

Thetford Township Planning Commission
Minutes of Regular Meeting
May 14, 2015
Approved

The meeting was called to by Chairman Laurel Coe at 6:30 p.m.

MEMBERS PRESENT: Kari Gilbert, Dennis Bloss, Laurel Coe, Peggy Castle, Trustee
Eric Gunnels

MEMBERS ABSENT: None

STAFF PRESENT: Leanne Pennington ~ Recording Minutes
Stuart Worthing ~ Building Official
Martin Cousineau ~ Board of Trustee
Gary Stevens ~ Board of Trustee

APPROVAL OF MINUTES: Motion Dennis Bloss, supported by Kari Gilbert to approve the minutes for March 12, 2015 as presented. All in favor. Motion passed.

CHANGES TO AGENDA: None

OLD BUSINESS: None

NEW BUSINESS:

- 1.) Joseph and Lorraine Stanislaw, 9336 N Saginaw, Mt Morris, MI 48458, Auto Sales and Service ~ need guideline for fencing per township instructions, any and all applicable municipal requirements for proposed use at above location.

Lorraine Stanislaw ~ well this is for a request to conduct Auto Sales and Service which will be a business that we conducted in the past at our location, and we were told by Chief Kenny and Stuart Worthing that we need fencing because we are bordering residential district. So we are asking for the fencing guidelines. I actually ended up FIOAing that information because we didn't get anything in writing and Mr. Worthing told us we needed to turn in a site plan. So I said how can we put together a site plan without knowing what is supposed to be on it. We actually FIOA the information in December it came back that we needed to meet with the Planning Commission for the fencing guidelines. So we are asking for fencing guideline and requirement that would be applicable for our location.

Laurel Coe ~ you are residential though right? At the moment you are residential

Lorraine Stanislaw ~ no, we are General Commercial

Dennis Bloss ~ you are zoned commercial but right now you are officially non-conforming residence in commercial zone.

Lorraine Stanislaw ~ we are non-conforming residents

Dennis Bloss ~ you no longer have you business

Joseph Stanislaw ~ we still have our business

Lorraine Stanislaw ~ ya, we always been business. We still have Grand Auto Plaza DVA and sell parts

Laurel Coe ~ thought you couldn't have residence in a business

Dennis Bloss ~ you are license through the state to sell auto parts today? You might have the DVA

Lorraine Stanislaw ~ we still have the business. We still have the automotive where we sell parts

Dennis Bloss ~ I thought your auto license was rescinded or let it go in 2005

Lorraine Stanislaw ~ you don't need a license to sell certain parts

Joseph Stanislaw ~ if we sell 5 cars a year we have to be license

Lorraine Stanislaw ~ in order to sell parts newer then 5 years old you have to have a certain licenses

Dennis Bloss ~ I don't think you are on the books on having a formal business at that address at this time

Lorraine Stanislaw ~ all we are asking for is guideline for fencing and whatever requirements are applicable at our address and our location.

Laurel Coe ~ will since you are residential you would follow that residential

Dennis Bloss ~ residential fencing is six foot in back and the sides up to the house and from the house forward four foot

Stuart Worthing ~ correct

Dennis Bloss ~ and that's in the ordinance book. Is that right Laurel?

Laurel Coe ~ yes

Dennis Bloss ~ that is what is appreciate for residences

Larraine Stanislaw ~ so are you saying we need to have six foot fencing?

Dennis Bloss ~ no, we are saying if you want to put fence around your residential your residence today. Where your residence is today, your non-conforming residents then it is 6 foot and 4 foot

Larraine Stanislaw ~ I am just asking to conduct auto sale and service, what do we need for fencing? What are the fencing requirements for our location? Because we have been told we need fencing

Dennis Bloss ~ if I can maiden chairmen, I think you are taking things out of order. To right now first of all you cannot have a formal business and a residence on the same piece of property today. That's what the ordinance say and written that takes a variance that you would have to apply to the Zoning Board of Appeals. I am on that board but I cannot answer for that board here, but that would be step one. If you were going to leave where you live today and have a formal business doesn't matter if it is car sales or part sales or hardware store or a pet store it doesn't matter. If you are going to try to have a business in a residents the way the Ordinance is written that today you cannot have them on the same piece of property.

Larraine Stanislaw ~ ok

Dennis Bloss ~ there were some older piece of property that have been grandfathered but when the businesses left, like Bloss Hardware when the business left it was no longer appropriate or legal to have a resident and a business on the same property.

Joseph Stanislaw ~ we have been there since 1983

Dennis Bloss ~ I understand that but right now I don't believe that the township recognize that there is a formal business at that address. Is that right Stuart?

Stuart Worthing ~ that's correct, there business license has been rescinded. We treat it right now they are considered as a non-conforming residential in a commercial district.

Dennis Bloss ~ it's like your neighbor, the one I can think of is Dan Case is in that same commercial area and he is the same as you non-conforming residential in a commercial area. That means you can as a resident you can live there as long as you want, you can maintain the facility, you can sell the property. Don't encourage big improvements to the property because we would like to eventually turn it into all commercial. But that's what you are today, you are a resident in a commercial area. And if you are looking to do auto business there it is zoned properly for a business like that but step one you cannot live on the same property where you can have an auto business at. It doesn't meet the requirements of the ordinances. There are other options you could have a primary residents somewhere else and you could use your current home for office and

restrooms facilities which is required for an auto business in any event, that's a possibility. Or you can have your auto business on a different piece of property in a commercial area. But you cannot have both together, unless you apply to the Zoning Board of Appeals and they approve a variance like that.

Larraine Stanislaw ~ and when was that changed

Dennis Bloss ~ I don't know when that Ordinance was changed, back when was that date on that book?

Laurel Coe ~ this one is 1989 but there is a new one

Dennis Bloss ~ I cannot tell you that, it was changed back when the big redo of Ordinance back over around when the big gravel but that was some time ago. There has been some business that where grandfathered in

Larraine Stanislaw ~ can you tell us what section that would be addressed in

Dennis Bloss ~ no, we couldn't tell you that here, not this board couldn't.

Trustee Gunnels ~ I am curious too

Larraine Coe ~ that's news to us

Laural Coe ~ the question about the residents and the business together. I just read that the other day in here

Dennis Bloss ~ turn to the front it is at least as old as 1989

Clerk Pennington ~ it was 2011

Laural Coe ~ it was changed back as that time

Trustee Gunnels ~ what Ordinance are we talking about

Clerk Pennington ~ Ordinance 78

Larraine Stanislaw ~ and what section is that

Peggy Castle ~ when you tell someone that their business has to be on the same piece of property. This might sound like a ridiculous but how far apart must these pieces of property be?

Dennis Bloss ~ its one piece of property

Peggy Castle ~ their business and you say they cannot have their resident on that lot, what is it an acre. And they have to have that somewhere else, so how far apart do they have to be?

Dennis Bloss ~ it has to be a property line

Peggy Castle ~ a property line....

Dennis Bloss ~ you cannot have one parcel, two separate parcels

Peggy Castle ~ got it

Dennis Bloss ~ and each parcel, could be split but would have to meet the minimum requirements for frontage. And the buildings left on the split would have to meet the setbacks requirements from the distance of the property lines, to the building and the house.

Peggy Castle ~ separate parcels

Dennis Bloss ~ yes in one parcel

Peggy Castle ~ ok

Dennis Bloss ~ it's in the 2011 book but isn't in the 1989 book

Laurel Coe ~ to Peggy I can find the page and I will make you a copy

Dennis Bloss ~ I am sure the staff can help you later, but for the purpose of this meeting the way the ordinance stand today you cannot have a business and a resident on the same piece of property. So as you stand today you have a residences in a commercial area the rules for fencing would be the same as a residents that is 6 foot in the back and 4 in the front.

Stuart Worthing ~ up to the right a way

Lorraine Stanislaw ~ so essentially the zoning was changed

Staurt Worthing ~ no, residential hasn't changed on the fencing

Dennis Bloss ~ not the fencing zoning that hasn't changed at all

Lorraine Stanislaw ~ I am saying the zoning of the area, the zoning was changed then

Joseph Stanislaw ~ we have been out here since 1983

Dennis Bloss ~ I understand that, I don't know when it was changed when it became commercial. The point is today, for the purpose of this meeting, we only have to look at

today the staff can help you with the history of it of when that property was changed to commercial

Lorraine Stanislaw ~ I want to know when it was changed to residential

Dennis Bloss ~ it was changed to commercial, people with residences were already there so they are grandfathered

Lorraine Stanislaw ~ so now we are residential use not commercial use

Dennis Bloss ~ you are in a commercial area and you are non-conforming resident in a commercial area

Lorraine Stanislaw ~ ok

Dennis Bloss ~ again same as.....

Lorraine Stanislaw ~ can this be put in the minutes that we are not allowed commercial use

Dennis Bloss ~ no, I didn't say that. You can do commercial things on the piece of property you cannot live there and have a commercial business at the same time

Lorraine Stanislaw ~ and that would be noted in the minutes

Dennis Bloss ~ so noted and it's in the Ordinances

Laural Coe ~ we probably would have copied the ordinance pages, but all you needed today was confirmation on fence

Lorraine Stanislaw ~ right, because that is what we were told we needed

Laurel Coe ~ so that answers your questions

Lorraine Stanislaw ~ yes, that answers our question thank you

2.) Winston Rea, 2390 W Dodge road, Clio, MI 48420, build single family house ~ to help aging mother, 3163 E Vienna Road, Clio MI

Winston Rea ~ hello, what I was wanting to do is. My mom owns 18 acres right down here on Vienna Road, 3163 E Vienna Road. The problem we have is that we only have 65 foot of road frontage and we go between two houses that are our relatives. My grandpa originally owned 20 acres he built a house on one side of it built and driveway then built another one on the other side. Now today my uncle owns one and my cousin owns the other. My mom owns the house in the back. I want to go and build another house back there behind my mom's house just because it's getting too much for my

mom to handle the property. So I have to go over there and take care of it mow the lawn and take care of all that kind of stuff. Plow the driveway, between my house and her house it's difficult. So I would like to make it easy with me being there I can take care of everything. Eventually not to sound morbid or anything but my mom when she passes it will turn to one house. Her house will be torn down that house will go away. So eventually it will go back to one house on the property.

Laurel Coe ~ that's different then what we had earlier

Dennis Bloss ~ yes, just the opposite from the first one. It is close to some of the things that have been done in the past in this township. Stuart maybe you can help us remember, didn't John Congdon require...

Stuart Worthing ~ basically what I discussed with them was, if the board if you so choose to grant it I would put in stipulations on there. Because what they are doing there is a single site condos, multifamily to separate is what they are asking. By doing so in your approval you can put in that when the originally structure is vacant with the current resident. You can put a stipulation in there to give them 90 days or whatever to have the structure removed from the property. Again make sure you put in there 90 days of the current resident you cannot say when being used because they put someone else in there.

Dennis Bloss ~ I understand what you are saying, like it has been done in the township. One of our trustees moved a mom or a mother in law into a double wide on the property got permission from the board and it was stipulated with a certain amount of time would be removed and it was and it meant all the requirements of a single family dwelling in that zoning. Which is the basic requirements. So what you are telling me is, let me see if I can put it into my words. You are telling us on this piece of property we have outlined further back, you would build a new home and you and your family would live in the home. And when you mom no longer needs the residents up front the older home that you would demo it.

Winston Rea ~ yes

Dennis Bloss ~ and it then would be back to a single family dwelling that fits the ordinances

Winston Rea ~ yes

Dennis Bloss ~ would 90 days be enough time?

Winston Rea ~ after is not being used, yes

Dennis Bloss ~ then at that time it would meet the ordinances

Stuart Worthing ~ 90 days to be completed

Winston Rea ~ would you let us have someone come in and do a survey to divide that property

Laurel Coe ~ you cannot do it

Dennis Bloss ~ you are already non-conforming with such a narrow frontage. And trying to do shared driveways and messing around doesn't make sense to me. That ends up being awkward and terrible. It has happened before with two homes, two families one family leave and we have a fight because one wants to sell this one and you cant. But what you described second home temporarily with the first one demolished in a certain amount of time afterwards and you are back being within the ordinance. That sounds pretty clean. Trying to divide this property that is already non-conforming with its narrow frontage. With the minimum 150 and you are already non-conforming but you are there. You are flag parcel, and narrow like a flag pole then it opens up

Winston Rea ~ it will be down to one house on 18 acres and 90 days would after when it is not being occupied by the current resident

Dennis Bloss ~ what you are asking for us is a temporary special land use to allow multiple families dwelling on this piece of property and when the current resident in the older home is not using that home and in 90 days whatever it is moves to Florida, moves to assist living whatever just when mom is not there anymore within 90 days you will demolished and be done with the demo.

Winston Rea ~ yes

Stuart Worthing ~ you will want to list the mother's name

Winston Rea ~ her name is Nancy Rea

Laurel Coe ~ yes we have her name on our paper work

Motion by Dennis Bloss, supported by Kari Gilbert to approve the special land use for multiple family dwelling on this parcel with the stipulation that when Nancy Rea not residing at the current residents within 90 days of her not using that residents that it is demolished completely. Putting the property back to a single family dwelling fitting our Ordinances.

Trustee Gunnels ~ I prefer a better site plan before making a decision like this but it seems pretty cut and dry and simple. Not saying anything unusual here. You got the support and motion on the floor

Dennis Bloss ~ just before in the discussion, that's a good point Eric with a second home and special land use permit

Stuart Worthing ~ the house will have to meet zoning setbacks placing the building on property

Dennis Bloss ~ to place it on properly on the property and would have to meet all of our requirements

Stuart Worthing ~ they would have to submit a site plan to the building department to show all that and county septic, well, soil and erosion. They will have to submit all that to them as well

Winston Rea ~ yes, I know we are planning to do all that

Laurel Coe ~ any more discussion, all in favor say I, all oppose say nay motion carried

OTHER BUSINESS: None

AUDIENCE COMMENTS: None

BOARD COMMENTS: Various comments were given by the board members

Adjourn at 6:55 p.m