

**Melrose Township Planning Commission Minutes
Melrose Township Hall
Regular Meeting of November 23, 2015**

I. CALL TO ORDER / ROLL CALL

- A. Call to Order:** Chair Bart Wangeman called the meeting to order at 7:00 PM.
- B. Members present:** Bart Wangeman, Phyllis Cotanche, Bob Bourassa, and Bob Marquardt.
- C. Members absent:** Mike Fortune.
- D. Staff present:**
Zoning Administrator Randy Frykberg and Recording Secretary Tom Mackie.

II. APPROVAL OF AGENDA

The proposed meeting agenda was approved by consensus after moving New Business before Old Business, in consideration to citizens in the audience.

III. APPROVAL OF MINUTES

Phyllis Cotanche motioned, Bob Marquardt seconded, to approve the September 28, 2015 regular meeting minutes as presented. All ayes, motion carried.

IV. NEW BUSINESS

A. Public Hearing- Special Use Permit for a Storage Building as a Primary Use at 02924 Holmes Road (Property ID # 15-010-021-003-00)

Bart introduced the application and Randy provided background information. In July of this year a zoning permit was issued for an agricultural use, 36' by 50' storage barn on the 20 acre parcel. This structure is allowed as a primary use in the agricultural district if used strictly for agricultural purposes. The owner is now applying for a Special Use Permit to store non-agricultural items. The application will need to be considered against the 5 standards in section 10.2 of the zoning ordinance. The public hearing was advertised in the local newspaper on November 6th and 300' notices were mailed to nearby property owners. Prior to this meeting Randy has received correspondence from two individuals, one in favor and one against.

Bart opened the public hearing at 7:07 PM and invited applicant representative Jack Turner to comment. Jack noted an adjacent property owner's complaint concerning debris at the site and trespassing on the neighbor's property. He stated he has

visited the property and did not observe this, and the applicant is also not aware of these issues.

Bob Marquardt noted the applicant is not a farmer yet received approval for an agricultural-use storage building, and now wants to use it for personal storage. He asked if this is a common practice. Randy indicated it has happened before but is not common.

Bart asked for any public comment in support of the application, but none was offered. He then asked for comment in opposition.

Errol Lee suggested the applicant never intended to use the existing structure for agricultural use, noting he has observed storage of recreational vehicles on several occasions, but never agricultural equipment. He further noted there is no residence on the property and the request for a special use permit is only because someone noticed his actual use of the structure.

With no other public comment offered Bart closed the public comment portion of the hearing at 7:12 PM.

Bart read each of the 5 special use review standards from section 10.2 of the zoning ordinance and noted the application only specifies storage of non-agricultural items. He suggested we may need to know what items will be stored to determine if the use is harmonious with the character of the general vicinity. Phyllis expressed concern for any outside storage or storage by non-owners of the property and structure. Randy suggested storage of hazardous items could also be an issue. Bob Bourassa noted storage barns are normal structures in an area like this.

Bob Marquardt stated he walked the property a couple weeks ago and saw no indication the property was ever used for agricultural purposes. He doesn't believe trash is a problem on the property and the structure appears to be well-built and clean, but expressed concern this process is or may become a common way to go around zoning. He then asked if the fees would have been different if the structure had been built as a special use. Randy responded the applicant would have paid a building permit fee, a zoning permit fee, and a special use hearing fee. Now he may be subject to as much as triple the fee for after-the-fact permits. Phyllis asked if approval could be conditioned on no outside storage. Randy indicated this could be done, but would be better stated as "no visible storage" to provide consistency with other regulations.

Bart again read each of the five special use review standards from section 10.2 of the zoning ordinance and asked for comment following each one:

A) Will be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such a use will

not change the essential character of the area in which it is proposed to be located. All agreed the standard is met.

B) The location and size of the proposed use, the nature and intensity of the principal use and all the accessory uses, the site layout and its relation to the streets giving access to it, shall be such that traffic to and from the use, the assemble of persons in connection therewith, will not be hazardous or otherwise detrimental to the neighborhood or its normal traffic. All agreed the standard is met.

C) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility. All agreed the standard is met.

D) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township. All agreed the standard is met.

E) Will be consistent with the intent and purposes of the Ordinance. All agreed the standard is met.

Bart reiterated his original concern that approval of this application demonstrates forgiveness rather than permission. Randy then noted the applicant is now subject to a doubling of the building permit fee and a tripling of the zoning permit fee. Errol asked if the existing structure meets all setback requirements for the Ag district. Randy responded that all setbacks are in compliance with zoning regulations.

Bart noted that a concern for outside storage has already been expressed, so a condition of no outside storage visible from a neighboring parcel or a public road would be appropriate. Bob Bourassa noted the application identifies the use as being for personal storage.

Bob Marquardt motioned, 2nd by Bob Bourassa, to approve Hunter Carlile's application for a Special Use Permit to allow a storage building as a primary use at 02924 Holms Road in accordance with their signed application dated October 22, 2015, a review of the site plan checklist, and a review of the special use permit standards in section 10.2 of the zoning ordinance, with the condition that no outside storage will be visible from neighboring property or public roads. All ayes, motion carried.

V. UNFINISHED BUSINESS - Discussion - Zoning Ordinance Amendments

Randy noted section 13.1 appears to exempt structures under 100 square feet from all requirements of the zoning ordinance. This needs to be clarified to indicate only the need for a permit is waived, but all zoning ordinance requirements must still be met.

Bob Marquardt noted our previous discussion requiring a full site plan review for even small additions. This represents another area for review.

Randy suggested the language also needs to be updated to reflect new agency notification requirements as well as timing requirements for public notification.

Randy also suggested we consider establishing time limits for posting "For sale" signs and establish the right of the Township to remove signs in the public right-of-way.

VI. OTHER COMMUNICATIONS / REPORTS

A letter was received from Paul Barden expressing thanks for consideration of his special use application, and providing an update on required improvements to his driveway and culvert.

A few minor improvements may be proposed for the Walloon Lake Recovery Lodge, but nothing has been submitted in writing yet.

VII. PLANNING COMMISSIONER COMMENTS

Bob and Bunny Marquardt, and Randy Frykberg attended a Planner's Forum workshop hosted by MSU Extension in Charlevoix on November 5th.

VIII. CITIZEN COMMENTS - None.

IX. NEXT MEETING - Monday, January 25th, 2016

X. ADJOURNMENT - The meeting was adjourned at 8:17 PM.

Prepared by:

Planning Commission Approval by:

Tom Mackie, Recording Secretary

Bob Bourassa, Secretary

Copies: Melrose Township Board, Planning Commission Members, Township web site