

Planning and Zoning Commission March 9, 2005 Minutes

On **Wednesday, March 9, 2005 the Planning and Zoning Commission** met at the Algansee Township Hall, 378 South Ray Quincy Road, Quincy, Michigan. Chairman Dave Gilbert called the meeting to order at 6:00 p.m. with all members present Chairman Dave Gilbert, Pricilla Dodd, Rodney Carpenter, and Representative to the Township Board John Shilling and Secretary Glenn Preston.

Special Use Public Hearing for Martin Schmucker- Chairman Dave Gilbert called the special use public hearing for Martin Schmucker to order. Chairman Dave Gilbert explained the procedures of a public hearing. Chairman Dave Gilbert explained that Martin Schmucker of 659 Hammond Road, Reading, Michigan, is requesting a special use permit to put a house on the property on Ray Quincy Road, property code # 120-034-300-010-02, under the Algansee Township Zoning Ordinance Special Use Permit Section 4.03L.

Opening Statement- Chairman Dave Gilbert asked if Martin Schmucker had an opening statement. James A Lester, attorney with Martin Schmucker said this is a traditional use of an Amish house for a single family dwelling.

Public Comment- Chairman Dave Gilbert asked if there were any comments from the public. Norm Knisely of 823 East Central Road, questioned if there were special rules for the Amish? Dave Gilbert asked if there were any other comments. There weren't any. Chairman Dave Gilbert closed the public comment portion of the special use public hearing. James Lester responded to Norm Knisely's question and explained the Religious Land Use Ordinance, not asking for special rules for the Amish.

Questions from the Planning and Zoning Commission- Chairman Dave Gilbert asked James Lester for a copy of the Religious Land Use Ordinance. Chairman Dave Gilbert asked James Lester on page 45 in the **Algansee Township Zoning Ordinance, 4.03L # 3-** The lot nor any portion thereof, shall not have been used at any time during the previous ten (10) years for the production of crops nor for pasture land, nor set aside. James Lester agreed that it would be problematic.

Facts and Findings- in the Algansee Township Zoning Ordinance on page 161, **Section 18.03 Standards for Approval of Special Use Permits-**

- A. The proposed special land use shall be compatible with and in accordance with the general principles and future land use configuration of the Township master Plan and shall promote the intent and purpose of this Ordinance. -No, it is not compatible, because the land has been farmed the last 10 years.
- B. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land. The property shall be of sufficient size to accommodate the proposed use in compliance with the required development standards of the applicable zoning district without a variance. All aspects of the proposed use, including parking, storage and lighting, shall be accommodated on the subject lot and within the same zoning district. -The property is in the Ag zoning district and would require a variance.
- C. The proposed use shall be designed, constructed, operated and maintained so as to assure long term compatibility with surrounding land uses. -It is not applicable.
- D. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by proposed use. - It is not applicable.
- E. The proposed special land use shall be consistent with existing and future capabilities of public service and facilities affected by the proposed use. -The distance off the road could be a problem for emergency response vehicles.
- F. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights. - It is not applicable.
- G. The proposed use shall be compatible with the natural environment in regard to the preservation of wetlands, minimization of storm water runoff and erosion. - No plan was submitted to address this issue.
- H. The proposed use shall provide safe and adequate off street parking if required in accordance with Section 14.06. - It is not applicable.
- I. The proposed use will provide adequate landscaping if required in accordance with Section 17.05. -It is not applicable.

James Lester submitted the Religious Land Use Ordinance- protection of religious exercise in land use and by institutionalized persons as exhibit # 1.

Recommendation to the Algansee Township Board- Glenn Preston motioned to recommend to the Algansee Township Board to deny the request for the special use permit for Martin Schmucker. Support by Pricilla Dodd. Roll call vote- Pricilla Dodd- yes, Rodney Carpenter- yes, John shilling- yes, Glenn Preston- yes, Dave Gilbert- yes. Motion carried.

Special Use Public Hearing for John J. Schwartz- Chairman Dave Gilbert called the Special Use Public Hearing for John J. Schwartz to order. Chairman Dave Gilbert explained the procedure for a public hearing. Chairman Dave Gilbert explained that John J. Schwartz of 912 Brown Road, Reading, Michigan, check address- RR 1 Box 878, Reading, Michigan, property code # 120-033-300-020-00 is requesting a special use permit to put a house on 912 Brown Road under the Algansee Township Zoning Ordinance Special Use Permit, Section 4.03L.

Opening Statement- Chairman Dave Gilbert asked if John J. Schwartz had an opening statement. James A. Lester, attorney with John J. Schwartz said this would be a traditional Amish house and would be of religious use of the land, being close to parents, under the Religious Land Use Ordinance-protection of land use as religious exercise, exhibit #1.

Public Comment- Junior Carpenter, of 660 Hammon Road asked how you could amend the zoning ordinance. Chairman Dave Gilbert explained the process of amending the zoning ordinance. Norm Knisely, of 823 Central Road, wondered why they could build there.

Closing Statement- Chairman Dave Gilbert asked if Mr. James Lester had a closing statement. He didn't have one.

Questions from the Planning and Zoning Commission- Has the land been farmed in the last 10 years? Yes it has. Chairman Dave Gilbert asked if anyone was living in the structure that was built without a permit. No one is living in the structure.

Facts and Findings- in the Algansee Township Zoning Ordinance page 45, **Section 4.03 Uses Permitted by Special Use Permit- L.** Single-family dwellings on less than forty (40) acres provided the following conditions are all satisfied:

1. The house is located on a lot that is one (1) acre or larger in size;
2. The proposed house and the lot shall comply with all of the other Development Standards set forth in Section 4.04;
3. The lot, nor any portion thereof, shall not have been used at any time during the previous ten (10) years for the production of crops nor for pastureland, nor set aside and
4. The proposed house shall not cause the density of the quarter quarter section in which it is located to exceed one (1) dwelling unit per ten (10) acres of land.

It doesn't meet # 3.

On page 161 in the Algansee Township Zoning Ordinance **Section 18.03 Standards for Approval of Special Use Permits**

- A. No, because the land has been farmed within the last 10 years.
- B. Property would require a variance to comply because it is in the Ag district.
- C. Not applicable.
- D. Not applicable
- E. Could be a problem with emergency response vehicles.
- F. Not applicable.
- G. No information provided.
- H. Not applicable.
- I. Not applicable.

Additional Facts and Findings-

1. Exhibit # 1- Religious Land Use Ordinance- protection of religious exercise in land use and by institutionalized persons.
2. Structure has already been built without a permit, although it is not occupied.
3. Property contains more than one single family dwelling at this time.

Recommendation to the Algansee Township Board- Glenn Preston motioned to recommend to the Algansee Township Board to deny the request for a special use permit of John J. Schwartz. Support by Rodney Carpenter. Roll call vote- Pricilla Dodd- yes, Rodney Carpenter- yes, John Shilling- yes, Glenn Preston- yes, Dave Gilbert- yes. Motion carried.

John Shilling motioned to have a Special Use Request Public Hearing for Noah Girod of 659 Hammon Road, Reading, Michigan, property code # 120-033-200-005-02 for construction of Amish house and land split under section 4.03 L in the Algansee Township Zoning ordinance on March 28, 2005 at 7:00pm following the Michael Dodd Zoning Amendment Request Public Hearing. Support by Pricilla Dodd. Motion carried.

Adjourn- Glenn Preston motioned to adjourn. Support by Rodney Carpenter. Motion carried.

Glenn Preston, Secretary