

Planning Commission
Branch County, Michigan
Minutes from Public Hearing
June 2, 2015

The **Ovid Township Planning Commission** met on Tuesday, June 2, 2015 at The Ovid Township Hall.

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

Members Absent: Andy AcMoody

Others Present: Susan Kennedy, Scott Heller, Terri Heller, Larry Omo, Greg Gemmill, Chris Khorey, , Christine Forrister, Dennis Scheidler

Call to Order: Ron Sampsel called the hearing to order at 7:30 p.m.

Approval of Agenda: Sampsel made a motion the agenda be amended to include, under New Business, a discussion of a property split request at 436 South Old 27. The property is owned by Dennis Scheidler. Donbrock made a motion to approve the amended agenda. Motion was supported by Groves. MOTION CARRIED.

Approval of Minutes: Groves moved to approve the meeting minutes as presented from the March 10th, 2015 meeting. Supported by Donbrock. MOTION CARRIED.

Old Business:

1. Review enforcement of 40% lot coverage per Ordinance. Chris Khorey, consultant from McKenna Community Planning and Design, reviewed his findings and recommendations on the 40% lot coverage limitations per Ordinance. Khorey stated the ordinance could be adjusted to include definitions of permeable surfaces which would include: pavers with gaps, wooden decks with spaces between boards, and structures built with a green roof. These surfaces would be listed specifically because all allow rainwater to filter through and reduce runoff into lakes. Khorey also recommended that any change to the ordinance include a definition of impermeable surfaces, and that pavers, decks, and structures with green roofs be specifically listed as exempt. Khorey suggested the creation of a Zoning Compliance Permit process. The permit would not require a site plan unless the Zoning Administrator determines a plan is necessary. Under such a permit, the Planning Commission may grant a waiver to allow more than 40% lot coverage if the new landscaping plans would decrease runoff, such as relocation of a driveway or creation of a buffer strip along waterfront. Groves stated that the 40% lot coverage limitation is not particularly effective because the ordinance does not include any stipulations or considerations about how a lot is hardscaped. Groves stated that the suggested changes would allow the Planning Commission to decide case-by-case basis. Sampsel stated that his issue with the suggested plan is enforcement of such a regulation. Jennings stated that there is already an issue with enforcement of the 40% lot coverage ordinance. Sampsel

asked Khorey is the 40% lot coverage rule was used in other townships that McKenna consults. Khorey stated that runoff has become a serious issue in some areas and that the 40% rule was adopted by several townships in an effort to protect lakes, but that reducing runoff involves more than just a limit on lot coverage. Donbrock stated that adjusting the ordinance would allow more properties to be compliant in the future, and could actually be more effective at reducing runoff. Donbrock made a motion to refer Khorey's findings and suggestions to the Ovid Township Board. Motion was supported by Downs.
MOTION CARRIED.

New Business:

1. **Review Terri & Scott Heller, requesting a lot split at 665 & 667 Lake DR.**

Sampsel asked the Hellers what the setbacks would be for the lots if the property was split. Scott Heller stated that he believes the setbacks on both lots fall within zoning requirements. Jennings asked Heller to have the surveyor to provide the township with specific setback measurements. Jennings stated that the Hellers have two houses currently located on one lot. The houses have separate sewer hookups and separate addresses. The properties were once on separate lots, but the lots were combined by previous property owners. The Hellers would like to split the lots and sell one of the houses. Jennings stated that the suggested split would create one lot that does not meet the 60 ft. width requirement. Jennings stated that the split would create one compliant lot, and one lot that would be non-compliant. Jennings stated that the Hellers would also be required to ask the Zoning Board of Appeals to request a waiver for the non-conforming lot. Groves stated that, providing that the lots meet setback requirements, the split would be a move towards more compliance, because one compliant lot would be created. Terri Heller asked if potential buyers of the non-conforming lot would be barred from building on the property in the future. Omo asked if, for example, new owner wanted to tear down the existing non-conforming house and build a new one, would that be allowed on the property? Khorey explained that if the lot received a waiver from the Zoning Board of Appeals, then the new owners would be allowed to build on the property. Khorey stated that the Heller's situation is precisely the type of case that should be dealt with by the ZBA. Jennings stated that he would assist the Hellers in applying for a ZBA hearing.

2. **Review: Dennis Scheidler, requesting a land split. 436 South Old 27.**

Scheidler would like to sell two fields that are part of his current property and maintain the home with approximately 3 acres attached. Board members looked at diagrams of the property and agreed that all lot requirements appear to be acceptable under Agricultural zoning regulations. Jennings stated that once the fields are sold, they would be designated as part of Open Space Preservation. Under such classification, agricultural buildings could be constructed on the field properties, but no residences may be built on the properties. Scheidler thanked board members for the review and stated that he would revisit the issue when he is closer to selling the properties.

Zoning Administrator Report: Jennings presented his monthly report for April. Five permits were issued for the month. Jennings pointed out that an accessory structure being built by Dave & Nancy Haylett at 359 Quimby RD. is not a residence and is to be used only as an accessory structure.

Public Comment: Omo asked the Planning Commission to consider whether land in the Kibbe Rd area is appropriately zoned as Rural Residential. Omo stated that there is some tillable farmland in that general area that is zoned Rural Residential. Omo said the issue came to light when a property owner in that area wanted to erect a security fence around a shed, but realized that rural residential zoning limited the property owner to a fence 3 feet in height. Sampsel asked if the landowner is interested in having the land rezoned? Omo said the landowner did not ask for rezoning, but explained that this specific issue prompted Omo to take a closer look at the overall zoning in the area and that, in his opinion, there are some areas zoned Rural Residential that should be considered Agricultural. Khorey stated that the Planning Commission may want to review the township's master plan and determine if any zoning changes are needed. Khorey then reviewed rural residential fence regulations and explained that, under the current ordinance, the property owner could actually construct a fence that is 6 feet in height since it is in the back of the property. Sampsel stated the Planning Commission would take the matter of reviewing the master plan under consideration.

Sue Kennedy stated that she sent a letter in February to Andy AcMoody asking for direction on how she could request a change in PUD rules to allow swimming at her property on Blackberry Patch. Kennedy said she had not heard back from AcMoody. Board members stated they were unaware of the letter. Khorey said the owner of the property, the golf course, would have to ask for a change to the PUD. Khorey explained the process of changing a PUD, which would include public hearings. Christine Forrister stated that the golf course owner has, "apparently washed his hands of the PUD restrictions and is not enforcing the rules." Forrister stated that she is concerned about a campfire ring that has been used down at the boat slips area. Groves stated that he did not recollect that campfires were forbidden under the PUD rules. Downs agreed. Kennedy asked if she could obtain a copy of the PUD rule. Khorey stated that she could request a copy from Jennings.

Adjournment: Groves made a motion to adjourn the meeting. Downs supported. Motion was supported by Groves. MOTION CARRIED. Meeting adjourned at 8:28 p.m.

Respectfully submitted by: Cheryl Downs, Secretary

Recorded by: Charlotte Knisely