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**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

**OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET**

**THURSDAY, JUNE 12, 2025
6:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: May 22, 2025 Meeting (packet page 3)
6. **Special Exception Use: Nelson Home Occupation (2100 S 4th Street, Parcel 3905-29-280-016)**
From Table of May 22, 2025 (packet page 15)
Planning Commission to conduct special exception use review of a home occupation occurring in two accessory buildings where the occupation is providing private golf and softball lessons.
7. **Zoning Ordinance Text Amendments (MUD, PUD, Adult Foster Care, Non-Motorized, Temp Events)**
(packet page 95)
Planning Commission to review draft one of proposed Zoning Ordinance amendments to the Mixed Use District and unrelated amendments regarding adult foster care and similar facilities in the residential districts, planned unit development, temporary events and requirement for non-motorized facilities.
8. Public Comment
9. Other Updates and Business
 - a. Cancel June 26, 2025 meeting
10. Adjournment

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.-1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees

Supervisor

Cheri Bell 216-5220 cbell@oshtemo.org

Clerk

Dusty Farmer 216-5224 dfarmer@oshtemo.org

Treasurer

Clare Buszka 216-5260 cbuszka@oshtemo.org

Trustees

Neil Sikora 760-6769 nsikora@oshtemo.org

Kristin Cole 375-4260 kcole@oshtemo.org

Zak Ford 271-5513 zford@oshtemo.org

Michael Chapman 375-4260 mchapman@oshtemo.org

Township Department Information

Assessor:

Kristine Biddle 216-5225 assessor@oshtemo.org

Fire Chief:

Greg McComb 375-0487 gmccomb@oshtemo.org

Ordinance Enforcement:

Alan Miller 216-5230 amiller@oshtemo.org

Parks Director:

Vanessa Street 216-5233 vstreet@oshtemo.org

Rental Info 216-5224 oshtemo@oshtemo.org

Planning Director:

Jodi Stefforia 375-4260 jstefforia@oshtemo.org

Public Works Director:

Anna Horner 216-5228 ahorner@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD MAY 22, 2025**

Special Exception Use: Nelson Home Occupation (2100 S 4th Street, Parcel 3905-29-280-016)

Zoning Ordinance Text Amendments Public Hearings

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 22, 2025, commencing at 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Deb Everett, Vice Chair
 Scot Jefferies
 Scott Makohn
 Alistair Smith
 Jeremiah Smith (arrived at 6:30 p.m.)

MEMBERS ABSENT: Michael Chapman, Township Board Liaison
 Philip Doorlag, Chair

Also present were Jodi Stefforia, Planning Director; James Porter, Township Attorney; Colten Hutson, Zoning Administrator, Leeanna Harris, Planning and Zoning Administrator; Jennifer Wood, Recording Secretary; and approximately 13 interested persons.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Vice Chair Everett called the meeting to order at 6:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA

Vice Chair Everett inquired if there were any changes to the agenda. There were none.

The agenda stands as published.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Vice Chair Everett inquired if anyone present wished to speak on non-agenda items.

One person came forward to speak.

APPROVAL OF THE MINUTES OF THE MEETING OF MAY 8, 2025

Vice Chair Everett asked for additions, deletions, or corrections to the minutes of the meeting on May 8, 2025.

Mr. A. Smith made a motion to approve the Minutes of the Meeting of May 8, 2025, with the correction as identified. Mr. Jefferies seconded the motion. The motion passed unanimously.

SPECIAL EXCEPTION USE: NELSON HOME OCCUPATION (2100 S 4TH STREET, PARCEL 3905-29-280-016)

Ms. Harris presented her staff report, dated May 15, 2025, which is hereby incorporated into the record. The applicants, Bill and Jaymie Nelson, are requesting special use approval to establish a golf and softball operation as a home occupation within two (2) existing accessory buildings at their property, located at 2100 S 4th Street. The subject site is within the RR: Rural Residential zoning designation.

The subject 10-acre property is located on the west side of S 4th Street, north of W M Avenue and south of W L Avenue. An aerial map was shown.

For purposes of this report, the accessory buildings will be referred to as A and B. Building A is approximately 3,600 square feet, with 720 square feet to be utilized for softball instruction, and building B is approximately 2,000 square feet, with 220 square feet to be utilized for golf instruction. The total square footage proposed to be used is 940 square feet. The operations are proposed to take place for five hours on weekdays, and for 12 hours on the weekends and during the summer, with staggered appointment times. Those coming to the site for instruction would utilize informal areas adjacent to the accessory buildings for parking.

ANALYSIS

Home occupations are a permitted use in the RR: Rural Residential district subject to the regulations in Section 48.60 of the Zoning Ordinance. If the use satisfies the criteria in Section 48.60, no approvals from a reviewing body are necessary. However, if the home occupation departs from these criteria, the applicant may request a Special Exception Use approval from the Planning Commission pursuant to Section 49.120 of the Zoning Ordinance.

In this instance, the home occupation criteria in Section 48.60 do not allow for accessory buildings to be used as part of a home occupation. However, Section 49.120 of the Zoning Ordinance allows the use of accessory building for a home occupation as a consideration through the Special Exception Use process, provided that all other requirements are met.

When reviewing a Special Exception Use, there are two sets of criteria that must be considered: the general Special Use criteria in Section 65.30 and the specific requirements for the use outlined in Section 49.120.

Section 65.30: Special Use Review Criteria

A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the district in which the use is located.

Currently, the Future Land Use Map identifies this area as Rural Residential, consistent with current zoning. The forthcoming Place Types map of the 2025 Master Plan identifies this area as Countryside Residential.

Home occupations that are incidental and subordinate to a residential use, blend into residential neighborhoods, and fall within an acceptable threshold of nonresidential activity are a permitted use. From a zoning perspective, a home occupation use can be consistent with the Zoning Ordinance.

B. Site Plan Review: The Site Plan Review Criteria of Section 64

An engineered site plan is not required for a special use review of this nature and no exterior changes are proposed to be made in relation to the site. However, the applicant provided a floor plan for both of the barns and a site plan which provides a general layout of the buildings' interiors and the site's exterior, included in the packet starting on page 48. Building A is approximately 3,500 square feet while building B is approximately 2,000 square feet. Development standards, such as required setbacks and lot coverage requirements, have been satisfied.

C. Impacts:

Impacts are evaluated on if it is compatible, are there adverse effects, and is it detrimental to the area.

- A. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.

The proposed home occupation use may be allowed as a special exception use within the RR: Rural Residential District when certain criteria in 48.60 are not satisfied. This area of the Township is rural, consisting of parcels containing single-family homes, large agricultural parcels, and the Wendalyn Woods plat nearby.

Although the home occupation is expected to occur within already existing accessory buildings on site, it can be argued that the use is not compatible, harmonious, or appropriate with the existing or planned character and uses of adjacent properties.

Evaluate the proposal while also considering that the operation existed in building A, which was built without receiving any building permit, and in both building A and building B prior to an application for special exception use approval to the Planning Commission. The operation was brought to our attention through a complaint about the traffic being generated. As such, the Oshtemo Township Building Official issued a stop work order for Building A, included in the packet. A building permit will need to

be properly issued by the Oshtemo Township Building Department regardless of whether the Planning Commission approves or denies the request (the necessary permit has been sought).

- Consider whether allowing a home occupation of this intensity would be compatible, harmonious, and/or appropriate with the neighboring land uses and the Rural Residential character of the area.

B. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.

One of the two buildings to be utilized was constructed without building permits and the building permit is being withheld until action from the Planning Commission. Building A is approximately 47 feet from the southern property line, while building B is approximately 45 feet away from the same property line.

An unpermitted driveway was also discovered during a site inspection and will need to be removed, according to the Road Commission of Kalamazoo County policies. Adequate space for informal parking near the barns is expected to be utilized.

- Assuming the unpermitted second driveway is removed, consider whether the setbacks, which meet setback requirements for residential accessory buildings, would minimize the adverse effects to adjacent properties.

C. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter. The proposed use could be considered disturbing to existing or future adjacent occupants due to the nature of the operation described. Operation hours are proposed from 3:00 pm to 8:00 pm on weekdays (5 hours a day) and 8:00 am to 8:00 pm (12 hours a day) on weekends and during the summer. The applicants did specify that appointments would be staggered to mitigate some of the traffic and have shielded the existing lighting on the property to mitigate light trespass onto neighboring properties. It should be noted that this operation was brought to the attention of the Planning Commission by a complaint filed due to the traffic.

- Consider whether the proposed home occupation would be detrimental or disturbing to existing or future neighboring uses or to the public by means of traffic in excess of what is anticipated at a residence.
- Consider the proposed hours of operation; discuss with the applicant and determine if reducing them would make the use more compatible with this residential area.

D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.

The subject site is currently developed with a single-family home and the subject accessory buildings. No additional clearing is expected to occur to accommodate the

home occupation. For these reasons, staff do not find that the proposed home occupation use will have a detrimental impact on the natural features in preserving the general character of the area.

E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.

The home is adequately serviced by public and private utilities. There was no indication of any sanitary facilities within the accessory buildings on the floor plans provided by the applicants. The proposed home occupation would not create any burden on infrastructure.

F. Specific Use Requirements: Section 49.120

See evaluation under Section 49.120.

Section 49.120: Home Occupation

A. The Planning Commission may authorize as a Special Use, a home occupation which departs from the criteria stated in Section 48.60.A.2, 4, and/or 6; provided, however, that any home occupation so authorized shall meet the following conditions:

1. All other criteria stated in Section 48.60.A. shall be met.

All other requirements stated in Section 48.60.A have been met. The proposed home occupation will be operated entirely within enclosed structured, will be conducted by the people occupying the premises, no goods are expected to be sold from the premises that are not strictly incidental to the home occupation (such as golf clubs or other golf related equipment sold to individuals taking a lesson), and there will be no outdoor storage, or display. There will be no exterior evidence to indicate the presence of the home occupation. No commercial vehicles will be entering or leaving the property.

2. All applications for Special Use shall include a statement setting forth a detailed description of the proposed Home Occupation(s), its location, and purpose(s) for which the proposed or existing accessory building, if any, will be used.

A use statement has been provided outlining the proposed home occupation. Requirement satisfied.

3. The number of nonresident employees working on-site cannot exceed one (1) at any time.

The applicants specified that there will be no non-resident employees working on-site. Requirement satisfied.

4. Operation of a Home Occupation within a completely-enclosed accessory building subject to Site Plan review and approval by the Planning Commission and the following limitations:

For properties three acres or more, the area of accessory building that can be utilized for a home occupation is up to 1,200 square feet. At 940 square feet, the

size satisfies these requirements. The remaining requirements of this section are also satisfied.

- B. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Commission shall consider the characteristics of the proposed Home Occupation and/or accessory building in relation to the following: the purpose and intent of this Ordinance, size of property, size of dwelling, proposed location on the property, existing land uses in area, and future land uses as reflected in the Master Land Use Plan.

This information has been presented in the attached packet along with the letter of intent and supplemental documentation submitted by the applicants.

The Planning Commission may attach requirements to such Home Occupation and accessory building when it deems necessary to avoid or mitigate adverse impacts on surrounding properties which may include, but is not limited to, a reduction in the size of the building and increased setback requirements.

The Planning Commission may elect to add or amend the conditions of approval. The Planning Commission may, for example, find that the use is appropriate if the operation hours are limited.

RECOMMENDATION:

Planning Department staff recommend that the Planning Commission review the information included in the staff report and attachments, with attention to the Special Use criteria, have an open dialogue with the applicants, consider the public comment, and make a motion on the special use request to establish a golf and softball operation as a home occupation within the two (2) existing accessory buildings located at 2100 S 4th Street by approving, approving with conditions, or denying the request.

If the Planning Commission finds that the site plan request is supported, the following conditions are suggested by Township staff:

- 1) The golf and softball instruction shall be conducted only in the existing accessory buildings on site. At no point shall that operation utilize more than 1,200 square feet in area within the accessory buildings.
- 2) All other requirements stated within Section 48.60.A of the Township Ordinance shall be met at all times. If any complaints are received and verified by the Township regarding the subject home occupation that violate the other requirements of Sections 48.60 or 49.120 or exceed what was specifically mentioned in this report, this approval will be voided; the home occupation will cease immediately and become an Ordinance Enforcement matter to resolve.
- 3) The unpermitted driveway shall be coordinated with the Road Commission of Kalamazoo County and be removed as required by RCKC policies.
- 4) A building permit shall be properly issued by the Oshtemo Township Building Department for building A.

- 5) The home occupation shall only operate in the approved operation hours.
- 6) Any sales that occur on the property must be incidental to the home occupation and shall not be made to members of the public not receiving instruction.

Vice Chair Everett asked the Commissioners if they had any questions for staff.

Mr. Makon inquired if there were any facilities for the public to use at either of the buildings. Ms. Harris advised that there is no indication of any on the applicants' plans.

Vice Chair Everett invited the applicant to speak.

The applicants Mr. Bill Nelson and Mrs. Jaymie Nelson thanked the Commission for the opportunity to speak and spoke in support of the Special Use approval. Mr. Nelson explained that they initially contacted the Township regarding the plan to build a storage building, but the project has since changed from the original concept. They were unaware that additional permitting would be required for the revised use.

Mrs. Nelson clarified that the hours of operation would be limited and flexible, generally not exceeding 10 hours per week. The barn structure has been reconfigured so that only one section will be used for the proposed activity. Operations will be conducted by either the applicant or their spouse, but never both at the same time.

To address concerns raised, the applicants stated they will improve visibility of the house number and provide clearer direction for traffic flow and parking. They are also aware of issues related to exterior lighting and are willing to make necessary adjustments to prevent lights from shining onto neighboring properties.

Both individuals are special education teachers. They emphasized that the operation is not intended to grow significantly in size. The facility will not include plumbing—there will be no bathroom or running water—and is intended solely to enhance their ability to assist children.

Vice Chair Everett asked for any additional questions or comments from the Commissions for the applicants.

Mr. Jefferies inquired about accessibility. In response to a commissioner's inquiry regarding accessibility for individuals with disabilities, the applicants confirmed that there are no stairs required to access the space. They noted that there is a garage door entrance that can accommodate individuals with mobility challenges, providing ground-level access to the area being used.

Vice Chair Everett opened the floor for public comment.

Six members of the public provided comments during the meeting. Three individuals spoke in support of the proposed project, while three expressed opposition.

Vice Chair Everett closed the public comments.

The Vice Chair Everett asked the Commission if there was any additional discussion on the matter.

Mr. A. Smith referenced a previous case in which a permit for a furniture repair business operating out of a pool house was denied. He questioned how the current application differs and expressed concern that the proposed use could expand beyond its original intent. Mr. A. Smith does not support approving an exception. Mr. J. Smith agreed with Mr. A. Smith's concerns. Mr. Jefferies noted that while he generally supports home occupations, this case is unusual as the business is not located within the primary residence. He expressed concerns regarding the lack of restroom facilities and the potential cumulative impact of multiple visitors and vehicles over time, stating that the absence of basic amenities may not serve the public good.

Mr. Porter emphasized that there should be no visible evidence of a home occupation, while Ms. Stefforia clarified that although outdoor recreation (e.g., golf courses) is the first category listed under special use in the rural residential, it is not applicable in this case. She later added that in an emergency, the applicants would likely allow access to the restroom in their home.

Vice Chair Everett observed that while the property is 10 acres, the buildings in question are located near the property lines. She raised the possibility of adding screening to mitigate visual impacts to neighbors and identified approximately 45 feet of space on the south side where screening might be installed. Mr. Porter shared that the Commission could require screening as Ms. Harris indicated in her report.

Vice Chair Everett asked whether noise was discussed with the Planning Staff during previous discussion; Ms. Harris confirmed that noise had not been raised as a concern to the best of her knowledge.

Vice Chair Everett reviewed the special use criteria, noting that although setbacks are satisfied, the Commission must also consider whether the use is harmonious with adjacent properties and does not negatively impact neighbors. Mr. Jefferies inquired about a sign being placed by the street. He confirmed that current regulations prohibit signage at the road and only allow it on the building. Vice Chair Everett recommended placing an address sign at the end of their driveway. Ms. Stefforia advised that once the other driveway is closed, that should also help.

Mr. Porter encouraged the Commission to focus on potential impacts as Vice Chair Everett mention — such as hours of operation, fencing, screening, and traffic—when evaluating the application.

Mr. Makohn raised concerns about the buildings being constructed without permits. Mr. Porter advised that it is up to the Planning Commission to take that into consideration. The Commission has to consider the creditability of those making the request and if it was an honest mistake. If the Commission thinks there was deception, then they could take that into consideration. If approved, the building would still need the proper permits. Ms. Stefforia shared the applicant has applied for the permit and the building official has been out there, but from a zoning perspective, the permit cannot be signed off on until this question is resolved.

Ms. Everett raised questions regarding the limitations of the building inspection, particularly with utilities being buried or concealed behind finished walls. Ms. Harris confirmed that since the structure is already built, the inspector would not have access to inside the walls. Mr. Porter advised they could be required to open a wall for inspection, but typically they would not require walls to be opened or excavation to occur, the inspector may be able to use a scope to inspect within limits. The inspector would require a hold harmless agreement with the Township verifying that they could not inspect the structure fully but did inspect it to the best of their ability.

Vice Chair Everett expressed concern that the Township was only made aware of the use following a complaint.

Mr. Smith questioned if the determination has been made reflecting that a home occupied business only occurs inside the home. Ms. Stefforia confirmed that yes as a permitted use this is correct, but as a Special Use, this could include a detached garage or other accessory building. Mr. Porter shared it is permissible.

Mr. A. Smith recommended tabling the vote until the previously mentioned similar case could be reviewed and researched to understand the rationale behind the prior denial. He emphasized the importance of maintaining consistency in the Commission's decisions. Mr. Jefferies agreed.

Ms. Stefforia advised that the Planning Staff could do some additional research and bring it back to the Commission. She reminded the Commission that Special Use permits are evaluated on a case-by-case basis and are subjective in nature. She also noted that this request is not a variance request.

Mr. Porter clarified that while consistency is important, the facts of each case may differ even when the criteria remain the same. He stated that the Commission has the authority to impose conditions such as limited hours, restricted days of operation, or screening.

Vice Chair Everett concluded that the impact on the neighbors seems to be the point of contention.

Mr. J. Smith supports Mr. A Smith's position and shared his concern, particularly regarding increased traffic and future business growth, and supported delaying the decision until further research was conducted on previous decisions.

Ms. Stefforia suggested a one-year review period could be considered as a condition of approval. Mr. Porter confirmed that a one-year review may be added as a condition.

Mr. Mackon supported the idea of postponing the decision to gather more information.

Mr. A. Smith made **a motion** to table the Special Use application until the June 12 meeting to allow the Planning Department time to gather additional information, including a review of the prior furniture repair case for consistency. Mr. Makohn **seconded the motion**. The **motion passed** unanimously.

Mr. Porter advised that because the item is being tabled to a specific date, a new public notice may not be sent.

ZONING ORDINANCE TEXT AMENDMENTS PUBLIC HEARINGS

Ms. Stefforia handed out a couple additional changes that were not in the packets distributed. Ms. Stefforia presented her memo, dated May 22, 2025, which is hereby incorporated into the record. The changes are to add clarity. No substantive changes were made between the final drafts and the versions reviewed in March, however.

Accessory Dwelling Units (ADUs)

The Commission discussed language regarding an accessory dwelling unit in a detached structure. It is recommended to remove the word “architecturally” and instead have it read “shall be aesthetically compatible in appearance”.

Additionally, under subsection C, it was noted that while accessory buildings are allowed a height of 30 feet, ADUs are currently limited to 15 feet. This needs to be adjusted if the ADU is being placed in a structure that can legally be taller. The Commission agreed that this inconsistency should be corrected.

Vice Chair Everett inquired who determines what is aesthetically compatible. Ms. Stefforia advised that the Planning Department would review on a case by case basis; if there are questions, they can be brought to the Planning Commission for input.

Mr. Jefferies reviewed the changes and expressed support, stating the revisions looked good.

Parking

Parking standards in rural areas were reviewed. The revised language allows parking in the front yard as long as it is on an improved surface, such as gravel or pavement. In neighborhoods, parking must occur on a designated driveway.

Transportation and Mobility

Under the Transportation and Mobility section, no changes were made.

Vice Chair Everett raised a question regarding accessory building size limits. Ms. Stefforia confirmed that language allowing larger buildings based upon acreage was being added back into the ordinance. When Vice Chair Everett asked whether this addressed the concern raised in a recent meeting, Ms. Stefforia responded affirmatively, noting that the language had been reinserted to ensure clarity and resolve the issue.

Vice Chair Everett opened the public hearing.

Two persons addressed the Commission. One had a question about the ADU square footage, the other thanked the Commission for their consideration of these changes.

Vice Chair Everett closed the public hearing.

Vice Chair Everett asked if the Commission had any additional comments or discussion.

Mr. A. Smith made a motion to forward the Accessory Dwelling Unit changes, the parking changes, and the access management changes to the Township Board for their consideration. Mr. Makohn seconded the motion. The motion passed unanimously.

OTHER UPDATES AND BUSINESS

Vice Chair Everett asked if there were any other updates or business. There were none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:37 p.m.

Minutes Prepared: May 23, 2025

Minutes Approved:

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June 5, 2025

Mtg Date: June 12, 2025

To: Oshtemo Township Planning Commission

From: Leeanna Harris, Zoning Administrator

Applicant: Bill and Jaymie Nelson

Owner: Bill and Jaymie Nelson

Property: 2100 S 4th Street, Parcel Number 05-29-280-016

Zoning: RR: Rural Residential District

Request: Special use approval to establish a golf and softball operation as a home occupation within two (2) existing accessory buildings.

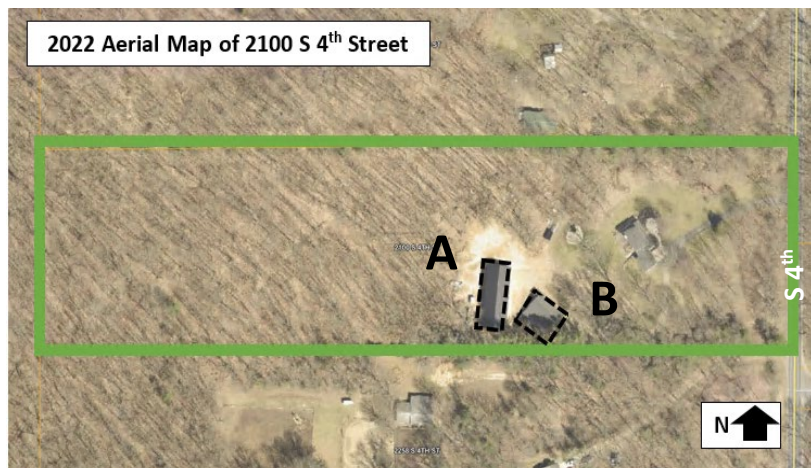
Section(s): Section 65: Special Uses

NOTE:

New information is in red text. The Planning Commission tabled this item from the May 22, 2025, meeting to their June 12, 2025, meeting to allow staff time to compile information relating to past home occupations. The minutes from five previous home occupation requests are attached to this report. Also review the attachments provided by the applicants at the last meeting.

PROJECT OVERVIEW:

The applicants, Bill and Jaymie Nelson, are requesting special use approval to establish a golf and softball operation as a home occupation within two (2) existing accessory buildings at their property, located at 2100 S 4th Street. The subject site is within the RR: Rural Residential zoning designation. The subject 10-acre property is located on the west side of S 4th Street, north of W M Avenue and south of W L Avenue.



The location of the accessory buildings is shown with black hatching on the aerial image. For purposes of this report, the accessory buildings will be referred to as A and B. Building A is approximately 3,600 square feet, with 720 square feet to be utilized for softball instruction, and building B is approximately 2,000 square feet, with 220 square feet to be utilized for golf instruction. The total square footage proposed to be used is 940 square feet.

The operations are proposed to take place for five hours on weekdays, and for 12 hours on the weekends and during the summer, with staggered appointment times. Those coming to the site for instruction would utilize informal areas adjacent to the accessory buildings for parking.

Note that the operation was established in building A, which was built without receiving any building permit, and in both building A and building B *prior to* an application for special exception use approval to the Planning Commission.

ANALYSIS:

Home occupations are a permitted use in the RR: Rural Residential district subject to the regulations in Section 48.60 of the Zoning Ordinance. If the use satisfies the criteria in Section 48.60, no approvals from a reviewing body are necessary. However, if the home occupation departs from these criteria, the applicant may request a Special Exception Use approval from the Planning Commission pursuant to Section 49.120 of the Zoning Ordinance.

In this instance, the home occupation criteria in Section 48.60 do not allow for accessory buildings to be used as part of a home occupation. However, Section 49.120 of the Zoning Ordinance allows the use of accessory building for a home occupation as a consideration through the Special Exception Use process, provided that all other requirements are met.

When reviewing a Special Exception Use, there are two sets of criteria that must be considered: the general Special Use criteria in Section 65.30 and the specific requirements for the use outlined in Section 49.120. Below is an analysis against these two sections.

Section 65.30: Special Use Review Criteria

A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the district in which the use is located.

Currently, the Future Land Use Map identifies this area as Rural Residential, consistent with current zoning. The forthcoming Place Types map of the 2025 Master Plan identifies this area as Countryside Residential.

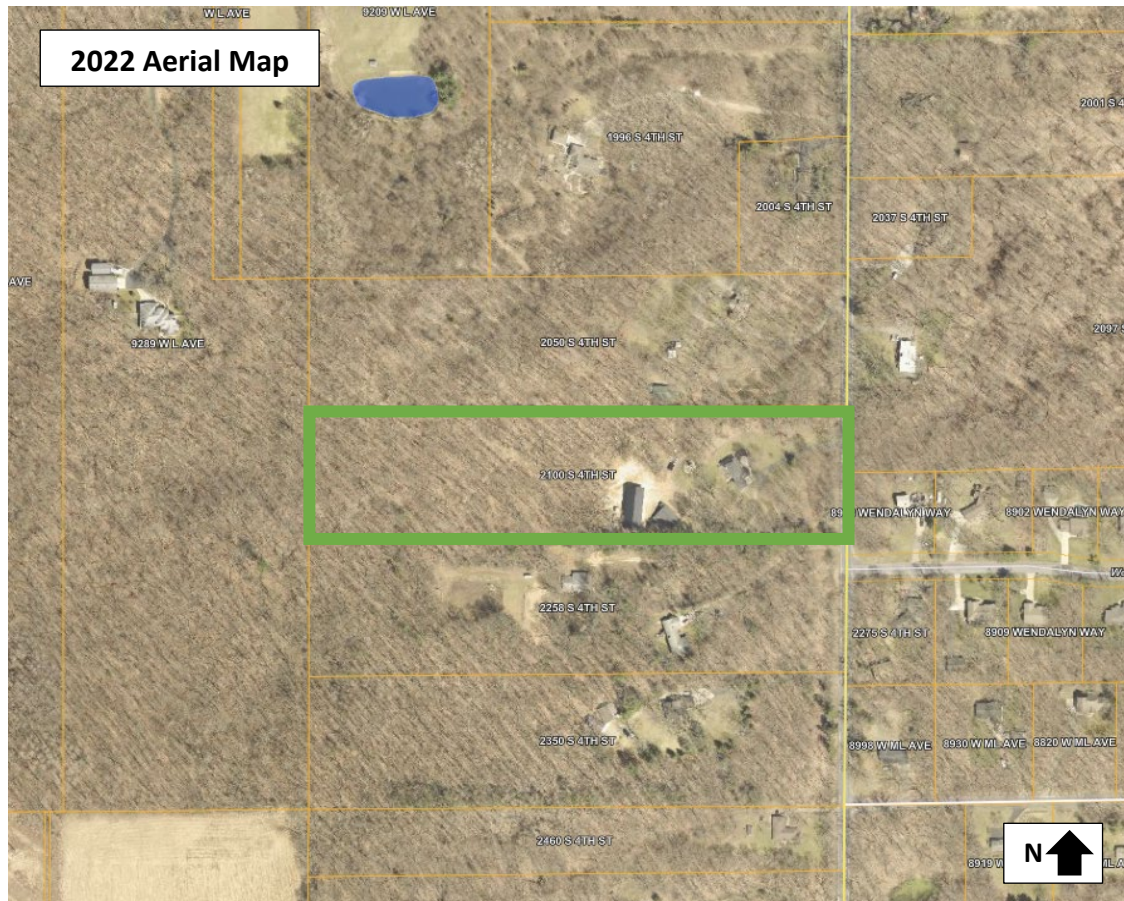
Home occupations that are incidental and subordinate to a residential use, blend into residential neighborhoods, and fall within an acceptable threshold of nonresidential activity are a permitted use. From a zoning perspective, a home occupation use can be consistent with the Zoning Ordinance.

B. Site Plan Review: The Site Plan Review Criteria of Section 64

An engineered site plan is not required for a special use review of this nature and no exterior changes are proposed to be made in relation to the site. However, the applicant provided a floor plan for both of the barns and a site plan which provides a general layout of the buildings' interiors and the site's exterior, attached to this report. Building A is approximately 3,500 square feet while building B is approximately 2,000 square feet. Development standards, such as required setbacks and lot coverage requirements, have been satisfied.

C. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**



The proposed home occupation use may be allowed as a special exception use within the RR: Rural Residential District when certain criteria in 48.60 are not satisfied. This area of the Township is rural, consisting of parcels containing single-family homes, large agricultural parcels, and the Wendalyn Woods plat nearby. See Aerial Map.

Although the home occupation is expected to occur within already existing accessory buildings on site, it can be argued that the use is not compatible, harmonious, or appropriate with the existing or planned character and uses of adjacent properties.

Evaluate the proposal while also considering that the operation existed in building A, which was built without receiving any building permit, and in both building A and building B prior to an application for special exception use approval to the Planning Commission. The operation was brought to our attention through a complaint about the traffic being generated. As such, the Oshtemo Township Building Official issued a stop work order for Building A, attached to

this report. A building permit will need to be properly issued by the Oshtemo Township Building Department regardless of whether the Planning Commission approves or denies the request (the necessary permit has been sought).

- *Consider whether allowing a home occupation of this intensity would be compatible, harmonious, and/or appropriate with the neighboring land uses and the Rural Residential character of the area.*

2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.

One of the two buildings to be utilized was constructed without building permits and the building permit is being withheld until action from the Planning Commission. Building A is approximately 47 feet from the southern property line, while building B is approximately 45 feet away from the same property line.

An unpermitted driveway was also discovered during a site inspection and will need to be removed, according to the Road Commission of Kalamazoo County policies. Adequate space for informal parking near the barns is expected to be utilized.

- *Assuming the unpermitted second driveway is removed, consider whether the setbacks, which meet setback requirements for residential accessory buildings, would minimize the adverse effects to adjacent properties.*

3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.

The proposed use could be considered disturbing to existing or future adjacent occupants due to the nature of the operation described. Operation hours are proposed from 3:00 pm to 8:00 pm on weekdays (5 hours a day) and 8:00 am to 8:00 pm (12 hours a day) on weekends and during the summer. The applicants did specify that appointments would be staggered to mitigate some of the traffic and have shielded the existing lighting on the property to mitigate light trespass onto neighboring properties.

- *Consider whether the proposed home occupation would be detrimental or disturbing to existing or future neighboring uses or to the public by means of traffic in excess of what is anticipated at a residence.*
- *Consider the proposed hours of operation; discuss with the applicant and determine if reducing them would make the use more compatible with this residential area.*

D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.

The subject site is currently developed with a single-family home and the subject accessory buildings. No additional clearing is expected to occur to accommodate the home occupation. For these reasons, staff do not find that the proposed home occupation use will have a detrimental impact on the natural features in preserving the general character of the area.

E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.

The home is adequately serviced by public and private utilities. There was no indication of any sanitary facilities within the accessory buildings on the floor plans provided by the applicants. The proposed home occupation would not create any burden on infrastructure.

F. Specific Use Requirements: Section 49.120

See evaluation under Section 49.120.

Section 49.120: Home Occupation

A. The Planning Commission may authorize as a Special Use, a home occupation which departs from the criteria stated in Section 48.60.A.2, 4, and/or 6; provided, however, that any home occupation so authorized shall meet the following conditions:

1. All other criteria stated in Section 48.60.A. shall be met.

All other requirements stated in Section 48.60.A have been met. The proposed home occupation will be operated entirely within enclosed structured, will be conducted by the people occupying the premises, no goods are expected to be sold from the premises that are not strictly incidental to the home occupation (such as golf clubs or other golf related equipment sold to individuals taking a lesson), and there will be no outdoor storage, or display. There will be no exterior evidence to indicate the presence of the home occupation. No commercial vehicles will be entering or leaving the property.

2. All applications for Special Use shall include a statement setting forth a detailed description of the proposed Home Occupation(s), its location, and purpose(s) for which the proposed or existing accessory building, if any, will be used.

A use statement has been provided outlining the proposed home occupation. Requirement satisfied.

3. The number of nonresident employees working on-site cannot exceed one (1) at any time.

The applicants specified that there will be no non-resident employees working on-site. Requirement satisfied.

4. Operation of a Home Occupation within a completely-enclosed accessory building subject to Site Plan review and approval by the Planning Commission and the following limitations:

For properties three acres or more, the area of accessory building that can be utilized for a home occupation is up to 1,200 square feet. At 940 square feet, the size satisfies these requirements. The remaining requirements of this section are also satisfied.

- B. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Commission shall consider the characteristics of the proposed Home Occupation and/or accessory building in relation to the following: the purpose and intent of this Ordinance, size of property, size of dwelling, proposed location on the property, existing land uses in area, and future land uses as reflected in the Master Land Use Plan.**

The Planning Commission may attach requirements to such Home Occupation and accessory building when it deems necessary to avoid or mitigate adverse impacts on surrounding properties which may include, but is not limited to, a reduction in the size of the building and increased setback requirements.

This information has been presented in the staff report along with the letter of intent and supplemental documentation submitted by the applicants. The Planning Commission may elect to add or amend the conditions of approval. *The Planning Commission may, for example, find that the use is appropriate if the operation hours are limited, such as limiting hours to 10 hours per week per instruction (20 hours per week total), and/or not allowing lessons to occur on certain days of the week, such as Sundays.*

RECOMMENDATION:

Planning Department staff recommend that the Planning Commission review the information included in the staff report and attachments, with attention to the Special Use criteria, have an open dialogue with the applicants, consider the public comment, and make a motion on the **special use request to establish a golf and softball operation as a home occupation within the two (2) existing accessory buildings located at 2100 S 4th Street** by approving, approving with conditions, or denying the request.

If the Planning Commission makes a finding to approve the request, staff suggest the following conditions be included:

1. The golf and softball instruction shall be conducted only in the existing accessory buildings on-site. At no point shall that operation utilize more than 1,200 square feet in area within the accessory buildings **or include instruction of any other sport or by anyone other than the applicants.**
2. All other requirements stated within Section 48.60.A of the Township Ordinance shall be met at all times. If any complaints are received and verified by the Township regarding the subject home occupation that violate the other requirements of Sections 48.60 or 49.120 or exceed what was specifically mentioned in this report **or any condition of approval**, this approval will be voided; the home occupation will cease immediately and become an Ordinance Enforcement matter to resolve.
3. The unpermitted driveway shall be coordinated with the Road Commission of Kalamazoo County and be removed as **may be** required by RCKC policies **and be permanently gated to prevent access from South 4th Street.**
4. **Residential signage, neither exceeding 3 square feet in sign area nor located in the public right-of-way, shall be added to the applicant's frontage on South 4th Street and shall indicate the house number of the applicants (2100).**
5. **Screening in the form of a solid fence shall be added to shield the accessory buildings and ground activity near the south property line, extending from west of Building A to east of Building B.**
6. The home occupation shall only operate in the approved operation hours **and days of operation. Appointments shall not overlap.**

7. A building permit shall be properly issued by the Oshtemo Township Building Department for building A.
8. Any sales that occur on the property must be incidental to the home occupation and shall not be made to members of the public not receiving instruction.

Attachments: Application, Use Statement, Site Sketch, Floor Plan, Accessory Building photos, Legal Department Memo, Building Department Stop Work Order, Sections 48.60 and 49.120, Public Comment, documents provided by applicant at the May 22, 2025, Planning Commission meeting, and Past Home Occupations Minutes



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-375-4260 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS _____ William and Jaymie Nelson 2100 S 4th St Kalamazoo, MI 49909

PLANNING & ZONING APPLICATION

Applicant Name: William and Jaymie Nelson
Company: Shooter's Golf Shop LLC and Nelson Softball Experts LLC
Address: 2100 S 4th St. Kalamazoo, MI 49009
E-mail: jnelson1@portageps.org
Telephone: 269-760-3088 Fax: _____
Interest in Property: Homeowners

OWNERS*:

Name: William and Jaymie Nelson
Address: 2100 S 4th Street
Kalamazoo, MI 49009
E-mail: bnelson@vbisd.org
Phone & Fax: 269-217-1420 _____

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____

Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|---|
| <input type="checkbox"/> Pre-Application Review | <input type="checkbox"/> Accessory Building Review – I083 |
| <input type="checkbox"/> Site Plan Review – I088 | <input type="checkbox"/> Rezoning – I091 |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089 |
| <input checked="" type="checkbox"/> Special Exception Use – I085 | <input type="checkbox"/> Interpretation – I082 |
| <input type="checkbox"/> Zoning Variance – I092 | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Site Condominium – I084 | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

Please See Attached

1

Rev. 9/14/22

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

SEC 29-2-12 S1/2 N1/2 OF SE1/4 NE1/4 * **1-87 1986 SPLIT FROM 29
280 _____

PARCEL NUMBER: 3905-__0529280016__

ADDRESS OF PROPERTY: _2100 S 4th S Kalamazoo, MI 49009__

PRESENT USE OF THE PROPERTY: _Home Residence__

PRESENT ZONING: ____Rural Residential__

SIZE OF PROPERTY: ____10 Acres__

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A
LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

_____	_____
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Owner's Signature (**If different from Applicant*)

Date

Applicant's Signature

Date

Copies to:
Planning – 1
Applicant – 1 Clerk
– 1
Deputy Clerk – 1
Attorney – 1
Assessor – 1
Planning Secretary – Original

ATTACH ALL REQUIRED DOCUMENTS

****** PLEASE**

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

PARCEL NUMBER: 3905-

ADDRESS OF PROPERTY:

PRESENT USE OF THE PROPERTY:

PRESENT ZONING: **SIZE OF PROPERTY:**

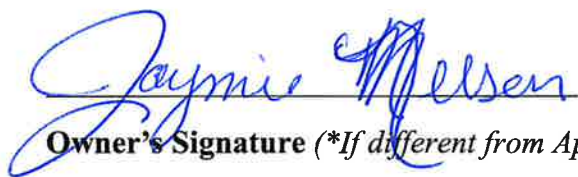
**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING
A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.



Owner's Signature (*If different from Applicant)

4/17/2025

Date

Applicant's Signature

Date

Copies to:
Planning – 1
Applicant – 1
Clerk – 1
Deputy Clerk – 1
Attorney – 1
Assessor – 1
Planning Secretary – Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

\\Oshemo-SBS\\Users\\Linda\\LINDA\\Planning\\FORMS

Rev. 9/14/22

William and Jaymie Nelson
2100 S 4th Street
Kalamazoo, MI 49009

Re: Special Exception Use Statement

Dear Oshtemo Township,

We are requesting a special Exception to allow the use of existing barns located on our rural residential property for the purpose of providing individualized training and educational support for students and young adults in our surrounding community. The simulator area and batting cage will serve as a quiet, one-on-one instructional space where we will work with youth and young adults—including individuals with special needs—to build life skills, strengthen job readiness, and foster greater independence, as well as the confidence to believe in themselves.

While commercially zoned properties exist, they are not practical for providing accessible, one-on-one golf instruction and softball instruction to local youth in a calm, supportive, and cost-friendly environment. As special education teachers, we work with students who often experience anxiety, fear of failure, or low self-esteem. A quiet, familiar setting allows them to feel more at ease than they would in a busy or impersonal commercial location. Requiring us to relocate to commercial space would create unnecessary barriers to a positive, confidence-building experience and is simply not feasible.

A significant portion of this work focuses on supporting youth from low socioeconomic backgrounds. We often volunteer our time to provide these services at no cost to families, and we donate much of the equipment and materials used during instruction. Our goal is to remove barriers to opportunity and create a space where every individual feels empowered and supported, regardless of their financial circumstances.

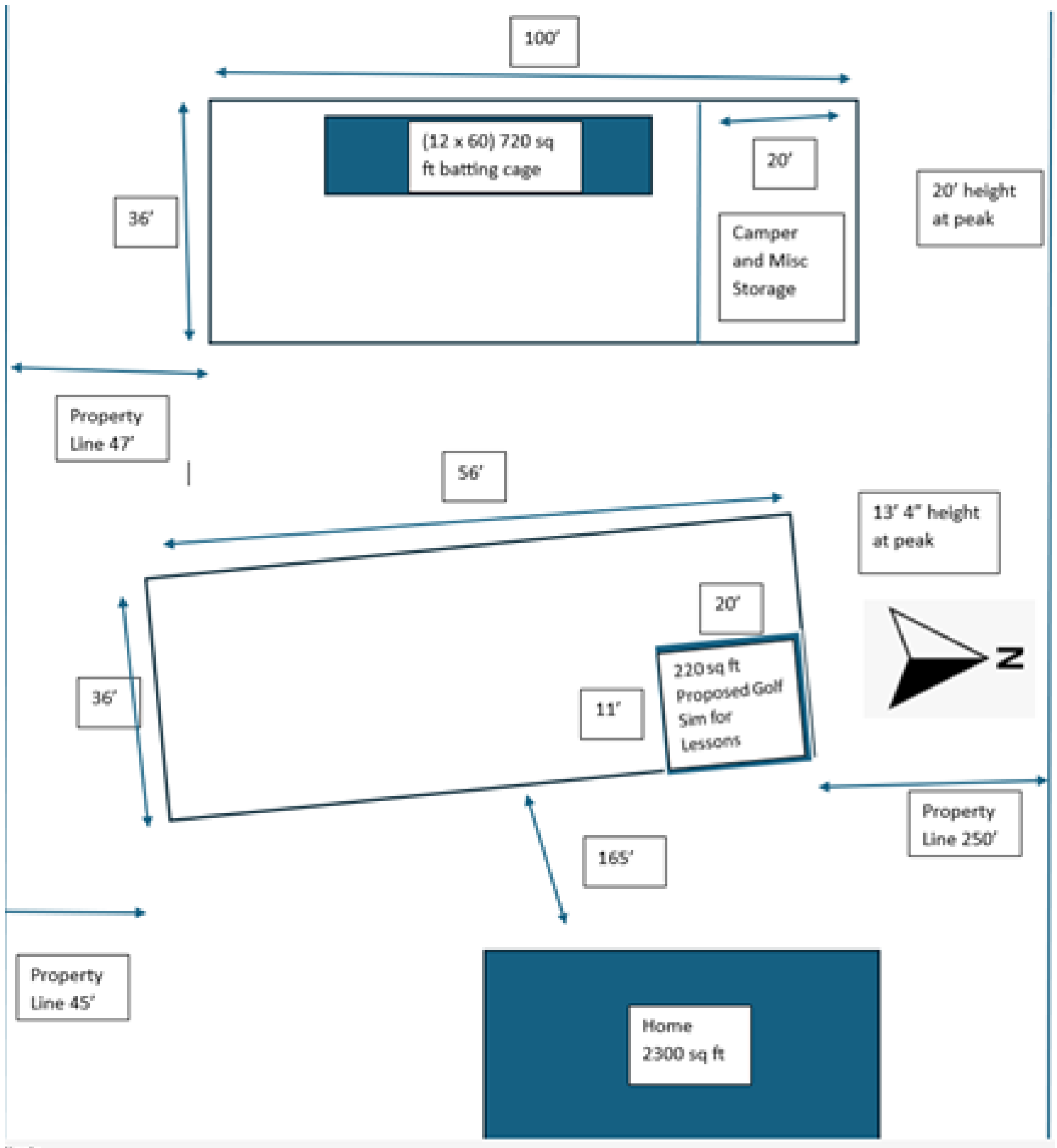
All lessons will be conducted by appointment only, with no drop-in services or large group programming. The individualized nature of the sessions ensures a low-impact presence that aligns with the peaceful, rural character of the property and the surrounding neighborhood. Softball instruction will be limited to approximately 8–10 sessions per week, focusing on one-on-one and small group lessons (no more than three participants at a time). As parents, we are mindful of both our family's needs and our community. To balance time with our daughter and help reduce traffic flow, we are limiting lessons to the hours of 3:00–8:00 PM on weekdays and 8:00 AM–8:00 PM on weekends and during the summer. One of us will always be home during lessons, and we will stagger appointments to maintain a manageable schedule and minimize any disruption to the area. No structural changes to the barn are required that would alter its appearance or rural character. On-site parking will be available and will not interfere with traffic flow or neighboring properties. The use of this space supports my broader mission to provide meaningful, personalized training in a calm, supportive environment while giving back to the community.

This request aligns with Oshtemo Township's history of supporting low-impact, community-centered initiatives. The use is educational in nature, tailored to individual instruction, and contributes positively to youth development and reflects the Township's values of responsible land use as well as fostering opportunities for growth and enrichment without disrupting surrounding properties.

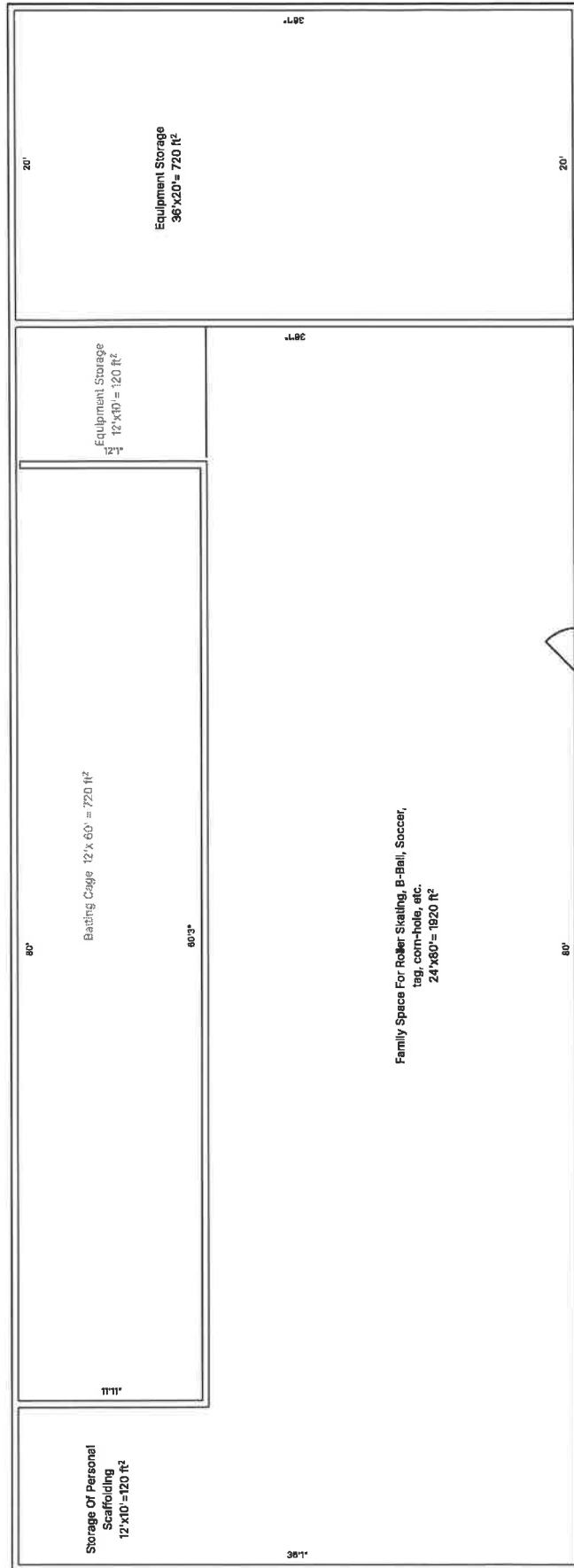
We respectfully request the approval of this special exception so that we may offer these services in a way that benefits individuals in our community while preserving the integrity and quiet nature of the area.

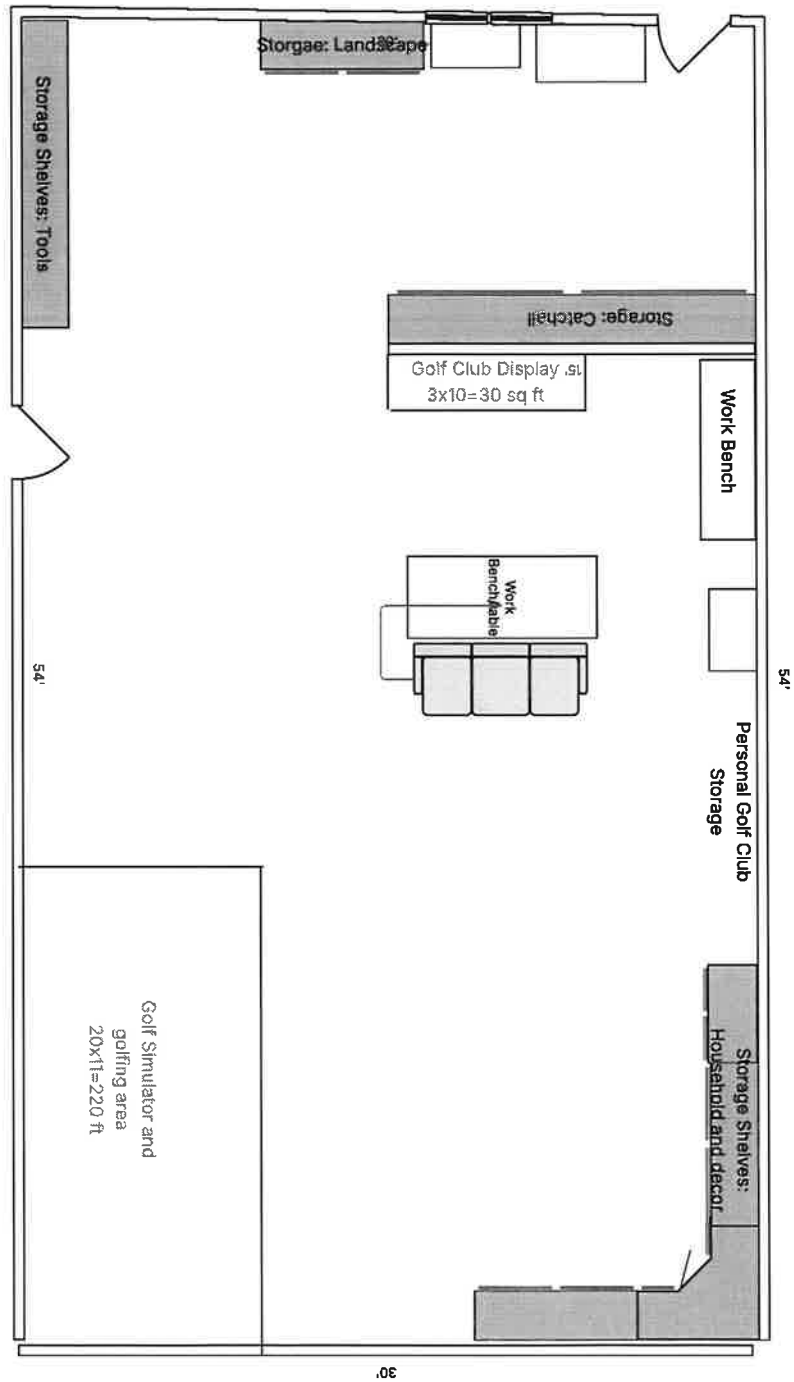
Respectfully,

William and Jaymie Nelson



11/10/2020







TOWNSHIP ATTORNEY'S OFFICE
7275 WEST MAIN STREET
KALAMAZOO, MI 49009-9334
PHONE: 269-375-7195
FAX: 269-233-5410

April 15, 2025

Bill & Jaymie Nelson
2100 S. 4th St.
Kalamazoo, MI 49009
bnelson@vbisd.org
jnelson1@portageps.org

RE: Home Occupations at 2100 S 4th St.

I am writing on behalf of the Township in response to your recent conversations with representatives from the Planning & Zoning Department. Thank you for providing information regarding the accessory building being used for softball lessons. Based on the dimensions you shared, it appears the use of the structure could comply with the home occupation requirements outlined in Section 49.120 of the Township Zoning Ordinance, provided those standards are followed. However, there is an additional matter that must be addressed.

There is a second accessory building on the property that houses a golf simulator and is also used for the sale of golf clubs. I must express some concern regarding your reluctance to acknowledge, during discussions with Planning & Zoning personnel, that golf lessons are being conducted within this structure. Your reputation as a golf instructor is well established within the community and we have received confirmation from multiple sources that lessons are indeed being offered in this space.

Given that only 840 square feet of the available accessory building area is currently being used for the softball-related home occupation, it could be permissible to conduct golf lessons within this second building as a home occupation—provided the instructional area does not exceed 360 square feet. However, in order to proceed with this use, you will also need to apply for and obtain a Special Use Permit from the Planning Commission, which may or may not be approved.

I would strongly urge you to follow the directions of the Planning & Zoning personnel and file an application to authorize both the softball lessons and golf lessons within the two accessory buildings. Should you choose not to take the appropriate steps to bring your property into conformance with the Township Zoning Ordinance, I will have no other choice but to initiate legal action to enforce compliance.

Very truly yours,

James W Porter

James W. Porter



Ordinance Enforcement Department
7275 West Main Street, Kalamazoo, MI 49009
269-216-5227 Fax 269-375-7180
www.oshtemo.org

**VIOLATION NOTICE:
PERMIT(S) REQUIRED / STOP WORK ORDER**

03/20/2025

William & Jaymie Nelson
2100 S 4th Street
KALAMAZOO, MI 49009

RE: 2100 S 4th Street (Pole Barn) Parcel: 05-29-280-016 Case #: EN25-05-0027

Dear Property Owner(s):

On 3-19-2025, it was brought to the Ordinance Enforcement Department's attention that site alterations and building construction work which require site plan review / approval and **PERMIT(S)** were performed at the above address. This violation must be corrected to comply with the **Michigan Building Code** and **Oshtemo Charter Township Ordinances**.

The required PERMIT(S) must be obtained, and your property must have required INSPECTION(S) by **04-02-2025**. If permits and satisfactory inspections do not occur by that date, the responsible contractor(s), owner(s) and/or their representative(s) may be responsible for a municipal civil infraction.

The Oshtemo Charter Township Ordinances are available at www.oshtemo.org. If you have questions regarding this violation notice, please contact Building Official Ted Hanson at 269-341-1909 or by email at thanson@oshtemo.org

VIOLATIONS & COMMENTS ABOUT THE PROPERTY ARE AS FOLLOWS:

3-19-2025. It has come to Ordinance Enforcement Dept attention that work which requires PERMIT(S) was performed at 2100 S 4th street (accessory pole barn building) without the benefit of the required permit(s) being obtained.

Regards,

Ted Hanson
Building Official
Oshtemo Township

My name is Meg Blinkiewicz and I reside at 2258 South 4th Street. I, along with my husband, daughter, and son, who occupy our home, are here to formally request that you DENY the Nelson's request for a special use approval to **establish** a golf and softball operation as a home occupation within two (2) existing accessory buildings at 2100 South 4th Street.

So, why are we here? Officially, it's to review a special use request but do you really know why we're here? We're here because the Nelsons have been operating two commercial businesses since 2018 and built building A, a 3,600 SF monstrosity, in 2021, without any knowledge of the township, meaning no permits, no inspections, nada. Billy Nelson and his friends dug a trench for the gas and electrical lines in 2021. Again, no permits, no inspections, ever. We live in fear that that building could explode at any time.

As the township's regulations state, "the proposed use must be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted."

We are here to provide evidence regarding the harm caused by these two established commercial businesses to our property over the past three years.

- First, over 500 cars visit the Nelson's businesses each month, using an illegally built road. This traffic volume will not be reduced by the proposed hours as each business will be operating for more than 40 hours/week;
- Second, a significant number of their customers drive on our property;
- Third, the damage their customers have caused to our property; and
- Fourth, the overall nuisance the two established businesses cause us.

My family members will provide specific evidence while I will provide historical and personal perspectives.

For background information, and for the record, our property directly abuts the Nelson property on the south side. Our property has been in my family since 1968 when my parents purchased it and built their dream home. I grew up on that property as did my children. My husband and I became legal owners in 2005 and raised our family there.

I also want you to know that my father, George Vuicich, sat where you do for over 20 years; volunteering on the Oshtemo Township Zoning Board and Zoning Board of Appeals. He proudly stewarded in such businesses as Metro Toyota and Edwards Inc.

I say this because these are examples of the way the **legal land use process works**. Commercial businesses operate **ONLY** on commercially zoned property. Golf Services does this in Oshtemo Township and Worden's Softball did this in Oshtemo Township and

now on Sprinkle Road. Jaymie Voss Nelson knows this firsthand as she taught at Worden's for many years. Kim Worden started in a small, commercially zoned building, on N Avenue, and when her business grew, she moved it to the industrial park on Sprinkle Road.

Furthermore, I would like to offer a different perspective on the nature of the softball business being operated in building A than the one described in the letter provided by the Nelsons. Every weekend travel softball teams practice at building A. We have witnessed multiple girls being dropped off with matching backpacks, with their travel logos on them. Nelson Softball Experts LLC is not providing a community service, far from it. It provides a community RISK by never being permitted or inspected.

I have spent thirty years working in the nonprofit youth development sector. I know the licensing requirements for youth development organizations and I know Nelson Softball Experts LLC has not been licensed as a youth development organization by the state of Michigan. To say that these commercial businesses are providing a "community service" is so far from the truth it's laughable. It's also reprehensible to the youth development sector.

I want to close by asking one simple thing of you: follow the regulations that have served honest property owners in Oshtemo Township for decades. We are among the property owners that fully abide by all laws, ordinances, and regulations and we should not be punished for doing so. If you allow the Nelsons to operate these two commercial businesses, in any fashion, we will pursue other options to ensure our rights as property owners are upheld.

Thank you for your consideration.

Dated: May 22, 2025

My family has lived on our property for generations. My grandparents built our home and barn (all with the necessary permits) and I have grown up in that house. I have loved living on our property due to the calm and tranquil environment that living in a rural residential area provides. For several years now, our home has been disturbed, and my family's lives have been negatively impacted by the businesses run by the Nelsons. For someone to come and consciously disobey the laws and disrupt the sanctuary that is our home is utterly inexcusable.

People live in rural residential areas to avoid living next to commercial businesses. The constant traffic, including regular traffic in our own driveway, disrupt the peace that should be afforded to us in our own home as well as posing a potential safety threat to our home and the animals at our barn. I shouldn't have to fear for the safety of my horse because of the strangers coming onto our property and down to our barn because of their business.

Additionally, if this is approved, even with conditions, how are we to trust that they will actually follow the conditions set forth by you since the Nelsons have blatantly ignored all laws with respect to constructing the buildings without permits and running the businesses for years without requesting special permission before now. They have absolutely proved that they are not trustworthy to abide by any conditions set forth by you. The only reason they are requesting permission at this time is because we, as their neighbors, brought it to your attention due to the harmful impacts that the businesses are causing my family and our property. By granting their special use request, you are saying that it is perfectly fine for township citizens to break the laws set forth by the township and not receive any repercussions for their unlawful actions. Everyone else in the area has obeyed the laws and it would not be fair to every other law-abiding homeowner in the area to approve this request. If the Nelsons want to run businesses, they can do so by obeying the law and running them on property that is zoned for commercial use. Please outright deny their request as that is the lawful and morally right thing to do.

Sincerely

Hailey Blinkiewicz

My name is Gary Blinkiewicz, and my family lives at 2258 S. 4th Street. Our property is the adjoining parcel to the south of the Nelson property. According to the Charter Township of Oshtemo Zoning Map shown on the township website, our property and the Nelson property are both Zoned RR – Rural Residential District.

I would like to provide some insight regarding our properties and information I learned after reviewing the Oshtemo Township Report regarding the Nelson property. Additionally, I would like to provide specific information regarding how the commercial activities conducted on the Nelson property have directly impacted our property.

The previous owners of the Nelson property maintained a concrete slab which was referenced in a letter that was included in the Oshtemo Report where the current large barn is located. The concrete slab was used by the previous owner's family which they flooded with water in the winter to make ice so they could play hockey. When my kids were younger, they used to join them skating and playing hockey. The concrete slab was never intended as a base for an additional structure.

The previous owners of the Nelson property maintained a galvanized metal gate supported by two 4 by 4 wooden posts that did not allow access to 4th Street. These two wooden posts and metal gate were removed by the Nelsons, and the road was improved with gravel which allowed access to 4th Street. The Oshtemo Report states The Road Commission of Kalamazoo County definitively ruled that this unpermitted road needs to be removed as required by the RCKC policies.

There have been multiple impacts to our property. I have personally witnessed two vehicles that have driven their vehicles onto our driveway and driven on our path to our barn. On one instance I was driving my John

Deere tractor on our barn path and a large, white, luxury SUV was driving directly towards me. I held my ground until the driver had to drive in reverse to leave our property. While at the barn, I personally witnessed another vehicle, realizing they were on the wrong property, proceeding to make a Y-turn through the middle of my garden while I was standing there watching them turn. On at least five other occasions I observed cars driving on my barn path and I needed to go outside and help them turn around to leave our property. On one of those occasions, the driver was yelling at me because it seemed to be an inconvenience that they had to turn around on our property and drive back to get to the Nelson property. Funny considering the driver was trespassing on our property.

There is continuous vehicle traffic on the road created by the Nelsons. In the winter when it is darker earlier, our dogs bark constantly since they react to the headlights from the cars shining directly into our living room and kitchen. We observe vehicle traffic daily whether it is from inside our house, or while standing on our driveway to our house, or when we are down by our barn.

Our veterinarian who resides in Oshtemo Township, came to our residence for a routine appointment for our horses we have on our property. After seeing the large barn for the first time, she stated "What a Monstrosity." I valued her honest opinion considering she has probably seen her share of barns located in Township while doing site visits, and knows its size is inappropriate for the Township.

Let us address the elephant in the room based on the Oshtemo Report regarding the Nelson property. Both the large and smaller barns are being operated as commercial businesses. Why? Because purchasing RR Rural Residential Zoned property is less expensive and bypasses the higher costs of purchasing Village Commercial Zoned property, appropriate for the activities that currently being conducted on the Nelson property.

The Oshtemo Report stated the large barn is being used for Special Needs Children, which is a truly admirable cause. However, after seeing groups of girls arriving for softball training with matching team bat bags and uniforms from the driveway of my house or when I'm with my wife tending to our horses at our barn, to think the large barn is being used solely for Special Needs Children softball training, and also not being operated as a for-profit softball training commercial business, is at best laughable.

Why would I ever approve of allowing two commercial businesses being operated on Rural Residential Zoned property? What is the incentive for me? I have rights as a homeowner. The Nelson's actions documented in The Oshtemo Report to date prove they cannot be trusted. The Oshtemo Report clearly states the initial Permit to Build was never obtained to construct the large barn, they built an entire barn structure which the Township didn't even know existed, a site plan review/approval was never received from the Township regarding the barn, and the required inspections were never completed including the utilities following the completion of the barn.

The Nelsons's operation of commercial businesses has impacted and will continue to impact my property while at the same time decreasing the value of our own residential property. I'm in complete disbelief regarding this entire matter. Everything regarding this matter is related to the Nelson property, and their failure to take responsibility and be accountable for their own actions. Our only involvement is that our property adjoins the Nelson property to the south, and that we are being impacted by their activities. If they want to continue operating the softball and golf commercial businesses, so be it, but do it somewhere else, preferably on a Village Commercial Zoned property. I request that Oshtemo Township deny the request for a Special Exception Approval.

To Whom It May Concern:

I am writing this letter on behalf of my daughter and other girls affected by recent events regarding Jaymie Nelson and her gifts back to the softball community. For the last two and a half years, my daughter has benefitted greatly from the mentorship and instruction by Mrs. Nelson. She considers Jayme her biggest advocate and advisor as she progresses further in her passion for pitching. She and I were personally devastated to learn that Mrs. Nelson is unable to provide the support and advice that has been a constant for Emma.

Jaymie is a former Division 1 pitcher with an extensive knowledge of the game of softball and pitching. Her wealth of knowledge of the mental and physical aspects of softball pitching are truly invaluable. In southwest Michigan, there is a dearth of pitching coaches as many have retired and so few have stepped into the role of mentor. In this vacuum, Jaymie has been a boon to the community by offering her counsel for a meager fee. My son plays baseball and the same coaching he receives is almost double what Jayme charges. Her motivations for providing the lessons of life, mental fortitude, and the art of softball pitching to these young women is truly altruistic.

I have spoken with Jaymie many times about her reasons for coaching and she always refers to the mentors she had as a young pitcher. She remembers the lessons and the relationships they offered and wishes to provide the same support to the young women of southwest Michigan. I cannot speak highly enough of the sage advice, coaching, and emotional support that Jaymie has personally given to my daughter, Emma.

I am writing this letter to request that Jaymie receive the same support and consideration from you and your office that she has provided to our young women.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Bonnet', with a stylized, cursive script.

Dr Jonathan Bonnet DDS MD

Erin Rumery
3767 Oakharbor St.
Kalamazoo, MI 49009
269-929-2578

Oshtemo Township
7275 W Main Street
Kalamazoo, MI 49009

To Whom it May Concern:

I am writing as a resident of Oshtemo Township to express my strong support for the continued operation of the private softball instruction business being run out of a residence within our community by Jaymie Nelson. This small-scale, youth-focused service offers pitching and hitting lessons to local softball players and provides a valuable resource that greatly benefits our families.

As a parent/community member, I know how difficult it can be to find accessible and affordable athletic development opportunities for our children, especially young girls involved in sports. The nearest alternatives for softball instruction are located in Mattawan or Vicksburg, which require additional travel time, cost, and scheduling challenges for many families. Having a qualified local coach offering instruction right here in our township is a tremendous asset.

From what I have observed, the business is operated with minimal impact to the surrounding neighborhood—sessions are by appointment, not run as a high-traffic commercial operation, and are conducted with respect for nearby residents. The children participating benefit not only in athletic skill development but also in building confidence, discipline, and community engagement.

Rather than viewing this as a zoning issue to be shut down, I hope the township will recognize the positive role this service plays in our local community. I respectfully urge you to allow this small home-based business to continue operating.

Thank you for your time and consideration.

Sincerely,
Erin Rumery

Kelly Burdgick
Tom Burdgick

April 19, 2025

To Whom It May Concern,

We are writing to provide a testimonial for Jaymie Nelson. Our family has known Jaymie for over 10 years. She has shared her expertise and passion of softball with our two daughters. Our youngest currently goes to Jaymie for hitting instruction.

We have had the pleasure of working with Jaymie and view her as a role model for our girls. We have been thoroughly impressed with her knowledge and ability to pass that on to our players as well as other young ladies. Our daughter that is currently taking lessons has benefited greatly from Jaymie's training the past 5 years.

Based on our experience, we would highly recommend Jaymie to anyone looking for pitching/hitting lessons. Her professionalism, reliability, and dedication make her an outstanding trainer.

Please feel free to contact us with any further information or questions.

Sincerely,

Kelly and Tom Burdgick

Kelly Burdgick
269.806.2500
Tom Burdgick
269.217.5324
tkburdgick@sbcglobal.net

Becky Murphy
8869 Dealer Drive
Richland, MI 49083

May 21, 2025

Oshtemo Charter Township
7275 W. Main St.
Kalamazoo, MI 48009

To Whom It May Concern,

I am writing this letter to express my full support for the Nelson family and their ongoing efforts to support youth athletes within Oshtemo Charter Township and the surrounding communities. Jaymie's dedication to nurturing young talent and creating a positive, empowering environment for these athletes is truly commendable.

As a mother of a young female athlete and head coach within one of the oldest nonprofit travel softball organizations in the Kalamazoo area, I have firsthand experience with the difficulty of finding both private softball instruction and adequate training facilities. Jaymie not only offers a space protected from the elements, but she also serves as a mentor to the young women of our community, sharing her love and passion for the game. She has been blessed with an extraordinary talent and wholeheartedly desires to pass it on to the next generation.

I understand the challenges your Board of Directors may be navigating; however, I firmly believe that the benefits the Nelson family and their facility bring to our community far outweigh any obstacles. I respectfully urge you to support the Nelson family in their endeavors—for the good of our youth and the future of local athletics.

Please do not allow our young athletes to lose such a valuable resource.

Sincerely,

Becky Murphy

Community Member/Mother/Coach
269-615-5009

To: Oshtemo Zoning Board of Appeals
Subject: Support for Zoning Exemption at 2100 S 4th St

Dear Members of the Oshtemo Zoning Board of Appeals,

I am writing to express my strong support for the zoning exemption request associated with the property located at 2100 S 4th St. I'd like to share how profoundly Coach Jaymie has impacted my daughter Addison's life and why her continued work at this location is so valuable to our family and the greater community.

Before finding Coach Jaymie, we spent months searching for a pitching coach who could offer both skill and mentorship. We eventually found someone, but the experience was disappointing—Addison was taught outdated mechanics, which led to confusion and a noticeable blow to her confidence in the circle. What was once her passion became a source of stress and doubt.

That all changed when we found Coach Jaymie. From day one, she not only provided modern, effective pitching instruction, but she also connected with Addison in a meaningful and encouraging way. Pitching is more than just a physical skill—it requires mental strength, focus, and self-belief. Jaymie understands this balance, and she's helped Addison rebuild her confidence and rediscover her love for the game.

Addison now walks into practice—and onto the mound—with a sense of pride and determination that we hadn't seen in some time. The growth she's experienced both athletically and personally is a direct result of Coach Jaymie's guidance.

Being able to practice year-round indoors at 2100 S 4th St provides a safe, supportive space where pitchers can train and grow under the mentorship of a coach who truly cares. Granting this exemption would allow Jaymie to continue her vital work and further strengthen the positive impact she's making in the lives of young girls.

Thank you for your time and for considering our perspective. I hope you will support this exemption and allow Jaymie to keep making a difference in the lives of young athletes like my daughter.

Sincerely,

Jesse Okeley
3421 Kenilworth
269-270-2022

Opposition to Special Exception Use Request for Educational/Instructional Activities in Rural Residential Barns

Dear [Zoning Board/Planning Commission Members],

I am writing to express my opposition to the Special Exception Use request that seeks to allow the operation of individualized golf and softball instruction, as well as broader training and educational services, from existing barns on a residential property in our rural neighborhood.

While I appreciate the applicants' desire to support youth development and commend their work in education, I have significant concerns about the impact this proposed use may have on the character, safety, and overall quality of life in the community I grew up in starting in 2005.

1. Incompatibility with Residential Zoning

This proposal introduces a **commercial-like activity** into an area specifically zoned for **residential use**. Even if the intent is educational and the services are provided by appointment, the nature of the use, including regular instructional traffic, sports activity, and professional operations—more closely aligns with a business than a private residential function. Granting this exception could set a concerning precedent for other commercial uses in our rural neighborhood.

2. Increased Traffic and Safety Risks

Despite assurances that lessons will be scheduled and traffic staggered, 8–10 weekly sessions, with up to three participants each, could result in dozens of additional vehicle trips per week on roads that are not designed for regular visitor traffic. This raises concerns about road wear—namely on the illegal access-road leading to and from the barns, pedestrian safety, and noise, especially during early weekend hours or summer months when activity may increase.

3. Noise and Disruption

Softball instruction, even in small groups, involves physical activity, equipment use, and potentially loud interactions, all of which may be disruptive to adjacent properties. Rural residents often choose this setting for its tranquility, and the introduction of repeated recreational or instructional noise threatens to erode that peace. In addition, on 3/13/25, I had a call from my distressed mother that customers of 2100 S 4th Street decided to take their truck and destroyed my parents' garden by doing donuts in their pickup truck. Hardly an exemplification of fostering growth in our community's youth while not disrupting surrounding properties like petitioner's claim.

4. Long-Term Use and Oversight

There is also concern about the long-term implications of this exception. While the request is framed as low-impact and family-oriented, there are few guarantees in place to limit growth or expansion of the activities in the future. Without regular oversight, an increase in frequency, group size, or additional offerings could occur, further impacting the neighborhood.

5. Alternative Locations Are Available

The applicants note that commercially zoned spaces are less ideal, but that does not justify overriding zoning rules designed to protect the character of our rural neighborhoods. There are more appropriate locations—such as local parks, schools, or existing community centers—that are better suited for this type of public-facing instruction.

In conclusion, while the applicants' intentions may be admirable, the proposed use is fundamentally incompatible with the purpose and expectations of our rural residential zoning. I respectfully urge the board to deny this Special Exception Use request in order to preserve the integrity of our neighborhood and uphold the zoning protections that maintain our community's character and livability.

Thank you for your time and consideration.

Sincerely,

Andrew Blinkiewicz

May 18, 2025

To: Oshtemo Charter Township

Re: Special Exemption Use: Nelson Home Occupation
(2100 S. 4th St. Parcel 3905-29-280-016)

I write in support of the case my sister, Meg Blinkiewicz, has brought before you regarding the illegal structures built on the above referenced land.

The 10 acre parcel directly south of the Nelson home, 2258 S. 4th St., was purchased by my parents, George and Ellamae Vuicich in 1968 after a long search for the right place to build their forever home. Each of us in our family of five walked the property before the purchase. It was purchased for the sole purpose of providing a **residence** for us and our descendants on which to live. At that time the 10 acre parcels on either side of us were unoccupied. Over the years families bought both of these parcels, built homes and became part of the **residential** community on that stretch of S. 4th St.

All that changed when the current owners of 2100 S. 4th St. decided to run not one but two businesses on land zoned by Oshtemo Charter Township as residential. Not only are businesses now run on the property but two large buildings were constructed **without proper permits or inspections to support those two private businesses.**

I've read several of the letters in support of the owners of these businesses, referencing their good work in teaching golf and softball to the community. Well done; but that doesn't exempt anyone from adhering to the law.

You might think that the path of least resistance would be to allow these structures and businesses to remain; after all, a few after the fact approvals and all might be well.

Until the next person starts a business or builds without Oshtemo Charter Township approval. And that person can now cite the precedent of 2100 S. 4th St. And so on until Zoning laws and land use laws mean nothing.

The law is meant to be enforced equally and as written.

Those who willingly choose to disregard it must be ready to face the consequences of their actions.

Please restore the use of 2100 S. 4th St. to that of a residence.

Thank you,

Lynne M. Godek

Leeanna Harris

From: James Porter
Sent: Thursday, May 22, 2025 10:57 AM
To: Jodi Stefforia; Leeanna Harris; Colten Hutson
Cc: Sierra Lucas
Subject: FW: Public Meeting Information 5/22/2025

Follow Up Flag: Follow up
Flag Status: Flagged

From: mitchell blinkiewicz <mitchblinkb@gmail.com>
Sent: Thursday, May 22, 2025 10:47 AM
To: Oshtemo <Oshtemo@oshtemo.org>; James Porter <jposhtwp@oshtemo.org>; Meg Blinkiewicz <blinkquads20@gmail.com>
Subject: Public Meeting Information 5/22/2025

CAUTION: External Email

Good morning,

This is Mitchell Blinkiewicz and I'm a resident at 2258 s. 4th st. I will be in attendance at tonight's public meeting and making a public statement regarding the Nelson's businesses. I'm sending these pictures in advance for adequate viewing time.

Thank you for your time and attention to detail in this matter.

< billy nelson

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**Billy Nelson**
Nov 8, 2021 · 🌐

...

If anyone needs camper, car, boat or any other storage options in the kalamazoo area. We are utilizing barn for that this winter. Plenty of room and message me for details.

17

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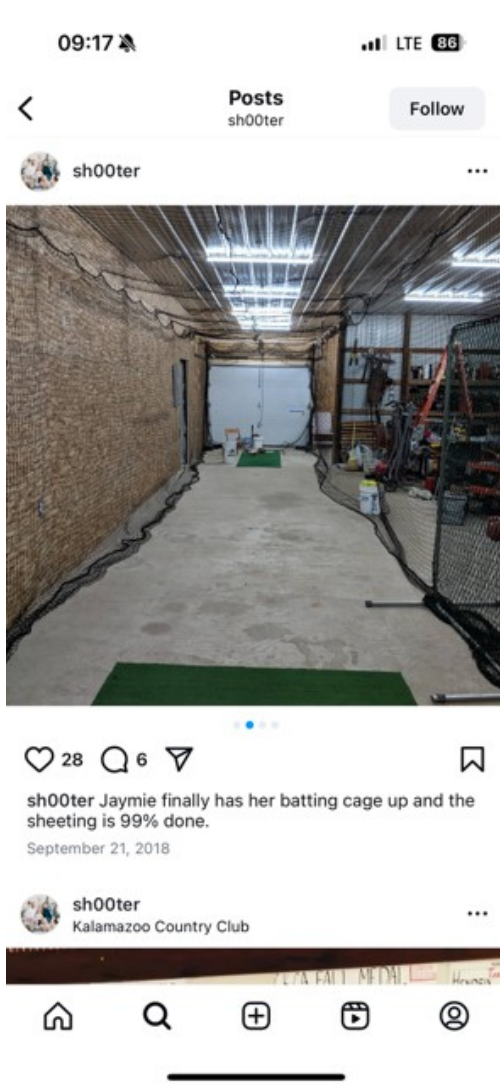
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31 1



sh00ter Oh boy. That was a little work. We can see the light!!!

September 4, 2022

29 1



sh00ter Up and running!

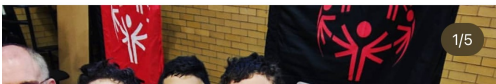
December 8, 2018



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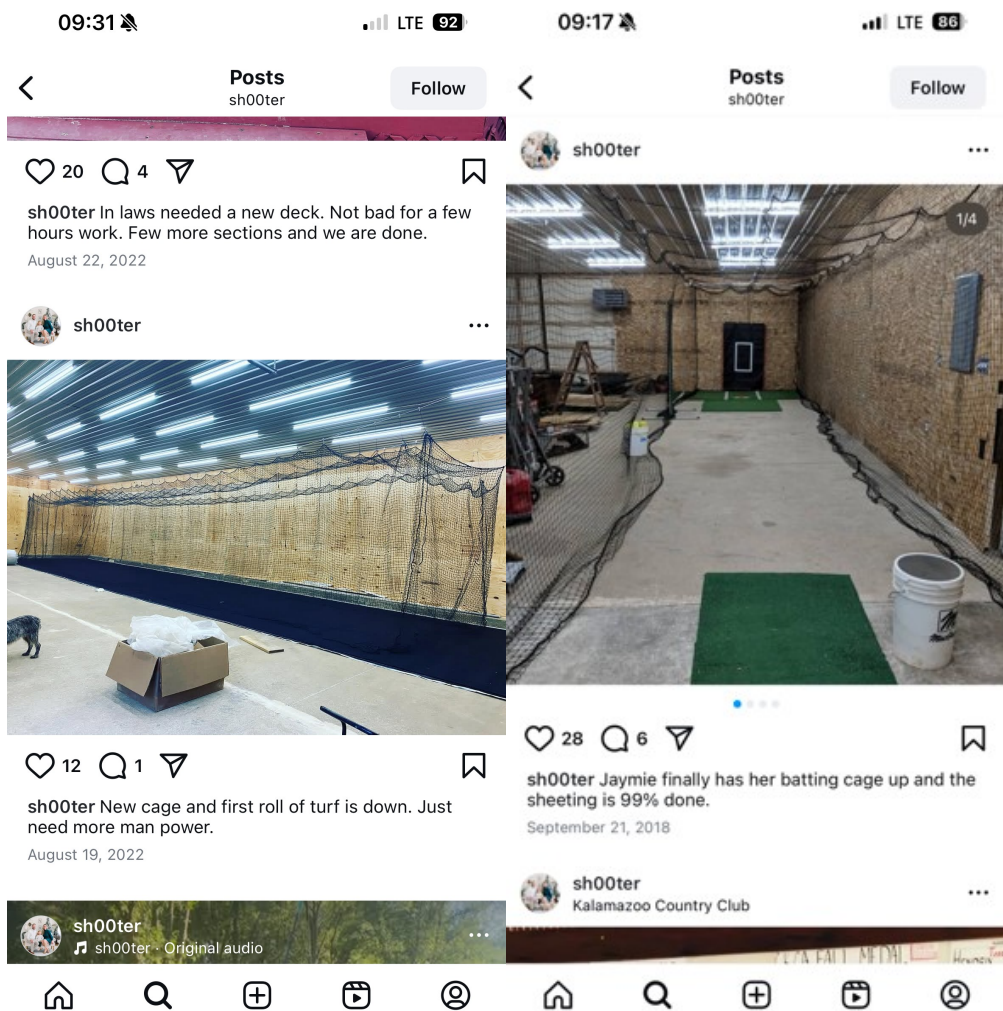


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From: Steve VanderSloot <svandersloot@signartinc.com>

Sent: Monday, May 19, 2025 12:31 PM

To: Oshtemo <Oshtemo@oshtemo.org>

Subject: Letter to Oshtemo Township Planning Commission Regarding Billy Nelson's Special Exception Use

CAUTION: External Email

Dear Oshtemo Township Planning Commision,

Billy has been working with my son Ryan VanderSloot, taking him from a beginner to a varsity golfer for Portage Central High School in a very short time. The instruction has been excellent but more impressive is the interest Billy takes in developing Ryan's self-confidence as a golfer and young man. I am truly grateful for the friendship and the positive role modeling Billy provides to Ryan. I plead you grant the special exception use so he may continue to do so.

Regards,

Steve VanderSloot Director of Sales

📞 269.381.3012
📠 269.216.5831
📠 269.217.1771



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April 16, 2025

To Whom It May Concern,

I am writing to express my full support for Coach Billy and to share the incredible impact he has had on our family. His influence reaches far beyond teaching the game of golf, he has become a mentor and a voice of encouragement to our children in ways that will last a lifetime.

Coach Billy has worked closely with our son Jaxon, and because of his coaching and guidance, Jaxon has already received his first college golf offer from Spring Arbor University. We are confident that more offers are on the horizon because of the confidence and skill set Billy has instilled in our boy.

But Billy's impact doesn't stop there he has also worked with our oldest son Evan and our daughter Reagan. The consistency of his encouragement, belief in their potential, and commitment to their personal growth has been extraordinary. This is more than just golf instruction. Coach Billy challenges and inspires our kids to believe in themselves, to push through obstacles, and to carry themselves with integrity both on and off the course.

Welcoming his coaching business into our community is not only beneficial, it's a blessing. I wholeheartedly support his application for a home business variance and believe his presence will continue to enrich the lives of many families in Oshtemo Township.

Sincerely,

**Pastor Dwaine Chapdelaine
1809 Romence Road
Portage MI 49024
269-329-2530**

Recommendation - Billy Nelson

I highly recommend Billy Nelson as a golf swing coach. Since working with him, my son has not only made significant strides in his swing mechanics and overall confidence on the course, but he's also developed a meaningful connection with a mentor he truly trusts and respects. Billy has a gift for meeting young athletes where they are—not just at their skill level, but in personality.

My son is naturally driven but is still a teenager, and Billy has created a space where he feels supported, challenged, and understood. Their relationship goes beyond golf though, it's become a genuine bond between an adult and a teenager built on mutual respect, encouragement, and trust. Billy has helped my son grow both as an athlete and as a young man.

Tim DeVries

Oshtemo Taxpayer and Resident

**Shooter's Golf Shop
Zoning Variance Letter of Support**

To Whom It May Concern,

I am writing to express my strong support for the zoning variance application for Shooter's Golf Shop, operated by Mr. Billy Nelson. Over the past year, I have been fortunate to receive golf instruction and mentorship from Mr. Nelson, and the impact on my life has been nothing short of transformational.

When I began working with Mr. Nelson, I was a recreational golfer with very little confidence in my game—or in myself. Within one year, under his guidance, I developed not just as a player, but as a person. I went from being a “nobody” golfer to earning a spot on a collegiate golf team. Today, I serve as a team leader, competing at the college level with confidence, discipline, and purpose. None of that would have been possible without Mr. Nelson's time, encouragement, and expertise.

His sessions are always quiet, respectful, and one-on-one. He works privately with individuals, often helping young people or those with learning or social challenges find confidence through a positive outlet. The setting is peaceful and focused—completely in line with the surrounding neighborhood.

This isn't just about golf—it's about mentorship, growth, and building character in a low-impact way that truly benefits the community. I hope you'll see the value of what Mr. Nelson is offering and approve his application.

Sincerely,

Fisher Edwards

46842 Anthony St.

Paw Paw, MI 49079

1-269-270-7482

Dear Oshtemo Township,

We are writing in support of our neighbors, the Nelson family. Our family has lived next door to them for many years, and during that time, they have consistently proven to be excellent neighbors and responsible stewards of their land.

Beyond simply being good neighbors, the Nelsons have gone above and beyond in their kindness and generosity. They have watched over our house while we were away on vacation, collected our mail, and even taken care of our dog as well as kept their eye on our property. They have been nothing short of wonderful, and we are truly grateful to have them as neighbors.

We recently became aware of an issue regarding a variance related to a pole barn on their property. The barn was built over a pre-existing concrete slab poured by the previous homeowner.

We have not observed any problems with the structure itself, nor has there been any increase in traffic or disruption related to the building, either on their property or on 4th Street.

We fully support the Nelsons' request for a variance and hope the Township will consider it favorably.

Sincerely,
Krage & Marie Fox

Building A



05-29-280-016

04/04/2025

Building B



48.60 HOME OCCUPATION

The purpose of this section is to allow residents to conduct home occupations that are incidental and subordinate to the residential use of the premises and to establish a general threshold of acceptable nonresidential activity beyond which the activity shall not be permitted or shall require Special Use approval.

Additionally, the proposed Home Occupation shall be within the spirit of the Ordinance to insure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

A. Home occupations shall meet the following criteria to be considered a permitted use:

1. The occupation(s) conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
2. Shall be operated in their entirety within the dwelling and/or within an attached garage and not within any detached garage or accessory building located upon the premises.
3. Shall be conducted by the person or persons occupying the premises as their principal residence.
4. No nonresident on-premises employees are permitted.
5. The dwelling has no exterior evidence to indicate that the same is being utilized for any purpose other than that of a dwelling, with the exception of signage as prescribed in Section 55.70 Schedule A.
6. The occupation(s) shall not utilize more than (a) 25% of the interior gross floor area of the premises; or (b) 500 square feet, whichever is less.
7. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
8. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by means of vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, lighting, or the creation of vehicular traffic in excess of what is characteristic of the area. Vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted. The use and/or storage of hazardous materials in excess of quantities customary to a residential dwelling are not permitted.
9. Outdoor activity, storage, and/or display are prohibited
10. Use of a commercial vehicle is subject to Section 52.30.
11. The following shall not be deemed home occupations: medical or dental clinics or offices, child care facilities, barbershops and beauty salons (except barbershops and beauty salons limited to one operator), funeral homes, restaurants, veterinarian clinics or offices, kennels, riding stables, storage facilities, adult regulated uses, or any sale, resale, maintenance, repair, restoration or painting of automobiles, trucks, motorcycles, motorized recreational vehicles, and boats, and other occupations determined by the Planning Commission to be similar to the occupations listed in this subsection.
12. Medical Marihuana. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of [this] section, shall be allowed as a home occupation in the RR, Rural Residential District. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's general Ordinances are intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this section, or in any companion regulatory provisions adopted in any other provision of the Township's general Ordinances are intended to grant, nor shall they be construed as granting immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- b. No registered primary caregiver shall be located:
 - i Within a one-thousand-foot radius from any school, child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
 - ii Within a one-thousand-foot radius of another primary caregiver's facility.
 - iii Within a five-hundred-foot radius from any house of worship.
 - iv Within a five-hundred-foot radius of a public park.

Measurements for purposes of this subsection shall be made from parcel/lot/building site unit boundary to parcel/lot/building site unit boundary.

- c. Not more than one primary caregiver shall be permitted to service qualifying patients on a property.
- d. Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week, and all such assistance shall occur between the hours of 8:00 a.m. and 6:00 p.m.
- e. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the Kalamazoo County Sheriff's Department.
- f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- g. All medical marihuana shall be grown by the primary caregiver in the home from which the primary caregiver operates.
- h. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
- i. That portion of the residential structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Oshtemo Charter Township Fire Department to insure compliance with the Michigan Fire Protection Code.
- j. Nothing in this Ordinance shall be deemed to allow dispensaries, compassion clubs or smoke houses which are strictly prohibited in all zoning districts.
- k. All primary caregivers shall annually be registered, inspected and licensed by the Township in accordance with Ordinance No. 521.

B. The Planning Commission may authorize as a Special Use, Home Occupations which depart from the criteria stated in Section 48.60.A.2,4, and/or 6 above per Section 49.120.

49.120 HOME OCCUPATION

A. The Planning Commission may authorize as a Special Use, a Home Occupation which departs from the criteria stated in Section 48.60.A.2,4, and/or 6; provided, however, that any Home Occupation so authorized shall meet the following conditions:

1. All other criteria stated in Section 48.60.A, shall be met.
2. All applications for Special Use shall include a statement setting forth a detailed description of the proposed Home Occupation(s), its location, and purpose(s) for which the proposed or existing accessory building, if any, will be used.
3. The number of nonresident employees working on-site cannot exceed one (1) at any one time.
4. Operation of a Home Occupation within a completely-enclosed accessory building subject to Site Plan review and approval by the Planning Commission and the following limitations:

Area of Property	Area of Accessory Building utilized for Home Occupation
Less than one acre	Not permitted
From 1 to 1.99 acres	Up to 500 square feet
From 2 to 2.99 acres	Up to 800 square feet
Three acres or more	Up to 1,200 square feet

Note: In no case shall the area of the accessory building utilized for the Home Occupation exceed the interior gross floor area of the dwelling.

- a. Use of an accessory building is limited to property containing a single or two-family dwelling.
 - b. All applications requiring Site Plan review shall include a drawing to scale of the subject property, containing the following information:
 - i. A north arrow and graphic scale.
 - ii. All property lines and their dimensions.
 - iii. Building setbacks from property lines.
 - iv. Location and dimensions of all existing and proposed structures (including height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent properties within 50 feet of the subject property boundaries.
 - c. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.
 - d. If the Planning Commission reviews the Site Plan for an accessory building, it is not subject to review by the Zoning Board of Appeals.
- B. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Commission shall consider the characteristics of the proposed Home Occupation and/or accessory building in relation to the following: the purpose and intent of this Ordinance, size of property, size of dwelling, proposed location on the property, existing land uses in area, and future land uses as reflected in the Master Land Use Plan. The Planning Commission may attach requirements to such Home Occupation and accessory building when it deems necessary to avoid or mitigate adverse impacts on surrounding properties which may include, but is not limited to, a reduction in the size of the building and increased setback requirements.

Proposal for Home Occupied Business Exemption in Ancillary Building

Submitted by: William Nelson & Jaymie Nelson

Business Name(s): Nelson Softball Experts LLC & Shooter's Golf Shop LLC

Property Address: 2100 S 4th St.

Date: 5/22/2025

I. Executive Summary

We are respectfully requesting a zoning exemption to allow our home-occupied business to operate out of two separate ancillary buildings located on our residential property. The areas designated for coaching in both buildings are under 1,200 square feet and are designed specifically to meet the safety, privacy, and functional needs of our specialized training services in golf and softball.

II. Business Overview

A. Nelson Softball Experts LLC

- **Service:** Individual softball lessons by appointment only
- **Clientele:** Primarily school-aged children
- **Operating Schedule:**
 - **School Year:** Weekdays 4:00 PM – 8:00 PM; Weekends 9:00 AM – 7:00 PM
 - This is a window of available time to allow for scheduling on an appointment-only basis, approximately 10 hours per week, allowing for a flexible schedule that accommodates both my clients' needs and my family's commitments. I primarily operate during times that do not conflict with my responsibilities as a special education teacher and parent. This business is not my full-time occupation but rather a passion project that enables me to give back to the sport I love by mentoring young athletes.
 - **Summer:** Reduced schedule due to vacations and natural break in the season

- **December:** Closed
- **Volume:** ~10 hours of lessons per week
- **Session Length:** 30 minutes
- **Employees:** None
- **Safety Measures:**
 - Enclosed batting cage with professional netting and padding
 - One-on-one instruction minimizes risk
 - Fully insured facility with liability coverage

B. Shooter's Golf Shop LLC

- **Service:** Individual golf swing analysis and training
- **Clientele:** Primarily Youth and some adult players
- **Operation:** Similar appointment-only structure, non-overlapping hours with softball
 - Session length: 60 minutes
- **Volume:** ~10 hours of lessons per week
- **Safety:**
 - **Durable Impact Screen:** Utilize a high-quality impact screen designed to absorb the force of golf balls without tearing.
 - **Enclosure with Safety Netting:** Incorporated side and top netting around the simulator area to catch errant shots. This netting prevents damage to walls, ceilings, and surrounding objects, and enhances user safety by containing misdirected balls.
 - **Soft Flooring Materials:** specialized golf turf beneath the hitting area and in front of the impact screen to absorb ball impact and reduce bounce-back.
 - **Routine Checks:** Regularly inspects all components of the simulator setup, including the impact screen, netting, padding, and structural elements, for signs of wear or damage.
 - One-on-one instruction also minimizes risk

III. Building Description

- **Structure:** Detached ancillary buildings
- **Total Square Footage For Usage:** Under 1,200 sq. ft. (See Diagrams Below)

- **Use Area:** Primarily indoor cage/training area, with equipment storage and instructor workspace
 - **Utilities:** Power, lighting, and ventilation meet local code
 - **Accessibility:** Private drive with designated parking that does not interfere with street or neighbor property
-

IV. Impact on Community

A. Noise and Traffic

- No amplified sound or outdoor speakers
- Appointment-only minimizes traffic to 1–2 cars at any time
- No group sessions or team practices
- Sound-dampening materials in use inside structures

B. Privacy and Neighbor Relations

- All activity contained within the enclosed structures
- No visible signage or lighting beyond residential use
- No employee traffic, deliveries, or commercial vehicles
- The hours are reasonable and respectful, ending well before any curfew or late-night concerns arise for the community

C. Environmental and Safety Considerations

- Waste management aligned with household practices
 - Fully insured for both building and business operations
 - Emergency procedures are established and compliant with state safety codes (See Appendix A below)
-

V. Justification for Exemption

- **Educational Expertise and Youth Development**

As full-time special education teachers, with over 40 years of combined experience, we bring a deep understanding of how to support diverse learners. Our approach to softball and golf instruction is grounded in patience, structure, and individualized coaching—skills directly transferred from our work in education. This allows us to offer developmentally appropriate instruction to children of all ages and ability levels, including those with learning differences or emotional needs.

- **Safe, Supportive, and Inclusive Environment**

Unlike crowded or overstimulating sports facilities, the setting we've created in the outbuilding is calm, private, and predictable—an ideal environment for students with sensory sensitivities, anxiety, or emotional trauma. For many of our students, a traditional sports setting can be overwhelming. This space allows for individualized attention and quiet coaching that builds not just skill, but confidence.

- **Community Need and Enrichment**

Our township has a growing number of families seeking youth sports enrichment options that are both accessible and personal. We work exclusively by appointment, one-on-one or in small groups, which reduces noise, traffic, and disruption, while providing high-quality athletic coaching that builds resilience, discipline, and joy.

- **No Negative Impact to Surrounding Area**

The nature of both businesses (individual, appointment-based) aligns with the spirit of low-impact home occupation. The business operates within strict limits—no signage, no employees, no large group sessions, and all clients arrive by appointment only. Traffic is minimal and consistent with residential use. The outbuildings assigned spaces are under 1,200 square feet and well-maintained. Keeping training sessions on-site significantly reduces the instructor's commute, environmental footprint, and demand for external commercial space.

- **Positive Youth Engagement**

By providing a structured and skill-building outlet for children and teens, we are contributing to positive youth development and helping keep kids active, engaged, and mentally healthy. This is especially important for those who may not thrive in traditional team environments or who benefit from trauma-informed, individualized instruction.

- **At the heart of my small business is a deep commitment to giving back to the next generation. I run a youth baseball and golf training program out of a barn on my rural property—not a flashy facility, but a place built on hard work, grit, and heart. I grew up**

with very little, and I know firsthand what it means to have to earn every opportunity. Through this business, I want to give kids what I didn't always have growing up: a space where they feel supported, pushed to grow, and equipped with the tools to succeed—on the field and in life.

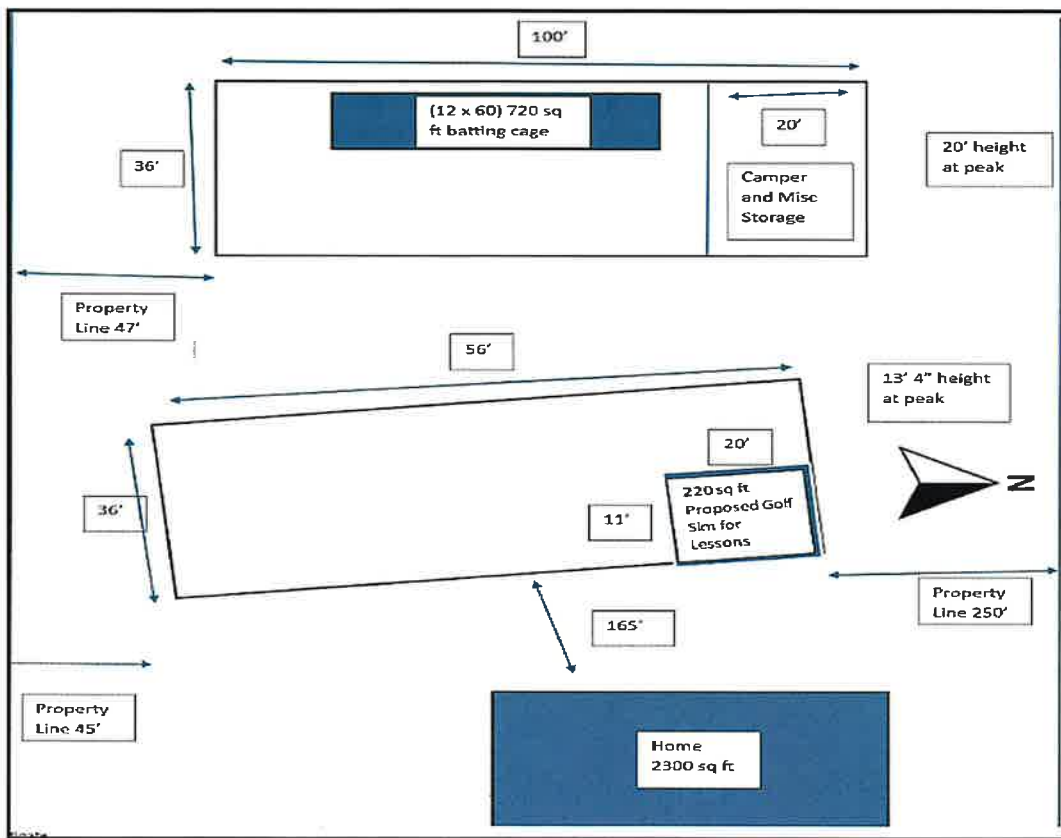
Our training goes beyond just sports and technique. Softball and golf are incredible platforms to teach discipline, focus, responsibility, and resilience. These values helped shape my life, and we are passionate about passing them on. Whether a kid is dreaming of playing in college or just looking for a place to build confidence, our goal is to meet them where they are and help them grow.

For the past 20 years, I've proudly served as a Special Olympics coach, KJGA Volunteer, First Tee Instructor, etc. working with athletes of all abilities. That experience has deepened my belief in the power of sports to change lives. It's taught me how to coach with patience, empathy, and high expectations—lessons we carry into every session we lead in the barn. I believe every child deserves a chance to grow and shine, no matter their background or ability level.

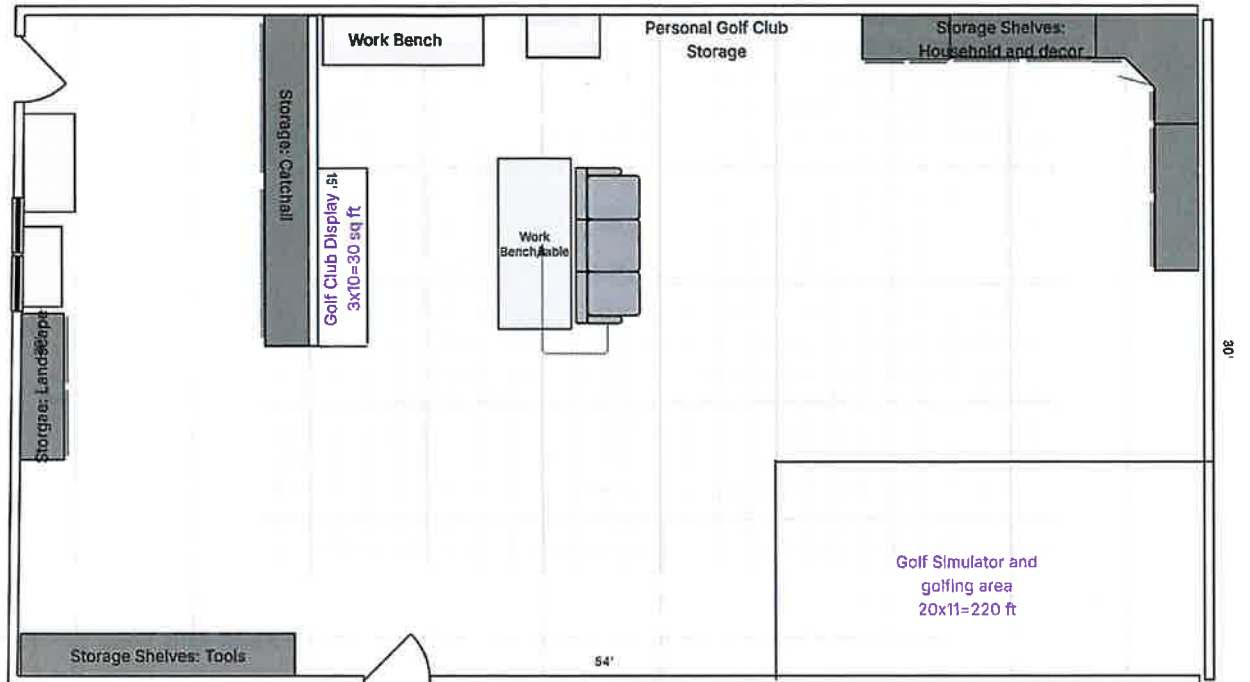
What makes this program unique is the environment we've created—close-knit, encouraging, and rooted in strong values. It's not just about hitting balls or perfecting a swing. It's about learning to show up, work hard, and keep going even when things get tough. Every kid who walks into this barn is seen, challenged, and supported. I'm proud to use my story and my years of coaching to inspire others, and I believe that with the right guidance and support, every young person can unlock their full potential.

VI. Visual Guide (Attach Diagrams/Photos/Maps)

- **Property Map with Ancillary Building Location**



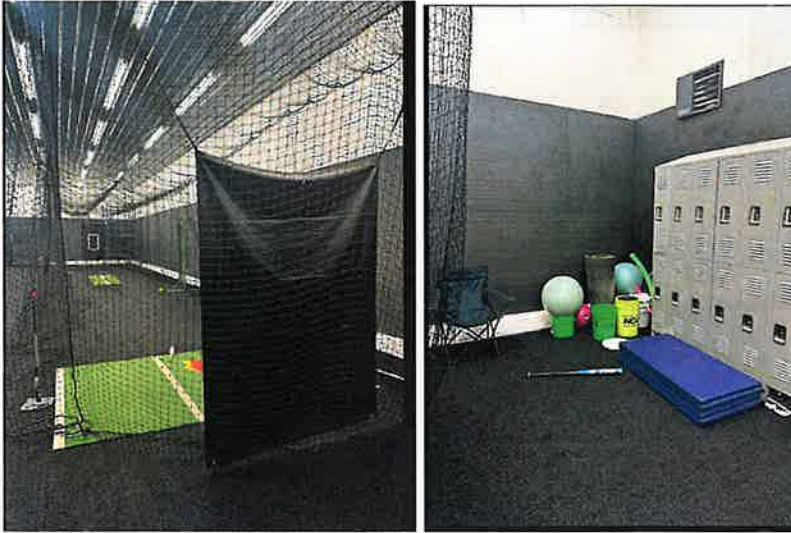
- Floor Plan of the Training Space: Golf



- **Floor Plan of the Training Space: Softball**

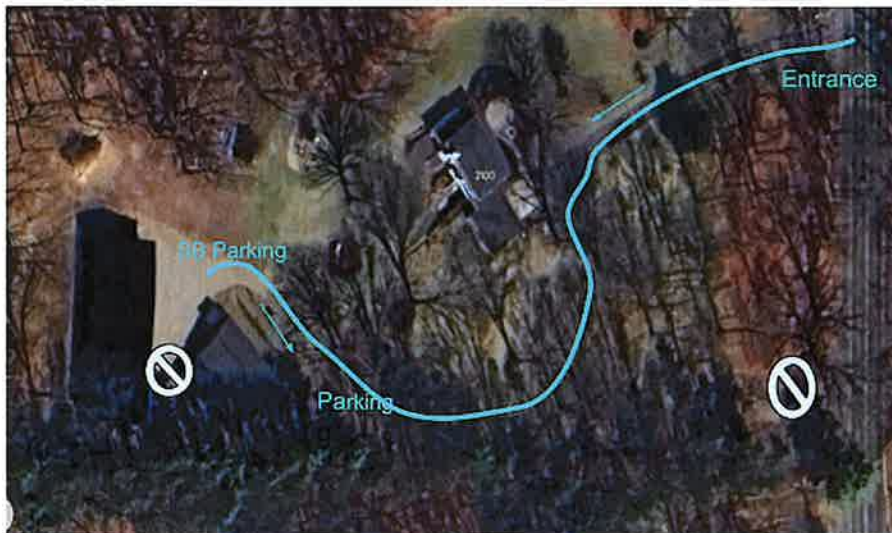


- **Photos of Equipment and Safety Features**



- **Parking Plan and Traffic Flow Map**

- Clearly display our house number on both the home itself and near the main paved entrance to the property.
- All client traffic will be directed to use the paved driveway, reducing the chance of mistakenly using our neighboring property's dirt drive as an access point.
- To limit access and minimize disruption to the surrounding area, a cattle gate will be installed to block the secondary entrance. This entrance will not be used for regular traffic and will remain closed at all times, except when needed for occasional access by heavy equipment or maintenance vehicles. This measure is intended to preserve the privacy and safety of the property while ensuring limited use of that access point.
- To reduce potential light or traffic disturbances toward neighboring homes, we will discontinue the use of the roundabout/circular drive around the barn. All vehicles will instead enter and exit via the same paved driveway.



VII. Conclusion

We believe our request for an exemption aligns with the township's values of supporting small businesses, youth recreation, and responsible land use. With our low-traffic, low-impact model, we are confident that our home-based operation will not disrupt the neighborhood and will remain a respectful presence in our community.

Appendix A:

Safety/Emergency Procedures:

Evacuation Plan

- The barn is equipped with **multiple exits**, including:
 - **Two standard entry/exit doors**
 - **One large garage-style door**
- In the event of an emergency requiring evacuation (e.g., fire, gas leak, structural issue), all individuals will be directed to exit through the nearest safe door.
- A safe assembly area is established **at least 50 feet from the barn**, in an open, easily accessible location.
- Students will remain at the assembly area until the situation has been assessed and it is deemed safe to re-enter or leave the premises.

Fire Safety

- Fire extinguishers are located in clearly marked, accessible areas within the barn.
- Instructors are trained on how to operate extinguishers and will only attempt to use them if the fire is small and controllable.
- In case of a larger fire, 911 will be called immediately, and evacuation will take priority.

Medical Emergencies

- A first aid kit is maintained and checked regularly.
- In the event of a medical emergency, 911 will be contacted immediately, and the student's emergency contact will be notified.
- Instructors are CPR/First Aid certified
- A mobile phone is kept on hand by the instructor at all times for emergency use.
- Emergency contact information for each student is maintained and easily accessible.

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A VIRTUAL MEETING HELD DECEMBER 16, 2021

Agenda

PUBLIC HEARING: Home Occupation, Paw Paw Upholstery

The owners of Paw Paw Upholstery were requesting Special Use Approval to establish an upholstery workshop as a home occupation at 6335 Killington Drive, their primary residence. The home occupation was proposed to take place entirely within an existing accessory building on-site.

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, December 16, 2021, commencing at approximately 6:00 p.m.

MEMBERS PRESENT:

Bruce VanderWeele, Chair
Micki Maxwell, Vice Chair
Kizzy Bradford (joined late)
Deb Everett
Alistair Smith
Chetan Vyas

MEETING LOCATION

Oshtemo
Oshtemo
Oshtemo
Oshtemo
Oshtemo
Oshtemo

MEMBER ABSENT:

Anna VerSalle

Also present were Iris Lubbert, Planning Director, Colten Hutson, Zoning Administrator, Jim Porter, Township Attorney, Martha Coash, Recording Secretary and guest Todd Kocian, Owner of Paw Upholstery.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

Hearing no changes, the Chair let the agenda stand as published.

Approval of the Minutes of the Meeting of November 18, 2021

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of November 18, 2021. Hearing none, he asked for a motion.

Mr. Smith **made a motion** to approve the Minutes of November 18, 2021, as presented. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item and asked Mr. Hutson for his report.

PUBLIC HEARING: Home Occupation, Paw Paw Upholstery

The owners of Paw Paw Upholstery were requesting Special Use Approval to establish an upholstery workshop as a home occupation at 6335 Killington Drive, their primary residence. The home occupation was proposed to take place entirely within an existing accessory building on-site.

Mr. Hutson reported the owners of Paw Paw Upholstery were requesting Special Exception Use approval to establish an upholstery workshop as a home occupation at 6335 Killington Drive, their primary residence. The Home Occupation was proposed to take place entirely within an existing accessory building on-site. Paw Paw Upholstery is a furniture repair and upholstery business located at 166 S Kalamazoo Mall in Kalamazoo. It provides custom upholstered furniture, consignment, re-upholstering, home decorating accessories, pillows, window coverings, blinds, sun-room and outdoor cushions. The proposed home occupation entails the manufacturing component of Paw Paw Upholstery's business operations; specifically, the processing of furniture.

He said Home Occupations are a permitted use in the R-2: Residence District subject to the regulations in Section 48.60 of the Zoning Ordinance. If the use satisfies the criteria in Section 48.60, it is permitted and no approvals from a reviewing body are necessary. However, if the home occupation exceeds the stated criteria in Section 48.60, the applicant may request a Special Exception Use approval from the Planning Commission through Section 49.120 of the Zoning Ordinance which provides some flexibility to home occupations. In this instance, the home occupation criteria in Section 48.60 does not allow for accessory buildings to be used as part of a Home Occupation. However, Section 49.120 of the Zoning Ordinance identifies the use of an accessory building for a home occupation as a standard that can be exceeded through the Special Exception Use process, provided that all other requirements mentioned therein are met.

Mr. Hutson indicated the subject property is zoned R-2: Residence District. Uses permitted in the R-2: Residence District are outlined in Article 7 of the Township's Zoning Ordinance. Home Occupations are a permitted use, as long as they meet the requirements of Section 48.60. Home Occupations which take place within an accessory building are identified as a Special Exception Use by Section 49.120. When reviewing a Special Exception Use, there are two sets of criteria that need to be considered: 1) the general Special Use review criteria outlined in Section 65.30, and 2) the specific requirements for the use in question outlined under Section 49.120. He provided an analysis of the proposal against these two Sections and indicated the proposal satisfied all requirements.

Mr. Hutson said Planning Department staff recommended approval of the proposed Special Exception Use for the home occupation at 6335 Killington Drive with the following conditions.

1. The upholstery workshop for Paw Paw Upholstery shall be conducted within the existing accessory building on-site. At no point shall that upholstery workshop utilize more than 500 square feet in area within the accessory building.
2. The number of nonresident employees working on-site shall not exceed one (1) at any one time.
3. All other requirements stated within Section 48.60.A of the Township Ordinance shall be met at all times. If any complaints are received and verified by the Township regarding the subject home occupation that violate the other requirements of Section 49.60 this approval will be voided; the Home Occupation will cease immediately and become an Ordinance Enforcement matter to resolve.
4. The home occupation shall only operate between the hours of 7:00am and 7:00pm.
5. The incidental residential activities shown on the floor plan shall be permitted.

He noted the owner was present. Two communications were received prior to distributing the meeting packet and were enclosed with same. Five more written public comments were received from neighbors after the packet was distributed. He indicated he would read all seven during the public comments section of the agenda.

Chairperson VanderWeele thanked Mr. Hutson for his presentation and asked if Commissioners had questions for him. There were no questions.

Mr. Kocian, the owner, had no comments.

The Chair moved to Public Hearing and Mr. Hutson read the seven written comments in their entirety from neighbors. All seven were in opposition to approval of the special use request, citing a number of reasons, including questioning the applicant's representation of the current number of employees listed, increase in traffic, the desire to limit the neighborhood to residences, a decrease in the quality of life, the precedent that may be set for future home business requests, the large number and size of parties and events held on site and whether they may be business related, unsafe conditions from parking vehicles on the street and possible increases in noise. All seven written comments are appended to these Minutes.

Mr. Bob Samples, 1792 Killington Drive, spoke expressing his concerns regarding extra traffic. He noted the high density of trees in the neighborhood, except for this property, and noted there is no fence around the swimming pool.

As there were no further comments, Chairperson VanderWeele closed the Public Hearing and moved to Board Deliberations.

Ms. Everett asked what the enforcement history was for complaints and how the applicant knew a special exemption was needed for Home Occupation.

Ms. Lubbert explained there is a history of concern related to parties and events at this site. A follow up indicated the parties and events were family gatherings. During inspection it was found upholstery business was being conducted, which triggered this Special Use Approval Request.

Mr. Vyas was concerned that the home business would increase traffic, which could cause accidents and be dangerous for neighborhood children. The Township does not have the means to police activity, and he felt the residential character of the neighborhood would be destroyed.

Ms. Maxwell asked what the difference is between commercial and home businesses.

Attorney Porter said Home Occupation businesses should not be noticeable and should have a minimum effect on the neighborhood. The Ordinance says what *shouldn't* be, a nuisance, for example. The activity originally took place in the house. Now that it is occurring in the accessory building it becomes a special use. It has to be harmonious and minimal. He said he is troubled by the factual statements brought forward regarding the number of people working at the site.

Ms. Lubbert said the pertinent Ordinance is 48.60, which outlines regulations for Home Occupation businesses. She reiterated that they are required to blend in, not stand out, and not increase traffic. She said she also is concerned by the received public comments. She noted Commissioners have the authority to add conditions if the request is approved.

Attorney Porter said the current traffic and number of employees should be considered first before considering the accessory building. There are specific, concrete examples of how the Ordinance has not been complied with for a number of years in the letters received, which is very serious.

Ms. Lubbert asked if Mr. Kocian wanted to speak to these issues.

Mr. Kocian indicated they do have additional employees during busy periods and confirmed business has taken place on site for some time now. He said due to the crumbling driveway that parking has had to take place on the street. A new parking area is being developed on the property and there has been traffic from workers who are addressing that as well as new siding and landscaping. The Cadillac cited in some of the neighbor comments belongs to his wife's mother who visits often. The frequent large parties and events referred to are strictly family related. A fabric delivery van stops by about once a month. They have two employees, one that lives on the premises and another who drives a truck.

Ms. Lubbert said the employees as described meet 49.120 Ordinance requirements. Non-resident employees cannot exceed one on site at any time; what is being done currently meets the requirement.

Mr. Kocian addressed the concern expressed in one letter regarding advertising their business, saying he had utilized the neighborhood website in the past when he was not aware that the Ordinance prohibited that; he no longer advertises there. He said additional traffic is from family coming to visit and to use the swimming pool. In 2019 the accessory building was started; it was completed at the end of 2020. Landscaping work and the area around the pool required materials delivery and construction in the last couple of years.

He reiterated the parties held are for family and involve no catering. All three of their children held weddings on the property. The new parking area developed can accommodate 10 cars in order to get them off the street. Next spring the siding on the house will be replaced to match the accessory building. When they purchased the house, it was abandoned. Work to improve it has been a five-year project.

He said the accessory building allows them to safely transport large furniture rather than having to carry it around the back of the house and down the stairs to the basement. They have had more business during Covid than in the past.

Mr. Kocian said before constructing the accessory building, he received partial information from Township staff, but that Ordinance violation is his fault.

Ms. Maxwell noted more than several people in the neighborhood have noticed things not typical of a home business which is a big concern for her.

Mr. Smith said the number of letters of concern received regarding this application are the most received for a request since he has been on the Commission. He did not believe the request should be granted as it would set a precedent. This type of operation was not meant to be a Home Occupation Business.

Mr. Vyas agreed with Mr. Smith.

Ms. Everett said this was a tough call. Previously only the primary dwelling was permissible for use. She felt that to be too restrictive, especially during Covid when more people have been working from home. She does not want to discourage business. The Ordinance is trying to give a little leeway with accessory buildings, and it is necessary to be cognizant of needs. She asked Attorney Porter to comment on calls from people regarding traffic.

Attorney Porter said the comments from residents in this instance are much more concrete and specific than we normally hear. He said Commissioners have to base their decision on everything they have heard to determine whether the home business can be harmonious with the neighborhood.

Ms. Maxwell said although it seems like parties are the bigger issue, she is worried about discrepancies regarding employee numbers though working from home during Covid is a factor. She said she was conflicted.

Ms. Bradford indicated she was conflicted as well but was considering the traffic issue, safety and impact on the neighbors.

Chairperson VanderWeele said Commissioners need to focus on the business and the Ordinance and asked for a motion.

Mr. Smith **made a motion** to deny the request from the owners of Paw Paw Upholstery for Special Use Approval to establish an upholstery workshop as a home occupation at 6335 Killington Drive, their primary residence. Mr. Vyas **seconded the motion**. The **motion was approved** 4 – 2 by roll call vote, with Ms. Bradford and Ms. Everett dissenting.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Hearing no public comments, the Chair moved to the next agenda item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert noted this was the last meeting of the Planning Commission for 2021. The State regulation is no longer in effect to allow virtual meetings as of January 1, 2022. The plan is to meet in person in January with a virtual component for audience attendees. Commissioners must attend in person. She will let everyone know if there are any changes to that requirement.

ADJOURNMENT

With no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:21p.m.

Minutes prepared:
December 18, 2021

Minutes approved:
February 24, 2022

FEIGHT - SPECIAL EXCEPTION USE - HOME OCCUPATION - 1070 NORTH 7TH STREET - (PARCEL NO. 3905-15-276-100)

The Chairman said the next item for review was a special exception use for a proposed home occupation to be conducted in an accessory building. He said the subject property was located at 1070 North 7th Street, Parcel No. 3905-15-276-100. The Chairman asked to hear from the Planning Department. Mr. VanDenBrand submitted his report dated December 13, 2007, to the Planning Commission, and the same is incorporated herein by reference.

Mr. VanDenBrand explained that the applicant was proposing to operate a chocolate-making business from an existing accessory building located at 1070 North 7th Street. He said the building was 960 square feet, and the applicant proposed occupying 288 square feet as a licensed commercial kitchen. He said the purpose was to produce candy. Mr. VanDenBrand then took the Commission through a review of the special exception use provisions of Section 60.100. In addition, he reviewed the standards for accessory building home occupation as set forth in Sections 78.900 and 78.800, as more fully set forth in Mr. VanDenBrand's report.

The Chairman asked if there were any questions of Mr. VanDenBrand. Hearing none, he asked to hear from the applicant. Sherrie Feight introduced herself to the Planning Commission. She said she had been a pastry chef in New York and now wished to operate a small family business from her residence in Oshtemo Township.

The Chairman said he had a few questions. He asked if there would only be family members working in the operation. Ms. Feight indicated that was correct. He asked if there would be any off-site employees. She indicated no. He asked if there would be any sales of goods from the site. Ms. Feight again indicated no. The Chairman asked about the delivery vehicles accessing the site. Ms. Feight said at the most they would be one-ton vehicles, generally U.P.S. trucks. She said that there would not be any large semi's and that most of the other supplies which could not be brought by U.P.S. she would bring to the site herself.

Mr. Larson asked how regular the deliveries would be. Ms. Feight said that they would not be often. Mr. Larson asked if a large quantity of materials would be stored on site. Ms. Feight said not much, given that it is only going to be a part-time business.

Mr. Larson asked Ms. Feight if she was aware that she would have to receive Health Department approval. Ms. Feight indicated she understood and that once the home occupation was approved and the site kitchen constructed, she would have it inspected and approved by the Health Department.

Mr. Larson asked if there would be any problems with odor coming from the cooking facilities. Ms. Feight indicated that she did not believe so, since the kitchen would not have any ovens or fryers or a large exhaust fan.

The Chairman asked if there was any public comment. Mr. VanDenBrand said he had received a letter from Lee Wolfe saying that he objected to commercial businesses in a residential area. Hearing no further discussion, the Planning Commissioner Chair called for discussions.

Ms. Everett said she thought that the proposal seemed reasonable. She stated that the applicant was not requesting any outside employees or sales on site. She said the proposal seemed to be the type of home occupation which the Township was trying to promote.

The Chairman said he thought when they originally proposed special uses in accessory buildings, he was thinking of some type of art or craft, but this request seemed compatible, given its limited scale.

Ms. Gelling said she thought it was a limited use, since it was only going to be part-time and would therefore be compatible with the surrounding properties.

Mr. Larson then made a motion to approve the special exception use as proposed, provided the following conditions were met:

- (1) No vehicles would be parked at the site evidencing a business operation.
- (2) No lighting inconsistent with residential use would be permitted.
- (3) No deliveries by vehicles larger than a U.P.S. truck would be made.
- (4) No outside employees would help in the operation.

Ms. Gelling seconded the motion. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

The Chairman said that the next issue was approval of the site plan. Ms. Everett made a motion to approve the site plan, as submitted, subject to the applicant receiving the appropriate Health Department licensing. Mr. Larson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

**CROYDEN COMMONS - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW -
SOUTHWEST CORNER OF CROYDEN AVENUE AND DRAKE ROAD - (PARCEL NO.
3905-13-230-020)**

The Chairman stated that the next item for consideration was the special exception use and site plan review of a proposed senior housing apartment building to be established on vacant property at the southwest corner of Croyden Avenue and Drake Road, Parcel No. 3905-13-230-020. The Chairman asked for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated December 13, 2007, and the same is incorporated herein by reference.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD OCTOBER 13, 2005

Agenda

**JACOBSON - SPECIAL EXCEPTION USE - HOME OCCUPATION UTILIZING AN
ACCESSORY BUILDING - 515 SOUTH 4TH STREET - (PARCEL NO. 3905-21-155-021)**

**ROCHE - SITE PLAN REVIEW - NORTHEAST CORNER OF 8TH STREET AND
STADIUM DRIVE - (PARCEL NO. 3905-35-105-010)**

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, October 13, 2005, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: James Turcott, Chairman
Deborah L. Everett
Terry Schley
Mike Smith
Lee Larson
Kathleen Garland-Rike
Fred Gould

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner; James W. Porter, Township Attorney; and approximately 15 other interested persons.

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

AGENDA

The Chairman said that the first item of business was the Agenda, and he asked if there were any revisions. Mr. Schley made a motion to approve the Agenda, as submitted.

The motion was seconded by Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously.

MINUTES

The Chairman stated that the next item was the minutes of September 22, 2005. Mr. Gould made a motion to approve the minutes as submitted, and Ms. Everett seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

JACOBSON - SPECIAL EXCEPTION USE - HOME OCCUPATION UTILIZING AN ACCESSORY BUILDING - 515 SOUTH 4TH STREET - (PARCEL NO. 3905-21-155-021)

The Chairman said the next item on the Agenda was consideration of a special exception use for a home occupation for Vern Jacobson. He said the home occupation, utilizing a portion of an accessory building, is located at 515 South 4th Street, Parcel No. 3905-21-155-021. The Chairman asked for a report from the Planning Department. Ms. Bugge submitted a report to the Planning Commission dated October 13, 2005, and the same is incorporated herein by reference.

Ms. Bugge explained that special exception use and site plan review approval is required for a home occupation utilizing an accessory building. She said the applicant operates a sign business known as PI Sign and & Awning from his residence. She said, while the office was in the home, the applicant was proposing to use a portion of an accessory building for related activities of his home occupation. She noted that the proposed building was being constructed to replace one that was destroyed by fire. She stated that the applicant indicated that a portion of the building would be used to store aluminum extrusions. She pointed out that the Planning Commission should address two key issues – first, whether there were going to be any nonresident employees on site, and second, the amount of the space to be used in the accessory building for any business-related storage or activities.

Ms. Bugge stated that this request also included approval of the accessory building as with its construction, the aggregate area of accessory buildings on site would exceed the ground floor area of the dwelling.

Ms. Bugge then took the Planning Commission through the dimensions of the proposed structure, as well as the special exception provisions of Section 60.100, and the criteria of Sections 78.920 and 78.800.

The Chairman asked the Commission members if they had any questions of Ms. Bugge. Hearing none, he asked to hear from the applicant. Mr. Vern Jacobson introduced himself to the Planning Commission and asked the members if they had any questions.

The Chairman began by asking, if Mr. Jacobson would have any nonresident employees coming to the site. Mr. Jacobson said he would have one part-time person coming to his home located on 4th Street. He said any larger projects for which he needed additional help would be done on the customer's site and that he never had any more than one part-time person helping him at his home.

Ms. Garland-Rike asked what the part-time person did. Mr. Jacobson said he assisted in covering awnings, and on occasion, doing some pre-assembly on site. Ms. Garland-Rike asked if all assembling was done at the 4th Street location. Mr. Jacobson said some of it was, but that for the most part, the awnings were assembled on the job site. Ms. Garland-Rike asked if the limited assembly done on site was all done indoors. Mr. Jacobson said that it was. Mr. Jacobson noted that there was no manufacturing done on site, just some limited assembly. Ms. Garland-Rike asked if there was any noise associated with assembly of the awnings. Mr. Jacobson said that there was some noise associated with the use of a chop-saw and a pneumatic hammer, but it was not anything in comparison to other environmental noises.

Mr. Schley asked if the fire associated with Mr. Jacobson's previous accessory building was related to his business activities. Mr. Jacobson said it was not. Mr. Schley asked if there were any hazardous materials that might have prompted the previous fire. Mr. Jacobson said no, and they were not certain, to this day, what had caused the fire. He said that they were not even on-site at the time the fire destroyed the accessory building.

The Chairman asked what the volume of orders Mr. Jacobson might fill in a week's time. Mr. Jacobson said, in the winter, it was very slow, but that in mid-summer, he might fill three to five jobs per week. The Chairman asked how most of his materials were delivered. Mr. Jacobson said generally he used UPS to obtain delivery. He said, on occasion when things were shipped in by truck, he would go with his own vehicle to the truck terminal and pick up any large items and return them to his property on 4th Street.

Mr. Smith asked if there was any paint or chemicals used in his business operation. Mr. Jacobson said he had no more chemicals on his property than any handyman might have in his shop for his own personal use.

Mr. Schley asked what the total amount of space that Mr. Jacobson might use within the accessory building. Mr. Jacobson was uncertain as to how to answer, and Mr. Schley responded by asking him if he would use all of the accessory building for his business purposes. Mr. Jacobson said absolutely not. He said as far as storage goes, he would use

an area approximately one foot wide x 24 foot long for the storage of the aluminum extrusions. All the rest of the accessory building would be used for his personal use except for those times when they assemble an awning within the accessory building. Mr. Jacobson then indicated that he may store the aluminum extrusions outside.

Ms. Bugge stated that outside storage was not permitted for home occupations and requested that the extrusions be stored in the accessory building. Mr. Jacobson agreed to do so.

Ms. Garland-Rike asked what kind of equipment Mr. Jacobson had on-site. Mr. Jacobson said he had a chop-saw, a pneumatic hammer, and some clamps. He added that his business was not a dedicated manufacturing facility and that most of his tools were hand tools which could be used for personal use. He said he had no presses, no brakes, no punch press, and no heavy equipment whatsoever. Ms. Garland-Rike asked how often he used equipment to assemble the awnings on-site. Mr. Jacobson said 90 percent of the time all the work was done off-site, and therefore, only ten percent of the time were the awnings assembled at his home.

Mr. Gould asked if he knew of any neighbors who opposed his business operation. Mr. Jacobson said he was not aware of any.

Ms. Everett asked if he had been running this business at this location for approximately 12 years. Mr. Jacobson said that was correct, and he believed he had a good relationship with all of his neighbors.

The Chairman called for public comment. Hearing none, he called for Commission deliberations. The Chairman said he thought most of the questions which had been raised by the Planning Department had been addressed by Mr. Jacobson.

Mr. Schley made a motion to approve the special exception use, accessory building and site plan based upon the representations of the applicant, and approval of the special exception use and site plan should be subject to the discussions and representations of the applicant and the Commission. Mr. Smith seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

ROCHE - SITE PLAN REVIEW - NORTHEAST CORNER OF 8TH STREET AND STADIUM DRIVE - (PARCEL NO. 3905-35-105-010)

The Chairman said the next item on the Agenda was site plan review for a proposed commercial development at the northeast corner of 8th Street and Stadium Drive, Parcel No. 3905-35-105-010. The Chairman asked for a report from the Planning Commission. Ms.

Public Comment on Non-Agenda Items

Chairperson Gelling called for public comment on non-agenda items.

Mr. Peter Brakeman, 2611 N. Drake Road, introduced himself to the Board and explained his home is 136 years old, well-built and has historical overlay zone status. He is working on a 20 year plan of extensive restoration. The owner of a 4 acre parcel at Drake Rd and H Avenue, just north of his property, has started to take out trees with plans to develop the land. Mr. Brakeman is concerned about losing essential historic property and hopes the development will be done in a way that will not be detrimental to his property or to the character of the Township. This is the first Planning Commission meeting he has attended and noted he was there to educate himself as to how business is conducted.

Chairperson Gelling thanked him for his comments and his attendance at the meeting.

There being no further comments, the Chairperson proceeded to the next agenda item.

APPROVAL OF THE MINUTES OF April 25, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of April 25, 2013. No changes were noted. Mr. Schley made a motion to approve the minutes as presented. Mr. Skalski seconded the motion. The motion was approved unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION USE REVIEW OF THE APPLICATION OF SAGE & ASSOCIATES TO ALLOW A NONRESIDENT ON-PREMISES EMPLOYEE TO WORK AT A HOME OCCUPATION LOCATED AT 293 LODGE LANE IN THE R-1 RESIDENCE DISTRICT (PARCEL #3905-14-490-040)

Chairperson Gelling indicated the next item on the agenda was a public hearing to address a special exception use review of the application of Sage & Associates to allow a nonresident on-premises employee to work at a home occupation located at 293 Lodge Lane in the R-1 Residence District (parcel #3905-14-490-040).

The Chairperson asked Planning Director, Mr. Milliken to please review this item with the Planning Commissioners in more detail.

Mr. Milliken indicated the applicant, Ellen S. Brown, lives at 293 Lodge Lane in the Country Club Village subdivision, just north of the corner of Lodge Lane and Valley

View. She is a financial advisor and insurance agent. She has moved her office into her home and is requesting a special exception use approval of a home occupation with one nonresidential employee so an administrative assistant may work in her home office.

He noted if the use satisfies the criteria in Section 78.900 – Home Occupation, the use is permitted and no approvals are necessary. Section 78.920 provides flexibility on a few items through the special exception use approval process. In this instance, the home occupation criteria in Section 78.910 do not allow nonresident employees to work at the residence, but it identifies such an employee as a standard that can be exceeded through the special exception use process provided there is no more than one nonresident employee. The applicant is requesting approval for one nonresident employee to assist with her home occupation use.

He said that in her letter dated April 12, 2013, Ms. Brown indicates most of her client visits are off-site. On occasion, 1-3 clients per month may come to her home office. Therefore, there is limited additional traffic generated from the business. The applicant indicates an administrative assistant would work two to three (2-3) times per week, 20-30 hours, between 8 a.m. and 4 p.m.

The home occupation occurs in a designated office space/den within the floor plan of the home and occupies approximately 15% of the home's floor space.

Since the request meets the special exception use criteria, Mr. Milliken recommended approval of Ms. Brown's request.

Chairperson Gelling thanked Mr. Milliken for his explanation and recommendation and asked Commission Members for any comments or questions before asking Ms. Brown to speak.

Mr. Skalski asked if Mr. Milliken knew how many special exception permits have been approved. Mr. Milliken indicated he did not have that information available.

The Chairperson asked if there had been any complaints to date since having moved the office into the home and Mr. Milliken replied there have been none.

Mr. Schley wondered if there is anything in historical notes regarding the ordinance about whether it is allowable to see customers in a principal residence.

Mr. Milliken said he did not do research on the history of the ordinance. His concern was the possibility of an increase in vehicular traffic, which was why he asked about customers/clients. He did not see a specific prohibition.

Hearing no further board comments, Chairperson Gelling asked Ms. Brown to please introduce herself and address the Commission.

Ms. Ellen Brown, 293 Lodge Lane, noted the Planning Commission Members had a copy of the letter she sent to Mr. Milliken and to all her neighbors. She has spoken to several neighbors whose comments were all favorable. In response to a question from Mr. Boulding Sr. who was concerned whether there were different fire laws regarding egress/ingress for a quasi-office than for a residence, she indicated there would not be a separate entrance for the office.

Mr. Milliken indicated a home occupation is subject to residential standards. The broader intent is to keep the appearance consistent with a residential structure; adding a second door would make it stand out.

Chairperson Gelling asked Ms. Brown to please restate what the hours of business would be, how many customers would come to her home in an average week, and where the employee would park.

Ms. Brown said the hours the administrative assistant would work would be between 20-30 hours during the work week with no weekend hours. From January 1 to the current date, she has seen four people at her home. Parking for the employee working in the office would be in the driveway, not on the street.

In response to a question from Mr. Schley, Ms. Brown said it was possible the employee might work four days in some weeks, but would more typically work 2-3 days a week, not to exceed 30 hours.

Mr. Schley asked Ms. Brown if the Planning Commission approved the exception request without approval for customers to be seen at the residence, whether that would be acceptable.

Ms. Brown replied that if the approval contained that contingency it would be acceptable.

Hearing no further questions for Ms. Brown from Board Members, Chairperson Gelling opened the discussion to the public and asked if there were any questions or comments.

Mr. Dan Thompson, 105 Echo Hills Drive in Country Club Village, indicated his support for Ms. Brown's request for a special exception use. He said over the 40 years he has lived in Country Club Village many residents have operated businesses, but no one has ever come to the Planning Commission to ask permission. Ms. Brown is going about this in the right way and he appreciates the way she is proceeding.

The Chairperson thanked Mr. Thompson for his comments and hearing no further comments, closed the public hearing and asked for board deliberations on the question at hand.

Ms. Farmer said she hadn't considered the exception in regards to customers coming to the home, but unless that is troublesome, sees no problem with approving this specific use.

Mr. Antosz, Mr. Skalski, Mr. Boulding Sr., Mr. Loy, and Chairperson Gelling agreed they had no concerns about the request.

Mr. Schley said he sees no problem with the request to allow one employee, but would like specifics such as operating times included in the approval. He is still concerned with allowing customers to come to the residence. His feeling is that the code did not intend customer visitation and that in light of the possibility of building code overlay, which is not the purview of the Planning Commission, there could be questions about ADA, parking requirements etc.

Chairperson Gelling asked Ms. Brown to please return to the podium for some further clarification.

The Chairperson asked the applicant to please provide insight into customer visitation. Ms. Brown confirmed that her primary focus regarding customers was to meet with them at locations other than her residence. She noted there is a one-step landing at the front door of the home and that any visitors as well as the administrative assistant would park in her driveway, not on the street.

Attorney Porter commented he did not disagree with Mr. Schley's concern. There is no absolute prohibition of customers in a home. There is some provision to allow a very limited number of customers and limited activity. He suggested that those standards be listed in the exception's approval.

Mr. Milliken added that although he does not have the history related to the creation of the ordinance, he does not see prohibitive language for limited customers. He noted that if more traffic is created than necessary it would become an enforcement issue.

Hearing no further comments, Chairperson Gelling made a motion to approve the exception as requested with the inclusion of a limit of 20-30 hours per week, parking confined to the driveway for the employee and customers, no Saturday or Sunday hours, and limited customer visitation between 8:00 a.m. and 4:00 p.m. Monday through Friday. The motion was seconded by Mr. Skalski. The motion carried six (6) yes votes to one (1) no vote from Mr. Schley. The Chairperson thanked Ms. Brown for coming before the Planning Commission, and for the professional manner in which she went about it.

Mr. Schley explained his no vote was due to his site standard concerns.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD JUNE 12, 2008

Agenda

**EXPERT CLEANING SERVICES - SPECIAL EXCEPTION USE - HOME OCCUPATION
IN AN ACCESSORY BUILDING - 2215 NORTH DRAKE ROAD - (PARCEL NO. 3905-12-
280-030)**

**SKY KING MEADOWS PLANNED UNIT DEVELOPMENT - SPECIAL EXCEPTION USE
AMENDMENT & HANNAPEL HOME CENTER - SITE PLAN REVIEW - SE CORNER OF
9TH STREET AND MICKEY'S TRAIL - (PARCEL NO. 3905-14-385-068)**

**WALGREENS - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6649 WEST
MAIN STREET (PARCEL NO. 3905-14-330-015)**

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, June 12, 2008, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Deborah Everett
Lee Larson
Fred Gould
Bob Anderson
Carl Benson
Kitty Gelling

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James Porter, Township Attorney, and approximately eight other interested persons.

Call to Order

The Chairman called the meeting to order at approximately 7:00 p.m. The Chairman asked those present to recite the "Pledge of Allegiance."

Agenda

The Chairman asked if there were any changes to the Agenda. Hearing none, he called for a motion. Ms. Gelling made a motion to approve the Agenda as submitted. The motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion, and the motion passed unanimously.

Minutes

The Chairman asked if the Planning Commission members had had a chance to review the minutes of May 22, 2008. Ms. Gelling said that she had reviewed the minutes and noted that Mr. VanDenBrand's attendance at the meeting of May 22 was overlooked. Ms. Gelling then made a motion to add Mr. VanDenBrand's name to the list of persons present at the meeting. Ms. Stefforia suggested that the consultant, Greg Milliken, also be added to the list of those in attendance. Ms. Gelling agreed to amend her motion. The motion seconded by Ms. Everett. The Chairman called for a vote on the motion, and the motion passed unanimously.

EXPERT CLEANING SERVICES - SPECIAL EXCEPTION USE - HOME OCCUPATION IN AN ACCESSORY BUILDING - 2215 NORTH DRAKE ROAD - (PARCEL NO. 3905-12-280-030)

The Chairman noted that the next item on the Agenda was the consideration of a special exception use for a home occupation activity of automobile detailing to be conducted in an accessory building at 2215 North Drake Road, Parcel No. 3905-12-280-030. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated June 12, 2008, and the same is incorporated herein by reference.

Ms. Stefforia took the Commission through a background review of the subject property, particularly the zoning and the past uses of the property. She noted that the Township was unaware that the applicant was detailing automobiles in a garage, and in light of the recent text amendments, felt it was appropriate that the Commission consider and evaluate the home occupation pursuant to Section 78.920, as a special exception use under Section 60.100. Ms. Stefforia then proceeded to take the Commission through a review of Section 60.100 and Section 78.900 dealing with home occupations in an accessory building as more fully set forth in her report.

The Chairman opened the Commission discussion with questions to Ms. Stefforia. The Chairman began by asking if the applicants had filed their environmental checklist and hazardous substance form. Ms. Stefforia said they had not yet, but that should be one of the requirements of approval of any special exception use permit.

The Chairman asked to hear from the applicant. Ms. Kelly Seelbinder introduced herself to the Planning Commission. Ms. Seelbinder proceeded to explain to the Planning Commission members that detailing was a very small part of their business, approximately three percent. However, she noted that it was a very important part because it helped her serve her current clientele and was an important service to their overall business structure. Ms. Seelbinder noted that no products were sold from the property; no signs were located on the property; and the public could not access the property at will.

The Chairman asked whether the detailing was done inside or outside. Ms. Seelbinder stated that the detailing was done inside. The Chairman asked if there was any painting done. Ms. Seelbinder said no. The Chairman asked how many employees worked at the site. Ms. Seelbinder said there was only one gentleman who would help do the detailing, if her and her husband could not complete the car detailing themselves.

Ms. Seelbinder pointed out that they had always done detailing and thought they had let the Commission know that at the time they had received their original approval for their home business.

Ms. Stefforia noted that a phone call had been received from one of Ms. Seelbinder's neighbors expressing environmental concerns relating to her car detailing business. In addition, she noted that they had received a letter from E. Niewoonder & Sons, Inc. Landscape Service at 2319 North Drake Road in support of the applicant's proposed use.

The Chairman asked what kind of chemicals would be stored on site. Ms. Seelbinder said that they typically just use Joy dish soap to wash or spot clean the cars. She said, on occasion, they did use some grease remover, but they placed the degreaser on a rag to remove the grease and then the rag was discarded into the trash. She noted that they used all biodegradable products.

Mr. Larson asked if there were floor drains within the garage. Ms. Seelbinder said that there were, but she said their sewer drained into the City sewer. Mr. Seelbinder corrected her, noting that they had a septic system.

The Chairman called for further public comment. Hearing none, he called for Planning Commission deliberations.

The Chairman asked how the Planning Commission felt about the proposed special use. Mr. Larson said he was concerned that they were washing cars at the subject location which brought with it, groundwater issues. He said they should have to meet all of the environmental regulations as would any other car wash facility. The Chairman noted the environmental concern, especially in light of washing engines. He said that, while it was not very frequent, there was still an issue with on-site discharge. Ms. Seelbinder said that

they rarely washed the cars; typically they only waxed them and detailed the inside of the interior. The Chairman noted nevertheless that they still occasionally washed cars and those by-products were being discharged to the ground. Ms. Gelling said she understood that the business has been going on for some period of time, but she shared the same concerns as Mr. Larson and Chairman Schley.

Mr. Benson asked how they measured what was incidental and subordinate. Attorney Porter noted that the Planning Commission was responsible for that determination and that they, in fact, were the barometer for determining whether that standard had been met.

Mr. Larson said he thought this was slightly out of bounds, but because it was pre-existing, he thought they could move forward as long as they met the appropriate groundwater standards. The Chairman said this proposal was not quite as clean as other home occupations, and thought they would have to meet the groundwater standards, and therefore, it was appropriate to have the Township Engineer review any state requirements for this type of business.

Ms. Gelling said she would be more comfortable if it was reviewed by the Township Engineer.

Mr. Gould said he did not have a problem with the business, but thought they did need to protect the public and make sure that there was no groundwater contamination. The Chairman also noted that any approval should be subject to not more than one employee being located at the site. With that, the Chairman said he would entertain a motion. Mr. Larson made a motion to approve the special exception use permit on the condition that they set up a drain system which met the appropriate requirements for an auto-wash facility including all applicable laws concerning oil and greaser separators, that they be limited to the area proposed in the accessory building which is 768 square feet, that they be limited to not more than one or two cars per week, and that not more than one employee may work on site. Mr. Gould seconded the motion. The Chairman called for further discussion, and hearing none, he called for a vote on the motion. The motion passed unanimously.

**SKY KING MEADOWS PLANNED UNIT DEVELOPMENT - SPECIAL EXCEPTION USE
AMENDMENT & HANNAPEL HOME CENTER - SITE PLAN REVIEW - SE CORNER OF
9TH STREET AND MICKEY'S TRAIL - (PARCEL NO. 3905-14-385-068)**

The Chairman said that next on the Agenda was consideration of an amendment to the Sky King Meadows PUD and a review of a site plan for Hannapel Home Center to locate within the PUD on a lot located at the southeast corner of 9th Street and Mickey's Trail, a portion of Parcel No. 3905-14-385-068. The Chairman asked to hear from the



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MEMO

To: Planning Commission
From: Jodi Stefforia, Planning Director & Planning Department Staff
Date: Juen 12, 2025
RE: Draft One - Text Amendments addressing MUD, PUD, Adult Foster Care, Non-Motorized and Temporary Outdoor Events

The Planning Department keeps a Wishlist of Zoning Ordinance amendments that is added to as we encounter issues with the existing ordinance, new projects identify areas that need to be addressed or new land use trends emerge. We like to bring a series of amendments – from the Wishlist – to the Planning Commission quarterly for study and discussion.

This round of amendments proposes changes to the Mixed Use District as a result of its application to the first MUD project. We are also presenting unrelated changes to the Planned Unit Development (PUD) ordinance regarding phasing timelines. Adult Foster Care facilities, temporary outdoor events and changes to the non-motorized facilities are also proposed. Before each proposed area of amendment, a brief note explaining why is provided.

Attach: Draft One – Text Amendments: MUD, PUD, Adult Foster Care, Non-Motorized and Temporary Outdoor Events

Draft One – Amendments to Section 30: Mixed Use District and Various Other Sections (June 2025)

Note: With review of the first Mixed Use District proposal, areas of the ordinance that need clarification or revision have been identified. A series of amendments are proposed below for consideration. unrelated amendments to a few other sections are also proposed.

1. AMEND: Section 30.10 Statement of Purpose and Intent

The Mixed-Use District was established for the purposes of implementing Oshtemo Township's adopted Sub Area Plans ~~with the intent to and encouraging~~ **encourage** a mix of uses in the planned redevelopment of existing commercial areas into **cohesive** mixed-use **districts that feature a complementary mix of uses designed to encourage internal trip capture.** The Mixed Use District designation is designed to accommodate, through comprehensive planning, zoning, **building design, site layout,** and project review, integrated residential, commercial office, technology, and public uses on larger parcels of land. The mixed-use district strives to encourage innovative development that incorporates high-quality building design, compatibility with adjacent uses, preservation of unique environmental features, and the creation of open spaces and amenities that enhance the quality of life of residents.

2. AMEND: Section 30.20.C. Establishing a Mixed-Use District, Application Requirements

30.20.C. APPLICATION REQUIREMENTS

The owner or option purchaser of a tract of land shall seek approval of a Mixed-Use District zoning designation with the simultaneous submittal of a comprehensive development plan. The comprehensive development plan shall include:

(3) **Development Schematic Plan.** A development schematic plan illustrating the proposed streets and the areas designated for residential, ~~commercial, or non-residential~~ **and mixed-uses.** ~~The development schematic plan should provide areas planned for mixed-use buildings.~~ Potential specific uses proposed in each area shall be outlined **and should be complementary to each other particularly in the mixed-use area(s);** see Section 30.30 for a list of uses permitted in the district. The development schematic plan shall include the proposed acreage for each use category and the proposed residential densities for each identified residential and mixed-use area.

~~(4) **Site Circulation.** A circulation and access management plan for the project shall be provided. This plan shall include proposed street names and phasing (if any for development purposes), proposed non-motorized connections, and connectivity to the surrounding~~

~~transportation network. The design of the circulation and access management plan shall be governed by Article 240 Oshtemo Streets and Mobility Ordinance. Private Streets shall be permitted as outlined in Article 240.~~

(4) **Layout, Circulation and Transportation.** To meet the intent of this ordinance, the development schematic plan shall provide land uses and incorporate the design of complete streets and multimodal circulation systems that effectively and safely allow users of all modes of transportation to move within the development and to adjacent developments. Residential and non-residential uses shall be designed, located, and oriented so that non-residential uses are directly accessible to residents of the development by way of non-motorized facilities and streets that do not involve leaving the development. Provision for public transportation shall also be made.

(5) **Traffic Impact Study (TIS).** A complete analysis of traffic generated by the entire development and the impact said development would have on the surrounding transportation system **and proposed mitigation measures** shall be provided as outlined in ~~Article 240 Oshtemo Streets and Mobility Ordinance~~ **the Transportation and Mobility Ordinance**. The transportation system includes but is not limited to truck routes, emergency routes, State and County roads, non-motorized network(s), public transit, etc.

To reduce the impact of the development on the surrounding transportation system, this ordinance encourages site designs that promote sustainable travel patterns and minimize external trip generation. Internal trip capture may be considered if the site's design and layout, as described in Section 4, support internal circulation and reduce the need for external vehicle trips. The Planning Director and Public Works Director may consider adjustments to trip generation based on empirical data, including methodologies from NCHRP Report 684, the EPA's Smart Growth Mixed-Use Trip Generation Model, or other applicable studies.

The Planning Director and the Public Works Director shall provide feedback to the Planning Commission whether the proposed mitigation measures reported in the TIS align with subarea plans, master plans, community surveys, etc., particularly regarding walkability. If the Planning Commission determines that mitigation measures do not meet the vision of the community as reflected in the foregoing, the rezoning request or portions of the project may be denied.

(8) **Residential Density and Density Bonus.**

I. **Initial Gross Density.** The overall density within the development schematic plan's residential and mixed use areas shall match the intended character of the correlating Sub Area Plan; each density category is defined within Table 30.20.1. A comprehensive development plan that is being proposed without a correlating Sub Area Plan and is within a C: Local Business District designation shall be considered under the high-density residential category. Areas designated purely for commercial development may not be included in the overall gross density calculation.

Table 30.20.1 – Residential Density		
Residential Character/Density Category	Initial Gross Density	Maximum Gross Density with Density Bonus
Agricultural	1 unit an acre	N/A
Low	4 units an acre	N/A
Medium/Transitional	8 units and acre	16 units an acre
High	16 units an acre	32 units an acre

II. Density Bonus. ~~Provided the traffic generated by additional density does not detrimentally impact the transportation network and the vision for specific corridors as embodied in adopted plans, including all modes of transportation, as described in subsection (5) above, a~~ density bonus, up to the maximum gross density defined within Table 30.20.1, ~~shall~~ ~~may~~ be granted if the proposed development provides additional public benefits to the overall community as outlined below. The bonuses earned from each category shall be added together. Final permitted density shall be rounded to the nearest unit (up if ~~equal to or~~ over .5 a unit or down if under).

- a) Housing – This is intended to promote missing middle housing. A mix of housing options are desired.
 1. At least 50% of the dwelling units shall be in buildings with at least two (2) dwelling units. (10% density increase)
 2. At least 75% of the dwelling units shall be in buildings with at least two (2) dwelling units. (20% density increase)
 3. 100% of the dwelling units shall be in buildings with at least two (2) dwelling units. (30% density increase)
- b) Areas within the development with housing designated exclusively for senior citizens, 55 years and older, are entitled to a 20% density bonus.
- c) Dedication of land for a public park, not less than one acre, and/or land for a community/public building if acceptable to the Township Board. (30% density increase).
- d) Dedication of land, not less than one acre when combined, for the purpose of a private park that incorporates usable amenities. Acceptable amenities include playground equipment, picnic areas with grills and tables, tennis courts, baseball diamonds, etc. (10% density increase)
- e) Green Energy – If this density bonus is utilized, the applicant shall designate through their design standards the type of buildings within the development that will meet these standards.
 1. 50% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to Energy Star certified standards (15% density increase).

2. 100% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to LEED Gold Standards 75% of the buildings are constructed to Energy Star certified standards. (30% density increase).

f) Open Space

1. Minimum provided open space is 20% (10% density bonus)
2. Minimum provided open space is 30% (20% density bonus)

g) Mixed Use Buildings

1. Minimum of 20% of buildings have both residential and non-residential uses (10% density bonus)
2. Minimum of 30% of building have both residential and non-residential uses (20% density bonus)

- (10) Phasing. A developmental procedures agreement shall describe the timing and phasing, if applicable, of the project and outline other development details as necessary. **When proposed construction or development is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the mixed use development and residents of the surrounding area. A phasing plan including when each phase is anticipated to commence must be provided for consideration by the Planning Commission. If a phase does not commence within 12 months of the approved phasing plan, the Planning Commission may require a resubmission of the Comprehensive Development Plan for further review and possible revision.**

- (11) Buffer from Adjacent Residentially Zoned Districts.

ii. Walls or fences – Walls or fences may be combined with a berm and **together** must be a minimum of six (6) feet **in height** ~~but cannot exceed above the original grade level in height~~ as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be adjusted to the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence. The Planning Department shall review the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood and submit the same to the Planning Commission for approval. Chain link fences with opaque slats are not permitted.

- (12) Natural features. The development shall be designed to promote the preservation of natural features which shall be defined as water resources and adjacent upland buffers, steep slopes, rolling hills, and dense forests in a manner consistent with the Natural Features

Protection District of Ordinance 585 and the Environmental Protection Requirements of Article 56. The Planning Commission may consider and approve deviations from ordinance requirements upon a finding by the Public Works Director that the proposed project layout and/or amenities will not result in significant negative impacts to existing natural features. In such cases, the Planning Commission may exercise discretion to allow alternative designs that better accommodate site-specific conditions or environmental constraints.

3. AMEND: Section 30.30 DEVELOPING WITHIN THE MIXED USE DISTRICT:

A. CONDITIONS FOR DEVELOPMENT

Unless specifically outlined in a phasing plan approved with the comprehensive development plan, all public infrastructure including shared ~~detention~~ retention basin areas, streets, street lighting, useable common open spaces, and non-motorized facilities, shall be installed prior to any development. If allowed, all private streets shall be located in a ~~66-foot right-of-way with an easement~~ 50-foot wide easement granted to the Township for public utilities and nonmotorized facilities. The Township shall have no obligation or liability for the private street or maintenance thereof by virtue of the easement.

In addition, prior to the submission of the first site plan application within the MU district, the development ownership of the district shall establish a Design Committee. The Design Committee shall review all site plan submissions against the adopted Design Standards and provide a letter of recommendation to the Planning Department as part of the official site plan application to the Township.

B. PERMITTED USES

15) ~~Commercial Center.~~ Reserved.

21) Drive-in service window or drive-through services for businesses. Any drive-in service window or drive-through service must be located on the endcap of a multi-tenant building and shall not be located on a standalone building.

D. DEVELOPMENT REQUIREMENTS

4) iv. All mobility and transportation elements shall follow the regulations outlined in ~~Article 240 Oshtemo Streets and Mobility Ordinance~~ the Transportation and Mobility Ordinance.

Unrelated Amendments regarding adult foster care and similar facilities

Note: After receiving inquiries regarding Adult Foster Care Facilities, in consultation with the Township Attorney, Staff identified several areas of the Zoning Ordinance that require amendments to be in-line with the State Adult Foster Care Facility Licensing Act. Other amendments relating to Adult Foster Care Facilities are also proposed.

1. ADD to and AMEND Section 2.20 DEFINITIONS

- A. ADD: **Adult Foster Care Family Home** - A private residence (pursuant to 1979 Public Act 218, as amended) with the approved capacity to receive at least 3 but not more than 6 adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- B. ADD: **Adult Foster Care Congregate Facility** - An adult foster care facility (pursuant to 1979 Public Act 218) with the approved capacity to receive more than 20 adults to be provided with foster care.
- C. ADD: **Unified Care Facility** – a combination of two or more State certified adult or child care facilities licensed by the State of Michigan on the same or adjacent property operating under the same organization or through a joint operation agreement.
- D. AMEND: **Adult Foster Care Facility** - a State certified ~~home or facility~~ (pursuant to 1979 Public Act 218, as amended) ~~housing~~ licensed by the State of Michigan ~~that provides foster care to adults. Adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. at least one but not more than four adults that receive benefits from community mental health service programs. Shall not be signed.~~
- E. AMEND: **Adult Foster Care Large Group Home** - a State certified facility (pursuant to 1979 Public Act 218) licensed by the State of Michigan with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. ~~hosting at least thirteen but not more than 20 adults that receive benefits from community mental health service programs.~~
- F. AMEND: **Adult Foster Care Small Group Home** - a State certified facility (pursuant to 1979 Public Act 218) licensed by the State of Michigan with the approved capacity to receive at least 3 but not more than 12 adults to be provided with foster care. ~~hosting at least three but not more than 12 adults that receive benefits from community mental health service programs.~~

2. AMEND any reference of “Adult Foster Care Facility” to “Adult Foster Care Family Home” located in Sections 4.20, 5.20, 6.20, 7.20, 8.20, 9.20, 10.20 as a Permitted Use.

Example below from Section 4.20 AG: AGRICULTURAL DISTRICT

- J. ~~Adult Foster Care Facility.~~ **Adult Foster Care Family Home.**

3. AMEND Section 7.40 R-2: RESIDENCE DISTRICT to ADD “Larger Facilities for Child and Adult Foster Care”, “Adult Foster Care Congregate Facility” and “Unified Care Facility” as a Special Exception Use.

Example below from Section 7.40 R-2: RESIDENCE DISTRICT

7.40 SPECIAL USES

- I. **Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, and Unified Care Facility.**

4. AMEND Sections 7.40 8.40, 9.40, 10.40 for any reference of “Larger Facilities for Child and Adult Foster Care” to ADD “Adult Foster Care Congregate Facility” and “Unified Care Facility” as a Special Exception Use.

Example below from Section 8.40 R-3: RESIDENCE DISTRICT

- O. **Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, and Unified Care Facility.**

5. AMEND: Section 49.140 LARGER FACILITIES FOR CHILD AND ADULT FOSTER CARE

1. Shall not be located closer than 1,500 feet to any of the following **unless operated as a Unified Care Facility or unless permitted by the Planning Commission upon a finding that such an action will not result in an excessive concentration of such facilities in a single neighborhood or in the Township overall:**
 - a. Another licensed group childcare home or Child Caring Institution;
 - b. An adult foster care small group home or large group home;
 - c. A facility offering substance use disorder services to seven or more people;
 - d. Community correction center, Half-way house, or similar facility
2. Outside play or social areas are appropriately fenced for the safety of the residents.

3. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.
4. No signs are permitted.
5. One parking space, in accordance with Article 52, shall be provided for each non-resident employee working on site at any one time.
6. Adult Foster Care Congregate Facilities and Unified Care Facilities shall have frontage on and direct vehicle access to a public street classified as a primary or arterial road by the county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.
7. Adult Foster Care Congregate Facilities and Unified Care Facilities shall be connected to public sewer and water.

Unrelated Amendments regarding PUD, Temporary Events and Non-Motorized Facilities

1. **AMEND: PUD Phasing and time limits**

Note: With review of previously approved Planned Unit Development (PUD) that has not progressed as originally anticipated, it became apparent that the ordinance language allowing for PUDs should be strengthened as to approval timelines regarding when various phases of the PUD will be developed.

41.100 APPROVALPROCESS AND DOCUMENTATION REQUIRED

D.3.Site Plan review: Following Conceptual Plan review, individual project or overall planned unit development Site Plan(s) shall undergo a final review by the Planning Commission. The detailed Site Plan shall conform to the approved Conceptual Plan and incorporate any revisions or recommendations made by the Planning Commission at the Conceptual Plan review. If a detailed Site Plan **for the PUD** is not submitted for review within six months of Conceptual Plan approval **or if more than two years pass between submission of individual project site plans within the PUD other than as may have been approved on a phasing plan (Section 41.110)**, the Planning Commission may require a resubmission of the Conceptual Plan for further review and possible revision. Site Plan review shall be subject to all appropriate sections of the Zoning Ordinance.

41.110 POST-APPROVAL PROCEDURES AND REQUIREMENTS

D. Project phasing. When proposed construction **or development** is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the surrounding area. **A phasing plan including when each phase is anticipated to commence must be provided for consideration by the Planning**

Commission. If a phase does not commence within 12 months of the approved phasing plan, the Planning Commission may require a resubmission of the Conceptual Plan or overall planned unit development site plan for further review and possible revision.

2. AMEND: Temporary Outdoor Events

Note: Frequently, staff is approached by various groups that want to hold a weekend long event that may include a food truck. The ordinance only allows for administrative review of one-day events – often the timing is such that an event is planned long before the individual could appear before the Planning Commission for special use approval for the weekend event. We suggest that the ordinance be amended to allow administrative review of 3 days events – we do have a formal permit process established – up to 12 calendar days a year.

48.120 TEMPORARY OUTDOOR EVENTS (NOT LASTING MORE THAN ~~ONE DAY~~ THREE DAYS).

- A. Events shall last no more than ~~one day~~ three days. There shall not be temporary events on a property for more than 12 days in a calendar year.
- B. Use is incidental to the principal use of the property.
- C. A Site Plan shall be submitted for administrative review indicating the following:
 - 1. Traffic lanes and on-site parking.
 - 2. Fire lanes and emergency vehicle turning areas.
 - 3. Restrooms provided (in [building](#) or portable facilities).
 - 4. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable [setbacks](#).
 - 5. All activity takes place on subject property.
- D. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
- E. All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.
- F. Property owner must approve and acknowledge the use of the property for the event.

49.260 TEMPORARY OUTDOOR EVENTS (LASTING MORE THAN ~~ONE DAY~~ THREE DAYS).

- A. May last more than ~~one day~~ three days.
- B. Use is incidental to the principal use of the property.
- C. A Site Plan shall be submitted for administrative review indicating the following:
 - 1. Traffic lanes and on-site parking.
 - 2. Fire lanes and emergency vehicle turning areas.
 - 3. Restrooms provided (in [building](#) or portable facilities).
 - 4. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable [setbacks](#).
 - 5. All activity takes place on subject property.
- D. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.

- E. All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.
- F. Property owner must approve and acknowledge the use of the property for the event.

VARIOUS SECTIONS WHERE TEMPORARY OUTDOOR EVENTS ARE LISTED

4.30.A.	AG	Temporary outdoor events (not lasting more than one day three days).
4.40.D.	AG	Temporary outdoor events (lasting more than one day three days).
5.30.B.	RR	Temporary outdoor events (not lasting more than one day three days).
5.40.H	RR	Temporary outdoor events (lasting more than one day three days).
6.30.A.	R-1	Temporary outdoor events (not lasting more than one day three days).
6.40.C	R-1	Temporary outdoor events (lasting more than one day three days).
7.30.A	R-2	Temporary outdoor events (not lasting more than one day three days).
7.40.D	R-2	Temporary outdoor events (lasting more than one day three days).
8.30.B	R-3	Temporary outdoor events (not lasting more than one day three days).
8.40.J	R-3	Temporary outdoor events (lasting more than one day three days).
9.30.C	R-4	Temporary outdoor events (not lasting more than one day three days).
9.40.f.	R-4	Temporary outdoor events (lasting more than one day three days).
10.30.C	R-5	Temporary outdoor events (not lasting more than one day three days).
10.40.C	R-5	Temporary outdoor events (lasting more than one day three days).
11.30.B	R-C	Temporary outdoor events (not lasting more than one day three days).
11.40.M	R-C	Temporary outdoor events (lasting more than three days).
18.30.B	C	Temporary outdoor events (not lasting more than one day three days).
18.40.N	C	Temporary outdoor events (lasting more than one day three days).
19.30.B	VC	Temporary outdoor events (not lasting more than one day three days).
19.50.K	VC	Temporary outdoor events (lasting more than one day three days).
20.30.A	BRP	Temporary outdoor events (not lasting more than one day three days).
20.40.F	BRP	Temporary outdoor events (lasting more than one day three days).
21.30.A	CR	Temporary outdoor events (not lasting more than one day three days).
21.40.J	CR	Temporary outdoor events (lasting more than one day three days).
26.40.A	I-R	Temporary outdoor events (not lasting more than one day three days).
26.50.H	I-R	Temporary outdoor events (lasting more than one day three days).
27.30.B	I-1	Temporary outdoor events (not lasting more than one day three days).
27.40.H	I-1	Temporary outdoor events (lasting more than one day three days).
28.30.A	I-2	Temporary outdoor events (not lasting more than one day three days).
28.40.A	I-2	Temporary outdoor events (lasting more than one day three days).
30.30.C.h	MUD	Temporary outdoor events (subject to 48.120 or 49.260, as applicable)

3. **AMEND: 57.90 SIDEWALKS AND NON-MOTORIZED FACILITIES**

Note: Given the recent changes in the law, constructing a 'sidewalk to nowhere' violates the Public Right-Of-Way Accessibility Guidelines (PROWAG) statute. The ZBA is asking for this changes as it has granted three requests recently allowing the property owner to consent to a future special assessment district rather than building a segment of sidewalk or putting funds in escrow now as construction prices will change and there will be economy of scale in building a large segment of sidewalk versus piecemeal as well as avoiding design issues.

57.90 SIDEWALKS AND NON-MOTORIZED FACILITIES

For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk or shared use path in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required to be constructed within public street rights-of-way and/or private street easements. Sidewalk easements on private property may be entered into and utilized if determined appropriate by the Township Engineer.

However, ~~unique~~ circumstances may exist such that the installation of non-motorized facilities in compliance with this article may not be appropriate at the time of development. Accordingly, the property owner may in lieu of constructing the required non-motorized facility, request to enter into ~~an Escrow Agreement~~ **a Consent to the Establishment of a Sidewalk Special Assessment District and Assessment** with the Township as outlined in the Non-Motorized Facilities/ Sidewalk Ordinance. **Provided the non-motorized facility is fully designed on the subject property as part of site plan review, the reviewing body is authorized to approve an Escrow Agreement a Consent to the Establishment of a Sidewalk Special Assessment District and Assessment** in lieu of the required non-motorized facility with a recommendation from the Township Engineer that the public would be better served with construction of the non-motorized facility in the future (part of a larger sidewalk project, utility project, etc.).

~~Where strict application would result in extraordinary difficulty, including, but not limited to, severe variations in topography, unsuitable soils, or difficulty in providing safe separation between pedestrian and vehicular traffic due to site location, layout, or existing building arrangements;~~

~~A. The Township has plans to install sidewalk along the property in question in the next five years or in coordination with an anticipated project.~~

The following Site Plan reviews are exempt from this Section:

- A. Uses requiring site plan review that entail an alteration or expansion to an existing building involving less than 2,000 sq. ft.
- B. Uses requiring site plan review that fall exclusively into the categories of 'Accessory Structures and Site Improvements' or Administrative Review in 'Change in Use' in the Table under Section 64.20 Applicability.