

SHERMAN TOWNSHIP ZONING/PLANNING COMMISSION MEETING
November 12, 2019

Chairman Ford had a scheduled absence and Vice-Chairman Pueschel had not arrived, so the remaining members of the Planning Commission selected Mr. Mifsud to conduct the meeting. Mr. Mifsud called the meeting to order at 7:05 PM.

Members Present: Roger Krontz, Vince Mifsud, Bill Pueschel (arrived @ 7:20 PM), Frank Kalasky

Members Absent: Alan Ford

Visitors: Karen Garcia, L. Garcia, Jamey Rouch, Freeman Bontrager, Steve Wolf,

Minutes: Motion by Krontz, support by Kalasky, to approve the October 8, 2019 minutes as presented. Motion carried 3-0.

Agenda: Approved by consensus

Public Comment: Jamey Rouch (63412 M-66) stated Rouch World hosted a Police Officer Appreciation Day on Saturday October 19th. Approximately 1,000 people attended the event without incident. Shooting events (including the use of commercially produced binary explosives (Tannerite, etc.)) were held from 11:00 AM until 7:00 PM.

Old Business:

Freeman Bontrager (25800 Zabel Rd.) requested a revision to his Special Land Use Permit. The original permit for a custom woodworking shop was issued in 1999. The property is located in a Rural Residential area and is considered a Home Based Business in Table 6.02 with other requirements listed in section 9.05 (G) of the current ordinance manual. The business currently has a 3600 SF building per the SLUP. Mr. Bontrager would like to add 1800 SF of building area and add two employees for a total of four. These items are in conflict with 9.05 (G)(6) and 9.05 (G)(7) respectively.

At the October 2019 PC meeting a discussion was held to determine if the Planning Commission has the authority to issue a SLUP with restrictions greater than the current ordinance. Secretary Kalasky read an e-mail response from Catherine Kaufman (Bauckham, Sparks, Thall, Seeber & Kaufman PC) dated November 7, 2019:

1. Section 9.05 G Home Based Business as a special land use requires that:

a. 9.05 G (6) – accessory buildings for home based businesses shall not exceed 2,000 square feet

b. 9.05 G (7) – no more than 2 persons at a time who are not residents of the dwelling may be employed on the premises at which the home based business is conducted.

2. The preamble to Section 9.05 says that these specific conditions must be met.

3. *I am not sure how a special use application could allow a home based business in an accessory building larger than 2,000 square feet or more than 2 workers that are not living on the site – the specific standards of Section 9.05 G control. Can you explain how the PC believes that it can vary these requirements?*

a. The ZBA is the only municipal body with the authority to grant variances from Zoning Ordinance requirements.

Based upon this opinion, the Planning Commission decided that they did not have the authority to address Mr. Bontrager's requests.

Mr. Mifsud opened the public hearing portion of the meeting at 7:20 PM. Supervisor Wolf explained to Mr. Bontrager that his next step would be to contact South Central Michigan Construction Code Inspections (SCMCCI) and explain the Planning Commission's lack of jurisdiction on this matter. SCMCCI will then contact the Sherman Township Zoning Board of Appeals to schedule a meeting to address his request. Hearing no other comments from the public, Mr. Mifsud closed the public hearing portion of the meeting at 7:25 PM.

Karen Garcia (65281 M66), Vice-Chairman Pueschel, and Secretary Kalasky signed the Special Land Use Permit documents for Ms. Garcia's reception venue/event center. (Chairman Ford signed the documents October 28).

New Business:

Jamey Rouch (63412 M-66) stated that Rouch World would like to revise their Planned Unit Development (PUD) agreement to include a shooting range and gun shop. The Planning Commission had a discussion to determine if this was a minor or major revision to the PUD. A motion was made by Mifsud, support by Krantz, to regard this revision to the PUD as a major change which would require a public hearing at the December 10 PC meeting. Motion passed 4-0. Secretary Kalasky to post the notice in the Sturgis Journal and notify the adjacent property owners.

Mr. Rouch stated that the property setbacks from the property line would not meet the requirements listed in the Sherman Township Ordinance 2019-06-17-01 regarding "Sport Shooting Ranges" and if the revised PUD could address this issue? The PC questioned if this request for a variance from a current ordinance could be addressed by the PC in the PUD revision similar to the request by Mr. Bontrager. Secretary Kalasky to contact Ms. Kaufman for her opinion on this issue.

Adjourn: Motion by Mifsud, support by Krantz to adjourn. Motion passed 4-0 at 7:35 PM.

Next scheduled meeting: Tuesday, December 10, 2019, 7:00 PM at the Township Hall.

Respectfully submitted,

Frank J. Kalasky, P.E.
Secretary