

# Pine Grove Township

## Planning Commission

### Special Meeting – Public Hearings

26520 CR 388, Gobles, MI 49055

October 19, 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
- 3.

**Others Present:** Rebecca Harvey, AICP  
Bear Priest, KABA  
Randy Whitmore  
Jim Cook  
Amanda and Albert Tovar  
Megan Tucker

4. **Approval of Agenda:** *Motion made by Yaple, supported by Marculis, K., to approve the Agenda for October 19, 2020. All yes, motion carried.*
5. **Approval of Minutes:** *Motion made by Kehoe, supported by Hill, to approve the Minutes of the Meeting for September 21, 2020. All yes, motion carried.*
6. **Public Comment on Non-Agenda Items:** None
7. **New Business:**
  1. **Public Hearing:** *Special Land Use Request, Randy Whitmore, 32649 Pinedale Lane, Gobles, MI to allow an accessory building on otherwise vacant land, to allow the construction of a 1,536 square foot accessory building on a vacant parcel adjacent to 32649 Pinedale Lane. The property is zoned R-1, Medium Density Residential. The applicant is requesting a waiver of the maximum allowable accessory building size (1320 total square feet allowed, 2438 sq. ft. proposed) and requesting a waiver of the rear setback. 40 Ft is required, 30 ft. is proposed.*

#### **OPEN PUBLIC HEARING: 6:02 p.m.**

Bear Priest stated that Mr. Whitmore has applied to build a 32' x 48' pole building on his vacant lot adjacent to his lot with residence and garage. By Ordinance, this is allowed. Mr. Whitmore has a garage of 614 sq. ft. attached to the house and a shed of 288 sq. ft. near the garage. Combining the garage and shed with the new building, 1536 sq. ft.), it is a total combined 2438 sq. ft. Mr. Whitmore's two lots are .5 acres each, totaling 1 acre exactly. One acre would allow 1320 sq. ft. of accessory buildings. Mr. Whitmore is requesting a waiver of the extra 1,112 square feet. Bear Priest stated that Mr. Whitmore is also requesting a waiver of 10 feet of the 40 ft. rear set back. Keeping the 40 ft. rear set back would put the pole barn at the same distance as the house from the road. Bear Priest stated that he would highly recommend that if the board proposes to grant the SLU that they include the condition that the applicant combine the two lots.

Mr. Whitmore stated that he purchased the additional lot in 2017 on a land contract. There are deed restrictions that require the approval of the developer for new construction. Mr. Whitmore stated that he obtained approval from the developer and agreed on a 32' x 48' pole barn. It would be painted and shingled to match the house. At the time of purchase and agreement the township did not have any limitations on accessory use space. Now that the land contract is paid off, upon contacting the zoning administrator, found that the ZO was updated in 2019 and his pole barn no longer fits the square footage allowed. (See attached

letter from Mr. Whitmore). Mr. Whitmore is only a 10<sup>th</sup> of an acre from being 1.1 acre and would then be allowed 2000 sq. feet of accessory buildings, then would only be 436 sq. ft. over allowable square footage.

Kehoe asked what type of driveway is intended to get the vehicles from the road to this pole building. Mr. Whitmore stated that he had no plans at this time. Jim Cook stated that the deed restrictions require a paved or cement driveway.

**Amanda Tovar**, 32610 Pinedale Lane, across the street from Randy Whitmore and family, stated that she has absolutely no qualms about his proposed building and the size and sees no harm for the size in this neighborhood.

**Albert Tovar**, 32610 Pinedale Lane, stated he has no problems with this proposed building.

**Megan Tucker**, 32733 Pinedale Lane, stated she is driveway neighbors with Randy and personally has no issues with his proposed building, that he sometimes does have a lot of cars in his driveway. Megan stated that their kids play together and usually have to play in her driveway because if Randy is working on his cars, his driveway is full. Megan stated that if Randy had a barn to put the cars in, that would be great. Amanda stated that she believes that it will meet all the standards that she did not know even existed.

**Jim Cook**, builder, stated that he built the subdivision, put in the restrictions, built the road, gave the road to the County for \$1. Mr. Cook stated that the only concern he has is that he would like to see the barn built closer to Randy's home, not jammed close to the adjacent lot that he has for sale. Mr. Cook stated that if a driveway goes in, it should go in at the same time as the building and not be gravel. Mr. Cook stated that those are his two concerns. Mr. Cook stated that the plans for the building looks good, matches his house. Mr. Cook stated that there is a 30x40 pole barn in that same subdivision. It only has one driveway to the home and barn. Mr. Cook stated that there is another barn across the road from Randy, its higher, and was built without anybody talking to him about it, so has no idea what happened at the township with restrictions, etc. It is a very clean subdivision with no campers and recreational vehicles, it is a restriction that is tied to the deed and they must be stored away in a building.

Bear Priest stated that he had another neighbor that he talked to but is away out of town but wanted the board to know that he had no issues with Randy's proposed pole barn.

Rebecca Harvey stated that the things to look at when deciding the approve or not approve the SLU: If Mr. Whitmore combines the lots, it eliminates the need to apply to for a special land use permit for an accessory building on otherwise vacant land. If Mr. Whitmore moves the building 10 ft to the required 40 ft. rear set back, it eliminates the need to request a setback waiver. Then the only reason the to be in front of the board is the size waiver. The PC may consider the 2000 sq. ft. as Mr. Whitmore's property is on .01 of an acre from being 1.1 acre to allow a 2000 sq. ft. building.

#### **CLOSE PUBLIC HEARING: 6:35 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 7.03 A Special Land Use Review Criteria**

1. Board finds this request meets the nature and character of use that will be compatible with the other residences nearby with accessory buildings. The size however does not meet the standard but applicant is requesting a waiver to the maximum square footage from 2000 sq. ft. to 3200 sq. ft. The building does not exceed the maximum height.
2. Board finds the proposed building is of the same nature of other accessory buildings in the area. The proposed pole barn will match the color and roof of the owner's residence and complies with the nature of the subdivision with other pole barns in that said subdivision. Board heard from several neighbor's that have no objections to the size or location of the proposed building.
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 use will not be detrimental or injurious to the use or development of adjacent properties or to the general neighborhood. Several neighbors attended the meeting and spoke positively of the proposed building.
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.
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.

***Motion made by Kehoe, supported by Marculis, D., to grant the Special Use Permit and approve the waiver to construct an Accessory Building , 32' x 48' (1,536 sq. ft.) based on the evidence produced during the hearing using ZO 8.01 E and 7.03 A, with the conditions that the two plats, 48 and 49, be combined into one, that the 10' rear set back waiver be denied, that there will be a 40' rear set back and that a driveway be established from the abutting roadway. Hearing no further discussion. Roll Call: Kehoe – yes, Hill – yes, Marculis, D. – yes, Yaple – yes, Marculis, K., Richardson – yes, Brown - yes. All yes, motion carried.***

- 2 ***Public Hearing: Proposed Zoning Ordinance Text Amendments to Section 2.02 and Section 8.01 of the Township Zoning Ordinance regarding definitions of yards, placement of accessory buildings, requirements for special land use approval for certain accessory buildings and application requirements.***

**OPEN PUBLIC HEARING: 7:13 P.M.**

Zoning Ordinance Text Amendments to Section 2.02 and Section 8.01 of the Township Zoning Ordinance regarding definitions of yards, placement of accessory buildings, requirements for special land use approval for certain accessory buildings and application requirements.

Hearing no questions or comments

**CLOSE PUBLIC HEARING: 7:14 P.M.**

***Motion made by Richardson, supported by Marculis, K. to recommend approval to adopt to the Township Board, the ZO text amendments to Section 2.02 and Section 8.01 of the Township Zoning Ordinance regarding the definitions of yards, placement of accessory building, requirements for special land use approval for certain accessory buildings and application requirements. Roll Call: Brown – yes, Kehoe – yes, Hill – yes, Marculis, D. – yes, Yaple – yes, Marculis, K. – yes, Richardson – yes. All yes, motion carried.***

- 3 ***Driveway Standards (private residence driveways that will not accommodate fire/emergency vehicles:*** Kehoe stated that this issue was raised by the Fire Department in regards to going to a call at a property and realizing there was no way the emergency vehicle could access the property due to tree hangover and width of the driveway, to curvy, etc. Rebecca Harvey stated that this is more of a fire department/home owner conversation issue than a zoning ordinance issue.
- 4 ***Standards for using residential homes as short-term rentals such as AirBNB's:*** In the ZO, Article 2: Definitions, a Dwelling Unit is defined as one family of permanent residents; and permanent resident is defined as any person who has resided in the same dwelling for a continuous period of 30 or more days. In essence, the ZO is limiting the renting of property for less than 30 days. There is not a Short-Term rental ordinance, this is a definition of a dwelling unit. A Zoning Ordinance Enforcement officer could have a conversation with the owner that per the Zoning Ordinance, she is in violation of the ZO if she rents her home for less than 30 days.

8. **Public Comment on Agenda Items:** None

**9. Old Business:**

**1. Planning Commission By- Law Revisions:** Kehoe stated that the proposed changes to the PC By-laws were approved by the Township Board. They will go into effect in 2021. New copies were passed out to the members. January, April, July, and October meetings will be not be cancelled. All other months may be cancelled if there is no business to conduct. The Board also wanted the mailing address to reflect a Gobles address instead of Kendall. That change was also made.

**10. Commission Comments:** None

**11. Adjournment:** Motion made by Richardson, supported by Kehoe, to adjourn. All yes, motion passed.

**Adjourned at 7:49 p.m.**

<b>Next Meeting(s): For 2021:</b>	<b>January 18</b>	<b>July 19</b>
	<b>February 15</b>	<b>August 16</b>
	<b>March 15</b>	<b>September 20</b>
	<b>April 19</b>	<b>October 18</b>
	<b>May 17</b>	<b>November 15</b>
	<b>June 21</b>	<b>December 20</b>

**All meetings: 6:00 pm**

Respectfully,

*Deborah Marculis*

Deborah Marculis

Secretary, Pine Grove Twp. Planning Commission