

GRATTAN TOWNSHIP PLANNING COMMISSION
Regular meeting of August 4, 2010

1. Call to Order/Roll Call

Chairperson Alan Rumbaugh called the regular meeting of the Grattan Township Planning Commission to order at the Grattan Township Hall at 12050 Old Belding Road at 7:00 p.m. Members present: A. Berry, J. Proos, S. Miller, L. Sostecke, S. Christians D. Heffron and A. Rumbaugh. Members absent: none. Township Supervisor Frank Force and Township Attorney Jim Brown also attended the meeting.

2. Pledge of Allegiance

A. Rumbaugh led the Pledge of Allegiance.

3. Approval of Agenda

S. Miller moved and L. Sostecke seconded to approve the agenda. All ayes. The motion carried.

4. Approval of Minutes

A. Berry moved and S. Christians seconded to approve the minutes of the April 7 2010 regular meeting as amended. All ayes. The motion carried.

5. Public Comments

There were no public comments.

6. Public Hearing-Barb Dennis- 5170 Abrahams Dr. - Special Land Use - 12' x 20' Addition to House

Barb Dennis provided copies of a petition signed by 14 neighbors who did not object to the proposal. The original petition is an attachment to these minutes. She explained the proposal to construct a 12' 0" x 20' 0" addition to the rear of the house. The proposed addition would encroach into the rear setbacks. Mrs. Dennis said she tried to purchase additional land, but the Grattan/Vergennes sewer property is adjacent to her property, owned by the EPA, and cannot be sold.

A. Berry asked what the need for the addition was. Mrs. Dennis said the existing house was adequate, but would be more desirable with the proposed addition.

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L. Sostecke asked when the house was put on the lot. Mrs. Dennis was not sure, but said it was at least 20 years ago. L. Sostecke said then the house was built before the existing zoning ordinance was in effect.

A. Berry asked if this was a primary residence. Mrs. Dennis said it is a second home used year round on the weekends.

S. Miller asked if there is any way the addition could go up, not out. Mrs. Dennis said no. S. Miller asked if the addition could be located to the north or east of the proposed site. Mrs. Dennis said the lot slopes and the air conditioning unit, heating unit and the well are located in those areas. It was noted the requested variance is for 14.2'. The proposed addition would be 5.8' from the rear property line. (The variance dimensions were submitted in a decimal format.)

L. Sostecke moved and S. Miller seconded to open the public hearing. All ayes. The motion carried.

There were no public comments.

L. Sostecke moved and A. Berry seconded to close the public hearing. All ayes. The motion carried.

L. Sostecke said the house was built before new zoning was in effect.

A. Berry was concerned because the house is not a primary residence. Mrs. Dennis said they plan to retire there.

J. Proos said he had concerns about making a nonconforming structure on a nonconforming lot more nonconforming. Several Commission members agreed.

S. Christians said he visited the site and there is nowhere else to put the proposed addition.

L. Sostecke said regarding the issue of the house being a primary residence, the variance would apply to the land; not the owner. She said she did not think the nonconforming issue was a factor as the residents cannot purchase additional land.

D. Heffron said because the adjacent property is used for the Grattan/Vergennes sewer the Planning Commission knows how that property will be used. He said he would like to see the addition moved so as to lessen the variance, but because of the location of the well this is not possible. Mrs. Dennis proposed changing the dimensions of the addition to 10' 0" x 26' 0".

S. Christians asked if the variance is measured from the eave. F. Force said when the variance is between 2 structures the variance is measured from eave to eave

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and when there is only 1 structure the variance is measured from the wall to the lot line. If using the newly proposed 10' x 26' addition the variance would be 12.2'.

D. Heffron moved and S. Christians seconded to approve the special land use for a 10' 0" x 26' 0" addition to the back of the existing house at 5170 Abrahams Dr. Roll call: Ayes: S. Christians, D. Heffron, L. Sostecke and A. Rumbaugh. Nays: S. Miller, J. Proos and A. Berry. The motion carried by a vote of 4-3.

7. Revision- Poulias Resolution

L. Sostecke moved and D. Heffron seconded to authorize the recording secretary to make minor changes to resolution PC 2010-002 regarding the Poulias Special Land Use. All ayes. The motion carried.

8. Public Hearing/Review-Recommendation to the Township Board Changes in the Michigan Zoning Rules per Jim Brown

J. Brown explained proposed amendments to Article 14.05 of the Township Zoning Ordinance. He said the Township Board will make **THE** final decision on the amendments.

L. Sostecke moved and S. Christians seconded to open the public hearing. All ayes. The motion carried.

There were no public comments.

L. Sostecke moved and S. Christians seconded to close the public hearing. All ayes. The motion carried.

A. Berry moved and L. Sostecke seconded to recommend adoption of the proposed amendments to the Township Board. All ayes. The motion carried.

9. Review- Michigan's Medical Marijuana Act

Township Attorney J. Brown briefly explained the State's new medical marijuana act. He said many communities are considering zoning regulation or local licensing to regulate how marijuana is dispersed. Commission members discussed and agreed a moratorium of up to 12 months on this matter would allow the Planning Commission time to review. J. Brown **SAID** the Township Board must adopt a moratorium resolution.

S. Christians moved and J. Proos seconded to recommend the Township Board adopt a moratorium of up to 12 months on the growth of and sale of medical marijuana within the Township in order to allow the Planning Commission time

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to determine how to regulate medical marijuana under the zoning ordinance. All ayes. The motion carried.

10. Discussion-Biosolid Ordinance

A. Rumbaugh explained the recent incident near Big Crooked Lake when biosolids were applied to farmland near the lake. After the application there was heavy rain in the area (3 inches). Area residents were concerned about runoff into the lake. Testing of the application site showed the presence of e-coli. Water samples of the lake water showed no significant amounts of e-coli. As a result the Township Board asked the Planning Commission to consider an ordinance regulating the application of biosolids.

Commissioners discussed the matter. F. Force noted that any ordinance Grattan Township writes regarding biosolid application will have to be approved by the State. J. Brown said the Township can trigger a State hearing in the Township regarding the proposed ordinance. The State will have 45 days after the hearing to approve or disprove the proposed ordinance.

D. Heffron recommended Planning Commission members and Township Board members tour the Wyoming Clean Water facility. That tour will be held August 11, 2010. A bus from the Wyoming facility will pick up those attending the tour at the Township hall at 6:00 p.m.

11. Discussion

There was no discussion.

12. Adjournment

There being no further business, L. Sostecke declared the meeting adjourned at 8:50 p.m. The next regular meeting if needed will be held on September 1, 2010.

Respectfully submitted,

Diane Timmons
Recording Secretary, GTPC

Al Berry, Secretary, GTPC