

Hopkins Township Planning Commission  
Special Meeting Minutes 12/27/2016

Planning Commission Members: Chair Mike Timmer; Mark Forbes; Tadd Heft; Ken Rutgers; Chuck Wamhoff; Steve Wamhoff; Fred Morley

Members Present: Ken Rutgers; Mike Timmer; Chuck Wamhoff; Steve Wamhoff; Fred Morley

Meeting Called to Order at: 7:05 PM

Meeting Adjourned at: 8:16 PM

Location: Hopkins Township Hall

+ Commission attendance noted above.

**Agenda: Public Hearing for a Special Use Permit-Type B Home Occupation:** After urging by our Zoning Administrator, Paul Shirk submitted a petition for a Special Use Permit and Site Plan Review and other information, to operate a Type B Home Occupation to sell dairy farm equipment and supplies.. The business will be operated at 1888 128<sup>th</sup> Avenue, also known as Permanent Parcel #03-10-028-002-00. Equipment storage will be outside, with an office in the barn.

A Home Occupation is defined in Section 157. 053 of the Hopkins Township Zoning Ordinance.

(A) *Definition.* For purposes of this section, a **HOME OCCUPATION** is a gainful occupation traditionally and customarily carried out in the home or on a residential premises solely by the residents as a use that is incidental to the use of the home and premises as a place of residence. A home occupation may be conducted entirely within a residential dwelling and/or attached or unattached garage accessory structure to the dwelling.

(D) *Type B home occupations.* The following home occupations are considered Type B home occupations and may be allowed by special use in the Agricultural, R-1, R-1 A, R-2 and R-3 Zoning Districts by approval of the Planning Commission as a special use in accordance with §§ [157.345](#) through [157.350](#) of this chapter:

(1) A home occupation involving the use of a detached accessory building and/or one that would exceed the floor area limitations for Type A home occupations. The size and placement of such accessory building shall be regulated by each zoning district;

(E) *Conditions for approval.*

(1) In considering any Type B home occupation for approval, the Planning Commission shall consider and make findings upon the following standards:

- (a) Whether the home occupation is incidental and secondary to the use of the premises as a dwelling;
- (b) Whether the nature of the home occupation is substantially in keeping with the residential or other permitted use of the property such as farming;
- (c) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other uses permitted and occurring in the district and similar home occupations that are specifically permitted in this section; and
- (d) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.

(2) In approving any such land use, the Planning Commission may impose restrictions and limitations on the use, relating, but not limited to, in consideration of the following:

- (a) Hours of operation;
- (b) The floor area of the use;
- (c) The area, height, bulk and location of any accessory building;
- (d) Whether the storage or display of goods, inventory or equipment will be visible from outside the dwelling or an accessory building;

- (e) The number of permitted associates, employees or assistants whether working on-site or performing duties principally located off-site;
  - (f) The manner of storage or use of combustible toxic or hazardous materials on the premises;
  - (g) Whether there will be any offensive noises, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line, or whether there will be machinery or electrical activity that will interfere with nearby radio or television reception;
  - (h) Effects on motor vehicle and/or pedestrian traffic;
  - (i) The amount of off-street parking provided, and the location thereof;
  - (j) An approved site plan per the discretion of the Zoning Administrator or Planning Commission; and
  - (k) All Type B special use home occupation business permits are revocable, with notice to owner and after a show cause hearing by the Planning Commission.
- (Ord. 2-2014, passed 8-11-2014) Penalty, see § [157.999](#)

§ 157.349 GENERAL STANDARDS.

(A) In addition to specific standards which may be applicable, the following set of standards shall serve as the basis for decisions involving the issuance of special use permits, and other discretionary decisions required to be passed under this subchapter.

(B) The proposed use shall:

- (1) Be compatible with adjacent uses of land;
- (2) Be consistent with and promote the intent and purposes of this chapter;
- (3) Be compatible with the natural environment;
- (4) Be consistent with the capacities of public services and facilities affected by the proposed use; and
- (5) Protect the public health, safety and welfare.

(Prior Code, Ch. XV, § 12B.05) (Ord. 2005-1, passed 5-9-2

The presented material and the verbal presentation were reviewed and discussed. Points discussed include: no fertilizer will be sold; gates will be stored safely; deliveries will be by truck two or three times a month; the sign near the road; the business is in operation at the time of this hearing; questions about adhering to the Zoning Ordinance; and public complaints will trigger review of the operation.

**MOTION:** A motion was made and supported to approve Paul Shirk's request for a Type B Home Occupation, Special Use Permit (SUP), to sell dairy farm equipment and supplies. This SUP is based on presented material and verbal presentation. This SUP is in accordance with the cited Ordinance provisions. The following conditions shall be part of this SUP: the hours of operation shall be between 5:00 AM and 8:00 PM, Monday through Saturday; there shall be no more than two non-resident employees; the SUP approval shall be contingent on building permit and occupancy permit approval. This motion was approved.

**MOTION:** At 8:16 PM a motion was made and supported to close the public hearing and adjourn the meeting. This motion was approved.