



**PROFESSIONAL CODE INSPECTIONS
OF MICHIGAN, INC.**

1575 142nd Avenue
Dorr, MI 49323
(616) 877-2000
(Fax) #(616) 877-4455

MEMORANDUM

TO: Salem Township Planning Commission
FROM: Lori Castello, Zoning Administrator
DATE: March 20, 2020
RE: **Joseph & Annie Paul Request for a Special Use Permit- Home Occupation**

The Planning Commission is scheduled to hear a request from Joseph and Annie Paul for a Special Use Permit to operate a licensed commercial kitchen as a Class II Home Occupation within the R-1 District.

Property Information

This property is located approximately at 4703 34th Street, also known as permanent parcel 03-19-005-009-00. Currently this parcel is Zoned A-1 and has approximately 1.52 acres of land area. The property currently has a home on it, where the Pauls reside as well as three accessory buildings, one of which is proposed for alterations to serve as the kitchen.

Information provided by Applicant

The applicant has completed the application for a Special Use Permit and provided a narrative of the proposed business and site plan of the existing property.

Section 5A.03 Special Uses Permitted in the A-1 Zoning District

(a) Type II Home occupations, as listed in accordance with the standards contained in Section 11.28.

Section 11.28 (f)- Home Occupations- Type II Home Occupations: Activities and Uses requiring Approval as Special Uses.

(1) A home occupation involving the use of a detached accessory building and/or one that would exceed the floor area limitations for Type I Home Occupations.

(h)- Standards for Type II Home Occupations: Please complete the attached Findings of Fact documentation as a Commission during the open meeting to support the Planning Commission decision to approve, approve with condition(s), or deny the request. Below are my notes for your consideration.

In considering the special use authorization of any Type II Home Occupation the Planning Commission must find that the use shall remain compliant with all of the following standards:

1. The home occupation will be and remain incidental and secondary to the use of the premises as a dwelling. The Pauls live on the property and would like to repurpose an existing building. The fact that an additional structure would not be constructed helps support a finding that this standard is met.

2. *The nature of the home occupation shall be substantially in keeping with the residential or other permitted use of the property such as farming.* The Planning Commission may find that the proposed home occupation will not create any additional commercial traffic, or generate noises, fumes, dust, odors etc. that would conflict with or deter from residential and agricultural activities or lifestyle.

3. *The likely effects of the home occupation upon adjacent and nearby lands shall be within the scope of the effects likely to result from other uses permitted by right and occurring in the district and similar home occupations that are specifically permitted in this section.* The property will not be physically altered from an exterior standpoint to conflict with any visual expectation of the existing and similar rural agricultural area.

4. *The home occupation will have no appreciable adverse effects upon adjacent and nearby lands and he uses thereof as a result of increased traffic, noise, vibrations, smoke, dust, odors, heat or glare or as a result of the storage or use of combustible toxic or hazardous materials.* All activity will take place within the enclosed structure. The proposal includes one employee from outside the household, and no commercial deliveries or distribution is planned.

5. *All of the standards of section 11.28 (d), notwithstanding those limits on the number of allowable on-site employees and assistants, the use of detached accessory buildings and maximum floor area.* It is the opinion of the Zoning Administrator subject to Section 11.28(e) that this unlisted occupation would be similar in nature and effect to sections 11.28 (d) (11) Home arts and crafts including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work, candle making and jewelry making, as it is still a production of product using handwork and machinery that does not cause industrial scale noise, vibration etc.

i. **Conditions:** *When authorizing a Special Use Permit for a Type II Home Occupation, the Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, consideration of the following:*

1. **The hours of operation:** Hours of operation were not included with the application. The Planning Commission may determine that due to the location and nature of the business that imposed hours may not be necessary, or that hours of operation be limited or curtailed for operation of some of the more noisy equipment such as mixers, although it is likely none of that activity would be heard beyond property lines.
2. **The floor area of the use:** Mrs. Paul has plans to use an area roughly 496 square feet in area, which encompasses a portion of the existing accessory building.
3. **The area, height, bulk, and location of any accessory building:** The existing accessory building is roughly 1200 square feet in area, and lies approximately 80 feet from the rear lot line, 87 feet from the closest side lot line and 135 feet from the front lot line.
4. **The outdoor storage or display of goods, inventory or equipment and the screening thereof.** There will be no outdoor storage, display, inventory or equipment.
5. **The manner of storage or use of combustible toxic or hazardous materials on the premises.** There will be no use of any combustible, toxic, or hazardous materials on site.
6. **Machinery or electrical activity that may interfere with nearby radio or television reception or create noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.** The equipment typically involved with a commercial kitchen does not generate appreciable noises that would extend beyond the property line.
7. **Motor vehicle and/or pedestrian traffic and its circulation on and off site.** The proposal states there will be “one employee and owner”, which could be interpreted as either the owner is the

employee as a sole proprietor, or that one additional employee is proposed. In either event, the potential of one additional employee on 34th Street, a paved road, should not cause excessive traffic increase.

8. **The amount of off-street parking provided, and the location and surfacing and drainage thereof.** The aerial photo indicates that the accessory building has an existing drive and parking area in front of it. As no on-site sales will take place, the existing parking area should satisfy this standard.
9. **The number of permitted associates, employees, or assistants whether working on-site or performing duties principally off-site.** As stated above, the applicant's language may be interpreted to mean that she is the sole proprietor, or that one additional employee may be proposed. The Planning Commission may discuss this further to determine whether an employee is proposed or permitted as a condition of approval.

Summary: The Planning Commission should carefully consider the standards for approval and findings of fact to determine whether approval, approval with conditions, or denial of this application is appropriate.

Conclusion: I hope the information provided is helpful to you as you consider this Special Use Permit request. If you have any questions or concerns please do not hesitate to contact me and I will be happy to assist in any way that I am able. You may reach me at by phone at (616) 877-2000 Ext. 412 or email at lcastello@pcimi.com.

Sincerely,



Lori Castello
Zoning Administrator

APPLICATION FOR SPECIAL USE PERMIT

1. Name: JOSEPH & ANNIE PAUL

For Official Use Only

Address: 4703 34TH ST

City/State ZEELAND, MI Zip 49464

Phone: (hm) 517-376-0774(wk) 517-376-0774

Fax: _____

Signature Joe Paul

Date 3.7.20

Rec'd by Zoning Administrator _____

Fee Paid _____

Date of Public Hearing _____

Date Notices mailed _____

(attach affidavit of mailing)

Date of Newspaper notice printing _____

Applicable Section of Zoning Ordinance under which
the requested use is classified. _____

PLANNING COMMISSION ACTION

Approved _____ Denied _____ Date _____

Conditions of approval or reason for denial:

Signature: _____

Date: _____

NOTES: The above signature(s) authorizes commencement of notification and review activities by the Township of Salem. It further authorizes that Township officials and its designees may visit and visually inspect the subject property for the purpose of site analysis and/or inspection prior to granting approval of the application and/or prior to, during and upon completion of construction or other activity governed by the Township and pertaining to this application.

A required minimum fee (see attached) must be paid when this completed and signed application form is submitted. The total fee charged may ultimately exceed this minimum fee and will cover Township expenditures directly attributed to the review of the request. Payment in full shall be required prior to the issuance of any permits related to the request. Establishment of an escrow account may be in the amount determined by the Zoning Administrator or may be required if it is determined that review costs are likely to exceed the minimum fee.

2. Street address (or approximate location) of property and permanent parcel number(s) (This twelve digit number is on the property tax bill. For land in Salem Township the first four digits will always be 0319):

4703 34TH ST ZEELAND MI 49464 PARCEL #: 031900500900

3. Legal description and proof of legal or financial interest in property (Attach a separate page if necessary)

- LEGAL DESCRIPTION SEE ATTACH 3A

- PROOF OF LEGAL OR FINANCIAL INTEREST 3B

4. Current Zoning of the property: A G - 1

5. Describe the proposed use and its associated activities:

- WE WOULD LIKE TO INSTALL A SMALL LICENSE
KITCHEN IN A EXISTING OUT BUILDING. PROVIDE BAKED GOODS FOR FARMERS

6. Attach a site plan (scaled drawing or drawings) of the site showing a minimum (ref. Sec. 14.02, 14.03 and 14.04): MARKETS & SMALL CATERING EVENTS.

a) Property boundaries of the subject property.

b) Existing and intended use of the property, and existing and proposed building, building additions, and structures driveways and parking areas and their relationships to property lines.

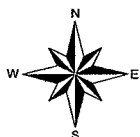
c) Prominent or unusual physical features of the site (wetlands slopes, streams woodlots etc.)

d) Abutting streets and nearby buildings on adjacent property.

e) Any and all other information required by the Zoning Administrator from the list of "Site Plan Content" as outlined in Section 14.04 of the Zoning Ordinance, unless exempted under section 14.02.

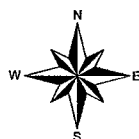
Intentions for the Property Size of Operation

AP Baked Goods utilizes the cottage food law. We are a very small operation that provides dessert catering for weddings and small businesses. We would like to build and utilize a licensed kitchen in one of our outbuildings. This would allow us to provide catering to wedding venues and farmers markets that require license kitchens to participate. This home business would provide low impact on the surrounding community. All baking materials that are delivered to AP Baked Goods will be transported utilizing our personal vehicles. This includes standard baking products such as: flour, sugar and eggs. Finished baking products will also be delivered utilizing our personal vehicles and will create no extra traffic. We will not have any open store hours to the public as our operation is only utilized for catering baked goods out to the community. This small operation only has one employee and owner, Annie Paul. We are currently in communication with the Department of Agriculture and Rural Development to follow health and safety standards. AP Baked Goods hopes to support the local community through delicious Baked Goods.



1 inch = 94 feet

Map Printed: 3/5/2020

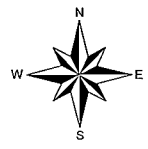


Allegan County GIS Services assumes no liability for the conclusions drawn from the use of these data.

1 inch = 188 feet
Map Printed: 3/5/2020



Sources: Esri, HERE, Garmin, USGS, Intermap, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Swire, Esri (Thailand), NCCG, © OpenStreetMap contributors, and the GIS User Community



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1 inch = 188 feet
Map Printed: 2/19/2020

3B

American Land Title Association

ALTA Settlement Statement - Borrower/Buyer
Adopted 05-01-2015

File No./Escrow No.: 293173GRR
 Print Date & Time: 12/13/19 10:06 AM
 Officer/Escrow Officer: Melissa Kobel
 Settlement Location:
 Transnation Title Agency of Michigan
 4249 Parkway Place Dr. SW, Suite B
 Grandville, MI 49418

Transnation Title Agency of Michigan
 Grand Rapids
 ALTA Universal ID: 1032768
 921 N. Division Ave.
 Grand Rapids, MI 49503

Property Address: Section 5, T4N, R13W, Allegan County
 4703 34th St.
 Zeeland, MI 49464

Borrower: Joseph Paul and Patricia Paul, husband and wife
 1539 Rossman Ave. SE
 Grand Rapids, MI 49507

Seller: Brock Gobrogge and Michelle Gobrogge, husband and wife
 4703 34th Street
 Zeeland, MI 49464

Lender: The Huntington National Bank, P.O. Box 5072, Troy, MI, 48004-5072
Loan Number: 5354055
Settlement Date: 12/16/2019
Disbursement Date: 12/16/2019

Description	Borrower/Buyer	
	Debit	Credit
Financial		
Sale Price of Property	\$257,000.00	
Deposit		\$2,500.00
Loan Amount		\$240,000.00
Prorations/Adjustments		
Summer property taxes from 12/16/2019 thru 12/31/2019	\$70.96	
Winter property taxes from 12/16/2019 thru 12/31/2019	\$42.55	
Loan Charges to The Huntington National Bank		
0.5% of Loan Amount (Points)	\$1,200.00	
Admin fee	\$280.00	
Express mail fee	\$12.50	
Processing fee	\$345.00	
Underwriting fee	\$255.00	
Prepaid Interest \$23.84 per day from 12/16/2019 to 01/01/2020)	\$381.44	
Other Loan Charges		

3 B

Description	Borrower/Buyer	
	Debit	Credit
Appraisal Fee	\$400.00	
Appraisal management fee	\$15.00	
Credit Report Fee	\$50.90	
Data Verification fee	\$15.00	
Flood Determination Fee	\$7.50	
Insurance service fee	\$30.00	
Mers Assignment fee	\$11.95	
Tax Monitoring Fee	\$69.00	
Impounds		
Homeowner's Insurance \$69.42 per month for 3 mo.	\$208.26	
City Property Taxes \$134.90 per month for 8 mo.	\$1,079.20	
County Property Taxes \$80.76 per month for 3 mo.	\$242.28	
Aggregate Adjustment	-\$674.61	
Title Charges & Escrow / Settlement Charges		
Title - Lender's Title Insurance to Michigan American Title Agency	\$767.85	
Title - Buyer's Settlement Fee		
Title - Chain of Title		
Commission		
\$2500.00 Earnest Money Held by Keller Williams Realty Rivertown		
Government Recording and Transfer Charges		
Recording Fee (Mortgage) to Allegan County Register of Deeds	\$30.00	
Recording Fee (Deed) to Allegan County Register of Deeds	\$35.00	
Miscellaneous		
Closing fee to Transnation Title Agency of Michigan	\$300.00	
Homeowner's Insurance Premium to State Farm Insurance	\$833.00	
	Borrower/Buyer	
	Debit	Credit
Subtotals	\$263,007.78	\$242,500.00
Due From Borrower		\$20,507.78
Totals	\$263,007.78	\$263,007.78

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Transnation Title Agency of Michigan Grand Rapids to cause the funds to be disbursed in accordance with this statement.

Joseph Paul
Joseph Paul

12-16-19
Date

Patricia Paul
Patricia Paul

12-16-19
Date

Melissa Kobel

12-16-19
Date

NOTE:

THIS IS A SECTION
OF THE OUT BUILDING.
FULL BUILDING
30' WIDE &
50' LONG.

SEPERATION
WALL

31'

Hand
Sink

The Compartment
Sink

Mop
Closet

Table

Oven

Prep Table

Mixer

Restroom

Door

Door

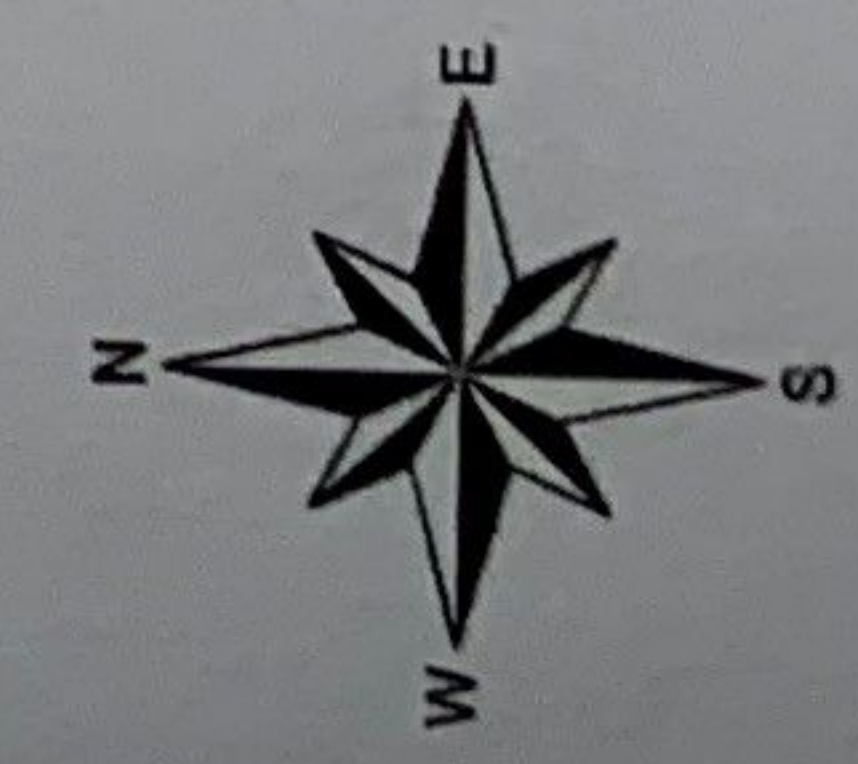
Shower
Roller

Cooler

3A
009-00



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NECC, (c) OpenStreetMap contributors, and the GIS User Community



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1 inch = 94 feet
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NOTICE OF PUBLIC HEARING

SALEM TOWNSHIP PLANNING COMMISSION

Notice is hereby given pursuant to PA 110 of 2006, the Michigan Zoning Enabling Act, the Planning Commission of Salem Twp. will hold Public Hearings to deliberate the following topics on Thursday, June 4, 2020 at 7:00 p.m., at the Salem Township Hall located at 3003 142nd Ave. Burnips, Michigan.

1. A request from Joseph and Patricia Paul, owners of 4703 34th Street, also known as permanent parcel number 0319-005-009-00, for a Special Use Permit for a Type II Home Occupation subject to Section 11.28 of the Salem Township Zoning Ordinance.
2. A request from Ross Veltema of Top Grade Aggregates, operator of a sand and gravel removal operation at an unaddressed parcel at approximately 142nd Avenue, also known as permanent parcel number 03-19-021-010-00 for a Special Use Permit to renew a mining operations subject to Chapter 21 of the Salem Township Zoning Ordinance.
3. Rezoning of the following properties from R-1 Residential to R-2 Residential:
 - a. 2554 146th Ave, also known as permanent parcel number 0319-012-016-00
 - b. 2560 146th Ave Also known as permanent parcel number 0319-012-014-00
 - c. 2564 146th Ave Also known as permanent parcel number 0319-012-015-00
 - d. 2578 146th Ave Also known as permanent parcel number 0319-012-006-00
 - e. 2584 146h Ave Also known as permanent parcel number 0319-012-007-00
 - f. 2586 146th Ave. Also known as permanent parcel number 0319-012-008-00
 - g. 2590 146th Ave. Also known as permanent parcel number 0319-012-009-00
 - h. 2585 146th Ave Also known as permanent parcel number 0319-001-014-00
 - i. 2583 146th Ave Also known as permanent parcel number 0319-001-013-00
 - j. 2577 146th Ave Also known as permanent parcel number 0319-001-015-00
 - k. 2573 146th Ave Also known as permanent parcel number 0319-001-016-00
 - l. 2567 146th Ave. Also known as permanent parcel number 0319-001-020-00

A copy of the applications and materials are available for review at the Township Hall during regular business hours.

This meeting is intended to provide an opportunity for Township residents and interested citizens to express their opinions, ask questions, and discuss all aspects of the requests. Those unable to attend the public hearing are invited to submit written comments to the attention of the Zoning Administrator at Salem Township Hall, P.O. Box 45, Burnips, MI, 49314 or by calling 616-877-2000. All written comments must be received by no later than 4:00 p.m. on Thursday June 4, 2020.

If any resident has a physical disability which may limit his/her participation in this hearing, please notify the Township Hall at least five (5) days prior to the hearing so that reasonable accommodations may be made.

KIMBERLY PITSCH, SECRETARY
SALEM TOWNSHIP PLANNING COMMISSION
616-896-9857

mapping_id	ownername1	propstreet	ownerstreet
19-005-007-00	DYKSTRA THOMAS & TRACY	34TH ST	4694 35TH ST
19-005-009-00	PAUL JOSEPH AND PATRICIA	4703 34TH ST	4703 34TH STREET
19-005-009-10	COLE JEREMIAH & MEGHAN	34TH ST	3118 MARCIA LN
19-005-009-11	SCHOUT PAUL & CHRISTINE	4701 34TH ST	4701 34TH ST
19-006-003-00	HULST HAROLD B TRUST	34TH ST	A-3809 146TH AVE
19-006-003-20	HALL STEPHEN & JACKIE	4730 34TH ST	4730 34TH ST

City	State	Zip
ZEELAND	MI	49464
ZEELAND	MI	49464
HAMILTON	MI	49419
ZEELAND	MI	49419
HOLLAND	MI	49423
ZEELAND	MI	49419