

## February 24, 2003 Planning and Zoning Commission Minutes

On **Monday, February 24, 2003 the Planning and Zoning Commission meeting** was called to order at 7:10pm at the Algansee Township Hall, 378 South Ray Quincy Road, Quincy, Michigan. All members were present Chairman Dave Gilbert, Rodney Carpenter, Pricilla Dodd, Representative from Twp. Board Russell Strong and Secretary Glenn Preston.

**Minutes-** Rodney Carpenter motioned to correct the old address of Terry Tom on Crockett Drive is 275 not 257 Crockett Drive. Russell Strong supported the motion. Motion carried. Russell Strong motioned to accept the minutes as corrected. Pricilla Dodd supported the motion. Motion carried.

**Agenda-** Russell Strong motioned to accept the agenda as presented. Support by Rodney Carpenter. Motion carried.

**Old Business- Report from Township Board-** Russell Strong said he didn't have anything to report.

**Report from the Zoning Board of Appeals-** Dave Gilbert said they didn't meet this month.

**Any Other Old Business-** none.

**New Business- Public Hearing for a Special Use Request for Kathy Dickman**, of 191 Dons Drive, property code tax ID # 120-A11-000-010-00, and # 120-A11-000-011-00. She is requesting a special use permit to enlarge non-conforming structure not to exceed fifty percent (50%) of the area of the original non-conforming use. In Kathy Dickman's opening statement she has exhibit #1 proposed detailed drawing with the proposed addition in red, exhibit #2 packet with neighbors, zoning permits and pictures and letters from neighbors and letter from D.E.Q. She said there has never been any opposition from neighbors or anyone in the neighborhood. She said the campground was there 12 years before zoning was adopted in Algansee Township in 1980 it created a hardship on her campground because there wasn't anyway they could conform to the zoning rules. This is why there are such things as special use permits and variances for this type of situations. What she is proposing is not out of line and doesn't have any negative aspects to it and it is only positive aspects. She feels the board is obligated to issue a special use permit in this situation. In the letter from Supervisor Erica Ewers, where she discussed with the township's attorney, Lew Loren, said that as per Article 13 of the zoning ordinance, section 13.02 (expansion), paragraph 2, states, "No nonconforming use of any building or structure which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged:

1. Unless all extensions or enlargements do not exceed 50% of the area of the original non-conforming use.
2. Unless such extensions or enlargement is authorized by the Planning Commission."

Part 2, above, allows the Planning Commission to hear this case and make a decision for either approval or denial, based on the evidence you provide for the following two standards:

- a. Whether the extension or enlargement will substantially extend the probable duration of the nonconforming use
- b. Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this ordinance.

Kathy Dickman said that you can see by her drawing the area does not exceed 50% and she said that is why she is here tonight to get the special use permit. In the above part 2 she reads this as only 2 standards she needs to meet. She said the campground has been in existence for 35 years and has never allowed any structure to deteriorate at all and have always maintained and improved them for 35 years. We all have a lot of money invested in those properties. It makes no sense to allow a valuable asset like that to deteriorate and go away. We now have second generation families in the trailers. So by denying her a special use permit is not going to make this go away. She said that by improving her place is not going to extend the probable use of the nonconforming use. We are grandfathered in and we are allowed to maintain our structures. If we always maintain them whether we expand a little bit or not, that will always add life to that structure which we are allowed to do. So she wants to do it in the right way to expand very minimal while maintaining her structure which she is allowed to do, because she's grandfathered in, to be allowed to do this. Also if it is an act of God if

a tornado destroys them all, by law, we all are allowed to rebuild. All are insured for replacement value and we all would just rebuild there. It is a law that we are allowed to do that, because obviously it wouldn't be fair. So the bottom line is no matter what happens in the future that park and the 5 structures over there will always be there. We would like them to be there in such a way to add to the value of the township. Because of that she believes that she meets the conditions set by the township's attorney. Obviously if she's not granted a special use permit she wouldn't just tear it down. She told the board that they were all representatives of the township and they should search their hearts and ask themselves if this is really fair to the township that they represent by spending the township's money in this way by going to court. She would also like to remind the board that this issue did happen in October and it was only sent back for the facts and findings. The only thing that has changed is nothing except that I gave you very detailed drawings. And I applied for a new application because the first application she put down added living space on each side, later she was informed that she would be in violation because the outside dimensions on one side are a foot and a half. So that is why she filed a new application worded in the way it is with detailed drawings. So that is it. Chairman Gilbert thanked Kathy Dickman.

**Public Comment-** Chairman Gilbert opened the Public Hearing for Public Comment. Hearing none, he closed the Public Comment portion of the Public Hearing.

**Closing Statement-** Kathy Dickman's closing statement said she hopes everyone looks at this for what it is and the pictures speak for themselves. She hopes everyone knows they will always be there. She is trying to maintain it that is all she is trying to do and make it look nice. For seven months she has abided by the stop work order, it is over there rotting and she has \$15,000 sitting there. She doesn't know what else to do. She has so many people, including your people tell her that she should be putting shingles on and heck with it, but she has let it sit there and rot because she has this stop work order on it. She said she has never tried to go behind anyone's back to do anything. When someone tries to do this they need help she has never done anything like this before. She wants to finish it and get it done and to look nice. She said she doesn't understand how it is hurting anything. Chairman Gilbert thanked Kathy Dickman.

**Questions for Kathy Dickman** from the Board. None. Chairman Gilbert closed the Public Hearing.

**Facts and Findings-**

1. It is in an R-1 residential district.
2. Meets rear yard set back of 50 ft. of waters edge.
3. Section 6.04B side yard set back is not met.
4. Meets minimum floor area of 980 sq. ft.
5. Section 6.04D minimum lot size 15,000sq.ft. and width of 100ft. are not met for the 5 trailers
6. Section 11.10 only one principal building on a lot
7. Section 12.01A requires that there be 2 off street parking spaces for each dwelling.
8. Section 12.05 none of these additional requirements are provided on subject property.

Glenn Preston made a motion to recommend denying the special use request by Kathy Dickman based on the above facts and findings. Russell Strong supported the motion. Motion carried.

**Request for special use hearing for Carmen L. Jacoby-** Carmen L. Jacoby, of 425 Potter Rd., is asking for a public hearing for a request for a special use permit. Glenn Preston motioned to set the public hearing for the special use request for March 31, 2003 at 7:00pm. Russell Strong supported the motion. Motion carried.

**Adjourn-** Russell Strong motioned to adjourn. Support by Pricilla Dodd. Motion carried. Adjourned at 9:30pm.

Glenn Preston, Secretary