

Pine Grove Township

Planning Commission

Regular Meeting/Public Hearing

26520 CR 388, Gobles, MI 49055

December 20, 2021 6:00 p.m.

1. **Call to Order:** Meeting called to order at 6:01 p.m. by Chair Kehoe.
2. **Roll Call: Present:** Kehoe, Hill, Marculis, D., Richardson, Brown, Yaple, Marculis, K.
Other Present: Zoning Administrator Bear Priest, Consultant Rebecca Harvey, Randy and Jonathan VanDam
3. **Approval of Agenda:** *Motion made by Yaple, supported by Hill to approve the Agenda for December 20, 2021. All yes, motion carried.*
4. **Approval of Minutes:** *Motion made by Richardson, supported by Yaple to approve the Minutes of the Meeting for October 18, 2021. All yes, motion carried.*
5. **Public Comment on Non-Agenda Items:** None
6. **New Business:**
 1. **Public Hearing to consider the application from Randy and Jonathan VanDam for a Special Land Use permit to allow construction of a new 4,576 square foot accessory building for personal use at 09011 23 ½ St, Parcel #80-15-013-003-00. The addition of the proposed accessory building will create more than the allowed 5,000 square feet of accessory buildings allowed by zoning ordinance.**

OPEN PUBLIC HEARING: 6:03 p.m.

Chair Kehoe stated that the order of business will be to receive an explanation of the request from ZA Bear Priest, any comments from the applicants and any questions from the planning commission members. The hearing will then be open for any public comment. After public comment, the public hearing will then be closed and the Planning Commission members will deliberate and then make a motion to approve, approve with conditions or deny.

ZA Bear Priest stated that on the application, the Parcel Size was actually 27 acres when the application was submitted, not 34 that is listed on the application. However, since the application was submitted, the land was divided so that another family member could build a house there as well, therefore, this parcel it will end up being just over 13 acres. Priest stated that the applicant and his family own 230 plus acres contiguous to this parcel as well. In section 8.01 C 3 of the Zoning Ordinance, it specifically states that 10 acres or more, the total combined floor space shall not exceed 5,000 square feet. ZA Priest stated that on the parcel, there is an old barn and the house with an attached garage with a total combined square footage of 1,536. The proposed pole barn is 4,576 square feet, which would make the total square footage 6,112. ZA priest stated that the current house and barn are way off the road and more than meet and exceed required setbacks. ZA Priest stated that the application meets all the required information. Kehoe and Yaple both stated that they could hardly see the house from the road and with the barn going even farther back, doubts that anyone will even see the barn. Hill asked how far away is the proposed barn from the river in the back of the property and ZA Priest stated that it was at least 100 feet.

Randy VanDam stated that the current attached garage is so small that it cannot hold a full-size Chevy truck, that they are hobby farmers, loggers and hunters and practice conservation and wildlife habitat improvement. They have some tractors, a boat and truck and some equipment that are sitting outside as there is no where to put them.

Kehoe asked for any further 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: 6:12 p.m.

Chair Kehoe led the Commission through the review process:

Review Criteria: ZO 8.01 Accessory Uses and Accessory Buildings/Structures

ZO 8.01 A-D

ZA Bear Priest stated that ZO 8.01 A-D are all met except for square footage allowance of 5,000 sq ft.

ZO 8.01 E Accessory Building Allowed with a special land use permit:

8.01 E 3: Commission agree that the proposed pole building will not have a material adverse impact upon the owners and occupants of adjoining lots as the applicant and family own the contiguous 230 acres.

8.01 E 4: Commission agree that the purpose for the proposed pole barn will be for personal use for storage of personal vehicles and equipment.

8.01 E 5: Commission agree that ZA Priest waived the 10 copies as it was digital and delivered electronically.

Review Criteria: ZO 7.02 Special Land Use Procedure

ZA Bear Priest stated that the application complies with ZO 7.02 and the Commission agrees.

Review Criteria: ZO 7.03 A: Special Land Use

1. The Commission finds the size, nature and character of the use will be compatible with other uses and buildings.
2. The Commission finds the use will be compatible with the natural environment of the area, as it more than exceeds the property setbacks and cannot be seen from the roadway.
3. The Commission 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. The Commission 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 needed parking.
5. The Commission 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 cannot be seen from the road and there are no other structures within sight.
6. The Commission finds the use will not adversely affect the public health, safety and general welfare of the community.
7. The Commission finds the use will be in accordance with the character and adaptability of the land as it is agricultural and is being used for personal storage.
8. The Commission 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.
9. The Commission finds the specific standards applicable to particular uses as set forth in Article 8.00 can and will, in the Planning Commission's judgement, be complied with at all times.

Chair Kehoe asked if there were any other questions or discussion. Hearing none, **Motion made by Kehoe, supported by Brown, to approve the request for a special land use permit to allow for the construction of a new 4,576 square foot accessory building for personal use at 09011 23 ½ Street, based on the information that PC reviewed from the Special Land Use application, comments from the Zoning Administrator, applicant and the public, which demonstrates conformance with the**

requirements of Sections 7.02, 7.03 and 8.01 of the Township Zoning Ordinance. Roll Call: Yaple – yes, Brown – yes, Marculis K – yes, Richardson – yes, Hill – yes, Kehoe – yes, Marculis D – yes. All yes, motion carried.

Public Comment on Agenda Items: None

7. Old Business:

1. Zoning Ordinance Article 2.02 Definition of Terms: Short Term Rental

After the October 18, 2021 meeting, the Planning Commission recommended to the Board to adopt a resolution to add a definition for Short-Term Rental to the ZO 2.02 Definition of Terms and to amend the definition of Permanent Resident striking “a continuous period of 30 or more day and add “more than 30 consecutive days”. Upon considering the recommendation, the Township Attorney Eccleston recommended on the advice of Attorney Kaufman, for the Township to strike the entire definition for Permanent Resident. The Board adopted the recommendation of the Planning Commission; however, the Notice of Adoption did not get published within 8 days of the adoption, therefore, it was not adopted and the Board has asked the Planning Commission to review the attorney’s recommendation and make a new recommendation to the Board. After some discussion, **Motion made by Kehoe, supported by Hill to recommend the proposed Zoning Ordinance 2.02 Text Amendments adding 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.” to ZO 2.02 Definitions and eliminate the Permanent Resident definition, “Permanent Resident: any person who has resided in the same dwelling unit for a continuous period of 30 or more days is construed as a permanent resident for the purpose of this ordinance.” to the Pine Grove Township Board for adoption. All yes, motion carried.**

8. **Commission Comments:** Chair Kehoe stated that the January 17th PC Meeting has been changed to Monday, January 10, 2021 at 6 p.m. Bear Priest gave an update on both towers and he has kinda pre -approved their site plans and landscape plans and have received irrevocable bonds for both projects. Bear Priest advised that another thing coming up is solar with many requests coming in. Bear stated that the Zoning Ordinance allows rooftop solar arrays on one face on a house or accessory building and a ground mounted array is treated like an accessory building in 8.01. The township Fee Schedule was discussed and will ask the Board to review the Fee Schedule next year.

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

Adjourned at 7:08 p.m.

**Next Meeting(s): For 2022: January 10th February 21st March 21st April 18th
May 16th June 20th July 18th August 15th
Sept 19th October 17th November 2st Dec 19th**

All meetings: 6:00 p.m.

Respectfully,

Deborah Marculis

Deborah Marculis

Secretary, Pine Grove Twp. Planning Commission