

Approved 01-19-2022

CASCO TOWNSHIP PLANNING COMMISSION  
REGULAR MEEING  
December 15, 2021; 6 PM

**Members Present:** Vice Chairman Andy Litts, Board Rep. Dan Fleming, Secretary Greg Knisley, ZBA Rep. Sam Craig, and member John Weaver

**Members Absent:** Chairman Lewis Adamson and Kelly Hecker

**Also Present:** Zoning Administrator Tasha Smalley, Supervisor Alan Overhiser, Recording Secretary Janet Chambers and 8 interested citizens

1. **Call to order:** Meeting was called to order by Vice Chair Litts at 6 PM.
2. **Review / Approval of Agenda:** Motion by Knisley, supported by Craig, to approve the agenda. All in favor. MSC.
3. **Public Comment – items NOT on the Agenda:** None
4. **Approval of minutes**
  - a. **11/17/21 workshop meeting minutes:** Motion by Fleming, supported by Weaver, to approve minutes of the 11/17/21 workshop. All in favor. Minutes approved as presented.
  - b. **11/17/22 regular meeting minutes:** Motion by Fleming, supported by Weaver, to approve minutes of the 11/17/21 Regular Meeting. All in favor. Minutes approved as presented.

Smalley had two corrections to the notice in South Haven Tribune pertaining to this public meeting. The Winery amendment will be titled “Alcohol Production Facilities. Also added to the agenda is an amendment to “Minimum Dwelling Requirements” to allow pole type dwellings. Because the public notice stated, “Anything that may come before the commission”, it did not require re-noticing.

5. **Public hearings** – one hearing at a time and decision at the end of each: The first public hearing began at 6:05 PM
  1. **Open Public Hearing** – Jeff and Melissa Roessing, 342 62<sup>nd</sup> Street, 0302-026-001-00, amendment to the approved site plan for Special Events: (Attachment #1 Roessing application and documents)
    - **Applicants present:** Jeff & Melissa Roessing presented their plan to add a glass building east of the venue as a dance area. Their purpose for the building is to help muffle sound. It will be a 16’ x 23’ double pane tempered glass. At the end of night music and dancing can move into glass house to muffle sound. Open air sound travels. While they do keep the noise level down to 65 decibels, that is still loud. The building will be cooled

and heated. Their season is May through mid-October, so the heat will also be good for guests.

- **Correspondence:** none

Litts applauded Roessings for being good neighbors. He said they should be appreciated for taking on the cost to address an issue.

- **Audience comments for / against:**

Teresa Nowak, the neighbor to the north, said she hears the music most. She asked if the glass building would help reduce the sound, and how much?

Jeff Roessing said he has a friend in Zeeland who has a single pane glass building that does not help a lot. Which is why he has decided to go with the double pane. It should muffle the sound quite a bit.

Melissa Roessing added we are using a double door entrance into the building, which will also help contain the sound as people come and go.

Knisley said it would temper the sound. Jeff Roessing said he is also adding panels to absorb sound.

- **Any further discussion:** Commissioners came to the agreement there was nothing negative in the Roessings' request. The request complies with everything. One building will not affect drainage, etc.

**Close Public Hearing:** Public Hearing was closed at 6:15 PM.

**New Business: Discuss / decision to amend approved site plan Roessing, 342 62<sup>nd</sup> Street:** A motion by Knisley, supported by Weaver to approve the site plan amendment. Roll Call: Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC

- **Open Public Hearing** – Rick and Ashely Ortiz, 146 Blue Star, 0302-501-001-00. The public hearing for Little Roadside Bed & Breakfast was opened at 6:20 PM.
- **Applicants present:** (Application, drawings & documents Attachment 2) Rick & Ashley Ortiz explained their request to open a Bed & Breakfast. They have been small business owners in Chicago for the past 10 years. They love South Haven. They looked at many properties and settled on 146 Blue Star. The property had been on the market over a year. It is located next to Cousins right off the highway. They purchased it in January 2021. They love antiques and repurposing old things. Their business in Chicago is “Antique Taco”. They would like to bring the property new life and keep as much of the history and original footprint. They have used local vendors and have gotten approval

and permits to start working on the house. There are bathrooms in all the little buildings. The buildings have been there since 1940s and was Hubley's, an old general store. Moving forward, they would like to convert the store to a community space for guests. There would be no sleeping in that community space.

- **Correspondence:** None
- **Audience comments – for / against:** Bill Chambers said he thought it was a good use for that area and in keeping with the Master Plan. That corridor was intended for this type of use. He wished Ortiz luck.

David Kaplan, 7315 Villa Drive said he and his wife have been coming to South Haven over 30 years. He asked what the plans are for the building that was previously a store.

Rick Ortiz said he is a chef and would like to grow crops to use in his kitchen to create an experience. Right now, the house alone is a lot of work. When the house is done, they will move on to the cabins and bring them back.

Kaplan asked if parking would be restricted to the front.

Ortiz said yes, parking off of Blue Star.

Kaplan asked if they plan to occupy the house themselves.

Ortiz said they plan to go back and forth, spending most of the summer here.

Mrs. Kaplan inquired about the garage building.

Ortiz said there are two buildings in the front and 4 cottages in the back. The bigger one is the house. There will be B & B rooms available in the house. The other building is a storage shed that needs to be worked on. They intend to use it as a storage building.

Mrs. Kaplan asked if there would be quiet hours like anything else in that area.

Ortiz said yes. They are a family with two girls, ages 7 and 4, and would not want excessive noise. They want to be respectful neighbors and offered to exchange phone numbers with Kaplan to answer any concerns.

David Dungan, O'Sullivan Drive said he is downhill from the Ortiz property and was concerned about water runoff. They already have water problems and had trouble with the road. He said he would not want the project to adversely affect the water situation. Dungan asked if there would be grading of the land.

Ortiz does not plan to change the grade. He will be cleaning up the front area and improving the parking area. He will be talking with an architect and will maintain the property.

Smalley asked if the parking area would be paved or gravel, noting gravel is easier for managing water.

Litts asked if Ortiz would be doing any excavation that could change water runoff.

Rick Ortiz said he would not.

- **Any further discussion:** none

**Close Public Hearing:** The Public Hearing was closed at 6:36 PM

**New Business: Discuss / decision Bed and Breakfast, Ortiz, 146 Blue Star Highway:**  
Weaver said it will be good to improve the property.

Craig said it would be nice to see the cabins updated as opposed to demolishing them.

Litts said there are 9 bedrooms total and asked if the innkeeper would be in the main building and a total of 8 bedrooms for guests?

Ortiz said yes.

Knisley asked if Bed & Breakfasts require the owners to reside under the roof?

Smalley said the ordinance was amended to allow an innkeeper to be there in place of owners, and to allow additional rooms out of the main house.

Litts asked if there was a sign?

Smalley said there is one sign shown to be in accordance with zoning ordinances and no larger than 16 sq. ft in area and not exceed 4' in height. Any illumination will be indirect.

Knisley asked about the timeline.

Ashley Ortiz said the Bed & Breakfast approval from Casco is the big step. Once they get the green light, they are ready to move forward. They plan to use O'Sullivan builders and hope they will be done by the end of summer or mid-summer.

Craig asked if the B&B would operate year-round?

Ashley Ortiz said yes, they plan to build the cabins for year around.

Litts closed the public meeting at 7:45 PM.

Discussion ensued about the unattached buildings, number of sleeping rooms, lack of kitchen sink in cottages, possible sales being to guests only, serving meals to guests only, and garbage receptacles.

Discussion moved to 15.02C. Being satisfied the applicant met review standards, Litts asked for a motion to approve, providing all proper licensing is obtained from Federal, State, County, or local entities, and are serviced by water and sewer. Motion by Litts, supported by Weaver to approve the Bed & Breakfast. Roll call: Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC

Discussion ensued about requirements of 17:03C and 17:06. Commissioners questioned whether distance between buildings needed to be on the plan. It was determined that the drawing was adequate regarding distance between cottages.

Knisley asked if all parking would be upfront, and guests would walk back to cottages. He added that the Fire Department would have to sign off on ability to get to the back cottage.

Weaver asked about gravity feed from sewer at the furthest back cottage.

Discussion ensued about whether the buildings were currently hooked up to public water & sewer, and whether it is required.

Commissioners went through 17.07 Review Standards A-T and determined they were met.

A motion by Fleming, supported to Litts to approve the site plan with the following conditions

- 17.03 C #1 Inset location sketch
- #2 Legal description
- #6 Seal
- #11 detailed design for all utilities including water and sewer
- obtain licenses, permits and approval from regulatory agencies and be provided to Zoning Administrator within 15 days of issuance
- no on-street parking would be permitted.

Roll Call vote: Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC.

Supervisor Overhiser answered the question of whether the applicants would need to be hooked up to public water and sewer. It is mandatory to hook up to sewer, but not water.

**2. Open Public Hearing:** Public Hearing on Text Amendments was opened at 7:25 PM

**Proposed text amendments:**

- 1. Alcohol production facility:**

2. **Farm Market:**
  3. **Campground:**
  4. **Water run-off:**
  5. **Structures without a dwelling:**
  6. **Daycare center in Church:**
  7. **Minimum dwelling regulations, allow pole type dwellings:**
- **Present text:** (Attachment 4) Text presented with discussion & decision after each individual amendment.
  - **Audience comments / correspondence:**

Bill Chambers, 7340 Lakeridge Rd., asked what the link is between a builder who wants to build a house and the County to ensure erosion fencing is up. He said he drove around the closest 10 sites building sites and found 7 don't have erosion fences, 3 have them, but not maintained, and only one was properly maintained.

Smalley asked if the sites were within 500' of a county creek, stream, drain or lake. Although some builders do put up silt fences at all their building sites, it is not required unless they are within 500' of a stream, county drain or lake.

Chambers said the sites he was referring to were within 500' of county drains or Lake Michigan.

Weaver said when he was doing construction near Lake Michigan, he was inspected every 30 days.

Chambers asked what communication is used so the County knows there is a building project in an area where erosion control is required? Currently there is a house being built within 500' of the farmers drain without erosion control and there is a washout. One family put up a nice pole barn and they had the fence up. On 74<sup>th</sup> Street, by Lake Michigan 1 of 4 building sites have a silt fence installed, others are not existing or not maintained. A house being built behind Chambers' house on 102<sup>nd</sup> is not maintaining erosion control. Chambers said, if you think someone is enforcing this, you may not fully understand what is going on.

Knisley said he would rather stick up an erosion fence right at the beginning. It is cheaper than cleanup if there is a runoff.

Smalley said she checks the soil maps and if required she makes a note that erosion control is required. Erosion permits should be issued prior to a building permit.

Brian and Patty Scheehy said they have property for sale. He gets calls from people who ask if they are permitted to have a pole barn with living space. They put up a pole barn on 102<sup>nd</sup> and 66<sup>th</sup> and had to move a house onto the property just to put up the barn.

Smalley said if you put up a pole barn on vacant land, the text would allow a bathroom, but prohibits sleeping quarters. She said a pole type building amendment is on the agenda for consideration.

Dave Campbell (via zoom), 7174 Ferndale Ave., commented on the water runoff amendment. He did not see a value in adding "as possible" to the amendment. He said the bottom line is to keep your water on your own property. He also commented on the amendment that would allow a barn to be built on vacant property. He noted that he has sent an email (attachment 3) regarding this and would like it to get on record. Deed restrictions need to be considered. In Glenn Shores a storage building cannot be built on a lot without a residence. He suggested applicants be required to show deed restrictions to the Zoning Administrator before issuing a permit.

Litts stated commissioners got a copy of Campbells comments via email (attachment #3) and hard copies were at today's meeting.

Don Luke, 7170 Orchard Lake Drive, said he agreed with Campbell. He understands it is not the responsibility of the township to uphold a community's deed restrictions, but if a permit would not be provided to communities where prohibited it would avoid problems.

Smalley said she sent copies via email of the deed restrictions; she now has a better copy. Although the township does not enforce deed restrictions, if she is aware of a restriction, she would let the applicant know.

Discussion continued as to how to handle the issue. It was decided deed restrictions should not be addressed in the zoning ordinance, but possibly could be added to an information sheet.

Fleming asked if there was any way to filter permits being issued in associations. The association could require a letter.

Luke suggested if someone requests to build a storage building, they applicant should provide a statement acknowledging there is no deed restriction against it. It would eliminate future argument if the applicant signed an affidavit.

Campbell agreed with Luke and said it could be on the application itself.

- **Any further discussion:** none

**Close Public Hearing** – no further comments: Public Hearing was closed at 7:54 PM.

**New business: Discuss / decision text amendments – recommendation to Board:** Craig said it is the responsibility of the association to know what their rules are. Maybe they need to take a deed around and refresh the rules with the residents.

**Alcohol Production Facility** – said there was no language for winery under farm market. There was a need to create text for wineries and as we discussed wineries, we thought about meadery, brewery, distilleries. We decided the following definition: ***“A facility for processing, bottling, and selling of the product(s) made by the normal alcoholic fermentation of, including but not limited to fruit, mead or honey, hops. Also known as winery, meadery, brewery, distillery.”*** This would be added to General Provisions as a new section 3.45 *Alcohol Production Facility*. In General Provisions it would not require a SLU. It would require 3 acres minimum and be in AG or RR. Structures over 120 square feet must meet a min. setback of 165 ft. from all non-farm residences and 50’ from property line. No parking located within 50’ from property line. The number of parking spaces shall comply with Article 18 for retail. Signage shall comply with Article 19. No more than 5,000 sq. ft. devoted to tasting room and retail sales. Maximum hours of operation 7 AM – 10 PM. It cannot be used as a venue unless they also have a Special Events Venue SLU.

Knisley asked if they would be required to use their own product?

Smalley said they do not have to grow their own product.

Weaver said he agreed with the language.

Craig also said he is ok with it.

Litts did not have further suggestions.

Knisley said Smalley did a good job on it.

A motion by Weaver, supported by Craig, to recommend to the board to approve an amendment in Definitions 2.02 and add to General Provisions 3.45 Alcohol Production Facility as proposed. Roll Call: Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC,

**Farm Market:** Needs to move out of SLU and go into General Provisions 3.44 Farm Markets. GAMP does not allow it as SLU. This change is to abide by Farm Market in GAMP. Allows a deli, bakery, pies, etc. Allows farms to take advantage of consumer interest in agritourism.

Knisley asked if this would include a Christmas Tree farm?



Smalley said yes. If you wanted to sell a few trees in your yard, it does may not be required. If you have a building, you may be required to be a farm market. It is a grey area depending on the extent of it.

Motion by Fleming, supported by Knisley to recommend to the board to accept the 3.44 Farm Market amendment. Roll Call: Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC.

**15.03 E. Campground and RV Parks** Amend #5 to say ***“5-59 sites, convenience store floor area not to exceed 1000 sq. ft.; 60+ sites, convenience store floor area not to exceed 2500 sq. ft.”*** This change would decrease the number of sites required to allow a store to serve a campground.

All commissioners agreed with the change.

A motion by Craig, supported by Litts to recommend to the Board to accept the amendment to 15.03E #5. Roll Call: Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC.

**Water runoff** Add to Section 3.20 Min. Regs for Dwellings as a new #O; and same text added to Section 3.30 Excavations keeping current test as A, and adding this new text as B.

Knisley questioned the “As possible” as brought up by Dave Campbell during public comment. He asked Smalley if she felt this could create a hard point.

Smalley said Casco needs something to stop water runoff, and originally did not have “as possible” in the text, but because commissioners felt it would not be possible to stop all runoff she added “as possible”.

Litts said he would entertain striking ‘as possible’.

Discussion ensued about possible rewording the amendment.

A motion made by Knisley, supported by Litts to recommend to the board to accept the following amendment: ***In order to protect adjacent properties during all phases of construction, grade shall be designed and landscaped such that storm water run off is managed in a manner which does not create or add additional damage on adjacent properties for all earth moving activities after the effective date of this amendment in LR-A, LR-B. LDR, MDR zoning districts.*** Roll Call: Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC

**Daycare Center & Church:** Knisley said churches are already approved for many uses. He said it would be a good thing.

Smalley said the amendment would change the definition in 2.05 to:

***Commercial child care facility. A facility, other than a private residence, receiving 1 or more children under 13 years of age for care periods of less than 24 hours a day, where parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. Allowed to be in a church.***

Smalley said the amendment is for the purpose of meeting current state language and to add it being allowed in a church.

Fleming said he did not think the commission needs to address SLU 15.03F Churches #5 Ancillary uses inside a church. We are giving people the impression that we must “allow” them ancillary uses. That’s like saying we give you permission to walk on your vacant land.

Smalley said with the ordinance, if it is not specifically “allowed”, it is prohibited. She suggested adding the language to Child Care Facility and not use #5 Ancillary uses inside a church.

Smalley said Special Land Use 15.03 J change title to Child Care Facility and keep the proposed ***#8 A facility is permitted in an existing church without planning commission approval, but all local, state, and federal licenses are required.***

Fleming noted that under definitions it would be going from D “Day care” to C “Child Care” and will affect several definitions.

Smalley said yes.

Knisley asked if there is a legal reason for this amendment.

Smalley said the current ordinance prohibits Child Care in a church.

A motion by Litts, supported by Weaver to recommend to the board to accept the amendment in **2.05 Definitions to Commercial child care facility.** But not amend 15.03 F Churches to include #5. And to amend ***15.03 J Day Care Center to Child Care Facility and add #8 A facility is permitted in an existing church without planning commission approval, but all local, state, and federal licenses are required.*** Roll Call: Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC.

**Pole Dwelling** Amend 3.20 Minimum Dwelling Regulations. If someone wanted to build a home, they could build it pole type. Manufactured homes would be able to have piers and a slab instead of perimeter foundation.

A motion by Fleming, supported by Craig to recommend to the Board amend Section 3.20 D to read **“Construction standards shall be in conformance with the laws and regulations of the State of Michigan as from time to time amended.”** Roll Call: Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC.

**3.07 Accessory buildings and uses says** *A. In any zoning district, accessory uses, incidental only to a permitted use, ~~are permitted~~ when located on the same property as the principal use, subject to the conditions of the Ordinance. “Are permitted” implies you need a house to have a storage building.*

Remove 3.07 B completely.

Change 3.08 Principal use on a lot to **Residential Storage Buildings** and re-number 3.09 to end of General Provisions.

**Section 3.08 Residential Storage Buildings**

- A. Residential storage buildings are allowed on properties without a principal dwelling in any zoning district.**
- B. Total area for all buildings shall not exceed 1200 square feet for properties of 0-1 acre and 1.1 acres and up 1200 sq ft. + 225 sq ft per ¼ acre**
- C. Buildings not to exceed allowed lot coverage per district.**
- D. Building shall meet the front required setback of the district. Side and rear setback subject per 3.07G chart.**
- E. No building shall include sleeping quarters. Finished space ad a bathroom is permitted.**
- F. Building side walls not to exceed 16 feet**
- G. Not to be used for dwelling or commercial purposes.**

Knisley said he is concerned about the fact that it is just a building. Building standards are not there. Is it an attractive building? Probably not. If I am building a home, I have higher standards. Just putting a building up, I can put up the cheapest and call it good. If it is an eyesore, I’m not living there. Is it going to fit in?

Smalley said the current zoning does not provide for that either.

Knisley said the push back is putting up a “building”. You have to meet certain standards. You need certain materials because of fire. You need an adequate roof that would come up in residential building. You don’t have to look at it, but neighbors do.

Smalley said you have to have Tyvek. She added some ordinances have esthetic requirements.

Fleming said this is not about pole buildings, just buildings without a residence.

Knisley said after a certain size it requires a foundation. Is it going to be storage, a hobby, collectables, etc.

Litts said he is ok with it as is.

Knisley said if you lived in it, you would have to put a dwelling inside it. It would be one building, but you have a 1,000 sq ft. dwelling in it. Now it is not a building on a vacant lot.

Knisley said you could put in a kitchenette, bathroom, and it's a toy barn. They are not supposed to live in them, but they do stay there.

Smalley said you can't sleep in them, but if you want a toy barn with finished space.

Litts asked about addressing Dave and Don's concerns.

Fleming said if there is something we can do as a filer to help Glenn Shores, he is ok with that. When the deed restrictions were written there must have been some understanding it would need to be enforced. He asked if there is some way it could be handled when they come for a building permit.

After discussion Smalley said she could put something on a Zoning Information Sheet or Building Information Sheet. It could say this provision does not supersede your deed restrictions.

That language could be added to many other sections of the ordinance. Therefore, a zoning information sheet or building information sheet would work better.

Fleming made a motion, supported by Litts, to recommend to the board to approve the amendment.

Knisley said he has no problem in non-residential district. When you get into residential zones, Knisley has a problem with it.

Smalley said if a 50 x 100 lot meets setbacks and does not exceed lot coverage, it would not be a giant building.

Knisley asked if that precludes someone from later putting up a house.

Smalley said it may not fit. But does not stop you from turning a pole building into a house.

Roll Call vote on 3.07 ad 3.08 amendment. Knisley-yes; Fleming-yes; Litts-yes; Craig-yes; Weaver-yes. All in favor. MSC.

**6. New Business:**

- a. **#5 1-3 above:** (already done out of order)
  - b. **Any other business that may come before the commission:** None
7. **Old Business:**
- a. **Continue text amendments (if time allows)**
  - b. **Status: Leeward Pool, items requested not ready for this meeting; will be on January Agenda:**
  - c. **Any other business that may come before the commission:** none
8. **Administrative Reports:**
- a. **Zoning Administrator:** (Report Attachment 5) Smalley said the Township Attorney has drafted a moratorium for any new application for campgrounds that are not limited to tents and campers or RVs. The PC will work on the ordinance for different types of resorts, campgrounds, yurts, or cabins.  
  
Smalley has had more interest in campgrounds, but specifically for tent camping.  
  
Smalley said the Preliminary site condo project is cancelled.
  - b. **Township Board Representative:** Fleming said there has been no meeting. He also said he is not in favor of the campground moratorium. We have mindset that we have to regulate everything. If somebody invents something we don't have a regulation for. Guilty until proven innocent.  
  
Smalley said there is a lawsuit over the campground which is the reason for the moratorium.
  - c. **Report from ZBA representative:** Nothing to report
  - d. **Water/Sewer representative:** Adamson was absent
9. **General Public Comment:** None
10. **Adjourn:** Meeting was adjourned at 9:20 PM

- Attachment 1: Roessing application, site plan and documents
- Attachment 2: Ortiz B&B application, plan, and documents
- Attachment 3: Email Dave Campbell, RE: amendment change building min regs.
- Attachment 4: Proposed text amendments
- Attachment 5: Zoning Administrator report

Minutes prepared by Janet Chambers, Recording Secretary