

**Laketon Township Planning Commission**  
**December 8, 2021 Regular Meeting & Public Hearing Minutes – APPROVED 02/09/2022**

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**CALL TO ORDER:** Chairperson Bob Marine called the meeting to order at 6:00 pm

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

- Present: June Earhart, Susanne Hayes, Eric Anderson, Paul Hoppa, Dave Mieras and Bob Marine
- Absent w/notice: DJ Hilson
- Also present: Township Attorney David Bossenbroek, Zoning Staff Tammy Stephenson, Recording Secretary Veronica West, Applicant Rich Young, Engineer Wade Vandenbosch from West Shore Engineering and one other local citizen.

**APPROVAL OF AGENDA:** June Earhart moved to approve the agenda as presented. Dave Mieras supported the motion and the motion carried by voice vote.

**APPROVAL OF MINUTES:** June Earhart moved to approve the minutes of 10/13/2021 as presented. Paul Hoppa supported the motion. The motion carried by voice vote.

**PUBLIC HEARING:**

- **Open Public Hearing:** Chairperson Bob Marine asked for a motion to open the public hearing. Paul Hoppa moved to open the public hearing. June Earhart supported the motion. The motion carried by voice vote.
  - Zoning Staff Tammy Stephenson read aloud the request from the application made by Rich Young to rezone his property known as 989 Witham Dr from C-2 Service Commercial to R-3 Single Family Residential.
  - Chairperson Bob Marine reviewed the procedural rules for the public hearing and making public comment.
  - Secretary Dave Mieras confirmed publication of the public hearing notice took place in the Muskegon Chronicle on Sunday November 21, 2021 and then proceeded to read the complete notice aloud.
  - Zoning Staff Tammy Stephenson was requested by Chairperson Bob Marine to give an overview of the Staff Report prepared by Zoning Administrator Theresa Maner. She did so, reading the following; 1. the application was received on October 21, 2021 and was accompanied by the payment of the fee of \$665.00, 2. Specific steps and procedures to follow to amend the zoning map and/or zoning ordinance language, 3. Spot zoning, noting it is an illegal form of zoning and the 4 criteria to identify spot zoning, area is small compared to districts surrounding the parcel in question, it would allow land uses inconsistent with those allowed in the vicinity, the spot zone would confer a special benefit not commonly enjoyed by similar properties, and spot zoning conflicts with the policies of the master plan and the future land use map. She also read aloud the recommendations of the Zoning Administrator, suggesting possible a mixed use zoning district be considered to promote greater flexibility and creative design in the area of Witham Rd and Dykstra Rd intersection.
  - Chairperson Bob Marine offered the floor to Applicant Rich Young to present his request. Mr. Young deferred to his representative Wade Vandenbosch, and engineer with the firm West Shore Engineering (2534 Black Creek Rd, Muskegon). Mr. Vandenbosch noted the structure currently on the property was a home at the time the property was zoned to commercial many years ago. He explained the recent activities of the property owner, noting Mr. Young tried in 2017 to turn the property into an office use, but could not get approval from the Muskegon County Water Resources Commissioner. Mr. Vandenbosch discussed the issues with the property being zoned commercial; he stated the property dimensions are approximately 140 feet on Dykstra Rd and 128 feet on Witham Rd (a corner lot), noting it cannot meet minimum zoning requirements for land area, road frontage, zoning setbacks or drainage criteria. He added he did a soil boring on the property earlier this year and hit groundwater at a depth of approximately 12 inches. He stated Mr. Young wants to improve the property by rehabilitating the current home structure into a habitable structure and sell it and he needs the change to a residential zoning district to do so.
  - Chairperson Bob Marine again offered the floor to Applicant Rich Young. Mr. Young stated he has been in front of this board several times and made his position known and he offered to answer any questions anyone had. Eric Anderson asked if the Mr. Young intends to rehab the home and sell it should the rezoning request be approved, and he also asked Mr. Young if he had

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investigated the feasibility of obtaining a building permit from Laketon Township. Mr. Young replied in the affirmative to both questions.

- **Public Comment:** Chairperson Bob Marine offered the floor to the audience for public comment at 6:14pm. No members of the audience came forward to make any comments. Chairperson Bob Marine noted there was also no public correspondence received by Laketon Township regarding this zone change request. Eric Anderson moved to close the public comment portion of the meeting. June Earhart supported the motion. The motion carried by voice vote and the public comment portion of the public hearing closed at 6:17 pm. Chairperson Bob Marine reminded the public not further comments would be taken from the audience.
- **Planning Commission Deliberations:**
  - Suzanne Hayes discussed the small size of the lot, noting the inability to feasibly develop commercially. She asked if the property, with high ground water, is safe to develop as a residential home. Comments from Bob Marine indicated with proper construction methods, high water issues can be addressed and the property used for a residential home site, as it is common practice in many areas in Laketon Township that have high ground water issues.
  - Eric Anderson noted that with a high water issue and soil boring showing water at approximately 12 inches down as stated by Mr. Vandenbosch of West Shore Engineering that the site is not ideal but is usable with proper construction. He also discussed that the property was zoned commercial back in 1976; noted one house to the west is also in this same commercial zone as are several other homes across the street and along Witham Road to the north as well and are still being used as homes, 45 years after being zoned commercial. He added he understands the idea and intent to make it a commercial corridor back then, but it has not become a commercial corridor, but instead a more transitional area between the commercial activity on Whitehall Rd and the residential uses of the interior of the township. He also addressed spot zoning, noting it may borderline on spot zoning but changing to an R3 residential district is one step closer to more appropriate zoning in this area.
  - Suzanne Hayes commented she has been by this property and it looks like a “lost soul” and it would be nice to have something in this transitional area leading into the residential neighborhoods.
  - Bob Marine commented that by changing the zoning to R3 it would not change the character of the area as there are already homes and small businesses in existence and it would look better if the existing structure could be rehabilitated and occupied. He also added he would feel better if the property to the west of this location could also be rezoned to R3.
  - Eric Anderson commented that there are several other parcels in the area, the homes across the street for instance, as they are currently legal non-conforming but can’t really be improved or expanded in any meaningful way being zoned commercial and should be looked into for appropriate changes in the near future.
  - Township Attorney David Bossenbroek reminded the PC their job at this time is to make a recommendation to the Township Board of the application of Mr. Young, and the final decision rests with the Township Board. Mr. Bossenbroek also noted this corridor on Witham Rd has been an issue for quite some time and he sympathized with Mr. Young’s situation. He did also note there isn’t really enough traffic on this road for C-2 commercial uses and many residences still remain. In reality it is functioning as a mixed use area. He suggested the Planning Commission might want to consider asking the Township Board to task them with coming up with some mixed use zoning or amending the zoning ordinance language to utilize mixed use PUD’s (planned unit development). He noted he has had discussions with the township supervisor and zoning administrator and suggested hiring a zoning consultant to work on this and develop appropriate language.
  - Eric Anderson commented that the ordinance language would have to be developed for a mixed use zoning district and one does not currently exist. Mr. Vandenbosch asked for permission to ask a question and was permitted to do so. He asked why any of this would prohibit the rezoning of this property, why not grant the rezone now and then work on the rest as new ordinance language could take months. Eric Anderson reminded him a decision has not yet been reached.
- **Planning Commission Determination:** Suzanne Hayes moved to recommend to the Laketon Township Board approval of the rezoning request of Mr. Rich Young from C-2 Service Commercial to R-3 Single Family Residential on his property located at 989 Witham Rd as requested. Paul Hoppa supported the motion. A roll call vote was taken. Voting in favor of the motion: Eric Anderson, Suzanne Hayes, June Earhart, Dave Mieras, Paul Hoppa and Bob Marine. Voting in opposition of the motion: None. The motion carried.

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PUBLIC COMMENTS on AGENDA ITEMS ONLY: NONE

### CORRESPONDENCE

- Planning & Zoning News & Zoning Information Report – distributed for informational purposes, no discussion.

### UNFINISHED BUSINESS:

- **Master Plan Process:** June Earhart moved to approve the most recent changes to the draft master plan recommend approval of it to the Laketon Township Board of Trustees. Eric Anderson supported the motion. A roll call vote was taken: Voting in favor of the motion: Dave Mieras, Paul Hoppa, Eric Anderson, June Earhart, Suzanne Hayes and Bob Marine. Voting in opposition of the motion: None. The motion carried.

### NEW BUSINESS:

- **Section 3.29 Major Street Setbacks:** Zoning staff member Tammy Stephenson noted with the absence of Zoning Administrator Theresa Naruszkiewicz-Maner it is recommended to review this section and be prepared to discuss at the next meeting. June Earhart moved to table discussion of this topic until the January 2022 meeting. Dave Mieras supported the motion. The motion carried by voice vote.

PUBLIC COMMENTS: NONE

### BOARD REPORTS:

- **Board of Trustees:** Eric Anderson noted the situation with the Bear Lake Lake Board is settling down and the current board members are working to move forward and he is continuing to monitor their progress.
- **ZBA:** Suzanne Hayes reported on a recent variance request recently heard by the ZBA for a 6 foot fence on a corner lot, on the frontage of one of the roads (the side road off W. Giles Rd). She discussed some of the particulars of the request and the discussion of the ZBA members. She did note that the variance request was granted by the ZBA.

### ADJOURNMENT:

- Dave Mieras moved to adjourn the meeting. Eric Anderson supported the motion. The motion carried and the meeting adjourned at 6:41 pm.

Respectfully Submitted:

Veronica West  
Recording Secretary