



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, APRIL 16, 2014 AT 7:00 P.M.

ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdzyk
ABSENT: None
STAFF: Scott McNeil
GUESTS: Bob Lyon, Tony Matelski, Roger Jacobs, Richard Lincoln, Russell Crawford, Cheryl Crawford, John Moore, Sheree Lincoln

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. Churchill, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The April 2, 2014 Planning Commission minutes were presented. **Motion** by Ms. Lyon, seconded by Mr. Ostwald, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

An ordinance to amend section 17.19. Of the Cheboygan County Zoning Ordinance No. 200 to provide definitions, regulations and standards for signs.

Mr. McNeil stated the purpose statement has been updated to highlight that the Planning Commission wants to deal with signs on a content neutral basis. Mr. McNeil noted there is an updated definition for sign. Mr. McNeil stated window signs are not dealt with in the current ordinance and as a result there is a new definition for window sign. Mr. McNeil stated a zoning permit will not be required for incidental signs not exceeding 2sf. Mr. McNeil stated a non-commercial sign that is no larger than 8sf and 16ft. in height is allowed without a zoning permit. Mr. McNeil stated time frames for political signage has been clarified. Mr. McNeil stated the issue that prompted review of the sign ordinance came through the Zoning Board of Appeals when they dealt with a request for wall signage. Mr. McNeil stated the business that requested the variance had a very large building and the current ordinance allows for 2 walls signs up to 40sf each. Mr. McNeil stated the Zoning Board of Appeals found that these requirements did not allow the signs to be proportionate to the building. Mr. McNeil stated this is addressed in the amendment by still allowing the 2 wall signs up to 40sf each but by also allowing 1 sign for every 50 lineal feet and signage size is based on 10% of the wall area. Mr. McNeil stated window signs are addressed by allowing them in all districts but Residential and Agriculture/Forestry. Mr. McNeil stated they are allowed without a permit. Mr. McNeil stated 2 illuminated signs up to 10sf each are allowed without a permit. Discussion was held regarding signs approved under the special use permit process.

Ms. Croft asked for public comments. Mr. Matelski referred to 17.19.2 and asked if there is a definition for a nuisance. Mr. McNeil stated there is a general definition by law that includes any violation of the zoning ordinance. Mr. Freese stated the county can not establish a nuisance ordinance but the term nuisance can still be defined. Mr. McNeil stated zoning violations are basically a nuisance per se. Mr. McNeil stated he would verify the definition by law with legal counsel. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval after Mr. McNeil checks with legal counsel on nuisance.

Mr. Jazdzyk asked if a sign that is political in nature (such as a right to life sign) will be covered as a political sign. Ms. Croft

read the definition of a political sign, "A sign relating to the election of a person to public office, to a political party or to a proposition to be voted on at a general or special election called by a public body." Mr. McNeil noted that the signs Mr. Jazdzyk is referring to would fall under non-commercial content signs.

Motion carried unanimously.

UNFINISHED BUSINESS

Draft letter, survey introduction, waterfront survey form and non-waterfront survey form for feedback from lake associations and others regarding camping on private property

Mr. McNeil stated he provided a letter of introduction and a survey for the lake associations and letter of introduction and survey that will be on the website. Discussion was held regarding the introductions letters. Ms. Lyon noted it would be nice if the survey can be completed on-line and that there should be an area for comments. Discussion was held regarding the residential non-waterfront surveys. The Planning Commission agreed that both surveys should be sent to the townships. Discussion was held. Mr. Churchill referred to question 2 and noted it should be a subset of question 1 or suggested changing the wording. Mr. Jazdzyk asked if he can present the amendment and answer questions to a couple of groups that he is a member. Discussion was held. Mr. Kavanaugh suggested that Mr. McNeil check with legal counsel. Mr. McNeil stated talking with different organizations would be similar to a legislator talking about proposed legislation. Mr. McNeil stated he did not see a problem with this as it is not a proposed special use permit. Mr. McNeil stated he is available to answer questions and talk to people about this amendment. Ms. Croft asked if there are any additional lake associations that should be added to the list. Mr. McNeil noted that Mr. Ostwald requested that Paradise Lake Association be added to the list. The Planning Commission agreed that the survey should be turned in by June 15, 2014.

NEW BUSINESS

Consideration of an amendment regarding boat wells and seawalls

Mr. McNeil stated this amendment is due to a recent legal opinion that seawalls are structures and fall under the regulation of the zoning ordinance. Mr. McNeil stated this was confirmed by a determination of the Zoning Board of Appeals. Mr. McNeil stated the proposed amendment defines a boat well and a seawall. Mr. McNeil stated the amendment will amend the definition of ordinary high water mark which provides for the front lot line and setback from waterfront properties to include the seawall serving as the ordinary high water mark. Mr. McNeil explained that Section 3 through 7 of the amendment adds seawalls and boat wells into the list of structures that are allowed in the waterfront setback in current sections of the zoning ordinance relative to Commercial Development, Light Industrial Development (D-LI), General Industrial Development, Lake and Stream Protection and Village Center zoning districts. Mr. McNeil stated that in each of the sections there is a 25ft. setback requirement from the boat well.

Mr. Jazdzyk asked for Mr. McNeil to define accessory to a dwelling. Mr. McNeil stated the structure would be used by someone living in a dwelling. Mr. Jazdzyk asked what would happen with a boat structure (such as a boat hoist or boat building) on a vacant lot. Mr. Jazdzyk stated the property owner may own an adjacent lot with a house. Mr. McNeil stated if they own both lots the boat structure would be an accessory to the dwelling. Mr. Freese noted that a boat hoist is not considered a structure.

Mr. Freese asked where does Lake Huron end and Lake Michigan begin. Discussion was held. Mr. Freese suggested changing Lake Huron to "waters of the Great Lakes". Mr. Freese stated the Zoning Board of Appeals made the determination that a seawall is a structure and therefore under the regulation as currently written any future seawall constructed will require a variance. Mr. McNeil noted that covered under section 3-7 is an exception from the 40ft. setback requirement. Mr. McNeil read, "Except boat docks, boat slips, boat wells, ramps, seawalls." Mr. Freese questioned if it should be handled in a different manner. Mr. Freese stated he wants to make a differentiation between the seawall that goes across the front of the property and the portion that encloses the boat well. Mr. Freese stated the front setback will be from the seawall across the front. Mr. McNeil stated this is why he offered a separate definition for seawall and for boat well.

Mr. Freese suggested the following language, "A seawall constructed along the front of the property abutting a lake or stream shall be the point of beginning measurement for determining the front setback measurements for any structure except that portion of the seawall constructed to establish a boat well." Mr. McNeil stated the term ordinary high water mark is used throughout the ordinance to talk about the front lot line on water front lots. Mr. McNeil stated he thought it best to define the seawall and then add seawall into the definition of boat well. Mr. Freese asked how Mr. McNeil came up with 35%. Mr. McNeil stated he reviewed previous requests. Mr. Freese noted that the last Zoning Board of Appeals request would not have been approved based on the 35%. Discussion was held.

Mr. Freese referred to intermittent streams and suggested defining intermittent streams for zoning purposes. Mr. Freese suggested the following for the definition of intermittent stream, "An intermittent stream is one which carries water at least

once each year for a period of at least 7 consecutive days and has a clearly defined stream bed.” Mr. Borowicz stated that most of the streams in Cheboygan County would not qualify if there has to be a clearly defined stream bed. Mr. Freese stated this definition would resolve many of the problems with the current regulation. Mr. McNeil stated he would like to see this studied further when Lake and Stream is addressed. Mr. Freese asked when this will be addressed. Mr. McNeil stated it could be on the next agenda. Mr. Freese and Mr. McNeil believe this amendment should be addressed soon. Mr. Freese stated the Zoning Board of Appeals has another request at their next meeting. Mr. Moore stated that a zero side setback for seawalls is not addressed in the amendment. Mr. Freese stated a seawall around the boat well is different than the seawall across the front of the property and the Zoning Board of Appeals determined that the front setback line would be established as a straight line across the opening of any boat well. Mr. Kavanaugh and Mr. Borowicz stated this would be acceptable. Mr. Borowicz stated side setbacks should be required for a boat well. Discussion was held. Mr. McNeil stated he will do more research on the width of boat wells and how they might be regulated based on lot width. Mr. McNeil stated he will research other ordinances regarding setbacks from structures.

Mr. Jazdyk asked if boat well is allowed on a lot without a residence. Mr. Freese stated a boat well is limited to being an accessory structure and there must be a house. Mr. McNeil asked if the Planning Commission would like to allow boat wells on vacant lots. Mr. Jazdyk and Mr. Borowicz noted that currently there are boat wells on vacant lots. Mr. Freese stated that the Planning Commission can not do anything about the ones that are existing. Mr. Kavanaugh and Mr. Churchill questioned why the Planning Commission would not want to allow a boat well on a vacant parcel. Mr. Jazdyk stated that many property owners keep the boat houses looking nice. Mr. McNeil stated he does not see a problem as long as it is clear that they are not for rent or for commercial use. Discussion was held.

CORRESPONDENCE/REPORTS

Letter from Sheree Lincoln regarding off premise signage in the Village Center Indian River zoning district

Mr. McNeil stated a letter was received from Sheree Lincoln regarding off premise signage in Village Center Indian River zoning district. Mr. McNeil stated that Ms. Lincoln is seeking the Planning Commission’s consideration of revisiting the regulations relative to the Village Center with regards to off premise signage. Mr. McNeil stated off premises signs are allowed in Commercial and Industrial zoning districts. Mr. Freese stated an off premise sign on M-33 was approved as a use variance by the Zoning Board of Appeals advertising the Aloha Store. Mr. Borowicz and Mr. Churchill stated that Ms. Lincoln has a valid concern regarding off premise signs. Mr. McNeil stated he would talk to the township if the Planning Commission believes that off premise signs in the Village Center zoning district are appropriate. The Planning Commission agreed that Mr. McNeil should talk to the township. Discussion was held.

Ms. Lincoln presented pictures of her building and pictures of existing sandwich board signs on the street. Ms. Lincoln stated she talk to Cindy Poquette who explained that sandwich board signs will not be wanted in the new downtown development area. Ms. Lincoln stated that in many areas that she has traveled (Miami Beach) a lot of fancy restaurants have a nice sandwich board sign. Ms. Lincoln explained that she needs a 40sf sign as an 18sf sign will not work for her business. Ms. Lincoln explained that her building faces a residential house across the street and a marquee sign will not work for her business. Ms. Lincoln stated that the Road Commission will not allow an extra flower pot on the corner and they didn’t like the pink kayak because they thought it wasn’t tactful. Ms. Lincoln stated in Leelanau there is a giant fish advertising a kayak business. Ms. Lincoln stated that other businesses that may want to be open all year and would benefit from an off premise sign. Ms. Lincoln stated she also has an art gallery and a gift shop. Ms. Lincoln stated that other communities have allowed 2/3 of the sign to be printed with 1/3 of the sign to be chalkboard (temporary). Ms. Lincoln provided an example of an off premise signs in the county.

Ms. Lincoln stated she reviewed the Master Plan Visioning Session and the vision from the Indian River session was “market our community, blue economy, rezone to be business friendly and educate eco-tourism.” Ms. Lincoln stated the Master Plan notes show that commercial areas are intended to provide retail goods and services to local regional consumers as well as support tourist services. Ms. Lincoln believes Village Center in Indian River should support those same goals but it states that it is intended to provide a concentration of residential, social, commercial and public uses in a small community setting. Ms. Lincoln stated her building is on a larger than average size lot and she has a large green area and she purposely did not pave her driveway. Ms. Lincoln stated she gave up having a garage to have a rain garden which is one of the few rain gardens in the community. Ms. Lincoln figured that she could move to Indian River by having the two month window support their retirement habits and also the light industrial work that they do. Ms. Lincoln stated they are making chair seats on their router. Ms. Lincoln stated she could get a trailer and put kayaks on it with a banner and put it at Christopher’s but she would like to do this in the right way.

Discussion was held. Ms. Lyon stated it would be interesting to see how the township would like to see this addressed. Mr. Kavanaugh stated Mr. McNeil could talk with the township.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

No comments.

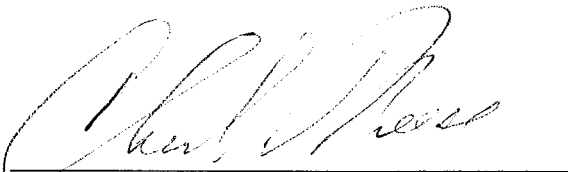
PUBLIC COMMENTS

Mr. Matelski asked if there is any difference between a stone wall and a stone fence. Mr. Freese state they are both structures. Mr. Matelski asked if they both have to meet setback requirements. Mr. McNeil stated a fence does not have to meet setback requirements. Mr. Matelski stated lake people are building fences in the right of way. Mr. Matelski asked if a ticket could be written for a fence that is in the right of way. Mr. Matelski stated someone built a stone wall in the right of way on Resort Road in Tuscarora Township. Discussion was held. An audience member stated that he believes this stone wall has existed for 50-60 years.

An audience member asked if the amendments that the Planning Commission votes on can actually be voted on by the people. Mr. McNeil stated if enough signatures are obtained it can be brought up for a vote. Ms. Croft stated that amendments made to the ordinance are only a recommendation to the Cheboygan County Board of Commissioners. Ms. Croft stated the Cheboygan County Board of Commissioners has to adopt the amendment and a referendum would have to be after the Cheboygan County Board of Commissioners adopts the amendment. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:10pm.



Charles Freese
Planning Commission Secretary