

Pine Grove Township

Planning Commission

Regular Meeting/Public Hearings

26520 CR 388, Gobles, MI 49055

October 18, 2021 6:00 p.m.

1. **Call to Order:** Meeting called to order at 6:02 p.m. by Chairperson Kehoe
2. **Roll Call: Present:** Kehoe, Hill, Marculis, D., Richardson, Brown, Yaple, Marculis, K.
Other Present: Zoning Administrator Bear Priest, Consultant Rebecca Harvey, Holly Hamilton, Jim Steward, Don Smith, Supervisor
3. **Approval of Agenda:** *Motion made by Brown, supported by Hill to approve the Agenda for October 18, 2021. All yes, motion carried.*
4. **Approval of Minutes:** *Motion made by Kehoe, supported by Richardson to approve the Minutes of the Meeting for September 20, 2021. All yes, motion carried.*
5. **Public Comment on Non-Agenda Items:** None
6. **New Business:**
 1. **Public Hearing to consider proposed text amendments to Section 2.02 of the Pine Grove Township Zoning Ordinance. The proposed amendments include adding a definition for “Short-Term Rentals” and amending the definition to “Permanent Resident”.**

OPEN PUBLIC HEARING: 6:02 p.m.

Consultant Rebecca Harvey stated that the Planning Commission reviewed 2.02 and found that the current Zoning Ordinance does not currently address short-term rentals thereby; because they are not specifically addressed or permitted, Pine Grove Township prohibits short-term rentals. Pine Grove Township has a general interest in allowing short-term rentals and acknowledging that there were some existing, so without allowing short-term rentals, there were existing violations in the township. Pine Grove Township PC found that the existing short-term rentals are not a problem and did not want to have a lengthy process or regulatory process, so a minimal approach would propose an amendment of the Zoning Ordinance, specifically in the definition section which will add a definition of **Short-term Rental: The rental of a dwelling unit, as defined herein, for terms of not more than 30 consecutive days. Short-term rental shall be considered a residential accessory use** and amending the definition of “Permanent Resident” so that it uses similar language so there is no confusion between short-term and permanent resident. **Permanent Resident: any person who has resided in the same dwelling unit for more than 30 consecutive days is construed as a permanent resident for the purpose of this Ordinance.**

Kehoe asked for any questions or comments from PC members. Hearing none, Kehoe asked the public for any questions or comments. Hearing none, closed the public hearing.

CLOSE PUBLIC HEARING: 6:05 p.m.

Motion made by D. Marculis, supported by Brown, to recommend the proposed Zoning Ordinance 2.02 text amendments to the definition of a Permanent Resident and adding a definition of Short-Term Rentals to the Pine Grove Township Board for adoption. All yes, motion carried.

2. **Public Hearing on a SLU Permit request from Keith Dorgan for property at 31322 CR 390 (Parcel #80-15-005-001-65) to allow for an accessory building in the side yard adjacent to CR 390. The subject property is located in the AG Zoning Classification.**

OPEN PUBLIC HEARING: 6:06 p.m.

ZA Priest introduced Holly Hamilton, wife of Keith Dorgan, attending in the place of the applicant Keith Dorgan who could not attend the meeting. This property is right across the street from Shamrock Golf Course and there are storage units on the property. Priest stated that the applicants desire is to get rid of the storage units after building this two-car garage, but would like to keep them there until the garage can be built. Priest stated that there is no way to attach the garage to the house due to the topography of the property, that if they could attach to the house, there would be no need for a Special Land Use permit, but due to the topography the garage has to be unattached in a side yard adjacent to a road and when you have a side yard in a corner lot, the side yard goes all the way back to the property line, there is no back yard. Priest stated that the garage placement as shown would meet all required setbacks so the decision is truly the placement in the side yard adjacent to a roadway. Holly stated that the house is a two-family house and they have recently resided the house and intends to side the garage to match the house. Holly stated that they are trying to do everything they can do to improve the property and get better tenants. Kehoe asked if there were any questions for the applicant. Hearing none, Kehoe ask for any public questions. Hearing None, Kehoe closed the public hearing.

CLOSED PUBLIC HEARING: 6:15 P.M.

Review Criteria: ZO 7.03 A: Special Land Use

1. The Board finds the size, nature and character of the use will be compatible with other uses and buildings and structure will be sided to match the existing house.
2. Board finds the use will be compatible with the natural environment of the area, as it more than exceeds the property setbacks.
3. Board finds the use will not adversely affect the capacities of public services and facilities and will not cause unreasonable traffic congestion or otherwise burden the public roads and streets in the area as it is not adding any traffic or vehicles.
4. Board finds the use complies with all off-street parking requirements of the Ordinance and all other applicable requirements imposed by this Ordinance as it will not increase need parking.
5. Board finds that the use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood as it does meet all set back requirements and it will eliminate shipping containers that are presently used for storage.
6. Board finds the use will not adversely affect the public health, safety and general welfare of the community.
7. Board finds the use will be in accordance with the character and adaptability of the land at issue due to the topography of the land and cannot be built attached to the house and being a corner lot, there is no “back yard” and will be sided to match the house on the property and will eliminate the shipping containers being used for storage.
8. Board finds that the general standards hereinabove required for the allowance of such a special land use can and will, in the Planning Commission’s judgement, be met at all times by the applicant.

Review Criteria: ZO 8.01 E Accessory Building and Structures: Accessory Buildings Allowed with a Special Land Use Permit:

1. The Board finds that the building meets the size, height, lot coverage and location is addressed by the SLU permit.
2. The Board finds that the building will be used primarily for residential purposes.

3. The Board finds that the accessory building will not have a material adverse impact upon the owners and occupants of adjoining lots as it will match the siding of the primary residence. The adjoining property owners were notified in writing of the Public Hearing on this issue.
4. The Board finds that the SLU permit clearly demonstrates the purpose for the accessory building being a garage with storage of personal items for the tenants of the primary residents.
5. The Board finds that the ZA waived the requirements for 10 copies as it was all done electronically and everyone received their copy.

The Board finds that all other standards for the accessory building have been met in 7.03 and 8.01.

Motion made by Kehoe, supported by D. Marculis, that the special land use application be approved with the special condition that the container adjacent to CR 390 will be removed within 30 days after occupancy permit is issued for the accessory building. All yes, motion carried.

7. **Public Comment on Agenda Items:** None
8. **Old Business:** None
9. **Commission Comments:** Yaple asked if there was a noise ordinance for Pine Grove Township that is enforceable. Kehoe stated that a Noise Ordinance is not the purview of the Planning Commission. Supervisor Smith stated that there is an old noise ordinance in the books and an old decimeter that is not certified. Priest stated that now the township contracts with a Sheriff's Deputy, he would advise to see how the Deputy would like to proceed with noise complaints. Yaple stated that he would like the township board to continue to work on the noise ordinance. Yaple stated that his neighborhood has a resident that plays his boom box in the barn very loudly and many people have tried to reason with him to no avail.
10. **Adjournment: Motion made by Kehoe, supported by Hill, to adjourn. All yes, motion passed.**

Adjourned at 6:37 p.m.

**Next Meeting(s): For 2021: November 15 (cancelled) December 20
All meetings: 6:00**

Respectfully,

Deborah Marculis

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Secretary, Pine Grove Twp. Planning Commission