



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, OCTOBER 07, 2020 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: Borowicz
STAFF: Mike Turisk, Jen Merk
GUESTS: Bryan Graham, Eric Boyd, Andrea Cowles, Debbie Neumann, Kathy Maison, Doug Duke, Patty Richard, Leif Hanson, Deborah Sloan, Frank Hill, Gary Straddling, John Brown, John Moore, Robert Kramer, Allison Alexander, Carol Freismuth, Charles Gano, Sheryl Kendrick, David Clark, Dawn Webb, Jim Webb, Roger Wilson, Todd Chappell

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 to approve the agenda as presented. Ms. Croft noted that legal counsel has requested that the third item on the agenda, Proposed Amendment #155, be moved to the first item on the agenda. Mr. Kavanaugh withdrew his motion. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the agenda as revised by moving the third item on the agenda, Proposed Amendment #155, to the first item on the agenda. Motion carried unanimously. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

APPROVAL OF MINUTES

The September 2, 2020 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

The September 16, 2020 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

PUBLIC HEARING AND ACTION ON REQUESTS

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.

Mr. Turisk stated that proposed Amendment #155 is regarding nonconforming buildings, structures, properties and uses. Mr. Turisk stated that the Planning Commission has had several discussions regarding this proposed amendment since 2019. Mr. Turisk stated that this is a housekeeping item and has been sitting on the shelf for the Planning Commission to review. Mr. Turisk stated that this is a much needed amendment to the Zoning Ordinance. Mr. Turisk stated that one change has been made to the amendment since the Planning Commission’s last discussion in September. Mr. Turisk stated that legal counsel suggested deleting what was formally Section 22.3.F regarding altering and enlarging a nonconforming building. Mr. Turisk stated that this amendment will clarify nonconformances for the public and make the enlargements of nonconforming properties and nonconforming uses easier than what is currently in the Zoning Ordinance.

Mr. Graham stated that he deals with Zoning Ordinances for municipalities all over northern Michigan. Mr. Graham stated that the current Article 22 is the most restrictive nonconforming use provisions that he has seen in many ordinances. Mr. Graham stated that this should be revised to loosen up the regulation so that property owners that have nonconformities would be able to use their properties in ways that are currently prohibited under the current Zoning Ordinance. Mr. Graham explained that this proposed amendment is a vast improvement to the existing Article 22.

Ms. Johnson referred to Section 22.3.A and stated that she thought this sentence was to be restructured. Ms. Johnson stated that there is still a reference to a nonbearing wall. Mr. Freese and Mr. Turisk stated that this should be corrected. Mr. Turisk stated that the term nonbearing will be deleted. Ms. Johnson stated she is still in opposition to Section 22.4.A. Ms. Johnson stated that there are numerous subdivisions with nonconforming lots in Cheboygan and this is restricting them from developing their properties. Ms. Johnson referred to Section 22.4.B and stated her concerns regarding the Zoning Administrator approving deed restrictions to combine the nonconforming lots. Mr. Graham stated that when combining lots legally it is done through a deed restriction. Mr. Graham stated there is a legal need to have deed restrictions when you are combining two adjoining parcels or lots. Mr. Graham stated that he does not care whether it is approved by the Zoning Administrator or by civil counsel. Mr. Graham stated that he can prepare the appropriate forms for the Zoning Administrator to utilize to be sure that we're combining the lots with a deed restriction that is going to be in recordable form and that meet legal requirements. Ms. Johnson stated that she challenges the need for a deed restriction in order to combine lots. Mr. Graham stated that that by putting two parcels on the same tax bill is not legally combining the parcels. Discussion was held.

Mr. Kavanaugh asked Mr. Graham if this is the correct approach. Mr. Graham stated it is the correct approach and his legal advice will not change. Mr. Graham stated that by delaying this amendment, you are delaying the opportunities for property owners within the county to have a freer use of their land.

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

Motion by Mr. Freese, seconded by Mr. Delana, to forward Amendment #155 to the Cheboygan County Board of Commissioners with a recommendation for approval with the change to delete "nonbearing" in Section 22.3.A. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Delana), 1 Nay (Johnson), 1 Absent (Borowicz)

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

Ms. Merk reviewed the background information contained in the staff report.

Mr. Duke stated that it was suggested that the storage of the cabins is being taken care of and they will be moved in probably in two weeks. Mr. Duke stated that regarding parking, he has other plans and it won't be an issue. Mr. Duke stated the property is going to stay in the state that it is currently and he is planning on building a house in the next two years. Mr. Duke stated that he did what he was legally asked to do. Mr. Duke stated that he has had vandalism on his property. Mr. Duke stated that he has stored his travel trailer on the property so he could camp and work on the property. Mr. Duke stated that he has put up a camera and on several occasions the police have issued trespassing citations. Mr. Duke stated that he has been accused of breaking the law, but he has done everything to follow the law. Mr. Duke stated that he is working with the officers in the township regarding the vandalism and trespassing. Mr. Duke stated that he has decided to withdraw his rezoning request as he is looking at other options. Mr. Duke stated this business will continue and it is just taking a different path. Mr. Duke thanked everyone for their time to allow him to experience this process. Mr. Duke stated that there are other issues in the neighborhood that are getting dealt with at the township level. Ms. Merk explained to Mr. Duke that the request to withdraw the application will need to be submitted in writing. Mr. Kavanaugh asked Mr. Duke if he will operate the shanty rental business at this property. Mr. Duke stated that he is not operating on this property now and he has never operated on this property. Mr. Duke stated that when a shanty is rented, the party will meet by the launch and then go out on the lake to set up the shanty. Mr. Duke stated that there are no regulations or permits required in the State of Michigan to rent ice shanties. Mr. Kavanaugh asked where the shanties will be stored. Mr. Duke stated Mann's Budget Storage. Mr. Duke stated that he has an agreement for this year until he purchases other property or finds a different solution. Discussion was held.

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.

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

Mr. Delana asked Mr. Turisk if the first suggested condition has been satisfied by the email from Kyle Keller at District Health Department #4. Mr. Turisk stated no and noted that a copy of the sewage disposal permit was included in the packet.

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

The Planning Commission reviewed the General Findings. Mr. Freese stated that #3 should be revised, "The Planning Commission finds that the subject property is conditionally zoned Commercial Development (D-CM) for use as a machine shop manufacturing facility."

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request and the engineer seal waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

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. 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.
5. The conditions agreed to at the 09/02/20 Planning Commission meeting for the conditional rezoning and as documented in the minutes of that meeting, a copy of which is attached to and made a part hereof are made conditions of the approval of this special use permit.

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

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Turisk reviewed workshops that are being offered by the Michigan Association of Planning. Mr. Turisk asked the Planning Commission members to let him know which workshops they are interested in attending.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh stated that Mr. Duke's request is a great example of how Planning and Zoning is supposed to work. Mr.

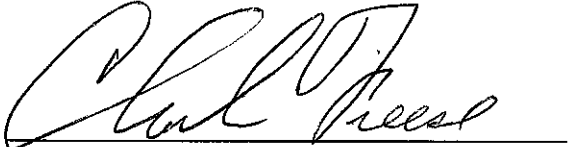
Kavanaugh stated that Mr. Duke made a good decision after looking at what information the Planning Commission provided. Mr. Kavanaugh stated that the Planning Commission is supposed to provide for orderly development of the community.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh, to adjourn. Motion carried. Meeting was adjourned at 7:56pm.

A handwritten signature in cursive script, appearing to read "Charles Freese", written over a horizontal line.

Charles Freese
Planning Commission Secretary