



May 27, 2020

Rebekah Milito  
7351 12<sup>th</sup> Ave.  
Jenison, MI 49428

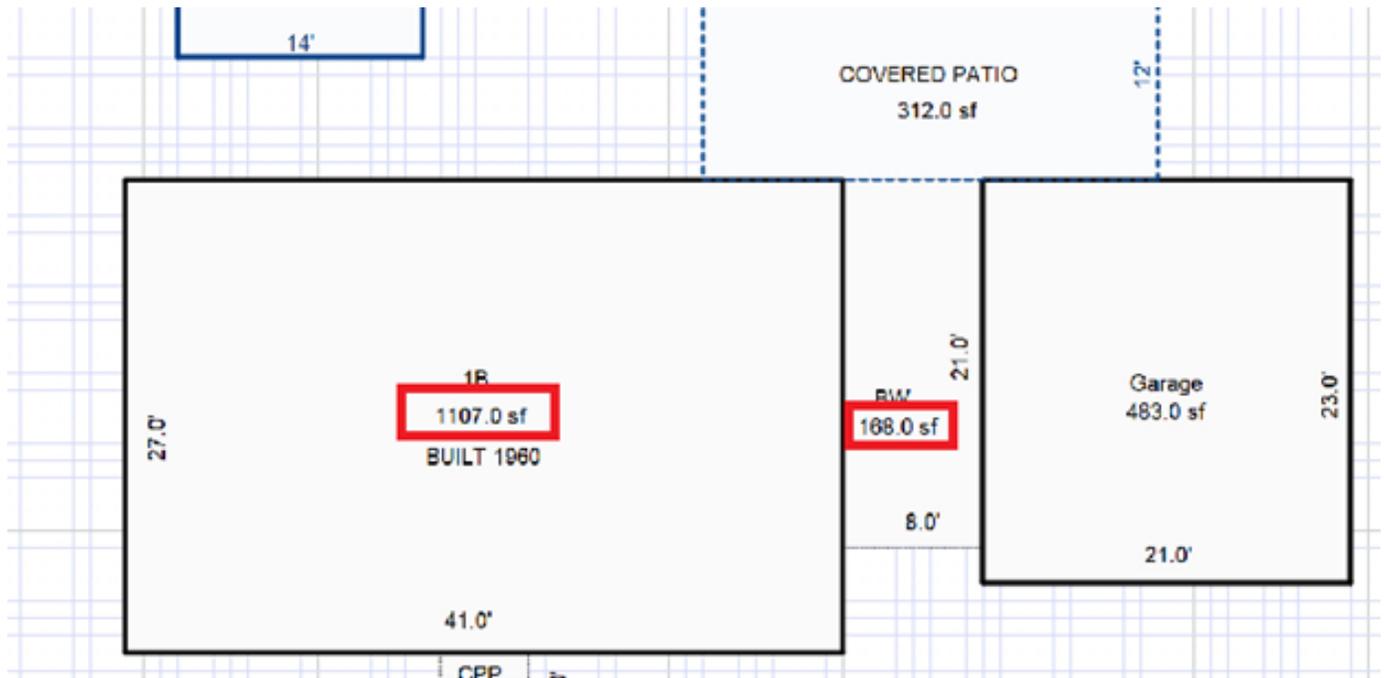
RE: Use of indoor pool for a home occupation/commercial business

Dear Rebekah Milito,

**This letter examines the use of the indoor pool in a 1,920 square foot addition as a home occupation or as a commercial business.**

**1. Background.**

- a. 7351 12<sup>th</sup> Ave. is located in a (LDR) Low Density Residential District.
- b. The house is 1,107 SF plus 168 SF = 1,275 SF. The building addition that was constructed is 1,920 SF. Therefore, the house and addition is 1,920 SF plus 1,275 SF = 3,195 SF total.



2. **The Zoning Ordinance regulates home occupations in Sec. 3.24 as follows.**

**Sec. 3.24 HOME OCCUPATION.**

An occupation conducted in a dwelling unit, provided that:

- (A) No person other than (1) resident occupant and one (1) employee shall be engaged in such operation.
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (C) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the main building.
- (D) The home occupation shall be operated in its entirety within the principal dwelling.
- (E) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (F) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- (G) Such uses as clinics, hospitals, nurseries, day care centers, tea rooms, veterinarian's office, permanent basement or garage sales, animal hospitals, and kennels shall not be considered as home occupations.

3. **Finding of fact.**

- a. **Number of people working the home occupation.** Only one resident occupant and one additional employee is allowed to operate the home occupation.
- b. **Floor area allowed for the use of the home occupation.** The ordinance allows a maximum of 25% of the floor area of the dwelling unit to be used in the conduct of the home occupation. For 3,195 square feet in area, the resulting 25% is a maximum of  $3,195 \times 25\% = 798.75$  square feet. **Therefore, the use of the 1,920 square foot pool building is NOT allowed to be used in the conduct of the home occupation** because using more than half of the dwelling unit results in the determination that the use is commercial and is not allowed in a residential district.
- c. **Traffic.** No more traffic shall be generated by the home occupation than would be normally expected for a house. **The use of the pool building for swim and survive classes appears to generate much more traffic than would normally be expected for a residential house based on the large number of vehicles parked off site and in the front yard of the dwelling.**
- d. **Parking.** All parking shall be off the street and in an area other than in the front yard. **At this point it appears that this use cannot comply with this standard based on the vehicles parked in the front yard and at the park across the street.**

#### 4. Conclusion.

Unfortunately, based on the finding of facts noted above, the use of the building addition of 1,920 square feet containing a 20 by 40 square foot pool does not meet the standards stipulated in the ordinance for a home occupation for swimming and survival classes for children. Therefore, the use must cease immediately. A recommendation is to obtain written approval from the Township for any use you may consider in the future as a home occupation.

If you have questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Marnette Minier".

Marnette Minier  
Zoning Administrator