

Clearwater Township
Planning Commission
Public Hearing Meeting of September 19, 2016
As approved October 3, 2016

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:00 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Backers, Eldridge, Fields, Parzych, Von See.

Township officials: ZA Molby

Public: Trudie Sanson, Carol Backers

Approval of Agenda:

Motion by Backers, second by Von See, to accept the agenda as presented. Motion carried.

Call for Disclosure of Conflicts of Interests:

Chair calls for commissioners to disclose any real or potential conflicts of interests. There were none.

Approval of Minutes:

Motion by Parzych, second by Von See, to accept the minutes of August 29, 2016 as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

There was none.

Comments from Commissioners for Matters Not on the Agenda:

Commissioner Fields reminded everyone that this is Constitution Week and that Constitution Day was Saturday, September 17, 2016; she also read the preamble to the Constitution, noting that several of the original thirteen states ratified the Constitution only on the condition that a Bill-of-Rights also be adopted.

Commissioner Backers announced that Americans for Prosperity are hosting a Constitution Day Dinner on Saturday, September 24, 2016, from 4-9 p.m., at the Park Place Hotel Dome; tickets are \$10, and they include both the program and the dinner.

Public Hearing on Special Use Permit Application to allow a secondary dwelling:

This public hearing is to consider the special use permit application by Jessica Tracey, to allow a secondary dwelling on her property located at address 8263 Ruttan Road, being parcel number 004-011-030-20.

General findings of fact:

Article XVII of Ordinance 22, under section 17.03.M allows for a secondary dwelling under a Special Use Permit Application, subject to the following conditions:

1. A single supplementary dwelling may be permitted for the purpose of housing members of the immediate family of the property owner, or to house workers employed to harvest farm or forest crops grown on the premises.
2. Said supplementary dwelling shall meet the standards of Section 17.02.A and the standards of ARTICLE XXIV.
3. In connection with a Special Use Permit application, applicant shall submit an affidavit attesting that the subject land parcel containing the primary dwelling and the supplementary dwelling will not subsequently be split or divided in a manner that results in a dwelling on a parcel of land that does not meet the area, frontage, and setback requirements of this Article.
4. In the event of approval of the Special Use, the applicant shall cause to be recorded the Special Use Permit including the affidavit of Section 17.03.M.03 above, which affidavit shall be identified as a deed restriction running with the land. A copy of this recorded instrument shall be conveyed to the Zoning Administrator by the applicant prior to the issuance of a Land Use Permit.

The Zoning Administrator affirms that the proposed secondary dwelling does comply with Section 17.02.A, and that no construction will take place until all appropriate and required permits have been secured.

As required by PA 110 of 2006, Michigan's Zoning Enabling Act, Sections 125.3103(1) and (2), notice of this public hearing was properly published in the Elk Rapids News on Thursday, September 1, 2016; and properly sent by US Postal Service to the owners of record of the eight parcels that were within 300 feet of the subject property, providing at least 15 days of notice.

Comment from the public:

There was no comment received from the public on this matter.

Commission deliberations:

The Planning Commission considered the Special Use Permit Application for compliance with the standards of Article XXIV, Section 24.03. (A yes response affirms that the standard is met.)

1. The Special Use shall be designed, constructed, operated and maintained in a manner that shall not change the essential character of the surrounding area.
Parzych yes
Backers yes
Eldridge yes
Von See yes
Fields yes

The commission finds standard 1 to be met.

2. The Special Use shall not interfere with the general enjoyment of adjacent property.
Backers yes
Eldridge yes
Von See yes
Parzych yes
Fields yes

The commission finds standard 2 to be met.

3. The Special Use shall represent an improvement to the property under consideration.
Backers yes this does constitute an improvement to the property
Parzych yes this is a residential farm area with sufficient space for an additional dwelling
Eldridge yes this improves the property value
Von See yes concurs with reasons already stated
Fields yes concurs with reasons already stated

The commission finds standard 3 to be met.

4. The Special Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
Parzych yes this is a residential dwelling; no chemicals or other hazards will be introduced
Backers yes no hazards other than those incurred during the normal construction phase of the project, which are temporary
Von See yes
Eldridge yes
Fields yes

The commission finds standard 4 to be met.

5. The Special Use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed Special Use shall be able to continually provide adequately for the services and facilities deemed essential to the Special Use under consideration, such as whether the proposed sewage disposal and water supply will be safe and adequate.
Backers yes assured of that by the requirements of the county health department before issuing a certificate of occupation
Von See yes
Eldridge yes
Parzych yes
Fields yes concurs with reasons already stated

The commission finds standard 5 to be met.

6. The Special Use shall not place demands on public services and facilities in excess of current capacity.

Eldridge yes

Parzych yes assured by the county codes

Backers yes

Von See yes

Fields yes concurs for the same reasons as in number 5

The commission finds standard 6 to be met.

7. The Special Use shall be consistent with the intent and purpose of this Ordinance.

Eldridge yes

Von See yes

Parzych yes for the reason that all prior 6 standards are met

Backers yes

Fields yes intent of the Ordinance is to promote wise use of the land, and this is consistent with that intent.

The commission finds standard 7 to be met.

8. Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material or by a well-maintained dense evergreen planting, which screening shall not be less than six (6) feet in height.

Parzych Not applicable

Backers Not applicable

Eldridge Not applicable

Von See Not applicable

Fields Not applicable

The commission finds standard 8 to be not applicable to this case.

The commission finds that all applicable standards have been met.

Motion by Backers, second by Parzych, to recommend to the Township Board approval of the special use permit application of Jessica Tracey to allow a secondary dwelling on her property located at address 8263 Ruttan Road, being parcel number 004-011-030-20. Motion carried unanimously without objection.

Closing Public Comment:

Zoning Administrator Molby commented that there has been a problem with some people getting the old application form instead of the new one. Parzych stated that the old form is probably still on the website. Molby and Eldridge will make sure that Pat Gray is advised, and the new form gets put online.

Adjournment:

Motion by Backers, second by Von See, to adjourn. Adjournment at 7:30 p.m.

Assignments:

- Fields to communicate the results of the public hearing to the Township Board.
- Eldridge and Molby will communicate with Pat Gray and get the current application form put up on the township website.

Next Meeting: October 3, 2016 at 7:00 p.m. in the Clearwater Township Community Center (aka the Little Red Schoolhouse).

Respectfully submitted,

Tina Norris Fields
Secretary