

Planning Commission

Branch County, Michigan
Ovid Township Hall Mobile Office
Meeting Minutes

August 1, 2017

The **Ovid Township Planning Commission** met on Tuesday, August 1, 2017 at the Ovid Township Hall mobile office. Chairman Andy AcMoody opened the meeting at 7:30 PM

Members Present: Andy AcMoody, Chris Donbrock, Ron Sampsel, Sean Groves and Cheryl Downs

Others Present: Dawn Musson, Jack Musson, Jason ?, Pauletta Teachout, Donna Brewster, Ken Brewster, Ken Farland, Bob Buescher, Rhonda Pebernat, Sam Witt, Kay Witt, Hugh Hansel, Dennis Babjack, Christine Forrister, and Russ Jennings

Approval of Agenda: Sampsel made a motion to approve the agenda with addition of number 5—Sam Witt 242 E. Rose Road---land split under new business. Motion was supported by Groves. MOTION CARRIED.

Approval of Minutes: Donbrock moved to approve the meeting minutes from the June 6, 2017 meeting with a change of the word “correction” to “clarification” when discussing the changes to April minutes. Supported by Downs. MOTION CARRIED.

Old Business:

1. Red Channel Dr. Land Division proposal by Attorney Charles Bappert
No changes

New Business:

1. Rhonda Pebernat future intentions for property at 169 Behnke Rd. property zoned agriculture being used as commercial
Pebernat electric is in the process of closing
Tungsten Crossfit is not a for profit business – “group of friends working out together and chipping in funds for utilities” – would like to keep the operation going, not for public use, only “by invitation”- used to be operated under a membership structure; no longer conducted that way. Operation does need to have an online presence in order to use the name “Crossfit” – there is a cost affiliated with the franchise name, but that membership will be expiring.
Groves made a statement explaining that if there’s an appearance of a business and funds are being exchanged it’s a business whether it’s profitable or not.
Friends “donating” funds to help her cover utilities is walking a fine line between friends working out together and a business.
Downs made a motion to discuss with consultant or attorney. AcMoody supports. MOTION CARRIED.

2. Contractors, Bob Buescher, Jack Musson, Brad Beck. Review of zoning requirements and contractors concerns. Review of requirement for patios 9 inch above existing grade. Bob Buescher has concerns about lot coverage: Difficulty complying with 40% ordinance. Streets split lots, lots are small in Ovid Township, and no other Michigan townships enforce the permeable lot law. Completely restricts what people can do with their property, but there are also so many properties that are not in compliance with this ordinance. What will happen when people tear down and rebuild? They will be limited. Is the coverage ordinance about drainage or why does it even exist? Musson commented that the drainage issues can be solved, regardless of lot coverage. Groves agrees. Buescher wonders why just in the last few years it's become an issue. Ron states that this ordinance came as a recommendation from the township consultant and initially it was due to run off. Groves asked if the ordinance was breached what would be a more realistic number for coverage? Over routinely, 35% building, 50% permeable lot coverage would work better Sampsel's concern is fire and safety, too much coverage creates closer properties Side yard setbacks help solve that concern Groves opinion is that 50% is a logical number to work with. Buescher stated that in Steuben County the lot coverage is set at 50% ZBA in last 3 years has been strict on 40% ordinance Donbrock wants to make a statement about the drainage, it isn't necessarily the water drainage but the runoff from drainage

Russ wants contractor's interpretation of the grade level ordinance (See ordinance)
Confusing language with "existing" and "surrounding" grade level potentially meaning different grade levels
Example: Grade would start at the patio door, but if patio is poured on a downhill slope
Beuscher commented that there's no way to make an ordinance to solve all issues
It's an issue of existing grade vs. finished grade
Musson feels the context and intention of this is so that you don't build a monster patio that blocks the view of neighbors.
AcMoody clarifies that 9" is in the ordinance to decide if you need a permit to build it or not.

If a property is legal non-conforming how do you determine "existing" grade when you go in to remodel or design?
It's a verbiage issue. It should read "finished" grade through the ordinance. Not the "existing" grade.

3. Review proposed land split for Dennis Babjack, 539 Lake Dr. Possible shared driveways Under 2 acres – proposing to split but unsure of zoning The new width of the lot would be about 68 ft x 220 ft which exceeds the 3 to 1, so he does need a variance if it gets approved, but Russ says he's not sure until he gets an official survey. Russ questions whether that lot is entirely in water front residential. What's the goal of splitting the lot? To make it residential to build a garage on it Yes – zoned to split
4. Cypress Creek Renewables looking at properties for solar farms

Jennings receiving several phone calls regarding solar farms (100-300 acres)

There's nothing in Ovid's ordinance. Jennings suggested to create an renewable energy ordinance. If it's not specifically in an ordinance these groups can pretty much come out and do what they want.

Groves made a motion to deliver the concern to the township board and discuss moving forward and potentially putting an ordinance into motion. Donbrock supports. MOTION CARRIED.

5. Potential land purchase split – Sam Witt (Rose Lake)

Splitting off 5 acres from neighbor behind and add to his lots to make more room to accommodate a septic tank. By state law you cannot combine platted lots with metes and bounds property. You still can "lease" the 5 acres and tie them into properties as they sit currently, they just cannot legally be combined.

An attorney is a better person to clarify the lease mechanism option

Zoning Administrator Report: Russ delivered the zoning report
June and July reports delivered

Public Comment:

Beuscher was contacted by Steve Sullivan about Lake Dr. – trying to take two legal lots and build two houses on them but because the lots are less than 60 ft wide there are limitations Neighbor is concerned about drainage and L. Omo on township board wanted more information about a water solution. This decision needs to go back to the ZBA. Date pending because Jennings is waiting for Sullivan's attorney to clarify with the exact survey of the property, and what the plan is as far as drainage, and lot size concerns.

Next meeting is Tuesday, September 5th at 7:30

Adjournment: Sampsel made a motion to adjourn the meeting. Motion was supported by Donbrock. MOTION CARRIED. Meeting adjourned at 9:08 p.m.

Respectfully submitted by: Cheryl Downs, Secretary

Recorded by: Samantha Pickering, Ovid Township Recording Clerk