

CHARTER TOWNSHIP OF MONITOR
REGULAR PLANNING COMMISSION MEETING
July 5, 2017

The meeting was called to order by Chairman J. Bellor at 7:07 p.m.

The Pledge of Allegiance was recited by all those present.

Members present: J. Bellor, D. Darland, J. Frank, C. Hoyle, T. Miller, W. Reder
Members absent: R. Campbell
Also present: R. Sheppard, Planning Attorney; P. Lippens, Planner
Others present: Kenneth M. Malkin, Township Supervisor
Public present: See Sign-In Sheet

Motion by B. Reder seconded by T. Miller to adopt the agenda as presented.

Motion carried.

Motion by B. Reder seconded by J. Frank to approve the minutes of the June 6, 2017 regular meeting as presented.

Motion carried.

Public Input

Chairman J. Bellor opened public comment at 7:08 p.m.

Amanda L. Okowit, of 4238 Mackinaw Road, offered comment stating that she intends to farm the property she owns which totals 18.49 acres. She has submitted an Agricultural building permit with the Township building department in order to begin construction of a 40' X 60 ' pole barn, and within six (6) months she desires to add a small cattle barn to house three (3) cows and two (2) pigs to their property.

R. Sheppard commented, stating that the Right to Farm Act in Agricultural Zoning will allow certain uses, but the issue that has come before the Zoning Enforcement Official, F. David Rochow, is not only the increased size of the pole barn, but also where the accessory building can be located and the intended height of the structure. Currently the property is being used in a Residential capacity on 18.49 acres. Under the Right to Farm Act they would be required to farm for compensation or profit which has not occurred yet. Under the generally accepted agricultural management practices, promulgated by the Department of Agriculture, they would have to get a **Livestock Production Facility Siting Certification** from the Department before the property can qualify as a farm. Once obtained, the Township is under obligation to accept the Department of Agriculture Certification. If the Department of Agriculture denies the application, although zoning will remain AG, they will not receive the Right to Farm protection and the accessory building will need to conform to residential Township requirements.

K. Malkin commented, clarifying that they would need to have a variance or a certification from the Department of Agriculture otherwise they cannot build as detailed in the building permit application.

A. Okowit stated that she spoke with the Department of Agriculture, Right to Farm Division, and was told that there was no certification needed unless she was producing a product to sell for-profit, but she would still be able to have a farm under the Right to Farm Act.

R. Sheppard responded, stating that for protection under the Right to Farm Act, farm production for compensation is one of the requirements. The property is AG, but the current use is Residential. Ms. Okowit countered back stating: "Okay, so I have to sell one of my cows every year, I am good with that." R. Sheppard stated that MDARD would have to come out and complete an onsite inspection which certifies that they have an appropriate site for the keeping livestock.

J. Frank asked A. Okowit where the location of the property is. The property is in a flood zone. The residence on the property was previously washed away with flooding in 1986. The home was rebuilt in 1989. She also experienced recent flooding in the front and back of her property. There was some degree of discussion among the Commissioners, and it was determined that it was the intent of A. Okowit to seek protection under the Right to Farm Act in order to construct the accessory building at the preferred location on the property, with the desired height and size attributes.

With no one else present who wished to speak, public comment was closed at 7:18 p.m.

Items for Consideration

Zoning Ordinance Review

- **Vehicle & Misc. Sales – Residential/Private Resident**

R. Sheppard commented on Automobile (other driven or towed items) Sales from a non-commercial site. There was previous discussion in the past with regard to this; however it seems that nothing was adopted to regulate this type of activity in a residential area. There have been formal complaints in the Township recently and the Zoning Enforcement Officer feels that this should be addressed. There was much discussion regarding a prior revision to a section of the Ordinance that should have covered the sale of automobiles and other items. It was agreed to add a section which would cover private sales to no more than three (3) car sales allowed in an annual period, no more than one (1) car for sale at any given time, and that no vehicle shall be displayed for sale for a maximum duration of ninety (90) days.

- **Building Height – Accessory Buildings Chapter 3, Section 3.26**

The Commissioners discussed the current detached accessory building chart which shows the step progression on the allowable sizes and setbacks. Matthew Priem, of 918 Chip Road, was in attendance. R. Sheppard stated that Mr. Priem's detached accessory building was initially built as his home. He now has built a second structure on the lot, which Gary Brandt, the former Supervisor, permission to construct on the condition that Mr. Priem would bring the first home built into compliance with the Ordinance. Mr. Priem had previously agreed to those terms. Mr. Priem was previously turned down by the Zoning Board of Appeals as no hardship exists. R. Sheppard pointed out that detached buildings are also not allowed to have a second story.

There was much discussion with regard to a possible amendment of the accessory building chart, or at the discretion of the Planning Commission, a Special Use waiver may be granted to structures that exceed the maximum permitted parameters. T. Miller stated that he does not approve of a change, as it seems arbitrary. P. Lippens commented that the Planning Commission would have to abide by the four standards of Special Land Use criteria in Chapter 9. P. Lippens recited the conditions for Special Land Use to the Commissioners. It seems that only two (2) of the conditions would apply to Mr. Priem's case. D. Darland stated that the closest building to Mr. Priem is ¼ mile away. The main standard that would apply to this case is the character and use of the building and those in the vicinity. A modification to the Ordinance was discussed and would read: Planning Commission, in its discretion, may grant a Special Land Use to structures that vary from the above standards if circumstances warrant, and would be subject to complying with the criteria already set-forth in the Ordinance. The majority consensus of the Commission would be to allow this revision to the Ordinance.

○ **Sign Ordinance – K. Malkin**

K. Malkin spoke inquiring if the Sign Ordinance is overly restrictive. J. Bellor agreed, stating that digital signs as well as the size of signs should be brought up to current times and allowable standards. D. Darland commented stating that a record of favorable action from the Zoning Board of Appeals regarding signage shows the support in a potential Ordinance change. There are three (3) main areas of the Township where we have experienced an increase in size variances: Wilder Road, Euclid Avenue and along US-10, the Industrial zone.

P. Lippens offered comment, stating that he feels that our current Ordinance is comparable to other surrounding Townships and are in a reasonable regulatory range. From a commercial business perspective, they will always desire a larger sign. That being said, if the tolerance for signage in the Township is such that we agree to increase the allowable square footage, we can do that. Agreeably, our standard should be more in line with what the Zoning Board of Appeals has recently granted.

T. Miller believes that signs diminish the rural community focus that we have for the Township. K. Malkin feels that our Sign Ordinance should be consistent to the adjoining communities in order to assist the Zoning Board of Appeals in making improved determinations.

P. Lippens reminded everyone a waiver was added to the Sign Ordinance allowing flexibility to the Ordinance but also to eliminate specific requirements for various uses in order to make it content neutral. One of the conditions to the waiver is that the sign is consistent to the character of the surrounding area. There were no previous amendments made to the size of signs.

The updated Ordinance will be sent to the Township Board for review and direction before coming back to the Planning Commission. Depending on the feedback, a joint meeting may be scheduled, prior to scheduling a public hearing.

Motion by B. Reder, supported by T. Miller to schedule the **Public Hearing for the Menard Inc. 2nd** Covered Storage for **August 1st, 2017** to review the Site Plan for Special Use consideration.

Motion Carried

Communications

Motion by T. Miller supported by J. Frank to accept Communications.

Motion carried.

Motion by C. Hoyle supported by B. Reder to adjourn.

Motion carried.

Meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Dan Darland
Secretary

DD/blfp