



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JANUARY 15, 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
GUESTS: Eric Boyd, Bob Lyon, Cal Gouine, John Moore, Carl Muscott, Russell Crawford, Cheryl Crawford, Mike Peltier, C. Maziasz, John F. Brown, Jen Merk, Michael Peltier

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

The December 18, 2019 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

No agenda items scheduled.

UNFINISHED BUSINESS

Discussion Regarding Proposed Amended Zoning Ordinance Amendment #154 Relative To Home Occupations And Storage Buildings.

Mr. Turisk stated that proposed Amendment #154 was discussed at the December 18, 2019 meeting and the Planning Commission directed staff to delete references to limited commercial enterprise uses. Mr. Turisk stated that provisions have been maintained to allow limited bathroom facilities in private storage facilities. Mr. Turisk stated that the Planning Commission directed staff to consolidate private storage building, agricultural building and private storage building/workshop building definitions. Mr. Turisk stated that staff is proposing to delete the definition for private storage building and maintaining the definitions for agricultural building and private storage/workshop building. Mr. Turisk stated that staff has proposed minor edits to Section 17.21.3 codifying the occasional sale of incidental items associated with a home occupation.

Mr. Freese referred to Section 17.23 and stated that this section does not require the repositioning of a private storage building to allow for the future placement of a residence. Mr. Freese suggested replacing “Placement of the private storage building/workshop building on the property should support the future placement of a residence.” from Section 17.23 with “Placement of the private storage building/workshop building on the property shall be situated so as to allow placement of a future dwelling and well and septic field if required.” Mr. Kavanaugh agreed with Mr. Freese.

Ms. Johnson referred to the definition of Private Storage Building/Workshop Building and noted that the definition states that the building does not have permanent facilities for living, sleeping and/or cooking. Ms. Johnsons stated that she reads this as the property owner would not be allowed to put a dwelling on the property. Ms. Johnson stated the purchaser of the property can determine whether there is the room to do what they want on the property. Mr. Freese stated that people are buying lots on the lake and building a private storage building without a dwelling. Ms. Johnson stated that this issue can be addressed differently, but we shouldn’t restrict someone to only put a pole building on a lot. Mr. Freese stated that this isn’t what the

Planning Commission is doing. Mr. Freese stated that the Planning Commission would be requiring that the property owner place the building on the parcel so as to also allow room for the future placement of a dwelling. Mr. Delana stated that what will happen if the size of the parcel does not allow for the future placement of a dwelling. Mr. Delana asked if the property owner would not be allowed to build a storage building. Mr. Delana asked if the Planning Commission is saying that a dwelling is a better use and to be desired. Mr. Borowicz stated yes, if it is a lakefront lot. Mr. Kavanaugh agreed with Mr. Borowicz. Mr. Freese stated that this was originally a requirement in the Lake and Stream Protection Zoning District. Mr. Freese referred to Section 17.23.1 and stated that these standards would apply to parcels in the Residential Zoning District, Rural Character/Country Living Zoning District and Lake and Stream Protection Zoning District. Mr. Delana expressed his concerns over taking a standard that was intended for the Lake and Stream Protection Zoning District and applying it to two additional zoning districts. Mr. Delana stated that he believes this restricts property rights more broadly than was previously intended. Mr. Freese stated that these are the three most restrictive zoning districts. Mr. Freese stated the only change he is suggesting is to replace "should support the future placement of a residence." with "shall be situated so as to allow placement of a future dwelling, well and septic field if required." Mr. Delana asked what would happen if the lot is too small to support the future placement of a dwelling. Mr. Freese stated that they would have to apply for a variance. Mr. Delana asked if the property owner would be allowed to build a private storage building under the Ordinance as it is written today. Mr. Freese stated they would not be able to build without a variance. Mr. Delana asked if the Planning Commission is being more restrictive to the other three zoning districts than we already are today. Mr. Freese stated no. Ms. Johnson asked if this should be a restriction for the other zoning districts also. Mr. Kavanaugh and Ms. Lyon stated yes. Ms. Johnson stated she agrees with this restriction for the Lake and Stream Protection Zoning District and possibly the Residential Zoning District. Ms. Johnson stated she does not agree that this should be a restriction for the Rural Character Country Living Zoning District. Mr. Freese stated that the minimum lot size in the Rural Character Country Living Zoning District is 1 acre and placement of a dwelling, well and septic should not be on a problem on a parcel this size. Discussion was held. Ms. Croft asked if this has been reviewed by legal counsel. Mr. Turisk stated that based on legal counsel's previous reviews of this amendment, he doesn't believe they will have any issue with these changes. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to schedule a public hearing for proposed Amendment #154 on February 19, 2020 at 7:00pm in the Commissioner's Room. Motion carried unanimously.

Discussion Regarding Proposed Amendment #155 Relative To Nonconforming Buildings Or Structures, Properties And Uses.

Mr. Turisk stated that proposed Amendment #155 is regarding non-conforming buildings, structures, properties and uses. Mr. Turisk stated that legal counsel has made changes to+ proposed Amendment #155 that was included in the Planning Commission packet. Mr. Turisk stated that Mr. Kavanaugh requested that language be included that would compel meeting Health Department requirements. Mr. Turisk stated that this language was added to Section 22.3.

Mr. Turisk stated that he reviewed with legal counsel changing "Class A" and "Class B" to "Minor" and "Major". Mr. Turisk stated that legal counsel did not embrace the terminology and suggested using different terms. Mr. Turisk stated that legal counsel suggested using the terms "Acceptable" and "Unacceptable". Mr. Turisk stated his concerns regarding the subjectivity of legal counsel's suggested terms. Mr. Delana asked what are Mr. Graham's concerns regarding the terms "Minor" and "Major". Mr. Turisk stated that he believes these are terms that are subjective. Discussion was held. Mr. Turisk stated the intent of the proposed amendment is to provide clarification and be property owner friendly.

Mr. Freese stated that the proposed amendment is confusing and not what the Planning Commission started out to do at all. Mr. Freese stated that it is shifting a great deal of the work from the Zoning Board of Appeals to the Planning Commission and the Zoning Director. Mr. Freese stated that he originally requested a rewrite of Section 22 as a result of problems that the Zoning Board of Appeals had with that section providing adequate guidance to the Zoning Board of Appeals with regards to variances pertaining to non-conformities. He further stated that he had requested this several times in the past, particularly with regards to the provision terminating a non-conformity solely due to passage of a specific period of time which is not legal. Mr. Freese stated that the way the proposed amendment is written results in variances actually being granted by the Planning Commission and the Planning Director. Mr. Freese stated that the guidance outlined in the proposed sections 22.4 and 22.5 should be refined and combined in order to provide the parameters that the Zoning Board of Appeals requested in regards to non-conformities and the creation of "Major" and "Minor" categories should be eliminated entirely.

NEW BUSINESS

Zoning Enforcement Report

Mr. Turisk referred to the Enforcement Report included in the Planning Commission packet, and stated that it covers September 1, 2019 through December 31, 2019. Mr. Turisk stated that he plans to provide a quarterly report to the Planning Commission. Mr. Turisk reviewed the different types of complaints and how many are classified as in progress and how many are classified as no violation, resolved and closed. Mr. Turisk noted that due to Mr. Peltier's diligence, we have had a

number of inoperable vehicles removed from properties over the past few months. Mr. Turisk stated there are outstanding violations regarding inoperable vehicles that are being worked on with the property owner and sometimes this is a process that takes many months. Mr. Turisk stated that there were 81 new complaints that resulted in identified violations. Mr. Turisk stated that out of the 81 new complaints there are 27 that are in progress and the remaining have been closed, resolved or no violation was identified. Mr. Freese asked if the term resolved means that the violation was corrected and no ticket was issued or no violation was found to exist. Mr. Turisk stated that it means that the violation was corrected. Discussion was held. Mr. Delana stated that there should be a total number of complaints for no violation, resolved and closed. Mr. Delana and Mr. Freese agreed that there should be more categories to be more descriptive.

Mr. Turisk thanked Mr. Kavanaugh for providing contact information for District Health Department #4. Mr. Turisk stated that this information was helpful.

Mr. Turisk stated that they started from February 2014 with the review of special use permits and site plan reviews because there is a 6 year statute of limitations. Mr. Turisk stated that there are 138 special use permits and site plan reviews, including amendments and one year extensions during this time period. Mr. Turisk stated that 79 of the approvals have expired. Mr. Turisk stated that these 79 approvals did not make substantial construction progress, pull permits or apply for a one year extension. Mr. Turisk stated that since this review began in November 2019, 17 have been closed or finalized. Mr. Turisk stated that 7 site plan reviews have been closed, 6 site plans reviews have been finalized and 4 special use permits have been finalized. Mr. Turisk stated that they started with 2014 and they will continue to work forward.

Mr. Turisk stated that it is hard to understand how much time this review will take given anticipated road blocks such as talking to the different agencies. Mr. Turisk stated that we are now making it incumbent upon the applicant to provide the documentation. Mr. Turisk stated that Mr. Peltier is complimenting this by reaching out to MDOT and DEQ. Mr. Turisk stated that some of the reviews have been comparatively easy given the conditions that were imposed by the Planning Commission. Mr. Turisk stated that some of the reviews have taken more leg work. Mr. Turisk explained that this is an effort that is being focused on in the cold weather season as Mr. Peltier is not in the field as much. Mr. Turisk stated that during spring, summer and fall, this is going to probably be put on the back burner due to time constraints and workload.

Mr. Freese referred to a conversation he had with legal counsel at a previous Planning Commission meeting and asked Mr. Turisk to confirm with legal counsel whether or not the six year statute of limitations has changed.

Mr. Kavanaugh stated that this is a good enforcement summary. Mr. Kavanaugh stated that the applicant will now be responsible to meet the conditions placed on the approval by the Planning Commission. Mr. Kavanaugh asked how the applicant will know that he is responsible to submit these documents. Mr. Turisk stated that they have reached out to the applicant and have directed him to submit documentation to confirm compliance. Mr. Turisk stated that this may need to be formalized in written form in the future. Mr. Kavanaugh stated that this should be formalized immediately. Mr. Kavanaugh stated that these problems came up because there was no staff to look into it. Mr. Kavanaugh stated this should be provided to the applicant after they are approved and they should have to sign a document agreeing to the conditions of the approval. Mr. Turisk stated that staff has drafted as an Acceptance of Conditions form for the applicant to review and sign. Mr. Turisk stated that staff has been drafting a procedures guide for enforcement. Mr. Turisk stated that this guide will clearly articulate the process when a violation is identified to ensure consistency. Discussion was held. Mr. Turisk stated that he can add language to the letter explicitly indicating that it is incumbent upon the applicant to provide the documentation.

Mr. Freese thanked Mr. Peltier for his work on this review. Mr. Freese stated that there is no comparison in the work that Mr. Peltier has done to what was done in the past. Mr. Freese stated it is infinitely better than what we have had. Mr. Turisk stated that Mr. Peltier has made a big dent into the stack of complaints and has done a remarkable job. **Motion** by Mr. Freese, seconded by Mr. Delana, that the Planning Commission provide a letter of commendation to Mr. Peltier. Motion carried unanimously.

2020 Planning Commission Meeting Calendar

Discussion was held. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the schedule of meeting dates for the Planning Commission for 2020. Motion carried unanimously.

Annual Election Of Officers

Motion by Mr. Kavanaugh, seconded by Ms. Johnson, to maintain the existing officers. Motion carried unanimously.

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

Mr. Turisk stated that he is trying to coordinate a training opportunity with Emmet County and City of Cheboygan to bring

Michigan Association of Planning to Northern Michigan to talk about risk management. Mr. Turisk stated that this may happen on a Tuesday in March. Mr. Turisk stated that he will update the Planning Commission as soon as possible when the details have been finalized. Discussion was held.

PLANNING COMMISSION COMMENTS

Mr. Freese stated that the Zoning Board of Appeals recently denied an application for a larger than permitted sign. Mr. Freese stated that the Zoning Ordinance allows 80sf and the applicant requested a 99.6sf sign. Mr. Freese stated that the Board of Commissioners Chairman attended the meeting and he was in favor of granting the variance. Mr. Freese stated that the Board of Commissioners Chairman believed it was a good looking sign and it was better than the existing sign. Mr. Freese stated that he attended the Board of Commissioners meeting on January 14, 2020 and they unanimously approved that the Planning Commission review the sign ordinance with a view toward relaxing the dimensional requirements on signs. Ms. Croft asked if the Zoning Board of Appeals had any applications similar to this size. Mr. Freese stated that the Zoning Board of Appeals has turned down several signs that were in excess of the 80sf. Mr. Kavanaugh asked if any signs similar in size had been approved by the Zoning Board of Appeals. Mr. Freese stated no. Mr. Freese reviewed variance requests for signs over 80sf that were denied by the Zoning Board of Appeals. Mr. Kavanaugh stated that if the Board of Commissioners would like to encompass a larger sign it will be easy to do so by reviewing previous requests that were denied by the Zoning Board of Appeals. Mr. Kavanaugh stated that the Zoning Board of Appeals was uniform in all of their decisions. Mr. Freese stated that if the Planning Commission changes this to 100sf it means that every business can put up 3 signs that are 100sf each. Mr. Turisk stated that this is something that the Planning Commission can review. Mr. Borowicz stated that they can be limited to 1 sign that is 100sf. Mr. Freese stated that there are no signs in the Indian River area that are this size. Mr. Kavanaugh stated that we get direction from the Board of Commissioners. Mr. Kavanaugh stated that this can be opened up and discussed. Discussion was held.

Discussion was held regarding Amendment #155, signs and statute of limitations being reviewed and discussed at the February 5, 2020 meeting.

PUBLIC COMMENTS

Mr. Muscott stated thanked Mr. Freese for taking the initiative on the sign amendment. Mr. Muscott stated that the applicant went to a dealer show and there were specials on signs. Mr. Muscott stated that the applicant has 300ft. of road frontage and the Ordinance allows 3 signs at 80sf each. Mr. Muscott stated that one large sign would look more aesthetically appealing than 3 signs at 80sf each. Mr. Muscott stated that he does not agree that there should not be variances on commercial signs because it is free speech. Mr. Muscott stated that this business has existed for 50 years and being told no on a sign is an affront to free speech rights. Mr. Muscott stated that the applicant must have proof of the installation of the sign to maintain his status as a platinum dealer. Mr. Muscott stated that the applicant has lost this status now. Mr. Muscott stated that it should be fairly simple to allow one larger sign. Mr. Muscott stated that 3 signs at 120sf each are allowed in General Industrial and Light Industrial.

Mr. Crawford asked Mr. Peltier for an update on an enforcement issue. Discussion was held.

Mr. Moore asked the Planning Commission to consider adding recreational marijuana, tiny homes and short term rentals to their 2020 work plan.

ADJOURN

Motion by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:44pm.



Charles Freese
Planning Commission Secretary