

**PAW PAW TOWNSHIP  
PLANNING COMMISSION MINUTES**

**Regular Meeting – December 20, 2022**

**1. CALL TO ORDER AND ROLL CALL**

Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:00 PM.

**PRESENT:** Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, Chad Learned

**ABSENT:** E. Frances Sanders, Chuck Felcyn

Also present was David Jirousek, AICP, Township Consulting Planner

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**3. APPROVAL OF THE AGENDA**

A motion was offered by Mr. Arbanas to approve the agenda as presented. The motion was supported by Mr. Learned.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, Chad Learned
- Nay: none
- Abstain: none

**4. APPROVAL OF MINUTES**

A motion was offered by Mr. Root to approve the minutes from the regular meeting held on November 15, 2022, as presented. The motion was supported by Mr. Hover.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, Chad Learned
- Nay: none
- Abstain: none

**5. PUBLIC COMMENT ON NON-AGENDA ITEMS**

- Larry Meachum asked the Planning Commission to consider single-family dwellings as principal land uses within the Neighborhood Convenience Commercial (NCC) zoning district.

## 6. BUSINESS:

### **a. Public Hearing and Consideration of a Special Land Use and Site Plan: Matthew Goddard requests approval of a new accessory building proposed to exceed the 250-foot maximum front setback in the AGR District (500 feet) at 45555 CR 374 Paw Paw, MI 49079 (parcel # 80-14-007-004-55).**

Mr. Jirousek explained that the applicant requested special land use and site plan approval to allow an accessory building to be placed beyond the 250-foot maximum front building setback that applies to properties within the AGR zoning district. The Zoning Ordinance was recently amended to authorize the Planning Commission to hear maximum setback modification requests through the special land use process. Mr. Jirousek stated:

- The placement of the building will not fragment or isolate farmland.
- The building site does not appear to be located near active farming operations.
- The placement of the building will not result in an inconsistent character of the community.
- The placement of the building will not be obtrusive to nearby homes or cause concern with privacy or visual impact.

Applicant Matthew Goddard clarified the location of the proposed dwelling between the house, septic, and electrical line. A variance was granted for the dwelling in 2019 because the property is irregularly shaped.

Chairman Kerby opened the public hearing at 6:11 pm. There were no public comments. The hearing was closed at 6:11 pm.

A motion was offered by Mr. Learned to approve special land use and site plan for a new accessory building that exceeds the 250-foot maximum front setback required by the AGR Zoning District. The building is approved to be placed approximately 60 feet southwest of the existing home and approximately 500 feet from the public right-of-way, and all other zoning requirements shall be met. This decision is based on the documented findings included within the staff report dated December 13, 2022, provided by the Township Planner. Further, exterior lighting shall be down-lit and of a residential style.

The motion was supported by Mr. Arbanas.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, Chad Learned
- Nay: none
- Abstain: none

**b. Public Hearing and Consideration of a Zoning Map Amendment: Adam Hall requests approval of a rezoning from Neighborhood Convenience Commercial (NCC) to Heavy Commercial/Industrial (HCI) for parcels located at 39607 and 39617 W Red Arrow Highway, Paw Paw, MI 49079 (parcel #s 80-14-015-033-00 and 80-14-015-034-00).**

Mr. Jirousek explained that the applicant requested the rezoning of two parcels from Neighborhood Convenience Commercial (NCC) to Heavy Commercial/Industrial (HCI). The applicant proposes to use the properties for landscaping equipment storage and RV/boat storage. Mr. Jirousek explained that the properties were surrounded by residential properties, although adjacent zoning is both ARR and NCC. Rezoning may appear to be a “spot zoning,” but it would not satisfy all common conditions of spot zoning, mainly because the Master Plan plans for future HCI zoning. However, the timing and appropriateness of any rezoning must be considered, and public input and consistency with the character of the area should also be taken into consideration.

Applicant Adam Hall said no exterior changes are proposed. Equipment and material would be stored behind the existing fence.

Chairman Kerby opened the public hearing at 6:20 pm.

- John Hiedema stated that he lives behind the facility, and the use was nonconforming, and similar use is not appropriate.
- Russ Hunt lives to the east and was concerned with privacy fencing of outdoor storage.
- Kim Hiedema expressed concern with setbacks for HCI zoning.

The hearing was closed at 6:23 pm.

Mr. Jirousek explained the Future Land Use designation and stated that setbacks are greater for HCI zoned land.

Mr. Learned thought the use suited the site but was concerned with other future potential HCI uses and the impact on adjacent residential properties.

Mr. Hover stated that boat storage was also a potential.

Mr. Learned stated that he would be more comfortable with the rezoning if there were certainty regarding screening of outdoor storage, hours of operation, and future use. The Planning Commission members agreed.

Mr. Learned made a motion to table consideration to allow the applicant to offer conditions of approval voluntarily.

The motion was supported by Mr. Arbanas.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, Chad Learned
- Nay: none
- Abstain: none

## 7. ADDITIONAL PUBLIC COMMENT

### **a. Zoning Text Amendment Request: Bob Parshall and Wine Country Storage, LLC.**

Bob Parshall and Andrew Rossell stated that 40 feet of separation for drive aisles between self-storage buildings were excessive. The Planning Commission agreed and felt that 28 feet of separation were more appropriate, but 40 feet should be maintained at end aisles to ensure fire truck maneuverability.

A public hearing was desired for the January meeting for zoning text amendments related to storage building drive aisles and dwellings in HCI.

## 8. ADJOURNMENT

Mr. Learned made a motion to adjourn the meeting at 7:08 pm. The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, Chad Learned
- Nay: none
- Abstain: none

Prepared by: David Jirousek, AICP  
Township Consulting Planner  
November 28, 2022

Approved: January 17, 2023