

Pine Grove Township

Planning Commission

Special Meeting – Public Hearings

26520 CR 388, Gobles, MI 49055

August 31, 2020 6:00 p.m.

1. **Call to Order:** Meeting called to order at 6:01 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
James Cusack
Don Lumbard
Brian Dedoes
3. **Approval of Agenda:** *Motion made by Yaple, supported by Richardson, to approve the Agenda for August 31, 2020. All yes, motion carried.*
4. **Approval of Minutes:** *Motion made by Richardson, supported by Hill to approve the Minutes of the Meeting for July 20, 2020. All yes, motion carried.*
5. **Public Comment on Non-Agenda Items:** None.
6. **New Business:**
 1. **Public Hearing:** *Special Use Request, James Cusack, 35708 Lakeway, Gobles, MI to allow an accessory building on vacant land, Parcel # 80-15-029-005-45, directly east of 31954 CR 388. Request for a 23 ft. waiver of the 75 ft. front setback from the edge of the road.*

OPEN PUBLIC HEARING: 6:04 p.m.

Bear Priest stated that Mr. Cusack is requesting to build an accessory building on vacant land located on the south side of CR 388, directly east of 31954 CR 388 and is zoned R-2 High Density Residential. Parcel # 80-15-029-0005-45. This property is approximately 1.5 acres in size. Mr. Cusack requests a special use approval to construct a 1200 sq. ft. (30' x 40') accessory building with a maximum height of 25 ft.

Mr. Cusack is also requesting a 23 ft waiver of the front setback to allow the building to be located 75 feet from the edge of the road (approx. 52 feet from the Right of Way). **Mr. Cusack withdrew his request for a 23 ft waiver of the front setback, stating that he could easily comply with the 75 ft. setback from the edge of the road.**

Mr. Cusack stated that the building would be used primarily for recreation purposes and keeping equipment for a garden. He stated that he has not considered water, electric and septic at this point, as he has not even cleared the land for the building until these requests are approved or denied.

Hearing no public comment, public hearing was closed.

CLOSE PUBLIC HEARING: 6:14 p.m.

Review Criteria: ZO 8.01 E Accessory Buildings allowed with a special land use permit:

1. Board finds this request complies with the standards set to apply for an Accessory building allowed with a special land use permit on an otherwise vacant lot.

Review Criteria: ZO 7.01 A Special Land Use Review Criteria

1. Board finds this request meets the size, height, and lot coverage/location requirements
2. Board finds the proposed building is of the same nature of other accessory buildings in the area across the street. The 1.5 acres is also partially surrounded by vegetation which creates a visual barrier from adjoining properties and the roadway.
3. Board finds no adverse effect to public services/facilities or public road burdens
4. Board finds no off-street parking conflicts
5. Board finds the proposed building meets all size requirements and will be used for storage purposes and gardening. The placement of the accessory building would leave enough required space to building a house at a later time if a variance was obtained. Board finds the use will not be detrimental or injurious to the use or development of adjacent properties.
6. Board finds no adverse effect on the public health, safety and general welfare of community.
7. Board finds the use will be in accordance with the character and adaptability of the land at issue due to the fact that the principal building is not on the same land, but is very close and the fact that there are other storage buildings across the street.
8. Board finds the general standards hereinabove required for the allowance of such a special land use can and will, in the PC's judgement, be met at all times by the applicant with the special condition that will be set forth.
9. Board finds the specific standards applicable to particular uses as set forth in Article 8 can and will, in the PC's judgement, be complied with at all times with the special conditions set forth.

Special Conditions set forth: Accessory building may be hooked up to water and power services, but no sewer services are allowed.

Motion made by Kehoe, supported by Richardson to grant the Special Land Use to Mr. James Cusack based on the evidence produced during the hearing using ZO 8.01 E and 7.01A, to construct a 30' x 40' pole building with maximum height of 25' within the setback requirements, with the special conditions that water and power services be allowed, but sewer services are not allowed to be added, that the building be used only for the purposes stated for storage and gardening, and that the natural vegetation and trees are to remain along the road frontage that would screen the building with the exception of what needs to be cleared for the driveway back to the building. Hearing no further discussion. Roll Call: Kehoe – yes, Hill – yes, Marculis, K. – yes, Richardson – yes, Yapple – yes, Marculis, D. – yes. All yes, motion carried.

2. ***Public Hearing: Special Use Request, Don Lumbard, 4992 West E Avenue, Kalamazoo, MI to allow an accessory building on vacant land at 15533 32nd Street., Parcel # 80-15-020-009-60.***

OPEN PUBLIC HEARING: 6:44 P.M.

Bear Priest stated that Mr. Lumbard is requesting to build an accessory building on vacant land located on the east side of 32nd Street, north of CR 388 and is zoned R-1 Medium Density Residential. Parcel #80-15-020-009-60. This property is approx. 2 acres in size. Mr. Lumbard request a special use approval to construct a 3,200 sq. ft. (80' x 40') accessory building with a maximum height of 25 feet.

Bear Priest stated that Mr. Lumbard currently has a building permit and is currently under construction as Mr. Lumbard originally planned to include a living area, but has now requested to proceed without the livable space and requested to build an Accessory Building on otherwise vacant land.

Mr. Lumbard stated that the barn in completely framed in. The property backs up to the recycling center on the south side. "It is a very nice piece of property but with all due respect, I think that it is not zoned properly

because of that recycling center”. If you were going to build a nice house in there, would you spend 300-400 thousand dollars on a nice house to have it be next to a recycling center. I look at the lot as a buffer lot between the recycling center and the rest of the residential area down the street from me. It is secluded behind trees and I put in a fence with a gate at the front. Anybody is welcome to take a look, you can’t drive in but you can walk around the gate. There is quite a bit of noise on Wednesdays and Saturdays and then the semi-trucks come in on Mondays and load up everything. Then the fire department does their drills on Sundays and there is quite a bit of smoke. I got into the process of building the building with the living quarters with Bear. Mr. Lumbard stated that his wife is going to retire in the fall and they live at North Lake. They have a storage building on their property at North Lake. This new building is 8 minutes from their residence at North Lake. They looked at the property for quite a while and it was for sale for quite a while and probably because it is by the recycling center. Mr. Lumbard stated that he and his wife went for a walk around the lake recently and seen the newly constructed pole buildings on two lots and found that they do not have living quarters in them. Mr. Lumbard stated that he has no intentions of living there, never did, never will and would like the same treatment to build an accessory building on a vacant lot.

Rebecca Harvey questioned Bear Priest about accessory building maximums based on Use Standards 8.01.3 and acreage, which Mr. Lumbard has 2.1 acres for an accessory building which would be 2000 sq. ft. for Mr. Lumbard’s property size and he is building a 3,200 sq. ft. building. Bear stated that when Mr. Lumbard first applied, it was for a building permit for basically a house with an attached garage and met those requirements. Bear stated that he did not catch that when they noticed for the public hearing to request to waive the maximum square footage for an Accessory Building on Vacant Land. Rebecca Harvey stated that the applicant certainly has the right to ask the Planning Commission to waive the maximum combined floor space but it cannot be done at this meeting as it was not noticed as such. If the applicant is willing to reduce the square footage to comply with the Use Standard of 2000 sq. ft. the board could move forward with its determination, however, if the applicant is not willing to reduce the sq. footage, it will have to be tabled and re-noticed for a new Public Hearing requesting additionally to waive maximum square footage. Mr. Lumbard stated that it is already framed in, he cannot reduce the square footage. Mr. Lumbard stated that he put the living quarter in because he thought that was the only way he could do it, but then seen other people didn’t have to. I just want to be treated fairly. Looks like my only choice is to cut the barn size down. Mr. Lumbard stated, “I was here at July 20th meeting and heard Rebecca talk about this issue and I know about this rule that you have and have also heard people of the township say they are not crazy with the rule. I heard her say about places being compatible with the area. All I can think of is that I am right next to the recycle center in a residential zone right next to it, how much thought was put into that. I’m just trying to see all sides of it. I guess that’s up to you guys.” Chair Kehoe stated to Mr. Lumbard that it was up to him if he wanted to table is request and re-notice to include waiving the size maximum or continue with a condition that the barn size would have to be reduced to 2000 square feet. Mr. Lumbard stated that he would have to table and re-notice with an additional requested to waive the maximum size but the weather was a big concern as he could not have the concrete poured until he knows.

Hearing no further public comment, public hearing was closed.

PUBLIC HEARING CLOSED: 7:05 P.M.

Motion made by Richardson, supported by Hill, to table the Special Land Use application hearing requested by Mr. Lumbard until such time it can be re-noticed and include a request to waive the maximum size of an accessory building on vacant land. All yes, motion carried.

A new date will be discussed under New Business.

- 3. Public Hearing: Special Use Request, Brian Dedoes, 28521 Northern Bluff, Gobles, MI to allow an accessory building to be constructed in front yard (roadside).***

Rebecca Harvey asked if this was waterfront property and Bear Priest stated that it was. Rebecca stated that on waterfront property, the water is considered the front yard and the road side is considered the back yard as stated in **ZO 9.21 B The front lot line of a waterfront lot shall be that portion of the lot abutting the waterway. The rear lot line of a waterfront lot shall be that portion of the lot immediately adjacent to the street right of way.**

The Special Land Use Request application was withdrawn by Mr. Dedoes due to a determination made by the PC that the requested accessory building met all the requirements.

Bear Priest stated that this was an over-sight and he will request to get Mr. Dedoes Special Land Use application fee's refunded and will get back to the building permit and get the approvals completed.

7. Public Comment on Agenda Items: None

8. Old Business:

1. Special Meetings vs. Regular Meetings

Chair Kehoe stated that he needed more information to take to the board regarding the scheduling of a regular meeting each month as apposed to trying to schedule Special Meetings when the PC receives a Special Land Use application and needs to schedule a Public Hearing. One advantage is that PC members would know that there is a meeting each month and if there is nothing on the agenda, the meeting can be cancelled three weeks before the meeting as Public Hearings must be noticed 15 days prior to the meeting. This would alleviate the issues of trying to find dates that work for everyone prior to setting a meeting date for a Public Hearing.

2. Meeting Date for Public Hearing on Lumbard Special Land Use Application.

This will be noticed for a Public Hearing on September 21, 2020 at 6 p.m.

3. Zoning Ordinance Text Revisions

Rebecca Harvey was asked by the PC to amend some of the text in ZO 2.02 and 8.01 at the July 20th meeting. Rebecca presented those text amendments and the PC reviewed them with her. Chair Kehoe asked Rebecca if she could make the additional changes the board discussed tonight and have them for the September 21st meeting and then if the changes were approved by the board, it could be noticed for a Public Hearing at the October 19th meeting. Rebecca stated that would be fine.

9. Commission Comments: None

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

Adjourned at 7:44 p.m.

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

Special Meeting September 21, 2020 6:00 p.m. Public Hearings

Respectfully,

Deborah Marculis

Deborah Marculis

Secretary, Pine Grove Twp. Planning Commission