

Port Sheldon Township Planning Commission
January 26, 2022

Vice Chair DeLeeuw called the meeting to order at 6:00 p.m.

PRESENT: DeLeeuw, Stump, Timmer, Boersen

ABSENT: Petroelje, Monhollon

STAFF: Sabatino, Moore

Motion by Boersen to approve the minutes of the September 22, 2021 meeting, supported by Timmer and carried.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. Marti and Fred Hoewe Special Land Use amendment. DeLeeuw asked Moore to summarize the request. Moore stated that Marty and Fred Hoewe have applied for an amendment to their 2019 special land use permit that allows them to operate a kennel, or “animal sanctuary” at their house located at 9521 160th Avenue. The applicants are seeking to increase the number of animals permitted on the property; the existing special land use permit allows for 12 cats and 1 dog, and the applicant is seeking to have up to 20 cats and 2 dogs. The property is 5.2 acres and located on the west side of 160th Avenue, just south of Fillmore Street. The property contains a single-family home and an accessory building. No changes to the exterior of the property are proposed in connection with the request to amend the special land use permit. The original special land use was approved in May 2019 with the following conditions of approval:
 - The application shall be reviewed in one year’
 - The permit is limited to 12 cats and one dog only,
 - All animal waste must remain inside and be managed through waste disposal pick up,
 - Animals shall be kept primarily indoors, and if allowed outdoors, must be leashed and/or monitored.

The application was reviewed in June 2020 and no issues were found at that time. Since then, the property has been the subject of one complaint, filed with the Ottawa County Sheriff on November 7, 2021. The complainant stated that the Hoewe’s had 50 cats on the property. While the police reports indicated that there were not 50 cats, it appears that the applicant stated she had 24 cats and 2 dogs, and upon inspection, the deputy counted 19 cats and 2 dogs, which constitutes a violation of the special land use permit. Upon a follow-up call on December 15 with the applicant, the deputy reported that there were 24 cats and 2 dogs, and the special land use amendment was pending. Moore also noted that most properties would not likely be significantly impacted, except for the property to the south, which is close to the house.

Marti Hoewe addressed the request and the complaint. She stated that the person complaining said they had 50 animals and they were infested with fleas, but that is not the case, but there were a couple that were sick and isolated, that eventually passed away. The other animals are healthy. As for why they want more cats, Hoewe stated that the COVID-19 pandemic has shut

down numerous shelters and there is increased demand. The number of cats has been reduced but they still have a second dog that they took on because it was otherwise unadoptable. She said that all other special land use conditions had been complied with. She said the cats never go outside so there wouldn't be any additional impacts on neighboring properties.

DeLeeuw opened the public hearing.

1. Tim and Laurie Nys, 16064 Fillmore Street. He stated that whatever number the planning commission sets won't be followed. The applicant will just keep doing whatever she wants, and he is concerned about the health of the animals and doesn't want their animals getting infected with anything from their property. He is opposed to the request.
2. Sabatino noted that he received one anonymous phone call who was opposed to the application.

DeLeeuw closed the public hearing.

Moore reviewed his staff report, specifically the special land use standards of section 18.03 and the standards specific to kennels in section 18.22. Specifically, he noted that while the standards of Section 18.22 were not in effect when the previous special land use was granted, this section limits the number of animals permitted on the property to 16 total. With the addition of the second dog, the applicant would only be permitted a total of 14 cats, only two more than what the existing special land use allows. He also noted that section 18.22 requires the building containing the animals to be set back 75 feet from the adjacent lot line, and this cannot be satisfied based on the location of the home presently. The house is already there and the permit has been in place for 2.5 years, so this would likely disallow any further intensification of the special land use permit. Moore also noted that the 2019 special land use limited the applicants to 12 cats and 1 dog, and the applicants admitted to the applicant was clearly in violation of the special land use permit, but it appears that the applicant has taken steps to reduce the number of cats on the property to 12.

Stump was not inclined to allow any more cats, but didn't have an issue with the extra dog. Timmer agreed. There was a discussion about whether the extra dog would be permitted anyway as a household animal and not part of the special land use permit? Moore didn't think so, but the ordinance on kennels wasn't clear on the matter.

Motion by Boerson to deny the special land use permit, supported by Stump and carried 3-1 with DeLeeuw voting no.

The applicant asked if this meant that they would have to get rid of the dog? Moore said yes, as the current special land use would remain in effect which limits them to one dog and 12 cats. Boerson said that was not what he meant by his motion, as he is inclined to allow the second dog.

Motion by Boerson to rescind the previous motion, supported by Timmer and carried.

Motion by Boerson to amend the existing 2019 special land use permit to allow 12 total cats and 2 dogs, and all other conditions of the existing special land use would remain in effect, supported by Stump and carried.

2. Lakeshore Sand Annual Review. Phil Brewer was in attendance to review his special land use permit. He felt that he was 5-6 years away from completing the project. There was one complaint from a neighbor related to some equipment breaking down, and a recent project resulted in a lot of westerly traffic. He met with the neighbor and everything has been resolved as of August 2021.

ZONING ADMINISTRATOR UPDATES

Sabatino said that an applicant was interested in developing a multi-family development on 8 acres in the northeast portion of the Township, and there was no mechanism in the Township to address it other than a PUD, which would limit density. Moore noted that it was an intentional decision to only allow multi-family as a PUD when the zoning ordinance was rewritten, and that has been the Township's approach for many years. Sabatino said that this is the area that the Township has planned for growth and development. Options include doing nothing, creating a multi-family zoning district, increasing the allowable density in a PUD, and others. After discussion, the Commissioners opted to defer the conversation until such a time that there is a full Planning Commission present.

ANNUAL BUSINESS

The Commission opted to postpone the election of officers until a full Planning Commission is present.

The Commission agreed to keep their regular meetings on the 4th Wednesday of each month at 6:00PM, except for November/December, which will be one meeting held on December 7, 2022.

VanMalsen prepared an annual report which was sent to the Township Board.

DeLeeuw adjourned the meeting at 7:04 p.m.



Lori Stump, Secretary