

Milton Township
Planning Commission
Approved Meeting Minutes
July 10, 2018

Members present: Chairman Hefferan, Kingon, Cole, Merillat, and Kopkau.
Members absent: Murphy and Lefebvre.

Also present: Weizapfel and 2 audience members.

Hefferan called the meeting to order at 7:00pm.

Approval of meeting minutes dated June 12, 2018:
Change "three" to "two" on page 2.

Motion by Kingon to accept the minutes as corrected. Seconded by Cole. **Motion carried.**

ZBA Report:

Kingon said the ZBA met last month and there was a request for a variance on the front and side yard setback for construction of a deck. The final finding was that the deck could have been built elsewhere and they could also build a ground level patio, so we voted to not allow the variance.

Agenda:

1. Dowker Outdoor Storage/Marine Sales and Service Subcommittee.
2. DeFauw Private Road Exception Subcommittee.
3. Definitions Structure/Primary Structure/Premise Subcommittee.
4. Set agenda for August meeting.

Public Comment:

No one wished to speak.

Motion by Kopkau to approve the agenda. Seconded by Kingon. **Motion carried.**

1. Dowker Outdoor Storage/Marine Sales and Service Subcommittee:

Merillat said that this subcommittee did not meet. A replacement is needed for Merillat since he is in cherry season. Cole will replace Merillat. The subcommittee of Cole, Kopkau, and Lefebvre will meet July 23th at 6:30pm.

2. DeFauw Private Road Exception Subcommittee:

Jeff Jocks represents Robert DeFauw. Robert is one of the trustees of the William DeFauw trust. Hefferan said he is employed by Judge Hayes. Hefferan does not feel he has a conflict of interest, but if Jocks feels he does, he will step aside. Jocks said he does not feel that there is any conflict. Hefferan and Kingon met on July 3rd. Minutes of the meeting were presented. The Subcommittee reviewed ordinance section 117.1905B.

Jocks said this issue has been ongoing for 14 years. We are making progress, and this is something we are moving forward on. The trustees have realized that the best way to deal with this is to separate themselves and the property. Jocks referenced a survey dated 8/1/2005. The road is intended to stay as rural as possible. To the width issue, it is important for safety for cars passing each other, but in the foreseeable future, there will not be traffic. Jocks said granting this road relief will go a long way to settling the issues with this family. If there were a problem that were to arise, these folks would be on top of it and they would take care of it.

Kington asked about access for parcel C4B. Jocks said it's access comes off easement #2. Cole asked if the limitation to one house will be in the deed requirement? Yes, for parcels C4A and C4B. There are also provisions for viewsheds on those lots. All owners who are successors of the trust would be able to enforce all the restrictions against each other.

Cole and Jocks discussed the widths of the roads. There are spots where it is 20 feet wide and another it is 15 feet wide. The road is very restricted as to who can use each portion of it.

Kington said the road width is one thing. Merillat asked what has prevented them from putting in a road that meets the ordinance. Jocks said it is just a matter of time. Cole said that the report from the fire chief said the road would be okay in good weather, but winter weather might be difficult. The understanding is that the two-track coming off Cherry Ave, would need to be upgraded if anyone ever built on that lot. In this issue, this would be considered a private driveway.

Cole said he is understanding that they have upgraded the road coming off East Elk Lake Drive. Between seven and 12 inches of gravel are there, but 12 inches are necessary to bring it up to standards. It would also need to be 16 feet wide throughout as listed 117.1902I.

Cole said an argument could be made that as you go down this road, you are services three, two and then one lot and it would dead end at that point. Hefferan said the Subcommittee touched on the fact that this could be a driveway, but where would it end? We felt that it fell under the private road ordinance. Cole said even the width is very close. Jocks said he would point out that there are provisions in the road maintenance agreement there is a provision for a gate between parcels C2 and C3.

The subcommittee recommended we consider the rural nature of the road and grant relief. Cole said his only concern with that is what could happen down the road. Jocks asked if there could be a condition that if there is any further development the road must be brought up to specs. Merillat said he feels this is a self-created problem. With two days of work and some money, the road could be brought up to specs.

Hefferan said looking at the last paragraph of the subcommittee report, what would you add to that if it were to be approved. Cole said he would cite parcels that are involved and state that any change to the boundaries of those parcels would require the entire road be brought up to specs. Cole said any deed restrictions are only enforceable by the other owners and if they decide to do

so. If we were say this is tapering down from three to two to one lot, we would have to be cautious about the other lots not a part of this decision and what their potential development would do to this road. Or we could say that this road that is becoming a driveway, can only service the following parcels but never any others.

Merillat said this relief is only for what is before us. If they split again, they would have to come back again for more relief.

Merillat asked if we have a copy of the maintenance agreement? Yes. How old is the road? It was upgraded last fall in October or November. If you did not have the engineering report and you looked at this, you would think it meets the standards. However, it doesn't. Merillat asked about the maintenance agreement? It won't serve more than 25 lots? Cole read from the agreement that the parcels are named and there are five.

Hefferan said looking at the Master Plan, the general goals are to retain existing character by preserving shoreline by minimizing growth. On page 8-8, the township will discourage large commercial resort type developments on waterfronts. Hefferan asked if these are tied together...the land division and the road relief? Jocks said in theory, it could be. Getting everything done and complete so we can sell the parcel is most important.

Merillat asked about Morgan Shores and standard relief? When we approved that did we cite the standards we relieved? Hefferan read from those minutes. Merillat reviewed.

Merillat said if we waive this, perhaps we should look at our standards on roads for three to six lots.

Finding of Facts: Relating to 117.1905B 1, 2, 3, & 4:

#1: We view this as preserving rural character.

#2: This will serve no more than five parcels for the next ten years (C1, C2, C3, C4B, B1).

#3: There are no future road connections anticipated.

#4: We have a letter from the fire department dated July 7, 2018 that the road is acceptable.

Motion by Kingon to accept the recommendation of the subcommittee report dated July 3, 2018 and grant a waiver to the DeFauw trust to the requirements of 117.1901I for the private road in the DeFauw Trust Property based on 117.1905B and the above findings of fact and in concurrence with the fire department in a letter dated July 7, 2018. This waiver is based on the land division survey by Dean Ferrier dated 11/06/2017 which limits property easement access pursuant to the easement descriptions subject to township approval of the land division. Second by Cole.

Discussion: Merillat said we are relaxing all of 117.1901I.

Motion carried 5-0.

3. Definitions Structure/Primary Structure/Premise Subcommittee:

Hefferan and Kingon met on June 26th and provided minutes dated the same. The minutes provide new definitions of Accessory Structure and Structure:

Accessory Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location is subordinate to the principle building on the same lot.

Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. A structure does not include irrigation system components or physical improvements that are flush with the ground such as patios, sidewalks, and driveways.

The commission members discussed the differences between the present and the proposed language. Are all accessory buildings accessory structures? Yes. They should be.

Hefferan asked regarding the practical aspects of this language from the ZA's perspective. Weinzapfel said the existing leaves it wide open. We need to do some additional clarification.

Hefferan and Merillat said this seems simple and good, but we should take some time to review and consider and discuss next month.

4. Agenda for August:

1. Dowker Outdoor Storage/Marine Sales and Service Subcommittee.
2. Definitions Structure/Primary Structure/Premise Discussion.
3. Set agenda for September.

Meeting adjourned by order of the chair at 9:00 pm.

Respectfully submitted,



Joseph Merillat