LUDINGTON CITY PLANNING COMMISSION
MINUTES
JUNE 6, 2000

The regular meeting of the Ludington Planning Commission was held on June 6, 2000. The meeting was held at the Ludington Senior Citizen Center, 308 S. Rowe St., Ludington, MI and was called to order at 7:00 p.m. by Chairman John Henderson.

ROLL CALL: The roll call showed the following results:

Present: Commissioners: Tom Coleman, Kaye Holman , John Henderson, Marge Carlson, Ron Sarto, Paul Peterson, Jack Ereon, and Jack Scott.

Absent: Frank Marrison

Also Present: Bldg. Insp./Zoning Administrator John Healy, City Attorney Roger Anderson and Recording Secretary Carol Ann Foote.

AGENDA APPROVAL: Commissioner Coleman made a motion seconded by Commissioner Sarto to approve the agenda with the addition of reviewing the fence ordinance under new business. Motion carried unanimously.

PUBLIC COMMENTS & COMMUNICATIONS:

John Larson, 902 Woodlawn Dr., stated that he was looking to change the fence ordinance so that he could extend his fence. He cannot understand why you are unable to appeal the fence ordinance. His lot does not fit any lot description in the City of Ludington. He has invited every Commission member to look at his lot, so they all know what his situation is. He is just looking to get a fence variance to extend out to the sidewalk.

Commissioner Ereon asked Mr. Larson if he wanted to run his fence up the north. Mr. Larson said that he just wanted to turn the corner for the look value of it. He stated that there was a 25ft setback in the ordinance, and with his lot, that was half of his yard.

Jack Hanover, representing Charles and Joan Nowakowski, 906 Monona Dr, wanted to address the article that appeared in the Ludington Daily News that stated, by Mr. Larson, that this residence would become a beauty shop business. He wanted the Commission to know that the statement was untrue. The correct statement is, the Nowakowskis will be living there. They will be under different rules and regulations set up by the City of Ludington. Mrs. Nowakowski will be running her Shaklee business and beauty business with one person only. It is not going to be a beauty business. There will be no retail out of there, what so ever. In regards to the fence, right now it is not in compliance with the City of Ludington, nor is it in compliance with the covenants for the plat. He is supposed to have a 25-ft setback, and now he has a 15-ft setback. Mr. Hanover handed out copies of the original Covenants to point out that the lot that the Nowakowskis were on was not a part of the Forest Hills Covenants. He stated that they were in compliance with all of the City codes. They have had the lot surveyed and they meet all setbacks. The sidewalk is ok. A circle drive is ok as long as the have the proper curb cuts. If Mr. Healy goes out and the garage is wrong, he will red tag it and stop it.

Public Comments Closed.

MINUTES: Commissioner Ereon made a motion to approve the minutes of the June 6, 2000 meeting with corrections seconded by Commissioner Coleman. Motion carried unanimously.

PUBLIC HEARINGS: To consider a request from Edward McCumber to expand a non-conformity in order to construct a 6 X 10 addition on the west end of existing garage at the following address: TINKHAM'S SUBDIVISION OF TINKHAM'S ADDITION LOT 4 BLOCK 23 also known as 608 N Lavinia.

Mr. McCumber explained to the Commission that the existing garage was small and they would like to put an addition on it for storage. He would like to side the garage when he was done.

Chairman Henderson closed public comments.

The recording secretary reported that there were thirty-nine notices sent with one response in favor.

Commissioner Holman asked Mr. McCumber if the bushes to the north were on the lot line. Mr. McCumber said that they went right down the fence line.

Commissioner Sarto reported that the Committee had met and did not see a problem. It looked like he had met all the requirements, and they would recommend approval.

Commissioner Sarto made a motion to approve the expansion of a non-conforming structure seconded by Commissioner Peterson. Motion carried unanimously.

To consider a request from John Henderson to expand a non-conformity in order to construct a 2 X 20 addition on the northwest corner of existing house at the following address: RESSEGUIE'S ADDITION LOT 10 BLOCK 7 also known as 409 E Filer St.

Chairman Henderson relinquished the Chair to Vice-Chairman, Tom Coleman and took a seat in the audience.

Mr. Henderson explained to the Commission that he needed the expansion to square up his home. He explained why his house was non-conforming.

Commissioner Coleman closed public hearing.

The recording Secretary reported that there were forty-one notices sent with one response in favor.

Commissioner Sarto reported that the Committee had met and felt that it would be a good project to square the house up and was in favor of it. Commissioner Ereon made a motion to allow the expansion of a non-conforming structure seconded by Commissioner Peterson. Motion carried unanimously

Chairman Henderson returned to the Chair.

Proposed text changes-Article 700.6, Temporary Parking Areas in CBD, MC, W, and WS Districts.

No public comment.

Commissioner Coleman made a motion to forward the proposed text of Article 700.6, Temporary Parking Areas in CBD, MC, W, and WS Districts, to the City Council for their approval, seconded by Commissioner Sarto. Motion carried unanimously

Correction of clerical error, Zoning Ordinance 23-00, Section 400.14, Minimum lot size in W (Waterfront): Lot area per dwelling unit, 3BR-3,400 sq. ft.

No public comment.

Commissioner Coleman made a motion to send a correction to Zoning Ordinance 23-00, Section 400.14, Minimum lot size in W (Waterfront): Lot area per dwelling unit, 3BR-3,400 sq. ft. to City Council for approval, seconded by Commissioner Holman. Motion carried unanimously.

UNFINISHED BUSINESS:

Home Occupations in Limited Commercial District:

Commissioner Coleman explained to the Commissioners that home occupations were listed in the most restricted zones. He felt that it made sense to add home occupations as a special land use to the limited commercial district. Attorney Anderson wanted to make sure that they had the same conditions as other home occupations. Commissioner Coleman explained that it would be a simple text change. Commissioner Coleman made the recommendation that this issue be brought to a public hearing at the July meeting.

Glassware on Decks:

The Special Land Use Committee followed up on the glassware issue. Chairman Henderson stated that he spoke to Police Chief Taranko about this. He has not found any problems with the glass.

Commissioner Coleman asked if they should keep beer bottles off the deck. Chairman Henderson asked Shane Woodring, James St. Station, about bottles on the deck. Mr. Woodring told the Commission that they had the deck for three years now. At first they spent a lot of money on plastic. He stated that a lot of people do not like drinking beer from a can. They even pay more for bottles. They have had no problems with the glass at all.

Kathy McLain, Jamesport Brewing Co., would like to encourage the Commission to allow bottles on the decks. The customers want it.

Commissioner Sarto wanted to know if they could try it on a trial basis. Chairman Henderson told him that the Commission held the right to come back at anytime to review the conditions.

Chairman Henderson made a motion to amend the original conditions put on outdoor decks by removing the condition that stated *no glass beverage containers are allowed outside the building or on the deck*

*area*, from the list of special conditions set on all three outdoor decks seconded by Commissioner Carlson. Motion carried unanimously.

Waterfront Committee Report:

Commissioner Coleman reported that the Waterfront Committee met with the planner, Paul LeBlanc. He stated that they received text from Attorney Roger Anderson and they were somewhere around 80% of where they wanted to be. Mr. LeBlanc thought that they were on a pretty good track. They talked about the Master Plan and Waterfront Master Plan with ties to the downtown area. They talked about trade offs with height versus width and landscape standards that could be a problem. Commissioner Coleman told the Commission that Attorney Anderson had given them an excellent start.

Commissioner Carlson asked if there had been discussion about the parking for boat trailers. Commissioner Coleman said that they had not gotten down to that detail, but they knew there was a problem.

NEW BUISNESS:

Set July Meeting:

Chairman Henderson made a motion to hold the July meeting on Tuesday the 11th with the placed to be announced at a later date, seconded by Commissioner Holman. Motion carried unanimously.

Fence Ordinance:

Commissioner Coleman said that Gil Larson had asked them to take a look the fence ordinance, but they did not do it. Now there is a unique situation, and I think it is time to look at it.

Chairman Henderson said that he would like to form a special committee to take a look at the ordinance. He would like the Special Land Use Committee to take a look at it.

Mr. Larson stated that if the Committee was so worried about it before, why did they make a blanket policy that took everyone into effect with a square lot, when not everyone has a square lot or made it non-appealable.

Chairman Henderson explained that they would have to have a committee look at the issues that were raised.

Mrs. Kimberly Larson asked if it would be sometime in September that they would be able to put up their fence and they would have a business in their backyard.

Chairman Henderson again tried to explain to the Larsons that there was a process that they had to follow and that there was nothing to be done right then. There are a lot of different things to look at. Chairman Henderson said that Commissioner Sarto, Peterson and himself would be on the Committee.

Mr. Larson wanted to know how someone that did not even live in the City be on a Committee to make a decision on a zoning ordinance in the City of Ludington.

Chairman Henderson stated that the Mayor and Council appointed this Commission and that any questions of that nature would have to be taken up with them.

SITE PLAN REVIEW REPORT:
None

PUBLIC COMMENTS:
None

ADJOURNMENT:

A motion was made by Commissioner Coleman seconded by Commissioner Holman to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 8:15 p.m.

Respectfully submitted,
Carol A Foote, Recording Secretary

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John Henderson, Chairman