

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD JANUARY 25, 2024**

Agenda

DEVIATION REQUEST – 9577 WEST M AVENUE

Bradley and Lynne Jager are requesting a deviation to allow their nonconforming parcel to become buildable.

WORK SESSION:

a. Solar & Wind Update

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, January 25, 2024, commencing at approximately 6:01 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Philip Doorlag, Chair
Deb Everett, Vice Chair
Zak Ford, Township Board Liaison
Scot Jefferies
Scott Makohn

MEMBERS ABSENT: Alistair Smith

Also present were Leeanna Harris, Zoning Administrator and Temporary Recording Secretary, and James Porter, Township Attorney.

Call to Order and Pledge of Allegiance

Chairperson Doorlag called the meeting to order at approximately 6:01 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

PUBLIC COMMENT ON NON-AGENDA ITEMS

The Chair asked if anyone present wished to speak on non-agenda items. As no one responded, he moved to the next agenda item.

Approval of the Minutes of the Meeting of January 11, 2024

Chairperson Doorlag asked for additions, deletions, or corrections to the Minutes of the Meeting of January 11, 2024.

Hearing none, Chairperson Doorlag asked for a motion.

The Chair asked for a motion.

Ms. Everett **made a motion** to approve the Minutes of the Meeting of January 11, 2024, as presented. Mr. Jefferies **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item and asked Ms. Harris for her presentation.

DEVIATION REQUEST – 9577 WEST M AVENUE

Ms. Harris explained the Planning Commission was being asked to grant a deviation request to allow the legally nonconforming parcel at 9577 West G Avenue to become buildable.

She indicated that the property currently consists of 23.1 acres and 100' of frontage. The property is currently zoned RR: Rural Residential and is located in the southwest quadrant of the Township. Since the property used to exist as an airfield, there is a legally nonconforming 1,680 square foot building located on the front of the property. She explained that the subject property is currently deemed unbuildable due to the requirements outlined in Section 50.10.A., Schedule of AG and RR Dimensional Requirements, that states that RR: Rural Residential zoned properties must have, at a minimum, 200' of frontage, subject to the exceptions of 50.10.C.

She indicated that, per Section 50.10.C, of the Ordinance, any parcel deemed unbuildable by the Schedule of Regulations and not subject to Section 50.10.E, the Planning Commission is given the right to grant a deviation to allow the parcel to become buildable if it meets all of the following criteria and where, in the opinion of said Planning Commission, the spirit of the foregoing provisions are still observed, public safety, health, and welfare secured, and substantial justice thereby accomplished.

She indicated that the first standard is that the existing subject parcel under consideration was established prior to March 31, 1997. She explained that Planning Staff reviewed documents relating to the parcel and found that the property executed a land redescription in 1994. She explained that since the property and its configuration under consideration were established prior to March 31, 1997, this consideration is met.

She indicated that the second standard is that the existing subject Parcel must satisfy the minimum area requirements of a platted Lot within the R-1, R-2, R-3, R- 4,

and R-C districts as set forth in Section 50.10.A. This requirement, as outlined in Section 50.10 of the Zoning Ordinance (see below), requires platted lots and building sites not serviced by water or sewer to have 100 feet of frontage and 22,000 square feet in size. She noted that the subject site is approximately 23 acres in area. She explained that although the applicants previously had 66' of frontage, they did recently execute a boundary line adjustment in 2023 with the neighboring property to the immediate west and acquired an additional 34' of frontage, making their total frontage 100'. Thus, this consideration is met.

She indicated that the third standard is that the dimensions of neighboring lawfully nonconforming properties located within 300 feet would support said deviation. Within 300', there is another lawfully nonconforming property that would support said deviation. To the east, specifically, 9533 West M Avenue, possesses 100' of frontage and has the same legally nonconforming status. Although located outside of the 300' buffer, she noted that there are several other parcels approximately 500' out that also share the legal nonconforming status as well. With that being said, the dimensions of lawfully nonconforming properties located within 300' would support said deviation.

She concluded her presentation explaining that Planning Department Staff recommend the Planning Commission approve the deviation request to allow the parcel at 9577 West M Avenue to become buildable with the condition that building permits shall be obtained through the Oshtemo Township Building Department. Ms. Harris then offered to answer any questions that the Commissioners may have.

Mr. Ford asked, if the Commission granted this deviation, if someone would be permitted to build a subdivision, for example.

Attorney Porter explained that this would not be permitted unless a road would be built into the property.

Mr. Jefferies asked what the history was in the Township and why the current frontage regulations were implemented.

Attorney Porter explained that, when these specific regulations were implemented, they were largely a response to the growth in the Township, which led to lower permitted densities and larger frontages. He also noted that this may be an issue that the Commission has to address with the current housing demand.

Chair Doorlag asked for clarification that nonconforming parcels are those that existed in their current state prior to the when the regulations were put in place.

Attorney Porter confirmed that this is the case, and that the nonconformity would prevent residents of these nonconforming parcels to pull building permits, thus the reason for the current deviation request.

Mr. Ford **made a motion** to grant the requested deviation to allow the legally nonconforming parcel located at 9577 West M Avenue to become buildable with the conditions presented. Ms. Everett **seconded the motion**. The **motion was approved unanimously**.

Chairperson Doorlag moved to Work Session at approximately 6:19 p.m. for consideration of the next agenda item.

Work Session:

a. Solar & Wind Update

Attorney Porter noted that recent legislation from the Michigan State Legislature and signed by the Governor, namely Public Act 233 and 234, will be effective November 29, 2024. He explained that it will likely affect local governments and their implementation of solar and wind ordinances.

Attorney Porter explained that the Township's previously adopted Solar Ordinance will have minor changes while the Wind Ordinance will likely have more significant changes but that he will keep the Commission informed on those changes.

OTHER UPDATES AND BUSINESS

Mr. Ford noted that the Streets and Mobility Ordinance was well received at the Township Board and that they accepted the first reading and set second reading.

Attorney Porter noted that the Sign Ordinance update will likely be happening in the next couple months and that it will come forward to the Commission.

Chairperson Doorlag asked when the Public Hearing for the Mixed-Use Ordinance would be, and Attorney Porter said it would be at the February 8th meeting. Attorney Porter noted that the Legal Department as well as the Planning and Zoning Department were working with a consultant at McKenna to discuss and evaluate the Density Bonus section. He also noted that Paul, the consultant from McKenna, would be giving a presentation at the same February 8th meeting.

ADJOURNMENT

With no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 6:40 p.m.

Minutes prepared:
February 1, 2024

Minutes approved:
February 8, 2024