

# Pine Grove Township

## Planning Commission

### Regular Meeting

26520 CR 388, Gobles, MI 49055

July 20, 2020 7:00 p.m.

1. **Call to Order:** Meeting called to order at 7:00 p.m. by Chairperson Kehoe
2. **Roll Call: Present:** Kehoe, Hill, Marculis,D, Brown, Marculis,K, Richardson, Yaple  
**Others Present:** Rebecca Harvey, AICP  
Bear Priest, KABA  
Tim Smith, Ordinance Enforcement Officer  
Melody Scholte, resident
3. **Approval of Agenda:** *Motion made by Yaple, supported by Brown, to approve the Agenda for July 20, 2020. All yes, motion carried.*
4. **Approval of Minutes:** *Motion made by Brown, supported by Richardson to approve the Minutes of the Meeting for June 15, 2020. All yes, motion carried.*
5. **Public Comment on Non-Agenda Items:** Tim Smith brought up Ordinance #37 which prohibits a fire in street view. He has spoken with a property owner who has vacant property and per the ordinance he cannot have a fire on that vacant lot as it is a corner lot.

**Blight Ordinance #37: Section 4. Violations. E. The burning of trash, papers, and other refuse whether in a burner barrel or not, shall be prohibited in front yards bordering streets.**

**Ordinance #90 (Amendment to #37 Anti-blight) Section 4. Violations E: The outdoor burning of any material, whether in a burn barrel or not, shall be prohibited in front yards bordering streets. In addition, any such burning shall on any lot or parcel of less than 2 acres in size be set back not less than 15 feet from any abutting property line and shall on any lot or parcel of 2 acres or more in size be set back not less than 50 feet from any abutting property line.**

Rebecca Harvey stated that technically a property with no dwelling has no yard, so as long as the set backs are met, there could be a fire on this property. Rebecca Harvey advised Tim Smith (Ordinance Enforcement Officer) that he should contact the Pine Grove Zoning Administrator, Bear Priest, who can advise how an ordinance pertains to a questioning property owner. The Zoning Administrator can confer with Rebecca Harvey and Catherine Kaufman (attorney). If they find that the Ordinance needs revising, the Township Board is the body that approves and adopts ordinances and they would be the entity to make any changes they feel are necessary, not the Planning Commission.

6. **New Business:**
  1. **Ordinance #37 Anti-Blight:** Bear Priest, Zoning Administrator, has sent Ordinances #37, #90, #94 to Attorney Kaufman for codification but has not had a response back. Rebecca Harvey stated in response to Tim Smith, Ordinance Enforcement Officer, that when there are questions of clarity, or any questions, he should be directed to the Zoning Administrator, Bear Priest. Bear has Rebecca Harvey and Twp. Attorney Catherine Kaufman as resources. If Bear finds there are possible changes to be made, he would make a recommendation to the Township Board. Any Police Power ordinance is NOT the purview of the Planning Commission. Township Boards typically would decide what changes are necessary or wanted and have the township attorney draft the ordinance for the Township Board to approve and adopt. It is not typical for a Planning Commission to revise Police Power ordinances.
  2. **Text Amendments regarding Zoning Ordinances:**
    - a. Accessory Buildings Article 8, Section 8.01 Bear Priest stated that Zoning Ordinance has many changes in Article 8: Accessory Building, Rev. April 2019. He has seen a couple of residents get approval through a Special Land Use application. Bear Priest asked the Planning Commission if they want to give the Zoning Administrator the authority to grant approval for certain variances. After a

lengthy discussion, the PC has asked Rebecca Harvey to draft a revision to present at the next regular meeting of the Planning Commission.

b. ROW (right of way) definition in Article 6. There is currently no definition. Article 6 states “from the right of way” but there is no definition of what is considered the ROW. Rebecca Harvey will prepare a text amendment to cover this issue.

c. Yard descriptions, Article 2, Section 2.02 Bear asked that on page 12, is there a better diagram of lot lines. He has a residence that is sideways on the lot and the side lot line disappears. Rebecca will review this diagram and she believes she has a better diagram.

**7. Public Comment on Agenda Items:** Melody Scholte stated that she is one of the residents that was having issue with the restrictions of Article 8. She stated they have 10 acres, the house sits towards the back of the property with a pond in the back, and is very wooded. They decided they would like to put in a 24 x 24 pole barn with a porch in “front” of the residence. They were denied a building permit by Bear as Article 8 stated that a pole barn cannot be built in the “front yard” of a residence. The only path available to them is to pay \$1000.00 to file a Special Land Use application with the township. Bear stated that is why he is asking for authority as Zoning Administrator to approve issues like this that he is sure the PC would approve, without the resident having to spend the \$1000.00 to get a yes. Several options were discussed. Rebecca reminded the PC that the Township is not charging residents to comply with the zoning ordinance, the Township is charging residents to apply to not comply to the zoning ordinance.

**8. Old Business:**

1. Marculis passed out the revised Bylaws, however, due to the board considering to change the regular meetings to every month, believes that it should be address with the Township Board. The Board Representative Jesse Richardson and Chair Jim Kehoe will address this topic with the Board at the next Board meeting. **This did not happen on the August 11<sup>th</sup> meeting so hopefully it will be brought up to the Board before the PC’s next regular meeting on October 19<sup>th</sup>.**

2. Bear stated that the PC had approved a Special Land Use for a Fred Giebel. His pole building was being framed in and he came to Bear Priest and stated that he wanted to go from a 6/12 to an 8/12 pitch. The approved SLU allowed him a maximum of 21 ½ feet. The 8/12 pitch would take the height from 21 ½’ to 23 ½’. The ZO allows the Zoning Administrator to make minor changes that doesn’t don’t add any additional floor space, so Bear Priest stated that he was going to approve this change and is informing the PC of that decision.

**9. Commission Comments:** Marculis confirmed that the Special Meeting is set for August 31, 2020 at 6 p.m. Kehoe asked why meetings were set for 7 p.m., he would rather start at 6 p.m. Everyone agreed for the special meeting to begin at 6 p.m. and the PC will address the time of the Regular meetings at the next regular meeting scheduled for October 19, 2020 at 7 p.m.

**10. Adjournment: Motion made by Marculis,D., supported by Richardson, to adjourn. All yes, motion passed.**

**Adjourned at 9:13 p.m.**

**Next Meeting(s): For 2020: Regular Meetings: Oct 19, 2020**

**Special Meeting August 31, 2020 6:00 p.m. 3 Public Hearings**

Respectfully,

*Deborah Marculis*

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Secretary, Pine Grove Twp. Planning Commission