

**BINGHAM TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
October 13, 2005**

CALL TO ORDER: 7:00 P.M.

**ROLL CALL: Bob Gregory, Mike Park, Phil Anderson, Nita Send, Will Bunek and Mary Bush. Absent Cathy Jasinski  
Staff: Rochelle Rollenhagen and Township Attorney Richard Ford  
Guests: There were 9 guests present.**

**AGENDA APPROVAL: MOVE BY PARK SUPPORT BY BUNEK TO APPROVE THE AGENDA AS PRESENTED**

**Aye: All Motion carried.**

**PUBLIC HEARING:**

**Applicants are Attorneys Gary M. Ford and Jeffrey McManus on behalf of Clark and Lynn LLC and Alan and Michelle Weversted for a rezone from the Agricultural Zoning District to the Residential Zoning District for property numbers 45-001-011-00 and 45-001-017-00 on Lee Point Road.**

Rochelle spoke on behalf of the Township and presented her report. She gave the history of the parcel and indicated that the applicants were seeking a rezone from Agricultural to Residential. Rochelle indicated that the property has two zoning districts and when the land split originally occurred the standards for residential were used and according to the zoning ordinance, the stricter of the two should have been used. The applicants are now seeking to rezone the property so the residential standards would apply.

Gary Ford spoke on behalf on the applicants Clark and Lynn and provided a written statement. He gave the history of the property and stated that the 2 lots are non conforming lots that do not meet the depth to width ratio. Gary Ford stated that the Future Land Use Map indicates a portion of this property to be zoned rural residential. He stated that based on the future land use map a rezone should be granted.

Jeff McManus spoke on behalf of the Weaverstads. He stated he agreed with the presentation made by Gary Ford and felt a unique case had been made.

**Public Comment:**

Warren Hutchinson, Lee Point Road, was concerned that if a rezone was granted there would be more then one home on a parcel of property.

Tom Fleming, 3722 Lee Point Road referred to his letter of June 25, 2005 presented at the August 17, 2005 planning commission meeting. He also stressed his concern about a rezone and felt it would result in higher density.

Larry Shugart questioned how the property could be split in the back and have access without road frontage as well as increased density. He asked if maybe the parties would agree to only having one home each on these parcels and then he would support a rezone. The Weaverstads agreed to only one home however, Clark and Lynn LLC wanted the flexibility to build another home.

Bob Foster- also did not want the rezone due to increased density unless the parties could agree to one house per parcel.

Public Hearing Portion Closed:

Commission Comments: Anderson questioned how many parcels in the Township had dual zoning district and how could this decision impact this. Park asked attorney Dick Ford on whether or not a precedent could be set. Attorney Ford stated that although each application is reviewed case by case, it could in fact set a precedent.

The commission asked if the Zoning Board of Appeals could grant a variance to the depth to width ratio. Rochelle indicated that she did not believe the Land Division Act provided for this.

Bunek stated he felt that the applicant met the criteria and made a motion to rezone to residential. The motion dies for lack of a second.

**MOVE BY PARK SUPPORT BY BUSH TO RECOMMEND DENIAL OF THE REZONE REQUEST FOR THE SUBJECT PROPERTIES.**

ROLL CALL VOTE: Bush-Yes, Send-Yes, Gregory-Yes, Bunek-No, Anderson-Yes, Park-yes. 5-Yes, 1-No.

Gregory stated he felt that allowing a rezone would set a precedent and the applicant is not being denied his ability to build.

**MOVE BY BUNEK SUPPORT BY ANDERSON TO ADJOURN.**

**Meeting Adjourned at 8:15 p.m.  
Respectfully Submitted,**

**Dorothy Petroskey  
Bingham Township Clerk**