



## ACCESSORY DWELLING UNIT (ADU) INFORMATION, PERMIT APPLICATION & COVENANT

**An Accessory Dwelling Unit (ADU)** is an attached or detached, self-contained dwelling unit located on the same premises as an existing single family residence.

An attached ADU is considered a permitted use subject to administrative review and approval. A detached ADU is a Special Exception Use subject to review and approval of the Planning Commission.

### **Design and Use Requirements.**

*(See Comstock Township Zoning Ordinance, Section 21.09 for complete regulations)*

#### **All ADUs.**

- A. An ADU may only be established on a lot with a single family dwelling on it.
- B. Only one (1) ADU allowed per lot.
- C. No more than two individuals may reside in an ADU.
- D. No more than one bedroom may be provided in the ADU.
- E. Maximum square footage of the ADU may not exceed 20% of the above grade gross floor area of the principal dwelling unit or 350 square feet, whichever is greater.
- F. The principal dwelling or the ADU must be declared the main residence of the owner of the lot. A deed restriction stating that the lot is so restricted shall be provided to the Township by the property owner in a format suitable for recording.
- G. The ADU and modifications to an existing residence for an ADU must be of similar or better workmanship as the principal dwelling unit, cannot detract from the single-family character and appearance of the principal residence and must be aesthetically compatible in appearance with other residences in the area.
- H. For attached ADUs: the principal residence may not have external evidence of the ADU other than a separate entrance/exit. If provided on the exterior, the entrance/exit to the ADU must be located on the side or rear of the building when not shared with the principal residence.

*Office: 5858 King Highway, Kalamazoo, Michigan 49048  
Mailing: P. O. Box 449, Comstock, Michigan 49041-0449  
Phone (269) 381-2360 ♦ FAX (269) 381-4328*

- I. For new home construction incorporating an ADU, at least one of the dwelling units shall incorporate Universal Design principles on the main floor of the dwelling unit.
- J. Mobile homes, shipping containers and trailers on wheels are not considered an ADU.
- K. ADUs must be connected to a water supply and sanitary facilities. Or, if served by well and/or septic, written verification of an existing system's adequacy to serve the ADU and/or a permit from the Kalamazoo County Environmental Health Department for new or replacement well and/or septic system must be submitted with the permit application.
- L. The principal residence and the ADU shall share the same driveway.
- M. If garage floor area is converted for an ADU, replacement off-street parking shall be provided for the principal residence.
- N. In addition to the required off-street for the principal residence, one additional off-street parking space must be provided for the ADU. All required parking must be located behind the required front setback.

### **Detached ADUs.**

Unless waived by the Planning Commission, pursuant to the factors listed below, the following additional provisions shall apply to detached ADUs that are neither structurally attached to the principal dwelling, within the principal residence nor in the principal accessory building (garage) serving the residence, along with those conditions reasonably imposed by the Planning Commission during the special exception use process:

- A. A minimum lot area of 1.5 acres.
- B. Placement in the rear yard.
- C. The ADU must be located closer to the principal dwelling on the lot than the ADU is located to the Principal dwelling on an adjacent property.
- D. Universal Design principals shall be fully incorporated.
- E. The height of the ADU may not exceed 18 feet.
- F. The setback requirement and lot coverage limitations of Article 23, Schedule of Regulations of the Zoning Ordinance shall be satisfied.
- G. The ADU must be properly maintained at all times pursuant to the International Property Maintenance Code and may at no time fall into disrepair such that it detracts from the appearance of the property or nearby properties.
- H. When not occupied for a continuous period of 12 months or more, the ADU must be removed from the property.



**CHARTER TOWNSHIP OF COMSTOCK**  
**ACCESSORY DWELLING UNIT (ADU)**  
**PERMIT APPLICATION**

5858 King Highway, Kalamazoo MI 49048  
 PO Box 449, Comstock MI 49041-0449  
 Phone: 269-381-2360 Fax: 269-381-4328

**APPLICANT\*:**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

\* Applicant must be property owner.

**COMPLETE ALL ITEMS FOLLOWING:**

Informational Item	Response
Above grade gross square footage of principal dwelling.	
Square footage of proposed ADU.	

**ATTACH** elevation drawings of the proposed ADU and photographs of the existing residence.

**ATTACH** a floor plan of the principal residence and the proposed ADU label all rooms and provide their dimensions.

**ATTACH** Kalamazoo County Community Health Department evaluation of well and/or septic system that will serve the ADU. If connected to public sewer, additional benefit fees may apply.

**ATTACH** elevation drawings of the ADU. If attached to or internal to the principal residence, elevation drawing should show the exterior changes to the principal residence including any new entrance/exit to the building.

**ATTACH** photographs of the existing residence and indicate where the entrance/exit to the ADU will be provided.

**DESCRIBE** the materials that will be used to construct the ADU if an addition or detached.

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**ATTACH** a site sketch or formal site plan and also attach photographs of the property or other information showing the setback location of all existing buildings on the property and abutting residences including the proposed ADU.

The site sketch or site plan must include at least the following information:

- Property lines and dimensions.
- Location of all buildings and distance between buildings on the site.
- Setback distance of the ADU from all property lines.
- Setback distance of the ADU from homes on adjacent properties.
- Location, type and height of existing and proposed fencing and screening.
- Location and quantity of parking spaces for the principal residence and the ADU. Indicate which spaces are enclosed in a garage or other building.

**INCLUDE** the \$100 permit application fee. Application will not be reviewed without payment of fee. Special exception use fee is also due if a detached ADU is proposed.

#### **ACKNOWLEDGE AND SIGN**

*I (we), the undersigned, acknowledge that I (we) am aware of the limitations on accessory dwelling units including that there be only one bedroom and that no more than two people may reside in the ADU. I further acknowledge that other permits such as well, septic, building or building trades may be necessary and I (we) will secure all appropriate permits.*

*I(we) have reviewed and understand Section 21.09 of the Comstock Township Zoning Ordinance which addresses Accessory Dwelling Units and the requirement of a deed restriction covenanting that one of the dwelling units will be owner occupied and I(we) will record such deed restriction on a form prepared by the Township and provide an official recorded copy of same to the Township.*

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**Applicant Signature**

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**Date**

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**Print Name**

**\*\* APPLICANT MUST ATTACH ALL REQUIRED DOCUMENTS  
AND SUBMIT PERMIT FEE \*\***

<b>TOWNSHIP USE ONLY</b>	Date Received: _____	Permit Number: _____
Planning & Zoning Administrator Action:  <input type="checkbox"/> Approved. <input type="checkbox"/> Approved with Conditions. <input type="checkbox"/> Planning Commission SEU approval date: _____  <input type="checkbox"/> Denied.		
Conditions:    		
Comments or Reason for Denial:    		
Zoning Official: _____ Date: _____  <i>Recorded Copy of Covenant Received:</i> _____ Date: _____  <i>Inspected:</i> By: _____ Date: _____		
<b>Required Fee: \$100.00</b>	Check No. _____ Receipt # _____  Initials: _____	

## **COVENANT LIMITING LAND USE FOR ACCESSORY DWELLING UNIT**

The undersigned certify that we are the owners of real property located in Comstock Charter Township, Michigan that is legally described as follows:

*(Insert legal description and parcel number in space provided or on a separate sheet attached as an Exhibit hereto.)*

This property is located at and is known by the following address:

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*(insert address of property)*

In consideration of the issuance by Comstock Charter Township of an Accessory Dwelling Unit (ADU) permit for the creation or construction of one ADU within or attached to the principal dwelling unit or as a detached dwelling unit on the property described above, we, the owners, do covenant and agree to and with the Charter Township of Comstock, pursuant to Zoning Ordinance Section 21.09, that the principal or ADU shall be owner occupied as the property owners' principal residence.

We, the property owners do further covenant and agree that if either the principal unit or the ADU cease to be owner occupied for at least six (6) months, the ADU permit shall be revoked by the Township and use of the ADU shall cease immediately.

We, the property owners, do further covenant and agree to record this covenant with the Kalamazoo County Register of Deeds, return an official copy of the recorded covenant to the

Comstock Charter Township Planning & Zoning Administrator, and to abide by the standards and criteria set forth in the aforementioned Zoning Ordinance.

This covenant and agreement shall run with the land and shall be binding upon ourselves, any future owners, their successors, heirs or assignees and shall continue in effect so long as said ADU shall remain unless otherwise released or revoked by authority of the Comstock Charter Township Planning & Zoning Administrator or Planning Commission, as appropriate.

By: \_\_\_\_\_  
Property Owner

By: \_\_\_\_\_  
Property Owner

STATE OF MICHIGAN        )  
                                      ) SS.  
KALAMAZOO COUNTY        )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
Kalamazoo County, MI  
Acting in Kalamazoo County, MI  
My commission expires: \_\_\_\_\_

Drafted by: