

OFFICIAL PROCEEDINGS
OF THE
PLANNING-CITIZEN ADVISORY COMMISSION
CITY OF LOWELL, MICHIGAN

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, April 27, 2009 at 7:00 p.m.

The Meeting was called to order at 7:01 p.m. by Chair Folsom and the Clerk called the Roll.

Present: Commissioners Dimmick, Doyle, LaPonsie, Noall and Chair Folsom.

Absent: Commissioners Jahnke and Schrauben.

Also Present: City Manager Pasquale, City Clerk Morlock, DPW Director DesJarden, Mayor Jim Hodges and Building Inspector Doug Hopkins.

IT WAS MOVED BY DIMMICK and seconded by LAPONSIE to excuse the absences of Commissioners Jahnke and Schrauben.

YEA: 5. NAY: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY LAPONSIE and supported by NOALL to approve the minutes of the regular meeting of March 23, 2009 as corrected.

YEA: 5. NAY: 0. ABSENT: 2. MOTION CARRIED.

Commissioner Doyle's noted under Commissioners Comments of the February 23, 2009 meeting minutes she said "when she lived on Vergennes Road the street/address changes took place". Commissioner Doyle mentioned she has never lived on Vergennes Road.

Item #1. **APPROVAL OF AGENDA.** Item 6A (Joint Signage ordinance with Lowell Township) and 6B (offstreet lighting section of the zoning ordinance) were tabled due to Commissioner Jahnke not being in attendance.

IT WAS MOVED BY LAPONSIE and seconded by NOALL to approve the agenda as amended.

YEA: 5. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #2. **PUBLIC HEARING.** NONE

Item #3. NEW BUSINESS

A. Site Plan review – none

B. Variances – Recommendations to the Zoning Board of Appeals – none

Item #4. ANY OTHER BUSINESS/ON GOING BUSINESS

- A. Portable, Temporary Garages - tabled. Bob Robinson, 130 N. Center, proposed to erect a car port/shelter to store his vehicle and items such as a lawnmower. The shelter will be three sided. Robinson wished to remove the existing vinyl 12 X 20 and replace it with another shelter that would be 14 X 24. He would not be increasing the driveway or widening it in anyway. The structure would be placed on hard compacted ground and anchor it using a ground anchor. Permission from the landlord has been received.

City Manager Pasquale explained this would be considered a temporary garage.

Commissioner LaPonsie stated she would be inclined to support the hard sided portable storage units. She is concerned with the soft sided ones with wind damage. LaPonsie noted Barry County allows a temporary garage for three years with a possible renewal of another three years. She believed a permanent structure should be in place, if one is still needed after six years.

Robinson noted he has received no complaints on the present structure and has had no problems with wind damage. He did not believe the structure was in violation of the ordinance when the structure was originally placed.

Building Inspector Doug Hopkins explained when an ordinance is silent on an issue, it is not permitted. There has never been an allowance for this structure in Lowell. Hopkins indicated Robinson received a letter regarding the structure after a complaint from a nearby neighbor.

Commissioner Dimmick sympathized with Robinson and his situation. However, he did not agree with the idea of a temporary structure which is then renewable. At this point, Dimmick would not approve such a structure.

Commissioner Doyle questioned the possibility of a "once renewable" option.

Commissioner Noall favored a hard sided structure. She also liked the idea of having a time limit placed.

LaPonsie stated she would support allowing the hard sided ones with anchor requirements with a time limit and a one time renewal.

Chair Folsom also noted the issue regarding "hard surfaced driveway". The ordinance does not state paved, concrete or blacktop. It stated the intent is to create a dustless surface, minimize maintenance and establish an attractive pathway to garages.

LaPonsie explained in theory such a temporary structure which would be removed at some point is allowed, if there is an existing drive which is gravel. However, if the structure is removed and a new one built, the drive would have to be hard surfaced. Noall and Doyle agreed.

Dimmick referred to the current ordinance Section 4.08 H 3 which states "that it be compatible with and similar to the principal building with respect to materials, scale, design, esthetic quality as determined by the Zoning Enforcement Officer". While at first glance it may appear similar to the building, the requirement is not met. Folsom believed the statement pertained to a structure greater than 600 square feet.

Folsom questioned Dimmick's opinion in assembling an ordinance. Dimmick was opposed of expanding what the City currently has.

Doyle would agree to a temporary structure being allowed for a limited amount of time with a permanent structure following.

Commissioner Noall stated she would agree to an amendment. However, there needs to be more clarification in writing. It was not specific enough. She would be in favor of an amendment, which would clarify it.

Commissioner LaPonsie stated she would support with limitations.

Pasquale stated perimeters need to be established as was discussed. The Barry County ordinance refers to a frame work of wood, plastic or metal which is secured to the ground by an anchor, rod, rodtrail, buried weight or unburied weight. Established for a limited duration with the intent to discontinue use or remove said structure upon expiration of a pre determined time period. This is the definition of a temporary storage structure.

LaPonsie stated she would write a draft ordinance and bring to the next meeting.

Dimmick stated the ordinance from Barry County shows a much smaller footprint and is only 200 square feet.

DPW Director DesJarden asked if portable sheds would apply to this ordinance. He noted a building permit is not necessary, if it is under 200 square feet. Would this new ordinance apply to those sheds? Folsom believed the discussion involved primary storage structures.

Building Inspector Doug Hopkins stated traditionally in the City if one had a shed which was less than 100 square feet, it was considered nothing other than a little shed. Before the year 2000, the building code referred to 100 square feet or less, one did not have to have permits. However, after the year 2000, it was amended to 200 square feet.

Hopkins also suggested the Commission provide a maximum height, such as 15 to 16 feet. He understood the foundation will be exempted by the ordinance as well as the hard surfaced driveway. The outer skin should also be addressed. Hopkins explained the building code itself states if the structure is under 200 square foot, it requires a building permit. Anything less would typically just receive a zoning permit. However, the building code states if it is a garage it has to have a non porous or nonabsorbent floor in it.

Commissioner LaPonsie stated she would research these issues and provide a draft.

Item #5. **BUILDING INSPECTOR REPORT.** Commissioner LaPonsie questioned the awnings on the buildings along W. Main Street which are scheduled to be taken down. Hopkins stated the deadline to respond was today.

Commissioner Noall stated she has noticed activity going on within the buildings. City Manager Pasquale stated materials have been taken out.

Item #6. **PUBLIC COMMENTS.** No comments were received.

Item #7. **COMMISSIONERS COMMENTS.** Commissioner Noall offered her assistance to Commissioner LaPonsie regarding the portable, temporary, garages.

Noall also wanted to move forward regarding the joint signage and off street parking.

Chair Folsom commented on enforcement issues with Bob Robinson. He assumed the letter sent in April was sent to Floyd Cys, the property owner. A letter was then given to the police department, which was then hand delivered to Bob Robinson. It appears it should have been sent to the property owner or both the tenant and the property owner.

IT WAS MOVED BY LAPONSIE to adjourn at 7:58 p.m.

DATE:

APPROVED:

Douglas L. Folsom, Chairman

Betty R. Morlock, City Clerk