

GANGES TOWNSHIP PLANNING COMMISSION
Monthly Meeting Minutes FINAL for January 24, 2006
Ganges Fire Department
6957 114th Avenue
Fennville, MI, Allegan County

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

Roll Call: Chairman Ed **Reimink** – present
Secretary Jim **Birkes** – present
Commissioner Jackie **DeZwaan** – present
Commissioner Dortha **Earl** – present
Commissioner Barry **Gooding** – present
Commissioner Dawn **Soltysiak** – present
Board Trustee Terry **Looman** – present

PUBLIC HEARINGS

Chairman Reimink opened the public hearing for the proposed zoning ordinance amendments at 7:00 PM. **Birkes** read a synopsis of the amendments to the public:

- A minimum of 15 ft. setback for side yards, 30 ft. setback for back yards, and 40 ft. setback for front yards
- A one-time alteration only for a non-conforming structure, size of alteration not to exceed 50% of the size of the existing structure
- Enlarge the minimum size of a dwelling to 960 sq. ft.; the minimum width increased to 24 feet

Sally Howard, 6632 118th Ave., asked why single-wide mobile homes (single-wides) were to be eliminated. **Birkes** responded that the survey indicated the constituents wanted single-wides kept in mobile home parks: 349 wanted no more mobile homes and 181 stated they should be in mobile home parks only.

Vernon Beilfuss, 1705 Lake Michigan Dr., expressed concern that the width requirement of a minimum of 24 ft. would restrict architectural capability—why not specify that mobile homes be restricted? **Birkes** replied that the intent is not to solely restrict single-wides, but to restrict the way a structure is built. Beilfuss responded that this was quite limiting and that his house would become non-conforming.

Don Karas, 2025 Brookhill Dr., questioned **Birkes'** use of the word *accomplish* and its intent when he gave the synopsis of the amendments (**Birkes** stated earlier that the amendments would *accomplish* the goals of the P.C.). Karas asked the Planning Commission (P.C.) how the proposed numbers for the setbacks were derived. **DeZwaan**, the dwelling committee chairperson, responded that the committee addressed the setback distances per the recommendation of the township attorney because the minimum lot size had increased. She explained that the committee looked at the setback distances other townships have and attempted to arrive at distances that would be reasonable for Ganges Township. The 24 ft. minimum width requirement was made with the intent that housing still remain affordable, yet address the results of the survey, which indicated the constituency's desire to limit single-wides. Karas suggested that the P.C. consider different setback requirements for different zones, particularly to address the higher-density area along the lakeshore. He further expressed concern about the number of residences becoming non-conforming with the above setback amendments.

Michael O'Connor, 6635 118th Ave., asked for clarification of Article III, Section 3.2F.3c regarding its language. **Birkes** replied that there is an error in the legal description, stating that the second *minimum* should be omitted. He further clarified that the minimum 30 ft. setback of an accessory building is from the actual front setback of the main building (whatever that may be), and not the proposed ~~30~~ 40 ft. minimum front yard setback plus 30 more feet. Additionally, O'Connor strongly objected to the single-wide limitations. He stated it is affordable housing, and with minimum lot sizes there is room for setbacks and landscaping to make the property more attractive. O'Connor also stated that with the way the ordinance is written, a current single-wide would not be allowed to be replaced with another single-wide, therefore making owners less likely to upgrade or update. He gave the example of someone wanting to upgrade his/her older single-wide that has a slightly curved or flat roof for a new model with a peaked roof, improving the cosmetics and insulation. An alternative is the retro-fitted peaked roof, which is aesthetically unpleasant. O'Connor requested that the P.C. reconsider.

P.G. Walter, 1471 71st St., agreed with O'Connor regarding the poor aesthetics of a single-wide with a polebarn-style roof built over it. He also asked if the enlargement no greater than 50% of a non-conforming building is measured in footprints or cubic volume (answer: footprints) and stated that an increase to 15 feet for the side yard minimum is substantial. Walter asked what the intent is in restricting the type of construction. **Birkes** responded that there are no restrictions on type of construction. Walter went on to give a situation with an accessory building being added to a 100 ft. deep lot, posing a problem with the rear yard setback. **Birkes** responded that a variance could be obtained from the Zoning Board of Appeals

(ZBA), and also that it is difficult to address hypothetical situations. **Reimink** emphasized the necessity to increase side yard setbacks for safety purposes, allowing access for emergency equipment.

Troy Birkholtz, 2222 68th St., asked what someone would do if his/her lot were not big enough. **Birkes** replied that he/she could approach the ZBA for a variance, and that the intent of the amendments is not to preclude someone from improving his/her lot.

Don Karaus, 2025 Brookhill Dr., continued to question the Article III amendments (setbacks and dwelling size), stating that they would only increase the number of variance requests before the ZBA (due to the smaller lots along Hutchins Lake and the lakeshore), which the non-conforming structure amendment is meant to decrease. Karaus also asked if these amendments would conflict with the open space ordinance. **DeZwaan** reiterated that the committee did review and consider the setback distances from other townships, and they realized there would be many non-conforming situations. Karaus suggested again having tiered setbacks in order to avoid ZBA hearings. **Birkes** acknowledged that the committee knew the lakeshore area would be the most restricted and, therefore, became the model used to determine the setback distances. **Reimink** also reminded all that consideration for emergency equipment access was important.

P.G. Walter, 1471 71st St., contended that the ordinance definition of *front yard* conflicted with the definition for *setback*, making him question the use of the term *front yard setback* by the P.C. **Birkes** acknowledged the confusion caused by this. Walter suggested changing the word *blacktop* (*most traveled street* in the ordinance) in the definition for *front yard* to *lot line* in order to be consistent with the other “yard” definitions. **Birkes** acknowledged the rationale for this.

Don Karaus, 2025 Brookhill Dr., suggested continuing the public hearing at next month’s regular P.C. meeting.

Carole Carlisle, 1289 68th St., questioned the minimum size requirement for a dwelling, stating it is not beneficial and not practical or efficient in view of high energy costs. She stated it is not democratic, and that in retiring, she would like to be able to downsize. In response to Carlisle’s question, **DeZwaan** quoted again that the survey indicated that the constituency wanted this, and that the current size is outdated (established in 1964). The committee researched other communities in the area and tried to keep the size affordable. This size would allow for a double-wide mobile home.

Don Karaus, 2025 Brookhill Dr., followed up on Carlisle’s point of “empty nesters” (along with seasonal residents and single persons) not desiring a larger house.

Chairman **Reimink** closed the public hearing at 7:49 PM.

PUBLIC COMMENT

Susan Pierson, 6944 Lakeshore Ct., has a map showing well contamination at the M-89 and Blue Star area. She indicated that there are seventeen (17) contaminated wells, with the contamination possibly coming from Ganges Township. Pierson further stated that property values have gone down as a result, and there are no monies at any government level for assistance. She thanked the P.C. for considering this issue and requested that they continue to do so.

Don Karaus, 2025 Brookhill Dr., stated that the comments regarding the concern of groundwater safety were taken out of context from how it was presented on the survey. He questioned if anyone has met with the Health Department to learn where protected aquifers are, contending he knows. **Birkes** responded that the P.C. has had discussions with the Health Department and Department of Environmental Quality (DEQ), and there remains the question of how protective a clay barrier is for an aquifer.

CORRESPONDENCE

A description of what a Master Plan is and how it works for a community was sent (date unknown) from Catherine Kaufman, planner with McKenna Associates, to **Reimink** as information to be used for the upcoming Open House.

Letter dated August 8, 2004, from Neil VanLeeuwen to the P.C. was reissued by VanLeeuwen regarding his concerns about zoning along the Blue Star corridor and other general zoning issues.

LIAISON REPORTS

Ganges Township Board

Trustee **Looman**, liaison, invited the Ganges Township board to the Open House at the last board meeting. He suggested meeting with them first to apprise them of the Open House content. **Reimink** recommended sending a packet of information to each board member.

Zoning Board of Appeals (ZBA)

Gooding, liaison, reported that there were no meetings this past month. The next meeting is scheduled for February 13, 2006, at 7:00 PM.

BUSINESS SESSION

Earl moved to approve the January 24, 2006, agenda as presented; **Gooding** supported; motion carried.

Zoning Ordinance Amendments

Much discussion ensued after receiving earlier input from the public. Comments on Article III, Sections 3.2B through 3.2D amendments are as follows:

--**Looman**: Front yard language needs to be clarified.

--**Birkes**: Need to correct errors on the attorney's latest version of the proposed amendments.

- page 2, insert *setback* in Article III, Section 3.2C, "There shall be a side yard *setback* of not less than. . . ."
- page 2, insert *setback* in Article III, Section 3.2D, "There shall be a minimum rear yard *setback* of. . . ."
- page 3, Article III, Section 3.2F.3c, replace the word *minimum* with *actual*, ". . . than the ~~minimum~~ *actual* front setback for the main building."

Birkes agreed with **Looman** that the *front yard* definition (Article I, Section 1.4F) should be changed to be consistent with other *yard* definitions. He will also contact the attorney regarding adding a definition for *dwelling* to Article I, Section 1.4 at a later date.

--**Gooding**: Fire department personnel he had consulted requested a minimum of 15 feet for a side yard setback, allowing access for emergency equipment. **Reimink** stated this intent is good.

--**DeZwaan**: Explained that a 30 ft. minimum requirement for a rear yard setback would allow a utility vehicle access if the yard is fenced in.

No distances were changed or concerns expressed regarding the Article III, Section 3.2E amendment.

Comments on Article III, Section 3.2F.1 (dwelling size) amendment were as follows:

--**DeZwaan**: Determining dwelling size as a percentage of lot size had been considered by the committee but not found to be a remedy. She emphasized the committee's efforts to be as fair as possible to all in the community by respecting the survey results while still trying to keep the cost of housing reasonable.

--**Soltysiak**: The amended size is reasonable, pointing out that the economic downside of a single-wide is increased homeowner's insurance and higher finance rates. She also deferred to the survey results.

--**Birkes**: He pointed out that the smallest double-wide mobile home would meet the 960 sq. ft. requirement and be less expensive than a stick-built house.

--**Earl**: She opposed the increase in dwelling size, feeling smaller homes should be allowed in this community. She also supported single-wides, stating it is how people maintain them that is important, and further pointed out the decreased existence of single-wides today. When asked by **Gooding**, **Earl** specified her dislike of the 24 ft. minimum width requirement, saying it was too restrictive, and a small house on a narrow lot should be allowed.

--**Looman**: Along with **Gooding**, he posed the feasibility of a 20 ft. minimum width requirement.

P. G. Walter related that Valley Township requires a minimum width of 16 feet, which precludes the older, small single-wides, and Lee Township has a sliding scale based on the age of a single-wide.

In conclusion, it was noted that a lot of work and consideration had been put into the above amendments, with **Birkes** pointing out that the P.C. members represented different parts of the community, and disagreement should be acceptable. **Birkes** moved to accept the minimum 960 sq. ft. and 24 ft. width requirements presented in the Article III, Section 3.2F.1 amendment. **Soltysiak** supported, **Earl** opposed, and motion carried.

DeZwaan moved to approve Article I, Section 1.4; Article III, Section 3.2; Article III, Section 3.2B; Article III, Section 3.2C; Article III, Section 3.2D; Article III, Section 3.2E; Article III, Section 3.2F.1; Article III, Section 3.2F.3c; and Article VII, Section 7.3A, with the proposed changes. **Looman** supported and motion carried by roll call vote: **Looman**—yes; **Gooding**—yes; **Soltysiak**—yes; **Birkes**—yes; **Reimink**—yes; **Earl**—no; **DeZwaan**—yes (6/1).

Approval of Prior Minutes

Gooding moved to approve the December 27, 2005, regular meeting minutes with one modification as noted on page 3; **Looman** supported; motion carried. **Earl** noted that times for the opening and closing of public hearings should be recorded.

DeZwaan moved to approve the January 11, 2006 special meeting minutes with one correction as noted on page 1; **Looman** supported; motion carried.

Birkes recused himself from the approval of both meeting minutes due to being absent.

OLD BUSINESS

Future Land Use Plan Open House

The P.C. will be issuing packets to the Ganges Township Board members consisting of the recent Master Plan description received from McKenna Associates, the P.C.'s list of goals and objectives, maps, and the list of definitions of the different zones.

The Open House will be at the Glenn Recreational Hall, 5:00 PM to 8:00 PM. P.C. members will arrive at 4:00 to set up. **Birkes** is making name tags for P.C. and board members, **DeZwaan** will provide the box for the comment cards, and **Earl** will supply the coffee. Refreshments will be provided.

Gooding has been distributing flyers announcing the Open House, and announcements in the local newspapers will be appearing this week. The Glenn Recreational Hall will also post notice of this event.

Birkes reviewed the Ganges Township vision statement written by Kaufman, planner, and recommended a change of language that reflects that growth is desired in other areas besides Glenn and Ganges. **Soltysiak** noted the exclusion of the sentence regarding public utilities extension, with **Birkes** explaining that it was more of an implementation rather than a vision. **Reimink** suggested removing *high* from **Birkes'** added phrase of "in an atmosphere of continued high growth." All concurred. **Birkes** received approval from the other P.C. members to request that Kaufman revise the vision statement as per the above recommendations.

Birkes reported that he and **Reimink** met with the Glenn Area Business Association (GABA) to discuss how the Master Plan may affect them. GABA asked how much land is currently vacant that is in the proposed commercial areas. **Birkes** noted that there is much confusion between the zoning map and the future land use map.

Soltysiak presented an analysis report of the land use survey, comparing survey response to population density (as reported with the 2000 census data from the GIS office). Ganges Township was divided into four (4) areas: the Hutchins Lake area; the southeast section; the lakeshore area; and the northeast section/Blue Star Highway. The response rates from three of the four areas ranged from 26% to 31%; the lakeshore area is too densely populated to calculate. The overall survey response rate was 28%. It appears that the response rate was consistent throughout the township. **Soltysiak** also provided information on the cost of community services studies and spot zoning.

Karaus contended that the figures **Soltysiak** used to calculate the above percentages are different than figures he has. **Birkes** assured that they are the same, supporting **Soltysiak's** calculations.

DeZwaan offered information approximately three years old on how tax revenue in Ganges Township was generated:

- residential uses—\$2.3 million
- agricultural uses—\$280,000
- commercial uses—\$74,000
- industrial uses—\$14,000

DeZwaan also has a report that was given to the prior P.C. of a meeting that the DEQ held (with Senator Birkholtz's representative in attendance) regarding the funding required for monitoring wells and water quality.

Bob Simonds recommended that a good amplification system be provided for the Open House. **DeZwaan** will try to procure a microphone.

Private Road Application Form

A form created by Paul Shamblin, zoning administrator and code enforcer, was presented to the P.C. by Chairman **Reimink** for review. **Birkes** commended Shamblin for attaching a copy of the private road amendment to each application, and suggested adding the property owner's name, how many parcels, and a description or identification of each parcel. **Soltysiak** also recommended adding road/parcel location(s).

Birkes moved to accept the proposed private road construction application form as presented by Shamblin with the following changes:

- add the owner's name of the parcel
- add space for identification of parcels that would be serviced by the road
- add space for identification of the road location

and that the P.C. recommend to the Ganges Township Board that a \$50 application fee be assessed. **Earl** supported and motion carried.

Ciesla Mineral Mining Standards (Article VIII, Section 7E.07)

Soltysiak recused herself at this time due to her residence location. Shamblin, code enforcer, was absent; Dan Ciesla, mine owner, was present. Ciesla presented a list of the number of cubic yards of sand removed for every three (3) months from January through December of 2005. He maintained that all four (4) quarterly reports had been sent in on time, including submitting another copy of the second quarterly report that had originally been sent to then-chairman Bruursema and

subsequently lost. At this time, the only report having been received by Shamblin (per Shamblin) or the P.C. is the second quarterly report, which is not completely filled out.

Reimink asked Ciesla if he is finished mining the first hill, to which Ciesla replied yes. He explained that he planted deciduous and conifer seedlings and grass, all of which had difficulty growing due to the drought this past summer.

DeZwaan noted also that tickets recording how many sand-laden vehicles were leaving the premises had not been submitted, which was brought to Ciesla's attention in a certified letter that Shamblin stated (last meeting) he had sent him. Ciesla denied any knowledge of a certified letter, and stated he thought it had been a "suggestion" to leave tickets in a box at the end of his driveway, not the law.

Looman stated that the P.C. required a system in order to know what is being removed from the land, to which Ciesla replied that a system needed to be established that is "streamlined" and that he would be comfortable with to keep track of his business. He further stated that he was not aware of all the rules after **Earl** cited Article VIII, Section 7E.10A, and **Earl** countered that the P.C. has been over this with him many times in the past two to three years. She stated that his permit would be pulled if he does not comply with all the ordinance rules. **Reimink** added that Ciesla has been given copies of the ordinance in the past. The P.C. will check with Shamblin regarding the status of the other three (3) quarterly reports. The P.C. advised Ciesla to meet with Shamblin, citing his Tuesday township hall hours. Ciesla requested that he be supplied with the quarterly report forms. In an attempt to assist Ciesla attain full compliance with the ordinance, **Looman** suggested that the P.C. send him the next report form. **DeZwaan** countered that this would set a bad precedent and that it is Ciesla's responsibility. **Looman** agreed with **DeZwaan**, but felt it necessary in this case. He then addressed Ciesla, stating if he does not then comply with the ordinance, his operation will be shut down.

Birkes assured Ciesla that the P.C. was obligated to enforce the ordinance, and that a decision needed to be made in the near future. **Gooding** moved that the Ciesla mining issue be tabled until next month and that both Ciesla and Shamblin be summoned to the next meeting to resolve this issue. **Looman** supported and motion carried. **Birkes** will send a letter to Ciesla regarding the next meeting date.

Earl noted for the record that Matt Daly has submitted all of his special land use reports.

Looman recommended that there be a place on the quarterly report for the submitter to record a date, and **DeZwaan** added that a signature block should also be on the form to indicate when and who officially received the report.

LAND DIVISION REVIEW

Shamblin was not present and no applications were received by the chairman.

NEW BUSINESS

Year End Report

An annual report and outline of each P.C. meeting for 2005 were composed and presented by Chairman **Reimink**, to be submitted to the township board. **Reimink** asked the P.C. if they agreed with his suggestion on the report that the township board, zoning administrator, township attorney, planner, and P.C. meet to discuss a plan of action. All concurred. **Looman** stated both reports were thorough and **Reimink** was commended by the P.C.

Election of Officers

Looman nominated **Reimink** for chairman and **Gooding** supported. **Reimink** declined.

Looman nominated **Gooding** for chairman and **Reimink** supported. **Earl** moved that **Gooding** be elected chairman of the P.C.; **Looman** supported; motion carried.

Earl moved that **Birkes** be elected secretary of the P.C.; **Looman** supported; motion carried.

DeZwaan moved that **Reimink** be elected vice-chairman of the P.C.; **Looman** supported; motion carried.

Future Meetings Schedule

Reimink suggested consulting with the Ganges Township Board regarding the direction the P.C. is going with the updated land use plan as it relates to the planner and township attorney.

Looman reminded the P.C. that any communication with the township attorneys needs to be authorized by the township supervisor. This includes any communication that the P.C. may request others to initiate; e.g., the planner discussing Master Plan issues with the attorney. **Earl** further clarified that the request for authorization should first go through the P.C. chairman or the secretary, then to the township supervisor.

Reimink proposed having a special meeting in February as a followup to the Open House. He also offered that completing the Master Plan will be the primary objective in the coming year. **Birkes** suggested discussing other priorities for the upcoming year at the next regular meeting (February 28, 2006).

PUBLIC COMMENTS

Vernon Beilfuss, 1705 Lake Michigan Dr., requested that the goals and objectives for the Master Plan be posted on the Web site in order for the public to prepare for the Open House; **Birkes** will address this.

ADJOURNMENT

Earl moved to adjourn; **Looman** supported; motion carried unanimously. Meeting adjourned at 9:45 PM.

Respectfully submitted,

Elaine I. Troehler
Ganges Township Recording Secretary