



CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, JUNE 6, 2018 AT 7:00 PM
CHEBOYGAN HIGH SCHOOL AUDITORIUM, 801 W. LINCOLN AVE., CHEBOYGAN, MI 49721**

AGENDA - REVISED

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

1. Notice is given that the Cheboygan County Planning Commission will hold a public hearing on Wednesday, June 6, 2018 at 7:00 P.M. at the Cheboygan High School Auditorium, 801 W. Lincoln Ave., Cheboygan Michigan 49721. The purpose of this meeting and public hearing is to hear comments about and consider findings under Section 18.7.e. as provided in the State of Michigan Court of Appeals unpublished Opinion dated January 16, 2018 being Docket No. 335159; 335206, Grandview Beach Association, Plaintiff/Appellant v County of Cheboygan and Cheboygan County Planning Commission, Defendants/Appellees and Heritage Cove Farm, Inc., Lawrence P. Hanson, Elizabeth A. Hanson, and Lib.Lib, LLC, Intervenor/Appellees.

Lawrence Hanson and Heritage Cove Farm, Inc. – Applicants have requested and received a Special Use Permit and approval based upon a submitted site plan and other evidence as part of the record, with such approval being appealed by Plaintiff/Appellant Grandview Beach Association. Remaining matters pursuant to the Michigan Court of Appeals is a determination under Cheboygan County Zoning Ordinance Section 18.7.e. which reads as follows: “The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.” The property is located at 625 Grandview Beach Rd., Tuscarora Township, Sections 5 and 6, Parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Please note: Heritage Cove Farm, Inc. requests that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects.

The public hearing for Lawrence Hanson and Heritage Cove Farm, Inc. has been rescheduled to June 26, 2018 at 7:00pm at the Cheboygan High School Auditorium, 801 W. Lincoln Avenue, Cheboygan, MI 49721

2. **Cherry Capital Communications, LLC & Wallace and Anne Savenkoff** - Requests a Site Plan Review for a wireless communication facility (section 17.13.). The property is located at 5339 Twin Trail Road, Grant Township, Section 2, Parcel 151-002-300-001-00 and is zoned Lake and Stream Protection District (P-LS).

UNFINISHED BUSINESS

1. Review and discussion of draft Zoning Ordinance language for solar arrays.

NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



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, MAY 2, 2018 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk, Churchill
ABSENT: None
STAFF: Jeff Lawson
GUESTS: Bob Lyon, John F. Brown, Carl Muscott, Russell Crawford, Cheryl Crawford, Karen Johnson, Roberta Matelski, Eric Boyd, Carmela Boyd, Cal Gouine, John Moore, Vince Rogala, Brian Fullford, Ty LaPrairie, Anthony Zalewski

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

APPROVAL OF MINUTES

There were no meeting minutes to approve at this time.

PUBLIC HEARING AND ACTION ON REQUESTS

Mackinaw Mill Creek Camping/FCVE, LLC - Requests an amendment to a Special Use Permit for construction of an addition to a storage, repair and maintenance building (Section 9.3.4.) and for construction of a gazebo (Section 9.3.4) at a campground. The property is located at 9730 W. US-23 Highway, Mackinaw Township, section 21, parcel #011-021-300-004-00 and is zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS).

Mr. Lawson stated this is a request for a 24ft. x 108ft. addition to a storage and maintenance building and construction of a 20ft. x 30ft. gazebo on a campground located at 9730 West US 23 Highway Mackinac Township and is zoned Agriculture and Forestry Management and Lake and Stream Protection. Mr. Lawson presented the rest of the staff report information relative to current zoning, surrounding land uses, environmentally sensitive areas, historical buildings, traffic implications, parking requirements, signs, lighting and stormwater management. Discussion was held on the exact size of the gazebo as to whether it was to be 20ft. x 30ft. or 20ft. x 40ft. and it was agreed the dimensions were to be 20ft. x 40ft. and that the 20ft. x 30ft. was only a representational drawing of the gazebo and not the actual dimensions to be met.

Ms. Croft asked for public comment. Mr. Muscott stated that he wholly supports the project but questions why it could not be administratively approved without a formal amendment to a special use permit. Public comment closed.

Motion by Mr. Freese, supported by Mr. Churchill, to waive the topography requirement. Motion carried unanimously.
Motion by Mr. Borowicz, supported by Mr. Bartlett, to waive the drawing scale requirement. Motion carried unanimously.

The Planning Commission reviewed the General Findings and the Findings of Fact under section 18.7 and 20.10. **Motion** by Mr. Kavanaugh supported by Mr. Churchill, to approve the amendment to the special use permit based on the General Findings and the Specific Findings of Fact under section 18.7 and 20.10 subject to the requirements of the Department of Building Safety. Motion carried unanimously.

Dan Slanec/Slanec Family Living Trust & Skruba Family Living Trust - Requests a rezoning from Agriculture and Forestry Management District (M-AF) and Commercial Development (D-CM) to Commercial Development (D-CM). The property proposed to be rezoned is located in Tuscarora Township, Section 1 and described as follows:

Parcel #161-001-200-005-04

BEG AT E1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S OD 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHRD BEARS N 45D 07M 30S W 563.38FT & ALG CURVE CHRD BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S OD 14M 30S W 396.44FT TO POB. *EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S OD 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S OD 14M 30S W 200.23FT TO POB; TH CONT SOD 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT & CHRD BEARING N 49D 17M 46S W 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB.

Mr. Lawson reviewed the information in the staff report. Mr. Kavanaugh asked if this request was prompted by an enforcement action. Mr. Lawson stated that this was the case.

Ms. Croft asked for public comment. Mr. Fullford questioned the depth of the commercial zone along M-27 and future practical uses for portions of the parcel if other than Commercial. Public comment closed.

Mr. Freese presented comments concerning the prior history of the parcel, physical conditions of the parcel that limit its use due to the shape, topography and extensive wetlands. Mr. Freese indicated that the section 3.9 states that the zoning district boundary should follow parcel boundaries and that any ambiguity should be decided by the Zoning Board of Appeals. **Motion** by Mr. Kavanaugh, supported by Mr. Churchill, to remand the request to the Zoning Board of Appeals. Motion carried unanimously.

Tiger By The Tail, LLC/ Ty LaPrairie - Requests a Special Use Permit Amendment for construction of an Indoor Storage Facility (Section 6.3.16). The property is located at 5142 South Straits Hwy. and 5138 S. Straits Hwy., Tuscarora Township, Section 35, parcel #161-035-200-013-00 and parcel #161-035-200-014-00 and is zoned Commercial Development (D-CM).

Mr. Lawson stated that Mr. LaPrairie is requesting a special use permit to construct an indoor storage facility at 5142 South Straits Highway. Mr. Lawson reviewed information in the staff report.

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

The Planning Commission reviewed and approved the general findings and the specific findings under section 18.7 and 20.10. **Motion** by Mr. Freese, supported by Mr. Borowicz, to approve the special use permit based on the general findings, special findings under section 18.7 and 20.10 subject to Department of Building Safety requirements. Motion carried unanimously.

UNFINISHED BUSINESS

Discussion Regarding Planned Unit Development Draft Language

Mr. Freese provided a shortsynopsis of the progress on the PUD.

Discussion Regarding Solar Arrays

Mr. Lawson explained the PowerPoint presentation developed by Michigan State University regarding solar energy. Discussion was held.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Lawson presented information on a workshop for Planning and Zoning to be held in Roger City.

Discussion was held concerning zoning district boundaries following property boundaries and problems associated therewith.

PLANNING COMMISSION COMMENTS

Ms. Croft asked when the Planning Commission would handle the Heritage Cove questions. Ms. Lyon stated she had pictures of solar arrays at Michigan State University.

PUBLIC COMMENTS

Mr. Muscott questioned Master Plan implications for the solar regulation and requirements. Mr. Makee presented information

on solar power and on the proposed solar farm in the county. Mr. Boyd presented his objections to the solar farm in Grant Township.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:20pm.

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, MAY 16, 2018 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill
- ABSENT:** Jazdyk
- STAFF:** Mr. Lawson
- GUESTS:** Mike Bieniek, Carl Muscott, Andrew Makee, Raymond Mushier, Roberta Matelski, Eric Boyd, Cal Gouine, Bob Lyon, Russell Crawford, Cheryl Crawford, Karen Johnson, John Moore, K.P. Neuman, Bill Beethem, Andy Beethem, Christina Beethem

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

PLEDGE OF ALLEGIANCE

Chairperson Mattson 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. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

APPROVAL OF MINUTES

The May 2, 2018 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

PUBLIC HEARING AND ACTION ON REQUESTS

Mr. Bieniek, Agent on behalf of Tillman Infrastructure and Todd and Tammi Gall - Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 1980 S. Extension Road, Mullett Twp., sections 19 and 30, parcel #130-030-100-001-02, # 130-019-300-002-01 and #130-030-100-001-01, and is zoned Agriculture and Forestry Management (M-AF).

Mr. Lawson reviewed the background information contained in the staff report covering the application. Mr. Bieniek explained that the proposed Tower is a replacement for a wood monopole tower which is obsolete. The proposed tower will provide additional height and capacity and allow collocation of other communication providers.

Mr. Freese provided information on who has the final approval on communication towers. Mr. Freese states that the Planning Commission had previously been requiring FAA approval, but he indicated that he had recently found that MDOT has been designated as final authority under Section 203 of the zoning enabling act to grant a Michigan Tall Structures Permit which supersedes FAA Authority.

Ms. Lyon questioned whether the tower was actually 199 feet or 190 feet and it was explained that the tower was 190 feet with a 9 foot lightning rod for a total of 199 feet.

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

The Planning Commission reviewed and approved the General Findings, Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, 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

17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to MDOT approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

Mike Bieniek, Agent on behalf of Tillman Infrastructure and David and Carolyn Sackett - Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 3616 Bowman Dr., Tuscarora Twp., section 21, parcel #161-021-300-002-03, and is zoned Agriculture and Forestry Management (M-AF).

Mr. Lawson reviewed the background information contained in the staff report covering the application.

Mr. Bieniek explained that the proposed tower is a replacement for a wood monopole tower which is obsolete. The proposed tower will provide additional height and capacity and allow collocation of other communication providers.

Mr. Lawson explained that from the drawing provided it was difficult to determine the actual distance of the Tower from the property line. Mr. Bieniek agreed and stipulated that they would agree to meet any setback required.

Mr. Freese indicated he had calculated the distance from the base of the tower to the South property line to be approximately 92 feet. Mr. Freese indicated the tower could be moved to the north within the 100 foot square leased area without any problem since a 25 foot wide area to the north side of the leased area is not being utilized and therefore would allow the 97 foot setback to be met.

Mr. Mushier stated that he owns a parcel immediately to the south of the proposed tower location. He provided a packet of information concerning safety, noise, aesthetics, and property value decline, which he feels should be considered and support a disapproval of the special use permit. Discussion was held.

Mr. Bieniek agreed to provide a monopole Tower located 25 feet to the north within the 100 foot least area and provide screening in accordance with the regulation.

The Planning Commission added the following to the General Findings:

5. The 75 foot square foot area is moving 25 foot north within the 100 foot least area.
6. Monopole antenna is to be provided.
7. Screening is to be provided in accordance with the regulation.

The Planning Commission reviewed and approved Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the revised General Findings, Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to screening in accordance with the regulation and MDOT approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

K.P. Neuman and Dave Fernelius/Fernelius Land II, LLC - Requests a Site Plan Review for an auto detail shop addition (section 6.2.2). The property is located at 11165 North Straits Highway, Inverness Township, section 6, parcel # 092-006-300-012-01 and is zoned Commercial Development (D-CM).

Mr. Lawson reviewed the background information contained in the staff report covering the application. Mr. Freese questioned whether strong cleaning agents would be used in the detailing operation. The applicant stated only steam cleaning would be used. Mr. Kavanaugh questioned the disposal of wastewater and whether the applicant had contacted the Michigan Department of Environmental Quality with regard to grease separation. Mr. Kavanaugh stated that the applicant would have to coordinate with District Health Department # 4 in regards to permits for the two wells.

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

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to District Health Department #4 approval, MDEQ approval of wastewater disposal and Department of Building of Safety. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

Mr. Jazdyk entered the meeting.

UNFINISHED BUSINESS

Discussion Regarding Planned Unit Development Draft Language

Discussion was held on the matrix to be used for the PUD amendment. Mr. Freese stated he had prepared a condensed matrix of three pages that covers the five districts that the Planning Commission is considering for cross district utilization of uses under the PUD. This matrix is only 3 pages long rather than 20 pages and actually allows for more detailed consideration of uses best able to be cross shared and others which are either already allowed in each district or for one reason or another should not be considered. Additional matrixes are scheduled and information to follow later.

NEW BUSINESS

No comments.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

Mr. Beethem questioned the levels on the solar regulation. Mr. Muscott commented on the solar regulation. Mr. Boyd discussed his views against the solar farm establishment in Grant Township. Mr. Makee congratulated the Planning Commission on the progress of the solar regulation.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:30pm.

Charles Freese
Planning Commission Secretary

Exhibit List
Heritage Cove Farm, LLC
Findings of Fact
June 6, 2018 Hearing

1. All previous exhibits as part of the Exhibits List from January 6, 2016
2. Letter dated March 20, 2018 from Cheboygan County Lt. Todd Ross to Cheboygan County Planning Commission
3. Letter dated March 7, 2018 from Cheboygan Life Support Systems, Inc., Dallas Hyde, to Cheboygan County Planning Department
4. Letter dated March 1, 2018 from Dave Carpenter, Tuscarora Volunteer Fire Department Chief, to Betsy Hanson
5. Letter dated March 6, 2018 from Tuscarora Township Police Department, Chief Gordon Temple, to Cheboygan County Planning Commission
6. Letter dated March 5, 2018 from Gould Farm (Monterey, Massachusetts), Lianne Finston, Executive Director to Cheboygan County Planning & Zoning
7. Email dated May 23, 2018 from David Carpenter, Tuscarora Volunteer Fire Department Chief, to Debbie Tomlinson, Cheboygan County Community Development Department
8. Letter dated April 30, 2018 from Tuscarora Township Police Department, Chief Gordon Temple, to Cheboygan County Planning Commission



CHEBOYGAN COUNTY SHERIFF DEPARTMENT

DALE V. CLARMONT
SHERIFF

TIMOTHY C. COOK
UNDERSHERIFF

870 S. Main St.
Cheboygan, MI 49721

231-627-3155
Fax: 231-627-8880
sheriff@cheboygancounty.net

Brenda Beckwith
Jail Administrator

Jodi Beauchamp
Administrative Assistant

March 20, 2018

Cheboygan County Planning Commission
Cheboygan County Building
870 South Main Street
P.O. Box 70
Cheboygan, MI. 49721

RE: Heritage Cove Farms
625 Grandview Beach Road
Tuscarora Township
Cheboygan County
State of Michigan

Planning Commission,

The Cheboygan County Sheriff Department is staffed 24/7/365 with both Road Patrol and Corrections Deputies. While the proposed site for Heritage Cove Farms falls within the borders of Tuscarora Township, which has its own 24/7/365 dedicated police department, The Cheboygan County Sheriff Department stands ready to assist should a request be received.

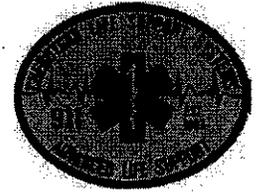
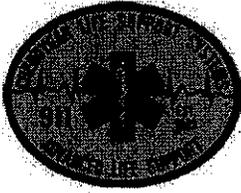
I have reviewed the plan for Heritage Cove Farm. I understand that Heritage Cove Farm will be modeled after Gould Farm. I have reviewed the correspondence from Gould Farm along with Gould Farm's website. Additionally, I have attended meetings held by Heritage Cove Farms and believe I have an understanding of their plan.

At this time I do not believe that Heritage Cove Farm will place any hardship on, nor will it cause any burden for the Cheboygan County Sheriff Department. Should a request for assistance come from either the Tuscarora Township Police Department or directly from Heritage Cove Farm, the Cheboygan County Sheriff Department stands ready to fulfill such request.

Sincerely,

Lieutenant Todd Ross

Road Patrol and Operations Supervisor
Cheboygan County Sheriff Department
870 South Main Street, Cheboygan



Cheboygan Life Support Systems Inc.

536 M.M Riggs Drive
Cheboygan, Michigan 49721
(231)627-9348

March 7, 2018

Jeff Lawson
Cheboygan County Planning Department
870 S. Main Street
Cheboygan, MI 49721

Dear Mr. Lawson,

I have reviewed the Heritage Cove Farm project for the purpose of evaluating what impact the farm and its residents will have on our ambulance service capacity in Cheboygan County. Based on my review and discussion with Betsy Hanson, the addition of these residents and the staff will not impose a burden beyond the current capacity of Cheboygan Life Support System.

If you have any questions, please contact me at the above number.

Sincerely,

A handwritten signature in cursive script that reads "Dallas Hyde".

Dallas Hyde,
Director of CLSS

March 1, 2018

Betsy Hanson
Heritage Cove Farm
PO Box 368
Indian River, MI 49749

RE: Heritage Cove Farm

Dear Ms. Hanson,

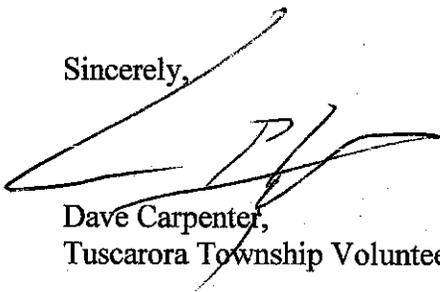
This letter is to outline the communication we had relating to the Special Use Permit Heritage Cove Farm submitted to Cheboygan County, and the impact this application and use would have on the services of Tuscarora Township's Volunteer Fire Department.

In the spring of 2015, you and I met in my office in Indian River. You provided me with the Special Use Permit application and we reviewed the site survey drawing you provided. As I recall, we discussed road access based on the site plan, and the potential use of the on-site pond as a water resource. I understood the application described up to 24 residents with mental illness residing on the site, with support staff also living on site. We also discussed some of the services our department has provided to local adult foster homes in the area regarding "walk-offs" of persons with dementia. You answered any questions I presented, and it was my opinion that Heritage Cove Farm would not impact our volunteer fire department beyond its capacity.

After you and I spoke I did receive the application from the County and responded back telling them that I didn't see any major concerns regarding the fire department.

Should you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Carpenter", is written over the typed name and title.

Dave Carpenter,
Tuscarora Township Volunteer Fire Chief



Tuscarora Township Police Dept.

Chief Gordon M. Temple
P.O. Box 208 - 3546 Sturgeon Avenue
Indian River, Michigan 49749

March 6, 2018

Cheboygan County Planning Commission
Cheboygan County Building
870 S. Main St.
Cheboygan, MI 49721

RE: Heritage Cove Farms

To Whom It May Concern:

The Tuscarora Township Police Department always has officers on duty. I do not believe that any incidents (requiring police assistance) at Heritage Cove Farms would overwhelm our resources.

On the rare occasion when additional law enforcement assistance may be needed, it is common practice in northern Michigan for police departments to request assistance from other area law enforcement agencies.

Based on the stated purpose of Heritage Cove Farms, I do not anticipate it creating an undue hardship on my police department.

Should you have any questions, please do not hesitate to contact me.

Sincerely:

A handwritten signature in black ink, appearing to read "Gordon Temple", written over a horizontal line.

Chief Gordon Temple



GOULD FARM

Harvesting Hope ♦ Promoting Recovery

March 5, 2018

Cheboygan County Planning & Zoning
870 S. Main Street
Cheboygan, MI 49721

Dear Friends,

I am writing in regards to Heritage Cove Farm, a therapeutic community being developed by Betsy and Larry Hanson in Indian River, Michigan. The founders of Heritage Cove Farm have sought counsel and been in dialogue with Gould Farm during the process of organizing and launching their residential treatment program for people living with mental illness.

Founded in 1913, Gould Farm has been helping adults with mental health challenges move toward recovery, health, and greater independence for over 100 years. We work with 40 adults in residence on the farm who are living with mental health conditions such as depression, bipolar and schizoaffective disorder and schizophrenia. Gould Farm provides a safe environment in which everyone feels accepted and trusted while also being held to high expectations as a productive, working member of the community. Guests are empowered to share their many talents with the community and are also given the opportunity to learn and practice new skills in a supported environment.

Guests work with the clinical team, including consulting psychiatrists, licensed clinical social workers and a registered nurse, to optimize their medications, build compensatory strategies to manage the symptoms of their illness, and create resiliency in work and social contexts. Through a stepped progression, symptoms improve, real-life skills are learned, and a sense of worth and hope is recovered that allows the individual to build the strength and confidence to move towards greater independence and recovery.

Gould Farm is respected and trusted in the community. We operate our own restaurant and bakery where our residents work. In addition to working on the farm, and in our community based businesses, our residents volunteer and work in the community, attend classes and worship services, visit the library, the gym and shop like anyone else. The people in the Berkshires are proud that Gould Farm is a part of this community, and we are grateful to be partners with so many wonderful, caring people, businesses and organizations.

Some of our most important community partners are emergency responders. While we rarely need to call upon emergency responders, like law enforcement, fire or medical personnel, we do have a good working relationship with them. It is more often the case that we call upon emergency responders for mundane issues like faulty smoke detectors that set off alarms periodically, or recently, a break in at our café. It is the rare instance that we have an elopement of a guest (once in the past 5 years), and occasionally we call for an ambulance to transport a guest to the hospital for a physical or mental health matter (maybe once every 2 years). In short, we make only occasional use of emergency services and often that is not related to our program or clients. More often it is the case that our relationships with local organizations and businesses are truly collaborative in nature, both serving our program and our guests and staff serving the community.

Heritage Cove Farm is positioned to create another wonderful opportunity for people living with mental illness to find the treatment, support and opportunities that enable a full and meaningful life. We are proud to be a support to their cause.

Sincerely,

Lisanne Finston
Executive Director



P.O. Box 157 · 100 Gould Road · Monterey, MA 01245-0157 · t 413-528-1804 · f 413-528-5051

The William J. Gould Associates, Inc.

www.gouldfarm.org

Deborah Tomlinson

From: Dave Carpenter <dpcarpenter@voyager.net>
Sent: Wednesday, May 23, 2018 9:07 AM
To: Deborah Tomlinson
Subject: Re: Heritage Cove Farm

Hi Deb,

I don't see any major concerns regarding the Fire Department for the Heritage Cove Farm project. Should you have any questions please feel free to contact me anytime at my office.

Respectfully,

David Carpenter
Fire Chief

From: Deborah Tomlinson
Sent: Tuesday, May 22, 2018 2:30 PM
To: Brent Shank (mgr@chcrc.com) ; Hobie Kirsch ; Kyle Keller ; Kyle Keller ; David Carpenter (dpcarpenter@voyager.net)
Subject: Heritage Cove Farm

The following is a link to the documents that will be reviewed at the 06/06/18 Planning Commission meeting regarding Heritage Cove Farm: <http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs13-1527012821-53525.pdf>. Please review and call me or e-mail me if you have any questions or comments. Thank you!!!

Debbie

Debbie Tomlinson
Cheboygan County
Community Development Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net



Tuscarora Township Police Dept.

Chief Gordon M. Temple
P.O. Box 208 - 3546 Sturgeon Avenue
Indian River, Michigan 49749

April 30, 2018

Cheboygan County Planning Commission
Cheboygan County Building
P.O. Box 70
Cheboygan, MI 49721

RECEIVED
MAY 02 2018
CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPT.

Re: Heritage Cove Farms

To Whom It May Concern:

The purpose of this letter is to clarify a statement I made in a previous letter dated March 6, 2018. In that letter addressed to you, one of my statements was "I do not believe that any incidents (requiring police assistance) at Heritage Cove Farms would overwhelm our resources". My statement was based on information provided that Heritage Cove Farms will be housing 24 residents. (The mental well-being of these residents is an unknown variable at this time.)

My previous letter was NOT based on an impact study, nor is this one. The previous letter was based on having an additional 24 residents in the township.

I have been requested by the Grandview Beach Association to complete a "proper analysis" of the proposed Heritage Cove Farms and its impact on available resources.

As far as I am concerned, it is your responsibility as the Planning Commission to conduct this "impact study".

To quote the Cheboygan County website:

"Cheboygan County zoning authority covers all township except Burt..."

"The Planning Commission's responsibilities include reviewing Special Use Permits, Planned Unit Developments and Site Plan Reviews...."

Sincerely:

A handwritten signature in black ink, appearing to read "Gordon Temple".

Chief Gordon Temple

cc Dave Lurie-President Grandview Beach Association.

(231) 238-9481 • (231) 238-8311
Fax: (231) 238-0931

8

**CHEBOYGAN COUNTY
PLANNING COMMISSION
FINDINGS OF FACT**

Lawrence and Elizabeth Hanson and Heritage Cove Farm, LLC
Special Use Permit

- Applicant: Lawrence and Elizabeth Hanson, husband and wife, on behalf of Heritage Cove Farm, LLC
625 N. Grandview Beach Road
Indian River, MI 49749
- Owners: Lawrence and Elizabeth Hanson, husband and wife, on behalf of Heritage Cove Farm, LLC
625 N. Grandview Beach Road
Indian River, MI 49749
- Parcels: 625 N. Grandview Beach Road,
Sections 5 and 6, Tuscarora Township
Parcel No's. 162-005-300-002-00, 162-006-400-004-00 and
162-006-400-005-00
- Hearing Date: Public Hearing on Wednesday, November 4, 2015 at 7:00 p.m. at the Cheboygan High School Auditorium
Deliberations on Wednesday, December 2, 2015 at 7:00 p.m. at the Cheboygan High School Auditorium
Deliberations on Wednesday December 16, 2015 at 7:00 p.m. at the Cheboygan County Building
Public Hearing on Wednesday, June 6, 2018 at 7:00 p.m. at the Cheboygan High School Auditorium

PROPERTY DESCRIPTION

The property of Owners is described more fully as: Situated in the Township of Tuscarora, County of Cheboygan and State of Michigan.

See attached legal descriptions.

Hereinafter referred to as the "Property".

APPLICATION

The purpose of this meeting and public hearing is to hear comments about and to

further review standard 18.7.e. per the Michigan Court of Appeals' Opinion dated January 16, 2018. This project has been previously approved by the Cheboygan County Planning Commission at a meeting held on January 6, 2016. Subsequent to its approval, the decision was appealed by the Grandview Beach Association, a non-profit corporation. The approval was upheld on an appeal by the Hon. Donald J. McLennan, presiding on assignment at the Cheboygan County Circuit Court and by the Michigan Court of Appeals in an Opinion dated January 16, 2018. In the Michigan Court of Appeals Opinion of January 16, 2018, the Court noted that the Planning Commission needs to complete making a finding under Article 18, Section 18.7.e. In that Opinion the Michigan Court of Appeals notes that the Cheboygan County Planning Commission must determine under Section 18.7.e. of the Cheboygan County Zoning Ordinance, whether the use as proposed will increase demands on fire, police, or other public resources in excess of current capacity or increase hazards from fire or other dangers to the subject property or adjacent properties, while weighing in the balance the disabilities of the residents of Heritage Cove Farm, LLC, as applicable under 42 USC 3604(f)(3)(b). The term most commonly utilized when referencing a disability is "reasonable accommodation." This means that if the proposed special land use does place demands on fire, police or other public services in excess of current capacity and/or increases hazards from fire or other dangers to the subject property or adjacent properties, given the disabilities of the residents of Heritage Cove Farm, LLC, can a reasonable accommodation be made?

A reasonable accommodation, as stated by the Michigan Court of Appeals in its January 16, 2018 Opinion is whether any such increase in demands of governmental service providers constitutes an undue burden. The first part of the analysis is whether there is an increased demand to begin with. As the Court states on pages 9 and 10 of its Opinion, "An undue burden is a burden that requires more than 'reasonable costs' or modest, affirmative steps to accommodate the handicapped[.]' Citing *Quad Enterprises Co, LLC, v Town of Southold*, 369 Fed App'x 202, 207 (CA 2 2010)(citation omitted)." The Michigan Court of Appeals went on to state that "this analysis requires a court to 'balance the plaintiff's interest in equal housing against the defendant's interest in the integrity of the scheme that would be altered as a result of the accommodation.'" Weighing the costs of the proposed accommodation is an appropriate part of the fact-specific inquiry to determine whether an accommodation is reasonable. (See Michigan Court of Appeals Opinion in *Heritage Cove Farm, LLC* of January 16, 2018 page 10). Pages 9 and 10 of the Michigan Court of Appeals Opinion of January 16, 2018 is attached to these findings for the Planning Commission's review.

The Planning Commission having considered all of the evidence contained in the record as well as evidence presented prior to and at the public hearing held on June 6, 2018, the Planning Commission having heard statements of the applicants and/or the applicant's attorney(s) and/or agents, the Planning Commission having considered correspondence submitted by members of the public, comments by members of the public, and/or attorneys who represent the members of the public and/or the Grandview Beach Association, and having reached a decision on this matter, states as follows:

SPECIFIC FINDINGS OF FACT UNDER 18.7.e. OF THE
CHEBOYGAN COUNTY ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by Section 18.7.e. of the Cheboygan County Zoning Ordinance with respect to each of the following standards:

STANDARDS FOR SPECIAL LAND USE APPROVAL

18.7.e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
--

PREVIOUS FINDINGS MADE ON JANUARY 6, 2016.

1. The Planning Commission finds that it has not received reports from law enforcement, ambulance, or fire personnel, under whose jurisdiction the subject site would fall. The Planning Commission notes that a 2012 study was referenced in the record from the *Emergency Medicine International Journal* cited by the *Washington Post*, "psychiatric patients make up 7 to 10 percent of emergency room visits[.]" (Khazan, Olga, www.washingtonpost.com, Jan 22, 2013.) (Exhibit 129). The Planning Commission find that, if a special land-use permit were to be granted, such approval should be conditioned on the results of a police, fire, and ambulance impact study to determine whether the standard has been met by Applicant.

2. Testimony from a retired police officer indicated that there will be an increase in safety hazards and emergency room visits. Chris Blake, Clinical Psychologist, stated safety issues are a concern. There was general public testimony where numerous people testified that there would be numerous demands on fire, police and other resources.

Motion by Mr. Kavanaugh, seconded by Mr. Freese, that findings 1-2 will not support standard 18.7.e. Motion carried. 7 Ayes (Croft, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 1 Nay (Borowicz), 1 Absent (Churchill).

SUGGESTED FINDING FOR THIS STANDARD WHICH WOULD SUPPORT REASONABLE ACCOMMODATION AND DETERMINE THAT HERITAGE COVE FARM, LLC PROJECT WOULD NOT PLACE AN UNDUE BURDEN OR DEMAND ON FIRE, POLICE OR PUBLIC RESOURCES IN EXCESS OF CURRENT CAPACITY NOR INCREASE HAZARDS FROM FIRE OR OTHER DANGERS TO THE SUBJECT PROPERTY OR ADJACENT PROPERTIES.

1. The Planning Commission finds that based upon the letter from Lt. Todd Ross, Road Patrol and Operations Supervisor of the Cheboygan County Sheriff's Department, dated March 20, 2018; as well as the letter to Jeff Lawson dated March 7, 2018 from Cheboygan Life Support Systems, Inc from Dallas Hyde, Director of CLSS; the letter to Betsy Hanson from Dave Carpenter, Tuscarora Township Volunteer Fire Chief dated March 1, 2018; the letter dated March 6, 2018 from Chief Gordon Temple of the Tuscarora Township Police Department to the Cheboygan County Planning Commission; and the letter to the Cheboygan County Planning & Zoning Department from Lisanne Finston, Executive Director of Gould Farm, dated March 5, 2018, that it is clear from the departments as well as from Gould Farm, which runs an operation very similar to what is being proposed by Heritage Cove Farm, LLC, that the proposed special land use will not place demands on fire, police or other public resources in excess of current capacity or increase hazards from fire or other dangers either to the Heritage Cove Farm property or any adjacent properties. The Planning Commission further finds that based upon particularly the letters from the Tuscarora Township Fire Department and the Cheboygan County Sheriff's Department, that there would not be any increase in demand with respect to at least fire and police in excess of current capacity whether servicing Heritage Cove Farm or existing adjacent properties. The Planning Commission further finds that the evidence shows that this would be no undue burden on services or increase in hazards from fire or other damages to the subject property or adjacent properties as a result of the approval of this project. (See Exhibits 2, 3, 4, 5, and 6).

2. The Planning Commission finds that

PROPOSED FINDING THAT DOES SHOW THAT THE DEMANDS PLACED ON FIRE, POLICE OR OTHER PUBLIC RESOURCES IN EXCESS OF CURRENT CAPACITY EXISTS AND/OR INCREASES HAZARDS FROM FIRE AND OTHER DANGERS TO THE SUBJECT PROPERTY OR ADJACENT PROPERTIES IN A MANNER WHICH CONSTITUTES AN UNDUE BURDEN.

1. The Planning Commission finds that

The Planning Commission finds that this standard has/has not been met.

Motion made by _____, supported by _____ that based upon the general findings of fact and the rezoning factors that the applicant's request for a special use permit is hereby recommended to be

denied/approved/approved with conditions.

Ayes: _____

Nays: _____

DATE DECISION AND ORDER ADOPTED

Date

Chair

Secretary

Please place close attention when applying the evidence to the standard contained in Section 18.7.e. to the Court's Opinion beginning at the last paragraph on page 9 through page 10.

Excerpt From

Michigan Court of Appeals Opinion From January 16, 2018

accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling[.]” 42 USC 3604(f)(3)(b).

Accordingly, an accommodation is required for persons with disabilities “if the accommodation is (1) reasonable and (2) necessary (3) to afford handicapped persons equal opportunity to use and enjoy housing.” *Bryant Woods Inn, Inc v Howard Co, Md*, 124 F3d 597, 603 (CA 4, 1997). An accommodation is reasonable “if it imposes no fundamental alteration in the nature of a program or undue financial and administrative burdens.” *Hollis v Chestnut Bend Homeowners Ass’n*, 760 F3d 531, 542 (CA 6, 2014) (quotation marks and citation omitted). An accommodation is necessary if there is a direct link between the proposed accommodation and the opportunity to be provided to the disabled person. *Bryant Woods*, 124 F3d at 604. Further, an individual is not entitled to “accommodations that increase a benefit to a handicapped person above that provided to a nonhandicapped person with respect to matters unrelated to the handicap.” *Id.* The burden is on the party seeking the accommodation to demonstrate that the accommodation is reasonable and necessary. *Hollis*, 760 F3d at 544.

Plaintiff argues that the accommodation in this case was placing a commercial medical facility in a residential area. Plaintiff’s argument has no record support. As previously discussed, the Commission determined that the use was a convalescent home in the M-AF district and cabin colonies and a restaurant in the P-LS district. These uses are allowed by special use permit in the respective districts. While the Commission indicated that it was making an accommodation in granting the special use permit, this accommodation amounted to waiving Cheboygan Zoning Ordinance § 18.7.e’s requirement that the person applying for a special use permit demonstrate beforehand that the proposed use would “not place demands on fire, police, or other public resources in excess of current capacity.” The Commission instead decided to accommodate intervenors by conditioning the special use permit on the results of a police, fire, and ambulance impact study. The Commission also noted that even if there was some increased burden on law enforcement, it would not merit denying the special use permit. The Commission otherwise determined that the Farm met the requirements for granting a special use permit.

The actual accommodation the Commission ordered was directly linked to the residents’ mental disabilities. The record demonstrated that the Farm’s residents may require more public services than nondisabled residents, even if only to the extent that public services might be called to retrieve persons who wandered off site or because people with mental disabilities are an at-risk group. There is no indication that the accommodation fundamentally alters the Cheboygan County zoning scheme. The accommodation that the Commission granted was to waive the requirement that intervenors demonstrate up front that there would be no impact on public services beyond those services’ current capacities. The Commission instead required that intervenors make this showing after the fact. Delaying this proof does not undermine the basic purpose of Cheboygan Zoning Ordinance § 18.7.e’s requirement.

To the extent the Commission allowed intervenors to make a delayed showing under § 18.7.e and determined that the special use permit may be granted even if there is some increased burden on law enforcement, we conclude that the Commission’s reasonable accommodation ensures that any burden will not be an *undue* burden. An undue burden is a burden that requires more than “reasonable costs” or “modest, affirmative steps to accommodate the handicapped[.]”

Quad Enterprises Co, LLC v Town of Southold, 369 Fed App'x 202, 207 (CA 2 2010) (citation omitted). Reasonable costs are more than de minimis costs. See *Shapiro v Cadman Towers, Inc*, 51 F3d 328, 334-335 (CA 2, 1995). This analysis requires a court to "balance the plaintiff's interest in equal housing against the defendant's interest in the integrity of the scheme that would be altered as a result of the accommodation." *Salute v Stratford Greens Garden Apartments*, 136 F3d 293, 311 (CA 2, 1998). Weighing the costs of the proposed accommodation is an appropriate part of the fact-specific inquiry to determine whether an accommodation is reasonable. See *Staron v McDonald's Corp*, 51 F3d 353, 356 (CA 2, 1995).

Again, it is important to keep in mind the nature of the accommodation that the Commission allowed. The Commission conditioned the Farm's special use permit on the results of a police, fire, and ambulance impact study. The actual modification was allowing intervenors to request police comment after the fact and to demonstrate the requirements of § 18.7.e were met through a study rather than requiring them to demonstrate that their demands would not exceed service capacity as part of their application. Further, the Commission found that even if there was some increased burden on law enforcement, it would not necessarily merit denying the special use permit. We note that Cheboygan County Zoning Ordinance § 18.7.e requires a finding that the increased burden will not exceed "current capacity." This is not the same as requiring the applicant to demonstrate no increased burden at all. Thus, at this point in time, it is not apparent that intervenors will not satisfy § 18.7.e; and, even if there is some increase in demand beyond "current capacity," there is no basis in the record to overturn the Commission's finding that some increased burden would not necessarily be disproportionate to accommodating the residents' disabilities.⁸

⁸ The record before us does not include the results of the impact study. It is unclear whether the study has been conducted yet or if intervenors have requested comment on the safety issue from the police and sheriff's departments. Further, while the Commission indicated that intervenors should be accommodated even if there is an increased burden on law enforcement, considering the Commission's decision as a whole, we do not read this as suggesting that *any* increase, no matter how great or unreasonable the resulting cost, should be accommodated. Instead, at this juncture, the Commission has merely given conditional approval for the special use permit and, until the study is completed, the law enforcement issue remains unresolved. When the impact study has been completed and comments from law enforcement elicited, the Commission will have to consider whether there will be an increased burden beyond the "current capacity" under § 18.7.e and whether such an increase, if any, must be allowed as a reasonable accommodation. At that time, the Commission's decision on this issue may be challenged. In short, our decision should not be read to suggest that *any* increase in the demands on fire, police, or other public resources is permissible under § 18.7.e or that *any* such increase must be allowed as a reasonable accommodation.

CHEBOYGAN COUNTY PLANNING COMMISSION

Cherry Capital Communications LLC / Wallace and Anne Savenkoff

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Authorization To Act As Property Owner's Agent Dated 12/07/17 (1 Page)
5. Site Plan (3 Pages)
6. Letter Dated 04/18/17 From James Edmondson (Trison Engineering Group, Inc. To Tim Maylone (Cherry Capital Connection
7. Letter Dated 12/07/17 From Dianne Marin (Federal Aviation Administration) To Bruce Vughn (Cherry Capital Connection, LLC) Regarding Determination Of No Hazard To Air Navigation (5 Pages)
8. Aerial Photo (1 Page)
9. Zoning Map (1 Page)
10. Email Dated 05/30/18 From Tim Maylone, Cherry Capital Communications, LLC (3 Pages)
11. 01/24/18 Zoning Board of Appeals Meeting Minutes (4 Pages)
12. 01/24/18 Zoning Board of Appeals Findings Of Fact For Use Variance Application (2 Pages)
13. Use Variance Application Reviewed At 01/24/18 Zoning Board of Appeals Meeting (9 Pages)
- 14.
- 15.
- 16.
- 17.
- 18.

Note: Planning Commission members have exhibits 1 and 2.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

PROPERTY LOCATION

Address 5339 Twin Lake Trail	City / Village Cheboygan	Twp / Sec. Grant	Zoning District P-LS
Property Tax I.D. Number 16-151-002-300-001-00	Plat or Condo Name / Lot or Unit No.		

APPLICANT

Name Cherry Capital Communications, LLC	Telephone 231-264-9970	Fax 231-264-9945
Address 97 Lake Street P.O. Box 866	City, State & Zip Elk Rapids, MI 49629	E-Mail project@cherrycapitalconnection.com

OWNER (If different from applicant)

Name Savenkoff, Wallace, and Anne	Telephone 231-625-2747	Fax
Address 5339 Twin Trail Dr	City, State & Zip Cheboygan, MI 49721	E-Mail non available

PROPOSED WORK

Type (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input checked="" type="checkbox"/> Other: <u>personal wireless sen</u>	Building/Sign Information Overall Length: <u>1</u> feet Overall Width: <u>1</u> feet Floor Area: _____ sq. feet Overall Building Height: <u>107</u> feet Sign Area: _____ sq. feet Sign Height _____ feet
---	--

PROPOSED USE (check all that apply)

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

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

If YES, date of approval: 1-24-2018 Approved Use: Use Variance

Directions to site: east on twin lakes rd past intersection of Doriva Rd. Just before curve is Twin trail rd.

Twin trail rd is a dead end. Drive on left near a cluster of mail boxes

Owner of property is private and asks that you call first before arriving on property

SITE PLAN REVIEW APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.

This is a dark operation. No traffic. Visit site twice per year for maintenance. Possible sites during the year for repair and upgrades as needed.

2. Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

12 inch diameter hole. Small trees removable.

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
A small number of trees were removed for the guy wire canopy

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
No drainage issues

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
Boarded by state land on sides nearest tower - 12 acre parcel.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
No buildings

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
No common use

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
N/a

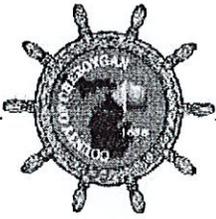
- h. Exterior lighting shall be arranged as follows:

- i. It is deflected away from adjacent properties. N/a

- ii. It does not impede the vision of traffic along adjacent streets. n/a

- iii. It does not unnecessarily illuminate night skies. n/a

SITE PLAN REVIEW APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

SITE PLAN REVIEW APPLICATION

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

N/a

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

yes

3. Size of property in sq. ft. or acres: 12 acres

4. Present use of property:
Residential

5. Does the proposed use of the property include or involve either:

- Junk or salvage yard (Section 3.6) YES NO
- Mineral extraction (Section 17.17) YES NO

If YES, this application must include a written plan as described in the Zoning Ordinance.

6. Attach a copy of Warranty Deed or other proof of ownership.

7. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature

[Handwritten Signature]

Date

4-30-18

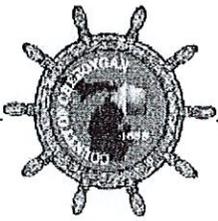
Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes No

SAP PERMISSION GRANTED UNDER USE VARIANCE

Owner's Signature

Date



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	5/4/18	Notes: ✓# 8360
Fee Amount Received:	\$ 170.00	
Receipt Number:	6169	
Public Hearing Date:	6/20/18	
Planning/Zoning Administrator Approval:		
<u>Jeffrey S. Larson</u> Signature		5-5-18 Date

SITE PLAN REVIEW APPLICATION

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
y		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100 ft. or less.
y		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
y		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
y	Y	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
y		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
		f. Location of existing and proposed buildings and intended uses thereof.
N/A		g. Details of entryway and sign locations should be separately depicted with an elevation view.
y N/A		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
N/A		i. Location, size, and characteristics of all loading and unloading areas.
N/A		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
Y		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
N/A		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
y <i>NA</i>		m. Location and specifications for all fences, walls, and other screening features.
y		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
y <i>NA</i>		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
y <i>NA</i>		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
y		q. Elevation drawing(s) for proposed commercial and industrial structures.
y <i>NA</i>		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
y <i>NA</i>		s. Floor plans, when needed to determine the number of parking spaces required.

PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

SECTION

REASON FOR WAIVER REQUEST

Use Variance granted

AFFIDAVIT

I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

[Signature]

SIGNATURE

4-30-18

DATE

AUTHORIZATION TO ACT AS Property OWNER'S AGENT

231-825-2747

Date: 12-7-2017

To Whom It May Concern:

This letter is to authorize Cherry Capital Connection, LLC and their agents to act on my behalf for all issues relating to the Personal Wireless telecommunication tower to be installed on your property commonly known as 5339 TWIN TRAIL DR Cheboygan MI 49721 **parcel:** 151-002-300-001-00

This authorization shall remain in effect for a period of 180 days from the date above or until that time zoning, electrical and building permits are approved and personal wireless telecommunications tower is granted.

Sincerely,

Wallace H. Savenkoff (12/7/2017)
SAVENKOFF, WALLACE

Anne M. Savenkoff (12/7/2017)
SAVENKOFF, ANNE

State of: Michigan

County of: Cheboygan

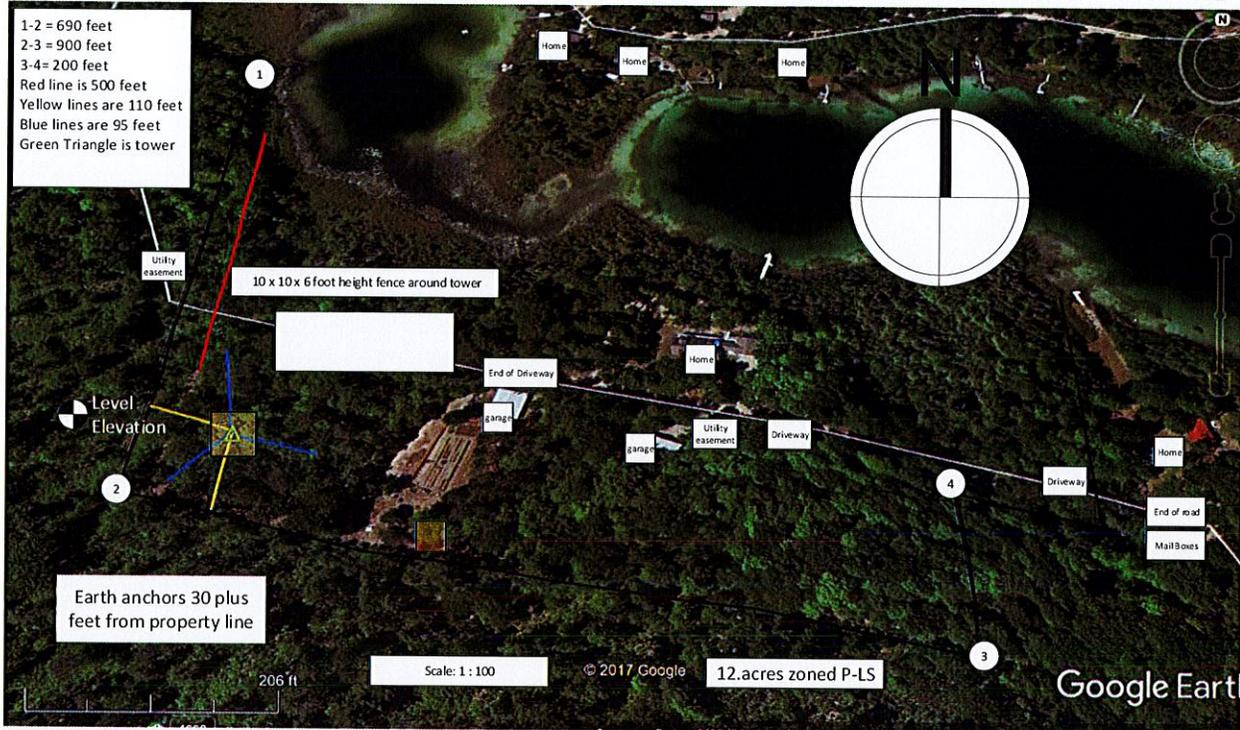
Subscribed and sworn (or affirmed) to before me this
____ day of _____, 2017 ____ by

(Signature and stamp of Notary)

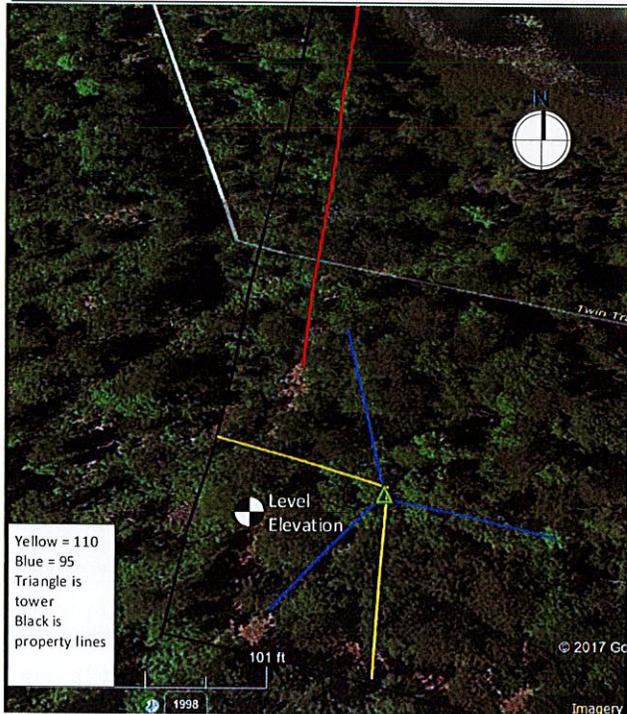
Property: 151-002-300-00100
 Property Owners: Savekoff, Wallace and Anne
 Address: 5339 Twin Trail Dr
 Township: Grant
 County: Cheboygan
 Contractor: Cherry Capital Connection
 Address: 97 Lake Street
 P.O. Box 866
 Elk Rapids Mi, 49629

Prepared by: Tim Maylone – General Manager
 Description: construction of a guy tower, rohn 25 style, 107 feet
 Purpose: Personal wireless, in support of High Speed Internet Access and Telephone.
 Initial delivery: Fixed Point wireless
 Future deliver: Fiber from the tower to the home (FTTH)
 Date: 12-08-2017 Modified 12-21-2017
 Proposed Construction: Middle of February – May 2017
 Engineering 231-735-0451 office 231-264-9970

Network Neighborhood



PARCEL_NO 151-002-300-001-00
 OWNER SAVEKOFF, WALLACE & ANNE H/W
 PRE 100
 legal COM SW COR OF NE1/4 OF SW1/4, SEC 2, T35N, R1E ALSO BEING POB; TH N 2D 30M 40S W 719.66 FT TO SHORE OF TWIN LAKES; TH S 21D 6M 1S E 155.09 FT; TH S 57D 49M 14S E 334.56 FT; TH N 54D 35M 31S E 179.39 FT; TH S 57D 24M 8S E 245.03 FT; TH N 71D 34M 10S E 168.08 FT; TH N 80D 17M 12S E 114.16 FT ALL BEING ALG TWIN LAKES; TH S 7D 57M 37S E 431.45 FT; TH S 20D 12M 20S E 47.08 FT; TH N 76D 33M 45S W 150 FT; TH S 8D 4M 45S E 219 FT TO S L U OF NE1/4 OF SW1/4; TH N 76D 33M 45S W ALG SD S L U 18.98 FT TO POB. PT OF NE1/4 OF SW1/4. 639/851-796/946



- Tower 12 inches x 12 inches triangle 107 feet above grade
- Cabinet 12 inches x 12 inches attached to tower
- Guy wire anchors at 65 feet and 95 feet
- 5 sets of guys at 27, 47, 67, 87, and 107 feet
- 3 foot deep hole 12 inches in diameter
- No concrete foundation
- No concrete for anchors
- Tower Base Distance from West property line to tower 110 feet
- Tower Base Distance from South property line to tower 110 feet
- Tower Base Distance from East property line to tower 790 feet
- Tower Base Distance from North property line to tower 340 feet
- 10 x 10 x 6 foot locked fencing around tower
- No FAA or MDOT application required
- No Curbing, Barrier free access, carpools, fire lanes
- No lighting required nor utilized
- Dark operations so no consumer traffic, parking when doing maintenance will use existing driveway
- No sidewalks, walkways, bicycle paths, or public use areas
- No TV, Cable, telephone line
- Feed line for service (high speed internet service on page 3)
- No common areas, No landscaping features, No trash receptacles or solid waste, Elevation (site is less then 3 foot of elevation change (flat), No above ground or below ground storage facilities
- See guy tower CTM fall of 50% of height

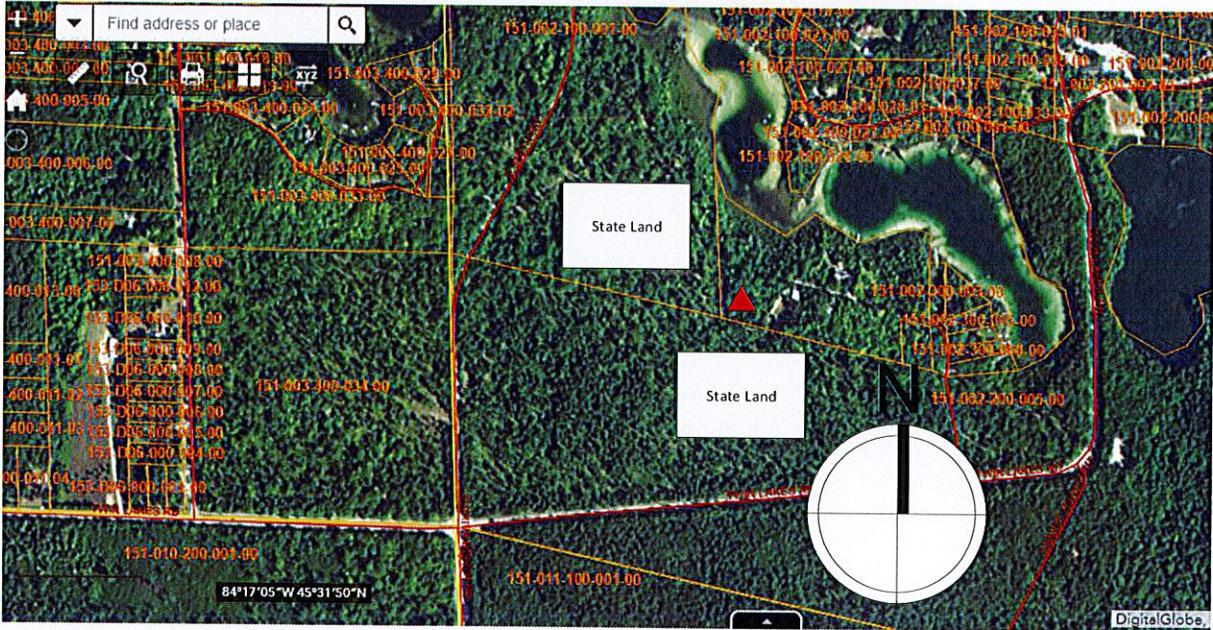
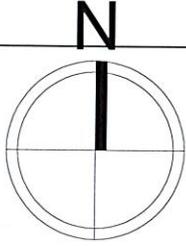
Drawing
 1 inch = 100 feet
 Grade at tower base to property lines west and south less then 3 feet

Site Plan
 12-7-2017
 Page1
 Updated 12-8-2017
 Updated 12-21-2017

Property: 151-002-300-00100
 Property Owners: Savekoff, Wallace and Anne
 Address: 5339 Twin Trail Dr
 Township: Grant
 County: Cheboygan
 Contractor: Cherry Capital Connection
 Address: 97 Lake Street
 P.O.Box 866
 Elk Rapids Mi, 49629

Prepared by: Tim Maylone – General Manager
 Description: construction of a guy tower, rohn 25 style, 107 feet
 Purpose: Personal wireless, in support of High Speed Internet Access and Telephone.
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 Proposed Construction: Middle of February – May 2017
 Engineering 231-735-0451 office 231-264-9970

Network Neighborhood



**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower Twin Trail
 Location: Cheboygan, MI
 Latitude: 45-31-48.74N NAD 83
 Longitude: 84-16-58.91W
 Heights: 710 feet site elevation (SE)
 128 feet above ground level (AGL)
 838 feet above mean sea level (AMSL)

Site Plan
 12-07-2017
 Page2
 Updated 12-08-17
 Updated 12-21-2017

April 18, 2018

Tim Maylone, General Manager - CEO
Cherry Capital Connection
97 Lake Street
P.O. Box 866
Elk Rapids, Michigan 49629

RE: Twin Trail Road Tower
5339 Twin Trail Drive
Cheboygan, Michigan
Parcel Number: 151-002-300-001-00
TEGI Project Number: G18023

Mr. Maylone,

We are writing to address the comments of Mr. Matthew Cronk, Building Safety Director, for Cheboygan County.

This letter is to confirm that we, Trison Engineering Group, have reviewed the design of the above referenced tower and our analysis verifies the structure is capable of meeting the required loading set forth by the following codes:

2015 Michigan Building Code (including 115 mph basic wind load)

ASCE/SEI 7-10: Minimum Design Loads and Associated Criteria for Buildings and Other Structures

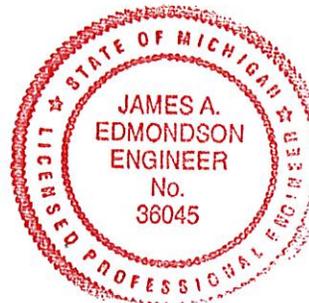
TIA-222 Revision H: Structural Standard for Antenna Supporting Structures, Antennas and Small Wind Turbine Support Structures

If you need any additional information or if you have any questions, please do not hesitate to contact our office.

Sincerely,



James Edmondson, P.E.
Project Engineer



112 W. Fourteenth St.
Traverse City, MI 49684
231.932.9177 tel
231.932.0179 fax
www.trisonengineering.com



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2017-AGL-20224-OE

Issued Date: 12/07/2017

Bruce Vaughn
 Cherry Capital Connection, LLC
 97 Lake Street
 P.O. Box 866
 Elk Rapids, MI 49629

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Structure: Antenna Tower Twin Trail
 Location: Cheboygan, MI
 Latitude: 45-31-48.74N NAD 83
 Longitude: 84-16-58.91W
 Heights: 710 feet site elevation (SE)
 128 feet above ground level (AGL)
 838 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 06/07/2019 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (718) 553-4199, or Dianne.Marin@FAA.GOV. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AGL-20224-OE.

Signature Control No: 349602926-350787964

(DNE)

Dianne Marin
Technician

Attachment(s)
Case Description
Frequency Data
Map(s)

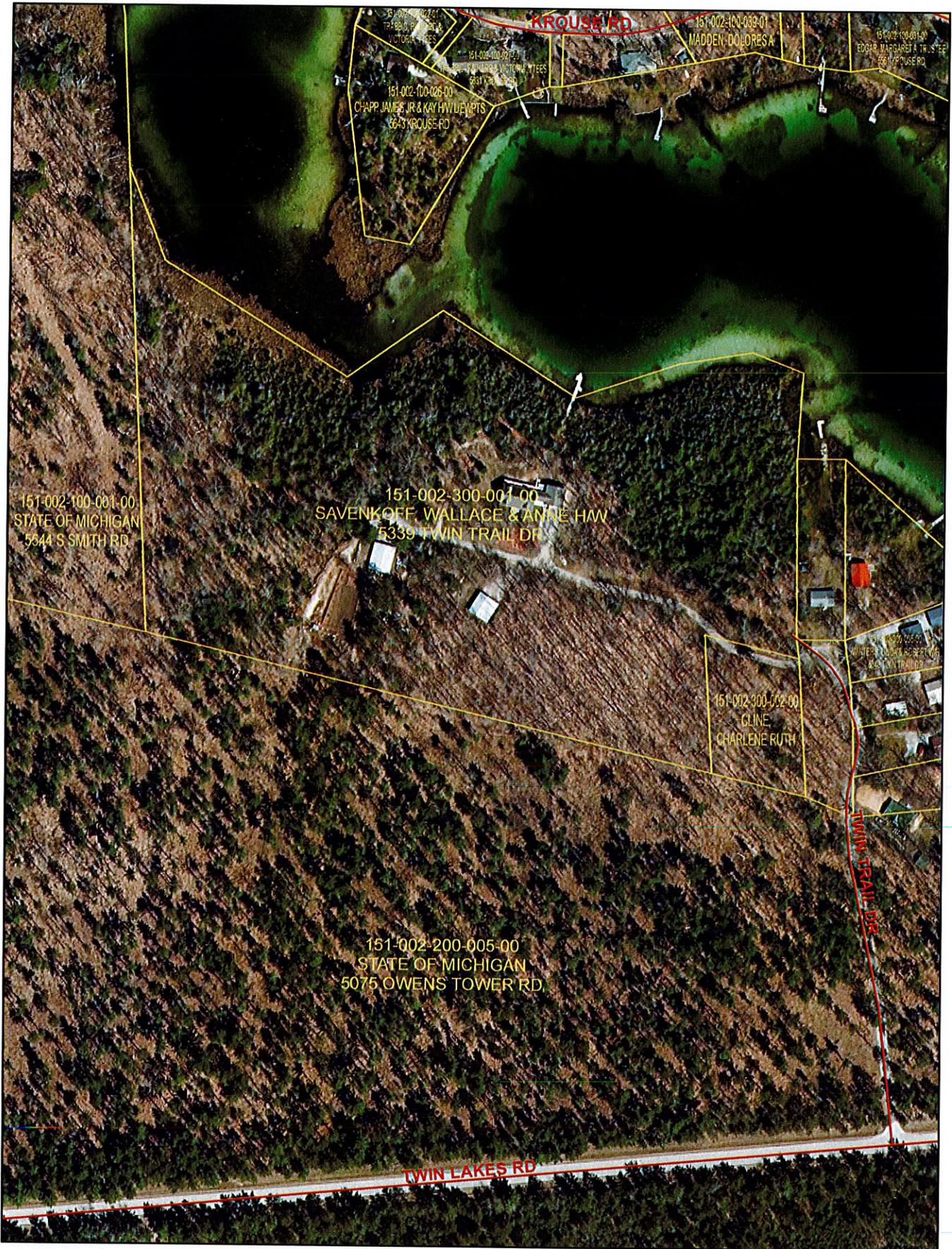
cc: FCC

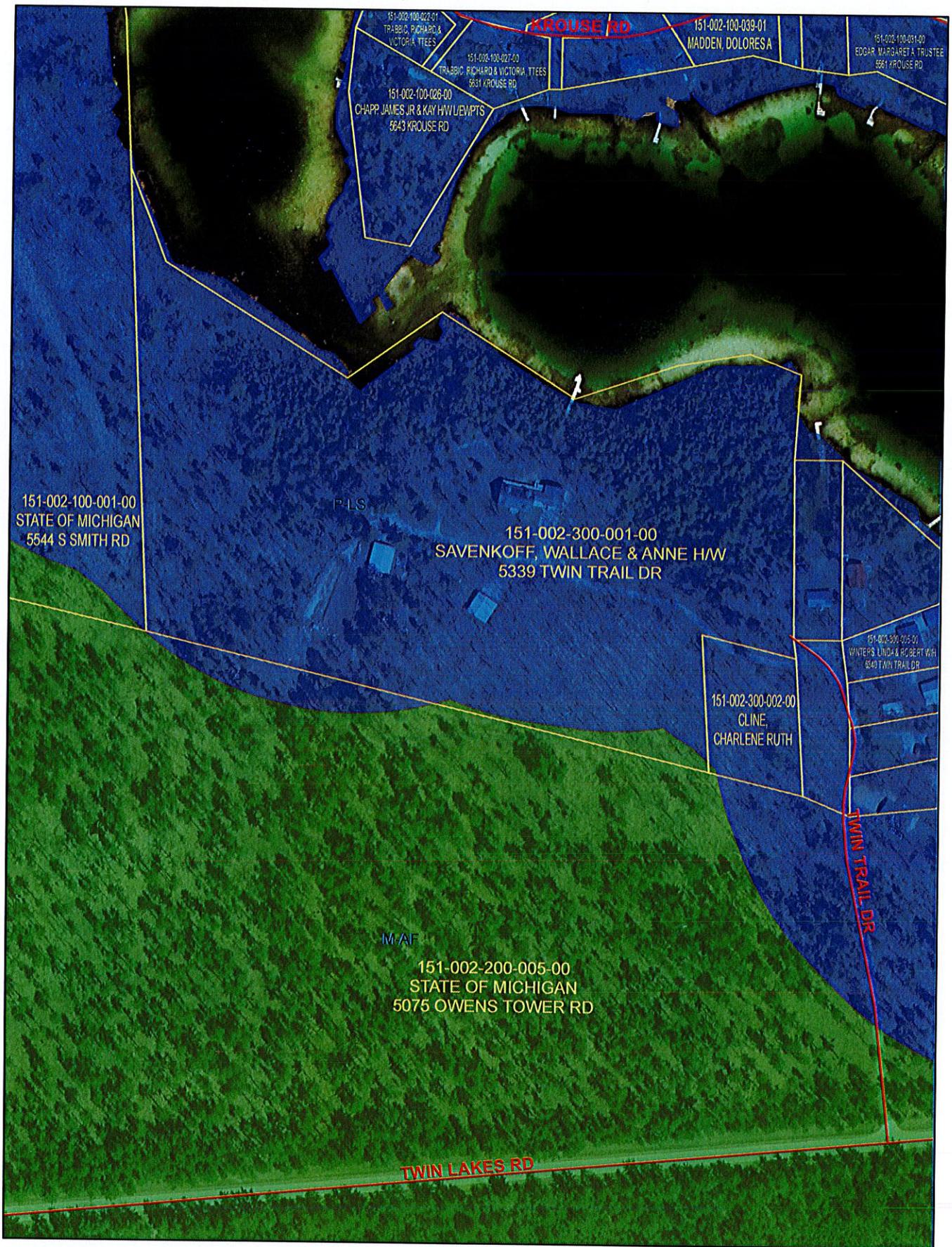
tower will support High Speed Internet access and telephone

Frequency Data for ASN 2017-AGL-20224-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
907	922	MHz	28	dBm
5745	5825	MHz	28	dBm







M-AF P-LS



Deborah Tomlinson

Attachments: CH1801-5339 Twin Trail Drive_S1_052318.pdf

From: tim@cherrycapitalconnection.com [<mailto:tim@cherrycapitalconnection.com>]
Sent: Wednesday, May 30, 2018 11:03 AM
To: Deborah Tomlinson
Cc: project@cherrycapitalconnection.com; jmaylone@cherrycapitalconnection.com
Subject: RE: Need clarification

Thank You for the call today for clarification.
Jeff, Mike and Deborah where on the call

Attached please reference our new structural engineering documents
The attached is a non-sealed. We provide hardcopy sealed documents to the building department.

The structure meets all wind-load requirements
The primary change is we have added a 20 inch cookie at the base of the hole.
This requires a 20 inch hole 42 inches deep

The height of the tower is 107 feet we are 110 feet off the property lines.
We have supplied a fall zone to planners during the Use Variance that provided a 60% of height of tower for fall when guided.

Since the structure of the tower is 12 inches there is not topographical change within the 12 inches (the requirement is to define every 5 feet).
We include a climbing barrier on the structural drawings.
If the planner require a fence we do offer a 10 x 10 x 6 foot chain link kennel type approach.
This could also be a woven 10 x 10 x 6 in place with fence posts.

The site is on private property primarily surrounded by State Land.
Dark facility

No lights,
No road way,
No garbage (trash),
No drainage,
No landscaping

We do ask that access to the site be by appointment ONLY. The property owner is a very private person and would prefer to be onsite when access is required. Vehicles are to be parked at or near the house DO NOT drive the property. Announce yourself and do not walk the property without the property owner being aware that you are there. The property owner has no e-mail. There is a trusted person in the area that the owner has identified as a person that can be called if something is needed and we are not available. I do appreciate that this be honored by PIEG and the county.

My cell is 231-735-0451

Any additional information please let me know. I do apologize for the incompleteness of the application.

We will strive to do better. Our goal is to make this process as smooth and effortless as possible,

Tim Maylone

General Manager - CEO, Cherry Capital Communications

231-264-9970, Tim@cherrycapitalconnection.com

www.cherrycapitalcommunications.com

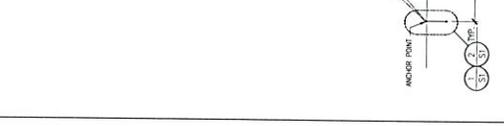
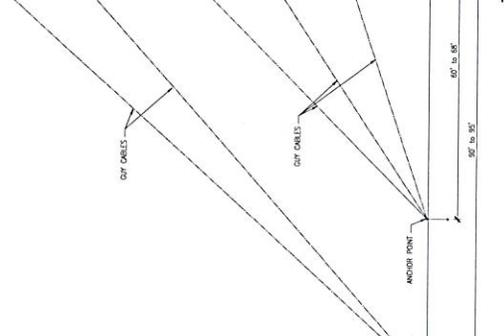
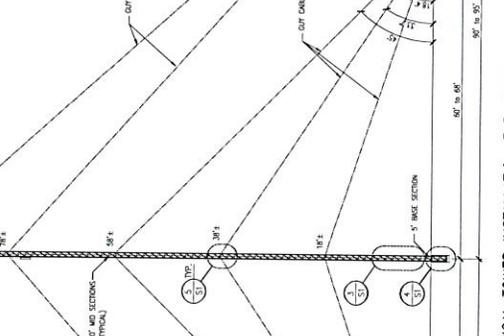
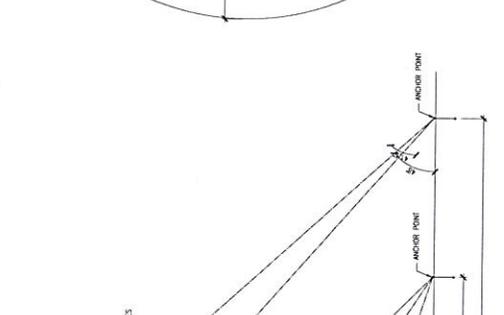
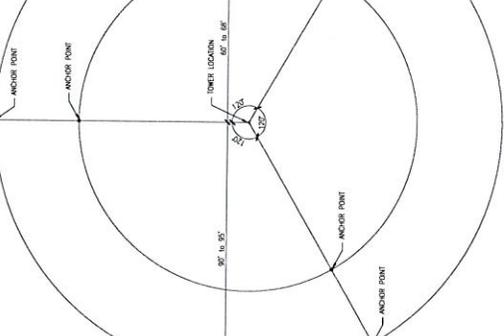
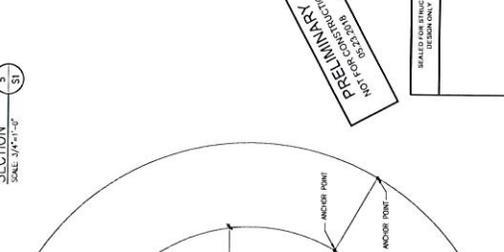
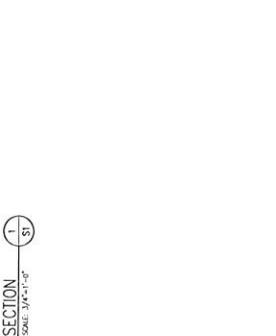
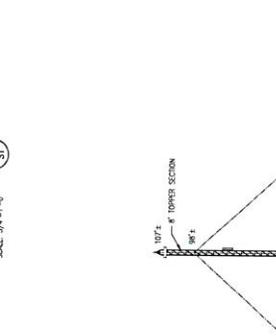
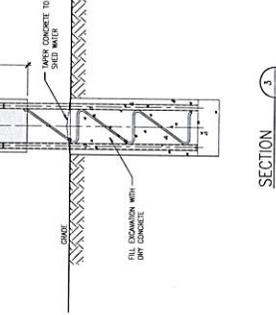
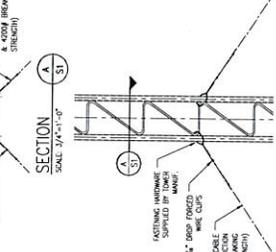
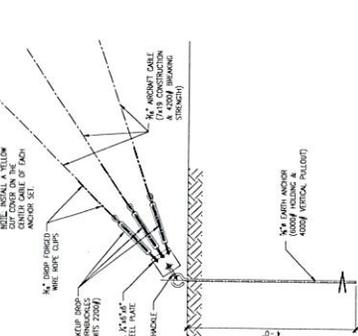
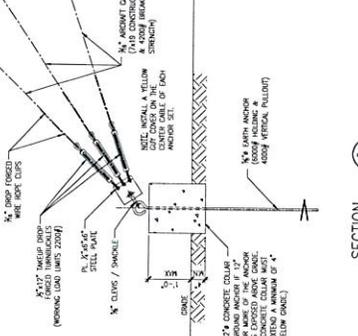
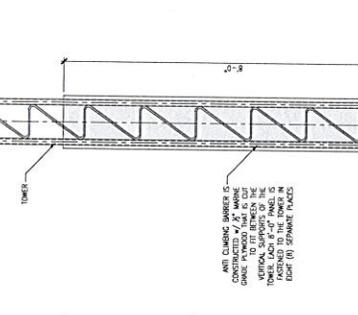
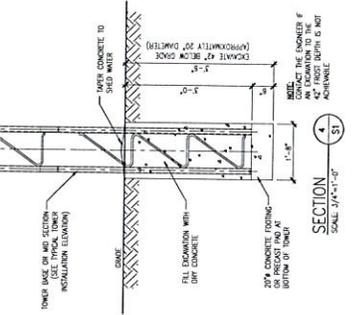


No.	DATE	REVISION

PROJECT: 5339 TWIN TRAIL DRIVE
 CLIENT: CHERRY CAPITAL CONNECTION
 CHRYSLER CITY MICHIGAN
 SHEET TITLE: FRAME BASE ANCHOR & GENERAL NOTES

DRAWN BY: AJW
 CHECKED BY: JAE
 DATE: 05.23.2018
 JOB NUMBER: CH1801
 SHEET: S1

DESIGNER: TRISON TRAIL DRIVE
 PROJECT: 5339 TWIN TRAIL DRIVE
 LOCATION: CHRYSLER CITY, MICHIGAN
DESIGN LOADS: 2015 MICHIGAN BUILDING CODE
 8057-9-222 RW, H (2015) WIND LOADS
 SIZE: 1'-0" TO 1'-6" FOR BALUNGS AND OTHER STRUCTURES
WIND LOAD CRITERIA:
 EXPOSURE: B = 1 (URBAN)
 BASIC WIND SPEED (41):
 IMPORTANCE FACTOR:
 I = 1.00
 H = 107 FT (4) TOWER HEIGHT



PRELIMINARY
 NOT FOR CONSTRUCTION
 SEE 5339-2018-001

SMALL SCALE INFORMATION
 DESIGN ONLY

TYPICAL TOWER / GUY LAYOUT
 SCALE: 1" = 20'

TYPICAL TOWER INSTALLATION ELEVATION
 SCALE: 3/4" = 1'-0"



CHEBOYGAN COUNTY ZONING BOARD OF APPEALS MEETING & PUBLIC HEARING
WEDNESDAY, JANUARY 24, 2018 AT 7:00PM
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

Members Present: Charles Freese, Ralph Hemmer, John Moore, John Thompson, Nini Sherwood

Members Absent: None

Others Present: Scott McNeil, Eric Boyd, Carl Muscott, Russell Crawford, Cheryl Crawford, Karen Johnson, Cal Gouine, A. Savenkoff, Stuart Gage, Pat Gage, Michelle Durst, Terry Jo Ayotte, Matthew Berg, Alisha Berg, Cam Cavitt, Jeanette Mateer, Mike Sova

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

PLEDGE OF ALLEGIANCE

Chairperson Freese led the Pledge of Allegiance.

APPROVAL OF AGENDA

The agenda was presented. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to accept the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Minutes from the Wednesday, November 22, 2017 Zoning Board of Appeals meeting were presented. **Motion** by Mr. Moore, seconded by Mr. Thompson, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING & ACTION ON REQUESTS

Larry Brown – Requests a 160 square foot minimum floor area variance for a dwelling in an Agriculture and Forestry Management (M-AF) zoning district. The property is located at 9365 Brudy Road, Ellis Township, Section 19, parcel #210-019-200-001-08. A 720 square foot minimum floor area is required for a dwelling in this zoning district.

Mr. McNeil stated that Mr. Brown is requesting a 160 square foot minimum floor area variance for a dwelling in an Agriculture and Forestry Management zoning district. Mr. McNeil stated that the minimum floor area requirement for a dwelling is 720sf and the dwelling that Mr. Brown is proposing is 560sf thus requiring a 160sf variance.

Mr. Brown stated that this tiny home is all that he and his wife need. Mrs. Brown explained that this is what they could afford for a dwelling. Mrs. Brown explained that they did not know that there is a minimum dwelling size requirement in the Zoning Ordinance.

Mr. Freese asked for public comments. Mr. Muscott stated that he has been an advocate for smaller tiny homes for two years. Mr. Muscott stated that the Department of Building Safety will allow a smaller square footage and it will be based on room size. Mr. Muscott read from the Joint Statement Of The Department Of Housing And Urban Development And The Department Of Justice regarding State And Local Land Use Laws And Practices And The Application Of The Fair Housing Act dated November 10, 2016, “Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. Similarly, prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification.” Mr. Muscott stated that we have to be aware within the county of the median home price. Mr. Muscott stated that Emmet County’s median home price was just published and it was \$238,000. Mr. Muscott stated that Otego County’s median home price last year was \$129,000. Mr. Muscott stated that excludes a lot of our houses from affordable housing. Mr. Brown stated that he believes Cheboygan County’s median home price was \$160,000.

Mr. Cavitt stated that he is a realtor and works in the housing industry. Mr. Cavitt stated that there is not enough affordable housing in Cheboygan County. Mr. Cavitt stated that it may not be at a crisis level but some people would say it is if they do not have a place to live. Mr. Cavitt stated that eliminating the 720sf requirement would be a tool to help smaller homes. Mr. Cavitt stated that Cheboygan County was approached before for a smaller home site condo and was unable to do so because of the 720sf requirement. Mr. Cavitt stated that he knows that there are apartments and homes within the City of Cheboygan that have less than 720sf.

Mr. Berg stated that he created a Facebook page for this cause and there were 138 comments and 20,000 views. Mr. Berg stated that the residents in Cheboygan County believe that the applicant should be allowed to stay in the home.

Public comment closed.

Mr. Freese stated that he is also on the Cheboygan County Planning Commission. Mr. Freese stated that this topic has been discussed at a recent Board of Commissioners and Planning Commission joint meeting. Mr. Freese stated that the Board of Commissioners requested that the Planning Commission go ahead and look at smaller homes. Mr. Freese stated that he does not know what this will result in but this subject will be discussed by the Planning Commission in the future. Mr. Freese stated that the Zoning Board of Appeals is faced with the regulation as it is currently written.

Mr. Moore stated that guest houses are allowed on properties with other dwellings and they have to be under 600sf. Mr. Moore stated that there is an understanding that under 600sf is a livable size, but the Zoning Board of Appeals is not faced with that situation.

Mr. Thompson stated he owns property in Indian River and at the back of the property there is a 480sf cabin. Mr. Thompson stated that this cabin does not connect to the rest of the lodge, but in the past, people lived in cabins that were anywhere from 300sf – 600sf. Mr. Freese noted that when M-27 was the primary north/south route to the Straits, there were a lot of cabins that were less than 720sf and rental cabin colonies. Mr. Freese believes that some of these cabins are being used for permanent housing today.

Mr. Freese asked for public comments. An audience member stated her concerns that the variance request would be denied and that the applicant would be homeless. The audience member stated that the applicant's home is cute and functional. The audience member suggested tabling the variance request until summer so that the applicant will not be homeless in the winter. Discussion was held.

An audience member stated that he is a builder from Presque Isle County and questioned what year the 720sf minimum comes from in the building code. Mr. Freese stated that it is in the Cheboygan County Zoning Ordinance #200. Discussion was held regarding the Planning Commission discussing smaller homes in the future. Public comment closed.

The Zoning Board of Appeals added the following to the General Findings #4, "A structure 11.43ft. longer or 3.43ft. wider would have satisfied the 720sf minimum requirement." The Zoning Board of Appeals reviewed the Findings of Fact under Section 23.5.4. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to deny the variance request based on the General Findings and the Findings of Fact under Section 23.5.4. Motion carried unanimously.

Cherry Capital Connection, LLC and Wallace and Anne Savenkoff – Requests a use variance to place a 107 ft. tall communication tower in a Lake and Stream Protection (P-LS) zoning district. The property is located at 5339 Twin Trail Road, Grant Township, Section 2, parcel 151-002-300-001-00. Communication towers are not permitted in this zoning district.

Mr. McNeil stated that this is a use variance request for a communication tower in a Lake and Stream Protection Zoning District. Mr. McNeil stated that communication towers are not permitted in this zoning district.

Mr. Maylone explained that he is representing Cherry Capital Connection. Mr. Maylone stated that he has two towers that were approved for the Ridge Run area which is successfully bringing high-speed internet and telephone service to an underserved area. Mr. Maylone stated that during the process they were approached by many Grant Township residents regarding high-speed internet and telephone service. Mr. Maylone stated at the last Grant Township meeting the township agreed to lease Cherry Capital Connection land at the township hall for a tower. Mr. Maylone stated that 40 reservation forms have been submitted, and they are all from residents in the Twin Lakes area which is heavily forested and difficult to access. Mr. Maylone stated that there is a large mountain in the way which makes it difficult to get to the area. Mr. Maylone stated that the tower will sit on one acre and will be triangular, 12 inches on a side. Mr. Maylone stated that the Wallace and Ann Savenkoff have offered their property which is 12.68 acres but is in a zoning district that does not allow towers. Mr. Maylone stated that this parcel is uniquely positioned at the end of the lake so it is in a good line of sight to the residents who are not currently able to get service. Mr. Maylone stated that he has not received any complaints from the neighbors. Mr. Maylone stated that they try to use land that does not require a variance but this is a unique area that is underserved and is surrounded by state land which further reduces the options. Mr. Maylone stated that many of the lots are too small to hold any type of structure. Mr. Maylone stated that there are a number of unique qualities. Mr. Maylone stated that he believes this parcel has many of the characteristics that the Zoning Board of Appeals is looking for in granting the variance. Mr. Maylone stated that the tower is 107ft. and based on the structural analysis, it

could move 40% closer to the property line if required. Mr. Maylone stated that they already have gone through FAA and MDOT. Mr. Maylone stated that there is an airport in the area so there are no barriers from the federal or state level. Mr. Maylone asked the Zoning Board of Appeals to consider granting the variance to continue their efforts to bring good high-speed internet and telephone service to Cheboygan County.

Mr. Freese asked for public comments. Ms. Mateer stated that she lives on Twin Lakes and stated that she currently has internet through Hughes Net which offers satellite internet. Ms. Mateer stated that she needed internet in 2003 for her work. Ms. Mateer stated that she survived with internet through HughesNet, but she has been working with Connect Michigan to secure better service. Ms. Mateer stated that the township surveyed the residents a couple of years ago and found that 160 of 900 homes wanted a better internet. Ms. Mateer stated that Connect Michigan has brought many vendors to the township to discuss possible options. Ms. Mateer stated that she contacted Cherry Capital Connection to discuss bringing internet to Grant Township. Ms. Mateer stated that this tower will enable the township to have better service, and she is hoping that the Zoning Board of Appeals will grant this variance request.

Mr. Gage stated that he is from Twin Lakes and is also a HughesNet user as well. Mr. Gage stated that he is not able to connect to a server down south to access the files that he needs. Mr. Gage stated that he has to drive four hours down and four hours back to get the data that he needs. Mr. Gage stated that he is a researcher and it is a huge inconvenience. Mr. Gage stated that he looking forward to better internet service.

Mr. Sova stated that he was the one who originally contacted Mr. Maylone for internet service. Mr. Sova stated that the business is solid and the internet runs great with no outages. Mr. Sova stated that this is a huge benefit for Cheboygan County.

Public comment closed.

The Zoning Board of Appeals added the following to the General Findings:

5. This tower would provide the opportunity for wireless communications for all other parcels within its transmission radius.
6. State land on the south and west preclude location of the tower further from Twin Lakes.
7. Provision of wireless communications to all residents of Cheboygan County is one of the major goals stated in the Cheboygan County Master Plan.

The Zoning Board of Appeals reviewed and approved the Findings of Fact under Section 23.5.3. **Motion** by Mr. Moore, seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Findings of Fact under Section 23.5.3. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Annual Meeting

Mr. McNeil stated that as required in the by-laws, the Zoning Board of Appeals is to have an annual meeting once a year which requires the election of officers and setting of the regular meeting schedule for the year. Mr. McNeil stated that there are no conflicts with the regular meeting schedule. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to nominate Mr. Freese as chairperson. Motion carried unanimously. **Motion** by Mr. Moore, seconded by Ms. Freese, to nominate Mr. Moore as vice-chairperson. Motion carried unanimously. **Motion** by Mr. Moore, seconded by Ms. Hemmer, to nominate Mr. Thompson as secretary. Motion carried unanimously. **Motion** by Mr. Moore, seconded by Ms. Sherwood, to maintain the existing meeting schedule (fourth Wednesday of each month) for 2017. Motion carried unanimously.

ZBA COMMENTS

Discussion was held regarding the Planning Commission moving forward with a discussion regarding smaller homes. Mr. McNeil stated that this will be a discussion at the next Planning Commission meeting. Mr. Moore stated that the Brown's home is very attractive, and he would be happy to have it next to his house in the Lake and Stream Protection zoning district. Mr. Freese stated that the Planning Commission should also be considering towers in the Lake and Stream Protection zoning district. Discussion was held.

Mr. Freese stated that it has been a pleasure working with Mr. McNeil. Mr. McNeil stated it has been his honor to be the staff person for the Zoning Board of Appeals and is proud of the work that has been done. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated he appreciates the good service that Cherry Capital Connection is providing for Cheboygan County. Mr. Muscott stated he is not aware of state land regulations that will not allow towers. Mr. Muscott asked if the county will look into this regulation. Mr. Muscott stated that he looked at the smaller home and it is an Amish built shed which is a fine looking building. Mr. Muscott stated that a 12ft. addition could be added to the smaller home.

ADJOURN

Motion by Mr. Moore to adjourn. Motion carried. Meeting adjourned at 7:40pm.



John Thompson, Secretary

CHEBOYGAN COUNTY ZONING BOARD OF APPEALS

Wednesday, January 24, 2018, 7:00 PM

USE VARIANCE

Applicant

Cherry Capital Connection
PO Box 866
Elk Rapids, MI

Owner

Cherry Capital Connection
PO Box 866
Elk Rapids, MI

Parcel: 151-002-300-01-00

General Findings

1. The subject property is located in a Lake and Stream Protection Zoning District (P-LS).
2. The applicant is seeking a use variance to place a 108 foot tall communication tower on the subject property.
3. The proposed communication tower falls within the use classification of a wireless communication facility as defined in the Cheboygan County Zoning Ordinance #200.
4. Wireless communication facilities are not a permitted use in a Lake and Stream Protection Zoning District (P-LS).
5. This tower would provide the opportunity for wireless communications for all other parcels within its transmission radius.
6. State land on the south and west preclude location of the tower further from Twin Lakes.
7. Provision of wireless communications to all residents of Cheboygan County is one of the major goals stated in the Cheboygan County Master Plan.

23.5.3. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist: (Rev. 09/11/04, Amendment #36)

23.5.3.1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.

The subject property is uniquely located for provision of up to date communication services to the area and proposed to be located 110 feet from the south boundary of the Lake and Stream Protection Zoning District. Other property in the immediate location is owned by the State of Michigan

This standard has been met.

23.5.3.2. Such a variance is necessary for the preservation of a substantial property right possessed by other property in the vicinity.

The proposed communication facility is uniquely designed to provide up to date communication services which are available to others in the vicinity.

This standard has been met.

23.5.3.3. The granting of the variance will relate only to the property under control of the appellant.

The appellant is seeking the use variance only for the property as described in the variance application (exhibit 4) and the existing structure located on the same which is under control of the property owner as provided on the application.

This standard has been met.

23.5.3.4. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County. The Cheboygan County Master Plan Future Land Use Map includes that the subject property is the Forest/Agricultural future land use category. The future land use classification is described in the Master Plan as follows:

Forest / Agricultural

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. Mineral extraction, especially sand and gravel operations, is anticipated to continue in the Forest / Agricultural areas. Specific uses directly related to forestry and agriculture, such as sawmills or agricultural product processing, are also consistent with the forest and agricultural classification. Ideally, a parcel size of forty acres or more is consistent with maintaining economically viable forestry and agricultural uses. However, it is also important to recognize that niche, high-value agricultural crops can be grown on as little as 1-2 acres. Open space or cluster residential incentives could encourage maintenance of larger lots for agriculture or forestry use.

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. Also, appropriate uses include small to mid-size campgrounds and similar rural tourist lodging uses

A use variance for a communication facility is constant with the Forest/Agricultural future land use category and will not adversely affect the purposes or objectives of the Zoning Plan of the County.

This standard has been met.

23.5.3.5. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

The granting of a variance for 108 foot tall tower and wireless communication facility as proposed in the application will not be detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

This standard has been met.

DECISION

Motion by Mr. Moore, seconded by Mr. Hemmer, to approve the variance request based on the General Findings and the Specific Findings of Fact under Section 23.5.4. Motion carried unanimously.

TIME PERIOD FOR JUDICIAL REVIEW

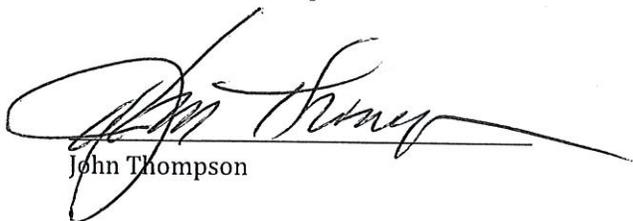
MCLA 125.3606 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Any appeal must be filed within thirty (30) days after the Zoning Board of Appeals certifies this Decision in writing or approves the minutes of its decision.

DATE DECISION AND ORDER ADOPTED

Wednesday, January 24, 2018



Charles Freese, Chairperson



John Thompson

CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.
 870 S. Main St., PO Box 70
 CHEBOYGAN, MI 49721
 (231) 627-8489 (TELEPHONE)
 (231) 627-3646 (FAX)

USE VARIANCE APPLICATION

\$110.00 APPLICATION FEE

RECEIPT #:	6032
CASH/CHECK:	CC
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address 5339 TWIN TR 5339 TWIN TRAIL DR		City / Village Cheboygan	Township / Sec. /	Zoning District
Property Tax I.D. (Parcel) Number 151-002-300-001-00		Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name Cherry Capital Connection, LLC		Telephone 231-264-9970	Fax 231-264-9945	
Address P.O. Box 866		City & State Elk Rapids, MI	Zip Code 49629	E-Mail tim@cherrycapitalconn

OWNER (If different from applicant)

Name SAVENKOFF, WALLACE & ANNE		Telephone 231-625-2747	Fax N/A	
Address 5339 TWIN TR dr		City & State Cheboygan MI	Zip Code 49721	

Detailed directions to site, including nearest crossroad:

Proceed East on Twin Lakes Rd past the intersection of Doriva Beach road. Just before the curve in the road of Twin Lakes Rd there will be Twin Trail Road. Twin Trail road is a dead end road. The drive way for 5339 Twin trail is just past a set of Mail boxes on the left. Your GPS may show that Twin Trail DR splits the property. Hoever this is a private drive Proceed to the end of the drive just past garage walk 280 feet through the trees south west to find the tower stakes.

Please Note: All applicable questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. Property Information

- A. List all known deed restrictions: None
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____
- C. Present use of the property is: Single family home
- D. A previous appeal has (has not (circle one)) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date _____, nature of action requested _____, and the decision _____.
- E. Attach a site plan drawn per the attached directions.

SEE ATTACHED

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.

SEE NARRATIVE

2. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist. All use variance decisions made by the Zoning Board of Appeals are based on the following five (5) standards of the Cheboygan County Zoning Ordinance. **Please explain how the request meets each standard.**

a. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.

SEE NARRATIVE

b. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

SEE NARRATIVE

c. The granting of the variance will relate only to the property under control of the appellant.

SEE NARRATIVE

d. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.

SEE NARRATIVE

e. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

SEE NARRATIVE

The Zoning Board of Appeals members will visit the site prior to the public hearing. Please clearly stake the corners of the proposed building or addition and the nearest property line. **Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?** Yes No

Owner's Signature *Gene M. Jurekoff* Date 12-7-17

AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature *Jim Neely* Date 12-7-17

SITE PLAN INFORMATION Please include the following on your site plan:

- | | |
|---|---|
| 1. Property Line dimensions and Property shape. | 6. Parcels under separate ownership therein. |
| 2. Front, Rear, & Side setback dimensions. | 7. Road Right-Of-Way (ROW); access or utility easements. |
| 3. Location, shape & size of all existing & proposed buildings on property. | 8. The existing and intended use of the lot and structures. |
| 4. Location of all drives and parking areas. | 9. Place North arrow in space provided. |
| 5. Rivers, lakes, wetlands, or streams within 500 ft. | 10. Other essential zoning information. |

Distance from property line to proposed structure:

Front: 425 ~~350~~ Rear: 100 Side: 100 Side: ~~800~~

Zoning District:

P-LS

North:

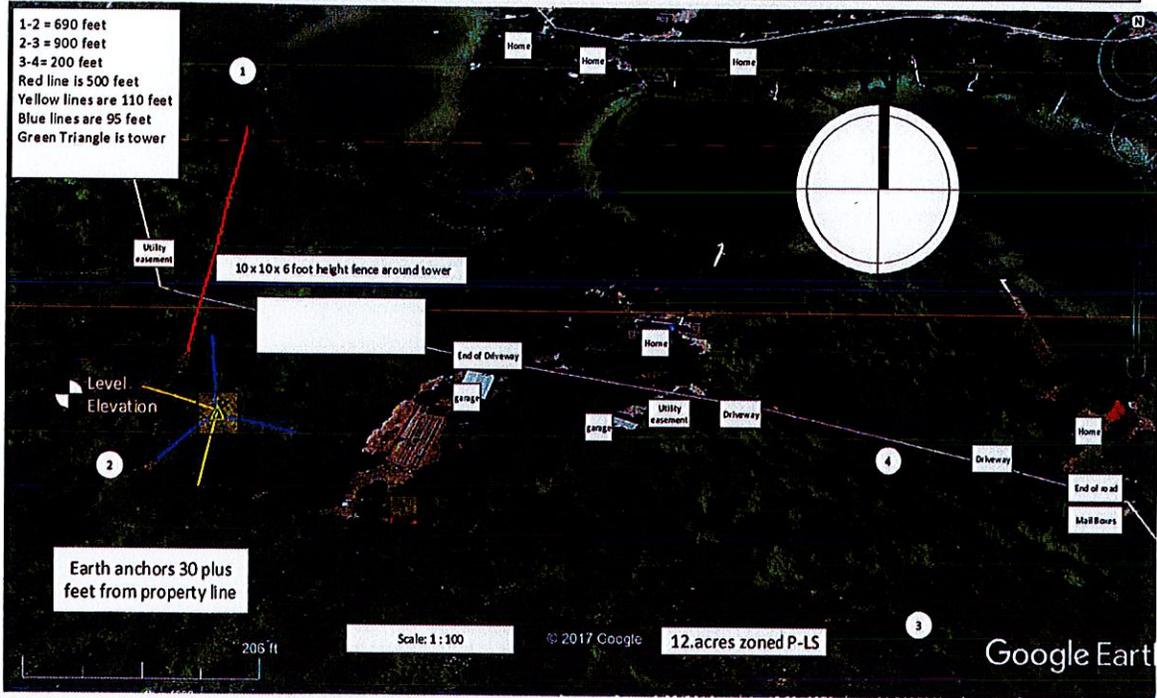
x

SEE SEPERATE SHEETS

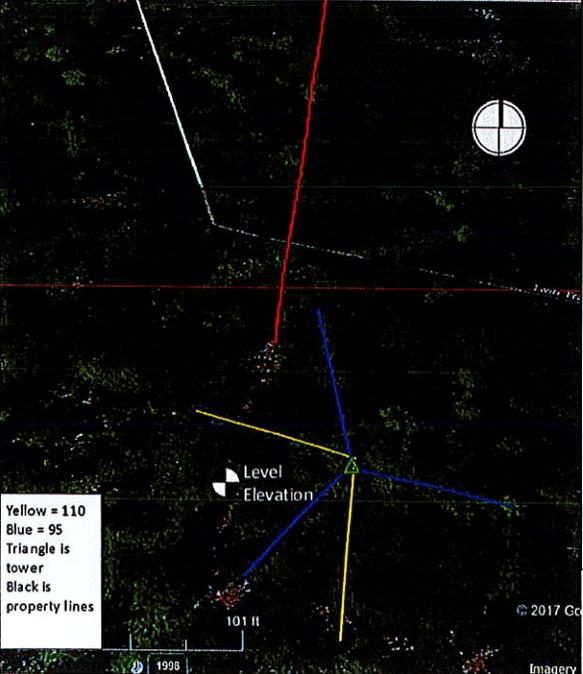
Property: 151-002-300-00100
 Property Owners: Savekoff, Wallace and Anne
 Address: 5339 Twin Trail Dr
 Township: Grant
 County: Cheboygan
 Contractor: Cherry Capital Connection
 Address: 97 Lake Street
 P.O.Box 866
 Elk Rapids Mi, 49629

Prepared by: Tim Maylone – General Manager
 Description: construction of a guy tower, rohn 25 style, 107 feet
 Purpose: Personal wireless, in support of High Speed Internet Access and Telephone.
 Initial delivery: Fixed Point wireless
 Future deliver: Fiber from the tower to the home (FTTH)
 Date: 12-08-2017 Modified 12-21-2017
 Proposed Construction: Middle of February – May 2017
 Engineering 231-735-0451 office 231-264-9970

Network Neighborhood



PARCEL_NO 151-002-300-001-00
 OWNER SAIVENKOFF, WALLACE & ANNE H/W
 PRE 100
 legal: COM SW COR OF NE1/4 OF SW1/4, SEC 2, T36N, R1E ALSO BEING POB; TH N 2D 30M 40S W 719.66FT TO SHORE OF TWIN LAKES; TH S 21D 61M 1S E 155.09FT; TH S 7D 49M 14S E 334.56FT; TH N 54D 35M 31S E 179.38FT; TH S 37D 24M 8S E 246.03FT; TH N 71D 34M 10S E 168.08FT; TH N 80D 17M 12S E 114.16FT ALL BEING ALG TWIN LAKES; TH S 7D 57M 37S E 431.45FT; TH S 20D 12M 20S E 47.08FT; TH N 76D 33M 45S W 150 FT; TH S 8D 4M 45S E 219FT TO S U OF NE1/4 OF SW1/4; TH N 76D 33M 45S W ALG SD S U 918.96FT TO FOB, PT OF NE1/4 OF SW1/4. 639/831;796/946



- Tower 12 Inches x 12 Inches triangle 107 feet above grade
- Cabinet 12 inches x 12 inches attached to tower
- Guy wire anchors at 65 feet and 95 feet
- 5 sets of guys at 27, 47, 67, 87, and 107 feet
- 3 foot deep hole 12 inches in diameter
- No concrete foundation
- No concrete for anchors
- Tower Base Distance from West property line to tower 110 feet
- Tower Base Distance from South property line to tower 110 feet
- Tower Base Distance from East property line to tower 790 feet
- Tower Base Distance from North property line to tower 340 feet
- 10 x 10 x 6 foot locked fencing around tower
- No FAA or MDOT application required
- No Curbing, Barrier free access, carpools, fire lanes
- No lighting required nor utilized
- Dark operations so no consumer traffic, parking when doing maintenance will use existing driveway
- No sidewalks, walkways, bicycle paths, or public use areas
- No TV, Cable, telephone line
- Feed line for service (high speed internet service on page 3)
- No common areas, No landscaping features, No trash receptacles or solid waste, Elevation (site is less than 3 foot of elevation change (flat), No above ground or below ground storage facilities
- See guy tower CTM fall of 50% of height

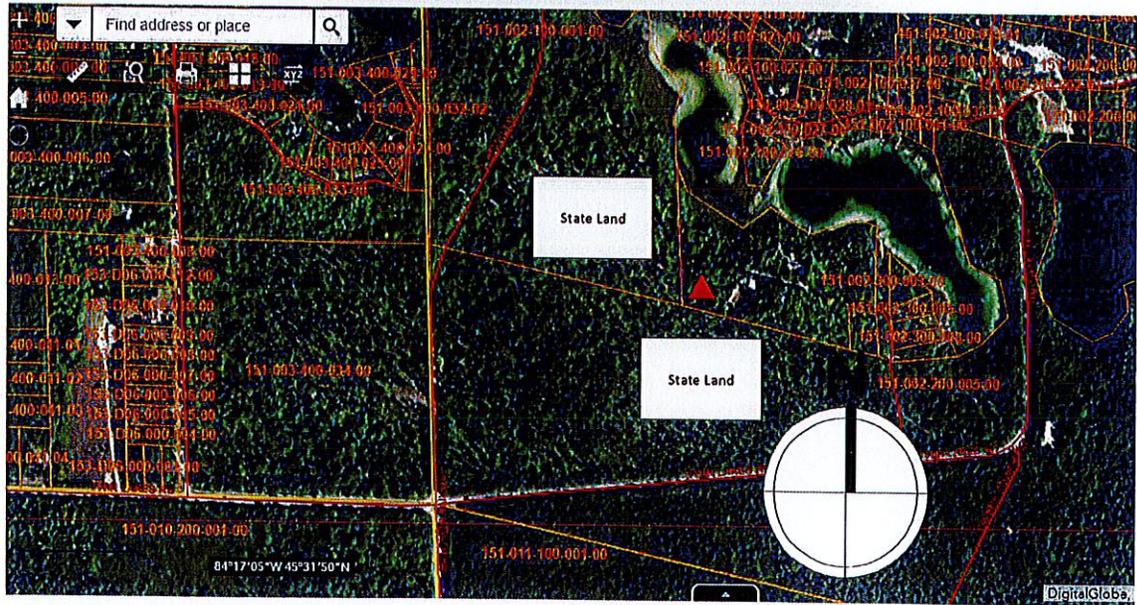
Drawing
 1 inch = 100 feet
 Grade at tower base to
 property lines west and south
 less than 3 feet

Site Plan
 12-7-2017
 Page1
 Updated 12-8-2017
 Updated 12-21-2017

Property: 151-002-300-00100
 Property Owners: Savekoff, Wallace and Anne
 Address: 5339 Twin Trail Dr
 Township: Grant
 County: Cheboygan
 Contractor: Cherry Capital Connection
 Address: 97 Lake Street
 P.O.Box 866
 Elk Rapids MI, 49629

Prepared by: Tim Maylone – General Manager
 Description: construction of a guy tower, rohn 25 style, 107 feet
 Purpose: Personal wireless, in support of High Speed Internet Access and Telephone.
 Initial delivery: Fixed Point wireless
 Future deliver: Fiber from the tower to the home (FTTH)
 Date: 12-08-2017 Modified 12-21-2017
 Proposed Construction: Middle of February – May 2017
 Engineering 231-735-0451 office 231-264-9970

Network Neighborhood



**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower Twin Trail
 Location: Cheboygan, MI
 Latitude: 45-31-48.74N NAD 83
 Longitude: 84-16-58.91W
 Heights: 710 feet site elevation (SE)
 128 feet above ground level (AGL)
 838 feet above mean sea level (AMSL)

Site Plan
 12-07-2017
 Page2
 Updated 12-08-17
 Updated 12-21-2017



Cherry Capital Connection, LLC

Northern Michigan's Telecommunication Provider

www.cherrycapitalcommunications.com

P.O. Box 866
Elk Rapids, MI 49629
855-674-4159

Cheboygan County Planning and Zoning Department
Use Variance Application
Savenkoff, Wallace and Anne
5339 Twin Trail Dr
Parcel: 151-002-300-001-00

Cherry Capital Connection, LLC DBA Cherry Capital Communications has been contacted by a number of Grant Township residents asking for improved High-Speed Internet access and telephone services. Cherry Capital Communications is a fixed-point Wireless and Fiber to the Home company. The FCC and FAA have categorized our industry as Title 1 with a designation as Personal Wireless provider. Personal Wireless provider essentially means the equipment on the tower is essentially the same equipment installed at the consumer location. This definition distinguishes us from the cellular or Title 2 companies.

Over the past six months we have met with residents. The reception at the meeting has been positive. To-date over 20 locations have signed our reservation form. The reservation form is their commitment to sign up for our services once the service can be delivered.

Documents:

1. Variance Application
2. Variance Narrative (separate sheet)
3. Site Plan (separate sheet)

Based on the submitted reservation forms and addresses associated with those in attendance at our public meetings the greatest demand is in the Twin Lakes area. This is a unique area of trees, water ways, state land and an airport provide a number of challenges. Zoning is primarily agricultural except the area bordering the lakes and streams which have been designated P-LS.

Variance Application response to section Detailed request and Justification

Item 1: State exactly what is intended

We are requesting a variance to construct a 108 foot, above grade, guy tower that will provide High Speed Internet access and telephone services to the residence associated with the Twin Lakes area. Zoning P-LS does not permit towers.

Challenges

1. Need clear line of site to our towers in Levering and Ridge Run road area,
 - a. This would be our backbone locations
2. Need close-proximity to the consumer to offset the interference created by the foliage.
3. Need placement as it relates to Black Mountain
4. Position of an Airport in the neighborhood

P-LS does not allow Towers. It does however allow under a special use permit:

1. Camp Grounds, Retail store and Shops, Boat Liveries, Golf Course, Motel and hotels, (Duplexes, Multi-family and Apartment buildings), Assembly and Social events, Housing of Animals, Common Use, Public Access, Restaurants / Bars, Bed and Breakfasts

The request is for a Personal Wireless telecommunication facility.

High Speed Internet	97 Lake Street
Telephone, Parcel:	Elk Rapids, MI 49629
151-002-300-100-00	231-264-9970

Page 1 of 3
Point-to-Point Networking, Hotspots, Fixed Point Internet,
Fiber, Network Design/Management, Intrusion Detection, VPN



Cherry Capital Connection, LLC

Northern Michigan's Telecommunication Provider

www.cherrycapitalcommunications.com

P.O. Box 866
Elk Rapids, MI 49629
855-674-4159

The unique characteristics of our tower construction is:

1. Extend no more the 40 feet above tree height canopy and does not exceed 128 feet.
 - a. This site only requires 108 feet
2. Low soil disturbance. We only disturb 10 square feet of soil.
3. Do not modify the water flow
4. Remove minimal vegetation
 - a. Need to ensure clearance for guy wires in three directions
 - b. The site selected and low tree density
 - c. Some small diameter trees will need to be removed or trimmed
5. Small visual form. The tower is 12 inches triangular
6. No concrete base
 - a. Concrete is only used as a fill
7. No roadway access required
 - a. Tower only weights 450 pounds
8. Low power consumption. Less the 1KW per 6 months usage.
 - a. No large transformers required or concrete pad.
9. No constructed cabinet
 - a. We use a prefabricated tool shed to house the power injectors.
10. The tower is located approximately 400 feet from the coast line and is south of a roadway easement that divides the property in half.
11. The location is near an airport. This location has been approved by the FAA with no conditions.

We understand the purpose of the P-LS zone is to:

1. Avoid excessive Structural encroachment
 - a. **There is a limited structure of 12 inch triangular and a shed 3 x 5 at the base 6 foot in height**
2. Promote High water quality by encouraging natural vegetation
 - a. **Minimal trees will be removed. Roots will remain.**
3. Protect the natural environment.
 - a. **No negative effect on the environment**
4. Promote the general welfare of the county
 - a. **EDC studies show that with increased access to High Speed Internet the quality of life is improved.**

Item 2 (a):

The property owner has a need for High Speed Internet Access and telephone services. Cherry Capital Connection, LLC is uniquely positioned to provide these economically essential services. To deliver services we require the construction of a 108-foot tower. To minimize the impact on future variances, the land owner has agreed to allow Cherry Capital Connection, LLC to use this tower as a network neighborhood repeater.

See list of challenges above

The property is bordered by state land on two sides.

Item 2 (b)

Without a tower this property will be denied High Speed Internet access. Resulting in the land owner from preserving and enjoyment of a substantial property right possessed by other properties on the vicinity. Our definition of vicinity is Grant township.

High Speed Internet 97 Lake Street
Telephone, Parcel: Elk Rapids, MI 49629
151-002-300-100-00 231-264-9970

Point-to-Point Networking, Hotspots, Fixed Point Internet,
Fiber, Network Design/Management, Intrusion Detection, VPN



Cherry Capital Connection, LLC
Northern Michigan's Telecommunication Provider
www.cherrycapitalcommunications.com

P.O. Box 866
Elk Rapids, MI 49629
855-674-4159

Item 2 (c):

Granting the variance effects only this property.

Item 2 (d):

Cherry Capital Connection, LLC understands the purpose of the P-LS zoning designation. It is our opinion and we feel we have demonstrated that the variance would be in harmony with the master plan.

Item 2 (e):

Granting the variance will not be materially detrimental. It is the opinion of Cherry Capital Connection, LLC, and generally expressed by Cheboygan county, the State of Michigan and the federal government, that the delivery of High Speed Internet is extremely beneficial and provides a positive impact on all who have access. Based on the land owner agreeing to use the personal wireless facility as a neighborhood repeater further increases the positive effects of granting this variance.

It is our opinion that we meet, exceed and support the aspects being protected by the P-LS and that there would be no negative effects by installing this personal wireless facility. The economic impact would be considered by many as extremely positive.

After a full review we respectfully request approval of this variance.

Under future action we would request that the planning commission please consider including personal wireless facilities as a permitted use under the Special Use permit.

Cherry Capital Connection, LLC
Tim Maylone – CEO, General Manager
231-735-0451 (cell)

High Speed Internet
Telephone, Parcel:
151-002-300-100-00

97 Lake Street
Elk Rapids, MI 49629
231-264-9970

Page 3 of 3
Point-to-Point Networking, Hotspots, Fixed Point Internet,
Fiber, Network Design/Management, Intrusion Detection, VPN

151-002-300-001-00
SAVENKOFF, WALLACE & ANNE H/W
5339 TWIN TRAIL DR
CHEBOYGAN, MI 49721

151-002-300-002-00
CLINE, CHARLENE RUTH
901 AUBURNDALE
YPSILANTI, MI 48198

151-002-100-001-00
STATE OF MICHIGAN
PO BOX 30448
LANSING, MI 48909

151-002-100-026-00
CHAPP, JAMES JR & KAY H/W L/EWPTS
5161 WOODRUN CT
WEST BLOOMFIELD, MI 48323-2277

151-002-200-005-00
STATE OF MICHIGAN
PO BOX 30448
LANSING, MI 48909

151-002-300-007-00
HENKEL, DAVID & MAUREEN H/W
5326 TWIN TRAIL DR
CHEBOYGAN, MI 49721

151-002-300-005-00
WINTERS, LINDA & ROBERT W/H
13469 CECIL BAY RD
CARP LAKE, MI 49718

151-002-300-008-00
LEYKAUF, GEORGE & MARY H/W
4583 S MORRICE RD
OWOSSO, MI 48867

151-002-300-009-00
BRANDT, RAYMOND & STACEY H/W
1662 W BREWER RD
OWOSSO, MI 48867

151-002-300-004-00
HART, RAMON SR & JENNY LEE, TTEES
8991 N BLACK RIVER RD
CHEBOYGAN, MI 49721

151-002-300-003-00
CHAPRNKA, JUDITH
1708 W BREWER RD
OWOSSO, MI 48867

151-002-300-004-00
OCCUPANT
5356 TWIN TRAIL DR
CHEBOYGAN, MI 49721

151-002-300-001-00
OCCUPANT
5339 TWIN TRAIL DR
CHEBOYGAN, MI 49721

151-002-300-009-00
OCCUPANT
5296 TWIN TRAIL DR
CHEBOYGAN, MI 49721

151-002-100-001-00
OCCUPANT
5544 S SMITH RD
ONAWAY, MI 49721

151-002-100-026-00
OCCUPANT
5643 KROUSE RD
CHEBOYGAN, MI 49721

151-002-200-005-00
OCCUPANT
5075 OWENS TOWER RD
CHEBOYGAN, MI 49721

151-002-300-007-00
OCCUPANT
5326 TWIN TRAIL DR
CHEBOYGAN, MI 49721

151-002-300-005-00
OCCUPANT
5340 TWIN TRAIL DR
CHEBOYGAN, MI 49721

151-002-300-008-00
OCCUPANT
5310 TWIN TRAIL DR
CHEBOYGAN, MI 49721



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231) 627-8489 ■ FAX: (231) 627-3646
www.cheboygancounty.net/planning/

STAFF REPORT

Item: Site Plan Review for a wireless communication facility (Tower and related equipment; Section 17.13.).	Prepared by: Michael Turisk
Date: June 1, 2018	Expected Meeting Date: June 6, 2018

GENERAL INFORMATION

Applicant: Cherry Capital Communications, LLC

Owner: Wallace and Anne Savenkoff

Location: 5339 Twin Trail Drive

Contact person: Tim Maylone, Cherry Capital Communications, LLC

Phone: (231) 735-0451

Requested Action: Requests a Site Plan Review for a wireless communication facility per Section 17.13. of the Zoning Ordinance.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking approval of a site plan review for construction of a 107ft. wireless communication tower (12in. triangular) and related equipment/structures to provide enhanced personal high-speed internet service to Grant Township. The project would include a 15 sq.-ft. equipment and maintenance shed to be sited near to the base of the tower. The subject property is a 12 acre, unplatted parcel that is zoned Lake and Stream Protection (P-LS) that takes access via a driveway off of Twin Trail Drive in Grant Township.

Note that the Zoning Board of Appeals approved a use variance on January 24, 2018 for the aforementioned 107ft. tower on the P-LS zoned subject property, thus making this a use by right. Note also that this particular phase of development review requires site plan review *only*. Per the submitted application, reasonable collocation opportunities are unavailable near to the subject property.

Safety and security measures on the tower would include a climbing barrier and 10x10x6 kennel fencing surrounding the leased portion of the site, and despite exemption to the isolation standard for communication towers (because of the approved use variance), the submitted site plan

indicates that the proposed tower would be at least 107ft from all property lines, equal to the proposed tower's height.

The Federal Aviation Administration (FAA) and MDOT Aeronautics indicate that tower-mounted obstruction lighting is unnecessary. Furthermore, the FAA has rendered a "determination of no hazard to air navigation," a copy of which was provided to staff. A proposed condition of approval requires submittal of any additional documentation from the FAA and Federal Communication Commission (FCC) indicating compliance with all relevant requirements as deemed necessary and prior to construction.

The applicant has provided a coverage map for the proposed site along with other information relative to collocation. Please note the proposed findings in the draft findings of fact document relative to reasonable opportunity for collocation on existing structures as required in Section 17.13.1.b. The applicant has also provided information relative to all other requirements of the site plan review standards of Section 20.10.

Current Zoning:

Lake and Stream Protection (P-LS)

Surrounding Land Uses:

Residential uses and vacant land surround the subject site.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, and floodplain):

There are no known environmentally sensitive areas on the proposed project site.

Historic buildings:

There are no known historic buildings or historic features on the proposed project site.

Traffic Implications:

This project as proposed would have no or minimal impact at most on current local traffic volume.

Parking:

There are no parking requirements for this use.

Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties):

Access to the site is provided via Twin Trail Drive and with a private access roadway to the communication facility's equipment and maintenance shed.

Signs:

No advertising signs are proposed for the site. Emergency contact information, FCC registration number and call sign information would be installed on the equipment and maintenance shed.

Fence/Hedge/Buffer:

A locked 8ft. high chain link fence is located around the leased area. No other screening or buffers are proposed.

Lighting:

As noted above, the FAA has indicated that no lighting will be required. No other exterior lighting is proposed.

Stormwater management:

There would be no significant change to stormwater runoff rate or pattern on or adjacent to the project site.

Review or permits from other government entities:

FAA requirements may prevail. FCC and Building Code requirements prevail.

Recommendations (proposed conditions):

1. Written documentation that the project meets all required FAA and FCC requirements shall be submitted prior to construction.

CHEBOYGAN COUNTY PLANNING COMMISSION

SITE PLAN REVIEW REQUEST

Wednesday, June 6, 2018, 7:00 PM

Applicant

Cherry Capital Communications, LLC
5339 Twin Lake Trail
Cheboygan, MI 49721

Property Owner

Wallace and Anne Savenkoff
5339 Twin Lake Trail
Cheboygan, MI 49721

Parcel

5339 Twin Lake Trail
Grant Township
151-002-300-001-00

GENERAL FINDINGS

1. The property is located in a Lake and Stream Protection Zoning District (P-LS)
2. The Applicant is seeking approval of a site plan review for location of a wireless communications facility which includes tower up to 107 feet above ground level and related equipment to be located on leased land.
3. The Zoning Board of Appeals approved a use variance on January 24, 2018 to place a 107 ft. tall communication tower in a Lake and Stream Protection (P-LS) zoning district.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 1. The proposed site plan indicates a limited change in overall contours and minimal reshaping of the site.
 - 2.
 3. Standard has been met.Or.
 - 1.
 2. Standard has not been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
 1. No changes are proposed that would affect the landscape or natural state of the site (see exhibit 7 & 9).
 - 2.
 3. Standard has been metOr.
 - 1.
 2. Standard has not been met.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 1. No changes in drainage on the site are proposed. (See exhibit 7 and 9)
 - 2.
 3. Standard has been met.Or.
 - 1.
 2. Standard has not been met.

d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

1. Not applicable. No dwellings are proposed.

e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.

1. Emergency access is provided via Twin Lake Trail and connecting driveway (see exhibit 7 and 15).

2.

3. Standard has been met.

Or.

1.

2. Standard has not been met.

f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

1. Access is provided via Twin Lake Trail and connecting driveway (see exhibit 7 and 15).

2.

3. Standard has been met.

Or.

1.

2. Standard has not been met.

g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

1. Not applicable. No subdivision plats or subdivision condominiums are proposed.

h. Exterior lighting shall be arranged as follows: a. it is deflected away from adjacent properties, b. it does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.

1. Lighting per applicable FAA requirements shall not be required for the tower. (See exhibit 7 and 9). No additional outdoor lighting is proposed. (see exhibit 7 and 9).

2.

3. Standard has been met

Or.

1.

2. Standard has not been met.

i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

1. Not applicable. No common ways are proposed.

j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

The site plan will conform to state and federal statutes and the Cheboygan County Master Plan).

1. The site plan shall conform to all applicable requirements (see exhibit 15 and 17).

2.

3. Standard has been met

Or.

1.

2. Standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

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

DATE DECISION AND ORDER ADOPTED

Wednesday, June 6, 2018

Patty Croft, Chairperson

Charles Freese, Secretary