

APPROVED 12-3-14

Regular Meeting of the Casco Township Planning Commission  
November 12, 2014 - 7:00 PM

**MEMBERS PRESENT:** Bruce Barker, Lewis Adamson, Daniel Fleming, David Campbell, Dian Liepe and Judy Graff

**ABSENT:** Paul Macyauski was excused

**STAFF PRESENT:** Susan West, Recording Secretary

**ALSO PRESENT:** Alfred Ellingsen, Zoning Administrator, and Martin Super

1. **Call to Order and review of agenda** - Meeting was called to order at 7:04 pm. There was an addition to the Agenda under Old Business, to-wit: Maps
2. **Approval of minutes of 10/08/14 regular meeting** - Motion by Graff, supported by Campbell, to approve the Minutes of the October 8, 2014 Regular Meeting upon making two corrections, to-wit: under 3a – add wording "Casco Township" in front of the word mileage; and under 3b – add words "Allegan County" in front of the word Commissioners. All in favor, MSC.
3. **Report from the Township Board Representative** – Judy Graff reported on the October, 2014 Township Board Meeting as follows:
  - a. Lt. Frank Baker from the Allegan County Sheriff's Department informed the Board that they could either lease a car from the Sheriff's Department or purchase their own. If they choose to buy their own, the Sheriff's Department could loan them one until same is purchased. The Allegan County Sheriff's Department will provide police coverage during the time the hired police officer is off duty. Allan Overhiser will be interviewing persons for the position and will work out the final details. Martin Super, of 7366 North Shore Dr., South Haven, MI 49090, stated that the Board may want to review a copy of the sheriffs' union contract to see what is or is not allowed, i.e.: change to the schedule of hours/days to be worked. Graff stated that this is a good idea. Graff further stated that the officer will start in January, 2015, or as soon thereafter as possible.
  - b. Tree trimming by the Allegan County Road Commission will soon be started along Blue Star Highway. No prior notice will be given to residents.
  - c. Allegan County Judge William A. Baillargeon gave an update on the drug program.
  - d. The Township has no policy book at present. Allan Overhiser provided a sample book for review.
  - e. The storage building for the cemetery equipment should be done before the end of 2014 and should not exceed \$25,000 in cost.
  - f. Matt Super has been appointed to the Zoning Board of Appeals and Joanna Johanon Jessup volunteered and has been accepted to the Parks and Recreation Committee.

4. **Report from the ZBA Representative** – Ellingsen reported that there have been no requests heard since the last Planning Commission meeting.
5. **Report from Water/Sewer Representative** - No report
6. **Resolutions requiring Planning Commission action:** None
7. **New Business- 2015 Calendar** – Chairman Barker provided a proposed 2015 Calendar for the Planning Commissioners’ review. The date of the Annual Township Meeting has not yet been set and accordingly may need to be changed on this Calendar. Chairman Barker asked for comments regarding the Special Joint Training Meeting scheduled for February 7, 2015, i.e.: the date, whether this meeting is needed, etc. Graff stated that she believes this meeting is important because it looks forward. Campbell stated that he has always found this meeting to be helpful. Graff listed several topics that she believes should be on the Agenda for this meeting, i.e.: the paving of Blue Star Hwy., road maintenance, the Bike Trail, and water and sewer update. Chairman Barker stated additional topics, i.e.: update on the parks, reports regarding seniors, airport and hospital. Campbell stated that the topic of policing should also be included on the Agenda.
8. **Old Business:**
  - a. **Small Homes:** For review, a letter from Alfred Ellingsen to the Commissioners dated November 6, 2014 (Attachment 1 hereto), as well as a page from the Casco Township Zoning Ordinance Book prior to 2006 regarding mobile homes (Attachment 2 hereto), and a proposed Ordinance that was considered by the Township of Saugatuck, but never adopted (Attachment 3 hereto) was provided to the Commissioners. Discussion regarding this matter was had, which included the following:
    - i. Ellingsen stated that the Commissioners need to first consider what they want to accomplish regarding this matter, i.e.: low income housing, housing for a blood relative, or energy efficient housing. Chairman Barker stated that he didn’t believe that the Planning Commission wanted to address low income housing or the environmental impact issues at this time. Graff stated that she believes the issue of young people and seniors leaving the area due to the cost of living here is an issue. Also, the issue of housing a relative on the same property needs to be addressed.
    - ii. Campbell stated that a person is aware of the Ordinances when he/she purchases a lot. Also, if young people are leaving the area due to financial conditions, maybe we need to work on ways to create jobs. Campbell further stated that he is not in favor of changing the Ordinances.
    - iii. Fleming asked if there is a minimum room size requirement. Ellingsen stated that a habitable room (i.e.: living room, kitchen, bedroom) is required to be at

least 120 sq. ft. Fleming asked if a house is required to have a bedroom. Ellingsen stated that it is and that the bedroom must have a door.

- iv. Martin Super stated that some property owners get around the Ordinances by building “fancy garages”. Ellingsen stated that a garage may include living areas as long as it does not include a sleeping area.
  - v. Fleming stated that he does not see a good reason for the 1,000 sq. ft. requirement
  - vi. Chairman Barker stated that he believes the market will not allow for low income housing in the district West of Blue Star Hwy. and that maybe an apartment building or a subdivision of small houses would make sense. Graff stated that the issue of having a family member live on the same property would still need to be considered. Chairman Barker agreed and further stated that Ellingsen has given options for this issue at the October, 2014 meeting, i.e.: building a duplex.
  - vii. Chairman Barker asked if the current Zoning Ordinance Book included provisions for a duplex. Ellingsen stated that it did not except for in the medium density zone. Chairman Barker stated that he believes adding wording to the Ordinances regarding duplexes is a good idea.
  - viii. Fleming asked what harm could come from changing the 1,000 sq. ft. requirement to 500 sq. ft. Ellingsen stated that neighboring property owners might not be happy and it might decrease their property value. Campbell stated that he believes it would have a negative impact on established residents to change the Ordinance now.
  - ix. Ellingsen stated that he believes we need to know the public’s opinion regarding this matter.
  - x. Chairman Barker asked if it is possible to lower the square footage requirement in one district and not another. Ellingsen stated that it is.
  - xi. Liepe stated that if someone wants to build a small house, why not give them a variance. Ellingsen stated that a hardship must be given for a variance to be granted.
  - xii. Chairman Barker suggested, and it was agreed, that this issue should be placed on the Agenda for the Special Joint Training Meeting scheduled for February 7, 2014.
  - xiii. Chairman Barker asked Ellingsen to provide proposed wording on duplexes for review.
- b. **Maps** - Ellingsen showed a copy of a proposed map for the Zoning Ordinance Book and stated that he believes the colors used on the map make it hard to read. Chairman Barker asked Ellingsen to get some estimates of cost to have the maps printed elsewhere, using different colors.

**9. Public Comment** – none

Motion to adjourn by Adamson, 2nd by Graff. All in favor, MSC. Meeting adjourned at 8:27 pm

Minutes prepared by Susan West, Recording Secretary

Next Meeting: Regular Meeting on December 3, 2014 at 7:00 pm

Attachment 1 - Letter from Alfred Ellingsen to the Commissioners dated November 6, 2014

Attachment 2 - A page from the Casco Township Zoning Ordinance Book prior to 2006 regarding mobile homes

Attachment 3 - A proposed Ordinance that was considered by the Township of Saugatuck, but never adopted

**CASCO TOWNSHIP**  
**Alfred J. Ellingsen**  
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Zoning Administrator  
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6 November 2014

To: Planning Commissioners

The Commission has asked that I provide a report on the impact of allowing "tiny houses" into the township. As you are aware Casco Township requires a minimum of 1000 sq. ft. of area for a single family dwelling. The other three townships that I work for, or have worked for, require approximately the same area. Ganges Township, prior to 2011 when their new ordinance was passed, required a minimum area of 520 sq. ft..

The Commissioners need to discuss what they are trying to accomplish with any potential amendment to the ordinance to allow "tiny houses". Ordinances are meant to protect the citizenry in general and allow uses generally acceptable to most of the occupants within the township, not to provide uses for every whim or impulse some individual or group of individuals have and wish to be approved. The Commission spent a whole year examining a high density zone to allow smaller apartments and eventually determined it was unnecessary at the present time.

If there is a genuine need in the township to provide housing for lower income individuals or families then the issue should be addressed under that premise. If the issue is one of energy savings, environmental impact, or conservation of resources the need for smaller houses would be addressed from a different perspective. If the issue is to provide housing for blood relatives due to illness or economic hardship in regards to elderly parents or unemployment or underemployment of siblings or children a different approach to the problem may be necessary.

It appears that the tone of the discussion at the October meeting was in regards to housing for immediate family members. As some Commissioners are aware, the old ordinance allowed a single wide trailer to be placed on a property with a primary single family residence for the use of blood relatives on a temporary basis in the Agricultural Zone. Specific requirements were attached to the use but on several occasions those conditions were abused by the recipients of the approval, which led to confrontations between the township and some township residents. That ordinance section allowing a temporary second residence on a single parcel was eliminated from the Zoning Ordinance with the adoption of the new Ordinance in 2006.

If a landowner currently requests that a second house be added to the parcel, I counsel him that

Frank

he may apply to the Zoning Board of Appeals for a variance from the stipulations of the ordinance (since the number of houses on a parcel is a dimensional variance) or an addition can be added to the existing dwelling to house the family member(s). The addition has to be accessible from the main part of the house through "conditioned space" and can have all the amenities of a separate dwelling unit (kitchen, bath, sleeping area, etc.) but cannot be a rental unit since the building would then be a Bed and Breakfast establishment and require a Special Use Permit after deliberation by the Planning Commission. Of course, if the parcel is large enough in area and lot width the landowner can apply for and have approved a Land Division and a second dwelling can be built upon the resultant new parcel.

Another way to allow two dwelling units in a single structure is to allow duplexes in some or all of the residential zones. Most townships in this area allow duplexes in residential and agricultural zones. There could then be an exception within the ordinance to allow for one unit of the duplex to be less than the required 1000 sq. ft. in area and it would be very inexpensive to cut a door between units to convert to a single family residence if two separate units are no longer desired.

After much research on the internet regarding "tiny houses" I have found that there are few, if any, governmental jurisdictions that have allowed them or have welcomed them with open arms. Many of the articles on this subject have indicated that if one wishes to place this type of structure on their property they must do it as a clandestine operation under the cover of night and if discovered should move it out the same way. Several articles went as far as to say that the property owner should create a rapport with the local officials and even run for political office in the jurisdiction to influence approval for "tiny houses".

The concept of "tiny houses" is similar to the Park Model trailers allowed in mobile home parks licensed by the State of Michigan. Therefore, if a mobile home park is applied for within the township those units would be allowed by default and nothing would need to change in the ordinance.

If the commission wishes to explore further the placement of these units on private single lots I would suggest a poll of the residents of the township to determine if such a drastic change to allow such small dwellings is favorable to a majority of the landowners before proceeding further.

Continued discussion to narrow the scope of the desired end result should be a topic of discussion at the 12 November 2014 meeting.

Alfred J. Ellingsen

## Attachment 2

(15) The Planning Commission may require such bond as deemed necessary to insure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not maintained;

(16) Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building, structure or pond on the lot, provided a permit is first obtained from the Zoning Administrator. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of Section 5.02 (h) (15 and 17). In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties;

(17) The applicant shall secure all necessary permits from Township, County, State and Federal authorities;

- (i) **Roadside stands which sell products grown or produced on the premises.**
- (j) **Country clubs, golf courses, and churches, provided a site plan is submitted for review in accordance with Chapter 14.**
- (k) **Campgrounds and recreational vehicle parks, when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards and Chapter 16:**
  - (1) The facility shall be approved by the Health Department;
  - (2) If the facility is adjacent to a Residential District, a buffer must be constructed at the common property line consisting of either a solid fence, greenbelt, or a wall at least six (6) feet in height;
  - (3) The effect of the facility on the surrounding area; and
  - (4) Potential traffic problems as a result of the facility.
- (l) **Bed and breakfast establishment and tourist home, when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standard and Chapter 16:**
  - (1) The owner or operator of such use shall be required to live in the premises as his or her principal dwelling;
  - (2) No such use shall accommodate, at one time, more than four guests.
- (m) **Real estate sign, identifying sign, and name plate.**
- (n) **A mobile home is permitted when authorized by the Zoning Administrator. In considering the authorization, the Zoning Administrator shall consider the following standards:**

(1) The mobile home is for the purpose of housing immediate family members of the occupants of the permanent dwelling. Immediate family is defined as a first degree blood relative meaning parents or children.

(2) The location of the mobile home is on the same lot with the permanent dwelling.

(3) There is sufficient land area for such mobile home, and

(4) All yard and setback requirements of the district are met.

Upon favorable findings of the above standards, the Zoning Administrator may issue a zoning permit for a period of one (1) year, provided the following conditions are met and a fee is paid as determined by the Township Board.

(5) The mobile home is connected to an approved water well and a separate septic tank system as determined by the Allegan County Health Department.

(6) The mobile home has a minimum of seven hundred twenty (720) square feet of floor area as initially sited.

(7) The mobile home will be skirted with a uniform material compatible with the mobile home within ten (10) days of utility connection.

(8) The mobile home shall be installed with the standards established in the United States Department of Housing and Urban Development regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended.

(9) The mobile home shall be located a minimum of fifty (50) feet and a maximum of one hundred fifty (150) feet from the permanent dwelling.

The Zoning Administrator may renew the one (1) year zoning permit, provided the above standards and conditions still exist as determined by the Administrator. If any of the above standards or conditions are found not to exist, the mobile home shall be removed within ninety (90) days after notice by certified mail to the owner of the permanent dwelling on the site.

Retail sales in conjunction with a principal agricultural use, when authorized as a rural use by the Planning Commission. In addition to the standards of section 16.03(e), use shall conform to the following standards:

(1) The minimum parcel size shall be ten (10) acres and shall be devoted to active farming.

(2) A farm dwelling may be located on the property.

(3) The principal product(s) processed and/or sold on the premises shall reflect the products grown on the property.

(4) The maximum floor area devoted to display and sales shall not exceed three thousand (3,000) square feet.



### Accessory Buildings

*Section 14 Definitions. As found in Definitions Section 40-7 of the Code of Ordinances, Township of Saugatuck, Michigan, the definition of the term garages, private shall be amended read as follows:*

**Section 40-7 Garage, private** means an attached part of a residential dwelling structure or a detached building accessory to a residential dwelling on the same lot which is incidental to the principal residential dwelling and used primarily as an indoor parking storage place for motor vehicles, yard and garden equipment and other miscellaneous items accessory to the residence. (This replaces the current definition)

*Section 15 Amend Section 40-631 Accessory Buildings In Its Entirety to read as Follows*

**Section 40-631. Accessory Buildings**

Accessory Buildings in all zoned districts shall conform to the following requirements, except farm Buildings in the A-1 or A-2 zoned district:

- 1) An Accessory Building may be built on a Parcel if there is a Principal Building located on such Parcel or if a Building Permit has been issued for the construction of both an Accessory Building and a Principal Building on the same Parcel and the Use of the Accessory Building is incidental to the construction of the Principal Building.
- 2) **One detached accessory living unit may be permitted as an SAU under the provisions of Sec. 40.745.**
- 3) Accessory Buildings shall meet the same Setback provisions as Principal Buildings, unless otherwise specifically provided in this chapter.
- 4) Accessory Buildings may not be located closer than ten feet to any other Accessory Building or to any Principal Building.
- 5) **No Accessory Building shall be served by a driveway to the street that is separate and distinct from that which serves the principal residential dwelling located on the lot, except for lots that exceed 150' street frontage on the street where the driveway will be placed. A separate and distinct driveway serving accessory buildings will only be permitted in such cases if the Planning Commission has authorized it as a Special Approval Use.**
- 6) A detached Garage incidental to a residence and used primarily as a Garage for Motor Vehicle storage, as well as one other Building used primarily for other than Motor Vehicle storage shall be considered permissible Accessory Buildings, provided they are limited to a height which does not exceed the lesser of 1 1/2 Stories or 25 feet and provided they together have a total Ground Floor Area of no more than that permitted in the zoned district in which they are situated.
- 7) **An attached Garage or a detached Garage is, for the purpose of this ordinance, considered a principal residential accessory building. One other detached accessory building incidental to the residential use of the lot and used primarily for miscellaneous residential storage is permissible.**

- a. All detached accessory buildings are limited to a height which does not exceed the lesser of 1 1/2 stories or 25 feet.
  - b. Detached private Garages shall be located within the rear yard area unless authorized by the Planning Commission as a Special Approval Use.
  - c. Unless approved as an SAI, the maximum size of any detached private Garage shall be 800 square feet.
  - d. A Ground Floor Area of no more than 5% of the rear yard is permitted for any detached accessory building not defined as a private garage.
  - e. A detached Accessory Building that is not considered a private Garage shall not be permitted in the front yard unless it is authorized by the Planning Commission as a Special Approval Use.
  - f. The total ground floor area of all detached Accessory Buildings located on a lot may not exceed the area permitted in the zoned district in which it is situated (see 40-229, 40-274, 40-319, 40-370, 40-420, 40-471). However, the terms of 7e above, when more stringent than the area permitted in the zoned district in which it is situated, will apply.
- 8) Accessory Buildings or Structures located in the front yard or an Accessory Building or Structure in a residential zoned district that is to be used for a home occupation or use other than a private Garage or storage area for items incidental, customary and usual to the principal residential use of the property shall not be erected or used without first being authorized by the Planning Commission as a Special Approval Use. In considering such authorization, the Planning Commission shall consider the following standards: (this replaces slightly different current language)
- a. Whether the intended Use of the Accessory Building or Structure is prohibited or otherwise restricted by this chapter.
  - b. The size, proposed location, type and kind of construction and general architectural character of the Accessory Building or Structure.
  - c. The type and kind of Principal and Accessory Buildings and Structures located on properties which are adjoining and which are in the same neighborhood.
  - d. Whether the Building or Structure will affect the light and air circulation of any adjoining properties.
  - e. Whether the Building or Structure will adversely affect the view of the occupants of any adjoining property.
  - f. Whether the Building or Structure meets the definition of a Movable Structure, if it is desirable or required for such Accessory Buildings or Structures to be movable.
- 9) When the Zoning Administrator determines the Accessory Building or Structure is not usual and customary to a permitted use, the applicant may seek review of that determination by the Planning Commission.

*Section 16 Amend Article VII General Site Standards And Specific Regulations Applicable To Certain Permitted Or Special Approval Land Uses By Adding A New Section Regulating Accessory Dwelling Units/ Guest Houses. Section 40-745 Shall Read In Its Entirety As Follows:*

**Sec. 40-745. Accessory Dwelling Units/Guest Houses**

- (1) Subject to the provisions of Sec. 40-643, one detached accessory living unit may be permitted as an SAU.
- (2) Accessory living units and guesthouses are limited to 50% of the livable square footage of the main dwelling. A detached guesthouse may contain up to a maximum of 800 square feet of floor area.
- (3) Kitchens and separate eating areas are allowed in each dwelling unit.
- (4) Travel trailers, manufactured homes and mobile homes are not allowed as guesthouses or accessory living units.
- (5) Design and exterior finishes of accessory living units shall be consistent with the principal residence.
- (6) All utilities must be on the same meters as the principal dwelling.
- (7) The maximum separation between the main dwelling and guesthouse shall be 60 feet.
- (8) A deed restriction shall be recorded prior to issuance of a building permit stipulating that the accessory unit is for family or guests associated with the principle dwelling unit located on the same property, that the accessory unit may not be conveyed separately from principal dwelling and that they are not for rental use.
- (9) A maximum of one guesthouse as accessory living quarters may be allowed in association with a principal residence.

