

Ovid Township Planning Commission

Branch County, Michigan
Kinderhook Township Hall – 381 S. Angola Rd.

Meeting Minutes

April 4, 2017

The **Ovid Township Planning Commission** met on Tuesday, April 4, 2017 at the Kinderhook Township Hall. Chairman Andy AcMoody opened the meeting at 7:30 PM

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

Members Absent: Sean Groves

Others Present: Don Helberg, Charles Bappert, Rod Derrow, Officer Holt, Greg Gemmill, Chris Forrister and Russ Jennings

Approval of Agenda: Sampsel added under new business line #2 review costs and fines of Zoning Permit Fees and made a motion that the agenda be approved as submitted with addition. Motion was supported by Donbrock. MOTION CARRIED.

Approval of Minutes: Donbrock moved to approve the meeting minutes as presented from the February 7, 2017 meeting. Supported by AcMoody . MOTION CARRIED.

Old Business: none

New Business:

1. Attorney, Charles Bappert requesting to allow platted lot adjacent to meets and bounds lot to be combined as a deed restriction.

Apologized under the impression that he had the authority to do that and was not aware of the state ordinance he was impeding on but realizes his oversight.

Division does not include a property transfer between 2 or more adjacent parcels

State definition of a division covers him

This does not qualify as a split if he's combining adjacent lots

Russ states that the lot does not have 1 or more acres so it's not a conforming lot for the split. If

you have a platted lot you cannot add a leaps and bounds lot.

Deed it back, start over, get permission, and have parties agree to new deeds with permanent restricted covenant conjoining of those parcels once split using correct steps

Russ does not have the authority to approve those steps so Bappert addressed the planning commission and asked them to address the board to approve the adjustments in this process and move forward with the changes to create a more law abiding split.

These types of deeds are done frequently to protect people with sewage systems on conjoining lots.

Not suggesting to combine the lots but to deed restrict them together permanently.

Undo illegal split, deed restrict lots to accommodate buyers and sellers with non-conforming lot, creating a variance, and then redoing the deed. With restriction with a condition that if sewage did come in that it could become a buildable lot

Subdivision lot ordinances were to protect from tiny lots with trailers or small unmatched homes in area this wouldn't affect the purpose of this

Russ suggested getting a second opinion from the townships lawyer

AcMoody doesn't disagree with the new combination of the parcels just wants to make this process legal and correct to protect property owners.

Deed will help with property tax issues

Want to correct the situation to set a precedent in the future to get these splits done correctly

AcMoody suggests Bappert creates a memo to forward to townships attorney to see what solution they can come up with for a legal lot split and sale.

2. Review of Permit costs and fines

Zoning fees established in Feb. 2006 – review and recommend to the board

Land Split Cost

Fines should be more than 2 times the cost according to Russ

4 xs in Alganssee – but permits are less there too

Sampsel made a motion to increase the violation fines to 3 xs the cost amount. Downs supported.

Motion CARRIED

Sampsel made a motion to increase the cost of land splits to \$50. AcMoody supports. MOTION CARRIED

Sampsel made a motion to add under variance costs PUDs and PUDs amendments to have the board resolve, so if PUDs need amending there will be a fee attached. AcMoody supports. MOTION CARRIED.

Sampsel made a motion to recommend these changes to costs and fines to the board. AcMoody supports. MOTION CARRIED.

Zoning Administrator Report:

Russ Jennings delivered the zoning report.

With addition to Demerit on Warren Rd. for violation (someone living in a recreational trailer)

Shared driveway water runoff issue still underway in the Walrack and Vitz situation. Should have an engineer give advice as to the correct solution to the problem. AcMoody suggested having owners get an engineer to run numbers to prove the efficiency of this solution.

Russ also mentioned with the deed restriction issues, some lots were split because Sue made these exempt splits with her authority when actually she did not have authority to do that. Last year discussed making deed restrictions in order to make garage lots. AcMoody says we can't supersede the law but if the attorney says the deed restrictions can happen then we can work with that.

Public Comment:

Gemmill asked if it would be wise to add language to address seasonal storage such as frames with tarp coverings, into ordinances.

Should they have garage permit? Does it have to meet setbacks? Will they need to pull permit annually? Should there be a time limit to remove temporary storage? If it's seasonal should there even be a permit fee? In the Zoning Ordinance Manual this is addressed in 14-10 K temporary storage ordinance 14.06 (Accessory Structures) – Must meet setbacks and be classified as an accessory building.

What is temporary vs seasonal? PUDs have restrictions in them already regarding this.

Christine Forrister – Husband heard on radio that they were going to police golf carts – need to be registered and no children drivers --- Board has not been notified of that. Officer Holt commented that

Golf carts and Off road vehicles ---- neither are licensed to drive on roads and if they are on roads they must be by licensed drivers.

Townships will be held responsible if accidents happen without enforcing off-road vehicles to be off-road and driven by licensed drivers.

No longer doing inspections for golf carts or off-road vehicles to make them road certified to avoid the liability.

Still required to put building permit and zoning permit somewhere visible - confirmed

Asking who checks on property splits to see if they're correlating with zoning ordinances – AcMoody says that's a grey area, what's a dwelling and what's not is almost impossible to police

The township cannot dictate what's put inside the building they can only enforce setbacks. The permits for electrical and plumbing come from the county. And then they are required to be inspected. The County's building inspector would be responsible.

Adjournment: Donbrock made a motion to adjourn the meeting. Motion was supported by Sampsel . MOTION CARRIED. Meeting adjourned at 8:37 p.m.

Respectfully submitted by: Cheryl Downs, Secretary

Recorded by: Samantha Pickering, Ovid Township Recording Clerk