

**KASSON TOWNSHIP
PLANNING/ZONING APPLICATION
ADDENDUM – ZBA PETITION**

Prior to completing this addendum to the ZBA Petition, the Applicant(s) should review the Kasson Township Zoning Ordinance, in particular Sections 11.3, 11.4, and 11.5, and any other section(s) of the Ordinance that applies to your petition. A copy of the Ordinance may be obtained from the Kasson Township Clerk.

Applicant Name(s) James Schettek - Applicant; Bill Kasben - Owner

Tax Parcel Number(s) 007-024-001-10; 007-024-005-00; 007-024-004-30;
007-024-004-20; and 007-024-004-00

Type of Petition Variance Administrative Review Interpretation and Classification

NATURE OF PETITION:

State specifically what you are requesting. Please summarize your question, problem or request and reference the specific section(s) of the Zoning Ordinance that are involved (such as a setback variance, Ordinance interpretation, etc.). Use additional sheet(s) if necessary.

Please see attached.

EFFECT OF THE REQUEST ON THE APPLICANT(S):

State specifically the problem(s) and/or hardship(s) that would be created for you, the petitioner, if your request were not granted. Use additional sheet(s) if necessary.

Please see attached.

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EFFECT OF THE REQUEST ON OTHER PROPERTIES:

If your request is granted, what effect will it have on the area? Does your request represent a change in the types of uses permitted? Will it hamper access by emergency services (vehicles or personnel)? Will it hamper or restrict light, air, or access to adjacent properties? Will it in any other way create any problems or concerns to other properties in the area? Use additional sheet(s) if necessary.

Please see attached.

DRAWINGS AND SITE MARKINGS:

Where applicable, a scale drawing(s) indicating the following information shall also be attached to the application:

A drawing of the subject site, lot, etc. with property line dimensions
The size and location of existing buildings and specific uses on the site
The size and location of any proposed buildings and/or uses on the site, including overhangs
Existing buildings and/or uses on adjacent properties

Existing and proposed setbacks to buildings on the subject site and to buildings on adjacent parcels along any common property lines. Additionally:

Property lines and proposed structure dimensions, including overhangs, must be staked and flagged at the site

In the case of side and rear yard setback variance requests, the applicant may be asked to provide a current staked survey and survey drawings showing property boundaries and the location of structures relevant to the request

Please attach pictures that will help clarify your request, if applicable.

GENERAL REQUIREMENTS

The Zoning Board of Appeals (ZBA) has been created to offer reviews and decisions when:

an interpretation of the Zoning Ordinance is questioned
a zoning district boundary is questioned
an order or decision of an administrative official or body is questioned
the Zoning Ordinance empowers the ZBA to hear specific land uses
a variance from the strict interpretation of the ordinance is sought to avoid a specific hardship

Nature of Petition

Applicants are seeking ZBA review under Section 11.4, Administrative Review of the Zoning Ordinance, with respect to the Planning Commission's denial and refusal to even hear applicant's request for a Special Use Permit originally submitted on February 18, 2023. With the guidance of Kasson Township staff and the Zoning Administrator, this original application was filed under Section 7.15 of the Zoning Ordinance entitled *Other Special Land Uses*. While the applicant's original application only looked toward a single Enduro Motorcycle event scheduled for the Sunday of the Memorial Day weekend, May 28, 2023, the applicant seeks to have more than one event during the spring/summer/fall seasons located on the property with the above Tax ID numbers. The current zoning on the property is Forested District (FR). Although the matter was taken up by the Planning Commission and a public hearing held at the April 17, 2023 Planning Commission regular meeting, the application was tabled and ultimately at the meeting on July 17, 2023, the Planning Commission passed a motion to discontinue consideration of the Special Use Permit application for Michigan Sprint Enduro Motorcycle Event under Section 7.15 of the Kasson Township Zoning Ordinance. Various correspondence was provided during public comment as well as comments from citizens represented by Attorney Kristin Houle. Material was also provided by the applicant's attorney as well as counsel for the Township all of which is part of the record of the proceedings before the Planning Commission. Applicants seek to appeal the Planning Commission's decision to discontinue consideration of the Special Use Permit under Section 7.15 of the Kasson Township Zoning Ordinance.

Effect of the Request on the Applicants

Applicants enjoy the sport of Enduro Racing and wish to share their unique and large property with others who wish to engage in this sport on an occasional basis including Enduro Races during the season. The Applicants understand that reasonable restrictions may be placed on the property and believe that this use is commensurate with uses otherwise allowed in the Forested District (FR). While it is unknown ultimately what the Planning Commission decision would be regarding this matter, it is important that the matter proceed before the Planning Commission, whether under 7.15 as originally applied for based upon advice on the part of Township staff, or other provisions allowing for a Special Use within the Forest Zoning District. Applicants were told by the Zoning Administrator that there is no zoning district within the township which would allow for Enduro sport nor has the township considered other avenues for allowing Enduro Races under the Zoning Ordinance including the utilization of Sections 4.4 and Section 5.13 of the Kasson Township Zoning Ordinance. Applicants feel that the only way to seek redress regarding this blanket denial and refusal to consider this Special Use Permit is to appeal the matter to the Kasson Township ZBA.

Effect of the Request on Other Properties

Because the Planning Commission did not even consider this application and unilaterally passed a motion on July 17, 2023 to refuse to consider the application, it is unknown what the effect of this request would be on other properties. The extent that the activities requested in the application would impact other properties would be something the Planning Commission would likely address when considering the application for a Special Use Permit under the standards contained in the Kasson Township Zoning Ordinance. The refusal to consider the application appears to be based upon a legal reasoning provided by the Township's legal counsel which applicants believe is not commensurate with the law or the facts which should allow this application to proceed and be determined by the Planning Commission under the standards contained in the Zoning Ordinance.

There is no evidence that any Enduro event would hamper access to public services. Any Enduro event is temporary and does not constitute use of the property unlike other special uses or uses by right under the Zoning Ordinance. Applicants are willing to work with the Township to ensure that the use has minimum effects on surrounding properties. Finally, an Enduro race will not hamper or restrict light, air or access to adjacent properties.

No additional sheets are attached to this application as the entire record of the proceedings up to the decision made by the Planning Commission not to consider this Special Use Permit on July 17, 2023 are all on file at the Township. Applicants are certainly willing to organize and assist the township with respect to exhibits of the record for the ZBA to review. Applicants will provide a memorandum well in advance of the ZBA meeting to address applicant's arguments on appeal before the ZBA.