

**THE MEETING OF THE CHEBOYGAN COUNTY PLANNING COMMISSION  
SCHEDULED FOR WEDNESDAY, AUGUST 5, 2020 at (7:00 P.M.)  
at 870 S. Main Street, Cheboygan, Michigan  
will be a “hybrid” public meeting in order to also allow the public  
to attend telephonically or remotely as permitted by Cheboygan  
County Resolution 2020-06 and the  
Governor’s Executive Order subject to extension to prevent the  
spread of Coronavirus Disease COVID-19**

You may also join the meeting remotely from your computer, tablet or smartphone via the following link (Visit the County’s Website for additional remote participation instructions):

<https://global.gotomeeting.com/join/956536565>

**The public may access the meeting by calling:**

**United States (Toll Free): 1-877-568-4106**

**Access Code: 956-536-565**

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Those that are hearing impaired may dial 7-1-1. Please provide the operator the toll free number and meeting access code to be connected to the phone call with help from MI Relay. If other aids and services are needed for individuals with disabilities please contact the County Clerk. The Planning Commission packet is available for download at: [www.cheboygancounty.net](http://www.cheboygancounty.net).

**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 attending the meeting in person at the Cheboygan County Building, 870 S. Main St., Cheboygan:

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



# CHEBOYGAN COUNTY PLANNING COMMISSION

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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, AUGUST 5, 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. 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.
2. 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.
3. Amendment #157 - An ordinance that would amend Section 18.12 (Expiration of Special Use), Section 20.16 (Expiration of Site Plan Review) and Section 21.4 (Expiration of a Zoning Permit) of Cheboygan County Zoning Ordinance No. 200 to allow expanded authority for the Zoning Administrator to grant administrative extensions of approved permits.

NEW BUSINESS

1. Discussion regarding in-progress and possible future amendments to Zoning Ordinance No. 200.

UNFINISHED BUSINESS

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

PLANNING COMMISSION COMMENTS



# CHEBOYGAN COUNTY PLANNING COMMISSION

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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, JUNE 17, 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:** Peter Wendling, Lori Stelmaszek, Ryan McGraw, Gil Archambo, David Bona

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. Freese, to approve the agenda as presented. Motion carried unanimously.

### APPROVAL OF MINUTES

The May 20, 2020 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the meeting minutes as presented. Motion carried unanimously.

The June 3, 2020 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried unanimously.

### PUBLIC HEARING AND ACTION ON REQUESTS

**Bona Architect/Ann Arbor YMCA** - Requests an amendment to a Special Use Permit per section 18.11 of the Zoning Ordinance for reconstruction of a kitchen addition onto an existing dining hall, and reconstruction of a lodge for administrative offices and sleeping quarters for an existing YMCA camp per section 10.3.2. The property is located at 9728 W. Highway M-68, Tuscarora Township, section 16, parcel # 161-016-300-001-00. The property is zoned both Lake and Stream Protection (P-LS) and Agriculture and Forestry Management (M-AF), however the project site is within the P-LS zoning district.

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

Ms. Croft asked for Planning Commission comments. Ms. Lyon asked if there are any changes to the high water mark. Mr. Freese stated the ordinary high water mark on the interior lakes have not changed much but the ordinary high water mark for the Great Lakes are fluctuating higher. Discussion was held. Mr. Freese stated that the ordinary high water mark is delineated by the vegetation change from the shoreline vegetation to the upper elevation vegetation mark. Mr. Freese stated that the high water mark is a mark where the vegetation changes due to the impact of the wave action on the shore. Mr. Freese stated that if the shoreline erodes due to the wave action, the ordinary high water mark will change. Ms. Lyon referred to the public comment that was submitted and stated that she believes that there is a legitimate concern. Mr. Freese stated that the person who wrote the letter was concerned about the building being closer to the water than the existing building. Mr. Freese stated that the proposed building is further away by 10 inches. Mr. Freese stated that he looked at the shoreline during the site inspection and he did not see any erosion.

Mr. Kavanaugh noted that the applicant submitted a complete set of plans.

Mr. Freese stated that he likes the north lodge is being built along the same line as what they had previously. Mr. Freese asked Mr. Bona if the east elevation is designated as the west elevation for the kitchen on drawing 2.0. Mr. Bona stated that is incorrect and the west elevation is actually the east elevation which faces Burt Lake.

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

The Planning Commission reviewed the General Findings and added "The proposed location of the North Lodge is 10 inches further from the ordinary high water mark than the existing North Lodge." as General Finding #15. The Planning Commission reviewed 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 with the following conditions:

1. Prior to construction, the applicant shall obtain a Soil Erosion and Sedimentation Control Permit.
2. Prior to construction, the applicant shall obtain building permits as applicable from the County's Department of Building Safety.
3. Applicant must meet all applicant requirements of District Health Department #4
4. 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.
5. Any changes to the approved special use amendment shall be subject to review by the Planning and Zoning Department and may require approval by the Planning Commission.
6. 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.

Motion carried unanimously.

**UNFINISHED BUSINESS**

**Orion Renewable Energy Group, LLC** – The applicant requests a Special Use Permit for a Level 3 Solar Energy System – Photovoltaic (SES-PV), per Sections 9.3.27 and 10.3.16 of the Zoning Ordinance for construction of a "solar farm"/utility-scale solar energy generating facility in Grant Township. The subject properties are zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS) and are located approximately 13 miles southeast of the City of Cheboygan, along N. Black River Road, south of Twin Lakes Road and bounded by Ross Road to the south and Page Road to the north, Chamberlin Road to the east and Trudeau Road to the west. The subject properties are in sections 4, 5, 6, 8 and 9 and encompass approximately 1,572 acres on 31 parcels, tax parcel id numbers:

- |                        |                        |                        |
|------------------------|------------------------|------------------------|
| 1. 151-009-200-001-05  | 12. 151-008-300-007-00 | 23. 151-009-400-002-00 |
| 2. 151-006-100-004-00  | 13. 151-008-400-001-00 | 24. 151-009-200-002-00 |
| 3. 151-006-300-001-02  | 14. 151-008-200-001-02 | 25. 151-009-400-001-00 |
| 4. 151-006-100-005-00  | 15. 151-009-300-001-00 | 26. 151-009-200-003-00 |
| 5. 151-006-200-003-00  | 16. 151-009-100-003-00 | 27. 151-004-401-001-00 |
| 6. 151-006-200-005-00  | 17. 151-009-300-004-00 | 28. 151-005-100-001-00 |
| 7. 151-006-400-001-05  | 18. 151-009-400-004-00 | 29. 151-005-300-004-00 |
| 8. 151-008-400-003-00  | 19. 151-009-400-003-00 | 30. 151-005-300-008-00 |
| 9. 151-008-400-004-00  | 20. 151-009-200-001-07 | 31. 151-006-200-002-00 |
| 10. 151-008-100-004-00 | 21. 151-009-300-003-00 |                        |
| 11. 151-008-300-006-00 | 22. 151-009-100-004-03 |                        |

Mr. Wendling stated that at the June 3, 2020 meeting there was a public hearing on this matter. Mr. Wendling stated that during the public hearing information was presented by the applicant and public comments and materials were received up to an including the meeting itself. Mr. Wendling stated that during the meeting, there were some members of the public who were logged in and were otherwise unable, due to technical difficulties, to have their input heard during the public hearing. Mr. Wendling stated that the Planning Commission is opening a limited public hearing solely for the purpose of allowing these individuals an opportunity to participate and finish the public hearing if they were logged in on June 3, 2020, either by

telephone or computer, but were unable to participate. Mr. Wendling asked Mr. Turisk if he has the call list from the June 3, 2020 meeting and if it can be matched up to anyone that is present today and who did not have an opportunity to make comments during the public hearing. Mr. Wendling stated that if they did not have an opportunity to make comments during the public hearing, now is the time that they can do so. Mr. Wendling stated that at the end of the public hearing the Planning Commission closed the record and the only additional items on the record are materials that were requested by the Planning Commission, either directly or through staff at the end of the public hearing and thereafter. Mr. Wendling stated that this is a limited form of a public hearing and is only open to those who logged in and were unable to participate on June 3, 2020. Mr. Wendling stated this is different from public comment which is on the Planning Commission's agenda and is separate from this limited public hearing. Mr. Wendling asked Mr. Turisk to look at the list of people who were logged in on June 3, 2020 and compare it to who is currently logged in and asked if they were not able to comment on June 3, 2020 and if they wish to do so now. Mr. Turisk stated that after comparing the list from the June 3, 2020 meeting to the list for this meeting, the only one that he can identify is Gil Archambo.

Mr. Turisk asked Mr. Wendling if this item has to be removed from the table. Mr. Wendling stated yes, because the Planning Commission did table it. Mr. Wendling stated that you want to remove it from the table and then conduct a limited public hearing and then continue with any deliberations or questions on the part of the Planning Commission. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the item be removed from being tabled. Motion carried unanimously.

Mr. Wendling stated that the Planning Commission can reopen the limited public hearing and Mr. Turisk can ask for comments from those that are logged in now and who were also logged in on June 3, 2020 and were not able to participate. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to reopen the limited public hearing from the June 3, 2020 meeting for Orion Renewable Energy LLC. Motion carried unanimously.

Mr. Turisk stated that after comparing the list from the June 3, 2020 meeting to the list for tonight's meeting, the only one that he identified is Gil Archambo. Mr. Turisk stated that due to technical difficulties, Mr. Archambo was unable to provide public comments. Mr. Archambo stated that his questions were answered by Mr. Kavanaugh and Mr. Freese. Mr. Archambo stated that he believed the bond was to be renewed in five year increments. Mr. Archambo stated that after talking to Mr. Freese that is not correct and he is comfortable with the way that it is now as long as the bond is good for the entire length of the solar project itself, which is 25 years.

Mr. Turisk stated that by looking over the list from the June 3, 2020 meeting, he does not see anyone else matching up to the list of people attending the meeting this evening. Ms. Croft questioned if other members of the public were like Mr. Archambo and tried to make comments and could not. Ms. Croft stated that the Planning Commission would not have any idea unless they identified themselves. Ms. Stelmaszek stated that she would like to speak. Mr. Turisk stated that Ms. Stelmaszek's name is on the list from the June 3, 2020 meeting. Ms. Croft stated that she knows that Ms. Stelmaszek did not speak at the meeting. Mr. Wendling stated that if someone is calling in tonight and they also called in on June 3, 2020 but did not speak you can ask them if they had an opportunity to speak or not. Mr. Wendling stated that if their answer is no they will be given an opportunity to speak now. Ms. Croft asked Ms. Stelmaszek if she had an opportunity to speak on June 3, 2020. Ms. Stelmaszek stated that she was not aware of the option of pressing star six to unmute the phone. Ms. Croft asked Ms. Stelmaszek if she wanted to speak tonight. Ms. Stelmaszek stated yes. Ms. Stelmaszek stated that at the last meeting there were concerns regarding the current location of the substation. Ms. Stelmaszek stated that she would like to offer an alternate location. Ms. Stelmaszek suggested parcels #151-009-400-002-00 and #151-009-400-001-00 which are on the corner of Hanson Road and Chamberlain Road. Ms. Stelmaszek stated that this is a more secluded location and it is not in close proximity to a home. Ms. Stelmaszek stated that it does follow along the power line corridor and there are existing trees and woods to the east and to the west there are barns and trees. Ms. Stelmaszek stated that this is a less traveled area and it is more out of sight. Ms. Stelmaszek stated that she would rather look at solar panels than a substation. Ms. Stelmaszek stated there would be less noise or disturbance to the homeowners. Ms. Stelmaszek stated that this will be a huge eyesore in the field by Owens road. Ms. Stelmaszek stated this would be a more secluded hidden location for the substation. Ms. Stelmaszek stated that she believes this would be a savings for Orion as they would not have to plant so many trees to reduce the noise level. Ms. Stelmaszek stated that Owens Road would be more suited to solar panels as it is more wide open. Ms. Croft stated that this information will be passed on to Orion so they can check the location.

Ms. Croft asked if there is anyone else that attended the June 3, 2020 meeting that could not speak. Ms. Croft stated that she did not hear any additional responses from the public that they were not able to speak on June 3, 2020. Ms. Croft stated that if it is appropriate she would like to close the public hearing. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to close the public hearing. Motion carried unanimously.

Mr. Wendling stated that the Planning Commission can ask additional questions about any of the materials that were received, as requested from Orion at the June 3, 2020 meeting. Ms. Croft stated that the Planning Commission members have not received the requested items. Mr. Wendling stated that the findings of fact are in draft form. Ms. Croft asked Mr. Wendling when he believes the findings of fact will be completed. Mr. Wendling stated he will be working on them with staff and they should be ready within a week to 10 days. Mr. Freese stated that the Planning Commission still does not have the package from Orion addressing the questions that were already posed. Mr. Freese stated that the draft findings of fact will need to include the Planning Commission's input from the answers to those questions.

Mr. Turisk agreed with Mr. Freese and stated that we do need to look at the amended materials to craft the findings of fact. Mr. Turisk stated that when speaking with Amanda Hoffman from Orion, she indicated that they have been mailed packages to the Planning Commission members. Mr. Turisk stated that staff received a package today. Mr. Turisk stated that staff is waiting for the Planning Commission to receive their packets prior to posting the information online for the public. Ms. Croft stated that the Planning Commission needs the final amended information from Orion before they can proceed.

Mr. Turisk stated that staff will need a reasonable measure of time to compile the changes or the amendments that were made that came out of the June 3, 2020 public hearing. Mr. Turisk stated that Mr. Wendling suggested allowing for a minimum of 12 to 14 days. Ms. Croft stated that 14 days would put it at the July 1, 2020 meeting. Ms. Croft noted that this agenda is full. Mr. Wendling stated that he also discussed June 30, 2020 with Mr. Turisk. Mr. Kavanaugh stated that the Planning Commission will need to review Orion's amendments and they will need enough time to see if the questions that were asked were properly answered. Mr. Kavanaugh stated that the findings of fact will need to be prepared. Mr. Kavanaugh stated that it is not the Planning Commission's fault that they didn't receive them for this meeting. Mr. Kavanaugh stated that the Planning Commission wants to make sure they have enough time to have everything in order. Mr. Kavanaugh stated that he is not sure that June 30, 2020 will allow for enough time. Mr. Freese suggested holding a special meeting after this date. Mr. Turisk asked Mr. Wendling if the applicant would incur the special meeting fee if they request a special meeting. Mr. Wendling stated yes, pursuant to your policy, if an applicant requests a special meeting, it does add costs and they have to cover the cost of the meeting. Discussion was held. Mr. Wendling stated that staff can work with the applicant and the Planning Commission to determine a date in the next three to four weeks. Mr. Freese asked if this request should be tabled to a specific date and time. Discussion was held. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to table the request until July 15, 2020 to allow the Planning Commission an opportunity to review the forthcoming information and for the findings of fact to be constructed. Motion carried unanimously.

#### **NEW BUSINESS**

Mr. Turisk stated that he looking at holding a meeting in a physical space, with social distancing guidelines in mind. Mr. Turisk stated that it is quite possible for the July 15, 2020 meeting the Planning Commission could be holding the meeting in a single physical setting. Mr. Turisk stated that staff is trying to coordinate a meeting location so as to ensure enough space for social distancing to accommodate those who wish to attend.

#### **STAFF REPORT**

Mr. Turisk stated that there will be two Zoning Ordinance Amendments and a conditional rezoning application on July 1, 2020 agenda.

#### **PLANNING COMMISSION COMMENTS**

Ms. Johnson stated that staff should review the findings of fact that were presented in the past. Ms. Johnson stated that staff should use that format. Ms. Johnson stated that the findings of facts that were presented tonight, do not list both sides. Ms. Johnson stated that the findings of fact list should be presented from both sides, not just one. Mr. Kavanaugh stated that this has been brought up in at a few past meetings. Mr. Kavanaugh stated that staff may think noise isn't a problem, but a neighbor may feel that it is a problem. Mr. Kavanaugh stated that there should be a pro and a con on just about every finding of fact. Mr. Kavanaugh stated that this should start again on all applications.

Mr. Turisk stated that staff did recognize the Planning Commission's collective wish to go back to the old format, but due to the nature of this request, staff didn't see a lot of opposing factors. Mr. Turisk noted that there are opposing findings in regards to site drainage. Mr. Turisk stated that staff will continue to do so moving forward, but some applications will generate more factors (for and against) than others. Mr. Turisk stated that the YMCA application was a comparatively benign application and it didn't generate a tremendous list of opposing factors.

Ms. Merk asked the Planning Commission what they are looking for in the findings of fact. Discussion was held. Mr. Turisk stated that staff has reviewed past findings of fact and there has been some discussion about reworking the structure of the findings to make them more user friendly and more readily understood.

Mr. Freese stated that he has run into this now for a long time, both from a Zoning Board of Appeals standpoint and from a Planning Commission standpoint. Mr. Freese stated that it can be very difficult to find something in opposition to each factor. Mr. Freese stated that you can come up with some tenuous thought such as in the case of sound regarding the YMCA application. Mr. Freese stated that the number of kids and staff will prove to produce a lot of noise. Mr. Freese stated that there is a lot of activity, which could be presented as one of the factors against but a factor in favor of it would be the site is over 1000 feet from the nearest neighbor and therefore the noise generated by that congregation of people is not going to be detrimental to the use and enjoyment of the adjoining properties. Mr. Turisk stated the YMCA application is comparatively benign and it is a little difficult to come up with a strong list of factors against. Mr. Turisk referred to 20.10.C regarding site drainage and stated the existing drainage flows will not be disturbed and the drain flows will not be impacted.

Mr. Wendling stated that the Planning Commission should remember that a special use permit must be granted if all the standards have been met. Mr. Wendling stated that with a variance it is very difficult to meet the standards so it is a little more lenient because the use is actually allowed as long as the applicant meets the conditions set forth in the Zoning Ordinance. Mr. Wendling stated that often you may not have many factors, or any at all, that are contrary to the standards contained for special use. Mr. Wendling stated that sometimes you have more of a vigorous opposition, such as expert testimony, internal experts or the county engineer that comes up with concerns and then those will be raised as potential negative findings. Mr. Wendling stated that the general rule is if a standard has been met for special use, the permit must be granted.

Ms. Johnson stated that she brought this concern up because it appears as if the Zoning Department is making the decision on whether the standard has or has not been met when it is presented this way. Ms. Johnson stated the Zoning Department should not make this decision. Ms. Johnson stated that the Planning Commission should be able to say whether or not the finding has been met. Ms. Johnson stated that the Planning Commission should have both options available. Ms. Johnson stated that the Zoning Department is presenting it to the Planning Commission as if they have already made the decision. Ms. Johnson stated that the Zoning Department is not giving the Planning Commission the opportunity to make the decisions themselves. Ms. Johnson stated that she understands that the Planning Commission has the opportunity to interject and add things, but she feels that this is being persuasive. Discussion was held. Mr. Wendling stated that this is more of a preparation duty for staff than necessarily the final decision, which of course is made by the Planning Commission.

Ms. Lyon stated that when she reads what is presented, she feels that staff is telling the Planning Commission the facts that are in the project and that she has to compare that with what she sees and what she has read to see if she believes it will meet the standard. Ms. Lyon stated that staff is presenting facts to help her make a decision on whether or not the standard has been met. Ms. Lyon stated that she doesn't think staff is telling her what she has to decide.

Mr. Kavanaugh stated that it is really important to look at all of these. Mr. Kavanaugh stated that regarding site drainage, just because no one is able to provide any evidence to the Zoning Department does not mean that there can't be a problem with drainage. Mr. Kavanaugh explained that it is important to look at both sides. Mr. Kavanaugh stated that he agrees with Ms. Johnson.

Mr. Freese stated that he interjects facts that he doesn't feel are in consonance with what has been presented. Mr. Freese stated that it is up to the members of the Planning Commission to do their own analyzing of the facts that are presented. Mr. Freese stated that if the factors that are supporting the decision are not adequate it's up to the Planning Commission to say something and put that into the consideration. Mr. Freese stated that he does this all the time for the Planning Commission and Zoning Board of Appeals and he considers it part of his homework in looking at the project. Mr. Freese stated that staff is not omnipotent. Mr. Freese stated that staff is probably more of an expert than most of the Planning Commission and they know the regulation better than most of the Planning Commission. Mr. Freese stated that staff can't anticipate every single thing that could be a factor. Mr. Freese stated that if there is something that the Planning Commission believes it wrong, it is their job to speak up.

Mr. Turisk agreed with Mr. Freese and stated that staff can't envision every scenario and he believes that the Planning Commission can fill in the gaps. Mr. Turisk stated that staff does not make recommendations to the Planning Commission. Mr. Turisk stated that in many communities the planning staff does render recommendations to the Planning Commission. Mr. Turisk stated that staff has stopped short of even making a recommendation to the Planning Commission so that suggests that the authority is in the Planning Commission's hands to identify findings and appropriate conditions as deemed appropriate. Mr. Turisk stated that one could argue that staff is steering the Planning Commission and it may seem that way, but that isn't the intent.

**PUBLIC COMMENTS**

Mr. McGraw, Vice President of Development for Orion Renewable Energy Group, stated that he would like to address two topics. Mr. McGraw apologized that they were not able to get all the new materials and responses to the Planning Commission in hard copy more quickly. Mr. McGraw stated that regarding moving the substation, they unfortunately can't move the substation and the reason being is that they have signed an agreement with the transmission owner and that agreement dictates the location of the substation. Mr. McGraw stated it would not be possible to change that agreement.

**ADJOURN**

**Motion** by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:23pm.

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Charles Freese  
Planning Commission Secretary



# 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, JULY 1, 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:** Ann Couture, Craig Tews, Roger Houghton, Stephanie Marsh, Mike McCarty, Russ Crawford, Cheryl Crawford, Janice Morrow, Jennifer Atkins, John Moore, Chuck Beckwith, Erling Johnson,

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 June 10, 2020 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried unanimously.

### PUBLIC HEARING AND ACTION ON REQUESTS

**Amendment #157** - An Ordinance that would amend Section 18.12 (Expiration of Special Use), Section 20.16 (Expiration of Site Plan Review) and Section 21.4 (Expiration of a Zoning Permit) of Cheboygan County Zoning Ordinance No. 200 to allow expanded authority for the Zoning Administrator to grant administrative extensions of approved permits.

Mr. Turisk stated the proposed amendment would amend section 18.12, section 20.16 and section 21.4 of the Zoning Ordinance. Mr. Turisk stated that the proposed amendment allows for expanded authority for the Zoning Administrator to grant administrative extensions of approved permits. Mr. Turisk stated that the Planning Commission currently has sole authority to grant extensions of approved site plan reviews and special use permits. Mr. Turisk stated that the proposed amendment would allow the Zoning Administrator to grant an administrative one year extension of an approved site plan review or a special use permit. Mr. Turisk stated that it also allows for an additional extension beyond that one year, however, the authority for that additional extension would be held by the Planning Commission. Mr. Turisk stated that there are two conditions that would need to be demonstrated to grant the administrative approval. Mr. Turisk stated that the first condition requires the property owner or the applicant to present reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner. Mr. Turisk stated that the second condition is if there has not been a significant change to any regulation applicable to the development then the Zoning Administrator would be able to approve the one year administrative extension. Mr. Turisk stated that proposed Amendments#157 and #158 has been reviewed by legal counsel.

Mr. Turisk stated that Amendment #157 also proposes an extension of approved zoning permits. Mr. Turisk stated that currently, zoning permits are valid for six months from the date of approval and that is not in harmony with the Department of Buildings Safety building permits which are valid for one year. Mr. Turisk stated that it makes perfect sense to align the expirations of the permits because of the problems and confusion it causes for applicants. Mr. Turisk stated the Zoning Administrator would be required to receive a written request for the permit extension.

Ms. Croft asked for Planning Commission comments. Ms. Johnson stated that at the previous meeting the Planning Commission discussed adding language about not extending the permit if any violations have occurred. Ms. Johnson stated that is not included in the proposed amendment. Mr. Turisk stated that language can be crafted this evening as it is a simple addition. Mr. Freese asked if Ms. Johnson is talking about a violation that the property owner may have had on the parcel which is not related to the uses relating to the special use permit or site plan in question, and if it is only an extension of the zoning permit, then there would not have been a violation from that standpoint. Mr. Freese stated that the reason for applying for an extension for a special use permit or site plan review could be due to a violation that was there in the first place. Ms. Johnson stated that if the applicant is coming in because of enforcement issues and they're in violation it should not be extended again. Ms. Johnson stated if they have not made any attempt to remedy the situation they should not be granted an extension. Ms. Johnson stated that if they are working on it, that is a different story. Ms. Johnson stated that if there are blatant violations because of what was proposed and they take a different track, they assume it's given them more freedoms than what the special use permit actually states. Ms. Johnson stated these are violations. Ms. Johnson stated that if there are other things that they do than what was proposed for the special use permit those would be violations potentially. Mr. Delana asked Mr. Johnson if she is saying specifically violations of conditions to a previous permit that an applicant is asking to have extended. Ms. Johnson noted that it is a violation if an applicant requests an extension for a special use permit and they are utilizing it for another use that is not approved. Mr. Turisk stated that under the circumstances that Ms. Johnson proposed, there would be a stay on the activity that's identified as being in violation until we get a voluntary compliance. Mr. Turisk stated that we do not want to treat anybody differently. Mr. Turisk stated that if they're voluntarily working through the process, and they've demonstrated that there's been some difficulty in following through on the approved site plan review or special use permit, then there should be consideration as to why we treat them differently if they are working towards compliance. Ms. Johnson stated that working towards compliance and violating a special use permit are two different things. Ms. Johnson stated that we have existing situations in Cheboygan County where a special use permit has expired and people are still doing what they're not supposed to be doing and Cheboygan County has chosen not to enforce that. Mr. Turisk stated that he would disagree with Ms. Johnson and stated that the Zoning Enforcement Officer Michael Peltier has done an admirable job. Ms. Johnson stated that she agrees that the Zoning Enforcement Officer has done an admirable job, but Cheboygan County is where the stopping is, and she does not want to see other people go through that same situation. Ms. Johnson stated that when a special use permit is approved, the applicant has an allotted amount of time in order to meet the conditions and you would not expect that there would be violations during that first year time frame if they are working towards meeting all the conditions. Ms. Johnson stated there should not be any violations on the site. Mr. Turisk stated that we should be careful of combining one violation with another violation related to a site plan review. Mr. Turisk stated that we have to keep those distinct. Ms. Johnson stated that we may need legal counsel's advice as to how to word this properly. Mr. Kavanaugh stated that language should be included in the proposed amendment to reinforce the conditions and the requirements. Mr. Kavanaugh stated it is disturbing to see an applicant obtain approval for a special use permit and have violations before they ever meet the standards. Mr. Borowicz stated that it seems that we're a little off the course here as we're talking about a special use permit where the applicant has not begun substantial construction on the project. Mr. Borowicz stated that if the applicant is making progress on the project they do not have to apply for an extension. Ms. Johnson stated that if they are operating the business without the approval of the special use permit it creates a violation. Mr. Borowicz stated that is not related to the extension of a special use permit. Mr. Borowicz stated that is simply a violation. Mr. Turisk stated that if there is an established violation you would not be able to get a permit unless you meet compliance with a permit application and the same holds. Ms. Croft stated the same should hold true for an extension. Mr. Freese stated that the Planning Commission can not come up with a language to get that intent into the regulation and legal counsel will have to help draft the language. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to forward the proposed amendment to legal counsel. Motion carried unanimously.

**Amendment #158** - An Ordinance imposing a moratorium authorizing temporary relief from and authorizing temporary land uses under the Cheboygan County Zoning Ordinance No. 200 in response to the COVID-19 pandemic.

Mr. Turisk stated Amendment #158 is legally a moratorium ordinance. Mr. Turisk stated that is an effort to provide some measure of regulatory relief, particularly to business owners. Mr. Turisk stated that on June 10, 2020 the Planning Commission discussed retail uses, the use of dedicated off street parking for an approved use to be used in part for outdoor seating areas so that patrons can honor minimum social visits and guidelines. Mr. Turisk stated that the Planning Commission discussed temporary signage and mobile food units. Mr. Turisk stated that the Planning Commission talked about allowing mobile food units to operate only on properties that have permitted established brick and mortar restaurants.

Mr. Freese referred to Section 2.A.3a and not that it should be 32 square feet instead of 33 square feet. Mr. Freese referred to Section 2.A.4.a and requested using the use that is listed in the Zoning Ordinance which is "bar and restaurant, carry out restaurant drive in restaurants and fast food restaurant" instead of "brick and mortar restaurant".

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

Mr. Turisk stated that Tuscarora Township Supervisor, Mike Ridley, supports this amendment.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to forward Amendment #158 with the two amendments to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried unanimously.

**Amendment #159 (DGOGCheboyganmi040120, LLC/Holifield/Sova)** – A request for conditional rezoning under the Michigan Zoning Enabling Act, MCL 125.3405 (P.A. 110 of 2006). The subject properties are currently zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS). The applicant requests a conditional rezoning/zoning amendment for Commercial Development (D-CM) zoning for entirely one property (Parcel ID 104-035-200-025-02) and a portion of an adjacent property (Parcel ID 104-035-200-028-00). If approved the land use would be limited to the following: Retail sales establishment, General, per section 6.2.17 of Zoning Ordinance #200. Retail sales establishment, General is not an allowed land use in the M-AF or P-LS zoning districts. However, should the conditional rezoning application be approved the land use would be allowed with approval of a site plan review application by the Planning Commission under Article 20 of Cheboygan County Zoning Ordinance #200. The subject properties are located at 6647 and 6725 N. Black River Rd. in Benton Township, parcel ID nos. 104-035-200-025-02 and 104-035-200-028-00 in Section 35.

Mr. Turisk reviewed the background information contained in the staff report (Exhibit 13).

Mr. Freese stated that he does not look at the Rural Commercial Nodes the same way that Mr. Turisk is looking at them.. Mr. Freese stated that the reason the Planning Commission came up with those designations and the locations was because they were potential sites for development other than the Agriculture and Forestry Management uses that are now allowed. Mr. Freese stated that townships and incorporated cities can they have their own zoning. Mr. Freese stated that the only reason Cheboygan County has the zoning authority is because the townships have elected not to have their own zoning. Mr. Freese stated that the Planning and Zoning Enabling Act recognizes the fact that the decisions for development are authorized at the city and township level. Mr. Freese stated that when the Planning Commission had discussions with each of the townships when updating the Master Plan, we tried to identify areas that the townships might be interested in developing for uses other than Lake and Stream Protection uses and Agriculture and Forestry Management uses. Mr. Freese stated that there was no restriction on the size of that Rural Commercial Node. Mr. Freese stated that if Cheboygan County is to continue to grow, there would be a basis and reason for expanding some of these Rural Commercial Nodes. Mr. Freese stated that unfortunately, the way things have gone in the last six months, he does not really see Cheboygan County growing. Mr. Freese stated that it is the Planning Commission's responsibility to look at the desires of the township. Mr. Freese stated that the Planning Commission should look to see if the township desires to have some of these Rural Commercial Nodes expanded and used for the purpose that was established. Mr. Freese stated that these areas were identified originally because there had been previously, or there were now, existing stores or commercial establishments in these locations. Mr. Freese stated that there were a lot of towns in Cheboygan County that nobody recognizes anymore such as Rondo, Wildwood, Freedom, Hackwood, Manning and LeGrand. Mr. Freese stated that now we have Afton, Tower, Indian River, Cheboygan, Aloha and Mackinaw City. Mr. Freese stated that Alverno and Topinabee have the potential to grow. Mr. Freese stated that the Planning Commission should keep an open mind on opening up the Rural Commercial Nodes to commercial uses. Mr. Freese stated that he is not saying that this one should be expanded at this point, but it is probably one of the best locations that could grow. Mr. Freese stated that the Alverno Fire Department serves a much greater area than just Benton Township. Mr. Freese stated that the Benton Township Hall and the recreational facilities have expanded. Mr. Freese stated that the old firehouse has been relocated to a much bigger fire hall. Mr. Freese stated that Alverno one of the few places that has really grown. Mr. Freese stated that when the public weighs in on this application tonight the Planning Commission will get some consensus whether they want to grow their area or not. Mr. Freese stated that the Planning Commission should probably lean toward what the public wants for their area.

Mr. Kavanaugh stated that he was involved in the future land use plan and the Planning Commission looked at these nodes and most of the structures already existed. Mr. Kavanaugh stated that the Planning Commission expected the nodes at crossroads like it is now with Collins Grocery, the Fire Department and the Benton Township Hall. Mr. Kavanaugh stated that at that point no one, including Benton Township, had an interest in extending it a mile because there are beautiful homes in this area. Mr. Kavanaugh stated that no Planning Commission members involved expected to stretch the Rural Commercial Node a mile in each direction. Mr. Kavanaugh stated that the Planning Commission should take a good look at this proposed change and see if that's the kind of expansion that everybody expected. Mr. Kavanaugh stated that this is not allowed in the Future land Use Plan. Mr. Kavanaugh stated that this is spot zoning in his opinion. Mr. Kavanaugh stated that the Planning Commission should receive comments from the audience and see what they think.

Ms. Croft asked for public comments.

Ms. Couture noted that directly across the street from the parcels that are proposed to be rezoned is an excavating company. Ms. Couture stated that there is a gravel pit in this area that is used commercially and a small business repair shop that is within a half mile. Ms. Couture stated that within two miles there is also a bar/restaurant. Ms. Couture stated that this is not just a small commercial thing as there are other commercial businesses that are being run in that area. Mr. Borowicz stated that the corner of Black River Road and Twin Lakes Road has been identified as another Rural Commercial Node. Mr. Kavanaugh stated that some uses are allowed in Agriculture and Forestry Management which have been approved for a special use permit. Mr. Kavanaugh stated that the other uses are probably home occupations which are allowed in all zoning districts. Mr. Kavanaugh stated that he would have rather seen this rezoning request adjacent to the node instead of 1000-2000 feet down the road.

Mr. Tews stated that this is a nice little community. Mr. Tews stated his concerns about a national chain, if the store does not show a profit, shutting down the store. Mr. Tews stated that there will be an empty commercial building on the property.

Ms. Atkins stated that she is a resident of Benton Township and is also a local pediatrician in the Indian River area. Ms. Atkins stated she is concerned with the location given that there is a bend in the road and a downhill slope. Ms. Atkins stated her concern is about the safety of the families and kids in the area from a large commercial business with a parking lot and lighting and inconsistencies of that type of business with those local ones that were mentioned in the Rural Commercial Nodes. Ms. Atkins stated that this is definitely out of place. Ms. Atkins stated her concerns regarding the safety of the hill and noted that it can get tricky in the winter.

Ms. Marsh stated that she is probably the property owner who will be most affected by this as she her dwelling is on an adjacent parcel. Ms. Marsh stated that when the drilling was done for the perk test for the potential business her house shook the whole day. Ms. Marsh stated she will be affected day in and day out if this is approved. Ms. Marsh stated that she has a son and a daughter on the spectrum and her son paced and cried and she can not have that for her son. Ms. Marsh stated that they would have to do something. Ms. Marsh stated that there are days when she can barely get out of the driveway and she does not ever back out of the driveway because of the curve, the hill and the 45 mile per hour speed limit. Ms. Marsh stated her concerns about not being able to get out of her driveway. Ms. Marsh stated that this has already affected her home and it has not even started.

Ms. Morrow stated that she lives on the hill of Alverno and the traffic is terrible. Ms. Morrow stated her concerns that there will be more accidents. Ms. Morrow stated that the cars in the area drive 75-80 miles per hour.

Mr. Johnson stated he lives around the corner. Mr. Johnson stated there is a problem with speeders. Mr. Johnson stated that this is a poor location for the proposed rezoning.

Ms. Croft closed public comment.

Mr. Bartlett stated that the old fire station, which is vacant, is located in the Rural Commercial Node.

Mr. Turisk noted that the applicant's representative, Mike McCarthy, is attending the meeting this evening.

Discussion was held regarding the location for the proposed rezoning. Mr. Delana asked why this property was chosen and targeted. Mr. McCarthy stated that other sites were looked at and eliminated due to topography, wetlands, or reluctance of the property owners to sell. Mr. Turisk stated that if the conditional rezoning is approved, the applicant will need to submit a site plan review application. Mr. Turisk stated that the Planning Commission would then have an opportunity to review basic development features. Mr. Turisk stated that the Planning Commission is focusing on the rezoning application tonight.

The Planning Commission reviewed the General Findings:

1. The Planning Commission finds the applicant proposes rezoning of certain real property in the applications from Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS) to Commercial Development (D-CM). (See Exhibits 3 and 13)
2. The Planning Commission finds the applications are made by DGOGCheboyganmi040120, LLC. (See Exhibit 3 and 13)

3. The Planning Commission finds the parcels to the north are zoned Agriculture and Forestry Management (M-AF). Furthermore, the parcels to the east are zoned and Lake and Stream Protection (P-LS) and Agriculture and Forestry Management (M-AF), the parcels to the south are zoned Lake and Stream Protection (P-LS), and the parcels to the west are zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS). (see Exhibit 5)
4. The Cheboygan County Master Plan and Future Land Use Map designate the area in which the subject properties are located as Forest/Agricultural and Lake, River and Stream Protection. (See Exhibits 2 and 13)
5. The Planning Commission finds that the subject properties are located approximately 2,000 linear feet south of the *Alverno Commercial Node* at the intersection of North Black River Road and Orchard Beach Road. (See Exhibits 2, 4 and 13)

The Planning Commission reviewed the Rezoning Factors:

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

- A. The Planning Commission finds that the surrounding land uses are in the M-AF and P-LS zoning districts, with residential land use predominate and therefore, the proposed conditional rezoning is not reasonably consistent with surrounding land uses. (See Exhibits 1, 2, 4, 6, 7, 8 and 13)
- B. The Planning Commission finds that based upon the information provided in the staff report that indicates that the property is designated Forest/Agricultural and Lake, River and Stream Protection by the Cheboygan County Master Plan and Future Land Use Map. See Exhibits 2 and 13)

**Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, that the standard has not been met. Motion carried unanimously.

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

- A. The Planning Commission finds that there is evidence that the proposed conditional rezoning in and of itself 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, 2, 4, 6, 7, 8 and 13)

**Motion** by Mr. Kavanaugh, seconded by Ms. Johnson, that the standard has not been met. Motion carried. 8 Ayes (Kavanaugh, Johnson, Croft, Borowicz, Freese, Ostwald, Bartlett, Lyon) 1 Nay (Delana), 0 Absent

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

- A. None identified.

**Motion** by Mr. Freese, seconded by Mr. Borowicz, that the standard has been met. Motion carried unanimously.

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

- A. The Planning Commission finds that minimal changes have occurred in the vicinity of the subject properties and that much of the area remains largely residential (as opposed to accommodating commercial uses). (See Exhibits 4 and 13)

**Motion** by Mr. Kavanaugh, seconded by Ms. Johnson, that the standard has not been met. Motion carried. 8 Ayes (Kavanaugh, Johnson, Croft, Borowicz, Delana, Ostwald, Bartlett, Lyon) 1 Nay (Freese), 0 Absent

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

**existing regulations?**

- A. The Planning Commission finds that given surrounding properties (that are not subject to the conditional rezoning applications), no evidence exists that the conditional rezoning would deter the improvement or development of adjacent properties in accordance with existing regulations, much less future land use plans, per the County's Master Plan and Future Land Use Map. See Exhibits 1, 7 and 8.

Motion by Mr. Freese, seconded by Mr. Delana, that the standard has been met. Motion carried unanimously.

**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 (i.e. will rezoning result in spot zoning?)**

- A. The Planning Commission finds that conditionally rezoning the property as proposed does create a special privilege or result in spot zoning because of the homogeneous residential/"rural residential" character of the area and the lack of commercial zoning or a mix of zoning. (See Exhibits 2, 4 and 13)

Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, that the standard has not been met. Motion carried unanimously.

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

- A. The Planning Commission finds that the subject properties can be used for all purposes listed under their current zoning classifications. (See Exhibits 1, 7 and 8)

Motion by Mr. Freese, seconded by Mr. Delana, that the standard has not been met. Motion carried unanimously.

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

- A. None identified.

Motion by Mr. Kavanaugh, seconded by Ms. Johnson, that the standard has not been met. 8 Ayes (Kavanaugh, Johnson, Croft, Borowicz, Delana, Ostwald, Bartlett, Lyon) 1 Nay (Freese), 0 Absent

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

- A. The Planning Commission finds that the subject properties are or will be served by adequate public and private facilities by the applicant considering the type of use that may be permitted on the property.

Motion by Mr. Borowicz, seconded by Mr. Kavanaugh, that the standard has been met. Motion carried unanimously.

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

- A. None identified.

Motion by Mr. Freese, seconded by Mr. Borowicz, that the standard has been met. 8 Ayes (Freese, Johnson, Croft, Borowicz, Delana, Ostwald, Bartlett, Lyon) 1 Nay (Kavanaugh), 0 Absent

Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to recommend denial of the conditional rezoning application to the Cheboygan County Board of Commissioners based on the General Findings and Rezoning Factors 1,2,4,6,7 and 8 which have not been met. Motion carried unanimously.

Mr. Turisk stated that the Planning Commission's recommendation will be forwarded to the Cheboygan County Board of Commissioners and may be reviewed at their second meeting of the month which is July 28, 2020. Discussion was held

regarding the property owner's within 300ft. of the subject property not receiving notification of the Cheboygan County Board of Commissioners meeting as it is not technically a public hearing. Ms. Johnson stated that the property owner's within 300ft. should look at the Cheboygan County Board of Commissioner's website as the agenda is posted one week before the meeting.

**UNFINISHED BUSINESS**

Ms. Johnson asked if it is possible to get a list of pending ordinances that the Planning Commission is working on. Ms. Johnson stated that there are a few that the Planning Commission has not revisited in a while. Mr. Turisk stated that the Planning Commission will be addressing Amendment #155 soon. Mr. Turisk stated that the Cheboygan County Board of Commissioners adopted Amendment #154 recently. Mr. Turisk stated that the Planning Commission will be revisiting Amendment #156 regarding signage. Mr. Borowicz noted that the Planning Commission should also discuss planned unit developments. Discussion was held. Mr. Turisk stated that he will update the Planning Commission regarding amendments during future meetings. Mr. Delana suggested creating a list of amendments for the Planning Commission to review.

**NEW BUSINESS**

No comments.

**STAFF REPORT**

Mr. Turisk reminded the Planning Commission members and audience to participate in the Census 2020.

**PLANNING COMMISSION COMMENTS**

Mr. Kavanaugh stated that he would have looked at the conditional rezoning request differently if the parcels were contiguous or adjacent instead of a half mile away from the node. Mr. Kavanaugh believes if the proposed conditional rezoning was adjacent to the node it would not have a negative impact on neighbors. Mr. Delana agreed with Mr. Kavanaugh and stated a half mile is not reasonable. Discussion was held.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:38pm.

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Charles Freese  
Planning Commission Secretary



# 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, JULY 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, Jen Merk  
**GUESTS:** Peter Wendling, John Moore, Steve Warfield, Amanda Hoffman, Tom Slowinski, Al German, Eric Boyd, Tom Eustice, Eryn Eustice, Annette Eustice, Rick Tromble, Bill Beethem, Sharon Lange, Matt Zimmerman, Jeff Zirpoli, Michael Cressner, Collin Whitehead, Ryan Poley, Gil Archambo

Due to technical difficulties the Planning Commission meeting began at 7:23pm.

Ms. Johnson stated her concerns regarding whether or not the meeting should be held since there may be people who would have liked to attend the meeting but were unable to log in. Ms. Croft asked Mr. Wendling for his opinion on whether or not the meeting should continue. Mr. Wendling asked how many people had called to let Mr. Turisk know that they were not able to log into the meeting. Mr. Turisk stated that he received calls from several Planning Commission members and Mr. Boyd. Mr. Kavanaugh stated Commissioner Gouine should be called as he also was not able to log into this meeting. Mr. Archambo stated that there are several people from the community that were not able to log in to the meeting. Mr. Turisk stated that there are almost 20 unidentified callers that were able to log into the meeting. Discussion was held. Mr. Kavanaugh stated his concerns regarding the public not trying to call after 20 minutes of not connecting to the meeting. Mr. Archambo stated that he believes many of the people tried for 15-20 minutes and then quit trying. Mr. Archambo stated that he had quit trying and then he received a text stating that he could log into the meeting. Mr. Boyd stated that this is a perfect example of why these meetings should be held in a big building that will allow for social distancing. Mr. Turisk stated that he has been trying to secure an alternate meeting venue but it has been difficult to do so and he is continuing to work on it. Mr. Turisk stated that subject has not been ignored. Mr. Delana stated that he doesn't believe we have any way to know or document who may have wanted to participate in the meeting and was not able to do so. Mr. Delana questioned if the Planning Commission should move forward.

Mr. Wendling stated that the issue has been raised that there are people who wanted to participate and were unable to do so and may have been frustrated due to the unfortunate delay due to technical difficulties to convene this meeting. Mr. Wendling stated that this raises a potential claim that if the Planning Commission moves forward with the meeting that there was improper or lack of public access to the meeting, regardless of the Governor's order allowing for this type of meeting through electronic means, when in fact, there was an unfortunate but somewhat significant delay in starting this meeting. Mr. Wendling stated that in order to avoid that type of legal claim he advises that the meeting not proceed and that a re-notice of a special meeting would be at the county's expense.

Mr. Wendling stated that he has participated in numerous meetings and Cheboygan County is the only county that has used the GoToMeeting format and all others have used Zoom. Mr. Wendling stated that if we wish to avoid further technical difficulties we should try a different meeting format like Zoom. Mr. Wendling suggested using an outdoor forum such as a park with an outdoor covering or gazebo. Mr. Wendling stated that there is a risk of weather in an outdoor forum, but it is easier to accommodate large groups of people with social distancing. Mr. Wendling stated that he understands why Mr. Turisk is having a difficult time lining up a venue large enough to hold this meeting as the property owners are probably a little leery of having meetings in their facilities and then potentially somebody catching COVID-19.

Mr. Wendling stated that the risk is too high legally for the County to proceed with the meeting at this point due to the delay and due to potential claims against the County that the meeting was not sufficiently open due to technical difficulties blocking people from participating. Mr. Wendling stated that he understands that the applicant is disappointed given the timeline and everybody's desire to get this application reviewed by the Planning Commission, but the safest thing to do is to not have the

meeting and then re-notice it as a special meeting. Discussion was held regarding possible dates and locations for the special meeting.

**Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, that per legal counsel's recommendation, that this meeting be canceled and to notice the meeting at a time, date and place certain. Motion carried unanimously.

Meeting ended at 7:50pm.

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Charles Freese  
Planning Commission Secretary

# CHEBOYGAN COUNTY PLANNING COMMISSION

Antkoviak; Clark

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan and Future Land Use Map
3. Zoning Amendment Application (2 Pages)
4. Applicant Written Request for Conditional Rezoning, Including Legal Description (1 Page)
5. Location/Aerial Map (1 Page)
6. Location/Zoning Map (1 Page)
7. Sections 6.2 (Permitted Uses) and 6.3 (Uses Requiring Special Land Use Permits) of Zoning Ordinance No. 200 - Commercial Development District (D-CM)(2 Pages)
8. Sections 9.2 (Permitted Uses) and 9.3 (Uses Requiring Special Land Use Permits) of Zoning Ordinance No. 200 - Agriculture and Forestry Management District (M-AF)(3 Pages)
9. Mailing List (2 Pages)
10. Staff Report (4 Pages)
11. Draft Findings of Fact (7 Pages)

Note: Planning Commission members have Exhibits 1 and 2.

**ZONING AMENDMENT APPLICATION**

Fee \$ 225 Date 7.14.20

Application Approved by: MT. TURISK

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

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

**PLEASE PRINT**

LOCATION (For property rezoning)

Address <u>10999 N. EXTENSION Rd.</u>	City / Village <u>Levering</u>	Township/Sec. <u>MANRO 11</u>	Zoning District <u>AF</u> <u>?</u>
Property Tax I.D. (Parcel) Number <u>080-011-200-004-00</u>	Subdivision or Condo. Name/Plat or Lot No. <u>NA</u>		

APPLICANT

Name <u>David + Julie Clark</u>	Telephone <u>(810) 223-3346</u>	Fax	
Address <u>2232 HAYWARD DR.</u>	City & State <u>Clio, MI</u>	Zip Code <u>48420</u>	E-Mail <u>djclark2232@comcast.net</u>

PROPERTY OWNER (If different from applicant)

Name <u>Joe ANTKOVIK</u>	Telephone <u>231-627-2236</u>	Fax	
Address <u>6587 ANTKOVIK Rd.</u>	City & State <u>Levering MI.</u>	Zip Code <u>49755</u>	

**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 11 of Cheboygan County Zoning Ordinance No. 200 by making the following change(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Rezone from AF to \_\_\_\_\_ the property(s) described in Section II. A previous application for a variance, special use permit, or rezoning on this land has / 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:

E 1/2 OF NE 1/4 sec. 11 T37N, R3W2 Lying Nely  
OF Hwy I - 75 5221047

B. List all deed restrictions, if applicable:

NONE

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 X unplatted, \_\_\_\_\_ platted, \_\_\_\_\_ will be platted. If platted, name of plat:

E. Present use of the property is: VACANT WAS A WELL DRILLING OPERATION

F. Attach a drawing of the property.

III. **Justification for Requested Action**

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

selling business to A TOOL & DIE COMPANY  
FOCAL POINT MFG. LLC light INDUSTRIAL

B. If this is a proposed rezoning, what possible negative impacts could occur and what proposed mitigation would take place?

yes, NO 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 Joe Antkowiak Date 5-30-20

IV. **Affidavit**

The undersigned affirms that he or she is the DAVID + JULIE CLARK (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.

David Clark + Julie Clark 5-30-20  
Applicant's Signature Date

July 14, 2020

I, Joe Antkoviak, request that the property under my ownership addressed as 10999 N. Extension Rd. in Munro Township (parcel no. 080-011-200-004-00) be conditionally rezoned from Agriculture and Forestry Management (M-AF) to Commercial Development (D-CM) for the purpose of applying for a special use permit for a manufacturing facility.

Legal Description

E1/2 OF NE1/4, SEC 11, T37N,R3W2, LYING NELY OF HWY I-75. 522/047

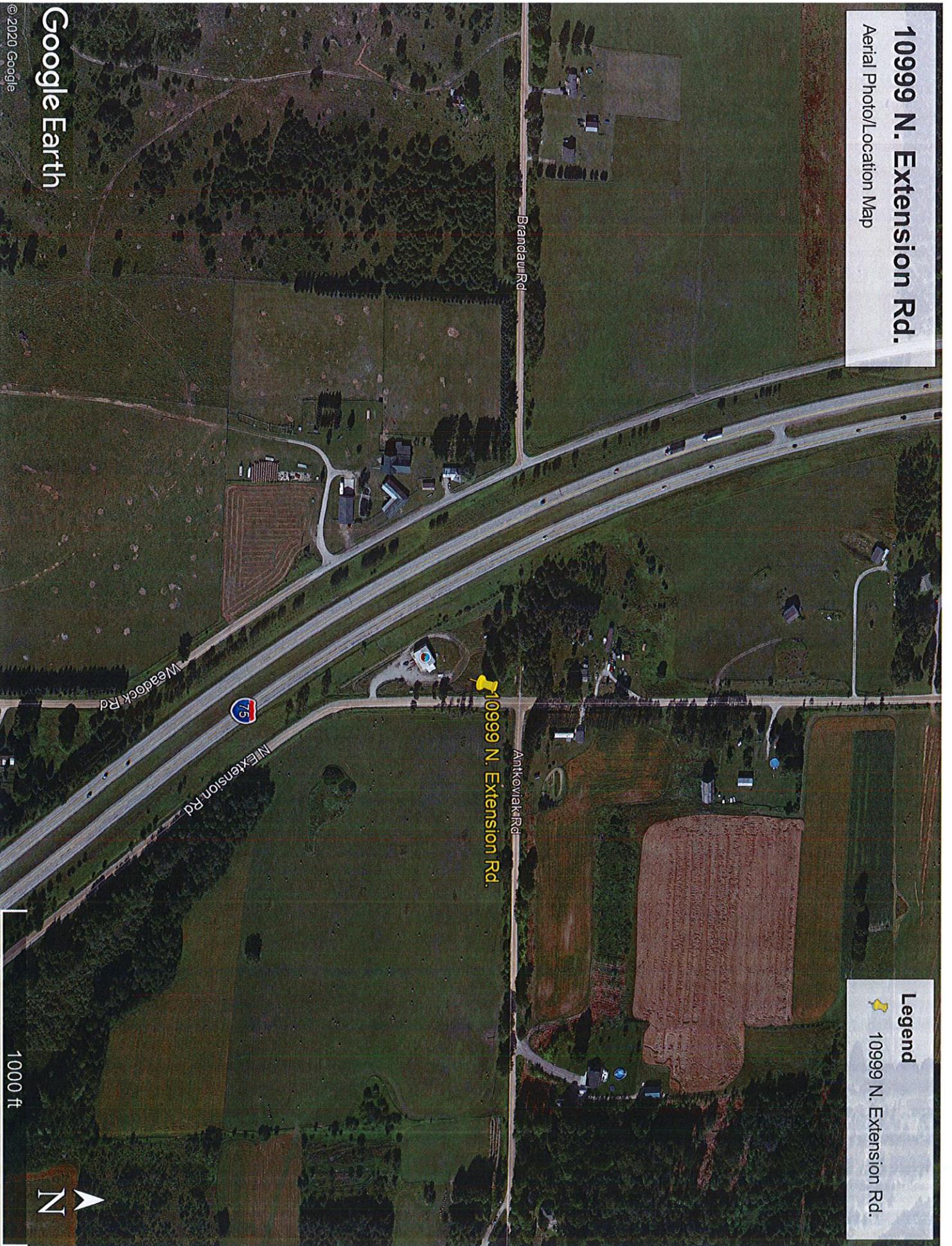
Joe Antkoviak

A handwritten signature in black ink that reads "Joe Antkoviak". The signature is written in a cursive style with a large, sweeping initial "J".

# 10999 N. Extension Rd.

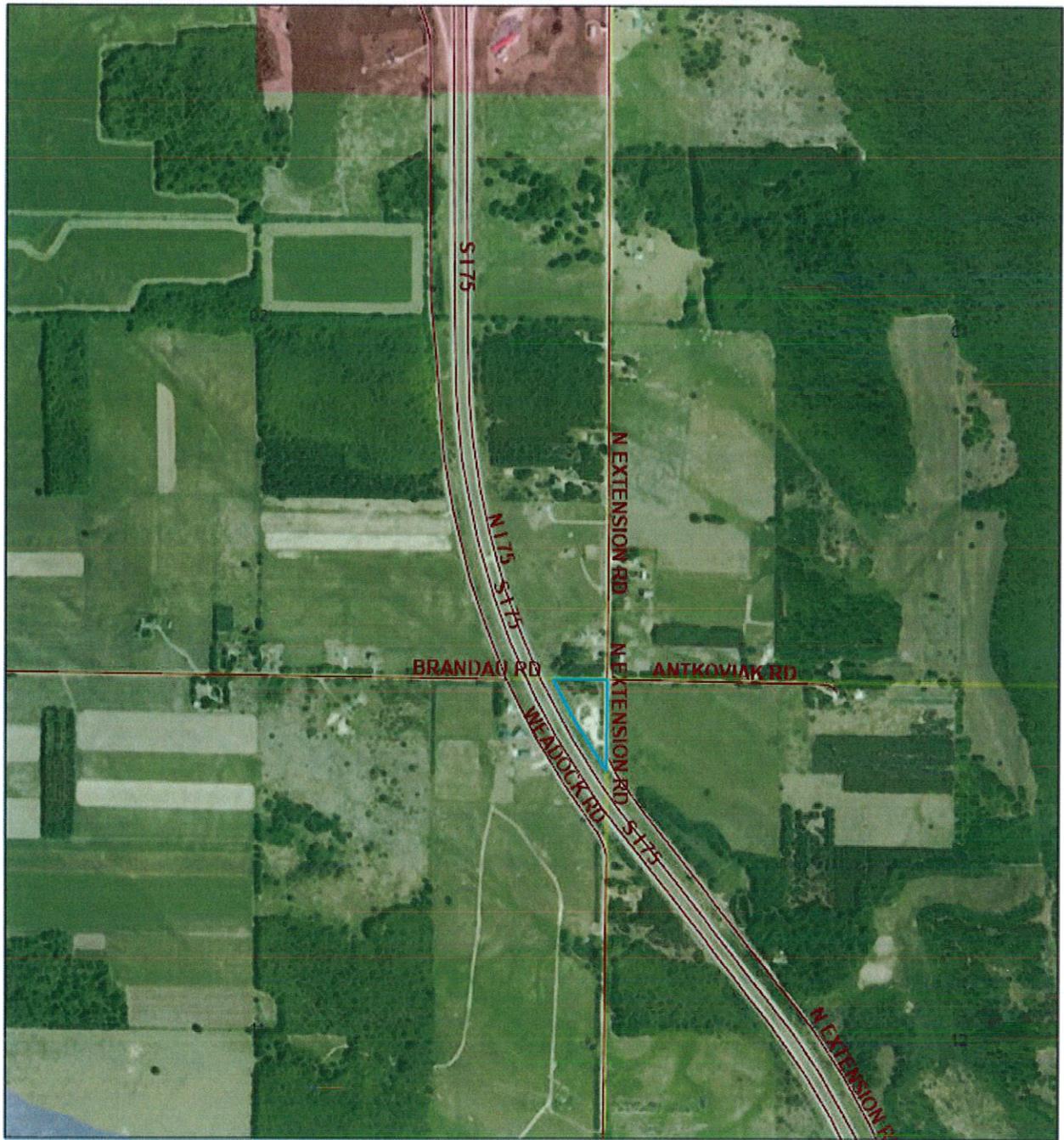
Aerial Photo/Location Map

**Legend**  
 10999 N. Extension Rd.



Google Earth  
© 2020 Google

# Cheboygan County Zoning

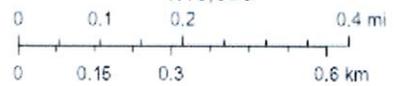


7/29/2020, 8:27:44 PM

Zone - Zoning

- D-CM
- M-AF
- P-LS

1:18,056



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Web AppBuilder for ArcGIS  
For reference only. Please call Cheboygan County Zoning for Verification, 231-627-8489

## ARTICLE 6 - COMMERCIAL DEVELOPMENT DISTRICT (D-CM)

### SECTION 6.1. PURPOSE

This District is designed to provide for General Business Activities such as retail sales, commercial service uses, and selected light manufacturing, production, processing and fabrication uses. Additional commercial development will be encouraged in existing Commercial Districts rather than creating new Commercial Districts.

### SECTION 6.2. PERMITTED USES

- 6.2.1. Any use permitted in the D-RS, Residential Development District. (Rev. 05/23/15, Amendment #127)
- 6.2.2. Car wash (Rev. 11/27/18, Amendment #149)
- 6.2.3. Bar and Restaurant, Restaurant, carry out, Restaurant, drive in and Restaurant, fast food. (Rev. 01/16/18, Amendment #144)
- 6.2.4. Bed and Breakfast (Rev. 10/25/09, Amendment #80)
- 6.2.5. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140)
- 6.2.6. Cabinet making shops.
- 6.2.7. Dance, music, voice studios.
- 6.2.8. Dress making, millinery, clothing stores.
- 6.2.9. Drive-through. (Rev. 04/12/07, Amendment #67) (Rev. 01/16/18, Amendment #144)
- 6.2.10. Farm product stands.
- 6.2.11. Funeral homes, undertaking establishments.
- 6.2.12. Hotels, motels.
- 6.2.13. Laboratories.
- 6.2.14. Nurseries for flowers and plants.
- 6.2.15. Offices.
- 6.2.16. Parking lots, buildings and garages.
- 6.2.17. Retail sales establishment, General
- 6.2.18. Retail sales establishment, Household
- 6.2.19. Retail sales establishment, Specialty
- 6.2.20. Retail lumber yards.
- 6.2.21. Rifle or pistol ranges when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.22. Assembly, educational or social even facilities (Rev. 09/01/17, Amendment #140)
- 6.2.23. Wholesale sales and storage when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.24. Multiple family housing. (Rev. 05/23/15, Amendment #127)
- 6.2.25. Nurseries and day care centers for children. (Rev. 05/23/15, Amendment #127)
- 6.2.26. Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 6.2.27. Boarding and lodging houses. (Rev. 05/23/15, Amendment #127)
- 6.2.28. Medical clinics and doctor's offices. (Rev. 05/23/15, Amendment #127)
- 6.2.29. Private storage buildings, subject to the requirements of Section 17.23. Rev. 05/23/15, Amendment #127)
- 6.2.30. Mobile food units, subject to the requirements of Section 17.29 (Rev. 02/25/17, Amendment #137)
- 6.2.31. Health and fitness center (Rev. 01/16/18, Amendment #143)
- 6.2.32. Personal service center (Rev. 01/16/18, Amendment #143)
- 6.2.33. Pet grooming (Rev. 01/16/18, Amendment #143)
- 6.2.34. Motor Vehicle Service Station (Rev. 11/27/18, Amendment #149)
- 6.2.35. Retail sales establishment, small scale convenience (Rev. 11/27/18, Amendment #149)
- 6.2.36. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 6.2.37. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

## ARTICLE 6 - COMMERCIAL DEVELOPMENT DISTRICT (D-CM)

### SECTION 6.3 USES REQUIRING SPECIAL LAND USE PERMITS

- 6.3.1. Bus Terminals.
- 6.3.2. Commercial cleaning plants, dry cleaning, laundry establishments.
- 6.3.3. Contractor's yards, equipment storage and materials handling operations.
- 6.3.4. Motor vehicle sales and/or repair facility. (Rev. 11/27/18, Amendment #149)
- 6.3.5. Commercial kennels, pet shops, and veterinary hospitals, according to Section 17.16. (Rev. 11/22/09, Amendment #81)
- 6.3.6. Outdoor, drive-in theaters.
- 6.3.7. Outdoor commercial recreation activities.
- 6.3.8. Trailer and mobile home parks.
- 6.3.9. 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.
- 6.3.10. Junk yards, salvage yards and waste disposal sites.
- 6.3.11. 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)
- 6.3.12. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)
- 6.3.13. Child Caring Institutions, subject to the requirements of Section 17.24 (Rev. 04/28/10, Amendment #85)
- 6.3.14. Boat Storage (Rev. 08/26/10, Amendment #88)
- 6.3.15. Truck Terminals or Warehouses subject to the requirements of Section 17.26 (Rev. 03/28/12, Amendment #107)
- 6.3.16. Indoor Storage Facilities (Rev. 05/25/13, Amendment #116)
- 6.3.17. Planned Projects subject to provisions of Section 17.28 (Rev. 10/13/16, Amendment #136)
- 6.3.18. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 6.3.19. Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

### SECTION 6.4. SUPPLEMENTAL REQUIREMENTS FOR D-CM, COMMERCIAL DEVELOPMENT DISTRICTS

- 6.4.1. 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.
- 6.4.2. When adjacent to a Residential Development District (D-RS), Rural Character Development District (D-RC), Lake and Stream Protection District (P-LS), or Natural Rivers Protection District (P-NR), uses described in Sections 6.2. and 6.3. shall be located not less than fifty (50) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with Section 17.18. (Rev. 08/05/06, Amendment #60), (Rev. 05/23/15, Amendment #127)
- 6.4.3. Applicants for permits for new construction or for alterations to existing structures, for permitted and for uses requiring special land use permits, shall be required to submit their plans showing how they will comply with these supplemental requirements.

## 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 <b>(Rev. 03/28/12, Amendment #108).</b>   | 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. <b>(Rev. 10/24/13, Amendment #120)</b>  | 9.2.12. Hunting grounds, fishing sites and wildlife preserves.  |
| 9.2.3. Commercial Farms. <b>(Rev. 10/24/13, Amendment #120)</b>   | 9.2.13. Private hunting and fishing cabins. <b>(Rev. 04/28/00, Amendment #14)</b>   |
| 9.2.4. Greenhouses and <u>nurseries</u> .   | 9.2.14. Private Storage Buildings, Private Storage/Workshop Buildings and Agricultural/Private Storage/Workshop Buildings <b>(Rev. 04/12/07, Amendment #67) (Rev. 10/24/13, Amendment #120)</b> |
| 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. <b>(Rev. 10/24/13, Amendment #120)</b>  |
| 9.2.6. <u>Home occupations</u> as defined in this ordinance.  | 9.2.16. Hobby Farms. <b>(Rev. 10/24/13, Amendment #120)</b>   |
| 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 <b>(Rev. 03/01/19, Amendment #150)</b>  |
| 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 <b>(Rev. 03/01/19, Amendment #150)</b>  |   |

## 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.

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  
ANTKOVIAK, JOSEPH  
6587 ANTKOVIAK 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  
ANTKOVIAK, 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 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

<b>Item:</b> An application for conditional rezoning under the Michigan Zoning Enabling Act, MCL 125.3405 (P.A. 110 of 2006) (Use and development of land as condition to rezoning)	<b>Prepared by:</b> Michael Turisk
<b>Date:</b> July 27, 2020	<b>Expected Meeting Date:</b> August 5, 2020

### GENERAL INFORMATION

**Property Owner(s):** Joe Antkoviak

**Applicant(s):** Joe Antkoviak; 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). (See Exhibits 5 and 6)

**Contact Phone:** 231.627.2236

**Request:** A request for conditional rezoning/zoning amendment under Section 405 of the Michigan Zoning Enabling Act, MCL 125.3405 (P.A. 110 of 2006) (Use and development of land as condition to rezoning). The subject property is currently zoned Agriculture and Forestry Management (M-AF); the applicant requests a conditional rezoning to Commercial Development (D-CM) zoning.

(This conditional zoning amendment application represents the initial procedural step in establishing a tool and die/machine shop via the special use permit review process given that the current Agriculture and Forestry Management zoning *does not* permit the proposed land use).

#### 1. 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)

#### 2. 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.

### 3. History:

The 3.3-acre triangular subject property accommodated a non-conforming (with respect to applicable zoning) well-drilling business. Consequently, in 1991, a special use application was submitted and ultimately approved by the Planning Commission in order to “legitimize”/permit the business. In addition:

- In 2003, a special use permit amendment approved for structural additions to serve the business, including a 600 square foot lean-to and 480 square foot office.
- In 2015, a use variance approved by the Zoning Board of Appeals for an ice making manufacturing use. However, said use has terminated, and the subject property is currently inactive.

### 4. **Use and Development of Land as Condition to Rezoning, per Michigan Zoning Enabling Act:**

The Michigan Zoning Enabling Act (P.A. 110 of 2006) allows for approval of conditional rezoning applications in order to limit the use(s) on given property subject to rezoning:

Sec. 405. (1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

### 5. **Purpose of the Commercial Development Zoning Districts:**

Commercial Development zoning does exist approximately one-mile to the north near to the Interstate-75/Levering Road interchange at Exit 326, and the Future Land Use Map indicates that this interchange area is designated General Commercial. The Master Plan acknowledges that smaller concentrations of general commercial uses exist (and are planned) at or near the several Interstate-75 interchanges within Cheboygan County, including at this location. This interchange area, however, is not identified as a Rural Commercial Node on the Plan Map. (See *Master Plan*, p. 25)

Per Section 6.1 of the Zoning Ordinance, the Purpose of the Commercial Development zoning districts is as follows:

*This District is designed to provide for General Business activities such as retail sales, commercial service uses, and selected light manufacturing, production, processing and fabrication uses. Additional commercial development will be encouraged in existing Commercial Districts rather than creating new Commercial Districts.*

**6. Consistency with Cheboygan County Master Plan:**

The Cheboygan County Master Plan and Future Land Use Map designates the immediate area in which the subject property is located as Forest/Agricultural:

Forest/Agricultural Plan Designation:

The Forest/Agricultural designation is intended to provide areas where management and production of crops and timber is the predominant land use. For comprehensive planning purposes, private lands in Cheboygan County were included in this category to include forestry or agriculture where they are well suited for future farm and forestry use. Forestry operations, farming and pasture are anticipated future uses for this area. Residential uses are consistent with farm and forestry operations when properly designed and located to minimize lands taken out of agricultural or forestry. Ideally, a parcel size of forty acres or more is consistent with maintaining economically viable forestry and agricultural uses. Appropriate uses for this area include forestry, agricultural operations, mineral extraction (such as oil & gas production), timber production, sawmills and agricultural product processing centers, smaller niche farming operations, open space or clustered residential. In addition, appropriate uses include small to mid-size campgrounds and similar rural tourist lodging uses.

General Commercial Plan Designation:

The intent of the General Commercial plan designation is, in part:

- To provide for business locations outside of village centers that are designed to meet the variety of commercial needs of a growing community.
- To provide retail goods and services to local and regional consumers as well as tourist support services.
- To provide space for commercial operations that require significantly more space or parcel size than is normally found in village centers.

Because the Commercial plan designation includes diverse areas with varied characteristics, access and potential impact on surrounding property should be considered carefully.

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

Site Development Standards	Agriculture and Forestry Management (current zoning)	Commercial Development (proposed conditional zoning)
Minimum Lot Area	one-acre	No min
Minimum Lot Width	150 feet	No min
Minimum Front Setback	50 feet	25 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	30 feet	10 feet

**8. Public Comment:**

No written or verbal public comments have been received as of the date of this report (July 28, 2020).

**9. Summary:**

The applicant proposes a conditional rezoning to Commercial Development (D-CM) for a 3.3-acre parcel in Munro Township that is currently zoned Agriculture and Forestry Management (M-AF). This conditional zoning amendment application represents the initial procedural step in establishing a tool and die/machine shop via the special use permit application process.

(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 current Agriculture and Forestry Management zoning *does not* permit the proposed future land use (*see Exhibit 8 and Article 9 of the Zoning Ordinance*).

Of consideration is determining if the request constitutes a spot zoning (a rezoning request or zoning amendment that creates an area of inconsistent zoning within a larger, uniform zoning district). However, there are several factors in determining if a particular rezoning request constitutes a spot zoning, including the characteristics and size of the property and the degree of public benefit in rezoning the property. Arguably, the most important criterion is the extent to which the request is consistent with the community's comprehensive or master plan.

Furthermore, conditional rezoning applications consider distinct future land use and if that specific future land use would be in general harmony with surrounding land uses (rather than a general rezoning that would allow for the entire array of uses permitted in the new zoning district).

**CHEBOYGAN COUNTY PLANNING COMMISSION  
CONDITIONAL REZONING REQUEST**

Wednesday, August 5, 2020; 7:00 PM

Applicants: Joe Antkoviak; David and Julie Clark  
Property Owner: Joe Antkoviak  
Parcel No.: 080-011-200-004-00  
Property Address: 10999 North Extension Road in Munro Township

**PROPERTY DESCRIPTION**

The property is described as situated in the Township of Munro, County of Cheboygan and State of Michigan.  
E1/2 OF NE1/4, SEC 11, T37N,R3W2, LYING NELY OF HWY I-75. 522/047

Hereinafter referred to as the "Property."

**APPLICATION**

The applicant seeks approval for conditional rezoning, requesting the following:

1. Conditionally rezone the property located at 10999 North Extension Road (parcel ID 080-011-200-004-00) currently zoned Agriculture and Forestry Management (M-AF) to Commercial Development (D-CM).

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 that the applicant proposes conditional rezoning of certain real property in the application from Agriculture and Forestry Management (M-AF) to Commercial Development (D-CM). (See Exhibits 3, 4 and 10)
2. The Planning Commission finds that the zoning amendment application is made by Joe Antkoviak and David and Julie Clark. (See Exhibits 3 and 10)
3. The Planning Commission finds that parcels to the north, east, south and west are zoned Agriculture and Forestry Management (M-AF). (see Exhibits 6 and 10)
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. (See Exhibits 6 and 10)
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 10)

6. The Planning Commission finds that the subject property is located approximately one-mile south of the Interstate-75/Levering Road interchange, an area designated by the Cheboygan County Future Land Use Map as General Commercial. (See Exhibits 2 and 10)
7. The Planning Commission finds that the subject property was formerly used for a well-drilling business and ice making manufacturing land use. (See Exhibit 10)
8. The Planning Commission finds that \_\_\_\_\_

**REZONING FACTORS**

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

**WILL SUPPORT THE FACTOR**

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

**WILL NOT SUPPORT THE FACTOR**

- A. The Planning Commission finds that surrounding land uses are within the Agriculture and Forestry Management (M-AF) zoning district, with predominately agricultural and rural residential land uses; therefore, the proposed conditional rezoning is not reasonably consistent with surrounding land uses. (See Exhibits 2, 5, 6, 8 and 10)
- B. The Planning Commission finds that the subject property is designated Forest/Agricultural by the Cheboygan County Master Plan and Future Land Use Map. Properties within the Forest/Agricultural designation are primarily intended to provide areas where management and production of crops and timber is the predominant land use. (See Exhibits 2 and 10)
- C. The Planning Commission finds that \_\_\_\_\_

**This standard has/has not been met.**

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

**WILL SUPPORT THE FACTOR**

- A. The Planning Commission finds that the proposed conditional rezoning would result in adverse physical impact on surrounding properties, as the activities that could occur if conditionally rezoned would not be in general harmony with surrounding land uses. (See Exhibits 5 and 10)
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the proposed conditional rezoning would not result in adverse physical impact on surrounding properties, as the activities that could occur if conditionally rezoned, despite being commercial in nature, would be in general harmony with surrounding land uses particularly if the potential for negative off-site impacts is mitigated. (See Exhibits 5 and 10)
- B. The Planning Commission finds that \_\_\_\_\_

**This standard has/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- 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/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that few land use changes have occurred in the vicinity of the subject property; therefore, much of the area remains largely agricultural and rural residential rather than an area that accommodates commercial or industrial uses. (See Exhibit 10)
- B. The Planning Commission finds that \_\_\_\_\_

**This standard has/has not been met.**

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

**WILL SUPPORT THE FACTOR**

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

**WILL NOT SUPPORT THE FACTOR**

- A. The Planning Commission finds that no evidence exists suggesting that the conditional rezoning would deter or hinder the improvement or development of adjacent properties in accordance with existing regulations, much less future land use plans, per the County's Master Plan and Future Land Use Map. (See Exhibits 1, 2 and 8)
- B. The Planning Commission finds that \_\_\_\_\_

**This standard has/has not been met.**

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 (i.e. will rezoning result in spot zoning?)**

**WILL SUPPORT THE FACTOR**

- A. The Planning Commission finds that conditionally rezoning the property as proposed creates a special privilege or results in spot zoning because of the homogeneous agricultural and rural residential character of the area, as well as the lack of commercial or mixed zoning immediate to the subject property. (See Exhibits 2, 5, 6 and 10)
- B. The Planning Commission finds that \_\_\_\_\_

**WILL NOT SUPPORT THE FACTOR**

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

**This standard has/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the property can be used for all purposes listed under the current Agriculture and Forestry Management (M-AF) zoning classification. (See Exhibits 1, 8 and 10)
- B. The Planning Commission finds that \_\_\_\_\_

**This standard has/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the subject property is designated Forest/Agricultural by the Cheboygan County Master Plan and Future Land Use Map. Properties within the Forest/Agricultural designation are primarily intended to provide areas where management and production of crops and timber is the predominant land use. (See Exhibits 2 and 13). (See Exhibits 2 and 10)
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

**This standard has/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the subject property is or will be served by adequate public and private facilities by the applicant considering the type of use intended for the subject property. (See Exhibits 3 and 10)
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

**This standard has/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. 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. (See Exhibits 6 and 10)
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

**This standard has/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 conditionally rezone the subject area identified as Parcel ID No. 080-011-200-004-00 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, August 5, 2020

\_\_\_\_\_  
Patty Croft, Chairperson

\_\_\_\_\_  
Charles Freese, Secretary

# CHEBOYGAN COUNTY PLANNING COMMISSION

Duke/Levenson – *Revised 08/05/20*

## Exhibit List

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 (5 Pages)
14. Findings of Fact (7 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)

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

##### ***Land Use Goal***

**GOAL:**

***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.***

**OBJECTIVES AND ACTION STEPS:**

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**

<b>Land Use Category</b>	<b>Area in Acres</b>	<b>Percent in Total</b>
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
<b>Total</b>	<b>26,837.8</b>	<b>99.9</b>

\*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

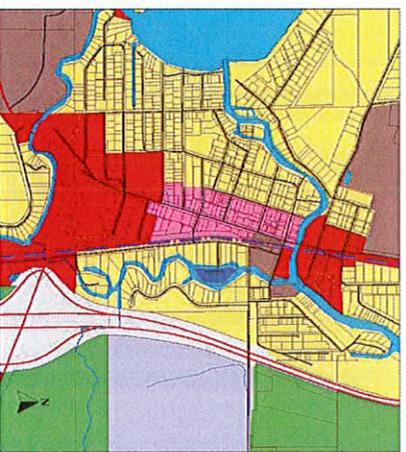
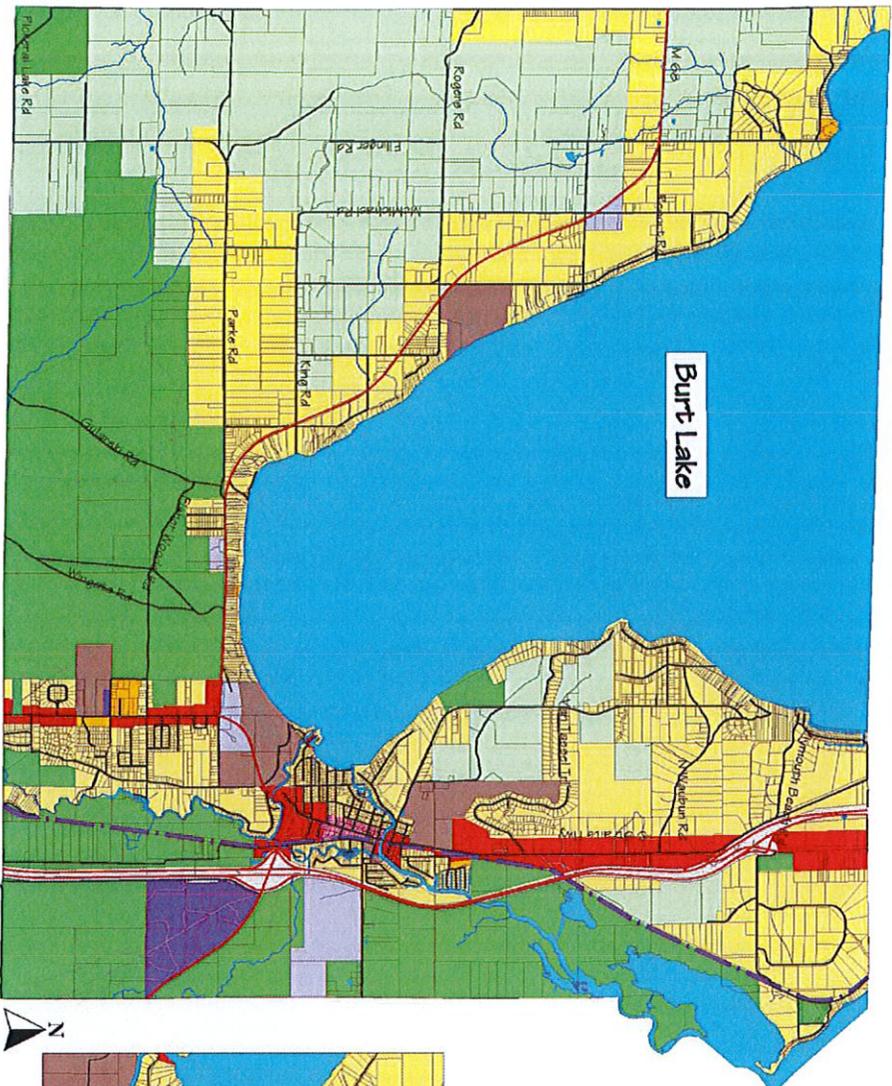
considered more accurate) and mapping techniques.

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



**Downtown Enlargement**

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

Map Date: October 2010

**ZONING AMENDMENT APPLICATION**

Receipt # 7413  
 Fee \$ 225<sup>00</sup> Date 3-4-20

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

Application Approved by: Jen Meek

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

**PLEASE PRINT**

LOCATION (For property rezoning)

Address <u>7064 Mottawil Trail</u>	City / Village <u>INDIAN RIVER TUSCI</u>	Township/Sec.	Zoning District <u>D-RS</u>
Property Tax I.D. (Parcel) Number <u>161-009-000-248-00</u>	Subdivision or Condo. Name/Plat or Lot No. <u>CITIPROVIA BACH SUB 248 249 250 251</u>		

APPLICANT

Name <u>Douglas Duka</u>	Telephone <u>989-464-7959</u>	Fax	
Address <u>14703 Shoreline Rd</u>	City & State <u>Wolverine MI</u>	Zip Code <u>49799</u>	E-Mail <u>hioutmart@comcast.net</u>

PROPERTY OWNER (If different from applicant)

Name <u>Rebecca Lewinson</u>	Telephone	Fax	
Address <u>3611 Bawter Dr</u>	City & State <u>Ann Arbor MI</u>	Zip Code <u>48108-9304</u>	

**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 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 200 & 500 - 7064 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 CHIPPWA 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.

B. 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

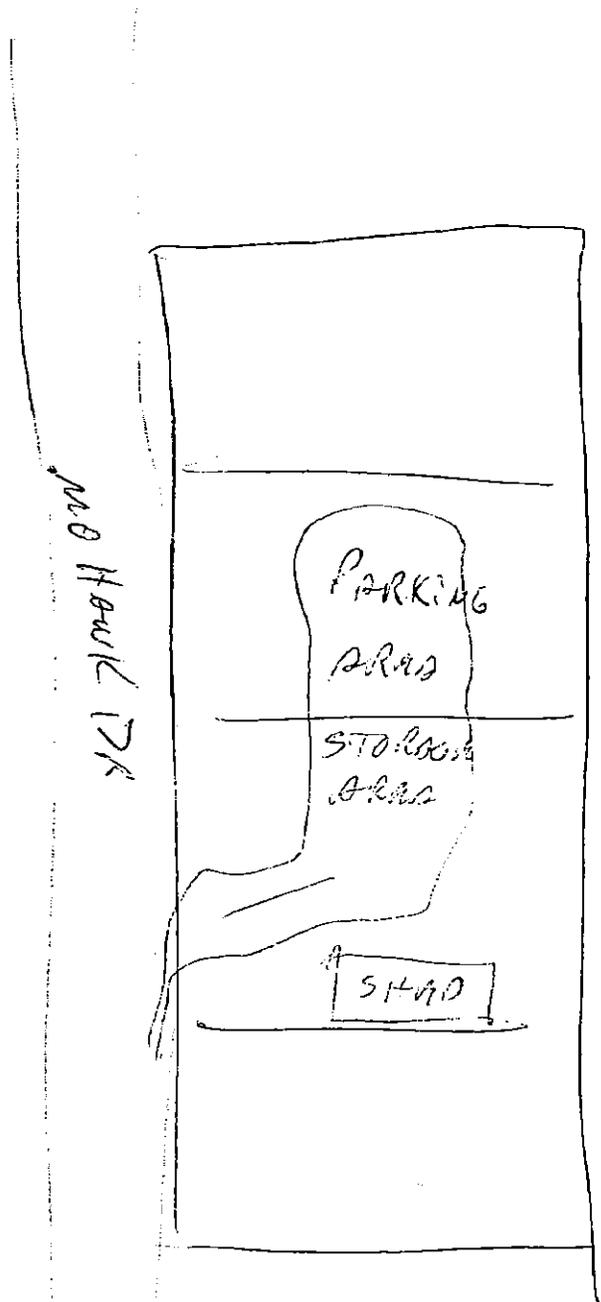
Owner's Signature [Signature] Date 3-13-20  
KARL DYKE FOR

IV. Affidavit

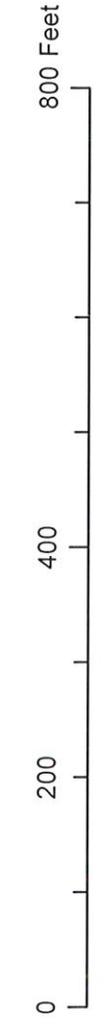
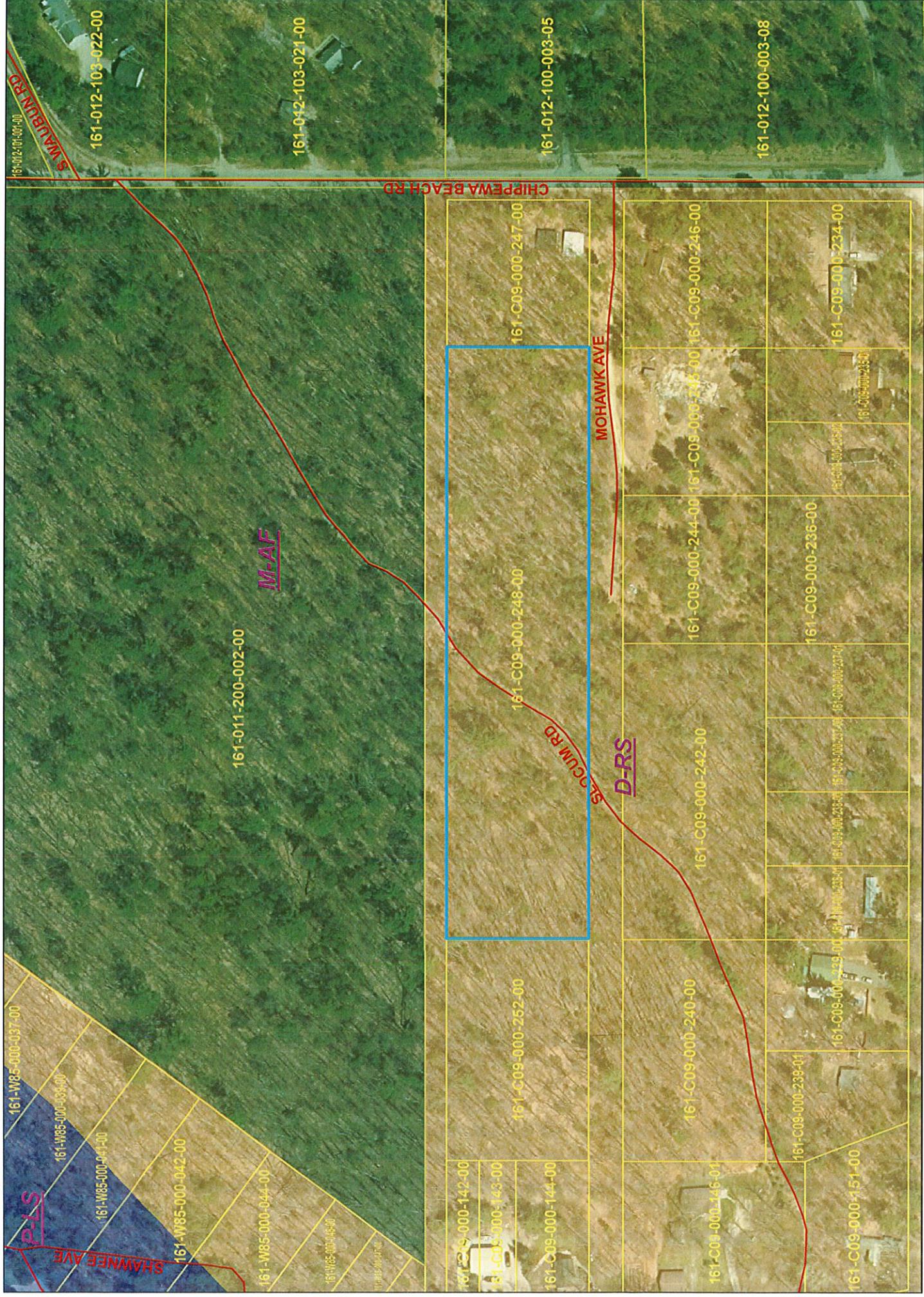
The undersigned affirms that he or she is the \_\_\_\_\_ (owner, lessee, other type of interest) involved in the Petition and that the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his or her knowledge and belief.

Applicant's Signature [Signature] Date 6-25-20  
DP09 DUKES

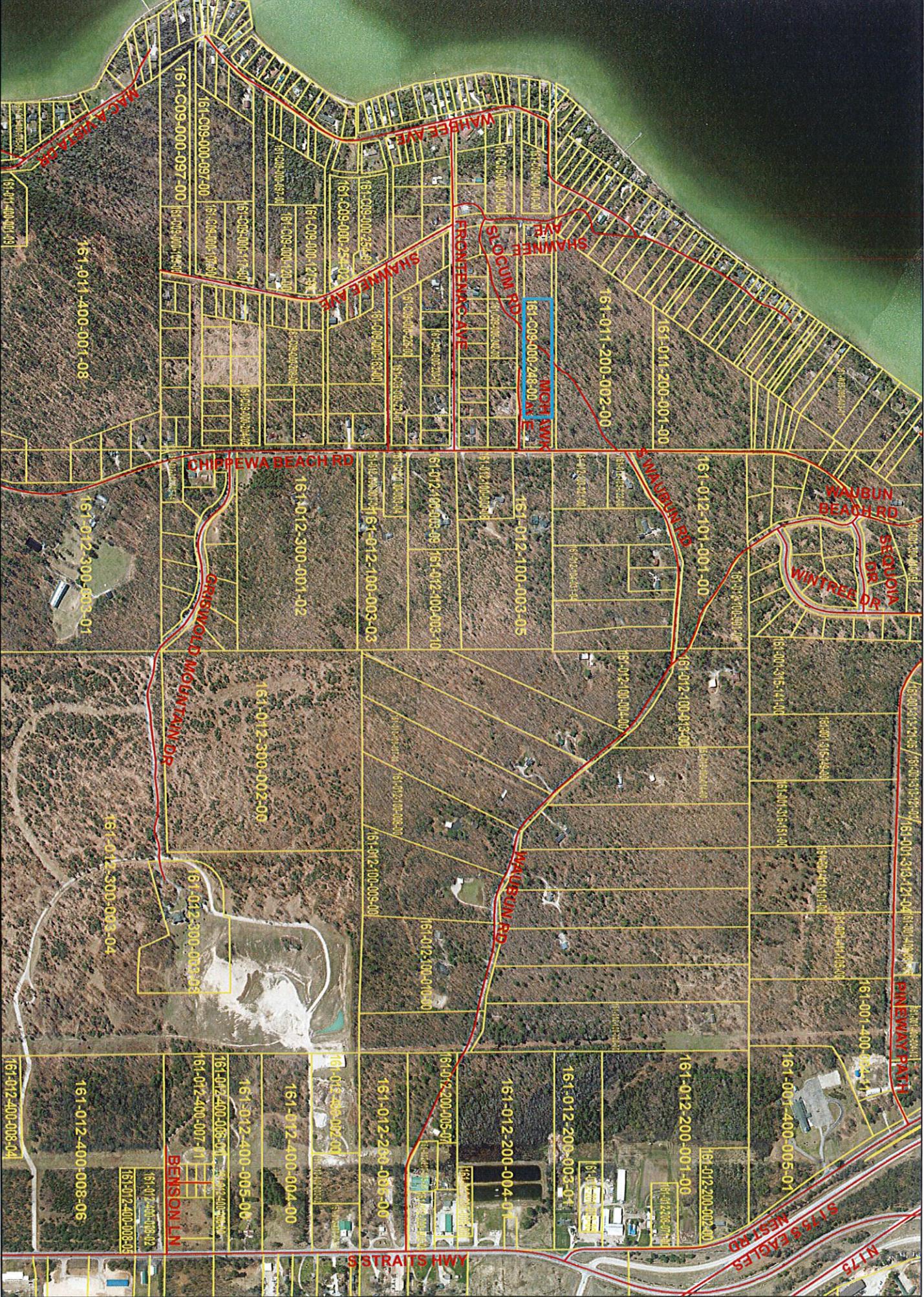
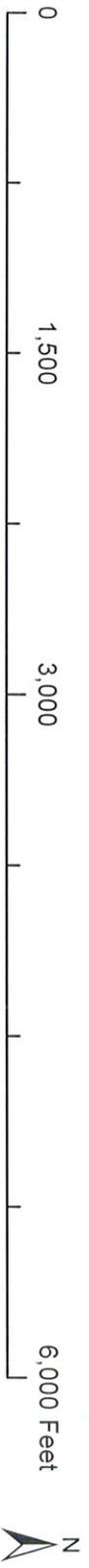
[Handwritten marks]



CHIPPWA BEACH RD



- P-LS
- D-RS
- M-AF



D-RS  
M-AF

PLS

0 200 400 800 Feet



<b>Parcel:</b>	161-C09-000-248-00	<b>Current Class:</b>	401.401 RESIDENTIAL
<b>Owner's Name:</b>	LEVENSON, REBECCA	<b>Previous Class:</b>	401.401 RESIDENTIAL
<b>Property Address:</b>	7064 MOHAWK AVE INDIAN RIVER, MI 49749	<b>Gov. Unit:</b>	161 TUSCARORA
		<b>MAP #</b>	
		<b>School:</b>	16050 INLAND LAKES SCHOOL DISTRICT
		<b>Neighborhood:</b>	CTY-R
<b>Liber/Page:</b>	562/253	<b>Created:</b>	//
<b>Split:</b>	//	<b>Active:</b>	Active
<b>Public Impr.:</b>	None		
<b>Topography:</b>	None		

**Mailing Address:**

LEVENSON, REBECCA  
3611 BENT TR DR  
ANN ARBOR MI 48108-9304

**Description:**

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

**Most Recent Sale Information**

None Found

**Most Recent Permit Information**

None Found

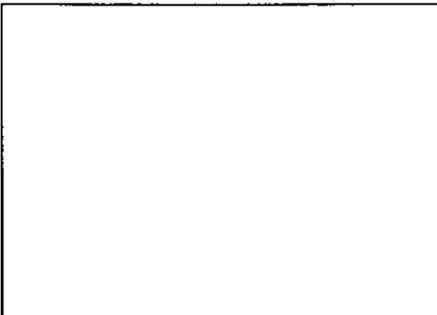
**Physical Property Characteristics**

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

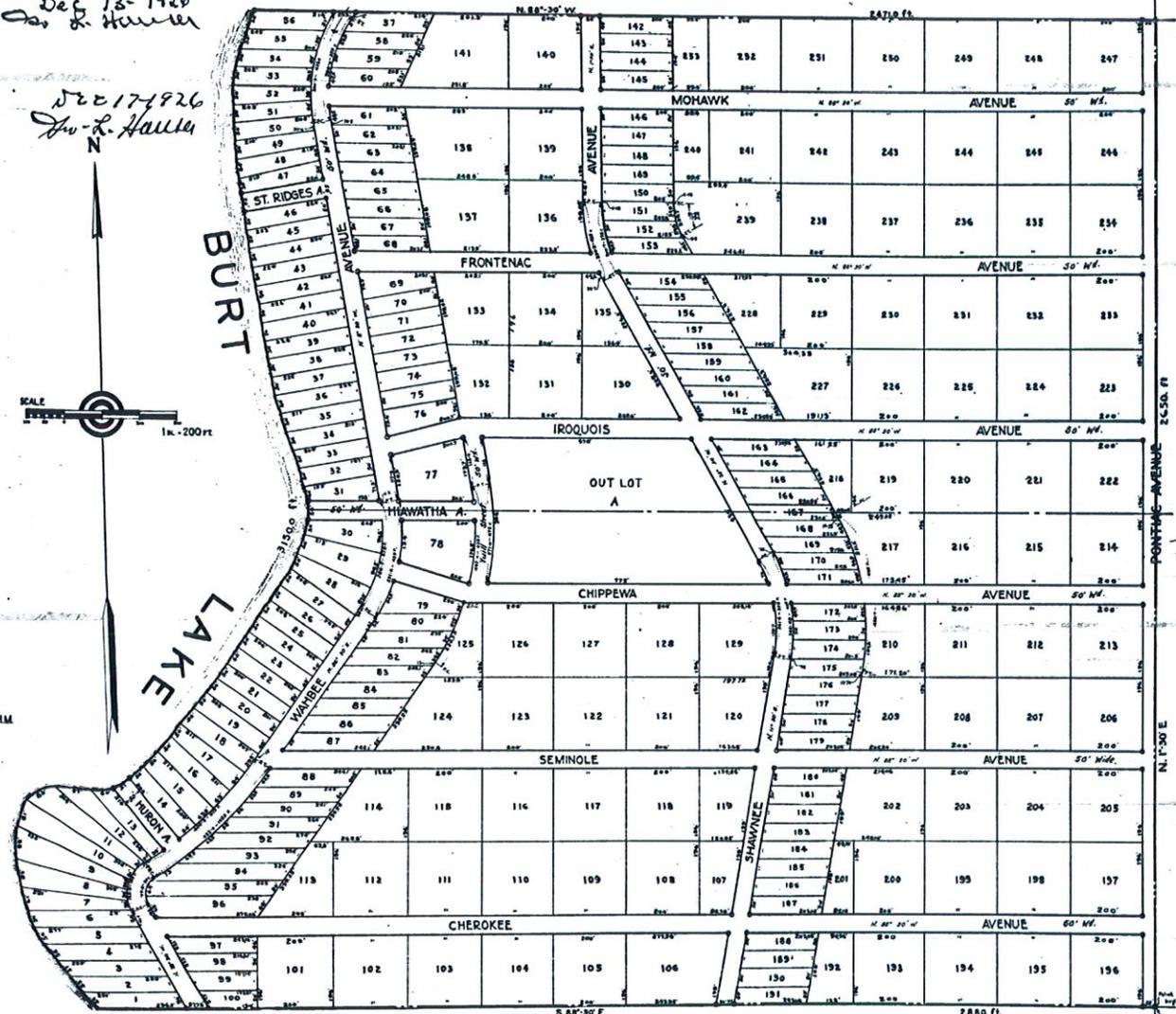
*Hand Blue COPY*

*1926*  
*11/13/26*  
*Chippewa Beach Sub*  
*Dec 26 1926*  
*W.E. Mealey*

*Dec 13-1926*  
*F.L. Hauer*

*Dec 13-1926*  
*F.L. Hauer*

*Dec 17-1926*  
*F.L. Hauer*



KNOW ALL MEN BY THESE PRESENTS that we John Null and Maggie Null his wife, and Thomas Null and Nellie Null his wife, as proprietors, Edward F. Davis and Ethel V. Davis his wife, as vendees, have caused the land expressed in the annexed plat to be surveyed, laid out and platted to be known as "CHIPPEWA BEACH SUB." of the S.E. 1/4 of the N.E. 1/4, the N.E. 1/4 of the S.E. 1/4, and lots 3 and 4 of fractional section 16, T.35 N., R.3 W., Tuscarora Twp., Cheboygan Co., Michigan, and that the streets and alleys shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of )  
*John Null* L.S.  
*Maggie Null* L.S.  
*Thomas Null* L.S.  
*Nellie Null* L.S.  
*Edward F. Davis* L.S.  
*Ethel V. Davis* L.S.

STATE OF MICHIGAN ) ss  
 County of Cheboygan )  
 On this 13th day of December 1926, before me, a Notary Public, personally one of the above named John Null, Maggie Null, Thomas Null, Nellie Null, Edward F. Davis and Ethel V. Davis known to me to be the persons who executed the above description and acknowledged they came to be their free act and deed.  
 My commission expires )  
*Jan 21, 1927*  
 Notary Public, in and for Cheboygan County, Michigan.

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 N.E. 1/4 of the S.E. 1/4 and lots 3 and 4 of Frac. Sec. 16, 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 250 feet northerly from the South East corner of said Sec. 16, running thence S. 70° E. 250.0 feet to a point, thence N. 68° 20' E. 297.0 feet to a point at the edge of Burt Lake, thence in a southerly direction along the edge of the said Burt Lake 310.0 feet to a point, thence S. 55° 01' E. 288.0 feet to the place of beginning.

I hereby certify that the plat hereon delineated is a correct one, and that permanent monuments consisting of 1" by 1" pipes, set in concrete bases 4" in diameter and 4" in depth, have been placed in the ground at all points marked thereon (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.  
*David Pearson*  
 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 session held *November 30, 1926*.

OFFICE OF  
 Treasurer of Cheboygan County  
 I hereby certify that there are no tax liens or liens held by the State or any other authority against the within described land and all tax liens same are paid for five years previous to the date of such description as appears by the records in my office.  
*Wm. H. Hester*  
 County Treasurer  
 Notes: 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 <a href="#">nurseries</a> .  | 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. <a href="#">Home occupations</a> as defined in this ordinance.   | 9.2.16. Hobby Farms. (Rev. 10/24/13, Amendment #120)   |
| 9.2.7. <a href="#">Essential services</a> .   | 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

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**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

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**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-C09-000-235-02  
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

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



# 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

<b>Item:</b> An application to rezone property in Tuscarora Township from Residential Development (D-RS) to Agriculture & Forestry Management (M-AF).	<b>Prepared by:</b> Jennifer Merk
<b>Date:</b> July 30, 2020	<b>Expected Meeting Date:</b> August 5, 2020

### GENERAL INFORMATION

**Property Owner(s):** Rebecca Levenson

**Applicant(s):** Douglas Duke

**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:

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 rezoning 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. The applicant has looked to purchase a more appropriately zoned site, but has not found one that would work for the intended purpose.

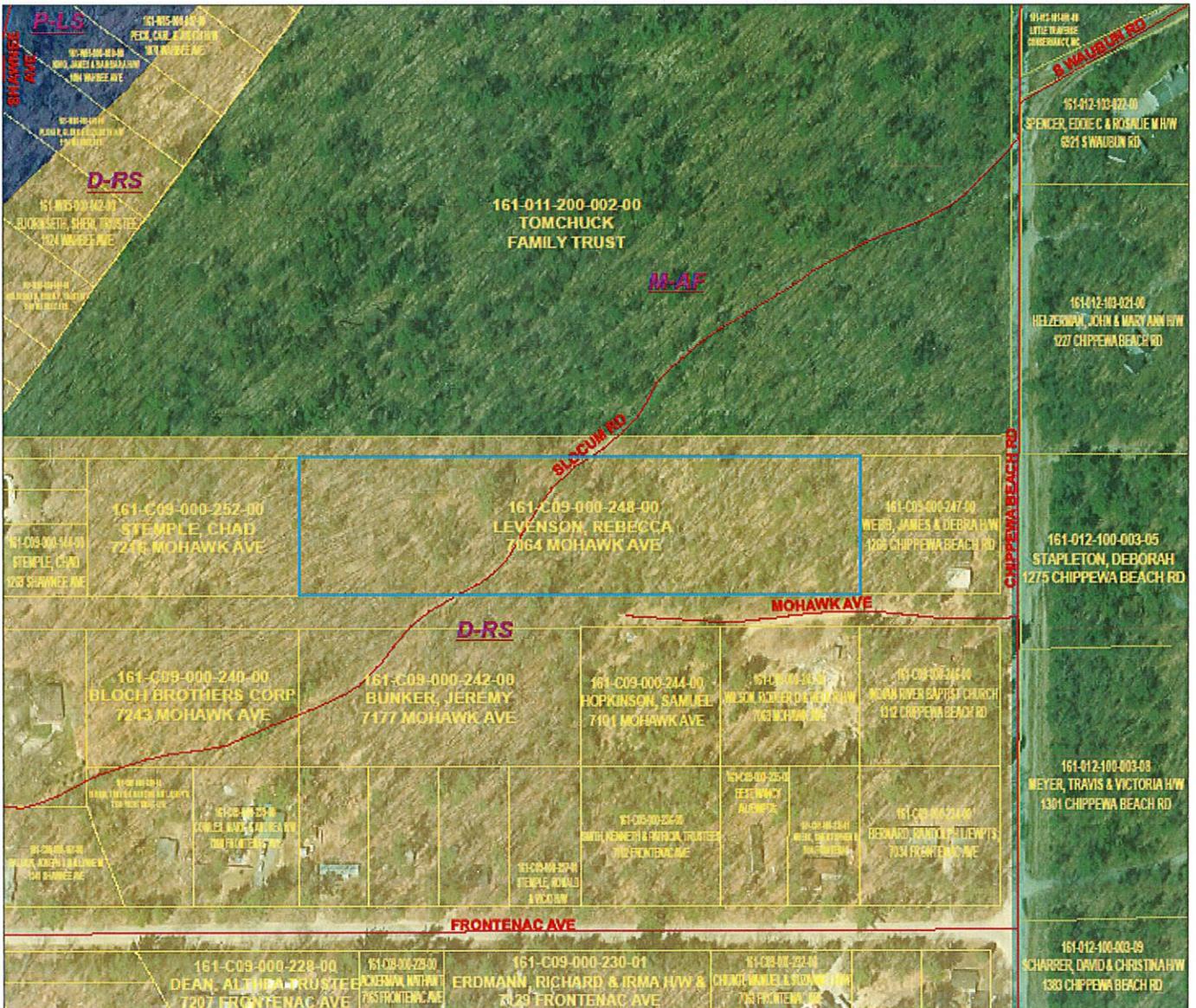


Figure 1. Existing Zoning (Yellow= Residential Development)  
 Location of subject property (center) located at 7064 Mohawk Ave., Tuscarora Twp.

## **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."

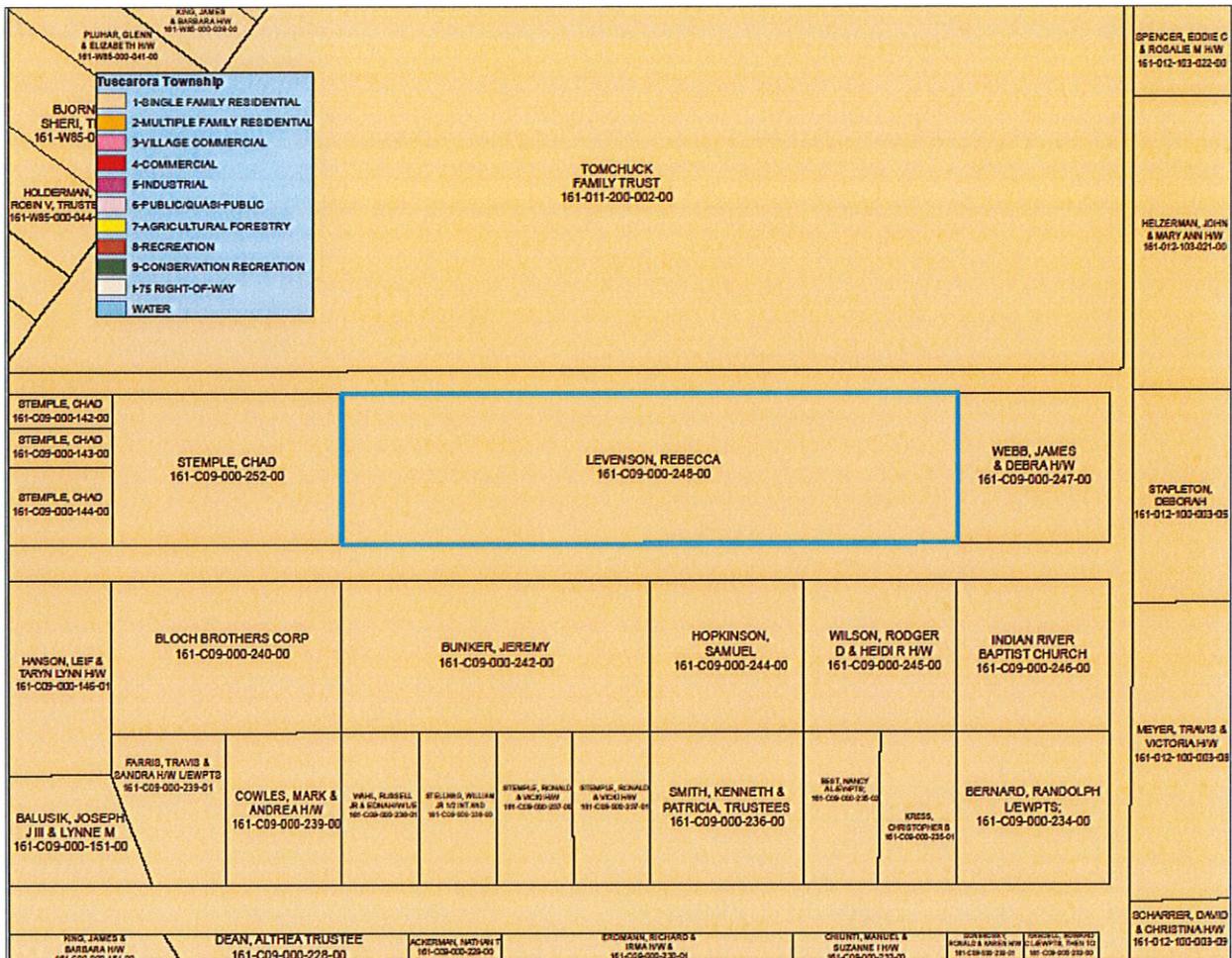


Figure 2. Tuscarora Township Master Plan Future Land Use Map of subject area.  
Blue outline = Subject property

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:**

One written comment has been received as of the date of this report that expressed....(see Exhibit 11).

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. 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, August 5, 2020; 7:00 PM

Applicant: Douglas Duke  
Owner: Rebecca Levenson  
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 Douglas Duke and the property owner is Rebecca Levenson. (See Exhibit 4)
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 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.

**REZONING FACTORS**

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

**WILL SUPPORT THE FACTOR**

- 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 \_\_\_\_\_

**WILL NOT SUPPORT THE FACTOR**

- 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/has not been met.**

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

**WILL SUPPORT THE FACTOR**

- 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 \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- 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/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- 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/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- 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/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- 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/has not been met.**

**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 (i.e. will rezoning result in spot zoning?)**

WILL SUPPORT THE FACTOR

- 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 \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- 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/has not been met.**

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

WILL SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- 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/has not been met.**

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

WILL SUPPORT THE FACTOR

- 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 \_\_\_\_\_

WILL NOT SUPPORT THE FACTOR

- A. None identified.
- B. The Planning Commission finds that \_\_\_\_\_

**This standard has/has not been met.**

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

**WILL SUPPORT THE FACTOR**

- A. None identified.
- B. The Planning Commission finds 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/has not been met.**

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

**WILL SUPPORT THE FACTOR**

- 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 \_\_\_\_\_

**WILL NOT SUPPORT THE FACTOR**

- 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/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, August 5, 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](mailto:jimwebb112233@gmail.com)>  
**Sent:** Monday, August 3, 2020 9:11 AM  
**To:** Michael C. Turisk <[mturisk@cheboygancounty.net](mailto:mturisk@cheboygancounty.net)>; Deborah Tomlinson <[debbiet@cheboygancounty.net](mailto: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](mailto:jawebb@riddellsales.com)>  
**Date:** Sun, Aug 2, 2020, 9:35 PM  
**Subject:** REZONING OF PROPERTY  
**To:** Jim Webb <[jimwebb112233@gmail.com](mailto: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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://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**  
 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
Vikki Forster	<i>[Signature]</i>	1502 Wahbee Mich		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
DAVE WEBB	<i>[Signature]</i>	1686 Wahbee		8/1/20
Donal J. Dickman	<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 and		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 <del>Wahbee</del> Frontenac Ave	mswingsfan@yahoo	8/1/2020
Kim Maison	<i>Kim Maisons</i>	7355 Frontenac		8/1/20
Audrey maison	<i>Audrey maison</i>	7385 Frontenac		8/1/20
John Schyms	<i>John Schyms</i>	1386 Wahbee		
Dang Gussner	<i>Dang Gussner</i>	968 Wahbee		8/1/2020
Joseph McCreathy	<i>Joseph McCreathy</i>	1430 Wahbee		8-1-20
BRUCE ALEXANDER	<i>Bruce E. Alexander</i>	1436 WAHBEA AVE		8-1-20
DEBBIE NEUMANN	<i>Debbie Neumann</i>	1454 Wahbee Ave		8-1-20
KENNETH NEUMANN	<i>Kenneth Neumann</i>	1454 WAHBEA 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.  
**Action petitioned for.** 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
Loretta Erdmann	<i>Loretta Erdmann</i>	7129 Frontenac Ave	<del>This</del> This will deteriorate the Quality of life for our neighborhood. 60 years!	8-1-20
Andrea Coates	<i>Andrea Coates</i>	7208 Frontenac Ave	Property values will go down. Trail is used for 60 years - Building is 100 years old.	8-1-2020
NATHAN ALEXANDER	<i>Nathan Alexander</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 SCHARER	<i>Chris Scharrer</i>	1383 Chippewa		8-2-2020
DAVE SEKARSEN	<i>Dave Sekarsen</i>	1383 CHIPPEWA BEACON		8-2-2020
MARK COULTER	<i>Mark Coulter</i>	7208 Frontenac	Environmental concern Value of our Prop Reduced	8-2-2020
CHRISTINA ROHN	<i>Christina Rohn</i>	7140 Frontenac Ave	Environmental Impact	8-3-2020
POPE WHITAKER	<i>Donald Whitaker</i>	1555 CHIPPEWA BEAK RD		8-3-2020
Chad Skuple	<i>Chad Skuple</i>	1555 Chippewa Beck Rd		8-3-20
TAYLOR DAVIS-HANSEN	<i>Taylor Davis-Hansen</i>	1251 Shawnee	Don't need commercial business or the trash	8/3/20
		1305 Shawnee Dr.		8-3-20

*We have used these 2 trail trails for over 60 years!*

*Building is 100 years old*

*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
Cerald Gadsby	<i>[Signature]</i>	986 Wahbee		8/1/20
Barbara King	<i>[Signature]</i>	1094 Wahbee		8/1/20
Glenn P. King	<i>[Signature]</i>	1114 Wahbee Ave		8/1/20
Julie Hill	<i>[Signature]</i>	12016 Wahbee		8/1/20
Tanice Hicks	<i>[Signature]</i>	1276 Wahbee		8-1-20
Micah Hill	<i>[Signature]</i>	1505		8/1/20
Becky Hill	<i>[Signature]</i>	906 Wahbee		8/2/20
Chris Hill	<i>[Signature]</i>	1305 Shawnee	Environmentally Impact on nearby nature preserve	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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://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,

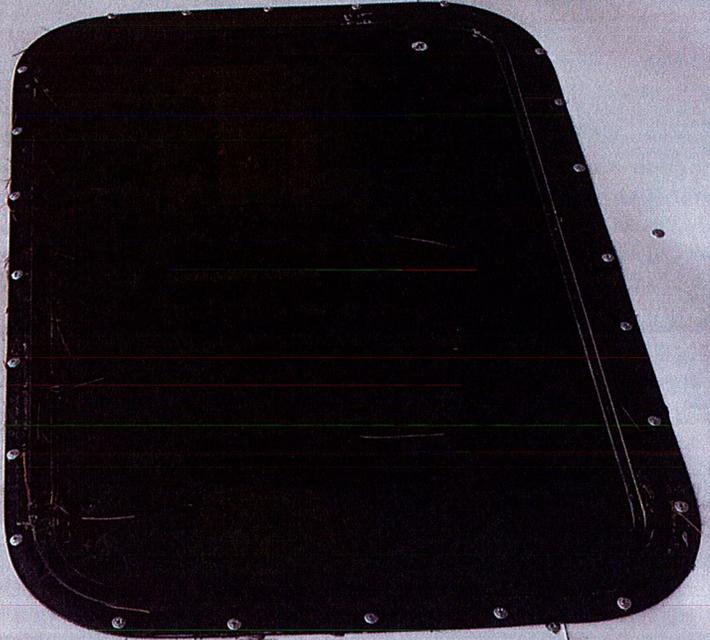
Robert A. Kramer  
Lt. Colonel, US Army (Ret.)  
&  
Nancy L. Kramer

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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)

---

**From:** [cherv179@aol.com](mailto: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](mailto:jhschams@outlook.com)>  
To: [cherv179@aol.com](mailto:cherv179@aol.com) <[cherv179@aol.com](mailto: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](mailto: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](mailto: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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://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](mailto: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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)

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**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

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**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

**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 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](mailto: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

**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,

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**

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**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

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.

>>>>  
>>>> 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

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**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](mailto:kneumann1454@gmail.com)>  
Sent: Tuesday, August 4, 2020 10:37 AM  
To: Michael C. Turisk <[mturisk@cheboygancounty.net](mailto:mturisk@cheboygancounty.net)>  
Subject: Zoning Application Request of Doug Dukes

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 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

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**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

**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 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

**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.

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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)

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**From:** [jill@burtlakemarina.com](mailto: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

**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.

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

**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.

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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://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

**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 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  
**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 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  
**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.

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  
**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.

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

**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.

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](mailto: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  
**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.

Michael Turisk	Director of Planning and Zoning	<a href="mailto:mturisk@cheboygancounty.net">mturisk@cheboygancounty.net</a>
Debbie Tomlinson	Asst to Director	<a href="mailto:debbiet@cheboygancounty.net">debbiet@cheboygancounty.net</a>
Michael Peltier	Enforcement	<a href="mailto:mpeltier@cheboygancounty.net">mpeltier@cheboygancounty.net</a>
Jennifer Merk	Planner	<a href="mailto:jmerk@cheboygancounty.net">jmerk@cheboygancounty.net</a>

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

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**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

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**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](mailto:jbowers@ifscorporations.com)

## Jennifer Merk

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**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](mailto:debbiet@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)

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**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

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**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

**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 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

**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.

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



# 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/](http://www.cheboygancounty.net/planning/)

## MEMORANDUM

Date: July 30, 2020 for the August 5, 2020 Planning Commission meeting

To: Planning Commissioners

From: Michael Turisk, Planning Director 

**Re: Final Draft of Zoning Ordinance Amendment #157 – Expiration of Special Use Permits, Site Plan Review Approvals and Zoning Permits**

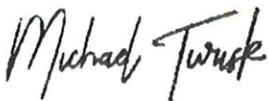
Planning Commissioners,

Attached is the final draft of Ordinance Amendment #157 for your review prior to our scheduled public hearing on Wednesday. Take note that Section 18.12 (*Expiration of Special Use Permit*) and Section 20.16 (*Expiration of Site Plan Review*) have an added requirement for extension approvals, that being full compliance with approved permit terms and conditions. (Edits are highlighted in the attached Ordinance Amendment #157).

Although the Planning Commission is expected to attend Wednesday's meeting in person at the County Building, the the option of attending telephonically/remotely is available to the public.

Feel free to reach out should you have questions.

Sincerely,



Michael Turisk

Enclosure(s):

Final draft of Ordinance Amendment #157

**CHEBOYGAN COUNTY ZONING ORDINANCE  
AMENDMENT #157**

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE TO THE EXPIRATION OF SPECIAL USE PERMITS, SITE PLAN REVIEW APPROVALS AND ZONING PERMITS

**Section 1. Amendment of Section 18.12.**

Section 18.12. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**SECTION 18.12. EXPIRATION OF SPECIAL USE PERMIT**

- a. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Zoning Administrator for an administrative extension prior to the expiration of the special use permit. The Zoning Administrator may grant one (1) administrative extension of an approved special use permit for an additional one (1) year period if it is found that:
  1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
  2. The Zoning Regulations applicable to the special use permit development have not significantly changed and the standards for approval that are reasonably related to the development have not changed.
  3. The property subject to the special use permit is being used in full compliance with all of the terms and conditions of the approved special use permit.
- b. In addition to the administrative extension granted by the Zoning Administrator under Subsection (a), above, the Planning Commission may grant a further extension of an approved special use permit for one (1) year if it finds that the standards in subsections a.(1), (2) and (3), above, are satisfied.
- c. If the special use permit expires pursuant to subsection (a) or (b) above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the required procedures for a new special use permit.

**Section 2. Amendment of Section 20.16.**

Section 20.16. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**SECTION 20.16. EXPIRATION OF SITE PLAN REVIEW**

- a. An approved site plan review shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Zoning Administrator for an administrative extension prior to the expiration of the approved site plan review. The Zoning Administrator may grant one (1) administrative extension of an approved site plan review for an additional one (1) year if it is found that:
  1. The property owner or applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.

2. The Zoning Regulations applicable to the site plan review development have not significantly changed and the standards for approval that are reasonably related to the development have not changed.

3. The property subject to the site plan is being used in full compliance with all of the terms and conditions of the approved site plan.

b. In addition to the administrative extension granted by the Zoning Administrator under Subsection (a), above, the Planning Commission may grant a further extension of an approved site plan review for one (1) year if it finds that the standards in subsections a.(1), (2) and (3), above, are satisfied.

c. If the site plan review expires pursuant to subsection (a) or (b), above, no work pursuant to the site plan review approval may be undertaken until a new site plan review is obtained from the Planning Commission following the required procedures for a new site plan review.

**Section 3. Amendment of Section 21.4.**

Section 21.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**SECTION 21.4. EXPIRATION OF ZONING PERMIT**

If substantial construction as authorized by a zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire, unless a written request for extension is submitted to the Zoning Administrator for a one (1) year extension prior to the date of zoning permit expiration.

**Section 4. 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 to be unconstitutional or invalid.

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