

BANKS TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING April 11, 2002
KARAVAS PUBLIC HEARING

Chairman Rudy Passehl called the meeting to order at 7:35

Commission members present: Rudy Passehl, Sue Kessler, Nancy Ritsema, Marion Williams
Absent: Marv Rubingh

Public Present: John Kartz, Nan Karavas, Ron Karavas

The purpose for the public hearing was restated by Chairman Rudy Passehl. The Karavases are requesting special approval to operate a Cottage Industry in an R-1 District. The application was filed with the Zoning Administrator, SA 1102. This issue is covered in the Banks Township Ordinances Article IV, General Provisions; Article VI, District Regulations; Article 7.01, Site Plan Review; Article 8.02, Uses Subject to Special Approval.

Nan Karavas made the presentation. She is currently a distributor for Mountain Man Nut & Fruit company, and would like to put up a building and have a facility to sell snacks, novelties, beverages, etc. There would be a small parking lot. She feels there would be no traffic problems would be created because of the location. —

Public Questions;

John Kartz: What would be your hours of operation?

Nan: Hours would be seasonally dictated—longer hours in the summer months, with shorter days in the winter.

A letter from Dave Chasco was read, indicating his preference that the operation NOT be a full fledged business.

Suggestion was made the MDOT approval would be necessary because the business would be on the US 31 highway. The Karavases were aware of the need to get that approval.

Public Comment was closed at 8:43, and the Planning Commission began deliberations on the Findings of Fact

SITE PLAN REVIEW

Chairman Rudy stated that he had reviewed the application with regards to the Site Plan Review, and felt that, other than no date being on the Site plan, he didn't see any problems with the Site Plan, and recommended moving to Article IV, Section 12, subsection 12, Home Business which reads: While Banks Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus maintain and preserve by residential character of the neighborhood.

Rudy explained the difference between *home occupation* and *cottage industry*. This application falls under the definition of *cottage industry*. Article 4.12.12, part 2 b states that "there shall be no exterior evidence of such industry." Because the applicants are planning three signs for the business venture, it could not be considered as a *cottage industry*. A *cottage industry* is one that would be conducted in an out-building of some type garage or some ancillary building such as you are putting up now. You can not have any evidence of any kind indicating that it is a business. The reason behind it is this: your property is in an area zoned R-1, residential. The adjacent businesses who have signage are in areas zoned agricultural. Something

like Van Houten's tree farm was in existence before zoning and therefore, grandfathered in.

The question from the applicant was whether or not they could go to the Zoning Board of Appeals, but Rudy cautioned them that they would have to face the same criteria there. The reason behind it is this: You have a residential area. There are certain allowances, but any indications on a building, lights, etc, would have to be in a commercial area. This is protection for the residents. There is a little bit of latitude for people who do want to have a small business themselves, but it can't be apparent.

Ron Karavas stated that they had indicated from the beginning that they intended to have a commercial operation.

Rudy indicated that the commission had no knowledge of what had happened prior to the applicants appearing tonight. He felt that the situation was at a "he said, she said" stand-off, and that the commission could continue the findings of fact to see if something could be worked out. Because the Karavases did not want to pursue fitting within the *cottage industry* guidelines, but wanted to pursue rezoning instead.

Ron asked about animals in a residential area, but because there are 30 acres, animals are allowed.

Motion by Marion Williams, seconded by Sue Kessler, that the application be denied based on the findings of fact and the realization that it is not a cottage industry, but a commercial enterprise.

Marion Williams--aye

Sue Kessler--aye

Nancy Ritsema--aye

Rudy Passehl--aye

Public Hearing closed at 8:35 pm

BANKS TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
APRIL 11, 2002

Meeting called to order at 8:40 p.m.

Commission members present: Rudy Passehl, Sue Kessler, Nancy Ritsema, Marion Williams
Absent: Marv Rubingh

Minutes of February and March meetings were approved as written.

Correspondence: None

Rudy related some phone calls with regard to Lange LLC. It will have to be re-noticed when Kevin Elsenheimer receives correspondence from Dan Barron, attorney for Lange LLC.

OLD BUSINESS:

Rudy received a phone call from Mary Campbell. We have not heard anything from the Township Board. We think they approved the first two amendments, but we haven't received any official word. We don't know what to address, because of that. Until Marv is here to give us insight we are at a standstill. We need dialogue to move forward.

Update on Lange LLC: The mechanics so far are this:

1. We called the lawyer's office to inform them it was NOT on tonight's agenda.
2. Kevin Elsenheimer is waiting for correspondence from Barron.
3. We have the information received from Kristen Houle.

WIND TURBINE

A memorandum from Kevin indicates that the Eveline Township draft seems to be a "one-size-fits-all" approach. Rudy will call Kevin to ask his recommendations on requesting the Township Board to ask for a moratorium on the issue of wind turbines until we can address it more knowledgeably.

There will be a windmill tour on April 16, through the Little Traverse Conservancy, to Mackinac City.

NO NEW BUSINESS

Meeting adjourned

A handwritten signature in cursive script, appearing to read "Irene Shooks".

Irene Shooks, rec'g secy