

MINUTES
WAVERLY TOWNSHIP
PLANNING AND ZONING COMMISSION
Regular Monthly Meeting - Waverly Township Hall
April 13, 2009

Meeting called to order at 7:02 p.m. by Fay Dorr.

Members present: Tom Fleetwood, Fay Dorr, Mike LaPine, Bernard Wilcox, Diane Julien, and Nathan Rohr.

Members absent: Tony Millek

Public present: 4

Agenda: Motion made by T. Fleetwood to accept as presented and amended. Seconded by M. LaPine. Voice vote unanimous to approve.

Minutes: Motion made by M. LaPine to approve the March, 2009 minutes as presented. D. Julien seconded motion. Voice vote unanimous to approve.

TOWNSHIP Report – N. Rohr and F. Dorr (due to T. Millek's absence)

- a.) Approved the search for and the hiring of a deputy clerk.
- b.) Tabled the approval of Internet2000 tower contract until Twp received attorney feedback and minor changes made.

F. Dorr discussed rules of order pertaining to chair recognition and speaking.

New Business:

F. Dorr called for discussion by the commission members of the proposed changes for waterfront properties presented by T. Smalley and township attorney.

N. Rohr questioned some of the wording used in Section 4.05 B-1. He proposed new wording to insert.

F. Dorr asked Rohr to read Section 4.05 B-1 as he suggested it to read.

D. Julien disagreed with Rohr concerning viewage and angle of viewing.

T. Fleetwood expressed concerns on the non-restrictions of boathouses and docks.

F. Dorr stated that measurements and evaluations used to determine feasibility needed to be accurate.

N. Rohr stated the need for boathouse requirements that do not conflict under accessory structures.

F. Dorr stated that the DNR has restrictions on piers/docks.

T. Fleetwood stated that basic requirements are needed on boathouses. Variances could be sought for exceptions.

N. Rohr gave an example of potential boathouse congestion following existing rules. He also stated that the final decision couldn't be left to the law of esthetics.

B. Wilcox stated he had concerns of the cost factor of seeking a permit to construct.

F. Dorr asked Wilcox if he wanted to leave it to the discretion of the zoning administrator.

N. Rohr stated that opinions just zoning administrators come and go, however rules are constant and the basis of decisions and can't be fluid open to interpretation. Rohr also agreed with Fleetwood regarding basic restrictions for boathouses.

T. Fleetwood suggested a maximum basic size.

F. Dorr suggested the ordinance reflect DNR restrictions. Dorr also talked about liability concerns due to under regulation.

Dorr declared a three-minute recess and then resumed the meeting.

A consensus of the commission was to get input from the DNR, township board and attorney before proceeding with a vote on changes to the section.

F. Dorr asked for questions from the commission to present to the attorney.

N. Rohr stated that Section 4.05 B-3 was not needed, due to the wording in B-1 and B-2.

T. Fleetwood agreed with that assessment. Rohr also stated a need to differentiate between permanent and temporary boathouse structures.

D. Julien asked about 20 ft. setbacks of buildings on the side. Julien also asked about the definition of throughlots. Dorr explained definition. A brief discussion was held on throughlots and front yards.

Public comment: P. Tomlinson discussed setbacks. He agreed that topography and lot size should be a determining factor as it relates to boathouses. He also suggested checking with DNR for pier/dock restrictions.

Motion made by T. Fleetwood to accept proposed text changes to Section 3.04 as presented by the zoning administrator. Motion seconded by M. LaPine. Motion carried unanimous.

Motion made by T. Fleetwood to accept proposed text changes to Section 3.08 as it pertains to waterfront property until next month. Motion seconded by N. Rohr. Motion carried unanimous.

Motion made by N. Rohr to table further discussion on Section 4.05 as presented by the zoning administrator. Motion seconded by M. LaPine. Motion carried unanimous.

F. Dorr explained suggested zoning ordinance changes put forth by the township attorney to the board.

Motion made by N. Rohr to approve attorney suggested numerical reference updates and Sections 5.04 and 7.02 and be presented to the township board. Motion seconded by T. Fleetwood. Motion carried unanimous.

Commission comment: F. Dorr thanked D. Foerster for his work on behalf of the zoning commission.

Public comment: none

F. Dorr declared the meeting adjourned at 9:04 p.m.