

Leighton Township Planning Commission Minutes

Date: March 12, 2008

Members Present: Al Zuidema, Ron Schrotenboer, Scott Chestnut, Harry DeHaan

Members Absent: Louis Murray(with Notice), David Wright(with Notice),
Brian Martin (with Notice)

Others Present: Mark Sisson (Township Planner), Bob Jones (PCI), and
6 interested persons

Art. 1 Chairman Zuidema called a Regular Meeting of the Leighton Township Planning Commission to order at 7:30 pm at the Leighton Township Hall.

Art. 2 Minutes –
Minutes of the February 13, 2008 were approved as presented.

Art. 3 Public Comments – None

Art. 4 Inquiry of Conflict – None

Art. 5 Public Hearing – Seigny Rezone Request

a. Seigny Rezone Request

Tom & Connie Seigny are requesting a Rezone, from C-2 (General Commercial) to R-2 (Low density Residential) on Parcel # 0313-031-055-00. The Seigny's would like to demolish existing house, and build a new house at 1091 137th Ave, Wayland, MI. The property is now non-conforming and the Seigny's are not allowed to rebuild the house under the non-conforming use provisions unless the house is destroyed by an act of God. The property is bordered on 3 sides by C-2 zoning and on the south across the street by R-2. Spot zoning is not an issue due to the nearby R-2 zone. A nursery/greenhouse is adjacent to the north and west. An auto repair shop is to the south. The R-2 across the street is vacant but a house is located nearby at the corner of Division and 137th.

The Public Hearing was opened at 7:35 pm. Comments received:

Jessica Schwartz (2673 W Selkirk Lk, Shelbyville) – stated that there was a combination of commercial buildings and homes in this area.

The Public Hearing was closed at 7:40pm

Discussion returned to the Commission. Discussion ensued regarding if there would be a down side to the rezone and the possibilities of this need to rezone for other homes in this area. Sisson stated that the downside might be that the neighboring business might be required to put up screening or fencing in the future as a result of zoning requirements between C and R property. This is not the case between two commercial properties. This would only come into play if the business is to expand and site plan review is triggered. Mark Sisson and Bob Jones concurred that they looked at alternatives to rezoning such as a text amendment or variance. Their analysis indicates that only a few other homes are in similar circumstances and that each is somewhat different. They concluded that rather than trying to write an amendment that would allow the reconstruction of homes in the C-2 by general rule, each should be dealt with on a case by case basis, and that authority to rebuild should be based on each individual circumstance.

Sisson read aloud the rezoning criteria of Section 17.04 and discussion of potential findings ensued. Motion by Chestnut, supported by Schrotenboer to recommend approval of the request to rezone parcel # 0313-031-055-00 from C-2 to R1, based on the following findings:

- a. The request is not materially inconsistent with the Master Plan based on the fact the use is existing and the area is attached to the areas planned for residential.
- b. The residential use on the relatively large lot is long standing and has not proven to be incompatible with surrounding business uses. Rezoning back to commercial will not be precluded in the future should circumstances dictate.
- c. No public services or utilities will be impacted with the change.
- d. The R-2 zone would be equally or better suited given that residential use is also adjacent, that the residential use will be conforming and that no material change from the status quo is anticipated.

Roll call vote: Aye: Chestnut, Schrotenboer, DeHaan, Zuidema
Nay: None
Absent: Wright, Murray, Martin

All aye/Motion Carried

Art. 6 Unfinished Business

a. Zoning Ordinance Review

Discussion ensued with Mark Sisson, Township Planner and the Commission regarding updated drafts of R-2 Low Density Residential District and R-3 Medium Density Residential District. With three commissioners absent, this was tabled for next month.

b. Parks/Recreation

No update. Tabled for next month.

Art. 7 New Business –

a. Gordon VanLaan –

Requested to be on the agenda for April Meeting,

Art. 8 Other Business –

- a. Four commissioners & Bob Jones from PCI, will attend the 2008 Planning Workshop on March 31, 2008 in Allegan.

Art. 9 Public Comments – None

Art.10 Commissioners Comments - None

Members adjourned at 8:35 pm

Respectfully submitted
Shari Harmon, Recording Secretary
Leighton Township Planning Commission