

**EATON COUNTY
PLANNING COMMISSION
May 6, 2025**

Call to Order: Brian Ross, Chair of the Eaton County Planning Commission, called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Ed Kemp, Frank Holmes, Ray Whitaker, Zachary Dillinger, Ben Tirrell, and Brian Ross

Absent: Scott Hansen, Lisa Lawitzke, and Tim Cattron

Staff Present: Brandy Miller, Chris Garrison, and Tammy Alger

Agenda Approval: A motion was made by **Commissioner Tirrell** to approve the agenda for the May 6, 2025 meeting. **Commissioner Dillinger** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Tirrell** to approve the April 1, 2025 minutes. **Commissioner Dillinger** supported. Motion carried.

Public Comments: Mr. Drew Marks, 11459 Carlton Center Rd, stated he was against allowing duplexes in Limited Agricultural parcels. He stated a duplex as a use by right would not adhere to the intent and purpose of the zoning ordinance.

Public comment closed: 7:05 p.m.

CU-6-17-11: Request by David and Esther Yoder and Leroy Yoder for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a Home Business (building materials supplier) per Section 14.13 of the Zoning Ordinance for the purpose of changing the parameters of the business to construct and sell sheds, add on to the building used for the business and add on to the existing home located on property at 5913 Valley Highway, Section 7, Carmel Township.

Staff Report: Ms. Miller read the staff report and comments from the Eaton County Road Commission, Construction Code Building Official, Carmel Township, and the City of Charlotte Fire Department into record.

Applicant's Statement: Mr. David Yoder stated he could answer any questions the Planning Commission may have.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 7:13 p.m.

Commissioner Tirrell moved to approve Cu-6-17-11 a request by David and Esther Yoder and Leroy Yoder for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a Home Business (building materials supplier) per Section 14.13 of the Zoning Ordinance for the purpose of changing the parameters of the business to construct and sell sheds, add on to the building used for the business and add on to the existing home located on property at 5913 Valley Highway, Section 7, Carmel Township, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to David and Esther Yoder and Leroy Yoder for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Dillinger supported the motion. A roll call vote was taken with six (6) voting aye and none (0) voting nay. Motion carried.

CU-5-25-1: Request by Leroy and Rosetta Yoder for a Conditional Use Permit to operate an Agricultural Business (sawmill) per Zoning Ordinance Section 14.1 at 3800 and 3802 N. Chester Road, Section 28, Chester Township.

Staff Report: Ms. Miller read the staff report and comments from the Eaton County Road Commission, Construction Code Building Official, and the City of Charlotte Fire Department into record.

Commissioner Ross asked if there was only 1 twenty-four foot sign allowed. Ms. Miller stated there may be one sign per each road frontage.

Applicant Statement: Mr. Leroy Yoder stated the Eaton County Road Commission wanted to discuss the driveway that showed semi-truck tire marks on it. Mr. Yoder stated he will contact the Road Commission to discuss their concerns. Mr. Yoder would like to comply and answer any questions the Road Commission may have.

Commissioner Holmes stated the site plan shows the business and home will be located on 15 acres. He stated some of the buildings look to be constructed on the remaining 55 acres. Mr. Yoder stated the property line off of Chester does cross the property and split the buildings. Mr. Yoder stated the proposed line will include all of the buildings.

Commissioner Dillinger asked if bringing the driveway to commercial standards would be problematic. Mr. Yoder stated it would not.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 7:25 p.m.

Commissioner Dillinger moved to approve CU-5-25-1 a request by Leroy and Rosetta Yoder for a Conditional Use Permit to operate an Agricultural Business (sawmill) per Zoning Ordinance

Section 14.1 at 3800 and 3802 N. Chester Road, Section 28, Chester Township, with the following conditions:

1. The northernmost driveway off Chester Road be brought to the Eaton County Road Commission commercial road standards.
2. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
3. This Conditional Use Permit is granted to Leroy and Rosetta Yoder for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Tirrell supported the motion. A roll call vote was taken with six (6) voting aye and none (0) voting nay. Motion carried.

DCA-5-25-1: Request by Eaton County Planning Commission to amend the Eaton County Land Development Code (Zoning Ordinance). Amendments are proposed to the following: Article 3 Administration and Enforcement (amend Section 3.6.4), Article 6 General Provisions (add a section to include Agricultural Buildings), Article 7 Land Development Districts (amend Sections 7.3.2 and 7.4A.2.A 1 and 2), Article 10 Off Street Parking and Loading (amend Section 10.4) and Article 14 Specific Provisions and Requirements (amend Sections 14.1 Agricultural Business).

Ms. Miller read the staff report and comment from Eaton Township into record.

Commissioner Ross asked if there was a change **Commissioner Tirrell** wanted to suggest to the agricultural buildings. **Commissioner Tirrell** stated he met with Eaton Township and determined that they would be comfortable with the re-addition of point C, if meeting planning and zoning requirements, the planning and zoning department shall issue a permit.

Commissioner Tirrell stated this would make the application an automatic issuance as long as the ag building complies with Planning and Zoning. Ms. Miller asked if it would be acceptable to end the sentence in item A or make it another section. **Commissioner Tirrell** stated another section would be preferable. He stated the new section B would read, "If meeting zoning requirements, the Planning and Zoning Department shall issue a permit".

Commissioner Whitaker asked if there would be a fee for the permit. **Commissioner Tirrell** stated at this time there would not be a fee for the agricultural permit. Ms. Miller asked if the verbiage for permit be changed on the agricultural exemptions. Ms. Miller suggested changing the section to read, "if application meets zoning requirements, shall be issued approval".

Commissioner Tirrell agreed. He asked if it was a permit. Ms. Miller stated it would not be a permit, but zoning approval similar to a zoning referral. She stated it is also ensuring that the building meets the qualifier for PA 230 of 1972 and also meets the zoning ordinance requirements for lot coverage restrictions and setbacks.

Commissioner Ross invited any speakers in favor or opposition to the request to make public comment.

Speakers opposed: Mr. Drew Marks stated regarding meeting the standards of the ordinance for Limited Ag, duplexes do not follow the use and intent of Limited Ag zoning for single family homes. He stated passing 7.3.2 on the DCA would not follow the intent and purpose of the

zoning ordinance. **Commissioner Tirrell** suggested removing the word “single family”. He asked if Mr. Marks had any additional concerns outside of the verbiage. Mr. Marks stated if he were living next to the duplex being built, he would have issue with it. Mr. Marks stated it needs to be improved in other ways besides the verbiage.

Speakers in favor: Ben Colestock, 824 Oakridge Dr, Eaton Rapids, stated he owns Arrow Head Homes and sits on the Lansing Home Builders Association Board. Mr. Colestock stated there is a housing shortage nationwide, so he is in favor of creating more housing that would make it easier for people to build and live. Mr. Colestock stated a single-family residence on a Limited Agricultural parcel can be built up to 10,000 square feet and have ten people living there, while a duplex could be house two families of equivalent size. He stated a duplex would still have to meet all the same criteria with other county departments as a single family would. Mr. Colestock stated he is in favor of allowing duplexes in Limited Agricultural parcels.

Public hearing closed: 7:41 p.m.

Commissioner Ross asked if staff could review why the change with duplexes was recommended. Ms. Miller stated Public act 153 of 2024 amended PA 33 of 2008 which is the planning enabling act. Ms. Miller read a portion of the planning enabling act. Ms. Miller stated there is also a house bill, 6097, which is currently in session. She stated it is a bill to propose an amendment to PA 110 of 2006 which is the zoning enabling act. Ms. Miller read a portion of the public bill. Ms. Miller stated that making this change will make the ordinance compliant with the house bill that is coming through. Ms. Miller stated the Zoning Ordinance Committee also had the discussion of including duplexes as a use by right in low density residential zoning districts. She stated they removed the conversion of single-family homes in LA, about two years ago. Ms. Miller stated it is a goal of the zoning ordinance to always be compliant with the laws and acts coming through the State.

Commissioner Tirrell asked if a single-family home in Limited Ag could be converted to a duplex currently. Ms. Miller stated that it was a possibility two years ago but was removed as a use by right. She stated following the removal of duplex conversion the max size of accessory dwelling units was increased.

Commissioner Ross stated the change requested to 6.2.11 still followed the intent of the DCA. He asked if there were any other concerns regarding duplexes.

Commissioner Holmes stated he did not feel duplexes would increase the number of residents. He stated duplexes would be a positive change.

Commissioner Tirrell stated he would like to remove the word single-family as it does not conform to modern day terminology. He stated he would like duplexes be approved as a use by right.

Commissioner Dillinger asked why a duplex could not be something that would require a conditional use permit as a duplex would increase the density of people in the area. Ms. Miller stated the house bill currently behind heard in legislation does not allow for a duplex to be a CUP. She stated accessory dwelling permits used to have to go before the Site Plan Review Committee, but it was becoming redundant as it was the only time the Site Plan Review Committee met. Ms. Miller stated the items required were the same items needed for a building permit, therefore obtaining the permit is more efficient.

Commissioner Tirrell asked what additional conditions could be set to require a CUP for duplexes. **Commissioner Dillinger** stated there would not be any additional conditions for a duplex, so not requiring the CUP makes more sense.

Commissioner Ross asked if there was any opposition to removing the term “single-family”. Ms. Miller stated it was not advertised to be removed in the DCA submitted. She stated it may be best to have that discussion at the next Zoning Ordinance Committee meeting.

Commissioner Ross stated if a change regarding the term “single-family” were to be made to the DCA, it would have to be discussed again at the next Zoning Ordinance Committee meeting or pulled from the DCA decision. Ms. Miller stated it would be ok to approve the DCA as it is and then review it again. **Commissioner Tirrell** stated he would prefer to just pull the single-family item from the DCA to discuss at a future meeting. Ms. Miller read the definition of a single-family dwelling. **Commissioner Ross** asked if “single-family” could not be struck out now. Ms. Miller stated it would be at the pleasure of the Planning Commission. She stated it was noticed as Article 7 Land Development Districts amend section 7.3.2, 7.4A2-A1, and 7.4.2.

Commissioner Tirrell stated the term “dwelling” is defined. He read the definition for dwelling. **Commissioner Tirrell** stated the term “dwelling” may work better in place of “single-family”.

Commissioner Ross stated if staff is not comfortable with making the decision now, the item should be pulled from the proposal.

Commissioner Dillinger asked for clarification regarding Article 14. He asked if the auction would no longer apply to just livestock. Ms. Miller stated it would still have to meet the definition of an agricultural business. She stated it would not preclude someone doing an auction for farm equipment or house hold goods of the estate. **Commissioner Dillinger** stated it wouldn't be an auction just for automobiles. Ms. Miller stated that was correct.

Commissioner Tirrell moved to approve DCA-5-25-1 a request by Eaton County Planning Commission to amend the Eaton County Land Development Code (Zoning Ordinance). Amendments are proposed to the following: Article 3 Administration and Enforcement (amend Section 3.6.4), Article 6 General Provisions (add a section to include Agricultural Buildings), Article 7 Land Development Districts (amend Sections 7.3.2 and 7.4A.2.A 1 and 2), Article 10 Off Street Parking and Loading (amend Section 10.4) and Article 14 Specific Provisions and Requirements (amend Sections 14.1 Agricultural Business), as amended:

- A. Identifiable conditions related to the application have changed to update and maintain the zoning ordinance.
- B. Error was not made in the original Ordinance; this change is to update and maintain the Zoning Ordinance.
- C. There are no possible effects which may result from the approval of the amendment.
- D. There is no impact from the approval of this amendment.
- E. Remove Section 7.3 from DCA-5-25-1 for future discussion.

Commissioner Holmes supported the motion. A roll call vote was taken with six (6) voting aye and none (0) voting nay. Motion carried.

CU-8-12-11: Request by Nick and Kendra Thompson for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a Construction Contractor's

Establishment & Storage of Heavy Equipment (lawn care, landscaping and snow removal business) to allow for construction of a building to be used for the business and a building to be used for agricultural purposes at 1421 S. Stewart Road, Section 22, Eaton Township.

Staff Report: Ms. Miller read the staff report and comments from the Eaton County Road Commission, Construction Codes Building Official, Charlotte Fire Department, and Eaton Township into record.

Applicant's Statement: Mr. Nick Thompson stated not obtaining the building permit was a misunderstanding on his part, but he will be complying to code and Zoning Ordinance. Mr. Thompson stated the business developed from his children's 4H project, and they will be using it to fund their college education.

Commissioner Dillinger asked if there would be any concerns with bringing the driveway up to commercial standards. Mr. Thompson stated that would not be an issue.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 8:09 p.m.

Commissioner Tirrell moved to approve CU-8-12-11 a request by Nick and Kendra Thompson for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a Construction Contractor's Establishment & Storage of Heavy Equipment (lawn care, landscaping and snow removal business) to allow for construction of a building to be used for the business and a building to be used for agricultural purposes at 1421 S. Stewart Road, Section 22, Eaton Township, with the following conditions:

1. Applicant must obtain a commercial driveway permit.
2. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
3. This Conditional Use Permit is granted to Nick and Kendra Thompson for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Whitaker supported the motion. A roll call vote was taken with six (6) voting aye and none (0) voting nay. Motion carried.

Other Business: None

Reports: Ms. Miller stated she did not send the Public Works and Human Services Report as it did not go out until yesterday. She stated the report will be included in next month's meeting. Ms. Miller stated that Mr. Garrison and she received a new contract from Progressive Companies in regard to bringing the Zoning Ordinance up to date. Ms. Miller stated the contract includes a small update to the master plan to include incorporating cities and villages within and without Eaton County's existing Zoning Ordinance. Ms. Miller stated the audit of the Zoning Ordinance will begin in May, 2025.

Public Hearing Closed: 8:11 p.m.

Upcoming Cases: **Commissioner Ross** stated there are two upcoming cases for the June 3, 2025 meeting.

The meeting adjourned at 8:11 p.m.