

Waverly Township  
**Planning and Zoning Commission**  
Regular Meeting – Waverly Township Hall

**AGENDA**

12-Jun-06

7:00 PM

1. Call to Order / Introductions
2. Agenda – additions/corrections/approval
3. Minutes: 8-May-06 – corrections/approval
4. Report on Township Board Meeting: John Ruitter
5. Future Land Use Plan status: Public hearing scheduled for 14-Aug-06 at regular P&Z meeting.
6. David Walker special land use application public hearing and commission action
7. Accessory building ordinance – discussion
8. New Business
9. Public comments
10. Commissioner comments
11. Adjourn

MINUTES

WAVERLY TOWNSHIP

PLANNING AND ZONING COMMISSION

Regular Monthly Meeting-Waverly Township Hall

June 12, 2006

Members present: Larry Chase, Kathleen Crook, Dave Foerster, Carl Juk, Joe Mayo, and John Ruiter.

Member absent: Mike LaPine

Visitors:	Karen Doloughty	Diane Julien
	Bob Harrison	Rev Fr Jim Haack
	Karen Haack	Joe Parman
	Richard Ruszkowski	Lewis Owen
	Ardith Owen	Mike McGeath
	Jennifer McGeath	David Walker
	Bob Hentchel	Joan Hentchel
	Chuck Zolp	Tony Millek
	Cindy Daines	Louie Barkovich
	Patrick Hudson	

The meeting was called to order at 7:00 PM by Chairman Dave Foerster.

The agenda was amended to include a discussion of the Irene Smith Property as item 6A and the Special Use Application of David Walker was moved to 3A. The agenda was unanimously approved as amended.

In the minutes of May 8, 2006 Kathleen Crook's name was misspelled and Patrick Hudson should be shown as present. The minutes were changed to reflect the corrections. The minutes were unanimously approved as corrected.

Dave Foerster opened the David Walker Special Land Use Application public hearing. David Walker was given the floor to present his case. He stated that he did not want a trailer park on the property. He is requesting the Special Use Permit so that he can build a road to lower standards than specified by the Waverly Township Zoning Regulations. He requests to build a private road so that one house can be built now with the possibility of a second home being built in the future. David would like to build a road 12 feet wide by 530 feet long with a 22 foot turnaround at the end. He proposes that the road be built by removing 4 inches of soil and replacing it with 4 inches of stabilized gravel. He stated that Pat Hudson told him that the soil there would not support such a road but he contends that the soil is a sandy well drained soil.

His exhibit was the Van Buren soils map which shows it to be Spinks loamy sand and photographs of the soil. Please see attachments for submitted documentation.

Dave Foerster moved the hearing to public comment and requested that comments be held to three minutes.

Joan Hentchel stated that the notification letter was incorrect. It stated that this meeting was a Waverly Township Board of Appeals meeting to consider a variance request. Also the copy of the published request was not included as stated.

Dave Foerster ruled that the public notification was not as required and the hearing could not continue.

After further discussion it became apparent that a special meeting would need to be called. John Ruiter moved that a special meeting be held June 26, 2006 at 7:00 PM at the Waverly Township Hall for the sole purpose of hearing the David Walker Special Land Use Application. It was seconded by Kathleen Crook. The motion passed unanimously.

John Ruiter presented a report on the Township Board meeting. The Primary Election will be held August 8, 2006. There was a discussion about video taping the Board meetings. There will be a special Board meeting on July 13, 2006 at 7:00 PM to discuss the blight ordinance. The Planning Commission is encouraged to attend. The August 14 regular meeting will discuss the Future Land Use Plan.

Pat Hudson was asked to inform the Commission of the status of the Irene Smith property split. He stated that although they have made an illegal split by selling a parcel before the plan has been approved it does not necessarily invalidate their plan. As long as the buyer has what they want and the seller has not violated what would be legal once the plan is approved, it is a "no harm no foul" situation. Pat has received instructions that he should work through this type of situation and not bring charges or deny the plans of the seller.

Dave Foerster handed out his proposal for changes to the accessory building ordinance. The proposal included that parcels of 2 acres or less in Horticultural and Agricultural zones should be treated as Residential. He feels that the owner of larger parcel should not be able to build accessory buildings and then subdivide their property. See the attached proposal. The Commission asked Pat Hudson to supply suggestions on how accessory building size could be linked to the size of the parcel. He will bring that information to the next regular meeting. Further discussion was tabled until the next regular meeting.

Joe Parman stated that he would like to be able to build larger accessory buildings on his 3.8 acres.

Tony Millek, quoting a rule of thumb to justify the validity of laws, stated that he felt that 20% of all variances should be granted.

It was suggested that the approved minutes be placed on the Waverly Township web site. The Commission concurred.

Pat Hudson handed out the Michigan Zoning Enabling Act for the Commission to become familiar with.

Joe Parman asked if we have any site condos and what are our regulations concerning storm water run off. Joe is the new Van Buren County Drain Commissioner. Pat Hudson recommended that the Commission consider any regulations proposed by Joe. Dave asked Joe to supply any regulations that he felt would be appropriate.

Diane Julien asked what the criteria are for approving a variance. Pat Hudson answered her question. Larry Chase gave her a copy of Criteria for Variance Approval as recommended by the Township Board.

John Ruitter moved to adjourn the meeting. Kathleen Crook seconded the motion. Motion was unanimously approved.

Meeting adjourned at 9:45 PM.

Respectively Submitted

Larry Chase  
Recording Secretary