

*Randy L. Thompson, Supervisor  
Michelle Mohnney, Clerk  
Bret Padgett, Treasurer*



*Jerry T. Amos, Trustee  
David Camburn, Trustee  
Terrance G. McIver, Trustee  
Robert E. Pratt, Trustee*

## **RESIDENTIAL ACCESSORY BUILDINGS**

*Updated October 2017*

- Property owners are required to obtain a **Zoning Compliance Permit** before placing or building an accessory building of *200 square feet or less in area* on their property. Complete submissions, including the \$25 permit fee, are usually processed within one to two days.
- A **Building Permit** from the Kalamazoo Area Building Authority is required for accessory buildings *exceeding 200 square feet in area*. Information about obtaining a building permit can be found at [www.kaba-mi.org](http://www.kaba-mi.org).
- There are limitations on the allowed size of accessory buildings and specific setback requirements. The requirements are listed in Section 4.02.11 of the Zoning Ordinance.
- Property owners must call **Miss Dig (dial 811)** at least three working days before commencing. This buried utility marking service is free.

*Office: 6138 King Highway, Kalamazoo, Michigan 49048  
Mailing: P. O. Box 449, Comstock, Michigan 49041-0449  
Phone (269) 381-2360 ♦ FAX (269) 381-4328*

**Zoning Ordinance Section 4.02.11. Residential Accessory Buildings**

- 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.
- c. Accessory buildings permitted without special exception use permit:
  - 1. The total combined floor space of the accessory building(s) – including all attached and detached garages and sheds – shall not exceed the limits set forth in the following schedule:

<b>Lot Size*</b>	<b>Permitted Total Floor Space**</b>
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.

\* lot size does not include public street right-of-way

\*\* floor space includes all accessory space **including** garages and sheds

- 2. Reserved.

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 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.
- d. *Accessory buildings permitted with special exception use permit:*
1. Any accessory building on a lot or site condominium unit of one acre or 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 "5, 6 and 7" below.
  2. A boat house may be allowed as a special exception use, only for the benefit of the occupants of the subject property, subject to the four conditions below as well as the requirements in "5, 6 and 7" 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 Section 4.02.11.c, except as otherwise expressly approved by the Planning Commission.

3. A vacant parcel lot building may be allowed as a special exception 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 "5, 6 and 7" 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 Section 4.02.11.c, except as otherwise expressly approved by the Planning Commission.
4. Reserved.
5. 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.
6. 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:
  - (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 22.04 shall satisfy the site plan submission and approval requirements of Sections 22.01 through 22.04 of this Ordinance.
7. 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.

**Zoning Ordinance Section 4.02.11. Residential Accessory Buildings**

- 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.
- c. Accessory buildings permitted without special exception use permit:
  - 1. The total combined floor space of the accessory building(s) – including all attached and detached garages and sheds – shall not exceed the limits set forth in the following schedule:

<b>Lot Size*</b>	<b>Permitted Total Floor Space**</b>
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.

\* lot size does not include public street right-of-way

\*\* floor space includes all accessory space **including** garages and sheds

2. Reserved.

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 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.
- d. *Accessory buildings permitted with special exception use permit:*
1. Any accessory building on a lot or site condominium unit of one acre or 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 "5, 6 and 7" below.
  2. A boat house may be allowed as a special exception use, only for the benefit of the occupants of the subject property, subject to the four conditions below as well as the requirements in "5, 6 and 7" 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 Section 4.02.11.c, except as otherwise expressly approved by the Planning Commission.

3. A vacant parcel lot building may be allowed as a special exception 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 "5, 6 and 7" 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 Section 4.02.11.c, except as otherwise expressly approved by the Planning Commission.
4. Reserved.
5. 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.
6. 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:
  - (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 22.04 shall satisfy the site plan submission and approval requirements of Sections 22.01 through 22.04 of this Ordinance.
7. 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.



This application for a Zoning Compliance Permit (ZCP) is required as outlined under Section 27.02.A. of the Charter Township of Comstock Zoning Ordinance and filed with the Township’s Zoning Administrator. Each zoning compliance permit shall become null and void within one (1) year following the issuance of the permit unless the provisions of the permit have been utilized or unless re-application is made and approved by the Zoning Administrator.

***PLEASE PROVIDE A COMPLETE APPLICATION, \$25 PERMIT FEE AND ALL NECESSARY SIGNATURES.  
INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.***

PROJECT/PROPERTY LOCATION INFORMATION		
Street #	Street Name	3907- - - Parcel ID No.

APPLICANT INFORMATION		
<b>APPLICANT IS THE:</b> <input type="checkbox"/> Owner <input type="checkbox"/> Leasee <input type="checkbox"/> Contractor <input type="checkbox"/> Other: _____		
Last Name	First Name	Telephone Number
Mailing Address	Cell Number	
City, State, Zip	E-mail Address	Facsimile Number

OWNER INFORMATION (if different than applicant)		
Last Name	First Name	Telephone Number
Mailing Address	Cell Number	
City, State, Zip	E-mail Address	Facsimile Number



**SUPPLEMENTAL INFORMATION  
ACCESSORY BUILDINGS**

**Size of the Property:** Square footage: **OR** Acres:  
 \_\_\_\_\_

**Other buildings are currently on the property:**

Garage \_\_\_\_\_ S.F.       Pole Barn \_\_\_\_\_ S.F.       Shed/Other (\_\_\_\_\_) \_\_\_\_\_ S.F.  
**Total Size = \_\_\_\_\_ S.F.**

**Proposed Construction:**

**Accessory Building/garage:** \_\_\_\_\_ SF (gross)    Width: \_\_\_\_\_    Length: \_\_\_\_\_  
 \_\_\_\_\_ Floors    Height at peak: \_\_\_\_\_

**Setbacks:**      Front: \_\_\_\_\_    Side: \_\_\_\_\_    Side: \_\_\_\_\_    Rear: \_\_\_\_\_

**Floodplain:** Is proposed building within 500' of the flood plain?       Yes       No  
 If yes, Zoning Administrator to attach FEMA GIS map. Separate permits may be required.

**AUTHORITY TO FILE APPLICATION**

I hereby agree to conform to all applicable laws and regulations of Comstock Township, Kalamazoo County and State of Michigan (as may be applicable to my request), and certify that the above information and work described on this application and accompanying documents are complete, true and accurate to the best of my knowledge. The site/plot plan is accurate as drawn and/or dimensioned.

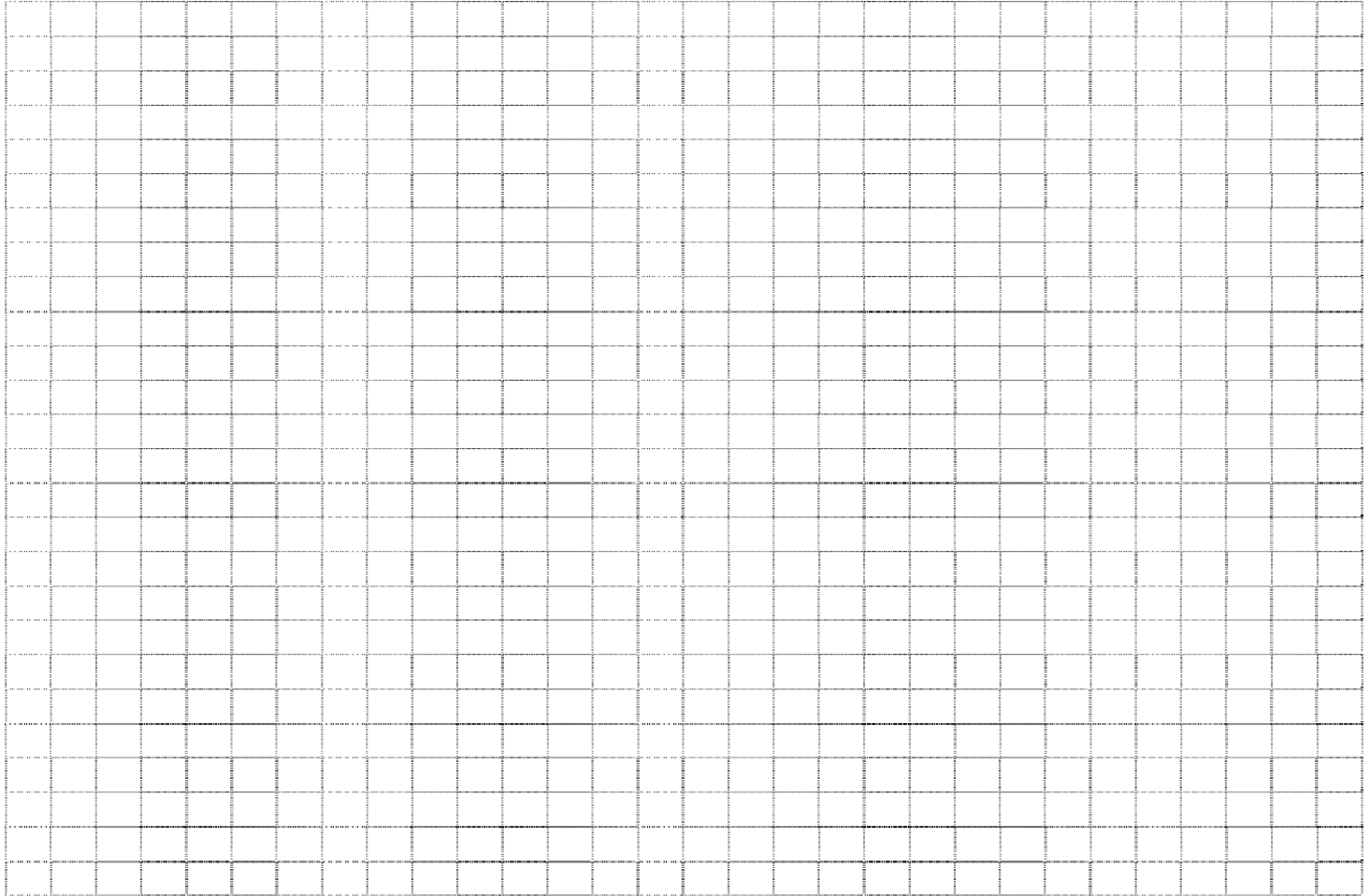
**APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF PROPERTY OWNER. If other than property owner, attach authorization form.**

Applicant Signature: _____	Date _____
Property Owner Signature: _____	Date _____

# SITE/PLOT PLAN

- Separate Site Plan Attached **OR**
- Include on Plan Below:
  1. Property lines and dimensions.
  2. Location and size of all existing and proposed structures – including dimensions/setbacks from the property lines.

3. Road ROW, access or utility easements.
4. Locate all drives and parking areas.
5. Place North arrow
6. Show rivers, lakes or streams within 500 feet,

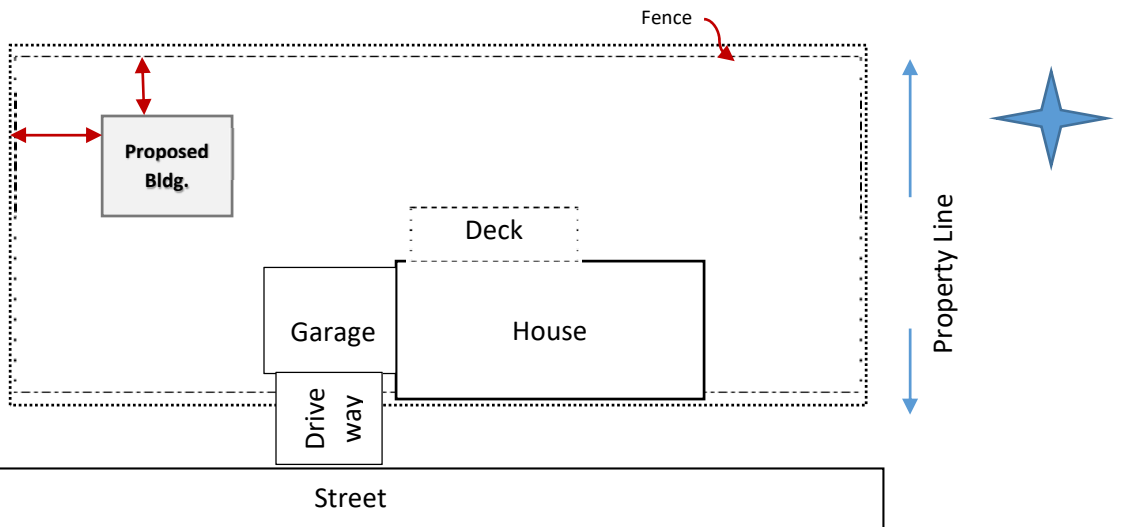


## Sample of Plot Plan

1) Include North Arrow



2) Indicate the dimension



<b>DEPARTMENT USE ONLY</b>	Date Received: _____	Staff: _____
<b>CURRENT ZONING DISTRICT(S):</b> _____		<b>ZCP NO.:</b> _____
<p>Legal Non-Conforming Lot? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Floodplain on Site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> <b>Zoning Administrators Action on Application:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Approved</b></li> <li><input type="checkbox"/> <b>Approved with Conditions</b></li> <li><input type="checkbox"/> <b>Denied</b></li> </ul> <p>Conditions:</p>           <p>Comments or Reason for Denial:</p>		
<p>Zoning Official: _____ (Signature) Date: _____</p>		
<p style="color: red;"><b>* Application will not be reviewed without payment of required fee(s):</b></p> <p style="color: red;"><b>Fee: \$25.00</b></p>	<p><b>Check No.:</b> _____</p>	<p><b>Cash/Receipt # (If any):</b> _____</p> <p><b>Initials:</b> _____</p>

Copies to: Township File, Township Assessor, KABA (if applicable)