II        Minutes of September 3, 2015
Neal made a motion seconded by Plasencia to approve the minutes of the September 3, 2015 meeting. The motion passed unanimously by voice vote.

III        Cases

Because there are new cases on the agenda, discussion for Case #1 and Case #2 were moved to the end of the agenda.

1. Case #19A-13 Warren & Laura Morché, SPECIAL USE PERMIT-Wind Energy System over 60’, 4717 Arbutus Ln, Section 35, Friendship Township
Legal Notice: A request by Warren and Laura Morché for a Special Use Permit for a Wind Energy System over 60 feet in height at 4717 Arbutus Lane, Section 35, Cross Village Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-05-04-35-100-007. The request is to allow a 110 ft. Wind Energy System per Section 2102-16 of the Zoning Ordinance.

Case #19A-13 was deferred last month to discuss changes to the ordinance language and will be heard at the November meeting.

2. Case #14-15 Emmet County Planning Commission-Zoning Ordinance
Legal Notice: A request by Emmet County Planning Commission to replace the existing Emmet County Zoning Ordinance with a reformatted and updated Zoning Ordinance. The Draft Ordinance is available on the Emmet County Web-Site: http://www.emmetcounty.org/ordinancesandamendments/ and is a completely revised Ordinance. The proposed Ordinance reflects current Michigan Zoning Enabling Act (MZEA) requirements. Changes include: complete reformatting, adding and removing certain definitions, adding graphics to illustrate standards, consolidating residential zoning districts, adding duplex as a permitted use within the R-1, FF, and FR zoning districts, adding the Airport Overlay District, modifying the Planned Unit Development section, adding a Land Use Matrix for easier identification of uses permitted within districts, adding/modifying standards related to accessory buildings, adding a requirement for all dwellings in residential zones to have a minimum of 20 feet for at least ½ its length, modifying the site plan requirements creating separate standards for residential and commercial reviews, allowing a reduction in parking spaces for vehicles when bicycling parking is provided, adding temporary dwelling standards, adding yard sales standards, and adding various modifications as deemed necessary to update the Ordinance to comply with the MZEA.

Discussion on changes to ordinance language regarding lattice towers vs. monopole towers for wind energy systems:
Doernenburg had presented the two options discussed at the last meeting to Civil Counsel which
would allow the Planning Commission to approve a lattice tower WES over 60’:

**OPTION 1:**
At the end of Sub-Paragraph C., Sub-Paragraph 14. add the following: “Where it can be demonstrated to the Planning Commission by the applicant that no good purpose would be served by strict compliance with the provisions of this Section 2102, 16, C, 14 a through d, the Planning Commission may waive or modify said standards during a public hearing.”

**OPTION 2:**
At the end of Sub-Paragraph c. add: “The Planning Commission may waive the requirement for a monopole or monotube on sites with a deep use setback and if the tower is effectively screened from public view and neighboring properties.”

She stated that of the two, Civil Counsel prefers the specificity of option 2 but did provide a combination option as well to look at per the request of this board. Eby stated that the combining of the two seems to muddy it even more. Laughbaum stated that he wanted to explore a combination of the two but he supports the opinion of Civil Counsel.

He feels that option two limits the location. Plasencia stated that option one allows a decision to be made by the board as to whether the proposal has a deep-use setback and/or screening. He noted the tower in Alanson that during the process was moved from where it was originally proposed due to it being better screened at the other location. Scott stated that he feels that option two does that and is specific. Doernenburg stated that it doesn’t require you to approve with a deep use setback but allows you to approve. Eby stated that option one gives the board too much latitude and requires us to remember what was done in the past. Option two steers the decision and allows for each case to be looked at on an individual basis. Everyone should be treated equally. Neal stated that he feels option one is too broad and option two is more specific making it the appropriate message to send to land owners. He feels that it fixes problems in the existing language.

After this discussion, the consensus was to go with option two. This language will be updated.

Doernenburg stated that a memo was sent out responding to the concerns raised by Springvale Township. She made the changes to the text to list mobile and manufactured homes as manufactured homes only. Racetracks will include all motorized vehicles and not just cars. It was also requested to remove the terms boarding house and print shop as they felt they were obsolete terms. Print shops still exist. It was determined that term should remain. Boarding houses are covered elsewhere in multifamily. Doernenburg stated that she will look through the ordinance to see where it might show up as it’s not in the definitions. If it is there, it will be removed if appropriate. They also asked that an intent statement be added for all articles and sections that don’t have one. Doernenburg stated that she recommends that if this is something the board wants to do that it be done in a future amendment. Wonnacott stated that he isn’t sure that it would be good practice. Neal agreed stating that it could undermine the details. Wonnacott added that it could undermine the purpose of this board as well. This will not be changed at this point and the board didn’t seem in favor of changing it in the future. Bear Creek Township recommended approval at their meeting last night. The zoning map was posted; Doernenburg explained that there were no changes to districts other than their names.

There was no public comment.

Scott made a motion to recommend to the Board of Commissioners approval of adoption of the proposed ordinance with the changes as presented and the repeal of the current ordinance. The motion
was supported by Plasencia and passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Wonnacott, Urman, Plasencia, Alexander. No: Laughbaum.

3. Case #PSUP15-0004  James Brubacher, SPECIAL USE PERMIT-Contractor’s Use, 1915 Plains Rd, Section 12, Maple River Township

Legal Notice: A request by James Brubacher for a Special Use Permit for a Contractor’s Use on property located at 1915 Plains Road, Section 12, Maple River Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-09-14-12-300-003. The request is to allow an existing building to be used as a contractor’s storage use per Section 801-8 of the Zoning Ordinance. Packet items: Request & location, tax parcel map, application, impact statement, zoning evaluation, 9/1/15 site plan

Doernenburg presented this case. The parcel is currently a 40 acre FF-2 zoned parcel. The proposal is to split off 4.3 acres and an existing storage building to be used as a contractor’s use. The existing building is 67’ from the road right-of-way and meets the setbacks of the zoning district. Road Commission review has been provided. The storage use would be the main use on the property as there is no residence there. The request is for boat storage per Section 801-8 of the zoning ordinance. This section allows for specific contractor’s uses in the FF zoning districts subject to Planning Commission review. 1) Storage buildings for recreation vehicles, travel trailers, boats, water craft and similar items but not sales and/or servicing or commercial warehousing. Doernenburg explained that there are conditions that the Planning Commission would review but could also waive/modify at their discretion provided that the intent of Article VIII is retained and that the surrounding properties are protected from nuisances. These include requirements of owner occupancy, a site size of at least ten acres with 600’ lot width and 600’ lot depth, a limitation in building size of 2,400sf, and a limit of 8sf in signage. She noted that the owner will not occupy the site, the site size is less than 10 acres, at 4.3 and would be 270’ deep and 720’ wide, the building is existing at 12,400 sf, and no signage is proposed at this time.

Doernenburg stated that first this board needs to decide if the use is permitted in this district or if it falls under the non-permitted commercial warehousing. If it is determined to be a permitted use, then the standards should be reviewed to determine if modifications to these standards can be permitted. Photos and the aerial/site plan were shown. A letter of support from Haggard’s Plumbing & Heating has been received.

Kurt Hoffman, Windjammer Marina, stated that the building would be used for inside boat storage only. He doesn’t want to have any more acreage to bring him up to 10 acres as he doesn’t need it. If this building is not occupied and maintained it will probably fall down in the future as it is deteriorating. The Road Commission letter discussed curbing of a driveway; he is not interested in doing that but will be putting in a gravel drive. Neal asked if this is a commercial use. Hoffman stated it would be for Windjammer boat storage. Eby stated that there is no commerce at this site, just storage. Plasencia stated that he considers commercial warehousing to be storage of items that are intended to be sold. This owner would be storing boats. He feels that it would fit. The building is in pretty bad shape now. Hoffman stated that there are improvements that would have to be made for sure. Laughbaum asked if it would be commercial warehousing if he charges for the storage of the boats. Eby stated that the actual commerce is elsewhere and that people won’t be going to this location to do business. Urman added that it wouldn’t be a building with commercial traffic in and out. Neal stated that he believes it is a commercial use but it is commonplace to house boats in a large building and charge for storage. Eby stated that he doesn’t recall this going into the code under great scrutiny. There are many old farm buildings in our county and Cheboygan County that are in disrepair and could be kept up and used for other purposes. Eby stated that at the township level, three of the five members questioned the fact that there is a less than ten acre parcel proposed but no one felt strongly enough that they would vote to deny the use without the ten acres. Laughbaum asked if the township liked the idea of using the building because it already exists. Eby stated that they didn’t want to set precedence but supported this use for this building. Doernenburg read from the clerk’s email that stated that “The Maple River Township Board approve this use as presented, with the preference that the acreage be increased to 10 acres to bring it closer to code, and the farming character of the community. This board is in favor of repurposing farm buildings to keep them maintained.” Doernenburg stated that the Litzner Farms buildings along US 31 were repurposed. Notestine stated that he’d like to be sure that precedence isn’t set for a new building to come in at this size for a similar use. Laughbaum added that someone could build an agricultural building twice this size and then change their mind on the use. If the building at this location burnt down, could it be rebuilt at the same size for the same use? Doernenburg stated that existing residential accessory buildings are considered conforming; they wanted to rebuild a commercial
building, they’d have to come back before this board for an exception. Hoffman stated that this site is not
efficient for them but the price is right. Should something happen, they would likely not rebuild as it wouldn’t
make sense for him to do so.

Neal made a motion to approve Case #PSUP15-0004, James Brubacher for a Special Use Permit for a
Contractor’s Use to allow storage consistent with Section 801-8 of the Zoning Ordinance on property located at
1915 Plains Rd, Section 12 of Maple River Township on tax parcel 24-09-12-300-003, as shown on the site
plan dated Received 9/01/2015 because the intent of the FF zoning district is preserved with this use, and
allowing the modifications to the land depth and area, the building is existing at 12,400 sq.ft., and the owner
does not occupy the site, approval is based on the facts presented in this case and on condition that there be no
outdoor display or storage and that there be no additional non-residential buildings placed on the property, and
because the township has recommended approval specifically under their preference to repurpose existing farm
structures. The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Neal,

4. Case #PSUP15-0003  Dick Huvaere Land, Inc., SPECIAL USE PERMIT-Private heliport,
1780 Commerce Ct, Section 26, Bear Creek Township

Legal Notice: A request by Dick Huvaere Land, Inc for a Special Use Permit for a private heliport on property located at 1780
Commerce Ct, Section 26, Bear Creek Township. The proposal is to use the vacant lot as a helicopter landing field for private use
only. The property is zoned I-1 Light Industrial and is tax parcel number 24-01-16-26-275-108. The request is per Sections 1301-8
and 2405 of the Zoning Ordinance.
Packet Items: Request & location, tax parcel map, application, impact statement, zoning evaluation, aerial with flight
pattern, 9/2/15 site plan

Doernenburg presented this case. The subject parcel is located at the south end of Fochtman Industrial Park.
The proposal is for a private heliport on a fenced, grassed, and irrigated parcel. There is an approved storage
building on the adjacent site. There are trees on the south side of the property. There are overhead power lines
on the east side. The aerial was shown. This parcel is zoned I-1 and the surrounding uses are Industrial to the
north, east, and west and FF-1 to the south with a mining operation. Photos of the site were shown as well as
the flight path that was submitted to the FAA. In the industrial zone, private landing fields are not identified.
They are allowed in FF zoning districts. The ordinance allows for other uses of a similar character to the listed
uses in the zoning district. The township felt that this would be a similar use. A letter of support has been
received from Haggard’s Plumbing & Heating. There is no public access to the site. There are guards on the
overhead power lines and a windsock on the property. There is paved access to the storage building.

Doernenburg stated that the applicant was not present at the township meeting and they didn’t make a decision
because they had questions that were unanswered. They’d like to see the case again to have those questions
answered. She stated that she emailed the applicant to advise him and he is here tonight.

Dick Huvaere, applicant, stated that this is for private use only and he has no intention or commercial ambitions.
He stays at Hearthside Grove and has friends there with private helicopters. There will be no consistent use and
no commercial use.

Urman stated that at the township there were a number of questions. He asked about the approach. Would the
submitted path always be the approach or could this change? Huvaere stated that the wind direction and speed
determines the path but this would be the standard path. Urman asked what the size of the aircraft is. Huvaere
stated that they are the size of a mini-van and typically seat 2-5 people. Urman compared to the medical
Northflight helicopter and Huvaere stated that they are not that large. Bigger aircraft do have space to land
there; in an emergency situation he wouldn’t want to limit the size just in case. Urman asked about fueling the
aircraft. Would this be done and/or stored on site? Huvaere stated that there will be no fueling on site. Neal
asked if the aircraft is tied down while it sits on the site. Huvaere stated that they aren’t there long enough to
have to do this. Urman stated that there was concern with private/commercial use. Huvaere stated that it would
be private use. Urman stated that he should be aware that the use goes with the land so if he sells it in the
future, it would have to be contingent upon that. Urman asked about noise levels. Huvaere stated that his
research puts it at 130dB and that is only for 10 seconds upon take off because it starts very slowly and is no
longer than that 10 second time. Scott stated that the noise level seems like a good reason to have it in an
industrial park. Urman stated that one of the township board members commented that it wouldn’t be as loud as the mining operation. Alexander asked if flight plans are required to be filed. Huvaere stated that they can be and should be but they aren’t mandatory. Alexander asked where the flights are from typically. Huvaere stated that the last one came from Bay Harbor. Laughbaum asked if he’d be landing drones there and if the helicopters would be armored. No. Doernenburg stated that the township wants to see the case again at their next meeting. Urman stated that there was also discussion about flying over the residential neighborhoods and subdivisions. Huvaere stated that they would be so high up at that point they wouldn’t even be noticed. Neal asked if there is documentation from the FAA that says that this site is ok. Huvaere stated that they don’t approve it until local approval is met. Laughbaum stated that the decibel level is over three times our wind energy system ordinance. If you move next to an airport you expect the noise; this could bring noise to the neighborhood.

The case was deferred for township review and will be heard at the next regular meeting.

5. Case #PSUP15-0005 Nathan Paquet, SPECIAL USE PERMIT-Exception to size standards for accessory building, 9215 N Pleasantview Rd, Section 14, Bliss Township

Legal Notice: A request by Nathan Paquet for an Exception to the size standards for an accessory building at 9215 N. Pleasantview Road, Section 14 of Bliss Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-02-05-14-300-004. The request is for a 3,520 sq. ft. accessory building where a 2,400 sq. ft. accessory building is permitted. The request is per Section 2201-6 of the Zoning Ordinance.
Packet Items: Request & location, tax parcel map, application, impact statement, 9/1/15 site plan, zoning evaluation

Doernenburg showed the location of the 14 acre parcel west of N Pleasantview Road. The parcel is zoned FF-2. A permit has been issued for a building that meets the size standards and this is currently under construction. The use of the property is some farming but it isn’t a commercial farm. The proposed building meets the setbacks. A 2,400sf building is allowed in this location and the proposed building is 3,520sf. The location is partially screened with the house. The site plan was shown. Doernenburg reported that the township meeting is not until next week, however she did speak with the supervisor who stated that he doesn’t see any issues and doesn’t want to hold up a decision waiting on their meeting.

Nathan Paquet was present and stated that he will be using this building for equipment, storage, and a shop area. Alexander asked why another 2,400sf building couldn’t be built instead. Paquet stated that he would like to keep it all in one building.

Scott made a motion to approve Case #PSUP15-0005, Nathan Paquet for a Special Use Permit for an Exception to the size standards of an accessory building on property located at 9215 N Pleasantview Rd, Section 14 of Bliss Township on tax parcel 24-02-05-14-300-019, as shown on the site plan dated 9/02/15 based on the facts presented in this case and no good purpose would be served by strict compliance with the size standards of the Ordinance and on condition that the building be used for personal use, and because the township supervisor requested that the decision not be held for the township recommendation. The motion was supported by Wonnacott and passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Wonnacott, Laughbaum, Urman, Plasencia, Alexander. No: None.

IV Public Comment: None

V Other Business: Enforcement Report-Distributed with no discussion.

VI Adjournment

There being no other business Eby called the meeting adjourned at 8:20 p.m.