Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:00 pm.

PRESENT: Kip Kerby, Fran Sanders, Phillip Arbanas, Tom Palenick, Ivan Olsen, and Chad Learned.

ABSENT: One vacant position

Also present were Julie Johnston, Zoning Administrator; Rebecca Harvey, Planning Consultant; and three members in the audience.

APPROVAL OF THE AGENDA

Chairman Kerby indicated that information on Accessory Dwelling Units presented by Consultant Rebecca Harvey will be added to Old Business on the agenda. With no further changes, the agenda stands.

APPROVAL OF MINUTES

Motioned by Mr. Olson, seconded by Chairman Kerby to accept the minutes of the special Planning Commission meetings held on January 20, 2020 and January 23, 2020 as presented. The motion was approved unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Mr. Vete Toliusis approached the Planning Commission with a question related to property owned by the Woodman Trust off M51. He indicated that he had the property appraised and the appraiser informed him that the zoning is planned to be changed around Three Mile Lake. Chairman Kerby stated he had no knowledge of the Planning Commission considering any zoning changes at this time. Ms. Harvey explained that she believed the appraiser was referring to the Future Land Use Map, which is different than the Zoning Map and while the two may be different, neither map has been changed. She went on to explain the difference between the two maps to help clarify how the appraisal may have been conducted on the subject property.

NEW BUSINESS

Public Hearing – Chairman Kerby moved to the next agenda item and indicated that Mr. Gregg Schmied is requesting Planning Commission consideration of a special land use to allow an accessory building larger than permitted per Section 42-8.01. Chairman Kerby then requested an overview of the request from Zoning Administrator Johnston.
Ms. Johnston indicated the subject property is located on Eagle Lake and is zoned Waterfront Area District. The subject lot is approximately 6,250 square feet, which would allow an accessory building of 1,176 square feet per Section 42-8.01. The applicant would like to demolish the existing two bay garage and build a new accessory building totaling 1,200 square feet, which requires special land use approval from the Planning Commission. Ms. Johnston went on to review the Zoning Ordinance requirements for the accessory building, as well as the criteria the Planning Commission must utilize to evaluate the special land use. She concluded her presentation indicating her recommendation of approval based on the following findings:

- It is compatible with adjacent uses.
- It meets the intent of the Township’s Master Plan.
- It will have no detrimental effect on public services, traffic, or the natural environment.

Ms. Johnston recommended the following conditions be placed on any considered approval:

1. The accessory building shall be no larger than 30 feet by 40 feet (1,200 square feet).
2. The height of the accessory building shall be no taller than 20 feet.
3. The placement of the accessory building shall meet the setbacks shown in the sketch plan provided by the applicant dated 02-12-2020.
4. The accessory building shall be used for the storage of the applicant’s personal belongings that are needed for the upkeep and enjoyment of his waterfront property.

Chairman Kerby then asked if the applicant would like to speak. Mr. Schmied indicated the size and height of the requested accessory building was to ensure he could store his pontoon boat.

Chairman Kerby stated his concern with the height of the structure. The Planning Commission went on to discuss their concerns with viewsheds and compatibility with adjacent neighbors. Mr. Arbanas indicated variances were granted for this type of structure in the past. Mr. Learned expressed a desire to have some standards for height in the Ordinance related to the minimum necessary for the use of the structure.

Mr. Schmied stated that many of the houses on the adjacent lots are taller than the requested accessory building.

Chairman Kerby confirmed that the agenda item is a public hearing and asked if anyone in the audience wished to speak.

Mr. Vete Toliusis asked what would happen is the accessory structure was not used for what was approved by the Planning Commission. Chairman Kerby stated it would then become an enforcement issue for the Township.
Mr. Learned asked the applicant if he was fine with the conditions recommended by the Zoning Administrator, particularly about the use of the structure.

Mr. Schmied asserted the building would only be used for his personal belongings and lake equipment. He went on to ask if he could develop the building utilizing the same setback as the existing accessory structure.

Ms. Johnston stated that if the special land use was approved, the building would have to comply with the setbacks shown the plot plan provided as part of the application.

Mr. Olsen made a motion to approve the special land use as presented, with the finding and conditions presented by staff. Mr. Learned seconded the motion and requested a friendly amendment to change the condition related to height and that it be no taller than necessary, with a maximum height of 20 feet. Mr. Olsen accepted the amendment. The motion was approved unanimously to include the following conditions:

1. The accessory building shall be no larger than 30 feet by 40 feet (1,200 square feet).
2. The height of the accessory building shall be no taller than necessary, with a maximum height of 20 feet.
3. The placement of the accessory building shall meet the setbacks shown in the sketch plan provided by the applicant dated 02-12-2020.
4. The accessory building shall be used for the storage of the applicant’s personal belongings that are needed for the upkeep and enjoyment of his waterfront property.

Chairman Kerby moved on to the second item under new business, which was the discussion on Accessory Dwelling Units (ADU).

Ms. Harvey reviewed the information provided to the Planning Commission, stating the first document is information on what ADU’s are and how they may be used in other communities. The second document is a set of ordinance examples from other communities in Michigan. Finally, the third document is a draft of a new ADU ordinance for the Planning Commission to consider. She stated this document has some language in red text, which are questions she wanted the ask or have the Planning Commission consider.

Ms. Harvey went on to discuss how ADU’s are used by other communities and how Paw Paw Township may want to regulate their use.

A question was raised on whether there was a zoning district where they shouldn’t be permitted. Chairman Kerby thought all residential districts seemed appropriate. He went on to question if they could be regulated by number of occupants. Ms. Harvey stated that would not be her approach because of enforcement concerns and would instead limit the size of the ADU.

Mr. Learned stated he would like to understand the issues other communities have had with ADU’s and how the problems were resolved. Ms. Harvey outlined issues related to past concerns about them being
used as rentals, and recent concerns is about short term rentals. The ordinance can be drafted to require a minimum number of consecutive days for rentals.

At the close of the discussion, the Planning Commission decided to have Ms. Harvey back in March to review the draft ordinance, and April to hold the public hearing.

OLD BUSINESS

None

ADDITIONAL PUBLIC COMMENT

Mr. Vete Toliusis asked the Planning Commission about the Three Mile Lake Drain. Ms. Sanders stated the County and Township must pay 25 percent of the costs and there will likely be a special assessment from the County. Mr. Learned stated he would be happy to discuss the project with Mr. Toliusis after the meeting.

ADJOURNMENT

Mr. Kerby stated the next meeting will be March 26th and then asked for a motion to adjourn.

Mr. Olsen made a motion to adjourn the meeting at 7:17 pm. Mr. Learned seconded the motion. The motion passed unanimously.

Prepared by:  Julie Johnston, AICP
Zoning Administrator