

Zeeland Charter Township
Planning Commission Meeting Minutes
September 10th, 2024

The Planning Commission of Zeeland Charter Township met at 7 pm on Sept. 10, 2024.
Members present: Karen Krueze, Tim Miedema, Ron Brink, Robert Brower, Steve Nelson, Dennis Russher, Randy Jarzembowski, Troy Nykamp Absent: Don Steenwyk
Also present: Twp. Manager Josh Eggleston, Zoning Adm. Lori Castello, PCI

Kreuze called the meeting to order.

A motion was made and supported to approve the Aug. 13th minutes. Motion carried.

Citizen comment for non-agenda items: None

New Business

1. PUBLIC HEARING - A request from Steve Hunderman, prospective owner, to rezone 1340 96th Ave., also known as permanent parcel 70-17-30-100-079, from R-1 Rural Residential to R-3 Multi Family Residential for the purpose of constructing a two-family dwelling.

The applicant would like to construct a duplex on the one-acre parcel. Given the shape of the parcel and that it is right next to the expressway the applicant thinks a duplex would be a good fit. It will be a high-end rental to professionals.

Motion made to open the public hearing

Three residents expressed a desire to have the property stay R-1 for single family homes.

Motion made to close the public hearing.

The Planning Commission worked through the finding of compliance for a rezoning, map amendment.

Section 19.05.B Map Amendment (Rezoning):

In making its recommendation to the Township Board, the Planning Commission shall consider the following criteria:

a. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, whether the proposed rezoning is consistent with recent development trends in the area.

Findings: The Future Land Use Map indicates that this property is programmed to be considered for increased density that aligns with the R-2 zoning district. Duplexes however are not permitted in the R-2 zoning district. The applicant wishes to construct one and is therefore asking for R-3 which is high density residential and not consistent with the master plan. This standard is not met.

b. Whether the proposed Zoning District and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed Zoning District shall also be compatible with surrounding uses in

terms of land suitability, impacts on the community, Density, potential influence on property values and traffic impacts.

Findings: The proposed rezoning could permit a different housing style than what is permitted currently within the R-1 and R-2 zoning districts which permit and host single family dwellings only. The lot as proposed with a single duplex may not be a compatibility issue due to the larger lot size and relative obscurity of the proposed placement, however the Planning Commission must consider all uses permitted within the R-3 zoning district, including division of property to reduced lot sizes and multifamily uses as the rezoning would not bind the applicant or his successors or heirs to the submitted plan. This standard is not met.

c. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.

Findings: Municipal water and sewer are available at 96th Avenue along the front of the property. Sidewalks do not exist on the east side of 96th avenue, however there is a pedestrian path on the west side in Holland Charter Township. This standard is met.

d. Other factors deemed appropriate, by the Planning Commission.

Findings: Potential rezoning to R-3 could be seen as spot zoning, based on “When to Spot Spot Zoning” published by MSU Extension.

Motion made by Brower, supported by Russcher to recommend the Board of Trustees DENY the rezoning from R-1 to R-3 based upon several of the standards not being met.

Motion passed with a roll call vote. Brink – Yes, Russcher – Yes, Brower – Yes, Krueze – Yes, Miedema – Yes, Nelson – Yes, Jarzembowski – Yes, Nykamp – Yes, Steenwyk - Absent

2. PUBLIC HEARING - A request from Tim Miedema for a Special Use Permit at 7285 Ransom St., also known as permanent parcel 70-17-04-200-010, to operate a home-based business out of an accessory building on same property address.

Mr. Miedema recused himself from his PC seat to serve as the applicant.

The applicant is requesting to move his home-based business, The Drawing Board, with him to his new home at 7285 Ransom Street. The business will operate out of an accessory building for up to 4 non-resident employees. There are seven parking spots. Operating hours are 7:30 am to 6:00 pm.

Motion to open the public hearing.

One citizen spoke in support of the business.

Motion to close the public hearing.

The Planning Commission worked through the requirements required for approving a Special Use Permit for a Home Based Business.

16.06. Y. Home Based Business

1. Examples of Home-Based Businesses include: construction contractors, well drilling, independent trucking, small scale heavy equipment operator, landscaping services,

portable sawmill, firewood sales, cabinet makers, small engine repair, farm implement repair, welding and the assembly, processing, or packaging of tool, die and machine products. It shall also include operations that are generally conducted in a home occupation but require a larger area, percentage of space within the dwelling, or take place in an accessory building. In no case shall it include automotive repair.

FINDINGS: The applicant is asking for a Home Based Business to operate his architecture office from the existing accessory building on the property. Standard is met.

2. *With the Special Land Use application the following information shall be included: a. A site plan including the following: i. Overview of the parcel location of the building in which the proposed business is to be located*

ii. Delineation of any proposed outdoor parking or storage

iii. Proposed screening or buffering

iv. Distance to property lines

v. Related parking areas

b. Type of business.

c. Hours of operation.

d. Number of employees and residency information (resident/nonresident).

e. Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.

f. Anticipated levels of noise, odor, glare, dust, fumes, and related impacts.

g. Anticipated traffic levels (customer, delivery vehicles, etc.).

FINDINGS: The applicant has provided all of the above information.

3. The Lot shall contain a Single-Family Dwelling and shall be occupied by the owner and/or the chief operator of the business.

FINDINGS: The applicant has indicated that he plans to reside in the home prior to the commencement of operations of the Home-Based Business. Standard is met.

4. Any need for parking generated by the conduct of such Home-Based Business shall be provided off the Street.

FINDINGS: The site plan provided indicates the addition of 7 total parking spaces outside of the accessory building. The proposed spaces prove sufficient to meet the demands of both the existing residence and the home-based business.

5. The Home-Based Business may be conducted within Accessory Buildings. All activities shall be conducted within such Buildings and no outdoor storage of materials shall be permitted, unless the Planning Commission determines that indoor storage is not practicable and that a delineated area for outdoor storage may be effectively screened to buffer views from all surrounding properties and Rights of Way.

FINDINGS: The proposed architectural business will take place completely within the accessory building.

6. Parking of commercial vehicles shall be Screened from public view and neighboring properties.

FINDINGS: The applicant will not have any commercial vehicles related to this use.

7. The Home Based Business shall not result in the alteration of the Dwelling, nor the construction of an Accessory Building, which is not customary to Dwellings and residential Accessory Buildings.

FINDINGS: No plans are included to create any non-residential style alteration to the accessory structure.

8. One non-illuminated Sign may be permitted for the Home Based Business, subject to the sign regulations of the zoning district in which the parcel is located.

FINDINGS: The applicant has provided an elevation sketch and location of a proposed sign that meets the requirements for signage within the Agricultural Zoning District.

9. Only those goods or products that are clearly primary to the Home Based Business shall be sold on the premises. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the Main Building.

FINDINGS: There is no indication that the applicant intends to display any merchandise.

10. The hours of operation shall be limited by the Planning Commission based on potential for nuisance generated from the proposed business.

FINDINGS: The proposed operation is not one that has the potential to create nuisance as it involves an indoor activity that uses no noise producing machinery. The proposed hours of 7:30 am to 6 pm are typically not during hours that neighboring properties would be more likely to be disturbed.

11. Expansion by way of increasing the physical area, intensity, number of employees, hours of operation or any other changes not specifically approved as part of the Special Use Permit shall not be permitted without submittal, review and approval by the Planning Commission subject to a subsequent public hearing. Expansion of the home-based business beyond approvals shall be considered a violation of the zoning ordinance and may be cause for revocation of the Special Use Permit.

FINDINGS: The applicant is aware of and understands this requirement.

SECTION 16.03 BASIS OF DETERMINATION FOR SPECIAL USE PERMITS

A. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. *The Special Land Use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.*

FINDINGS: The applicant is seeking permission to operate a business that has no overt operational difference than that of a residential use; aside from the small permitted sign, there will be no indication that a business is even taking place on site.

2. *The Special Land Use shall not change the essential character of the surrounding area.*

FINDINGS: The applicant is seeking permission to operate a business that has no overt operational difference than that of a residential use; aside from the small permitted sign, there will be no indication that a business is even taking place on site.

3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage

FINDINGS: The proposed use is very similar to what one might do as a hobby in their own home or accessory building; the differences are in technicality and level of complexity, but do not create any additional hazards to the surrounding area.

4. *The Special Land Use shall not place demands on public services and facilities more than current capacity.*

FINDINGS: The proposed use creates no additional demands beyond the existing residential use of the property.

5. The Special Land Use shall be in general agreement with the Master Plan.

FINDINGS: The Master Plan indicates this area is planned to remain agricultural, which permits residential uses by right and home-based businesses by Special Use.

6. The Special Land Use shall comply with all site plan review standards.

FINDINGS: As this application is for a home-based business within an existing structure, the site plan as submitted is found acceptable to the Planning Commission

7. The Planning Commission may impose conditions with the approval of a Special Land Use that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use permit and shall be enforced by the Zoning Administrator.

FINDINGS: No special conditions required by the Planning Commission.

8. The Planning Commission may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the Special Land Use complies with the conditions of approval.

FINDINGS: The Planning Commission is not requiring a performance bond.

Motion made by Russcher, supported by Nykamp to approve the Special Use Permit. Motion passed with a roll call vote. Nykamp – Yes, Jarzembowski – Yes, Nelson – Yes, Kreuze – Yes, Brower – Yes, Russcher – Yes, Brink – Yes. Abstained – Miedema. Absent - Steenwyk

Board of Trustees Update – Ron Brink

Ron shared some updates with ongoing projects in the Township.

Motion to adjourn at 7:40 pm

Katy Steenwyk, Recording Secretary

Randy Jarzembowski, Secretary