

EUREKA CHARTER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES Approved  
November 17th, 2010

Chairman Duane Putnam called the November 17<sup>th</sup>, 2010 regular meeting of the Eureka Charter Township Planning commission to order at 7:01 p.m. Roll call found Chairman Duane Putnam and Commissioners Michael Blanding, Shawn Decker, Lee Gilman, Mark Wilkin and Rodney Roy in attendance. Joyce Sage was on an excused absence. Township Zoning Administrator Thomas Faussett, Township Supervisor Laura Shears, and Township Secretary Renee Fountain were in attendance. Approximately ten residents were also in attendance.

The minutes from the October Planning Commission Meeting were reviewed. Blanding stated his Roads Committee report needed to be changed to reflect that all projects for 2011 were “proposed” projects and that the township has requested the county provide a cost estimate for the Township Board to review. Motion was made by Wilkin, supported by Roy to approve the October minutes with requested revision. Motion carried.

At 7:05 p.m., Chairman Putnam opened the meeting for public comment on any items not contained on the agenda. Hearing none, the period for public comment was closed.

At 7:06 p.m., Chairman Putnam opened the Public Hearing on the definition of accessory buildings. Putnam reviewed the present definition of accessory buildings and explained the proposal for the three new revised definitions. Residents Phil Atkinson and Dennis Stenson asked for clarification on the definitions and the impact on building permits respectively. Supervisor Shears pointed out that 200 square feet limitation on the “Accessory Supplemental Structure Detached” definition was restrictive for a parcel with more than one structure. Tom Faussett suggested it be revised to be 200 feet per structure.

The Public Hearing was closed at 7:15 p.m. The Planning Commission agreed that 200 square feet per accessory structure was intended and that the changes would be reflected in the definition. Additionally, playground structures would be removed from the “Accessory Supplemental Structure Detached” definition. A motion to replace Section 2.1 “Accessory Building Definition” with the following three definitions was made to the board by Blanding and supported by Gilman:

1. **Accessory Residential Garage** – A garage for your vehicles. It is considered attached if it has a common wall with your house or is connected to your house by a breezeway which is under 20 feet long. If your garage is not attached in this manner, it is considered to be “detached”. If it is a detached residential garage it will be used in computing the total square footage allowed for the size of your parcel as located in Section 3.8 of this ordinance.
2. **Accessory Storage Building** - An accessory building used to store goods and materials owned by the occupant of the principal building. The square footage

of the storage building will be used in computing the total square footage allowed for the size of your parcel as located in Section 3.8 of this ordinance.

3. **Accessory Supplemental Structure Detached** – This is a structure not used for storage but for recreational or hobby purposes such as a greenhouse, deck, gazebo, school bus wait and such structures. No more than 3 detached supplemental accessory structures shall be permitted. The total floor of each supplemental accessory structure shall not exceed 200 sq. ft.

Motion carried 6-0.

At 7:26 p.m., the Public Hearing was opened to rezone parcels 59-008-004-026-20, 15 acres owned by Sackett Potatoes and 59-008-004-002-42, 125 acres owned by Laura Chapin to agricultural. Resident Cindy Hoisington requested that the Chapin property be made Suburban Residential; she felt this would better position the property for future residential development. Several residents wanted clarification on how the proposed changes to agricultural would impact the zoning of the neighboring property. It was also explained that the rezoning would have no impact on taxes as property is taxed according to its use.

The Public Hearing was closed at 8:00 p.m. Gilman made the motion to change the Sackett Property, parcel 59-008-004-026-20, to agricultural. Motion supported by Blanding. Motion carried 6-0.

The discussion on Accessory Building Height was opened with a few changes suggested by commissioners. After several minutes of discussion the below chart and corresponding definitions were recommended to the Township Board by Roy and supported by Blanding:

Maximum Accessory Building Height	Lot Area ( 1 acre = 43,560 sq. ft.)	Minimum Building Side and Rear Yard Setback	Maximum Number of Accessory Buildings	Currently Approved
18 ft.	21,780 sq. ft. (3/4 acre or less)	10 ft.	2 Detached	1,200 sq. ft.
24 ft.	43,560 sq. ft. to 217,801 (3/4 acre to 5 acres)	22 ft.*	2 Detached	1,600 sq. ft.
35 ft.	217,801 sq. ft. or Greater (over 5 acres)	44 ft.*	2 Detached	1% Parcel Sq Footage
Agricultural Building	N/A	10 ft.	Exempt	Exempt

\*For all accessory buildings exceeding 18 ft. in height, the Side and Rear yard setback shall be equal to 10 ft. plus an additional 2 ft. for each foot exceeding 18 ft in height.

### **Section 3.8 Accessory Buildings, Structures and Uses**

#### **C. Residential Accessory Buildings and Structures**

3. No detached accessory building shall be located closer than 10 feet from any main building or lot line . The 10-foot minimum setback shall be increased by two feet per each one foot that a detached building exceeds the height of the house or 18 feet, whichever is lower.

5. Except for agricultural operations, detached accessory buildings shall not exceed 18 ft in height if the lot is less than 3/4 acre. The maximum height is increased to 24 ft. in lots between 3/4 acre and 5 acres and any lot exceeding 5 acres may have an accessory building up to 35 ft. in height.

Motion carried 6-0.

At 8:14 p.m., the proposed Wind Energy Ordinance and subsequent revisions were reviewed. At 8:27 p.m., a motion was made by Gilman and supported by Roy to hold a Public Hearing in December for the proposed Chapter 18 ordinance, "Wind Energy Systems." Motion carried.

At 8:34 pm, Dave Robertson brought forth his concerns regarding his property at 7344 South Backus Road, parcels 59-008-011-016-70 and 59-008-420-007-00. He explained that parcel ending in 70 is Industrial but can't presently be used as such due to it being landlocked without a road to access the property. He would like the parcel ending in 00 to be rezoned from SR to Industrial so that he can further his goal of using his property for warehousing purposes. The Master Plan indicates that the future use of the parcels is Industrial.

At 8:55 p.m., a motion was made by Wilkin and supported by Gilman to hold a public hearing in December to rezone Parcel 59-08-420-010-00 located at 7480 S. Backus Rd., Parcel 59-0080420-008-00 located at 7362 S. Backus Rd., Parcel 59-008-420-007-00 located at 7344 S. Backus Rd., Parcel 59-008-420-004-00 located at 7330 S. Backus Rd., and parcel 59-0080420-001-00 located at 7278 Backus Rd, from Suburban Residential to Industrial. The motion carried 5-0, with Blanding abstaining.

At 9:05 p.m., a motion was made by Gilman, supported by Roy, to hold a public hearing in December to receive public comment on a Special Land Use Permit request from Dave Robertson. It would allow warehousing, outside storage equipment and vehicles to be located at 7344 South Backus Road on parcels 59-008-420-007-00 and 59-008-011-016-70. Motion carried 6-0.

A discussion on Kennels in agricultural districts was held. Resident Dale Morlock voiced his frustrations with neighboring kennels causing significant noise. He stated that the neighbor has an inadequate berm that results in packs of dogs barking at him when he's outside.

After the Planning Commission discussed the issue, several members mentioned that kennels have become a recurring concern in the township. At 9:25 p.m., Gilman made the motion that a public hearing be held in December to receive public comment on requiring kennels to have a 7 ft. berm, privacy fencing around the perimeter of the kennel and ¼ mile set back on all sides. The motion was supported by Blanding and carried 6-0.

The issue of medical marijuana was presented on by Mark Wilkin. He has researched the issue and discussed it at several meetings. Wilkin advised the Planning Commission to hold off on creating any ordinance as the issue is fluid and still being developed through court rulings.

Wilkin moved and Gilman supported that agenda items “Political Signs” and “Structures in Water Front Zone” be tabled for the December Planning Commission Meeting. Motion carried.

Putnam requested that the issue of doubling permit fees for residents who don’t get permits prior to conducting the activity that requires the permit be added to the December agenda. No motion was made.

Committee reports were given as follows:

**Zoning Administrator** - A resident wants to purchase 14 acres supported by an easement. The property doesn’t touch any road. In order for the township to approve a split to allow him to purchase the property, a private road will be required and needs approval by the Planning Commission because the road will also abut two other parcels.

The DEQ is changing rule regarding burning ordinances. Barrel burning and the burning of house refuse will not be allowed effective April 2011. This means Eureka Township will have to revise our township burning ordinance. A resident with a soft sided accessory structure that is 54 foot long, and over 200 square feet was required to get a zoning permit. The Planning Commission confirmed that Tom handled situation correctly.

**Annexation Committee** – None

**Township Board** – The Township has approved the 2011 budget. They have also reviewed and approved the fee schedule. The Township Board has looked at purchasing a cemetery program to determine where the burials are located so that the township knows which lots are open and sold. The building at the cemetery was torn down. The street light on South Youngman Road was added. Agricultural work will be conducted around the Township Hall for drainage and aesthetic purposes; stumps will be removed and dirt will be deposited. Snow plow contracts were received. Forty chairs were purchased to facilitate the township hall being rented out to residents. The Township Board will appoint members to the Zoning Board of Appeals, Planning Commission, and Board of Review at the December Board meeting. The Township will have a Christmas Party on December 14<sup>th</sup>.

**Roads Committee** – None

Chairman Putnam opened the meeting to Planning Commissioner comments.

At 9:51 p.m., Lee Gilman made the motion to hold a public hearing in December to receive public comment on rezoning parcel 59-008-004-002-42 located at 9201 W. Wise Road, Greenville, MI 48838 in Section 4, from Manufactured Home Park and General Commercial to Suburban Residential. Motion carried 5-1 (Putnam opposed).

Mark Wilkin made a request for donations to “Toys for Tots.”

Items for discussion at the December 15<sup>th</sup> meeting:

- Public hearing for the proposed Chapter 18 ordinance, “Wind Energy Systems.”
- Public hearing to rezone Parcel 59-08-420-010-00 located at 7480 S. Backus Rd., Parcel 59-0080420-008-00 located at 7362 S. Backus Rd., Parcel 59-008-420-007-00 located at 7344 S. Backus Rd., Parcel 59-008-420-004-00 located at 7330 S. Backus Rd., and parcel 59-0080420-001-00 located at 7278 Backus Rd, from Suburban Residential to Industrial.
- Public hearing to receive public comment on a Special Land Use Permit request to allow warehousing, outside storage equipment and vehicles to be located at 7344 South Backus Road on parcels 59-008-420-007-00 and 59-008-011-016-70.
- Public hearing to receive public comment on requiring kennels to have a 7 ft. berm, privacy fencing around the perimeter of the kennel and ¼ mile set back on all sides.
- “Political Signs” tabled from November.
- “Structures in Water Front Zone” tabled from November.
- Doubling permit fees for residents who don’t get permits prior to conducting the activity that requires the permit.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Shawn C. Decker  
Planning Commission Secretary