

# Planning Commission

## Regular Meeting Agenda Thursday, March 3, 2016 7:00 p.m., Council Chambers

**REVISED**



City of South Haven

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – February 4, 2016
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
6. New Business – Site Plan Review Applications
  - a) McDonald’s Drive Through Remodel – 1025 LaGrange
  - b) Deck on Water Side of Dwelling – 337 Northshore Drive
  - c) Smith Proposed Residence Exemption From Moratorium – 36 Bluffwood
7. Other Business – Set Short Term Rental Ordinance public hearing for March 24, 2016.
8. Commissioner Comments
9. Adjourn

RESPECTFULLY SUBMITTED,  
Linda Anderson, Zoning Administrator

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## Planning Commission

### Regular Meeting Minutes Thursday, February 4, 2016



City of South Haven

#### 1. Call to Order by Paull at 7:00 p.m.

#### 2. Roll Call

Present: Bill Fries, John Frost, Clark Gruber, Larry Heinig, Steve Miles, Brian Peterson, Terri Webb, Dave Paull

Absent: Judy Stimson

Motion by Heinig, second by Gruber to excuse Stimson.

All in favor. Motion carried.

#### 3. Approval of Agenda

Motion by Heinig, second by Miles to approve the February 4, 2016 regular meeting agenda as presented.

All in favor. Motion carried.

#### 4. Approval of Minutes – January 7, 2016

Motion by Miles, second by Heinig to approve the January 7, 2016 regular Meeting Minutes as written.

All in favor. Motion carried.

#### 5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Rosalie Plechaty, 995 Monroe Boulevard. Stated, in response to Miss Stimson's closing remarks at the last meeting, that she did not move into a tourist town but a community.

Susan Ryan, 37 Cass Street. Spoke about rentals in neighborhoods and made several suggestions, including hiring a consulting firm and restoring historic neighborhoods.

Dorothy Appleyard, 806 Wilson Street. Spoke to Paull's comments about there being no intent to do away with short term rentals and stated she wants assurance that there is no intent to do away with residential neighborhoods.

## 6. New Business - None

## 7. Other Business

Paull made remarks regarding the work continuing and ways to communicate your opinions via Wednesday 10:00 a.m. meetings and emails to [landerson@south-haven.com](mailto:landerson@south-haven.com)

### a) Rental Ordinance update

Paull explained that the purpose for this agenda item is for the committee to update the full commission on progress on the rental ordinance.

Anderson commented on yesterday's discussion. Stated she has not received the revised documents from our attorney that reflect yesterday's revisions. Much discussion led to occupancy caps being determined as more important than house size. In the single family residential (R1-A, R1-B and R1-C) zones, it was proposed that occupancy be limited to two (2) people per bedroom plus two (2) additional people per occupied floor with a cap of 16. Children six (6) and under would be exempt from counting toward the occupancy cap. In the other areas, (RM1, R2 and B3), the same requirements would apply, but Planning Commission could grant a cap of 24 if all the current and proposed standards were met. Proposed new standards include the following:

Except as otherwise provided in this section, the maximum occupancy load shall be 2 persons per bedroom, plus two additional persons per finished level with means of emergency egress (e.g. a functional window), up to a total of 16 persons. Applicants who wish to request a maximum occupancy load of more than 16 persons, or more than 2 persons per bedroom, must do so on the application form. The Zoning Administrator and Fire Code Official may approve such requests upon determining that the proper safety features are met, may require some of all of the following:

- Has a parking site plan allowing sufficient access for emergency vehicles
- Automatic sprinkler systems
- Fire alarm systems
- Interconnected smoke alarm systems
- Fire rated corridors
- Fire rated stairwell enclosures
- Sleeping rooms with automatic door closers
- A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms.

These standards would provide more of a commercial review/construction than a typical house would have, even in the areas where larger houses may be permitted.

A brief discussion ensued regarding the Primary Residence Exemption (PRE) issue. Some members believe rentals qualifying for PRE but renting for less than 15 days per year should still be included in the registration. The city attorney feels strongly that PREs should be exempt.

The next sub-committee workshop meeting is to be held Wednesday, February 10 at 10:00 a.m. and will focus on Sec. 10-244: Violation and revocation of the registration.

Gruber commented that he thought the Planning Commission was going to review with South Haven Area Emergency Services (SHAES) their requirement for driveway access. Anderson agreed that is covered in the parking site plan and will be included in the site plan review process that will go to SHAES and noted that the city engineer will also have to review the plans submitted.

Peterson noted that he is not entirely sold on the child exemption, noting, "We are essentially saying unlimited kids are allowed," but stated he does not know how it could be worded better. Paull agreed that this is a dilemma we need to resolve. Gruber said he has been told before that he could not rent to that number. Webb stated that some of the homes they manage could have the occupancy bumped, but we are not going to and agreed, "You don't want sixteen toddlers running around a house". Frost said we talked about this a couple weeks ago and asked, "Would you rather have a group of twelve twenty-five year old men on a golf outing or grandma and grandpa, their three (3) children and spouses and nine (9) grandchildren?" Frost stated that the latter are not the groups that cause the problems. "These people are celebrating their 50<sup>th</sup> wedding anniversary and going to bed at 9:00 p.m. We need to take a good hard look at any sort of a hard cap. I recently told a group of 12 people 'no' because I know I can fill that week with a family. Twelve thirty- year-old guys? No, sorry." Frost continued, "But if we have a hard cap, I'm not going to be able to do that anymore; I have to fill it or I will lose it. I'm willing to talk about this." Paull agreed that is what needs to be done, noting "This is not as easy an issue as one would like to simply put down on a piece of paper and pen. That is why the discussion will continue and hopefully be as open as it has been, because it needs to be."

#### **b) Annual Report to Council 2015**

Anderson noted this is an annual report required by the Michigan Planning Enabling Act of 2008, as amended, detailing the activities of the Planning Commission. This is a month-by-month report and last year was pretty typical with no large numbers.

While not required, Anderson also prepared a report on the Zoning Board of Appeals (ZBA) and noted that the ZBA was busier last year than the past two (2) years, meeting 12 times compared to six (6) times in the previous year.

### **8. Commissioner Comments**

Gruber: While he hasn't been on the Planning Commission for very long, expressed appreciation for emails the last couple of days. He also noted the report shows some diverse applications: a retail establishment; an impound lot; an auto expansion; a restaurant brew pub; condos and a repair shop. "There is a lot that goes on outside of just rental ordinances."

Anderson: There were 19 work sessions in addition to the regular meetings.

Paul: "Stop publishing lies. This burns badly. Just stop doing it. If you are not at a meeting, I don't know how you can attest to anything that is occurring here. Stop publishing lies. It's slander and with that I'll ask for a final motion."

**9. Adjourn**

Motion by Gruber, second by Heinig to adjourn at 7:23 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



**Agenda Item #6a**  
**McDonald's Restaurant Site Plan Review**  
**1025 LaGrange Street**

**City of South Haven**

**Background Information:** McDonald's restaurant, 1025 La Grange Street, is requesting site plan review for a planned renovation to their drive through service area. The project consists of expanding the existing one lane drive through into two lanes. This project is in the B-2 zoning district and Area C of the Overlay Zone.

The project complies with all zoning ordinance requirements and does not require changes related to the overlay zone. The city engineer has reviewed the project and the applicant has submitted a revised plan.

**Recommendation:** Staff recommends approval of the site plan contingent on satisfactory resolution of the remaining engineering issues.

**Support Material:**

Application  
Revised plans  
Engineer comments  
Zoning review

**SITE PLAN SUBMITTAL REQUIREMENTS**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
**539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090**  
**FOR INFORMATION CALL 269-637-0760**

PROJECT ADDRESS: \_\_\_\_\_ TAX ID: 80-53- \_\_\_\_\_

DATE APPLICATION RECEIVED: \_\_\_\_\_ APPLICANT: \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

**REQUIRED DOCUMENTS:**

- 1. SURVEY AND LEGAL DESCRIPTION OF PROPERTY**
- INCLUDE ANY DEED RESTRICTIONS AND EASEMENTS
  - TAX ID NUMBER
- 2. LOCATION MAP**
- SMALL SCALE SKETCH OF PROPERTIES, STREETS AND USE OF LAND WITHIN 1/2 MILE
  - INCLUDE DRIVEWAY LOCATIONS ACROSS THE STREET
- 3. SITE PLAN INCLUDING:**
- SCALE OF LESS THAN 1:200
  - FIFTEEN (15) COPIES, TWO (2) SEALED
  - DATE OF DRAWING, NAME, ADDRESS, AND SEAL OF PREPARER
  - DIMENSIONS OF LOTS, PROPERTY LINES
  - EXISTING STRUCTURES (LABEL EXISTING)
  - PROPOSED STRUCTURES AND ADDITIONS (LABEL PROPOSED)
  - BUILDING SETBACKS, FRONT, REAR, BOTH SIDES
  - AREA COVERED BY STRUCTURES (IN SQUARE FEET)
  - DIMENSIONS, LOCATION AND PAVING MATERIAL OF DRIVES, PARKING AREAS, SIDEWALKS AND CURBING
  - PARKING SPACE STRIPING, NUMBER OF PARKING SPACES REQUIRED, NUMBER PROVIDED
  - FIRELANE LOCATION, RADII AND DIMENSIONS
  - STORM DRAINAGE SYSTEM AND STRUCTURES, DIRECTION OF FLOW
  - RETENTION BASIN AND CALCULATIONS
  - LOCATION AND SIZE OF WATER, SEWER, ELECTRIC, GAS AND OTHER UTILITIES
  - LANDSCAPING DETAILS
  - SIGNS AND ON-SITE LIGHTING, LOCATION AND DETAILS
  - EASEMENTS
  - EXISTING MAN-MADE FEATURES
  - EXISTING NATURAL FEATURES
  - TOPOGRAPHY AT 2 FOOT INTERVALS
  - WETLANDS, HIGH RISK EROSION AREAS OR FLOODPLAIN AREAS
  - DIMENSIONS AND LOCATION OF ANY REQUIRED OPEN SPACE
  - ZONING DISTRICT(S)
  - VARIANCES TO BE REQUESTED, IF ANY
- 4. BUILDING ELEVATIONS (SKETCH)**
- SHOW HEIGHT OF BUILDING
  - SHOW NUMBER OF STORIES
- 5. LETTER OR MEMO EXPLAINING:**
- OBJECTIVES OF THE PROPOSAL
  - COMPLETION SCHEDULE OF PROJECT PHASES

DATE ACCEPTED: \_\_\_\_\_

BY: \_\_\_\_\_

Note: These are a summary of the requirements for new and major construction projects. Smaller projects are required to include details related to the changes being made, and applicants may not be required to include all of the items listed here.

In any case, items 1 through 5 shall be included in the application.

For complete details see the South Haven Zoning Ordinance Section 1405, Final Site Plan Submittal Requirements.

**SITE PLAN APPLICATION**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-637-0760

Project Address: \_\_\_\_\_ Tax ID 80-53-\_\_\_\_\_

Applicant: \_\_\_\_\_ Property Owner: \_\_\_\_\_

Appl. Address: \_\_\_\_\_ Owner Address: \_\_\_\_\_

Applicant Phone: \_\_\_\_\_ Owner Phone: \_\_\_\_\_

Applicant Email: \_\_\_\_\_ Owner Email: \_\_\_\_\_

Current Use of Property: \_\_\_\_\_ Zoning District of Property \_\_\_\_\_

Project Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PROPOSED USE: \_\_\_\_\_

SECTION NUMBER WHICH PERMITS THIS USE: \_\_\_\_\_

COMMENTS:

OWNER'S SIGNATURE: Michael Kazarian, McDonald's USA, LLC DATE: \_\_\_\_\_

APPLICANT'S SIGNATURE: Jeffrey M. Brinks, Williams & Works DATE: \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_ DATE ACCEPTED: \_\_\_\_\_ BY: \_\_\_\_\_

FEE: \_\_\_\_\_ DATE OF PAYMENT: \_\_\_\_\_

**FORM CONTINUES ON OTHER SIDE, PLEASE COMPLETE BACK OF SHEET**

**SETBACKS (IN FEET):**

**FRONT YARD:** \_\_\_\_\_

**SIDE YARD:** \_\_\_\_\_

**REAR YARD:** \_\_\_\_\_

**SIDE YARD:** \_\_\_\_\_

**LOT AREA (IN SQUARE FEET)** \_\_\_\_\_

**LOT WIDTH (AT FRONT SETBACK)** \_\_\_\_\_

**AREA COVERAGE (BY ALL STRUCTURES)** \_\_\_\_\_

**HEIGHT (AVERAGE OF PEAK AND EAVE)** \_\_\_\_\_

**OFF-STREET PARKING, SECTION 1800**

**PARKING USE GROUP:** \_\_\_\_\_

**SECTION NUMBER:** 1800.12. \_\_\_\_\_

**PARKING REQUIREMENT:** \_\_\_\_\_

**PARKING REQUIREMENT CALCULATION:** 2500+/- SF UFA / 75 = 33 SPACES REQUIRED

**REQUIRED PARKING SPACES** \_\_\_\_\_ **PROVIDED SPACES** \_\_\_\_\_

**DIMENSION OF INDIVIDUAL PARKING SPACES** \_\_\_\_\_

**COMMENTS:**



From: Larry Halberstadt  
Sent: Thursday, February 04, 2016 3:49 PM  
To: Linda Anderson  
Subject: RE: McDonald's - Drive Thru Improvements

I am sending you a marked up version of the plan with my comments. They are as follows:

It is recommended that the tactile warning surface of barrier free ramps be constructed using Cast or Ductile Iron Warning Plates inset into the concrete.

The plan shows a one-way aisle adjacent to existing 70 degree angle parking spaces with a width of 15 feet. Section 1801.2 of the Zoning Ordinance requires a width of 16 feet for a one-way aisle in this configuration. If the proposed layout cannot be modified to provide sufficient width, an aisle width variance would be required.

From: Linda Anderson  
Sent: Thursday, February 04, 2016 3:03 PM  
To: Larry Halberstadt <lhalberstadt@south-haven.com>  
Subject: FW: McDonald's - Drive Thru Improvements

This is a site plan for the remodeling of the McDonald's drive through. It don't expect much issue but if you could give it a once over I'd appreciate it. Thanks.

??Linda S. Anderson//City Planner//Zoning Administrator  
City of South Haven // Office (269) 637-0760  
Building Services Department, 539 Phoenix Street, South Haven, MI 49090 // [www.landerson@south-haven.com](http://www.landerson@south-haven.com)

The City of South Haven Cares. Print only when necessary.

From: Brinks, Jeff [mailto:[Brinks@williams-works.com](mailto:Brinks@williams-works.com)]  
Sent: Thursday, February 04, 2016 2:19 PM  
To: Linda Anderson  
Subject: McDonald's - Drive Thru Improvements

Good Afternoon Linda:

Attached are the application and plan for the proposed drive-thru improvements for McDonald's. I will drop off the hard copies to your office. If you have any questions or need anything further, please let me know.

Thanks for your help!

Jeff Brinks

Jeffrey M. Brinks, P.E.  
Principal  
Williams & Works  
Grand Rapids, MI  
Main 616-224-1500  
Direct 616-988-3551  
[williams-works.com](http://williams-works.com)

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CITY OF SOUTH HAVEN  
SITE PLAN REVIEW FORM  
ZONING ADMINISTRATOR/PLANNING CONSULTANT REVIEW

Date of Submittal 2-4-16

Date of PC Review 3-3-16

Name of Applicant Williams + Works, Inc. for McDonald's USA LLC

Address of Applicant 549 Ottawa Ave, NW, Gr. Rapids, MI 49503

Applicant Telephone No. (616) 224-1500

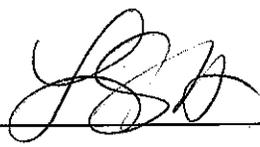
Project Name (if any) Drive through remodel at McDonald's

Brief Project Description Modify drive through at McDonald's  
1025 Lagrange

CONTENT ACCEPTABILITY

	<u>Provided</u>	<u>Not Provided</u>	<u>Not Required</u>
1. Legal description of property .....	<u>X</u>	_____	_____
2. Small scale sketch of properties, streets, and uses of land within ½ mile of the area .....	<u>X</u>	_____	_____
3. A narrative providing:			
a. Objectives of the proposal .....	_____	_____	<u>X</u>
b. Number of acres allotted to each proposed use, and gross area in buildings, structures, parking, public and/or private streets and drives, and open spaces .....	_____	_____	<u>X</u>
c. Dwelling unit densities by type .....	_____	_____	<u>X</u>
d. Proposed method of providing sewer and water service, as well as other public and private utilities .....	_____	_____	<u>NC</u>
e. Proposed method of providing storm drainage .....	_____	_____	<u>NC</u>
f. Proposed method of revegetating open land areas, both pre-existing and newly created, to a stable condition .....	<u>X</u>	_____	_____
3. A map at a scale not to exceed 1" = 200', including the following items:			
a. Date site plan was prepared .....	<u>X</u>	_____	_____
b. Name, address, and seal of preparer .....	_____	_____	_____
c. The topography of the site at a minimum of 5' intervals and its relationship to adjoining lands .....	<u>X</u>	_____	_____
d. Existing man-made features .....	<u>X</u>	_____	_____
e. Dimensions of setbacks, locations, heights, and size of buildings and structures .....	_____	_____	<u>NC</u>
f. Street right-of-ways, indicating proposed access routes, internal circulation, and relationship to existing right-of-ways .....	<u>X</u>	_____	_____
g. Proposed grading .....	<u>X</u>	_____	_____
h. Location and type of drainage, sanitary sewers, storm sewers, and other utilities .....	<u>X</u>	_____	_____
i. Location and type of fences, landscaping, buffer strips, and screening .....	_____	_____	<u>NC</u>
j. Location and type of signs and on-site lighting .....	_____	<u>X</u>	_____
k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces, and shall conform with Article XVIII .....	<u>X</u>	_____	_____
l. Easements, if any .....	_____	_____	<u>X</u>
m. Dimensions and number of proposed lots .....	_____	_____	<u>X</u>

- 4. Building elevations ..... \_\_\_\_\_ NC
  - 5. A narrative as required for a site plan ..... X \_\_\_\_\_
  - 6. Is the content of the site plan acceptable in relation to the size and complexity of the project? X Yes \_\_\_\_\_ No
- If no, what additional information is needed?

Review performed by  Date 2-11-2016



City of South Haven

## Agenda Item #6b 337 Northshore Drive Deck on Waterfront Side

### Background Information:

The applicant, Kathy McDonald of Evanston IL, is requesting site plan approval to construct an uncovered 34'x34' deck on the bluff of her property at 337 Northshore Drive. Zoning ordinance section 1724, Waterfront Lots Regulations states:

*A waterfront lot shall maintain the yard on the water side of the primary structure as an open un-obscured yard from the water's edge to the nearest wall of the primary structure. This yard may have a covered and/or uncovered boat well, stairway, walkway, or other recreational structure, after review and approval of a site plan by the Planning Commission.*

The application has been reviewed by the MDEQ and it was determined no permit from them was necessary (email attached). The proposed deck complies with zoning requirements for setback of accessory structures. If the applicant decides at a later date to enclose or roof the structure, a variance will be required from the zoning board of appeals.

### Recommendation:

Staff recommends approval of the proposed deck as submitted.

### Attachments:

Application  
Site Plan  
MDEQ email  
Aerial photo

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

**BUILDING & ZONING PERMIT APPLICATION**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-277-8573

Incomplete Forms Will NOT be  
Approved or Processed

Project Address: 337 North Shore Drive

Tax ID 80-53- 831-011-00 (If property is part of a PUD or condominium development, confirmation of parcel number from the Assessing Department is required)

Applicant: Kathy McDonald Property Owner: Kathy McDonald

Appl. Address: 8906 Ewing Ave, #2 Owner Address: 8906 Ewing Ave, #2

City Evanston State IL Zip 60203 City Evanston State IL Zip 60203

Applicant Phone: 847-567-1443 Owner Phone: 847-567-1443

Current Use of Property: residential Zoning District of Property R-1A

Project Description: We would like to build a deck on the edge of our bluff with a space underneath. space will have storage and an open area. The deck will be 34 x 34.

Contractor: By owner Lic. No. \_\_\_\_\_

Liability Carrier: \_\_\_\_\_ Ins. Exp. Date \_\_\_\_\_ Fed ID or SS#: \_\_\_\_\_

Total Value of Construction (Materials and Labor, Building Permit Only): \$35,000

Is property subject to an association? Yes \_\_\_ No XX (If yes, attach letter from association)

Is property currently served with city water and sanitary sewer connections? (Letter from city engineer req'd.)

I hereby authorize the Zoning Administrator, Building Inspector or other authorized representative of the City of South Haven to enter and inspect the above property for the purpose of inspection of the premises.  
AFFADAVIT: I certify and affirm that I am the property or building owner or owner's authorized agent and that I agree to conform to all applicable laws of this jurisdiction. I also certify that this application is accurate and complete. Section 23A of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of the state relating to persons who are to perform work on a residential structure. Violators of Section 23a are subject to civil fines.

OWNER'S SIGNATURE: M. Kathleen McDonald DATE: 2/9/16

APPLICANT'S SIGNATURE: M. Kathleen McDonald DATE: 2/9/16

SITE PLAN REVIEW APPLICATION  
CITY OF SOUTH HAVEN  
BUILDING DEPARTMENT  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-637-0760

Fee Due With Application: \$300.00

Project Address: 337 North Shore Drive Tax ID 80-53- 831-011-00

Applicant: Kathy McDonald Property Owner: Kathy McDonald

Appl. Address: 8906 Ewing Ave., #2 Owner Address: 8906 Ewing Ave., #2  
Evanston, IL 60203 Evanston, IL 60203

Applicant Phone: 847.567.1443 Owner Phone: 847.567.1443

Applicant Email: \_mkmcdon@aol.com Owner Email: \_mkmcdon@aol.com

Current Use of Property: Home and cottages Zoning District of Property R-1A

Project Description: We would like to build a deck on the edge of our bluff with a space underneath. This space will have some storage and an open area. The deck area will be 34 x 34.

PROPOSED USE: residential – deck with space underneath, built on edge of bluff

SECTION NUMBER WHICH PERMITS THIS USE: 401-1

SETBACKS (IN FEET):

FRONT YARD: 35' SIDE YARD: North – 3'6"

REAR YARD: 285 SIDE YARD: South – 12'5"

LOT AREA (IN SQUARE FEET) 17,750 sf

LOT WIDTH (AT FRONT SETBACK) 50'

AREA COVERAGE (BY ALL STRUCTURES AND DECKS) 33%

BUILDING HEIGHT AT PEAK BASED ON AVERAGE GRADE at grade

TOTAL SQUARE FEET OF RESIDENCE INCLUDING UNFINISHED BASEMENT AREA 4408 sf

NUMBER OF TOILETS \_\_\_\_\_ N/A \_\_\_\_\_

NUMBER OF BEDROOMS \_\_\_\_\_ N/A \_\_\_\_\_

OFF-STREET PARKING, SECTION 1800

PARKING USE GROUP: Residential \_\_\_\_\_

SECTION NUMBER: 1800.12. \_\_\_\_\_

PARKING REQUIREMENT

CALCULATION: 2 spaces for 3 bedrooms; one add'l for each add'l bedroom.

REQUIRED PARKING SPACES 6 PROVIDED SPACES 6

DIMENSION OF INDIVIDUAL PARKING SPACES 9 x 23

COMMENTS:

\_\_\_\_\_

OWNER'S SIGNATURE: M. Kathleen McDonald DATE: 2/9/16

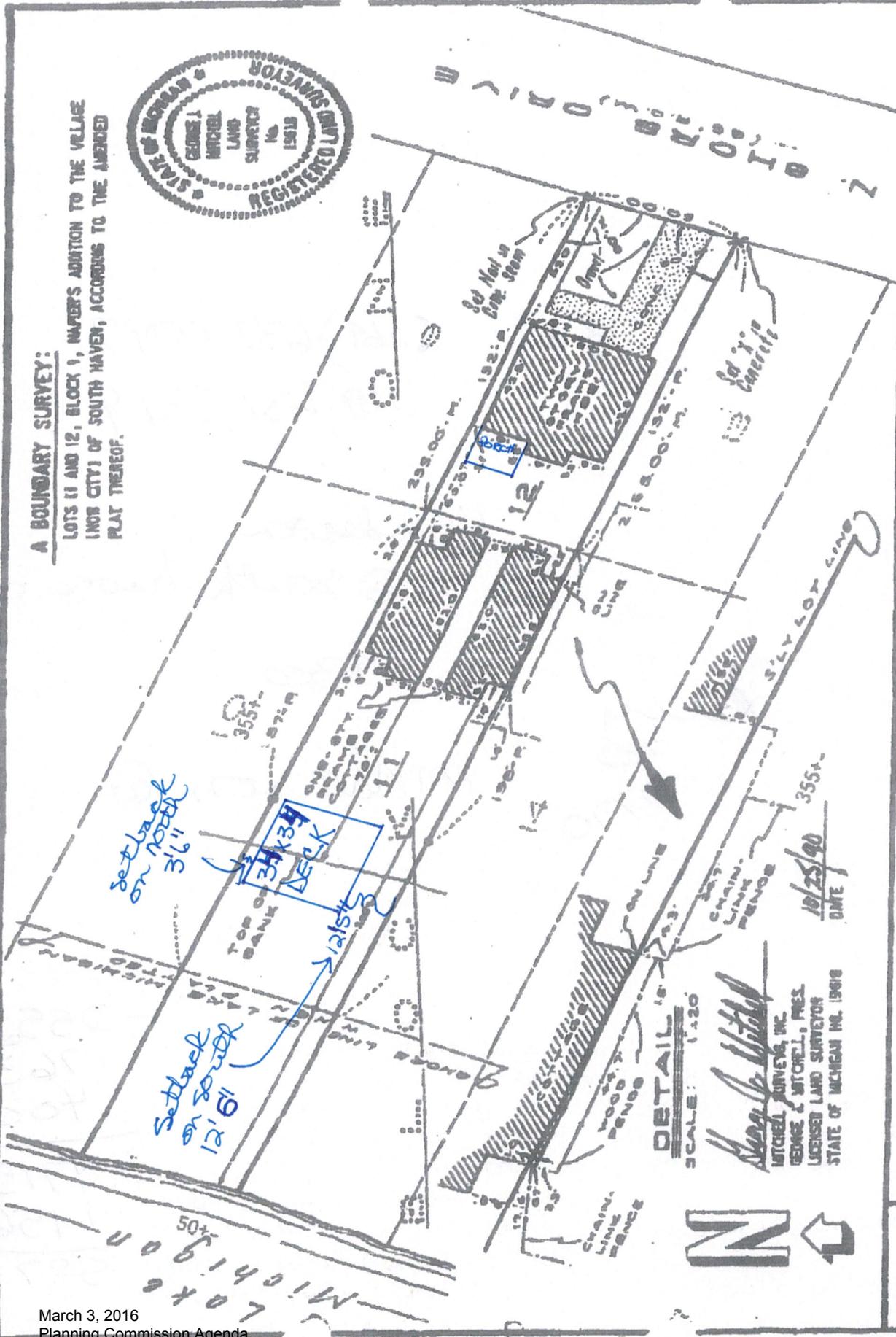
APPLICANT'S SIGNATURE: M. Kathleen McDonald DATE: 2/9/16

DATE SUBMITTED: 2/9/16 DATE ACCEPTED: \_\_\_\_\_ BY: \_\_\_\_\_

FEE: \_\_\_\_\_ DATE OF PAYMENT: \_\_\_\_\_

**A BOUNDARY SURVEY:**

LOTS 11 AND 12, BLOCK 1, MAPPER'S ADDITION TO THE VILLAGE (NOW CITY) OF SOUTH HAVEN, ACCORDING TO THE AMENDED PLAT THEREOF.



**DETAIL 1" = 20'**  
 SCALE: 1" = 20'  
 Mitchell Surveys, Inc.  
 GEORGE J. MITCHELL, PRES.  
 LICENSED LAND SURVEYOR  
 STATE OF MICHIGAN NO. 15618  
 10/25/90 DATE



**CITIZENS TRUST & SAVINGS**  
 Date 10-24-90 Job No. 20-1068 SL 1 of 1  
 Being in the N.W. 1/4 Sec. 3 T. 18. N. 17. W.

**MITCHELL SURVEYS, INC.**  
 223 Broadway, Suite 12  
 South Haven, Michigan 49090  
 Phone (616) 637-1107 Fax (616) 637-1907

Scale 1" = 20' Cont. by M.C.L. Book 50 Page 15  
 This Survey Complies with Section 3, Public Act 132 of 1970.  
 The Rules of Orders of this Survey Complies with Act 208 of 1987.  
 Act 208 of Michigan Public Acts of 1987 should be checked in case  
 that any Property Conveyance does not include this plat.

LEAD	
Iron Sol	○
Iron Found	○
Monument	■
Plotted	□
Deeded	□

## Linda Anderson

---

**From:** Bayha, John (DEQ) <BayhaJ@michigan.gov>  
**Sent:** Thursday, February 11, 2016 9:02 AM  
**To:** Linda Anderson  
**Cc:** mkmcdon@aol.com  
**Subject:** 337 North Shore Drive

Linda,

I just spoke with Mrs. McDonald about her plans to build a deck on or near the bluff at her property on North Shore Drive. The MDEQ would not have any jurisdiction over such as project so there is no need for a permit from us.

Thanks,

John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division  
7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555



### 2015 ORTHO AERIAL MAPS

Showing Parcel Lines and Labels



#### 2015 Digital Orthophotographs

The original photographs displayed here were taken in the spring of 2015. The 'best resolution' of these images is 0.5 feet per pixel.

Digital ortho photography consists of images processed by computer to remove the distortions caused by tilt of the aircraft and topographic relief in the landscape. These images are properly scaled and located in the state plane coordinate system (NAD83) thus giving them similar characteristics of a map.

-  150 US Feet
-  2015 Digital Orthophotograph
-  Municipal Name  
Municipal Border
-  Railroads
-  Public Roads
-  Property Lines
-  Subdivision Lines
-  Condominiums Lines

*Spring  
checks on  
water side  
per Sec. 1724*

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## Agenda Item #6c

### Site Plan Review for New Residence Which Exceeds Square Footage of the Moratorium Limits 36 Bluffwood Drive

City of South Haven

*Note: This property was annexed into the city from South Haven Charter Township in December 2015. The transfer papers have been turned in to Van Buren County and once recorded the property will be issued a new description. The address will remain 36 Bluffwood. The zoning ordinance (Sec. 303) requires that lands annexed into the city be temporarily zoned to the zone most closely conforming to the previous zoning. When this property was under township zoning it was in the high density residential zone although the uses allowed are similar to the city's R1-B zone. The adjacent properties in the city are zoned R1-B thus that zone has been applied to this property. Within the next three (3) months, the planning commission needs to make a recommendation to the city council of a permanent classification for this property.*

#### Background Information:

On November 16, 2015, the city council adopted a six month moratorium on construction of new single family homes which exceeded 3500 square feet in total area and/or had more than four bedrooms or toilets. An exception was written into the moratorium which allowed for such homes to be built provided that the property owner:

- a. Applies for and obtains site plan approval for the dwelling in accordance with the standards and procedures in Sections 1402 through 1407 of the Zoning Ordinance;
- b. Certifies in writing the number of bedrooms and the intended purpose of other rooms that could conceivably be used as bedrooms; and
- c. Certifies in writing that for the next 5 years or until the City adopts an ordinance regulating and permitting short-term rentals:
  - i. The residence will be used in a manner so as to qualify for a personal residence exemption for property-tax purposes; or
  - ii. The residence will not be rented for periods of less than 90 days.

Since the adoption of the moratorium, Scott Smith of South Haven, has submitted plans for a home at 36 Bluffwood Drive which exceeds the square foot limit and the bedroom and toilet limit. The proposed house is two stories with 5005 square feet including the unfinished basement space and attached garage (4141 square feet not including garage). There are five (5) bedrooms and toilets proposed. The property owner, Scott Smith is a longtime city resident

Planning Commission  
Staff Report

and will be using the house as a full time residence for his family. The owner has no intention of renting the house either long or short term.

The proposed house complies with zoning requirements. A driveway permit from the city engineer will be required before any construction permits are issued.

A certification document for the owner to sign and will be prepared by the date of the planning commission meeting.

**Recommendation:**

This application is an example of why the site plan approval option was written into the moratorium language. It is the intention of the city council to encourage new year-round residents to the city while offering a pause in the construction of large units intended solely for short term rental.

Staff recommends that the Planning Commission review the attached documents and approve the plan for the residence at 36 Bluffwood Drive with the certification documents signed as required.

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**Attachments:**

Application  
Site plan  
Zoning review  
Declaration of Restrictions

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

**BUILDING/ZONING PERMIT APPLICATION**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-269-0760

**Incomplete Forms Will NOT be  
Approved or Processed**

Project Address (incl. unit #, if applicable): 36 Bluffwood Drive

Tax ID 80-53- TBD (If property is part of a PUD or condominium development, confirmation of parcel number from the Assessing Department is required)

Applicant: Scott Smith Property Owner: Scott & Lirty Smith

Appl. Address: 36 Bluffwood Dr Owner Address: 36 Bluffwood Drive  
South Haven, MI 49090

Applicant Phone: 269-906-0334 Owner Phone: 269-906-0334

Current Use of Property: Vacant land Zoning District of Property R-1 B

Project Description: Build single family home for  
owner occupancy

Contractor: TBD Lic. No. \_\_\_\_\_

Liability Carrier/ Expiration date: \_\_\_\_\_

Fed ID or SS: \_\_\_\_\_

Total Value of Construction (Materials and Labor, Building Permit Only): \_\_\_\_\_

Is property subject to an association? Yes  No \_\_\_\_\_ (If yes, attach letter from association)

Is property currently served with city water and sanitary sewer connections? (Letter from city engineer req'd.)

I hereby authorize the Zoning Administrator, Building Inspector or other authorized representative of the City of South Haven to enter and inspect the above property for the purpose of inspection of the premises.  
AFFADAVIT: I certify and affirm that I am the property or building owner or owner's authorized agent and that I agree to conform to all applicable laws of this jurisdiction. I also certify that this application is accurate and complete. Section 23A of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of the state relating to persons who are to perform work on a residential structure. Violators of Section 23a are subject to civil fines.

OWNER'S SIGNATURE: Scott Smith DATE: 2-8-16

APPLICANT'S SIGNATURE: Scott Smith DATE: 2-8-16

SITE PLAN REVIEW APPLICATION  
CITY OF SOUTH HAVEN  
BUILDING DEPARTMENT  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-637-0760

Fee Due With Application: \$300.00

Project Address: 36 Bluffwood Drive Tax ID 80-53- TBD

Applicant: Scott & Listy Smith Property Owner: Scott & Listy Smith

Appl. Address: 36 Bluffwood Dr. Owner Address: 36 Bluffwood Dr.  
South Haven MI 49090

Applicant Phone: 269-906-0334 Owner Phone: 269-906-0334

Applicant Email: SSmith0534@gmail.com Owner Email: SSmith0534@gmail.com

Current Use of Property: Vacant land Zoning District of Property R-1B

Project Description: Construct new single family home designed  
for owner occupancy

PROPOSED USE: single family residential home

SECTION NUMBER WHICH PERMITS THIS USE: 401-1

SETBACKS (IN FEET):

FRONT YARD: 50+ SIDE YARD: 50+

REAR YARD: 50+ SIDE YARD: 35

LOT AREA (IN SQUARE FEET) 90,000

LOT WIDTH (AT FRONT SETBACK) 210

AREA COVERAGE (BY ALL STRUCTURES AND DECKS) 3800

BUILDING HEIGHT AT PEAK BASED ON AVERAGE GRADE 33 ft 11 in

TOTAL SQUARE FEET OF RESIDENCE INCLUDING UNFINISHED BASEMENT AREA 5,000

NUMBER OF TOILETS 5

NUMBER OF BEDROOMS 5

OFF-STREET PARKING, SECTION 1800

PARKING USE GROUP: Residential \_\_\_\_\_

SECTION NUMBER: 1800.12. \_\_\_\_\_

PARKING REQUIREMENT 4  
CALCULATION: 2 spaces for 3 bedrooms; one add'l for each add'l bedroom.

REQUIRED PARKING SPACES 4 PROVIDED SPACES 6

DIMENSION OF INDIVIDUAL PARKING SPACES 10x20

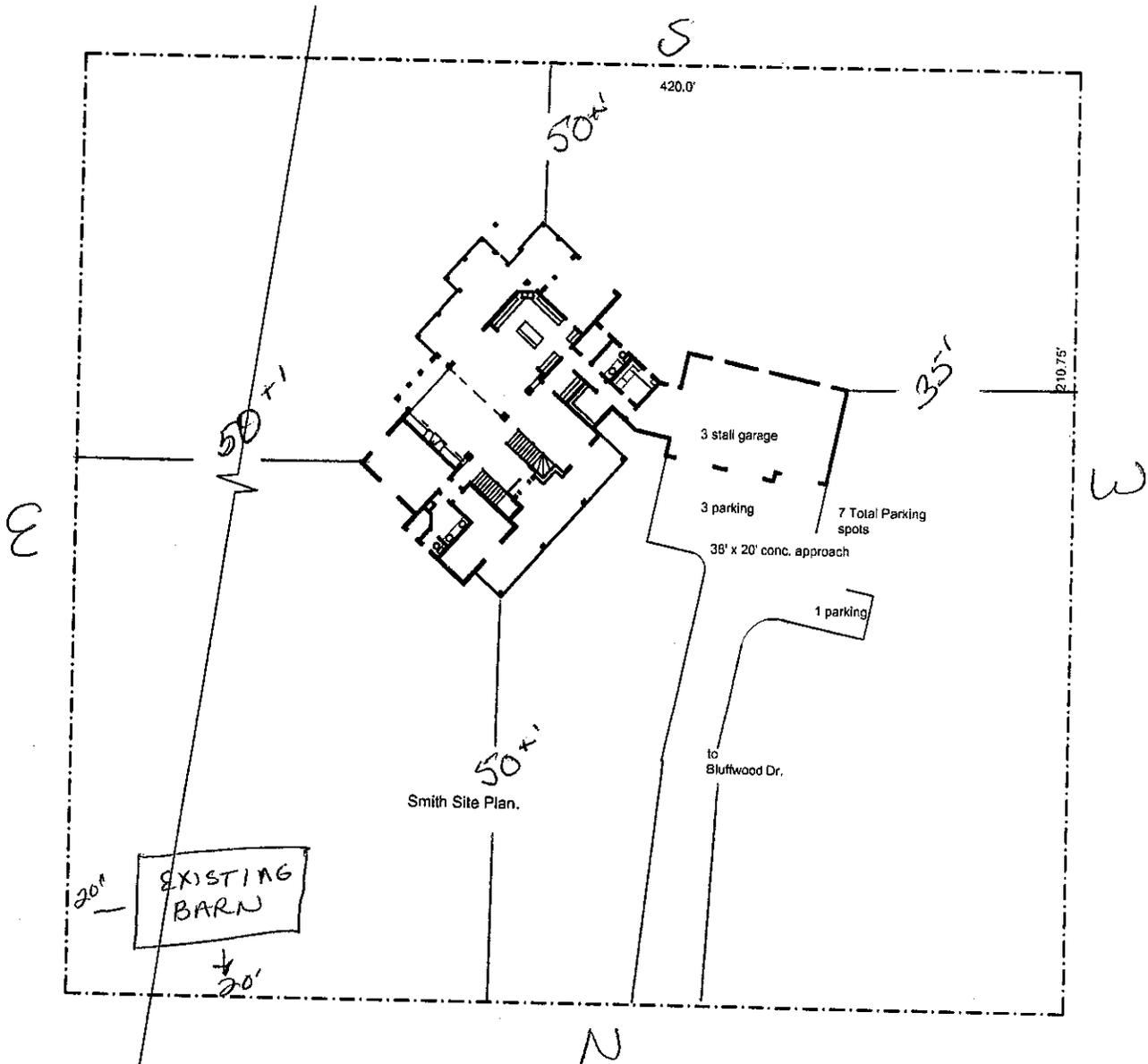
COMMENTS:

OWNER'S SIGNATURE: Scott Smith DATE: 2-8-16

APPLICANT'S SIGNATURE: Scott Smith DATE: 2-8-16

DATE SUBMITTED: 2-12-2016 DATE ACCEPTED: 2-12-2016 BY: LSA

FEE: \$300 DATE OF PAYMENT: 2-12-2016



**Linda Anderson**

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**From:** Brad Adamson <brad@lasrpm.com>  
**Sent:** Thursday, February 11, 2016 12:27 PM  
**To:** Linda Anderson  
**Subject:** Smith property in The Bluffs

Linda,

The association has approved construction of a home on lot 42 in The Bluffs.  
This home will need to comply with all city and association regulations.

Brad Adamson  
LASR Property Management  
(616)706-5278

## Linda Anderson

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**From:** Larry Halberstadt  
**Sent:** Tuesday, February 09, 2016 11:58 AM  
**To:** Linda Anderson  
**Cc:** Brian Dissette  
**Subject:** FW: letter for building permit

Linda:

New sewer and water taps have been extended to the lot line.

Brian:

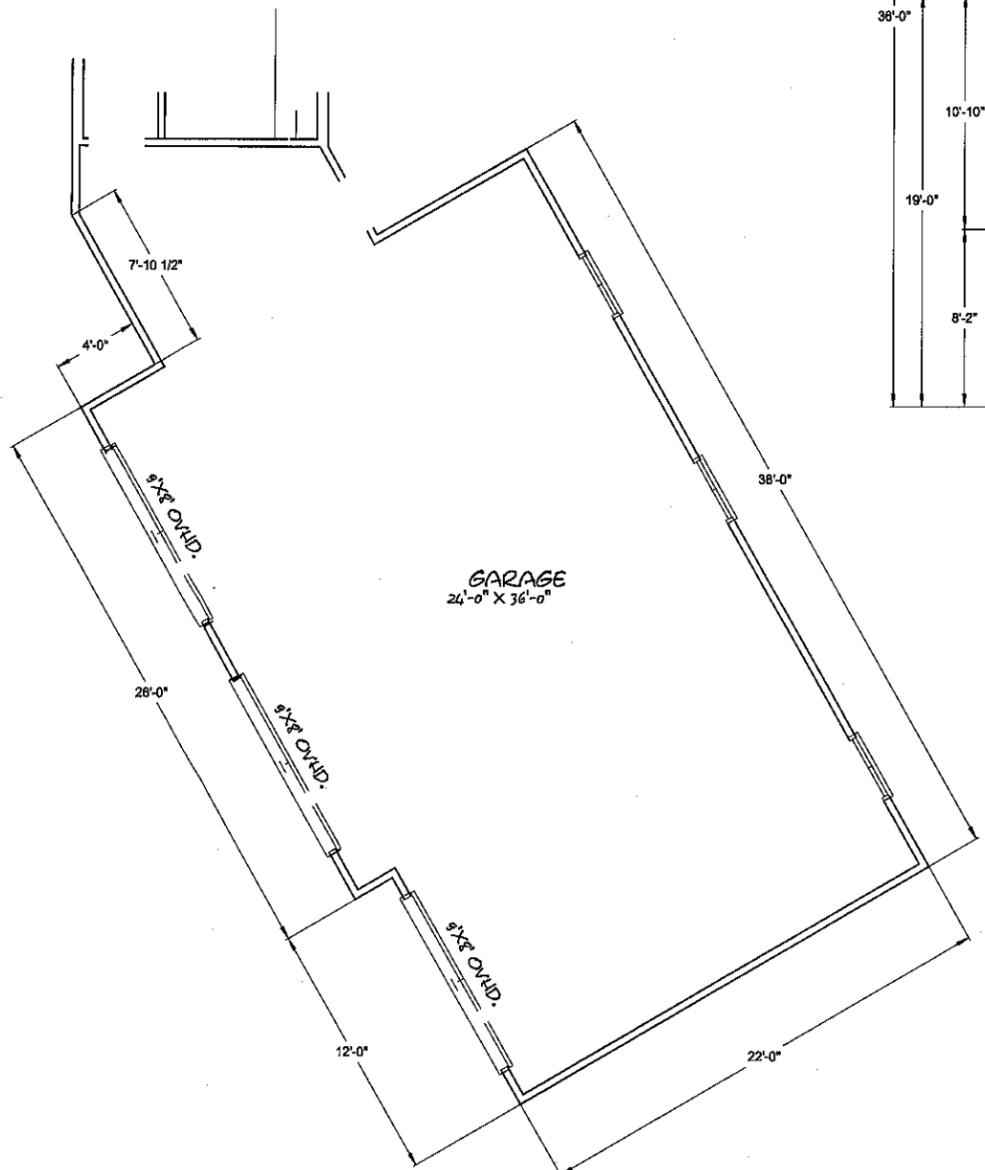
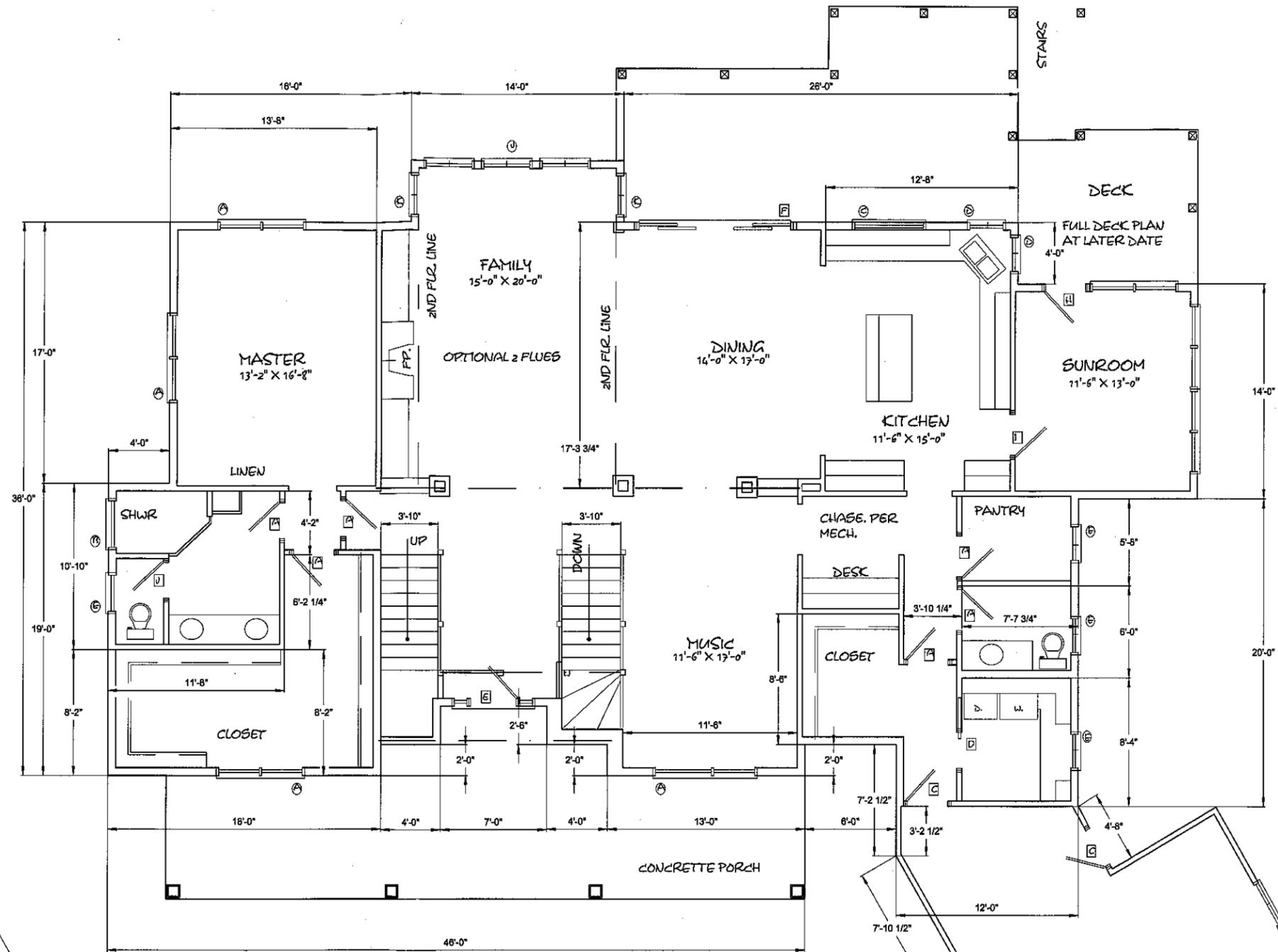
Last I checked, the proposed home has five bedrooms. Thus, an additional availability fee is due for 0.25 REUs. Do you want to discuss this with Scott or would you prefer that I do this?

**From:** Scott Smith [<mailto:ssmith@sh-hs.org>]  
**Sent:** Tuesday, February 09, 2016 8:27 AM  
**To:** Larry Halberstadt <[lhalberstadt@south-haven.com](mailto:lhalberstadt@south-haven.com)>  
**Cc:** Linda Anderson <[landerson@south-haven.com](mailto:landerson@south-haven.com)>  
**Subject:** letter for building permit

I need a letter for a building permit stating that we have utilities run to the new property (36 Bluffwood). Assume you have a form letter. If you could please send one to me I would appreciate it. Planning to turn in paperwork by Friday to Linda.

Thank you

Scott



WINDOWS	DOORS
⊙ 3056 (2) 4 TTL	⊠ 32" X 80" 12 TTL
⊙ 36" X 24" GLASS BLK	⊠ 36" X 80" 3 TTL
⊙ A15 RT/W CRNTS 1 TTL	⊠ 32" X 80" STL INSUL 2 TTL
⊙ CW16 2 TTL	⊠ 32" X 80" PKT. 2 TTL
⊙ 2156 4 TTL	⊠ 36" X 80" FULL LITE. INSUL TTL W/ SIDE LT.
⊙ 3056 W/ TRANS. 3 TTL	⊠ 10' SLDR. 2 TTL
⊙ CW205 4 TTL	⊠ 6' RFLD. 2 TTL
⊙ CW145 4 TTL	⊠ 36" X 80" FULL LITE. INSUL TTL
⊙ CW24 66RESS 4 TTL	⊠ 36" X 80" FULL LITE. PKT
⊙ 36" X 54"	⊠ 30" X 80" 1 TTL
36" X 36"	
36" X 80"	
LIVING ROOM WDS, 3 SETS	
⊙ 36" X 36"	
36" X 80"	
LIVING ROOM WDS, 2 SETS	
⊙ AWNING / UTILITY WDW.	
⊙ A31 AWNING, GARAGE, 3 TTL	

FLOOR PLAN 1/4"=1'  
2227 SQ.FT

5 bedrooms  
5 toilets

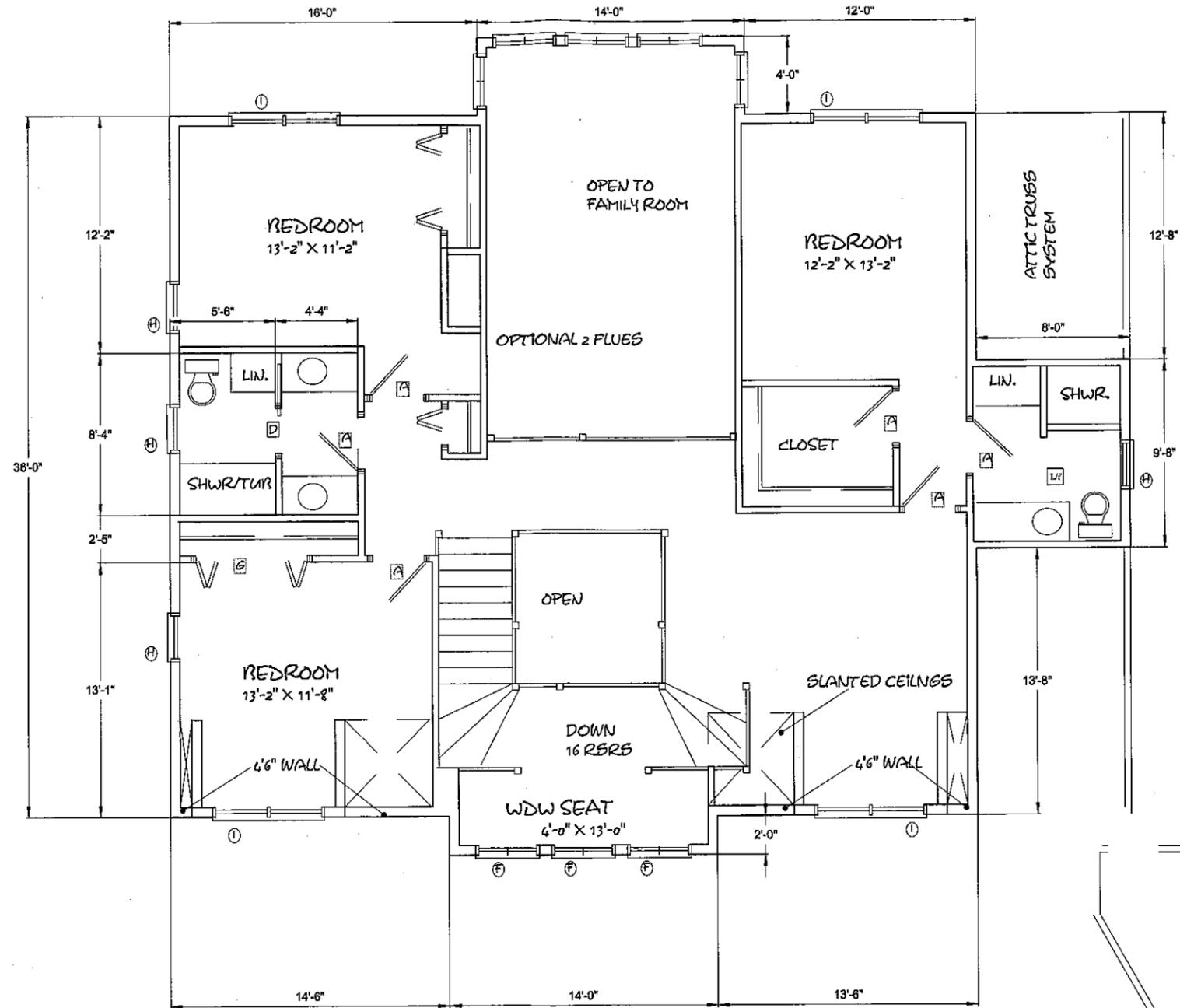
5005 sq ft  
incl. basement  
86 sq ft  
garage = 414 sq ft

THESE PLANS ARE FOR REVIEW ONLY.  
NOT FOR CONSTRUCTION.

THE SMITH HOME  
Tom Lefler Design 616-886-9864

**WINDOWS DOORS**

- ⊙ 3056 (2) 4 TTL
- ⊙ 36" X 24" GLASS BLK.
- ⊙ A15 MTWN CRTS 1 TTL
- ⊙ CW14 2 TTL
- ⊙ 2656 4 TTL
- ⊙ 3056 W/TRANS. 3 TTL
- ⊙ CW265 4 TTL
- ⊙ CW145 4 TTL
- ⊙ CW26 60RESS 4 TTL
- ⊙ 36" X 54"
- 36" X 36"
- 36" X 80"
- LIVING ROOM WDWS, 3 SETS
- ⊙ 36" X 36"
- 36" X 80"
- LIVING ROOM WDWS, 2 SETS
- ⊙ AWNING / UTILITY WDW.
- Ⓜ 32" X 80" 12 TTL
- Ⓜ 36" X 80" 3 TTL
- Ⓜ 32" X 80" STL INSUL 2 TTL
- Ⓜ 32" X 80" PKT. 2 TTL
- Ⓜ 36" X 80" FULL LIFE. INSUL 1 TTL W/ SIDE LT.
- Ⓜ 10' SLDR. 2 TTL.
- Ⓜ 5' RIFLD. 2 TTL
- Ⓜ 36" X 80" FULL LIFE. INSUL 1 TTL
- Ⓜ 36" X 80" FULL LIFE. PKT
- Ⓜ 30" X 80" 1 TTL



THESE PLANS ARE FOR REVIEW ONLY.  
NOT FOR CONSTRUCTION.

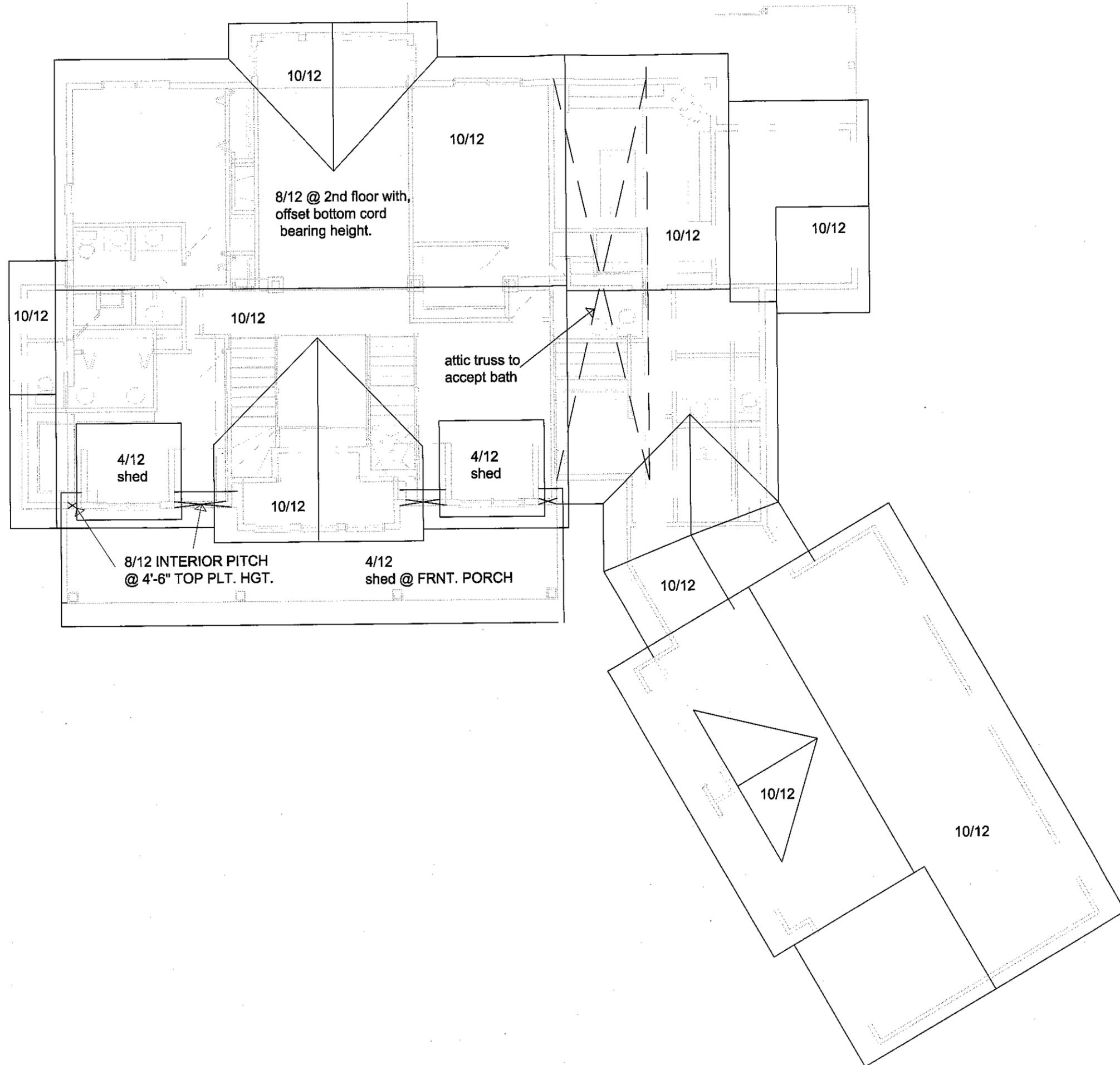
**2ND FLOOR PLAN**

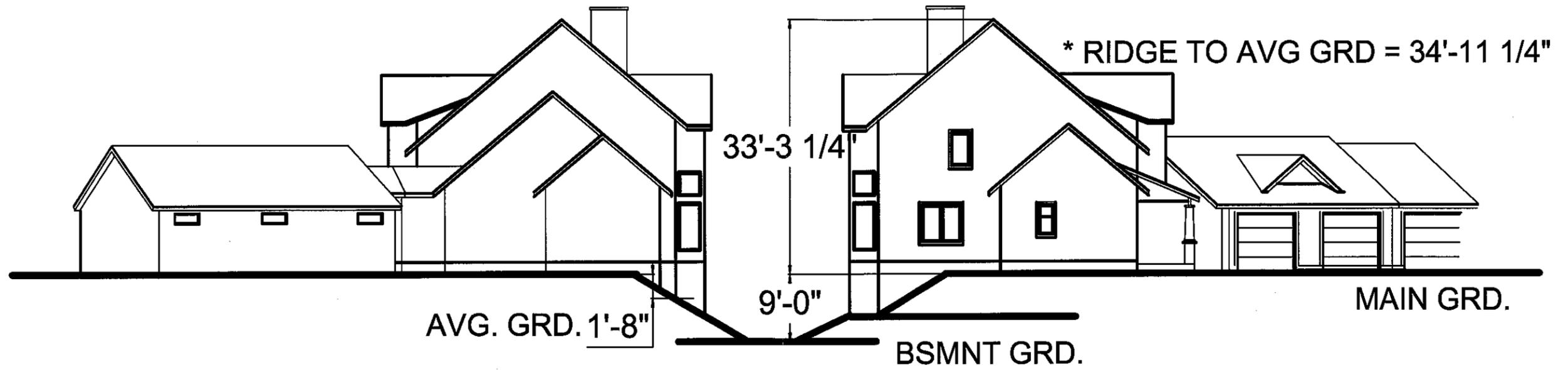
1/4" = 1'-0" 1254 SQ.FT.

**THE SMITH HOME**

Tom Lefler Design 616-886-9864







CITY OF SOUTH HAVEN  
 SITE PLAN REVIEW FORM  
 ZONING ADMINISTRATOR/PLANNING CONSULTANT REVIEW

Date of Submittal 2-10-2016

Date of PC Review 3-3-2016

Name of Applicant Scott Smith

Address of Applicant 36 Bluffwood Dr

Applicant Telephone No. (269) 906-0334

Project Name (if any) \_\_\_\_\_

Brief Project Description Build SF house for owner occupancy  
House exceeds moratorium limits

CONTENT ACCEPTABILITY

	<u>Provided</u>	<u>Not Provided</u>	<u>Not Required</u>
1. Legal description of property .....	<u>TBD</u>	_____	_____
2. Small scale sketch of properties, streets, and uses of land within 1/2 mile of the area .....	_____	_____	<u>Residential</u>
3. A narrative providing:			
a. Objectives of the proposal .....	_____	_____	<u>X</u>
b. Number of acres allotted to each proposed use, and gross area in buildings, structures, parking, public and/or private streets and drives, and open spaces .....	_____	_____	<u>X</u>
c. Dwelling unit densities by type .....	_____	_____	<u>X</u>
d. Proposed method of providing sewer and water service, as well as other public and private utilities .....	<u>X</u>	_____	_____
e. Proposed method of providing storm drainage .....	<u>X</u>	_____	_____
f. Proposed method of revegetating open land areas, both pre-existing and newly created, to a stable condition .....	_____	_____	<u>X</u>
3. A map at a scale not to exceed 1" = 200', including the following items:			
a. Date site plan was prepared .....	_____	_____	<u>emailed 2-12-2016</u>
b. Name, address, and seal of preparer .....	<u>X</u>	_____	_____
c. The topography of the site at a minimum of 5' intervals and its relationship to adjoining lands .....	_____	_____	<u>X</u>
d. Existing man-made features .....	<u>X</u>	_____	_____
e. Dimensions of setbacks, locations, heights, and size of buildings and structures .....	<u>X</u>	_____	_____
f. Street right-of-ways, indicating proposed access routes, internal circulation, and relationship to existing right-of-ways .....	<u>X 50"</u>	_____	_____
g. Proposed grading .....	_____	_____	<u>X</u>
h. Location and type of drainage, sanitary sewers, storm sewers, and other utilities .....	<u>X</u>	_____	_____
i. Location and type of fences, landscaping, buffer strips, and screening .....	_____	_____	<u>X</u>
j. Location and type of signs and on-site lighting .....	_____	_____	<u>X</u>
k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces, and shall conform with Article XVIII .....	<u>X</u>	_____	_____
l. Easements, if any .....	_____	_____	<u>X</u>
m. Dimensions and number of proposed lots .....	_____	_____	<u>X</u>

- 4. Building elevations .....   X        \_\_\_\_\_      \_\_\_\_\_
  - 5. A narrative as required for a site plan ..... \_\_\_\_\_      \_\_\_\_\_        X
  - 6. Is the content of the site plan acceptable in relation to the size and complexity of the project?   X   Yes      \_\_\_\_\_ No
- If no, what additional information is needed?

Review performed by 

Date 2-12-2016

Van Buren County Community Information Center

**Parcel 80-17-016-013-00**



Close This Window

**Van Buren County Property Information**

If you have Questions or find Incorrect Information Send an Email.

**Jurisdiction:** South Haven Township  
**Plate Number:** 275-A

**Owner Name:** SMITH SCOTT & LISTON  
**Parcel Address:** 09220 76TH ST  
SOUTH HAVEN, MI 49090  
**Mailing Address:** 45 BLUFFWOOD DR  
SOUTH HAVEN, MI 49090

**Property Information**

**School District:** 80010  
**Current Property Class:** 201  
**Current Assessment:** \$64,600  
**Previous Assessment:** \$64,600  
**Taxable Value:** \$48,158  
**Homestead %:** 0%  
**Calculated Acreage:** 1.9

**Legal Description**

275-A 16-1-17 760-261 715-913 1618-983 \*\*\* BEG ON SEC L 1594.5' S OF NE COR OF SEC, TH S 211.2', TH W 420', TH N 211.2', TH E 420' TO BEG.

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# City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499  
Telephone (269) 637-0700 • Fax (269) 637-5319

## DECLARATION OF RESTRICTIONS

This Declaration of Restrictions (the "Declaration") is made as of March 3, 2016, 2015, by Scott Smith and Liston Smith, a married couple with the address of 45 Bluffwood Drive, South Haven, MI 49090 (the "Declarants").

## RECITALS

A. Declarants own real property located at 36 Bluffwood Drive in the City of South Haven, MI (the "Property"), as more particularly described as:

275-A 16-1-17 760-261 715-913 1618-983 \*\*\* Beg on Sec L 1594.5' s of NE corner of Sec, TH S 211.2' TH W 420', TH N 211.2', TH E 420' to BEG.

B. On March 3, 2016, the South Haven Planning Commission granted the Declarants' application for site plan approval for the construction of a single-family dwelling on the Property, subject to certain conditions.

C. The Declarants now wishes to record this Declaration in order to satisfy certain conditions of site plan approval.

## TERMS AND CONDITIONS

For the consideration in and referred to in this Declaration, the Declarants covenant and agree that the Property and its present and future owners and occupants are subject to the restrictions hereinafter set forth below:

1. Restrictions. During the term of this Declaration, the Property shall be used as an owner-occupied dwelling that qualifies for a personal residence exemption ("PRE") for property tax purposes pursuant to the Michigan General Property Tax Act, 1893 PA 206.
2. Restrictions to Run with the Land. The restrictions provided in this Declaration shall run with the land, shall bind every person having any fee or other interest in the Property and shall inure to the benefit of the City of South Haven.
3. Term. This Declaration shall be effective commencing on the date of recordation of this Declaration with the Van Buren County Register of Deeds, and shall remain in effect for 5 years unless terminated earlier pursuant to paragraph 5 below.
4. Enforcement. The City of South Haven shall have the right to enforce the restrictions imposed by this Declaration by proceedings at law or in equity. Failure to enforce any

restrictions in this Declaration shall not be deemed a waiver of the restrictions or a waiver of any right to enforce the restrictions at any time thereafter.

- 5. Amendment. This Declaration may be modified, amended or terminated by the written consent of the City of South Haven. The City of South Haven will give consent to terminate the Declaration upon the adoption of a new ordinance that permits the Property to be used for short-term rentals.
- 6. Severability. The unenforceability of any provision of this Declaration shall not affect the enforceability of the remaining provisions of this Declaration.
- 7. Governing Law. This Declaration shall be governed by, and construed in accordance with, the laws of the State of Michigan.

IN WITNESS WHEREOF, Declarants have caused this Declaration to be signed as of the date first above written.

SCOTT SMITH

By: \_\_\_\_\_

LISTON SMITH

By: \_\_\_\_\_

STATE OF MICHIGAN  
COUNTY OF VAN BUREN

On, \_\_\_\_\_, 2016 , this document was signed before me by Scott Smith

Notary Public, Van Buren , MI  
My commission expires: \_

STATE OF MICHIGAN  
COUNTY OF VAN BUREN

On, \_\_\_\_\_, 2016, this document was signed before me by Liston Smith.

Notary Public, Van Buren, MI  
My commission expires : \_

*When recorded return to:*

Amanda Morgan, City Clerk  
City of South Haven  
539 Phoenix Street  
South Haven, MI 49090