

Marion Township Zoning Board of Appeals
July 1 2019

For many months, there has been a concerted effort to persuade Marion Township to accept an "event barn". This "agri-tourism" approach, by any reasonable definition is a commercial enterprise. A revenue producing entity, this event venue is for hosting large wedding parties, corporate events, and themed gatherings both indoors and outdoors. This facility would be a version of a common rental hall. As such, it would be expected that a facility of this nature would be located in an appropriate, commercially zoned location. Instead, we are looking at a building that has been built in an agricultural setting within a rural residential zone, with a residence above, with restroom and kitchen facilities on the first floor, with porches at grade on both sides, with a parking lot, with a gazebo on a lawn next to a 'romantic pond' for the perfect photo shoot on the perfect day. It's charming. But, what happens when a party gets "cranked up" and really rolling on Friday, then another one get's rollin' on Saturday? When does the party atmosphere become a nuisance? How often do neighbors need endure? Who makes the 'new' rules?

What the ZBA faces is a legalistic attempt to coerce the Township and its residents to accept a large business. This attempt masquerades as an acceptable occupation in rural residential zone. Our ordinances are quite clear. Attempting to act in defense of residents, the Township has been hobbled by nuance, details and outright re-definition. The Township has made it quite clear that they want to exclude an event barn, because it represents commercial encroachment. We watch in astonishment as a large-scale builder has determined to force the township, under threat of 'development' to accept a variance to operate a business.

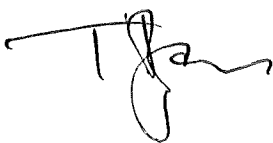
The agricultural operation, in place, is to be admired. It appears that sales of farm products are moving nicely, the farming operation has a solid collection of agricultural recognitions, and we fully support that endeavor. As neighbors, we wholeheartedly embrace the farm. As neighbors, we support farming and desire to be seen as stalwart supporters.

We moved to Marion Township for the rural, quiet life. Our genuine concern is for our immediate environment, and we hope to maintain as much of the quiet peaceful atmosphere as possible, given outside 'development' pressures. We feel that the Township government should provide a stable platform that allows for appropriate growth, while respecting the wishes of residents, who move here specifically for the peace and quiet. As residents we hope that we can be seen as supportive, worthwhile neighbors who understand and believe that zoning ordinances are for the good of all.

As neighbors, we do not support the diminishment of our property values, nor the extra traffic, nor the spectre of loud gatherings in the evening, after loud busy days alongside D-19. The loud busy days all week, are enough.

Please reject the concept of an event barn.

Tim Ryan
459 E Davis Rd



July 1, 2019

Members, Zoning Board of Appeals
Marion Township
2877 Coon Lake Road
Howell, Michigan 48843

To Members of the Zoning Board of Appeals,

On July 1, 2019, you are again scheduled to review a request for interpretation of the Zoning Ordinance with regard to Section 3.02 Definition of Agricultural-based Tourism/Entertainment Activities (AJR Group Inc & Cornerstone Land LLC) as they continue to pursue permission to use an Event Barn at 3111 Pinckney Rd. This has been a topic of debate repeatedly since early 2016 in both the Planning Commission and Board of Trustees. As neighbors of this property, we have followed and participated in these meetings, encouraging Township officials to protect the intent of the Rural Residential Zoning Ordinances. We now entreat the ZBA to continue to **protect us from this threat to the peaceful and safe way of life** that Marion Township residents expect by continuing to deny an Event Barn in a Rural Residential zoning area.

Marion Township changed the Zoning Ordinance accommodating Agricultural Tourism in order to deal with this emerging area of rural growth. Township officials recognized and supported the development of agricultural tourism for its potential role in enhancing economic stability for farms and potentially benefiting the community. That new language was carefully reviewed and approved, reflecting best practices elsewhere and guided by materials such as "The Agricultural Tourism Local Zoning Guidebook" prepared by an expert group for the Governor and the Michigan Legislature. Marion Township is among many communities that are modifying their zoning to allow Agricultural Tourism, because they want to support their community farms that are being attacked by intense regulatory demands, land price pressures, competition from large industrial corporate farming, etc. These farms seek non-traditional modern agricultural revenue streams to help sustain them. Yes, Marion Township needs to support its farmers if we want to fulfill our stated mission of preserving open land, protecting natural resources, and the other values that residents who live here share, and we agree with that. The Witkowskis sought a Special Use Permit under this new flexibility, and were eventually granted permission to add a wide variety of commercial agricultural activities in keeping with the new Ordinance (e.g. U-Pick operations, horse therapy sessions, etc.), but the **Event Barn was consistently explicitly excluded**. The Planning Commission was then requested to consider Conditional Rezoning to Highway Services status to allow the commercial event operation, and was denied.

This is a common scenario in other local townships and across the country where survival of farms is often endangered. While support for a more flexible use of farm land is being extended through modifications of the zoning ordinances, however, neighbors and residents push for holding the line at Event/Wedding Barns. We have collected news articles from

Michigan, Florida, North Carolina, Texas, Minnesota, Washington, Wisconsin, Iowa, Ohio, and others, pointing out the **risks to the community from emerging event barns** for:

- Noise
- Light pollution
- Traffic and traffic safety
- Public intoxication
- Trespassers
- Fire safety issues
- Noncompliance with building codes
- Sewerage/Septic capacity
- Food safety
- Decline in adjacent property values
- Etc.

The conflict is finding its way into State Courts. The Michigan Court of Appeals, for example, has held that event barns are not accessory uses within agricultural districts (*Webster Twp. Vs. Waitz, 2014*). This is key in supporting a Township's prohibition of them in areas such as Rural Residential.

Consistent with other communities nationally, the Marion Township Board has maintained that agri-business/agritourism **must be directly related to the primary agricultural use** of the property, and **must not have adverse impacts on adjacent properties**. This application for an Event Barn is not what was intended to be supported by the new ordinance, and has been consistently and clearly identified by the Marion Township Board as outside that scope. We agree that a wedding barn/event barn with large weekly functions (up to 300 people), music on loud speakers, alcohol consumption, etc., does not fit with this intent. It is not, in fact, accessory to agricultural use, as is required by our ordinance. The facility itself was designed and built specifically as an Event/Wedding Barn (and residence upstairs!), replete with a bar, restrooms, and a large parking lot, not as an agricultural accessory building as was permitted. Its construction preceded any farming operations at the site. It is a commercial operation that has benefited from an agricultural shield to avoid regulatory oversight, licenses and permits, inspection, and taxation. We understand agricultural business and its challenges, but this Event Barn could easily become the "primary use" of the property with respect to revenue, and would therefore not fit the current Zoning Ordinance nor its intent.

We would ask the ZBA to confirm that allowable Agricultural-Based Tourism activities are intended to "be clearly incidental to" the primary agricultural enterprise of a farm, not the other way around. We do not think "weddings, birthdays/anniversaries, corporate retreats, and similar social events" can be construed as agricultural activities, nor do they belong in a residential area. We do not want to live with weekly traffic, crowds, amplified music, etc. We did not bundle our life savings to move next to a party barn. The Marion Township Master Plan Survey results, published in December 2018, seem to agree. Respondents clearly urge planners to preserve our rural character, protect D-19 from development, limit traffic, and discourage

industrial and commercial development. When specifically polled, they expressed no significant support for agritourism.

Despite Mr. Meyer's semantic arguments about how elements not explicitly forbidden in the current ZO language mean that they should be allowed, that's not how zoning works, and **there has been no confusion in the many discussions by Township officials about their intent.** We believe that the establishment of these non-agricultural commercial activities next door would be a detriment to the stated goals for Marion Township's Rural Residential area, and that our ability to enjoy our rural way of life will be impeded, and the value of our property will be reduced. We continue to rely on Marion Township leaders to protect us in that regard, and encourage you to support us in acknowledging the inappropriateness of allowing of an Event Barn in this location or any re-zoning for that purpose.

Thank you for your work in our behalf,



Susan Schooley
459 E. Davis Rd.