

**NOTICE OF MEETING OF THE CHEBOYGAN COUNTY PLANNING AND ZONING COMMISSION ON
WEDNESDAY, OCTOBER 7, 2020**

PLEASE TAKE NOTE THAT THE CHEBOYGAN COUNTY PLANNING AND ZONING COMMISSION WILL HOLD A MEETING SCHEDULED FOR WEDNESDAY OCTOBER 7, 2020 at (7:00 P.M.) The meeting will be a “hybrid” meeting in that participants may attend remotely, telephonically or in-person (as permitted by Cheboygan County Resolution 2020-06 and Governor’s Executive Order subject to extension to prevent the spread of Coronavirus Disease COVID-19). The in-person/physical meeting will be at the Cheboygan County Building at 870 S. Main Street, Cheboygan, Michigan. *Please note that if the Commissioners’ Room reaches occupancy capacity, in-person/physical attendees will be able to listen to and view meeting proceedings from the District and Circuit Court Rooms in the County Building.*

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TELEPHONIC/ELECTRONIC PLANNING COMMISSION MEETING PARTICIPATION

The public will be asked to identify themselves. When you call please state your name until acknowledged for the record.

- Public comment—will be taken only during the Public Comment portion of the meeting agenda.
- Please make your public comment when called upon to do so or state no comment.
- The time limit for an individual’s public comments shall be 3 minutes.

The following Planning Commission members will be in attendance:

- Patty Croft, pmattson@freeway.net
- Michael Kavanaugh, kavandann@gmail.com
- Karen Johnson, karenjohnson@sbcglobal.net
- Stuart Bartlett, sbartlett@cheboygancounty.net
- Sharon Lyon, sjl07@juno.com
- Ed Delana, edelana@cheboygancounty.net
- Charles Freese
- Chum Ostwald
- Cheboygan County Director of Planning and Zoning – Michael Turisk mturisk@cheboygancounty.net



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ■ PO Box 70 ■ CHEBOYGAN, MI 49721
PHONE: (231) 627-8489 ■ FAX: (231) 627-3646

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, OCTOBER 7, 2020 AT 7:00 PM
ROOM 135 - COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

SCHEDULED PUBLIC HEARINGS

- 1.) **DOUGLAS DUKE** - Requests a rezoning from Residential Development (D-RS) to Agriculture and Forestry Management (M-AF). The subject property is located at 7064 Mohawk Avenue, Tuscarora Township, section 11, parcel ID #161-C09-000-248-00 and is described as follows: CHIPPEWA BEACH SUB, LOTS 248, 249, 250 & 251. (SEC 11, T35N,R3W) 261/384;562/253
- 2.) **DAVID CLARK** - A special use permit application for a machine shop land use, per Section 6.3.9 of the Zoning Ordinance (Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust). The subject property is zoned Commercial Development (D-CM) and located at 10999 N. Extension Rd. in Munro Township, parcel ID #080-011-200-004-00, Section 11.
- 3.) **PUBLIC HEARING ON PROPOSED ZONING ORDINANCE AMENDMENT #155** - A proposed Amendment to Cheboygan County Zoning Ordinance No. 200 regarding amended standards relative to Nonconforming Buildings or Structures, Properties and Uses. The public is invited to attend and present its comments.

NEW BUSINESS

UNFINISHED BUSINESS

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURNMENT



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, SEPTEMBER 2, 2020 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana
ABSENT: Johnson
STAFF: Mike Turisk, Jen Merk
GUESTS: Eric Boyd, Doug Duke, Bruce Brandt, Leif Hanson, Andrea Cowles, Irving Wells, John Moore, Steve Warfield

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the revised agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

APPROVAL OF MINUTES

The August 5, 2020 Planning Commission revised minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to approve the revised meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The August 19, 2020 Planning Commission revised minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Delana, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

PUBLIC HEARING AND ACTION ON REQUESTS

Duke/Levenson – A request for a rezoning from Residential Development (D-RS) to Agriculture and Forestry Management (M-AF). The subject property is located at 7064 Mohawk Avenue in Tuscarora Township, Section 11, parcel id no.161-C09-000-248-00.

Ms. Croft stated that Mr. Duke has requested that the public hearing for this matter be postponed until the next Planning Commission meeting on September 16, 2020. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to postpone Mr. Duke’s application. Ms. Merk stated that Mr. Duke asked that his request be tabled until September 16. Ms. Merk stated that legal counsel has advised that the motion to postpone should have been a motion to table. Ms. Merk stated that in order to postpone the request we would have to renote Mr. Duke’s request and there is not enough time to have it renoted. Ms. Merk stated that the request needs to be tabled and then we would renote it for the next meeting on October 7, 2020. Ms. Croft stated that was not how it was explained to her this afternoon. Ms. Lyon stated that she took a class and was told that when something is tabled you have to vote immediately and you are not to investigate or change anything. Ms. Merk stated that when the request was postponed it should have been tabled according to legal counsel. Mr. Turisk explained that this request should be postponed until October 7, 2020 which will allow time for the notice to be published in the newspaper and for notices to be mailed to the property owner’s within 300 feet of the subject property. Mr. Freese withdrew his motion. Mr. Kavanaugh stated that the public should be allowed to provide additional public comments. Discussion was held. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to postpone the request for Mr. Duke until the October 7, 2020 Planning Commission meeting. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

Brandt/Brandt's Sports Center - A special use permit application for an Indoor Storage Facility, per Section 9.3.24 of the zoning ordinance. The subject property is zoned Agriculture and Forestry Management (M-AF) and located at 6530 N. M-33 Hwy. in Benton Twp., parcel ID 104-033-100-008-01, Section 33.

Mr. Turisk reviewed the background information contained in the staff report.

Discussion was held regarding a proposed gate and hours of operation. Mr. Brandt stated that the gate will have a combination lock for the people that rent a storage unit. Mr. Brandt stated that he does not have hours of operation. Mr. Kavanaugh noted that similar applications for indoor storage facilities noted hours of operation. Mr. Freese stated that the other requests were not gated in this manner. Mr. Kavanaugh stated that there are no dwellings close by so there is not the issue of car lights shining on a dwelling. Mr. Delana stated the concern is noise and disturbance. Mr. Delana stated that the site plan is improved, but lacks contours for elevation. Mr. Delana stated that there is a pending waiver request. Mr. Delana stated that there is a 5ft fence proposed, but there is a 6 foot screening requirement. Mr. Brandt stated that the 5 foot fence has already been installed. Mr. Freese stated that a waiver can be requested for fence height and that elevation drawings are also absent, but that the proposed new structures were the same as the present indoor storage building and that a waiver could also be granted for this requirement.

Ms. Croft asked for public comments. There were no public comments. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson) **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to grant the fence height waiver for a 5 foot fence. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson) **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to grant the elevation waiver for the new building. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The Planning Commission reviewed and approved the General Findings, the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:

1. The applicant shall provide the Planning and Zoning Department the Acceptance of Conditions form (to be attached to the special land use approval letter) within thirty (30) calendar days from the date of the approval letter. This form shall be signed by the owner(s) or legal representative of the subject property. The applicable building permit application(s) shall include a site plan in conformance with this special land use that meets all applicable site development standards (such as minimum required setbacks from property boundaries) and appropriate building permit fees, as applicable. Permits must be issued within twelve (12) months from the date of the special land use approval letter (unless a special use extension request is approved by, pursuant to Section 18.12., as amended), otherwise the special land use may be deemed void upon thirty (30) days written notification to the applicant.
2. The applicant shall obtain building permits, as applicable, from the Department of Building Safety.
3. Any changes to the approved special use shall be subject to review by the Planning and Zoning Department and may require an application for special use amendment and approval by the Planning Commission.
4. It is the applicant's responsibility to obtain any additional permits or meet additional conditions, if any, that may be applicable to the proposed land use pursuant to other federal, state, or local laws or regulations.

Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

NEW BUSINESS

No comments.

UNFINISHED BUSINESS

Proposed Zoning Ordinance Amendment #155 relative to Nonconforming Buildings or Structures, Properties and Uses.

Mr. Turisk stated that this is one of the most complex sections of the Zoning Ordinance. Mr. Turisk stated that legal counsel believes that this section should be revised. Mr. Turisk noted that there have been very few edits to the amendment since the last review by the Planning Commission. Mr. Turisk stated that Section 22.4 generated a lot of discussion the last two times it was discussed. Mr. Turisk stated that there was a discussion regarding that this section would preclude dimensional variances for lots when the need for the variance is eliminated by combining the lots into a single undivided lot. Mr. Freese

suggested deleting “the desire or need for” in Section 22.4.A and “desired or needed” in Section 22.4.B. The Planning Commission agreed that this proposed amendment should be reviewed by legal counsel. Ms. Croft asked for public comments. There were no public comments. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing on October 7, 2020 for proposed Amendment #155. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

Discussion on proposed Zoning Ordinance amendment relative to short-term rental land uses.

Mr. Turisk stated that there have been questions about whether or not staff has received a lot of complaints about short term rentals. Mr. Turisk stated that he has not received what he would consider a great number complaints. Mr. Turisk stated that there has been an uptick in inquiries about rules and regulations from people who either own homes that want to use them for short term rental uses or people who are looking to buy a home in their retirement or an outside investor. Mr. Turisk stated that this topic was discussed in 2017 and what came out of that was a new definition for short term rental that precludes the homeowner from staying in the home while accommodating guests. Mr. Turisk stated that the other important component to that definition is that it limits stays to 30 days and beyond that, we do not have any regulations. Mr. Turisk stated that he received an inquiry today where someone from downstate is ready to retire and they want to purchase properties in Cheboygan County for this purpose to supplement their retirement. Mr. Turisk reviewed a document that was provided to the attendees of the Charlevoix Planning forum in October 2020. Mr. Turisk stated that he believes this is one of the best documents. Mr. Turisk stated that it is suggested that we don't prohibit short term rentals but that we try to seek a middle ground that allows people to maximize their income potential from their property without seriously compromising quality of life of their neighbors. Mr. Turisk stated that some of the things that are often cited as good approaches to regulations for short term rentals are to limit it to permanent structures or single family dwellings. Mr. Turisk stated that other considerations are number allowed per parcel, a minimum rental period, noticing neighbors, maximum occupancies, prohibiting events such as weddings to minimize parking conflicts and noise situations, Health Department review of septic system, operation standards be posted and made available to renters and neighbors, restrict parking to defined parking stalls or parking areas, quiet hours and require proof of regular trash pickup. Mr. Turisk stated that licensing falls under what is called police powers and Michigan counties are limited in authority to adopt police power ordinances. Mr. Turisk stated that police power ordinances are generally intended to regulate activities not land. Mr. Turisk stated that a zoning ordinance can also, to a certain extent, regulate activities and legal counsel will be providing an opinion. Mr. Turisk stated that townships under county zoning would have to determine if a licensing ordinance should be adopted at the township level.

Mr. Freese stated that Nunda Township has more of a problem around Wildwood Lake than the rest of the county and he would like to hear from Mr. Moore regarding what he would like to see in way of regulating problems around Wildwood Lake. Mr. Freese believes this could be handled as an overlay district and applied only to the areas that there are problems. Discussion was held.

Mr. Kavanaugh stated that an overlay district for Wildwood Lake is the only change that should be made. Mr. Kavanaugh stated that there are 1000-1200 short term rentals listed on websites such as Airbnb, VRBO and Homeaway. Mr. Kavanaugh stated that there has been an average of 0.7 complaints per year on short term rentals. Mr. Kavanaugh stated that there are 18,298 parcels in Cheboygan County. Mr. Kavanaugh stated that there should be a discussion with the lake associations or homeowner's associations if there is a problem with the short term rentals in that area. Mr. Kavanaugh stated that there are 1200 short term rentals in Cheboygan County. Mr. Kavanaugh stated that this would mean that there are possibly 30 or 40 short term rentals that that would have to be looked at each day and this would require 4-5 employees. Mr. Kavanaugh stated that there are 3 bills which have been introduced in the state legislature. Mr. Kavanaugh stated that 2 bills allow short term rentals and one opposes short term rentals. Mr. Kavanaugh stated that at the Cheboygan County Planning Commission public hearing regarding short term rentals it was a full house and there were only 2 people that were opposed to short term rentals. Mr. Kavanaugh stated that people fall back on the Health Department. Mr. Kavanaugh stated that if your septic system fails and you have to put in a new one it is nobody else's business if it is overtaxed or creating a problem. Mr. Kavanaugh stated that the smallest system you can put in in Cheboygan County is a 1000 gallon tank and 600 square feet of drain field. Mr. Kavanaugh stated that the average water use in the United States and Canada is 51 gallons a day, which would mean you could have 20 people in any house with no problems. Mr. Kavanaugh stated that the standards for the USA alone are between 75 and 100 gallons per person per day water usage. Mr. Kavanaugh stated that he talked with Kyle Keller at District Health Department #4 and there have been 4 complaints in 5 years and they were mainly asking if there's a problem with short term rentals. Mr. Kavanaugh stated an overlay district would be appropriate for Wildwood Lake. Mr. Kavanaugh stated that it doesn't make sense to spend weeks and months on an amendment when we do not have adequate staff.

Mr. Turisk stated that when writing an amendment, it is an ever present question of whether or not we have the in house capacity to monitor and enforce. Mr. Turisk stated that he agrees with Mr. Kavanaugh. Mr. Turisk stated that it could easily overtax or overburden whatever enforcement personnel would be tasked with oversight. Mr. Turisk stated that Mr. Wendling

has explained to him that the bills are currently stalled. Mr. Turisk stated that an overlay district confined to the Wildwood Lake area would be seemingly reasonable to oversee as opposed to something county wide.

Discussion was held regarding the economic benefit of short term rentals for Cheboygan County. Mr. Freese stated that Mr. Moore's concerns are regarding a person buying vacant properties as a short term rental business. Mr. Freese stated that it has been suggested in the literature that you limit ownership of properties used for short term rental to a certain number per individual. Mr. Freese stated that this money would not be staying in Cheboygan County. Mr. Kavanaugh stated that this is a good idea, but there are ways around it such as putting the properties in different names. Mr. Kavanaugh questioned who would have the time to research these documents. Mr. Freese stated that it would be complaint driven. Discussion was held. Ms. Croft asked Mr. Moore if he would like to comment. Mr. Moore stated he is not interested in an overlay. Mr. Moore stated that his concern is the health of Cheboygan County. Mr. Moore stated that when he talked to Kyle Keller at District Health Department #4, he said 150 gallons per day. Mr. Moore stated that all he is asking for is to protect the lakefront properties. Mr. Kavanaugh stated that there is a program where lake associations require evaluations of septic systems on a five year basis. Mr. Kavanaugh stated that this is being planned for a portion of Burt Lake. Mr. Kavanaugh stated that when a septic system fails, there is evidence such as odors or surface sewage or growth in the lake that you can see. Mr. Kavanaugh stated that today he looked up the average gallons in the US and in Canada was 51. Mr. Kavanaugh stated that the standards for the USA alone are between 75 and 100.

Mr. Ostwald stated there weren't any problems when short term rentals first started because property owners probably only had one short term rental. Mr. Ostwald stated his concerns regarding someone coming in to Cheboygan County and buying 50 lots for 50 short term rentals. Mr. Ostwald stated one should be allowed and it can be changed at a later date.

Ms. Croft asked the Planning Commission what they would like to do with the proposed amendment. Mr. Kavanaugh suggested looking at the public information portion of it and suggested getting together with Mr. Moore to see if there is something that can be done to address the issues at Wildwood Lake. Mr. Kavanaugh stated that Mr. Turisk can log public generated complaints. Mr. Kavanaugh stated that if there is a huge surge in complaints, the Planning Commission can take a look at the complaints.

STAFF REPORT

Mr. Turisk stated he will send out information on upcoming workshops through MSU Extension and Michigan Association of Planning.

PLANNING COMMISSION COMMENTS

Mr. Freese stated that stamped engineered drawings are required the Zoning Ordinance and it has not been enforced. Mr. Freese stated that he has not been in favor of requiring stamped engineered drawings in the past, however, he believes it is necessary for commercial projects. Mr. Turisk stated that he has talked with local surveyors and the cost of stamped engineered drawings could range anywhere from \$700 - \$3,500 depending on the size of the property and the complexity of the project. Discussion was held regarding site plan requirements being included on all plans that are to be reviewed by the Planning Commission.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:01pm.

Charles Freese
Planning Commission Secretary



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, SEPTEMBER 16, 2020 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: None
STAFF: Mike Turisk, Jen Merk
GUESTS: Eric Boyd, Dawn Webb, John Brown, John Moore, Steve Warfield, Peter Wendling

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Ms. Croft stated that there are no minutes for the Planning Commission to review.

PUBLIC HEARING AND ACTION ON REQUESTS

There were no public hearings.

NEW BUSINESS

No comments.

UNFINISHED BUSINESS

Continued Discussion On Short-Term Rental Land Uses.

Mr. Turisk stated that there was a formal discussion at the 09/02/20 Planning Commission meeting regarding a proposed short term rental ordinance that would seek to govern those uses in some way, shape or form and was driven, in large part by Mr. Moore, Nunda Township Supervisor. Mr. Turisk stated that the direction provided to staff at that meeting was to look into the possibility of crafting an overlay district, either for Nunda Township, or for the Wildwood Lake area. Mr. Turisk stated that he reached out to Mr. Wendling to ask him to elaborate on our scope of authority and efforts to govern or oversee these short term rental uses.

Mr. Wendling read the definition of dwelling “Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including bed and breakfast, boarding or lodging houses, resorts, resort hotels, recreation farms, vacation lodges, motor inns, hotels, motels and other tourist lodging facilities.” Mr. Wendling read the definition of family “An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relationship is of a permanent and distinct domestic character who reside in a single dwelling and live as a single housekeeping unit with single culinary facilities. A family, however, shall not include any society, club, fraternity, sorority, association, lodge, or group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.” Mr. Wendling stated that unless you specifically include it and have some definitions in the Zoning Ordinance the presumption is that it is excluded. Mr. Wendling stated that one of the things that the Planning Commission has to contend with is the limitation on their authority as a county to pass police power regulatory ordinances. Mr. Wendling stated that the townships have the authority to adopt these types of ordinances. Mr. Wendling stated that without a licensing ordinance, it would be very complicated to fully regulate vacation rentals. Mr. Wendling stated that regulating vacation rentals by special use will require a considerable amount of staff time. Mr. Wendling stated that the best way really for Cheboygan County to approach this is to approach the township first or possibly have an

overlay. Mr. Wendling stated that it can be done through a township that is requesting short term rentals be addressed but the township has to go along with it and create their own licensing and regulatory provisions because the easiest way under the ordinance is simply to allow it as a use by right. Mr. Wendling explained that the downside is once they're allowed under zoning, the existing vacation rentals become lawful nonconforming uses and any regulations will apply to new vacation rentals. Mr. Freese stated that we have enacted an amendment that allows short term rentals in all districts without exception and without any restrictions. Mr. Freese stated read Section 3.18 "Short term rentals shall be permitted uses in all zoning districts." Mr. Wendling stated that short term rentals are already allowed and any vacation rentals that existed prior is grandfathered and it doesn't make a difference if you just have it permit free or a use by right. Mr. Freese stated that short term rentals are causing problems in certain areas and the question is if there is anything we can do to address the problems. Mr. Wendling stated that unfortunately this is best solved by the individual townships that wish to regulate that area through a licensing order. Mr. Borowicz stated that there are concerns regarding overloading septic systems on small lakes. Mr. Wendling stated that this can be handled through a police power ordinance under township police powers. Mr. Wendling stated that they can copy Health Department rules. Mr. Wendling reviewed possible regulations that can be handled by the township. Mr. Wendling stated that the County does not have this authority. Discussion was held. Mr. Wendling stated that he has a sample licensing ordinance that he created for East Bay Township. Mr. Wendling stated that he can provide a copy of the ordinance, but this will not help Cheboygan County as it is something that the township will have to pass. Mr. Delana stated that the township may not have the resources for this regulatory process and was hoping the Planning Commission could do something to assist. Mr. Wendling stated that when the townships adopt an ordinance, normally the licensing comes with a fee which is meant to cover the cost of the regulatory ordinance. Mr. Wendling stated that there are companies that perform these services for the township. Mr. Freese stated that this regulation would fund itself as far as administration of the program. Mr. Kavanaugh asked if the township can regulate the area that they want licensed or do they have to do it through the entire township. Mr. Wendling stated no and that it has to be the entire township because they are under county zoning, and they are not able to use the zoning districts to create the boundaries. Mr. Wendling stated that the short term rental amendment has been passed so the Planning Commission is done on the zoning side and you would create problems by trying to repeal the amendment. Discussion was held.

Ms. Webb stated that one of the reasons that there are no complaints is because they do not know where to file a complaint and it is not the rental aspect itself but the number of people. Ms. Webb explained that there are short term rentals on Burt Lake that are renting to 10 to 12 people and the septic systems are 50 years old. Mr. Wendling read from a sample police power ordinance, "The maximum occupancy for short term rentals shall be two persons per bedroom, not including preschool aged children. In no case may the number of persons occupying a short term rental, including all guests, or the occupants exceeds 10, regardless of the number of bedrooms." Mr. Wendling stated that this is an ordinance that is now in effect in East Bay Township in Grand Traverse County. Mr. Wendling stated that there are things that can be done through a police power ordinance, but they will have to be done by the township. Ms. Webb asked who will enforce the ordinance. Mr. Wendling stated that all police power ordinances will be enforced by the township enforcement officer. Mr. Wendling stated that sometimes the township supervisor handles the enforcement, but this ordinance is more complex they will have the assistance of a company such as Host Compliance which will be paid for through the licensing process. Mr. Wendling stated that the company will gather the information in one central location and it will be shipped to the township, and they will determine violations, but it will be up to the township code enforcement officers to enforce those violations. Discussion was held.

Zoning Ordinance Amendment #160 - An Amendment Relative To Standards For Freestanding Signs And Electronic Sign Surface Requirements

Mr. Turisk stated that the Planning Commission has discussed in the past Section 17.19 regarding governing freestanding signage in the Commercial Development Zoning Districts. Mr. Turisk noted that this proposed amendment is driven by a dimensional variance application that went before the Zoning Board of Appeals on December 30, 2019 for a freestanding sign in the Commercial Development Zoning District that was proposed to be larger than the maximum 80 square feet sign currently allowed. Mr. Turisk stated that the Zoning Board of Appeals denied the variance request given the lack of practical difficulty and Board of Commissioners subsequently directed the Planning Commission to consider an amendment. Mr. Turisk stated that this is the first draft of an ordinance amendment that regards this topic. Mr. Turisk stated that staff is suggesting minor housekeeping changes which are highlighted in yellow.

Mr. Turisk referred to Section 17.19.8 and noted that the zoning district abbreviations are being updated to be in harmony with what is currently in the Zoning Ordinance. Mr. Turisk referred to Section 17.19.8 and stated that staff is suggesting to add some clarity to this section with respect to electronic signage. Mr. Turisk stated that we do not identify where electronic signage is permitted in the County. Mr. Turisk stated that the Commercial Development Zoning District seems to be the most appropriate zoning district for electronic signage. Mr. Turisk referred to the Building Sign Type Regulations table under Section 17.19.8 and noted that electronic signage is proposed to be added to this table with a number limiting that type of

signage to one per parcel. Mr. Turisk stated that rather than continuing to govern digital signs with a percentage standard he is proposing to replace that percentage standard with a dimensional standard. Mr. Turisk stated the Zoning Ordinance allows the digital signage surface area to be up to 75% of the sign. Mr. Turisk stated that the intent of that specific limitation was to limit the size of digital signs, but the reality is that it doesn't fully do that. Mr. Turisk stated that if there is a 100 square foot sign and you allow 75% of that to be digital, you'll have a 75 square foot digital surface. Mr. Freese stated that one of the problems which illustrated this was a Zoning Board of Appeals request to have a sign that was more than 75% of the existing sign, but in fact they reduced the size of the sign and actually was asking for less than the electric sign they already had. Mr. Freese stated that if we are trying to limit the size of the electronic display, it should be limited by square feet. Mr. Freese stated that a percentage of the overall signage should not be considered. Mr. Turisk referred to Section 17.19.8.1 and stated that the percentage has been changed from 75% to 60 square feet. Mr. Turisk stated that he talked with legal counsel regarding this change, and Mr. Graham stated that it is up to the Planning Commission to make this determination. Mr. Turisk stated that the sign with the largest digital signage surface area that has been permitted was for the Knights of Columbus and that was for 48 square feet (4ft. x 12ft.). Mr. Turisk stated that permits were also issued to McDonald's in Indian River for 20 square feet, Fraternal Order of Eagles in Indian River for 24 square feet, Fernelius Ford for just under 28 square feet and the Inland lakes High School for a little over 24 square feet. Mr. Turisk stated that 60 square feet could be pretty aggressive. Mr. Freese suggested that the maximum be 4ft. x 8ft or 32 square feet. Mr. Kavanaugh agreed with Mr. Freese. Ms. Lyon asked if the sign surface area would include the permanent portion of the sign. Mr. Freese stated it is the digital portion of the sign only that would be limited to the 32 square feet. Ms. Lyon asked if it is considered two separate signs. Mr. Freese stated yes. Discussion was held.

Mr. Turisk referred to Section 17.19.8.2.H and stated that it was the consensus of the Planning Commission to not increase the sign surface area for freestanding signs in the Commercial Development Zoning District. Mr. Turisk stated that a variance application was submitted in December 2019 for a 100 square foot sign and it was denied. Mr. Turisk stated that the Cheboygan County Board of Commissioners asked the Planning Commission to look at possibly increasing the size of the freestanding in the Commercial Development Zoning District. Mr. Turisk stated that the Planning Commission has stated that they are uncomfortable with increasing the size of the freestanding sign in the Commercial Development Zoning District. Mr. Turisk stated that the way the Zoning Ordinance is written suggests that one may erect or construct up to three freestanding signs on a property each up to 80 square feet. Mr. Turisk stated that this is potentially 240 square feet of signs surface area. Mr. Turisk stated that the proposed language seeks to limit freestanding signs in the Commercial Development Zoning District to 80 square feet, but would allow for additional signage depending upon the amount of public right away frontage. Mr. Turisk stated that the proposed language allows for up to three freestanding signs as long as the lot has a minimum of 300 linear feet of public right away. Mr. Turisk stated that in addition there would be a 100 foot separation requirement to preclude a clumping or clustering effect. Mr. Turisk stated that the aggregate sign surface area for freestanding signs will be limited to 80 square feet. Mr. Turisk stated that is a dimensional standard that the Planning Commission will need to discuss. Mr. Freese stated that the Planning Commission discussed that one sign with a maximum of 80 square feet would be allowed, regardless of parcel frontage, but if there would be more than one sign then the separation distance came into effect. Mr. Freese stated that the separation was not only between the signs, but between signs and the property boundary. Mr. Turisk stated that seems reasonable.

Mr. Freese referred to 17.19.8.2.G and stated his concerns that the sign surface area is determined by the outside perimeter of the sign and all supporting structures. Discussion was held. Mr. Turisk stated that the principal concerns with freestanding signs are height and sign surface area. Mr. Freese provided examples of three dimensional signs and how to calculate the sign surface area. Mr. Delana asked if Mr. Freese is suggesting that 17.19.8.2.F and 17.19.8.2.G be removed or modified. Mr. Freese stated that he does not see the sense in keeping these sections. Mr. Kavanaugh suggested removing these sections and discuss it at the next meeting. Mr. Freese stated that the proposed language for Section 17.19.8.2.H will need to reflect that one freestanding sign with a maximum of 80 square feet would be allowed and to have another sign there will need to be an additional 200 feet. Discussion was held regarding the proposed language for Section 17.19.8.2.H. Mr. Turisk asked if the proposed 60 square foot maximum standard for digital signs is too much. Many Planning Commission members agreed that it is too large. Mr. Kavanaugh stated that 32 square feet is easy to regulate and is larger than most of the signs that have been reviewed. Mr. Delana stated that the document refers to electronic signs, but Planning Commission members are also referencing digital signs. Mr. Delana asked what is considered a digital sign or electronic sign. Mr. Freese stated that electronic signs have a programmable digital display. Mr. Delana stated that the language should reflect a programmable digital display. Discussion was held. Mr. Turisk stated that he will make the changes to the proposed amendment and have it ready for Planning Commission review at the October 7, 2020 meeting.

Ms. Johnson asked if the Planning Commission would like to talk about which districts electronic signs are allowed in because currently they are allowed in many of the districts that it is now proposed that electronic signs are will no longer be allowed. Mr. Freese stated that electronic signs are made to get people's attention for advertising purposes, and therefore the place for

them is the Commercial Development Zoning District. Ms. Johnson stated that she doesn't disagree, although freestanding signs and wall signs are allowed by permit in the Residential Development Zoning District it would mean that an electronic sign would be allowed. Ms. Johnson asked if we do not want them in the General Industrial Zoning District or Light Industrial Zoning District, which they are currently allowed. Ms. Johnson asked if we want to allow electronic signs in any of the Village Center Zoning Districts. Mr. Freese stated that the need is not there for that type of advertising in the General Industrial Zoning District or Light Industrial Zoning District. Ms. Merk stated that she is working through a sign permit application currently in the General Industrial Zoning District. Ms. Merk stated that the applicant is requesting to put a digital sign as part of their gas station sign. Mr. Turisk stated that the General Industrial Zoning District or Light Industrial Zoning District tend to extend outward from the Commercial Development Zoning District. Mr. Turisk stated that we want to be cognizant of allowing digital signage in the rural areas. Mr. Borowicz asked what is the zoning for the Industrial Park on M-68. Mr. Freese stated it is zoned Light Industrial. Mr. Borowicz stated that there are businesses there that certainly would justify an electronic sign or digital sign. Mr. Delana and Mr. Freese agreed that a gas station would want to have an electronic sign. Mr. Freese stated that a gas station could be allowed as an exception to the rule. Mr. Turisk stated that a number of ordinances do make exceptions for that use for digital signs as part of a fueling station. Mr. Freese stated that we should make an exception for digital signs as part of a fueling station. Mr. Borowicz stated that there is a big difference between an electronic sign that posts the prices at a gas station from something that has a message that changes every three seconds for an advertising message. Discussion was held.

STAFF REPORT

Mr. Turisk distributed and reviewed information regarding possible future trainings and workshops. Mr. Turisk asked the Planning Commission members to circle the trainings/workshops that they are interested in and return to Mr. Turisk as soon as possible. Discussion was held.

PLANNING COMMISSION COMMENTS

Ms. Johnson stated that because of some major life changing events she will be tendering her resignation effective the end of October in order for the Board of Commissioners to provide a replacement. Ms. Johnson stated if a replacement can be found sooner she will step down. Mr. Turisk expressed best wishes to Ms. Johnson in the future. Ms. Lyon stated that Ms. Johnson has been a benefit to the Planning Commission and helped them to think about things in different ways. Mr. Kavanaugh and Mr. Borowicz stated that they enjoyed discussing different views. Mr. Freese thanked Ms. Johnson for her perspective. Discussion was held.

PUBLIC COMMENTS

Mr. Warfield stated that he would like to express on behalf of the entire Cheboygan County Board of Commissioners that we are sorry to hear that Ms. Johnson is resigning and we wish her the best and thank her for her service.

ADJOURN

Motion by Mr. Kavanaugh, to adjourn. Motion carried. Meeting was adjourned at 8:47pm.

Charles Freese
Planning Commission Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Douglas Duke

Exhibit List-Revised 10/07/20

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Chapters 8 and 9 of the Tuscarora Township Master Plan and Future Land Use Map (14 Pages)
4. Zoning Amendment Application (4 Pages)
5. Location/Aerial Map (1 Page)
6. Zoning map of parcel no. 161-C09-000-248-00 requested for rezoning (also embedded in staff report) (1 Page)
7. Real Estate Summary Sheet (1 Page)
8. Plat of Chippewa Beach Subdivision (1 Page)
9. Section 4.2 (Permitted Uses) and 4.3 (Uses Requiring Special Use Permits) of Zoning Ordinance No. 200 - Residential Development District (D-RS) (2 Pages)
10. Section 9.2 (Permitted Uses) and 9.3 (Uses Requiring Special Use Permits) of Zoning Ordinance No. 200 – Agriculture and Forestry Management District (M-AF) (3 Pages)
11. Email from Leif Hanson dated July 8, 2020 (2 Pages)
12. Mailing List (2 Pages)
13. Staff Report (6 Pages)
14. Findings of Fact (8 Pages)

The following exhibits were added to the exhibit list on August 4, 2020:

15. Email from Jim Webb dated August 3, 2020 (2 Pages)
16. Email from John and Sue Schams dated August 3, 2020 (2 Pages)
17. Email from Leif Hanson dated August 3, 2020 (1 Page)
18. Email from Leif Hanson dated August 3, 2020 (5 Pages)
19. Email from Bob and Nancy Kramer dated August 3, 2020 (5 Pages)
20. Email from Mike Chervený dated August 3, 2020 (3 Pages)
21. Email from Gary and Carol Freismuth dated August 3, 2020 (1 Page)
22. Email from Verne and Joanne Sutton dated August 3, 2020 (2 Pages)
23. Email from Andy and Rhea Zaleski dated August 3, 2020 (2 Pages)
24. Email from Jerry Strabbing/President of and on behalf of the East Burt Lake Association dated August 4, 2020 (2 Pages)
25. Email from Arnie and Dawn Geldermans dated August 4, 2020 (1 Page)

26. Email from Robert and Sheryl Kendrick dated August 4, 2020 (2 Pages)
27. Email from Kenneth J. Neumann dated August 4, 2020 (1 Page)
28. Email from Charlie and Fran Gano dated August 4, 2020 (1 Page)
29. Email from Frank and Becky Hill dated August 4, 2020 (1 Page)
30. Email from Jim Feagan and Jill Renaud Feagan dated August 4, 2020 (1 Page)
31. Email from Corey Crowell dated August 4, 2020 (1 Page)
32. Email from Brenda Briguglio dated August 4, 2020 (1 Page)

The following exhibits were added to the exhibit list on August 5, 2020:

33. Email dated 08/04/20 from Daryl R. Davis (1 Page)
34. Email dated 08/04/20 from Deborah and Hugh Sloan (1 Page)
35. Email dated 08/04/20 from Todd and Lauren Chappell (1 Page)
36. Email dated 08/04/20 from Kymberly Kleckner (1 Page)
37. Email dated 08/04/20 from Dorothy and John Johnson (1 Page)
38. Email dated 08/04/20 from Julie Hull (1 Page)
39. Email dated 08/05/20 from Jeff and Patricia Bowers (1 Page)
40. Email dated 08/05/20 from Susan K. Dengler (1 Page)
41. Email dated 08/05/20 from Mike Ridley (1 Page)
42. Email dated 08/05/20 from Gretchen Bearce (2 Pages)

The following exhibits were added to the exhibit list on September 30, 2020:

43. Email dated 08/05/20 from Margaret Barr (1 Page)
44. Email dated 08/05/20 from James and Barbara King (1 Page)
45. Letter with attachments brought to Planning Commission Meeting on 08/05/20 from Andrea Cowles (5 Pages)
46. Email dated 08/06/20 from Jim Webb (2 Pages)
47. Email dated 08/10/20 from Dawn and Jeff Webb (2 Pages)
48. Email dated 08/11/20 from Margaret A. Barr, Deborah Lekander and Dan Gates (1 Page)
49. Email dated 08/26/20 from Leif Hanson (4 Pages)
50. Email dated 08/26/20 from Robert and Sheryl Kendrick (1 Page)
51. Email dated 08/28/20 from Gretchen Bearce (2 Pages)
52. Email dated 08/31/20 from Charlie and Fran Gano (2 Pages)
53. Email dated 09/01/20 from Sheryl Kendrick (1 Page)
54. Email dated 09/01/20 from Becky and Frank Hill (2 Pages)
55. Email dated 09/01/20 from Margaret A. Barr, Deborah Lekander and Dan Gates (2 Pages)
56. Email dated 09/01/20 from Kym Kleckner (1 Page)
57. Email dated 09/01/20 from Dorothy and John Johnson (3 Pages)
58. Email dated 09/01/20 from Kenneth Neumann (1 Page)

59. Email dated 09/02/20 from Jerry Strabbing/President of the East Burt Lake Association (2 Pages)
60. Email dated 09/02/20 from Julie Hull (1 Page)
61. Email dated 09/02/20 from Arnie and Dawn Geldermans (2 Pages)
62. Email dated 09/25/20 from E. Franklin Hill, Jr. and Rebecca J. Hill (1 Page)
63. Email dated 09/25/20 from Bob and Nancy Kramer (2 Pages)
64. Email dated 09/28/20 from Gregg Valley (1 Page)
65. Email dated 09/28/20 from Leif Hanson (4 Pages)

The following exhibits were added to the exhibit list on October 6, 2020:

66. Letter dated 10/01/20 from Bruce Alexander (1 Page)
67. Letter dated 10/01/20 from Alison Alexander (2 Pages)
68. Email dated 10/05/20 from Dave Carpenter/Tuscarora Township Fire Chief (2 Pages)
69. Email dated 10/05/20 from Jim Webb (1 Page)
70. Email dated 10/05/20 from Dawn Webb (2 Pages)
71. Email dated 10/05/20 from Sheryl Kendrick (2 Pages)
72. Email dated 10/06/20 from Jess Miller and Pam Miller (2 Pages)
73. Email dated 10/06/20 from Leif Hanson (1 Page)
74. Letter dropped off at the Planning and Zoning Department office on 10/06/20 from anonymous (1 Page)

The following exhibits were added to the exhibit list on October 7, 2020:

75. Email dated 08/10/20 from Kyle Keller/District Health Department #4 (1 Page)

Note: Planning Commission members also have Exhibits 1 and 2.

CHAPTER 8

COMMUNITY GOALS AND OBJECTIVES

Introduction

Before a community can actively plan for its future growth and development, it must first set certain goals and objectives that define the boundaries of its needs and aspirations and, thus, establish a basis for Master Plan formulation. In developing community goals and policies, it is important to analyze existing community characteristics, such as: social and economic features, environmental resources, available services and facilities, and existing land use. In addition to examining existing characteristics, another important tool in the development of community goals and policies is to identify community assets, problems and other issues to be addressed.

The following goals (the ultimate purposes or intent of the plan) and objectives (means of attaining community goals) set forth to guide local decision-makers in reviewing future land use proposals are the result of input received during the preparation of the Master Plan update.

Goals and Objectives

<i>Land Use Goal</i>
<p style="text-align: center;">GOAL:</p> <p style="text-align: center;"><i>Maintain an ecologically sound balance between human activities, economic growth and the environment to retain the Township's scenic and rural character, while meeting the needs of the current and future residents.</i></p>
<p>OBJECTIVES AND ACTION STEPS:</p> <ol style="list-style-type: none">1. Pursue the development of a sewer system to enhance development opportunities in downtown Indian River, while protecting the water quality.2. Review the county Zoning Ordinance as related to the Township Master Plan, and work cooperatively to amend the County Ordinance as appropriate.3. Pursue the establishing of downtown Indian River as a mixed-use Village Center.4. Work with the County to control the location of new development by designating appropriate areas for new residential, commercial, and industrial land uses.5. Encourage growth and development in and immediately around Indian River.6. Consistent with smart growth principles and the complete streets initiative, encourage the use of access management standards, non-motorized facilities, appropriate setbacks, retention of green space, buffer zones between differing land uses, screened parking areas, and roadside landscaping; and encourage the retention of open space and scenic vistas with PUD's, clustering, and conservation easements.

Residential Goal

GOAL:

Promote the development of suitable housing opportunities for the varied economic and lifestyle needs of the residents.

OBJECTIVES AND ACTION STEPS:

1. Work with the County to ensure areas are designated as appropriate for all types of residential development compatible with the surrounding natural environment, including single family, multi-family, condominium, low to moderate-income rental complexes, and extended care facilities.
2. Encourage the development of continuous care housing options for the increasing senior population in the area.
3. Encourage participation with Northern Homes and Michigan State Housing Development Authority (MSHDA) programs to rehabilitate substandard housing and to provide needed moderately priced housing in the Township.
4. Preserve the integrity of existing residentially zoned areas by protecting from intrusion of incompatible uses.
5. Work with Cheboygan County to address potential zoning incompatibilities, such as residential uses from locating in areas zoned for agriculture or industrial uses.
6. Require a buffer between Residential uses and other more intensive uses.

Economic Development

GOALS:

Strengthen the local economy through the development and retention of enterprises, which provide employment opportunities

To provide for a full range of commercial facilities and infrastructure which are adequate to serve both the resident and tourist markets.

OBJECTIVES AND ACTION STEPS:

1. Encourage the promotion and development of Indian River area as a business center serving both the local consumer population and sub-regional market base.
2. Encourage the expansion of existing establishments and the establishment of new commercial uses in downtown Indian River.
3. Encourage the development of clustered commercial, light industrial and/or office facilities in industrial park in close proximity to the I-75 interchange
4. Encourage the development of new types of industries and those that are economically associated with the existing industrial base.
5. Provide industry at locations that are easily accessible to the existing transportation network and in areas likely to be served by public utilities.
6. Limit commercial thoroughfare frontage developments to Straits Highway for auto-oriented type businesses and other business uses that are, too large or are otherwise unsuited to location in downtown Indian River.
7. Encourage the implementation of access management standards, including the use of shared driveways and access drives as a means of reducing traffic conflicts along main corridors.
8. Work with the County to ensure appropriate buffers are required to transition between commercial and residential areas.
9. Encourage the development of professional enterprises which offer employment and growth opportunities to the Township's skilled workforce.
10. Encourage the development of local Main Street program in coordination with or through the Downtown Development Authority.
11. Encourage the establishment of home based businesses, especially those which rely primarily on internet based business and/or provide web-based jobs.
12. Promote the Indian River area as an ALL season recreation destination.

Agriculture & Forestry Goal

GOAL:

Acknowledge the importance of agricultural lands and forestry management.

OBJECTIVES AND ACTION STEPS:

1. Recognize that the presence of agricultural and forested lands adds to the scenic and rural character of the Township.
2. Work to provide economically feasible options for continued agricultural and forestry use of lands with prime farmland and forestland soils.
3. Allow for and encourage farmland protection, such as through the transfer of development rights (when available), purchase of development rights, conservation easements and the clustering of non-farm development.
4. Participate in efforts to educate the community regarding agricultural preservation
5. Work to retain and manage existing forestland
6. Promote re-forestation and sound forestry management practices for areas with productive forest soils.
7. Work with County to provide greater zoning flexibility regarding uses of large parcels of land.

Recreation Goal

GOAL:

Provide and maintain recreation lands and facilities for safe access and year-round healthy enjoyment by residents and visitors.

OBJECTIVES AND ACTION STEPS:

1. Maintain an up-to-date recreation plan to address the needs (current and anticipated) and maintenance plan for all recreation trails, facilities and parklands.
2. Promote the use of the North Central State Trail, through the establishment of Marina Park as a designated trailhead.
3. Develop or designate bike/pedestrian routes linking downtown Indian River, the educational facilities, tourist destinations and recreation areas in the Township, including (but not limited to) Inland Lakes Schools and Burt Lake State Park, consistent with a Complete Streets policy.
4. Maintain, improve and expand Township parks and facilities to serve the needs of residents and visitors.
5. Work cooperatively with neighboring townships, Counties and other key stakeholders to establish connecting bike trail or routes, such as between the North Central State Trail and the [currently unimproved] Petoskey to Mackinaw City trail.
6. Promote winter tourism for the area, including snowmobiling, x-country skiing, snowshoeing, and ice fishing.
7. Establish a handicap accessible fishing area, such as the proposed Veterans Pier at DeVoe Park.
8. Promote the accessibility of ORV and Snowmobile trails from the Indian River area.
9. Promote the hunting and fishing opportunities of the area.
10. Seek grant assistance for trail and park improvement projects.

Natural Resource Goal

GOAL:

Protect and preserve groundwater, surface water, woodlands, wetlands, open space, wildlife habitat and steep slopes.

OBJECTIVES AND ACTION STEPS:

1. Pursue the implementation of a municipal sewer system, to protect the water quality of the groundwater and surface water in the area.
2. Work with Cheboygan County to encourage a land use pattern that is oriented to the natural features and water resources of the area by evaluating type and density of proposed developments based on soil suitability; slope of land; potential for ground water and surface water degradation and contamination; compatibility with adjacent land uses; and impacts to sensitive natural areas like wetlands, greenways and wildlife corridors.
3. Encourage the maintenance of natural vegetation adjacent to lakes, streams, and wetlands.
4. Support the strengthening of groundwater protection and stormwater management regulations in the County's zoning ordinance, while encouraging the continued natural use of wetlands as groundwater recharge, stormwater filtering and stormwater holding areas.
5. Promote regulations for development on steeply sloped areas and require erosion control measures where construction is permitted. Require slope stabilization and re-vegetation on disturbed slopes or in extraction areas.
6. Encourage planting of native tree and shrub species when properties are developed.
7. Encourage the retention and management of existing forest lands.

Infrastructure & Public Service Goal

GOAL:

Maintain and improve the Township facilities, programs and systems consistent with the community needs, and the ability to finance the improvements.

OBJECTIVES AND ACTION STEPS:

1. Pursue the implementation of a sewer system in the Indian River area.
2. Develop, adopt and begin implementation of a Complete Streets policy, to improve transportation equity, while encouraging health through physical activity and active transportation.
3. Continue to support the local public safety and emergency services including the local Police Department and Fire Department .
4. Continue to work with the County on road improvements consistent with funding ability and the Township's priority list.
5. Participate in county-wide comprehensive waste management efforts, including emphasis on recycling.
6. Continue to pursue expansion of affordable high-speed communications throughout the entire Township.
7. Monitor and explore the utility expansion needs, as more development occurs.
8. Pursue placement of utilities underground.
9. Work to create a more pedestrian friendly downtown by providing sidewalks, reducing curb cuts and improving parking.
10. Establish and maintain on-going communication with adjacent Townships regarding planned projects in order to facilitate joint projects, such as road improvements where wider shoulders could facilitate a cooperative and coordinated bicycle connector route.

CHAPTER 9

Future Land Use Recommendations

Introduction

The Future Land Use Plan is designed to serve as a guide for future development. If it is to serve the needs of the community and function effectively, it must incorporate several important characteristics.

The Plan must be general

The Plan, by its very nature, cannot be implemented immediately. Therefore, only generalized locations (not necessarily related to property lines) for various land uses are indicated on the Plan.

The Plan should embrace an extended but foreseeable time period

The Plan depicts land uses and community development strategies through the Year 2020.

The Plan should be comprehensive

The Plan, if it is to serve its function as an important decision-making tool, must give adequate consideration to the sensitive relationships which exist between all major land use categories, including environmentally sensitive properties. Development in environmentally sensitive areas should be discouraged by Tuscarora Township. All future development as indicated on the Future Land Use (Figure 9-1) shall occur only as environmental conditions permit and must take into consideration those environmental restrictions as outlined in the Natural Features element of this Plan.

The Plan should acknowledge regional conditions and trends

Tuscarora Township is an integral part of Cheboygan County and the Northeast Michigan Council of Governments, a multi-county regional planning agency; therefore, the Plan should acknowledge the Township's regional context. Through recognition of regional implications, the Township's Future Land Use Plan will be more realistic and reasonable in terms of guiding the future utilization of land resources in the Township.

The Plan must be updated periodically

The Plan may require periodic revisions to reflect significant changes in local, state, or national conditions which cannot be foreseen at this time.

For example, over the past fifty years, several major innovations in land development have occurred. Included among these are: the initiation and expansion of the freeway system; modifications in shopping facilities; relocation of employment centers from the cities to the suburbs; changes in housing preferences; and the declining family size.

It is, of course impossible to predict the type of changes which may occur over the next decade or two. In compliance with the Michigan Planning Enabling Act, a comprehensive review of the Master Plan should be undertaken every five years to provide for an adequate analysis of new conditions and trends, and the plan updated as appropriate. If major re-zoning requests which are in conflict with Plan recommendations are deemed desirable, then, the Plan should be reviewed and amended as appropriate prior to the re-zoning.

Plan Recommendations

Ten (10) future land use categories plus a category for water are proposed for Tuscarora Township. The various land uses are portrayed on Future Land Use Map, Figure 9-1 and in Table 9-1. A discussion of each land use category is presented below.

**Table 9-1
Future Land Use Acreage**

Land Use Category	Area in Acres	Percent in Total
1. Agricultural / Forestry	4,843.9	18.0
2. Single Family Residential	6,436.2	24.0
3. Multi-Family Residential	63.2	0.2
4. Village Mixed Use	33.7	0.1
5. General Commercial	580.9	2.2
6. Industrial	262.4	1.0
7. Park/Recreation	508.4	1.9
8. Conservation Recreation	5,450.0	20.3
9. Public/Semi-Public	279.4	1.0
10. Right-of-Way (I-75)	334.3	1.2
Water	8,045.4	30.0
Total	26,837.8	99.9

*Note: Numbers do not add to 100 due to rounding.

Agricultural/Forestry: This category is intended to preserve the rural character of the Township. A total 4,844 acres (18%) are devoted to this classification. Farming and related agricultural activities and rural housing are the principal uses. Central water and sanitary sewer facilities are not currently available and are not intended to be available during the planning period.

The Agricultural/Forestry area is designed to conserve, stabilize, enhance, and develop farming and related natural resource based activities; to minimize conflicting uses of parcels, lots, buildings, and structures detrimental to, or incompatible with these activities; and to prohibit uses of parcels, lots, buildings, and structures which require streets, drainage, and other public facilities and services of a different type and quantity than those that currently exist. The district, in preserving area for agricultural use, is also designed to prevent proliferation of residential subdivision and urban sprawl.

Agricultural properties may be used for general and specialized farming, including the raising or growing of crops, livestock, poultry, bees, and other farm animals and product. Buildings or structures may be located which are used for the day-to-day operation of such activities. Any lot that is kept as idle cropland should be managed to prevent soil erosion by wind or water and should be free of excessive weeds and shrubs.

Single-family homes that are compatible with the agricultural use and rural character of the district are encouraged. Setting a maximum lot area of one or two acres for each residential unit would help preserve the majority of land in the agricultural area for farm and forest use, and should be considered. Clustering of residential units is another recommended technique to preserve farmland and open space.

Within this future land use category, limited use outdoor recreation/event facilities may be

compatible when located on parcels 40 acres in size or greater depending on the specific use and with site specific conditions required to address potential issues such as site access, traffic, noise, lights, etc and provide safeguards to protect the neighboring property owners. Allowing for such a use could take the form of a property owner initiated conditional rezoning; a Planned Unit Development; or a Special Land Use if allowed for in the Zoning District. The pursuit of this type of use should be explored with the Cheboygan County Department of Planning and Zoning (in coordination with Tuscarora Township) in consideration of the Cheboygan County Zoning Ordinance.

Single Family Residential: This future land use category is intended to serve as the principal residential area of the Township. It covers 6,436 acres or 24.2% of the total Township area.

Relatively high density (lot size less than one acre) homes are encouraged in and around the community of Indian River, while low density homes (minimum one-acre lot) are encouraged in the outlying areas north of Indian River and areas along the Burt Lake shore. In the future, the Township may wish to consider designating two types of residential development areas: one where subdivision or small lot development is anticipated and the other where large-lot or "estate residential" development is to be encouraged. To fully implement this concept, an additional "estate residential" zoning classification may be needed at the County level.

Sanitary sewer facilities should be provided in the Indian River area. Such services to other parts of the district should be extended on an as-needed and cost-effective basis only.

Multi-Family Residential: This area (63 acres or 0.2%) encompasses the existing mobile home parks, apartments, and condominiums. No new land is designated for such uses. However, proposals for new multi-family developments should be approved on a case-by-case basis if certain conditions are met. Compatibility with the surrounding uses, land suitability, access, and availability of public services are among the factors that should be considered in locating multi-family developments.

Village Mixed-Use: This plan identifies two distinctly different areas for future commercial development: "Village Mixed Use" and "General Commercial". The Village Mixed Use area encompasses the downtown portions of Indian River, generally extending along Straits Highway from the Indian River to South Avenue. As used in this Plan, the term "Village Mixed Use" is not intended to refer to Village as a governmental entity, but rather to communicate the idea of a small-scale Village-like setting for commercial and community activity. The Village Mixed Use concept anticipates a synergistic mix of commercial, civic, residential and recreational uses in close proximity, rather than exclusive commercial use.

Consistent with planning goals developed by the Tuscarora Township Downtown Development Authority, commercial development in the Village Mixed Use area is anticipated to be relatively small-scale, and oriented to pedestrian as well as vehicular access. It will serve both the retail commercial needs of year-round residents, and provide an attractive, unique shopping environment for tourists and seasonal residents. Desirable commercial uses in this area include retail and specialty shops, personal services, commercial and professional offices, restaurants and taverns. Future design features in the Village Mixed Use area ideally will include an integrated and coherent system of sidewalks, landscaping, lighting, seating and signs. Both on and off-street parking will be provided.

It is important to note that residential uses exist immediately adjacent to the Village Mixed Use

area, both to the east and west of Straits Highway. The concept of a Village Mixed Use in downtown Indian River includes and depends upon maintaining vibrant residential neighborhoods within walking distance of downtown. Therefore, the Village Mixed Use area would be suitable for mixed use type of zoning, similar to the Village Center zoning district, currently provided in the Cheboygan County Zoning Ordinance. Provisions for zero lot line (zero setback) should be explored for this area, especially once sewers are available.

Further, it is acknowledged that the Village Mixed Use area also contains a number of important civic uses, such as the Tuscarora Township Hall, Library, Post Office and Chamber of Commerce (Tourist Information) office. Maintaining these civic uses at the heart of downtown is also important to the future success of the Village Mixed Use area.

Because the downtown area is in close proximity to both the Sturgeon and Indian Rivers, and to Burt Lake, recreation is an important existing and future use in the Village Mixed Use area. As part of this Plan, the Tuscarora Township Planning Commission recommends and supports improved recreational opportunities, both public and private, in the downtown area. Two important future recreational opportunities are mentioned here. First, it is recommended that the Township continue to work with the DNRE to promote the North Central State Trail and related recreational uses. This trail has the potential to bring a positive flow of tourist and recreational traffic to and through downtown Indian River. Second, it is recommended that public dockage and water access downtown be maintained and expanded. At present, the Township uses the "Green Dock", as a waterfront walkway and public fishing area. This dock is located just west of Straits Highway, on the north side of Indian River. Additionally, efforts are in progress to site a new public marina in or near downtown, which could provide transient docking for approximately 30 boats. One location under consideration is at the juncture of the Little Sturgeon and the Indian River, just east of Straits Highway.

General Commercial: In contrast to the proposed Village Mixed Use area, the General Commercial area is envisioned to serve primarily vehicular traffic. Most of the General Commercial area is located along the Old 27 corridor, north of the Indian River and between South Avenue and the Sturgeon River. The remainder of the General Commercial area is located on the M-68 corridor, near the I-75 interchange. Parcels in the General Commercial area are generally larger than that available downtown. Therefore, commercial uses requiring proportionately larger scale sites are encouraged to locate in the General Commercial area. Examples of existing appropriate large-scale commercial uses in this area include commercial nursery and landscape material sales, lumber and hardware stores with large storage and inventory areas, and commercial recreation facilities such as miniature golf and boat liveries. Additionally, highway oriented uses such as vehicle sales, automobile service stations, motels and restaurants are appropriate in the general commercial area. Design standards in this area would ideally include off-street parking, a landscaped setback from the highway, access controls to minimize interference with through traffic on the highway, and highway-oriented sign regulations.

Within this future land use category, limited use outdoor recreation/event facilities may be compatible depending on the specific use and with site specific conditions required to address potential issues such as site access, traffic, noise, lights, etc and provide safeguards to protect the neighboring property owners. The pursuit of this type of use should be explored with the Cheboygan County Department of Planning and Zoning (in coordination with Tuscarora Township) in consideration of the Cheboygan County Zoning Ordinance.

Industrial: The Future Land Use Plan designates one primary location for expanded industrial development: the industrial park area southeast of the I-75 interchange at Indian River. Because of good commercial visibility and proximity to I-75, it is recognized that some of the M-68 frontage property at this location may actually be developed for highway-related commercial use. Therefore, lands adjacent to the existing industrial park have been designated for future industrial use to allow additional industrial expansion space behind the M-68 frontage parcels. The Cheboygan County Road Commission facility located on Old 27 South is also designated Industrial.

Parks & Recreation: The Tuscarora Township is blessed with a large amount of land devoted for recreational purposes. The existing 508 acres (1.9%) is adequate to serve the recreational needs of the current and future population of the Township. Additionally, three recreation sites in the Indian River area which were proposed for improvements in the previous plan, have been completed: a recreational trail on the old rail right-of-way, fishing and waterfront walkway improvements at the Green Dock location and public dockage near downtown, and the juncture of the Little Sturgeon and Indian Rivers, thus increasing the recreational opportunities.

Conservation/Recreation: If Tuscarora Township is to continue to fulfill its role as an attractive place to live and visit, it must actively encourage the preservation of its environmentally sensitive resources.

It is necessary for a Township to have lands available for recreational use, but it is also necessary to have land remain in its natural state untouched by any type of development. The value to the public of certain open areas of the Township is represented in their natural, undeveloped, or unbuilt condition. It is recognized that the principal use of certain open areas is, and ought to be, the preservation, management, and utilization of the natural resource base possessed by these areas.

On privately held parcels in this area, very low density residential and recreational use are appropriate. Assets to be protected include woodlands, wetlands, lands containing protected species, and scenic areas. In doing so, the Township may see a reduction of hardships and financial burdens imposed upon the community through the destruction of resources, improper use of open land or wooded areas, and the periodic flooding of creeks and streams.

Conservation/open space areas are of extreme importance to a community. Not only do they meet the increasing opportunities afforded by increasing leisure time and are a source of health and pleasure, but also serve as a reminder that people can never put their natural habitat back. A total of 5,450.0 acres (20.3%) are designated for conservation/recreation purposes. Mackinaw State Forest covers slightly more than one-half of this acreage; most of the remainder being wetlands along the Sturgeon River west of I-75, and along the Indian River and Mullett Lake, east of I-75, including the ecologically significant Indian River Spreads.

Public/Semi-Public: The Plan designates 279 acres (1.0%) as public/semi-public area. This category includes most of the major existing public or semi-public facilities, such as Campbell Landing Field, schools, churches, and government offices.

Water: Water bodies account for the largest share of the Tuscarora Township area. A total of 8,045 acres (30.0%) is classified as water, which includes portions of Burt Lake, Mullett Lake, and the Indian River. The difference between the acreage of water listed in the previous plan and this plan are due to changes in available mapping data (with the recent data typically

considered more accurate) and mapping techniques.

Right-of-Way: The dedicated rights-of-way of the I-75 corridor within the Township account for the 334 acres, or 1.2% of the total. Due to the variation in road rights-of-way from one road to another, and the relatively limited width of the rights-of-way for most county roads, the other rights-of-way are not separated from the surrounding land uses.

TUSCARORA TOWNSHIP

Future Land Use Map

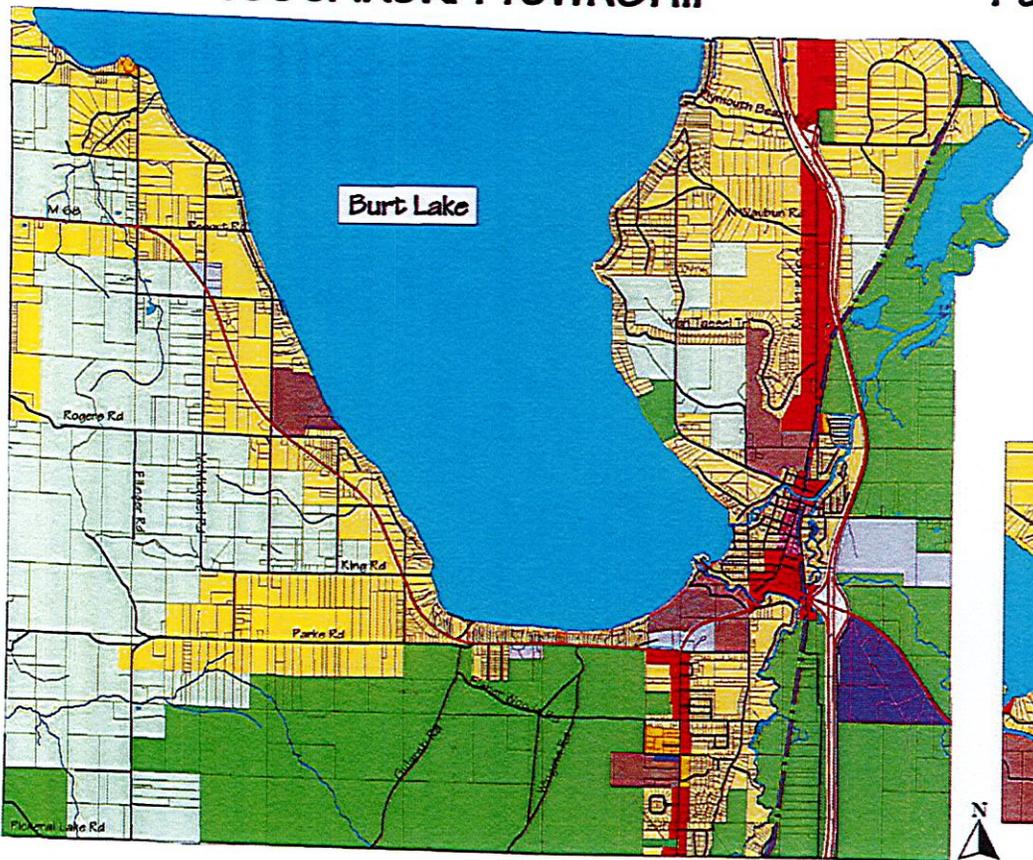
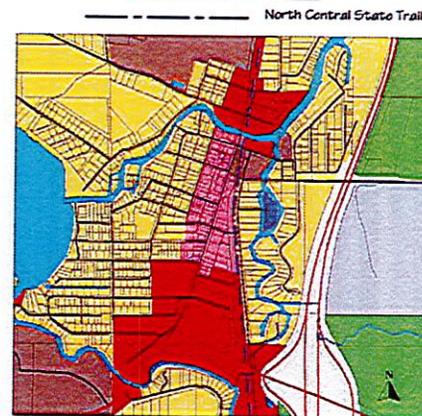


Figure 9-1



Sources:
Michigan Center for Geographic Information,
Cheboygan County GIS Department, and
M. C. Planning & Design

Map Date: October 2010

ZONING AMENDMENT APPLICATION

CHEBOYGAN COUNTY
 PLANNING & ZONING DEPT.
 870 S. MAIN ST., RM 103, PO BOX 103
 CHEBOYGAN, MI 49721

Receipt # 7413
 Fee \$ 225⁰⁰ Date 3-4-20

Application Approved by: Jen Mark

TELEPHONE: (231) 627-8489
 FAX: (231) 627-3646
 www.cheboygancounty.net

PLEASE PRINT

LOCATION (For property rezoning)

Address 2064 Mottawil Trail	City / Village INDIAN RIVER TUSCI	Township/Sec.	Zoning District D-RS
Property Tax I.D. (Parcel) Number 161-C09-000-248-00	Subdivision or Condo. Name/Plat or Lot No. Citi Prairie Bndt Sub 248 249 250 251		

APPLICANT

Name Douglas Duka	Telephone 989-464-7959	Fax	
Address 14703 Shoreline Rd	City & State Wolverine MI	Zip Code 49799	E-Mail LIDUKA@ARTPROK

PROPERTY OWNER (If different from applicant)

Name Rebecca Levinson	Telephone	Fax	
Address 3611 Bawter Dr	City & State Ann Arbor MI	Zip Code 48108-9304	

I. Action Requested

I (we) the undersigned do hereby request that the Cheboygan County Board of Commissioners approve the following petition for a zoning amendment.

A. Text Amendment: Amend Article ____ Section ____ of Cheboygan County Zoning Ordinance No. 200 by making the following change(s):

B. Rezone from D-RS to M-AF the property(s) described in Section II. A previous application for a variance, special use permit, or rezoning on this land has not been made with respect to these premises in the last year. If a previous appeal, special use permit, or rezoning application was made, state the date _____, nature of action requested _____, and the decision _____.

II. Property Information (For rezoning)

A. Legal description of property(s) proposed for rezoning:

4 lots 2001500-2064 mottawil trail Indian River Twp

B. List all deed restrictions, if applicable:

no deed restrictions

C. Names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the land, if applicable.

none

D. This area is CHIPPAWA BEACH SUB unplatted, X platted, _____ will be platted. If platted, name of plat:

E. Present use of the property is: VACANT

F. Attach a drawing of the property. SEE REVERSE SIDE

III. Justification for Requested Action

A. State specifically the reason(s) for this text amendment request at this time. Also attach any supporting documentation.

If this is a proposed rezoning, what possible negative impacts could occur and what proposed mitigation would take place?
THERE ARE NO KNOWN NEGATIVE IMPACTS

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? Yes No

Owner's Signature [Signature] Date 3-13-20
KARL LYKE FOR

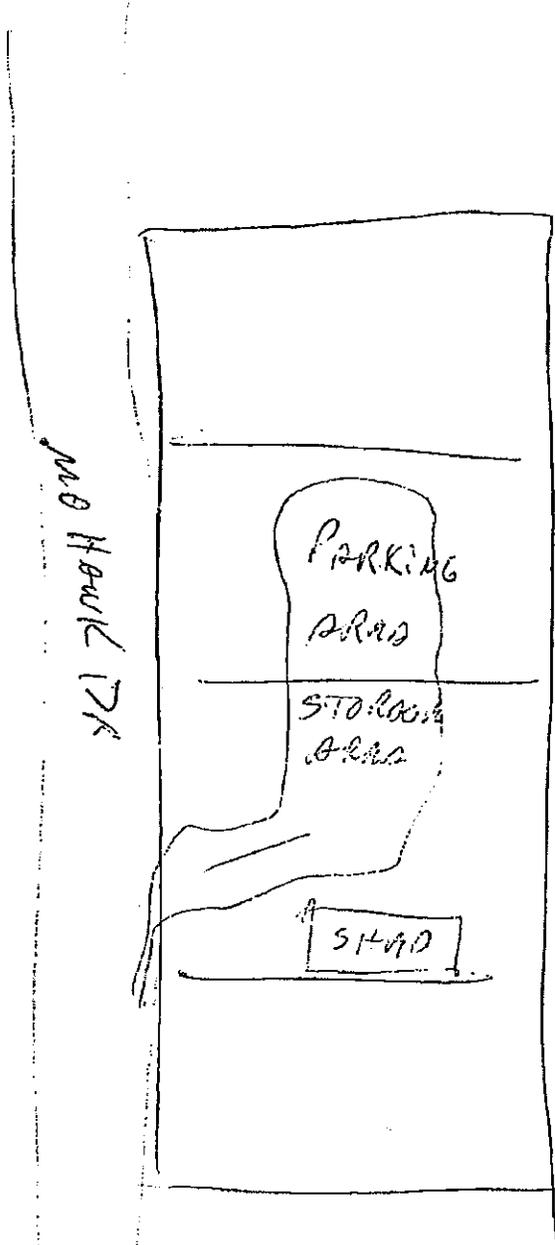
IV. Affidavit

The undersigned affirms that he or she is the _____ (owner, lessee, other type of interest) involved in the Petition and that the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his or her knowledge and belief.

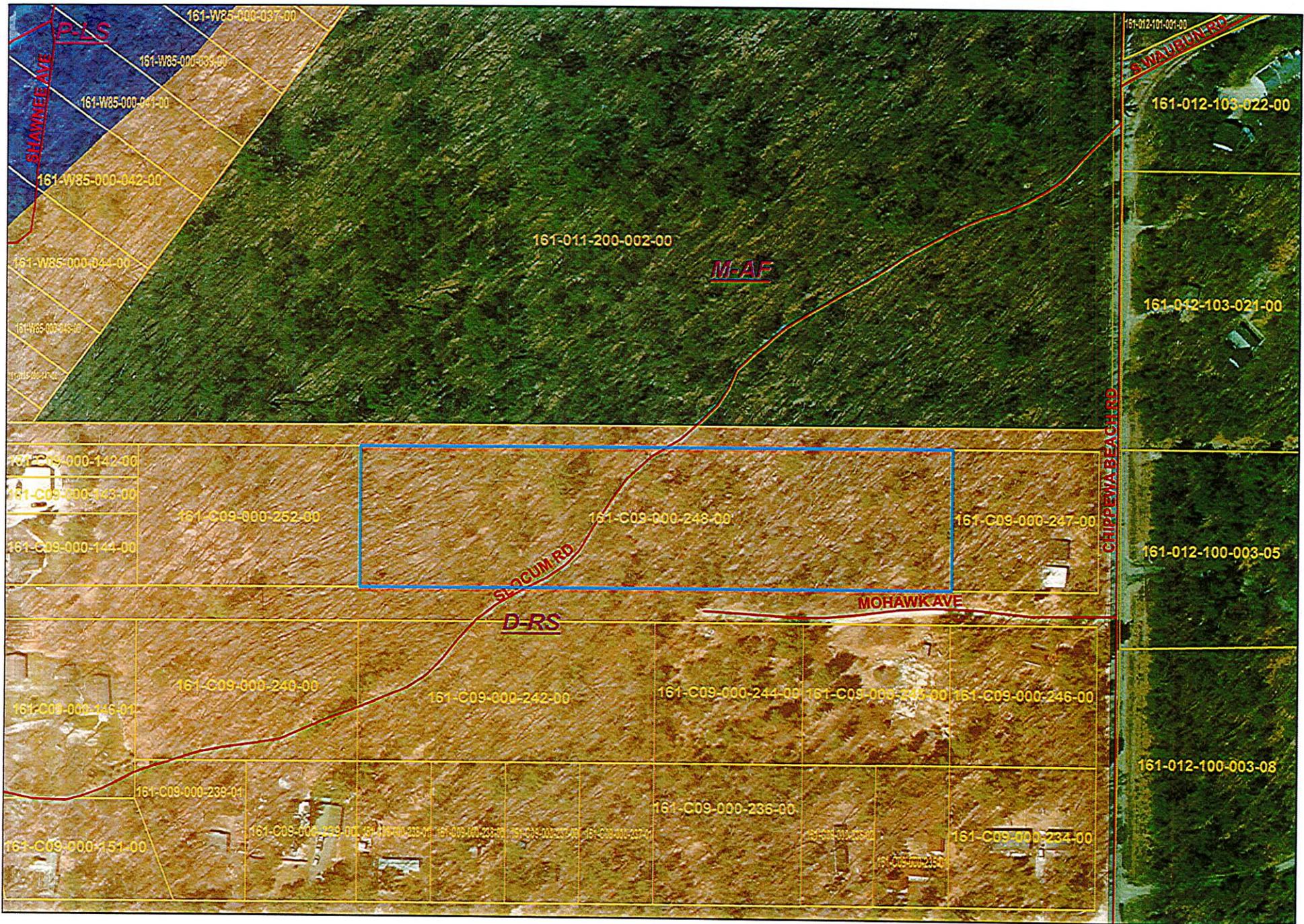
Applicant's Signature [Signature]
DOUG DUKES

Date 6-25-20

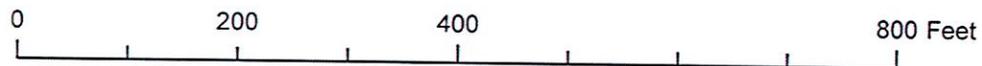
[Handwritten marks]



CHIPPAWA BEACH RD



D-RS P-LS
M-AF



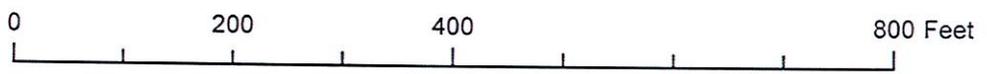


5





D-RS P-LS
M-AF



6

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

10/01/2020 10:43 AM

Parcel:	161-C09-000-248-00	Current Class:	401.401 RESIDENTIAL
Owner's Name:	DUKE, DOUGLAS J	Previous Class:	401.401 RESIDENTIAL
Property Address:	7064 MOHAWK AVE INDIAN RIVER, MI 49749	Gov. Unit:	161 TUSCARORA
Liber/Page:	1420/461	MAP #	
Split:	//	School:	16050 INLAND LAKES SCHOOL DISTRICT
Public Impr.:	None	Neighborhood:	CTY-R
Topography:	None		

Mailing Address:

DUKE, DOUGLAS J
14703 SHORELINE DR
WOLVERINE MI 49799

Description:

CHIPPEWA BEACH SUB, LOTS 248, 249, 250 & 251. (SEC 11, T35N,R3W) 261/384;562/253;1420/461

Most Recent Sale Information

None Found

Most Recent Permit Information

None Found

Physical Property Characteristics

2021 S.E.V.:	12,100	2021 Taxable:	12,100	Lot Dimensions:	
2020 S.E.V.:	12,100	2020 Taxable:	5,526	Acreage:	0.00
Zoning:		Land Value:	0	Frontage:	0.0
PRE:	0.000	Land Impr. Value:	0	Average Depth:	0.0

Improvement Data

None

Image



PLAT OF

CHIPPEWA BEACH SUB.

OF THE S.E. 1/4 OF THE N.E. 1/4 AND THE N.E. 1/4 OF THE S.E. 1/4 ALSO

LOTS Nos. 3 AND 4 OF FRAC. SEC. II, T.35 N., R.3 W.

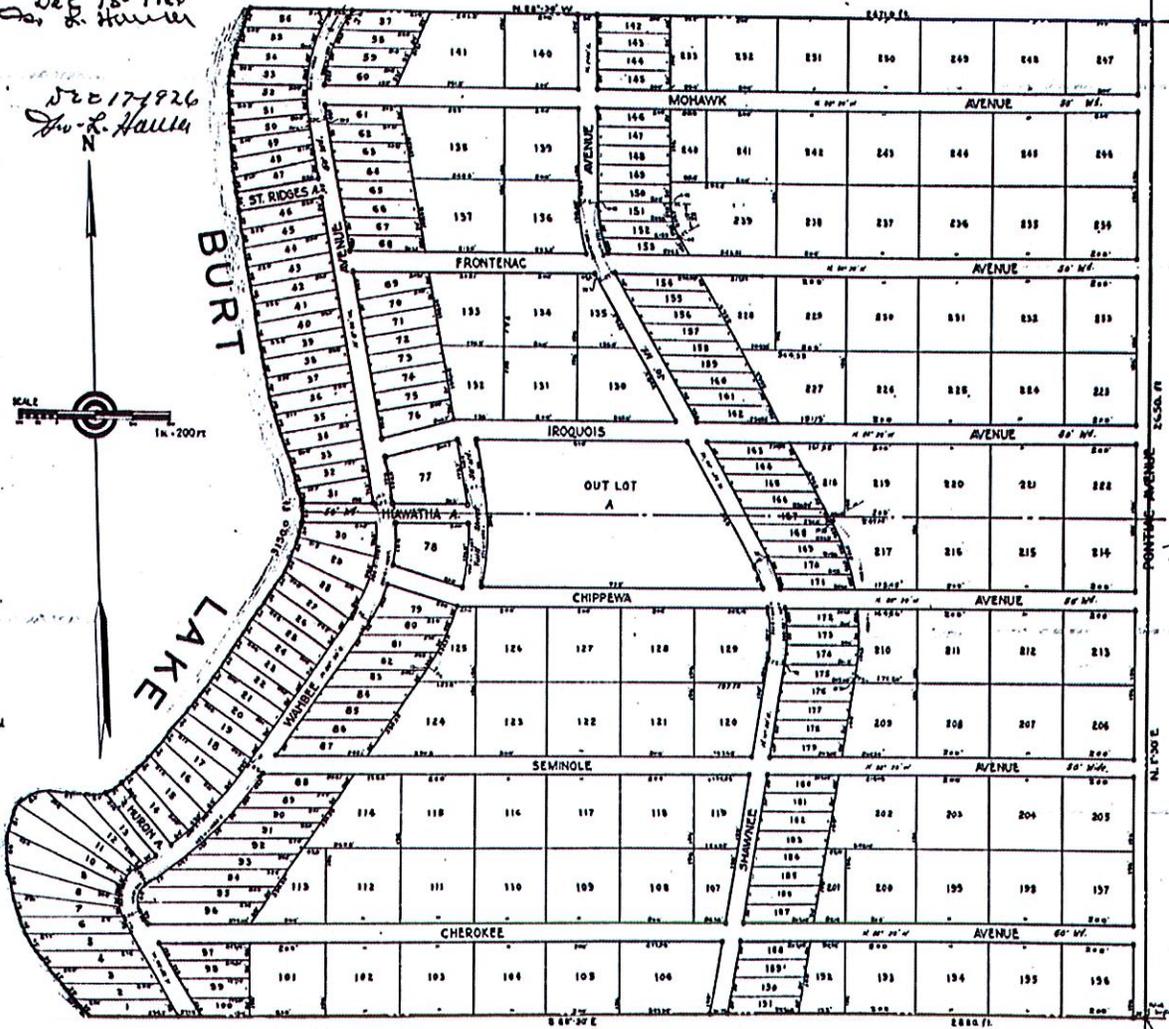
TUSCARORA TWP., CHEBOYGAN CO., MICH.

547
12/19/26
Chippewa Beach Sub
Dec 26 915
W.E. Mealey

Dec 13-1926
J.F. R. Hauer

Dec 13-1926
J.F. R. Hauer

Dec 17-1926
J.F. R. Hauer



KNOW ALL MEN BY THESE PRESENTS that we John Hull and Maggie Hull his wife, and Thomas Hull and Nellie Hull his wife, and Edward F. Davis and Robert W. Davis his wife, do hereby certify that the land embraced in the annexed plat of "CHIPPEWA BEACH SUB." is composed of the S.E. 1/4 of the N.E. 1/4, the S.E. 1/4 of the S.E. 1/4 and lots 3 and 4 of Frac. Sec. II, T.35 N., R.3 W., Tuscarora Twp., Cheboygan County, Michigan, being more particularly described as follows: Beginning at a point on the East line and 150 feet northward from the point of intersection of said East line and Chippewa Avenue, a distance of 200.0 feet to a point, thence S 89° 15' 00" E 200.0 feet to a point, thence S 89° 15' 00" E 200.0 feet to the place of beginning.

Witness my hand and seal in the presence of:
 John Hull, L.S.
 Maggie V. Hull, L.S.
 Thomas Hull, L.S.
 Nellie Hull, L.S.
 Edward F. Davis, L.S.
 Robert W. Davis, L.S.
 Ethel D. Davis, L.S.

STATE OF MICHIGAN)
 County of Cheboygan)
 On this 17th day of December, 1926, before me, a Notary Public, personally came the above named John Hull, Maggie Hull, Nellie Hull, Edward F. Davis and Robert W. Davis, who known to me to be the persons who executed the above declaration and acknowledged the same to be their free act and deed, by said action attested.)
 J.F. R. Hauer, Notary Public in and for Cheboygan County, Michigan.
 June 24th, 1927.

DESCRIPTION
 The land embraced in the annexed plat of "CHIPPEWA BEACH SUB." is composed of the S.E. 1/4 of the N.E. 1/4, the S.E. 1/4 of the S.E. 1/4 and lots 3 and 4 of Frac. Sec. II, T.35 N., R.3 W., Tuscarora Twp., Cheboygan County, Michigan, being more particularly described as follows: Beginning at a point on the East line and 150 feet northward from the point of intersection of said East line and Chippewa Avenue, a distance of 200.0 feet to a point, thence S 89° 15' 00" E 200.0 feet to a point, thence S 89° 15' 00" E 200.0 feet to the place of beginning.

I hereby certify that the plat herein delineated is a correct one, and that permanent monuments consisting of 1" by 3/4" pipes, set in concrete bases 4" in diameter and 6" in depth, have been placed in the ground at all points marked (P) as shown thereon at all angles in the boundaries of the land platted, and at all intersections of streets, of alleys, or of streets and alleys, or of streets or alleys with the boundaries of the plat.
 D. W. R. Hauer, Registered Surveyor and Civil Engineer.

I hereby certify that this plat has been approved by the Township Board of the Township of Tuscarora as a motion held November 30, 1926.
 J.F. R. Hauer, Notary Public.

OFFICE OF
 Treasurer of Cheboygan County
 This plan was recorded on the 24th day of December, 1926.
 J.F. R. Hauer, Notary Public.
 County Treasurer
 Note: All measurements are given in feet and decimal fractions.

ARTICLE 4 - RESIDENTIAL DEVELOPMENT DISTRICT (D-RS)

SECTION 4.1. PURPOSE

This district classification is designed to be the most restrictive to encourage an environment of predominantly low-density single family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents of the area. The intent is to keep this district relatively quiet and free from detrimental use influences. New residential development is to be encouraged adjacent to existing developed residential areas and kept separate from commercial or industrial development.

SECTION 4.2. PERMITTED USES

- 4.2.1. Single Family Dwellings and Two Family Dwellings (Rev. 03/28/12, Amendment #108).
- 4.2.2. Gardening. (Rev. 10/13/16, Amendment #135)
- 4.2.3. Existing farms and agricultural uses.
- 4.2.4. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 4.2.5. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 4.2.6. Home occupations subject to the limitations as defined.
- 4.2.7. Office or studio of a physician, dentist or other professional person residing on the premises.
- 4.2.8. Essential public utility services, excluding buildings and regulator stations.
- 4.2.9. *Reserved for future use* (Rev. 10/13/16, Amendment #135)
- 4.2.10. State licensed residential facilities (6 or less persons).
- 4.2.11. Private storage buildings, subject to the requirements of Section 17.23 (Rev. 11/06/08, Amendment #77)

SECTION 4.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 4.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS for instructions on applying for permits.
- 4.3.2. Nurseries and day care centers for children.
- 4.3.3. Assisted Living Center (Rev. 09/01/17, Amendment #141)
- 4.3.4. Multi-family housing.
- 4.3.5. Patio homes, townhouses, apartment buildings, condominiums.
- 4.3.6. Parks, playgrounds, golf courses, and other recreational facilities.
- 4.3.7. Cemeteries.
- 4.3.8. Essential public utility service buildings, or gas or electric regulator stations or buildings (excluding public works garages and storage yards).
- 4.3.9. Private non-commercial recreation camps.
- 4.3.10. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 4.3.11. Marinas.
- 4.3.12. Assembly, Educational or Social Event Facilities (Rev. 09/01/17, Amendment #140)
- 4.3.13. Planned Projects subject to provisions of Section 17.28 (Rev. 01/16/18, Amendment #143)

ARTICLE 4 - RESIDENTIAL DEVELOPMENT DISTRICT (D-RS)

SECTION 4.4. SUPPLEMENTAL REQUIREMENTS FOR D-RS RESIDENTIAL DEVELOPMENT ZONING DISTRICT (Rev. 11/28/15, Amendment #131)

- 4.4.1. A 40 ft setback shall be required for structures from the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any stream, pond or lake which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County. Ground decking and patios without railings and which are less than thirty (30) inches above the natural grade at the deck building line may extend into the setback area but not nearer to the shoreline than twenty five (25) feet. Walkways and pathways, if not wider than eight (8) feet, are not restricted by this paragraph.

ARTICLE 9 - AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)

SECTION 9.1. PURPOSE

Agriculture and Forestry Management Districts are those areas where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. They include areas which, although not currently so used, have a potential for agriculture and forestry. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply and timber resources are essential to the health and welfare of the county, state and nation.

SECTION 9.2. PERMITTED USES

- | | |
|---|--|
| 9.2.1. Single Family Dwellings and Two Family Dwellings (Rev. 03/28/12, Amendment #108). | 9.2.11. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards and related activities. |
| 9.2.2. Commercial Farm Buildings. (Rev. 10/24/13, Amendment #120) | 9.2.12. Hunting grounds, fishing sites and wildlife preserves. |
| 9.2.3. Commercial Farms. (Rev. 10/24/13, Amendment #120) | 9.2.13. Private hunting and fishing cabins. (Rev. 04/28/00, Amendment #14) |
| 9.2.4. Greenhouses and <u>nurseries</u> . | 9.2.14. Private Storage Buildings, Private Storage/Workshop Buildings and Agricultural/Private Storage/Workshop Buildings (Rev. 04/12/07, Amendment #67) (Rev. 10/24/13, Amendment #120) |
| 9.2.5. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business. | 9.2.15. Hobby Farm Buildings. (Rev. 10/24/13, Amendment #120) |
| 9.2.6. <u>Home occupations</u> as defined in this ordinance. | 9.2.16. Hobby Farms. (Rev. 10/24/13, Amendment #120) |
| 9.2.7. <u>Essential services</u> . | 9.2.17. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) |
| 9.2.8. Cemeteries. | |
| 9.2.9. Private aircraft landing strips. | |
| 9.2.10. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150) | |

ARTICLE 9 - AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)

SECTION 9.3.

USES REQUIRING SPECIAL LAND USE PERMITS

- 9.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 18, SPECIAL LAND USE (SLU) PERMIT PROCEDURES AND STANDARDS for instructions on applying for permits.
- 9.3.2. Motor vehicle sales and/or repair facility. (Rev. 11/27/18, Amendment #149)
- 9.3.3. Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140).
- 9.3.4. Public parks and recreational areas, playgrounds and campgrounds. (Rev. 09/01/17, Amendment #140)
- 9.3.5. Bar and Restaurant. (Rev. 01/16/18, Amendment #144)
- 9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)
- 9.3.7. Golf courses, country clubs and sportsmen's associations or clubs.
- 9.3.8. Retail sales establishment, small-scale convenience. (Rev. 11/27/18, Amendment #149)
- 9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.
- 9.3.10. Slaughter houses and meat packing plants.
- 9.3.11. Travel trailer courts, tenting areas and general camping grounds.
- 9.3.12. Public airports and landing fields, with appurtenant facilities.
- 9.3.13. Non-essential public utility and service buildings.
- 9.3.14. Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 9.3.15. Animal feedlots or piggeries.
- 9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.
- 9.3.17. Commercial kennels, pet shops, and veterinary hospitals according to Section 17.16. (Rev. 11/23/09, Amendment #81)
- 9.3.18. Junk yards, salvage yards and waste disposal sites. (Rev. 04/26/08, Amendment #75)
- 9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)
- 9.3.20. Contractor's Yards, provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)
- 9.3.20.1. Minimum 10 acre parcel.
- 9.3.20.2. Minimum 330' of road frontage / lot width.
- 9.3.20.3. Minimum Setbacks: 100' front; 75' side; 100' rear.
- 9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000 square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.
- 9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner's primary residence.
- 9.3.21. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)

ARTICLE 9 - AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)

SECTION 9.3.

USES REQUIRING SPECIAL LAND USE PERMITS

- 9.3.22. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)
- 9.3.23 Child Caring Institutions, subject to the requirements of Section 17.24. (Rev. 04/28/10, Amendment #85)
- 9.3.24 Indoor Storage Facilities, subject to requirements of section 17.27.1. (Rev. 05/25/13, Amendment #116)
- 9.3.25 Planned Projects subject to provisions of Section 17.28. (Rev. 05/25/13, Amendment #116)
- 9.3.26 Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 9.3.27 Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

SECTION 9.4. SUPPLEMENTAL REQUIREMENTS FOR M-AF AGRICULTURE AND FORESTRY MANAGEMENT ZONING DISTRICT

(Rev. 11/28/15, Amendment #131)

- 9.4.1. A 40 ft setback shall be required for structures from the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any stream, pond or lake which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County. Ground decking and patios without railings and which are less than thirty (30) inches above the natural grade at the deck building line may extend into the setback area but not nearer to the shoreline than twenty five (25) feet. Walkways and pathways, if not wider than eight (8) feet, are not restricted by this paragraph.

Jennifer Merk

From: Michael C. Turisk
Sent: Wednesday, July 08, 2020 2:46 PM
To: Leif Hanson
Cc: Jennifer Merk
Subject: RE: Commercial Fishing Operation in Residential Zone

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Hanson, thank you for taking the time to articulate your concerns. Mr. Duke has been in conversation with staff regarding permitting the use you have described. In order to do so, however, the subject property would first need to be rezoned, and if approved, Mr. Duke would then need to obtain a special use permit. Note that as of this response we do not have any applications as of yet.

Note that property owners within 300 feet of the subject property would be notified by the Planning and Zoning Department of the date(s) of public hearing. Let me know if you have additional questions.

Michael Turisk
Director, Cheboygan County Department of Planning and Zoning
231.627.8485

From: Leif Hanson [mailto:leifchanson@gmail.com]
Sent: Wednesday, July 8, 2020 11:01 AM
To: Michael C. Turisk <mturisk@cheboygancounty.net>
Subject: Commercial Fishing Operation in Residential Zone

Good Morning Michael,

First, it would help if I tell you why I'm interested in all this.

I live at 1305 Shawnee, own parcels 161-C09-000-146-01 and 161-C09-000-240-00. For what it's worth, I'll add here I have extra interest in the local area's roads because of a recent assessment for up to \$2400 for construction on Chippewa Beach and Wahbee.

There is a public lake access to Burt down on Wahbee that has always been popular with local ice fisherman. Fair enough. I fish out there too. However, in recent years what was a half dozen trucks with snowmobile trailers lined up on Wahbee, has now become dozens of trucks and trailers lined up all the way down Wahbee, all the way up Frontonac, and sometimes spilling out onto Chippewa Beach. As you can imagine, residents are pretty up in arms about this increase. Especially after paying a special assessment for these roads none of these residents want trucks and trailers taking up half the roadway all winter.

Well, when walking through Slocum trail toward the Nature Preserve the other day we found out why. When we saw quite a few trees on the properties along Mohawk had been cleared, all of them within a couple hundred feet of the Nature Preserve. So I began asking around to neighbors about this fishing operation and here's what I found out.

Apparently one Mr. Doug Duke has been running a non-permitted commercial operation in the area renting out pre-made ice shanties. He had been operating from a property on Chippewa Beach, but has recently bought (or intends to buy?) some of that property along Mohawk trail. He recently stopped by my house and expressed his intent to my wife to run his illegal commercial fishing operation through Slocum and thus through our property. Also notable here is that Mr. Duke has also posted both sides of Slocum Road with "No Trespassing" signs where it leaves our property, however we don't believe he even owns that property. To my knowledge, he is currently applying for permits to change that area to commercial, and with the DNR, both of which he's likely to fail because the whole community doesn't want him here and he's got a shanty still sitting on the bottom of Burt from last year... but I digress.

We have always welcomed our neighbors and their pets and are friends with all of them. I have already investigated our options regarding the portion of Slocum Road that bisects our properties with Travis at the Road Commission, but I wonder what measures I might take to get a petition going in the area to prevent Mr. Duke from rezoning this area to commercial use, as he has already had an environmental impact on both the Mohawk trail area that abuts to the Hinder-Bearce/Waubun Nature Preserve and to Burt Lake even though to my knowledge his shanty rental operation has never had permits for the commercial use, nor for using half the width of the roadways of Wahbee, Frontenac, and Chippewa beach as his client's personal parking.

Please advise if there is any specific petition form I might need to take around to the community and affected property owners along Chippewa Beach, Frontenac, and Wahbee to prevent the continued unchecked damage to this local areas natural resources by what is already an unlicensed and unchecked commercial operation.

Thank you for your time and consideration,



Leif Hanson

1305 Shawnee Dr.
Indian River, MI 49749
(231) 445-0242
leifchanson@gmail.com

161-C09-000-144-00 OCCUPANT 1269 SHAWNEE AVE INDIAN RIVER, MI, 49721	161-C09-000-235-01 OCCUPANT 7064 FRONTENAC INDIAN RIVER, MI, 49721	161-C09-000-143-00 OCCUPANT 1259 SHAWNEE AVE INDIAN RIVER, MI, 49721
161-C09-000-239-01 OCCUPANT 7236 FRONTENAC AVE INDIAN RIVER, MI, 49721	161-C09-000-239-00 OCCUPANT 7208 FRONTENAC AVE INDIAN RIVER, MI, 49721	161-C09-000-238-01 OCCUPANT 7186 FRONTENAC AVE INDIAN RIVER, MI, 49721
161-C09-000-238-00 OCCUPANT 7166 FRONTENAC AVE INDIAN RIVER, MI, 49721	161-C09-000-142-00 OCCUPANT 1251 SHAWNEE AVE INDIAN RIVER, MI, 49721	161-C09-000-237-00 OCCUPANT 7140 FRONTENAC AVE INDIAN RIVER, MI, 49721
161-C09-000-236-00 OCCUPANT 7102 FRONTENAC AVE INDIAN RIVER, MI, 49721	161-C09-000-234-00 OCCUPANT 7034 FRONTENAC AVE INDIAN RIVER, MI, 49721	161-C09-000-252-00 OCCUPANT 7216 MOHAWK AVE INDIAN RIVER, MI, 49721
161-C09-000-248-00 OCCUPANT 7064 MOHAWK AVE INDIAN RIVER, MI, 49721	161-C09-000-247-00 OCCUPANT 1266 CHIPPEWA BEACH RD INDIAN RIVER, MI, 49721	161-C09-000-246-00 OCCUPANT 1312 CHIPPEWA BEACH RD INDIAN RIVER, MI, 49721
161-C09-000-245-00 OCCUPANT 7063 MOHAWK AVE INDIAN RIVER, MI, 49721	161-C09-000-244-00 OCCUPANT 7101 MOHAWK AVE INDIAN RIVER, MI, 49721	161-C09-000-242-00 OCCUPANT 7177 MOHAWK AVE INDIAN RIVER, MI, 49721
161-C09-000-240-00 OCCUPANT 7243 MOHAWK AVE INDIAN RIVER, MI, 49721	161-012-100-003-08 OCCUPANT 1301 CHIPPEWA BEACH RD INDIAN RIVER, MI, 49721	161-012-103-021-00 OCCUPANT 1227 CHIPPEWA BEACH RD INDIAN RIVER, MI, 49721
161-012-100-003-05 OCCUPANT 1275 CHIPPEWA BEACH RD INDIAN RIVER, MI, 49721		

161-C09-000-235-02
BEST, NANCY A L/EWPTS;
9196 SIOUX
REDFORD, MI 48239

161-C09-000-235-01
KRESS, CHRISTOPHER B
7064 FRONTENAC
INDIAN RIVER, MI 49749

161-011-200-002-00
TOMCHUCK FAMILY TRUST
31103 BELMONT CT
BEVERLY HILLS, MI 48025-

161-C09-000-239-01
FARRIS, TRAVIS & SANDRA H/W L/EWPTS
PO BOX 492
PERRY, MI 48872

161-C09-000-239-00
COWLES, MARK & ANDREA H/W
7208 FRONTENAC AVE
INDIAN RIVER, MI 49749

161-C09-000-238-01
WAHL, RUSSELL JR & EDNA H/W L/E
8521 N DELANEY RD
OAKLEY, MI 48649

161-C09-000-238-00
STELLWAG, WILLIAM JR 1/2 INT AND
4635 SOLECITO LOOP
SANTA FE, NM 87507

161-C09-000-237-01
STEMPLE, RONALD & VICKI H/W
1450 TIMOTHY ST
SAGINAW, MI 48603

161-C09-000-237-00
STEMPLE, RONALD & VICKI H/W
1450 TIMOTHY ST
SAGINAW, MI 48603

161-C09-000-236-00
SMITH, KENNETH & PATRICIA, TRUSTEES
9775 RIVERSIDE ST
SAINT LOUIS, MI 48880

161-C09-000-234-00
BERNARD, RANDOLPH L/EWPTS;
7034 FRONTENAC AVE
INDIAN RIVER, MI 49749

161-C09-000-252-00
STEMPLE, CHAD
7140 FRONTENAC
INDIAN RIVER, MI 49749

161-C09-000-248-00
LEVENSON, REBECCA
3611 BENT TR DR
ANN ARBOR, MI 48108-9304

161-C09-000-247-00
WEBB, JAMES & DEBRA H/W
1372 WAHBEA AVE
INDIAN RIVER, MI 49749

161-C09-000-246-00
INDIAN RIVER BAPTIST CHURCH
PO BOX 217
INDIAN RIVER, MI 49749

161-C09-000-245-00
WILSON, RODGER D & HEIDI R H/W
5233 S STRAITS HWY
INDIAN RIVER, MI 49749

161-C09-000-244-00
HOPKINSON, SAMUEL
1270 MARION CENTER RD
CHARLEVOIX, MI 49720

161-C09-000-242-00
BUNKER, JEREMY
180 BROON LANE AVE
HOLLAND, MI 49423

161-C09-000-240-00
BLOCH BROTHERS CORP
PO BOX 252496
WEST BLOOMFIELD, MI 48325-2496

161-012-100-003-08
MEYER, TRAVIS & VICTORIA H/W
1301 CHIPPEWA BEACH RD
INDIAN RIVER, MI 49749

161-012-103-021-00
HELZERMAN, JOHN & MARY ANN H/W
1227 CHIPPEWA BEACH RD
INDIAN RIVER, MI 49749

161-012-100-003-05
STAPLETON, DEBORAH
PO BOX 1012
EL DORADO, CA 95623

161-C09-000-144-00
STEMPLE, CHAD
1251 N SHAWNEE AVE
INDIAN RIVER, MI 49749

161-C09-000-143-00
STEMPLE, CHAD
7140 FRONTENAC
INDIAN RIVER, MI 49749

161-C09-000-142-00
STEMPLE, CHAD
7140 FRONTENAC
INDIAN RIVER, MI 49749



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

STAFF REPORT

Item: An application to rezone property in Tuscarora Township from Residential Development (D-RS) to Agriculture & Forestry Management (M-AF).	Prepared by: Jennifer Merk
Date: October 1, 2020	Expected Meeting Date: October 7, 2020

GENERAL INFORMATION

Property Owner(s): Douglas Duke

Applicant(s): same

Property Location: 7064 Mohawk Avenue in Tuscarora Township

Contact Phone: 989.464.7959

Request:

The applicant has requested rezoning the 3.6-acre subject property located at 7064 Mohawk Ave. in Tuscarora Township currently zoned Residential Development (D-RS) to Agriculture and Forestry Management (M-AF).

1. **Adjacent Zoning:**

North: Agriculture and Forestry Management (M-AF)

East: Residential Development (D-RS) and Agriculture and Forestry Management (M-AF)

South: Residential Development (D-RS)

West: Residential Development (D-RS)

2. **Surrounding Land Uses:**

Residential land uses prevail in the area surrounding the subject property. Residential density is highest along Burt Lake. Larger properties and lower residential density is more common east of the lake. Forested land appears vacant directly to the north. Vacant forested properties are located immediately south and west of the subject property, all within the Chippewa Beach subdivision. The Waubun Beach subdivision is adjacent and north of the Chippewa Beach subdivision.

3. **Background and History:**

The subject property is a vacant wooded parcel containing four (4) lots (3.6-acres in total) in the Chippewa Beach subdivision. A seasonal road (Slocum Road) travels approximately through the middle of the subject property. The County Road Commission stated that there is a 66-foot right-of-way associated with this road that is not maintained/plowed during the winter months.

The zoning amendment application is triggered by the applicant's request to develop the parcel for a use not listed in any zoning district -- a seasonal ice-fishing shack rental business that would use the property for customer parking and ice-fishing shack storage and maintenance. The applicant has stated that public road access is needed, but no water and sewer would be necessary for the proposed use.

*Public Hearing on August 5, 2020

The public hearing was opened for the zoning amendment at the Planning Commission meeting on August 5, 2020. The applicant addressed the Planning Commission and through the course of discussion, the applicant asked for more time to investigate other options. The Planning Commission postponed the zoning amendment to the September 2, 2020 Planning Commission meeting.

The applicant became the owner of the subject property on August 5, 2020. The applicant continued to look to purchase a more appropriately zoned site and research other options, asking for more time to do so. The applicant requested the zoning amendment be tabled to the September 16, 2020 Planning Commission meeting.



Figure 1. Existing Zoning (Yellow= Residential Development)
 Location of subject property (center) located at 7064 Mohawk Ave., Tuscarora Twp.

*Planning Commission Meeting on September 2, 2020

At the Planning Commission meeting on September 2, 2020, the Planning Commission postponed the zoning amendment until October 7, 2020 in order to give enough time to appropriately notice the public hearing fifteen (15) days prior to the next scheduled Planning Commission meeting and mail the notice to property owners within 300 feet of the subject property. The notice of the zoning amendment and public hearing for the subject property located at 7064 Mohawk Avenue in Tuscarora Township was placed in the Cheboygan Daily Tribune and mailed to property owners within 300 feet of the subject property on Tuesday, September 22, 2020.

Consistency with Cheboygan County Master Plan/Tuscarora Township Master Plan:

In Michigan, townships have the authority to conduct planning and zoning activities. Tuscarora Township has an adopted Master Plan and Future Land Use Map (2012). According to Michigan statute, zoning must be based on a plan in order to be legally valid. The Cheboygan County Master Plan (2014) recommends that the Township's Master Plan be used for land use decision-making in the Township, including the most recently adopted Future Land Use Map (that should take the place of more general recommendations developed for the County as a whole). However, Tuscarora Township has not adopted a township-specific zoning ordinance; therefore, County zoning is applicable.

The *Cheboygan County Master Plan-Tuscarora Township 2012 Master Plan Update and Future Land Use Map* designates the subject area as single family residential. (see Exhibit 3):

Single Family Residential:

This future land use category is intended to serve as the principal residential area of the Township. It covers 6,436 acres or 24.2% of the total Township area. Relatively high density (lot size less than one acre) homes are encouraged in and around the community of Indian River, while low density homes (minimum one-acre lot) are encouraged in the outlying areas north of Indian River and areas along the Burt Lake shore. In the future, the Township may wish to consider designating two types of residential development areas: one where subdivision or small lot development is anticipated and the other where large-lot or "estate residential" development is to be encouraged. To fully implement this concept, an additional "estate residential" zoning classification may be needed at the County level. Sanitary sewer facilities should be provided in the Indian River area. Such services to other parts of the district should be extended on an as-needed and cost-effective basis only.

Chapter 8 of the *Tuscarora Township 2012 Master Plan Update* describes the Community Goals and Objectives that were the result of input received during the Master Plan update process, and intend to guide local decision-makers in reviewing future land use proposals. Several of the objectives are relevant to this proposed rezoning. (see Exhibit 3):

Under the *Residential Goal* in Chapter 8 of the *Tuscarora Township 2012 Master Plan Update* the following objectives are written:

1. Work with the County to ensure areas are designated as appropriate for all types of residential development compatible with the surrounding natural environment, including single family, multi-family, condominium, low to moderate-income rental complexes, and extended care facilities.

2. Encourage the development of continuous care housing options for the increasing senior population in the area.
3. Encourage participation with Northern Homes and Michigan State Housing Development Authority (MSHDA) programs to rehabilitate substandard housing and to provide needed moderately priced housing in the Township.
4. Preserve the integrity of existing residentially zoned areas by protecting from intrusion of incompatible uses.
5. Work with Cheboygan County to address potential zoning incompatibilities, such as residential uses from locating in areas zoned for agriculture or industrial uses.
6. Require a buffer between Residential uses and other more intensive uses.

Under the *Recreation Goal* in Chapter 8 of the *Tuscarora Township 2012 Master Plan Update*, objective number 6 states, "Promote winter tourism for the area, including snowmobiling, x-country skiing, snowshoeing, and ice fishing."

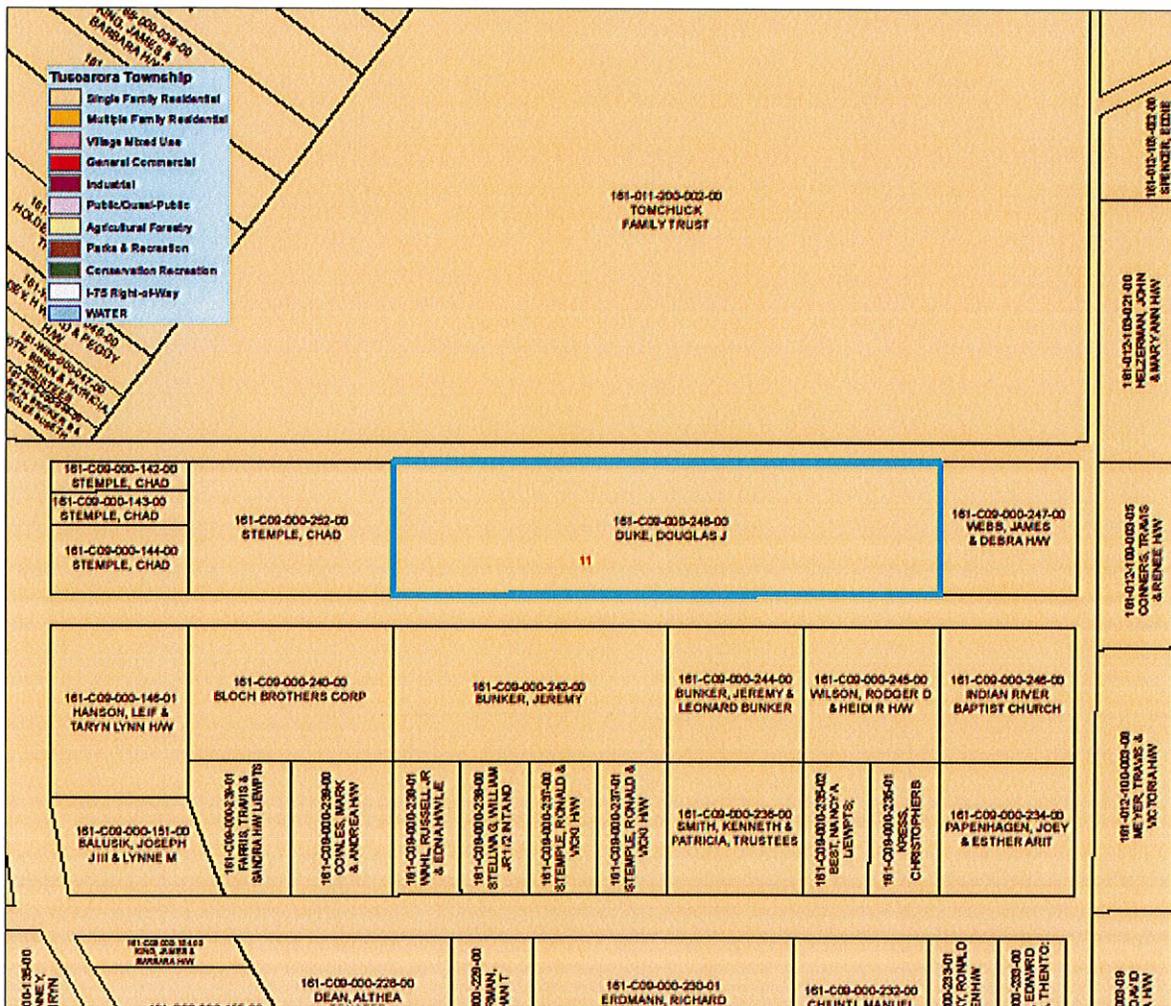


Figure 2. Tuscarora Township Master Plan Future Land Use Map of subject area.
Blue outline = Subject property

4. **Comparisons of Site Development Standards:**

Site Development Standards	D-RS (current)	M-AF (proposed)
Minimum Lot Area	12,000 sq.ft.	one-acre
Minimum Lot Width	75-ft.	150-ft.
Minimum Front Setback	30-ft.	50-ft.
Minimum Side Setback	8-ft.	10-ft.
Minimum Rear Setback	12-ft.	30-ft.

5. **Purpose of the Current Residential Development (D-RS) Zoning District:**

The purpose of this zoning district as explained in Article 4 of Zoning Ordinance #200:

“This district classification is designed to be the most restrictive to encourage an environment of predominantly low-density single family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents of the area. The intent is to keep this district relatively quiet and free from detrimental use influences. New residential development is to be encouraged adjacent to existing developed residential areas and kept separate from commercial or industrial development.”

The list of permitted uses and those uses requiring a special use permit in Residential Development zoning are attached as Exhibit 9.

6. **Purpose of Proposed Agriculture and Forestry Management (M-AF) Zoning District:**

The purpose of this zoning district as explained in Article 9 of Zoning Ordinance #200:

“Agriculture and Forestry Management Districts are those areas where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. They include areas which, although not currently so used, have a potential for agriculture and forestry. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply and timber resources are essential to the health and welfare of the county, state and nation.”

Exhibit 10 contains the list of permitted uses and land uses requiring a special use permit in Agriculture and Forestry Management zoning.

7. **Public Comments:**

There has been a total of 52 individual public comments as of the date of this report, some of which contained a petition with additional signatures, all expressing concern and opposition to the proposed rezoning.

8. Summary:

The applicant requests approval of a zoning amendment application to rezone a 3.6-acre wooded Residential Development-zoned (D-RS) property located at 7064 Mohawk Ave. in Tuscarora Township to Agriculture and Forestry Management (M-AF). The subject property is comprised of four (4) lots within the Chippewa Beach subdivision. The *Cheboygan County Master Plan-Tuscarora Township 2012 Master Plan Update and Future Land Use Map* designates the subject area as single family residential.

This zoning amendment application is intended to procedurally facilitate development of a use not listed in any zoning district -- a seasonal ice-fishing shack rental business that would include customer parking and ice-fishing shack storage and maintenance; however, any use listed in the Agriculture and Forestry Management (M-AF) zoning district would be permitted by zoning permit, site plan review or special use permit. Approval of a special use permit application by the Planning Commission would be required to permit the proposed land use should this zoning amendment application be approved.

**CHEBOYGAN COUNTY PLANNING COMMISSION
REZONING REQUEST**

Wednesday, October 7, 2020; 7:00 PM

Applicant: Douglas Duke
Owner: Same
Parcel/Parcel No.: Section 11; Tuscarora Township
161-C09-000-248-00
Property Address: 7064 Mohawk Avenue, Indian River

PROPERTY DESCRIPTION

The property is described as situated in the Township of Tuscarora, County of Cheboygan and State of Michigan.

CHIPPEWA BEACH SUB, LOTS 248, 249, 250 & 251. (SEC 11, T35N,R3W) 261/384;562/253

Hereinafter referred to as the "Property."

APPLICATION

The applicant seeks approval for rezoning, requesting the following:

1. Rezone the property located at 7064 Mohawk Ave. (parcel ID No.161-C09-000-248-00) currently zoned Residential Development (D-RS) to Agriculture and Forestry Management (M-AF).

The Planning Commission having considered the Application, the Planning Commission having heard the statements of the Applicant, the Planning Commission having considered written evidence and Exhibits on the record, and the Planning Commission having reached a decision on this matter, states as follows:

GENERAL FINDINGS

1. The Planning Commission finds the applicant proposes rezoning of certain real property in the application from Residential Development (D-RS) to Agriculture and Forestry Management (M-AF). (See Exhibits 4, 6, 9 and 10)
2. The Planning Commission finds the application is made by the applicant and property owner, Douglas Duke (See Exhibit 4, 7 and 13)
3. The Planning Commission finds the property is a vacant wooded parcel containing four (4) lots in the Chippewa Beach subdivision. (see Exhibits 4, 7, 8 and 13)
4. The Planning Commission finds the legal description of the property is: CHIPPEWA BEACH SUB, LOTS 248, 249, 250 & 251. (SEC 11, T35N,R3W) 261/384;562/253 (see Exhibit 7)

5. The Planning Commission finds the parcels to the east, west and south are zoned Residential Development (D-RS) and the parcels to the north are zoned Agriculture and Forestry Management (M-AF). (see Exhibits 4, 6 and 13)
6. The Planning Commission finds Slocum Road, a seasonal road, travels approximately through the middle of the property. (see Exhibits 4, 6 and 13)
7. The Planning Commission finds that the Cheboygan County Master Plan recommends that the Tuscarora Township Master Plan be utilized by Cheboygan County for developing land use and zoning recommendations for that community since it has undertaken its own Master Plan. (see Exhibit 2)
8. The Planning Commission finds that the Cheboygan County Future Land Use Map incorporates the Tuscarora Township Future Land Use Map. (see Exhibit 2 and 3)
9. The Planning Commission finds that the Tuscarora Township 2012 Master Plan Update and Future Land Use Map designate the area in which the property is located as Single Family Residential. (See Exhibits 3 and 13)
10. The Planning Commission finds that the public hearing was opened for the zoning amendment at the Planning Commission meeting on August 5, 2020. The Planning Commission postponed the zoning amendment to the September 2, 2020 Planning Commission meeting.
11. The Planning Commission finds the applicant requested the zoning amendment be tabled to the September 16, 2020 Planning Commission meeting in order to research further facts and options related to the rezoning.
12. The Planning Commission finds the Planning Commission at the September 2, 2020 Planning Commission meeting postponed the zoning amendment and public hearing to the October 7, 2020 Planning Commission meeting in order to appropriately notice the public hearing fifteen (15) days prior to the next scheduled Planning Commission meeting and mail the notice to property owners within 300 feet of the subject property.
13. The Planning Commission finds the notice of the zoning amendment and public hearing for the subject property located at 7064 Mohawk Avenue in Tuscarora Township was placed in the Cheboygan Daily Tribune and mailed to property owners within 300 feet of the subject property on Tuesday, September 22, 2020.
- 14.

REZONING FACTORS

1. **The proposed rezoning is reasonably consistent with surrounding uses.**

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

- A. The Planning Commission finds that the surrounding land uses, while predominately residential, are in the Agriculture and Forestry Management (M-AF) and Residential Development (D-RS) zoning districts, therefore, the proposed rezoning is reasonably consistent with surrounding land uses. (See Exhibits 6 and 13)
- B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE STANDARD

- A. The Planning Commission finds that the property is designated Single Family Residential by the *Tuscarora Township 2012 Master Plan Update and Future Land Use Map* and that the rezoning is not consistent with surrounding land uses. (See Exhibits 3 and 13)
- B. The Planning Commission finds that _____

This standard has not been met.

2. The proposed rezoning will not cause an adverse physical impact on surrounding properties.

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

- A. The Planning Commission finds that many surrounding properties, to the north and east of the subject property located at 7064 Mohawk Avenue are already zoned Agriculture and Forestry Management (M-AF); therefore, the rezoning would have negligible impacts on surrounding properties. (See Exhibits 1, 6 and 13)
- B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE STANDARD

- A. The Planning Commission finds that there is evidence that the proposed rezoning would result in adverse physical impact on surrounding properties, as the activities which could occur would physically disturb the properties surrounding the land proposed for the rezoning. (See Exhibits 1, 9 and 10)
- B. The Planning Commission finds that many surrounding properties include residential land uses. (See Exhibits 5, 6 and 13)
- C. The Planning Commission finds that _____

This standard has not been met.

3. The proposed rezoning will not have an adverse effect on property values in the adjacent area.

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

- A. The Planning Commission finds that evidence is lacking in the form of an appraisal or other documentation or study that indicates that if the rezoning is granted there would be an adverse effect on property values in the area.
- B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE STANDARD

- A. The Planning Commission finds that evidence is lacking in the form of an appraisal or other documentation or study that indicates that if the rezoning is granted there would not be an adverse effect on property values in the area.
- B. The Planning Commission finds that _____

This standard has not been met.

-
- 4. There have been changes in land use or other conditions in the immediate area or in the community in general that justifies rezoning.**

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

- A. None identified.
- B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE STANDARD

- A. The Planning Commission finds that minimal changes have occurred in the vicinity of the property and that much of the area remains largely residential. (See Exhibits 5, 6 and 8)
- B. The Planning Commission finds that _____

This standard has not been met.

-
- 5. The rezoning will not create a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

A. The Planning Commission finds that given surrounding properties (that are not subject to the rezoning application), no evidence exists that the rezoning would deter the improvement or development of adjacent properties in accordance with existing regulations, much less future land use plans, per the *Cheboygan County Master Plan/Tuscarora Township 2012 Master Plan Update and Future Land Use Map*. (see Exhibits 1, 9 and 10)

B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE STANDARD

A. None identified.

B. The Planning Commission finds that _____

This standard has not been met.

6. The proposed rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning?)

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

A. The Planning Commission finds Agriculture and Forestry Management (M-AF) zoning exists directly north of the subject property located at 7064 Mohawk Avenue and adjacent to the Chippewa Beach Subdivision to the east, therefore, the rezoning would not result in a spot zoning. (See Exhibits 1, 6 and 13)

B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE STANDARD

A. The Planning Commission finds the rezoning of the property, while not resulting in spot zoning due to adjacent and nearby properties being zoned Agriculture and Forestry Management (M-AF), would grant special privilege to the individual property owner when compared to all other properties within the Chippewa Beach Subdivision being zoned Residential Development (D-RS). (see Exhibit 1, 6, 8 and 13)

B. The Planning Commission finds that _____

This standard has not been met.

7. **There are substantial reasons why the property cannot be used in accordance with its present zoning classifications.**

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

- A. None identified.
- B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE STANDARD

- A. The Planning Commission finds that the property can be used for all purposes listed under the current zoning classification. (See Exhibits 1 and 9)
- B. The Planning Commission finds that _____

This standard has not been met.

8. **The proposed rezoning is not in conflict with the planned use for the property as reflected in the Master Plan.**

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

- A. None identified.
- B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE STANDARD

- A. The Planning Commission finds that the *Tuscarora Township 2012 Master Plan Update and Future Land Use Map* indicate the future use of the property and surrounding properties as single family residential. This future land use category describes the desired future land uses in this area of Tuscarora Township. Therefore, support is lacking in the Master Plan for this rezoning request, one that would potentially allow an incompatible land use with surrounding properties. (See Exhibits 2, 3 and 13)
- B. The Planning Commission finds that _____

This standard has not been met.

9. **The proposed rezoning site is served by adequate public facilities or the applicant is able to provide them.**

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

- A. The applicant has stated that public road access is needed, but no water and sewer would be necessary for the proposed use.
- B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the applicant has not provided sufficient evidence that the property is or will be served by adequate public and private facilities considering the types of uses that may be permitted on the property.
- B. The Planning Commission finds that _____

This standard has not been met.

10. There are no sites nearby already properly zoned that can be used for the intended purposes.

TRUE: FACTORS THAT WILL SUPPORT THE STANDARD

- A. The Planning Commission finds that the applicant has looked to purchase properly zoned sites that exist nearby and has found none that can be used for the intended purposes. (See Exhibit 13)
- B. The Planning Commission finds that _____

This standard has been met.

FALSE: FACTORS THAT WILL NOT SUPPORT THE STANDARD

- A. The Planning Commission finds that there are properties nearby already zoned Agriculture and Forestry Management (M-AF). (see Exhibit 1, 6 and 13)
- B. The Planning Commission finds that _____

This standard has not been met.

DECISION

In considering the foregoing, it is important to recognize that the considerations are general in nature, may overlap somewhat, and that there may be other factors not listed. When pondering the above questions, the decision maker must also give due consideration to (a) the general character of the area in which the subject property is located, (b) the property itself and its attendant physical limitations and suitability to particular uses, (c) the general desire to conserve property values and, (d) the general trend and character of population development. The community should evaluate whether other local remedies are available.

The decision maker should not focus on any one concern among the various factors to be taken into consideration when passing upon a rezoning request.

Motion made by _____, supported by _____ that based upon the general findings of fact and the rezoning factors that the applicant's request to rezone the subject area identified as Parcel ID No. 161-C09-000-248-00 within Cheboygan County, Michigan is hereby recommended to be denied/approved.

Ayes: _____

Nays: _____

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, October 7, 2020

Patty Croft, Chairperson

Charles Freese, Secretary

Jennifer Merk

From: Michael C. Turisk
Sent: Monday, August 03, 2020 9:13 AM
To: Jennifer Merk
Subject: FW: REZONING OF PROPERTY

From: Jim Webb <jimwebb112233@gmail.com>
Sent: Monday, August 3, 2020 9:11 AM
To: Michael C. Turisk <mturisk@cheboygancounty.net>; Deborah Tomlinson <debbiet@cheboygancounty.net>
Subject: Fwd: REZONING OF PROPERTY

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----
From: Jim A. Webb <jawebb@riddellsales.com>
Date: Sun, Aug 2, 2020, 9:35 PM
Subject: REZONING OF PROPERTY
To: Jim Webb <jimwebb112233@gmail.com>

Dear Michael Turisk and the Planning and Zoning Commission,

This is in regard to the upcoming hearing for the request to rezone lots 248, 249, 250, and 251 of the Chippewa Beach Subdivision from Residential Development (D-RS) to Agriculture and Forestry Management (M-AF). The subject property is located at 7064 Mohawk Avenue. I am the property owner adjacent to the east side of the subject property and located at 1266 Chippewa Beach Rd (also adjacent to Mohawk Ave).

Chippewa Beach Subdivision was platted residential subdivision back in **1926**. Over the years our subdivision residents have worked at making improvements, while keeping the history and residential character intact. Infrastructure such as the current Wahbee Ave paving project was supported by the majority of the subdivision property owners, partly due to the environmental overwatch that has been in place. The rezoning of the subject property should not be granted, as this property is located in our residential subdivision and would not be homogenous to the surrounding properties or with the subdivisions long residential history. My understanding is Mr. Duke is looking to store items from his businesses which I believe is a tree service and ice shanty rentals. The desired construction of a storage barn and parking lot would soon become a place of business, again not what the majority of the subdivision owners want to see in our family neighborhood. Another concern is that Mohawk Ave. is not a county adopted road and at best it is a seasonal two-track not accessible for hauling equipment or ice shanty's in and out. I truly believe Mr. Duke's vision is to be running his business from the said subject property, which is clearly not in line with the vision or zoning of Chippewa Beach Subdivision.

Thank you for taking into consideration my concerns and that of the majority of the subdivision owners.

Sincerely,

Jim Webb

1372 Wahbee Ave

Indian River, MI 49749

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, August 03, 2020 11:31 AM
To: Jennifer Merk
Subject: FW: 7064 Mohawk Trail rezone from D-RS to M-AF

Jen,

Below is an email regarding the 7064 Mohawk Trail application that will be reviewed by the Planning Commission.

Debbie

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: john schams [<mailto:jhschams@outlook.com>]
Sent: Monday, August 03, 2020 10:34 AM
To: Deborah Tomlinson
Subject: 7064 Mohawk Trail rezone from D-RS to M-AF

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cheboygan County Planning Commission,

We are writing to express our opposition to the rezoning request submitted by Douglas Duke for the property at 7064 Mohawk Trail Tuscarora Township Chippewa Beach Subdivision Indian River, Mi. from D-RS to M-AF for the following reasons:

1. A review of the sketch attached to the application indicates that the intended use for this property is for a business not permitted in a residential area but could be allowed in an AG Forest area. Effectively, it would be a business located in the middle of an area of residential properties.
2. There are already several illegal businesses in this area previously reported to the county without any official action. Adding another potential business to this residential area could further add to the misuse of the intended zoning area.
3. This rezone constitutes "spot rezoning" which negates the intent of land zoning principles and would be in opposition to Cheboygan County's master plan.
4. There are available land parcels not in a residential area which would be suitable for this business.

We recommend that this rezoning request be denied.

Thank You,

John and Sue Schams
1386 Wahbee Ave.
Indian River, Mi. 49749
231-238-9521

Jennifer Merk

From: Leif Hanson <leifchanson@gmail.com>
Sent: Monday, August 03, 2020 5:28 PM
To: Deborah Tomlinson
Subject: Rezoning of Parcel #161-C09-000-248-00
Attachments: petition.pdf; Untitled attachment 00010.html

Good Afternoon Cheboygan County Planning Commission,

I regretfully write to you today to request that I be granted a short time on the agenda for the public hearing regarding the rezoning of parcel #161-C09-000-248-00 this Wednesday, August 5th at 7pm.

While I am typically a “live-and-let-live” type, this particular rezoning has such a great impact on the Frontenac, Shawnee, and Wahbee subdivision that I was compelled to write that I might help keep this small little corner of Tuscarora township the way it was originally planned and as virtually all the residents want to see it kept.

To that end, I have attached a petition against the rezoning of parcel #161-C09-000-248-00 signed by almost every resident of the Frontenac, Shawnee, and Wahbee subdivision. This petition currently contains 44 signatures, which is almost every home down here, but we may collect a few more between now and Wednesday... some residents weren't home. But with only a single exception so far every person who opened their door agreed to sign the petition and I believe with just the signatures we already have we have a large majority of the interested residential home owners.

In addition, much of this community, particularly the residents of Wahbee and Frontenac near the Public Access Road End on Wahbee have been impacted for years by what is now a commercialized fishing operation which has quadrupled in size over the last 4 years. There have been complaints about trash. There have been grievances filed for sunken shanties. There have been police calls for parking in the street and obstruction of road visibility. There have been police calls for obstructing the road end and residents driveways. There have been disturbances at very early and very late hours. And while perhaps Mr. Duke is not responsible for every fisherman who uses that access, he and his rental clients are responsible personally for some of those grievances, and granting him this rezone so he can legitimize and further commercialize his fishing shanty rental operation can only make all of those things worse for this entire residential community.

I will also plan to submit these physical signatures in person on Wednesday, and I believe at least a few more residents, especially those most impacted near the road end, plan to attend as well.

Thank you for your time and consideration,

Leif Hanson

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, August 03, 2020 8:12 PM
To: Jennifer Merk; Michael C. Turisk
Subject: FW: Rezoning of Parcel #161-000-248-00
Attachments: petition_against.pdf; Untitled attachment 00010.htm

Follow Up Flag: Follow up
Flag Status: Completed

Below is an email regarding 7064 Mohawk Trail (with attachments).

Deb

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Leif Hanson [<mailto:leifchanson@gmail.com>]
Sent: Monday, August 03, 2020 5:33 PM
To: Deborah Tomlinson
Subject: Rezoning of Parcel #161-000-248-00

Hello Again All,

That last petition attachment was over 10MB... and sometimes especially government municipalities block attachments that big...

So here is the petition in a slightly smaller file size.

Petition against rezoning plot #161-C09-000-248-00 from Residential to Agriculture and Forestry Management

Petition summary and background

Action petitioned for

Mr. Duke has requested to rezone plot #161-C09-000-248-00 (7046 Mohawk Ave) to Agriculture and Forestry Management use. Frontenac, Shawnee, and Wahbee residents have already been impacted by this unlicensed commercial fishing shanty rental operation and are opposed.

By Signing below, you are committing to NOT wanting parcel #161-C09-248-00 to be rezoned from Residential to Agriculture and Forestry Management

Printed Name	Signature	Address	Comment	Date
Vikki Forster	<i>[Signature]</i>	1502 Wahbee F. K. Smith		8-1-20
Jess Miller	<i>[Signature]</i>	1606 Wahbee		8-1-20
LEMAN DAVIS	<i>[Signature]</i>	1618 Wahbee		8-1-20
JEFF WEBB	<i>[Signature]</i>	1686 Wahbee		8-1-20
DAVID WEBB	<i>[Signature]</i>	1686 Wahbee		8/1/20
Dona J. Hembel	<i>[Signature]</i>	1530 Wahbee		8/1/20
Debra J. Webb	<i>[Signature]</i>	1372 Wahbee Ave.		8/1/2020
James A. Webb	<i>[Signature]</i>	1372 Wahbee Ave.		8/1/2020
Daryl Davis	<i>[Signature]</i>	1050 Wahbee Ave.		8/1/2020
Virginia F. Davis	<i>[Signature]</i>	1050 Wahbee Ave.		8/1/2020
Todd Chappel	<i>[Signature]</i>	1014 Wahbee		8/1/20
Sharon	<i>[Signature]</i>	984 N. Wahbee Rd		8/1/20

Petition against rezoning plot #161-C09-000-248-00 from Residential to Agriculture and Forestry Management.

Petition summary and background	Mr. Duke has requested to rezone plot #161-C09-000-248-00 (7046 Mohawk Ave) to Agriculture and Forestry Management use. Frontenac, Shawnee, and Wahbee residents have already been impacted by this unlicensed commercial fishing shanty rental operation and are opposed.
Action petitioned for	By Signing below, you are committing to NOT wanting parcel #161-C09-248-00 to be rezoned from Residential to Agriculture and Forestry Management.

Printed Name	Signature	Address	Comment	Date
Lynne Shively	<i>Lynne Shively</i>	1341 Shawnee		8/1/2020
Khris Shively	<i>Khris Shively</i>	1341 Shawnee		8/1/2020
Randy Howard	<i>Randy Howard</i>	1342 Wahbee Ave		8/1/2020
Kathy Maison	<i>Kathy Maison</i>	7355 Wahbee ^{Frontenac} Ave	mswingsfan@yahoo	8/1/2020
Kim Maison	<i>Kim Maison</i>	7355 Frontenac		8/1/20
Audrey maison	<i>Audrey maison</i>	7385 Frontenac		8/1/20
John Schams	<i>John Schams</i>	1386 Wahbee		
Doug Cassel	<i>Doug Cassel</i>	968 Wahbee		8/1/20
Joseph McLaughlin	<i>Joseph McLaughlin</i>	1430 Wahbee		8-1-20
BRUCE ALEXANDER	<i>Bruce E. Alexander</i>	1436 WAHBBEE AVE		8-1-20
DEBBIE NEUMANN	<i>Debbie Neumann</i>	1454 Wahbee Ave		8-1-20
KENNETH NEUMANN	<i>Kenneth Neumann</i>	1454 Wahbee Ave		8-1-20

Petition against rezoning plot #161-C09-000-248-00 from Residential to Agriculture and Forestry Management.

Petition summary and background	Mr. Duke has requested to rezone plot #161-C09-000-248-00 (7046 Mohawk Ave) to Agriculture and Forestry Management use. Frontenac, Shawnee, and Wahbee residents have already been impacted by this unlicensed commercial fishing shanty rental operation and are opposed.
Action petitioned for	By Signing below, you are committing to NOT wanting parcel #161-C09-248-00 to be rezoned from Residential to Agriculture and Forestry Management.

Printed Name	Signature	Address	Comment	Date
Loretta Erdmann	<i>Loretta Erdmann</i>	7129 Frontenac Ave	This will deterate the Quality of life for our neighborhood	8-1-20
Andrea Gutes	<i>Andrea Gutes</i>	7208 Frontenac Ave	Property Values will go down. Trail is used for 60 years	8-1-2020
Nathan Accersa	<i>Nathan Accersa</i>	7165 Frontenac Ave.	Do not want Agriculture in my neighborhood.	8-1-2020
Chris Kress	<i>Chris Kress</i>	7064 Frontenac Ave	Don't want. This changed	8-2-2020
Chris Scharrer	<i>Chris Scharrer</i>	1383 Chippewa Beach		8-2-2020
DAVE SCHARRER	<i>Dave Scharrer</i>	1383 CHIPPEWA BEACH RD		8-2-2020
MARK COULTER	<i>Mark Coulter</i>	7208 Frontenac Ave	Environmental concern Value of our Prop reduced	8-2-2020
Christina Roh	<i>Christina Roh</i>	7140 Frontenac Ave.	Environmental Impact	8-3-2020
ROY WHITEHUR	<i>Ronald Whitehurst</i>	1555 CHIPPEWA Bch RD		8-3-2020
	<i>Susan</i>	1555 Chippewa Bch Rd		8-3-20
Chad Skuple	<i>Chad Skuple</i>	1251 Shawnee	Don't need commercial business or the trash	8/3/20
TARYN DAVIS-HANSEN	<i>Taryn Davis-Hansen</i>	1305 Shawnee Dr.		8-3-20

We have used these 2 track trails for over 60 years!
 Clim. ice Shanty is Environmental Issue

Petition against rezoning plot #161-C09-000-248-00 from Residential to Agriculture and Forestry Management.

Petition summary and background	Mr. Duke has requested to rezone plot #161-C09-000-248-00 (7046 Mohawk Ave) to Agriculture and Forestry Management use. Frontenac, Shawnee, and Wahbee residents have already been impacted by this unlicensed commercial fishing shanty rental operation and are opposed.
Action petitioned for	By Signing below, you are committing to NOT wanting parcel #161-C09-248-00 to be rezoned from Residential to Agriculture and Forestry Management.

Printed Name	Signature	Address	Comment	Date
Cenold Gudonsh	<i>[Signature]</i>	986 Wahbee		8/1/20
Barbara King	<i>[Signature]</i>	1094 Wahbee		8/1/20
Glen Pliska	<i>[Signature]</i>	1114 Wahbee Ave		8/1/20
Julie Hill	<i>[Signature]</i>	1206 Wahbee		8/1/20
Tarice Linds	<i>[Signature]</i>	1276 Wahbee		8-1-20
Mic. Hill	<i>[Signature]</i>	1505		8/1/20
Becky Hill	<i>[Signature]</i>	906 Wahbee		8/2/20
Oil CRhan	<i>[Signature]</i>	1305 Shawnee	Environmental Impact on nearby native prairie	8/3/20

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, August 03, 2020 8:04 PM
To: Jennifer Merk; Michael C. Turisk
Subject: FW: OBJECTION: Rezone Request for 7064 Mohawk Trail, Tuscarora Township
Attachments: IMG_1962.JPG; IMG_1980.JPG; IMG_1982.JPG

Below is an email from Bob Kramer regarding the application for 7064 Mohawk Trail that will be reviewed by the Planning Commission.

Debbie

Debbie Tomlinson
Assistant to Director of Planning & Zoning Cheboygan County Planning & Zoning Department PO Box 70, 870 South Main Street Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

-----Original Message-----

From: Bob Kramer [<mailto:Retired672017@outlook.com>]
Sent: Monday, August 03, 2020 7:29 PM
To: Deborah Tomlinson
Cc: Michael Peltier
Subject: RE: OBJECTION: Rezone Request for 7064 Mohawk Trail, Tuscarora Township

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

August 3, 2020

Memorandum for the Cheboygan County Planning Commission

Re: 7064 Mohawk Trail rezoning application from D-RS to M-AF

We strongly oppose any rezoning or variance for the property at 7064 Mohawk Trail Tuscarora Township Chippewa Beach Subdivision in Indian River, Mi.

The entire area from Straits Highway and Prospect Streets north along Chippewa Beach Road to Frontenac Rd and beyond continues to grow as a high-end, high cost upscale residential area. Residents and property owners have made large investments in their homes and properties in character with a residential neighborhood.

Tuscarora Township, at the request of the majority of these property owners, are in the process of rebuilding roads in this area. Residents, not the county, are paying hundreds of thousands of dollars to improve these roads in the neighborhood through a special assessment. Business use in the neighborhood would hasten the deterioration of the new roads after such a large investment by property owners.

We believe this applicant is the individual that is storing a large number of rental ice shanties as a business venture on a lot across from 1555 Chippewa Beach Road which is zoned residential. (See photos with applicants name and address on the buildings.) It appears this is a direct violation of Cheboygan County Ordinance 200 and immediate enforcement action is required. The applicant and the property owner are well aware of the zoning of this lot. And now this Commission is asked to approve a variance for a person who violates its ordinance?

These ugly unsightly buildings gives us a preview of what is to come if the current application is approved.

Any rezoning at 7064 Mohawk Trail would:

result in business activity that is totally inconsistent with the present D-RS zoning;

would be out of character with the entire neighborhood;

be an eyesore in a residential area; and

result in a decline in property values for owners in the area.

We want to see Cheboygan County take two actions:

1. Immediately deny this application.
2. Determine if rental ice shanties stored for most of the year across from 1555 Chippewa Road are consistent with Zoning Ordinance 200 and immediately take immediate enforcement action if required.

If the applicant wishes to start a business in Tuscarora Township in an area zoned for that purpose, we will be the first to welcome them and provide any support necessary.

Sincerely,

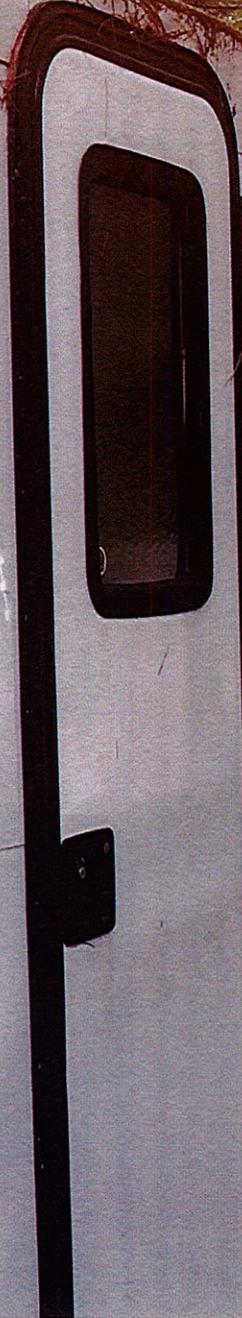
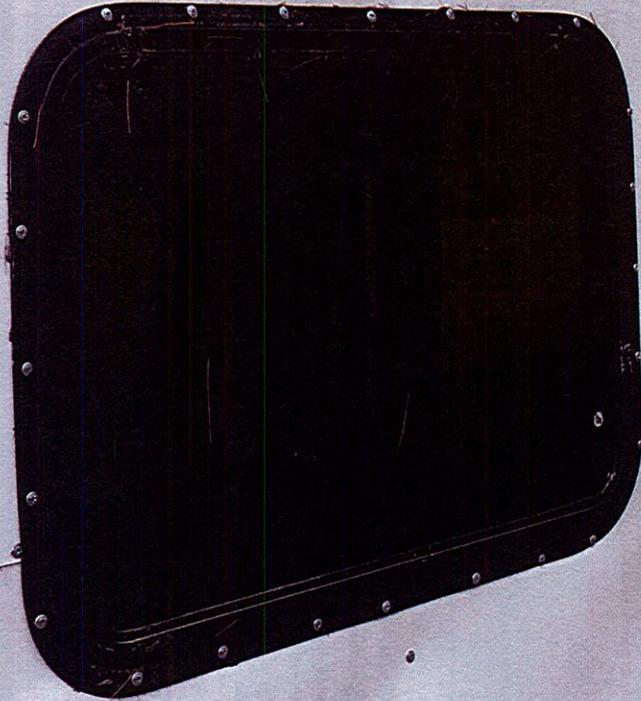
Robert A. Kramer
Lt. Colonel, US Army (Ret.)
&
Nancy L. Kramer

Indian River, MI





Doug Duke
14703 Shore Line Rd.
Wolverine, Michigan



Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, August 03, 2020 8:30 PM
To: Michael C. Turisk; Jennifer Merk
Subject: FW: FW: 7064 Mohawk Trail rezone from D-RS to M-AF

Follow Up Flag: Follow up
Flag Status: Flagged

Below is an email regarding 7064 Mohawk Trail.

Deb

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: cherv179@aol.com [<mailto:cherv179@aol.com>]
Sent: Monday, August 03, 2020 4:52 PM
To: Deborah Tomlinson
Subject: Fwd: FW: 7064 Mohawk Trail rezone from D-RS to M-AF

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

John Schams and I serve on the Tuscarora Township planning commission and I agree with his statement about the rezoning of 7064 Mohawk. Also the property is in a plotted subdivision. We have not have the opportunity to call a planning meeting but as a citizen of Tuscarora Township I am opposed to the rezoning request.

Mike Chervený
241 Plymouth Beach rd.
Indian River mi

-----Original Message-----

From: john schams <jhschams@outlook.com>
To: cherv179@aol.com <cherv179@aol.com>
Sent: Mon, Aug 3, 2020 02:44 PM
Subject: FW: 7064 Mohawk Trail rezone from D-RS to M-AF

From: john schams
Sent: Monday, August 03, 2020 10:34 AM
To: slschams@outlook.com
Subject: FW: 7064 Mohawk Trail rezone from D-RS to M-AF

From: john schams
Sent: Monday, August 03, 2020 10:33 AM
To: Deborah Tomlinson <debbiet@cheboygancounty.net>
Subject: 7064 Mohawk Trail rezone from D-RS to M-AF

Cheboygan County Planning Commission,

We are writing to express our opposition to the rezoning request submitted by Douglas Duke for the property at 7064 Mohawk Trail Tuscarora Township Chippewa Beach Subdivision Indian River, Mi. from D-RS to M-AF for the following reasons:

1. A review of the sketch attached to the application indicates that the intended use for this property is for a business not permitted in a residential area but could be allowed in an AG Forest area. Effectively, it would be a business located in the middle of an area of residential properties.
2. There are already several illegal businesses in this area previously reported to the county without any official action. Adding another potential business to this residential area could further add to the misuse of the intended zoning area.
3. This rezone constitutes "spot rezoning" which negates the intent of land zoning principles and would be in opposition to Cheboygan County's master plan.
4. There are available land parcels not in a residential area which would be suitable for this business.

We recommend that this rezoning request be denied.

Thank You,

John and Sue Schams

1386 Wahbee Ave.

Indian River, Mi. 49749

231-238-9521

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, August 03, 2020 8:31 PM
To: Jennifer Merk; Michael C. Turisk
Subject: FW: 7064 Mohawk Trail rezoning request

Follow Up Flag: Follow up
Flag Status: Flagged

Below is an email regarding 7064 Mohawk Trail.

Deb

Debbie Tomlinson
Assistant to Director of Planning & Zoning Cheboygan County Planning & Zoning Department PO Box 70, 870 South Main Street Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

-----Original Message-----

From: Gary Freismuth [<mailto:gmoney13@outlook.com>]
Sent: Monday, August 03, 2020 4:20 PM
To: Deborah Tomlinson
Subject: : 7064 Mohawk Trail rezoning request

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>>

>> Cheboygan County Planning Commission,

>> Please add my wife and I to the list of residents who oppose the above referenced rezoning request submitted by Mr. Douglas Duke. We believe this request is actually submitted for the purpose of opening a business in this residential area. There are already several other illegal business operations going on in this residential area that have been ignored by county officials...we do not need yet another. Additionally, this request constituent "spot rezoning", a practice that goes against the principles and intent of land zoning.

>> We strongly recommend that this request be denied.

>> Respectfully submitted,

>> Gary and Carol Freismuth

>>

>>

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, August 03, 2020 8:32 PM
To: Jennifer Merk; Michael C. Turisk
Subject: FW: Rezone Request for 7064 Mohawk Trail

Follow Up Flag: Follow up
Flag Status: Flagged

Below is an email regarding 7064 Mohawk Trail.

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Verne E. Sutton [<mailto:vsutton@freeway.net>]
Sent: Monday, August 03, 2020 3:55 PM
To: Deborah Tomlinson
Subject: Rezone Request for 7064 Mohawk Trail

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cheboygan County Planning Commission,

We are writing to express our opposition to the rezoning request submitted by Douglas Duke for the property at 7064 Mohawk Trail Tuscarora Township Chippewa Beach Subdivision Indian River, Mi. from D-RS to M-AF for the following reasons:

1. A review of the sketch attached to the application indicates that the intended use for this property is for a business not permitted in a residential area but could be allowed in an AG Forest area. Effectively, it would be a business located in the middle of an area of residential properties.
2. There are already several illegal businesses in this area previously reported to the county without any official action. Adding another potential business to this residential area could further add to the misuse of the intended zoning area.
3. This rezone constitutes "spot rezoning" which negates the intent of land zoning principles and would be in opposition to Cheboygan County's master plan.
4. There are available land parcels not in a residential area which would be suitable for this business.

We recommend that this rezoning request be denied.

Thank You,

Verne and Joanne Sutton

1240 N Wahbee Ave.
Indian River, Michigan

Verne E. Sutton "Sandy"
Email: vsutton@freeway.net
Cell: 231-420-8867

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, August 03, 2020 9:23 PM
To: Jennifer Merk; Michael C. Turisk
Subject: FW: 7064 Mohawk Trail rezoning request

Follow Up Flag: Follow up
Flag Status: Flagged

Below is an email regarding 7064 Mohawk Trail.

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Andy Zaleski [<mailto:azaleski@bdo.com>]
Sent: Monday, August 03, 2020 9:13 PM
To: Deborah Tomlinson
Cc: 'Rhea'
Subject: 7064 Mohawk Trail rezoning request

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Cheboygan County Planning Commission,

My wife and I would like to be added to the list of residents who oppose the above referenced rezoning request submitted by Mr. Douglas Duke. We believe this request is actually submitted for the purpose of opening a business in this residential area. There are already several other illegal business operations going on in this residential area that have been ignored by county officials...we do not need yet another. Additionally, this request constitutes "spot rezoning", a practice that goes against the principles and intent of land zoning.

We strongly recommend that this request be denied.

Respectfully submitted,

Andy and Rhea Zaleski

The health and safety of our people and communities is our top priority, as we all do our part to help stop the spread of COVID-19. All BDO USA offices will be closed until further notice. While we will be working from home, our already-flexible work environment enables us to make this transition seamlessly and we have the technology in place to continue to provide the same excellent level of service our clients are accustomed to. We are here if you need us, just as before, and if we can be helpful as you navigate the uncertainty, we stand ready.

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Jennifer Merk

From: Putter Strabbing <strabfam@gmail.com>
Sent: Tuesday, August 04, 2020 12:54 AM
To: mturish@cheboygancounty.net; Michael Peltier; Jennifer Merk; Deborah Tomlinson
Cc: Sheryl Kendrick
Subject: Objection to Dukes' 7064 Mohawk Trail rezoning variance

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Cheboygan Planning & Zoning Commission,

On behalf of our 75 plus members, and as President of the East Burt Lake Association (EBLA), which includes Chippewa, Waubun and Tuscarora beaches, we strongly object to the proposed rezoning of 7064 Mohawk Trail from Residential to Agriculture-Farming.

In the wisdom of the County planners, this whole area was zoned residential. I'm sure you are aware of the continual residential growth, and high cost, upscale investments in our Chippewa Beach, Frontenac, and Waubun Road area as property closer to Indian River becomes more scarce. Residents and property owners have made large investments in their homes and now the roads in our neighborhoods. Tuscarora Township, at the request of the majority of these property owners, are in the process of rebuilding roads in this area. Residents, not the county, are paying hundreds of thousands of dollars to improve these roads in the neighborhood through a special assessment.

The EBLA works to keep our environment clean. Our membership believes that a business operating in our residential area is inconsistent with the County's foresight, is out of character with the current neighborhood, would be an eyesore in our residential area, create opportunity for further blight, and will have a negative impact on our quality of life and property values. We ask that you deny Mr. Dukes' zoning request and refer his business request to a more appropriately zoned area.

Furthermore, we ask the Planning & Zoning Commission to investigate Mr. Dukes' commercial use of residential property across from 1555 Chippewa Beach Road. This same individual has rentable ice fishing shantys on that property. We believe this is blight and a violation of the residential zoning laws and that the shantys should be removed from that property.

Thank you for your consideration on this matter.

Sincerely,

Jerry Strabbing
President
East Burt Lake Association
strabfam@aol.com
248-310-9941

Jennifer Merk

From: ARNOLD GELDERMANS <geldermans@comcast.net>
Sent: Tuesday, August 04, 2020 9:01 AM
To: Michael C. Turisk; Deborah Tomlinson; Jennifer Merk
Subject: 7064 Mohawk Trail Rezoning

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Cheboygan County Planning Commission,

This note is to communicate that we oppose the rezoning request for 7064 Mohawk Trail.

The site is part of the Chippewa Beach subdivision that is zoned D-RS and spot zoning this parcel to M-AF is out of character with the residential area.

Thank you

Arnie & Dawn Geldermans

1338 Wahbee Ave

Jennifer Merk

From: Sheryl Kendrick <sheryl.kendrick@gmail.com>
Sent: Tuesday, August 04, 2020 10:07 AM
To: mturish@cheboygancounty.net; Michael Peltier; Jennifer Merk; Deborah Tomlinson
Subject: OBJECTION: Rezone Request for 7064 Mohawk Trail, Tuscarora Township

Follow Up Flag: Follow up
Flag Status: Flagged

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>>>>
>>>> Memorandum for the Cheboygan County Planning Commission
>>>>
>>>> Re: 7064 Mohawk Trail rezoning application from D-RS to M-AF
>>>>
>>>> We strongly oppose any rezoning or variance for the property at 7064 Mohawk Trail Tuscarora Township Chippewa Beach Subdivision in Indian River, Mi.
>>>>
>>>> The entire area from Straits Highway and Prospect Streets north along Chippewa Beach Road to Frontenac Rd and beyond continues to grow as a high-end, high cost upscale residential area. Residents and property owners have made large investments in their homes and properties in character with a residential neighborhood.
>>>>
>>>> Tuscarora Township, at the request of the majority of these property owners, are in the process of rebuilding roads in this area. Residents, not the county, are paying hundreds of thousands of dollars to improve these roads in the neighborhood through a special assessment. Business use in the neighborhood would hasten the deterioration of the new roads after such a large investment by property owners.
>>>>
>>>> We believe this applicant is the individual that is storing a large number of rental ice shanties as a business venture on a lot across from 1555 Chippewa Beach Road which is zoned residential. (See photos with applicants name and address on the buildings.) It appears this is a direct violation of Cheboygan County Ordinance 200 and immediate enforcement action is required. The applicant and the property owner are well aware of the zoning of this lot. And now this Commission is asked to approve a variance for a person who violates its ordinance?
>>>>
>>>> These ugly unsightly buildings gives us a preview of what is to come if the current application is approved.
>>>>
>>>> Any rezoning at 7064 Mohawk Trail would:
>>>>
>>>> result in business activity that is totally inconsistent with the present D-RS zoning;
>>>>
>>>> would be out of character with the entire neighborhood;
>>>>
>>>> be an eyesore in a residential area; and
>>>>
>>>> result in a decline in property values for owners in the area.
>>>>
>>>> We want to see Cheboygan County take two actions:
>>>>

>>>> 1. Immediately deny this application.

>>>>

>>>> 2. Determine if rental ice shanties stored for most of the year across from 1555 Chippewa Road are consistent with Zoning Ordinance 200 and immediately take enforcement action if required.

>>>>

>>>> If the applicant wishes to start a business in Tuscarora Township in an area zoned for that purpose, we will be the first to welcome them and provide any support necessary.

Sincerely,

Robert and Sheryl Kendrick
1220 Wahbee Ave.
Indian River, MI 49749
989.798.8656

>>>>

>>>> <IMG_1962.JPG>

>>>> <IMG_1980.JPG>

>>>> <IMG_1982.JPG>

>

Jennifer Merk

From: Michael C. Turisk
Sent: Tuesday, August 04, 2020 10:39 AM
To: Jennifer Merk
Cc: Deborah Tomlinson
Subject: FW: Zoning Application Request of Doug Dukes

-----Original Message-----

From: Kenneth Neumann <kneumann1454@gmail.com>
Sent: Tuesday, August 4, 2020 10:37 AM
To: Michael C. Turisk <mturisk@cheboygancounty.net>
Subject: Zoning Application Request of Doug Dukes

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Dear Mr. Turisk:

I hereby object to the application of DougDukes to rezone the property at 7064 Mohawk Trail from D-RS to M-AF. This area is zoned residential and not suited for a commercial business operation which Mr Dukes intends operate.

Mr Dukes is seeking to expand his ice shanty rental business that has brought a high volume of traffic, noise, and litter to the Chippewa Beach Subdivision over the past few years and has reduced the quality of life to many residents in this area.

I request the the residential integrity of this area be maintained and the aforementioned application of Mr Dukes be denied.

Thank you for your time and consideration.

Kenneth J Neumann
Sent from my iPad

Jennifer Merk

From: Charles Gano <chgano@gmail.com>
Sent: Tuesday, August 04, 2020 10:52 AM
To: Michael C. Turisk; Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: [Possible Spam] OPPOSITION TO ZONING CHANGE

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Dear Commissioners:

We reside at 806 Chippewa Beach Road. We are writing to express our opposition to the rezoning request submitted by Douglas Duke for the property at 7064 Mohawk Trail Tuscarora Township Chippewa Beach Subdivision Indian River, Mi. from D-RS to M-AF.

We support the position of the East Burt Lake Association (EBLA) as has been presented to you.

EBLA works to keep our environment clean. Our membership believes that a business operating in our residential area is inconsistent with the County's foresight, is out of character with the current neighborhood, would be an eyesore in our residential area, create opportunity for further blight, and will have a negative impact on our quality of life and property values. We ask that you deny Mr. Dukes' zoning request and refer his business request to a more appropriately zoned area.

Furthermore, we ask the Planning & Zoning Commission to investigate Mr. Dukes' commercial use of residential property across from 1555 Chippewa Beach Road. This same individual has rentable ice fishing shantys on that property. We believe this is blight and a violation of the residential zoning laws and that the shantys should be removed from that property.

The application as submitted seems insufficient. There is little if any detail as to what the applicant intends to do with the property justifying this change.

Charlie and Fran Gano

Jennifer Merk

From: Frank Hill <ef_hill@yahoo.com>
Sent: Tuesday, August 04, 2020 12:41 PM
To: Michael C. Turisk; Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: Letter of Objection e Douglas Duke rezoning request

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My wife and I are close "neighbors" of the property at 7064 Mohawk Trail for which Mr. Dukes has requested a zoning variance from Residential to Farming Agriculture. We object to such a change. The property is residential in nature and is near the Little Traverse Conservancy property known as the Hildner Bearce Nature Preserve.

If granted a variance Mr. Dukes intends to use the property for storage of numerous ice fishing shanties, the building of a barn and a parking area for commercial equipment. It is clearly a "business" use. By whatever label used, there is no reason to consider such use to be "farming-agricultural". If it looks like a fish and smells like a fish, it's a fish. If it looks like an ice fishing shanty and...well, you get the idea.

Many people, some who are full year residents, others who are part-time residents such as my wife and I, are proud of the area. We purchased property in a residential area, not inside a village or city where a business might be our neighbor. To compete with neighboring areas such as Petoskey and Gaylord, let Cheboygan County demonstrate it recognizes and supports clear distinctions between residential use, commercial use, agricultural use, etc. We have a beautiful area. Why surrender the battle to attract newcomers to our area by, in effect, telling property owners they can do whatever they want with their property? All they have to do is ask. Is that the message we want to send?

By granting Mr. Dukes request you would be mocking the distinction between residential and farming-agricultural and raising a legitimate question of whether zoning distinctions mean anything. If you wish to see not only how unattractive the ice fishing shanties of Mr. Dukes are, drive to 1550 Chippewa Beach Road and you will see that what he does there is nothing approaching "Farming-Agriculture."

Thank you for considering our thought and opinions.

Frank & Becky Hill (E. Franklin and Rebecca J.)
996 Wahbee Road
Indian River, MI

Jennifer Merk

From: Deborah Tomlinson
Sent: Tuesday, August 04, 2020 1:06 PM
To: Jennifer Merk; Michael C. Turisk
Subject: FW: Rezoning request for 7064 Mohawk Trail, Tuscarora Township Chippewa Beach Subdivision

Please see the email below.

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: jill@burtlakemarina.com [<mailto:jill@burtlakemarina.com>]
Sent: Tuesday, August 04, 2020 11:51 AM
To: Deborah Tomlinson
Subject: Rezoning request for 7064 Mohawk Trail, Tuscarora Township Chippewa Beach Subdivision

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Cheboygan County Planning Commission,

We are writing to express our opposition to the rezoning request submitted by Douglas Duke for the property at 7064 Mohawk Trail Tuscarora Township Chippewa Beach Subdivision Indian River, Mi. from D-RS to M-AF for the following reasons:

1. A review of the sketch attached to the application indicates that the intended use for this property is for a business not permitted in a residential area but could be allowed in an AG Forest area. Effectively, it would be a business located in the middle of an area of residential properties.
2. There are already several illegal businesses in this area previously reported to the county without any official action. Adding another potential business to this residential area could further add to the misuse of the intended zoning area.
3. This rezone constitutes "spot rezoning" which negates the intent of land zoning principles and would be in opposition to Cheboygan County's master plan.
4. There are available land parcels not in a residential area which would be suitable for this business.

We recommend that this rezoning request be denied.

Jim Feagan & Jill Renaud Feagan
1329 N Wahbee Ave.
Indian River, Mi. 49749

Jennifer Merk

From: Corey Crowell <corey@indianrivergolfclub.com>
Sent: Tuesday, August 04, 2020 3:21 PM
To: Michael C. Turisk; Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: letter of objection

Follow Up Flag: Follow up
Flag Status: Flagged

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To The Planning and Zoning Commission:

It has come to my attention that the commission is considering a "spot zoning" change to a lot on Mohawk Trail off of Chippewa Beach Rd.. As a homeowner on Chippewa Beach I am writing to strongly object to this change.

A few points-

*As I'm sure the commission is aware, the homeowners themselves are paying for the resurfacing of Chippewa Beach. We did not do this so commercial trucks can use it to go thru a residential area. The damage trucks do to roads vs. cars is well documented.

*I find it hard to believe that this change is needed in such a sparsely populated county. There must be hundreds of more appropriate sights for this business, rather than in the middle of a residential neighborhood.

*Although Chippewa Beach does lead to many "high end" residences and lake homes, many of us, like myself, are working class or retired, and live here year around. A number of residents are raising children here. This is our neighborhood, where biking, jogging and dog-walking take place regularly.

*I know the commission is aware of the "ice shanty" situation. Is this a sign of someone who would respect the neighborhood?

In short, this would be a totally inappropriate zoning change and a slap in the face to us who call this area home.

Thank you for your time and consideration,

Corey Crowell
1412 Chippewa Beach Rd.

Jennifer Merk

From: Deborah Tomlinson
Sent: Tuesday, August 04, 2020 3:26 PM
To: Jennifer Merk; Michael C. Turisk
Subject: FW: Objection to Zoning Amendment-7064 Mohawk Trail Indian River

See email below.

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Brenda Briguglio [<mailto:bbriguglio@gmail.com>]
Sent: Tuesday, August 04, 2020 1:54 PM
To: Deborah Tomlinson
Subject: Objection to Zoning Amendment-7064 Mohawk Trail Indian River

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Dear Planning Board,

I would ask you to deny the request by Douglas Duke, parcel 161-C09-000248-00, owned by Rebecca Levinson, for a zoning amendment from DR-S to MA-F. This is a residential neighborhood and after reviewing his drawings and plans it appears that no occupied home is planned; only a large parking lot and a shed.

The area of homes near Mohawk Trail in Indian River are part of Chippewa Beach and have been occupied by families and used both for full time residence and summer-time use. The Mildred Bearce Preserve (closely adjacent to the property that is being asked to be allowed a variance) offers quiet solitude and walking areas for all residents in this area to enjoy.

This property should remain zoned as DR-S and not be changed. It is very unclear as to what Mr. Duke's intentions are looking at his application and drawings. A few years back someone used their property on Frontenac for a "business" (logging of some sort). Noise, fuel smells, large equipment and huge stacks of wood impacted the neighborhood.

I would NOT want to see something like that happen again. I would also ask you to inquire as to what "business" Mr. Duke is planning to operate on this property. This is a residential area and not a commercially zoned area.

*Brenda Briguglio
Wahbee Beach Rd
Indian River, MI 49749*

Jennifer Merk

From: Daryl Davis <obidjiwan@gmail.com>
Sent: Tuesday, August 04, 2020 4:11 PM
To: Michael C. Turisk; Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: Letter of objection to proposed rezoning of 7064 Mohawk Trail

Follow Up Flag: Follow up
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Dear Cheboygan County Zoning and Planning Officials

I own and occupy my home and a seasonal cottage at 1050 and 1060 Wahbee Avenue, on Waubun Beach where my family has owned property for nearly 70 years. The area is all recreational property lodged in relatively undisturbed woodland with no commercial activity anywhere nearby.

I was surprised and disappointed to learn of the proposed rezoning of the parcel that is in the midst of woodlands, nearly adjacent to a nature preserve and bisected by Slocum road which many of us use to access our residences and depend on as an alternate exit when work is being done on Frontenac Avenue or the public portion of Wahbee.

The proposed use for a storage building and staging area for an ice fishing shanty rental operation is totally not in keeping with the neighborhood and a direct threat to the property value of ourselves and many neighbors, whose property taxes contribute a significant amount to the county and township.

Please deny the rezoning application and encourage the applicant to stage his business in an appropriate commercial location, perhaps along Straits Highway or closer to his home in Wolverine.

Thank you for your consideration of this and other objections.

Daryl R Davis
1050 Wahbee Avenue
Indian River, MI 49749

Jennifer Merk

From: Deborah Sloan <deborahmsloan@gmail.com>
Sent: Tuesday, August 04, 2020 8:59 PM
To: Michael C. Turisk; debbie@cheboygancounty.net; Michael Peltier; Jennifer Merk
Subject: Zoning Variance requested by Douglas Dukes

Follow Up Flag: Follow up
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We are writing to express our objection to the request by Douglas Dukes for a zoning variance from Residential to Farming-Agriculture for 7064 Mohawk Trail where Mr. Dukes is planning to locate a business in the midst of a residential area. This would be completely out of character for this neighborhood which currently consists of only private homes. A business located here would have a negative impact on our quality of life. In fact, at this very moment, Tuscarora Township is in the process of refurbishing the roads in this area and this project is being paid for by a special assessment to the residents of this area.

Therefore we would ask that this re-zoning request be denied.

Additionally we would request that the Planning and Zoning Commission investigate Mr. Dukes' current commercial use of residentially zoned property across from 1555 Chippewa Beach Rd. to store rentable ice-fishing shanties. This is an improper use of that property and the shanties should be removed.

Thank you for your attention to these matters.

Deborah and Hugh Sloan
602 South Waubun Beach Rd.
Indian River, MI 49749

Jennifer Merk

From: Todd Chappell <tchappell@enmark.com>
Sent: Tuesday, August 04, 2020 9:35 PM
To: Michael C. Turisk; Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: rezoning

Follow Up Flag: Follow up
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Cheboygan Planning and Zoning Commission;

My wife and I are writing to express our opposition to the rezoning request submitted by Douglas Duke for the property at 7064 Mohawk Trail Tuscarora Township Chippewa Beach Subdivision Indian River, Mi. from D-RS to M-AF for the following reasons:

1. There is an excessive amount of "storage" lots on Chippewa Beach road and Frontenac and adjunct roads. Most of which are strewn with eye-sore objects.
2. The blight that is the ice fishing shanties stored across from 1550 Chippewa Beach Road. Another eye-sore.
3. Two lots (tax codes 161-CO9-000-244 and 245) south of this proposed zone change should be cleaned up. Another eye-sore.
4. In the same area, there is a burned out house foundation with literally garbage on the grounds. Another eye-sore.
5. There are multiple non-homesteaded homes in the area that are paying hefty taxes that regret the surrounding visible eye blight.
6. The zoning and commission committee should be interested in improving the properties and tax base included in the township, not de-valuing them,

Thus, we recommend that this rezoning request be denied.

Todd & Lauren Chappell
1014 Wahbee Ave.
Indian River, MI 49749

Jennifer Merk

From: Kymberly Kleckner <Kym.Kleckner@outlook.com>
Sent: Tuesday, August 04, 2020 10:45 PM
To: Michael C. Turisk; Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: 7064 Mohawk Trail zoning

Follow Up Flag: Follow up
Flag Status: Flagged

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To all whom this concerns—

I am a property owner on Wahbee Avenue. I strongly object to any property on Chippewa Beach Road, Frontenac Trail, Mohawk Trail, Wahbee Avenue or Slocum Road being used for anything other than residential. I believe that as soon as one parcel is re-zoned to be commercial, soon others will follow. We have a beautiful neighborhood as it is. I do not believe anything good can come from allowing commercial or business zoning to invade what should only be for residential use. There is ample property available that is already zoned for commercial use that would be better suited for Mr. Duke's business.

I truly hope that our neighborhood can stay wooded and residential only.

Thank you for your consideration

Kym Kleckner

Kym.kleckner@outlook.com

Jennifer Merk

From: indianrivermi@gmail.com
Sent: Tuesday, August 04, 2020 10:54 PM
To: Michael C. Turisk; debbiet@cheboytancounty.net; Michael Peltier; Jennifer Merk
Subject: Mr. Duke's re-zoning requests and storage of ice shanties

Follow Up Flag: Follow up
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Michael Turisk	Director of Planning and Zoning	mturisk@cheboygancounty.net
Debbie Tomlinson	Asst to Director	debbiet@cheboygancounty.net
Michael Peltier	Enforcement	mpeltier@cheboygancounty.net
Jennifer Merk	Planner	jmerk@cheboygancounty.net

August 4, 2020

To Whom It May Concern:

It has been brought to our attention of the request of Mr. Duke's desire to change the zoning from residential to farming-agriculture at 7064 Mohawk Trail in our residential home area. We are opposed to having large businesses start up in our residential area that may detract from the environment we have lived in many decades.

Also, we would like to see the current parking of his ice fishing shanties across from 1550 Chippewa Beach Road removed, as again, these are on residential property, as we understand it, and detract-blight.

Thank-you.

Dorothy and John Johnson
1682 Wahbee Ave.
Indian River

Jennifer Merk

From: Paul Hull <JPHULL@msn.com>
Sent: Tuesday, August 04, 2020 11:02 PM
To: Deborah Tomlinson; Michael C. Turisk; Michael Peltier; Jennifer Merk
Subject: Objection Letter

Follow Up Flag: Follow up
Flag Status: Flagged

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To Cheboygan Planning and Zoning Commission,

This letter is in regards to the request by Douglas Duke to rezone 7064 Mohawk Trail, Tuscarora Township Chippewa Beach Subdivision, Indian River, MI from Residential to Farming-Agriculture. Based on the sketch attached to the application, this property will be used for a business, which is not permitted in a residential area. We have already seen the rentable ice shanties on 1555 Chippewa Beach Road being used by Mr. Duke. We firmly believe that he is in violation of the residential zoning laws, and recommend that his rezoning request be denied. We also request that these shanties be removed, as this is not acceptable on residential property.

Thank you for your time,

Julie Hull
1206 Wahbee Avenue

Jennifer Merk

From: Jeff Bowers <jbowers@ifscorporations.com>
Sent: Wednesday, August 05, 2020 8:56 AM
To: Michael C. Turisk; Jennifer Merk
Cc: Jeff Bowers
Subject: Request to Re-Zone property at 7064 Mohawk Ave, Tuscarora Township

Follow Up Flag: Follow up
Flag Status: Flagged

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Ms. Jennifer Merk
Planner - Cheboygan County

Mr. Michael Turisk
Director of Planning and Zoning – Cheboygan County

My wife and I have been homeowners on N Waubun Beach Road on the East side of Burt lake for just shy of a decade now and we really enjoy the beautiful feeling of community and pride that people in this area have about the environment they live in and keeping it clean and attractive for families to enjoy. So you can imagine the concern we have when hearing that the Planning and Zoning Commission is considering a request to rezone a piece of property at 7064 Mohawk Trail in the middle of the peaceful Chippewa Beach community from Residential to Agricultural, which could allow business operations to exist in the middle of this residential area.

Such a request if approved could increase business and commercial traffic in this residential area, impact the clean environment that has been created, and would certainly bring about a decrease in the property values of the lovely homes people have spent many years and dollars to create and maintain for their personal enjoyment. We ask that you seriously consider the damage to this community that could occur if you approve this request, and strongly encourage you to deny any attempts to allow business or commercial activities to be placed in the middle of a community of residential properties that could occur if this re-zoning application is approved.

Thank you for listening to our concerns, and those of many people in the area who would like this community to remain attractive to the many families who enjoy living in this residential environment.

Jeff and Patricia Bowers
584 N Waubun Beach Road
314-378-2667 (cell)
jbowers@ifscorporations.com

Jennifer Merk

From: Deborah Tomlinson
Sent: Wednesday, August 05, 2020 11:19 AM
To: Jennifer Merk; Michael C. Turisk
Subject: FW: Oppositional response to zoning variance application

Follow Up Flag: Follow up
Flag Status: Flagged

See email below.

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Susan Dengler [<mailto:skdengler1950@gmail.com>]
Sent: Wednesday, August 05, 2020 11:16 AM
To: Deborah Tomlinson
Subject: Oppositional response to zoning variance application

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Ms. Tomlinson,

I strongly oppose the variance application to refine a residential property to Agricultural with the intent to have a business in a residential area.

If Mr. Dukes wants to begin a business, then said business should be in an area zoned for business.

He does not need to interrupt a residential area and possibly adversely effect the property values.

I thank you for your time and thoughts to opposing the zoning variance sought by Douglas Dukes for the property on

7064 Mohawk Trail.

Susan K Dengler

Deborah Tomlinson

From: Mike Ridley <supervisor@tuscaroratwp.com>
Sent: Wednesday, August 05, 2020 2:36 PM
To: Deborah Tomlinson
Subject: Comment regrading Mr. Dukes request for rezoning

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Dear Commissioners,

I have been hearing from citizens in and near the Chippewa Beach Subdivision regarding a rezoning request by Mr. Dennis Dukes.

This is a platted sub and like them I believe it is a slippery slope when we start rezoning for the sole purpose of creating a one time commercial opportunity.

I understand the next step would be a special use permit but feel the rezoning is inappropriate at this time. Our board has not discussed or met regarding this issue so I am stating my personal opinion and reflecting what I have heard from virtually all who have reached out concerning this request.

Sincerely,

Mike Ridley
Tuscarora Township

From: Gretchen Bearce <bearcegh@netins.net>
Sent: Wednesday, August 05, 2020 3:22 PM
To: Deborah Tomlinson
Cc: Gretchen Bearce
Subject: re-zoning request

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To the attention of the Cheboygan County Planning and Zoning Commission:
Re an application to re-zone a platted parcel in Tuscarora Township located in the Chippewa Beach subdivision. Applicant requests change from Residential to Agricultural and Forestry Management.

Before granting this request please find answers to the following questions:

1. What is the role of Rebecca Levinson, listed as owner of the property?
2. Where is this property in relation to Benny's grave? Will it be impacted in any way?
3. The applicant has neglected to answer question III A, "Justification for requested action." Without showing any reason to change the zoning, why do it?

It has been assumed that his intent is to use it for his ice shanty business. How does that fit in an area of homes and nature preserves?

4. Question III B can only be rightfully answered by residents who live nearby, walk the trails, and enjoy time spent in the peace of nature. Wouldn't a business that encouraged vehicles going and coming at all hours play havoc with that?
5. Currently Slocum Rd. which is a county seasonal road, runs through this property. Does Mr. Dukes plan to keep it open or request it be closed?
6. Where is the west end of Mohawk? Is Mohawk a county owned road? There is no signage.
7. Is the plan to access the business via Mohawk directly from Chippewa Beach Road or by way of Shawnee to Slocum to Mohawk? Note that neither Slocum nor Shawnee have been given much if any attention by the county over the years and are at best two-tracks.
8. The drawing attached to the application seems incomplete. How big is the building? How large is the parking lot? How will it be used? Is it surfaced with gravel, cement, or left bare? Will there be outside lighting? What kind? How bright?
9. If approved will a special land use permit be required?

As a resident of the Waubun/Chippewa Beach neighborhood I have a special fondness for the area Mr Dukes wants to re-zone. What he wants is antithetical to the character of the neighborhood and its history dating back to the early 1910s. Please deny this request. It would be spot zoning and not in character for this neighborhood.

Gretchen Bearce
958 Wahbee Rd.
641-780-1120

Deborah Tomlinson

From: Gretchen Bearce <bearcegh@netins.net>
Sent: Wednesday, August 05, 2020 3:37 PM
To: Deborah Tomlinson
Cc: muggbopp@hotmail.com
Subject: Douglas Dukes re-zoning request

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To the Cheboygan County Planning and Zoning Commission

I would like to add my voice to those of my neighbors requesting that you deny the application of Douglas Dukes to re-zone property in Tuscarora Township.

In the more than 50 years my family and I have spent on Waubun Beach we have witnessed many changes. Where once homes were scattered, now they are spaced at regular intervals with more and more people out in the woods enjoying the quiet, discovering the wonders of Mother Nature and taking time for deep breaths. The walking trails in the nearby Nature Preserves allow all that and more.

To locate a business, which by its very nature paves the ground and caters to vehicular traffic, in the middle of such tranquility is wrong. The Tuscarora Township long range plan recognizes the area as Residential. Please meet the expectations of the current neighborhood residents that it will stay that way and deny this application to re-zone.

Sincerely,

Margaret Barr
760 Waubun Beach Road

To: Cheboygan Planning and Zoning Commission

Michael Turisk	Director of Planning and Zoning	mturisk@cheboygancounty.net
Debbie Tomlinson	Asst to Director	debbiet@cheboygancounty.net
Michael Peltier	Enforcement	mpeltier@cheboygancounty.net
Jennifer Merk	Planner	jmerk@cheboygancounty.net

Re: Proposed Rezoning Request 7064 Mohawk Trail, Tuscarora Twp:

Date: 08/05/2020

Dear Members of the Commission,

We are writing to express our opposition to the rezoning request submitted by Douglas Dukes for the property at 7064 Mohawk Trail, Tuscarora Township, Chippewa Beach Subdivision, Indian River, MI from D-RS to M-AF for the following reasons:

1. This proposed rezoning is not reasonably consistent with the surrounding land usage as residential land usage predominates. We believe that Mr. Dukes does not intent to build any residence on this property, but will use the rezoning to expand the current de-facto business he operates renting ice shanties.
2. This type of Spot-Zoning could well result in adverse physical impact on surrounding properties as activities which could occur would physically disturb the properties surrounding the land proposed for rezoning. Although the intended use at the present time is for ice-fishing shanty rental, a current practice of Mr. Dukes, what would stop Mr. Dukes from expanding his business into summer rental activities? Mr. Dukes' business would depend upon using the one public lake access in the area, potentially creating bottlenecks of numbers of people waiting to use the access. This very narrow access is located between two private properties.
3. Mr. Dukes' proposed business site is not served by adequate public facilities in that there is one small public lake access in the area that would be used for the personal profit of Mr. Dukes' business. There are no public restroom facilities at the launch.
4. There could likely be an adverse effect on property values in the adjacent area as people would not necessarily want to buy quiet lakefront property with a farm/agricultural business operating within the residential neighborhood.
5. Rezoning this property would be granting this individual a special privilege when contrasted with the area's other property owners and the public in that Mr. Dukes' business would be profiting from the use of a public launch. Another special privilege would be creating a situation in which Mr. Duke's customers may continue to park their vehicles along the public road of Frontenac and potentially use Wahbee Road to park closer to the lake access, creating unsafe road conditions in the winter and potential issues should emergency vehicles need access to these roads.

We ask that you deny Mr. Dukes' zoning request and refer his business request to a more appropriately zoned area.

Sincerely,
James and Barbara King
1094 Wahbee Rd
Indian River, MI 49749

Rezoning from D-RS to M-AF, what does that allow? What doesn't it allow?

In reviewing the application to rezone from D-RS to M-AF – As a property owner, I have the following questions:

The application for re-zoning does not really specify what this land will be used for. The attachment drawing is very hard to read I think it says Parking Area, Storage Area and Shed. Should there be dimensions included? What is the parking area needed for?

Should there be a special land use permit completed instead?

How will it be used?

What will be stored on this property?

Will there be livestock?

What is the true intent of requesting the zone change?

Currently this is a sub-division in a residential resort area near a lake, based on the drawing why does it need to be rezoned?

Will the ice fishing cabins be fabricated, built or manufactured on this rezoned location?

Will the scrap metal, old boats, old RV trailers, old boat docks all be stored on this rezoned location? Research of a fundraiser named “icefishin rental cabin (Exhibit “A”) stating he would build cabins and cabins are built using salvage aluminum from boat hoists, Wolmanized flooring, surplus travel trailer parts and they are aluminum sheeted” Is the timber coming from the trees logged off? What is the process to Wolmanize the wood, is there chemicals involved? What is the threat to ground water?

Will propane tanks, welding tanks in large numbers be stored on this property, if so does a fire department need to know this information? Will there be other hazardous materials stored? Will hazardous materials or items be stored on the ground possibly seeping into ground water? See exhibit B - His current property

There are solar panels on the tops of the cabins, are there any means to identify any solid or hazardous waste generated by the project and provide a disposal plan for such waste or batteries to operate?

Will there be construction noise from the manufacturing of these ice fishing cabins and what hours of operation will be allowable?

What happens to the groundwater from items (old boats with oil and gas), old RV's with septic tanks what will they do to the ground water – I am concerned with contamination of ground waters “water within the earth that supplies wells & springs to surrounding properties and area)

This business of ice fishing cabins being taken on and off the lake at all hours (last winter these hours started at 3 and 4 in the morning and would continue until 1 am or later. This is a nuisance; there is excessive noisy vehicular traffic. Where will people park? How many parking stalls will be required based on number of cabin rentals? Off street parking last year was a hazard on both sides of Frontenac and down Shawnee and other streets. Snow mobiles being loaded and unloaded, people drove on my lawn caused damage to newly planted grass.

Andrea Cowles

*Andrea Cowles
8/5/2020*

Exhibit A

icefishin rental cabin

📍 Wolverine Mi (/location/Wolverine+Mi/) 🏆 Sports (/category/Sports/)



\$0
of \$6,000.00
raised by 0 people

[DONATE NOW \(/DONATE/ICEFISHIN-RENTAL-CABIN\)](#)

Share! (<https://twitter.com/intent/tweet>):
 (<https://www.facebook.com/sharer/sharer>)

[tp://ffnd.co/2Ffnd.co%2FHgeKfJ&m](#)
Created March 27th, 2017
0 Campaigns Created · 0 Supported

Details Updates

Hello my name is Doug Duke. I am an avid ice fisherman and have recently started renting this cabin on burt lake in northern mi. My first year i booked all available weekends in 2 and a half weeks and got enough calls and emails to book 3 times that. This is big in minnisota and wisconsin but is lacking here in michigan. The interest is very definatly there and i will build cabins no matter what but just slower. Cabins are built using salvage aluminum from boat hoists. wolmanised flooring, surplus travel trailer parts, and are aluminum sheeted. All money raised from this fund raising will all be spent on building the next cabin I am currently putting my own money into a 2017 artic cat pantera to move cabins around on the ice. I am putting \$5000.00 down and financing the rest.this shack (cabin) will be handicapp accessable.and all vets will recieve discounts.

[Donate Now \(/donate/icefishin-rental-cabin\)](#)

Share! (<https://twitter.com/intent/tweet?text=Please+support+%22icefishin+rental+cabin%22+on+FreeFunder%21&url=http://ffnd.co/HgeKfJ>) (<https://www.facebook.com/s>)
 (<http://www.linkedin.com/shareArticle?mini=true&url=http://ffnd.co/HgeKfJ>)
 (<http://pinterest.com/pin/create/button/?url=http%3A%2F%2Fffnd.co%2FHgeKfJ&media=https%3A%2F%2Fs3-us-west-2.amazonaws.com%2Ffreefunder%2Fimages%2Fcampaigns%2F>)

Link: <http://ffnd.co/HgeKfJ>

Did you know? Even if you can't contribute with money, you can help this campaign by sharing on Facebook! In fact, when this campaign reaches 100 shares on Facebook and \$1000 raised, Free-

Contributors (0)

Help get this campaign started, be the first to donate!

[DONATE NOW \(/DONATE/ICEFISHIN-RENTAL-CABIN\)](#)

Funder will donate \$20 to it. Tell your friends! Currently this campaign has been shared on Facebook about 1 times.

0 Comments

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[\(https://www.facebook.com/](https://www.facebook.com/)



[e](https://www.twitter.com/fre)



[c](https://www.youtube.com/c)

Exhibit B



This current
property

Jennifer Merk

From: Jim Webb <jimwebb112233@gmail.com>
Sent: Thursday, August 06, 2020 12:26 PM
To: Michael C. Turisk; Jennifer Merk
Subject: Mr Duke rezoning request

Follow Up Flag: Follow up
Flag Status: Flagged

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Jennifer/Michael

As I was a member of your zoning/planning meeting last night via “go to meeting” and in regard to the Doug Duke request, I thought several good points were brought up by yourselves and the board.

1. Tuscarora has a master plan that would like to keep this area (Chippewa Beach Subdivision) residential.
 - a. What sense would it make to rezone and allow a business to move in to the subdivision.
2. If the subject property was rezoned and then was sold, the buyers could operate a completely different business.
3. If your 10 factors were to be voted on, I would think the majority of them would indicate this does not follow the vision of the master plan.

On a little different note: I own the property adjacent to the east of the subject property and also a home on the corner of Frontenac and Wahbee (both in Chippewa Sub.), so I see firsthand everything involving our ice fishing season. Let me state, I have went ice fishing and hope to more often after retirement! I would like to share some thoughts that I believe are valuable in making an informed decision about the subject property and its use. I think his business can be broke down in to two areas one being where to store the 8 shanty’s in the off season and the second is the day to day operation of his business (including location of such). The shanty’s normally are brought out and placed on the lake once the ice is thick enough. Assuming there is not an unusual warm-up, the shanty’s are left on the lake for the season. So storing these a few miles from the access as you suggested would not be a huge deal – as there is limited movement. FYI there is also a maintained public access not far from Ramsby Well Drilling on Straits Hwy on Sturgeon Bay Rd, the location mentioned as possible storage site. This site may be better as the access used in our Subdivision is basically a short two track to the lake. The most concerning to me, is the day to day operation of the business and the comment that it may be ok to have customers park on his property. I believe this is where he would be conducting his business, not at a storage yard off site (he would probably not have an “office” at the storage site and there would normally not be any shanty’s located there. As discussed, there is a large amount of parked trucks and trailers on Frontenac and across from the access. While, his business is not the sole problem, it does add significantly. As Mr. Duke

stated, usually several groups, be it friends or family's, meet to use his shanty's. So if there are 2 to 3 groups meeting that is an additional 2 to 3 vehicles per shanty (total 16 to 24 vehicles). As he also stated, most are not from the area. I would guess they would not even know there is an access point in our subdivision and more than likely would not be using it. Obviously, the locals have used it for years, but the use has increased significantly. I bring this up, as the number of users increase so does several things along with it such as: garbage left on the ice and roadways (including fish guts in the ditch), snowmobiles and four wheelers traveling back and forth from the shanty to their vehicles (many times cutting across private property) at **ALL** hours of the day and night, sometimes partying. I would bet if parking were allowed on the subject party we would see these same issues happening in the woods near the subject property, Mohawk Dr, Slocum Dr, Chippewa Beach, Frontenac, and Wahbee (as there could be several routes in and out of the subject property). Along with the likely probability of the snowmobiles and 4-wheelers cutting through private property on Frontenac, to shorten the route. I think you would agree, the more fisherman the more likely the increase in occurrence. Even more concerning, we (Chippewa Beach Sub. and others) just approved the paving of Wahbee and Chippewa Beach. Paying a huge sum of money to have this done with the increased possibility of it getting it torn up. I know there is no regulations to stop the sleds from riding down it, but we do not need an increase in numbers. Also with the discussion of day to day business and customer parking he mentioned renting snowmobiles and generators, which clearly is a business. As I stated at the start of this, I think we are looking at storage of the shantys and day to day operations. With shanty's being on the ice already, there would be no need to be at the leased storage lot for your business. So with customers parking at the subject property the actual business then would be operating on the subject property. It would be similar if I rented pontoons out in front of my house and told the customers to just park in my driveway – that would be running a business from my residential property, but similar to what he is considering.

Side note: For what it is worth, I agree with the wording of your "Factors" to consider and vote on. I thought very confusing and a lot of double negatives, which make it very difficult to vote yes or no. I think the question should be stated. Making it easier to follow, just provide what was found in relation to the question. Then one yes or no vote to the question.

Sorry this has turned out to be much longer than anticipated, but wanted to share first hand knowledge of the area and ice fishing season. If you would like to discuss any of this further please do not hesitate to call me.

Sincerely,

Jim Webb

231-878-4863

Jennifer Merk

From: Dawn Webb <dmwebb4650@gmail.com>
Sent: Monday, August 10, 2020 10:32 AM
To: Jennifer Merk; Michael C. Turisk; Deborah Tomlinson
Subject: Duke Property re-zone

Follow Up Flag: Follow up
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To whom it may concern:

During the August 5th Cheboygan County Zoning Commission meeting, Mr Doug Duke presented his case to the board for the re-zoning of a parcel of land located at 7064 Mohawk in the Chippewa Beach subdivision from residential to Forrest/Ag. The purpose for the re-zoning is so that he can operate an ice fishing shanty/snowmobile rental business from that parcel. His plans as explained to the board are to build a barn, store the shanties (currently 8) and snowmobiles during the off season and also develop a parking area for his customers to use during the season.

Mr Duke currently uses the public access on Wahbee to launch his shanties and directs his customers to park either on Wahbee/Frontenac roads or use the undeveloped platted road across from the public access. Mr Duke erroneously stated during the meeting that the platted undeveloped roadway was owned by Tuscarorra Township. It is not owned by the Township nor has it been adopted by the CCRC. Per Mike Ridley, Township supervisor, all interests in undeveloped platted roads within the subdivision are owned by the residents of the subdivision. Mr. Duke's future plans are to direct his customers from the parking lot on his property through the subdivision (approximately 1/2 mile) via snowmobiles or ATV's.

The residents of Wahbee Ave just paid \$200,000 to have the road rebuilt and paved (August 7th). Today most ice fisherman unload equipment/machines at the access or where they park along Frontenac and Shawnee roads. Mr. Duke stated that each of his shanties can and do often house 4 to 8 fishermen. What Mr. Duke is proposing will send multiple snowmobiles/ATV's per shanty with carbide runners/studded tracks and chains about a 1/2 mile through the subdivision multiple times a day down our brand new pavement that was not treated for that type of use. The majority of residents in that part of the sub are full time residents year around (11 of 16)so the road will be plowed and salted to bare pavement. As most of you are aware, any time a snowmobile trail

crosses a paved road special material is used to prevent damage to the pavement. If granted any variance or re-zone, who will be responsible for the road repairs?

We currently own a lot located at 1637 Shawnee as well as a home on Wahbee Ave in the same subdivision. We built a pole barn on the Shawnee lot following the setbacks and building code requirements. We were told we could not operate a business on the property because it is a platted subdivision/residential property so not zoned properly. Our lot is approximately 1800 feet as the crow flies from Mr. Dukes property. Based on allowing residents to re-zone, I should be able to finish clearing my lot to the road and rent out parking spaces through the winter to ice fisherman. Additionally, Mr. Chad Stemple owns a landscaping business and his property shares a property line with Mr. Duke. Since he was told that he could not operate a business out of his home under residential zoning, are we going to allow him to re-zone and start running trucks/equipment, storing materials etc?

Mr. Duke does not live in our community or subdivision. He lives in Wolverine on Echo Lake. I'm proposing as other residents have, that the request to re-zone or conditional use be rejected so that we can maintain our residential subdivision neighborhood.

Dawn and Jeff Webb
1686 Wahbee Ave
Indian River, MI

Sent from my iPad

Jennifer Merk

From: Deb Lekander <deb@lekandercoaching.com>
Sent: Tuesday, August 11, 2020 3:28 PM
To: Michael C. Turisk
Cc: Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: proposed zoning variance

Follow Up Flag: Follow up
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To the Cheboygan Planning and Zoning Commission:

Please consider this a **Letter of Objection** to the proposed zoning variance brought to you by Mr. Dukes. We have been made aware of the request for a zoning variance from Residential to Farming-Agriculture in our midst of residential homes for the purposes of a business. This rezoning request is out of character with the current neighborhood and constitutes "spot rezoning". Further, it would be an eyesore in our residential area, create opportunity for further blight, and will have a negative impact on our quality of life and property values. We ask that you refer his business request to a more appropriately zoned area. We recommend that this rezoning request be denied.

In addition, we ask the Planning & Zoning Commission to investigate Mr. Dukes' commercial use of residential property across from 1555 Chippewa Beach Road. This same individual has rentable ice fishing shanties on that property. We believe this is blight and a violation of the residential zoning laws and that the shanties should be removed from that property.

Sincerely,
Margaret A. Barr
Deborah Lekander
Dan Gates

Jennifer Merk

From: Michael C. Turisk
Sent: Wednesday, August 26, 2020 9:09 AM
To: Jennifer Merk
Subject: FW: Doug Duke rezone follow up

Follow Up Flag: Follow up
Flag Status: Flagged

From: Leif Hanson <leifchanson@gmail.com>
Sent: Tuesday, August 25, 2020 9:59 PM
To: Michael C. Turisk <mturisk@cheboygancounty.net>
Subject: Doug Duke rezone follow up

Good Afternoon Cheboygan County Planning Commission,

I again write to inquire about the rezone of local property in the Chippewa Subdivision in Indian River. Parcel 161-C09-000-242-00.

Please place this email on the record for the Hearing scheduled for this Conditional Application tentatively scheduled for September 2nd.

At the last hearing, rather than making a determination, the commission saw fit to counsel the applicant into postponing their application and potentially resubmitting that application as conditional. I have received no correspondence from any party since, and I do not see any updates for his September hearing yet on the schedule online.

Fair enough. Perhaps there was some frustration that dozens showed up to dispute this rezone application during a pandemic, and would have liked to see this issue resolved at that hearing as scheduled. And perhaps more frustration that the opposition to this rezone wasn't allowed to speak a single word before the consideration of the application we all arrived to the public hearing to oppose was postponed.

Since that cannot be changed, instead I would like to get ahead of that "conditional" hearing. No resident in the area who opposes this rezone oppose it because it could become a slaughterhouse or cattle ranch if rezoned to Forest/Ag as mentioned at the last hearing. All residents who signed the petition did so with the understanding it was Mr. Dukes shanty rental commercial operation and its associated rezone they were opposed to, and very little if any community opposition would change based on a conditional application to rezone since community opposition originated from the very business the applicant would attempt to name as his condition.

I believe myself and the rest of the Chippewa subdivision have just as strong a case against a conditional rezone as we did against an open rezone. I took these notes down at the last hearing, and I'll go over these in advance of the proposed September 2nd postponed rezoning hearing below.

1. Is the proposed rezoning reasonably consistent with surrounding uses?

No. All other parcels in the Chippewa beach subdivision are zoned residential by both Tuscarora Township and Cheboygan County.

2. Will there be an adverse physical impact on surrounding properties.

Yes. You have already been contacted with several reasons by dozens of people why this rezone would present physical impact. Firstly, because of intent to close Slocum road, and secondly to redirect traffic that by Doug's own admission is too wide to travel down other roads. Slocum and Frontenac already have problems with soil runoff during heavy rains, and that problem has now been compounded due to years of commercialized use of small residential roads. Additionally, many homeowners along Slocum, Shawnee, Frontenac, and Wahbee have long dealt with Trucks and snowmobile trailers lined up along almost a full lane of road along both Wahbee and Frontenac. Blocking roadways, blocking visibility, and often met with calls to local law enforcement. A great many of them Mr. Duke's clients. I can't say for sure those trucks lined up all the way up Frontenac caused the damage... but I can say they sure didn't help, and will absolutely exacerbate the wash out on Frontenac if Duke's unlicensed and uninsured fishing rental operation is allowed to continue operation in this residential community and is legitimized by this rezone.

3. Will there be an adverse effect on property values in the adjacent area?

Absolutely. Pictures of Mr. Duke's property in Wolverine have circulated the community and have been submitted to the commission. And his shanties are already sitting with questionable legality on a residential lot on Chippewa Beach. Some of the homes on Chippewa and Wahbee are the most expensive properties in the county. The idea an unlicensed uninsured unzoned fishing shanty rental operation would not lower those values bends credulity, especially a business already taking advantage of the community and dodging liability by not incorporating despite operating in the area for years. Additionally, every homeowner, except Mr. Duke since he just purchased, has recently had a special assessment for the repaving of Chippewa and Wahbee roads. None of these residents wants to see the additional wear and tear on roads they paid for and Mr. Duke did not where it concerns daily traffic of dozens of commercial fisherman on snowmobiles. Snowmobiles are understood to be exceptionally hard on blacktop roads. So not only did Mr. Duke not participate in paying to pave Chippewa and Wahbee, but he would put a disproportionate amount of wear on these roads. Roads paid for by residents and damaged disproportionately for one man's commercial endeavors.

4. Have there been changes in land use or other conditions in the immediate area or in the community in general that justifies rezoning?

To the contrary, the only property surrounding the parcel in question that isn't residential is the Hildner-Bearce nature preserve to the North... Which is zoned Forestry and Agriculture, but to suggest that is grounds for a rezone with the intent to run a commercial fishing operation is outlandish at best. If Mr. Duke wants to donate his parcel to the Nature Preserve, I think myself and the rest of the community would reconsider our opposition to the rezone. But that kind of ecological preservation has never been his stated intent, and Mr. Duke's shanty sitting on the bottom of Burt shows pre-existing ecological damage. Ecological damage in Burt Lake, ecological damage causing worsening run-off problems on both Slocum and Frontenac. Mr. Duke has already damaged this area's natural value, and he wouldn't have 4 dozen people against this rezone if that weren't the case.

5. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?

Hard to improve a nature preserve when there's a clear cut lot with several shanties sitting on it. Same for a historic grave site. My wife and I recently purchased a neighboring parcel at a cost of thousands, and any plans to use that property have already been abandoned.

6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public?

Of course. Mr. Duke would be the only resident of the Chippewa sub with Forest Ag, and has already stated his intent to run a commercial fishing business from his parcel, through most of the Chippewa Sub, and out the Wahbee public road end. He personally mentioned to me he makes "boatloads of money out on that lake" despite not being responsible for any part of the special assessment every other resident has just paid for the road construction on Chippewa and Wahbee nor claiming liability for the action of his often inebriated (and operating) clientele. If approved, Mr. Duke would be allowed to put more wear and tear than other residents

onto roads that he alone did not pay for. Aside from being astoundingly hypocritical, of course this would grant Mr. Duke special privilege no other resident of the Chippewa sub enjoys.

7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?

Nobody has suggested at any point Mr. Duke would be out of line to build a residence on that parcel. But at no point has Mr. Duke ever suggested that was his intent. Instead publicly stating at our last hearing he intends to put a pole building, parking lot, and storage for his 8 shanties on that property in addition to having overnight guests in the shanties, and doing small engine repair on-site. (Some of which would put him beyond Forest and Ag use anyway)

8. Is the rezoning in conflict with the planned use for the property as reflected in the Master Plan?

Yes, both at the township and county levels. Nobody in 100 years has suggested any part of the Chippewa Subdivision should be zoned as anything except residential, and if there have been any previous applications to rezone I'm not aware of, they have unilaterally been denied.

9. Is the site served by adequate public facilities or is the applicant able to provide them?

The site has no current public facilities. I question Mr. Dukes ability to afford the entirety of the operation he has stated he intends to build, certainly the calls for a pole building promised as part of a conditional re-application. He does not have any LLC for this shanty rental business, and so it should be assumed this "business" has assets of exactly ZERO.

10. Are there sites nearby already properly zoned that can be used for the intended purposes?

Yes. The Cheboygan County Planning Commission itself was very forgiving to Mr. Dukes first application. Despite an audience of dozens of opponents to this rezone, rather than denying it outright as it clearly the commission could have, you mercifully directed Mr. Duke to these nearby properties which are already zoned for his intended commercial use. I believe they were located in the nearby US-27 business loop. That, I suspect will not be amenable to Mr. Duke, because he'd then have to put "wide load" on his oversized shanties, and would likely run into trouble trying to run a business running double-wide trailers down residential streets up to 16 times per day even if he had been a part of the special assessment for those roads. But the long story short is that Mr. Dukes trailers being too wide is his fault. We all fail to understand why his poor business decisions should be given special privileges in a community that he has only ever taken advantage of for his unlicensed, unincorporated, and I would wager untaxed commercial endeavor.

Not only do I ask that Mr. Dukes application, or conditional application, be immediately and officially denied and that he be prevented from filing future applications on this parcel for the standard duration of one year. But we beg the planning commission, and road commission, and local law enforcement, to start enforcing their rulings in this area, as Mr. Duke has already been running this business without community or local government permission, and without licensing or liability insurance. There have been many calls and even some arrests... How long before one of Mr. Dukes often inebriated clients harms somebody? Should this community live in fear of walking the very roads we just payed out of pocket to pave so that Mr. Duke can continue an illegal commercial operation?

This choice to deny this application was already abundantly clear at the last hearing. So much so that the commission refused to take it up, and instead counseled Mr. Duke on other properties he might consider. I think I speak for the whole community, or at least about 45 of us, when I ask that either Mr. Duke's amended conditional application or his original application be decided on one way or another at September 2nds hearing. And if they are denied, that the standard wait time of one year be applied before rezoning for this parcel can be reconsidered.

Thank you again for your time and consideration,

Leif Hanson



Leif Hanson

1305 Shawnee Dr.
Indian River, MI 49749
(231) 445-0242
leifchanson@gmail.com

Jennifer Merk

From: Robert A. Kendrick <RobKen@BraunKendrick.com>
Sent: Wednesday, August 26, 2020 10:17 PM
To: Michael C. Turisk; Michael Peltier; Jennifer Merk
Subject: Fwd: The Request by Douglas Dukes to Rezone Property at 7064 Mohawk Trail

Follow Up Flag: Follow up
Flag Status: Flagged

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To the Board of Commissioners,

Based on Cheboygan County apportionment records, Tuscarora Township and, more specifically, the residences along Burt Lake which form the neighborhoods commonly known as Waubun Beach and Plymouth Beach constitute the single greatest concentration of property tax revenue in Cheboygan, Michigan.

The requested rezoning of the area long Mohawk Trail from Residential to Farming-Agriculture would constitute an assault and clearly jeopardize future property tax revenue from the above described area.

For tax revenue purposes alone this requested application for rezoning must be denied.

Robert and Sheryl Kendrick
1220 Wahbee Avenue
Indian River, Michigan 49749

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, August 31, 2020 7:07 AM
To: Jennifer Merk
Cc: Michael C. Turisk
Subject: FW: Douglas Dukes re-zoning request

Follow Up Flag: Follow up
Flag Status: Flagged

Please see the email below regarding the Duke application.

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Gretchen Bearce [<mailto:bearcegh@netins.net>]
Sent: Friday, August 28, 2020 12:40 PM
To: Deborah Tomlinson
Cc: Gretchen Bearce
Subject: Douglas Dukes re-zoning request

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To the attention of the Cheboygan County Planning and Zoning Commission:
Addenda to my letter of August 5 requesting **denial** of Douglas Dukes' re-zoning.

Since the August 5 hearing I have had conversation with Mr. Dukes and would like to add the following thoughts to my original objections.

Here is how he says he intends to use the parcel in question:
Seven or eight fishing shanties will be stored on the property. They will be rented by the day or week. Snowmobiles will also be available to rent as well as generators. There will be a "shed" to be used for repairs. Renters will park on the property and use snowmobiles to to and from the shanties which have been placed on the ice by Mr. Dukes.

Maybe he will build a house; maybe to be used as a VRBO.

More than once in conversation Mr. Dukes has noted that it is not unusual for his renters to become inebriated. Why would drunken behavior be a benefit to the neighborhood?

He would like to equate his proposed business with the VRBO rentals by some homeowners in the neighborhood. Whether a VRBO is a violation of residential zoning is not in question in this matter. Two wrongs do not make a right.

Once re-zoned to Ag-Forestry (a catch-all category) a parcel could be put to all kinds of uses by Mr. Dukes or any owner following him. Spot-zoning is seldom a good idea and in the present circumstance is a terrible one.

The phrase “Act first and ask for forgiveness later” seems to be on Mr. Dukes’ mind. Tuscarora Township and Cheboygan County should be above this kind of thinking.

Do not allow this zoning change and do not allow the property to be used in an illegal manner.

Thank you for your consideration,
Gretchen Bearce
958 Wahbee Rd.

bearcegh@netins.net

Gretchen Bearce
641-780-1120

Jennifer Merk

From: Charles Gano <chgano@gmail.com>
Sent: Monday, August 31, 2020 12:09 PM
To: Michael C. Turisk; Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: Re: OPPOSITION TO ZONING CHANGE

Follow Up Flag: Follow up
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Dear Commissioners

We are writing in furtherance of our earlier objection to the zoning change request by Douglas Dukes. We were disappointed that the hearing on his prior request was postponed instead of the request being denied as totally inadequate and seeking a use of property inconsistent with a residential neighborhood..

We have been told his request may be reconsidered at your meeting on September 2nd or further adjourned to a later date. We hope you will finalize a denial on September 2nd. Further postponement will not alter the reasons for denial. Those reasons were already stated both by you and as were presented by numerous individuals at your earlier hearing.

We listened patiently at the last meeting as did many others and did not have an opportunity for our objections to be heard. We will again participate at the next hearing and speak if necessary to support your denial.

Charlie and Fran Gano

On Tue, Aug 4, 2020 at 10:52 AM Charles Gano <chgano@gmail.com> wrote:

Dear Commissioners:

We. reside at 806 Chippewa Beach Road. We are writing to express our opposition to the rezoning request submitted by Douglas Duke for the property at 7064 Mohawk Trail Tuscarora Township Chippewa Beach Subdivision Indian River, Mi. from D-RS to M-AF.

We support the position of the East Burt Lake Association (EBLA) as has been presented to you.

EBLA works to keep our environment clean. Our membership believes that a business operating in our residential area is inconsistent with the County's foresight, is out of character with the current neighborhood, would be an eyesore in our residential area, create opportunity for further blight, and will have a negative impact on our quality of life and property values. We ask that you deny Mr. Dukes' zoning request and refer his business request to a more appropriately zoned area.

Furthermore, we ask the Planning & Zoning Commission to investigate Mr. Dukes' commercial use of residential property across from 1555 Chippewa Beach Road. This same individual has rentable ice fishing

shantys on that property. We believe this is blight and a violation of the residential zoning laws and that the shantys should be removed from that property.

The application as submitted seems insufficient. There is little if any detail as to what the applicant intends to do with the property justifying this change.

Charlie and Fran Gano

Jennifer Merk

From: Sheryl Kendrick <sheryl.kendrick@gmail.com>
Sent: Tuesday, September 01, 2020 9:50 PM
To: Deborah Tomlinson; Jennifer Merk; Michael Peltier
Subject: Objection to Rezoning of Property at 7064 Mohawk

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Board of Commissioners,

I am writing this letter to reiterate our objections to the rezoning of the above property from 'Residential' to 'Farming-Agriculture' by Mr. Doug Duke.

This property in question is in a residential subdivision close to homes in the highest tax base area in Tuscarora Township. The neighborhood is VERY much against the possibility of a business being established in this residential area resulting in a decline in our property values. We have just invested thousands of dollars in new roads in this neighborhood and do not care to have the deterioration of the roads hastened by business activity.

If Mr. Duke desires to start an ice shanty rental and storage business along with his snowmobile and generator rental business and small engine repair business, he needs to place it in an appropriate location, such as on US 27, like the Board suggested last month, where there are many different options available to him.

Please be advised that it would appear from other neighbor's observations, that Mr. Duke is proceeding with establishing his business at this location even before the rezoning request has been approved or denied, as there is evidence of upwards of 20 propane canisters already on the sight.

I understand that Mr. Duke has now requested a delay in the Board reviewing this rezoning request and I can only ask why? It seems very straightforward to me that this rezoning request should be denied. This particular business is very out of character with the neighborhood as it is, and no telling what other businesses could be established once and if that property is sold. Please do not approve the delay and instead just outright deny the rezoning request.

I appreciate your understanding of our desire to preserve this neighborhood. You received 31 letters and a four-page petition last month prior to the Board's meeting for the same request.

Sincerely,

Sheryl Kendrick
1220 Wahbee Avenue
Indian River, MI 49749

Sent from my iPad
Sheryl Kendrick

Jennifer Merk

From: Deborah Tomlinson
Sent: Wednesday, September 02, 2020 8:36 AM
To: Becky Hill
Cc: Michael C. Turisk; Jennifer Merk
Subject: RE: Douglas Dukes rezoning request

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for submitting the email regarding the Duke/Levenson request. I have forwarded your email to Jen Merk who is the Planner and Mike Turisk who is the Director of Planning & Zoning. Please let me know if you have any questions.

Debbie

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Becky Hill [<mailto:rjhill99@yahoo.com>]
Sent: Tuesday, September 01, 2020 8:07 PM
To: Deborah Tomlinson
Subject: Douglas Dukes rezoning request

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From: Becky and Frank Hill
Subject: Douglas Dukes re-zoning request
Date: September 1, 2020
To: p&z@cheboygancounty.net

Dear Cheboygan County Planning and Zoning Commission:

To add to our August 4, 2020 email concerning Mr. Dukes' request to rezone his property:

We still oppose the request to rezone for previously stated reasons plus:

1. We are very concerned about both Mohawk and Slocum Roads. These are public/county roads and should remain open for all to use whether walking or traveling by car. Dukes'

property crosses these roads; he needs to leave these roads as they are without alteration for his benefit.

2. Mr. Dukes and the other owners of the property in question seem to have little reverence for the woods they bought. Even before the hearing, most of the trees were uprooted and destroyed. It was as if the permission of the Commission was just a nuisance because Mr. Dukes would just do what he pleased.

3. To reiterate: we are vehemently against a business being allowed in a residential area or the property to be rezoned. We oppose the Commission placating one owner who has already shown that he does not respect the property he has purchased or the surrounding area of homes that will be greatly affected if this request is granted.

Thank you,

Becky and Frank Hill

Becky Hill

cell: 260-414-1614

rjhill99@yahoo.com

8436 Cerco Court

Fort Wayne, IN 46815

Jennifer Merk

From: Deb Lekander <deb@lekandercoaching.com>
Sent: Tuesday, September 01, 2020 9:49 PM
To: Michael C. Turisk
Cc: Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: proposed zoning variance

Follow Up Flag: Follow up
Flag Status: Flagged

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To whom it may concern:

Please consider this our 2nd **Letter of Objection** to the proposed zoning variance brought to you by Mr. Dukes. We have been made aware that he has requested a zoning variance from Residential to Farming-Agriculture in our midst of residential homes for the purposes of a business.

This rezoning request is out of character with the current neighborhood and constitutes "spot rezoning", and creates a long-lasting negative impact on our neighborhood. Further, it would be an eyesore in our residential area, create opportunity for further blight, and will have a negative impact on our quality of life and property values. We ask that you refer his business request to a more appropriately zoned area. We strongly recommend that this rezoning request be denied.

In addition, we ask the Planning & Zoning Commission to investigate Mr. Dukes' commercial use of residential property across from 1555 Chippewa Beach Road. This same individual has rentable ice fishing shanties on that property. We believe this is blight and a violation of the residential zoning laws and that the shanties should be removed from that property. Ignoring residential zoning laws is considered disrespectful. This residential neighborhood must be protected by the residential zoning laws that are in place.

Please consider this sincere request and the significant consequences that this rezoning would have on this residential area.

Sincerely,
Margaret A. Barr
Deborah Lekander
Dan Gates

deb lekander

personal and professional
development coach



517.404.1614

deb@lekandercoaching.com

www.lekandercoaching.com

From: Deb Lekander <deb@lekandercoaching.com>

Date: Tuesday, August 11, 2020 at 3:28 PM

To: <mturisk@cheboygancounty.net>

Cc: <debbiet@cheboygancounty.net>, <mpeltier@cheboygancounty.net>, <jmerk@cheboygancounty.net>

Subject: proposed zoning variance

To the Cheboygan Planning and Zoning Commission:

Please consider this a **Letter of Objection** to the proposed zoning variance brought to you by Mr. Dukes. We have been made aware of the request for a zoning variance from Residential to Farming-Agriculture in our midst of residential homes for the purposes of a business.

This rezoning request is out of character with the current neighborhood and constitutes "spot rezoning". Further, it would be an eyesore in our residential area, create opportunity for further blight, and will have a negative impact on our quality of life and property values. We ask that you refer his business request to a more appropriately zoned area.

We recommend that this rezoning request be denied.

In addition, we ask the Planning & Zoning Commission to investigate Mr. Dukes' commercial use of residential property across from 1555 Chippewa Beach Road. This same individual has rentable ice fishing shanties on that property. We believe this is blight and a violation of the residential zoning laws and that the shanties should be removed from that property.

Sincerely,
Margaret A. Barr
Deborah Lekander
Dan Gates

Jennifer Merk

From: Kymberly Kleckner <Kym.Kleckner@outlook.com>
Sent: Tuesday, September 01, 2020 6:17 PM
To: Michael C. Turisk; Deborah Tomlinson; Michael Peltier; Jennifer Merk
Subject: FW: 7064 Mohawk Trail zoning

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Kymberly Kleckner
Sent: Tuesday, August 4, 2020 10:45 PM
To: mturisk@cheboygancounty.net; debbiet@cheboygancounty.net; mpeltier@cheboygancounty.net; jmerk@cheboygancounty.net
Subject: 7064 Mohawk Trail zoning

To all whom this concerns—

I am a property owner on Wahbee Avenue. I strongly object to any property on Chippewa Beach Road, Frontenac Trail, Mohawk Trail, Wahbee Avenue or Slocum Road being used for anything other than residential. I believe that as soon as one parcel is re-zoned to be commercial, soon others will follow. We have a beautiful neighborhood as it is. I do not believe anything good can come from allowing commercial or business zoning to invade what should only be for residential use. There is ample property available that is already zoned for commercial use that would be better suited for Mr. Duke's business.

I truly hope that our neighborhood can stay wooded and residential only.

Thank you for your consideration

Kym Kleckner
Kym.kleckner@outlook.com

Jennifer Merk

From: Dorothy Johnson <indianrivermi@gmail.com>
Sent: Tuesday, September 01, 2020 2:09 PM
To: Michael C. Turisk; debbiet@cheboytancounty.net; Michael Peltier; Jennifer Merk
Subject: Objection to Duke's rezoning request and storage on Chippewa Beach Road, second request

Follow Up Flag: Follow up
Flag Status: Flagged

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To: mturisk@cheboygancounty.net; debbiet@cheboygancounty.net; mpeltier@cheboygancounty.net; jmerk@cheboygancounty.net

Subject: Objection to Duke's rezoning request and storage on Chippewa Beach Road

Michael Turisk	Director of Planning and Zoning	mturisk@cheboygancounty.net
Debbie Tomlinson	Asst to Director	debbiet@cheboygancounty.net
Michael Peltier	Enforcement	mpeltier@cheboygancounty.net
Jennifer Merk	Planner	jmerk@cheboygancounty.net

September 1, 2020

To the Planning and Zoning Officers:

A month ago we sent a letter of objection to you regarding Mr. Duke's request for rezoning at 7064 Mohawk Trail, Tuscarora Township, Chippewa Beach Subdivision, Indian River, MI from D-RS to M-AF. This is a follow up, indicating our feelings are still the same; that it should not be re-zoned for many reasons.

There are other areas nearby that are already zoned where he could place his business(es). We would like to keep all of this area residential only. We understand that he is already going ahead with some of his plans, as he has 15+/- propane tanks already on the sight. Once re-zoned, the community will no longer be able to control what kind of businesses he puts in there.

Also, we are concerned about the future owners, and what kind of businesses they might have, or the precedence set for other lot owners.

Also, we are concerned about the lot where he is currently parking the ice shanties, at 1555 Chippewa Beach Road. We would like to see the "blight" removed from there.

We hold nothing against Mr. Duke personally, but are hoping to keep this area to residential only. We recommend that his request be denied.

Thank-you.

Dorothy and John Johnson

1682 Wahbee Ave. Indian River

Previous email:

August 4, 2020

To Whom It May Concern:

It has been brought to our attention of the request of Mr. Duke's desire to change the zoning from residential to farming-agriculture at 7064 Mohawk Trail in our residential home area. We are opposed to having large businesses start up in our residential area that may detract from the environment we have lived in many decades.

Also, we would like to see the current parking of his ice fishing shanties across from 1550 Chippewa Beach Road removed, as again, these are on residential property, as we understand it, and detract-blight.

Thank-you.

Dorothy and John Johnson

1682 Wahbee Ave.

Indian River

Jennifer Merk

From: Deborah Tomlinson
Sent: Tuesday, September 01, 2020 1:39 PM
To: Jennifer Merk; Michael C. Turisk
Subject: FW: Duke/Levenson Rezoning Request

Follow Up Flag: Follow up
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FYI

Debbie Tomlinson
Assistant to Director of Planning & Zoning Cheboygan County Planning & Zoning Department PO Box 70, 870 South Main Street Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

-----Original Message-----

From: Kenneth Neumann [<mailto:kneumann1454@gmail.com>]
Sent: Tuesday, September 01, 2020 1:10 PM
To: Deborah Tomlinson
Subject: Duke/Levenson Rezoning Request

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I find little reason to grant another delay of this rezoning request and urge that this application be rejected. The Board was fair in allowing the applicant a 30 day extension to find an alternative site for his business in a place other than the Chippewa Beach Subdivision. There is no shortage of empty buildings in Indian River that could better serve this business venture and would likely not require a rezoning request.

The Chippewa Beach Subdivision is zoned residential for good reason and should remain so. The residents of this area are virtually unanimous in their opposition to this rezoning request. We do not need a business of this type that will add to parking, noise, and littering problems caused by an already over abundance of ice fisherman that currently plagues the area. Help us in our efforts to resolve these problems and reject the Duke/Levenson rezoning application.

I appreciate your time and consideration in this matter

Kenneth Neumann

Jennifer Merk

From: Putter Strabbing <strabfam@gmail.com>
Sent: Wednesday, September 02, 2020 12:04 PM
To: Deborah Tomlinson; Jennifer Merk; Michael Peltier
Subject: Mr. Duke rezoning application

Follow Up Flag: Follow up
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Dear Commissioners, Planning and Zoning, Cheboygan County

As the President of the East Burt Lake Association, I wish to reiterate our members objections to the rezoning of the property from 'Residential' to 'Farming-Agriculture' by Mr. Duke.

This neighborhood association is VERY much against the possibility of a business being established in our residential area. Hence you originally received 31 objections asking you to deny Mr. Duke's application to rezone a property. And now many have written again to further state objections.

These objections outline all of the reasons we object to a business in the middle of our homes. Please be clear, we are not against Mr. Duke establishing the business he wants, but want the business established in an area already set aside by county planners for business.

If Mr. Duke desires to start an ice shanty, snowmobile and generator rental business and small engine repair business,

these activities needs to place it in an appropriate location, such as on US 27, like the Board suggested last month, where there are many different options available to him.

It seems very straightforward to our association that this rezoning request should be denied. Mr. Duke's intent is a business, not a homestead, not farming to produce food, not forestry to add trees to the area. His plan is to clear cut an area and place a business there.

We ask that you do not approve any delay on his application. We ask that you outright deny the application for rezoning!

Thank you for your time and consideration.

Jerry Strabbing
President
East Burt Lake Association

Jennifer Merk

From: Paul Hull <JPHULL@msn.com>
Sent: Wednesday, September 02, 2020 1:46 PM
To: Deborah Tomlinson; Michael C. Turisk; Michael Peltier; Jennifer Merk
Subject: 7064 Mohawk Trail

Follow Up Flag: Follow up
Flag Status: Flagged

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This letter is in regards to the request by Douglas Duke to rezone 7064 Mohawk Trail, Tuscarora Township Chippewa Beach Subdivision, Indian River, MI from Residential to Farming-Agriculture. Based on the sketch attached to the application, this property will be used for a business, which is not permitted in a residential area. We have already seen the rentable ice shanties on 1555 Chippewa Beach Road being used by Mr. Duke. We firmly believe that he is in violation of the residential zoning laws, and recommend that his rezoning request be denied. We also request that these shanties be removed, as this is not acceptable on residential property.

Our family has had property on Burt Lake for 55 years. The reason my parents built a cottage there, spent our summers and vacation time there, and now our kids are enjoying all there is to offer there, is because of the beauty of the lake, forests, and surrounding areas. There is a sense of peace and calm that one cannot get anywhere else. Quite simply, our area that Mr. Duke is trying to repurpose for his own gain, is not conducive to business, and will destroy the peace, solitude, and tranquility that our residential area is intended to be. For him to destroy the area that we respect and appreciate so dearly is unacceptable. For all of these reasons, we respectfully request that this rezoning be denied.

Thank you for your time,

Julie Hull
1206 Wahbee Avenue

Jennifer Merk

From: Deborah Tomlinson
Sent: Friday, September 11, 2020 9:34 AM
To: Geldermans
Cc: Jennifer Merk; Michael C. Turisk
Subject: RE: 7064 Mohawk Trail Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for submitting the email regarding the Duke/Levenson request at 7064 Mohawk Trail. I will make sure that Jen Merk (Planner) and Mike Turisk (Director of Planning & Zoning) receive a copy of your email. Please let me know if you have any questions.

Debbie

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Geldermans [<mailto:geldermans@comcast.net>]
Sent: Friday, September 11, 2020 9:31 AM
To: Deborah Tomlinson
Subject: 7064 Mohawk Trail Rezoning

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Please add this to the information concerning the proposed rezoning of 7064 Mohawk Trail

We object to the proposed rezoning of 7064 Mohawk Trail. The area was platted as a residential subdivision, zoned as D-RS, and has been developed, maintained, and improved (including two special assessments for road improvement) over the years with that in mind. The proposed rezoning is contrary to what we expected when we purchased and spot zoning of this parcel is contrary to the uses in the area and the Cheboygan County Master Plan.

The fact that the petitioner has not been able to find a more appropriately zoned site is not a reason to spot zone this parcel to M-AF. If the rezoning is approved, than regardless of what happens with the petitioner's request for a special use permit, the property will still be zoned inappropriately and the residents will have to deal with any future non-residential use allowed under the M-AF zoning. Approving this rezoning sets a bad precedent for future planning.

We request that the Planning Commission reject the rezoning application and keep the current D-RS zoning.

Respectfully,
Arnie & Dawn Geldermans
1338 Wahbee Ave
Indian River, MI

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, September 28, 2020 7:00 AM
To: Frank Hill
Cc: Jennifer Merk; Michael C. Turisk
Subject: RE: Objection to D. Duke application/October 7, 2020 meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for submitting the email regarding the Duke/Levenson request at 7064 Mohawk Trail. I will make sure that Jen Merk (Planner) and Mike Turisk (Director of Planning & Zoning) receive a copy of your email. Please let me know if you have any questions.

Debbie

Debbie Tomlinson
Assistant to Director of Planning & Zoning Cheboygan County Planning & Zoning Department PO Box 70, 870 South Main Street Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

-----Original Message-----

From: Frank Hill [mailto:ef_hill@yahoo.com]
Sent: Friday, September 25, 2020 3:38 PM
To: Deborah Tomlinson
Subject: Objection to D. Duke application/October 7, 2020 meeting

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Ms. Tomlinson and members of the Planning Commission, my wife and I object to Douglas Duke's application for the property off of Chippewa Beach Road, near Frontenac Avenue. Not only is that entire area residential but it also has many scenic trails enjoyed by residents and visitors to the area. Mr. Duke's proposed commercial use is totally out of character with the current use of the area. His storage of ice fishing shanties, accompanied by the transportation needed to get from there to the public access on Wahbee, will bring trucks, cars and snowmobiles to the area. "Victims" of that traffic will be not only the nearby nature preserves but also Frontenac Road. While the recently paved Chippewa Beach and Wahbee Roads are very nice, please look at the shoulder of Frontenac. That shoulder, on the left as you go toward the lake, is sandy and deteriorating. Already it forces traffic toward the middle of Frontenac and the trucks and snowbiles going from Mr. Duke's proposed use to the lake will cause further damage to Frontenac. And, though you probably are tired of hearing this, but since when is a business use other than farming included in the current zoning classification for that are. Finally, I am told Mr. Duke promised not to cut and remove oak trees from his property. I am told he has not honored that commitment. Thank you for considering this objection.

E. Franklin Hill, Jr. and Rebecca J. Hill

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, September 28, 2020 7:01 AM
To: Michael C. Turisk; Jennifer Merk
Subject: FW: OBJECTION: Duke rezoning request

Follow Up Flag: Follow up
Flag Status: Flagged

FYI....please see the email below.

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Bob Kramer [<mailto:exit310@outlook.com>]
Sent: Friday, September 25, 2020 1:17 PM
To: Deborah Tomlinson
Subject: OBJECTION: Duke rezoning request

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms Tomilson:

Here are my comments. I am opposed to any variance, rezoning or special use permit for the Douglas Duke application for the following reasons:

1. Approval would cause the applicant to violate other provisions of the Cheboygan county Zoning Ordinance #200. By allowing business activity in this area, Mr. Duke would utilize the Hiawatha road end to Burt Lake for business purposes in an area zoned residential, violating the current zoning ordinance.
2. The applicant is already in violation of the current zoning ordinance by storing ice shanties on Chippewa Beach Road in a residential area in the same neighborhood. There is enforcement action pending. The applicant should not now be rewarded by approving this application.
3. The entire area from Straits Highway and Prospect Streets north along Chippewa Beach Road to Frontenac Rd and beyond continues to grow as a high-end, high cost upscale residential area. Residents and property owners have made large investments in their homes. Approval of this request would be out of character with the residential neighborhood.
4. Tuscarora Township, at the request of the majority of property owners, rebuilt roads in this area. Residents, not the county, are paying hundreds of thousands of dollars to improve these roads through a special

assessment. Business use in the neighborhood would hasten the deterioration of the new roads after such a large investment by property owners.

Regards

Bob and Nancy Kramer
6558 W Dorothy Ave
Indian River

From: Deborah Tomlinson <debbiet@cheboygancounty.net>
Sent: Thursday, September 24, 2020 3:59 PM
To: Tuscarora <supervisor@tuscaroratwp.com>; Charles Antkoviak <charles.antkoviak@gmail.com>; Cheryl Dotski <dotski99@gmail.com>; Mary Bur <mbur_hi@yahoo.com>; Craig Waldron (cwaldron@centurylink.net) <cwaldron@centurylink.net>; Dan Nivelte (d-repair@sbcglobal.net) <d-repair@sbcglobal.net>; Jane McGinnis (jane@mcvideo.com) <jane@mcvideo.com>; jhschams@outlook.com; Kelly Ashford <kashford@racc2000.com>; Mike Cherveney <cherv179@aol.com>
Subject: 10/07/20 Planning Commission Notice

The following is a link to the 10/07/20 Planning Commission notice: <http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs32-1600784880-43104.pdf> . There are two requests on the Planning Commission notice. There is a rezoning request for Douglas Duke and a special use permit amendment request for David Clark. The following is a link to the applications: <http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>

Please review the applications and email me any comments prior to October 1, 2020.

Thank you!

Debbie

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
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www.cheboygancounty.net/planning

Jennifer Merk

From: Gregg Valley <greggvalley@yahoo.com>
Sent: Monday, September 28, 2020 11:35 PM
To: Jennifer Merk; Michael C. Turisk; Deborah Tomlinson; Michael Peltier
Subject: David Duke rezoning request

Follow Up Flag: Follow up
Flag Status: Flagged

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As a neighborhood member for over 50 years please register my opposition to rezoning Mr. Duke's residential property to Agricultural/Forest so that a business may be opened. A zoning change of this type will be detrimental to the area and opens the door to further degradation if other businesses attempt to move in. Please preserve the vacation atmosphere by retaining the Residential zoning.

Thank you,
Gregg Valley

Jennifer Merk

From: Leif Hanson <leifchanson@gmail.com>
Sent: Monday, September 28, 2020 1:17 PM
To: Jennifer Merk
Subject: Duke Rezone and Variance

Good Afternoon Planning & Zoning Commission,

I would like to submit some additional information to be considered for the October 7th, 3rd public hearing, for consideration of the rezone request by Mr. Duke.

Please find attached more reason why both the rezone and subsequent variance (which I've heard about, but do not yet see on the website) should be denied.

Mr. Duke has already caused ecological damage to the lake with his commercial fishing endeavor.

Last year, Mr. Duke kept one of his rental shanties on Burt Lake later than the legal limit and it sank.

See attached image of the shanty mostly sunken.

Also, from the DNR Bi-Weekly report from 4/21/19 to 5/4/19:

"CO Tim Rosochacki followed up with an individual who had been cited for leaving his ice shanty on Burt Lake after March 15. CO Rosochacki had been monitoring the ice shanty for some time since the owner cut the shanty flush at the ice surface and left the base frozen in the ice. Eventually, the ice became unsafe, and the shanty remains sunk to the bottom. The incident was referred to the Cheboygan County Prosecutor's Office for review."

Available on the DNR website here: https://www.michigan.gov/dnr/0,4570,7-350-79136_79772_86108-498221--,00.html

Also please see attached court records regarding Mr. Dukes case this misdemeanor.

In addition, I would like the Complaint I just filed for potentially illegal storage of propane to be considered for the rezone and variance hearing on October 7th, and if at all possible a stay on commercial activity on that property until such a time as the Commission can decide on the rezone and/or variance.

Thanks again,

Leif

89TH DISTRICT COURT
P.O. BOX 70 870 S. MAIN
CHEBOYGAN, MI 49721
231-627-8853

Case History Print

For

DATE 9/25/2020

19- 685143-SM -1

Defendant: DUKE JR, DOUGLAS JAMES
Address: 14703 SHORELINE DRIVE
WOLVERINE MI 49799
Phone #: 989 464 7959

SID #: 1955480P
DOB: 11/05/1959

Sex: M Race: W Eyes: BLU Hair: BRO Complexion:
Height: 6 Ft. 4 In. Weight: 240 Marital Status:
Occupation: Work Phone:

License #: D200149367851 State: MI Plate: State: Yr:
Vehicle ID: Make: Model:
Mail/Person: M Accident: Injury: Prop. Damage:
Lic. as Bond: Military: Incarcerated: Non-Public:
Fingerprint: Waiver of Speedy Trial: CTN:
TCN: Assigned To: LIZ STANKEWITZ

Offense Date: 3/17/2019 Offense Time: 15:30 Offense Location:
Filed Date: 3/20/2019 Complaint Date: Complaint #:
Arrest Date: Arresting Agency: DNR Citation #:
Prosecuting Attorney:

Bond History

<u>Receipt#</u>	<u>Type</u>	<u>Set Date</u>	<u>Set Amount</u>	<u>Posted Jail</u>	<u>Posted Court</u>	<u>Posted Amount</u>
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Count: 1 Code: F15 FAIL REMOVE SHANTY/ICE UNSAFE
Arraignment Plea: Judgment Method: VTB Judgment Code: G Appeal Code:
Adj. Date: 4/26/2019 Judge: M Sentence Date: Judge:

Jail- Years: Months: Days: To Serve- Years: Months: Days:
Start Date: Credit: Suspended: Abeyance:
Institution:

Probation Term - Years: Months: Days: Start Date:
Probation Officer: Term. Date:
Supervision Level: Supervision Status:
Community Service - Years: Months: Days:
Treatment Agency:

Assessments

<u>Fee</u>	<u>Assessed</u>	<u>Judge/</u>
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89TH DISTRICT COURT
P.O. BOX 70 870 S. MAIN
CHEBOYGAN, MI 49721
231-627-8853

Case History Print

For

DATE 9/25/2020

19- 685143-SM -1

<u>Code</u>	<u>Condition</u>	<u>Completed</u>
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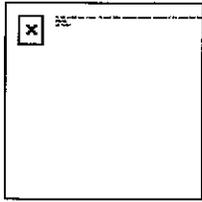
Register of Actions

<u>Set Date</u>	<u>Code</u>	<u>Proceedings</u>	<u>Jdg/Mag</u>
3/20/2019	APBY	APPEAR BY	
3/29/2019		DEF TX FOR DENIAL INFORMATION	
4/01/2019	DJI	DEFAULT JUDGMENT/MISDEMEANOR LETTER ISSD	
4/05/2019	NGP	DEFENDANT PLED NOT GUILTY	
4/05/2019	NOP	PRE-TRIAL	M
4/05/2019	NOB	BENCH TRIAL	M
4/26/2019	AOR	ADVICE OF RIGHTS SIGNED FOR FILE	
4/26/2019	ML	RECORDED BY MELLISA LALONDE CEO-8501	
4/26/2019		JUDGMENT ENTERED	
4/26/2019	BTH	BENCH TRIAL HELD	
4/26/2019		JUDGE FOUND DEF GUILTY	
4/26/2019	AR	ACTION REMOVED	M
4/26/2019	T	CASE ON TIME PAYMENT	
4/26/2019	PAID	PAID F/C	
4/26/2019	Z	CLOSED CASE	

Persons Associated with this Case

<u>Person Type</u>	<u>Name</u>
COMPLAINANT	ROSOCHACKI, TIM





Leif Hanson

1305 Shawnee Dr.
Indian River, MI 49749
(231) 445-0242
leifchanson@gmail.com

October 1, 2020

To Cheboygan County Planning & Zoning Commission:

I submit this letter to object to the rezoning of the Douglas Duke property in the Chippewa Beach Subdivision. We have owned our property for seventy years and I have retired and moved my residence to Wahbee Ave.

Very simply, Mr. Duke's fish shanty rental business has upset the environment and lifestyle of the community here. A property owner has an interest in more than just his physical property. Things such as noise, pollution, odors and traffic are concerns for anyone, but are potential problems that originate outside of the property, beyond the immediate control of the property owner. The purpose of zoning, then, is to address these potential problems. To introduce a business into a quiet community of residential properties is to prioritize the recent profit aspirations of one individual over the interests of a long-established community.

With the introduction of a business, traffic increases. Noise and bustle intrude on a once serene area. Pollutants and trash become a problem. We have seen all of this since Mr. Duke started operations. In a single day, I counted 70 vehicles, most with trailers, parked in the area. Our lawns are littered with empty bottles, boxes and papers carelessly discarded. The tranquility of our rural neighborhood has been exchanged for noises one would expect from an urban environment.

These would always be issues with any business operation foisted upon unwilling residents, but in this particular case the situation is even worse. His particular business caters to fishermen, who often rise early, and so the clamor begins as early as 4:00 AM and lasts until 10:00 PM. There is no legal parking available, as this is a residential area, so they crowd the neighborhood streets, disregarding No Parking signs. Mr. Duke provides no trash bins for waste disposal, nor does he impress upon his customers any respect for property rights. Snowmobiles and 4-wheelers cross over my private property on the way to and from the lake. Fish shanties are being towed in and out of the lake. Mr Duke left two shanties on the lake last year and when the ice melted they sunk to the bottom. They are still there. Rezoning the area will guarantee even more of this disregard for the environment and the quality of life of its residents.

The uncommon beauty of America is the respect for property and rule of law. Zoning is meant to be a tool to improve our lives, to prevent externalities like noise and pollution from intruding on peaceful neighborhood life. No one in this community asked for Mr. Duke's presence. His profit-seeking has been foisted upon us without our consent, and we are forced to bear much of the cost of his business against our will.

This should be a simple matter of doing the right thing. No businesses belong in Chippewa Beach Subdivision whatsoever, much less a business that is so disruptive. I urge you therefore, to respect the original zoning of the area and require Mr. Duke to take his business from a residential area and to an area where his endeavors are more appropriate.

Sincerely,



Bruce Alexander

Alison Alexander
1436 Wahbee Ave
Indian River, MI 49749

October 1, 2020

Cheboygan County Planning & Zoning Commission

Dear Members of the Commission,

I am submitting this letter to object to the rezoning of the Douglas Duke property in the Chippewa Beach Subdivision.

As a longtime member of the residential community here—my family has owned property on the eastern shore of Burt Lake for over 70 years, my father lives here full time and our family visits for extended periods multiple times a year—Mr. Duke's proposed commercial enterprise in our residential community represents a threat to our quiet and peaceful lifestyle among the North Woods.

The intent of zoning laws are to ensure that properties used for similar purposes are grouped together, limiting the chance that the activities originating on one property, such as traffic, noise, and pollution, will adversely affect other properties designated for different uses. Zoning ensures people don't build houses next to sewage treatment facilities and that sewage treatment doesn't occur in downtown commercial centers. Effective zoning recognizes the need for multiple types of land use and provides for those different uses in ways that respect everyone.

While I respect Mr. Duke's desire for a commercial enterprise, his choice of location and associated request for rezoning will place the recent commercial aspirations of one individual ahead of the interests of a long-established residential community. Locating his fish shanty and snowmobile rental business adjacent to our homes will bring—and already has brought—unwanted traffic, noise, pollution, and trespassing, eroding the quality of life my neighbors and I have long enjoyed and are committed to maintaining.

While Mr. Duke may suppose his impact on the neighborhood will begin and end at his property line, this is not the case. Already, with his business run from a lot on Chippewa Beach Road, Mr. Duke and his patrons have had an outsized adverse affect on our community over the recent winters:

- Traffic, including large pickups with trailers has increased dramatically. Last winter, it was typical to find as many as 70 vehicles belonging to patrons of Mr. Duke's shanties parked in our neighborhood each day. Most were parked illegally, crowding our streets and blocking fire lanes, posing a fire safety risk.
- Noise is a constant problem, with fishermen noisily unloading gear and snowmobiling to their shanties starting at 4:00 a.m. and continuing past 10:00 p.m daily.
- Pollution and littering are rampant—our lakeshore reeks of snowmobile exhaust and our property and neighborhood are regularly covered in empty bottles, boxes, and all manner of detritus left by those traveling to the Mr. Duke's shanties.

- Trespassing has increased, as the proliferation of shanties provided by Mr. Duke has led to people driving their snowmobiles and ATVs over our property on their way to the lake.

Most egregiously, Mr. Duke has already exhibited the type of environmental disrespect that we can continue to expect from him and his patrons: last winter, Mr. Duke allowed two of his shanties to remain out on the lake until the spring thaw, and they sank to the bottom, where they remain, poisoning the lake with their unknown contents. If Mr. Duke can't be relied upon to take care of his own commercial interests and the environment that supports them, how can he be expected to care about our residential concerns?

These problems will only persist and increase if he is allowed to build a permanent location here, which is why it is imperative that the current residential zoning restriction be maintained. Rezoning it otherwise is a slippery slope to full-scale commercial development at the expense of the residents who call this area home, and a destruction of the very elements that draw people to our area: namely, the peace, quiet and natural beauty of our pristine glacial lake.

This should be a simple matter of doing the right thing. No businesses belong in Chippewa Beach Subdivision whatsoever, much less a business that is so disruptive. I urge you, therefore, to respect the original zoning laws of the area and mandate that Mr. Duke relocate his business from this residential area to a zone more suited to his endeavors.

Sincerely,



Alison Alexander

Jennifer Merk

From: Deborah Tomlinson
Sent: Monday, October 05, 2020 9:49 AM
To: Jennifer Merk; Mike Kavanaugh
Subject: FW: 10/07/20 Planning Commission Notice

Follow Up Flag: Follow up
Flag Status: Flagged

Please see the email below from Dave Carpenter, Tuscarora Township Fire Chief.

Deb

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Dave Carpenter [<mailto:dpcarpenter@voyager.net>]
Sent: Monday, October 05, 2020 9:28 AM
To: Deborah Tomlinson
Subject: Re: 10/07/20 Planning Commission Notice

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Hi Deb,

Sorry for the late response (vacation/very busy). I don't see and issues regarding the fire department for the Douglas Duke and Trent Burrus projects.

Dave Carpenter
Fire Chief

From: Deborah Tomlinson
Sent: Thursday, September 24, 2020 4:01 PM
To: Kyle Keller ; Brent Shank (mgr@chcrc.com) ; Jay Gailitis (gailitisj@michigan.gov) ; Scott Fisher (FisherS22@michigan.gov) ; David Carpenter (dpcarpenter@voyager.net) ; Dan Socha
Subject: 10/07/20 Planning Commission Notice

The following is a link to the 10/07/20 Planning Commission notice: <http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs32-1600784880-43104.pdf>. There are two requests on the Planning Commission notice. There is a rezoning request for Douglas Duke (Tuscarora Township) and a special use permit amendment request for David Clark (Munro

Township). The following is a link to the applications: <http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>

Please review the application(s) and email me any comments prior to October 1, 2020.

Thank you!

Debbie

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

Jennifer Merk

From: Jim Webb <jimwebb112233@gmail.com>
Sent: Monday, October 05, 2020 1:40 PM
To: Jennifer Merk
Subject: Doug Duke request to rezone property.

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jennifer,

As it has been sometime since the initial meeting on Doug Duke's request to rezone his property, I thought I would send this email re-stating my position and thoughts. I am a property owner in the Chippewa Beach Subdivision, with one lot adjacent to Mr Dukes and another lot on the corner of Frontenac and Wahbee Avenue. Simply stated, Mr Duke would like to run his business of renting ice shanty's, snowmobiles, and generators from property he has just purchased in the Residentially Zoned Chippewa Beach Subdivision. I am strongly opposed to this being allowed, regardless of Mr Dukes intent. Therefore, I do not think the property should be rezoned or any kind of variance allowed that would permit this. When purchasing property in a Residentially Zoned Subdivision, one would not envision having to worry about businesses, which attract customers, being allowed to operate right next door. I hope that the board would agree, that allowing this would defeat any purpose of having zoning regulations. Also, if his business is allowed to operate in Chippewa Beach Subdivision what would prevent several others from wanting to do the same? Please keep the zoning as is, and follow Tuscarora Township's master plan!

Please feel free to pass this along to all board members involved in this decision.

Thank you,
Jim Webb

Jennifer Merk

From: Dawn Webb <dmwebb4650@gmail.com>
Sent: Monday, October 05, 2020 4:27 PM
To: Michael C. Turisk; Jennifer Merk; Deborah Tomlinson
Subject: Duke Property re-zone

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi folks,

I just wanted to clarify a couple of things prior to the meeting this week on the Duke property re-zone request.

First, while we appreciate Bob Kramer's (Tuscarora twp Trustee candidate) support, I wouldn't say that our neighborhood is an area of "high end" homes, and that would be irrelevant anyway. We do have a mix of average homes, mobile homes, summer cottages and certainly a couple of really nice homes in the sub.

Second, I'm attaching a couple of pictures with Mr. Dukes current add and a map of the area that are and would be negatively impacted by this activity. I've added yellow stars on the properties that are full time year around residents most of who have families (school age kids) and are not retired so still working every day. If Mr. Duke's customers use Slocum Road to get to the Public Access site these are the folks that are being woke up at 5/6 am every day by snowmobiles and ATV's being unloaded and ridden out to the lake. I did not include Mrs. Cousineau who lived in the home on the north side of the access. She was an invalid that was homebound and passed away this spring. She was frustrated with the parking situation on the access/noise as it stopped deliveries of medicine and groceries to her home multiple times.

Last, Mr Duke cannot even meet many of the most important conditions for a special use permit. For example: Article 18 (g) The proposed special land use will be adequately serviced by water and sewer facilities, and refuse collection and disposal services. **Mr. Dukes 8 cabins are advertised as having modified port-a-pottys (fitted to a five gallon bucket) to service four to six people per cabin. Where is he dumping the buckets?**

Article 17.23.3 Standards – all of them but most importantly:

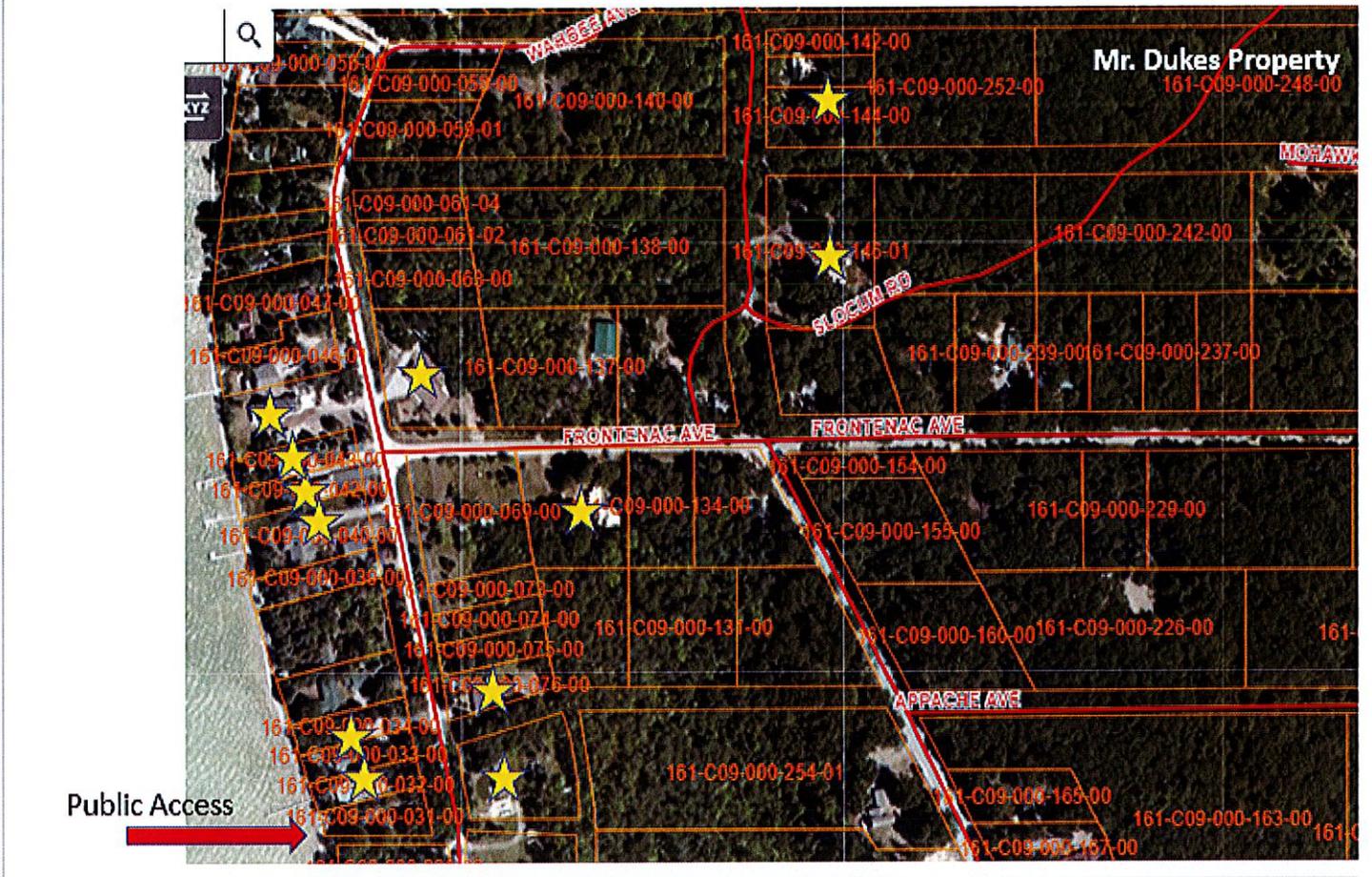
(b) Customer visits and delivery vehicles are limited to the hours of 8am to 7pm. **They are typically in our neighborhood beginning 5/6am and late into the night.**

(e) Home occupation shall not create traffic, visible displays, vibrations, heat, noise, odors, dust, glare, or other similar nuisances not normally found in the surrounding area.

(f) Home occupations shall not generate waste or sewage in volume or type which is not normally associated with residential use.

Article 17.21 – Mr Duke should not have been operating this business without first obtaining a special use permit to begin with. His customers have been parking on the road illegally blocking one lane forcing us to drive into oncoming traffic on a hill, parking on private property (the platted undeveloped road owned by the subdivision landowners of which he was not at the time) and last, requires commercial deliveries (gas tanks/toilet tanks) or pickups of materials or supplies used in the home occupation.

Thanks for your time!
Dawn Webb
1686 Wahbee Ave
Indian River
231-290-0099



Recent searches: [161-C09-000-058-00](#) [161-C09-000-059-00](#) [161-C09-000-140-00](#) [161-C09-000-059-01](#) [161-C09-000-061-04](#) [161-C09-000-061-02](#) [161-C09-000-138-00](#) [161-C09-000-068-00](#) [161-C09-000-047-00](#) [161-C09-000-046-00](#) [161-C09-000-137-00](#) [161-C09-000-142-00](#) [161-C09-000-252-00](#) [161-C09-000-141-00](#) [161-C09-000-145-01](#) [161-C09-000-242-00](#) [161-C09-000-239-00](#) [161-C09-000-237-00](#) [161-C09-000-143-00](#) [161-C09-000-042-00](#) [161-C09-000-040-00](#) [161-C09-000-039-00](#) [161-C09-000-069-00](#) [161-C09-000-134-00](#) [161-C09-000-154-00](#) [161-C09-000-229-00](#) [161-C09-000-155-00](#) [161-C09-000-073-00](#) [161-C09-000-074-00](#) [161-C09-000-131-00](#) [161-C09-000-160-00](#) [161-C09-000-226-00](#) [161-C09-000-075-00](#) [161-C09-000-076-00](#) [161-C09-000-134-00](#) [161-C09-000-100-033-00](#) [161-C09-000-032-00](#) [161-C09-000-031-00](#) [161-C09-000-254-01](#) [161-C09-000-169-00](#) [161-C09-000-163-00](#) [161-C09-000-167-00](#)

Monroe, MI > Buy & Sell > Sports Goods For Sale in Monroe, MI > Ice cabin sleeper shanty rental - \$100 (Burt lake)

Ice cabin sleeper shanty rental - \$100 (Burt lake)

[View larger image](#)



Ad id	2811193969916556
Views	202
Price	\$100.00

Ice cabin sleeper shanty's for rent on Burt lake. This year we have 7 cabins on the ice. They include heat, cook stove, sink, Bunk mattresses, solar power electric. Charge your drill motor batteries for auger & cel yes indoor toilet. You bring fishing gear, sleeping bags, food, drinks, and cooking utensils. You can also bring sleds or quads and portables for lake travel.

RENTAL RATES

- 2 man cabin \$125/ nite weekends \$100 weekdays
- 4 man cabins \$160/nite Weekends \$130 weekdays
- 6 man cabin \$240 / nite/ Weekends \$180 weekdays
- We now have 1 - 8 man cabin \$320 nite \$260 weekdays

2 night minimum on weekends

\$100.00 security deposit required to reserve your dates. Rental cost paid in full upon arrival. Deposit Refunded upon cabin departure.

Call for reservations Doug

Wayfair Bedroom Dresser Sets

Sent from [Mail](#) for Windows 10

Jennifer Merk

From: Sheryl Kendrick <sheryl.kendrick@gmail.com>
Sent: Monday, October 05, 2020 8:39 PM
To: Jennifer Merk; Michael Peltier; Michael C. Turisk; Deborah Tomlinson
Subject: Rezoning Request by Doug Duke

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Commissioners:

Again, I write to you concerning the Douglas Duke rezoning request for the property 7064 Mohawk Trail in Indian River to rezone from residential to Farm-Agriculture. This property is within a residential subdivision and **SHOULD BE DENIED** rezoning because:

- 1). Spot rezoning leads to a slippery slope and it would negate the intent of land zoning principles set out in the Cheboygan County Master Plan.
- 2). This business is out of character for the zoned residential area.
- 3). This neighborhood and others close by represent the highest property tax income base in Cheboygan County and could result in a decline in property values.
- 4). Residents here JUST personally invested thousands of dollars in new roads in this neighborhood and we do not want or need the additional wear and tear Mr. Duke's unwanted ice-shanty snowmobile customers will bring.
- 5). Mr. Duke's ice shanty rental business that has been operating from a Tuscarora Township public access for the past several years does not have permission from the Township and has brought a high volume of traffic, noise and litter to the subdivision, along with drunken behavior.....all negatives.
- 6). The propane tanks that are already being stored on the Mohawk property present a high risk of fire to our precious woods and homes.
- 7). The storage of Mr. Duke's ice shanties on this property will constitute blight and will look as bad, if not worse, than his current in property in Wolverine looks, a picture of which was attached to a previous letter.

Please do not delay this rezoning request again and **DENY** this request for once an all.

Sincerely,

Sheryl K. Kendrick
1220 Wahbee Ave.
Indian River, MI 49749

Sent from my iPad
Sheryl Kendrick

Jennifer Merk

From: Michael C. Turisk
Sent: Tuesday, October 06, 2020 8:15 AM
To: Jennifer Merk
Subject: FW: Duke re-zoning application

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jess Miller <jess@upnorthlakes.com>
Sent: Monday, October 5, 2020 4:35 PM
To: Michael C. Turisk <mturisk@cheboygancounty.net>
Subject: Duke re-zoning application

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attention: Cheboygan County Zoning Board
RE: Duke rezoning application

We are vehemently opposed to Duke's rezoning application of his recently purchased property from residential to Agriculture/Forestry for the following reasons.

- (1) This is residential neighborhood and should remain zoned as such.
- (2) Dukes business of renting out sleeper ice shanties does not fit the definition of Agriculture/Forestry, even if were rezoned.
- (3) Duke has been operating his private business on a Tuscarora Township public access for the last several years without the permission of the township.
- (4) Duke has a history of ignoring ice-fishing rules and regulations, and has been subjected to fines for such infractions.
- (5) Duke's business has created a parking nightmare in an otherwise quiet residential neighborhood.
- (6) Duke's business has contributed to an increase of garbage and litter in our neighborhood, with no effort to mitigate such.
- (7) Duke's overnight sleeping shanties present an environmental threat to Burt Lake with regard to raw sewage.
- (8) Duke has made no attempt to cooperate with his neighbors, but has instead threatened and intimidated them with no-trespassing signs and barriers on what had been a public easement foot-path for over a hundred years.
- (9) Duke is storing large quantities of propane gas containers on his property, which pose a threat of explosion and fire.

(10) Duke's business has often blocked the public access on Wahbee Road, making it impossible for fire fighters to access the water from Burt Lake in the event of a fire emergency.

Sincerely,
Jess Miller
Pam Miller
1606 Wahbee Road
Indian River, MI 49749

231-268-9349

Sent from Mail for Windows 10

Jennifer Merk

From: Leif Hanson <leifhanson@gmail.com>
Sent: Tuesday, October 06, 2020 9:55 AM
To: Deborah Tomlinson
Subject: Additional Information About Duke Rezone

Good Afternoon Planning & Zoning Commission,

Where it concerns Mr. Duke's rezone I would like the following entered into the record for consideration.

On Sunday, October 4th, my family dinner was interrupted by local law enforcement. They were paying us a visit to question us about trespassing on Mr. Duke's property, citing a call from Mr. Duke and his supposed camera footage.

However, what Mr. Duke may not have known was that my family was on vacation in Traverse City State Park from the morning of Friday October 2nd, through the morning of October 4th when the police arrived at our home.

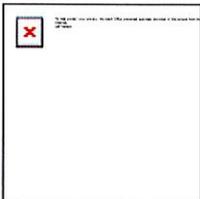
In short, we could not have possibly been trespassing.

In addition, I have spent my own time and donated my own property to create an alternate trail for public pedestrians to use, so I personally have the least motive to trespass.

For these reasons, I believe Mr. Duke filed a false police report against myself and/or members of my family for no reason other than retaliation for my organizing public opposition to this rezone and is now attempting to intimidate myself, my family, and other members of the public using local law enforcement as helpless pawns.

I would like that entered onto the record for this rezone's consideration. I am absolutely able to prove myself and my family were not even in Cheboygan county for the above dates if necessary through photographic, video, GPS, and at least a half dozen witnesses if the need arises.

Leif Hanson



Leif Hanson

1305 Shawnee Dr.
Indian River, MI 49749
(231) 445-0242
leifhanson@gmail.com

- Whereas the property identified as 7064 Mohawk Trail in Tuscarora Township is in an area zoned residential, and
- Whereas the request for a variance does not meet any of the Cheboygan County physical conditions for granting a variance, and
- Whereas the request by Douglas Dukes is only for the profit of the person making the request, and
- Whereas the requested variance “would adversely affect surrounding property and the general neighborhood” per the Cheboygan County requirements

Therefore this petition for a variance must be denied in accord with the county’s own standards.

In addition, I request that Douglas Dukes cease and desist from all activities made in preparation for the storage, maintenance and rental of ice fishing shanties and snowmobiles on property located at 7064 Mohawk Trail; this restraint to be in effect until such time as the property in question is in compliance with the appropriate zoning regulations as approved by the Cheboygan County Zoning Commission.

Michael C. Turisk

From: Deborah Tomlinson
Sent: Monday, August 10, 2020 1:18 PM
To: Michael C. Turisk; Jennifer Merk
Subject: FW: Zoning Projects-Kyle
Attachments: Brandt Sport Shop sewage permit.pdf; Antoviak sewage permit.pdf

Please see the email below from Kyle Keller.

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Kyle Keller [mailto:kkeller@dhd4.org]
Sent: Monday, August 10, 2020 10:33 AM
To: Deborah Tomlinson
Subject: Zoning Projects-Kyle

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brandt Sporting Center Project: unless they are putting in bathrooms facilities into this new structure they are good on my end-the present structure (newest structure after the fire) had a new on-site sewage disposal system installed and approved last year (see attached permit). They are utilizing the existing well they had prior to the fire which is fine. See attached paperwork.

David/Julie Clark Project: I spoke with David sounds like a basic machine shop operation with just a couple employees-currently the shop has an on-site sewage disposal system installed under permit from DHD4 2004; I could not find a well log for this facility as I am sure that the owner installed his own at the time. Since this system is over 5 years old I would suggest that an existing on-site sewage disposal/drinking water well system evaluation by our office. See attached paperwork.

Douglas Duke Project: Spoke with Doug he indicated that his immediate needs are for just storage of ice shanties (no need for sewage/water at this point), however, he did say that there is a possibility of some form of residential development in the future. That being said he will definitely need DHD4 service at that point. No paperwork.

Kyle Keller RS
Environmental Sanitarian
DHD4-Cheboygan County
PH# 231-627-8850
kkeller@dhd4.org

CHEBOYGAN COUNTY PLANNING COMMISSION

Clark SUP Application

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan and Future Land Use Map
3. Special Use Permit Application (6 Pages)
4. Site Plan (2 Pages)
5. Location/Aerial Map (1 Page)
6. Mailing List (1 Page)
7. Approved Planning Commission Minutes from the August 5, 2020 Meeting
8. Email from Kyle Keller dated August 10, 2020, including Onsite Sewage Permit
9. Staff Report (5 Pages)
10. Draft Findings of Fact (9 Pages)

Note: Planning Commission members have Exhibits 1 and 2.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

PROPERTY LOCATION

Address <u>10999 N. EXTENSION RD. LEVERING</u>	City / Village <u>LEVERING</u>	Twp / Sec. <u>MUNRO/11</u>	Zoning District <u>Forestry AG</u>
Property Tax I.D. Number <u>080-011-200-004-00</u>	Plat or Condo Name / Lot or Unit No. <u>N/A</u>		

APPLICANT

Name <u>DAVID & JULIE CLARK</u>	Telephone <u>(810) 223-3346</u>	Fax
Address <u>2232 HAYWARD RD</u>	City, State & Zip <u>CLIO, MI 48420</u>	E-Mail <u>Djclark2232@comcast.net</u>

OWNER (If different from applicant)

Name <u>JOE ANTKOVIAK</u>	Telephone <u>(231) 627-2234</u>	Fax
Address <u>6587 ANTKOVIAK RD. LEVERING MI</u>	City, State & Zip	E-Mail

PROPOSED WORK

Type (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input type="checkbox"/> Other: _____	Building/Sign Information Overall Length: <u>60</u> feet Overall Width: <u>40</u> feet Floor Area: <u>2,400</u> sq. feet Overall Building Height: <u>20</u> feet Sign Area: <u>N/A</u> sq. feet Sign Height: <u>N/A</u> feet
--	---

PROPOSED USE (check all that apply)

<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units _____	<input type="checkbox"/> Storage	<input checked="" type="checkbox"/> Industrial	<input type="checkbox"/> Utility
<input type="checkbox"/> Other: _____			

Has there been a Site Plan or Special Use Permit approved for this parcel before? YES NO

If YES, date of approval: 2003 Approved Use: Special use permit under well drilling

Directions to site: 1 mile south of Levering rd.

SPECIAL LAND USE PERMIT APPLICATION

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

ALL ITEMS LISTED BELOW MUST BE SUBMITTED IN ORDER FOR THIS APPLICATION TO BE DEEMED COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED OR PROCESSED. EACH SITE PLAN SHALL DEPICT THE ITEMS LISTED BELOW, EXCEPT FOR THOSE ITEMS DETERMINED DURING THE PRE-APPLICATION CONFERENCE TO NOT BE APPLICABLE.

PLACE A CHECK MARK NEXT TO EACH REQUIREMENT TO SHOW THAT THE INFORMATION HAS BEEN SUPPLIED OR THAT A WAIVER IS BEING REQUESTED. IF A WAIVER IS BEING REQUESTED PLEASE NOTE ON THE NEXT PAGE THE REASON FOR THE WAIVER. SIGN AND DATE THIS CHECKLIST WHEN ALL ITEMS HAVE BEEN COMPLETED. PLEASE SUBMIT THIS CHECKLIST WITH YOUR APPLICATION.

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100ft. or less.
	✓	b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
✓	✗	c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	✓	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
N/A	✗	e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
✓	✗	f. Location of existing and proposed buildings and intended uses thereof.
N/A	✗	g. Details of entryway and sign locations should be separately depicted with an elevation view.
✓	✗	h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
N/A	✗	i. Location, size, and characteristics of all loading and unloading areas.
N/A	✓	j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
✓	✗	k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
N/A	✗	l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
N/A	<input checked="" type="checkbox"/>	m. Location and specifications for all fences, walls, and other screening features.
N/A	<input checked="" type="checkbox"/>	n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
N/A	<input checked="" type="checkbox"/>	o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
N/A	<input checked="" type="checkbox"/>	p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
N/A	<input checked="" type="checkbox"/>	q. Elevation drawing(s) for proposed commercial and industrial structures.
N/A	<input checked="" type="checkbox"/>	r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
N/A	<input checked="" type="checkbox"/>	s. Floor plans, when needed to determine the number of parking spaces required.

PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

SECTION

REASON FOR WAIVER REQUEST

20.7.6d Already developed and Flat
We won't be making any changes
To the building

20.7b would use existing structures.

AFFIDAVIT

I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

David Clark Julie Clark

SIGNATURE

9-8-2020

DATE



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.

Tool + Die shop 8-4 2 employees (owners)

Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

N/A

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

N/A

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

N/A

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

N/A

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.

N/A

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

N/A

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

N/A

- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. yes

ii. It does not impede the vision of traffic along adjacent streets. yes

iii. It does not unnecessarily illuminate night skies. yes

SPECIAL LAND USE PERMIT APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SPECIAL LAND USE PERMIT APPLICATION

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

N/A

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

✓

3. Size of property in sq. ft. or acres: 3.5 Acres

4. Present use of property:

WAS A Well drilling business

5. SUP Standards:

- a. Is the property located in a zoning district in which the proposed special land use is allowed?

yes

- b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? **Explain.** NO

- c. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person? **Explain.** NO

- d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? **Explain.** YES

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.**

NO

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** yes



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SPECIAL LAND USE PERMIT APPLICATION

- g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services? yes
- h. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? yes
- 6. Does the proposed use of the property include or involve either:
 - Junk or salvage yard (Section 3.6) YES NO
 - Mineral extraction (Section 17.17) YES NO
 If YES, this application must include a written plan as described in the Zoning Ordinance.
- 7. Attach a copy of Warranty Deed or other proof of ownership.
- 8. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature David Clark Julie Clark Date 9-8-2020

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes No

Owner's Signature Joe Antkowiak Date 9-8-2020

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	<u>9.10.20</u>	Notes: <i>* PAYMENT REMITTED IN JULY w/CONDITIONAL RECEIVING APPLICATION.</i>
Fee Amount Received:	<u>\$225</u>	
Receipt Number:		
Public Hearing Date:	<u>10.7.20</u>	

Planning/Zoning Administrator Approval:

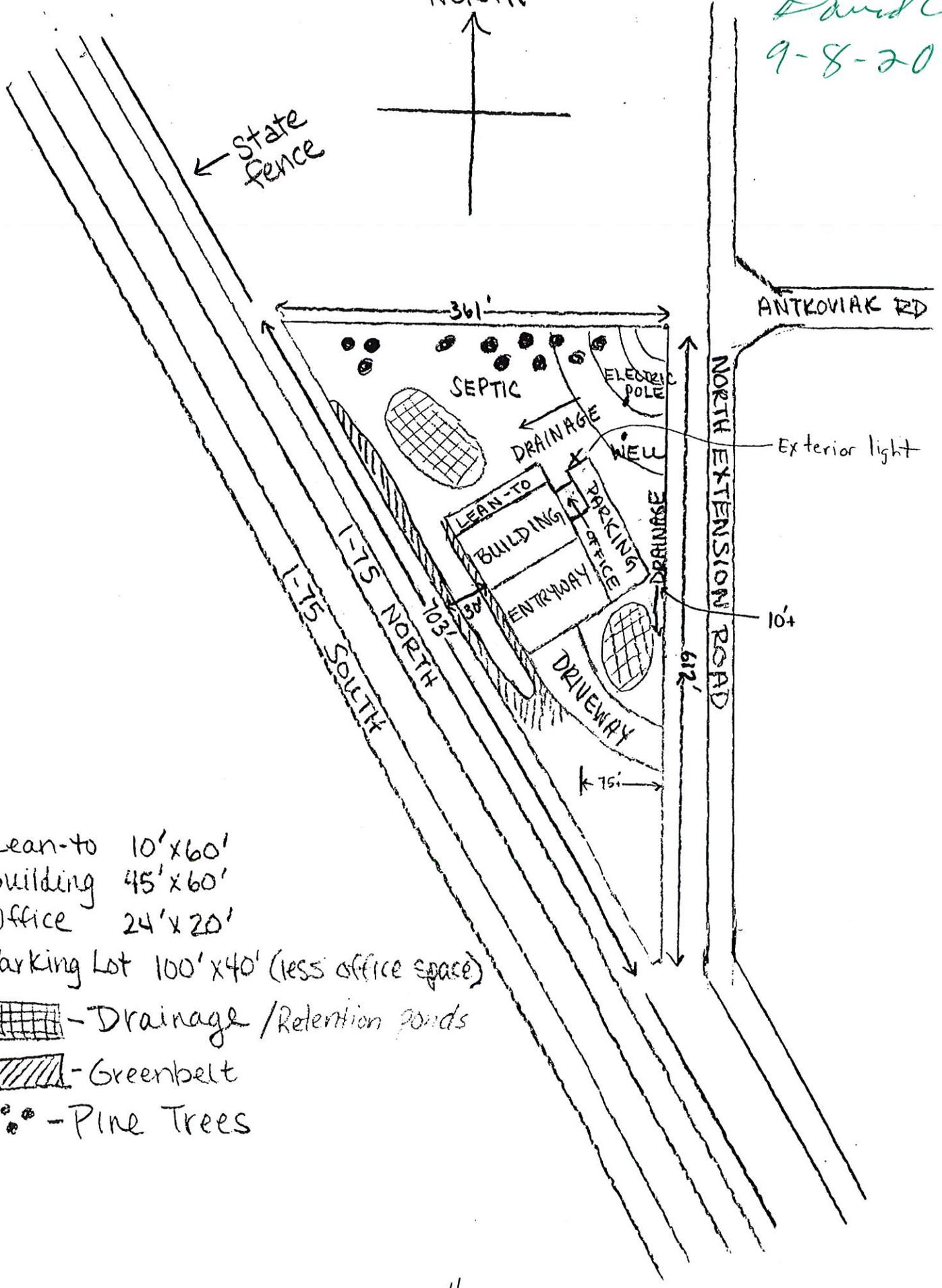
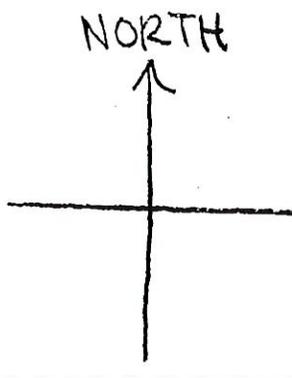
Michael Turusk

Signature

9.15.20

Date

David Clark
9-8-20

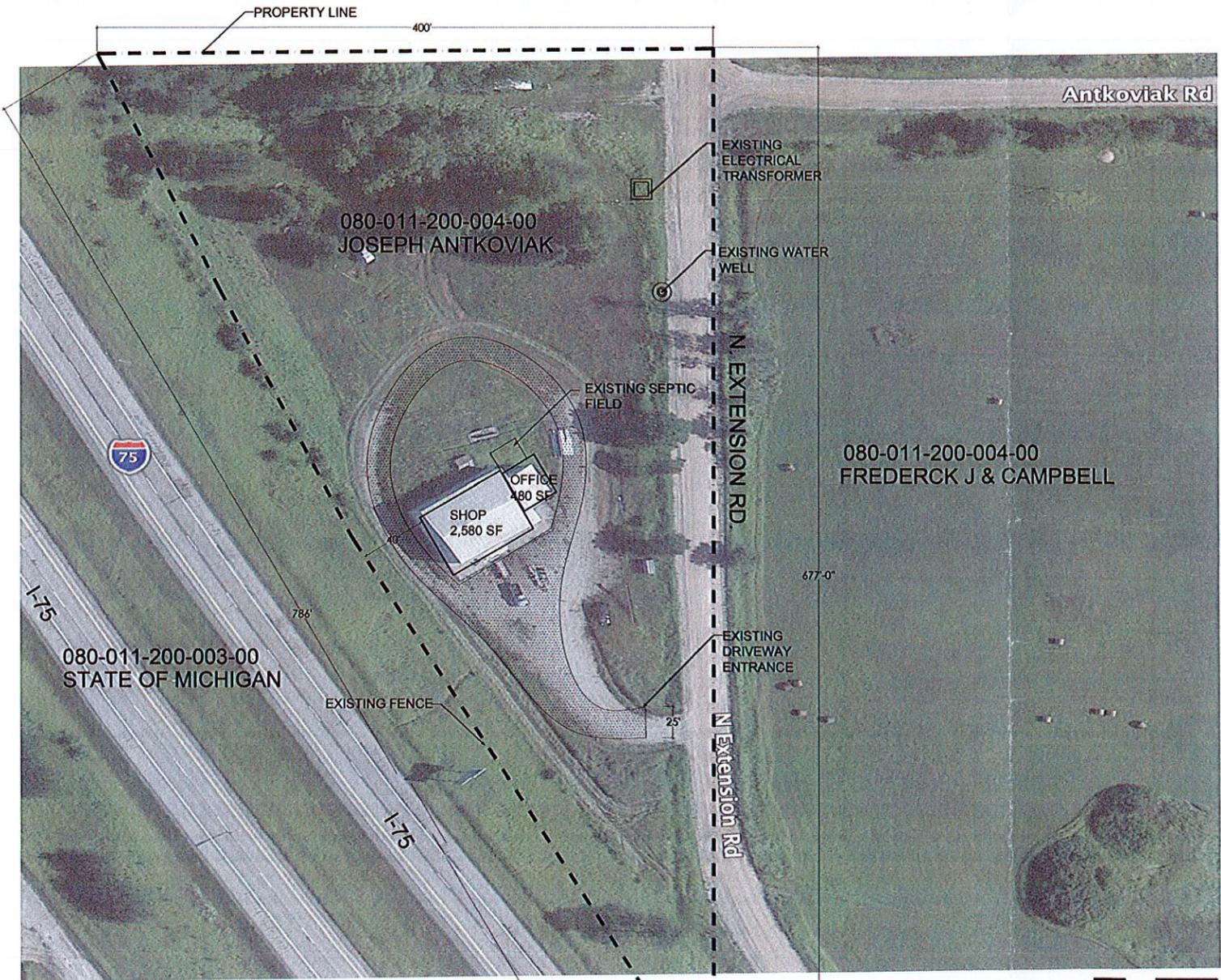


- Lean-to 10' x 60'
- Building 45' x 60'
- Office 24' x 20'
- Parking Lot 100' x 40' (less office space)
-  - Drainage / Retention ponds
-  - Greenbelt
-  - Pine Trees

080-002-401-003-01
BEETHEM PROPERTIES

080-002-402-003-00
PAUL & STACEY MCKERVEY

080-001-300-001-03
STANLEY & MAUREEN ANTKOVIK



SITE PLAN 0' 20' 40' 80'

LEGAL DESCRIPTION

080-011-200-004-00
E 1/2 OF NE 1/4 , SEC 11, T37N, R3W2,
LYING NELY OF HWY I-75. 522/047
ACRES: 3.29

Kristin Antkoviak
antkoviakk@gmail.com

REVISIONS:

THE WELL DRILLING COMPANY LLC
10999 N. EXTENSION ROAD
LEVERING, MI 49755



NORTH

SITE PLAN

DATE: 09.07.2020

SCALE: 1" = 40'- 0"

SHEET:

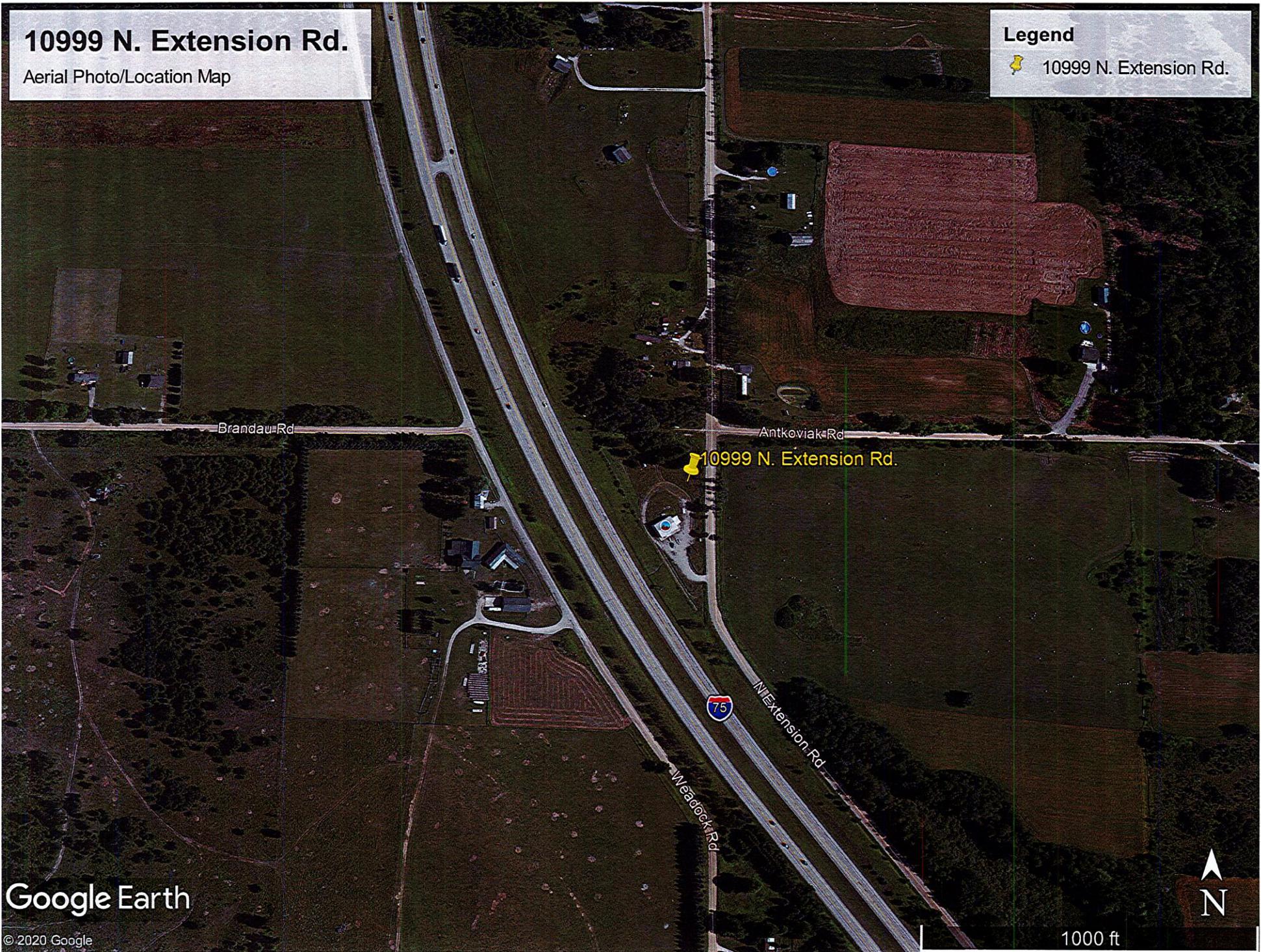
L1 OF 1

10999 N. Extension Rd.

Aerial Photo/Location Map

Legend

 10999 N. Extension Rd.



Google Earth

© 2020 Google

080-002-200-006-00
STATE OF MICHIGAN
PO BOX 30448
LANSING, MI 48909

080-012-100-005-00
STATE OF MICHIGAN
PO BOX 30448
LANSING, MI 48909

080-012-100-001-00
CAMPBELL, FREDERICK J &
11955 WEADOCK RD
LEVERING, MI 49755

080-011-200-004-00
ANTKOVIK, JOSEPH
6587 ANTKOVIK RD
LEVERING, MI 49755

080-011-200-003-00
STATE OF MICHIGAN
PO BOX 30448
LANSING, MI 48909

080-002-402-003-00
MCKERVEY, PAUL & STACEY H/W
11045 N EXTENSION RD
LEVERING, MI 49755

080-002-401-003-01
BEETHEM PROPERTIES
12688 HILL RD
CHEBOYGAN, MI 49721

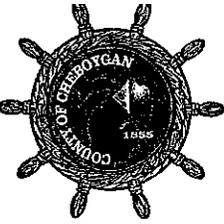
080-001-300-001-03
ANTKOVIK, STANLEY&MAUREEN H/W L/E
11022 N EXTENSION RD
LEVERING, MI 49755

080-001-300-001-03
OCCUPANT
11022 N EXTENSION RD
LEVERING, MI, 49721

080-002-401-003-01
OCCUPANT
11207 N EXTENSION RD
CHEBOYGAN, MI, 49721

080-002-402-003-00
OCCUPANT
11045 N EXTENSION RD
LEVERING, MI, 49721

080-011-200-004-00
OCCUPANT
10999 N EXTENSION RD
LEVERING, MI, 49721



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ▪ PO Box 70 ▪ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ▪ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, AUGUST 5, 2020 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana
- ABSENT:** Johnson
- STAFF:** Mike Turisk, Jen Merk
- GUESTS:** John Moore, Douglas Duke, Patty Richard, Joe Antkoviak, Russell Crawford, David Clark, Mark Cowles, Andrea Cowles

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the agenda as presented. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

APPROVAL OF MINUTES

The June 17, 2020 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The July 1, 2020 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The July 15, 2020 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

PUBLIC HEARING AND ACTION ON REQUESTS

Clark/Antkoviak – A request for a conditional rezoning under Section 4065 of the Michigan Zoning Enabling Act, MCL 125.3405 (P.A. 110 of 2006). The subject property is currently zoned Agriculture and Forestry Management (M-AF); the applicant requests a conditional rezoning to Commercial Development (D-CM) zoning that if approved would limit the land use to manufacturing, production, processing and fabrication. (Per section 6.3.9 of Zoning Ordinance #200, should the conditional rezoning application be approved the land use would be allowed with approval of a special use permit application). The subject property is located at 10999 N. Extension Rd. in Munro Township, Section 11, parcel id no. 080-011-200-004-00.

Mr. Kavanaugh asked how specific should the Planning Commission have to be regarding a conditional rezoning. Mr. Kavanaugh asked if the Planning Commission should know what materials will be used or how many employees and customers there will be. Mr. Kavanaugh stated that with past conditional rezonings, the Planning Commission received a lot of information regarding the proposed use. Mr. Freese stated that for a conditional rezoning the applicant is proposing a use and the Planning Commission can't place any conditions on that use other than what he offers. Mr. Freese stated that he doesn't believe the Planning Commission has enough information upon which to make a decision unless the applicant provides additional information on the use proposed such as products to be manufactured, materials used, number of

employees, hours of operation, etc. Mr. Turisk stated that during the review of the special use permit application, the Planning Commission would have the authority to review specific characteristics of the project and apply conditions of approval. Discussion was held regarding a previously approved conditional rezoning. Mr. Freese stated that the Planning Commission was informed by legal counsel that they could only approve what the applicant was requesting and that they could not place any conditions on the approval that were not offered by the applicant in his original application for conditional rezoning. Mr. Kavanaugh and Mr. Freese agreed that the Planning Commission will need the basics of what the applicant is proposing. Mr. Freese stated that the Planning Commission will need to know the type of manufacturing that is planned, the hours of operation and whether there will be any hazardous materials involved. Discussion was held. Mr. Ostwald stated that he understands that the applicant is only putting in two machines and they are not that big. Mr. Ostwald questioned why this is an issue when the proposed use is a less intense use than the previous use. Mr. Ostwald stated that the CNC's are quiet operating machines. Mr. Ostwald stated that there will only be two employees who are the husband and the wife. Mr. Kavanaugh stated that the Planning Commission has not received this information. Mr. Kavanaugh stated that the applicant can provide the information during this meeting.

Mr. Clark stated that it will be him and his wife, but eventually they may have an additional 1-2 employees. Mr. Clark stated that right now his business is located down state and he only has one employee besides him and his wife. Mr. Clark stated he has a home on Munro Lake and he plans to move to Cheboygan permanently. Mr. Clark stated that he manufactures tools, fixtures and gauges. Mr. Clark stated that everything is small and that there is nothing big or heavy. Mr. Clark stated that there are no exotic materials. Mr. Clark stated that he only uses one chemical which is a biodegradable coolant for the CNC machines. Mr. Clark stated that he has five CNC machines. Mr. Clark stated that the coolant is made out of animal fats and vegetable oils. Mr. Clark stated the coolant is very expensive, but it is worth it so he doesn't have to worry about environmental problems. Mr. Clark stated he has been in business since 2000. Mr. Clark stated that the majority of the work is for AMI Industries in Sault Sainte Marie, who is a tubing manufacturer and they manufacture different tubing assemblies for the trucking, marine and car industries. Mr. Clark stated he uses aluminum and standard metals. Mr. Clark stated that he does not work with titanium, magnesium or anything that can catch fire while machining it. Mr. Kavanaugh asked Mr. Clark to comment on material storage. Mr. Clark stated that he orders most of his material to size. Mr. Clark stated that there will be scrap which he will put into bins and taken to a scrap yard or someone will pick it up. Mr. Kavanaugh asked if the scrap will be stored inside. Mr. Clark stated yes. Mr. Kavanaugh asked if there will be oil or floor drain materials. Mr. Clark stated no. Mr. Kavanaugh asked Mr. Clark to comment on noise. Mr. Clark stated that the machinery is not loud. Mr. Clark stated that any noise is contained within the building. Mr. Kavanaugh asked Mr. Clark what the hours of operation will be. Mr. Clark stated he plans on eight hours a day, five to six days a week. Mr. Delana asked if the business will stay inside the existing footprint of the building, Mr. Clark stated yes. Mr. Delana asked if Mr. Clark will be changing the building in any way. Mr. Clark stated no. Ms. Lyon asked if there will be an increase in traffic. Mr. Clark stated the only additional traffic will be a UPS truck. Mr. Clark stated that he does not do work for the public unless a farmer, motorcycle guys or snowmobile guys needs help with equipment. Mr. Ostwald asked what are the names of the machines that Mr. Clark uses. Mr. Clark stated that he uses vertical machining centers and CNC lathes. Mr. Freese asked how many vertical machining centers there will be. Mr. Clark stated two. Discussion was held.

Ms. Croft asked for public comments. Mr. Gouine stated that he built the foundation for Joe Antkoviak's building. Mr. Gouine stated that Mr. Antkoviak requested a six inch floor that was reinforced. Mr. Gouine stated that this will be excellent for a machine shop. Mr. Gouine stated that this machine shop will only be a mile from the entrance to I-75. Mr. Gouine stated this is a good project for Cheboygan County.

Mr. Warfield agreed with Mr. Gouine's comments.

Public comment closed.

Mr. Kavanaugh stated that by knowing all of this information, this is a good location for that operation.

Mr. Borowicz stated that the property has no value as an Agriculture and Forestry Management property. Mr. Freese stated that the property has not been used for anything productive for several years and repurposing the building for commercial use will be a benefit to Cheboygan County.

The Planning Commission reviewed the General Findings and added the following:

1. The Planning Commission finds that a use variance and a special use permit were previously granted for an ice manufacturing plant for this location.

2. The Planning Commission finds that the applicant proposes hours of operation to be 8 hours a day, 5-6 days per week.
3. The Planning Commission finds that the applicant proposes 2 employees presently and possibly 2 additional employees in the future.
4. The Planning Commission finds that the applicant proposes to have 5 CNC machines and 2 vertical machining centers.
5. The Planning Commission finds that the applicant proposes inside storage only.
6. The Planning Commission finds that the applicant will use biodegradable lubricant and not other hazardous materials.

The Planning Commission reviewed Rezoning Factor 1. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that this standard has not been met. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The Planning Commission reviewed Rezoning Factor 2. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that this standard has been met. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The Planning Commission reviewed Rezoning Factor 3. **Motion** by Mr. Freese, seconded by Mr. Borowicz, that this standard has been met. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The Planning Commission reviewed Rezoning Factor 4. **Motion** by Mr. Freese, seconded by Mr. Borowicz, that this standard has not been met. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The Planning Commission reviewed Rezoning Factor 5. **Motion** by Mr. Freese, seconded by Mr. Delana, that this standard has been met. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The Planning Commission reviewed Rezoning Factor 6. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that this standard has not been met. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The Planning Commission reviewed Rezoning Factor 7. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, that this standard has not been met. Motion carried. 6 Ayes(Bartlett, Kavanaugh, Croft, Ostwald, Lyon, Delana), 2 Nays (Freese, Borowicz), 1 Absent (Johnson)

The Planning Commission reviewed Rezoning Factor 8. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that this standard has been met. Motion carried. 7 Ayes(Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Delana), 1 Nays (Kavanaugh), 1 Absent (Johnson)

The Planning Commission reviewed Rezoning Factor 9. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that this standard has been met. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

The Planning Commission reviewed Rezoning Factor 10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that this standard has been met. Motion carried. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

Motion by Mr. Freese, seconded by Mr. Kavanaugh, that the conditional rezoning be approved based on the General Findings and Rezoning Factors 2, 3, 5, 8, 9 and 10. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

Mr. Turisk noted that this conditional rezoning will be tentatively scheduled for the September 8, 2020 Board of Commissioner's meeting. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the conditional rezoning be forwarded to

the Board of Commissioners with a recommendation for approval for their September 8, 2020 meeting. 8 Ayes(Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0 Nays, 1 Absent (Johnson)

Michael C. Turisk

From: Deborah Tomlinson
Sent: Monday, August 10, 2020 1:18 PM
To: Michael C. Turisk; Jennifer Merk
Subject: FW: Zoning Projects-Kyle
Attachments: Brandt Sport Shop sewage permit.pdf; Antoviak sewage permit.pdf

Please see the email below from Kyle Keller.

Debbie Tomlinson
Assistant to Director of Planning & Zoning
Cheboygan County Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net
www.cheboygancounty.net/planning

From: Kyle Keller [mailto:kkeller@dhd4.org]
Sent: Monday, August 10, 2020 10:33 AM
To: Deborah Tomlinson
Subject: Zoning Projects-Kyle

CAUTION: This email originated from outside of the Cheboygan County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brandt Sporting Center Project: unless they are putting in bathrooms facilities into this new structure they are good on my end-the present structure (newest structure after the fire) had a new on-site sewage disposal system installed and approved last year (see attached permit). They are utilizing the existing well they had prior to the fire which is fine. See attached paperwork.

David/Julie Clark Project: I spoke with David sounds like a basic machine shop operation with just a couple employees-currently the shop has an on-site sewage disposal system installed under permit from DHD4 2004; I could not find a well log for this facility as I am sure that the owner installed his own at the time. Since this system is over 5 years old I would suggest that an existing on-site sewage disposal/drinking water well system evaluation by our office. See attached paperwork.

Douglas Duke Project: Spoke with Doug he indicated that his immediate needs are for just storage of ice shanties (no need for sewage/water at this point), however, he did say that there is a possibility of some form of residential development in the future. That being said he will definitely need DHD4 service at that point. No paperwork.

Kyle Keller RS
Environmental Sanitarian
DHD4-Cheboygan County
PH# 231-627-8850
kkeller@dhd4.org

DISTRICT HEALTH DEPARTMENT NO. 4
SITE PLAN
 (Proposal)

Date 4/19/04

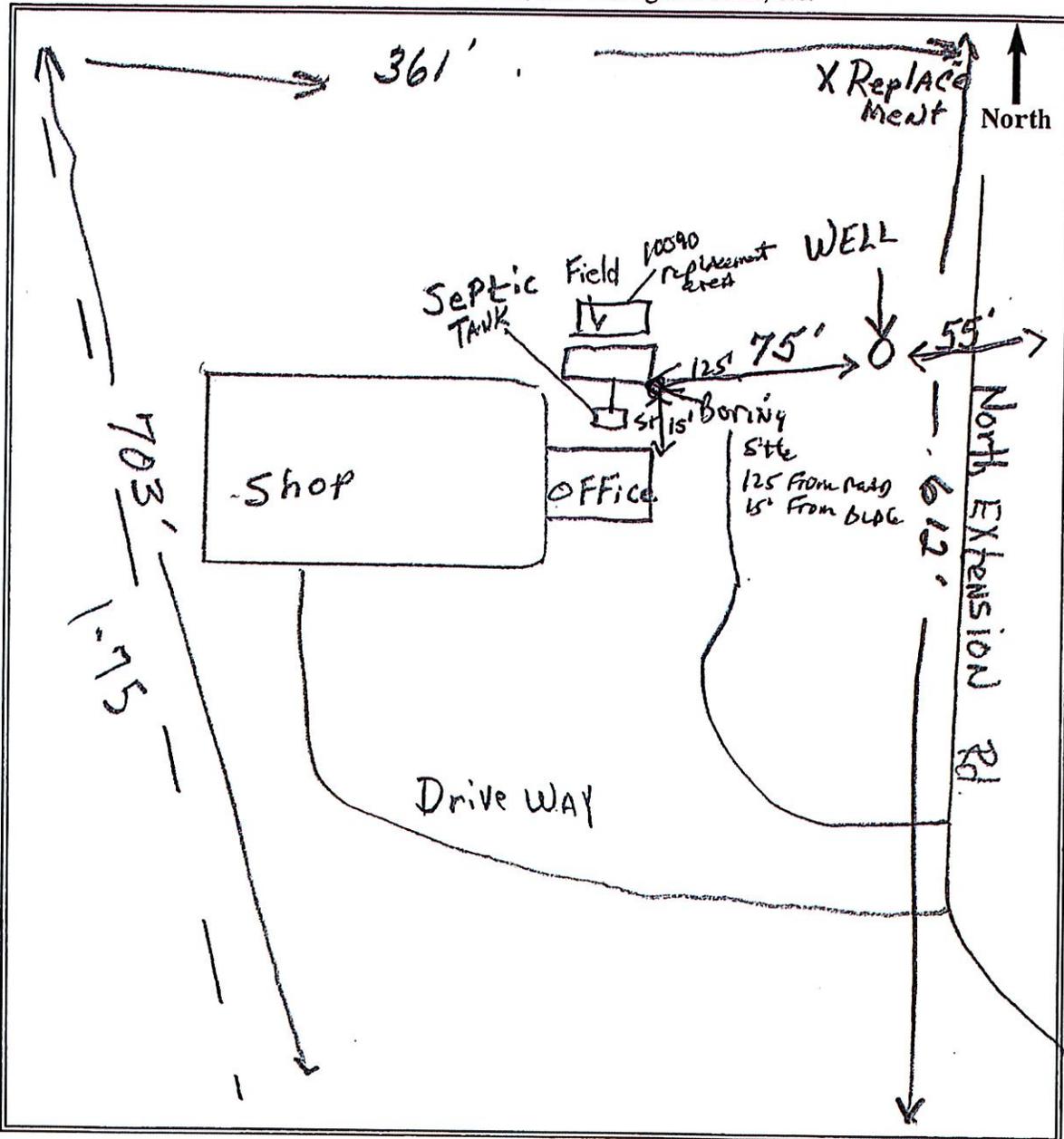
Onsite Sewage Permit # 34198

Water Well Permit # 7100

Owner Name Joe Antkowiak

Applicant Name Joe Antkowiak

Include: Lot dimensions, building, driveways, easements, water well, septic area and a replacement area, surface water, soil boring locations, etc.



Site plan accepted

Site plan revised

MMK
 Environmental Sanitarian

Date: 5/04

DHD No. 4 EH-98 R-07/02

Original - w/Septic Permit Yellow - w/Water Permit Pink - Owner/Applicant Septic Gold - Owner/Applicant Water

100 Woods Circle
Suite 200
Alpena, MI 49707
989-356-4507

Doris E. Field Center
12265 M-32 W.
P.O. Box 183
825 S. Huron Street, Ste. #1
Cheboygan, MI 49721
231-627-9850

P.O. Box 236
151 E. Huron Street
Rogers City, MI 49779
989-734-4723

A: APPLICATION FOR PERMIT
 Property Owner: Joe Antkowiak
 Address: 6587 Antkowlak Rd., Leverting, MI 49755
 Property ID # 080-011-200-004-00
 Ph: 616-27-2007

Applicant: _____
 Address: _____
 Ph: _____

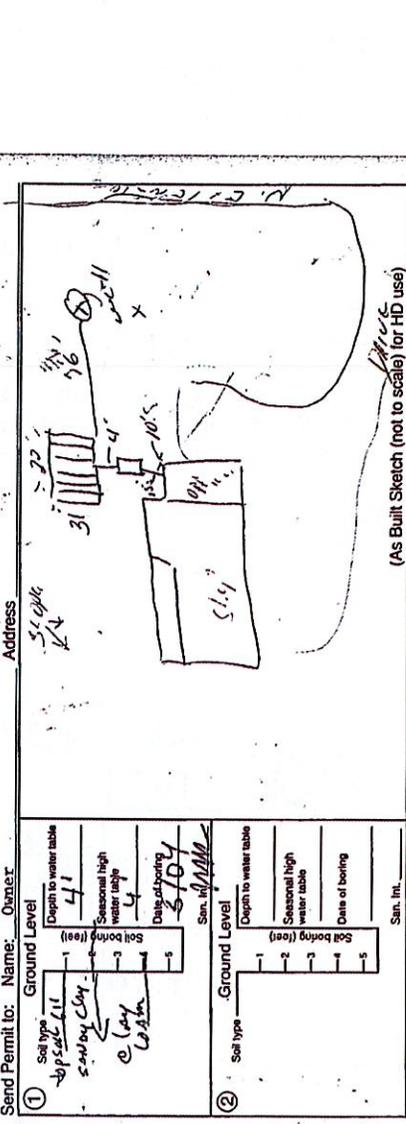
SITE INFORMATION: Township: Xumun N Range: 3V E/W Section: 11
 Lot Size: 703 feet by 361 feet Acreage: _____ If Under 1 Acre Date Divided After 1997
 Subdivision: _____ Lot #: _____ Well Permit: 7100

Property Address: 10999 N. Extension Road, Leverting
 Directions to Site: 1 mile south of Leverting road on north Extension on West Side

Residence: No Bedrooms () Non-Residential: No. Employees (6) Other: Pole Barn
 Contractor: _____
 New System (X) Replacement System () Tank Only ()
 The WORK SHALL BE DONE IN ACCORDANCE WITH DSD #4 REGULATIONS GOVERNING THE CONSTRUCTION AND INSTALLATION OF SEPTIC TANKS AND SEWAGE DISPOSAL SYSTEMS. IT IS AGREED TO NOTIFY US IN WRITING AT LEAST 14 DAYS PRIOR TO THE START OF ANY WORK. ALL PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION. THE SYSTEM IS REQUIRED TO BE LOCATED IN THE AREA OF THE SOIL BORINGS AS INDICATED ON THE APPROVED SITE PLAN. PERMITS TO THIS LOCATION BE NEEDED CONTACT DNR. IT IS UNDERSTOOD THAT THIS SYSTEM IS ONLY A TEMPORARY MEANS OF SEWAGE DISPOSAL. A PERMIT IS NOT A GUARANTEE OF PERFORMANCE OR PROTECTION. THE SYSTEM SHALL NOT BE DIRECTLY AFFECTED BY THE HOMEOWNER PUMPING AND MAINTAINING THIS SYSTEM. FOOTING DRAINAGE, DOWNSPOUTS, WATER SOFTENERS AND ANY OTHER WASTEWATER SHALL NOT BE DISCHARGED INTO THE SEPTIC TANK OR SEWAGE DISPOSAL AREA. A CERTIFICATE OF INSPECTION ACKNOWLEDGING PROPER SYSTEM INSTALLATION MUST BE ISSUED BY THE HEALTH DEPARTMENT PRIOR TO ASSUMING OCCUPANCY OF THIS STRUCTURE.
 THIS PERMIT IS VOID IF WORK IS NOT COMPLETED WITHIN ONE YEAR OF THE ISSUANCE DATE. RENEWAL OF THIS PERMIT WILL BE VALID FOR ONE ADDITIONAL YEAR WHEN REQUESTED. PRIOR TO ANY WORK, THE HOMEOWNER SHALL OBTAIN A PERMIT FROM THE HEALTH DEPARTMENT. THIS PERMIT IS VOID IF THE HOMEOWNER DOES NOT OBTAIN A PERMIT FROM THE HEALTH DEPARTMENT PRIOR TO ANY CONSTRUCTION. NEW CONSTRUCTION WILL REQUIRE A SEPTIC TANK WITH DATE OF ISSUANCE. ALL EXPEDITED PERMITS ARE VOID AND REQUIRE A NEW APPLICATION TO BE MADE. I CERTIFY THIS INFORMATION TO BE TRUE AND CORRECT AND I HAVE READ AND UNDERSTAND THE ABOVE STATEMENTS.

SIGNATURE OF APPLICANT: Joe Antkowiak DATE: _____
 RECEIVED BY: DB Cor-#24673 DATE: 4/19/04

Fee \$ 185.00 Ck. No. 1807 Date 4/19/04 Received By DB Cor-#24673



B. PERMIT TO INSTALL SPECIFICATIONS:
 Tank: 1000 gal. Dosing Tank: _____ gal. Gallons/Dose: _____ sq. ft. Fill: _____ Type: _____
 Absorption Field: 600 sq. ft. OR Trench: _____ sq. ft. Fill: _____ Type: _____
 SPECIAL INSTRUCTIONS: (See attached site plan)

① 10' x 10' x 4' FIELD within 6" - 12" OF EXISTING GRADE
 ② MUST meet all req'd. ISOLATION DISTANCES

(As Built Sketch (not to scale) for HD use)

Permit to construct is APPROVED / DENIED / DENIED
 Environmental Sanitation

C. FINAL APPROVAL
 Septic tank: 1000 gal. Dosing tank: _____ gal. Absorption area: 600 sq. ft. No. of lines/trenches: 1
 Date: 5/4/04
 Signature: Wise Kowalski RS.
 Environmental Sanitation
 Signature: Wise Kowalski RS.
 Environmental Sanitation
 Date: 12/22/03

DISTRICT HEALTH DEPARTMENT NO. 4
SITE PLAN
(Proposal)

Date 4/19/04

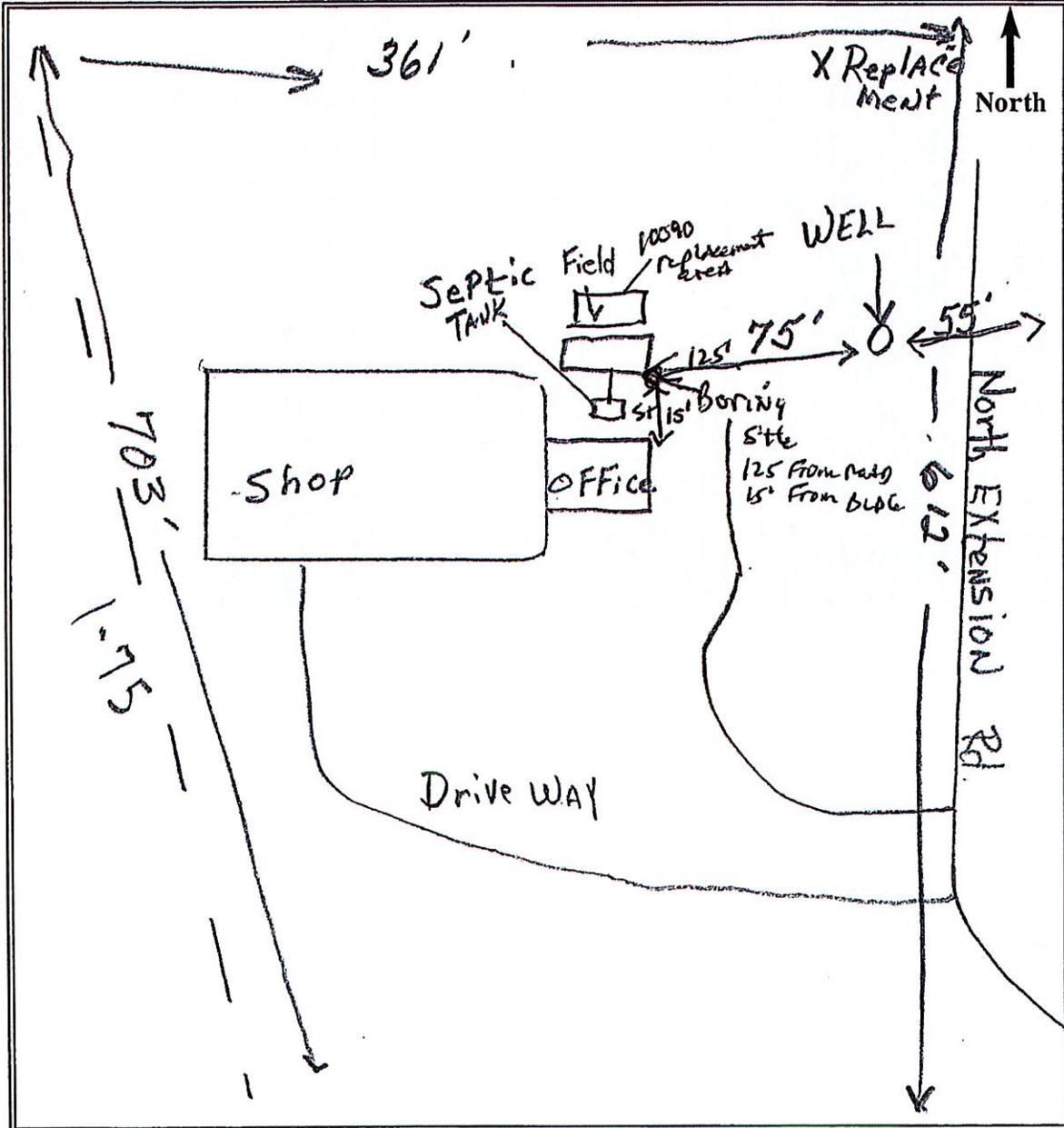
Onsite Sewage Permit # 34198

Water Well Permit # 7100

Owner Name Joe Antkowiak

Applicant Name Joe Antkowiak

Include: Lot dimensions, building, driveways, easements, water well, septic area and a replacement area, surface water, soil boring locations, etc.



Site plan accepted Site plan revised mm Date: 5/04
Environmental Sanitarian

DHD No. 4 EH-98 R-07/02

Original - w/Septic Permit Yellow - w/Water Permit Pink - Owner/Applicant Septic Gold - Owner/Applicant Water



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN,
MI 49721 PHONE: (231) 627-8489 ■ FAX: (231) 627-3646
www.cheboygancounty.net/planning/

STAFF REPORT

Item: An application for a special use permit for a machine shop, per Section 6.3.9. of the Zoning Ordinance (Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust).	Prepared by: Michael Turisk
Date: October 1, 2020	Expected Meeting Date: October 7, 2020

GENERAL INFORMATION

Property Owner(s): Joe Antkoviak

Applicant(s): David and Julie Clark

Property Location: The 3.3-acre subject property is located at 10999 North Extension Road in Munro Township just east of the Interstate-75/ Levering Road interchange (Exit 326) at the west side of North Extension Road, and just over one-mile south of the Levering Road and North Extension Road intersection (directly east of the New Beginnings Ranch across I-75).

Contact Phone: 231.627.2236

Request: A request for a special use permit for a machine shop/manufacturing land use, per Section 6.3.9. of the Zoning Ordinance (Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust).

1. INTRODUCTION/HISTORY/ BACKGROUND INFORMATION

The 3.3-acre triangular subject property is located contiguous to I-75 and approximately one mile south of other commercial districts and land uses at the intersection of Levering Road and I-75, and includes approximately 380 feet of depth at the north property line and approximately 600 feet at the east property line that is common to North Extension Road. The subject property accommodated a non-conforming well-drilling business that was permitted in 1991 via special use review. The subject property includes a 2,400 square-foot building (40-foot x 60-foot) (including a lean-to and office noted below as permitted in 2003).

In addition:

- In 2003, a special use permit amendment was approved by the Planning Commission for structural additions to serve the former well drilling business, including a 600 square foot lean-to and 480 square foot office.
- In 2015, a use variance was approved by the Zoning Board of Appeals for an ice making/manufacturing use. This use has ceased operation, and the subject property and associated structures are currently inactive.

Although machine shops, per se, are not identified as a distinct land use in Article 6 (D-CM) of the Zoning Ordinance, the land use is considered a form of manufacturing. Manufacturing is allowed with a special use permit in the D-CM districts if the Planning Commission determines that the operational effects would not be greater than other uses permitted (in D-CM) with respect to noise, glare, radiation, vibration, smoke, odor and/or dust.

Recall that on August 5, 2020, the Planning Commission to the Board of Commissioners recommended a conditional zoning amendment application to conditionally rezone the subject property from Agricultural and Forestry Management (M-AF) to D-CM. (The Board of Commissioners subsequently approved the application on September 8, 2020). Recall, too, that the conditional zoning amendment application represented the initial procedural step in establishing the proposed machine shop/manufacturing land use via the special use permit application review process.

Regarding the machine shop use, the applicants (Mr. and Mrs. Clark) have proposed hours of operation to be 8 hours per day (8am to 4pm), 5 to 6 days per week. The Clarks will initially work the shop; however, two additional employees are a future possibility. Five CNC (computerized numerical control) machines and two VMCs (vertical machining centers) would be used for machining purposes. Any equipment, materials and parts storage would be restricted indoors. No hazardous materials would be used nor stored on site. Rather, biodegradable lubricants (vegetable oil-based rather than mineral-based) would be used in the machining process, as applicable.

2. Adjacent Zoning:

North: Agriculture and Forestry Management (M-AF)

East: Agriculture and Forestry Management (M-AF)

South: Agriculture and Forestry Management (M-AF)

West: Agriculture and Forestry Management (M-AF)

3. Surrounding Land Uses:

The prevailing land uses in the vicinity include agricultural and "rural-residential," loosely defined as residential uses located in a less densely populated area (and typically on properties larger than one-acre), such as in agricultural areas. Interstate 75 is just west of the subject property.

4. Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain):

No environmentally sensitive areas are known to exist on the subject property.

5. Traffic Implications:

Anticipated traffic counts that will be generated by the machine shop would be negligible given few employees. Although the public will be allowed to visit the site, the nature of the machine shop/manufacturing use is such that high traffic counts are not anticipated compared to other commercial or nonresidential such as retail, for example.

10. Lighting:

No additional outdoor lighting would be installed as part of the project at this time.

11. Storm Water Management:

No changes to natural contours would occur given that the subject property is level, and existing structures would be used for the machine shop/manufacturing land use. No new structures are proposed at this time, nor are any excavating and/or grading activities. Note that a waiver of the topography requirement for site plans is requested.

12. Review or Permits from Other Government Entities:

Per the District 4 Health Department the subject property has an approved on-site sewage disposal system. However, given the system's age an evaluation is recommended. A copy of the permit is attached.

13. Consistency with the Cheboygan County Master Plan/Future Land Use Map:

The Cheboygan County Master Plan and Future Land Use Map designates the immediate area in which the subject property is located as Forest/Agricultural. This designation is primarily intended to provide areas where management and production of crops and timber is the predominant land use, with forestry and timber production, farming and agricultural processing and mineral extraction identified as anticipated future uses for this area.

14. Public Comments:

No written or verbal public comments have been received as of the date of this staff report (October 1, 2020).

15. Summary and Recommended Conditions of Approval:

The applicant requests a special use permit in order to establish a machine shop on an approximately 3.3-acre parcel in Munro Township that was conditionally rezoned from Agricultural and Forestry Management (M-AF) to Commercial Development (D-CM) in August 2020. The subject property includes a vacant non-residential building with an office that would be repurposed to serve the proposed machine shop/manufacturing land use. The special use permit is requested under Section 6.3.9 of the Zoning Ordinance (Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust). The operational effects of the proposed machine shop/manufacturing land use would likely not generate substantially negative impacts on the agricultural and rural-residential properties in the immediate area, as the use will not generate an inordinate level of traffic that could be considered out of character. Furthermore, the use will not generate excessive noise, smoke, fumes, glares, odors or outdoor storage of materials, for example, given the operational scope of the proposed future machine shop, including the comparatively few number of employees associated with the use.

1. Prior to operation, the applicant shall have an on-site sewage disposal and well system evaluation by the District 4 Department of Health.
2. The applicant shall provide the Planning and Zoning Department the Acceptance of Conditions form to be attached to the special land use amendment approval letter within thirty (30) calendar days from the date of the approval letter. This form shall be signed by the owner(s) of the subject property. The applicable building permit application(s) shall include a site plan in conformance with this special land use amendment that meets all applicable site development standards (such as minimum required setbacks from property boundaries) and appropriate building permit fees, as applicable. Permits must be issued within twelve (12) months from the date of the special land use amendment approval letter (unless an extension request is approved, pursuant to Section

18.12.a., as amended), otherwise the special land use amendment may be deemed void upon thirty (30) days written notification to the applicant.

3. Any changes to the approved special use shall be subject to review by the Planning and Zoning Department and may require approval by the Planning Commission.
4. It is the applicant's responsibility to obtain any additional permits or meet additional conditions, if any, that may be applicable to the land use pursuant to other federal, state, or local laws or regulations.

**CHEBOYGAN COUNTY
PLANNING COMMISSION
SPECIAL USE PERMIT REQUEST**

Applicant(s): David and Julie Clark
2232 Hayward Drive
Clio, MI 48420

Property Owner(s): Joe Antkoviak

Property Address: 10999 North Extension Road, Levering, MI 49755

Parcel(s): Munro Township, Section 11; Parcel ID 080-011-200-004-00

Hearing Date: Wednesday, October 7, 2020; 7:00 PM

APPLICATION

The applicant seeks approval of a special use permit application for a machine shop/manufacturing land use, per Section 6.3.9. of the Zoning Ordinance (Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust).

GENERAL FINDINGS OF FACT

1. The Planning Commission finds that the applicant proposes a special use permit for a machine shop/manufacturing land use, per Section 6.3.9 of the Zoning Ordinance. (See Exhibits 1, 3 and 9)
2. The Planning Commission finds that the special use permit application is made by David and Julie Clark. (See Exhibits 3 and 8)
3. The Planning Commission finds that the subject property is conditionally zoned Commercial Development (D-CM). (See Exhibits 7 and 9)
4. The Planning Commission finds that the subject property is located approximately one-mile south of the Interstate-75/Levering Road interchange, an area that includes Commercial Development (D-CM) zoning, and designated by the Cheboygan County Future Land Use Map as General Commercial. (See Exhibits 3, 4 and 9)
5. The Planning Commission finds that the Cheboygan County Master Plan and Future Land Use Map designate the area in which the subject property is located as Forest/Agricultural. (See Exhibits 2 and 9)
6. The Planning Commission finds that a special use permit and use variance, respectively, were approved for the subject property for a well-drilling business and ice making/manufacturing land use. (See Exhibits 3 and 9)

7. The Planning Commission finds that the applicant proposes hours of operation to be 8 hours per day, 5-6 days per week. (See Exhibits 3 and 8)
8. The Planning Commission finds that the applicant initially proposes two employees with possibly two additional employees in the future. (See Exhibits 3, 7 and 8)
9. The Planning Commission finds that the applicant proposes to have five CNC (computer numerical control) machines and two VMCs (vertical machining centers). (See Exhibits 7 and 8)
10. The Planning Commission finds that the applicant proposes inside storage only. (See Exhibits 3 and 8)
11. The Planning Commission finds that the applicant will use biodegradable lubricants and no hazardous materials. (See Exhibits 3, 7 and 9)
- 12.

FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by Section 18.7 of the Zoning Ordinance for each of the following standards listed in that section:

a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

1. The Planning Commission finds that the applicants request a special use permit for a machine shop/manufacturing land use on private land in Munro Township. (See Exhibits 3 and 9)
2. The Planning Commission finds that the subject property is conditionally zoned Commercial Development (D-CM). (See Exhibits 3, 7 and 9)
3. The Planning Commission finds that manufacturing is a land use allowed with a special use permit in the D-CM zoning districts pursuant to Section 6.3.9 of the Zoning Ordinance (Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust). (See Exhibits 1, 3 and 9)
- 4.
5. Standard has been met.

b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.

1. The Planning Commission finds that the subject parcel is conditionally zoned Commercial Development (D-CM). (See Exhibits 5, 7 and 9)

2. The Planning Commission finds that the subject property was previously used for a well drilling business and ice making/manufacturing facility. The currently underutilized property and existing structures would be repurposed to accommodate a manufacturing land use that will not have negative impacts on the natural resources of the county or the natural environment as a whole. (See Exhibit 9)
3. The Planning Commission finds that the applicant will use biodegradable lubricants and no hazardous materials. (See Exhibits 7 and 9)
- 4.
5. Standard has been met.

c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.

1. The Planning Commission finds that the subject parcel is conditionally zoned Commercial Development (D-CM). (See Exhibits 3, 5, 7 and 9)
2. The Planning Commission finds that manufacturing is a land use allowed with a special use permit in the D-CM zoning district pursuant to Section 6.3.9 of the Zoning Ordinance (Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust). (See Exhibits 1 and 9)
3. The Planning Commission finds that manufacturing uses require a special use permit in accordance with Section 18.7. of the Zoning Ordinance. (See Exhibits 1, 3 and 9)
4. The Planning Commission finds that the proposed machine shop/manufacturing land use would not create a substantially negative impact on other conforming properties in the area because use of the property as a machine shop will only result in sporadic traffic and will not result in excessive noise, smoke, fumes, glares or odors or the accumulation of scrap material outdoors. (See Exhibits 3, 4, and 9)
- 5.
6. Standard has been met.

d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

1. The Planning Commission finds that the proposed machine shop/manufacturing land use would comply given that anticipated traffic counts at the time of operation would likely be negligible. (See Exhibits 3, 7 and 9)
2. The Planning Commission finds that the design, construction, operation, and maintenance of the proposed machine shop/manufacturing land use would not diminish opportunities for surrounding property owners to use and develop their properties as zoned. The proposed use would not generate negative off-site impacts from traffic, noise, smoke, fumes, glare, odors, or waste materials that would negatively impact the ability to use or develop surrounding properties. The proposed use and existing structures are configured and constructed to comply with minimum applicable zoning standards (e.g., building setbacks) that are intended to help minimize the potential for negative off-site impacts. (See Exhibits 3 and 9)
3. The Planning Commission finds that the primary uses of surrounding parcels are agricultural and rural-residential, land uses that would not be diminished by the addition of a machine shop/manufacturing land use on the subject property. (See Exhibits 2, 5, and 9)
- 4.
5. Standard has been met.

e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

1. The Planning Commission finds that the proposed machine shop/manufacturing land use would not require public resources greater than current capacity, nor increase hazards from fire or other dangers. (See Exhibits 3 and 9)
2. The Planning Commission finds that the proposed machine shop/manufacturing land use would comply given that anticipated traffic counts at the time of operation would be negligible. (See Exhibits 3 and 9)
3. The subject property is served by the Inverness Fire Department (the southwest corner of Munro Township is covered by the Pellston Fire Department). The Cheboygan County Sheriff's Department provides law enforcement services. (See Exhibits 5 and 9)
- 4.
5. Standard has been met.

f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25

feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.

1. The Planning Commission finds that the subject property is located in Munro Township along North Extension Road. (See Exhibits 3, 4, 5 and 9)
2. The Planning Commission finds that the proposed machine shop/manufacturing land use would not create traffic congestion or increase traffic-related hazards adjacent to (and in the vicinity of) the project site, located in an area of the County with an established circulation system with conditions that allow easy access with minimal, if any, changes to existing circulation or traffic patterns anticipated during operation of the machine shop/manufacturing land use. (See Exhibits 3, 4, 5 and 9)
3. The Planning Commission finds that North Extension Road would adequately provide an adequate level of service capacity. Given negligible trip generation at operation, associated traffic would likely be unnoticeable. (See Exhibits 3, 4, 5, and 9).
- 4.
5. Standard has been met.

g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.

1. The Planning Commission finds that the proposed machine shop/manufacturing land use would be served by well and septic. (See Exhibits 3, 8 and 10)
2. The Planning Commission finds that a permit for an onsite sewage disposal system was approved by the District Health Department No. 4. (See Exhibits 8 and 9)
3. The Planning Commission finds that the proposed machine shop/manufacturing land use would not utilize significant volumes of water. Trash and other refuse is and would be hauled offsite to an authorized area landfill. (See Exhibit 7)
- 4.
5. Standard has been met.

h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.

1. The Planning Commission finds that the proposed machine shop/manufacturing land use would meet or exceed all specific standards required under the Zoning Ordinance, including the standards for granting site plan approval in Section 20.10 of the Zoning Ordinance. (See Exhibits 1, 3 and 4)

2. The Planning Commission finds that the proposed machine shop/manufacturing land use is permitted with a special use permit in the Commercial Development (D-CM) zoning districts. (See Exhibits 1, 3 and 9)
- 3.
4. Standard has been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by Section 20.10 of the Zoning Ordinance for each of the following standards listed in that Section:

a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

1. The Planning Commission finds that minimal changes to natural contours would occur given that the subject property is level. Existing structures would be used for the machine shop/manufacturing land use, and no excavating and/or grading would occur. (See Exhibits 3 and 9)
- 2.
3. Standard has been met.

b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

1. The Planning Commission finds that minimal changes to natural contours would occur given that the subject property is level, and existing structures would be used for the machine shop/manufacturing land use. No excavating and/or grading would occur. The Planning Commission finds that the property was previously known to accommodate a well drilling business and ice making/manufacturing land uses. The currently underutilized subject property and on-site structures would be repurposed to accommodate a land use that will not have negative impact on topography as proposed. Slopes that may have been natural have already been altered for construction and operation of the previous land uses. Therefore, re-using the property for this purpose will not have impact on its natural state, as the natural state of the property did not exist prior to this special use permit request for a machine shop/manufacturing land use. (See Exhibits 3 and 9)
- 2.
3. Standard has been met.

c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

1. The Planning Commission finds that storm water would be maintained on the subject property. (See Exhibits 3 and 9)
- 2.
3. Standard has been met.

d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

Not applicable, as no dwelling units are proposed.

e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.

1. The Planning Commission finds that a practical means for access by emergency vehicles is provided via an existing driveway from North Extension Road. (See Exhibits 3, 4, 5 and 9)
- 2.
3. Standard has been met.

f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

1. The Planning Commission finds that the machine shop/manufacturing land use would have access to a public roadway -- North Extension Road. (See Exhibits 3, 3, 4, 5 and 9)
- 2.
3. Standard has been met.

g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

Not applicable, as no subdivision condominiums or subdivision plats are proposed.

h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.

1. No additional exterior lighting is proposed as part of the proposed land use. (See Exhibits 3 and 9)
- 2.
3. Standard has been met.

i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

Not applicable. No public common ways are proposed.

j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan.

1. The Planning Commission finds that the site plan conforms to the applicable requirements of state and federal statutes and the Cheboygan County Master Plan ("Plan"), as the proposed machine shop/manufacturing land use is one that requires a special use permit in the Commercial Development (D-CM) zoning district. (See Exhibits 2, 3, 4 and 9)
2. A Goal of the Cheboygan County Master Plan (p. 18) speaks to protecting and enhancing existing commercial development and maximizing new growth opportunities. The proposed use would repurpose currently idle property and structures (See Exhibit 2)
- 3.
4. Standard has been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101, any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, October 7, 2020

Patty Croft, Chairperson

Charles Freese, Secretary



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231) 627-8489 ■ FAX: (231) 627-3646
www.cheboygancounty.net/planning/

MEMORANDUM

Date: October 1, 2020 for the October 7, 2020 Planning Commission meeting

To: Planning Commissioners

From: Michael Turisk, Planning Director 

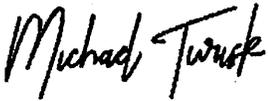
Re: Final Draft of Zoning Ordinance Amendment #155 (Article 22; Nonconforming Buildings or Structures, Properties and Uses)

Planning Commissioners,

Attached is the *final* draft of proposed Zoning Ordinance Amendment #155 that regards Article 22, Nonconforming Uses, Structures. Recall that on September 2, 2020 the Planning Commission directed staff to schedule a public hearing regarding Amendment #155 for October 7, 2020.

As always, feel free to reach out to me should you have questions. See you Wednesday evening.

Sincerely,



Enclosure(s):

Final draft of proposed Zoning Ordinance Amendment #155

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #155

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO NONCONFORMING BUILDINGS OR STRUCTURES, PROPERTIES AND USES

Section 1. Amendment of Article 22

Article 22 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

ARTICLE 22. – NONCONFORMING BUILDINGS OR STRUCTURES, PROPERTIES AND USES

SECTION 22.1 INTENT AND PURPOSE

Nonconformities are buildings or structures, lots, and land uses that do not conform to one or more of the requirements of this Ordinance or any subsequent amendment, which were lawfully established prior to the effective date of this Ordinance or any subsequent amendment. Such nonconformities are generally incompatible with the current or intended use of land in the district in which located. Accordingly, the purpose of this article is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, discontinuance and conditions under which nonconformities shall be permitted to continue.

Section 22.2 NONCONFORMING LAND USE PERMITTED; COMPLETION ALLOWED

- A. If the use of a building or structure or the use of the land was lawful at the time of enactment of this Ordinance or any subsequent amendment, then that use may be continued although the use does not conform to the provisions of this Ordinance or any subsequent amendment, under the terms and conditions of this Article.
- B. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of a building or structure on which substantial construction has been lawfully begun prior to the effective date of this Ordinance or any subsequent amendment.

SECTION 22.3 NONCONFORMITY REGULATIONS

The following regulations shall apply to all nonconforming uses, buildings and structures:

- A. Normal maintenance and incidental repairs, including repair or replacement of nonbearing walls, windows, fixtures, wiring, or plumbing, may be performed on any nonconforming building or structure or on any structure containing a nonconforming use.
- B. A nonconforming building or structure or a building or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the County Building Official, may be restored to a safe, habitable condition.
- C. If a nonconforming building or structure or a building or structure that contains a nonconforming use is damaged or destroyed by any means or is removed by the property owner, then such nonconforming building or structure may be restored, rebuilt, or repaired to no greater than its original configuration and on its original foundation or footprint.

- D. A nonconforming building or structure or a building or structure that contains a nonconforming use may be enlarged or altered in any way, provided such enlargement or alteration does not:
1. Create any nonconformity that did not exist prior to the enlargement or alteration.
 2. Increase the degree of new nonconformity (i.e., the enlargement or alteration is closer to the property line than the nonconforming building or structure prior to the enlargement or alteration).
 3. Increase the extent of nonconformity (i.e., a larger portion of the nonconforming building or structure is within the setback area than was present prior to the enlargement or alteration).
- E. If a nonconforming sign is damaged or destroyed by any means or is removed by the owner to the extent that the cost of necessary repairs will exceed fifty percent (50%) of the replacement cost of the sign, then such nonconforming sign shall only be repaired or reconstructed in complete conformity with the applicable provisions of this Ordinance.
- F. A non-conforming use, building or structure shall not be replaced with another non-conforming building or structure unless approved by the Zoning Board of Appeals pursuant to the requirements of this subsection.
1. The owner of a nonconforming use, building or structure who desires to replace that nonconformity with another nonconforming use, building or structure shall file an application with the Zoning Administrator and shall provide all information necessary to show compliance with the standards contained in Subsection 3, below.
 2. Upon receipt of a complete application, the Zoning Administrator shall schedule a public hearing following the requirements of Section 23.7.2 of this Ordinance.
 3. Following the public hearing the Zoning Board of Appeals shall approve the proposed new nonconforming use, building or structure if it finds that all of the following standards have been met:
 - a. The proposed new nonconforming use, building, or structure would not create any nonconformity that did not exist on the property prior to the requested replacement.
 - b. The proposed new nonconforming use, building, or structure would make the property more conforming to the zoning regulations that made the use, building, or structure nonconforming and/or to the zoning regulations applicable to the property.
 - c. The proposed new nonconforming use, building, or structure would improve the property and would not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

SECTION 22.4 NONCONFORMING LOT OF RECORD

The following regulations shall apply to all nonconforming lots of record:

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then the owner of those lots or parcels may hold, develop, and convey those lots or parcels under one of the following options:

- A. The owner may hold, develop, and convey those nonconforming lots or parcels as separate nonconforming lots of record. Under this option, each nonconforming lot or parcel may be individually sold and, except as provided herein, may be individually developed as a nonconforming lot of record. Each individual nonconforming lot or parcel shall comply with all applicable setback regulations. Provided, however, no dimensional variance shall be granted for such lot or parcel when the desire and/or need for that dimensional variance would be eliminated by combining those contiguous lots, parcels, or portions of lots or parcels as an undivided lot or parcel for the purposes of this Ordinance under Subsection B, below.

- B. The owner may prepare and record in the Register of Deed's Office a deed restriction approved by the Zoning Administrator combining those nonconforming lots or parcels, or portions of lots or parcels, into an undivided lot or parcel for the purposes of this Ordinance. Under this option, if combining the lots or parcels, or portions of lots or parcels results in a conforming lot, then that undivided lot may be developed as authorized by the zoning district in which it is located, and all applicable setbacks shall be measured from the exterior lot lines of the undivided lot without regard to any interior lot sizes that existed prior to recording the deed restriction. If combining the lots or parcels, or portions of lots or parcels, does not result in a conforming lot, then that undivided lot may be developed as a nonconforming lot of record under Subsection A, above, including the right to seek any desired and/or needed dimensional variances.

Section 2. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared unconstitutional or invalid.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk