

Charter Township of Gun Plain
Planning and Zoning Commission
Minutes of April 19, 2017

Members present; Kellogg, Vance, Bennett, Webber
Absent; Shannon, Simons

Motion by Vance 2nd Bennett to approve the minutes of March 15, 2017
Approved

Motion by Vance 2nd Bennett to approve the Agenda with the addition of Election
of Officers Approved

Election of Officers

Motion by Bennett 2nd Vance to approve the officers as follows; Chairperson-
Jack Kellogg, Vice Chairperson-Shelley Simons, Secretary- Diane Webber.
Approved

Public Comment-no
New Business

Private Road-Gordon Bourdo, 1067 Marsh Road, Parcel #03-08-001-035-00
and #03-08-001-035-30

Motion by Vance 2nd Bennett close the Regular Meeting and open the Public
Hearing Approved

Public Comment-no

Motion by Bennett 2nd Vance close the Public Hearing and open the Regular
Meeting Approved

Motion by Vance 2nd Webber to approve the Amendment of the Special Use for
Gordon Bourdo, 1067 Marsh Road Parcel # 03-08-001-035-00 and 03-08-001-
035-30 with the stipulation that Gordon Bourdo name and register the private
road. Approved

Motion by Vance 2nd Bennett to close the Regular Meeting and open the Public
Hearing Approved

Continued P&Z -4-19-2017

Rezone Request from C-1 to C-2 for Gerald Swoboda 175 M-89, Parcel # 03-08-036-013-00 -Lake Doster Storage. He is currently non-conforming and would not be able to have more outside storage or expand or move storage.

Motion by Webber 2nd Bennett Open the Public Hearing and close the Regular Meeting Approved

Robert Hatfield-180 M-89-What other types of businesses can be built in the zoning and the location of the building?
John Doster is to the west of the property.
Gary and Tracy Willis-Mulligans Mug-questions about the entrance/curb cut.

Motion by Bennett 2nd Vance Close Public Meeting open Regular Meeting Approved

The Board went through the Zoning Map Amendment Criteria

Motion by Vance 2nd Bennett We recommend the Gun Plain Township Trustees approve the request for a rezone from C-1 to C-2 for Gerald Swoboda-175 M-89 Parcel # 03-08-036-013-00. Included with the motion is the letter from PCI regarding Legal Non-Conforming Use and the Zoning Map Amendment Criteria list the Planning and Zoning Commission followed. All Approve

FEMA Maps and Medical Marijuana-Still waiting for information
Solar Ordinance and Home Occupation on hold.
Communications, Other, Public and Board Comments-no

Zoning Administrator

Bike Trail Meeting May 17th at Cooper Township Hall 5-7.

DAS Towers, Update Parks and Recreation plan at the end of summer.

Motion by Webber 2nd Bennett to adjourn the meeting Approved

D.Webber

Gerald Swoboda
C-1 to C-2

03-08-036-013-00
175 M-89

C. Zoning Map Amendment Criteria

In considering any petition for an amendment to the Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

yes 1. Consistency with the goals, policies and future land use map of the Gun Plain Charter Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

N/A 2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted under the current zoning.

yes 3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
legally non-conforming

yes 4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
Outside the Wellhead Protection Area

yes 5. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

yes 6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

7. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land in the Township currently zoned and available to accommodate the demand.

Future Land Use

- Yes* 8. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.

9. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.

Future Land Use Reflects

- Yes* 10. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?

- Yes* 11. The requested rezoning will not create an isolated and unplanned spot zone.

- Yes* 12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.



**PROFESSIONAL CODE INSPECTIONS
OF MICHIGAN, INC.**

1575 142nd Avenue
Dorr, MI 49323
(616) 877-2000
(Fax) #(616) 877-4455

Monday, March 20, 2017

RE: Nonconforming uses at Lake Doster Storage, 175 M-89, permanent parcel number 03-08-036-013-00

To Whom It May Concern:

In regards to the current and longstanding uses at the above property of indoor self-storage and outdoor storage, these uses are not permitted in the C-1 Zoning District.

Section 23.02 of the Gun Plain Township Zoning Ordinance, "Nonconforming Uses of Land", states:

A nonconforming use of land occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. Where, on the effective date of this Ordinance, or the effective date of an amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion of Use. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.*
- B. Moving. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.*
- C. Discontinuation of Use. If such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. In applying this Section to seasonal uses, the time during the off-season shall not be counted, provided that the off-season time for such uses is reported to the Township.*

Based on the above text, both the indoor and outdoor storage are legal nonconforming as they have been in continuous existence on the parcel in question. By rezoning this parcel from C-1 to C-2, some of this non-conformity will be corrected, as indoor self-storage is a permitted use by right within the C-2 Zoning District. The outdoor storage will remain legal non-conforming, subject to the same regulations, regardless of whether the property is zoned C-1 or C-2.

I hope this helps clarify the fact that re-zoning the property from C-1 to C-2 will positively impact the property by bringing one of the legal nonconforming uses (indoor self-storage) into conformity, and will not affect the existing legal nonconforming use of outdoor storage.

If you have any further questions, please feel free to contact me at your convenience. You may reach me by phone at 616-877-2000 ext. 412, or by email at lori@pcimi.com.

Sincerely,

Lori Castello
Zoning Administrator