

**Allegan Township
Planning Commission Minutes
September 14, 2020**

- I. Call to Order
 - A. Chairman Ted Heckman called the meeting to order at 7:30 PM.
 - B. Those present were Ted Heckman, Marty Ruitter, Jim Connell, Mike Buese, Jeremy Dutkiewicz, Chad Kruithoff, and Keith Behm. Also present was Supervisor Steve Schulz.

- II. Approve the Minutes from the July 13, 2020 Meeting.
 - A. Chairman Heckman asked if there were any corrections or alterations to the minutes.
 - B. Dutkiewicz made a motion to approve the minutes as submitted. Second by Behm. Motion passed unanimously.

- III. Keith Nagelkirk – Architecture’s certified approval on trusses on Airbnb at 1296 Little John Lake Rd. discussion.
 - A. Mr. Nagelkirk was not present and did not have the certified approval on the trusses.
 - B. Heckman stated there is nothing that was complied with. If he wants to rent the place out it is commercial and he is not in compliance with that.
 - C. Schulz stated that it doesn’t meet the square footage for the Township and it isn’t fair to the rest of the Township people.
 - D. Connell stated that Mr. Nagelkirk isn’t getting the message about not being grandfathered in.
 - E. There was much discussion about meeting with Mr. Nagelkirk or sending him a letter and give him 30 days to provide the engineered certified paper for the trusses.
 - F. It was stated that Mr. Nagelkirk would have to have 2 variances and a special use.
 - G. Schulz stated no way it could be done in 30 days and he should not keep operating the business.
 - H. Ruitter stated that when he still had the building he was told by the Township that the building had to be certified by engineer and told what size trusses had to be used. He also doubts that Nagelkirk’s building would pass especially since he hasn’t complied and the Planning Commission has no other choice but to stop Mr. Nagelkirk’s Airbnb.
 - I. Kruithoff asked if Mr. Nagelkirk could add on to the building to make it minimum size.
 - J. Supervisor Schulz stated it is the responsibility of the Township and there are some principles here that we need to stand by.
 - K. It was asked if the Health Dept. even knows that it is on a separate parcel.
 - L. Supervisor Schulz stated Mr. Nagelkirk got caught
 - M. Connell asked if the Planning Commission could have the Township Attorney send a letter to Mr. Nagelkirk.

- N. Heckman having the Attorney send a letter will not change the fact that he is out of compliance.
- O. Connell/Heckman made motion to send a letter to Keith Nagelkirk stating The Allegan Township Planning Commission has decided to continue in the direction of requiring Keith to provide sealed engineered plans to the Township Building Inspector to confirm that the structure meets residential building code requirements. The permit issued on October 17, 2012 was for storage only, but over the years you built, with proper permits, the cabin you rent out as an Air BnB. It has never been approved as a dwelling nor do we know that the structure satisfies the residential building code and is safe for human habitation. Secondly, the structure is well below the required square footage for a single family home, 864 square feet. With that said, the first order of business would be for you to seek a variance from the Zoning Board of Appeals. The next scheduled meeting is October 12, 2020 but this would not allow enough time to get it published in the paper 15 days in advance of the meeting. Letters would need to be sent out to everyone within 300 feet of your property. Possibly, we could do a special meeting on the following Monday, October 19, 2020, at the same cost if we could get your application in this week. There are no guarantees that the variance will be given. Thirdly, it is important to point out in reference to your question of how are you different from other BnB's that are operating in the Township? You remodeled an accessory building with inadequate square footage and turned it into a rental unit. Other BnB's are principal homes or second homes with adequate square footage. Additionally, you have no driveway permit. Lastly, if you get past all of this, then you would need to pursue a special use for having a major home occupation. We have an application and cost for this as well to come before the Planning Commission as a public hearing. Like a variance, a special use also needs to be published in the paper 15 days prior as well as letters sent out to residents. At this time, the Planning Commission does not want you to schedule anymore rentals beyond November 1st, 2020 until this matter is cleared up. Thank you. Motion passed unanimously.

IV. New Business

- A. Supervisor Schulz said he had received an email from Joel Dye and wants to go for 10 years only. Connell stated he was not in favor of 425 with the City for the property off Sherman St. Schulz said he was not against a 425 for 50 years and share the tax base but the parcel will still remain in the Township.
- B. Schulz also said Anthony Builders bought property between Hilda and Babylon and wants to building duplexes along Babylon and single-family homes on Hilda. We need to have some stronger guidelines for duplexes.

I. Adjourn

- A. Connell/Dutkiewicz made motion to adjourn with the meeting closing at 8:25 PM.