

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – June 17, 2025

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, Chad Learned, Phil Hover, Phillip Arbanas, Jim DeGross, Ken Bowditch, Chuck Felcyn

ABSENT: None

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF THE AGENDA

The Planning Commission reviewed the proposed meeting agenda.

- Bowditch offered a motion *to approve the agenda as presented.*
- DeGross supported the motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
 - Aye: Chairman Kerby, Learned, Hover, Arbanas, DeGross, Bowditch, Felcyn
 - Nay: none
 - Abstain: none

4. APPROVAL OF MINUTES

The Planning Commission reviewed the draft minutes from May 20, 2025.

- DeGross offered a motion *to approve the minutes from the meeting held on May 20, 2025, as presented.*
- Bowditch supported the motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
 - Aye: Chairman Kerby, Learned, Hover, Arbanas, DeGross, Bowditch, Felcyn
 - Nay: none
 - Abstain: none

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

- None

6. BUSINESS

a. Public Hearing and Consideration of a Special Land Use and Site Plan. Marc Swartz requests retroactive approval for an accessory building and deck to exist within a side setback and for a second-story accessory dwelling unit at 66639 41 ½ Street, Paw Paw, MI 49079 (parcel # 80-14-028-034-00).

Chairman Kerby opened the public hearing.

- Patricia Mehellich at 66495 41 ½ Street made a comment asking if an additional building was going up.
- Nichole VanNiman works with the applicant, and stated that they purchased the building last fall, and there was an existing deck that was replaced.

Chairman Kerby closed the public hearing.

Discussion ensued, and Learned explained the recommendation to the applicant, and Marc Swartz stated they did not know the additional building was not permitted for residence when they purchased the property.

Marc Swartz also stated that the facility will not be owner-occupied. However, they have full-time staff available.

After a general discussion of the Planning Commission, the members agreed that the building was not suitable and did not meet the requirements for an accessory dwelling unit (ADU). ADUs were never intended to run businesses in Paw Paw Township, and the disruption to a residential area is not in line with the ordinance or the Master Plan.

- Learned offered a motion *to approve the existence of the accessory building and deck, finding the special land use standards were met, and deny the proposed use of the building upstairs as an ADU because the ADU requirements were not met.*
- Felcyn supported the motion.
- Chairman Kerby called for the vote, and the motion passed (6-1).
 - Aye: Chairman Kerby, Learned, Hover, Arbanas, Bowditch, Felcyn
 - Nay: DeGroff
 - Abstain: none

b. Off-Site Accessory Buildings. Discussion.

A property owner from Eagle Lake presented pictures and letters of support from neighbors regarding his desire to place an accessory building on a non-contiguous lot approximately 40 feet across the street from him.

The Planning Commission discussed the proposed text amendment concerning off-site accessory buildings and the options provided by Mr. Jirousek, the Township Planner.

The Planning Commission agreed that off-site accessory buildings should be processed as special land uses to ensure that all proposals are reviewed on a case-by-case basis. Additionally, Learned will request that Jirousek amend the draft text amendment to include the following:

- Off-site accessory buildings, when not on abutting property, are only permitted in the WFR district when within 100 ft. of the lot with the principal use.
- The applicant must demonstrate compatibility with the neighborhood and surrounding properties.
- The non-contiguous lot/property shall not be separated by more than one residence.
- A non-contiguous accessory building shall be permanently barred from use as a rental property, business, or ADU.

c. Master Plan. Discussion.

It was decided that July 22 should be a special meeting. However, at the Planning Commission's discretion, the meeting may be canceled should the regularly scheduled meeting on July 15 afford sufficient time to accomplish the goals of the discussion.

7. ADDITIONAL PUBLIC COMMENT

- Hover asked about the potential for paychecks to designate the line items for standard vs. additional public hearing pay.
- DeGroff stated that there are routine problems and potential criminal activity at the 41 ½ Street location previously discussed.
- There was also general discussion on solar ordinance regarding the need to prevent unsavory companies and the need for strong decommissioning bonds/financial assurances.

8. ADDITIONAL DISCUSSION

None

9. ADJOURNMENT

The meeting concluded at 7:26 pm.

- Hover offered a motion *to adjourn the meeting at 7:26 pm.*
- Felcyn supported the motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
 - Aye: Chairman Kerby, Learned, Hover, Arbanas, DeGroff, Bowditch, Felcyn
 - Nay: none
 - Abstain: none

Prepared by: Chadwick Learned, June 18, 2025, and edited by David Jirousek, June 23, 2025

Approved: July 15, 2025