

CALL TO ORDER

The Special Scheduled Meeting held on Monday, June 8th, 2026 of the Benton Charter Township Planning Commission was called to order at 6:00 p.m.

Members Present: Chairperson Matt Davis, Marletta Seats, Joseph Taylor and Wesley Koza
Members Absent: Gregory Whitehead
Staff Present: Loyall Bennett, Caleb O'Toole and Deeann Scalf
Also present: Mary Claire Petcoff with Williams, Williams, Rattner & Plunkett (Applicant Attorney for Skyway Towers), Elizabeth McCree (Applicant) and her Intern Yuna Chang

SILENT INVOCATION:

APPROVAL OF MINUTES: Mr. Taylor motioned and support of approval by Mr. Davis. Motion passed.

AGENDA AMENDMENTS: None.

OLD BUSINESS: None.

NEW BUSINESS:

Applicant Skyway Towers and Cellco Partnership dba Verizon Wireless, located at 3637 Madaca Lane Tampa Florida 33618 is seeking a Site Plan Approval for a Wireless Telecommunication Facility for 1819 Sweet Street in Benton Harbor, MI 49022 also known as Property ID No. 11-03-2230-0049-00-4 to construct a 158' Monopole Wireless Communications Tower.

Mr. Bennett advised The Applicant, Skyway Towers is requesting approval of a Site Plan. It went through the Zoning Board of Appeals (ZBA) and has gotten approval on all the variances requested by that Board. Now they are here to get Site Plan approval for a Wireless Telecommunication Facility. Ms. Petcoff noted the Special Land Use was approved by the Planning Commission Board on February 9, 2026. The Variances were approved April 20, 2026 and on May 19, 2026 the Special Land Use was approved by the Township Board. No changes have been made for the Site Plan since the original information was submitted. No changes to the Lease Agreement either, the new Owner assumed the same Lease information and continues to enforce. Planning Commission was advised if not a unanimous decision, to table the decision to give the Applicant every available opportunity available to them. Trustee Taylor was strongly against it. Chairman Davis advised it would be the decision of the Applicant.

Ms. Seats made a motion for Skyway Towers and Cellco Partnerships dba Verizon Wireless located at 1819 Sweet Street in Benton Harbor, MI 49022 to approve the Site Plan. Approved by Mr. Davis. Motion passed.

Applicant, Elizabeth McCree located at 717 St Joseph Drive, Unit 151 St Joseph, MI 49085 to operate a Home Occupation located at 2446 E. Napier Avenue Benton Harbor, MI 49022 also known as Property ID No. 11-03-0850-0054-01-8.

Mr. Bennett advised The Applicant, Elizabeth McCree is requesting approval of a Home Occupation for Consulting Services for Legal Advice. If approved should have the following Ordinance Conditions to be issued approval by the Township Clerk:

✚ The use shall be conducted entirely within a Dwelling by the inhabitance living there, and no others,

- ✚ The use shall be clearly incidental and secondary to the use of Dwelling and Dwelling purposes and shall not change the character of use as a Dwelling,
- ✚ The total area used for the Home Occupation shall not exceed one-half the floor area of the User's Living Unit,
- ✚ There shall be no exterior advertising other than identification of the Home Occupation by a sign which shall be attached to the Dwelling or the accessory building and shall not exceed two square feet in area and which shall not be illuminated,
- ✚ There shall be no exterior storage on the premises of material or equipment used as a part of the Home Occupation,
- ✚ There shall be no offensive noise as defined by Sections 26-181 through 26-190 nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line,
- ✚ There shall be no storage or use of toxic, explosive, or other dangerous or hazardous materials upon the premises,
- ✚ A Home Occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the Home Occupation,
- ✚ The use must be in conformance with all valid covenants and agreements recorded with the Registrar of Deeds for the County, covering the land underlying the Dwelling,
- ✚ A Home Occupation Permit may be issued for any use allowed by Chapter 82 of this Code (the Zoning Code of Benton Charter Township), provided all other criteria for issuance of a Home Occupation Permit are met. No Home Occupation Permit shall be issued for any other use,

Ms. McCree mentioned this was her father's home, and she would like to use it for her Law Firm and also for a Lawyer Guardian at Lidum and also Represent Child in Foster Care and people with Disabilities in Guardian Cases. Ms. McCree advised she would like to do several things within the home, including but not limited to operate her (18) eighteen year Law Firm out of the home, looking at seeking approval from the Department of Health and Human Services (DHS) to be used for Resbit Foster Care and also be used for Supervised Parenting Time. She represents children in Cass County and Berrien County since not enough Foster Homes in this Area. Roughly (10) ten years down the line, she plans to open a Young Adult Foster Care, for Young Adults who age out of the Foster Care Program (at the age of 19 years old until 24 years old) either in the back of the home, or add something in the back of the property. Adults and or Children who are associated with DHS Court Cases is who she would take in, not just anyone or her Probate Cases. She is also a trained Mediator for Foster Care and Guardianship Cases and possibly Domestic Mediation as well, she plans to use that practice here in the home as well. Ms. McCree has (5) five Interns currently plus herself. Is not planning on having any signage at the dwelling. It does have (3) three bedrooms including (1) one as an Intern Room, (1) one as the Law Office, (1) Children's Room with (1) one bathroom. Ms. McCree advised DHS can have (2) two beds per room, with same gender, depending on age. And can have (4 to 6) four to six individuals can house in this dwelling.

Today, Ms. McCree is looking for approvals on the following items: Consulting Services (including Mediation and Law Firm items), Supervised Parenting Time, approval and Licensing from DHS to have Resbit Care at this Facility as well.

Ms. McCree will not reside in this home, but the Resbit Care Residents will be the Occupants in this dwelling. She advised on the “Interior Photo’s Document” Picture 1 is the Intern Offices right now (but will change to Picture 6 when no one is staying in that Room). Picture 5 is the Law Office, and is a closed, locked and secured Room that only she works out of. Picture 7 is for Children to stay in, up to the age of (19) nineteen years old when they age out of Foster Care. Pictures 3 the Utility/Laundry Room, Picture 4 the Enclosed Porch, Picture 6 the Secondary Office / Bedroom, Picture 7 the Children’s Room, Picture 8 the Accessible Bathroom and Picture 9 the Kitchen are all space being used by this Home Occupation Permit. Depending on the ages and gender of the children they can share a Room, but not a bed. Mr. Taylor wants to know who is going to monitor the dwelling with children inside? Ms. McCree advised it could be herself, or a Supervised Parenting Time individual, or a Case Worker, DHS or the Police. Mr. Davis asked if a Home Occupation has to be a primary residence. Mr. Bennett advised the Ordinance Section 18-190 states yes it states “Owner Occupied”. Ms. Seats read the Ordinance stating the total area used for a Home Occupation shall not exceed one-half the floor area of the user’s living unit. And more than half is being used for it by the Pictures handed out by the Applicant. Home Occupation is a yearly Application.

Mr. Bennett is it going to be a General Practice, and will it be Owner Occupied are the (2) two major hurdles. Mr. Taylor stated there is a need for this type of work in this Area. Mr. Koza feels the same, this work is definitely needed in this Area. Ms. McCree stated there is (6) to (8) parking spots in the driveway for parking and would be willing to add a concrete slab in the back yard for additional parking if needed. Mr. Bennett advised the Applicant was responsible for notifying the Neighbors within 300 feet from the residence, and it was signed off on by Roger Lange, Process Server.

Mr. Taylor made a motion to approve to operate a Home Occupation located at 2446 E. Napier Avenue Benton Harbor, MI 49022 with the Conditions listed below and adding the DHS approval within (90) days from tonight’s Meeting. Approved by Ms. Seats. Motion passed.

- ✚ Needs to acquire a DHS approval within (90) days from today, or if (90) days pass, Ms. McCree will have to come back to the Planning Commission Board for reapproval.
- ✚ The property shall continue to be maintained as a single-family residential dwelling.
- ✚ The home occupation shall remain incidental and subordinate to the principal residential use of the property.
- ✚ The home occupation shall comply with all applicable standards contained within Section 18-190 of the Benton Charter Township Code.
- ✚ All parking associated with the home occupation shall be accommodated on-site and shall not create parking impacts upon neighboring properties or public rights-of-way.
- ✚ No exterior storage of business-related materials, equipment, inventory, or supplies shall be permitted.
- ✚ Any signage associated with the home occupation shall comply with Section 18-190(4) and all other applicable provisions of the Township Code.
- ✚ The home occupation shall not generate traffic, noise, lighting, odors, or other impacts inconsistent with the residential character of the surrounding neighborhood.

- ✚ Any substantial change in the nature or intensity of the home occupation, including expansion of customer traffic, additional personnel, or modification of the approved use, shall be subject to review by the Township.
- ✚ The permit shall remain subject to ongoing compliance with all applicable Township ordinances and regulations.

BUILDING DEPARTMENT REPORT: None.

PUBLIC COMMENTS, CONCERNS, QUESTIONS OR REQUESTS: None.

PUBLIC COMMENTS: None.

BOARD MEMBER COMMENTS: Mr. Davis advised of the Joint Meeting with the Benton Charter Township Board as well as Zoning Board of Appeals, and Construction Board of Appeals to be sworn in. Mr. Whitehead, Ms. Seats and Mr. Taylor will not be able to attend, but would like a virtual way to attend, they will call in on a cell phone. The Joint Meeting is intended for the following:

- ✚ Swearing In of the Board Members
- ✚ Giving the Board a High Level Overview of the Master Plan Amendments
 - Inclusion of the Lake Michigan Industrial Park (Mr. Davis to present)
 - Major Developments to see happening
 - Data Centers (Mr. Taylor to present)
 - Green Energy (Mr. Taylor to present)
 - Housing Strategies improving affordable housing (Mr. Davis to present)

TOWNSHIP BOARD REPRESENTATIVE REPORT: None.

ZONING BOARD OF APPEALS REPRESENTATIVE REPORT: None.

OTHER COMMENTS/CONCERNS: None.

ADJOURNMENT: Ms. Seats motioned to adjourned Mr. Taylor supported. Motion carries and Meeting adjourned at 7:05 p.m.

ADJOURNMENT: There being no further business before the PC, the Meeting was adjourned:

Minutes: Deeann Scalf the Secretary of the Planning Commission.

Loyall Bennett, Building Inspector