

October 27, 2014 Algansee Planning Commission Minutes

1. On Monday, October 27, 2014 at 7:30 p.m. Chairman Rodney Carpenter called the regular meeting of the Algansee Township Planning Commission meeting to order at the Algansee Township Hall, 378 South Ray Quincy Road, Quincy, Michigan. All members were present, Chairman Rodney Carpenter, Vice Chairman Pricilla Dodd, member Rick Coon, Township Representative John Shilling and Secretary Glenn Preston.

2. Minutes- Rick Coon motioned to approve September 29, 2014 Algansee Township Planning Commission meeting minutes. Support by John Shilling. Motion carried.

3. Agenda- Glenn Preston motioned to accept the agenda. Support by Rick Coon. Motion carried.

4. Old Business- none

5. Report from Township Representative- John Shilling reported Branch County Road Commission is grinding up a mile of Lester Road pavement from Ray Quincy Road to Colvin Road to put the road back to gravel because of damage from horses.

6. Report from Zoning Administrator- Zoning Administrator Amos Barnett reported he issued 12 permits in the month of October.

7. Report from Zoning Board of Appeals- Pricilla Dodd reported they didn't meet this month.

8. New Business-

A. Public Hearing Special Use Request for a land split from William Waite, 815 Lester Road, Reading, Michigan, and Property code # 120-032-100-015-00.

Opening Statement- William Waite said he is requesting a land split on his 77 acres to sell off 7.1 acres for his neighbor Rueben to build a home.

Closing Statement- William Waite said it was the same as opening statement.

Chairman Rodney Carpenter asked if there were any questions from the public. Seeing that there wasn't any question chairman Rodney Carpenter closed the public comment portion of the public hearing.

Planning Commission Facts and Findings- Section 4.03 Uses Permitted by Special Use Permit L. Single-family dwellings on less than forty (40) acres provided the following conditions are all satisfied:

1. Minimum Lot Size: The minimum lot size for a single-family dwelling shall be one (1) acre in area. ~Yes~

2. Density: The number of dwellings permitted on the site shall be based on the overall size of the site, as of the effective date of this Ordinance, June 13, 2008. Dwellings existing on the site shall count towards the total number of dwellings permitted to be located on the site. Dwellings not located on the site or lot splits that occurred prior to June 13, 2008 shall not be considered when calculating the permitted density. For each whole 10 acres of land, not more than one dwelling shall be permitted. (Sites less than 10 acres in size shall be permitted one dwelling unit.) [Amended 8/3/09; Ord. #105]

a. With approval of the special land use permit, a 50 acre parcel would be permitted a dwelling unit and four additional lots with dwelling units. A 30 acre parcel would be permitted a dwelling unit and two additional lots with dwelling units.

b. As a condition of approval of the special land use permit, the Planning Commission shall require that the applicant record documents for each of the parcels being created, including the parent parcel, at the County Register of Deeds boldly noting the information listed below and submit copies of the registered documents to the Township. The documents may include the deed for the property, a quick claim deed back to the property owner, or an easement on the property with the information/ conditions provided below:

1). This section of the Ordinance and the date of approval of the Planning Commission;

(2). The size of the original parent parcel as of the date of application. ~77 acres, date 10-27-2014~

(3). The number of parcels being created; ~2~

(4). The number of additional parcels for dwellings that may be created under the required density formula. ~6~

(5). These items must be shown on the deed submitted to the Township with the land division approval and reviewed for compliance with requirements of this section prior to approval of the land division by Township Supervisor. ~ original 77 acres with a split of 7.1 acre parcel leaving the parent parcel of 69.99 acre~

John Shilling motioned to approve William Waites' land split special use request. Support by Rick Coon. Motion carried. Chairman Rodney Carpenter explained to Mr. Waite that he will have to sign a land split agreement for the split of 7.1 acres from the parent parcel of 77 acres and agreeing there are 6 zoning splits left on the parent parcel which is the remaining 69.99 acres.

B. Public Hearing Special Use Request for a Land Split under Chapter 4.03L Single Family dwellings for Marvin Risedorph, 230 South Stringtown Road, Quincy, Michigan property code #120-012-100-020-00

Opening Statement- Marvin Risedorph said he would like to split 6.5 acres with the home and buildings from the 60 acre parcel so the remaining 53.5 acres could be sold to settle the estate of his mother Dorothy E. Risedorph.

Closing Statement- Marvin Risedorph said it was the same as opening statement.

Chairman Rodney Carpenter asked if there were any questions from the public. Seeing that there wasn't any more questions Chairman Rodney Carpenter closed the public comment portion of the public hearing.

Planning Commission Facts and Findings- Section 4.03 Uses Permitted by Special Use Permit

L. Single-family dwellings on less than forty (40) acres provided the following conditions are all satisfied:

1. Minimum Lot Size: The minimum lot size for a single-family dwelling shall be one (1) acre in area. ~Yes~

2. Density: The number of dwellings permitted on the site shall be based on the overall size of the site, as of the effective date of this Ordinance, June 13, 2008. Dwellings existing on the site shall count towards the total number of dwellings permitted to be located on the site. Dwellings not located on the site or lot splits that occurred prior to June 13, 2008 shall not be considered when calculating the permitted density. For each whole 10 acres of land, not more than one dwelling shall be permitted. (Sites less than 10 acres in size shall be permitted one dwelling unit.) [Amended 8/3/09; Ord. #105]

a. With approval of the special land use permit, a 50 acre parcel would be permitted a dwelling unit and four additional lots with dwelling units. A 30 acre parcel would be permitted a dwelling unit and two additional lots with dwelling units.

b. As a condition of approval of the special land use permit, the Planning Commission shall require that the applicant record documents for each of the parcels being created, including the parent parcel, at the County Register of Deeds boldly noting the information listed below and submit copies of the registered documents to the Township. The documents may include the deed for the property, a quick claim deed back to the property owner, or an easement on the property with the information/ conditions provided below:

- 1). This section of the Ordinance and the date of approval of the Planning Commission;
- (2). The size of the original parent parcel as of the date of application. ~60 acres, date 10-27-2014~
- (3). The number of parcels being created; ~2~
- (4). The number of additional parcels for dwellings that may be created under the required density formula. ~5~
- (5). These items must be shown on the deed submitted to the Township with the land division approval and reviewed for compliance with requirements of this section prior to approval of the land division by Township Supervisor. ~ original 60 acres dividing into a 6.5 acre parcel and a 53.5 acre parcel~

Rick Coon motioned to approve the land split special use request for Marvin Risedorph. Support by John Shilling. Motion carried. Chairman Rodney Carpenter explained to Mr. Risedorph that he will have to sign a land split agreement for the 6.5 acres from the parent parcel and agreeing there are 5 zoning splits left in the parent parcel which is 53.5 acres. Chairman Rodney Carpenter told Mr. Risedorph that on the 6.5 acres that the front side of the house could not be built on because it doesn't meet the setbacks, but they have the option of going to the Zoning Board of Appeals to request a variance.

C. Public Hearing for a Special Use Request for a shared driveway under Chapter 14.09 Shared Driveways for Jeff and Susan Mistor, 764 Bennett Drive, Coldwater Michigan, property code #120-T80-000-004-00.

Opening Statement- Susan Mistor said they are requesting to change wording from private road to shared driveway. The existing paved shared driveway is 8 feet wide and 92 feet long with a 17 feet easement. The Quincy Fire Chief verbally gave his approval to Susan Mistor.

Closing Statement- Susan Mistor said they are trying to put in a septic tank for their home at 764 Bennett Drive. Chairman Rodney Carpenter asked if there were any other questions, seeing none he closed the public comments.

Planning Commission Facts and Finding- Section 14.09 Shared Driveways- Shared driveways may be constructed in Township according to the following standards. **A. Design of Shared Driveways.** A shared driveway shall be designed and constructed consistent with the standards for unpaved local roads by the Branch County Road Commission, unless otherwise modified by the standards adopted herein. When the developer of a proposed shared driveway also owns a lot with an existing driveway located on that adjacent lot, the proposed shared driveway shall incorporate the existing driveway in the plans and connect the existing driveway to the proposed shared driveway. ~YES~

B. Minimum Easement Width. The minimum width of the easement for a shared driveway shall be 40 feet. ~yes~

C. Minimum Finished Surface Width. The finished surface of a shared driveway shall be not less than 16 feet in width. ~no less than 16 feet~

D. Maximum Length. Maximum length of a shared driveway shall be 1,000 feet with a maximum of four (4) lots or dwelling units served by the shared driveway. ~does not apply~

E. Setbacks and Structures. On lots where the only means of access is a shared driveway and there is no other street frontage, the yard fronting on the shared driveway shall be considered the front yard for zoning and setback purposes. On lots where the only means of access is a shared driveway and there is frontage on a public or private street, the lot shall be treated as a corner lot for zoning and setback purposes. ~does not apply~

F. Minimum Frontage Requirement. To eliminate the need for excess development and unnecessary costs, it is assumed that shared driveways extend across the entire width of the designated front yard for purposes of determining compliance with minimum lot frontage requirements, even though it is unlikely that the driveway will be developed to this extent particularly at the end of the drive. ~does not apply~

G. Adjacent Properties. For shared driveways built after the effective date of this amendment and located on a property line, access to that shared driveway may be provided to the adjacent property unless such access will exceed the maximum number of lots permitted on a shared driveway. ~does not apply~

H. Private Road Maintenance. If a shared driveway is built off of an existing private road, it is recommended that new parcels created with frontage on and access via the shared driveway be considered a part of the private road for purposes of allocating costs of road maintenance and improvements. Evidence that these lots have been formally added to the assessment district or that they will be added in the future and that the majority of the district is in agreement with the addition, shall be a consideration of approval of the shared driveway. ~does not apply~

I. Maintenance Agreement. A proposal to create a shared driveway shall be accompanied by a draft maintenance agreement to be signed by all property owners with access to the driveway. The agreement shall provide for the on-going use and maintenance of the easement and driveway and the allocation of those costs. The Township shall not be involved in the maintenance of shared driveways. ~does not apply~

J. Modification of These Standards. At the discretion of the Planning Commission, the standards of this article may be modified. The Planning Commission shall determine that alternative design or construction materials will provide a driveway of equal or superior quality. Further, the Planning Commission shall have the authority to modify the review requirements in order to assure that the requirements of the Township are considered in an appropriate forum and with the necessary level of professional expertise. ~does not apply~

K. Approval. A shared driveway shall require approval of a special use permit. Plans for a shared driveway shall be prepared, stamped, and signed by a state licensed and certified engineer or land surveyor and shall document compliance with the requirements of this Ordinance and the noted requirements of the Branch County Road Commission. The lots along the driveway will likely be created through land division or site condominium. Approval for creation of such lots or units shall not be granted until approval of the special use permit for the shared driveway has been granted in accordance with the procedures in Chapter 18. ~does not apply~

Glenn Preston motioned to grant the special use request for shared driveway with 3 conditions- 1. Minimum finished surface width is 8 feet. 2. All 3 parties- Mistors, Boggias and Klerners must sign agreement drawn up by their attorneys for maintenance and use of the shared driveway. 3. All conditions subject to Judge Bill O'Grady's 5-6-14 judgment. Support by John Shilling. Motion carried. Susan Mistor wondered when this would take effect, when conditions are met.

9. Public Comment- Chairman Rodney Carpenter asked Zoning Administrator Amos Barnett if he could have the paperwork to the Planning Commission 2 weeks ahead of the meeting.

10. Adjournment- Rick Coon motioned to adjourn. Support by Pricilla Dodd. Motion carried. Next meeting date will be Monday, November 24, 2014 at the Alganssee Township Hall starting at 7:30pm. Meeting was adjourned at 9:10pm.

Glenn Preston, Secretary