

**1. On Monday, January 28, 2008 at 7:00 p.m.** Chairman Rodney Carpenter called the Alganssee Township Planning Commission meeting to order at the Alganssee Township Hall, 378 South Ray Quincy Road, Quincy, Michigan. All members were present Rodney Carpenter, Pricilla Dodd, John Shilling, Tom Morgan, Glenn Preston & Planner Greg Milliken.

**2. Approval of Minutes-** Pricilla Dodd motioned to accept the November 26, 2007 minutes. Support by Tom Morgan. Motion carried. Tom Morgan motioned to approve the January 3, 2008 minutes. Support by John Shilling. Motion carried. John Shilling motioned to accept the January 19, 2008 minutes for the Public Hearing for the Zoning Ordinance Amendments. Support by Pricilla Dodd. Motion carried.

**3. Approval of Agenda-** Glenn Preston motioned to approve the agenda with correction of the date. Support by John Shilling. Motion carried.

**4. Old Business-** none

**5. Report from Township Board-** John Shilling nothing to report.

**6. Report from the Zoning Administrator-** Russ Jennings reported he has issued two permits this month- Wireless Internet Tower at 494 Wolf Road and renewal for Noah Girod at 899 Lester Road. There will be a Special Use Public Hearing on February 7, 2008 at 7:00 p.m.

**7. Report for Zoning Board of Appeals-** Glenn Preston reported they haven't met.

**8. New Business-** none

**9. Discussed Public Hearing for Amendments to Alganssee Township Zoning Ordinance-** Harold Sneath said he felt we needed another public hearing. Chairman Rodney Carpenter wanted to clarify that our Township Planner was absent from the public hearing because he and his wife had a baby and he didn't have car problems like the Coldwater Daily Reporter stated. Mary Agustini wondered how this board will enforce this ordinance. Chairman Rodney Carpenter said to wait and see how we will enforce it.

Glenn Preston said the question D.9. was already answered because everyone is grandfathered in, zoning can not be retroactive. D.10. Greg Milliken answered the question- why do we need a 243 page ordinance, he said it could be smaller because it is now double spaced and through the different changes we have made we added ten pages to the ordinance and because of the State Zoning Enabling Act. D.11. Glenn Preston read attorney Jamie Lester question about different rules for private roads and shared driveways and would like clarification. Greg Milliken said we had this put in the ordinance so we wouldn't have anymore private roads, so we created this shared private driveway which is very much like a private road, so you could have something like a private road without calling it a private road. The difference being a shared private driveway is limited in its scope, being the number of units that can access this private driveway. They are very similar. His next question about rebuilding nonconforming in section 19.04C. Greg Milliken said to start out with 13.09 starts out saying nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of a building or structure declared unsafe by the County Building Official or required compliance with his or her lawful order. Furthermore, upon the determination of the County Building Inspector and official notification thereof to the property owner, the Township Board may order the demolition and removal of any unsafe building. Greg Milliken agrees it could be a little confusing at first reading. It should be looked at. Burdon of Proof- is there a standard change? The legal requirement is on the applicant. Greg Milliken said his recommendation is to have it remain that way. Both sides are going to have to go out and investigate to see if this

structure is or isn't conforming. Harold Sneath said McKenna is a large zoning firm and they should have had someone at the public hearing and why should we be paying all this money for outside attorneys and we should be able to make up our own minds on what we want, why should we need an opinion from somebody that doesn't live here and isn't employed here, this company should have all the answers, we need another public hearing. Russ Jennings said he used to be a volunteer fireman in Napoleon township and has helped on many hot fires and when we talk about houses being real close together and if there is a hot fire the next house will burn down. If we look at the neighboring townships of Quincy, Ovid and Kinderhook with the new setback requirements that we have, we are more lenient than our neighbors. Chairman Rodney Carpenter wondered if anyone had any more questions before we go on and we will answer the questions from the public hearing before we take any questions from the public. Greg Milliken said there were more questions in attorney Lester's letter and he would recommend that he could have a chance to go over attorney Lester's letter in more depth. The Planning Commission thought it was a good idea. Greg Milliken said we need to approach all the attorneys' letters as different sources of input and information to be considered and looked at as we try to wrap this up and to use the input from the public hearing.

D.12. Bonnie Frick said we need to work together. D.13. Mick Belcher-1. Why do we need a 243 page ordinance- That question has already been answered. 2. Is the board still getting input from Dave Gilbert? Chairman Rodney Carpenter said no, where did that question come from? 3. Board doesn't listen to committee, 4. has the interests of the citizen been taken into account? Chairman Rodney Carpenter said we did work with the committee and asked them about dates and this and that, so we did work with them. 5. How many board members now own nonconforming property? John Shilling said if his is he will still live there. Pricilla said hers is conforming. Rodney Carpenter said his property is nonconforming and it is fine with him. Nothing can be done about it. Chairman Rodney Carpenter said zoning took effect in 1980 and everything built before then was grandfathered in. Russ Jennings said with the new changes 95% of the residential lake lots will be now be conforming. Russ said his house is nonconforming on two sides because it wouldn't meet today's setbacks. Although it is nonconforming he can still maintain it, he can put siding on it, put a new roof on it or new windows. He can't expand it horizontally but he can vertically. So having a nonconforming structure isn't all that bad. It just means that I won't meet today's setbacks. Tom Morgan said his wasn't conforming, he liked the lot and bought it, he wouldn't have bought it if he had known. He has no intention of selling it. Glenn Preston said his property was conforming. Russ said he has heard alot of complaints on the side setbacks. We have changed it to 10 feet and 10 feet on properties greater then 70 foot wide and 7 feet and 7 feet on lots less than 70 feet wide. My question is how much closer do we want to get to our neighbors, what is that number? Harold Sneath said that most everybody isn't satisfied with the side setbacks, side setbacks aren't the real problem in most situations, and the setback from the road to the house is the problem. Russ Jennings said the 33 feet setback might work on Donnell Drive but it won't work in other areas around the lakes. Russ Jennings said Don Peterson's of letter about his 811 Fisher Road property submitted tonight, told about having a building that is 30 feet off the road which is consistent with what the committee would like and that building has been hit 3 times. We all know about the party store on the corner of Fremont and Central Roads which has been hit. One lady asked why the board doesn't grant variances. Chairman Rodney Carpenter asked people to apply for a variance. Greg Milliken said the goal is for zoning to minimize the Appeals Board. Gordon Porter said he didn't see how anyone wouldn't want setbacks. D.18. aren't any specific questions to the ordinance. D.3. John Watson said he was opposed to 1 dwelling per 10 acres. Glenn Preston said there also is a road frontage requirements with that 1 dwelling per 40 acres. John Watson said it would open up to every investor. John Shilling said we still need to consider the quarter quarter section which is 40 acres. You could build the first house any where on the 40 acres, to get the other 3 houses on the 40 acres you would have to get a special use permit, which would require you to cluster as close together as possible, with a minimum lot size of one acre and to have road frontage. The new zoning ordinance terminology doesn't say quarter quarter section, it reads 40 acres. D. 28. Jim Toth's question about no zoning in California Township- California township

doesn't have any small lots outside of California Corners and all the rest is agricultural land. Glenn Preston asked Gordon Porter how often roads are upgraded. He said it was up to the individual Township Boards to decide.

**10. Public Comments-** Rodney Carpenter asked if anyone had any more questions. There wasn't any. Rodney Carpenter shared the 911 letter.

**Next Meeting Date-** Special Use Request Public Hearing will be on February 7, 2008 at 7:00 p.m. Next meeting will be regular meeting will be February 25, 2008 at 7:00 p.m.

**11. Adjournment** John Shilling motioned to adjourn. Support by Tom Morgan. Motion carried. The meeting was adjourned at 9:00 p.m.

Glenn Preston, Secretary