

**BROOKS TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
OCTOBER 26, 2015
APPROVED MINUTES**

MEMBERS PRESENT: Mike Bouwer, Phil Knape, Greg Myers, Mark Pitzer, Cheryl Rosen,

MEMBERS ABSENT: Les Salacina, Ryan Schultz

STAFF PRESENT: Zoning Official Joe Selzer

Chairman Pitzer called the regular meeting to order at 7:03 p.m. This meeting was properly posted and a quorum of the Brooks Township Planning Commission was present.

APPROVAL OF AGENDA:

Moved by Bouwer, **Seconded** by Knape to accept the agenda as amended adding minimum square footage for residential homes under New Business.

Approved Unanimously

APPROVAL OF MINUTES:

Moved by Knape, **Seconded** by Rosen to accept the minutes of the September 30, 2015 meeting as written.

Approved Unanimously

PUBLIC COMMENT: None

CORRESPONDENCE: None

PUBLIC HEARING:

Moved by Knape, **Seconded** by Myers to suspend the regular PC meeting and open the public hearing for conditional zoning request at 7:08 p.m.

Approved Unanimously

Zoning Official Joe Selzer explained that Rachel Wisner is requesting a change in use from residential to commercial at 3406 E. Timberview Dr., parcel #62-19-23-300-010 to allow a pole barn be placed on the property to be used for storage. She would like a 40 x 80 foot barn with a 10 x 80 foot lean to. The pole barn will be used for storage of kayaks, canoes, rubber rafts and tubes. She plans on having a fence around the property. It will be used for the four months for in and out of equipment and the other eight months be used for storage.

Rachel Wisner explained she needed a place to store her equipment and not have to pay someone else. She had this property which is located before the guard shack on Timberview by the parking ramp at the boat launch. She thought it would clean up the area in Newaygo and give her inside storage for the winter. She would have a locked, gated area behind the building towards the woods to store cages. The have a lease with the DNR to use Thornapple so they can have a certain amount of equipment go through it. The problem is that when people start coming to Thornapple, they can't get their equipment in and Wisner's would have to be there before 9:00 a.m. to get their things to the river. If they had a building there to store their things, they wouldn't have the problem with the access road and it would make it easier in and out for them and everyone else. She thought if people needed more spaces to park, they could use hers and then not park unsafely. She is trying to find ways to improve.

She would make it a good color and would like a bathroom for her crew and have an office for herself so they could work on repairs for the kayaks and things in the winter. They are not going to have rentals out of there. It is just for storage.

Gary Stratz asked why it had to be changed to commercial. Pitzer said because commercial use has more traffic. This is a request for a change of use in a residential area.

Selzer said it isn't just used for storage 12 months of the year. During the summer months, the livery will have coming and going into the facility taking in and out the kayaks, tubes, etc. This is a commercial venture. If it was just storage, it wouldn't be an issue.

Wisner said they have had to store trailers on the property now because of the bottleneck of cars in the parking area. They want the barn in the back of the lot so they would like an area to use to park. Parking has been done on both sides of the road and they could not get their wide trailers through. They need to use a truck to take things to the landing and leave the trailers where they could park.

Pitzer asked about a site plan. She doesn't have one as yet. Selzer had a drawing that shows where the building would be located but not a parking area.

Selzer said he heard mention of a bathroom and stated currently in our ordinance, we do not allow essential services except for electric in accessory buildings where there isn't a primary residence on the property.

Pitzer said it states in our ordinance Article 3.02b under item J-3 that no well or septic be allowed in an accessory building without a permanent residence on the parcel. And J-4 states it shall not be used for any commercial or dwelling purposes.

Selzer said she has the right to make the request for change of use. It is a change of use within a district. Conditions are given by the person making the application. With dialog and interchange there can be an agreement. Wisner mentioned parking and that can be added with conditions? It can or cannot be approved for conditional use. The bathroom cannot be a conditional use.

Greg Grose: Is there any plan for Brooks Township to work on Timberview? It is a narrow road and dangerous with people going in and out.

Pitzer said we do have a road committee but didn't know of any changes planned to Timberview.

Wisner said that is a private road. She has paid the road commission extra to plow that road. Selzer said it is a private road and he has not seen any road maintenance agreement on it.

An audience member said he thought it was a DNR road. Pitzer said this will be checked.

Mark Guzniczak: He is not opposed in concept at all to this. It would make better organization by the boat ramp. He had thought it would be their new center of operation but now understands it isn't.

Martin Faber: (see attached letter) Faber is opposed to a change in zoning. He bought his place in the R1 and thought it would stay that way. He didn't want a big imposing building to look at. Article 20.4 Standards of Review paragraph 4 states that variance will not be detrimental to adjacent property and surrounding neighborhood. He thinks it would lower his property value. Faber also stated the ordinance says the possibility of increased financial return shall not be deemed sufficient to warrant a variance change.

William Kail: (see attached letter) Kail said he does not want commercial encroachment in the neighborhood. He bought his property 23 years ago because it was zoned low density residential. It already has with the boat ramp there. In the afternoon you get the customers that have been drinking and use of profanity. You can't get a trailer in there. Please do not make this parcel commercial.

Gary Stratz: Stratz said parking does get horrendous on weekends. He said people park along his property and was told by a policeman that it was an easement. He questioned that and would like to know if there is an easement along his property on Timberview.

Don Dalia: Dalia questioned if the property was rezoned, what the limitations would be on that building.

Pitzer said we are not giving a variance, this is a conditional zoning. It allows for certain very specific exemptions to the zoning ordinance. It has to be laid out in a contract very carefully. We are getting professional input and Newaygo County has a Land Use Director where we can get guidance.

Dalia also asked about the four months. Wisner said that would be in the summer beginning before Memorial Day getting out canoes and kayaks. They would bring half down to the canoe rental in Newaygo. In mid June they would start pulling out tubes. People would still come to the Newaygo site and taken to the river by Wisner's.

Dalia was concerned that it isn't all out rezoning and no business in there. Selzer said people won't be going there to get their canoes or kayaks. They will be taken down to the river by Wisner's.

Jim Griswold: Griswold started coming here in 1953. When you come off Thornapple at Timberview, he owns 1,350 feet. He is concerned about all the cars parked along the road and is afraid if we allow a pole barn others could come and this would open a can of worms for other businesses. He is afraid it could come to selling food, and other businesses. Others could come to you asking for change too once you have done this.

Sharon Deisch: Deisch concurs with everything others have said. Deisch said people who live in that area live there for peace, sometimes solitude. If they wanted to be near commercial things, they would live in town. They are there so they can be left alone.

Rosen asked how the traffic will change with the pole barn if granted. Wisner said it won't change with the Newaygo location. If they forgot a paddle, it would be in the pole barn. They pay the DNR for a stock area to use. It would be easier not to have to put as much there and have to do it in the morning before other people come. Nothing would change as far as the customers. Right now they stock pile but items would be in the barn.

Bouwer asked how often they would be in and out of that site. Wisner said in the morning and night.

Knape asked about outside storage. Wisner said the fenced in area behind the building would be for the cages because they are too big to put inside so that is the only thing she thinks would be outside.

Gary Stratz asked if the buses would be stored in town. Wisner said yes in town and not out at the pole barn.

Knape said he thinks the bathroom issue needs to be addressed. Knape also said because it is in a residential area putting in bushes would make it look better by.

Jim Griswold mentioned his neighbor will be looking at a 40 x 80 foot building and items behind it.

The question was raised as to who checks and enforces ordinances. Selzer said he does and occasionally the supervisor.

Sharon Deisch asked how they can lease the boat ramp from DNR. It is a public access and it's being used for commercial use. Pitzer said all of the commercial businesses lease from the DNR.

Moved by Bouwer, **Seconded** by Knappe to close the public hearing at 8:04 p.m.
Approved Unanimously

Pitzer called for a five minute break.

Pitzer reconvened the regular planning commission meeting at 8:13 p.m.

UNFINISHED BUSINESS:

1. 9.06 D. 2. Development Standards (see attached): 9.06 D.2.m; Selzer explained the change in verbiage added was that an elevated deck that is within 25 – 50 feet from the water's edge must be attached to the dwelling. We are taking out *that decks shall not be attached to a structure but that they may be* but will not be used as a construction setback point. We are also **taking out** the wording *that decks shall be pitched away from the lake one (1) inch for each ten (10) feet of horizontal depth of the structure.* They cannot come back and say they want it to be a three season room because the deck is not the construction setback point.

Due to the changes in 'm' section 9.06 D. 2.h had to be modified by deleting the following: *Permitted decks and patio structures shall not be attached to any other structure and shall be pitched away from the waterfront a minimum of one (1) inch of rise per each ten (10) feet of horizontal depth of the structure. The permitted deck or patio structure shall be constructed upon or over a bed of crushed and washed stone with a minimum depth of two (2) inches.*

They will still have to naturalize two square feet for each foot of structure.

Moved by Rosen, **Seconded** by Knappe to approve the changes in this ordinance.
Approved Unanimously

We will combine this with other ordinances when we have a public hearing. After the public hearing this will go to the Township Board for approval.

2. 3.04a Camping Ordinance (see attached): Selzer said at previous meetings it was decided we didn't need to change our ordinance. However, to make it clear that a permit is needed from Newaygo County District 10 Health Department. We added wording under 3.04A 3. *Temporary camping in excess of four (4) tents or recreational vehicles requires a Newaygo County District 10 Health Department Camping Permit.* The Health Department is the one that regulates if there is over four tents or vehicles.

Campers would get a permit from us which doesn't cost anything and also need a permit from the Newaygo County District 10 Health Department.

Moved by Bouwer, **Seconded** by Myers to accept changes as written.
Approved Unanimously

3. 16.09 Commercial District & Signs (see attached) This is in addition to the C-1 Commercial District and I-1 Industrial District regarding projecting signs.

We are calculating a wall sign and projecting sign at 1 ½ feet times the width of the wall or building it is on. They would be allowed one projecting sign per street frontage. Each side of the projecting sign shall not exceed one half the square footage of a wall sign. The location of the sign is on the wall of the building which is used to calculate its area. It can be no more than six (6) feet in height. Not to exceed six (6) feet from the exterior wall. Ten (10) feet minimum clear space. May be illuminated (internally or externally).

LSL recommended that an illuminated sign be limited to 18 square feet. That would be 3 x 6 or 2 x 9. Selzer said in checking at no more than six feet; the largest would be 42 square feet or 6 x 7.

Selzer said the ordinance allows for a reader board on any sign but it cannot be more than 50% of the sign. The characters can change no quicker than every three seconds. Selzer said he did not see anything regarding lumens. This can be looked at.

Pylon Signs: Selzer said that MDOT does not give any permits in the road right of way (ROW). Pitzer said they cannot overhang the ROW either. Selzer said they discussed changing the setback requirement in the Commercial District to allow for the edge of the ROW as opposed to being 15 feet back.

Selzer will work on this and have verbiage next month.

3.09 c Home Occupation Signs: (see attached) Pitzer said we are changing this ordinance to allow Home Occupation to have a wall or ground sign. The size was changed to allow text on both sides of a ground sign and changed from two (2) square feet not exceed four (4) square feet.

Moved by Knappe, **Seconded** by Bouwer to approve changes in ordinance.

Approved Unanimously

16.09 Schedule of Sign Regulations: This section has allowed signs in the different districts. The C-1 and I-1 will be changed from 15 feet beyond the road right of way to allow signs at the edge of the ROW.

Moved by Bouwer, **Seconded** by Knappe to allow projecting signs and change setbacks for pylon signs as stated.

Approved Unanimously

4. 4.08 Land Splits \ Road Frontage: Pitzer said he, Selzer and Nelson met on this. Pitzer said it is part of an on going discussion in the rural district. Do we want to discuss having the five acres at the minimum lot size as it is currently and has been for quite a few years? Do we want to change the minimum lot width? It has been 330 feet. There was discussion as to that being relevant or narrower as long as the lot to length width ratio stays 4 to 1.

Selzer said he heard from LSL and they said the districts need to be distinct and that no district should be the same in front or width requirement. They talked about two of the three requirements be met. LSL said R-1 minimum lot size should be 3 acres, minimum lot frontage 250 feet and minimum ration 4 to 1. In the R-2 minimum lot size would be two acres as it is now, minimum lot frontage 200 feet as it is now and minimum ratio depth of 4 to 1.

There was discussion on this. It was mentioned if you owned six acres in the R-1 you would be able to divide it and sell three acres if the ordinance were changed to a minimum three acres. PC members liked it at five acres.

Pitzer will discuss this with Supervisor Nelson and Selzer and bring this back to the PC with no action at this time.

NEW BUSINESS:

1. Conditional Zoning Request: Pitzer said that conditional zoning ceases if there is a sale on the parcel. Selzer said if the entire business with that parcel were sold; then it could continue to be a storage facility for the business. It could not become any different type of business.

Knape mentioned not being able to have a restroom there. Pitzer said a port-a-john would be allowed.

It was also brought out that it would no longer be a storage building if we allowed a bathroom and an office. That would be stretching the conditional zoning. There was discussion on pros and cons of the conditional zoning. Other businesses might want to do the same thing.

2. Discussion of Minimum Square Footage for Residential Structures:

Our current square footage is 1,200 of gross area. Bouwer said he was asked to bring this up at the Township Board meeting. Selzer had a request in the past for a smaller home. Brooks Township has gross square footage where others deduct for closets, hallways and stairways. We have a minimum of 24 feet in width.

Selzer will check with neighbors on their square footage size and have input at the next meeting of the PC. He will also check with LSL and ask about reduction in size of residential homes.

STAFF UPDATE: (see attached) The ZO said he also wrote a violation for someone that put a concrete slab in the green belt area on the lakes. They have to remove it and replace the vegetation.

Selzer also reported on the last ZBA hearing regarding a permit for a garage that has turned into a house. He also had a variance request today.

PUBLIC COMMENT: None

PLANNING COMMISSION MEMBER COMMENTS: Knape asked about a pole barn on Basswood. Selzer said the owners have put an agricultural kitchen in there but did not have a permit for that. They have to get the correct permits. Knape also mentioned a place on 56th Street that has a lot of stuff around it.

ADJOURNMENT:

Moved by Bouwer, **Seconded** by Knape to adjourn at 9:18 p.m.

Approved Unanimously

Respectfully Submitted,

Les Salacina
Planning Commission Secretary

Maureen Dutkiewicz
Recording Secretary