

SHERMAN TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

November 8, 2023

1. Meeting called to order 7:00pm pledge.
2. Roll call:
 - Present: Wayne Berens, Al Smalligan, Don Clark, Butch Deur, Jim VanBoven, Doug Berens, Mark Kukal.
 - Absent: None.
3. Approval of agenda: 1st Don Clark and 2nd Al Smalligan.
4. Approval of meeting minutes: 1st Doug Berens and 2nd Mark Kukal.
5. Public comments (2 minutes): None.
6. Communications:
 - Chairman's Comments: Butch Deur expresses his thanks to the board for running the meeting last month without him.
7. Existing business: Report from Sub-Committee:
 - Ryan Coffey is here presenting a document with the changes from the subcommittee.
 - The subcommittee looked at some modifications and possible loopholes. The problem with the ordinance was that when it was originally written it was written with home business occupation and then modified at a later time. The committee looked at home occupations as a whole and kept the definitions the same, but they did add (to close a loophole from the original ordinance) that made it so any parcel is limited to one home business occupation. You must also have a home on that property to have a home-based business. It also must be granted by special use permit.
 - Can be granted or denied with permissions by the planning board.
 - Umbrella term is home based business occupation and the rules below are what apply to home-based occupations. These must be in the home and rules that uniquely apply to those.
 - Change B: outdoor storage is permitted for a home-based business; reason that this was added was because the ordinance mixed the two before.
 - Previously it was saying no outdoor storage for home-based businesses.
 - Outbuilding business is also a home-based occupation. With the outbuilding this is a home-based business occupation that is occupied in an outdoor building ("accessory building") aka a building other than the principal house.
 - Cannot be greater than 2400 square feet except in the agricultural business it cannot exceed 3200 square feet on parcels of 40 acres or greater.
 - If someone needs more than this, they will have to ask for a variance.
 - 3200 square feet on 40 acres is the rule you must have a 250-foot setback from any existing residence.
 - Storage was clarified with more restrictions before you could have storage on the property line taking up a whole lot.
 - One per parcel that has a house.
 - Prohibited unless you have screening from your neighbors.
 - On parcels under two acres outdoor storage is limited to half the square footage. On parcels two acres or larger you get the square footage of your business and a 50-foot setback.
 - All home-based business occupations cannot have negative fumes, no change in the appearance, and the sign can be 16 feet and cannot be like a big neon sign, see the provisions.

- One to two non-residents that can work in the home. Parking has not changed.
- Inspection option is there for the zoning administrator.
- Outdoor screening moved for the board's authority purposes to clean up the ordinance.
- Language also cleaned up in many different places in the ordinance as well.
 - Allows the board to modify language and fix things without denying them.
 - Also, to reinforce that this is a special use process for permits and it must go through the board and a public hearing.
- Board Comments:
 - Don Clark would like some more time to review it and then go over it at the next meeting.
 - Adds comment that say it goes against the master plan and allows loopholes.
 - Increased square footage is an issue and the “red” language (addressing industrial uses).
 - Ryan says controversial issues are the square footage and the industrial buildings (e.g., sawmills, metal work, etc.).
 - Can always remove this and just “clean” up the ordinance instead of keeping in the controversial parts.
 - Wayne Berens said that he has no issues with it and he thinks it provides more explanation.
 - Jim VanBoven thinks it tightens up things more than it was.
 - Doug Berens says that he is fine with it and says that Ryan did a good job at tightening things up.
 - Mark Kukal says that things were tightened up by the board and that the board spent their due diligence going over these changes.
 - Also, says that it does not allow industry buildings that would originally be allowed in an industrial lot.
 - Al Smalligan says that he thinks some of the clarification is good, but there is always the issue of businesses not having enough space if they want to expand.
 - Ryan says that it is important to consider as a community what is a good size building for YOUR community.
 - Also, comments that he agrees that the board need to take time to digest this proposition.
 - Butch Deur says that this is a pretty major change compared to when they just tried to modify the ordinance, and this takes digestion to review these changes.
 - Ryan says this proposal is replacing the old with the new. 85% of it is identical, but the rest is tightening things up.
 - If you give out a special use permit it goes with the person and not the land – this was removed because it is being done as a special use permit.
 - Ryan and Chad state this these changes keep the ordinance so that there aren't many areas that you have to make agree.
 - Butch says that he is happy with the original 4000 square feet.
 - Variance requests matter if it is a use or dimensional issue.
 - Butch said that the planning commission has been appointed by the township board and we need to base our decisions on what is best for the township.
 - Section 17.15 – regarding the home business occupation(s).
 - New terms are defined in the new area that is to be added.
 - Section 2.41 on page 7 – home occupation definitions.
 - Discussion relating to that there terms are in different parts of the book and the new changes to the ordinance clean it up so all of the definitions are confined to one area.
 - Section 3.22 on page 16 – home occupations.
 - The problem with this is the bullet points below and if they want to be considered and added into the new wording.

- If they change it to the new wording the definition of home business must be removed because the new wording covers that there must be a special use permit, whereas the old wording does not.
 - Ryan's recommendation is to review 3.22 and update it and add it in.
 - Ryan says that they could always adopt the changes with the 2400 square foot rule instead of the other proposed square feet and leave it for a later date and come back to it. Although, Ryan does not recommend this.
 - Mark Kukal thinks that all has been done that needs to be done, the public comments have been taken in to consideration, and the subcommittee has done the work. The 3200 square feet is a compromise between the 2400 and 4000 square feet.
- 1st Mark Kukal and 2nd Doug Berens to talk about it at the next meeting. Motion carried by a unanimous vote.

8. New business: Changes to be discussed at the next month's meeting.

9. Review: None.

10. Public comment (2 minutes):

- Ken Smalligan (comment presented in existing business) had a comment related to the square footage for the business saying that the general public did not want a business larger than 2400 square feet, whereas the board wants to change it to 3200 square feet (possibly changing it to 4000 square feet).
 - Additional comments: the line needs to be drawn at 2400 square feet, says the board wants to do what is best for the community, he says that he is unaware of anyone that has needed more than 2400 square feet, and wants the loopholes to be closed.
- Warren Stroven: appreciates the subcommittee and feels like there are some issues with the proposed changes.
 - Butch proposes a question of why it was changed back in 2017 from 1200 square feet to 2400 square feet. Answered by Chad.
- Roman Miller: says that over the years they started with an ordinance that was adopted and then voted out then the ordinance would have to be rewrote. Roman says that going from 2400 to 3200 square feet is no big deal because times are changing, and people are just trying to make a living. People are doing more work at home. This is a reasonable improvement to the ordinance. Says that next month it's going to just be the same thing. Roman said that if the public cannot be heard then that is when the lawyer gets called.

11. Adjournment:

Time: 8:30pm.

Respectfully submitted by,
Chris Berens

Present in the Crowd:

- Roman Miller.
- Warren Stroven.
- Ken Smalligan.