

Minutes of the April 16, 2013

Otter Lake Planning Commission

(Special Meeting)

I. Meeting called to order at 7:00 p.m.

Present: Fran Gullekson Dale Fuller Terry Gill
Joan Skias Kevin Miller

II. Minutes from February 4, 2013 meeting were presented. Motion by Fuller, support by Gill to accept minutes as presented. Motion carries with all yeas.

III. Approval of Agenda: Motion by Gill, support by Fuller to approve agenda as presented. Motion carries with all yeas.

IV. Declaration of Conflict of Interest by Commissioners: No commissioners declared a conflict of interest in the issues before it.

V. Plan Reviews: None

VI. Old Business: Request by Mr. and Mrs. Ray Benson, 5988 Cedar Lane for Special Use permit to raise chickens.

Motion by Gill, support by Miller to grant a Special Use permit for the raising of chickens as requested by Ray and Linda Benson, 5988 Cedar Lane, including required fencing and housing, based on the following:

- Use is allowed in R-2 Single Family Residential – Medium Density per Section 3.5 of the zoning ordinance.
- Property meets the minimum one (1) acre requirement.
- Property owners comply with Section 4.17 Raising of Livestock of the zoning ordinance.
- Majority of nearby residents do not object to the granting of this Special Use permit.

Commissioner Comments:

Commissioner Gullekson stated that as a new commissioner she swears to up hold and follow the Village of Otter Lake Zoning Ordinance and procedures of the Michigan Zoning Guidebook: for Citizens and Local Officials, 2nd Edition. Commissioner Gullekson then went on and read several sections from the Michigan Zoning Guidebook.

Public Comments:

Ken Gullekson stated that the chickens must be removed because the Benson's did not obtain a Special Use permit prior to getting the chickens.

Ray Benson indicated it was an oversight, that he had only read Section 4.17 Raising of Livestock of the zoning ordinance. He also indicated that Ken Gullekson was a member of the Planning Commission in the summer of 2010 when he first got the chickens and no objections were raised for well over a year. Mr. Gullekson stated that he was not a member

of the Planning Commission at that time. (Note: Ken Gullekson was appointed to the Planning Commission on May 14, 2008 and resigned in May 2012.)

Ken Gullekson stated that raising chickens did not meet the requirements of R-2 zoning, that the DEQ strongly recommends no chickens be raised within a potential area of run-off to the lake, that the Michigan Department of Agriculture, Section 3 of their manual (?) prohibits chickens within 125 feet of a property line or 1500 feet from a public park or campground, and that granting the special use permit cannot decrease the value of the surrounding properties. Mr. Gullekson stated that during a recent property inspection by his insurance carrier, the agent told him that the presents of the chickens decreased the value of his property. Commissioner Gill asked Mr. Gullekson, "Are you stating that financially, removing the chickens will increase the value of your property?" Mr. Gullekson stated "Yes, I am."

Commissioner Miller asked Mr. Gullekson, if the person inspecting the property was a friend. Mr. Gullekson indicated that he was not, however the insurance agent is his son-in-law.

A member of the public asked Mr. Benson how many chickens he had. Mr. Benson indicated that he currently had eleven (11) hens with an 8 foot by 10 foot coop.

Mr. Gullekson stated that during the summer months the stink was bad. Mr. Jack Burcham, a friend of the Gullekson's from Howell, Michigan, stated that on a visit to the Gullekson's one day last summer he noticed the smell as soon as he exited his vehicle and questioned Ken Gullekson about the odor.

A member of the public asked if the Gullekson's had purchased eggs from the Benson's. Commissioner Gullekson stated that in the beginning they had.

Duane Farnsworth asked exactly what Mr. Benson had violated in the zoning ordinance.

Commissioner Gullekson stated that Mr. Benson was in violation of nine (9) items of the zoning ordinance, including the Preamble. (She did not state which items he was in violation of.)

Kim Murphy asked if someone could tell her what was in the sections of the zoning ordinance that Terry (Commissioner Gill) had referenced in his motion.

Chairperson Skias then read aloud Section 3.5 R-2 Single Family Residential – Medium Density and Section 4.17 Raising of Livestock.

Duane Farnsworth asked if that meant anybody within the Village could raise chickens. Commissioner Gill responded that Section 4.17 of the current zoning ordinance, allowing the keeping of small livestock within the Village, has been in effect since the adoption of the 1980 Zoning Ordinance.

Kim Murphy stated that this appears to be a simple oversight and violation of the zoning ordinance.

Commissioner Gullekson stated that if the requirements of the zoning ordinance are not met, the special use permit must be denied, if the requirements are met, it must be approved. She then went on to state that the following items should be considered (reading from the Michigan Zoning Guidebook):

- Relationship of the use to the Village
- Values of the nearby properties
- Harmony with the Master Plan
- Location of chickens
- The environment
- Protection of the park and waters

Chairperson Skias called for an end to public comments and a roll call vote on the motion as presented:

Gullekson – No	Fuller – No	Gill – Yes
Miller – Yes	Skias – Yes	

Motion carries, three (3) yes votes to two (2) no votes.

- VII. New Business: The next regular meeting of the Planning Commission was set for Wednesday, May 8, 2013 beginning at 6:00 p.m.
- VIII. Public Comment: None
- IX. Motion by Gill, support by Fuller to adjourned meeting at 8:05 p.m.

Minutes of the May 8, 2013

Otter Lake Planning Commission

I. Meeting called to order at 7:00 p.m.

Present: Kim Murphy Fran Gullekson Terry Gill
 Joan Skias Kevin Miller

II. Election of Officers: Motion by Skias, support by Gullekson, to nominate Kim Murphy, chair, Terry Gill, secretary, and Fran Gullekson, vice-chair for one year terms. Motion carries with all yeas.

III. Minutes from April 16, 2013 special meeting were presented. Motion by Skias, support by Gullekson to accept minutes as presented. Motion carries with all yeas.

IV. Approval of Agenda: Motion by Skias, support by Gill to approve agenda as presented. Motion carries with all yeas.

V. Declaration of Conflict of Interest by Commissioners: No commissioners declared a conflict of interest in the issues before it.

VI. Plan Reviews: Request by Mr. and Mrs. Allen Lindke, 6475 Eleventh Street for the construction of a new detached garage. Proposed project complied with the following:

- Zoning Classification: R-3 Single Family Residential
- Lot Size: 100 feet x 140 feet, 14,000 square feet
- Proposed Garage Size: 24 feet by 24 feet, 576 square feet
- Allowable Accessory Building Size: $1000 + (4000 \times 0.2) = 1800$ square feet
- Maximum Lot Coverage: $30\% (14,000 \times 0.3) 4200$ square feet
- Proposed Lot Coverage: 732 (house) + 96 (shed) + 576 (garage) = 1404 square feet

However, zoning requires that a detached accessory building be located a minimum distance of ten (10) feet from the house and ten (10) feet from any property line. It appears that the north property line is approximately 40 feet from the house. The proposed location of the garage would require a minimum of 44 feet to comply.

Motion by Miller, support by Skias, to table this item until such time as Secretary Gill can review the above findings with the owner. Motion carries with all yeas.

VII. Old Business: None.

VIII. New Business: Setting of meeting dates. Motion by Gill, support by Gullekson, to set the following dates for the regular scheduled meetings to be held on the first Tuesday of the following months, beginning at 7:00 p.m.:

August 6, 2013

November 5, 2013

February 4, 2014

May 6, 2014

Motion carries with all yeas.

- IX. Public Comment: Cliff Murphy requested information on obtaining a Special Use permit for the raising of chickens.
- X. Motion by Skias, support by Gullekson to adjourned meeting at 7:50 p.m.

Minutes of the August 20, 2013

Otter Lake Planning Commission

I. Meeting called to order at 7:00 p.m. by acting Chair Gullekson.

Present: Fran Gullekson Kevin Miller Terry Gill

Absent: Joan Skias Kim Murphy

II. Minutes from May 8, 2013 meeting were presented. Motion by Gill, support by Miller to accept minutes as presented. Motion carries with all yeas.

III. Approval of Agenda: Request by Gullekson to add discussion regarding the minutes from the Special Meeting held on April 16, 2013 under New Business. Motion by Miller, support by Gill to approve agenda as amended. Motion carries with all yeas.

IV. Declaration of Conflict of Interest by Commissioners: No commissioners declared a conflict of interest in the issues before it.

V. Plan Reviews: Request by Mr. and Mrs. Allen Lindke, 6475 Eleventh Street for the construction of a new detached garage – TABLED from May 8, 2013, meeting.

Commissioner Gill indicated that he had met with Mr. Lindke to discuss his options regarding the required setback requirements for the proposed garage. Mr. Lindke has decided to reduce the proposed width of this garage from 24 feet down to 20 feet bring him into compliance with the zoning ordinance. Motion by Gill, support by Miller to approve the site plan request as amended. Commissioners Gullekson: yes; Miller: yes; Gill: yes. Motion was approved.

VI. Old Business: None.

VII. New Business: Commissioner Gullekson asked that the minutes show that she has requested to rescind her vote of approval of the minutes from the April 16, 2013, meeting. Commissioner Gill presented the attached Robert's Rule of Order procedure regarding "Changing One's Vote". Motion by Miller, support by Gill to table the matter until such time as all commission members are present. Motion carries with all yeas. Commissioner Gill requested that Commissioner Gullekson put her proposed corrections to those minutes in writing.

VIII. Public Comment: None

IX. Motion by Gill, support by Miller to adjourn meeting at 7:35 p.m.

Minutes of the November 5, 2013

Otter Lake Planning Commission

- I. Meeting called to order at 7:00 p.m. by acting Chair Gullekson.
- Present: Fran Gullekson Joan Skias Terry Gill
- Absent: Kevin Miller Kim Murphy
- II. Minutes from August 20, 2013 meeting were presented. Motion by Skias, support by Gill to accept minutes as presented. Motion carries with all yeas.
- III. Approval of Agenda: Commissioner Gullekson indicated that the date was November 5, not the 6 as noted. Motion by Skias, support by Gill to approve the agenda as amended. Motion carries with all yeas.
- IV. Declaration of Conflict of Interest by Commissioners: No commissioners declared a conflict of interest in the issues before it.
- V. Plan Reviews: None.
- VI. Old Business: Commissioner Gullekson requested to amend her yes vote approving the minutes of the April 16, 2013, Special Meeting to a no vote. No action on this request was taken by the Commissioners. Commissioner Gullekson then requested that the following statement be stricken from the minutes - "Commissioner Gullekson stated that Mr. Benson was in violation of nine (9) items of the zoning ordinance, including the Preamble. (She did not state which items he was in violation of.)" Commissioner Gullekson indicated that she did not make this statement at the Special Meeting, but at the March 2013 Village council meeting. No action on this request was taken by the Commissioners.
- VII. New Business: A Special Meeting was set for Thursday, December 12, 2013 at 7:00 p.m., to start the required fifth year review of the Village's Master Land Use Plan. Commissioner Gill will present the commissioners with copies of the master plan along with the original background information at that meeting.
- VIII. Public Comment: A suggestion was made that the Planning Commission may wish to consider adding possible alternate members or increasing the membership to seven (7) members.
- IX. Motion by Skias, support by Gill to adjourn meeting at 7:28 p.m.