

MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
June 25, 2019 / 7:30PM

MEMBERS PRESENT: LARRY GRUNN – *CHAIRPERSON*
BOB HANVEY
CHERYL RANGE – *SECRETARY*
JAMES ANDERSON

OTHERS PRESENT: DAVE HAMANN – ZONING ADMINISTRATOR
JOHN ENOS – PLANNER WITH CARLISLE WORTMAN

MEMBERS ABSENT: BRUCE POWELSON – *VICE CHAIR*

CALL TO ORDER:
Larry Grunn called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

Regular Meeting Agenda for June 25, 2019

John Enos requested to add discussion for the “Master Plan” to the agenda. Cheryl Range motioned to add #1 Master Plan, to the agenda and approved the remaining items for June 25, 2019. Jim Anderson seconded.
Motion carried.

APPROVAL OF MINUTES:

Approval of the Joint Meeting Minutes for May 22, 2019

Bob Hanvey said that Dan Lowe requested that we add a comment that Dan said during that meeting, on page 3 of 4, paragraph five. Dan Lowe’s comment was, “He doesn’t care about being re-elected”. Cheryl Range motioned to approve the minutes with this change, from the May 22, 2019 meeting. Bob Hanvey seconded. **Motion carried.**

Approval of the Special Regular Meeting Minutes for May 28, 2019

Cheryl Range motioned to approve the minutes from May 28, 2019 with the spelling correction. Jim Anderson seconded. **Motion carried.**

CALL TO THE PUBLIC:

Les Andersen resides at 4500 Jewell Road. Les explained that at the last joint meeting with the Planning Commission and Board of Trustees, a discussion was had involving a business being operated on the lake. Les said that he would like to have applicants fill out some sort of documentation explaining what they plan on doing, why they want to operate at that particular location, how they plan on doing it, and who will be employed there.

John Enos explained that some people are not going to feel comfortable signing or filling out paperwork, regardless what “class of business” they fall in to. Most people are going to look online for the rules and guidelines but do not plan on notifying the Township. Due to the lack of enforcement in Marion Township, the board needs to prioritize some of these current issues. If there are no complaints, then it is safe to say that there are not any problems. He thinks that Dave needs additional staff to help with enforcement.

Dave Hamann would like them to fill out a form regardless of what class they fall into; that way we have something in writing from them which explains what they would like to do.

Les Andersen would like to post a spreadsheet on the website with all of the home occupations throughout Marion Township. New residents may not want to live next to a “business”. They have the right to know prior to purchasing. Bob asked what will happen in the future if we tell new residents that there are no businesses near them prior to purchasing but later discover that there are.

Jim Anderson said that there is a difference between a “Home Occupation” and a “Home-based Business”. A home occupation does not have other employees, no storage of equipment, no customers coming to the home, etc. A home-based business will have employees, storage of material and/or equipment, customers that purchase items from the home/business, etc. A home-based business will be the primary source of income for that residence.

John Enos said that we can allow home-based businesses within the township as long as we start to regulate them. John doesn’t understand why we keep going around and around about this. It seems that we are making a mountain out of a mole-hill. Address the bigger issues, like the non-conforming business in residential areas first. As for the others, if people are not complaining about a particular business, then do not worry about it for now.

Les Andersen asked if Dave should give those who are non-conforming a chance to come in and file paperwork. Bob Hanvey asked what we plan on doing with that paperwork once it is returned to us. It then would become public information.

OLD BUSINESS:

1) *Master Plan Draft*

John Enos said that he would like to distribute the Master Plan draft to the Board of Trustees for review. Dave Hamann asked if we have to have a public hearing within 60 days once distributed to the Board. John Enos said that you can have as many public hearings as you want. At the public hearing, you would then discuss the goals, objectives and the different land uses within the township. It would then get sent to the

surrounding communities and also the county for review/feedback. The Board of Trustees and the Planning Commission are able to request any changes within that 60 day period.

Jim Anderson asked if an electronic copy could be distributed as well. John said that he would also distribute electronically.

Cheryl Range motioned to distribute the Marion Township Master Plan to the Board of Trustees for review/comments. Jim Anderson seconded. **Motion carried.**

2) Nuisance GO final review and send to BOT

John Enos said that Cheryl Range did a very good job putting this language together. She took what was given to her and very thoroughly made it our own. John recommends sending this to the Board of Trustees for any changes and then adopt as a General Law Ordinance.

Jim Anderson inquired about the section on page 2 regarding bee keepers. What if a neighbor has an allergy and lives next to a bee keeper? Could they claim that their neighbor's profession is a nuisance? Jim would like to re-word this section and eliminate the section on bee keepers. Bob Harvey would also like to remove the section that discusses livestock being a nuisance. John Enos said to take the section out regarding livestock. We can create a separate section that covers the regulation of animals, if we have to.

Jim Anderson suggested the following changes:

- ✧ Page 4 - Section 6 – Fourth bullet – Language should say that it must be “a current license plate and registration”.
- ✧ Page 5 – The word “manager” should be replaced with “supervisor”.
- ✧ Page 8 – Section 8 – Should say, “Township Supervisor, Township Board or the appointed agent.”
- ✧ Page 9 – Section 10 – Would like this section, “Appearance Tickets” removed completely.

Jim Anderson spoke with another township clerk and found out that they used to have quite a few complaints but once they created their complaint form, in the beginning the complaint rate dropped. However, it is now starting to increase again. They also suggested that we have some type of measurements of nuisance (something to measure against.)

Jim Anderson motioned to send revised Nuisance language to the Board for its review. Cheryl Range seconded. **MOTION CARRIED**

3) TXT #03-18 Home Occupation

Jim Anderson said that Home Occupations are very important in our community. He explained that there is a difference between a “Home Occupation” and a “Home-based Business.” A home occupation does not have other employees, no storage of equipment, no customers coming to the home, etc. It is something that a person does. A home-based business will have employees, storage of material and/or equipment, customers that purchase items from the home/business, etc. A home-based business will be the primary source of income for that residence.

In Section 6.14 Home Occupation, we already have language similar to this. Signage is not required for a Home Occupation. It is needed for a Home-based Business; neighbors should be aware when there is a business operating next to them.

Larry Grunn asked if the lot size matters for a Home Occupation. Jim Anderson said that it shouldn't for a Home Occupation, but for a Home-based Business, it does matter because you need proper screening all year round. The location should still look like a residence from the road.

Cheryl Range said that there should be language that discusses a "living trust". Otherwise, what happens when someone else buys the lot/house? Jim Anderson said that the approval for a home-based business should not be transferable with the sale, rental or lease of the unit. Cheryl Range thinks this is very good and likes what Jim came up with, especially Section S. Jim Anderson said that this language gives business owners a chance to come in and fill out the proper paperwork. Dave Hamann said that we can send this to the Board for review and they will send it back to the Planning Commission with their comments. Jim Anderson said that he would make the necessary corrections and send it to John and Dave for review before sending it to the Board for approval.

Cheryl Range motioned to send language 6.14 Home Occupation and 17.32 Home-based Business with the necessary changes to the Board for comments, input and ideas. Larry Grunn seconded. **MOTION CARRIED**

4) Marion Township Engineering Standards

John Enos came up with standards that will help support our Zoning Ordinance. It will include more details for Site Plan requirements.

Dave Hamann said that the Board assigned this project to Phil Westmorland, John Enos and himself to help simplify certain steps and the process for site plan reviews, along with some of our zoning standards. Next month, this will come back to the Planning Commission with section 2 from Phil prepared.

5) TXT# 07-17 proposed changes Lots

Dave Hamann said that 3% of the property you pay taxes on should be used for zoning decisions related to parcel size versus the gross. Bob Hanvey said that some areas refer to GROSS acreage and some use the NET area. Dave said to pick the word that you want to use and use that word throughout, making the whole piece of language uniform, NET or GROSS.

Cheryl Range motioned to use the term GROSS and remove the word NET from TXT 07.17. Jim Anderson seconded. **MOTION CARRIED**

Cheryl Range motioned to postpone further discussion on "Lot Changes" until the July 23rd Planning Commission meeting. Jim Anderson seconded. **MOTION CARRIED**

6) Wellhead Protection Overlay District

Cheryl Range motioned to postpone discussion on "Wellhead Protection Overlay District" until the July 23rd Planning Commission meeting. Bob Hanvey seconded. **MOTION CARRIED**

CORRESPONDENCE AND UPDATES:

Dave said to start thinking about “Animal Complaints/Requests” and its relation to “Right to Farm”. Think about it and we will discuss at some point in the future.

Bruce Powelson is still recovering and hopes to be at the next Planning Commission meeting.

CALL TO THE PUBLIC:

ADJOURNMENT:

Jim Anderson made a motion to adjourn the meeting at 9:45pm. Cheryl Range seconded. **Motion carried.**