

**WATERVLIET CHARTER TOWNSHIP  
PLANNING COMMISSION  
REGUAR MEETING  
MINUTES  
AUGUST 3, 2021**

Present: Louis Nordell, Linda Rizzo, Colleen Curtis, Deanna Heminger, Scott McKee, Joseph Stepich

Acting Chairman J. Stepich called the meeting to order at 2:00 p.m.

Roll Call was taken.

The minutes of the July 6, 2021 meeting were read. C. Curtis made a motion to approve the minutes as read. L. Nordell seconded and the motion carried.

The date for the required public hearing dealing with the proposed accessory structure text amendment was discussed. D. Heminger made a motion to set the public hearing date for September 7, 2021 at 2:05 p.m. C. Curtis seconded and the motion carried.

**Recreational Marihuana**

J. Stepich told the Commissioners that he contacted Bangor, Hartford, Niles City, Portage and Kalamazoo City to reply to questions that he asked of them concerning their decisions of permitting the use and how they felt about that decision now. Stepich then went over each question with the Commission that he asked the various municipalities. He said that Kalamazoo City and Hartford did respond by sending him copies of their ordinances, adding that Kalamazoo now has only one ordinance that encompasses both medical and recreational uses. He further added to that, the representative from Kalamazoo told him that, in retrospect, they would change the distance requirements. Both municipalities suggested getting resident input and have an ordinance in place.

In discussion, the Commissioners agreed that the best course of action would be to get as much public input as possible then decide if it was desirable to permit the use. If recommended then they would draft an ordinance and adopt the ordinance. Stepich then asked what the Commissioners needed to make a recommendation they felt comfortable with. C. Curtis said that gaining public input would be the best course of action at this point. Through further discussion it was reasoned that a series of public meetings, affording the public ample opportunity to voice their opinions, would give the Commission the greatest opportunity to make the best recommendation to the Township Board and, since the Township Board would be receiving that recommendation, their attendance at those public hearings would be preferred.

With that said, D. Heminger made a motion to schedule two joint public hearings on the

subject of recreational marihuana, including both the Planning Commission and the Township Board; the first to take place on Wednesday September 8, 2021 at 7:00 p.m. and the second to be scheduled for Saturday September 11, 2021 at 10:00 a.m. Both hearings to be held at the Township Hall. L. Nordell seconded and the motion carried.

### **Master Plan**

In an effort to promote the goals and objectives of the Township's Master Plan, J. Stepich stated that he would like the Commissioners to review the seven goals published. Through discussion it was noted that, with the recent building boom of residential single family houses ongoing in the township, coupled with the fact that most of the township's available industrial property has been purchased, it has rendered the promotion of those two goals mute. S. McKee did suggest that because of that fact, the Township should be looking toward the procurement of property that would accommodate future industrial and residential development. D. Heminger suggested that the Commission should review each goal and agree on specific objectives to achieve each one.

With there being no further business before the Planning Commission, C. Curtis made a motion to adjourn. L. Rizzo seconded and the motion carried.

The meeting was adjourned at 3:33 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Robert Lohr", with a long horizontal line extending to the right.

Robert Lohr  
Zoning Administrator

**WATERVLiet CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MEETING AND PUBLIC HEARING MINUTES  
SEPTEMBER 22, 2021**

Site Address: 5245 Lakeshore Dr. in the Bowe's Landing Subdivision.

Property #: 11-21-0980-0016-01-5.

Applicant: Darin M. Frieling

Request: The property currently has a 2-story frame house located on it. Mr. Frieling wishes to demolish the existing structure and replace it with a 60' X 30' structure. The proposed structure will be an accessory structure encompassing the first floor and living quarters on the second floor. As proposed, the structure will be 15' from Lakeshore Dr. and have a rear yard setback of 17feet. Both required 10 foot side yard setbacks have been met. Watervliet Charter Township Zoning Ordinance No. 77, Article V - Schedule of District Regulations, Section 5.12 - Schedule of District Regulations - Yard, Height and Lot Size Requirements for Principal and Accessory Uses requires a roadside, or front, setback in the R1-B District of 35 feet and a minimum rear yard setback of 25 feet. Therefore, a front setback variance of 20 feet from Lakeshore Dr. and a rear yard variance of 8 feet will be required.

In addition to that, Zoning Ordinance No. 77, Article XX - Definitions, Section 20.02 (A) Accessory Uses; stipulates that all accessory structures in residential districts, whether attached or unattached to the principal structure, cannot exceed a maximum square footage of 1,000 square feet. To be constructed as planned, the garage square footage area of 1,800 square feet, will require a variance of 800 square feet.

Present: Mark Vander Linden, Carl Spessard, Stephen Myers, Robert Wallace, Thys Van Hout, Deanna Heminger (Alt.), Deane Fizzell, (Alt.).

Also Present: Don Falduto, John Gibson, Darin Frieling, Dan Frieling, Rick Neuber, Tom Scheid, Joe Stepich, Josh Fulton

Chairman C. Spessard called the meeting to order at 2:00 p.m.

Roll Call was taken.

The minutes of the July 28, 2021meeting/public hearing and the minutes of the special joint Planning Commission / Zoning Board of Appeals meeting were read. S. Myers made a motion to approve the minutes as read. M. Vander Linden seconded and the motion carried.

there is a storm sewer in the area and all they would have to do is make a new run from the proposed home into the existing system. He went further by noting that the proposed structure is more conforming than the current nonconforming structure, citing specifically that the current home is about 2 ½ feet away from the edge of Lakeshore Dr. The new one, he added, would be 15 feet away from the edge of the road.

S. Myers asked the contractor if any soil analysis had been conducted of the bluff? Fulton replied there had not and, with further inquiry, could not tell what type of soil comprised the bluff. J. Gibson inserted that the bluff's soil was comprised of sand and stated that years ago tires were used to shore up the hill side. He further stated that during heavy rain fall periods, runoff will still bring large amounts of sand out onto Lakeshore Dr. where the Berrien County Road Department must be called to remove it.

At the conclusion of audience participation, C. Spessard asked for submitted written correspondence to be read into the record. The written correspondence is attached to these minutes and are a part thereof.

At this point C. Spessard entertained a motion to close out of the public hearing and reenter the meeting. R. Wallace made a motion to close the public hearing and reenter the meeting. M. Vander Linder seconded and the motion carried.

The public hearing was closed at 2:20 p.m.

Back in regular session, C. Spessard noted that in his ten year involvement with the Zoning Board of Appeals he did not remember an instance where an increase in the size of an accessory structure was requested or considered. He further added that this was not an ordinary request, in the conventional sense, and if this variance was granted, "we probably would have no reason not to give everyone the same variance." R. Wallace stated that the request was excessive and the applicant did not demonstrate a hardship outside of not having a garage. S. Myers noted that the current structure is approximately 30 feet deep and 25 feet wide which, he added, is a standard size for a two car garage. Myers also expressed concern of the "geometry" of the lot by noting that it would only be 17 feet from the corner of the house to the top of the bluff; "It appears that it's a shear bluff at that point," and expressed interest as to why property owners above the proposed site did not express interest or concern about the proposed project. M. Vander Linden questioned the overall intent of the request stating that the project, more than an accessory structure, was a new home.

With there being no further discussion directly related to the topic, C. Spessard entertained a motion on the request.

R. Wallace made a motion to deny the variances as requested. A roll call vote resulted as follows: T. Van Hout, yea; R. Wallace, yea; S. Myers, yea; M. Vander Linden, yea; C. Spessard, yea. Motion to deny carried unanimously.

With there being no further business before the Board, T. Van Hout moved to close the meeting. S. Myers seconded and the motion carried.

The meeting was adjourned at 2:31 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert Lohr", with a long horizontal line extending to the right.

Robert Lohr  
Zoning Administrator