

1. On Wednesday, September 26, 2007 at 7:00 p.m. Chairman Rodney Carpenter called the Algansee Township Planning Commission meeting to order at the Algansee 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- John Shilling motioned to approve the 9-10-07 minutes. Support by Tom Morgan. Motion carried.

3. Approval of Agenda- Glenn Preston motioned to approve the agenda as presented. Support by Tom Morgan. Motion carried.

4. Old Business- none

5. Report from Township Board- John Shilling reported the Algansee Township Board said the questions that Jack Lutz has for Greg Milliken need to be asked and answered at the Algansee Planning Commission meeting.

6. Report from the Zoning Administrator- Russ Jennings reported he has issued 5 permits so far for the month.

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

8. New Business- Question on use of temporary tent for boat storage in the off season. Russ Jennings said he would issue a permit.

9. Discussion of Proposed Changes to Algansee Township Zoning Ordinance

Chapter 19, Section 19.03 Nonconforming Lots A. Glenn Preston motioned to accept the 7-24-07 draft wording. A nonconforming lot is a lot of record which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located. Existing nonconforming lots may continue to be used as provided for in this Section. However, no new lots may be created that do not meet the minimum width or area requirements or otherwise conform to the standards of the Ordinance. Support by John Shilling. Motion carried.

Chapter 19, Section 19.04 Nonconforming Structures- John Shilling motioned to accept the 7-24-07 draft wording. A nonconforming structure is a building or structure, or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located.

A. Expansion of Structures.

1. Nonconforming structures any be expanded vertically provided the entire structure remains within the same footprint (horizontal dimensions) as existed prior to any improvements or expansions and the expansion does not exceed the maximum height requirements for the zoning district. If these conditions cannot be met, then approval of the Zoning Board of Appeals shall be required.

2. Nonconforming structures may be expanded horizontally as well provided that any new construction comply fully with the minimum yard, height and other requirements of the applicable zoning district. Supported by Pricilla Dodd. Motion carried.

Chapter 19, Section 19.04 C. Protecting Public Safety- Glenn Preston motioned to accept the 7-24-07 draft wording. Repairs or maintenance deemed necessary by the County Building Official to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the County Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which is located. Support by John Shilling. Motion carried.

Chapter 19, Section 19.04 D. Replacement of a Non-conforming Structure- Glenn Preston motioned to accept the 7-24-07 draft wording. A nonconforming structure that has been unintentionally damaged or destroyed may be replaced in its original location. The replacement structure shall not be permitted to expand beyond the footprint (horizontal dimensions) of the existing structure unless that portion of the structure that is expanding is in conformance with the requirements of this Ordinance. Replacement of such a non-conforming structure shall commence no sooner than receiving a valid building permit and within 12 months of the date of damage. Failure to commence replacement within that period shall require an extension and an acceptance of good cause hearing before the Zoning Board of Appeals. Support by John Shilling. Motion carried.

Chapter 19, Section 19.07 Burden of Proof- John Shilling motioned to delete. Support by Tom Morgan. Motion carried.

Chapter 19, Section 19.08, now 19.07 Recording of Nonconformities- Glenn Preston motion to accept the 7-24-07 draft wording. Upon the written request by a property owner and upon the determination that a nonconforming use, structure, or lot was lawful and fully permitted prior to the effective date of this Ordinance, or pertinent amendment thereto, the Zoning Administrator shall issue a Zoning Certificate, in accordance with Section 21.04, that establishes that the use, structure, or lot is a legal nonconforming use and is eligible for the nonconforming rights established by this Chapter. In any such request, the burden of proof is upon the property owner to provide sufficient information and evidence for the Zoning Administrator to make a finding that such use, structure, or lot was lawful and fully permitted prior to the effective date of this Ordinance or pertinent amendment thereto. A copy of any such Zoning Certificate shall be forwarded to the Secretary of the Planning Commission who shall maintain a public record of all such legal nonconforming uses, structures, and lots. Support by Pricilla Dodd. Motion carried.

Chapter 20, Zoning Board of Appeals Section 20.01 Establishment of the Zoning Board of Appeals- Tom Morgan motioned to accept the 7-24-07 draft wording. Pursuant to Public Act 110 of 2006, the Michigan Zoning Enabling Act, there is hereby created the Algansee Township Zoning Board of Appeals, referred in this Ordinance as the "Zoning Board of Appeals" or ZBA. The Zoning Board of Appeals shall be constituted and appointed as provided by Michigan Township Zoning Act and shall comprise of three (3) members and up to two (2) alternates. Support by John Shilling. Motion carried.

Chapter 20, Section 20.04- Authority of the Zoning Board of Appeals Generally Glenn Preston motioned to accept the 7-24-07 draft wording. The Zoning Board of Appeals shall

have the authority to act on those matters where this Ordinance or State law provides for jurisdiction. The ZBA shall have the authority to interpret this Ordinance in accordance with the standards set forth in Section 20.05. The ZBA shall have the authority to grant appeals from any administrative decision, determination, or action by the Zoning Administrator, Planning Commission, or the Township Board pursuant to this Ordinance, in accordance with the standards set forth in Section 20.06. The ZBA shall have the authority to grant variances to the application of this Ordinance in accordance with the standards set forth in Section 20.07. The ZBA shall not have the authority to change the zoning district classification of any property nor to amend this Ordinance in any way. Support by Tom Morgan. Motion carried.

Chapter 20, Section 20.07- Variances- Glenn Preston motioned to accept the 7-24-07 draft wording. The Zoning Board of Appeals shall have the authority to grant variances from the application of this Ordinance in cases where strict enforcement would cause practical difficulty as a result of special circumstances affecting an individual property, which do not generally affect other properties in the same zoning district. Such variances shall be subject to the provisions of this Section. Support by John Shilling. Motion carried.

Chapter 20, Section 20.07 Variances A. 6. – A narrative description of the requested variance that describes the section(s) of the Zoning Ordinance from which the applicant is seeking a variance as relief; the nature and extent of the requested variance; the potential impact of the requested variance on adjacent and nearby properties; and specifically how the application addresses the standards for granting a variance that are set forth in Section 20.07(E) below. Glenn Preston motioned to accept the 7-24-07 draft wording. Support by John Shilling. Motion carried.

Chapter 20, Section 20.07 Variances E. Standards for Granting a Variance.

In reviewing the request for a variance, the ZBA shall determine if the application of the Ordinance would cause practical difficulty to the applicant. Practical difficulty shall be established by the applicant addressing the following conditions:

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render Ordinance conformity unnecessarily burdensome.
2. Allowing the variance will result in substantial justice being done for the applicant and surrounding property owners; considering the public benefits intended to be secured by this article, the practical difficulty suffered on this property but not found broadly throughout the district, and the impact on properties affected by the allowance of the variance.
3. The variance requested is the minimum necessary to permit a reasonable use of the land, or structure.
4. The variance does not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures, or building in the same district.
5. Unique circumstances or conditions exist which apply to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
6. The unique circumstances, practical difficulty, and/or need for variance, do not result from actions or personal/financial circumstances of the applicant.
7. The granting of the variance will be in harmony with the spirit and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the

public health, safety and welfare. Tom Morgan motioned to accept the 7-24-07draft wording. Support by John Shilling. Motion carried.

10. Public Comment- Harold Sneath commented on the number of pedestrian accidents were minimal compared to the number of causalities from car deer accidents. Linda Belcher said she is concerned for the Amish community. Mike Kolodie supported the term “grandfathered”. Judy Jones asked about our township zoning ordinance compared to other township ordinances in the county.

11. Next Meeting Date/Adjournment – Glenn Preston motioned to have the next meeting on 10-15-07 starting at 7:00 p.m. with the special use hearing at 6:00p.m. Support by Pricilla Dodd. Motion carried.

Glenn Preston motioned to adjourn. Support by John Shilling. Motion carried. Adjourned at 9:30 p.m.

Glenn Preston, Secretary