



**REGULAR OF THE
CHARTER TOWNSHIP OF COMSTOCK PLANNING
COMMISSION**

**THURSDAY, AUGUST 14, 2025 at 6:00 PM
NOTICE AND AGENDA
5858 KING HIGHWAY
COMSTOCK TOWNSHIP HALL**

Call to Order

Pledge of Allegiance to the Flag of the United States of America

Approval of Agenda

Approval of Minutes

July 24, 2025 Meeting Minutes -DRAFT

Citizen Comment

A citizen may state their name and address and may speak only one time, for no more than three (3) minutes. This time may not be given to another citizen to extend their time. The person speaking has the floor and no other citizen shall speak during someone else's time. During this time, you will be making statements to the Board, without discussion from the Board members, but you are welcome to make an appointment with Planning & Zoning staff to discuss your comments further. Please keep comments clean and respectful.

New Business

8379 E Main- Special Land Use Request and Public Hearing

Old Business

2591 S 33rd Street - Rezoning Request

Discussion of Chicken Ordinance

Discussion of Accessory Structure Ordinance

Any Other Business

Citizen Comment

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Updates from Other Boards

Training Updates

Training Updates

Informational/Future Action Items

Planning Commissioner Comments

Adjournment



MEMO

Charter Township of Comstock Planning Commission August 14, 2025

From: Khayci Bryant, Assistant Planner

Re: July 24, 2025 Meeting Minutes -DRAFT

Attachments:

[2025_0724 Comstock PC Minutes - DRAFT.docx](#)

**COMSTOCK CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF MEETING HELD JULY 24, 2025**

**COMSTOCK CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF MEETING HELD JULY 24, 2025**

A meeting of the Comstock Charter Township Planning Commission was held on Thursday, July 24, 2025 at the Comstock Township Hall beginning at 6:00 p.m.

Members Present:

Larry Nichols, Chair
Bub Sherwood, Vice Chair
Sandy Bloomfield, Treasurer
James Criteser, Secretary
Amber Lawrence
Joseph Weintraub
Greg Nowak

Members Absent: None

Also in attendance was Zoning Administrator Khayci Bryant & Township Attorney Catherine Kaufman, and approximately 20 members of the general public.

Call to Order

Chair Nichols called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Pledge of Allegiance was recited.

Approval of Agenda

Zoning Administrator Bryant requested that the agenda be modified to:

- a. Place email communication from Watts Development under “future items” as it pertains to district modifications;
- b. Discussion of the moratorium regarding renewable energy to be placed under “any other business”.

Commissioner Lawrence motioned, with support from Critser, to approve the agenda as amended. Upon voice vote, motion carried 7-0.

Approval of Minutes

Member Weintraub motioned, with support from Bloomfield, to approve the minutes of July 10, 2025. Upon voice vote, motion passed 7-0.

Citizen Comment #1

No citizen comments at this time.

New Business

1. 2591 S. 33rd Street – Rezoning Request & Public Hearing

Zoning Administrator Bryant summarized the staff report, prepared by McKenna, regarding the proposed rezoning of 2591 S. 33rd Street, from R-1A, Single Family, to AGR, Agricultural Residential.

1 Ms. Bryant further highlighted the findings of fact within the staff report and the analysis conducted by
2 staff as it related to elements of a rezoning petition that should be satisfied in order to receive a
3 positive recommendation from the Commission.
4

5 The applicant, Muhammad Abbas, spoke on behalf of his application and indicated the desire to
6 rezone the property in order to permit a larger number of on-site chicken raising and egg harvesting
7 in order to support the applicant's family.
8

9 Sherwood motioned, with support from Weintraub, to open the Public Hearing pertaining to 2591 S.
10 33rd Street. Upon voice vote of 7-0, public hearing was opened.
11

12 Public Hearing:

- 14 1. Delores Miller, 9610 E ML Avenue: opposes rezoning due to increase potential of waste from
15 chickens and rooster concerns.
- 16 2. Mary O'Flaherty, 9580 E ML Avenue: not opposed to residents keeping of chickens, but
17 requests that existing ordinances be enforced regarding the keeping of chickens.
- 18 3. Kenneth Scott: disagrees that a rezoning to agriculture would fit within the character of the
19 area.
20

21 There being no further public comment, Weintraub motioned to close the public hearing; motion
22 supported by Bloomfield. Upon voice vote of 7-0, public hearing closed.
23

24 Discussion

25 Chair Nichols inquired with the Commission as to their desires pertaining to the requested rezoning;
26 the following is a synopsis of comments:
27

- 28 a. Lawrence: a recent parcel was recommended to be rezoned; as such, consistency with that
29 action should be taken into account. The rezoning appears to meet the criteria for such
30 action. Separately, modifications to the chicken ordinance are anticipated to be discussed
31 later within the meeting. In favor of following the by-laws and consider the request.
32
- 33 b. Sherwood: the request follows the 2030 Master Plan and that applicants should follow the
34 written ordinances pertaining to the keeping of chickens.
35
- 36 c. Nowak: The application does follow the Master Plan and fits the criteria.
37
- 38 d. Weintraub: It does follow the future land use plan and that the rezoning would be more
39 appropriate given the character of the area.
40
- 41 e. Criteser: It does fit the 2030 Master Plan, but further review needed.
42
- 43 f. Treasurer Bloomfield: It does fit the criteria, however, there are concerns raised by area
44 residents regarding the keeping of chickens.
45
- 46 g. Nichols: should the rezoning be approved, what are the unintended consequences of this
47 parcel being rezoned to agriculture.
48
49

50 Attorney Kaufman informed the Commission that agriculture properties do have some protection
51 under the Michigan Right To Farm Act and further review between the State Act and the local
52 ordinance would need to be undertaken if a property owner sought to establish an agricultural use.
53

54 Mr. Abbas informed the Commission that there are no roosters on site, nor are there future plans to
55 have roosters on site.
56

1 Lawrence motioned, with support from Weintraub, to uphold the Commission's By-Laws and bring
2 forth the application at the next regularly scheduled meeting, August 14, 2025. Upon roll call:
3 Lawrence – Yes; Nowak – Yes; Nichols – Yes; Criteser – Yes; Sherwood – Yes; Weintraub – Yes;
4 Bloomfield – Yes; Motion carried 7-0.
5

6 **2. Discussion of the Township's existing Chicken Regulations**

7
8 Ms. Bryant informed the Commission that staff's desire is to place before the Commission the existing
9 regulations pertaining to the keeping of chickens, and seeks feedback on what, if any, provisions may
10 be amended. The Commission next expressed their preliminary findings with the existing ordinance
11 as well as general comments pertaining to the keeping of chickens.
12

- 13 a. Bloomfield: personal property is surrounded by those who keep chickens, which do not stay
14 within their enclosures. Larger property may be appropriate to have more chickens. Consideration
15 should also be given to potential predators of chickens and how mitigation measures will be
16 undertaken.
17
- 18 b. Criteser: needs to be worked to best support residents of the Township and seek areas to better
19 improve upon.
20
- 21 c. Weintraub: advocates for a formula that accommodates larger parcels of land with more
22 chickens. Some requirements are too strict; a coop is limited to seven (7) feet – what does that
23 accomplish; limiting the size of a coop – how does that help. Additional live-stock should be
24 reviewed for consideration too. Would like to see fencing requirements reviewed in greater detail.
25
- 26 d. Nowak: Residential areas should maintain the requirement to keep chickens in a coop, in order to
27 protect residential properties.
28
- 29 e. Sherwood: Maintain requirements to keep coops clean. There should be a balance between the
30 parcel size and the number of chickens that can be kept.
31
- 32 f. Lawrence: Lot size should be a contributing factor of how many hens can be kept on site. Coop
33 size should also be increased. Further review of the keeping of roosters may be appropriate.
34
- 35 g. Nichols: A sliding scale for property size verse number of chickens would be beneficial to the
36 Township.
37

38 39 **3. Discussion of the Township's Accessory Structure Regulations**

40
41 Ms. Bryant summarized the staff comments regarding the existing accessory structure ordinance
42 regulations. Chair Nichols requested comments from the Commission:
43

- 44 a. Sherwood: Should consider separating "garage" from "accessory building" in terms of lot
45 coverage and setback provisions. Accessory buildings should be regulated separately, without
46 considering the garage as an element. Further consideration should be given to remove the
47 setback provision that requires the use of the height as the distance marker. Accessory structures
48 should have the same setback requirements as the principal structure. The accessory structure
49 square footage allowance by itself is acceptable, however, when counting the garage, it's too
50 restrictive.
51
- 52 b. Nichols: the current size trigger at 200 square feet is too restrictive.
53
- 54 c. Lawrence: the garage space and accessory building calculation should be separate. Would be
55 interested in exploring greater coverage allowance.
56

- d. Nowak: some of the maximum square footage should be increased. Garages should be removed from the calculation equation.
- e. Weintraub: the setback provision should be removed as it pertains to the height of the structure. The existing sizes should be increased. Alternatively, let the lot coverage control the size of the structures. Attorney Kaufman inquired if a trigger provision would be appropriate, such as a maximum size.
- f. Criteser: attached and detached garages should not be included in the accessory building calculation. Consideration of setbacks should be reviewed as well.
- g. Bloomfield: Excited to see what comes forth from staff.

Continuing/Old Business

1. Renewable Energy Moratorium

Attorney Kaufman spoke to this topic item and that the Township Board is seeking to move forward with taking action on the moratorium. Nowak opinioned that there is great momentum on continuing to work on amending the existing ordinance. Lawrence opinioned that the zoning moratorium should be kept tabled because of the good work that is being undertaken. Treasurer Bloomfield opinioned that a lot of changes have taken place in draft format and would like to see further progress.

Any Other Business

1. Communication from Watts Development

Ms. Bryant summarized the inquiry received from Watts Development regarding rear yard setback provisions. Chair Nichols read the communication from Watts Development to the Commission and those in the general public. Chair Nichols requested comments from the Commission:

- a. Sherwood opinioned that reducing the existing setback from 35 feet to 25 feet would be entertainable, so long as lot size is not reduced.
- b. Lawrence: Upon preliminary glance, not in favor of the change. Further review should be undertaken.
- c. Nowak: Undecided
- d. Weintraub: Willing to review all envelope requirements for R-1C, but not in favor of the proposed suggestions.
- e. Criteser: Need more information from the Building Authority.
- f. Bloomfield: need additional time to review the consideration.
- g. Nichols: need additional time to review the consideration.

1 **Citizen Comment #2**

2
3 The following residents spoke:

- 4
5 1. William Knight: expressed gratitude on the work being done regarding the battery energy storage
6 system ordinance. Expressed displeasure with the proposed rear yard change.
7
8 2. Brian K: spoke on various topics and issues.
9
10 3. Dan H: spoke regarding potential odor in conjunction with keeping chickens.
11

12 **Updates from Other Boards**

13
14
15 Ms. Bryant spoke regarding the Zoning Board of Appeals and the request to have a larger footprint of
16 accessory structure. The ZBA denied the request.
17

18 Treasurer Bloomfield encouraged the Township Board to carefully consider the changes that are being
19 discussed pertaining to the battery energy storage system ordinance.
20

21 **Training Updates**

22
23
24 None
25
26

27 **Informational/Future Action Items**

28
29 Zoning Administrator Bryant reminded the Commission of the upcoming meetings, both on August 7th
30 (joint-meeting) and August 14th.
31

32 **Planning Commissioner Comments**

33
34
35 Chair Nichols opened the floor to members:

- 36
37 a. Lawrence: no comments at this time.
38
39 b. Sherwood: rear setbacks in the R-1C were discussed, but due to oversight, were not moved forward
40 last summer/fall. Further review of the setback provisions for accessory structures is needed.
41
42 c. Nowak: no additional comments.
43
44 d. Weintraub: no additional comments.
45
46 e. Criteser: good discussion on the accessory building ordinance and would like to keep working the
47 chicken ordinance.
48
49 f. Treasurer Bloomfield: encouraged by the work that is going on regarding accessory structures and
50 chicken keeping.
51
52 g. Chair Nichols: no comments at this time.
53
54
55
56

Adjournment

There being no further business before the Planning Commission, Chair Nichols adjourned the meeting at 7:29 p.m.

Prepared by: Kyle Mucha, AICP – Township Planning Consultant & Khayci Bryant, Zoning Administrator

Minutes prepared: July 28, 2025

Minutes approved:



MEMO

Charter Township of Comstock Planning Commission August 14, 2025

From: Khayci Bryant, Assistant Planner

Re: 8379 E Main- Special Land Use Request and Public Hearing

Consideration of the special land use request for 8379 E Main. Following the staff overview and applicant presentation, a motion is required to open the public hearing

Attachments:

[8379 E Main - Special Land Use 2025_0721.pdf](#)

[8379 E Main Application.pdf](#)



MCKENNA

Memorandum

TO: Comstock Charter Township Planning Commission
FROM: Kyle Mucha, AICP, Principal Planner
Sommer Nafal, Assistant Planner
SUBJECT: 8379 E Main – Special Land Use – Accessory Structure
DATE: July 21, 2025

Members of the Planning Commission:

McKenna has reviewed the special land use request for 8379 E. Main Street, in which the applicant – Craig Howard – seeks to construct a 864 square-foot accessory structure to replace an existing garage 576 square-foot garage, which was damaged by natural elements.

PROPERTY SUMMARY

The subject site is approximately 3.19 acres in size and is located within the AGR, Agriculture Zoning District. The site is currently improved with a single-unit residential dwelling, one detached accessory structure (1,200 square feet) and a detached garage (576 square feet). The subject property is located east of N. 30th Street and west of N. 33rd Street.



HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

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SPECIAL LAND USE REQUEST SUMMARY

The applicant has requested to construct a 24' x 36', 864 sq ft, accessory structure adjacent to their residential home. Comstock Charter Township's Zoning Ordinance, Article 5.1.5.C(3) states:

Accessory buildings not structurally attached to the residence shall not: "Be located closer than five (5) feet from any side or rear property line for buildings 200 square feet or less in area and/or accessory buildings that are the principal detached garage serving the residence on the lot; the minimum side and rear property line setback requirement for buildings exceeding 200 square feet in area shall be the height of the building at its highest point, except as excluded herein."

Th permitted setback from the side property line is five feet for structures less than 200 square feet; however, this structure is proposed to be 864 square-feet and would therefore be subject to the structural height provision referenced above. The proposed structure, as submitted, is located approximately three (3) feet from the side property line, which does not comply with the Township's Zoning Ordinance for administrative approval; the Township's Zoning Ordinance provides property owners relief from this provision in terms of seeking *special land use* approval to locate a structure in an alternative placement.

ADMINISTRATIVE STATEMENTS

As previously referenced, property owners seeking to exceed the maximum permitted side setback would need approval via a Special Land Use.

5.1. D(1) states that "Accessory buildings permitted with special exception use permit: Any accessory building on a lot or site condominium unit of one acre or more in size that fails to meet the size, height or location requirements set forth above may be allowed as a special exception use, subject to the conditions in "4, 5 and 6" [of the Ordinance]."

Per the provision listed above, the applicant is seeking approval to construct an accessory building in excess than what is permitted by side setback footage. Therefore, further review considerations are required.

PLANNING COMMISSION REQUIREMENT STANDARDS

As described in Section 5.1.D, the special land use may be allowed if it meets the following conditions:

1. Proposed accessory building(s) shall not have a material adverse impact upon the owners and occupants of surrounding properties. The Planning Commission shall have authority to impose reasonable conditions, including reduction in size, to assure compliance with this standard.
2. All applications requiring a special exception use permit hereunder shall be accompanied by twelve (12) copies of a site plan of the subject property, drawn to a selected scale, containing the following information (*see below for information required*).
3. An application for a special exception use permit hereunder shall include a statement setting forth the purpose(s) for which the proposed accessory building(s) will be used. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.



REVIEW

We offer the following comments for consideration by the Planning Commission. Items that require further modifications have been underlined for reference.

1. (Section 5.1.D.4) Proposed accessory building(s) shall not have a material adverse impact upon the owners and occupants of surrounding properties. The Planning Commission shall have authority to impose reasonable conditions, including reduction in size, to assure compliance with this standard.

It is not anticipated that such a structure will have an adverse impact upon the owners and occupants of surrounding properties. A site plan of the subject property is provided below for further reference. Additionally, the applicant has provided a site sketch of the location of the proposed accessory building (shown below).

The adjacent property (east) sharing the side property line is owned by Southwest Michigan Land Conservatory, also zoned AGR. The neighbor submitted a letter in favor of the applicant, stating:

"We do not see any issue with the structure or walkway etc. being so close to the property line as to not cross the property line boundary."



**Note: aerial photograph & boundary line shown on the above image are two (2) separate data sets – refer to site survey included within application for property boundary dimensions and structure location.*



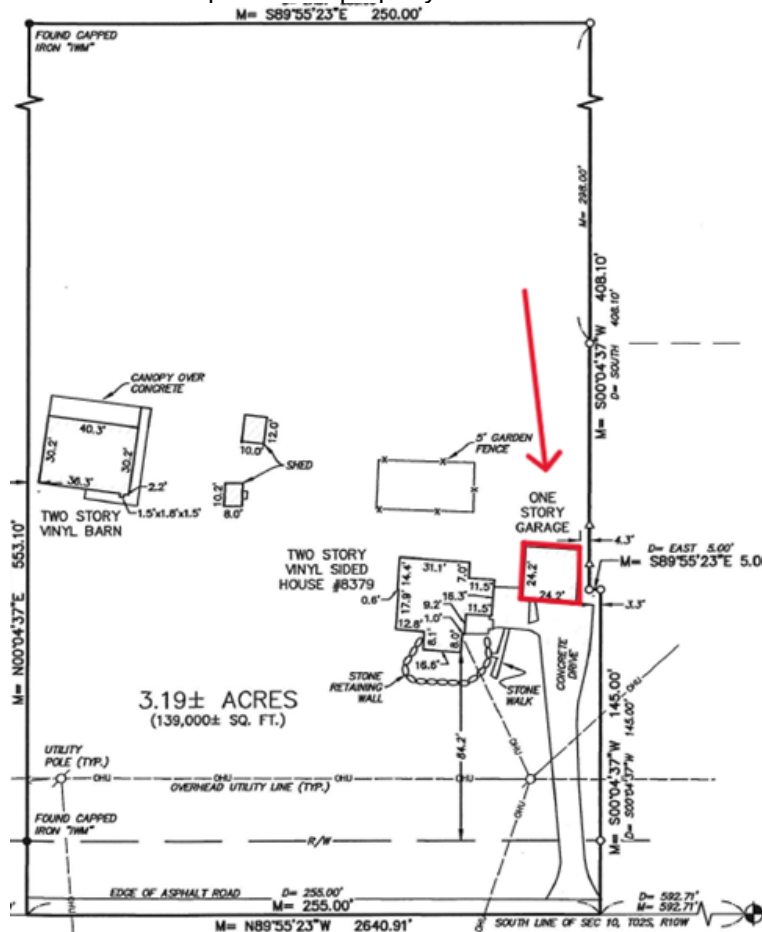
2. (Section 5.1.D.5) All applications requiring a special land use permit hereunder shall be accompanied by twelve (12) copies of a site plan of the subject property, drawn to a selected scale, containing the following information:

(a) A NORTH arrow and notation of the selected scale used.

a. A north arrow and scale was provided in the existing site plan. A north sign was included in the drawing of the proposed site plan, but a scale was not included.

(b) All property lines shall be shown with their dimensions.

a. The site plan of the property has been included below.



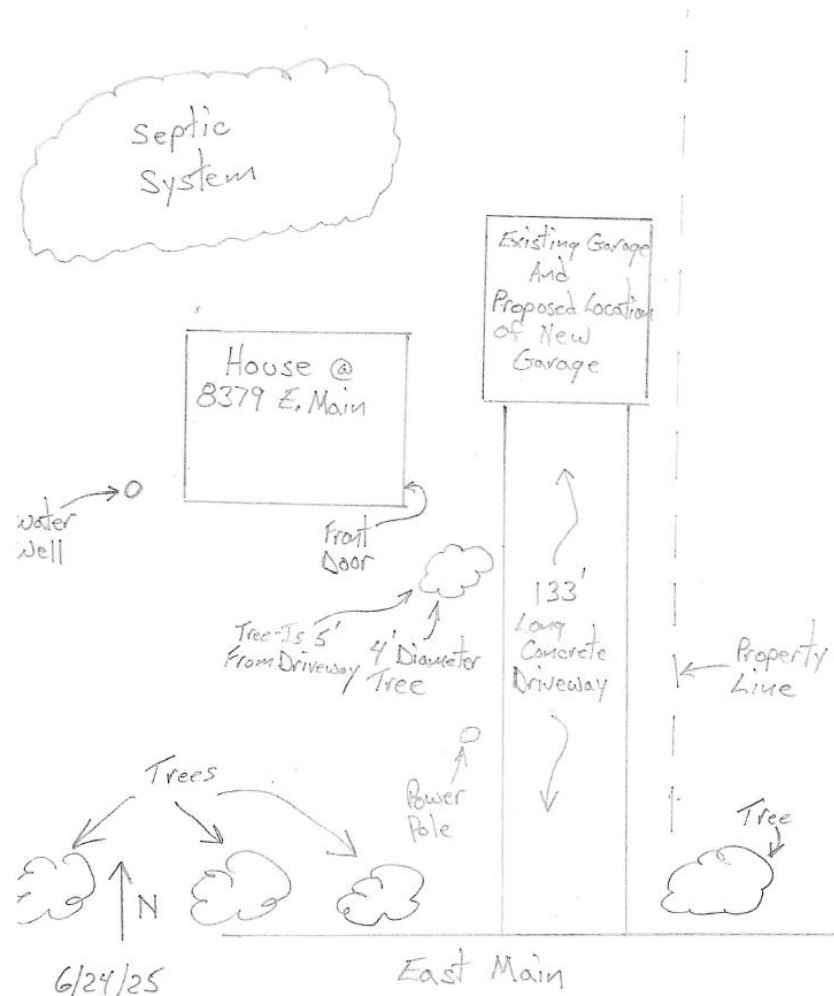
(c) Location and dimensions of all existing and proposed structures (including the height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent property within fifty (50) feet of the subject property.

a. The aerial image below identifies the proposed structure and the existing adjacent property.



(d) ***Location of any septic tank and/or dry well on the subject property.***

- a. The location of a septic tank and water well has been indicated in the drawing below, although, not on the official site plan or with dimensions. The dimensional locations of the septic tank and well should be indicated OR the applicant should advise as to the location of such utilities in relation to the proposed accessory structure.



Planning Commission approval of the above required site plan under the standards in Section 6.1 Site plan review procedures, subsection D shall satisfy the site plan submission and approval requirements of Section 6.1 Site plan review procedures, subsection A through subsection D of this Ordinance.

3. (Section 5.1.D.6) An application for a special exception use permit hereunder shall include a statement setting forth the purpose(s) for which the proposed accessory building(s) will be used. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.

A statement setting forth the purpose of the proposed accessory building use has been provided by the applicant, in which the proposed use is a detached residential garage that will replace the existing one, due to damages.



SUPPLEMENTAL CONSIDERATIONS

Size Requirements:

Section 5.1 regulates accessory structures in residential districts. 5.1 c(1) states that “*Accessory buildings permitted without special exception use permit: The total combined floor space of the accessory building(s) shall not exceed the limits set forth in the following schedule:*”

<i>Lot Size:</i>	<i>3.00 acres – 4.99 acres</i>
<i>Permitted Total Floor Space:</i>	<i>3,000 sq. ft.</i>

The lot is 3.19 acres, permitting 3,000 sq. ft. of total floor space. The subject site consists of the following accessory structures:

- i. Pole Barn: 30' x 40' = 1,200 sq. ft.
- ii. Shed #1: 10' x 12' = 120 sq. ft.
- iii. Shed #2: 8' x 10' = 80 sq. ft.
- iv. *Proposed Garage: 24' x 36' = 864 sq. ft.*

Proposed Total: 2,264 sq. ft.

Location:

The applicant has made the following claims that would prevent moving the proposed structure to an alternative location:

- There is a large tree and utility pole on the west side of the driveway that would not allow the driveway to be relocated.
- The property has a septic system that is located north of the proposed site; therefore, the garage may not be moved further back on the property.
- There is a water well and several trees located west of the principal structure on the property, preventing the garage from being placed there.

REVIEW FINDINGS

Based on the application, supporting documents and analysis of the submission, the following findings are offered for consideration by the Comstock Charter Township Planning Commission.

1. The proposed structure is in a similar location as the existing structure.
2. The Zoning Ordinance requires structures greater than 200 square feet to be located away from the property boundary a distance equal to the height of the structure; the structure is proposed to be 15 feet tall, thus requiring a 15-foot setback. The application materials note a setback of three (3) feet, resulting in the need for a 12-foot deviation.



3. The proposed structure and existing structures meet the size requirements for accessory buildings in the AGR district.
4. The property owner who shares the adjacent lot line included a letter of support, indicating no anticipated impact. The letter of support has been submitted by Dave Brown, Stewardship Specialist, of the Southwest Michigan Land Conservancy.
5. There are environmental factors preventing relocating the garage, including the presence of trees, a utility line support structures (poles), water well, and septic tank.

A request for approval of a land use or activity shall be approved if the request is in compliance with the standards stated in the zoning ordinance, the conditions imposed under the zoning ordinance, other applicable ordinance, and state and federal statutes. The Planning Commission shall consider the applicant's request to determine if a special land use is warranted. Additional information brought forward by the Commission, the applicant, and/or during the public hearing should be incorporated into the record prior to the Commission making any determination.

Respectfully submitted,

McKenna

Kyle Mucha, AICP
Principal Planner
Comstock Township Planning & Zoning

Sommer Nafal
Assistant Planner

3.1.A AGR Agriculture-Residential

1. Intent

The intent here is to provide a district wherein agriculture, farming residential, and low-density dispersed single-family residential uses, along with compatible uses often occupying large areas and accessory uses may occur. The main uses are to be agriculture and farming residential.

i User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards.

2. Permitted uses

- | | |
|--|---|
| <ul style="list-style-type: none"> a. Single-family dwellings [☞] §4.17 b. Parks, parkways and recreational facilities, [☞] publicly owned and operated c. Educational institutions, public [☞] d. Places of worship §4.36 e. Temporary sales office §4.50 f. Accessory dwelling units, [☞] attached §4.1 g. Farms [☞] h. Roadside stands [☞] §4.46 i. Accessory buildings [☞] and uses [☞] j. Stables, private §4.39 k. Concentrated animal feeding operations §4.15 l. Family child care homes [☞] §4.13 m. Adult foster care family home [☞] n. Adult day care family home [☞] | <ul style="list-style-type: none"> j. Cemeteries, public and private §4.11 k. Human care, residential facilities for [☞] §4.43 l. Hospitals §4.22 m. Adult day care centers [☞] n. Golf courses and country clubs §4.20 o. Radio or television stations p. Recreational facilities, [☞] private [☞] q. Temporary buildings or trailer offices incidental to construction r. Commercial quarry excavation s. Farm ponds, subject to the requirements of §4.29 t. Essential services [☞] §4.18 u. Camp grounds §4.10 v. Two-family dwellings, [☞] attached (duplexes) §4.55, §4.17 w. Sanitary landfills §4.47 x. Planned unit developments [☞] §3.24 y. Child care centers [☞] §4.13 z. Telecommunication towers [☞] §4.60 aa. Telecommunication antennas [☞] located on structures other than telecommunication towers [☞] §4.60 ab. Group child care homes [☞] §4.13 ac. Adult foster care small group home [☞] ad. Adult day care group home [☞] ae. Accessory dwelling units, [☞] detached §4.1 af. Event barn §4.19 ag. Temporary use for highway construction purposes §4.52 ah. Temporary outdoor festivals and similar events §4.48 ai. Temporary use for anemometers and supporting towers §4.51 |
|--|---|

3. Special land uses

- a. [Veterinary offices, hospitals, and clinics](#) §4.57
- b. [Stables, public and riding academies](#) §4.42
- c. [Public utility](#) [☞] and municipal buildings §4.41
- d. Dog parks
- e. [Kennels](#) [☞] and/or boarding kennels [☞] §4.27
- f. [Educational institutions, private](#) §4.58
- g. [Airports, heliports, landing fields and platforms, helipads, hangars, masts and other facilities for the operation of aircraft](#) §4.3
- h. Wineries, [☞] including tasting rooms and sales
- i. [Home occupations](#) §4.21



3.1.A AGR Agriculture-Residential**4. Development standards****Lot size**

Minimum area: One (1) acre
 Minimum width: 165 ft.

Minimum setbacks (in feet)

Front yard: 30
 Side yard:
 One must be at least: 10
 The other must be at least: 5
 Rear yard: 35

Maximum building height

In stories: 2
 In feet: 35

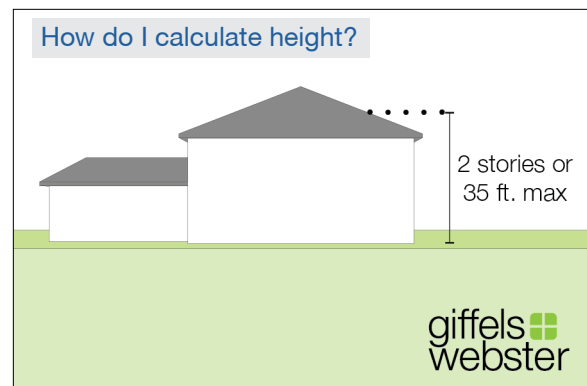
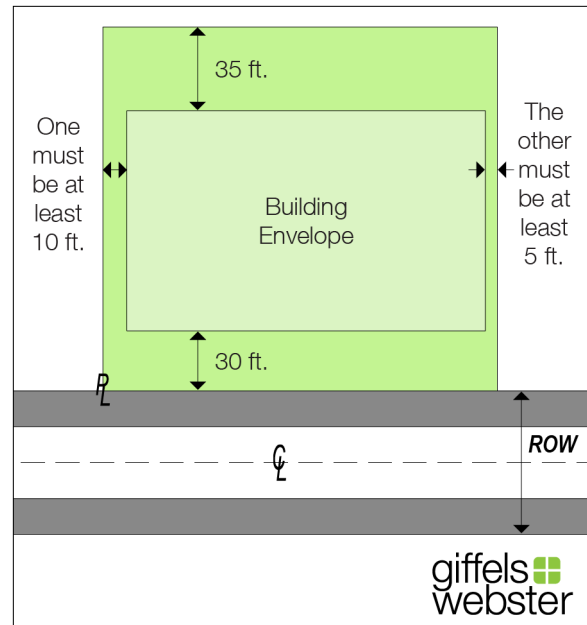
Lot coverage by buildings

Maximum percentage: 10

Floor area per dwelling unit

Minimum single-story: 960 s.f.
 Minimum ground floor two-story: 750 s.f.

See [§3.2](#) and [§3.10](#) for more information.



User Note: Click on [Blue](#) for use-specific standards.

5. Additional requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 5

[Residential accessory buildings and structures §5.1](#)

[Off-street parking requirements §5.2](#)

[Landscaping §5.4](#)

[Exterior lighting §5.10](#)

[Fences §5.9](#)

[Signs §5.18](#)

Article 6

[Site plan review procedures §6.1](#)

[Special land uses §6.2](#)



5.1 Residential accessory buildings and structures

- A. All references to accessory buildings in this Section shall apply only to residential accessory buildings, including private garages; carports; boat houses; and agriculturally used buildings on lots of five acres or less.
- B. No accessory building may be used for human habitation except as may be allowed as an accessory dwelling unit per [Section 4.1 Accessory dwelling units \(ADUs\)](#) of this ordinance.
- C. Accessory buildings permitted without special land use permit:
 1. The total combined floor space of the accessory building(s) shall not exceed the limits set forth in the following schedule:

Table 5.1(C)(1) Accessory Building Permitted Floor Space	
Lot Size	Permitted Total Floor Space
20,000 sq. ft. or less	840 sq. ft.
20,001 – one acre	1,320 sq. ft.
1.01 acres – 2.99 acres	2,000 sq. ft.
3.00 acres – 4.99 acres	3,000 sq. ft.
5.00 acres – 9.99 acres	4,000 sq. ft.
10.00 acres or more	5,000 sq. ft.

2. Building Type. Packing, shipping or storage crates or containers, parts or all of a semi-trailer and similar converted structures shall not be used as accessory structures except for when used for agricultural purposes on an agricultural property. Fabric accessory structures shall only be permitted when placed in the rear yard except for when used for agricultural purposes on an agricultural property.
3. An accessory building which is structurally attached to the residence shall, unless expressly provided otherwise, be subject to all requirements of this section.
4. When an accessory building is not structurally attached to the residence, it shall be located in the side or rear yard. A corner lot shall be considered for purposes of this section as having two (2) front yards.
5. Accessory buildings not structurally attached to the residence shall not:
 - a. Exceed a height of eighteen (18) feet on parcels less than an acre and a height of twenty-two (22) feet on parcels an acre or more in area measured from the building grade to the highest point of the building;
 - b. Occupy more than twenty-five (25) percent of the required rear yard; or
 - c. Be located closer than five (5) feet from any side or rear property line for buildings 200 square feet or less in area and/or accessory buildings that are the principal detached garage serving the residence on the lot; the minimum side and rear property line setback requirement for buildings exceeding 200 square feet in area shall be the height of the building at its highest point, except as excluded herein.
6. Where two or more contiguous lots are under common ownership and are either wholly vacant or developed with one residence, all such lots shall be treated as one lot to determine the total combined floor area permitted when combined into a single tax parcel by the owner.

- D. Accessory buildings permitted with special land use permit:
1. Any accessory building on a lot or site condominium unit of one acre or more in size that fails to meet the size, height or location requirements set forth above may be allowed as a special land use, subject to the conditions in subparagraphs (4), (5), and (6) below.
 2. A boat house may be allowed as a special land use, only for the benefit of the occupants of the subject property, subject to the four conditions below as well as the requirements in subparagraphs (4), (5), and (6) that follow:
 - a. Be located adjacent to a navigable body of water, with no minimum setback.
 - b. Be used to store one or more boats and boating accessories.
 - c. Be established in compliance with all applicable state and local laws.
 - d. Complies with all size, height and location requirements set forth in [subsection C](#), except as otherwise expressly approved by the Planning Commission.
 3. A vacant parcel lot building may be allowed as a special land use in the “AGR”, “AH”, “R1-A”, “R1-B”, “R1-C”, “RM”, and “OW” zoning district classifications, subject to the two conditions below as well as the requirements in subparagraphs (4), (5), and (6) that follow:
 - a. The building may be utilized only for purposes accessory to residential uses allowed in the zone in which it is located.
 - b. The building shall comply with all size, height, and location requirements set forth in [subsection C](#), except as otherwise expressly approved by the Planning Commission.
 4. Proposed accessory building(s) shall not have a material adverse impact upon the owners and occupants of surrounding properties. The Planning Commission shall have authority to impose reasonable conditions, including reduction in size, to assure compliance with this standard.
 5. All applications requiring a special land use permit hereunder shall be accompanied by twelve (12) copies of a site plan of the subject property, drawn to a selected scale, containing the following information:
 - a. A north arrow and notation of the selected scale used.
 - b. All property lines shall be shown with their dimensions.
 - c. Location and dimensions of all existing and proposed structures (including the height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent property within fifty (50) feet of the subject property.
 - d. Location of any septic tank and/or dry well on the subject property.

Planning Commission approval of the above required site plan under the standards in [Section 6.1 Site plan review procedures, subsection D](#) shall satisfy the site plan submission and approval requirements of [Section 6.1 Site plan review procedures, subsection A](#) through [subsection D](#) of this Ordinance.
 6. An application for a special land use permit hereunder shall include a statement setting forth the purpose(s) for which the proposed accessory building(s) will be used. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.



- E. Private home swimming pools may be permitted by right in the “AGR”, “R1-A”, “R1-B”, “R1-C”, and “RM” zoning district classifications and as a special land use in the “OW” district. Swimming pools shall be subject to the following regulations:
1. Swimming pools with a floor area of one hundred (100) square feet or more and their swimming pool platforms shall not be located:
 - a. Within the required minimum front yard (See [Section 3.2 Notes to district regulations, subsection F](#) as to corner lots);
 - b. Within 10 feet of a side or rear lot line; or
 - c. Upon any easement or right-of-way which has been granted for public utility use.
 2. No swimming pool fence shall be located within the required minimum front yard. (See [Section 3.2 Notes to district regulations, subsection F](#) as to corner lots.)

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



CHARTER TOWNSHIP OF COMSTOCK PLANNING & ZONING APPLICATION

Shipping: 6138 King Highway, Kal., MI 49048
Mailing: PO Box 449, Comstock MI 49041-0449
Phone: 269-381-2360 Fax: 269-381-4328

PLEASE PRINT

Howard Garage - 8379 East Main
Galesburg MI 49053

APPLICANT:

Name Craig Howard

Company _____

Address 8379 East Main Galesburg MI 49053

Email northern44cw@gmail.com

Phone 269-760-4890 Fax _____

Interest in the Property Owner

Township Use:

Fee:

\$ _____

Escrow:

\$ _____

OWNER*:

Name _____

Company _____

Address _____

Email _____

Phone _____ Fax _____

Date Paid:

cash/credit card
check # _____

*If different

NATURE OF REQUEST: (Please check all the appropriate item(s))

- | | |
|--|--|
| ☐ Site Plan Review | ☐ Rezoning |
| ☐ Administrative Site Plan Review | ☐ Master Plan Amendment |
| ☐ Special Exception Use | ☐ Text Amendment |
| ☐ Site Condominium | ☒ Variance |
| ☐ Subdivision Plat Review | ☐ Interpretation |
| ☐ PUD/PURD/PMUD | ☐ Planning Escrow |
| ☐ Other _____ | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

I Need To Replace My Garage. It Is Old & A Tree Recently Fell on It. It Is Currently Located 4 Feet From My East Property Line. I Would Like To Build A New Garage In The Same Location As The Existing Garage. I Am Told By The Township That This Location Is Too Close To The Property Line

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):**LEGAL DESCRIPTION:**

SEC 10-2-10 BEG IN S LI SEC 10 AT A PT 597.71 FT W OF S1/4 POST TH W ALG SD S LI 200 FT TH N AT RT ANG TO SD S LI 203.1 FT TH E PAR TO SD S LI 200 FT TH S 203.1 FT TO BEG ALSO INCL COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 10, T. 2 S., R. 10 W.; THENCE WEST 797.71 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION TO THE PLACE OF BEGINNING; THENCE CONTINUING WEST 50.00 FEET ALONG SAID SOUTH LINE; THENCE NORTH 553.10 FEET PERPENDICULAR WITH SAID SOUTH LINE; THENCE EAST 250.00 FEET PARALLEL WITH SAID SOUTH LINE;

PARCEL NUMBER: 3907 - 07-10-380-041

ADDRESS OF PROPERTY: 8379 East Main Galesburg MI 49053

PRESENT USE OF THE PROPERTY: Residential - My Home

PRESENT ZONING: 401 Residential **SIZE OF PROPERTY:** 3.3 ± Acres

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)

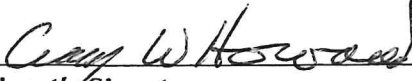
Address(es)

Carrie Howard

8379 East Main Galesburg MI 49053

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. By submitting this Planning & Zoning Application, I (we) grant permission for Comstock Township officials and agents to enter the subject property of the applicant as part of completing the reviews necessary to process the application. I (we) as Applicant(s), understand that I (we) am responsible for the reimbursement to the Township of its actual expenses in connection with my (our) application, under the Township's Escrow Fee Policy, and I (we) agree to pay such amounts under the terms of that policy.


Applicant's Signature

6/25/25
Date

Owner's Signature authorizing submission of Application
(* If different from Applicant)

Date

**** PLEASE ATTACH ALL REQUIRED DOCUMENTS ****

Copies to:
Planning & Zoning - 1
Applicant - 1
Treasurer - 1
Assessor - 1
Administrative Assistant - Original

Existing Garage @ 8379 East Main**2 July 20225**

1. 24' x 24' and 15' tall.
2. Decades old.
3. Wood is old, soft and rotten. Vinyl siding is coming loose as the wood that it is fastened to is rotten.
4. Concrete floor has many cracks in it that are raised and are a tripping hazard.
5. A tree fell on the roof on May 5th 2025 that caused severe damage to one side of the roof. It poked holes through 3 sheets of the plywood sheathing and ruined the shingles.

Home



Tuesday 8:15 PM



Proposed New Garage @ 8379 East Main**2 July 20225**

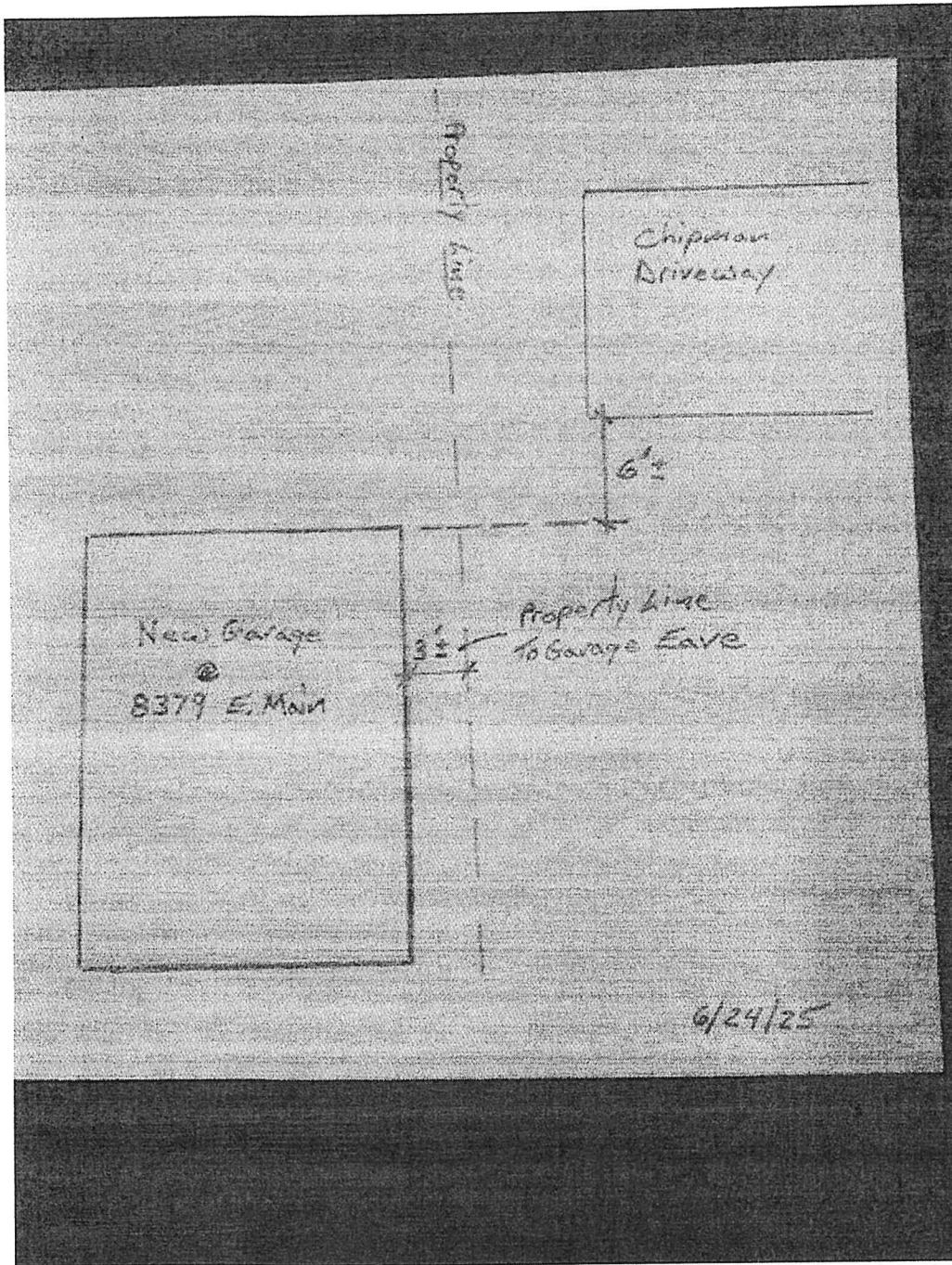
1. 24' x 36' x 15' tall.
2. Placed in approximately the same exact location as the existing garage.
3. Same height as the existing garage.
4. Same width as the existing garage.
5. 12' longer than existing garage.
6. We have a 133' long concrete driveway from the road to our existing garage. This driveway will be re-used for the new garage. To relocate the new garage farther from the property line would not work with our current driveway.
7. There is a very large tree and a power pole on the West side of our driveway that do not allow us to shift our driveway to the West.
8. We cannot relocate a new garage behind our current garage location because our septic system is in that location.
9. We cannot relocate a new garage to the West side of our house because we have several trees and our water well is in that location. Not to mention that our front door would be on the opposite side of the house from our garage.

From: Craig Howard northern44cw@gmail.com
Subject: Sketch
Date: Jun 24, 2025 at 12:01:33
To: Dave Brown dbrown@swmlc.org

[You don't often get email from northern44cw@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dave,

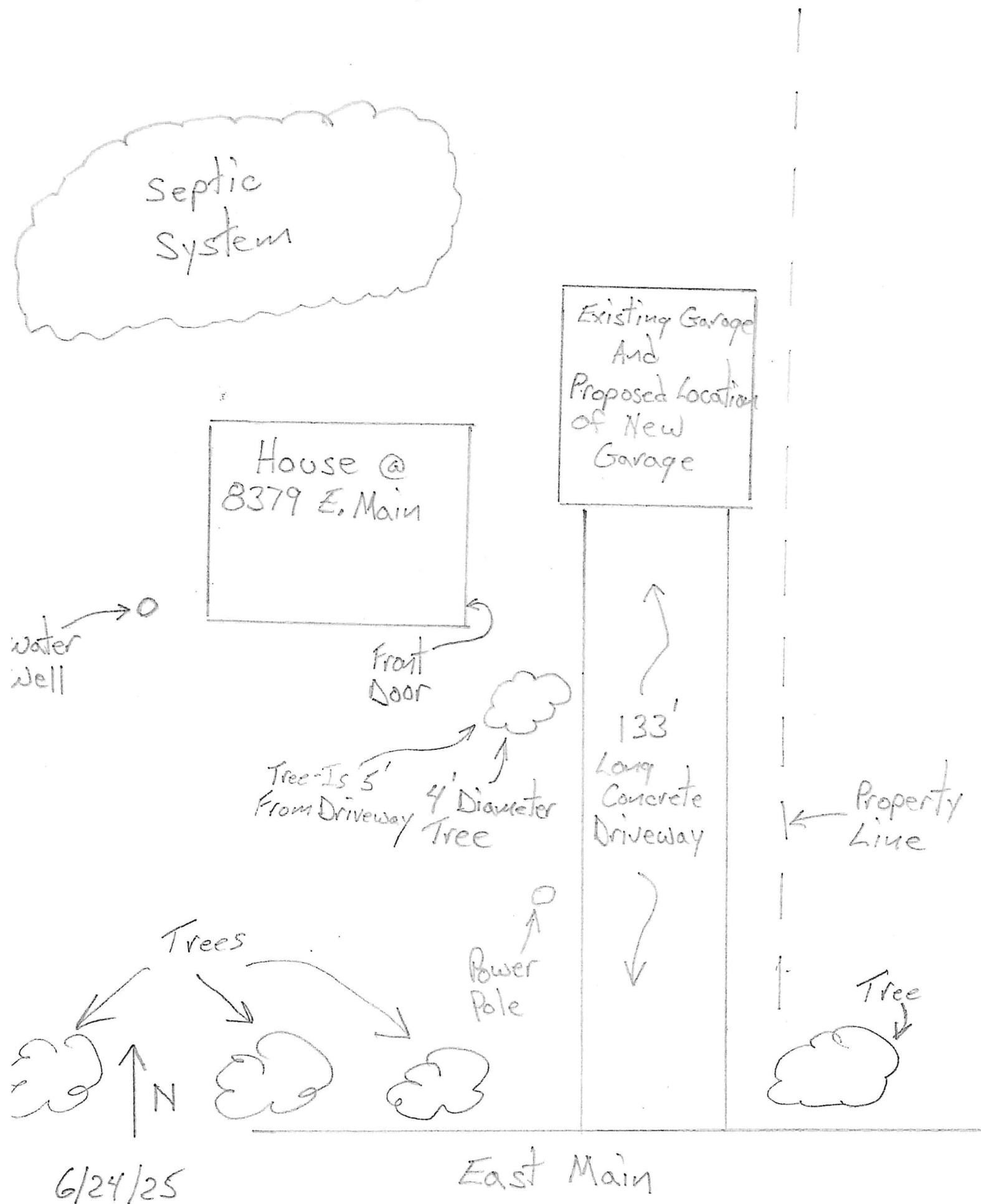
Please see the attached sketch showing appropriate set backs for my proposed new 24'x36' garage. Please respond with any questions. If SWMLC has no issues with this I would appreciate a letter stating so to assist with my future variance request.



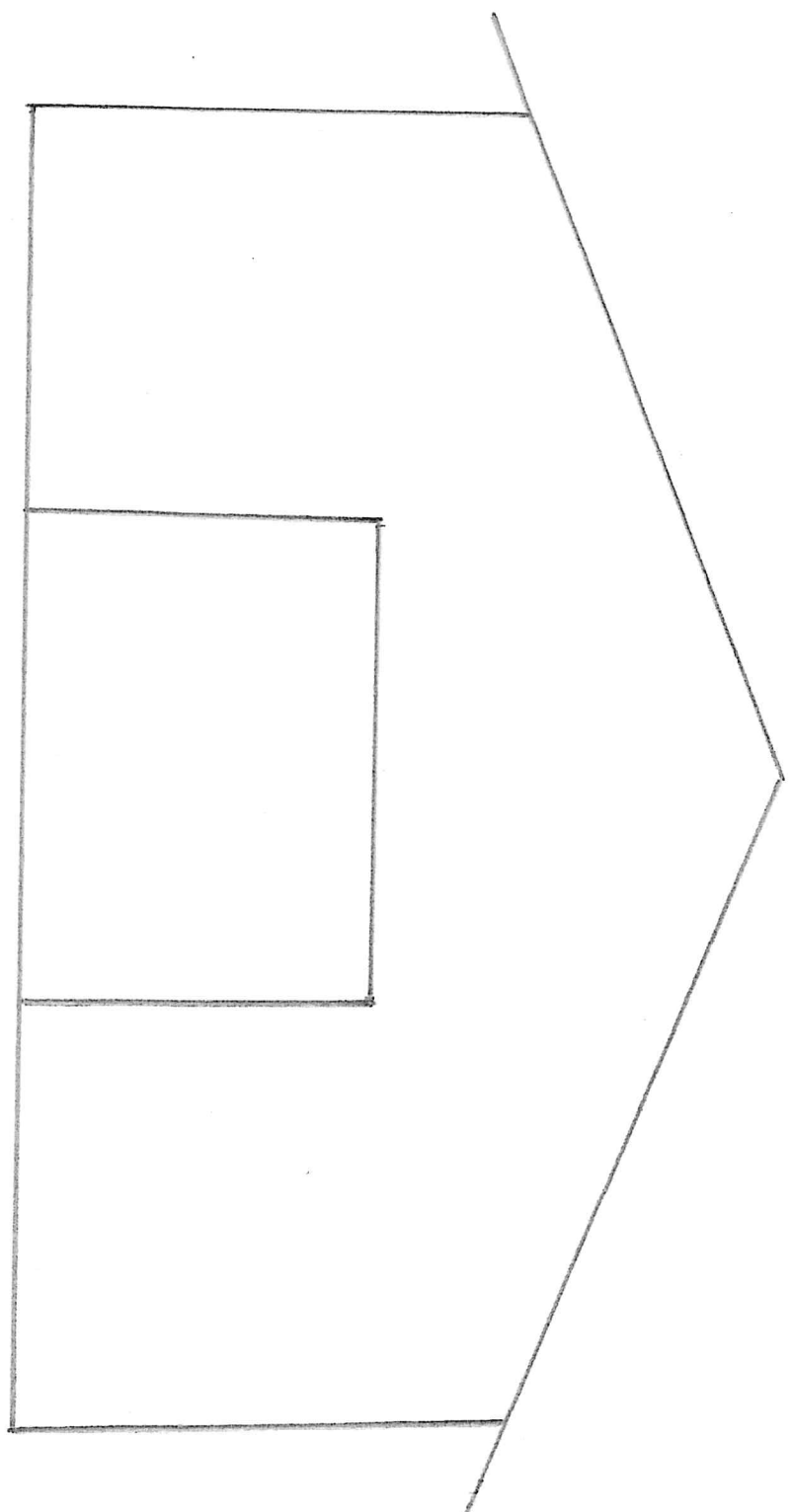
Thanks,
Craig

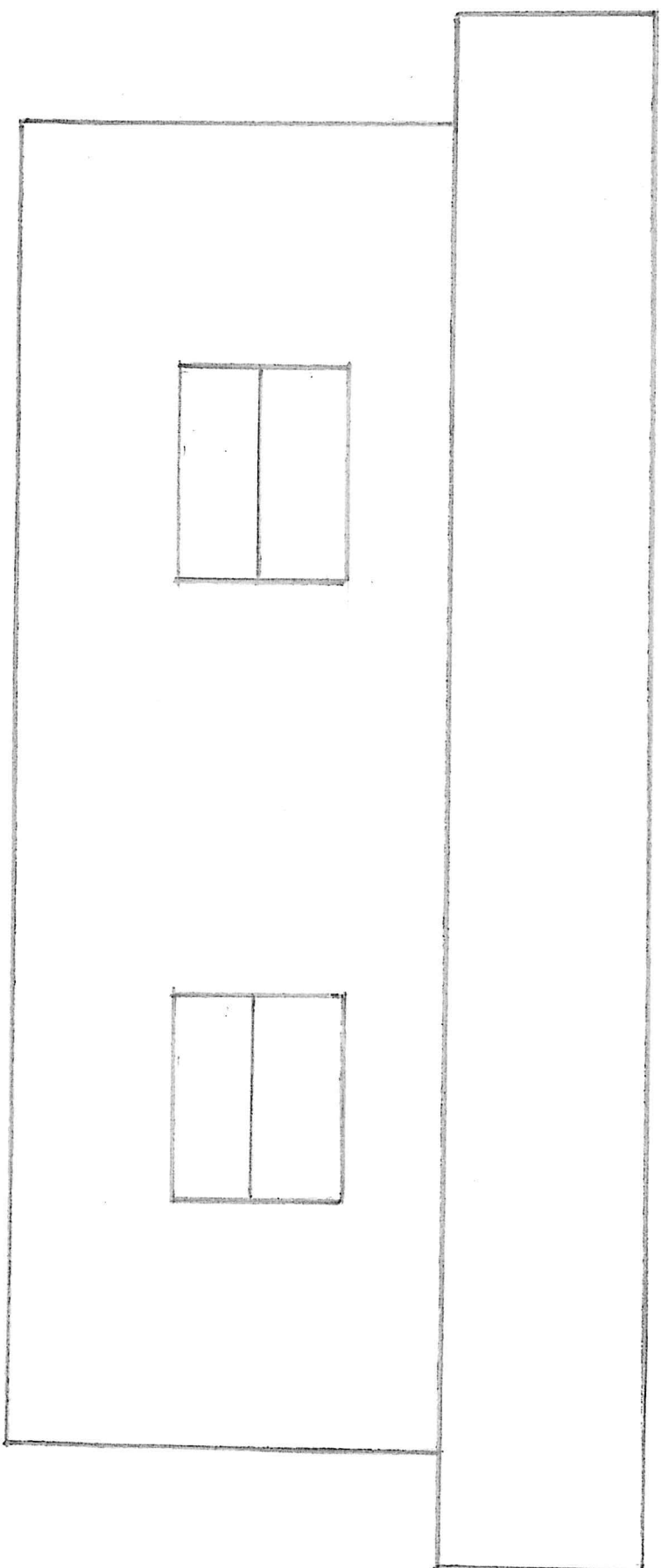
Sent from my iPhone. Please excuse grammatical errors.

OK'd
DB
6/30/25



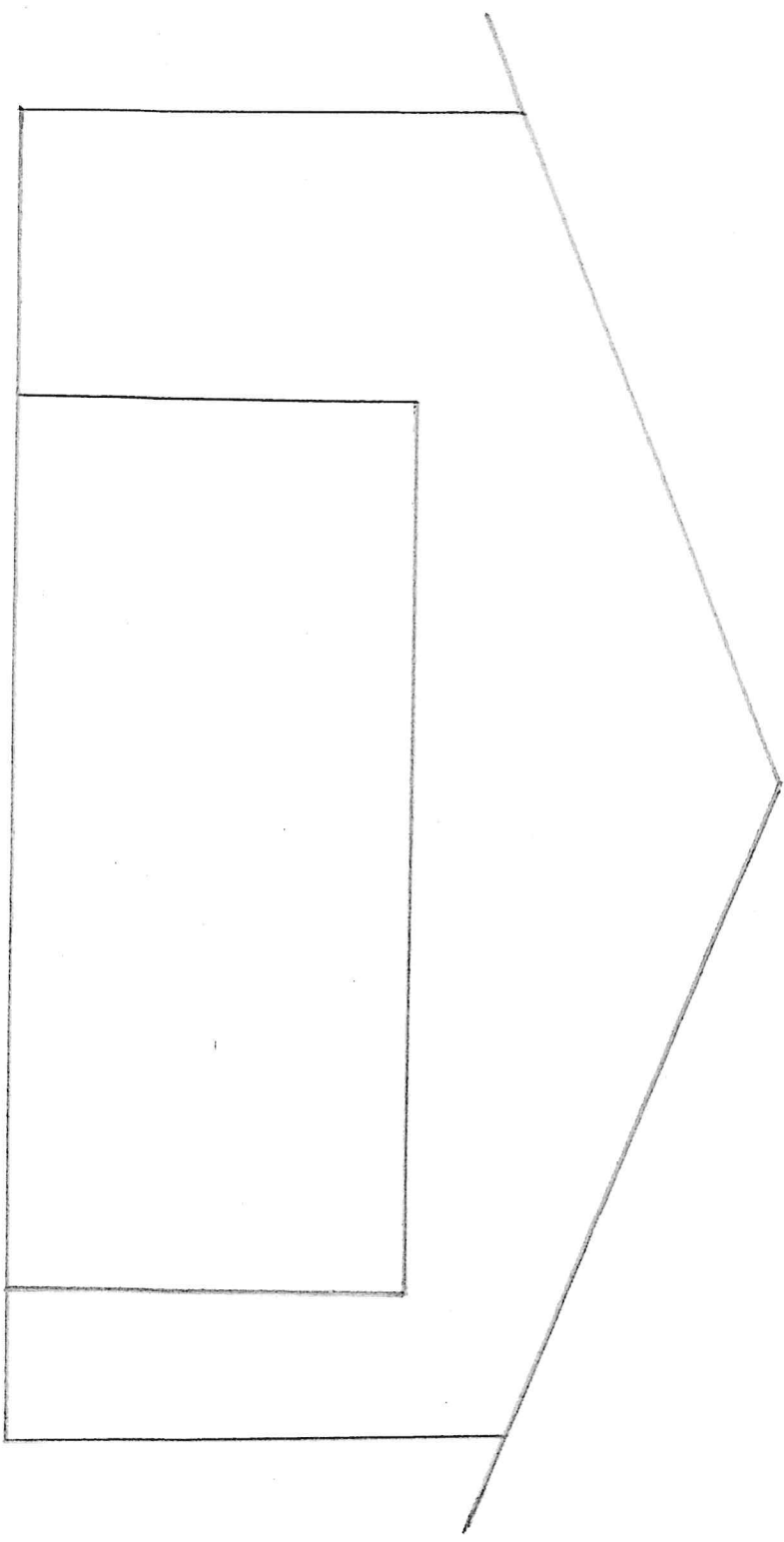
North Elevation



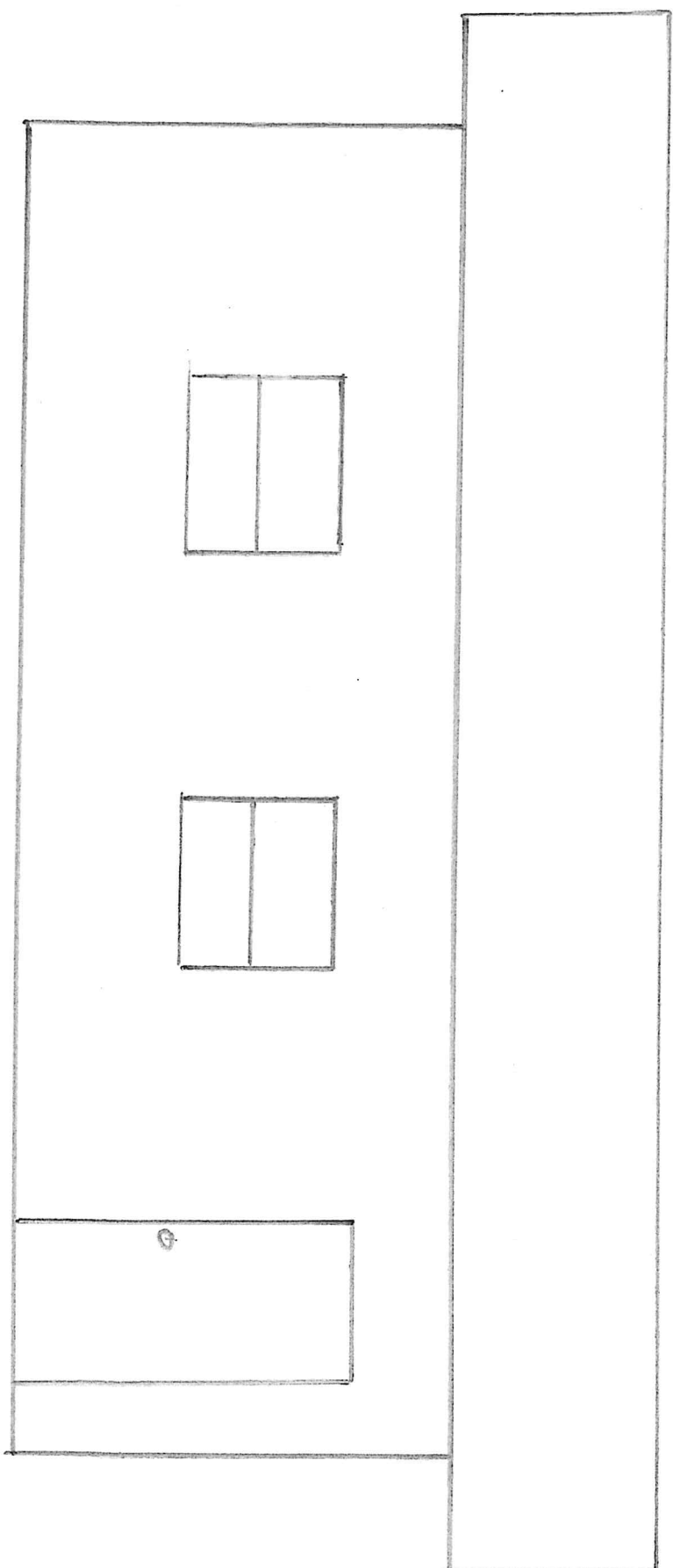


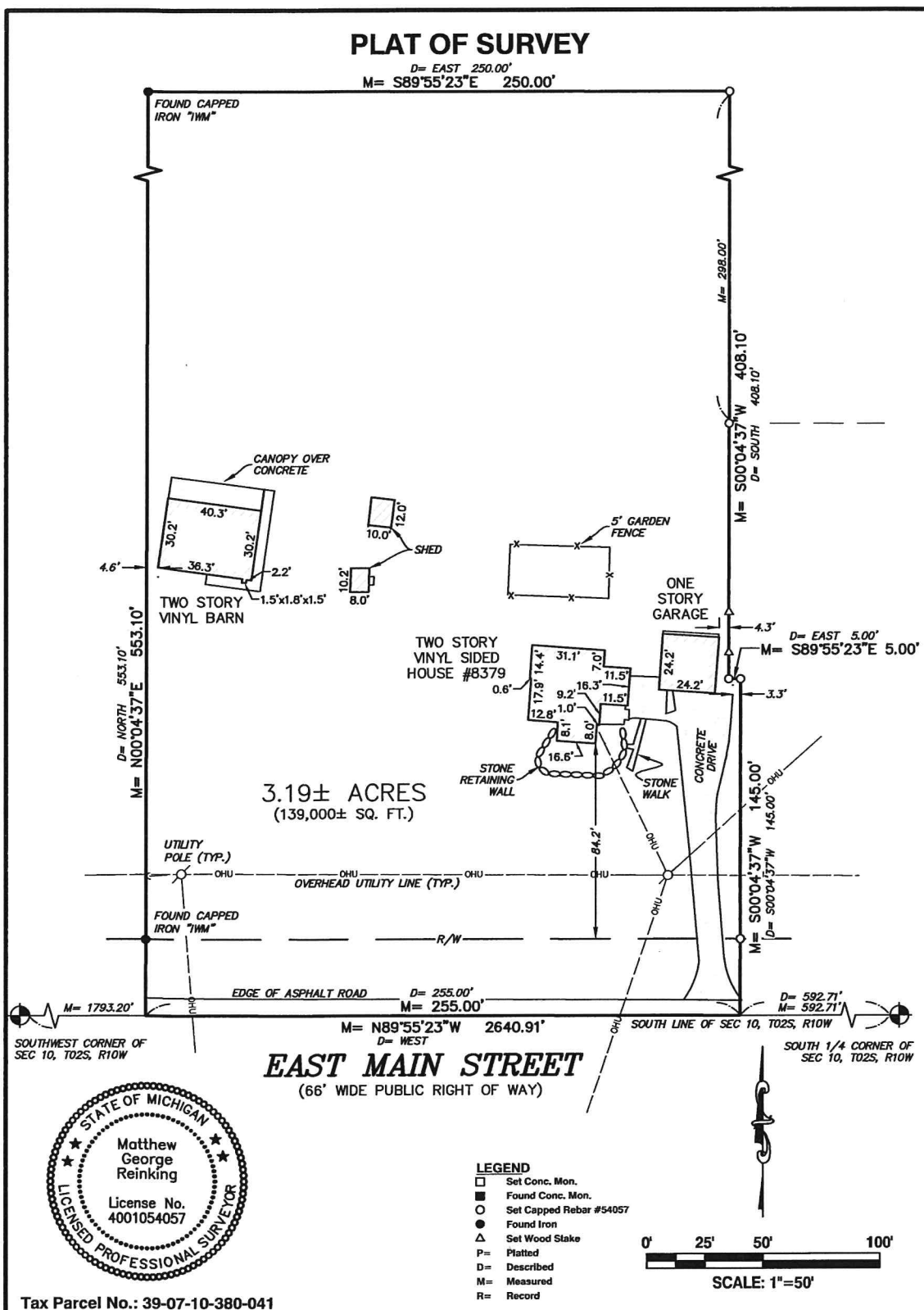
East Elevation

South Elevation



West Elevation





Matthew George Reinking
Matthew George Reinking P.S. No. 4001054057

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8379 E. MAIN STREET

SECTION 10, T2S, R10W, COMSTOCK TWP., KALAMAZOO CO.

-FOR-

CRAIG HOWARD

PLAT OF SURVEY

LEGAL DESCRIPTION FROM: WARRANTY DEED NO. 2025-001779

LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF KALAMAZOO, COMSTOCK TOWNSHIP.

COMMENCING AT THE SOUTH ¼ POST OF SECTION 10, TOWN 2 SOUTH, RANGE 10 WEST, COMSTOCK TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN; THENCE WEST 597.71 FEET ALONG THE SOUTH LINE OF SAID SECTION 10 FOR THE PLACE OF BEGINNING; THENCE NORTH 203.10 FEET AS MEASURED AT RIGHT ANGLES WITH THE SOUTH LINE OF SAID SECTION 10; THENCE WEST 200.0 FEET PARALLEL TO THE SOUTH LINE OF SAID SECTION 10; THENCE SOUTH 203.10 FEET TO THE SOUTH LINE OF SAID SECTION 10; THENCE EAST 200.0 FEET ALONG THE SOUTH LINE OF SAID SECTION 10 TO THE PLACE OF BEGINNING.

AND

COMMENCING AT THE SOUTH QUARTER OF SECTION 10, T. 2 S., R. 10 W.; THENCE WEST 797.71 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION TO THE PLACE OF BEGINNING; THENCE CONTINUING WEST 50.00 FEET ALONG SAID SOUTH LINE; THENCE NORTH 553.10 FEET PERPENDICULAR WITH SAID SOUTH LINE; THENCE EAST 250.00 FEET PARALLEL WITH SAID SOUTH LINE; THENCE SOUTH 350.00 FEET PERPENDICULAR WITH SAID SOUTH LINE; THENCE WEST 200.00 FEET PARALLEL WITH SAID SOUTH LINE; THENCE SOUTH 203.10 FEET PERPENDICULAR WITH SAID SOUTH LINE TO THE PLACE OF BEGINNING, CONTAINING 2.24 ACRES OF LAND. THE SOUTH 33.0 FEET BEING SUBJECT TO HIGHWAY EASEMENT FOR EAST MAIN STREET.

AND

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 10, T. 2 S., R. 10 W.; THENCE WEST 592.71 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION TO THE PLACE OF BEGINNING; THENCE CONTINUING WEST 5.00 FEET ALONG SAID SOUTH LINE; THENCE NORTH 145.00 FEET PERPENDICULAR WITH SAID SOUTH LINE; THENCE EAST 5.00 FEET PARALLEL WITH SAID SOUTH LINE; THENCE SOUTH 145.00 FEET PERPENDICULAR WITH SAID SOUTH LINE TO THE PLACE OF BEGINNING, CONTAINING 0.02 ACRES OF LAND. THE SOUTH 33.0 FEET BEING SUBJECT TO HIGHWAY EASEMENT FOR EAST MAIN STREET.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY, APPARENT AND OF RECORD.



Tax Parcel No.: 39-07-10-380-041

Matthew George Reinking

P.S. No. 4001054057

THE DESCRIPTION WAS GIVEN TO US BY THE PERSON CERTIFIED TO, OR WAS PREPARED BY US FROM INFORMATION OR DOCUMENTS GIVEN TO US BY THE PERSON CERTIFIED TO, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY. EASEMENTS OR EXCEPTIONS.



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8379 E. MAIN STREET

SECTION 10, T02S, R10W, COMSTOCK TWP., KALAMAZOO CO.

-FOR-

CRAIG HOWARD



Board of Directors

Thomas Groos
Chair

Susan Houseman
Vice-Chair

Brian Napp
Treasurer

Dathan Lumpkins
Secretary

Thom Coder

Sharon Gill

Keto Gyekis

Nick Haddad

Natalie Jackson

John Lewandowski

Mike Nave

Amy O'Boyle

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Staff
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Kristy Brooks
Finance Director

Dave Brown
Stewardship Specialist

Emily Brown
Land Protection Specialist

C. Miko Dargitz
Development Director

Erin Decker
Database & Administrative Coordinator

Jessica Hagen
Outreach & Volunteer Coordinator

Amelia Hansen
Media Specialist

Mitch Lettow
Stewardship Director

Cindy Mills
Conservation Easement Specialist

Kaleigh Winkler
Land Protection Director

June, 30, 2025
8379 E. Main St.
Galesburg, MI 49053

Dear Mr. Craig And Mrs. Carrie Howard

Staff at Southwest Michigan Land Conservancy have reviewed the sketch you provided (see attached) of proposed changes to the garage at 8379 E. Main St neighboring our office at 8395 E main. We understand the new structure to replace the existing garage will be larger than current and in basically the same footprint extending out north and south a few feet out from current.

We do not see any issue with the structure or walkways etc. being so close to the property line as to not cross the property boundary line. We support the Howards in their application for a variance to accomplish their construction goals.

Sincerely,

Dave Brown

Stewardship Specialist
Southwest Michigan Land Conservancy



MEMO

Charter Township of Comstock Planning Commission August 14, 2025

From: Khayci Bryant, Assistant Planner

Re: 2591 S 33rd Street - Rezoning Request

Consideration of the rezoning request for 2591 S. 33rd Street, from R-1A to AGR.

Attachments:

[2591 S 33rd St Rezoning Review 2025_0711 \(002\).pdf](#)

[2591 S 33rd Street Rezone Application.pdf](#)



Memorandum

TO: Comstock Charter Township Planning Commission
FROM: Kyle Mucha, AICP, Principal Planner – Township Planning Consultant
SUBJECT: Review of Proposed Rezoning for 2591 S 33rd Street (07-26-405-030), R-1A, Single Family (Existing) to AGR, Agricultural Residential (Proposed)
DATE: July 11, 2025

Dear Comstock Township Planning Commission:

The Township has received an application from Muhammad Wasim Rizwan Abbas, property owner of 2591 S. 33rd Street, to rezone the subject site from R-1A, Single Family to AGR, Agricultural Residential. The site is approximately 2.22 acres in area, and is located on the east side of S. 33rd street, south of E. ML Avenue.

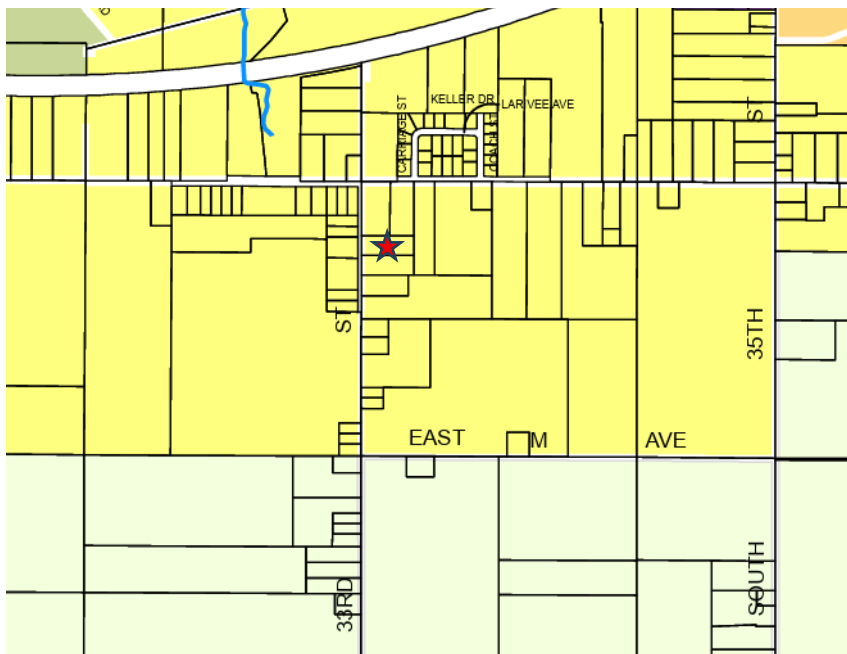
The site is improved with an approximate 1,384 square-foot dwelling unit, 680 square-foot attached garage and a 1,248 square-foot detached accessory building (garage), located in the rear (east) portion of the site. The applicant indicates the desire is to rezone in order to be permitted hens for the home production (raising) of organic eggs for personal consumption.



HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
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Above – Zoning Map

Legend

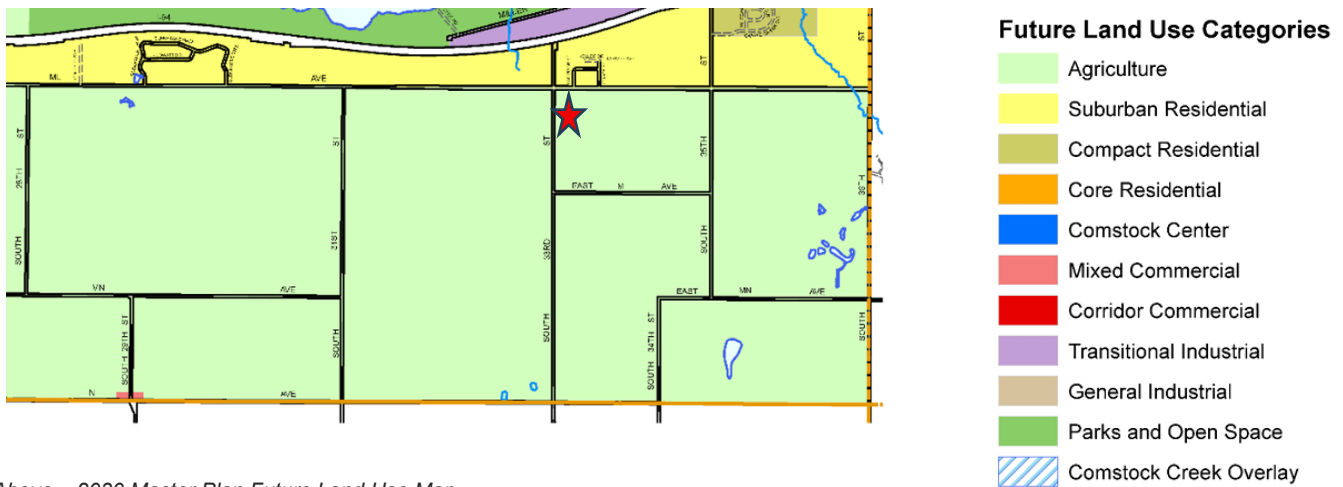
- AGR AGRICULTURAL RESIDENTIAL DISTRICT
- A-H AGRICULTURAL-HORTICULTURAL DISTRICT
- R-1A SINGLE FAMILY DISTRICT
- R-1B SINGLE FAMILY DISTRICT
- R-1C CLUSTER HOUSING DISTRICT
- RM MULTIPLE FAMILY RESIDENTIAL DISTRICT
- RM_C MULTIPLE FAMILY RESIDENTIAL_CONDITIONAL
- RMH MOBILE HOME PARK DISTRICT
- RSM SENIOR CITIZENS MULTIPLE STORY RESIDENTIAL DISTRICT
- O-1 OFFICE DISTRICT
- OW OPEN WETLANDS DISTRICT
- OW_C OPEN WETLANDS CONDITIONAL
- CC COMSTOCK CENTER
- B-1 NEIGHBORHOOD BUSINESS DISTRICT
- B-2 COMMUNITY BUSINESS DISTRICT
- B-2_C COMMUNITY BUSINESS_CONDITIONAL
- B-3 GENERAL BUSINESS DISTRICT
- B-3_C GENERAL BUSINESS_CONDITIONAL
- LD RESTRICTED INDUSTRIAL DISTRICT
- LM LIGHT MANUFACTURING DISTRICT
- M MANUFACTURING DISTRICT
- LM_C LIGHT MANUFACTURING_CONDITIONAL
- M_C MANUFACTURING_CONDITIONAL
- PUD - PLANNED UNIT DEVELOPMENTS

The above graphic is a snippet of the Township's March 2024 Zoning Map; the subject site is denoted with a red star - ★

The permitted uses and special land uses for both the R-1A District and AGR District are provided following this report. As additional generalized information, if a property is rezoned, any permitted uses/special land uses within the rezoned district would be allowed, subject to meeting all applicable provisions of the Township's Zoning Ordinance.

Below is a table showing the existing land use, current zoning designations, and future land use designations of the parcels surrounding the property.

LOCATION	EXISTING LAND USE	CURRENT ZONING	FUTURE LAND USE DESIGNATION
Subject Site	Single-Family Residential	R-1A, Single Family	Agriculture
North	Single-Family Residential	R-1A, Single Family	Agriculture
South	Single-Family Residential	R-1A, Single Family	Agriculture
East	Single Family Residential	R-1A, Single Family	Agriculture
West	Single-Family Residential	R-1A, Single Family	Agriculture



Above – 2030 Master Plan Future Land Use Map

The following review contains comments on the proposed rezoning per the Comstock Township Zoning Ordinance, Master Plan, and sound planning and zoning principles. In reviewing a rezoning request, the following shall be considered:

1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan?

The current Master Plan – Vision 2030 - designates the future land use of this property and surrounding properties as “agriculture”, as noted by the green colored areas in the above graphic. The southern portion of the Township, from approximately South 26th street (west) to South 36th Street (east) and south of E ML Avenue to the municipal boundary line (East N Avenue) is shown to be future planned for agricultural purposes, which accounts for more than six (6) square miles of landmass.

This classification is defined within the 2030 plan as the following:

This land use designation is intended to protect the Township's existing agricultural land as well as support the bedding plant and greenhouse industry in the Township. Greenhouses are likely to continue to concentrate in the western half of the Township near existing greenhouse establishments. Additional greenhouses may be ideally centrally located in the Township south of Campbell Lake.

Further, within the Goals & Objectives of the 2030 plan, *Sustainability*, provision #4 states: “To discourage sprawl patterns of development and help protect greenspace and natural areas from growth pressures, concentrate development by providing housing and development opportunities where services exist. Low density or farmland designations in areas where natural features, wetlands, or prime farmland exist should be maintained”.



Based upon the Township’s 2030 Master Plan, rezoning the subject property from R-1A to AGR **would be consistent with the Future Land Use Plan**, as evidenced by the adopted Future Land Use map. The surrounding parcels, adjacent to the subject site, are also planned for agricultural district designation.

2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area?

The permitted uses and special land uses for both the R-1A District and the AGR District have been attached to the end of this report. Most of the existing uses within the immediate vicinity of the subject site are either residential in nature (single unit) or agricultural (crop cultivation). The below list of permitted uses is shown for both the AGR and R-1A Districts:

Permitted Uses	
AGR; Agriculture-Residential	R-1A; Single Family
Single-Family dwellings	Single-Family dwellings
Parks, parkways, rec facilities	Parks, parkways, rec facilities
Educational institutions	Educational institutions
Places of worship	Places of worship
Temporary sales office	Temporary sales office
Accessory dwelling units, attached	Accessory dwelling units, attached
Farms	Retail sales - ag products grown on premise
Roadside stands	Cemeteries, public & private
Accessory buildings	Accessory buildings
Stables, private	
Concentrated animal feeding op.	Retail sales - ag products grown on premise
Family child care homes	Family child care homes
Adult foster care family home	Adult foster care family home
Adult day care family home	Adult day care family home

As the Township’s Master Plan calls for this region to become agricultural, the permitted uses in the AGR District relatively align with those uses permitted within the R-1A District; as there are uses that are permitted in both districts. Uses that are not listed as permitted within the R-1A, but are permitted in the AGR (farms, roadside stands, stables, animal feeding) may be compatible with surrounding land uses, *subject to additional review considerations*.



In terms of residential dwellings, the AGR District requires a minimum of one (1) acre for lot size. The R-1A District minimum lot size is on a sliding scale, with the largest minimum lot size being one (1) acre [without water and/or sewer, unplatted] and the smallest minimum lot size being 10,000 square feet [with water and sewer, if platted]. Within a ½ mile radius of the subject parcel, lot sizes begin at 0.5 acres. A residential use would still be consistent with the surrounding character of the area.

Based on the applicant indicating that the proposed rezoning is to allow for a greater number of hens to be on site for personal egg production, it is not anticipated that the rezoning would negatively impact the surrounding area, as a majority of the permitted uses in both the R-1A and AGR district mirror each other.

3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning?

The proposed rezoning is not anticipated to significantly adversely impact any public services or facilities. Further review of such services would be conducted during a site plan review analysis to ensure proper compliance and harmonious connection to public services. Such review would focus on water and sewer connections, stormwater management of the subject site, and any other applicable service needed in order to utilize the site for a permitted or special land use purpose.

As there are no formal plans submitted for review consideration, the review of this provision is limited. The Planning Commission could inquire with the applicant what potential public services would be needed for use on the parcel; however, as indicated previously, if rezoning is approved, any permitted use would be allowed. However, as referenced in the previous review criteria, the applicant notes the reason for the rezoning is to be permitted a greater number of hens for on-site egg production.

4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land?

By nature and design, the typical uses found within an agricultural district will be different than those found in a residential district in terms of character. However, as referenced in the previous sections, there is significant cross-over of permitted uses in both the AGR & R-1A District.

The AGR District does allow for more intensive special land uses than that of the R-1A District, most notably airports, wineries, hospitals, camp grounds, sanitary landfills. A full listing can be found at the end of this report. Additionally, parcel sizes within the AGR District tend to be larger than those located within the R-1A District. The Commission may refer to the Township's current zoning map for visualization.

Uses allowed under the proposed rezoning may be better suited to the area, given that parcel sizes are larger and the existing development intensity could be classified as "low". For example, rezoning this site to AGR may not be appropriate if the surrounding area was considered to be more commercial/industrial in nature. However, as noted throughout this report, and consistent with the Township's Master Plan, the uses allowed under the AGR District would be equally suited to the area.



RECOMMENDATION & FINDINGS

The applicant, Muhammad Abbas, seeks to rezone the property at 2591 S. 33rd Street, which is approximately 2.2 acres, from R-1A, Single Family Residential to AGR, Agricultural Residential, in order to facilitate the acquisition of additional hens for on-site egg consumption (not commercial production). Based upon the application materials submitted, and review of the four (4) criteria, the following comments are offered for consideration by the Planning Commission:

1. The Comstock Charter Township's 2030 Vision Master Plan classifies the subject site and surrounding land as Agriculture, which encompasses over six (6) square miles of land area.
2. The permitted uses within the AGR District appear to be compatible with the character of the area. In terms of special land uses, further review analysis would be required on a case-by-case basis to determine compatibility.
3. While the application does not speak to public services, the indicated intended use is not anticipated to negatively impact the subject parcel nor the surrounding landowners.

After the public hearing, the Commission should consider whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land. Therefore, dependent on any comments that come forward and review discussion by the Commission, and after the stipulated review at two (2) meetings [unless by-laws are waived] a motion could be crafted as such:

I move to recommend to the Township Board that the rezoning of 2591 S. 33rd Street, from R-1A to AGR be approved based on the following findings of fact;

- 1) *[List finding]*

Alternatively, should the Commission find that the request does not align with the criteria listed within this report, a motion to recommend denial, with a listing of facts [reasons], would be appropriate.

Subject to any and all public comments received prior to and during the Public Hearing on this request, we would further recommend that the Planning Commission evaluate the staff report, public comments, information supplied by the applicant and any other pertinent information prior to making a determination to support or recommend denial of the rezoning request at 2591 S. 33rd Street.

Respectfully,

Kyle Mucha, AICP
Principal Planner
Comstock Township Planning & Zoning

3.1.A AGR Agriculture-Residential

1. Intent

The intent here is to provide a district wherein agriculture, farming residential, and low-density dispersed single-family residential uses, along with compatible uses often occupying large areas and accessory uses may occur. The main uses are to be agriculture and farming residential.

i User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards.

2. Permitted uses

- a. [Single-family dwellings](#) [☞] §4.17
- b. Parks, parkways and recreational facilities, [☞] publicly owned and operated
- c. Educational institutions, public [☞]
- d. [Places of worship](#) §4.36
- e. [Temporary sales office](#) §4.50
- f. [Accessory dwelling units](#), [☞] attached §4.1
- g. Farms [☞]
- h. [Roadside stands](#) [☞] §4.46
- i. Accessory buildings [☞] and uses [☞]
- j. [Stables, private](#) §4.39
- k. [Concentrated animal feeding operations](#) §4.15
- l. [Family child care homes](#) [☞] §4.13
- m. Adult foster care family home [☞]
- n. Adult day care family home [☞]
- j. [Cemeteries, public and private](#) §4.11
- k. [Human care, residential facilities for](#) [☞] §4.43
- l. [Hospitals](#) §4.22
- m. Adult day care centers [☞]
- n. [Golf courses and country clubs](#) §4.20
- o. Radio or television stations
- p. Recreational facilities, [☞] private [☞]
- q. Temporary buildings or trailer offices incidental to construction
- r. Commercial quarry excavation
- s. [Farm ponds, subject to the requirements of](#) §4.29
- t. [Essential services](#) [☞] §4.18
- u. [Camp grounds](#) §4.10
- v. [Two-family dwellings](#), [☞] attached (duplexes) §4.55, §4.17
- w. [Sanitary landfills](#) §4.47
- x. [Planned unit developments](#) [☞] §3.24
- y. [Child care centers](#) [☞] §4.13
- z. [Telecommunication towers](#) [☞] §4.60
- aa. [Telecommunication antennas](#) [☞] located on structures other than telecommunication towers [☞] §4.60
- ab. [Group child care homes](#) [☞] §4.13
- ac. Adult foster care small group home [☞]
- ad. Adult day care group home [☞]
- ae. [Accessory dwelling units](#), [☞] detached §4.1
- af. [Event barn](#) §4.19
- ag. [Temporary use for highway construction purposes](#) §4.52
- ah. [Temporary outdoor festivals and similar events](#) §4.48
- ai. [Temporary use for anemometers and supporting towers](#) §4.51

3. Special land uses

- a. [Veterinary offices, hospitals, and clinics](#) §4.57
- b. [Stables, public and riding academies](#) §4.42
- c. [Public utility](#) [☞] and municipal buildings §4.41
- d. Dog parks
- e. [Kennels](#) [☞] and/or boarding kennels [☞] §4.27
- f. [Educational institutions, private](#) §4.58
- g. [Airports, heliports, landing fields and platforms, helipads, hangars, masts and other facilities for the operation of aircraft](#) §4.3
- h. Wineries, [☞] including tasting rooms and sales
- i. [Home occupations](#) §4.21



3.1.A AGR Agriculture-Residential

4. Development standards

Lot size

Minimum area: One (1) acre
Minimum width: 165 ft.

Minimum setbacks (in feet)

Front yard: 30
Side yard:
 One must be at least: 10
 The other must be at least: 5
Rear yard: 35

Maximum building height

In stories: 2
In feet: 35

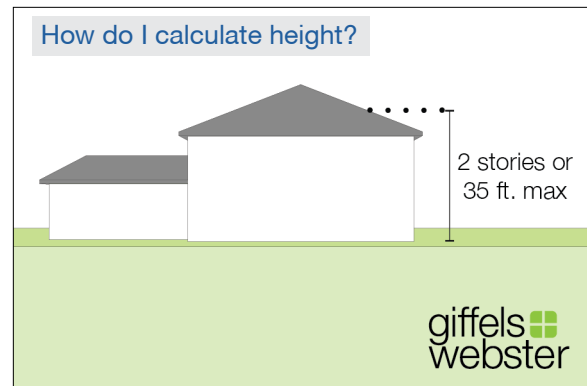
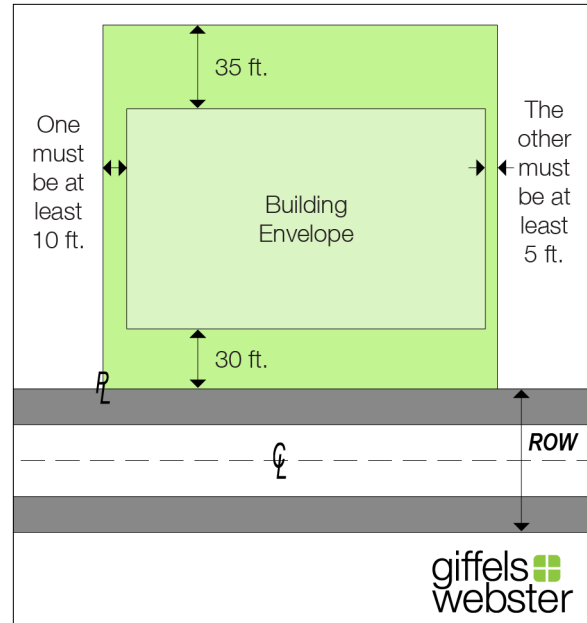
Lot coverage by buildings

Maximum percentage: 10

Floor area per dwelling unit

Minimum single-story: 960 s.f.
Minimum ground floor two-story: 750 s.f.

See [§3.2](#) and [§3.10](#) for more information.



  User Note: Click on [Blue](#) for use-specific standards.

5. Additional requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 5

[Residential accessory buildings and structures §5.1](#)

[Off-street parking requirements §5.2](#)

[Landscaping §5.4](#)

[Exterior lighting §5.10](#)

[Fences §5.9](#)

[Signs §5.18](#)

Article 6

[Site plan review procedures §6.1](#)

[Special land uses §6.2](#)

3.1.C

R1-A Single-Family Residential

1. Intent

The intent here is to provide two (2) districts, the “R1-A” and “R1-B”, Single-Family Residential districts, of different lot sizes and/or density wherein single-family residential uses, incorporating a reasonable range of lot sizes, plus compatible and/or accessory uses, may develop while at the same time promoting a predominantly semi-urban character within the community.



User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards.

2. Permitted uses

- a. [Single-family dwellings](#) §4.17
- b. Parks, parkways and recreational facilities, publicly owned and operated
- c. Educational institutions, public
- d. Cemeteries, public and private
- e. [Places of worship](#) §4.36
- f. Accessory buildings and uses
- g. Incidental raising and retail sale of horticultural and agricultural products grown on the premises
- h. [Family child care homes](#) §4.13
- i. [Temporary sales office](#) §4.50
- j. Adult foster care family home
- k. Adult day care family home
- l. [Accessory dwelling units](#), attached §4.1
- j. Radio stations
- k. Temporary buildings or trailer offices incidental to construction
- l. [Essential services](#) §4.18
- m. [Stables, public and riding academies](#) §4.42
- n. [Stables, private](#) §4.39
- o. [Public buildings or portions thereof no longer used for public purposes](#) §4.40
- p. [Planned unit developments](#) §3.24
- q. [Two-family dwellings](#), attached (duplexes) §4.55, §4.17
- r. [Raising and keeping of animals](#) §4.4, §4.12
- s. [Kennels](#) and/or boarding kennels §4.27
- t. [Group child care homes](#) §4.13
- u. [Telecommunication antennas](#) located on structures other than telecommunication towers §4.60
- v. Adult foster care small group home
- w. Adult day care group home
- x. [Temporary use for highway construction purposes](#) §4.52
- y. [Temporary use for anemometers and supporting towers](#) §4.51

3. Special land uses

- a. [Accessory dwelling units](#), detached §4.1
- b. Publicly owned buildings including libraries, post offices, community centers, and museums
- c. [Public utility](#) and municipal buildings §4.41
- d. [Child care centers](#) §4.13
- e. [Institutions of an educational, philanthropic or charitable nature](#) §4.25
- f. Kindergartens or nursery schools for children of preschool age
- g. [Golf courses and country clubs](#) §4.20
- h. Recreational facilities, private
- i. [Home occupations](#) §4.21



3.1.C R1-A Single-Family Residential

4. Development standards

Lot size

	Unplatted		Platted		
	Without water and/or sewer	With water and sewer	Neither water nor sewer	With water or sewer	With water and sewer
Minimum area:	One (1) acre	$\frac{3}{4}$ acre	13,200 s.f.	12,000 s.f.	10,000 s.f.
Minimum width:	165 ft.	150 ft.	100 ft.	90 ft.	80 ft.

Minimum setbacks (in feet)

Front yard:	30
Side yard	
One must be at least:	10
The other must be at least:	5
Rear yard:	35

Maximum building height

In stories:	2
In feet:	25

Lot coverage by buildings

Maximum percentage:	20
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Floor area per dwelling unit

Minimum single-story:	960 s.f.
Minimum ground floor two-story:	750 s.f.

See [§3.2](#), [§3.12](#), and [§3.25](#) for more information.



User Note: Click on [Blue](#) for use-specific standards.

5. Additional requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 5

[Residential accessory buildings and structures §5.1](#)

[Off-street parking requirements §5.2](#)

[Landscaping §5.4](#)

[Exterior lighting §5.10](#)

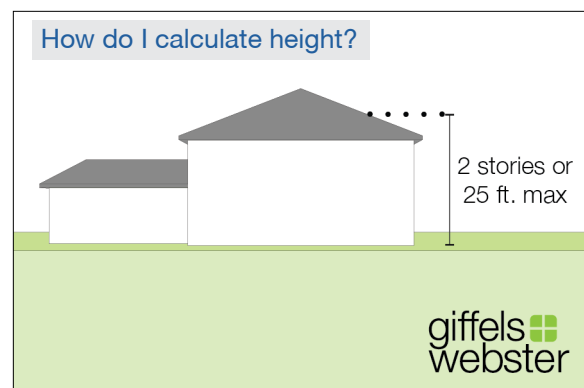
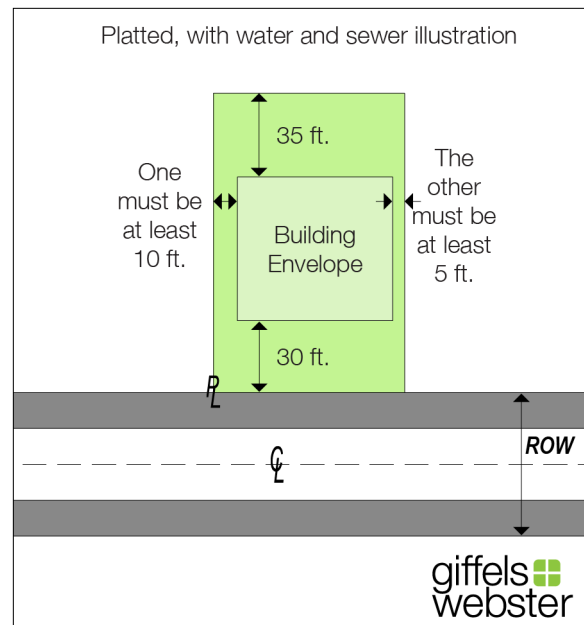
[Fences §5.9](#)

[Signs §5.18](#)

Article 6

[Site plan review procedures §6.1](#)

[Special land uses §6.2](#)





CHARTER TOWNSHIP OF COMSTOCK PLANNING & ZONING APPLICATION

Shipping: 5858 King Highway, Kal., MI 49048
Mailing: PO Box 449, Comstock MI 49041-0449
Phone: 269-381-2360 Fax: 269-381-4328

PLEASE PRINT

PROJECT NAME AND ADDRESS: 2591 s 33rd st

APPLICANT:

Name Muhammad Wasim Rizwan Abbas
Company
Address 2591 S 33rd st
Galesburg MI 49053
Email m_wra@yahoo.com
Phone 269-779-2033 Fax
Interest in the Property Owner

Township Use:

Fee:

\$

Escrow:

\$

Date Paid:

cash/credit card
check #

OWNER*:

Name Muhammad Wasim Rizwan Abbas
Company
Address 2591 S 33rd st
Galesburg MI 49053
Email m_wra@yahoo.com
Phone 269-779-2033 Fax

*If different

NATURE OF REQUEST: (Please check all the appropriate item(s))

- | | |
|--|--|
| ☐ Site Plan Review | ☒ Rezoning |
| ☐ Administrative Site Plan Review | ☐ Master Plan Amendment |
| ☐ Special Exception Use | ☐ Text Amendment |
| ☐ Site Condominium | ☐ Variance |
| ☐ Subdivision Plat Review | ☐ Interpretation |
| ☐ PUD/PURD/PMUD | ☐ Planning Escrow |
| ☐ Other | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

I want to rezone so i can have more hens and get more organic eggs,
First reason is organic eggs are expensive,
Second reason is eggs that are coming from big facilities contain disease called Salmonella,

Revised: September 2020

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

Using the space behind the Garage estimate around 100' by 100' space which will be fenced property,

PARCEL NUMBER: 3907 - 07-26-405-030

ADDRESS OF PROPERTY: 2591 s 33rd St, Galesburg MI 49053

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING: AGR SIZE OF PROPERTY: 2.21 Acre

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)

Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. By submitting this Planning & Zoning Application, I (we) grant permission for Comstock Township officials and agents to enter the subject property of the applicant as part of completing the reviews necessary to process the application. I (we) as Applicant(s), understand that I (we) am responsible for the reimbursement to the Township of its actual expenses in connection with my (our) application, under the Township's Escrow Fee Policy, and I (we) agree to pay such amounts under the terms of that policy.

Applicant's Signature

Date

06-20-2025

Owner's Signature authorizing submission of Application
(* If different from Applicant)

Date

**** PLEASE ATTACH ALL REQUIRED DOCUMENTS ****

Copies to:
Planning & Zoning - 1
Applicant - 1
Treasurer - 1
Assessor - 1
Administrative Assistant - Original

Revised: September 2020



MEMO

Charter Township of Comstock Planning Commission August 14, 2025

From: Khayci Bryant, Assistant Planner

Re: Discussion of Chicken Ordinance

Attachments:

[Chicken Ordinance.pdf](#)

4.12 Chickens (hens) as an accessory use

- A. The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to six (6) chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood.
- B. The keeping of up to six (6) chickens that are utilized exclusively by the person(s) occupying a single-family dwelling as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use if all of the following are satisfied:
 1. Chickens shall be kept only in the rear yard secured within a coop and attached pen during non-daylight hours. During daylight hours, chickens may be allowed to roam outside of the coop and pen, if supervised, and only within an area completely enclosed by a fence with a minimum height of four feet.
 2. The accessory use, coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:
 - a. The coop and pen shall be setback a minimum of ten feet from all side and rear lot lines and a minimum of 30 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a waterfront lot shall have a 40-foot rear yard setback.
 - b. The coop and pen shall be a maximum of seven feet in height and shall not exceed a total of 90 square feet.
 - c. The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials not in keeping with the appearance of other accessory buildings in the immediate area of the property as determined by the Zoning Administrator is prohibited. The coop and pen must be completely enclosed with a top and/or cover.
 - d. The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.
 3. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.
 4. Waste materials (feed, manure and litter) must be disposed of in an environmentally responsible manner. Piling waste materials on the property is not permitted. Litter must be kept dry.
 5. Dead chickens and waste eggs must be promptly bagged and disposed of in the garbage.
 6. The outdoor slaughter of chickens shall be screened from view from off the premises.
 7. The accessory use shall comply with all ordinances of Comstock Charter Township pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.
 8. No person shall keep chickens without first securing a permit from the Zoning Administrator on a form provided and without paying a permit fee as established by the Township Board by resolution. The permit shall be issued by the Zoning Administrator. Such permit may be revoked by the Zoning Administrator if it is determined that any provision of this section is violated.



9. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.
10. This section shall not regulate the keeping of chickens in those areas where farming is a permitted principal use or special land use under other sections of this ordinance.
11. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.
12. No permit shall be issued by the Zoning Administrator without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained it shall continue for as long as the applicant is in possession of the property.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



MEMO

Charter Township of Comstock Planning Commission August 14, 2025

From: Khayci Bryant, Assistant Planner

Re: Discussion of Accessory Structure Ordinance

Attachments:

[Accessory Structures Revisions 8-6-25.pdf](#)

5.1 residential accessory buildings and structures

- A. All references to accessory buildings in this Section shall apply only to residential accessory buildings, including private garages; carports; boat houses; and agriculturally used buildings on lots of five acres or less.
- B. No accessory building may be used for human habitation except as may be allowed as an accessory dwelling unit per [Section 4.1 Accessory dwelling units \(ADUs\)](#) of this ordinance.
- C. Accessory buildings permitted without special land use permit:
 1. The total combined floor space of the accessory building(s) shall not exceed the limits set forth in the following schedule:

Table 5.1(C)(1) accessory Building permitted floor space	
Lot Size	Permitted Total Floor Space
20,000 sq. ft. or less	840 sq. ft.
20,001—one acre	1,320 sq. ft.
1.01 acres—2.99 acres	2,000 sq. ft.
3.00 acres—4.99 acres	3,000 sq. ft.
5.00 acres—9.99 acres	4,000 sq. ft.
10.00 acres or more	5,000 sq. ft.

2. The total floor area of all accessory structures on a single lot shall not exceed the totals above except that the first 400 square feet of a private residential garage shall be exempt from this calculation
3. Building Type. Packing, shipping or storage crates or containers, parts or all of a semi-trailer and similar converted structures shall not be used as accessory structures except for when used for agricultural purposes on an agricultural property. Fabric accessory structures shall only be permitted when placed in the rear yard except for when used for agricultural purposes on an agricultural property.
4. An accessory building which is structurally attached to the residence shall, unless expressly provided otherwise, be subject to all requirements of this section.
5. When an accessory building is not structurally attached to the residence, it shall be located in the side or rear yard. A corner lot shall be considered for purposes of this section as having two (2) front yards.
6. Accessory buildings not structurally attached to the residence shall not:
 - a. Exceed a height of eighteen (18) feet on parcels less than an acre and a height of twenty-two (22) feet on parcels an acre or more in area measured from the building grade to the highest point of the building;
 - b. Occupy more than twenty-five (25) percent of the required rear yard; or
 - c. Be located closer than five (5) feet from any side or rear property line for buildings 200 square feet or less in area and/or accessory buildings that are the principal detached garage serving the residence on the lot; the minimum side and rear property line setback requirement for buildings exceeding 200 square feet in area shall be the height of the building at its highest point, except as excluded herein.
7. Where two or more contiguous lots are under common ownership and are either wholly vacant or developed with one residence, all such lots shall be treated as one lot to determine the total combined floor area permitted when combined into a single lot.

- D. Accessory buildings permitted with special land use permit:
1. Any accessory building on a lot or site condominium unit of one acre or more in size that fails to meet the size, height or location requirements set forth above may be allowed as a special land use, subject to the conditions in subparagraphs (4), (5), and (6) below.
 2. A boat house may be allowed as a special land use, only for the benefit of the occupants of the subject property, subject to the four conditions below as well as the requirements in subparagraphs (4), (5), and (6) that follow:
 - a. Be located adjacent to a navigable body of water, with no minimum setback.
 - b. Be used to store one or more boats and boating accessories.
 - c. Be established in compliance with all applicable state and local laws.
 - d. Complies with all size, height and location requirements set forth in [subsection C](#), except as otherwise expressly approved by the Planning Commission.
 3. A vacant parcel lot building may be allowed as a special land use in the “AGR”, “AH”, “R1-A”, “R1-B”, “R1-C”, “RM”, and “OW” zoning district classifications, subject to the two conditions below as well as the requirements in subparagraphs (4), (5), and (6) that follow:
 - a. The building may be utilized only for purposes accessory to residential uses allowed in the zone in which it is located.
 - b. The building shall comply with all size, height, and location requirements set forth in [subsection C](#), except as otherwise expressly approved by the Planning Commission.
 4. Proposed accessory building(s) shall not have a material adverse impact upon the owners and occupants of surrounding properties. The Planning Commission shall have authority to impose reasonable conditions, including reduction in size, to assure compliance with this standard.
 5. All applications requiring a special land use permit hereunder shall be accompanied by twelve (12) copies of a site plan of the subject property, drawn to a selected scale, containing the following information:
 - a. A north arrow and notation of the selected scale used.
 - b. All property lines shall be shown with their dimensions.
 - c. Location and dimensions of all existing and proposed structures (including the height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent property within fifty (50) feet of the subject property.
 - d. Location of any septic tank and/or dry well on the subject property.

Planning Commission approval of the above required site plan under the standards in [Section 6.1 Site plan review procedures, subsection D](#) shall satisfy the site plan submission and approval requirements of [Section 6.1 Site plan review procedures, subsection A](#) through [subsection D](#) of this Ordinance.
 6. An application for a special land use permit hereunder shall include a statement setting forth the purpose(s) for which the proposed accessory building(s) will be used. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.

- E. Private home swimming pools may be permitted by right in the “AGR”, “R1-A”, “R1-B”, “R1-C”, and “RM” zoning district classifications and as a special land use in the “OW” district. Swimming pools shall be subject to the following regulations:
1. Swimming pools with a floor area of one hundred (100) square feet or more and their swimming pool platforms shall not be located:
 - a. Within the required minimum front yard (See [Section 3.2 Notes to district regulations, subsection F](#) as to corner lots);
 - b. Within 10 feet of a side or rear lot line; or
 - c. Upon any easement or right-of-way which has been granted for public utility use.
 2. No swimming pool fence shall be located within the required minimum front yard. (See [Section 3.2 Notes to district regulations, subsection F](#) as to corner lots.)

1. Purpose & Intent

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