



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JULY 5, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk  
**ABSENT:** Freese  
**STAFF:** Steve Schnell  
**GUESTS:** Bob Lyon, Cal Gouine, Francis Dubois, Brenda Dubois, Carl Muscott, John Moore, Russell Crawford, Cheryl Crawford, Wallace Gemignani

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

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF MINUTES

The June 21, 2017 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Freese)

### APPROVAL OF AGENDA

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

### PUBLIC HEARING AND ACTION ON REQUESTS

**Francis Dubois** – Requests a Special Use Permit for a Contractor’s yard. (Section 9.3.20.) The property is located at 741 Soules Road and Montgomery Road., Walker Township, section 6, parcel #220-006-400-001-08 and parcel #220-006-400-001-07 and is zoned Agriculture and Forestry Management (M-AF).

Mr. Schnell explained that the applicant is seeking a special use permit for a contractor’s yard under section 9.3.20 in an Agriculture and Forestry Management zoning district. Mr. Schnell reviewed the requirements for a contractor’s yard. Mr. Schnell reviewed an aerial photo of the property and pointed out the location of the equipment, home and fence. Mr. Schnell noted the two parcels that will be combined for the contractor’s yard. Mr. Schnell stated that the yard area eligible for the contractor’s yard has natural screening and meets the setback requirements. Mr. Schnell stated that the applicant has met the minimum requirements of section 9.3.20.

Mr. Ostwald asked for the width of the narrow parcel. Mr. Schnell stated 330ft. Mr. Kavanaugh asked if the equipment will be located behind the pine trees along Montgomery Road. Mr. Dubois stated that most of the equipment will be stored past the pine trees and that nothing will be stored between the tree line and Montgomery Road. Discussion was held regarding the location of the existing trees. Ms. Lyon asked if Mr. Dubois plans to use a building for maintenance. Mr. Dubois stated no and there are no plans for a maintenance building. Mr. Kavanaugh asked if Mr. Dubois would object to keeping the equipment behind the tree line. Mr. Dubois stated he will keep the equipment behind the tree line. Discussion was held.

Ms. Croft asked for public comments. Mr. Muscott noted that this application appears to be started through enforcement. Mr. Muscott asked if the enforcement is the result of a neighbor complaint or through department enforcement. Mr. Schnell stated that it was from a complaint that was received. Mr. Muscott stated that in the General Findings it is noted that there is no rear lot line. Mr. Muscott stated that there must be a rear property line. Discussion was held. Mr. Schnell stated that the Zoning Ordinance does not contemplate this type of parcel. Mr. Muscott stated that the side where the parcel is addressed should be considered the front and the side with no address would be the rear property line. Mr. Schnell stated it could be interpreted

this way. Discussion was held. Mr. Kavanaugh stated that Mr. Dubois owns the parcel behind so there isn't a negative impact to the neighbors. Public comment closed.

**Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to grant the topography waiver request and the minimum scale waiver request. Motion carried. 8 Ayes (Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Freese)

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 9.3.20, 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. Ostwald, to approve the special use permit based on the General Findings, Finding of Fact Under Section 9.3.20, Finding of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10 subject to the storage being located behind the existing tree line. Motion carried. 8 Ayes (Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Freese)

## **UNFINISHED BUSINESS**

### **Capital Improvement Program, Review Draft Program Report**

Mr. Schnell stated that Mr. McNeil has prepared the final draft version of the Capital Improvement Program for the Planning Commission to review. Mr. Schnell stated that if there are no further changes, the Planning Commission can authorize a public hearing for August 2, 2017. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, to schedule a public hearing for the Capital Improvement Program for August 2, 2017. Motion carried. 8 Ayes (Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Freese)

### **Boat Shelter Survey Results**

Mr. Schnell stated that the survey was open until June 30, 2017. Mr. Schnell stated that he is not looking for action on this topic. Mr. Schnell stated that he is providing a summary to the Planning Commission. Mr. Schnell stated that there were 269 responses. Mr. Schnell stated there were 3 responses that appeared to be duplicates. Mr. Schnell stated that there were 2 people that did not answer the first question but provided comments. Mr. Schnell stated that 25% was opposed and 75% were not opposed to boat shelters no matter what type of construction. Mr. Schnell stated that by taking out the duplicates it changed the results to 24% opposed and 76% not opposed. Mr. Schnell stated that one of the questions on the survey was "Are you or your organization opposed to allowing boat shelters if they had no solid walls?" Mr. Schnell stated the results were 13% for yes and 87% for no. Mr. Schnell stated that the next question on the survey was "Are you or your organization opposed to allowing boat shelters in areas where none or few currently exist?" Mr. Schnell stated the results were 12% for yes and 88% for no. Mr. Schnell stated the next question on the survey was "Are you or your organization opposed to allowing new boat shelters in areas where many currently exist?" Mr. Schnell stated the results were 9% for yes and 91% for no. Mr. Schnell stated that overall there is little opposition to the idea. Mr. Schnell stated that the comments will be informative and will provide a lot of details for the Planning Commission to review. Mr. Schnell stated that there were concerns about the uplift of the wind load of the roof. Mr. Schnell stated that he will ask for the Building Official's input. Mr. Schnell stated that a copy of DEQ letter will be forwarded to the Planning Commission regarding the impact of the shoreline biology on having an impervious surface above the water. Mr. Schnell stated that notifications of the survey were sent out to the DNR and lake associations. Mr. Kavanaugh stated that there was one comment that each boat shelter should be evaluated on its own merit especially regarding view. Mr. Kavanaugh stated that a property owner could have a lot that is lower or higher than their neighbor and the view could be eliminated. Mr. Jazdyk stated that he was surprised by the number of people who do not have a lot of objections to boat houses. Mr. Jazdyk stated that there are boathouses on Mullett Lake that are stunning, but he does not believe that some could be built today. Mr. Jazdyk stated that it would be helpful have a copy of the DEQ and Army Corps of Engineer's regulations regarding boathouses.

## **NEW BUSINESS**

Mr. Kavanaugh asked for an update on Triple D Disposal. Mr. Schnell stated that they have talked with Mr. McNeil and the next part of the process will be to determine what is an acceptable amount for the surety deposit. Discussion was held. Mr. Schnell stated that Triple D Disposal has not opened at their new location yet.

Mr. Kavanaugh asked for an update on Heritage Cove Farm. Mr. Schnell stated that he has not received a date for the court hearing.

## **STAFF REPORT**

Mr. Schnell stated that Hank Jankoviak retired after 17 years of working for Cheboygan County. Mr. Schnell stated that Matt Cronk is certified as a Soil Erosion Officer and will administer the program as required by state law. Mr. Schnell stated that he and Keith Wregglesworth will be getting their certification to do on site soil erosion inspections to support the Soil Erosion

Officer. Mr. Schnell stated that the Planner 1 position will also be certified as a Soil Erosion Officer. Mr. Schnell stated that there will be 4 people who will be serving various roles in the soil erosion program. Discussion was held.

#### **PLANNING COMMISSION COMMENTS**

No comments.

#### **PUBLIC COMMENTS**

Mr. Gemignani stated that he lives on Beebe Road and was a member of Mullett Lake Area Preservation Society (MAPS) for 20 years. Mr. Gemignani stated that some members of MAPS who live on the lake did not receive notification of the survey. Mr. Gemignani stated that Tony Naylor who is the MAPS President, and lives on Mullett Lake, did not receive a notification of the survey. Mr. Gemignani stated that Duane Hingstrom, who was the previous chairman, did not receive a notification of the survey. Mr. Gemignani stated that a survey should have been sent to these individuals so they can survey their association. Mr. Gemignani stated that he took an informal survey and there are 4-5 boathouses on the river by his house. Mr. Gemignani stated that most of the residents are able to see the river mouth, Mullett Lake and Cheboygan River. Mr. Gemignani noted that there is a 40ft. setback on the river and stated his concerns regarding views being blocked due to boathouses. Mr. Gemignani stated that once the ordinance is changed, there will be property owners who want more than what the ordinance allows. Mr. Gemignani stated that June Passino and David Hudson are not in favor of boathouses. Mr. Gemignani stated that he is in favor of a lift with a canvas top.

Mr. Muscott stated that the county is proposing \$250,000,000 to tear down the Gold Front. Mr. Muscott questioned if this should be included on the Capital Improvement Program. Mr. Schnell stated that plans are to demolish the buildings and sell the buildings to recover the funds. Mr. Schnell stated that it can be added to the Capital Improvement Program. Mr. Schnell stated that it is not guaranteed that the county will receive the grant funds for this project. Discussion was held.

Mr. Muscott stated that Mr. Gemignani has brought up valid concerns but noted that a property owner could plant trees that would block a view more than a boathouse with an open frame. Mr. Muscott stated he had issues with the way the survey was written. Mr. Muscott stated he would like to see boathouses move forward as a permitted use. Mr. Muscott stated he would like to see it move forward as an overlay in Lake and Stream Protection Zoning District and in other areas it could be a special use permit. Discussion was held.

#### **ADJOURN**

**Motion** by Mr. Churchill to adjourn. Motion carried. Meeting was adjourned at 7:50pm.



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Charles Freese  
Planning Commission Secretary