



Minutes

THOMAS TOWNSHIP PLANNING COMMISSION

Thomas Township Public Safety Building, 8215 Shields Drive, Saginaw, MI 48609

June 17, 2015 at 7:00 p.m.

Ruth McDonald called the Planning Commission meeting to order at 7:00 p.m.

Present in addition to Mrs. McDonald were: Rod Iamurri, Rick Lorentzen, Diane LaMountain, Chris Thompson, Dale Halm and Patrick Lynch. Also present were Dan Sika, Director of Community Development, and Connie Watt, Planning Assistant/Code Enforcement Officer, and five interested parties.

1. Call to Order and Roll Call

2. Pledge of Allegiance.

3. Approval of Agenda:

Agenda amended to indicate there was nothing for this meeting under "Old Business". Master Plan Update will take place at the July 15, 2015 meeting. It was moved by Halm, seconded by Iamurri to approve the amended agenda as presented. Motion carried unanimously.

4. Approval of Minutes:

It was moved by Thompson seconded by LaMountain to approve the minutes of May 20, 2015 as presented. Motion carried unanimously.

5. Communications – Petitions – Citizens Comments – None.

6. Hearings

A. Amendment to Zoning Ordinance-Section 3.2 (o)-parking of Recreational Equipment and Recreational Vehicles; Section 5.3 (e)-Encroachments Restricted, now known as Parking of Vehicles.

McDonald stated that in regards to both of these Ordinances there has been problems with the wording, conflicts and other inconsistencies that made the Ordinances difficult to enforce. These Ordinances had been discussed at a couple of Planning Commission meetings, reviewed by the Ordinance Committee. They came up with recommendations that were then given to the Township Attorney. He in turn came up with the draft being presented this evening that we have here to discuss. Sika added that they have tried to work out all of the problems and have tried to eliminate these conflicts. The Planning Commission has been looking at this for the past couple

of months. The problems the current Ordinances have would be that Section 5.3 (e) states in part that all RV's must be maintained on a driveway surface. However we had no definition of driveway. One of the changes added is a definition for this. Section 3.2 (o) in part allows RV's to be parked between the house and front yard setback. But the Ordinance goes on to say but at no time may an RV be parked in the defined front yard. So the second statement takes away what the first allowed. The problem is that the Code Enforcement Officer has to deal with and struggle with the language to enforce. By clearing up this language we are attempting to make enforcement easier and how the residents can understand the Ordinance easier. Section 3.2 (o) also states in part that RV's must be on an approved hard surface at all times but the term hard surface is not defined and can be interpreted in many ways. These are the primary problems and the Planning Commission has come up with a better, clearer Ordinance. In addition a ten (10) day grace period was added for incidental things such as washing, packing, unpacking of RV's to allow them to be parked in what would normally be a non-compliant area for this ten (10) day period.

McDonald opened the public hearing at 7:10 p.m. Mr. Ed Brosofski of 1689 Horseshoe Circle, Saginaw, MI spoke, he said he had been brought into some conflict concerning the parking of RV's. He has had his boat in the same place for twelve (12) years. He has been treated the same as any other citizen by the Community Development Department which he appreciates. But he does have some questions and concerns. His property is set up so that the front entrance and rooms face the north, the rear deck and back yard are to the south and his driveway runs east to west. He said it's an odd situation where the driveway is treated like a front yard. He has no place to park the boat where it will comply. He did like the ten days per month which are in the new draft of the ordinance since no opportunity existed previously. But he did question how it would be enforced. He wondered if he'd have to call each time he came and went. How would he know when his ten days ends? He said when researching this each time he looked at properties they were nice shaped rectangles. His is not even close to that. He'd like the same opportunity as any other Township resident to store his boat on his property. Lorentzen agreed that having lived near Mr. Brosofski he understands that he really doesn't have a location on his property that he could store his boat and be in compliance. Halm questioned if there would be any way to add an exception to the Ordinance for odd shaped properties. Sika stated that once the Ordinance is set in place its law. No other group other than the Zoning Board of Appeals would be able to grant a variance. He realizes that it is difficult and costly to seek a variance and there is always going to be exceptions, but the Ordinance is usually designed to affect the majority of residents. Lorentzen again questioned if they could include the exception in the Ordinance. Sika replied he would really have to look into it. He personally has not seen or is not aware of this happening. McDonald questioned if in these situations the property owner is "grandfathered" in. Sika replied in order to be "grandfathered" in they would have to be compliant/legally parked at this time. Thompson noted he thought it would be hard to include exceptions. Sika explained the way we plan to enforce the ten day grace period in the draft. If we receive a complaint the Code Enforcement Officer would go out, notate it, take photos and send a letter. The clock begins on that day. After ten days if the RV was not moved a violation ticket would be issued. This is the only way we'd be able to go to court and testify to the RV exceeding the ten day rule. McDonald added that in the Ordinance Committee meeting this had been discussed and this was the only way to be fair to all residents. Brosofski said he understood but would like this all to be looked at so he can make sure where he parks and how long he parks

his boat would be legal. Iamurri said maybe there could be something in the Ordinance to look at these unusual shaped properties on an individual basis. He added that the Planning Commission wants to be fair with this for all residents. Maybe there could be a special deviation for certain circumstances. Russ Taylor, 10372 Dice, Thomas Township manager spoke. He wanted to point out to the members that in some neighborhoods/subdivisions there are homes that set back more than thirty-five feet (35'). The building line is back further. He feels that the established building line should take precedence when considering where RV's could be parked to get them behind the front of the home. He said he wanted to make sure this is considered. In the case of corner you must consider the neighbors front yard. Thompson agreed stating he felt they should be parked at least as far back as the building. Taylor did add that the Planning Commission would have to consider the diversity of homes built back at various degrees from the road and how to address these situations. This as to not create a "mess" to enforce. Chuck Latty, 7820 Abbe Ct., spoke. He showed the Planning Commission members photographs taken from his father's front porch of the view to the east of a corner lot he sits next to. This of an RV parked sixty-eight feet (68') back from the center of the road and four feet (4') from the side property line. He said he believes the Ordinance should affect a majority of the residents and since he believes ninety percent (90%) of residents don't own RV's and no one would like that view this needs to be considered. He said there are unintended consequences of RV's parked on corner lots such as a loss of home value for their neighbor regardless of if its parked on a hard surface, paver bricks or whatever. He added he did pick up Mr. Taylor and Mr. Sika and showed them the situation. Doug Kaiser of 1525 Short Road spoke. He said he bought his property in 2013 and has worked hand in hand with Code Enforcement. He was going to park the RV on his driveway but did not have the required distance of four feet (4') from the side property line. He spoke with Connie several times and per the Ordinance was told he was one hundred percent (100%) in compliance. He was four feet (4') off the side property line and sixty-eight feet (68') back from the center of the road and parked on a hard surface which he was told had always been anything other than mud or sand. He added if he is forced to move the RV then he will install a row of tall arborvitaes there. He explained he had done everything according to what the Township required along with Code Enforcement and now they are renegeing on this. He added that the pictures Mr. Latty offered were a back yard view, not a front yard view. Iamuuri spoke and said the Code Enforcement Officer did work within the Ordinance but the ordinances were conflicting and that's what they were trying to correct and get some commonality. Taylor interjected that the Township Attorney's opinion on the Ordinance stated that Mr. Kaiser was not in compliance. Sika added that with the new draft Ordinance the RV would be parked legally if it were on a driveway surface as the new definition added states. Kaiser questioned where the driveway surface had to be. Sika explained under the RV only, as long as the RV was back sixty-eight feet (68') and parked on that driveway surface. Sika noted that a lot of opinions had been brought up tonight that may need to be considered and this is only a draft version at this point. Kaiser said he understood but wants the Planning Commission to know that he worked with the Township every step of the way and even revamped his back yard to make this work. He did not want to be illegal. Thompson added that he thought under the new draft the RV had to be back behind the house. Latty added he understood that also. Sika explained that is not the case with the draft version being presented tonight. The Planning Commission could look at doing that if they opt to or using the established building line as Taylor mentioned. Thompson said he felt that would be fair if they did. Iamurri added that he felt on some streets this was just not possible due to the difference in the setbacks of the homes. Sika added that the defined front

yard for a residential property is thirty-five feet (35'), sixty feet (60') if zoned agriculturally. But some homes may be setback three hundred feet (300') so this is something they would really have to look at carefully and consider. Mr. Latty added that he had a copy of a letter sent to a friend concerning parking of a vehicle on the grass that expressly says all vehicles have to be on a driveway surface including RV's as per the Encroachment Ordinance. He doesn't understand why we don't enforce this for 1525 Short Road. Sika informed Mr. Latty that it is not as clear as all that and that the Township attorney noted there was a conflict in the two ordinances and how they could be interpreted. McDonald added that is what they are trying to resolve. The Public Hearing was closed at this time. LaMountain said she was now more confused than before. Lorentzen made a motion to table the item until the next meeting after they could have another Ordinance Committee meeting and further discussion on the new issues brought out this evening. The motion was seconded by Halm. The motion passed unanimously.

7. *Sign Board of Appeals-None*

8. *Presentations*

A. *Site Plan Approval for the construction of a multi-purpose building at Roberts Park.*

Taylor addressed the Planning Commission regarding a new construction for Roberts Park of a multi-purpose building to be located near the split-rail fence at the soccer fields. He said an added concession stand actually increased the size of the building from the original thought. The all-purpose building actually started as bathrooms for the soccer fields. The soccer program has grown from 200 to 800 participants so the need for this type of building exists. At either end of the building will be a storage area and at the other a concession area. On the back side of the building facing the soccer fields will be a 100 person pavilion area. This will be used as a co-ordination site for soccer as well as an area for end of season parties. Part of the overall plan was to have a centerpiece building to centralize activities. This building would also be utilized during the new movie nights and Family Fun Day. HSC and Dow had donated \$200,000 to the project once \$50,000 in community donations had been met. This goal has already been reached. Taylor added that he is anticipating construction will begin in September. Halm questioned if the pavilion will be for rent also. Taylor stated he believed so. Halm also questioned how the concessions would be run, by outside non-profits? Taylor stated that is the thought along with a couple of Township employees. Taylor also discussed the eventual archway entrance that will be added to Roberts Park in the future. A motion made by Thompson, second by Iamurri to approve the Site Plan for the construction of a multi-purpose building at Roberts Park. Motion passed unanimously.

9. *Old Business-None*

10. *New Business-None*

11. Receive and File All Correspondence-Planning and Zoning News-March 2015

Adjournment

Motion by Halm seconded by Lorentzen to adjourn the meeting at 8:25 p.m. Motion carried unanimously. ***The next meeting date is July 15, 2015.***

Respectfully submitted by Connie Watt, Planning Assistant/Code Enforcement Officer