

SHERMAN TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

December 13th, 2023

1. Meeting called to order 7:00pm pledge.
2. Roll call:
 - Present: Wayne Berens, Don Clark, Butch Deur, Jim VanBoven, Mark Kukal.
 - Absent: Al Smalligan.
3. Approval of agenda: 1st Don Clark and 2nd Doug Berens.
4. Approval of meeting minutes: 1st Mark Kukal and 2nd Wayne Berens.
5. Public comments (2 minutes):
 - Steve Kotecki has a comment about the new changes back in January 2023- there was something passed about a restrictive solar ordinance. Wondering about with what Gretchen Whitmer passed what our township and other townships are going to do.
 - Ryan Coffey answers that unfortunately the state has power over the communities/townships.
6. Communications:
 - Chairman's Comments: None.
7. Existing business:
 - Report from Sub-Committee – Review and Make Recommendations for Ordinance.
 - Ryan Coffey previously said that there are two ways that this can go (1) leave it the way it is, (2) make the proposed changes, and (3) everything included with the exception of everything outside of the outside business proportion and the two individuals besides family members.
 - Don Clark would like option three to avoid the loopholes and fix these at a later date because the subcommittee was originally created to fix/avoid the loopholes. He states that there are not people asking for it right now and there is no reason to push it through.
 - Ryan bought copies (that will be attached) with the different wording.
 - Mark Kukal would like to make a motion that we proceed with proposal A that still has the literature in it. This would include everything in it that was approved.
 - Proposal A is what the subcommittee came with and presented last month.
 - Motion by Mark Kukal and Support by Doug Berens.
 - Don Clark wants to make a note that Al Smalligan is absent and that the motion should be postponed until next month rather than take a short vote.
 - Wayne Berens supports this motion.
 - Butch Deur would like the proposed changes with the original 4000sq feet amendment.
 - Motion by Mark Kukal and Support by Doug Berens.
 - The motion proposed by Mark Kukal is to take the proposed changes from last month's meeting (referred to as proposal A) with the additional amendment of the 4000sq feet – now referred to as proposal B.
 - Vote for the Amendment with 4000 square feet (proposal B).
 - Yes: Mark Kukal, Doug Berens, Wayne Berens, and Butch Deur.
 - No: Don Clark and Jim VanBoven.

- Vote for Amended Version of the Subcommittee Recommendations (Mark's Original Motion) for a Public Hearing:
 - Yes: Mark Kukal, Doug Berens, Wayne Berens, and Butch Deur.
 - No: Don Clark and Jim VanBoven.
- Motion carried by a 4-2 vote for a public hearing on January 10th, 2024.

8. New business: None.

9. Review: None.

11. Public comment (2 minutes):

- Ken Smalligan from his understanding the proposal is back to where it started with 2 employees instead of 1 and with the original 4000 square feet.
 - Ryan cleaned up a few things: the storage buildings. Leaving in metal works, sawmills, and the original proposed 4000 square feet.
 - Ryan said that the only difference is the 4000 square feet amendment.
- Warren Stroven does not understand going back and forth to the 4000 square feet as the 3200 square feet was changed to listen to the resident's concerns. States that this is going against the master plan for the township. Additional comment that he feels it is a poor decision on the planning commissions part and that they are opening the door to too many issues.
 - Butch Deur answers that this was changed from the 2400 square back when someone needed an amendment for a woodshop that was a preexisting building.
- Dean VanOostenberg asks question that if someone put a sawmill near where Butch lives, if he would still be happy where he lives. Thinks that it is very important that we keep the square footage down to where it is. States that others have brought the same concerns forward.
 - Butch Deur answers.
- Dean VanOostenberg was on the original board that allowed Shrock to use 2400 square feet. States that metal working includes things such as food processing, slaughterhouses, etc. things that are way too far open-ended.
- Ryan Coffey adds a comment about the solar concern brought up in another section (first public comment section – see above).

12. Adjournment:

Time: 7:40pm.

Respectfully submitted by,
Chris Berens

Present in the Crowd:

- Ken Smalligan.
- Warren Stroven.
- Roman Miller.
- Steve Kotecki.
- Dean VanOostenberg.
- Randy Knash.

Propasal A

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 thirty-two hundred (3200) 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.

RED Strikethrough = removed existing language
BLUE = added new language
BLACK = no language changes

Proposal B

Purpose of changes

To allow for additional owner-occupied home business opportunities in the Agricultural District ONLY. These changes provide more flexibility for value-added small-scale agricultural operations (i.e. food processing, stores, etc.) and other operations commonly seen in more rural areas while limiting their scale and impact on neighbors. Also, to limit the size of outdoor storage areas.

Section 17.15 - Home Business Occupations: All Districts except Lake Residential. A Home Business Occupation may be permitted only as a special use and includes 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. The above requirements as well as those listed below must be met to be considered a "Home Business Occupation".

- 1) No more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be utilized.
- 2) A Home Business Occupation may also be carried out in a separate un-attached structure "or a part of a separate un-attached structure"* not to exceed twenty-four hundred (2400) square feet.* added June 2017, except in the Agricultural District where an unattached structure utilized for a Home Business Occupation 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.
- 3) Creates no 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 Agricultural District operations such as metal works, sawmills, carpentry/construction, food processing, grocery/farm/feed stores or other similar uses are permitted as a Home Business Occupation. Operations such as metal works, sawmills or other similar 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. 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.
- 4) 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 16 square feet in size relating to such occupation.
- 5) Notice provisions regarding commercial property shall apply to uses under this section.
- 6) 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. All outdoor storage area is limited to the square footage of the separate un-attached structure utilized for the Home Business Occupation. If required, the type of screening shall be determined at the discretion of the Planning Commission.
- 7) Activities relating to the Home Business Occupation must be carried on only by residents of the dwelling, plus not more than two (2) non-residents.
- 8) Provides adequate off-street parking, in addition to that required for the principal residence.
- 9) Any such Home Business Occupation is subject to inspection by the Zoning Administrator of the Township.
- 10) Any such Home Business Occupation is valid only for the approved applicant and is not automatically transferable upon transfer of said property.
- 11) The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.

Blue ->

Don's Proposal

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.

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- 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 thirty two hundred (3200) 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:
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 - 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)~~ one (1) 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.
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Clean Copy of Don's Proposal

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 - 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.
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 - F) All Home Business Occupations are subject to inspection by the Sherman Township Zoning Administrator.
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