

Planning and Zoning Commission March 28, 2005 Minutes

On Monday, March 28, 2005 the Planning and Zoning Commission met at the Algansee Township Hall, 378 South Ray Quincy Road, Quincy, Michigan. Chairman Dave Gilbert called the meeting to order at 7:15 p.m. with all members present Chairman Dave Gilbert, Pricilla Dodd, Rodney Carpenter, and Representative to the Township Board John Shilling and Secretary Glenn Preston.

Minutes- John Shilling motioned to accept the March 9, 2005 Planning and Zoning Commission minutes as submitted. Support by Pricilla Dodd. Motion carried.

Agenda- Glenn Preston motioned to accept the agenda as presented. Support by Rodney Carpenter. Motion carried.

Old Business-

Public Hearing for Zoning Amendment Request for Mike Dodd- Chairman Dave Gilbert said that Mike Dodd was sick. Dave Gilbert motioned to reschedule his public hearing until April 25, 2005 at 8:00pm. Support by Rodney Carpenter. Motion carried.

Report from the Township Board Representative- John Shilling reported that the Algansee Township Board has changed their meeting time to 7:30pm the first Monday night of every month.

Report from the Zoning Board of Appeals- Chairman Dave Gilbert reported they met twice this month.

Zoning Administrator's Report- Russ Jennings reported there are no special use requests to schedule.

New Business- Chairman Dave Gilbert asked if anyone had any new business to come before the board. There wasn't any.

Special Use Public Hearing for Noah Girod- Chairman Dave Gilbert called the special use public hearing for Noah Girod to order. Chairman Dave Gilbert explained that Noah Girod of 659 Hammond Road, Reading, Michigan, is requesting a special use permit to build a house, property code # 120-033-200-005-02, under the Algansee Township Zoning Ordinance Special Use Permit Section 4.03L. Chairman Dave Gilbert explained the procedures of a public hearing.

Opening Statement- Chairman Dave Gilbert asked if Noah Girod had an opening statement. James A Lester, attorney with Noah Girod said they are requesting to build an Amish style house for a daughter and son in law; it meets all the criteria except that it has been farmed in the last 10 years, but feels that under the Religious Land Use Ordinance they can build. James Lester submitted the Religious Land Use Ordinance- protection of religious exercise in land use and by institutionalized persons as exhibit # 1.

Public Comment- Chairman Dave Gilbert asked if there were any comments from the public. Someone questioned if the house was already built. Yes, it is. Someone questioned about the 40 acres requirement to build a house. Chairman Dave Gilbert explained the quarter quarter section requirement in the Algansee Township Zoning Ordinance.

Questions from the Planning and Zoning Commission- none.

Closing Statement- James Lester said that the Amish feel that the 40 acre requirement is excessive for the Amish community.

Questions from the Planning and Zoning Commission- Chairman Gilbert asked James Lester if there had been any court cases involving this Religious Land Use Ordinance that was presented. Chairman Gilbert said that there are already 2 or 3 homes on this parcel of property. James Lester said he thought there were 2 homes on the property and the other house is on a separate parcel. Chairman Dave Gilbert said the 3rd house was just split off the main parcel of land and the parent parcel has 2 homes on it and they are requesting an additional home to be built on it. Chairman Dave Gilbert asked if they had applied for a special use permit under the old Algansee Township Zoning Ordinance for this house that they are requesting a special use permit for now, and they were turned down for the request for the special use permit at that time under the old Algansee Township Zoning Ordinance prior to November of 2003. Chairman Gilbert asked if the house is currently finished and occupied. James Lester and Noah Girod agreed that the house is finished and occupied. Chairman Dave Gilbert wanted it clarified if they were requesting a land split at this time also. Not at this time. Was this house ever red tagged? Yes, it was red tagged. Chairman Dave Gilbert asked if James Lester had any more comments or questions. He said he didn't have any. There was a question on where the quarter section line was in section 33 where this house is located. Chairman Dave Gilbert closed this portion of the public hearing.

Facts and Findings- Algansee Township Zoning Ordinance page 161 Section 18.03 Standards for Approval of Special Use Permits-

- A. The proposed special land use shall be compatible with and in accordance with the general principles and future land use configuration of the Township Master Plan and shall promote the intent and purpose of this Ordinance. -No, it is not compatible, because the land has been farmed the last 10 years it does not meet the requirements of the Section 4.03L Uses Permitted by Special Use Permit. Algansee Township Zoning Ordinance, 4.03L # 3 on page 45 - The lot nor any portion

thereof, shall not have been used at any time during the previous ten (10) years for the production of crops nor for pasture land, nor set aside. It does not meet 4.03L #3.

- B. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land. The property shall be of sufficient size to accommodate the proposed use in compliance with the required development standards of the applicable zoning district without a variance. All aspects of the proposed use, including parking, storage and lighting, shall be accommodated on the subject lot and within the same zoning district. -The property is in the Ag Zoning district and would require a variance to meet the requirements set forth in Algansee Township Zoning Ordinance-4.03L #3.
- C. The proposed use shall be designed, constructed, operated and maintained so as to assure long term compatibility with surrounding land uses. Consideration shall be given to:
 - 1. The size, placement, and materials of construction of the proposed use in relation to surrounding uses. Meets requirement.
 - 2. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping. Meets requirement.
 - 3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development. Can meet requirement.
 - 4. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses. Would be ok.
- D. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by proposed use. Consideration shall be given to the following:
 - 1. Proximity and access to major thoroughfares. Would meet requirement with main road in front of property.
 - 2. Estimated traffic generated by the proposed use. Acceptable with neighboring area.
 - 3. Proximity and relation to intersections. No problems with intersection.
 - 4. Location of and access to off street parking. Parking requirement can be met.
 - 5. Required vehicular movements. Turning requirement can be met.
 - 6. Provision for pedestrian traffic. No side walks, not an issue.
- E. The proposed special land use shall be consistent with existing and future capabilities of public service and facilities affected by the proposed use. -The distance off the road could be a problem for emergency response vehicles.
- F. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights. - Can meet the requirement.
- G. The proposed use shall be compatible with the natural environment in regard to the preservation of wetlands, minimization of storm water runoff and erosion. - No information provided.
- H. The proposed use shall provide safe and adequate off street parking if required in accordance with Section 14.06. - It is not required with this application.
- I. The proposed use will provide adequate landscaping if required in accordance with Section 17.05. -No problem with meeting the landscaping requirements.

Chairman Dave Gilbert asked if anyone had any questions. Chairman Dave Gilbert said that the Planning and Zoning Commission has established that there are one or more of the above criteria that are not met in this special use request application.

Recommendation to the Algansee Township Board- Glenn Preston motioned to recommend to the Algansee Township Board to deny the request for a special use permit of Noah Girod due to the Facts and Findings. Support by Dave Gilbert. Roll call vote- Pricilla Dodd- yes, Rodney Carpenter- yes, John Shilling- yes, Glenn Preston- yes, Dave Gilbert- yes. Motion carried.

Subdivision Regulations and Zoning Ordinance Amendments- Chairman Dave Gilbert submitted the projected calendar schedule for the subdivision regulations and zoning ordinance amendments.

Adjourn- Glenn Preston motioned to adjourn. Support by Rodney Carpenter. Motion carried.

Glenn Preston, Secretary