

BAY TOWNSHIP PLANNING COMMISSION

NOVEMBER 6, 2017 MEETING MINUTES

APPROVED

CALL TO ORDER

Dave Skornia called the meeting to order at 7:00PM and led with the Pledge of Allegiance. Also in attendance were Steve Van Dam, Wendy Simmons, Jamie Shepherd, Lynn Maxwell, Joe Jones, James G. Vanek and planner Claire Karner.

PRIOR MEETING MINUTES

MOTION by Van Dam, seconded by Simmons, to dispense with the reading of the October 3, 2017 Planning Commission regular meeting minutes, passed upon unanimous affirmative vote of the Board Members.

MOTION by Van Dam, seconded by Maxwell, to approve the October 3, 2017 Planning Commission regular meeting minutes as amended, passed upon unanimous affirmative vote of the Board Members.

AGENDA APPROVAL

MOTION by Vanek, seconded by Shepherd, to approve the agenda as presented, passed upon unanimous affirmative vote of the Board Members.

PUBLIC COMMENT

Skornia opened public comment at 7:03PM.

Cheryl Mathews: Lives in the Villa de Charlevoix subdivision and expressed her concerns with an adjoining neighbor building a wall/fence composed of wood logs; she feels it is unsafe. She requested an amendment be made to the zoning ordinance to define "fence".

Skornia closed public comment at 7:22PM.

XAVIER & MARY GAUDARD SPECIAL USE PERMIT PUBLIC HEARING

**Applicants Name/Address: Xavier and Mary Gaudard
04045 Concorde N., Boyne City, MI 49712**

Parcel Identification Number: 15-001-400-043-00

Skornia explained tonight's public hearing is to review and act on a Special Use Permit Application submitted by Xavier and Mary Gaudard to allow an accessory structure to be built on a lot without a principle structure. This is allowed as a special use per zoning ordinance Article IV, Section 4.7(g). Skornia opened the public hearing at 7:23PM

Zoning Administrator Ron Van Zee reviewed the Special Use Permit Application as follows:

- The property is in the Residential Zoning District.
- The site plan shows the proposed building meets all setback requirements.
- The special use permit application is complete.
- 23 surrounding property owners were mailed notifications. Two written responses were received; both were in support of approving the special use permit.
- The public hearing was published in the Petoskey News-Review on October 18th, 2017.

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The applicants are requesting approval of a special use permit to construct an accessory building on their vacant Lot #43 in the Villa de Charlevoix subdivision. They have a house on adjoining Lot #47 which is their principle residence. The accessory building would be 32-FT wide x 48-FT long x 12-FT high and would be used for personal boat storage and a workshop. The lot is surrounded by vacant wooded lots; one side shares an outlot owned by Villa de Charlevoix used as "common space".

The Villa de Charlevoix Architectural Control Committee has given tentative approval to constructing the accessory building with the following two conditions:

1. Approval to build the accessory building is obtained from the Bay Township Planning Commission.
2. A deed restriction is placed on Lot #43 that states the lot cannot be sold without the adjoining Lot #47.

Skornia opened the meeting up to public comment at 7:28PM; the applicant Xavier Gaudard reviewed his site plan.

With no further public comment received, Skornia closed public comment at 7:30PM.

The Planning Commission addressed zoning ordinance Article IV, Section 4.7(g) as follows:

- a. The property is very well screened from public view.
- b. The proposed accessory building is 32-FT x 48-FT, and the Villa de Charlevoix has given tentative approval for this building.
- c. The building is compatible with the surrounding uses as it's for personal use and storage. It also complies with the Villa de Charlevoix Covenants Article VII Section 1, where it states "*When two or more adjoining lots are owned by a member, a garage attached to the dwelling, and a detached accessory building for the storage of family-owned boats and/or automobiles shall be permitted.*"
- d. The placement of the building is appropriate to the surrounding area as it is to be located close to the middle of the lot.
- e. No additional screening is required as the existing tree screening is adequate. The applicant is planning on storing their boat trailer outside, but it will be adequately screened by the existing vegetation.

The Planning Commission further deliberated on various aspects of the special use permit application as it pertains to zoning ordinance Article XII, Section 11 and agreed the applicant has complied with the requirements of this section.

MOTION by Maxwell, seconded by Shepherd:

The Bay Township Planning Commission findings of fact identified in the Special Use permit for the property identified as 15-001-400-043-00 is as follows:

- **Property Owner: Xavier and Mary Gaudard**
- **Property Address: 04045 Concorde N., Boyne City, MI 49712**
- **Property Tax Identification No.: 15-001-400-043-00**
- **Zoning District in which the Property resides: Residential Zoning District**
- **The Planning Commission adequately addressed all of the considerations specified in the Bay Township Zoning Ordinance, Article XIII, Section 13.3 as follows:**

- a. **The propose use is an allowable use in the Residential Zoning District.**

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- b. The use complies with all applicable Zoning Ordinance standards for Accessory Buildings on Vacant Lots.
- c. The requested special use is consistent with the Bay Township Master Plan.
- d. The proposed special use will not increase demands on township services as it will be a non-occupied building.
- e. The proposed special use will not diminish the opportunity for surrounding properties to use and develop their property as zoned.
- f. The proposed special use is designed to not negatively impact the character of the surrounding land because of its adequate natural vegetative screening.
- g. The proposed special use will not create a nuisance for other surrounding properties as the surrounding lots are vacant and wooded.
- h. There will be minimal environmental impact on the surrounding property due to the minimal size of the proposed building.

Based upon the findings of fact as identified by the Bay Township Planning Commission in hearing the request for the Special Use permit for Property Tax Identification No. 15-001-400-043-00, the Bay Township Planning Commission approves the Special Use permit as presented with no additional conditions,

Board Members voting in support of the motion by roll call vote: Vanek, Van Dam, Skornia, Simmons, Shepherd, Maxwell and Jones. With no Board Members voting in opposition, the motion passed.

BUILDING ENVELOP & LOT WIDTH DEFINITION DISCUSSION

Karner updated the Planning Commission on her conversation with township legal counsel where they discussed legal counsel's concerns with the drawing for lot width. Legal counsel suggested drawing the circle larger so it intersects with both side lot lines and their intersection with the front/rear setback line, as the definition states.

The Planning Commission deliberated extensively on how to improve the lot width drawing and definition. The language will be finalized next month.

ACCESSORY DWELLING UNIT LANGUAGE UPDATE

The Planning Commission reviewed township legal counsel comments and the final edits to the proposed Accessory ~~Building on Vacant Lots~~ **DWELLING UNITS** text amendment, and agreed to forward onto the Board of Trustees for their review and adoption.

MASTER PLAN COMMUNITY SURVEY

Karner presented the various updates to the proposed Master Plan community survey based on the planning commission's feedback from last month. All felt the survey is complete and ready to publish sometime early in 2018.

The planning commission discussed having a joint meeting with the Board of Trustees in April to review the surveys results.

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TIME OF TRANSFER

SEPTIC TANK ORDINANCE

Karner presented a proposed Time of Transfer Septic Tank Ordinance which requires an evaluation of a private septic system at the time the property is transferred, to determine the operational status of the system.

Karner explained that Michigan does not have regulations on septic system inspections, but currently 11 communities in Michigan have adopted local ordinances requiring a septic inspection when the property is sold. The inspections are generally administered by the health department and enforced by the township.

The planning commission agreed to proceed with drafting such an ordinance for Bay Township.

ZONING ADMINISTRATORS REPORT

Zoning Administrator Ron Van Zee reviewed the past months activities regarding Zoning Permits issued, Zoning Ordinance enforcement actions taken, and other related zoning activities.

BOARD OF TRUSTEES REPORT

Note: See the Board of Trustees October 11, 2017 minutes for further detail.
Vanek reported on the Board of Trustees October meeting.

ZONING BOARD OF APPEALS

No meeting.

OTHER

The planning commission unanimously agreed to draft a letter to the Board of Trustees, recommending Wendy Simmons appointment as township clerk, since Vanek will be resigning as clerk the end of December.

PUBLIC COMMENT

None received.

ADJOURNMENT

MOTION by Van Dam, seconded by Shepherd, to adjourn the meeting at 9:33PM, passed upon unanimous affirmative vote of the Board Members.

Respectfully submitted,

James G. Vanek
Planning Commission Secretary