hughes to present the proposed plan and answer questions.

The proposal is for two additions to be used as storage. At this time the back of the market is storage with a cement floor. With the additions he could extend his aisles. The plan is to leave the large walk in cooler where it is.

Commissioner Holman asks if there will be exits on the back addition, if yes, where and how many?

William Josephson advised there will be one new door. Keith Heidelberg from White Lake Fire Authority already advised this information will be needed on the Building Plans which they will review.

Commissioner Thompson asked about deliveries, can they be made at the new door. Now they have to bring everything through the entire store. He also had concerns about new lighting and if there is to be any it needs to be directed downward.

Commissioner Sprott asked how far the building will be on the South side of the property. It has to be 50 feet because it abuts a residential zone. They need to keep that in mind when moving the shed also.

Commissioner Holman asked about fire suppression.

William Josephson answered the existing structure does not have it.

Chairperson Roesler advised this is not a zoning issue; those things will be addressed in the Building Permit process.

CORRESPONDENCE

None.

ZONING ADMINISTRATOR COMMENTS

Zoning Administrator Jensen prepared a summary document that addressed the review standards contained in the ordinance and all the applicable standards were documented as being met. This was sent to all commissioners in their packet. He explained the south setback as he measured is 100 feet. The building height was not noted, however, it was stated it is not going to be higher than the existing building and the ordinance allows maximum of 44 feet. As for the other entities required to be notified the only one impacted is the White Lake Fire Authority and they are working with the applicant.

PUBLIC COMMENT

None.

PUBLIC HEARING CLOSED 6:54 P.M.

Consensus was the project as proposed does not affect the Health, Safety or Welfare as it is not adversely changing the area or impacting traffic.

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to **APPROVE**, the site plan as submitted.

6 AYES

OLD BUSINESS

Subcommittee Report – Fences, Walls, Hedges, Berms and Screens (Commissioners Sprott, Warner and Josephson)

- **Article I, Title and Purpose** – Section 1.02 Purpose (J.) (**amend**)
- **Article II, Definitions** – Section 2.22 Definitions –W (**amend to add definition**)
- **Article III, General Provisions** – Section 3.11 Fences, Wall, Hedges, Berms and Screens (A.) (**amend**)
- **Article VIa, Lake Michigan Shoreline District** – Section 6.04a Site Development Standards (7.) (**amend**)
- **Article VIIa, Inland Lakes District** – Section 8.02a Site Development Standards (3.) (**amend**)
- **Article VIIIb, North Duck Lake Overlay District** – Section 8.02b Limitations on Construction (2.) (**amend**)
- Strike diagram from 6.04a (7.), 8.02a (3.) and 8.02b (2.) (**amend**)

Commissioner Sprott advised the most recent changes were to lakefront properties only. Consensus was to send the following language to Attorney Even for review and set public hearing.

ARTICLE I TITLE AND PURPOSE

SECTION 1.02 PURPOSE

- J. to protect and ~~conserve natural recreational areas~~ preserve the natural features and views of our lands and waters;

ARTICLE II DEFINITIONS

SECTION 2.22 DEFINITIONS – W

WALL

An upright structure of masonry, wood or other building materials serving to enclose, divide, or protect an area.

ARTICLE III GENERAL PROVISIONS

SECTION 3.11 FENCES, WALLS, HEDGES, BERMS AND SCREENS

- A. Notwithstanding other provisions of this ordinance, fences, walls, hedges, berms and screens may be permitted with a zoning permit ~~in any yard or along the edge~~ within the setback of any yard provided that no fences, walls, hedges, berms or screens shall be over six (6) feet in height if erected in back of the required front set back line, or the rear of

the house whichever is closest, and any fences, walls, hedges, berms or screens erected between the required front yard setback line *or the rear of the house whichever is closest*, and up to the street right-of-way, shall **must** not be in excess of four (4) feet. For lakefront lots see additional restrictions in the Lake Michigan Shoreline District, Inland Lakes District and North Duck Lake Overlay District.

In the Critical Dunes and High Risk Erosion areas, any fences, berms and walls built, and any vegetative planting and/or removal, must comply with DEQ regulations.

For lakefront lots in the Lake Michigan Shoreline District, the Inland Lakes District, and the North Duck Lake Overlay District, no fence, wall, hedge, berm, or screen shall be higher than three (3) feet in height between the shoreline and the lakeside of the home as measured perpendicular to the side lot line nearest the lakeside. On Lakefront lots that have no principal building the height of a fence, wall, hedge, berm or screen may not exceed three (3) feet. Fences in lakefront lots may be permitted with a zoning permit within the side setback of any yard provided that such fences meet the following:

- 1. Such fences must be for the purpose of delineation of property lines, not for the intent of obscuring vision or blocking out of natural light.*
- 2. Such fences must be of man-made material or wood, and must be intended for permanent installation.*
- 3. Such fences must have a maximum height of three (3) feet above the average ground surface between adjacent fence posts at all points along their length.*
- 4. Such fences must be a minimum 50% open space through which light can penetrate, for example: cyclone fence, lattice, picket or split-rail.*
- 5. Fence materials such as plastic snow fence or wood/twisted wire snow fences intended as temporary fences are not acceptable for permanent installation.*
- 6. A property owner must not intentionally plant, nor cause to be planted, within the side yard setback area, any vegetative material (whether dead or alive) exceeding three (3) feet in height, or which would reasonably be expected to grow to over three (3) feet in height.*

ARTICLE VIa

LAKE MICHIGAN SHORELINE DISTRICT

SECTION 6.04a SITE DEVELOPMENT STANDARDS

- ~~7. On lakefront lots, no fence, wall, hedge, berm, or screen shall be higher than three (3) feet in height between the shoreline and the lakeside of the home as measured perpendicular to the side lot line nearest the lakeside. On lakefront lots that have no principal building the height of a fence, wall, hedge, berm or screen may not exceed three (3) feet.~~

**ARTICLE VIIIa
INLAND LAKES DISTRICT**

SECTION 8.02a SITE DEVELOPMENT STANDARDS

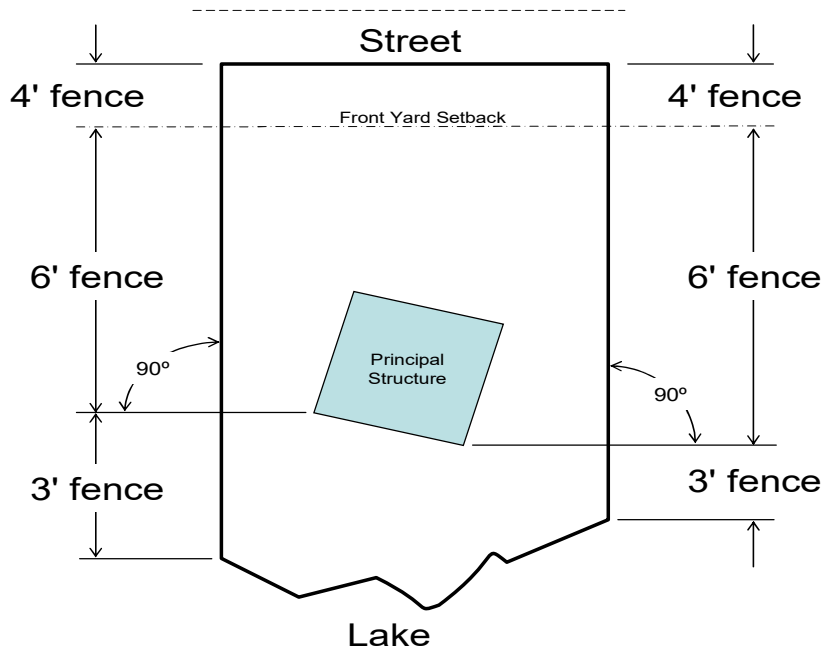
3. ~~On lakefront lots, no fence, wall, hedge, berm, or screen shall be higher than three (3) feet in height between the shoreline and the lakeside of the home as measured perpendicular to the side lot line nearest the lakeside. On lakefront lots that have no principal building the height of a fence, wall, hedge, berm or screen may not exceed three (3) feet.~~

**ARTICLE VIIIb
NORTH DUCK LAKE OVERLAY DISTRICT**

SECTION 8.02b NORTH DUCK LAKE OVERLAY DISTRICT

2. ~~On lakefront lots, no fence, wall, hedge, berm, or screen shall be higher than three (3) feet in height between the shoreline and the lakeside of the home as measured perpendicular to the side lot line nearest the lakeside. On lakefront lots that have no principal building the height of a fence, wall, hedge, berm or screen may not exceed three (3) feet.~~

Strike the following diagram from 6.04a (7.), 8.02a (3.) and 8.02b (2.)



Motion by Commissioner Josephson, second from Commissioner Sprott, **ADOPTED**, to set public hearing for April on the articles and sections as listed above.

7 AYES

PLANNING/ZONING UPDATE

Commissioner Warner advises the Zoning Board of Appeals has met the last two months. The last meeting was for interpretation of the following:

Article III, Section 3.31 Average Setback Lines

- D. Rear (Shoreline). For parcels on White Lake and Duck Lake if there are existing principal buildings on adjacent lots within two hundred (200) feet on each side of a proposed building location, a proposed building or structure may be located the same distance from the ordinary high water mark as the average distance from the principal nearest building located within two hundred (200) feet on each side from the proposed structure. If there is a vacant waterfront lot within two hundred (200) feet, the one hundred (100) foot setback shall be used for averaging.

The following is the proposed language he put together for discussion which should make it less inconsistent and confusing.

- D. Rear (Shoreline). For parcels on White Lake and Duck Lake if there are existing principal buildings on adjacent lots within two hundred (200) feet on each side of a proposed building location, a proposed building or structure ~~may~~ **must** be located **no closer to** ~~the same distance from~~ the ordinary high water mark as **than** the average distance from **the ordinary high water mark of** the **nearest** principal ~~nearest buildings~~ located within two hundred (200) feet on each side from the proposed structure. If there is a vacant waterfront lot within two hundred (200) feet, the one hundred (100) foot setback shall be used for averaging.

Commissioner Josephson stated interpretation was requested on the language as written above and the Zoning Board of Appeals concurred with Zoning Administrator Jensen's denial of the proposed house not using setback averaging. He continued to say he believes averaging is what causes creeping. With the proposed house having to be built using averaging that would allow the neighbors to be able to build 40 feet in front closer to the lake than the new one.

The language as proposed will be sent to Attorney Even for review and comment.

Chairperson Roesler stated he would be sending something via email regarding the use of barns for weddings. This is the new big thing and our zoning language needs to be reviewed for how we might handle something like this.

ADJOURNMENT

Motion by Commissioner Josephson, second from Commissioner Warner, ***ADOPTED***, to ***ADJOURN*** the March 2, 2017 regular meeting at 7:40 p.m.

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland