

**Kearney Township Planning Commission
Minutes
September 19, 2022 Regular Meeting**

Call to Order @ 7:00 PM EDT

Roll Call of Members Steve Alger, Leslie Elrod, Dick Jacques, Tim Murray, Cal Rix

Pledge of Allegiance

Conflict of Interest None

Jacques Moved to approve the agenda as distributed, Second Rix - Passed

Rix Moved to approve the minutes of August 15, 2022 as distributed, Second Elrod – Passed

The Public Hearing on rezoning Parcel Number 05-10-030-006-00, located at 4814 Shanty Creek Road was opened at 7:02 PM EDT

Township attorney Bryan Graham explained the zoning change process indicating that it was a legislative process, not an administrative process like most Planning Commission actions. The Commission's responsibility tonight is to recommend the Township Board pass an ordinance to change the zoning as proposed, if it meets the criteria for rezoning. Bryan also explained that the application as submitted was insufficient since it did not request a change to a defined Township residential zoning type. The zoning ordinance defines four categories R1, R2, R3 and RR with differing rights. The applicants asked for 5 minutes to discuss the options and requested that their Application for Rezoning be modified to change zoning from Commercial to Resort Residential matching other adjoining properties.

Public Comment

Adjoining property owners, Louise and John Wenzel commented on past issues with the applicants and/or their contractors on the property and opposed the rezoning.

Written Comment

John & Louise Wenzel opposing the application and John Haggard, Haggard's Plumbing & Heating endorsing the application.

Public hearing to rezone parcel number 05-10-030-006-00, located at 4814 Shanty Creek Road was closed at 7:30 PM EDT.

Bryan distributed and discussed a Rezoning Factors analysis (see below).

Jacques moved to accept the Rezoning Factors per the attached, Second Elrod – Passed

The commission discussed if we wanted to give up approximately 8 acres of commercial real-estate to accommodate this application.

Murray moved to recommend the Kearney Township Board rezone parcel number 05-10-030-006-00, located at 4814 Shanty Creek from Commercial to Resort Residential and that the Township Attorney be authorized to prepare the required ordinance. Second Jacques – Passed 4-1

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Old Business

Renewable Energy Changes for Master Plan

Proposed changes to the goals section of the Master Plan were distributed.

Action was tabled for an October 17 vote.

Zoning Map Updates

Dick reported that Karleen was going to provide a list of Parcel Numbers and street addresses and that he would update the list with the apparent zoning from the latest zoning map and identify questionable parcels for review at our next meeting.

Rules for Camping on Private Property

Dan reported on three properties operating as camp grounds in violation of zoning ordinance. No requests for Special Use Permits were received.

Proposed Property Divisions Form

Previously Completed

Website was missing building width

Updated Building Code Appendix 1 and been published in the Review and will be posted on the website this Friday.

New Business

None

Public Comment - None

Meeting Adjourned at 8:30 PM EDT

Respectfully Submitted,



R E Jacques
Secretary

Respectfully Submitted,



R E Jacques
Secretary

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Rezoning Factors

Rezoning from Commercial to Resort Residential

Section 6.05.6

A. Is the proposed amendment reasonably consistent with surrounding uses?

- Subject property vacant.
- The surrounding uses are: _____
_____.

B. Will the proposed amendment cause an unreasonably adverse physical impact on surrounding properties?

- Proposed single-family dwelling.
- Low impact use.

C. Will the proposed amendment cause an unreasonably adverse effect on property values in the adjacent area?

- Proposed single-family dwelling.
- Low impact use.

D. Have there been changes in land use or other conditions in the immediate area or in the township in general which justify the proposed amendment?

- No changes.

E. Will the proposed amendment create an unreasonable deterrent to the improvement or development of adjacent property in accord with existing regulations?

- Proposed single-family dwelling.
- Low impact use.
- Property to the north and east already zoned Resort Residential.

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F. Will the proposed amendment grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

- Proposed single-family dwelling.
- Low impact use.
- Property to the north and east already zoned Resort Residential.

G. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications or under the current use regulations?

- No

H. Is the proposed amendment in conflict with the planned use for the property as reflected in the master plan?

- Future Land Use Map: N ½ of property - Mixed Use, and S ½ of property - Agriculture, Forestry, Low Density Residential
- Master Plan contemplates residential development in the Agriculture, Forestry, Low Density Residential area.
- Therefore, proposed rezoning is consistent with the Master Plan and will make the subject property's zoning consistent with contiguous properties to the north and east.

I. Is the site served by adequate public facilities or is the petitioner able to provide them?

- Petitioner can provide facilities on the site.

J. Are there sites nearby already properly zoned that can be used for the intended purposes?

- Yes

CONCLUSION: When considering the above rezoning factors as a whole, the Planning Commission finds that these factors weigh in favor of rezoning the property from Commercial to Resort Residential.

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Public Hearing September 19, 2022

Sign-in Sheet

Full Name: Louise Wenzel Address: 4902 Cottage Pointe Dr.

Full Name: John Wenzel Address: 4902 Cottage Pointe Dr.

Full Name: Selma Dahalic Address: 51610 Hale Ln

Full Name: Mirza Khetas Address: 51610 Hale Ln

Full Name: John Samels Address: 3368 Orchard Hill Rd

Full Name: _____ Address: _____

Full Name: _____ Address: _____

Full Name: _____ Address: _____

Full Name: _____ Address: _____

Full Name: _____ Address: _____

Full Name: _____ Address: _____

Full Name: _____ Address: _____

Full Name: _____ Address: _____

Full Name: _____ Address: _____

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KEARNEY TOWNSHIP
APPLICATION FOR REZONING

Rezoning Fee \$ 545 Attached sheet.

\$300.00 CHECK
Z A DANIEL J. HILT
Fee Received By

7-12-2022 DJH

TOWNSHIP Planning Commission .

I (We) the undersigned, do hereby make application to and petition the Township to amend the Zoning Ordinance and change the Zoning Map of the Township of Kearney as hereinafter requested, and in support of this application, the following facts are shown:

(Fill out item 1 or 2, whichever applies)

1. The property to be rezoned is part of a recorded plat and is located in section _____ quarter section _____, having an address of 4814 SHANTY CREEK Rd. between _____ street _____ street, and is known as lot(s) number _____ of _____ subdivision. (Attach legal description of property to be rezoned.)
2. The property to be rezoned is in acreage and is not therefore of a recorded plat, and is located in section _____, a quarter section _____, having an address of 4814 SHANTY CREEK Rd. between M 88 road and BROOKWOOD LN road.

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Assessor's Plat No. _____ Total acreage 11.37
Tax Code Number 05-10-030-006-00 402-RESIDENTIAL
(Attach legal description of property to be rezoned.)

3. The property to be rezoned is owned by:

ESTEEM WAY LLC (SELMA DAHALIC)
Name
51610 HALE LN CHESTERFIELD MI 48051
Address City Zip Code
Telephone Number 586-871-0916

If petitioner is other than owner, state nature of the
petitioner's interest _____

4. It is requested that the foregoing property be rezoned from:
COMMERCIAL classification to RESIDENTIAL classification.

5. It is proposed that the property will be put to the following
use: RESIDENTIAL HOME

Selma Dahalic 6/10/22
Signature of Applicant Date
51610 HALE LN CHESTERFIELD MI 48051 586-871-0916
Address Telephone

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**KEARNEY TOWNSHIP FEES FOR SPECIAL MEETINGS, SIGNS, AMENDMENTS
TO EXISTING SITE PLANS, AND LAND DIVISIONS**

Rezoning.....Fees	\$300.00
Special Use Permit.....Fees	\$300.00
Site Plan Review.....Fees	\$300.00
Zoning Board of Appeals.....Fees	\$250.00

SPECIAL MEETING FEES

Planning Commission.....Fees	\$500.00
Zoning Board of Appeals.....Fees	\$420.00

These are in addition to regular fees:

AMENDMENTS TO EXISTING SITE PLANS

MAJOR = same as for new site plan	\$300.00
MINOR =	\$150.00
LAND DIVISION SPLITS	\$ 25.00
Plus \$10.00 for each split	

Legal costs, mailing charges, publishing notices, over and above the actual scheduled fee will be the responsibility of the petitioner/applicant prior to the final permit being issued.

Sally Petrie, Clerk
April 4, 2005

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6/9/22, 1:42 PM

Parcel Number - 05-10-030-006-00 | Kearney Township | BS&A Online

4314 SHANTY CREEK RD (Property Address)
Parcel Number: 05-10-030-006-00

Property Owner: ESTEEM WAY LLC

Summary Information
 > Assessed Value: \$17,100 | Taxable Value: \$17,100 > Property Tax Information found

No Images Found

Parcel is Vacant

Owner and Taxpayer Information

Owner	ESTEEM WAY LLC 51610 HALE LANE NEW BALTIMORE, MI 48051	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2022

Property Class	402 RESIDENTIAL-VACANT	Unit	05-10 KEARNEY TWSP
School District	BELLAIRE PUBLIC SCHOOLS	Assessed Value	\$17,100
Map #	No Data to Display	Taxable Value	\$17,100
User Num Idx	0	State Equalized Value	\$17,100
User Alpha 1	No Data to Display	Date of Last Name Change	07/19/2021
User Alpha 2	No Data to Display	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
User Alpha 2	No Data to Display	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Data No Data to Display

Principal Residence Exemption	June 1st	Final
2022	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2021	\$17,100	\$17,100	\$7,835
2020	\$15,800	\$15,800	\$7,727
2019	\$15,800	\$15,800	\$7,583

Land Information

Zoning Code		Total Acres	11.370
Land Value	\$34,200	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	COMMERCIAL	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		
Total Frontage: 0.00 ft		Average Depth: 0.00 ft

Legal Description

BEG AT THE SE COR OF SEC 30; TH N 89 DEG W 500 FT ALG S SEC LINE; TH N 00 DEG E 991.26 FT; TH S 89 DEG E 500 FT; TH S 00 DEG W 990 FT ALG E SEC LINE TO THE POB; BEING PART OF THE S 60 RODS OF THE E 1/2 OF THE SE 1/4 SEC 30 T30N R7W 11.37 A M/L

Land Division Act Information

Date of Last Split/Combine	No Data to Display	Number of Splits Left	Not Available
Date Form Filed	No Data to Display	Unallocated Divs of Parent	Not Available
Date Created	01/01/0001	Unallocated Divs Transferred	Not Available

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#2
7-12-2022 14pm
TUESDAY

KEARNEY TOWNSHIP
APPLICATION FOR REZONING

Rezoning Fee \$ See Attached sheet.

\$300.00 CHECK
Z.A. DANIEL J. HILT
Fee Received By
7-12-2022 DJH

TOWNSHIP Planning Commission .

I (We) the undersigned, do hereby make application to and petition the Township to amend the Zoning Ordinance and change the Zoning Map of the Township of Kearney as hereinafter requested, and in support of this application, the following facts are shown:

(Fill out item 1 or 2, whichever applies)

1. The property to be rezoned is part of a recorded plat and is located in section _____ quarter section _____, having an address of 4214 SHAWTY CREEK RD. between _____ street _____ street, and is known as lot(s) number _____

RECEIPT		DATE <u>7-12-2022</u>	No. <u>585614</u>
RECEIVED FROM <u>A.A. HOMETOWN BUILDERS LLC</u>		<u>\$300.00</u>	
<u>THREE HUNDRED + 00/100</u>		DOLLARS	
<input type="radio"/> FOR RENT		<input checked="" type="radio"/> FOR <u>REZONING APPLICATION FEE</u>	
ACCOUNT	<input checked="" type="radio"/> CASH	<input checked="" type="radio"/> CHECK	
	PK# <u>8406</u> FROM <u>SELMA - JOB SITE</u> TO _____		

A. A. HOMETOWN BUILDERS LLC PH. 231-350-3180 3368 ORCHARD HILL RD. P.O. BOX 36 BELLAIRES, MI 49615		8406
DATE <u>07-12-22</u>		
PAY TO THE ORDER OF <u>Kearney Township</u>		\$ <u>300.00</u>
<u>Three hundred 00/100</u>		DOLLARS
ALDEN STATE BANK		
MEMO <u>SELMA</u>	<u>John Daniel</u>	

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**Kearney Township
P.O. Box 51
Bellaire, MI 49615**

Mail to the Office of:

**Kearney Township Zoning Administrator
P.O. Box 51
Bellaire, MI 49615**

ESTEEM WAY (SELMA DAHALIC) 586-871-0916
Name of Applicant and Phone Number

51610 HALE LN CHESTERFIELD MI 48051
Address of Applicant

4814 SHANTY CREEK
Address of Construction Site

This application is in compliance with the Kearney Township Zoning Ordinance and the applicant is eligible to apply for a Building Permit from your office.

This permit covers the following:

Zoning District: _____

Zoning Administrator

Date

Permit # _____

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I. GENERAL INFORMATION

Name of Property Owner ESTEEM WAY
Address 51610 HALE LN
City CHESTERFIELD State MI Zip Code 48051
Phone
Number 5816-871-0916

II. PROPERTY DESCRIPTION

Property Tax Code Number 05-10-030-006-00
Nearest Intersection (Name roads) M-88 & SHANTY CREEK RD
Zone District in which property is located _____

III. PROPOSED USE

What type of construction is proposed:

X One family home Two family home
 Multi-family home Mobile home
 Garage Addition
 Other (describe) _____

Exterior Dimensions of Proposed Structure 40' x 32'
Height of Proposed Structure 31' 3"

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IV. SITE PLAN

Attach a scaled drawing using a common engineering or architect scale which can be verified in the field by the Zoning Administrator. Use care, as this drawing will be used to determine if a permit can be issued in accordance with the Township Zoning Ordinance.

Include:

- _____ Lot or Parcel Dimensions
- _____ Existing Building & Dimension, Include Eaves
- _____ Proposed Building & Dimension, Include Eaves
- _____ Front, Side & Rear Dimensions
- _____ Dimensions Between Existing and/or Proposed Buildings
- _____ Name Road, Lake Shore, Easement or other Dedicated Right-of-Way
- _____ Scale, North Arrow, Etc.

V. SIGNATURE CLAUSE

I hereby agree to comply with the provisions of the Zoning Ordinance of Kearney Township in the installation, construction, alteration, addition or demolition described therein, and, if not the applicant, I hereby certify that the proposed work is authorized by the property owner, and that I have been empowered by the owner to make this application as his/her selected agent.

Signature *Melba J. Galavich*

Date 5/16/22

Builder's State License No. _____

Total Construction Costs _____

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Please Fill Out Completely For Township Purposes:

Applicant's Name: ESTEEM WAY LLC (SELMA DAHALIC)

Applicant's Address: 51610 HALE LN

Applicant's State: MI 48051

Parcel I. D. Number: 05-10-030-006-00

Address of Property: 4814 SHANTY CREEK

Purpose of Application: RESIDENTIAL NEW BUILD

Applicant's Signature: Selma Dahalic

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For Official Use Only

Date Received: \_\_\_\_\_

Date Permit Issued: \_\_\_\_\_

Zoning Administrator's Signature: \_\_\_\_\_

[illegible]

