



Fresh Coast Planning

Grand Haven, MI 49417
www.freshcoastplanning.com

MEMORANDUM

To: Tallmadge Charter Township Planning Commission

From: Gregory L. Ransford, MPA

Date: October 17, 2026

Re: Proposed Definition of Lot Area - Attorney Opinion

Pursuant to your August 25, 2026, meeting, we sought the opinion of the Township Attorney regarding the proposed revisions to the definition of Lot Area. For your convenience, below is the most recent draft of Lot Area as provided to the Township Attorney. As you know, proposed additions are shown in bold font. As you additionally know, our effort with this draft was to avoid the need to amend other portions of the Zoning Ordinance. Unfortunately, as you will note in the opinion of the Township Attorney, that is likely not possible.

LOT, AREA: The total horizontal area within the lot lines of a lot **when the lot lines abut or are within a public right-of-way. Lot area shall include utility easements, private road easements, and any access easements.** In the case of a waterfront lot, the lot area shall be measured to the ordinary high water mark as measured by the State of Michigan (if none, then to the natural ordinary high water mark).

In response to the draft, the Township Attorney provided the following:

I'm interested in why the Planning Commission would like to include private road easements within the definition of lot area. Normally, local units are willing to allow private roads but only if the safeguards of public roads are carried over for private roads. Why would the PC want to allow buildings fronting on a private road to be so close to a private road which could often serve just as many lots and buildings as a local or minor street (as defined in the zoning ordinance) serves? In fact, to not require the same setback from a private road could be used by an applicant to argue that the front yard setback from a local or minor street should be reduced.

Further, if lot area is defined to include private road easements, what will be the front lot line of a lot which fronts on and is accessed by a private road? The zoning ordinance defines the front lot line for a non-corner lot as ". . . the line separating said lot from the street right-of-way." In other words, the definition of lot area cannot be revised as indicated without also revising the definition of front lot line, and making any further required changes to the zoning ordinance.

In response to his questions, we did verbally discuss the origin of this effort and the various community ordinance provisions that the Planning Commission has reviewed.

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