

**Baroda Township
Planning Commission Meeting
And Public Hearings
March 27, 2017**

Present were Dean Schmaltz, David Schultz, Patrick Freehling, Tom Shafer, Peter Van Vooren, and Wendie Shafer. Absent was Ed Heyn. Zoning Administrator Jim Pheifer was also present.

Chairman David Schultz called the meeting to order at 6:32 p.m. in the Baroda Township Municipal Building Meeting Room at 9091 First Street, Baroda. There were at least 10 audience members.

The minutes of the February 2017 Planning Commission meeting were distributed and discussed. Peter Van Vooren moved, seconded by David Schultz to approve the minutes of the last meeting. Vote, all yes. Motion Carried.

The Building Inspector's report showed Building permits for projects totaling \$72,100.00 were issued from February 15th through March 20th.

The Zoning Administrator's reported showed that three zoning permits were issued from Feb 16th through March 6th.

The Special Land Use Application from Brian Kordansky for a Tourist Home was discussed. Mr. Kordansky reported his intention is to rent his home on weekends and possibly for one full week during the summer months when he and his family are away on vacation trips.

Chairman David Schultz closed the regular meeting and opened the Public Hearing. Two written letters supporting approval of the Special Land Use Permit were read by Wendie Shafer who also reported that a third neighbor had stopped in the Township office to personally express his support. Two neighbors were against approval and expressed concerns about noise, and not knowing who is in the neighborhood. There was discussion as to whether the rental of the residence would affect Mr. Kordansky's principal residence exemption on his property taxes. Mr. Kordansky reiterated several times that his top priority is to rent to persons that will be respectful and quiet and not jeopardize his neighbors' quality of life. He explained that the Air B&B program gives home owners the ability to impose strict house rules for their rental homes. Discussion was held regarding whether a restriction should be made on the number of times, dates and duration of the home rentals.

The Public hearing was closed, and the regular meeting re-opened.

The commissioners addressed each point in the basis of determination required in Section 13.03 of the Baroda Township Zoning Ordinance and voted as shown below:

SECTION 13.03 BASIS OF DETERMINATION

Prior to approval of a special land use application and required site plan, the Township Planning Commission shall insure that the standards specified in this section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.

A. General Standards - The Township Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following standards, and shall approve a special land use request 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.

Voting to approve – Partick Freehling, Wendie Shafer, Peter Van Vooren, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against – None.

2. The special land use shall not inappropriately change the essential character of the surrounding area.

Voting to approve – Wendie Shafer, Peter Van Vooren, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against – Partick Freehling.

3. The special land use shall not interfere with the general enjoyment of adjacent property.

Voting to approve –Wendie Shafer, Peter Van Vooren, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against – Partick Freehling.

4. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.

Voting to approve –Wendie Shafer, Peter Van Vooren, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against – Partick Freehling.

5. 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 production of traffic, noise, smoke, odor, fumes or glare.

Voting to approve – Partick Freehling, Wendie Shafer, Peter Van Vooren, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against – None.

6. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.

Voting to approve – Partick Freehling, Wendie Shafer, Peter Van Vooren, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against – None.

7. The special land use shall not place demands on public services and facilities in excess of available capacity.

Voting to approve – Partick Freehling, Wendie Shafer, Peter Van Vooren, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against – None.

8. The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Township Development Plan.

Voting to approve –Wendie Shafer, Peter Van Vooren, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against – Partick Freehling.

The following conditions were imposed on the applicant for this permit.

1. Rentals shall occur between June 1st and September 1st.
2. The Special Land Use Permit will become void at the sale of the subject property by Mr. or Mrs. Kordansky.

Chairman David Schultz declared that the Special Land Use Permit for Brian Kordansky to operate a Tourist Home on property 11-02-0015-0002-02-2 located at 9095 Holden Rd. in Baroda Township, Berrien County, Michigan is approved. He said that Mr. Kordansky will receive a letter stating the approval from the Baroda Township Planning Commission Secretary.

Chairman David Schultz thanked the members of the audience for their comments and gave them leave to go if they wished.

David Schultz introduced a proposed amendment to the Baroda Township Zoning Ordinance Section XI Sign Regulations. He closed the regular meeting and opened the Public Hearing. There was discussion regarding the proposed sign regulations.

There being no further public comment, the Public hearing was closed and the regular meeting re-opened. Chairman David Schultz moved, seconded by Dean Schmaltz to approve a resolution recommending the proposed amendments of Section XI to the Baroda Township Board. By Roll Call Vote – Voting to approve: Patrick Freehling, Wendie Shafer, Peter Van Vooren, Dean Schmaltz, David Schultz and Tom Shafer. Resolution adopted.

New Business- A Special Land Use Permit for a Tourist Home was submitted by William Schopf and Amy Hemphill for a home purchased by Dablon Vineyards LLC, property 11-02-0013-0010-03-7 located at 158 Spring Rd. Mr. Schopf explained that his goal is to provide a lodging place first for winery guests, and when available would rent the home on a short term basis. He explained that this type of lodging is needed on the Wine Trail and is used to promote tourism in Europe. A public hearing on the application was set for May 8, 2017.

Old Business –The commissioners discussed in detail the Township Capital Improvements Plan. Several items were added to the list and a couple items were taken off. The commissioners prioritized each item as to whether it is High, Moderate, or Low priority for the Township. Discussion was held about what can be done at Hess Lake to address the overgrowth of weeds.

Patrick Freehling distributed a sheet containing definitions of Agritourism and spoke briefly on the problems that arise with the agritourism issue. He asked to wait until the next Planning Commission meeting to discuss the subject further since it was already past 8:00 p.m.

Wendie Shafer reported that the July 10th meeting is in conflict with a Village meeting and asked the meeting to be rescheduled. The meeting was rescheduled to Tuesday, July 11th.

The meeting was adjourned at 8:12. The next meeting is scheduled for April 10, 2017

Wendie Shafer,
Baroda Township Planning Commission Secretary