

Ganges Township planning Commission
Regular Monthly Meeting Minutes FINAL for August 28th, 2007
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

I. Chairman **Gooding** called the meeting to order at 7:00 PM

Roll Call: Chairman **Barry Gooding** – Present
Secretary: **Jim Birkes** – Present
Commissioner: **Jackie DeZwaan** – Present
Commissioner: **Sally Howard** – Present
Commissioner: **Ed Reimink** – Present
Commissioner: **Dawn Soltysiak** – Present
Board Trustee: **Terry Looman** – Present

II. Public Hearing – Norman Duval Special Use Permit

The **Duval's** (1255 Woodland Court, Joliet, IL 60436) were represented by Robert **McNutt**, Builder (335 M-40 S, Allegan, MI 49010). **McNutt** explained to the board ~~board~~ *Commission* that the **Duval's** have applied for a special use permit for their residence located at 2211 Hutchins Lake Drive, per the Zoning Ordinance requirements to build within 40' of the water. The proposed project would include demolition of current residence in order to construct a new 2 story home. The home would not move any closer and is conforming, however the request is to allow the homeowner to add an enclosed "screen porch" that would be 30' to the high water mark. **McNutt** noted that the proposed location of the home will not be any closer to the lake than the existing home, and the neighbors support the homeowners desired site plan, not wanting the existing mature maple trees removed. **McNutt** passed out pictures to the board ~~board~~ *Commission* showing the location of existing home, trees, deck, etc.

Open for Public Comment – Not in Favor of Approval of this Project: None

Open for Public Comment – In Favor of Approval of this Project: None

III. Public Hearing – Darrell & Kathy Doornbos Special Use Permit

The **Doornbos'** (2337 63rd Street, Fennville, MI 49408) represented by Kathy **Doornbos**. **Doornbos** explained to the board ~~board~~ *Commission* that they have built a small chapel on their property measuring 14' x 24' with a seating capacity of 24 guests (36 folding chairs including the wedding party). The grounds include a 14' gazebo, pond and flower beds, which they hope will encourage rental of grounds for outdoor weddings with a maximum of 150 guests. The **Doornbos'** own 18 acres, with the building sitting back 400' from the road. The chapel is of pole barn construction, with required permits and inspections completed. They foresee a pavilion in the future that would then accommodate receptions, however, in the meantime they plan to recommend the renters to rent tents. The anticipated start date is spring or 2008. There is no heat in the chapel, therefore there are no current plans to rent the chapel in the winter months. Portable restrooms ADA compliant will be available, and the earliest rental time is 10:00 am with the latest time being 1:00 am.

Open for Public Comment – Not in Favor of Approval of this Project:

Don **Karaus** (2025 Brookhill Drive, Fennville) Questioned the **Doornbos'** stating that you went ahead and built it, and then come before the PC to acquire a special use permit to make it legal. Wants to understand what category this would go under regarding zoning. The homeowner responded that they have not rented it out to date, and they have only used it for personal use. It is not a church, so they imagine it going under recreational use.

Pat **Kennedy** (2330 63rd Street, Fennville, MI 49408) Asked about parking. **Doornbos** explained that the trees are small and mowed, allowing for parking between the trees.

Open for Public Comment – In Favor of Approval of this Project: None

IV. Public Hearing – Margaret & Sharon Henry – Open Space Project

Prior to the hearing, the board ~~board~~ *Commission* was approached by local resident and neighbor to this project John **Kustron** (6635 Pine Hill Drive) expressing his concern that he was not notified in any way about the

hearing, and asked the board ~~board~~ *Commission* if they could continue with the hearing knowing that all neighbors were not notified. Zoning Administrator (ZA) Tasha **Smalley** replied that she gave the Clerk the incorrect parcel number for 1 residence, but everyone else within 300' should have received notice. It was determined by the board ~~board~~ *Commission* that since this is a "Preliminary" Site Plan Review, and there will be another opportunity for a public meeting for the "~~Final~~" *prior to the final* site plan review. **Gooding** recommended that the board ~~board~~ *Commission* continue with the "~~Preliminary~~" "*Public*" hearing, they will then contact the attorney, and if necessary they will have a second "Preliminary" hearing prior to the "~~Final~~" *site plan review*. In the meantime **Smalley** will talk with the Clerk to investigate the lack of neighbors being notified.

The **Henry's** (P.O. Box 911, Saugatuck, MI 49453) were represented by Cal **Becksvooort P.E.** of Latitude Engineering & Surveying (7885 Byron Center Avenue SW, Suite D, Byron Center, MI 49315). **Becksvooort** explained that the submitted site plan will be for the 26.85 acre parcel only. Based on Ganges Township's Zoning Ordinance they feel they could establish 15 lots. The Res/Ag zoning allows for construction of duplexes, thus allowing for a total of 30 residences. However, they are seeking approval for 14 duplex buildings for a total of 28 units, ~~with~~ each residence would be part of the condominium association.

The development will have private wells and septic tanks. The construction of single story wood framed buildings (manufactured modular duplex homes) with a crawl space, will be approximately 1800 sq. ft. (900 sq. ft. per unit) and have the option of an attached garage. Anticipated start up of the project is fall of 2007.

Open for Public Comment – Not in Favor of Approval of this Project:

Kustron noted that the homes were going to be 1000 sq. ft. homes, then you mentioned manufactured housing, and then he suggested medium income, stating that it sounds like low income. **Becksvooort** replied stating that the target price is \$150,000 - \$175,000. Additionally he expressed concern whether the duplexes were going to be sold, and not rented.

Theresa **Wiley** (6633 121st Avenue) is the property owner immediately east of the property, and also noted that neither she nor her neighbors from parcel 013-10 (the **VanWieren's**) were *not* notified of the hearing?. She pointed out that 121st Avenue is not paved, and one of the last roads to be plowed. She questioned whether Mother's Trust owned part of the property being proposed.

Don **Karaus** expressed concern for the developer installing 28 septic systems and 28 wells in very close proximity to one another, and inquired why they wouldn't implement a community septic system and well.

David **Nye** (2160 66th Street) Made known that there is a creek that runs through the back area, and it's very wet, noting his concern for all the septic tanks drain fields and wells and whether or not they have taken into consideration the condition of the property.

Roy **Newman** (6621 121st Avenue) has lived there almost 6 years, and he thought the property had sandy soil, but once testing was done, he learned how much clay was in the soil, causing him to raise his home 16' above grade.

Elice **Menear** (6689 121st Avenue) expressed their concern of losing the peace & quiet and several different types of wildlife that they now have, and she is concerned that if this is allowed the whole ambiance would be in jeopardy.

Kathy **Kammenzind** (6732 121st Avenue) explained that according to the township plat map, the 27 ½ acre project that is proposed is owned by the **Henry's**, 15 acres are available (audio inaudible) with 48.55 acres to the west that are owned by friends of Mothers Trust, so potentially the project could grow closer to 90 acres with a 66' road that provides primary access.

Jim **Keag** (2086 66th Street) raised his concern for increased traffic on 121st, Avenue, which is not well kept, and is one of the last roads to be plowed in the winter. He also expressed concern regarding the well and septic systems being proposed, as well as the uncertainty of the developer, whether the focus is for senior housing or low income housing.

Donna **Kustron** (6635 Pine Hill Drive) expressed concern for potentially renting to young families, and there is nothing in the immediate area to occupy children. Without any sort of security, she feels that the children may be drawn to other property owner's belongings.

John **Kustron** added that based on what he is hearing tonight he is even more concerned. Their well is 122' deep, and he concerned that it be affected by the development sewer and septic.

Wiley added that she also built her house up due to the wetness of her property, which is why she dug the pond where it is. She added that none of her neighbors currently hunt their property.

V. Open for Public Comment – In Favor of Approval of this Project: None

VI. Correspondence by Gooding

Gooding noted a letter from **Birkes** to the **Ryder's** telling them the condition regarding the approval of their *PUD and Private* road.

Gooding read a letter from the township attorney regarding the **Ryder** Road Joint Maintenance and Indemnification Agreement noting a few minor changes including in paragraph 5 of the agreement, section 7F.04 should have been referred to instead of section 7F.03.

Gooding noted a letter from **Birkes** stating the Approval of the Special Use permit for Jack **Vandenberg** on 68th Street.

Gooding noted a letter from **Birkes** stating the Denial of a Special Use permit for James and Lilly **Depree** on Hutchins Lake Drive, stating that the use is inconsistent with standard setbacks in the Ordinance.

Gooding noted a letter from the township attorney regarding the Zoning Ordinance Amendment for Revised Private Roads text, with the recommendations for changes outlined.

VII. Administrative Updates

A. **Township Board Commission: Looman** was not at the last board *Board Commission* meeting, subsequently having nothing to report.

B. **ZBA: Gooding** reported that there were 2 items brought before the ZBA on August 22nd, 2007.

1. Michael & Renee **Williamson** 7162 114th Avenue, requesting a house on Lake Michigan that they bought, and they plan to tear down most everything existing, and replace it with the same footprint.
2. Al **Whiteman** 1510 71ST Avenue requesting for relief on his 66' right of way changed to a 33' right of way, which will serve 2 parcels, his own, and the one he is going to divide off for his son.

C. **Zoning Administrator – Tasha Smalley**

She did receive Ron **Colson's** applications for three roads, including the road maintenance agreement.

VIII. Business Session

A. **Approval of Minutes of Prior Meeting (7/24/07)**

Motion by **Birkes** to approve the minutes as noted for the July 24th meeting, seconded by **Looman**. Motion approved.

B. **Approval of Agenda**

Motion by **Howard** to approve the Agenda with changes noted, seconded by **DeZwaan**. Motion approved.

C. **Old Business**

1. **PUD Amendment Development – Soltysiak** will get copies for everyone that didn't get one from **Milliken**, prior to the special meeting on August 30th.
2. **Private Road Amendment – Audio inaudible.** Latest version would be subject to upcoming public hearing.

D. New Business

1. Duval – Site Plan Review (Page 54, Section 8.5.A.)

A. Application for a special use permit shall be made in writing accompanied by a site plan and presented to the Zoning Administrator. Such application shall include the following:

1. The applicant's name, address and interest in the property, and the name, address and interest of every person having a legal or equitable interest in said property. **Yes.**
2. The circumstances which the applicant believes justify the issuance of the special use permit. **Yes, orally.**
3. The names of all persons to whom real property is assessed within 300 feet of the boundary of the property in question and the names and addresses of all occupants of structures within 300'. **Yes.**
4. The nature and effect of the proposed special use. **Yes.**
5. A site plan shall comply with information required from Article 7D Site Plan Review. **Yes.**

B. In addition to specific standards which may be applicable for the proposed use, the following set of standards shall serve as the basis for decisions involving special land uses, the use of special land use permits, and other discretionary decisions contained in this Ordinance. The proposed use shall:

1. Be compatible with adjacent uses of land. **Yes.**
2. Be consistent with and promote the intent and purposes of this Ordinance. **Reimink expressed concern for allowing a non-conforming use to repeat itself. McNutt advised the board that he plans to demolish 95% of the existing home. Soltysiak added that she feels that it's the PC job to only agree to the 30' request from the deck to the high water mark.**

After discussion with the contractor, it was determined that all that was required of the board was to approve or deny the request of allowing a screened porch to be constructed 30' from the porch to the high water mark.

Motion by Howard to approve the Norman Duval request, to build an enclosed structure 34' to the high water mark as proposed, support by Soltysiak.

Looman, Yes, Howard, Yes, Reimink, Yes, Soltysiak, Yes, Gooding, Yes, Birkes, Yes, DeZwaan, Yes

Motion Approved.

2. Doornbos – Special Use Permit

Soltysiak asked the ZA why it was called a "Special Use". **Smalley** noted that she wasn't sure where to put it. **Soltysiak** continued that when she thinks of "Special Use" she thinks of community, non-profit. **DeZwaan** added that this is a true rental commercial building.

Birkes referred to Page 15, Section 3A.1.E. that a building of this type need a Special Use Permit from the PC to proceed. **Howard** also feels that if the PC refers to Section 3A.1.E. as noted by **Birkes**.

Soltysiak expressed concern for potentially allowing music/noise until 1:00 am. **Gooding** and **Reimink** noted that the renter would still need to follow the ordinance for outdoor entertainment, which includes a noise permit **Soltysiak** then asked if the PC can put time limits and restrictions on the approval. **Looman** and **Reimink** expresses that they feel it should be left up to the board ~~board~~ *board-Commission*.

Reimink also expresses concern for approval referencing page 24 Section 7.5 Water Supply and Sewage Disposal Facilities. The ZA noted that the applicant has included that they will have ADA compliant portable restrooms on site for events, however they have not contacted the Health Department to gain approval. It was recommended to the applicant that they check with the Health Department for guidelines and requirements (if any).

- A. Application for a special use permit shall be made in writing accompanied by a site plan and presented to the Zoning Administrator. Such application shall include the following:
1. The applicant's name, address and interest in the property, and the name, address and interest of every person having a legal or equitable interest in said property. **Yes.**
 2. The circumstances which the applicant believes justify the issuance of the special use permit. **Yes.**
 3. The names of all persons to whom real property is assessed within 300 feet of the boundary of the property in question and the names and addresses of all occupants of structures within 300'. **Yes.**
 4. The nature and effect of the proposed special use. **Yes.**
 5. A site plan shall comply with information required from Article 7D Site Plan Review. **Yes.**
- B. In addition to specific standards which may be applicable for the proposed use, the following set of standards shall serve as the basis for decisions involving special land uses, the use of special land use permits, and other discretionary decisions contained in this Ordinance. The proposed use shall:
1. Be compatible with adjacent uses of land. **Yes.**
 2. Be consistent with and promote the intent and purposes of this Ordinance. **Yes**
 3. Be compatible with the natural environment. **Yes**
 4. Be consistent with the capacities of public services and facilities affected by the proposed use. **Yes**
 5. Protect the public health, safety and welfare. **Yes, with the following contingencies a) No parking on public streets, b) acquire something in writing from the Health Department regarding recommendations for portable restroom facility, c) must comply with the township noise ordinance, and d) if the applicant determines that they want to construct a new pole barn, etc., that they must come before the PC and that the application will be treated as a separate application.**

Motion by **Howard** to approve the Darrell & Kathy **Doornbos'** request for a Special Use Permit subject to the following; adhere to the outline provided, that they talk to the health Department regarding portable restroom requirements, that they follow the noise ordinance, that they apply for outdoor entertainment permits as needed, that they not allow parking in the street, and that they come before the PC for any additional structures that may be added in the future. Support from Soltysiak.

Looman, Yes, Howard, Yes, Reimink, Yes, Soltysiak, Yes, Gooding, Yes, Birkes, Yes, DeZwaan, Yes

Gooding advised that this is a "preliminary" meeting, and after discussion with the Township Attorney it may or may not be necessary for us to repeat the preliminary review.

Soltysiak asked the board ~~board~~ *Commission* what the "Open Space Ordinance" is, and what the intent was in adding duplexes, was it to increase density, increase a cluster effect or was it to increase the open space preservation. Our current ordinance does not allow more than 1 unit per parcel, a duplex is

deeded as 1 unit, these are going to be deeded as 28 individual units, if it is individual units deeded separately, our ordinance does not allow for more than 1 deeded unit per parcel, which is a maximum of 14 units. **Birkes** understanding is that if they are condominiums, that each unit would have a deed adding that the intent of the ordinance was to increase the cluster of parcels, not for increased density. In addition, **Birkes** asked the applicant to include the actual report on the wetlands in future documentation.

Gooding requested the board ~~board~~-*Commission* to recognize **Becksvoort** who stated that 14 lots can be sold to individual owners, and each owner can build a duplex allowing 28 parcels by law.

Page 32, Section 7A.4 Preliminary Site Plan – Submission and Content

With the exception of needing to add buffer between the houses to the east, the board ~~board~~-*Commission* agreed that they were satisfied with the requirements for Section 7A.4 were fulfilled.

Page 33, Section 7A.5 Planning Commission Review of Preliminary Site Plan

- A. Ingress and egress to property and proposed buildings and structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe. ***Soltysiak noted that the approval would be contingent upon receipt of a written recommendation from the fire department and if the applicant would need to have a turnout.***
- B. Off-street parking and loading areas where required, with particular reference to the items in subparagraph A above and the economic, noise, glare, or odor effects of each used in the proposed PUD. ***Yes***
- C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above. ***Developer making provisions to allow trash trucks access.***
- D. Utilities, with reference to locations, availability, and compatibility. ***Underground electric and telephone will be installed. Birkes expressed the concern by the neighbors and the close proximity of water and sewer.***
- E. Screening and buffering, with reference to type, dimensions, and character. ***According to plan, the creation of buffers will be installed.***
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties and properties in the proposed PUD. ***Street signs will be required.***
- G. Required yards and other open spaces. ***Open spaces will be required to be defined.***
- H. General compatibility with adjoining properties and properties in the proposed PUD. ***Yes, previously discussed.***
- I. The purposes of this Ordinance. ***The board is unclear if the proposed PUD is in accordance with the ordinance by definition.***

Birkes made a motion that the PC postpone any further discussion on the preliminary site plan review, until the board is able to address the issues raised i.e., notices to the neighbors, review with the attorney, etc. and reconvene for additional preliminary site plan review at a later regularly scheduled meeting. Support from **Looman**. Motion approved.

- 4. **Review of Section 3.2G. Waterfront Lots** – No building, accessory building, or structure greater than 30 inches in height, as measured from ground level, shall be constructed, placed or located closer than 40 feet to the ordinary high water mark unless permitted by the Township Planning Commission as a special land use following the issuance of a special-use permit, as provided in Section 8.5 of this ordinance.

Birkes noted that twice now the board ~~board~~-*Commission* has had this come before them, for a special use from the required setback of 40'. He recommended to the PC that the paragraph end with "40 feet to

the ordinary high water mark”, and omitting the remainder of the paragraph “unless permitted by the Township Planning Commission as a special land use following the issuance of a special-use permit, as provided in Section 8.5 of this ordinance”.

Motion by Birkes that we approve for submittal to the public hearing the amendment of Section 3.2.G. from the word “unless” to the end of the paragraph. Seconded by Howard. Motion approved.

5. Other business that may come before the Commission

Motion by Howard to send a letter of appreciation to former recording secretary, Elaine Troehler thanking her for her dedication and commitment when she was the PC Recording Secretary. Second from Birkes. Motion approved.

IX. Land Divisions Review - None

X. Future Meeting Dates and Committee Work Summary

There is only one regularly scheduled Planning Commission meeting in September, which is September 25th at 7:00 pm. Representative of **DollyBrook Farms**, Don **Karaus** addressed the board ~~board~~-*Commission* noting that they had paid for a special hearing of the board ~~board~~-*Commission* for their Final Site Plan Review, and expected that that meeting be held in early September.

XI. General Public Comment

John **Kustron** questioned the PC of the compatibility and harmony of the proposed development of the **Henry** property with the intent to sell the duplexes for \$150,000 - \$155,000, meaning each unit is \$75,000, which is low income. The bordering properties are in excess of \$250,000 - \$500,000 homes, and the surrounding properties are million dollar properties, asking the PC how that is harmonious and compatible with the surrounding areas. He also hopes that the board ~~board~~-*Commission* will investigate whether Mr. Smith deeded property to Sharon **Henry**, and whether or not it was deeded to Mothers Trust.

Jiten **Shah**, **Advantage Home Builder, Inc.**, Developer of this development. Each unit is \$150,000, and the construction is manufactured housing, meaning that the homes do not remain on axles.

Don **Karaus**, regarding the Open Space Ordinance, was a member of the Planning Commission at the time. The “Open Space” portion was added. It was the intent at the time to preserve groves of trees, individual areas surrounded by woods, and the way some of the fields were. The intent of the board ~~board~~-*Commission* to incorporate the Open Space Ordinance was to incorporate one house, one unit, being clustered, not for duplexes.

Theresa **Wiley** added that the site plan where they simply plopped in duplexes and road not being creative, she was under the impression that the **Henry**'s were part of Mothers Trust, which is what they indicated to her, and Mothers Trust on 122nd is a non-profit. There are 2 parcels on the list that was provided by the Township Clerk (008-12 and 008-13).

Jiten **Shah**, responded that the property in question is not part of Mothers Trust.

Kathy **Kammenzind** added that the condition of the road is poor, creating a washboard affect, and the drainage should definitely be addressed, and the road is not on the schedule to be paved for several years.

Jim **Keag** added his concern for adding 28 new residences, including children. You cannot walk down that road, if traffic meets he is concerned about a child getting hurt.

XII. Adjournment

Motion by **Looman** to adjourn this regularly scheduled PC meeting at 10:15. Support by **Howard**. Motion approved.

Respectfully submitted,
Ronda J. Hall
Ganges Township Recording Secretary