

**PORTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING MINUTES**

Chairman: Dave Nagy
Vice Chairman: Keith Kankel
Secretary: Laura Fletcher
Members: Tom Robbins
Rick Russwurm
Leard Wylie
Phil Yoder

April 14, 2011, 7:00 PM EST

In attendance:

Robbins
Kankel
Nagy
Russwurm
Fletcher
Yoder

Absent:

Wylie

The meeting was called to order by Chairman Nagy at 7:00 PM.

After a review, Fletcher made a motion to accept the agenda as written. Kankel seconded and the motion passed unanimously.

After Fletcher explained that there were no copies of the last meeting minutes present a motion to table the approval of the previous minutes was made by Kankel and seconded by Russwurm. Motion passed unanimously.

A brief discussion was held on non agenda item Resolution R44-11.

Old Business

None.

New Business

After a brief discussion on the election of Officers, Robbins made a motion to have the current officers remain for calendar year 2011. Russwurm seconded and the motion passed unanimously.

The group discussed the appointment of a Wetland Committee Representative and after confirming with Tom Robbins that he was willing, Russwurm made a motion that Robbins should remain as the Board's Wetland Committee's Representative. Yoder seconded the motion and it passed unanimously.

After a brief discussion, Rick Russwurm indicated he would be able to attend the Cass County Master Planning training session on June 7, 2011.

The group discussed the Special Land Use Application presented by Albert and Loretta Dolan. Nagy reviewed the application, maps, ordinance 111.1900 and correspondence against granting the Special Land Use Application, to the group and reviewed the minutes from the Planning Commissions September 8, 2010 meeting where the Planning Commission declined to amend Ordinance 111.1900 to allow this special use.

The meeting was then opened to the public.

Stephen Woods, the attorney for the Dolans spoke in favor of the Special Land Use Application.

Al Dolan indicated that electrical was installed and asked why no one said his land use was against the zoning laws, at that time.

Nagy showed the electrical permit from 2008 which did not indicate it was for a “special use”.

Darla Jones spoke and gave a history on how the original complaint was brought about and spoke in favor of the Special Land Use Application.

Ken Williams indicated that Dolans special use does not diminish his property value and spoke in favor of the Special Land Use Application.

William Bryant indicated he has never seen more than “temporary use” of the land by the Dolans and spoke in favor of the Special Land Use Application.

Kankel asked about the precedent the approval of this application may set for the community and a discussion was held on this topic.

The Group reviewed Ordinance 111.22

Nagy closed the public portion of the discussion on this topic.

The group discussed and everyone had concerns but after a discussion on precedent and restrictions on the property the group reviewed Ordinance 111.2203 and found:

- The Special Land Use is designed, constructed, operated and maintained in a manner harmonious and appropriate in appearance with the existing or intended character of adjacent property and the surrounding area and will not change the essential character of the area.
- The Special Land Use is not hazardous to adjacent property or involves uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, odors or glare.
- The Special Land Use will not place demands on public services and facilities in excess of current capacity.
- The Special Land Use will not directly or indirectly have a substantial adverse impact on the natural resources of the Township.
- The Special Land Use will not have substantial and permanent adverse effects on the market value of surrounding property.
- The Special Land Use will be designed so that on site sanitation facilities for sewage disposal, potable water supply, storm water, and solid waste disposal are properly designed and will be capable of handling the long term needs of the use.

After a discussion Nagy made a motion to accept the Special Land Use Application of Albert and Loretta Dolan with the following restrictions:

1. The Dolan's must connect to the Porter Township Sanitary Sewer System.
2. The Dolan's must maintain current configuration of only one fifth wheel camper trailer of substantially the same size and existing wooden deck of the currently existing size. No expansions to this size.
3. One fifth wheel camper may be placed on the property from April 15 to September 15 each season and must be removed from the property from September 16 to April 14 each season.

Yoder seconded the motion and a roll call vote was held with the following results:

Nagy	Yes
Kankel	No and he indicated he has concerns regarding the precedence this would set for the community.
Fletcher	Yes
Robbins	No
Russwurm	Yes
Yoder	Yes

Motion passed with four Yes votes and two No votes.

The next Planning Commission meeting was discussed and will be on the topic of Medical marijuana ordinance. Nagy handed out two example ordinances.

Fletcher made a motion to adjourn which was seconded by Robbins and it passed unanimously.

Meeting adjourned.

Respectfully submitted,

Laura Fletcher
Porter Township Planning Commission Secretary