



Fresh Coast Planning

Grand Haven, MI 49417
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MEMORANDUM

To: Tallmadge Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: October 17, 2026
Re: La Vista Serene Façade Fastener Amendment Request

As a result of your September 22, 2026, meeting, attached is a letter from Mr. Adrian Persenaire regarding your action and his request. Given the content of his letter with particular regard to the suggestion of a potential legal challenge, we sought the opinion of the Township Attorney regarding its content and how to proceed. In response, below is that opinion.

This would be a minor change under Section 14.13(b), and there are two factors to consider. Per that section, the PC “may” grant a requested amendment, but only if those two factors are met. Even if the two factors are met, the PC is not obligated to revise a PUD decision it made. I think the PC should adopt a motion dealing with the requested amendment. The motion should say the requested amendment is granted or denied. If the PC is inclined to deny the requested amendment, as seems to be the case, the PC should give a reason. The reason could be aesthetics, even if the change can’t be seen from the road. The reason could be because the PC doesn’t understand the need for the change, and it doesn’t want to create a precedent of making changes just because the developer changed his mind.

As a result of the Township Attorney opinion, for your convenience, below is Section 14.13(b) of the Tallmadge Charter Township Zoning Ordinance (TCTZO).

Section 14.13 – Revision of Approved Plans

(b) Minor Changes. Notwithstanding subsection (a) above, minor changes may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Ordinance and all other Township regulations and State law, and subject to the Planning Commission finding that:

1. The minor changes will not adversely affect the initial basis for granting approval.
2. The minor changes will not adversely affect the overall PUD in light of the description and purpose of the development as set forth in Section 14.01.

By way of reference in Section 14.13(b)2 to Section 14.01 of the TCTZO, below is a copy of Section 14.01 for your convenience.

Section 14.01 – Description and Purpose

This Chapter provides enabling authority and standards for the submission, review, and approval or rejection of applications for Planned Unit Developments (PUDs). It is the intent of this Chapter to authorize the consideration and use of PUD regulations for some or all of the following purposes:

- (a) To encourage the use of land in accordance with its character and adaptability;
- (b) To promote the preservation and conservation of natural features and resources;
- (c) To encourage innovation in land use planning and development;
- (d) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township;
- (e) To promote and ensure greater compatibility of design and use between neighboring properties and to coordinate architectural styles, building forms, and structural relationships within developments;
- (f) To provide for the regulation of legal land uses not otherwise authorized within this Ordinance;
- (g) To encourage underground utilities which can be more efficiently designed when master planning a larger area; and
- (h) To facilitate phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.

The provisions of this Chapter are not intended as a device for ignoring this Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Chapter to ensure appropriate, fair, and consistent decision-making. A PUD must comply with this Chapter.

Motion

As the Township Attorney outlines, your motion should include at least one reason to approve or deny.

This matter has been scheduled for your October 27, 2026, meeting. If you have any questions, please let us know.

GLR
Planner

cc: Mark Bennett, Supervisor