



**Regular Planning Commission Meeting  
Monday, October 27, 2014**

Having been duly publicized, Vice Chairman Sweeney called the meeting to order at 7:00 p.m.

Present: Commissioners Decoster, Laidlaw, Lenko, McCutcheon, O'Brien, Schlesinger, Stearn, Sweeney

Also Present: City Manager Breuckman, City Clerk Drealan, City Commissioner Liaison Perry

Absent: Commissioner Bolach

**Minutes**

**PC-2014-1500**

Motion by Commissioner Stearn, second by Commissioner O'Brien that the minutes of the Site Plan Meeting on Tuesday, July 15, 2014 and the Regular Planning Commission Meeting held Monday, August 25, 2014, be approved.

Adopted: Yeas: Stearn, O'Brien, Decoster, Laidlaw, Lenko, McCutcheon, Schlesinger, Sweeney  
Nays: None.

**Public Hearing - Accessory Dwelling Unit Ordinances**

Breuckman gave an overview of the two proposed ordinances amendments. One proposal is to allow accessory dwellings and the other is to prohibit them. The first proposed ordinance (Item 5) that will allow accessory dwellings as a special land use. A special land use does require a public hearing before the Planning Commission and approval by same. Section 2 would add specific standards in Section 26-13.5, new subsection [R] with the new criteria. A house must exist on the property in order to add one accessory dwelling and the lot minimum is 5,000 sq.ft. The proposed accessory dwelling shall not exceed 25-percent of the gross square footage of the primary unit or 750 sq.ft., whichever is less. The accessory dwelling may only be located as a detached structure, and may not have an exterior entrance visible from the street and must be setback a minimum of 5 ft. from any property line. The maximum building height for an accessory dwelling will be 17 ft. A minimum of three off-street parking spaces shall be provided onsite with one specifically assigned to the accessory dwelling. One of the dwellings shall be owner occupied. A separate water meter shall be on the accessory dwelling. A maximum two bedrooms are permitted in an accessory dwelling and occupancy limited to no more than two persons. Leasing/rental requirements shall not be less than 180 days. A restricted covenant shall be recorded with the City.

Breuckman reviewed the second proposed ordinance (Item 6) adds clauses to the existing ordinance that state: Residential occupancy of an accessory dwelling is prohibited and only one dwelling unit shall be permitted per lot of record.

Vice Chairman Sweeney opened the public hearing at 7:31 p.m.

Bob Sakat, 8 Fairwood, inquired if he could rent out his house and an accessory dwelling. Breuckman responded that both cannot be rented and that there will be mechanisms in place to have annual inspections on rental properties.

Vice Chairman Sweeney closed the public hearing at 7:32 p.m.)

Sweeney questioned if the house is being rented out, what will happen to the accessory dwelling. Breuckman explained that that is the reason for the separate water meter on the accessory dwelling, and that both structures cannot be rentals.

Lenko questioned if the separate water meter on the accessory dwelling is necessary and could other enforcement mechanisms be put in place, such as, shutting of the water to the primary residence if there is a violation. Breuckman explained that issuing citations, assessing fines to violators can be a prolonged legal and collections process for the city.

Stearn inquired as to how many accessory dwellings are currently in the city now, and Sweeney responded that there are possibly two to three that would fall under the requirements of the proposed ordinance.

McCutcheon inquired if “mother-in-law” quarters are included under this proposed ordinance, and Breuckman responded that because there would be no separate entrances to the structure to access this area, it would not fall under the ordinance.

Decoster inquired whether there are any neighboring communities with a similar ordinance. Breuckman responded that Huntington Woods does not permit them; Birmingham does not permit them, but does provide variances for them; Ferndale permits them as a special land use.

Sweeney inquired that if everyone met all the proposed requirements, is there any reason not to approve the accessory dwelling request. Breuckman responded that the Planning Commission has the discretion to approve or deny the request based on whether or not the accessory dwelling will be a good fit on the proposed property.

McCutcheon commented that he is happy with the proposed ordinance as a result of all the discussions held on this topic.

Schlesinger inquired if someone applies for an accessory dwelling, does the Planning Commission hear the matter first. Breuckman responded that the Planning Commission is the only body that will hear these cases as a special use requirement.

Sweeney inquired if there will be any costs associated with this process. Breuckman responded that there will be a fee to set up the public hearing due to the notification process and administrative costs.



Breuckman gave an overview on the proposed ordinance change that will eliminate “big-foot” housing. The maximum height requirement for accessory dwellings will be reduced from 18 ft. to 15 ft. Minimum setback from the front of 30 ft. will be changed to an established building line requirement. Maximum lot coverage on R-1A and R-1B would be 30-percent, and R-1C and R-1D would be increased to 35-percent. Scheduled regulations will be adjusted for the amended requirements and roof/gable requirements.

Vice Chairman Sweeney opened the public hearing opened at 7:47 p.m.

Betty Howe, 31 Cambridge, a former Planning Commission member 5 years ago, commended the Commission for considering these proposed changes because she had a big-foot addition added to the home next door that drastically changed the views in her backyard and the amount of light she now receives in her home. Ms. Howe stressed the need for enforcement policies other than complaints being made to the police department.

Vice Chairman Sweeney closed the public hearing at 7:53 p.m.

McCutcheon supports the proposed changes due to a big-foot home that was constructed near his house recently.

Stearn questioned if the 5 ft. setback is only from the back property line and how it would affect the existing building lines. Breuckman responded that a variance would be an option and that most properties in the city may only be a matter of a few feet to be concerned with in the back of the house.

Sweeney questioned if the 250 ft. is in either direction or if it is 125 ft. from center on each side of the house. Breuckman responded that 250 ft. is in both direction and only on the same block.

Sweeney inquired about the height/roof plane of 10 ft. and the fact that there are no other communities in Michigan that require this, and Breuckman added that it is for symmetric purposes.

Breuckman added that the proposed numbers are very liberal and can be adjusted down the road if needed.

Stearn inquired if there are any issues currently with 18 ft. garage/accessory dwelling height structures, and Breuckman responded that there have been some complaints generated through the Building Department.

**PC-2014-1503**

Motion by Commissioner Decoster, second by Commissioner Schlesinger, that the Planning Commissioner recommend to the City Commission to approve all four items requested in the proposed zoning ordinance amendment.

Adopted:                   Yeas:   Schlesinger , Decoster, Laidlaw, Lenko, McCutcheon, O’Brien.  
                                  Nays:   Stearn and Sweeney