

Albany Township Planning Commission–March 21,2013

The March 21, 2013 meeting of the Albany Planning Commission was called to order at 7:30 P.M. by Gary Bloch at the Albany City Hall Council Chambers. Members present, Gary Bloch, Mike Noll, Ryan Pratt and Mary Rosen. Also present was, Clerk Diane Noll.

1 PLEDGE OF ALLEGIANCE. The Pledge of Allegiance was recited.

2 APPROVE AGENDA. A motion to approve the agenda as presented was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried.

3. APPROVAL OF MINUTES–February 12, 2013. A motion to approve the February 12, 2013 minutes as reviewed, was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried.

4. OPEN FORUM

a. Administrative Split–Glen Haven (Greg Stelton)

A request to do an Administrative Split of Parcel Number 01.00330.0000 located in section 35 of Albany Township was submitted by Greg Stelton. The 94.58 acres would be split into two lots. 40 and 54.58 acres. The southern section has an existing farm house, the northern piece would be a build–able 40 acre lot. Our ordinance allows for administrative splits to A–40 property.

A motion to recommend to the Township board the split of this property was made by Commissioner Noll, seconded by Commissioner Pratt, motion carried.

b. City of Albany–Orderly Annexation–Bryan Schiffler/Tom Schneider

A request for Orderly Annexation of 34658 225 Ave, Albany Parcel number 01.00194.0000, into the City of Albany. This six acre parcel has municipal sewer and water and abuts the City limits on three sides.

There is an acre of lowland in this lot and will need to comply with the county ordinance.

A motion to recommend to the Township board approval of the Orderly Annexation to the city by Commissioner Pratt, seconded by Commissioner Noll, motion carried.

5. PUBLIC HEARINGS

a. Trestle Ridge Variance Request by Joe Schiffler/Paul Eisenschenk

An Application for Variance to allow enlarging the 2 acre lots in Trestle Ridge 2 by 1 to 2 acres, utilizing outlot C.

This Variance is not in compliance with our ordinance which states the following.

1. Section 7.3.4 is hereby amended to read as follows:

7.3.4 Lot Area Requirements

- A. All residential lots within a cluster development shall meet the following lot area requirements within the designated primary zoning or any applicable overlay district:

District Lot Area	Lot Area
A-160, A-80, A-40	1.0 to 2.0 acres

- B. Lots created pursuant to *Section 7.3 of this Ordinance* after January 27, 2005 shall not be increased in size by means of an Administrative Subdivision or plat to exceed the maximum allowable lot area as specified in *Section 7.3.4 A of this Ordinance*.

Chair Bloch gave the format for this evenings meeting. Mr Eisenschenk will be allowed to state his request we will then have the public forum.

Mr. Eisenschenk we are requesting to enlarge the lots and amend the Subdivision Agreement with the County, to allow Out-lot C to be divided into 2.0 acres or less size parcels that are non-buildable. At this time we are working with the neighbor, Brian Simon, 37377 County Road 10, Parcel #: 01.00023.0000, owner of the parcel located south of Outlot C. He is interested in purchasing a section of Outlot C.

Breaking up outlot-C would allow landowners to have up to four acres for their private use. This would eliminate outlot C.

Commissioner Bloch-have any of the lots sold?

Mr. Eisenschenk-No, none have sold

Commissioner Noll-why subdivide?

Mr. Eisenschenk-this would allow property owners to have a larger piece of property. We are being advised by our real-estate agent that buyers want more property.

Commissioner Noll-couldn't they buy two of the existing lots?

Mr. Eisenschenk-they could not afford it, because the non-buildable lots do not have the same value as build-able lot.

Commissioner Noll- what will the size be of the proposed lots?

Mr. Eisenschenk- One to two, no more than two acres.

Commissioner Noll-do you have any legal descriptions?

Mr. Eisenschenk- none at this time. We were not going to have this plotted until we had approval of the County. Splitting up outlot C, will not change the land.

Commissioner Noll-Will these lots have access to public road?

Mr. Eisenschenk-through the lot to the North, but no additional access. An easement could be created if needed. We are willing to work with the Township to create an easement. If this parcel is owned by private parties, they will take better care of the land, than if it is owned by an association.

Commissioner Noll-Are you asking to combine the existing numbered lots with a new lot of up to 2 acres?

Mr. Eisenschenk-They will not be combined, but have two legal descriptions. At this time it has not been plotted and we do not have legal descriptions on the lots

Commssioner Noll-has anyone agreed to purchase these larger lots?

Mr. Eisenschenk- The adjacent owner, Brian Simon is interested in purchasing a piece to square off his property. If needed, an easement would be created on the south end of Outlot C allowing access to the newly created lots.

Commissioner Noll-How do the adjacent property owners feel about this proposal?

Mr. Eisenschenk-I have spoken with Brian Simon and offered him a section of the property.

Open forum-

Rich Klug-Will they be allowed to put fences up? How would this effect the habitat for nature?

Mr. Eisenschenk—we would need to add to the covenant to have no fencing in out lots.

Covenant—Page 4, # 14, ..."fencing will be limited to the side and rear yard only, no fencing is permitted in the front yard of a dwelling."

Rich Klug—I recommend the Commission leaves it as it, this never should have passed in the first place.

Brian Simon—When we purchased our lot, it was stated that Outlot C would be a buffer between our residence and the cluster. Now this is changing. We moved out of the city to the country to have some privacy. Now they are planning to split up the outlot. We could have dogs, fences and other things. If they would consider selling this outlot to me, at a reasonable cost, I could then take care of the property.

Mr Eisenschenk—these are non-buildable lots, there will not be houses on them. We will not sell this to just anyone, our purpose is to split this up for the lots to be larger to sell them to possible homeowners.

Commissioner Bloch— the next addition would have 7 more lots. How will this be affected?

Mr. Eisenschenk—, the county has changed there ordinance to allow these lots to be larger. Outlot F And B would not be subject to selling they are wet lands. This area is *not* good farmland because of the granite rock in it. If each homeowner owns their section we will get better management.

Rich Klug— can they put sewer water in the outlots?

Mr. Eisenschenk—they should not need to, because the first lot has two sights set for sewer

Mr. Bloch—if their first two sights go bad, they should be able to place the well/sewer on the outlot.

Commissioner Noll made a motion to close the public hearing, seconded by Commissioner Pratt, motion carried.

Comissioner Noll—if the homeowners wanted more property, they could purchase two existing lots. You have the option of pricing and people have the right to purchase two lots. In the covenant #28 it states they can purchase two lots.

Commissioner Bloch—the intent is to sell the extra lot to the homeowner. If they purchase the lot, they can also sell that lot. Then, a road would have to be built to access this area. This could effect Mr. Simon's property. It would be taking out green items/trees/brush, and would have an environmental impact on the area.

Commissioner Noll—When this cluster was first requested, there were many people in the area that were against it. The township requested saving green space. When this initially came into effect the plan was to preserve green space. If you break this up, you would be adding additional lots, there would be a larger impact on the property. There are concerns about splitting up this out lot.

Commissioner Bloch—an advantage of this large lot, would give the residents the opportunity to be out in a larger area rather than their one or two acre lot. If a homeowner has a septic or well that fails, this extra lot could be used for that purpose.

Our ordinance 7.3.16, Other Conditions C. The proposed cluster development with conditions is compatible with the existing neighborhood.

This could bring an additional 14 lots into the subdivision. They are non-buildable, but homeowners will be paying taxes

on it. They could pressure the township to rezone to allow more building. Normally if you split a large lot into smaller lots, you will pay more in taxes.

This is not in our growth area and we do not want to rezone.

Commissioner Noll- as our Attorney stated, 7.3.4 Lot areas are to be 1-2 acres in size, and shall not be increased in size.

Commissioner Bloch-it would also violate the provisions of 7.3.15 .How marketable is this going to be?

Commissioner Pratt- I have a concern for the neighboring land owner, Mr. Simon

Commissioner Noll-In your initial request for the development, dated May 12, 2009 the following was stated:

"The intended purpose of Outlot D(C) is for the use and enjoyment as a "nature preserve. for all residents and their families. Some of the uses I envision of Outlot D (C)will be. hiking, cross country skiing, snow showing and any other activity relating to a our current park type settings. Keep in mind that each homeowner will have a large, 2-acre lot themselves abutting Outlot D(C). "

Mr. Eisenshenk--it seems it is implied that this land will used for something other than green space.

Mr. Simon-All is fine now, and they are planning to change. If it is sub-divided there may be more changes. There may even be a road along the north side of my property. This is not what I had planned when I moved to the country.

Mr Eisenschenk-the first objective is to sell the lots to the homeowners, or do a quick claim deed and *give* it to the homeowners. Mr. Simon would have the second chance to purchase.

Commissioner Bloch-the road that may need to do into this section, would it be built to township specs?

Mr. Eisenschenk-we may never ask to have the township take over the road.

Rick Klug- what about property taxes to the surrounding landowners? Because of a cluster development going in next to my property, my market value and taxes when up

Supervisor Rosen-You say the land is not selling because the people want a bigger lot, I disagree, I think it is the economy, the money just is not there.

Mr. Eisenschenk- Mr. Rodenwald, Realestate Agenet, is stating the lots would sell if they were larger. He may have a buyer for the larger lots.

A motion to recess this meeting to March 25 at 6.30 to allow our attorney the opportunity to write up our findings of fact, was made by Commissioner Noll, seconded by Commissioner Pratt, motion carried.

FOR THE VARIANCE:

- to increase land acreage for land owners. lots would have more saleability.
- owners would take better care of it if owned personally.
- if septic/well fails, they could go to the extra lot.

AGAINST THE VARIANCE

- larger lot; owners may not take care of weed problems
- breaking up large green space
- breaking up an area that would be usable by the residents for enjoyment
- neighbor south of lot C concerned about encroachment of privacy
- possible road being put through next to existing neighbor
- Road would eliminate green acreage. Easement would need to be done
- could lead to rezoning request- people would be paying taxes on them and would want to be able to build on it.
- Inability to sell lots is not a practical difficulty
- these are separate tax documents and deeds, the owners have the right to sell to anyone at anytime.
- lots would be land locked.
- If our intent is to preserve agriculture and green space, will this comply with our intent?

6. New Business.

A motion to recommend to the Township Board to appoint a building administrator was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried.

7. Old business -NONE

8. Reports

Commissioner Pratt-residents have contacted him about the poor sanding job being done on the township roads. He is requesting we research this problem. He was advised that we are in the process of redoing the contract with our current contractor.

9. Communication

10. Adjournment

A motion to recess this meeting to March 25 at 6:30 to review the findings of fact for the variance request was made by Commissioner Noll, seconded by Commissioner Pratt, motion carried.

10:50 P.M. adjourned.

Respectfully Submitted,

Diane E Noll

Diane Noll, Township Clerk

Approved Minutes Signed: *Gary Bloch* June 11, 2013

Planning Commission Chair

Date