

SHERMAN TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
September 13, 2023

1. Meeting called to order 8:57 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 Don Clark and 2<sup>nd</sup> by Doug Berens
4. Approval of Meeting Minutes: 1<sup>st</sup> by Al Smalligan and 2<sup>nd</sup> by Mark Kukal
5. Public Comments (3 minutes): None
6. Communications:  
Chairman's Comments: Thank you to the board. Great Job! Thank you to the special committee for the long hours that you put in.
7. Existing Business:  
If any of the Board Members have any thoughts, please reach out to Ryan Coffey. Don stated that he has some thoughts and would reach out to Ryan.
8. New Business: None
9. Review: None
10. Public Comment: None
11. Adjournment: 9:01 pm

Respectfully submitted by,  
Christina Berens

# SHERMAN TOWNSHIP PLANNING COMMISSION

## Public Hearing for Zoning Ordinance Text Amendments (see attachment 1)

September 13, 2023

Started at 7:00 pm

Present in the Crowd:

See attachment 2

Hearing pertains to changes in the Home Business Occupations (Section 17.15). The changes are in the following numbers: 2, 3, 6 and 7 (see attachment 3)

### Pertinent Information:

#2 – Changing the square footage of an unattached structure from 2400 sq ft to 4000 sq ft on 40 acres or greater in the Agri District with a minimum setback of 250 ft.

#3 – Adding language of businesses that may be allowed in Agri District of 40 acres or greater with the 250 ft setback.

# 6 – Correcting the word fenes to fence. Stating the limitations of the outdoor storage area to no more than the square footage of the unattached structure.

#7 – Home Business must be carried out by the residents of the dwelling, plus not more than two (2) non-residents.

### Public Comments:

- Ken Smalligan – presented a letter to the board (see attachment 4)
  - Amended that he was in favor of #6.
- Warren Stroven – read a letter from Dean VanOostenberg. Dean stated that the changes will only benefit a few people, and this is a bridge too far.
- Julie Diehl & girls – read a letter from her husband.
  - 250 ft set back to small. Do you want that next to you.
  - Industrial in nature
  - Will not be a benefit to current residents.
  - Sawmill has been proposed twice and been shot down?
  - These types of business need to be in an Industrial Park (Fremont and White Cloud)
  - Are residents requesting these changes?
  - Why a sawmill?
- Tom Margal –
  - I moved here to peace and quiet.
  - Does not want these types of businesses in our township.
  - Where do we draw the line? Where do we stop?
  - The Cabinet business on Crowell has caused traffic issues with semi-trucks blocking the road.
  - Let's hold a special election so you can hear the voice of the residents.
  - These changes leave it open-ended as to what business can come in.
  - Take 100 acres and zone that commercial.
- Stan Stroven –
  - #3 - are we following The Right to Farm Act with these changes.
  - #6 - size of outdoor storage currently has no limitations. This is why this change was proposed.
  - #7 – The Township Board proposed changing the non-resident from one (1) to two (2).

- There were a few comments made that property values will go down. If you look on the county's website for Garfield Township regarding the sawmill their property values have gone up.
- There were questions asked why we don't have a special election and let the residents decide. To hold a special election is very expensive and time consuming.
- We are not opening the door to allow business to open next week for anything they wish. There are restrictions in place and before they can do anything they have to come before the Zoning Administrator and then the Zoning Board.
- Dick Chenard –
  - We have a quiet township.
  - I own hunting property and if sawmills are allowed to open this would hurt hunting.
- Warren Stroven –
  - At January's meeting you changed to lot size in the Agi District to 40 acres so that it would match the master plan.
  - The changes proposed are not in line with the mater plan. Read the master plan residential use/rural atmosphere nothing about industrial/commercial.
  - I would like to see the changes proposed in #2, # 6 and #7 illuminated and possibly #3.
  - Half a mile from my house I have several 40-acre parcels, so I feel as if I am being driven out of my house.
  - This commission is not protecting my health, safety and well fare.
  - DO NOT change the verbiage.
- Mike Tanis –
  - We should not abandon the master plan.
  - There will be trucks coming and going should we allow these changes.
  - You can't control what they put into the ground.
  - This is wrong and I am against it.
  - Are we policing if there is a complaint? Chad Kukal answered this. If you want to file a complaint, we have a form to fill out and sign and then I will take care of it.
- Abby Diehl –
  - I am a runner, and I don't like running with the tractors on the road and I do not want to have to watch out for semi-trucks while I run.
  - I normally run with headphones, and I may not hear them.
- Steve Kotecki –
  - Agri to Industrial (we are going to become an Industrial Park)
  - Changing the culture of our township should come up on a ballot.
  - Maybe we should throw out the entire plan and start over.
  - This is going against the grain of our township.
- Rick Tanis –
  - There are limitations in place, and they still must come before the zoning board.
  - 1200 to 2400 to 4000 sq ft, why do we keep changing.
  - The business is the main part and not the house.
- Stephanie Price –
  - All meetings are open to the public and you can get your questions answered.
  - Changes happen based on need, requests and clean up of language as some get outdated.
  - We don't have a crystal ball to know what everyone wants in the township.
  - We can't police what goes on if we don't know.
  - If you have a question or complaint, you can call the zoning officer or deputy to have them address it.

- Jamie Kukal –
  - I think the fact that you even ask for a public election makes me very irritated. This is why the board has this meeting so that your voice can be heard.
  - The Zoning Board Sub Committee goes from advice from the Zoning Board or Zoning Administrator on Ordinances that may need updating. The Sub Committee also gets help from Ryan Coffey to make sure that we are up to date and use proper language.
  - This is the process, and this is why we are having this meeting.
- Gary Hoppa –
  - Home Based Business are allowed 2400 sq ft right now and adding 1600 sq ft is not a large change.
  - This will not become industrial as there are restrictions in place. This is not close to industrial or commercial.
  - They are adding enough acres so that it will not become industrial.
  - Who has a problem with home-based business?
  - I do not feel that these changes are a big deal.
  - Asked who Ryan Coffey was (works through MSU to assist townships).
  - Does anyone want to be told what they can and cannot do on their property.
- Ken Jones –
  - Why does this not come up on a ballot so all residents can vote.
  - These changes will drive down property values.
  - Is there an urgency? Are you voting on this tonight?
- Neal Hershberger –
  - I was denied the opportunity to put my metal shop in this township.
- Orlie Miller –
  - I appreciate the board with what has been done.
  - Local people are against our businesses but may be customers.
  - Where are all the residents if they are against these changes.
  - People come from far away to come to our businesses.
- Chad Kukal –
  - All proposed Home-Based Businesses come to me first. Once all criteria are met it will go to the Zoning Board for review.
  - Every resident within 2000 feet will receive a letter and it will also be put in the paper.

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**Public comments are now closed at 8:36 pm. The Board will discuss these changes and vote on them.**

- Wayne Berens –
  - We will have more control over what is going on/
  - I have no problem with these changes.
- Al Smalligan –
  - Mining Operation for Neal Hershberger when through a process and we have had no complaints.
  - Remind the board and public that the vote on these changes in July was not unanimous. I voted against it.
  - Home Business Occupations – a good number of these occupations are out there, and nobody knows they are there.
  - Never expected to have manufacturing in our township and there are other options out there.
  - Better roads and better suited for these businesses.
  - You may have a hard time selling our house if you have one of these businesses next to you.

- If this passes, I expect in time to hear, how did we get into this.
- If we don't get it right, it will be impossible to reverse.
- Don Clark –
  - This does not follow our master plan.
  - Thanked Ken Smalligan for contacting the attorney. The attorney reinforced that this does not fall into our master plan.
  - There is room in several industrial parks.
  - There are some things that do need to be changed but I am not a fan.
- Mark Kukal –
  - I do feel that this falls with the master plan.
  - With this we have regulations in place.
  - Per the attorney's letter he stated that some of the uses are permitted, and they are good.
- Doug Berens –
  - As Gary Hoppa stated the increase is only 1600 sq ft.
  - They must come in front of the board for approval.
- Jim Vanboven –
  - Does not like that farm ground is going to be taken and not farmed.
- Butch Deur –
  - Hopes are that if farm ground is bought and not farmed that it will be leased out so that another farmer can farm it.

Committee Vote:

Mark – Yes

Doug – Yes

Jim – No

Butch – Yes

Don – No

Al – No

Wayne – Yes

4 yes and 3 no

Motion carried and now will go to the Township Board on Monday, October 2 for approval.

Motion: 1<sup>st</sup> – Mark and 2<sup>nd</sup> – Wayne

**Public Hearing is now closed at 8:55 pm.**

**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, SEPTEMBER 13, 2023 AT 7:00 P.M. REGARDING A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE XVII, SPECIAL USES, SECTION 17.15-2 OF THE TOWNSHIP OF SHERMAN ZONING ORDINANCE TO CONSIDER CHANGING "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" TO "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."; A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE XVII, SPECIAL USES, SECTION 17.15-3 OF THE TOWNSHIP OF SHERMAN ZONING ORDINANCE TO CONSIDER CHANGING "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 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." TO "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."; A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE XVII, SPECIAL USES, SECTION 17.15-6 OF THE TOWNSHIP OF SHERMAN ZONING ORDINANCE TO CONSIDER CHANGING "THE OUTDOOR STORAGE OF GOODS AND/OR MATERIALS OF ANY KIND IS PROHIBITED UNLESS SCREENED BY A TIGHTBOARD FENCES, LANDSCAPED BUFFER, LANDSCAPED BERM, ETC. FROM VIEW FROM NEIGHBORING PROPERTY AND ROAD RIGHT OF WAYS. IF REQUIRED, THE TYPE OF SCREENING SHELL BE DETERMINED AT THE DISCRETION OF THE PLANNING COMMISSION." TO "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."; AND, A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE XVII, SPECIAL USES, SECTION 17.15-7 OF THE TOWNSHIP OF SHERMAN ZONING ORDINANCE TO CONSIDER CHANGING "ACTIVITIES RELATING TO THE HOME BUSINESS OCCUPATION MUST BE CARRIED ON ONLY BY RESIDENTS OF THE DWELLING, PLUS NOT MORE THAN ONE NON-RESIDENT." TO "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." WRITTEN COMMENTS CONCERNING THIS REQUEST MAY BE DIRECTED TO THE SHERMAN TOWNSHIP PLANNING COMMISSION PRIOR TO 2:00 P.M. ON MONDAY, SEPTEMBER 11, 2023.

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

# Attachment 2

Name	Address
Donald Engel	1290 W. ECH DR.
DICK CHENARD	1080 S WOODLAND
Ken Smalligan	4450 S. Sherman
Steve Koticki	1889 CROSWELL AVE.
TOM MARGOL	1308 CROSWELL AVE
KEN JONES	4300 W. 16 <sup>TH</sup> ST.
STAN STROVEN	2874 S. WISNER
Jamie Kubal	3548 W 16 <sup>TH</sup> ST
Aaron Henry	3917 Croswell
Karen Berens	3494 W. 28 <sup>TH</sup>
Julie Dicht + girls	1880 Croswell
Gary Hoppa	2859 W 32 <sup>ND</sup> ST
Wann <del>Stans</del>	1153 S CROSWELL
<del>Ken Dool</del>	1425 E 2 Mile
RJ <del>K</del>	3612 S SHERMAN AV
Michael Tamis	2548 S. Wisner
Levi Zook	4242 S. Ferris Ave. Fremont
Paul Hershberger	4335 S Ferris Ave 111
Jonathan Miller	2760 S Baggum Ave
Merlin Miller	950 W 40 <sup>TH</sup> ST

**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.

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# Attachment 4

September 13, 2023

Mr. Chairman, Planning Commission members

Earlier this year there was a Public Hearing held to make changes to the Zoning Ordinance. One of those changes involved increasing the minimum Lot size in the Ag District to 40 acres. The reason stated for this was so the Sherman Township Zoning Ordinance better matched what was laid out in the Township Master Plan.

I'd like to read some statements from the Sherman Township Master Plan of 2019.

Encourage the preservation of prime agriculture lands as both an economic and natural resource, so as to ensure "the farmers right to farm".

Help protect agriculture land, open spaces and natural features from encroachment and the negative effects of development.

By and Large, Sherman Township should be developed as an agriculture, open space and low density, single family community.

A major conclusion from the community survey of June 2002 was that agriculture lands and the rural atmosphere of the Township should be preserved.

Sherman Township should focus it's strongest efforts to conserve land where continued agriculture is most likely.

The Regional Planning Act, Public Act 281 of 1945 states in part that a Master Plan preserves Township Character, Helps Protect Property Values, Provides a legal defense for zoning decisions.

If these changes are implemented, someone says their property values have gone down due to one of these changes, and decides to sue, where's the protection, was the Master plan followed?

My questions to you are "How do these proposed changes follow the Master Plan?"

What are these changes for, and where is the need?

I feel our residents are used to seeing the farmers work their land and harvest their crops, not listening to a sawmill, metal works, carpentry/construction or any of the proposed uses.

These activities would be better suited in the Industrial Park in White Cloud, Fremont or Newaygo, not Sherman Township.

I urge you "Please do not pass these changes on for Township Approval."

Thank You for allowing me to speak.

Ken Smalligan