

SHERMAN TOWNSHIP PLANNING COMMISSION  
Public Hearing for Zoning Ordinance Section 17.15 (See attachment 2)  
January 10, 2024  
Started at 7:00 pm

- All Board members are present.
  
- Hearing pertains to changes in the Home Business Occupation (section 17.15). The changes referred are in 2A (see attachment 1). Going from 2400 sq ft to 4000 sq ft. **and** deletion of 2.41 and 3.22 which had conflicting definitions/statements. 17.15 clarifies the definitions.
  
- Pertinent Information:
- 2A – changing the square footage of an unattached structure from 2400 sq ft to 4000 sq ft on 40 acres or more in the Agri District with a minimum setback of 250 ft.
  
- Public Comments:
- Ken Smalligan –
  - We keep increasing the square footage, but we have no demand for the increase.
  - I encourage the board to follow the master plan.
  - Ag land should be preserved.
  - Consider the needs of the residence.
  - Ken encouraged the audience to come to the February Township Board Meeting if the Planning Commission passes it back to them.
  - Item #2B is the only change that is needed, and this should be the only change that is made.
  
- Jay Diehl –
  - The board and committees in the township are not strong.
  - Where are we going to draw the line.
  - Protect the ordinance.
  - It is the board's job to stay steady and protect the ordinance.
  - This township is my daughter's happy place.
  - I have asked several times who is asking for this change, and I get no answer. If I find out that someone has approached the board, and this is the reason for the change, I will have to take further action.
  - The residents that are here tonight are the voices that you need to hear.
  - Every person that talked was spot on.
  - Butch is unprofessional.
  - The township is busier than it was 10 years ago.
  - Who in the township wants this change? I do not want it.
  - Butch felt that the board is losing the trust of the residents.
  - It is not right for one member to act on behalf of the entire board.
  - This change is borderline industrial. Fremont and White Cloud have Industrial Parks and they welcome businesses with open arms.
  
- Mike Derks –
  - Nobody wants this change.
  - It should be left at 2400 sq ft and if someone wants a bigger building this should be handled on a case-by-case basis. This is what makes sense.

- Warren Stroven –
  - This change is being driven by one person and everyone else follows.
  - Residents need to be heard.
  - Part of the reason residents do not want this change is due to the size of the proposed building.
  - This is going to be a problem in the future.
  - I am against the 4000 sq ft. It needs to be left at 2400 sq ft.
- Dave Crisler-
  - Thanked Clarie and Steve for their comments.
  - Keep the ordinance the way it is.
  - I have noticed over the past 10 years that we have more businesses in our township.
  - This change will create more traffic on the roads.
  - Concerned about the invasion of the new business that may come.
  - If we change to the 4000 sq ft what does the township gain?
  - Is the increase to get more money in the township?
  - Will the township gain something from this change?
- Annette Crisler-
  - Our home in this township is our children and grandchildren's happy place and you are trying to take this away from them.
- Claire Derks –
  - The size of the building (4000 sq ft) will turn our township into an industrial township. If they need that size of building, they need to go into an industrial park.
  - I don't want to live in an industrial township.
  - Who will benefit? Will they be held accountable? Will they have to comply with all regulations?
  - This change will increase the traffic in our township.
  - I would like a list of the 29 businesses in our township and their addresses.
- Steve Kotecki –
  - I live next to the cabinet shop, and I can hear his equipment run when I am outside.
  - I will be filing a formal complaint regarding the cabinet shop.
  - The cabinet shop went from one trailer to two trailers for storage. There are several trailers in and out of there.
  - Changing from 1 to 2 non residences and all their children would be a large business.
  - We live in a great township where we have agricultural land, and it is quiet.
  - Compared to the rest of the state we are going above and beyond.
  - This is not a good thing.
  - This will be a sad change in Sherman Township.
  - I hear air compressors run all the time.
    - I do not see why we need to change this. 2400 sq ft is more than enough.
  - I have talked with someone that is looking to move if this is passed.
  - If I could recall all the board, I would do it.
  - If this does pass, I will have to take other steps.

- Mark Stroven –
  - What is going to be gained by going bigger.
  - I do not see any gain to the township.
  - On 40 acres how many pot plants can you have.
    - Butch let Mark know that the township has an ordinance prohibiting Marijuana businesses in the township.
- Jaime Kukal –
  - The 10 people here tonight that do not want this only make up about 1% of township residents.
  - Awhile ago we had a resident ask to put in a garage for his towing business and he was denied because it did not fit in the ordinance.
- John Miller -
  - It does not sound like we are talking in common sense.
  - Shop equipment is getting bigger.
- Chad Kukal –
  - The reason that we changed from 1200 sq ft to 2400 sq ft is because of the way the ordinance was written before the change anyone could put three 1200 sq ft buildings right next to each other.
- Butch Deur –
  - We kicked Yost round for a long time. We need to get something in the ordinance.
  - Wait until we have a need and make a business wait and jerk them around.
  - We don't want to make things specialized. It needs to be in black and white so everyone can read the same thing.
  - We have 29+ businesses in the township right now.
  - The only change is the size of the building.
  - 4000 sq ft is about the size of the town hall.
  - The Township Board meets on the first Monday of every month and the Zoning Committee meets the second Wednesday of every month.
    - The meetings are always open, and we encourage you to attend.
  - The Township Board has the final say.

**Public comments are now closed at 8:04 pm.**

SHERMAN TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
January 10, 2024

1. Meeting called to order 8:04 pm. Pledge
2. Roll Call:  
Present: Mark Kukal, Al Smalligan, Doug Berens, Wayne Berens, Jim VanBoven, Butch Deur, Don Clark
3. Approval of Agenda: 1<sup>st</sup> by Mark Kukal and 2<sup>nd</sup> by Al Smalligan with amendment under #7
4. Approval of Meeting Minutes: 1<sup>st</sup> by Doug Berens and 2<sup>nd</sup> by Wayne Berens
5. Public Comments (3 minutes): Ken wanted to make sure that Ryan and the committee are aware of the changes made by the state regarding solar. MTA is acting as a buffer between townships and the governor. This will be discussed at the February 14 meeting.
6. Communications:  
Chairman's Comments: Election of officers and set 2024 meeting dates.
  - All members agreed to keep the meetings on the second Wednesday of each month.
  - Jim VanBoven made a motion to keep the officers the same and this was supported by Mark Kukal. All were in favor.
  - Chair – Butch Deur, Vice Chair – Don Clark and Secretary – Chris Berens
7. Existing Business: Amendment added and carried as stated in #3 for the Board to vote on the Ordinance changes.

**The Board will discuss the changes and vote on them:**

Al Smalligan:

- We have heard the people that are in favor of this change are in a small minority.
- We have not listened well. What about the others out there.
- If we don't listen (the people say we don't listen). I want to see us prove them wrong. Vote for what they want.
- Where is it going to be in 6 months?
- We need to listen to those that have voiced their opinion.

Wayne Berens:

- I am having a hard time knowing who the minority or the majority is.

Don Clark:

- Thank you to the sub committee and Ryan for all the time put in.
- The way it reads now is the first one we presented.
  - The sub committee made changes and that was overridden.
- Under 2A remove the 4000 sq ft and if there is a need in the future we can deal with it then.
  - This would appease the residents' concern, and this is where we should be at.

Jim VanBoven:

- As a farmer I feel we should conserve the farmland and keep it at 2400 sq ft.

Doug Berens:

- Take out the 4000 sq ft, how long do we kick this down the road.

Mark Kukal:

- I am good with the 4000 sq ft.
- I do hear what the residents are saying.
- There has been a lot of talk regarding this change from this committee and the subcommittee.

Butch Deur:

- The world has changed so much since 2020.
  - The world is different, and more people are working from home.
- No businesses in the township.
  - We will not rewrite letting businesses in the township.
- We need to make sure there is trust in the Township Board and in this board.

Motion proposed by Mark Kukal and support by Doug Berens to adopt the ordinance to the Township Board with proposed Section 17.15 (Home Business Occupation) as presented in Attachment 1 and Attachment 2, and with the deletion of 2.41 and 3.22.

Committee vote to adopt to the Township Board:

Yes: Wayne Berens, Doug Berens, Mark Kukal and Butch Deur

No: Don Clark, Jim VanBoven and Al Smalligan

Motion carried by a 4 to 3 vote to present this to the Township Board on Monday, February 5 for approval.

8. New Business: Solar will be on the agenda at the February meeting

9. Review: None

10. Public Comment:

- Jay Diehl – I am disappointed you keep changing your mind.
- Annette Crisler – Not one person in the audience said they were against business. People trust the board to make the right decision for the township. I am disappointed in your way of thinking.
- Claire Derks – Disappointed that the board has decided not to listen to the residence as send this ordinance back to the board.
- Tyler VanBoven – I would like to know how it is legal that you voted no against it and you can vote on it again.
  - There was a misunderstanding on my part.

11. Adjournment: 8:35 pm

Respectfully submitted by,  
Christina Berens

Present in the audience:

Warren Stroven

Mike Derks

Dave Crisler

Steve Kotecki

Mark Stroven

Tyler VanBoven

John Miller

Claire Derks

Annette Crisler

Ken Smalligan

Jamie Kukal

Mark Kukal

Jay Diehl

Chad Kukal

Brett Derks

**Section 17.15 - Home Business Occupations:** A Home Business Occupation is an occupation or profession carried out by a member of a family residing on the premises, which is clearly incidental and secondary to the principal residential use, and does not involve the alteration of the structure or change the character thereof. A parcel is limited to one (1) Home Business Occupation. Home Business Occupations may be permitted only as a Special Use and are allowed in all Districts except Lake Residential. The above requirements as well as those listed below must be met to be considered a Home Business Occupation.

- 1) **In-Home Business:** An In-Home Business is a Home Business Occupation conducted entirely within the principal residence.
  - A) No more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be utilized for an In-Home Business.
  - B) Outdoor storage is prohibited for an In-Home Business.
- 2) **Outbuilding Business:** An Outbuilding Business is a Home Business Occupation conducted in an accessory building or part of an accessory building.
  - A) An Outbuilding Business may not to exceed twenty-four hundred (2400) square feet, except in the Agricultural District where an Outbuilding Business may not exceed four thousand (4000) square feet on parcels forty (40) acres or greater and with a minimum setback of two hundred fifty (250) feet from any preexisting neighboring residence. In the Agricultural District, operations such as metal works, sawmills, carpentry/construction, food processing, grocery/farm/feed stores or other similar uses are permitted as an Outbuilding Business. Operations such as metal works, sawmills or other similar intensive uses are only permitted in the Agricultural District on parcels forty (40) acres or greater and with a minimum setback of two hundred fifty (250) feet from any preexisting neighboring residence.
  - B) The outdoor storage of goods and/or materials of any kind is prohibited unless screened by a tightboard fence, landscaped buffer, landscaped berm, etc. from view from neighboring property and road right-of-ways. On parcels under two (2) acres, outdoor storage is limited to half (1/2) of the square footage of the Outbuilding Business. On parcels two (2) acres or larger, outdoor storage is limited to the square footage of the Outbuilding Business. All outdoor storage shall meet a fifty (50) foot setback from all property lines.
- 3) All Home Business Occupations must meet the following requirements:
  - A) The Home Business Occupation may not create any nuisance or undue hazard due to heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or any other disturbances at any time resulting from such operation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television off the premises, or causes fluctuations in line voltage off the premises.
  - B) There shall be no change in the exterior appearance of the dwelling or premises, or other evidence of the conduct of the Home Business Occupation, other than one non-

illuminated sign not greater than sixteen (16) square feet in size relating to such occupation.

- C) Notice provisions regarding commercial property shall apply to uses under this section.
- D) All Home Business Occupation activities must be carried on only by residents of the principal residence, plus not more than two (2) non-residents.
- E) A Home Business Occupation must provide adequate off-street parking, in addition to that required for the principal residence.
- F) All Home Business Occupations are subject to inspection by the Sherman Township Zoning Administrator.
- G) The Planning Commission shall have the authority over all Home Business Occupations to order a limit on the hours of operation, outdoor storage screening requirements, and impose conditions of operation when issuing a Special Use Permit.

# AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN    SS  
COUNTY OF NEWAYGO

## NOTICE OF PUBLIC HEARING ZONING ORDINANCE TEXT AMENDMENTS

NOTICE IS HEREBY GIVEN THAT THE SHERMAN TOWNSHIP PLANNING COMMISSION WILL HOLD A PUBLIC HEARING AT THE SHERMAN TOWNSHIP HALL, 2168 S. WISNER AVE., FREMONT, MICHIGAN 49412 ON WEDNESDAY, JANUARY 10, 2024 AT 7:00 P.M REGARDING A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE II, DEFINITIONS, SECTION 2.41-HOME OCCUPATIONS OF THE TOWNSHIP OF SHERMAN ZONING ORDINANCE TO CONSIDER DELETING THE ENTIRE SECTION;

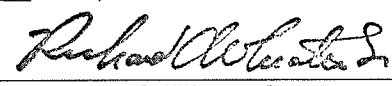
A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE III, GENERAL PROVISION, SECTION 37.22-HOME OCCUPATIONS OF THE TOWNSHIP OF SHERMAN ZONING ORDINANCE TO CONSIDER DELETING THE ENTIRE SECTION; AND, A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE XVII, SPECIAL USES, SECTION 17.15-HOME BUSINESS OCCUPATIONS OF THE TOWNSHIP OF SHERMAN ZONING ORDINANCE TO CONSIDER DELETING THE ENTIRE SECTION AND REPLACING IT WITH NEW LANGUAGE DEFINING AND REGULATING HOME BUSINESS OCCUPATIONS INCLUDING IN-HOME BUSINESS AND OUTBUILDING BUSINESS. THESE CHANGES WILL 1) LIMIT ALL HOME BUSINESS OCCUPATIONS TO ONE (1) PER PARCEL, 2) PROHIBIT OUTDOOR STORAGE FOR IN-HOME BUSINESS, 3) LIMIT OUTDOOR STORAGE TO HALF (1/2) THE SQUARE FOOTAGE OF THE OUTBUILDING BUSINESS ON PARCELS UNDER TWO (2) ACRES AND TO THE SQUARE FOOTAGE OF THE OUTBUILDING BUSINESS ON PARCELS TWO (2) ACRES OR GREATER, WITH A FIFTY (50) FOOT MINIMUM PROPERTY LINE SETBACK FOR ALL OUTDOOR STORAGE, 4) EXPAND ALLOWANCES FOR ALL HOME BUSINESS OCCUPATIONS TO MAINTAIN TWO (2) NON-RESIDENT WORKERS, AND 5) EXPAND ALLOWANCES FOR OUTBUILDING BUSINESS IN THE AGRICULTURAL DISTRICT ONLY AND ON 40 ACRES OR GREATER ONLY WITH A MINIMUM SETBACK OF 250 FEET FROM ANY PREEXISTING NEIGHBORING RESIDENCE TO ALLOW UP TO 4000 SQUARE FEET AND ALLOW ADDITIONAL USES SUCH AS METAL WORKS, SAWMILLS, CARPENTRY/CONSTRUCTION, FOOD PROCESSING, GROCERY/FARM/FEED STORES OR OTHER SIMILAR USES. WRITTEN COMMENTS CONCERNING THIS REQUEST MAY BE DIRECTED TO THE SHERMAN TOWNSHIP PLANNING COMMISSION PRIOR TO 2:00 P.M. ON MONDAY, JANUARY 8, 2024.

A complete copy of the amendments may be examined at the Township of Sherman Township Hall, 2168 S. Wisner Ave., Fremont, Michigan 49412, prior to the public hearing, during the Township's regular business hours. Written comments may be sent to the Planning Commission at the above address prior to the public hearing. Oral comments will be taken during the public hearing. This notice is published pursuant to the requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Jamie Kukal, Sherman Township Clerk

Mr. being duly sworn, deposes and says that he the editor of newspaper printed, published and circulated in the County of Michigan, and that the annexed printed notice has been for one successive week and that the publication thereof

of December A.D., 2023



Richard C. Wheeler Sr.

to before me this 27th day  
A.D., 2023



Joyce Pearson

Notary Public, Newaygo County, Michigan  
Acting in Newaygo County

My Commission expires 11/09/2026