

Baroda Township Planning Commission  
And Public Hearing  
Minutes  
June 10, 2019

On June 10, 2019 The Baroda Township Planning Commission met in the Baroda Municipal Building meeting room at 9091 First Street, Baroda. Present were David Schultz, Dean Schmaltz, Tom Shafer, Brenda Troxell, and Peter Van Vooren, Dennis Krotzer, and Barbara Sukys along with Wendie Shafer, Secretary, Jim Pfeifer, Zoning Administrator and four audience members. Chairman David Schultz opened the meeting at 6:28 p.m.

The minutes of the May 13, 2019 meeting were reviewed. Brenda Troxell Moved, Seconded by Dean Schmaltz to approve the minutes. Vote – all Yes. Motion Carried.

Wendie Shafer submitted the Building / Zoning report for April and May 2019. From April 4<sup>th</sup> to May 15<sup>th</sup>, 4 Building permits and two Zoning permits were issued.

David Schultz described his application and plans for a Special Land Use Permit application for a Tourist home on property 11-02-0024-0014-02-0 at 9910 Hills Rd. owned by his mother, Joyce Schultz, and himself. He described there would be 3-4 bedrooms rented out on a short term basis, likely through Air B&B. He said the renovation is nearly ready for final inspection. His Wife Karyn Schultz is the designated emergency contact person (269) 808-5359. He answered questions from the Planning Commissioners. He turned the meeting over to Vice Chairman, Peter Van Vooren.

Vice Chairman, Peter Van Vooren, closed the regular meeting and opened the Public Hearing asking for comments from the audience regarding Mr. Schultz's application. There was no Public Comment or discussion. The Public Hearing was closed, and the regular meeting reopened.

Peter Van Vooren explained that the Planning Commissioners would go through the required basis of determination to ascertain whether a Special Land Use Permit should be approved for the Tourist Home applied for. He read each point of the Basis of determination.

**SECTION 13.03**      **BASIS OF DETERMINATION**

Amended 1-15-18

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 compatible with the character of adjacent land uses. *Voting in Favor of approval of the application on this point; Barbara Sukys, Dennis Krotzer, Peter Van Vooren, Dean Schmaltz, Brenda Troxell and Tom Shafer. Voting Against approval; None. Abstaining; David Schultz.*
2. The special land use shall be consistent with the intent and purpose of the Baroda Township Zoning Ordinance and Master Plan. *Voting in Favor of approval of the application on this point; Barbara Sukys, Dennis Krotzer, Peter Van Vooren, Dean Schmaltz, Brenda Troxell and Tom Shafer. Voting Against approval; None. Abstaining; David Schultz.*
3. The special land use shall be compatible with the natural environment of the site. *Voting in Favor of approval of the application on this point; Barbara Sukys, Dennis Krotzer, Peter Van Vooren, Dean Schmaltz, Brenda Troxell and Tom Shafer. Voting Against approval; None. Abstaining; David Schultz.*
4. 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 and welfare of persons or property through the production of traffic, noise, smoke, odor, fumes or glare. *Voting in Favor of approval of the application on this point; Barbara Sukys, Dennis Krotzer, Peter Van Vooren, Dean Schmaltz, Brenda Troxell and Tom Shafer. Voting Against approval; None. Abstaining; David Schultz.*
5. The special land use shall be compatible with the capacities of public services and facilities affected by the land use. *Voting in Favor of approval of the application on this point; Barbara Sukys, Dennis Krotzer, Peter Van Vooren, Dean Schmaltz, Brenda Troxell and Tom Shafer. Voting Against approval; None. Abstaining; David Schultz.*
6. The special land use shall comply with applicable Township, County, State and Federal regulations. *Voting in Favor of approval of the application on this point; Barbara Sukys, Dennis Krotzer, Peter Van Vooren, Dean Schmaltz, Brenda Troxell and Tom Shafer. Voting Against approval; None. Abstaining; David Schultz.*

A. Conditions –

1. The Township Planning Commission may impose reasonable conditions with the approval of a special land use application and site plan which are necessary to insure compliance with the standards for approval stated in this section and any other applicable Township ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.

*One condition was imposed on this Special Land Use Permit for a Tourist Home which states that there must be quiet-time hours from 10:00 p.m. to 8:00 a.m.*

2. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
  3. The Planning Commission, at its discretion, may require greater setbacks than otherwise established for the district in which the proposed special land use would be located where it is determined that one or more of the following conditions exist:
    - a. the proposed use will create noise, light, odor or similar potential nuisances affecting adjoining properties, the effects of which could be reduced or eliminated by increasing the separation from those uses;
    - b. adjacent property, even if vacant, is zoned Residential and the compatibility of the proposed special land use with existing or future dwellings could be substantively improved by increasing the setback for the special land use along the Residential property line;
    - c. due to the nature of the special land use, there is the potential threat to the health, safety or welfare of adjoining properties because of traffic, litter, trespassing or similar impacts that could be reduced or eliminated by increasing the separation from those uses; or
    - d. natural features, such as a significant vegetative screen, wetlands or topographic variations that would moderate the impacts of the special land uses could be preserved by modifying the setback requirement.
- C. Performance Guarantee - In authorizing a special land use permit, the Township Planning Commission may require that a cash deposit, certified check, or irrevocable bank letter of credit be furnished by the developer to insure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the Township shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Township and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the special land use permit.

Peter Van Vooren declared the Special Land Use Permit approved for a Tourist Home operation on property 11-02-0024-0014-02-0 at 9910 Hills Rd. owned by Joyce Schultz, and David Schultz

with one condition; quiet-time hours are required from 10:00 p.m. to 8:00 a.m. The meeting was turned over to Chairman David Schultz.

Unfinished Business – There was no action on decreasing the SLUP footprint for Barb and Kelly Day due to the lot having not yet been split, and no new survey.

Brenda Troxell reported having received a letter from the State regarding a Bill introduced in the Legislature taking away local control of short-term rentals. Brenda moved, seconded by David Schultz to write a letter to our representatives requesting they vote no on house bill 4554-4563. Vote – All Yes Motion Carried. Wendie Shafer is to write and send the letter.

Chairman David Schultz adjourned the meeting at 7:05 p.m.

The next Planning Commission meeting is scheduled for Monday, July 8, 2019 at 6:30 p.m.

Wendie Shafer  
Baroda Township Planning Commission Secretary