

**EAST CHINA CHARTER TOWNSHIP
PLANNING COMMISSION**

APRIL 10, 2007

CALL TO ORDER – Herbert Blackstock called the meeting to order at 7:30 p.m., with Richard Bober, George Barna, Walter Street, Michael McCartney, Art Carey and Jerry Jones.

MINUTES – Trustee Bober, supported by Commissioner Street, moved to approve the minutes of March 13, 2007 with clarification. Carried.

ST. CLAIR RIVER SETBACKS – Building Inspector, Jeff Kern was present and requested an interpretation of Section 480-5 – Definitions – Zoning Exceptions and Variances – A. Exceptions – As it relates to the building setback along the St. Clair River.

A. EXCEPTION – Exceptions are intended to accommodate instances where the provisions of this chapter are not precise enough to cover all situations without interpretation. The granting of an exception does not require a finding of undue hardship but is permitted only when specifically referenced in this chapter and only after review of an application by the Board of appeals or Planning Commission.

The building setback as it relates to that yard along the St. Clair River shall conform to the setbacks established by existing structures and shall in no instance be less than the setbacks otherwise required in the Schedule of Regulations for the concerned district. In establishing the setback based on existing structures, a straight line shall be drawn from the southernmost corner nearest to the river on the building on the north to the northernmost corner nearest to the river on the building on the south. Any new structure shall be built behind this imaginary line.

Kern asked if he would be permitted to consider exceptions for the front yard setback in two specific areas of the Township.

1. 4571 Chamberlian
2. 5527 Pointe Drive

Both existing residences are located behind the front yard setback established by the other residences in the area. If either building were to be demolished and new residences constructed, they could not be reconstructed in line with the other homes in the immediate area. He would like to grant permission for an exception for the front yard setback to allow new construction for these properties without undue hardship.

Commissioner Street, supported by Commissioner McCartney, moved have Jeff Kern present specific information in writing at their next regular meeting regarding these properties before they approve the exemptions. Carried. Letters would be sent to the adjoining property owners to notify them of their decision.

Trustee Bober, supported by Commissioner McCartney, moved that Jeff Kern attend their meeting semi annually to discuss any concerns. Carried.

GRADE ORDINANCE CHANGE – Brian Slizewski of Wade-Trim was present and provided draft language for review and consideration. After much discussion, Commissioner Street, supported by Commissioner McCartney, moved to accept the language. Prior to adopting the new language it will reviewed and approved by Claude Coates of Vilican Leman and the Township Attorney, Keith Zick. Carried.

PUBLIC HEARING TO REZONE HOSEY PROPERTY

Received the following correspondence dated April 4, 2007 from Keith Zick: The Commission previously dealt with the issue of the zoning of the property commonly referred to as 3402 River Road. That property is a parcel of land located south of Rivera Avenue between M-29 and Main Street. The north portion of the property is zoned R-I and the south portion of the property is zoned B-I. The property owner previously requested rezoning of the entire parcel to B-I.

It is my understanding that the property owner is once again requesting that Planning Commission rezone the property. The Planning Commission should give strong consideration to:

1. This property is under single ownership.
2. The present use of the property, and
3. Practical future use.

Claude Coates of Vilican Leman has pointed out that any zoning should be consistent with the Master Plan. However, legally the Master Plan is just a guide to the Planning Commission and is not controlling, but is one of several factors that the Planning Commission should consider in any rezoning request. Ultimately, if the property were rezoned inconsistent with the Master Plan then the Master Plan can be amended to reflect the reality of the land use. The Planning Commission should consider whether the present R-I zoning of the property is practical and reasonable given the surrounding land uses and the fact that there are streets that serve as a buffer with the residential zoning to the north and to the west. The zoning of the land cannot preclude the reasonable use of the land by the property owner.

The Planning Commission should give the property owner's request to rezone the property full consideration.

Commissioner McCartney, supported by Commissioner Jones, moved to hold a Public Hearing on June 5, 2007 to hear public comment regarding the request to rezone the property. Carried.

ADJOURN – Commissioner Barna, supported by Commissioner Carey, moved to adjourn at 9:15 p.m. Carried.