



Solon Township
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Minutes of the Special Meeting of the Solon Township Board
October 1, 2002 @ 7:00pm
Solon Center Wesleyan Church

Meeting called to order by Supervisor Gary Johnson at 7:00pm.
Members present: Gary Johnson, Ken Zank, Elizabeth Mulder, Rich Straub, and Fred Gunnell.
Guests: James Brown, Township Attorney
Members absent: None

Supervisor Johnson Opened meeting @ 7:00pm.

Introductions were made by Johnson

Johnson reviewed for all the 1977, 1995 & proposed Home Occupation ordinances.

Johnson – The planning commission came up with a 2 part ordinance that has been proposed to the board. Home Occupation and Home Based Business under special land use.

Signage in Home occupation could possibly have one minor change the additional language added to possibly read that it could also be placed on the accessory building.

Johnson opened public comment:

Susan Brown: What are the set back areas?

Johnson: Front set back in the ag/res districts 50 feet or more.

AJ Anieski: Was there a need for generating these changes?

Johnson: In 1995 the ordinance was reviewed and changed do to the added growth and needs of the township.

Chris Kurless: Is the 50 foot setback from the road right of way?

Johnson: Yes

Terry Hunt: Do they apply to an out lot? Lots reserved for private use?

Jim Brown: These provisions apply if they are used for anything that is being used for what it states in the ordinance. An out lot only applies when it is used for private employment in their business. This ordinance is only concerned with how the land is used.

Audience: Where there problems already with enforcement? It appears that enforcement has been a problem. We have to have guidelines so that enforcement does not continue to be a problem.

Floyd Vandermolen: With the regulations would the set back then be 83 feet from the center of the road?

Johnson: Center of road right of way and 10 feet on the side property line.



Mark Vos: If the previous rules were not being enforced why are new ones being made?

Johnson: The ordinance is not entirely new. The changes being made are to allow for more provisions for the existing businesses. This will help in making easier for them to come into compliance with the ordinance. Those that would still fall out side the ordinance we would work with individually to make them legal.

James Patin: Seems logical for a zoned house in the Ag/Res district but it seems as if some the wordings in the proposed changes need to be changed.

Tom Sitrer: What is the maximum out building allowed in the Ag/Res. district?

Johnson: Agricultural comes under another section and also depends on the size of acreage and whether you have 1-2, 2-5 or 5+ acres. Accessory buildings now are at according to lot size.

Chris Curlless: It seems that if it's over a certain amount of acres there should be exceptions due to the fact they have more room. I.e.: 40 acres.

Larry French: It seems that more rules are being made before the old ones are enforced. Again how do we plan on enforcing the ones in place?

Greta Brockway: We have been working with the Township for many years and with two different boards to come into compliance. They have tried, but the previous boards didn't do anything. The Township is now trying to establish guidelines so that we can grow and be productive community.

John Rideout: Are we now going to say to the current businesses that you are as big as you can get and if you grow more you will have to move?

Johnson: We are trying to work with each one as each case will be different.

Keith Caldwell: What about someone who drives a truck and has a CDL license but only parks his vehicle there over night? Would a logging truck be exempt as the ordinance say not over 10,000 gross weight and many trucks that require a CDL license are over this amount.

Johnson: We are talking about Home Occupations and this does not pertain to that.

Ron Atwood: Should this be reviewed? Shouldn't some of the existing businesses be grandfathered in?

Keith Caldwell: What about lawn service trucks that are required to haul trailers with equipment? Wouldn't they be in violation?

Jim Brown: Parking of a vehicle that is consistent parking or parking what you want is not Home Occupation. Parking for your job that you do elsewhere where none of the work is done there would be allowed.

Jim McHugh: Can trucks be parked in his property

Jim Brown: Look over the draft in relation to what you are looking for. This is still being looked at. The individual specifics need to be addressed separately. It is important to bring specifics up individually.

Straub: You need to let us know then your feeling on the proposal.

Bob Ellick: What do we do with the agricultural buildings when they are no longer using them for agricultural use? What do we do with our opinions? The Ad/Hoc committee worked with the planning commission for 5 months on this and our opinions didn't matter then nor do they now. Our township planner doesn't



understand the concept. What about policing? There are too many rules already that are too hard to enforce. The people cannot get what they want. The ordinances that are currently on the books are way to restrictive to enforce, so why not be realistic and eliminate a few.

Neil Hall: Does the new proposed ordinance include Tele communicating? Where you work at home for someone else? I am concerned with the occupations to come that are not listed in this list as “permitted”. In the ag/Res district are we permitted these many options? What is the reason for being clarifying this proposed ordinance?

Johnson: The new ordinance was revised to preserve property values and due to some problems that have been raised

Brian Harttem: It appears that this ordinance has different standard for different sizes of land. For example allowances are different for 8 acres, 4 acres, can 2 acres. What is considered a home occupation? To deny certain occupation according to land size in a real world would be too difficult.

Audience: PUD’s have created more traffic that any business ever has. I live across from one of the newer ones and counted 400 extra cars on my road in one day.

Mr. Pease: I live next door to the largest business in the township. The extra traffic that these businesses create you keep talking about does not effect my home. We have got to stop spending the tax payer’s money toward controlling the business that operates in the township. There are greater needs that money should be spent on like roads.

Mr. Hunter: We should submit to the ordinance we already have.

TD Johnson: Home occupation ordinance, where do you become exempt any way? Who makes the decision on personal property tax? How do you know who is operating a home occupation if the don’t come right out and say so?

Johnson: Personal property tax is required by the state if you are running a home occupation out of your home. You are required by the state to file personal property tax on the equipment that you use that is on your property.

Kevin Zanker: The big picture is great to start home occupation or business. I would hope that the township has an a ordinance in place so that things cannot get out of control and the home occupation or business grows too big for the neighborhood it is being operated in. It seems by the comments I am hearing that maybe the proposed ordinances do need to be revised, but if they are not in place there is nothing that can be enforced.

Kristy Danielson: Has seen first hand the traffic that develops create and a home run occupation or business would create far less.

Brian Hunt: What about apartments, would they be allowed?

Jim Brown: Multi dwelling units are determined by our zoning and the master plan.

Keith Caldwell: Is my garage considered an accessory building if it is attached to my dwelling. I was told one thing by a previous zoning administrator and then told by the current one that is was illegal.

Johnson: An accessory building is an unattached building. Our current zoning administrator has been doing a great job, and was hired by the previous board.



We have had much change over in the position and that has caused confusion to many people. We are working with those people to straighten various matters out.

Audience: Are the current home occupation/businesses homesteads?

Zank: All are home steads now but state does have rulings on this and governs homesteads. These current businesses are paying as a homestead which means they do not pay commercial tax. They do not have to pay anymore for schools... like a commercial property would.

Comment from the Board

None

Home Based Business

Johnson reviewed for the audience the proposed Home based business ordinance. It was also stated that this is a new ordinance and not revision of a previous one as the proposed home occupation is.

Kyle Westal: Would reupholstering in your basement be a home based business?

Johnson: That would be a home occupation.

Mr. Polling: On page 8 section how many people are you allowed tutor? Is this per day, per hour or per week?

Johnson: One person for tutoring and 6 per class.

Donna Smith: What about babysitting?

Johnson: You are allowed up to 6 children.

Jim Brown: This is state law and the state says up to 6 children.

Johnson: State regulations supersede.

Audience: Farming is permitted in an Ag/Res district?

Jim Brown: Farming is a permitted use in an agricultural zoned district. District.

Teressa Thompson: I board horses and would like to change my sign. The existing sign would not be in compliance. May I still keep it where it is and just replace it or do I have to change it?

Johnson: Each case like that would be individual and you would need to come in and talk to the Zoning Administrator.

Jim Patin: Seems like home based business should be allowed just as framing is.

Johnson: A business is commercial and farming is agricultural. Thus the reason for having zoning.

Keith Caldwell: Commercial business you cannot live in the building. In a commercial district it can be sold for commercial use. If I run a home based business and want to stay in my home I would not be able to sell it and allow the new owner to run that business off my land as that is not there home. There are very big differences.

Jerry Wallace: If people see both the current ordinance and the one being proposed there are many businesses that are not listed that should be. There needs to be the addition of Well Drillers, heating and cooling.... These are businesses that would not affect the neighbors as they are only taking their vehicles home for overnight. The



people seem to want at know why they cannot allow these. Why can't it be expanded? It seems a bid ridiculous when farming is allowed.

AJ Anielski: There needs to be more clarity of fees of escrow required?

Johnson: For new ones coming are there is a 400.00 application fee. If it continues we then require 1000.00 in escrow fees to cover expenses the Township occurred (Attorney, Engineer, & Planner). This is charged for all of special land use applications.

Ed Hordyk: A lot of people here seem to be speaking for their own personal gain. This is false and misleading. If the are for the good of the township why do they continue to go on with this.

Tim Brockway: What about PUD, Farms, Day care? They don't have the same rules. Why are Home based businesses being singled out when the PUD's and such don't have to follow the same rules? These rules seem unfair to me.

What happened to the August meetings draft #5? The first copy stated a 2400 building the new one being proposed is different. Where did this disappear to?

Johnson: The change was voted on at the Planning Commission public hearing. PUDS are one thing in themselves and they have to meet all there individual requirements and bylaws also.

Keith Caldwell: would the minutes of public hearing state the changes?

Johnson: yes

Larry French: I think the number one problem is with how you are going to enforce this if it passes. More effort should be put into figuring enforcement out before and ordinance is passed.

Jim Patin: people came expressing the same thing. The ordinance is not fair and they would like to see fewer restrictions.

Dave Marvin: This is not the city and rural property rules should be different.

Greta Brockway: I have had a business here for 17 years and never have been threatened. I am concerned with the other business owners and seeing that they do not have to go trough what we have had to with the previous boards to make us "legal".

We really would like to see this resolved.

Keith Caldwell: This ordinance change has been going on for over a year. This is not something that is just of the cuff. I realize it's not perfect but it does need to be put on the table and taken care of. There are other building issues that need to be addressed and we need to move forward.

Joey McHugh: What about the sizes of out buildings. I don't know where this should or shouldn't be changed. How did the original formula come about?

Johnson: It came from the 1995 ordinance.

Brian Hunt: Why is there a 3 acre minimum? Why not 1 acre?

Johnson: To protect the neighbors.

Jim Brown: This subject was under a lot of discussion. The Planning Commission finally reached some conclusion. The purpose of this meeting is to raise and questions or concerns that the people may have. This is why we are here tonight to hear your comments.



Don Hunter: Some of the language is too vague. Some of the past boards have been lenient in enforcement and when it is dealt with it is inconsistent.

Comments from the board

Straub: Will take to heart all the comments here tonight

Zank: None

Mulder: Will take this very seriously and is happy to see that the Solon Community Association is involved. Has been personally threatened and harassed due these issues and hope that with the community association things will be handled in a more adult manner.

Gunnell: Agrees with the board

Johnson: The Planning Commission is holding a public hearing on October 15th to look at the open space and site condo ordinance. The state has passed a new law that requires us to change them and we need to also make some clean up changes.

Jim Brown: These changes are of a housekeeping nature they are minor changes such as adult uses.

Adjournment 9:50pm.