

ATHENS TOWNSHIP
PLANNING COMMISSION MEETING
7:00 pm Athens Township Government Center
Minutes of Thursday, November 16, 2017

1. *Pledge of Allegiance:* The Pledge of Allegiance was recited.
2. *Roll Call:* The meeting was called to order at 7:00 pm by Chairman Dave Beckstrom. Members present were Dan Woodfill, Marlys Balfany, Dave Henderson, Dave Beckstrom, Cindy Anderson, and Jake Carpenter. Also present was Zoning Administrator, Chloe McGuire Brigl, and applicant William Stanley.
3. *Minutes of September 21, 2017:* A motion to approve the minutes as amended (note changes below) was made by Balfany, Henderson seconded. Motion carried unanimously.

Change "students" to "parents" on the second page.
Change "rental space" to "dance studio."

4. *Open Forum:* Beckstrom opened the public forum. Seeing no residents present for the open forum, Beckstrom closed the public forum.

5. *Old Business:*

- a. *1001 261st Avenue NE – Interim Use Permit Application for a Home Occupation in an Accessory Building:* McGuire Brigl described the permit application. The interim use permit application was tabled at the previous Planning Commission meeting so that staff could discuss the necessary conditions with the attorney.

The applicant noted that one stall of the existing building is approximately 1,200 square feet, which would fit the code requirements. Beckstrom noted his concern that there is already space being used by the dance studio. Stanley asked if he could apply for a variance for additional space. Brigl described that it could be a possibility.

Stanley described that 90-95% of the business is dropping off rentals to customers. A few want to pick it up or come see the products, but they rarely come into the space. Stanley noted that he meets all the requirements of code besides the accessory structure size, if he could use one-third of the building, then he would meet the code requirements. The area used would be one bay, one garage door of the existing space. The space is wide open, but it could be measured off to have only 1,200 square feet of space used.

Beckstrom asked if it would be possible for the applicant to partition off the space and put up stud walls. The applicant said it would be possible, he wants to put pallet bays in place. He asked if it would work for the pallet bays to be the partition, because it is more cost-effective than erecting stud walls.

Carpenter said that he wants something somewhat permanent. The applicant said that the space will not be open if he is not there. Carpenter asked where they would

put things, and that in the previous meeting, Jennifer Stanley said that customers could drop off rentals. William Stanley said that they typically want to do that, but he can make it so that they have to drop it off during normal office hours.

McGuire Brigl asked about the number of employees. At the previous Planning Commission meeting, Stanley said that they were interested in expanding. The applicant said they usually have one employee and they help set up a tent or something, usually off premises.

Stanley asked about the regulations and why they are in place. Beckstrom said that this use falls under a home occupation, and there are businesses that are allowed and not considered a home occupation, but the code requires this is processed as an interim use permit. Stanley asked if he can have a business because there was a business in the building before. Balfany and Beckstrom did not know if there was a business in that building before, but if it was processed as an interim use permit, it would have ended when the property was sold, or at a determined date.

Henderson said that there were two points of contention. One, he noted that the Town may be being less restrictive than the County because they allow for a maximum of 1,200 square feet but the County's code only allows for home occupations in an accessory structure up to 25% of the perimeter square footage of the home, which would only be about 790 square feet. Beckstrom said that the ordinance may need to be updated, but that the Planning Commission needs to work with the existing ordinance.

Henderson motioned to approve the application with the following conditions:

1. The requirements for a home occupation as outlined in the Athens Town Code 20-35 (b):
 - a. The size of the accessory structure in which the home occupation is conducted shall not exceed the size of the footprint of the dwelling or 1,200 square feet, whichever is less
 - b. One non-resident employee shall be allowed. Only persons who are members of the household residing on the premises may be employed in the home occupation.
 - c. No outside storage or open display of merchandise shall be allowed. All materials and vehicles, incidental to the use, shall be stored within the dwelling or the accessory building.
 - d. All parking shall be contained on the site. Adequate off-street parking shall be provided, but not more than three parked vehicles may be present at one time.
 - e. Signage shall not exceed eight (8) square feet and shall include only the name and address of the business.
 - f. Only articles made or originating on the premises shall be sold on the premises unless the articles for sale are incidental to a permitted commercial service.
 - g. The principal operator of the home occupation must reside on the parcel and have homestead status on the parcel.

2. End date compatible with the end date for the Dance Studio CUP
3. No outdoor storage
4. 1200 square feet
5. 9am to 5pm Mon through Fri. 8am to noon Sat. or by appointment only 8am to 9pm.
6. Tables be stacked parallel with the racking.
7. All racking must be bolted to the wall or floor.
8. 4 ft racking or wall must be installed to provide a boundary between the IUP area and the non-IUP area.
9. No more than one non-resident employee
10. All signage must meet Athens Town code
11. Parking plan must be submitted to be approved by Zoning Administrator
12. State, local and building and fire code
13. All parking must be onsite, no parking on the grass will be allowed.
14. Principle occupant of the home must be the principal business owner
15. The Property must have homesteaded status
16. Use is open to Staff inspection during business hours
17. The applicant shall file the IUP with the County Recorder and provide proof of recording to the Town
18. IUP shall terminate if any of the following occur:
 - a. Any violation of the condition
 - b. Use has been discontinued for one year or more
 - c. If the applicant no longer resides on the property
 - d. January 1, 2028

Motion seconded. All members voting in favor.

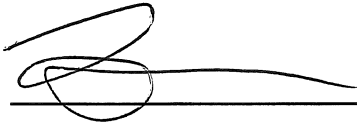
6. *New Business:*

a. *89 253rd Lane – Stop Work Order:*

b. *Address Signs:* Cindy Anderson asked if any progress was made on getting blue address signs for properties. She noted that at a previous meeting she mentioned them and thought they would be beneficial for emergency services, and look nice.

7. *Adjournment:* Balfany motioned to approve. Henderson seconded. Meeting adjourned at 9:40 pm.

Minutes approved on this 18th day of January 2018.



Ryan Grittman, Zoning Administrator



Dave Beckstrom, Planning Chair