

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE DECEMBER 18, 2014 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, December 18, 2014 at 7:00 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

I. CALL TO ORDER

Meeting was called to order by Commissioner Korth 7:00 p.m.

II. ROLL CALL

Present: Butterfield, Easter, Jacobs, Korth, Lowry, Leisman, Lunn

Absent: None

Staff Present: Planning Director Ferro.

III. APPROVAL OF AGENDA

Motion by Jacobs, supported by Lowry, to approve the Agenda.

Motion passed unanimously.

IV. APPROVAL OF MINUTES OF NOVEMBER 20, 2014 MEETING

Motion by Lunn, supported by Jacobs, to approve the minutes as presented.

Motion passed unanimously.

V. PUBLIC HEARINGS

None.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

Draft Zoning Ordinance Text Amendment Regarding Non-residential Personal Storage Buildings on otherwise Vacant Lots

Ferro stated he was approached by an owner of vacant property, 50 acres or so, on Honey Creek Avenue, who uses the property for hunting and has game food plots on the property that he is maintaining, and he would like to build a pole barn structure on the property. Ferro stated that our zoning rules don't permit a building on a vacant lot unless there is a residence on the lot, or unless it is a building used in agriculture. This property owner is not engaged in agriculture, and there is no house on the property.

Ferro stated our zoning rules are similar to most communities' zoning rules in prohibiting a building on a parcel of land unless it's accessory to a residence. He stated he is not familiar with many communities that allow otherwise, although he has found rules that permit such buildings that were recently adopted in Nelson Township. Those rules allow in two rural zoning districts a storage building for personal use, which is subject to some standards, including minimum setbacks, prohibition on commercial use, and a maximum size that varies depending on parcel size. He stated there is language that says if a home is built on the property in the future, then the storage building, by definition, becomes an accessory building and is subject to the accessory building rules. Also, the building must be positioned so that it doesn't interfere with the construction of a future residence on the property with well and septic.

Ferro stated he used that ordinance as a template in preparing a draft of similar rules for Ada Township. He stated the draft permits a building for personal storage up to 4,000 square feet, which is the limit we currently have on accessory buildings on lots that are over three acres in size. Therefore, any building that would be built under this provision would be no larger than what the accessory building rules permit. Ferro noted he also proposed a minimum lot size requirement of 10 acres to be eligible for such a building. He stated the draft also includes a prohibition on commercial use or business use; prohibition on it being used as a dwelling unit or sleeping quarters, and contains a building height limit which is the same as the limit for an accessory building.

Easter asked why we have an ordinance prohibiting an accessory building on a vacant lot; what's the reason behind that.

Ferro stated an accessory building is by definition accessory to a principal use, such as a residential use. Ferro stated he can't tell you what the overall legislative purpose of not allowing a building on a lot that doesn't have a residence is other than to state it's basically how most zoning ordinances are structured. There are principal uses and then accessory buildings that are accessory to whatever the principal allowed use is.

Easter asked whether Ferro was bringing the proposal forward because we've had somebody that wants to do it.

Ferro stated yes, but he has prepared the proposed rules with the realization that they would apply generally across those entire zoning districts.

Easter asked why ten acres was proposed as a minimum lot size.

Ferro stated on smaller lots you're more likely to be in closer proximity to neighbors who might be bothered by having a pole barn building next to them on a lot that doesn't have anybody living there.

Lowry stated he thinks the provision in the current rules is a good restriction, and that if you don't control it some how you're going to have buildings all over the place, and if a neighbor doesn't like it what's he going to do. If they have the okay on it, I think it's a good thing to have.

Butterfield stated she has a potential concern for enforcing the prohibition on commercial or business use of the building, and asked how that could be controlled. She stated that without a residence there, you've got security issues.

Ferro stated it would be no more difficult to enforce than a prohibition on commercial use of any building.

Butterfield stated if there's a residence on site there's better security; you're not going to conduct a business that's out of character with the area or out of character with your neighbors because you live there. She stated that an absentee owner is more likely to think I don't live here, I'm not going to look at it, I don't have to take care of it the same way I would if I'm looking at it every day. It could become an eyesore issue in the future.

Easter suggested the possibility of adding standards that the building appearance would have to be consistent with the character and nature of the other properties in the area.

Leisman stated the issue is the use; in the rural areas of the Township the permitted uses are limited to residential or agricultural. He stated you can put an agricultural building on an agricultural piece of property, but this proposal would allow the owner to do whatever he/she wants without any limitation on them actually living there. He stated he is opposed to this.

Easter questioned what right we have to tell a property owner you can't do that, you can't put that building on there, or say that if you can build it, we can tell you what you can put in it.

Leisman stated that is what zoning is - ensuring compatible uses.

Ferro stated the question to him is why we would consider a building on a large parcel to be incompatible with the surroundings, simply because there is no residence on the property. He stated nothing prohibits a property owner from bringing his quads and kids out with their quads, regardless of whether there is a building on the property or not. He stated he doesn't know that either having or not having a building on the property has that significant an impact on how the property is going to be used.

Korth stated the only thing he would want is some significant setbacks for the building.

Ferro stated we don't have control over what an accessory building looks like, unless the building exceeds our normal size limits and a special use permit is required for the building. He noted he did proposed minimum setbacks of 50 feet on all sides.

Korth stated he is not sure 50 feet is enough.

Leisman stated there is no accountability if the building is not associated with a residential use of the property.

Jacobs asked what if it is a vacant piece of property that does not have a home on it, and they are leasing the property, what are they leasing.

Ferro stated where the language refers to the lessee, it refers to someone who might be leasing the entire property, not just a building on the property.

Easter commented since when do we modify an entire zoning ordinance for one guy who wants to do something, and why can't he get a variance.

Ferro stated there's no justification for a variance. A variance is an exceptional circumstance, and there is nothing exceptional about this circumstance.

Lowry asked why an ordinance would have to be set up when it could be treated on an individual basis. You're not going to get that many people looking for something like that.

Ferro stated he doesn't see a way to handle it on an individual basis unless it was a special use permit. We probably have lots of parcels with buildings on them that don't have homes that were at one time agricultural buildings that have not been used for agriculture for years, and that are used now for some other purpose.

Butterfield referred asked what if they wanted to put animals in there in the future.

Ferro stated if they met the requirements for an agricultural building they could.

Easter stated if we change this ordinance people will come out of the woodwork.

Ferro stated he has not received many inquiries similar to this, which leads him to believe this change would not necessarily result in a lot of similar buildings.

Lunn asked if the building would have power.

Ferro stated he does not know. He stated he doesn't think the property has any electrical service on it now.

Korth stated maybe we should hold a public hearing.

Leisman questioned why we should have a public hearing unless there's support for it.

Korth asked if there were members of the Commission who wished to move the proposal forward to a public hearing.

Seeing none, Korth stated the consensus is that the proposal from Ferro should not be scheduled for a public hearing.

PROPOSED MEETING CALENDAR FOR FISCAL YEAR 2015-2016

Ferro presented a proposed calendar for meeting dates in the coming fiscal year. He noted they were all on the third Thursday and he doesn't see any conflicts with holidays.

Motion by Easter, supported by Leisman, to approve the FY 2015-2016 meeting calendar as presented.

Motion passed unanimously.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

Ferro stated regarding the village project we are still dealing with details with Amway on a formal agreement that sets out financial commitments. He stated we have heard that they no longer see the role of the non-profit organization being as broad as the initial concept that was presented to us.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Jacobs, supported by Easter, to adjourn the meeting at 7:31 p.m.

Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk

SB/dr