

VILLAGE OF SWANTON

Planning Commission Meeting Minutes

June 1, 2021 • 6:30 p.m.

The meeting was called to order at 6:30 p.m. Roll call was taken; those present included: Mr. DeGood, Mr. Erdman, Mayor Toeppe, Mrs. Westhoven and Mr. Young; Mrs. Hoelzle, Village Administrator was also present.

Mr. DeGood asked for approval of the May 4, 2021 Meeting Minutes. *Mayor Toeppe moved to approve the minutes of May 4, 2021, with Mrs. Westhoven seconding. No discussion. Roll Call vote. DeGood, Toeppe, Westhoven- YES, Erdman and Young-ABSTAIN Motion carried 3-0-2.*

The first substantive agenda item related to consideration of a change to an approved development plan for Parcel 75-65239 in the Silverbuck subdivision. The request is for an alteration to an approved development plan to allow the property owners at 229 Kierra Lane to erect a fence which would extend from their property into the open space area, Common Area D, Parcel 75-65239 owned by Silverbuck LLC.

Swanton Village Planning Commission approved the final plat for The Villas at Silverbuck on June 13, 2006. The final plat includes common areas surrounding the 10 lots. Open space areas are required in a planned unit development, per Swanton Village Code. Open space areas should be void of buildings, structures, parking areas or other above-ground improvements (§ 150.125 (B)(4)). The property owners at 229 Kierra, wish to extend the fence past their property line, approximately 30 feet into the open space area.

Generally speaking, in planning terms, a typical planned unit development includes a cluster of small lots in conjunction with a common usable open space intended for potential recreational amenities and/or a protected natural area functioning as permanent open space. Another example of a PUD in the Village of Swanton are the villas in Plat One of Ashberry Farms. The open space parcel for this PUD is 14-023206-00, located on Ashberry Way

Further, in the Declaration of Restrictions for the Villas at Silverbuck, it states that fences shall not be permitted within any of the Common Areas. Though the Declaration of Restrictions do not directly relate to zoning restrictions, it is worth mentioning that it is included in the restrictions.

Mr. Matt Joyner, owner of 229 Kierra, was present to speak on behalf of the application. A representative from Silverbuck LLC was not present. Mr. Joyner went into detail that he mows the grass in the Common Area and bought the property at 229 Kierra in November 2020. They do not pay HOA fees and he believes they should be allowed to erect the fence on the property.

Much discussion ensued about the situation. Mr. Joyner was not aware of the Declaration of Restrictions for the Villas at Silverbuck. Mrs. Hoelzle presented him a copy. Though they have no bearing on zoning

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implications, Planning Commission felt it was important for Mr. Joyner to be aware of the restrictions. Planning Commission discussed their authority on what can and can't occur. Ultimately it would be up to Silverbuck, LLC if they wishes to present an official request to substantially alter the open space area in the Villas at Silverbuck.

Mayor Toeppe moved that no action could be taken due to lack of information provided with Mrs. Westhoven seconding. No discussion. Roll Call vote. ALL YES Motion carried 5-0.

Mrs. Hoelzle indicated that she would draft a letter to both Mr. Joyner and Silverbuck, LLC (Randy Smith) to provide documentation on the motion that was approved.

Mrs. Hoelzle then presented information on recent Zoning Approval Applications. There was some discussion on nuisance properties.

Mayor Toeppe moved to adjourn the meeting with Mr. Young seconding. Voice vote. All yes.

Adjournment at 7:19 p.m.

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Mr. Roger DeGood