EATON COUNTY BOARD OF APPEALS

NOTICE OF MEETING:

DATE: Tuesday, December 5, 2023

TIME: 6:00 p.m.

PLACE: Eaton County Courthouse, Board of Commissioner's Room,
1045 Independence Blvd., Charlotte, MI 48813

AGENDA:

1. Pledge of Allegiance
2. Roll Call
3. Call to Order
4. Approval of December 5, 2023 agenda
5. Approval of May 2, 2023 meeting minutes
6. Communications
7. Public Comments
8. Public Hearing of Appeal Application(s):

   BA-12-23-4: Request by Drew Marks for a review of the Planning Commission's decision regarding Conditional Use Permit CU-10-23-7, Thomas and Tina Cassidy for operation of a park and recreational facility (private camping) which is located at 11066 W. St. Joe Highway, Section 18, Sunfield Township.

9. Old Business
10. New Business:
11. Upcoming Cases: There are no cases for the January 9, 2024 meeting
12. Public Comments
13. Adjournment

The meeting will be available via YouTube for viewing and listening purposes only, by using the following link: https://www.youtube.com/@EatonCounty1837-mi/live

EATON COUNTY BOARD OF APPEALS MINUTES
May 2, 2023

Call to Order: Vice-Chair Donald Chase, called the meeting to order at 6:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Pledge of Flag: The Pledge of Allegiance was given by all.

Roll Call: Charamy Cleary, Donald Chase, Tim Cattron, and Mark Stahl

Absent: April Stopczynski and Nikki Chmielewski

Staff Present: Claudine Williams and Brandy Miller

Agenda Approval: A motion was made by **Member Stahl** to approve the agenda for the May 2, 2023 meeting. **Member Stahl** supported. Motion carried.

Minutes Approval: A motion was made by **Member Cattron** to approve the minutes as written from the April 11, 2023 meeting. **Member Stahl** supported. Motion carried.

Communications: Ms. Williams informed the Board of Appeals they have received a communication from Clinton County to impose a moratorium on Wind Systems.

Public Comment: None

BA-5-23-2: Request by Eaton County Parks for a variance from Zoning Ordinance Section 11.9 Permanent Use Sign Requirements, to allow for a second sign to be used for park identification at a new proposed driveway located off from Stewart Road for Crandell Park, 3425 E. Clinton Trail, Sections 15 & 16, Eaton Township.

Staff Report: Ms. Williams read the staff report and site plan review response from the Eaton Conservation District into record.

Applicants Statement: Mr. Travis Keeton, Director of Eaton County Parks, stated there are two factors for the request; he stated they want people to be able to identify the park entrance rather than using the neighbor's driveway and they would like visitors to be as safe as possible. Mr. Keeton stated allowing the additional sign will prevent possible safety hazards.

Member Stahl asked Mr. Keeton how many park systems are located in Eaton County. Mr. Keeton stated there are nine, but they are not all owned by Eaton County. **Member Stahl** asked if any of the other parks have two entrances. Mr. Keeton said no, but added none of the other parks are over four-hundred acres.

Member Cattron stated the Eaton County Road Commission states the sign can not be located in the right-of-way; he asked Mr. Keeton if he has spoken with the Road Commission. Mr. Keeton said no, but he is aware of the ten foot setback from the right-of-way.

Member Cattron asked if the additional entrance opens to the back of the park. Mr. Keeton said yes; he added the additional driveway mirrors the old access road for the previous surface mine that operated from the property. Mr. Keeton added the state would not give approval for an additional driveway off from Clinton Trail due to the curve; the construction of a driveway off

from Flanders would cost more. Ms. Williams stated the property is a corner lot, the proposed driveway located off from Stewart Road is more than one-thousand feet from Clinton Trail.

Member Chase invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor of the application: Mr. Don Southern, 2655 E. Clinton Trail, stated he has not seen a site plan for the proposed change. He stated he lives in the area and M-50 is not the safest. Mr. Southern stated he is not in favor or opposed.
Speakers in opposed to the application: None
Public hearing closed at 6:18 p.m.

Board of Appeals Discussion/Comments: Member Cleary stated she appreciates staff's comments regarding the property being corner lot; the more signage we have the safer it will be for the public. **Member Chase** asked if Stewart Road is a primary county road. **Member Cleary** said yes. **Member Cattron** stated people do fly down Stewart Road. **Member Stahl** stated from a variance prospective, it would be beneficial to allow the additional sign; twenty-five square foot is an appropriate size. He stated he appreciates the Parks Department adding the additional access to the park. **Member Stahl** stated the property is unique because it is a corner lot and a large parcel, there are not many four-hundred acre parcels available for public use. He stated this is also a good location for first responders to access the site. **Member Cattron** stated the existing parking lot is often close to full, shifting as much traffic to Stewart Road will make M-50 safer.

Member Cattron moved to approve BA-5-23-2, Eaton County Parks for a variance from Zoning Ordinance Section 11.9 Permanent Use Sign Requirements, to allow for a second sign to be used for park identification at a new proposed driveway located off from Stewart Road for Crandell Park, 3425 E. Clinton Trail, Sections 15 & 16, Eaton Township. They find that:

A. There is a practical difficulty in carrying out the strict letter of the ordinance; the property is a corner lot, the sign located off from Clinton Trail cannot be seen from the Stewart Road entrance and there is a residential driveway near the Stewart Road driveway.
B. There is a practical difficulty due to unique circumstances related to this particular property due to the size of the parcel and it is a corner lot.
C. The applicant did not create the problem.
D. Granting the variance will not alter the essential character of the district or neighborhood; the twenty-five square foot sign is not large.
E. The variance allowing for an additional sign is the minimum amount necessary to overcome the inequity inherent in the particular property.

Member Cleary supported. A roll call vote was taken with four (4) voting aye and none (0) voting nay. Motion carried.

BA-5-23-3: Request by Eaton County Parks for a variance from Zoning Ordinance Sections 7.7.3 Minimum Setback from Road Right-Way, 7.7.4 Minimum Rear Yard Depth, and 7.7.5 Minimum Side Yard Depth, to allow for construction of a pavilion over the existing Dyer Kiln located at 8610 Sand Road, Sections 28, Bellevue Township. Variance amounts requested are 43.1' from Sand Road Right-of-Way, 1' from south (side) property line, and 16.7' from the west (rear) property line.

Staff Report: Ms. Williams read the staff report into record.

Member Chase asked if the structure is temporary. Ms. Miller stated it is a permanent structure; if the variance is approved, the Parks Department could enclose the structure in the future without coming back to the Board of Appeals for approval.

Applicants Statement: Mr. Travis Keeton, Director of Eaton County Parks, stated the structure is more of a pole barn; construction of the building will allow the Parks Department to save the kiln.

Member Cleary asked if the structure would be removed after the kiln is restored. Mr. Keeton said potentially.

Member Stahl asked about the use of the property that surrounds the park property. Mr. Keeton stated he believes there was a mining operation. Ms. Miller confirmed the surrounding property is no longer mined.

Member Chase invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor of the application: None
Speakers in opposed to the application: None
Public hearing closed at 6:28 p.m.

Board of Appeals Discussion/Comments: Member Chase stated the structure is so close to the road; he still believes this is needed because it is the only kiln left. He stated he understands the kiln is already close to the road and the building needs to be large enough to allow people to see the kiln. **Member Cattron** stated he is in favor of the request because it is the only kiln in good enough shape to restore.

Member Stahl stated the parcel with the kiln on it is unique, he doesn't know the history of Sand Road, but does know how close the kiln is to the road and the condition of the kiln. He stated the condition of the kiln is not getting better being exposed to the elements; the structure has been too close to Sand Road since the construction of Sand Road. **Member Cleary** stated they may be hard pressed to construct anything on the property without a variance due to the size of the parcel.

Member Stahl moved to approve BA-5-23-3, Eaton County Parks for a variance from Zoning Ordinance Sections 7.7.3 Minimum Setback from Road Right-Way, 7.7.4 Minimum Rear Yard Depth, and 7.7.5 Minimum Side Yard Depth, to allow for allow for construction of a pavilion over the existing Dyer Kiln located at 8610 Sand Road, Sections 28, Bellevue Township. Variance amounts requested are 43.1' from Sand Road Right-of-Way, 1' from south (side) property line, and 6.7' from the west (rear) property line. They find that:

A. There is a practical difficulty in carrying out the strict letter of the ordinance due to the size of the parcel. In addition, this is a historical site that also creates other challenges and construction issues.
B. There is a practical difficulty due to unique circumstances related to this particular property due to the size of the parcel, any construction would require a variance on this historical site.

C. The applicant did not create the problem.
D. Granting the variance will not alter the essential character of the district or neighborhood because the kiln is already located on the property and is non-conforming.
E. The variance is the minimum amount necessary to overcome the inequity inherent in the particular property and allows for the covering of an existing historical site.

Member Cattron supported. A roll call vote was taken with four (4) voting aye and none (0) voting nay. Motion carried.

Old Business: none

New Business: none

Report: none

Public Comment: none

A motion was made by **Member Stahl** to adjourn the May 2, 2023 Board of Appeals meeting. **Member Cattron** supported.

Meeting adjourned at 6:41 p.m.

STAFF REPORT
BA-12-23-4

TO: **EATON COUNTY BOARD OF APPEALS**
DREW MARKS – APPELLANT
THOMAS & TINA CASSIDY – CU-10-23-7 APPLICANT

FROM: **EATON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT**

RE: **BA-12-23-4:** Request by Drew Marks for a review of the Planning Commission's decision regarding Conditional Use Permit CU-10-23-7, Thomas and Tina Cassidy for operation of a park and recreational facility (private camping) which is located at 11066 W. St. Joe Highway, Section 18, Sunfield Township.

HEARING DATE: **December 5, 2023 – 6:00 p.m.**

ACTION REQUESTED: The applicant requests a Board of Appeals review of the Planning Commission decision regarding the approval of Conditional Use Permit CU-10-23-7 submitted by Thomas and Tina Cassidy to operate a Park and Recreational Facility (private campground) located at 11066 W. St. Joe Hwy. (parcel 010-018-400-140-00) per Subsection 4.6.9 of the Zoning Ordinance.

Specifically, the applicant would like the Board to "find that CU-10-23-7 should list the individual conditions as per the CUP application and minutes."

APPELLANT'S STATEMENT: The applicant describes his request and what he wishes the board to find as, "I drew Marks am an aggrieved party as a result of CU-10-23-7. I am aggrieved because I have and continue to witness violations of the ECZO. I would like the Appeal Board to find that CU-10-23-7 should list the individual conditions, as per the CUP application and minutes. CU-9-04-11 is a great example of what I think CU-10-23-7 should look like."

The applicant justifies what the board should find as indicated above, "Because of past violations of the ECZO by the Cassidys, the Appeal Board should remand CU-10-23-7 for further review."

MAILING: Seventeen (17) surrounding property owners were notified. Two (2) responses were received.

Kirt and Debra Gundry commented: "We are resending our same remarks for the Eaton County Board of Appeals on December 5, 2023. Our remarks were given at the public hearing in October regarding Thomas and Tina Cassidy's request for a Conditional Use Permit. Our thoughts have not changed - we have no objection to the Cassidys' request." Also included was their response to the Planning Commission, "We are writing to you in regards to the public hearing for Thomas and Tina Cassidy's request for a Conditional Use Permit at 11066 W. St. Joe Hwy in Sunfield Township. Our properties are adjacent to the west side of the Cassidys' property and we have no objection to their request."

Doug and Sue Patrick commented: "We will be out of town on Tuesday December 5th. We are responding to the upcoming decision review of Tom and Tina Cassidy's Approved Conditional Use Permit CU-10-23-7 for the ability to have a private camping area on their property which has been requested by Drew Marks before the Eaton County Board of Appeals. As we stated in the attached letter below we did not then and still do not have any objections to Tom and Tina Cassidy's Approved Conditional Use Permit CU-10-23-7. Please feel free to read our letter in support again!" Also included was their response to the Planning Commission, "This is Doug Patrick we have five taxable

properties within close proximity to the Cassidy's. My wife and I wanted to send you our position to allow Tom and Tina Cassidy's request CU-10-23-7 for a Conditional Use Permit which would be used for private camping use on their property which is before the Planning Commission meeting tonight. We have no objections or issues with the Eaton County Planning Commission approving this request. This permit would allow them to have their family and friends there to camp and enjoy the summers at Saubee Lake. There should be no problems with this request as it would not have any negative impact on their surrounding neighbors."

AGENCY RESPONSES:

Barry Eaton District Health Department: "BEDHD has no concerns regarding CU-10-23-7 as written and is unaware of any current complaints about the facility."

Sunfield Township: "At the Sunfield Township Board meeting on 11-6-23 all have agreed that the township has not changed their position on the original Conditional Use Permit granted to Mr. Cassidy. We did not feel that Mr. Marks was truly an aggrieved party."

STAFF COMMENTS:

The Eaton County Board of Appeals hears appeals in accordance with the standards outlined in the Eaton County Land Development Code (zoning ordinance). Per Zoning Ordinance, Section 9.6: Appeal of Decisions, any interested person aggrieved by the decision of the Planning Commission may have that decision reviewed by the Board of Appeals. Mr. Drew Marks's property is located approximately 2,378 feet to the northwest and across the lake from Mr. and Mrs. Cassidy's property. The Board of Appeals may wish to discuss whether the applicant is aggrieved by the Planning Commission's decision, i.e., "suffered some special damages not common to other property owners similarly situated." Generally, a neighboring landowner alleging increased traffic volume, loss of aesthetic value, or general economic loss has not sufficiently alleged special damages to become an aggrieved party because those generalized concerns are not sufficient to demonstrate harm different from that suffered by people in the community generally.

The Board of Appeals shall review this application based on the standards contained in this Ordinance and shall give written justification for any decision rendered pursuant to Subsection 4.6.9 of this Ordinance. Per Subsection 4.6.9, the Board of Appeals has the power to sustain, reverse, or remand for further consideration the decision of the Planning Commission when it is found that the decision is inconsistent with the provisions of the ordinance OR there was an error of fact involved in their decision.

In making this determination the Board should thoroughly review and examine the appeal application and all accompanying data as well as Planning Commission records. The application and accompanying materials have been provided by the applicant. Staff has provided copies of the Conditional Use Permit CU-10-23-7, the staff report with application and supporting documents and the October 3, 2023 Planning Commission Meeting Minutes with written public comments which were read into record. In addition, because the applicant references Conditional Use Permit CU-9-04-11 in his application staff has attached the Conditional Use Permit Application for CU-9-04-11, Conditional Use Permit with requested change of conditions, revised Conditional Use Permit, and Planning Commission Meeting Minutes from September 13, 2004, October 5, 2004, May 3, 2005 and September 6, 2005.

In his application, the applicant specifically requests the Board of Appeals to remand CU-10-23-7 for further review. He states it should be remanded because, "of past violations of the ECZO by the Cassidys."

The Board of Appeals has the power to sustain, reverse, or remand for further consideration the decision of the Planning Commission. After reviewing all of the information provided, the Board of Appeals must determine if the Planning Commission made a decision that was inconsistent with the provisions of the zoning ordinance, or if there was an error in the facts involved in their decision.

If the Board of Appeals finds no error in the way the Planning Commission made its decision, they can sustain the decision of the Planning Commission. If the Board of Appeals finds the Planning Commission's decision was inconsistent with the zoning ordinance or there was an error in the facts involved, they may reverse the decision or remand CU-10-23-7 to the Planning Commission to discuss again.

The Board of Appeals should discuss openly any error of fact or any decision by the Planning Commission that was inconsistent with the zoning ordinance.

APPLICATION TO THE EATON COUNTY BOARD OF APPEALS

Eaton County Community Development Department
1045 Independence Boulevard, Charlotte, MI 48813
517-543-3689 FAX:517-543-9924

Applicant/Appellant
Name(s): Drew C Marks

Circle one
Owner Lessee Representative

Mailing Address:
Street 11459 Carlton Center

City Lake Odessa State MI zip 48849

Phone(s): 517 214 6180

Property Address: (if different than above)

Street _____

Property Code: - - - -

Township: Sunfield

Office Use Only

Case No.: BA-12-23-4

Date Application Received: 11/2/23

Date Application Complete (if different):

Application Fee $350.00

_____ Check ✓ Cash

Township Hearing Date: 11/6/23
Circle one
Approved Denied Tabled

Board of Appeals Hearing Date: 12/5/23
Circle one
Approved Denied Tabled

INFORMATION

The Eaton County Board of Appeals hears the following categories of appeals in accordance with standards outlined in the Eaton County Land Development Code (Zoning Ordinance). Copies of the Zoning Ordinance are available from the Community Development Department.

Variance: Permission given to the property owner to depart from the literal requirements of the zoning ordinance. Variances may be granted for exception from setback requirements, from site development requirements, parking, signage, etc.

Interpretation of the Ordinance: Interpretation of the ordinance when its provisions are not clear, for determining precise boundaries between zoning districts or determining a land use classification not specifically mentioned for a district.

Review of Decision: Appeals where it is alleged there was an error in fact, judgment, procedure or interpretation in any order, permit, requirement, or decision made by the Community Development Department (Administrative Decision), its officials (Enforcement Decision), or the Eaton County Planning Commission (Conditional Use Permits). The Board of Appeals has the power to sustain, reverse, or remand for further consideration a Planning Commission decision if it was inconsistent with the ordinance or if there was an error in fact involved in the decision.

1. What type of appeal are you requesting? Please Circle One.

Variance **Interpretation of Ordinance** **(Review of Decision)**

PROPERTY INFORMATION

2. Current zoning of the property (*Circle one*) ***Information available from Community Development Dept.:***

Limited Agriculture (LA) Residential (R1, R2, R3) Commercial (C1, C2) Industrial Resource Conservation

3. Current Use(s) of the Property (Please indicate if used as residence, agricultural, commercial, etc.):

Residence

4. Current Use(s) of area properties: (Please indicate if residential, agricultural, commercial, etc.)

Residential, Ag, Commercial, State Game Area

5. List of persons and/or firms with equitable interest in this parcel:

Tom & Tina Cassidy

6. PLEASE ATTACH A LEGAL DESCRIPTION OF THE PROPERTY (Please label).
A legal description of the parcel can be found in a deed, land contract, or tax information for your property. It must include any deed restrictions, easements, etc.

7. PLEASE ATTACH A SITE PLAN! (Please label all attachments)
A site plan is a scale drawing that shows the boundaries of the property, any structures, buildings on the property, public or private roads, driveways, easements, or other property features, and any natural features including bodies of water, wetlands, etc. The site plan must include measurements to all property lines and between structures.

8. PHOTOS: You may attach photos or drawings to illustrate your request. Please mount them on 8.5xll inch paper and label clearly.

APPEAL INFORMATION

9. What part of the ordinance are you appealing?

Article _____ Section _____ Subsection _____

10. Please describe your request and what you wish the board to find:

(See Attached)

11. Justification: Please give reasons why the Board should find as indicated above.

(See Attached)

FOR VARIANCE REQUESTS:

The Board of Appeals may grant a variance provided that all of the following requirements are met. Please respond to these requirements. (Attach extra sheets as needed)

A. **That there is a practical difficulty in the way of carrying out the strict letter of this Ordinance.**

B. **That the practical difficulty is due to unique circumstances related to the particular property and not general to other property in the district or neighborhood.**

C. **That the problem was not created by the applicant.**

D. **That granting the variance will not alter the essential character of the neighborhood or district.**

E. **Every variance granted shall be in the minimum amount necessary to overcome the inequity inherent in the particular property.**

AFFIDAVIT

I acknowledge that if a variance is granted or other decisions favorable to me are rendered upon appeal, that the decision does not relieve me from compliance with all other laws and regulations. I affirm that I am involved in the appeal and that the answers and statements herein contained and the information provided is true, accurate and correct. I understand that if it is not, this application and any approvals are void. I hereby give county officials permission to inspect the property to verify information and to verify compliance with rules and conditions. I also agree that I am able, financially, legally and physically, and I will commence this use, as approved, within six months.

Drew C Marks — Applicant(s) Signature(s)

2 Nov 23 — Date

_____ — Applicant(s) Signature(s)

_____ — Date

Before you deliver this to the Eaton County Community Development Department, please make sure you have done the following:

1. **Complete all of the application. Provide complete and accurate information.**

2. **Describe your request clearly. If requesting a variance, respond to all the requirements A-E. Label them clearly.**

3. **Include a property description and a Site Plan. Label all attachments.**

4. **Include the non-refundable application fee of $350 in cash, check, or money order.**

If you have a question or are unsure of how to complete the application, please contact us for assistance!

10. I Drew Marks am an aggrieved party as a result of CU-10-23-7, I am aggrieved because I have, and continue to witness violations of the ECZO. I would like the Appeal Board to find that CU-10-23-7 should list the individual conditions, as per the CUP application and minutes. CU-9-04-11 is a great example of what I think a CU-10-23-7 should look like.

11. Because of past violations, of the ECZO by the Cassidys, the Appeal Board should remand CU-10-23-7 for further review.

EATON COUNTY COMMUNITY DEVELOPMENT - PLANNING COMMISSION
1045 INDEPENDENCE BLVD.
CHARLOTTE, MI 48813
(517) 543-3689 Fax: (517) 543-9924

CONDITIONAL USE PERMIT CU-10-23-7

Issued by: Eaton County Planning Commission on **October 3, 2023**

Issued to: Thomas and Tina Cassidy

Site Location: 11066 W. St. Joe Hwy, Vermontville, MI 49096

Property Code: 010-018-400-140-00

This **Conditional Use Permit** allows the applicants Thomas and Tina Cassidy to operate a Park and Recreational Facility (private campground) as defined in Section 5.3.16 P of the Zoning Ordinance at 11066 W St. Joe Hwy., Section 18, Sunfield Township.

Limitations and Conditions: Approval is based on the application and materials submitted on August 18, 2023, the public hearing and discussion held October 3, 2023, and is subject to the requirements of the zoning ordinance, all other applicable rules, laws and ordinances and the following regulations and conditions:

1. No more than three campers shall be located on the site.

2. The site plan shall be revised to include the size of the parking spaces.

3. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.

4. This Conditional Use Permit is granted to Thomas and Tina Cassidy for the above-described use only. It is not transferable per the Zoning Ordinance

A Conditional Use Permit shall be valid as long as the permitted use continues in accordance with the conditions, requirements, and site plan included in said permit. Provided, however, that an applicant must begin the proposed land use, building, or structure within **six (6) months (April 3, 2023)** of issuance of the Conditional Use Permit.

I have read the above limitations and conditions and agree to assume this conditional use permit and abide by the above limitations and conditions.

_____	_____
New Operator, Representative	Date
_____	_____
Address	Telephone

cc: Sunfield Township

STAFF REPORT
CU-10-23-7

TO: EATON COUNTY PLANNING COMMISSION
THOMAS & TINA CASSIDY – APPLICANT

FROM: **EATON COUNTY COMMUNITY DEVELOPMENT DEPT.**

RE: **CU-10-23-7:** Request by Thomas and Tina Cassidy for a Conditional Use Permit to operate a Park and Recreational Facility (private camping) as defined in Section 5.3.16 P of the Zoning Ordinance at 11066 W. St. Joe Hwy., Section 18, Sunfield Township.

HEARING DATE: October 3, 2023, 7:00 pm

SUBJECT PARCEL: 11066 W. St. Joe Highway

PARCEL CODE: 010-018-400-140-00

SITE DATA:	**ON-SITE**	**SURROUNDING**
Size:	1.03 acres	
Zoning:	Low Density Residential (R-1)	Limited Agriculture (LA) & Low Density Residential (R-1)
Land Use:	Residence	Residential & Agricultural
Site Use History:	Residence, campground, boat livery	Residential & Agricultural
Soil Class:	Non-essential	Non-essential
Road Class:	W. St. Joe Highway **is not** a major road.	

APPLICANT'S STATEMENT: PLEASE SEE ATTACHED APPLICATION AND STATEMENT.

The applicants request a Conditional Use Permit (CUP) to operate a Park and Recreational Facility as defined in Section. 5.3.16 P of the Zoning Ordinance. The applicants state, "I would like to allow for up to three campers to visit my property seasonally to allow for use of the beach, docks, boats, etc. I own one of the campers with my mother, which is utilized for my mother during the months of April through September. She is in and out, she does not remain on the property the entire season. Occasionally, my siblings will use the camper when my mother is not present. In addition, I would like to allow my friends and family to also come visit with their campers to enjoy the lake and property. I do not wish to have my park open to the public. It is my understanding this property has been used in a similar fashion since at least 1976. Visitors will not be allowed access to the beach for swimming after dark. I have six kayaks I allow my visitors to use free of charge. Occasionally, my brother will come visit and use my pontoon."

Per the application the hours of operation are seven (7) days a week, twenty-four (24) hours a day. The applicants state they have no employees, but they live on site. In addition to the home, there are two existing accessory buildings located on the property, a 10' x 20' (200 sq. ft) shed and 6' x 10' (60 sq. ft.) shed. Per the application the buildings are used for storage of personal items, beach toys, fishing equipment, life vests, paddles and anchors. Additional buildings are not proposed.

There is one (1) existing driveway to the park, it is not paved and does not have curb and gutter Anticipated traffic to the site is two to three (2-3) vehicles a weekend, when open. Per the site plan, parking is proposed for three (3) vehicles. The parking areas are not lit or paved. Supplies are brought to the site by personal vehicles.

In regards to previous Conditional Use Permits, the applicants state, "While I have not applied for a Conditional Use Permit, I purchased the property from Kathy Tirrell who had a Conditional Use Permit. I was previously one of Ms. Tirrell's campers. It was my understanding I could continue to use the property as she was approved. Which would allow me to have my friends and family visit my park and use my beach. It is also my understanding the property had approval to operate in the same manner, as Franks Resort in 1976, and as Larue's Landing prior to Ms. Tirrell's ownership. The only difference between their operations and mine is, I will not have the business open to the public."

The applicants state they were notified for a violation. They state, "I was notified by Ms. Brandy Miller my property was in violation for allowing others to have their campers on my property and for keeping the camper owned by my mother and I on the property. I have been working with Ms. Miller since notification of the violation. She has inspected my site with employees of Eaton County Construction Code Department, Barry-Eaton District Health Department and EGLE. Ms. Miller found a violation on my property for allowing campers and keeping our camper. Mr. Chris Griffith of Eaton County Construction Code Department stated I was in violation for repairing my existing deck without a permit. I obtained the required building permit for the deck repairs (which has had a final inspection), and have been working with Ms. Miller."

The applicants state this request should be granted because, "I believe the use of my property as a park and recreational facility meets the requirements of the Zoning Ordinance and Comprehensive Development Plan. My property is zoned Low Density Residential, which allows for the use with a Conditional Use Permit. My property is Master Planned as Resource Conservation. If my property were zoned Resource Conservation I could operate a public and private non-commercial park as a use by right or my proposed park and recreational facility with a Site Plan Review rather than a Conditional Use Permit. I do not believe the use of my property as a private park and recreational facility will have a negative impact on the surrounding properties, street, fire, police water drainage, etc. My driveway has been in the same location, since, I believe the home was constructed. As stated previously, I have an existing well, septic, and drainfield. My visitors have access to the restroom in my home. There is an existing porta-potty onsite. Visitors may also use the facilities in their campers and dump the waste at an approved location. I believe the use of my property as a park and recreation facility is harmonious and compatible with the existing land use and natural features of the adjacent property and general vicinity. The use of my property will not result in conditions that are detrimental to the surrounding persons or property. In summary, my property has been used in the same manner since at least 1976, likely longer, but the earliest record I have is 1976. While I am aware some of the previous property owners have allowed uses on the property that were not permitted or created issues for the surrounding property owners, I do not and will not. I plan to have a maximum of three campers on my property, which will consist of my friends and family. I will not be open to public. To this day, I turn away previous patrons of the previous property owners."

Site Plan Review

Approved	Denied	Approved	Denied
[ ] Drain Commissioner	[ ]	[ ] Sunfield Fire Dept.	[ ]
[ ] Central Dispatch	[ ]	[ ] Zachary Dillinger	[ ]
[ ] Building Official	[ ]	[ ] Tim Cattron	[ ]
[x] BEDHD	[ ]	[ ] Vicinity Mbr., M. Hosey	[ ]
[ ] Road Commission ©	[ ]	[x] Sunfield Twp. ©	[ ]

MAILING: Seventeen (17) surrounding property owners were notified by first class mail, no written responses were received

SITE REVIEW COMMITTEE COMMENTS:

Road Commission comment: "I've reviewed the above mentioned CUP and find no impact to Eaton County roads. I have no objection to the CUP."

Sunfield Township comment: "It seems like a fair request because it is for family and not for public use."

SPECIFIC REGULATIONS: EATON COUNTY LAND DEVELOPMENT CODE

SECTION 5.3.16 P

Park, Parks and Recreational Facilities: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

GENERAL REQUIREMENTS FOR APPROVAL (Applicant must satisfy items A-E):

9.3.6 Basis of Planning Commission Decisions: The Planning Commission's decision will be based on compliance with the specific requirements contained elsewhere in this Ordinance, and the general standards listed below: **Items A-E**

A. Compliance with the applicable Land Use Policies in the Eaton County Master Plan:

Staff: This area is designated as Resource Conservation & Moderate Density Residential in the Eaton County Master Plan; therefore, the policies applicable are as follows:

Resource Conservation: This land use category is intended to preserve areas of importance as they relate to natural features which support the rural character of the County. These areas are dispersed throughout the County and correspond to the irregular boundaries of wetlands, floodplains, potential conservation areas and areas of particular historical importance. They provide vital ecological benefits such as wildlife habitat, flood control, and aquifer recharge zones. Land uses should be restricted to resource conservation, environmentally friendly customary agricultural activities, single-family dwellings, and accessory buildings. Clustered housing development that preserves significant tracts of open lands would be favored over large acreage single-family lots. The areas designated as Resource Conservation were derived from those that ranked the highest in the *Greening Mid-Michigan Tri-County Planning* report. Resource Conservation is a zoning district in the current Eaton County Zoning Ordinance.

Moderate Density Residential: Medium density residential is planned for areas with existing platted subdivisions and areas that are more capable of supporting additional development due to lack of constraining natural resource conditions. The intent of this land use designation is to promote relatively low density, single-family and duplex family dwellings as the predominate land use. These areas will not likely be served by public water or wastewater, which indicates a need to maintain low densities. This classification may serve as a transitional zone between higher density residential and non-residential areas and low-density single-family districts along major thoroughfares. Residential densities shall range not exceed five (5) units per acre, and shall equate to the R-2 zoning district.

B. Essential public facilities are adequately provided to the project, including, but not limited do, highways, streets, police and fire protection, emergency medical care, schools, storm water drainage, public transportation, and public recreation, or the owner/developer shall provide adequately any such service(s). Additional requirements at public cost for such facilities and services will not be detrimental to the economic welfare of the community.

☐ 1. Existing roads	☐ 4. Fire protection	☐ 7. Public transportation
☐ 2. Schools	☐ 5. Police	☐ 8. Public recreation
☐ 3. Storm water drainage	☐ 6. Emergency medical care	

C. Location and design of driveways providing vehicular ingress and egress, and automobile parking areas for the project are designed to avoid common traffic problems and promote the safety and convenience of vehicular and pedestrian traffic. The level of traffic generated by the project will not significantly or adversely impact the adjacent road system.

D. On-site sanitation facilities, if any, including sewage disposal, potable water supply, storm water, and solid waste disposal, are properly designed and capable of handling the project's long term needs

☐ sewage disposal	☐ potable water supply
☐ storm water	☐ solid waste disposal

E. The project is harmonious and compatible with the existing land use, natural features, and planned character of the adjacent property and general vicinity, and the project will not result in conditions that are detrimental to surrounding persons or property.

☐ prime agricultural soil	☐ major forests	☐ wildlife
☐ water recharge areas	☐ wetlands	
☐ lakes, rivers, or streams	☐ major sand, gravel, or mineral deposits	

9.3.7 Statements of Conclusion: The Planning Commission shall specify in writing the conclusions and findings on each request in terms of the general standards listed above in Section 9.3.6 of this Ordinance.

9.3.8 Required approval by Planning Commission: The Planning Commission shall approve a request for Conditional Use Permit for any applicant which fully meets the general standards and specific standards contained in this Ordinance.

9.3.9 Conditions of Approval: The Planning Commission may require reasonable conditions in conjunction with the approval of a Conditional Use Permit. Such conditions shall include conditions necessary to ensure that public services and facilities affected will be capable of accommodating increased service and facility loads caused by the proposed land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in socially and economically desirable manner. The conditions imposed shall be recorded in the minutes of the Planning Commission and on the Conditional Use Permit. These conditions shall remain unchanged unless a written request is submitted to the Planning Commission for change of conditions.

A request for change of conditions shall be scheduled for a public hearing before the Planning Commission. Prior to the hearing the request shall be reviewed under the appropriate Site Plan Review process. The recommendations from the Site Plan Review process shall be reported during the hearing. A public notice shall be mailed to all property owners within 300 feet of the Conditional Use Permit site. Approval of the change of conditions shall be granted only upon an affirmative vote of the majority of the Planning Commission. All changes shall be recorded in the minutes of the meeting and on the Conditional Use Permit.

COMMUNITY DEVELOPMENT STAFF COMMENTS:

A Park, Parks and Recreational Facilities is a use permitted in a Low Density Residential Zoning District with a Conditional Use Permit (CUP). The Eaton County Planning Commission approved a Conditional Use Permit for the previous owner, Ms. Kathy Tirrell, to operate a rustic campground with boat rental from this property in 2004 as a Park and Parks and Recreational Facility. The applicants purchased this property from Ms. Tirrell in 2016. A copy of Ms. Tirrell's Conditional Use Permit is attached. Per the application, the proposed use is only for family and friends, the use will not be open to the public.

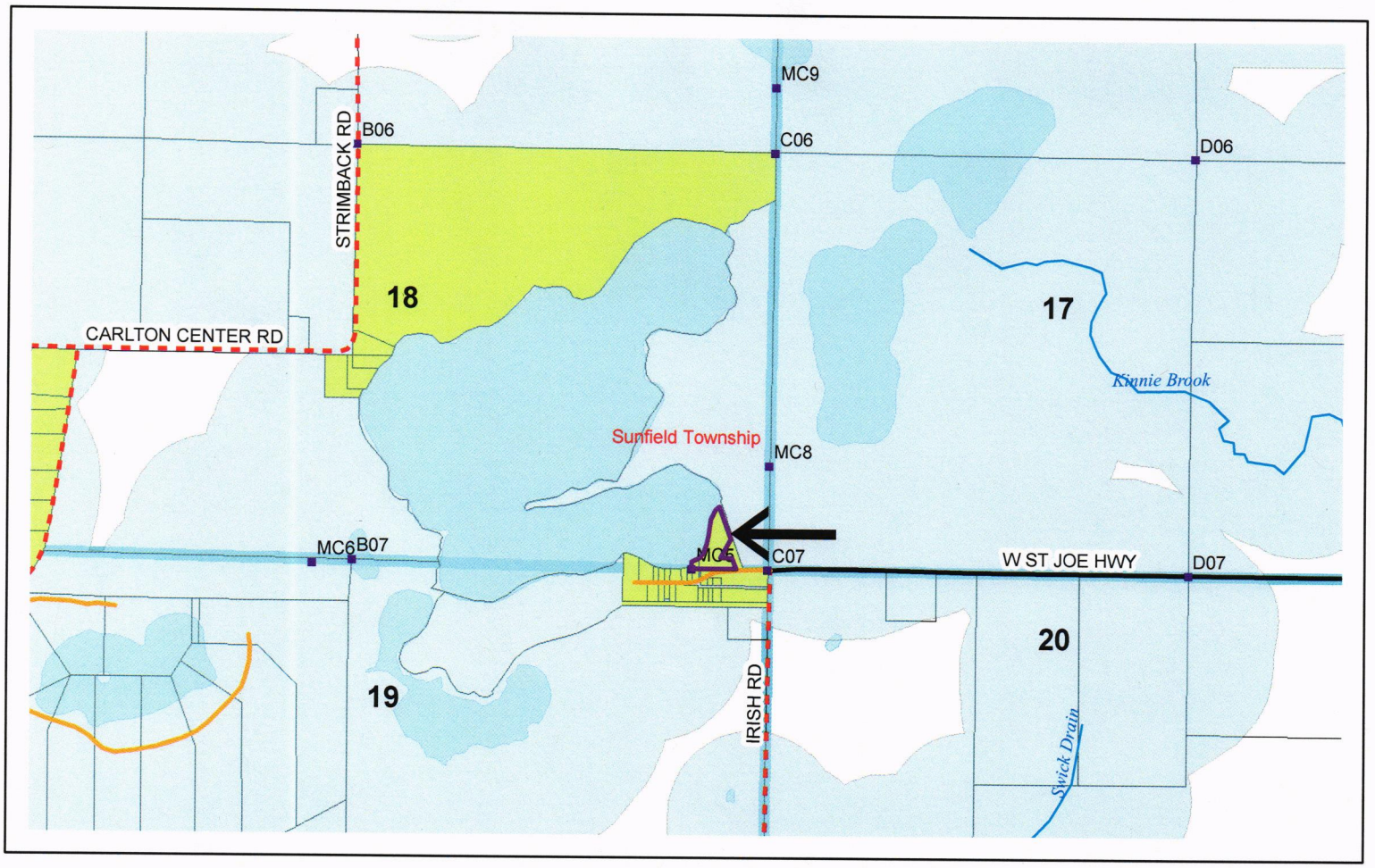
In July of 2022, staff received a complaint that someone was living in a camper located on the applicant's property. The applicants have been working with staff since notification of the violation. Staff meet the applicants on the property with employees of BEDHD and EGLE. The proposed use of allowing for rustic camping with campers on the property was discussed. There were no concerns from the BEDHD as there is a porta potty present and access is granted to the restroom facilities in the home. No concerns were address by EGLE.

The application states there are two accessory buildings located on the property; however, per the site plan there are four accessory buildings located on the property. The Planning Commission may wish to ask the applicants what the additional accessory buildings identified as buildings 1 and 2 on the site plan are used for.

Per the ordinance, parking requirements for Park & Recreation Facilities are one (1) space for each three (3) persons of maximum anticipated capacity. The application does not give the number of parking spaces that will be provided. There are three spaces identified with a "p" on the site plan. Per staff's conversation with the applicants, these are the proposed parking spaces. The Planning Commission may wish to have the applicants update the site plan giving the dimension of the parking spaces.

Per staff's discussions with the applicants, they do not wish to have a sign.

Planning Commission may use Section 9.3.6 and 5.3.3 C included in this staff report, to determine if this business meets ordinance requirements and what, if any conditions may be required.



Legend

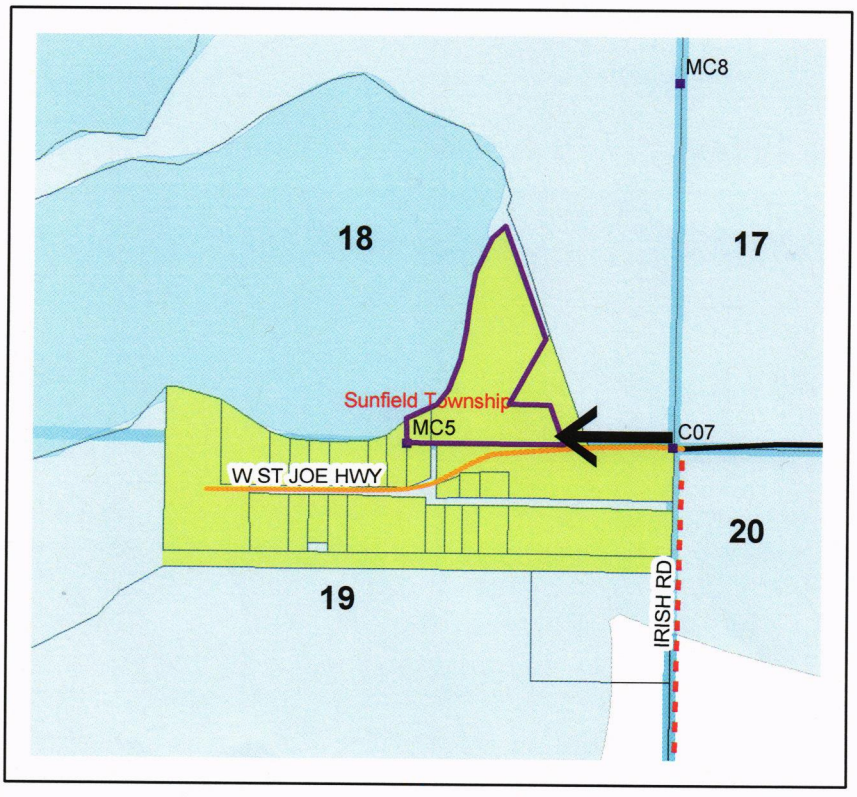
Parcels
- <all other values>

Zoning Code
- LA
- R1
- R2
- C1
- C2
- I
- RC
- Lakes/Ponds
- SESC 500ft Buffer of Lakes>1acre, streams, and NWI Wetlands

All Streams & Drains
- <all other values>

Type
- ARTIFICIAL PATH
- OPEN
- PVT TILE
- RIVER
- Storm Sewer
- TILE

N
W E
S



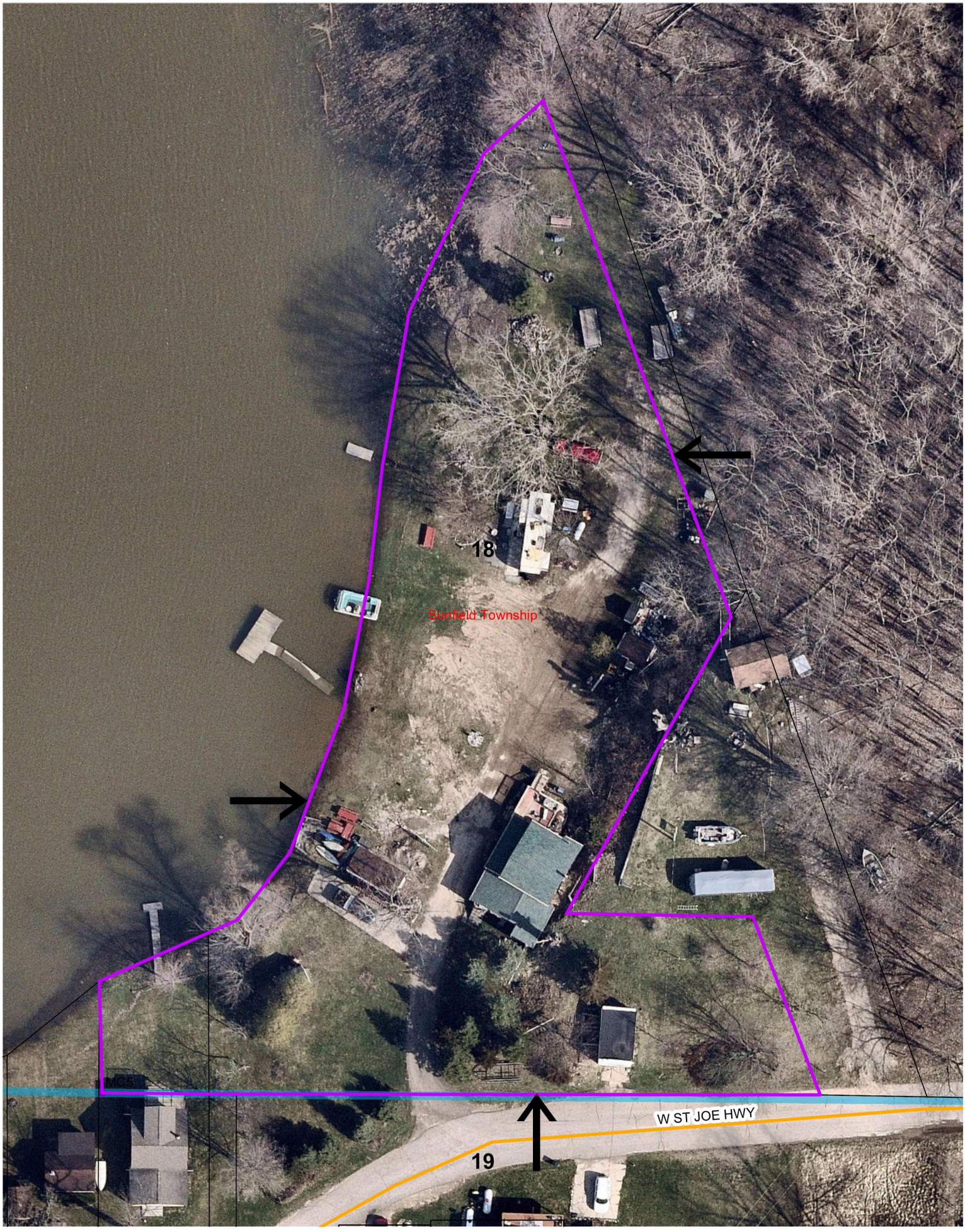
Eaton County Department of Construction Codes & Planning and Zoning

Permit: CU-10-23-7

Township: Sunfield

Parcel Number: 010-018-400-140-00

Parcel Zoning: Low Density Residential (R-1)



CU-10-23-7, Thomas and Tina Cassidy
Parcel number: 010-018-400-140-00

CONDITIONAL USE PERMIT APPLICATION

EATON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
1045 INDEPENDENCE BLVD., CHARLOTTE, MI 48813
517-543-3689 FAX 517-543-9924

Applicant Name(s):
THOMAS A CASSIDY
TINA L CASSIDY

Circle one Property Owner Representative
(must have proof of ownership/owner permission)

Mailing Address:
Street 11066 W SAINT JOE
City VERMONTVILLE State MI zip 49096
Phone(s): 517 202-5110

Property Address: (if different than above)
Street

Property Code: 010-018-400-140-00

Township: Sunfield

Office Use Staff will complete

Case No.: CU-10-23-7

Fee $400 check ✓ **cash**
Date received: 8/18/23

Eaton County Planning Commission
Hearing Date: 10/3/23
Decision: Approved Denied

Decision date:

Site Plan Review Committee
Committee meeting date:

Decision: Approved Denied

Cassidylandscape@yahoo.com

SITE DEVELOPMENT PLANS

1. **Where in the Ordinance is the proposed land use specified?**
Sec 5.3.16 Park' Park and Recreation Facility

2. **Please describe the business proposed for this site. (attach additional sheet if needed)**
See attached

3. **EMPLOYEES**
What Days will the business be in operation? Mon-Sun what hours each day? 24 hrs

How many employees will be on the site? I, Tom Cassidy + my wife, Tina Cassidy live on site
During what hours will they be on site? 24

4. **BUILDINGS**
The proposed conditional use permitted must comply with all applicable fire safety and emergency vehicle access requirements as well as other requirements of the State Construction Code, local Fire Code and the Eaton County Construction Code Department.

Will you construct or install any new building(s) or additions to exisiting structures?
What are their dimensions (Width, Length, Height) NONE
Construction Type
Proposed Completion Date:

Will any existing building(s) be used for the business?
Please provide the dimensions (Width, Length, Height) (A) 10'x20' shed (Old bait shop) & (B) 6'x10' shed
Year Built unknown Construction Type unknown. Both were on property when purchased.

Describe the areas in the building and how they will be used.

(A) used as personal storage, beach toys & fishing equipment. (B) life vests, paddles, anchors etc.

PROPERTY INFORMATION

5. Current zoning of the property (*Circle one*) ***Information available from Community Development Dept.:***

Limited Agriculture (LA) (Residential (R1, R2, R3)) Commercial (C1, C2) Industrial Resource Conservation

6. Is the property enrolled in Public Act 116- the Farmland Preservation Act? Yes (No)

7. Please list all persons and/or firms with legal or equitable interest in this parcel

---

8. Is the property located within 500 ft. of a stream, drain, lake, pond, or seasonally flooded wetland? (Yes) No (if yes, explain)

Property is on Saubee Lake

9. **Does the property lie within a designated 100 year flood plain?** (If yes, the applicant should contact the MI Dept. of Environmental Quality for state permit requirements.) (Yes) **No**

10. Do you plan to construct or upgrade access drive(s) to the site that will cross a flood plain, seasonally flooded wetland, county drain, or stream? Yes (No) (if yes, explain)

---

11. Current Use(s) of the applicant property **(Please indicate if used as residence, agricultural, commercial, etc.):**

Residential and Park and Recreational Facility

12. Current Use(s) of other area properties: (Indicate if residential, agricultural, commercial, etc.)

Residential & Recreational

13. PLEASE ATTACH A LEGAL DESCRIPTION OF THE PROPERTY

A legal description of the parcel is the deed, land contract, or tax information for a property. It must include any deed restrictions, easements, etc.

14. PLEASE ATTACH A SITE PLAN! (Please label with applicant name and page number)
A site plan is a scale drawing that shows the boundaries of the property, any structures, buildings on the property, public or private roads, driveways, easements, or other property features, and any natural features including bodies of water, wetlands, etc. The site plan must include the following:

a) **Property dimensions (measurements of all property boundaries, including road frontage).**
b) **Any easements or public right of way, including utility easements or ingress/egress.**

Electrical outelet & breaker box existing for them

c) **Location(s) of existing and proposed driveways.**
d) **All existing and proposed buildings, accessory structures, and outdoor storage area(s) (for vehicles, equipment, or materials) with measurements between them and to property boundaries.**
e) **Bodies of water, creeks, lakes, ponds, county drains, marshes, and seasonally flooded wetlands, etc. (Show distances from building sites, parking, and storage areas).**
f) **Proposed grades and site drainage pattern(s) (Include drainage patterns around the entire perimeter of the property).**
g) **Location of water supply and location and design of waste water systems.**
h) **All existing and proposed signs.**

15. PUBLIC HEALTH AND SAFETY

Proposed businesses must comply with all applicable requirements of the Barry-Eaton District Health Department and the State of Michigan

Describe the water and septic source(s) employees and/or clients will use.

see attached

Describe how the proposed business will comply with requirements for the use of public water, sanitary sewage, and solid waste removal.

Jims and Sons out of Hastings picks up the trash from my property every Monday morning

What equipment, vehicles, materials, etc. will be stored at the site? Please describe.

Kayaks, Pontoon, fishing gear, beach toys etc. Camper owned by my mother and D.

16. TRANSPORTATION

The proposed land use must fully conform to the driveway and traffic safety standards of the Michigan Department of Transportation and the Eaton County Road Commission.

Entrance/Exits to the Site:

Number of current entrances (driveways) from a public street 1

Will any additional entrances or exits to the site be created/used? Yes (No)

Are driveways paved? Yes (No)

Do driveways have curb and gutter? Yes (No)

What is the anticipated traffic in and out of the site? Please estimate the number and types of vehicles. 2-3 vehicles a week-end when open

Proposed parking on site for _____ vehicles will be provided.

Is parking area lighted? Yes (No)
Is parking area paved? Yes (No)

How are supplies delivered/brought to the site?
Semi Trucks Light Delivery Trucks Other (explain) Personal Vehicles

17. PLANNING COMMISSION DECISIONS

The Planning Commission's decision will be based upon compliance with the specific requirements of the Eaton County Land Development Code (Zoning Ordinance), and the general standards listed below:

The project complies with the applicable land use policies in the Eaton County Comprehensive Development Plan, and promotes the intent and purpose of the Eaton County Land Development Code, and other County ordinances, standards, and requirements.

Essential public facilities are adequately provided to the project, including, streets, police and fire protection, emergency care, schools, storm water drainage, public transportation, and public recreation, or the owner/developer shall provide adequately any such service(s). Additional requirements at public cost for such facilities and services will not be detrimental to the economic welfare of the community.

Location and design of driveways providing vehicular ingress/ egress, and parking areas are designed to avoid common traffic problems and promote the safety and convenience of vehicular and pedestrian traffic. The traffic generated by the project will not significantly or adversely impact the adjacent road system.

On-site sanitation facilities, including sewage disposal, potable water supply, storm water, and solid waste disposal, are properly designed and capable of handling the project's long term needs.

The project is harmonious and compatible with the existing land use, natural features, and planned character of the adjacent property and general vicinity, and the project will not result in conditions that are detrimental to surrounding persons or property.

Have you requested or received a variance or other Conditional Use Permit for this property?
(Yes) No (If yes, please explain) see attached

Were you notified of a violation of the Eaton County Building Code or Zoning Ordinance?
(Yes) No (If yes, please explain) see attached

Explain why this request should be granted. Describe how it will affect the surrounding area. Respond to the Planning Commission's standards listed above. (Attach additional sheet if needed.)

see attached

AFFIDAVIT

I acknowledge that if a permit is granted that the decision does not relieve me from compliance with all other federal, state and local laws and requirements. I affirm that I am involved in this application and that the answers and statements herein contained and the information provided is true, accurate and correct. I understand that if it is not, this application and any approvals are void. I hereby give county officials permission to inspect the property to verify information and to verify compliance with rules and conditions. I also agree that I am able, financially, legally and physically, and I will commence this use, as approved, within six months.

Thomas A Cassidy — 8-18-23
Applicant(s) Signature(s) — Date

Tina Lynn Cassidy — 8-18-23
Applicant(s) Signature(s) — Date

2. BUSINESS DESCRIPTION:

I would like to allow for up to three campers to visit my property seasonally to allow for use of the beach, docks, boats, etc. I own one of the campers with my mother, which is utilized for my mother during the months of April through September. She is in and out, she does not remain on the property the entire season. Occasionally, my siblings will use the camper when my mother is not present. In addition, I would like to allow my friends and family to also come visit with their campers to enjoy the lake and property. I do not wish to have my park open to the public. It is my understanding this property has been used in a similar fashion since at least 1976. Visitors will not be allowed access to the beach for swimming after dark. I have six kayaks I allow my visitors to use free of charge. Occasionally, my brother will come visit and use my pontoon.

15. PUBLIC HEALTH AND SAFETY:

There is an existing well, septic and drainfield onsite. The visitors will have access to the restroom facilities in the home. There is also a porta-potty located onsite that was present when I purchased the property. Some visitors may choose to use the tanks in their campers and pump and haul the waste to an approved dumping site, such as Flying Jay.

17. PLANNING COMMISSION DECISION:

PREVIOUS CONDITIONAL USE PERMIT:
While I have not applied for a Conditional Use Permit, I purchased the property from Kathy Tirrell who had a Conditional Use Permit. I was previously one of Ms. Tirrell's campers. It was my understanding I could continue to use the property as she was approved. Which would allow me to have my friends and family visit my park and use my beach. It is also my understanding the property had approval to operate in the same manner, as Franks Resort in 1976, and as Larue's Landing prior to Ms. Tirrell's ownership. The only difference between their operations and mine is, I will not have the business open to the public.

VIOLATION NOTICE:
I was notified by Ms. Brandy Miller my property was in violation for allowing others to have their campers on my property and for keeping the camper owned by my mother and I on the property. I have been working with Ms. Miller since notification of the violation. She has inspected my site with employees of Eaton County Construction Code Department, Barry-Eaton District Health Department and EGLE. Ms. Miller found a violation on my property for allowing campers and keeping our camper. Mr. Chris Griffith of Eaton County Construction Code Department stated I was in violation for repairing my existing deck without a permit. I obtained the required building permit for the deck repairs (which has had a final inspection), and have been working with Ms. Miller.

WHY SHOULD MY REQUEST BE GRANTED:
I believe the use of my property as a park and recreational facility meets the requirements of the Zoning Ordinance and Comprehensive Development Plan. My property is zoned Low Density Residential, which allows for the use with a Conditional Use Permit. My property is Master Planned as Resource Conservation. If my property were zoned Resource Conservation I could operate a public and private

non-commercial park as a use by right or my proposed park and recreational facility with a Site Plan Review rather than a Conditional Use Permit.

I do not believe the use of my property as a private park and recreational facility will have a negative impact on the surrounding properties, street, fire, police water drainage, etc. My driveway has been in the same location, since, I believe the home was constructed.

As stated previously, I have an existing well, septic, and drainfield. My visitors have access to the restroom in my home. There is an existing porta-potty onsite. Visitors may also use the facilities in their campers and dump the waste at an approved location.

I believe the use of my property as a park and recreation facility is harmonious and compatible with the existing land use and natural features of the adjacent property and general vicinity. The use of my property will not result in conditions that are detrimental to the surrounding persons or property.

In summary, my property has been used in the same manner since at least 1976, likely longer, but the earliest record I have is 1976. While I am aware some of the previous property owners have allowed uses on the property that were not permitted or created issues for the surrounding property owners, I do not and will not. I plan to have a maximum of three campers on my property, which will consist of my friends and family. I will not be open to public. To this day, I turn away previous patrons of the previous property owners.

Site Plan Legend
1 = Accessory building
2 = Accessory building
3 = House with deck
4 = Dock
5 = Dock
6 = Camper owner by myself and mother; used by mother
7 = Shed
8 = Shed
9 = Drain field and septic system
10 = Porta potty
11 = Proposed camper location
12 = Proposed camper location
* = Light pole

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

08/18/2023 10:38 AM

Parcel:	010-018-400-140-00	**Current Class:**	401.RESIDENTIAL-IMPROVED
Owner's Name:	CASSIDY, THOMAS A / TINA L	**Previous Class:**	401.RESIDENTIAL-IMPROVED
Property Address:	11066 W ST JOE HWY VERMONTVILLE, MI 49096	**Taxable Status**	TAXABLE
		Prev. Taxable Stat	TAXABLE
Liber/Page:	2646/0213 **Created:** / /	**Gov. Unit:**	010 010,SUNFIELD TOWNSHIP
Split:	/ / **Active:** Active	**SUB**	
		School:	34090 LAKEWOOD PUBLIC SCHOOLS
Public Impr.:	None	**Neighborhood:**	
Topography:	None		

Mailing Address:

CASSIDY, THOMAS A / TINA L
11066 W ST JOE HWY
VERMONTVILLE MI 49096

Description:

COM. 207.6 FEET W OF SE CORNER OF SEC. 18, N 17DEG W 75 FEET, W 73 FEET, N 27DEG 54MIN E 154.3 FEET, N 17DEG W 160.8 FEET M/L TO SAUBEE LAKE, SWLY ALONG SHORE OF LAKE TO A POINT DUE N OF A POINT 478 FEET W OF SE CORNER OF SEC. 18, S TO SECTION LINE, E 270.4 FEET TO BEG. SEC. 18, T4N,R6W. SUNFIELD TOWNSHIP

Most Recent Sale Information

Sold on 10/10/2016 for 79,000 by TIRRELL, KATHY J TRUST.

Terms of Sale: 03-ARM'S LENGTH **Liber/Page:** 2646/0213

Most Recent Permit Information

None Found

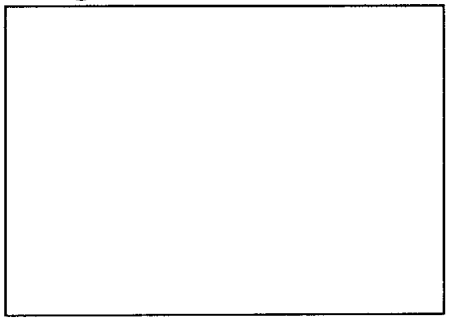
Physical Property Characteristics

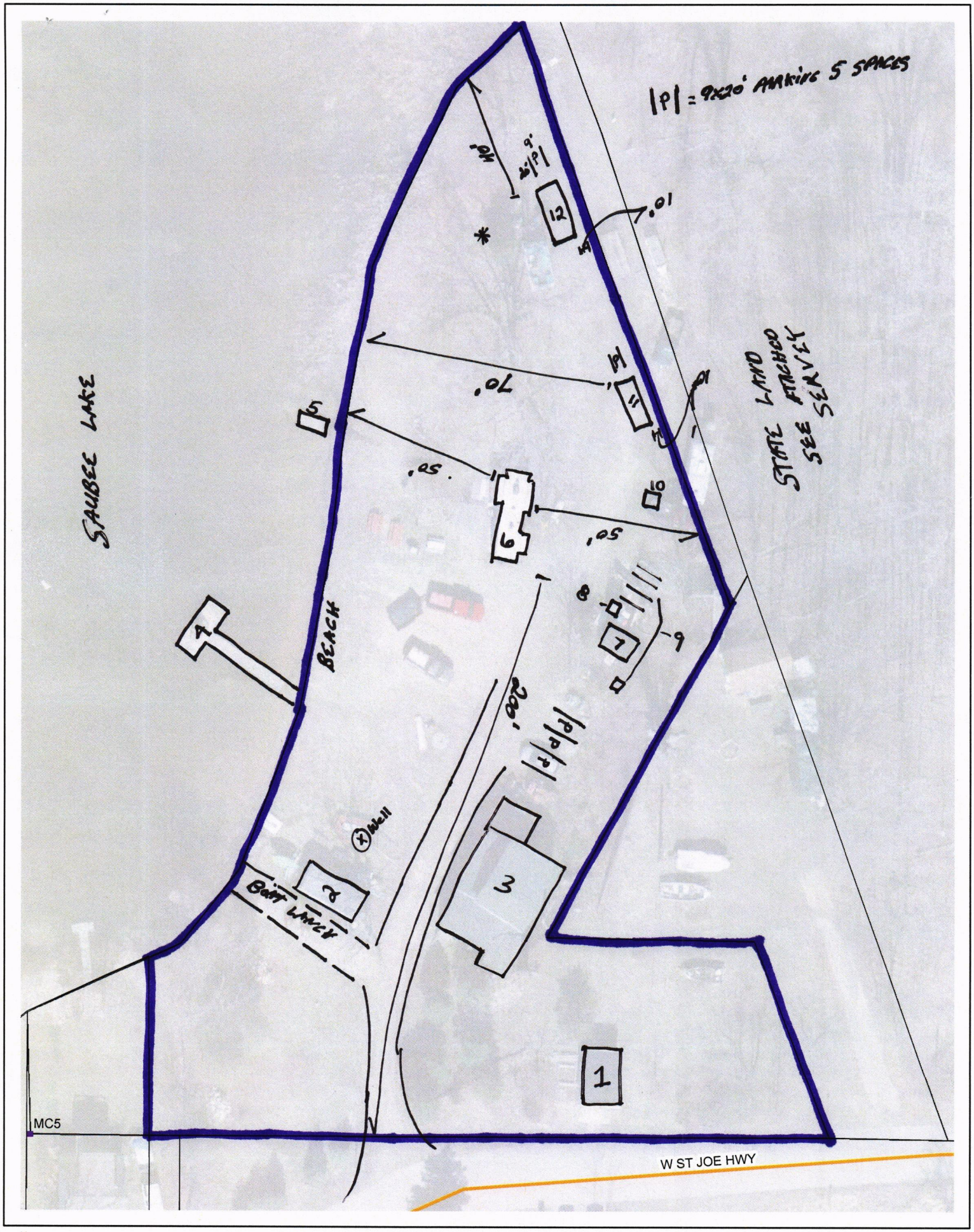
2024 S.E.V.:	57,900	**2024 Taxable:**	45,972	**Lot Dimensions:**	
2023 S.E.V.:	57,900	**2023 Taxable:**	45,972	**Acreage:**	1.04
Zoning:	R1	**Land Value:**	0	**Frontage:**	0.0
PRE:	100.000	**Land Impr. Value:**	0	**Average Depth:**	0.0

Improvement Data

None

Image



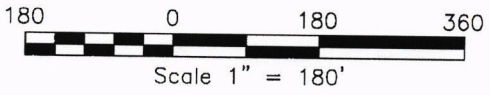


Tom and Tina Cassidy, 11066 W. St. Joe, Parcel 010-018-400-140-00

1 inch = 42 feet

LIBER 11 PAGE 537

CERTIFIED SURVEY



MATCH LINE

2628±

N00°19'53"E

Section line

Saubee Lake

Approximate Shoreline

RCPT# 8083, STN 4
$17.00 SURVEY

RE: CORDED
21 APR 2003 11:27:22 AM
M FRANCES FULLER
REGISTER OF DEEDS
EATON COUNTY, MICHIGAN

Set Rod and Cap on Extension of Line Between Found 1/2" Rods

4.7'

Fence and Remnants of Fence (not to scale)

Shed Encroaches 2.5' (not to scale)

LEGEND

(R) = Recorded
(M) = Measured
—o— = Fence
■ = Building

379.5'(R)
412.5'(R)
330'W(R)
EXCEPTION AS DESCRIBED
Found 1/2" Rods
N17°W(R)
425.02'(M) N18°05'33"W(M)

Nail and Washer in S.Side 10" Elm 292° Az 48.11'
Nail and Cap in E.Side 10" Maple 7° Az 32.16'
Nail and Cap in NW.Side 12" Pine 48° Az 82.45'
Nail and Cap in S.Side 6" Hickory 113° Az 82.64'
Nail and Cap in SE.Side 24" Ash 211° Az 114.53'

Southeast Corner, Section 18, T4N, R6W, Found Railroad Spike

West 155.68'(M) 165'(R)

St. Joe Hwy

South 1/4 Corner, Section 18, T4N, R6W

West (basis of bearing)

Section line

ROBIN P. REED LLS34974 April 9, 2001

STATE OF MICHIGAN
ROBIN P. REED
LAND SURVEYOR
No. 34974
LICENSED LAND SURVEYOR

Michigan DNR

PROJECT NAME TAMARACK LAKE STATE GAME AREA	
GENERAL AREA Saubee Lake	
LOCATION: SECTION 18, T4N, R6W	MICHIGAN DEPARTMENT OF NATURAL RESOURCES Office of Land and Facilities
SURVEYED BY: Robin P. Reed LLS34974	
DRAWN BY: R. REED	
FIELD WORK: R. Reed & J.Bigelow	PROJECT NUMBER: 703
SHEET 1 OF 2	FILE NAME: tamarack_lake.dwg

EATON COUNTY
PLANNING COMMISSION
October 3, 2023

Call to Order: Brian Ross, Chair of the Eaton County Planning Commission called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Scott Hansen, Lisa Lawitzke, Bruce Porter, Michael Hosey, Tim Cattron, Zachary Dillinger, Frank Holmes, and Brian Ross

Absent: Ben Tirrell

Staff Present: Brandy Miller, Chris Garrison, and Tamara Alger

Agenda Approval: A motion was made by **Commissioner Hosey** to approve the agenda for the October 3, 2023 meeting. **Commissioner Cattron** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Lawitzke** to approve the September 5, 2023 minutes as printed. **Commissioner Hosey** supported. Motion carried.

Public Comments: None

Public Hearings of Conditional Use Permit and District Change Amendment Applications:

CU-4-16-5: Request by Michael Middaugh and Katie Baum for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a Construction Contractors Establishment and Storage of Heavy Equipment (tree service) per Section 14.29 of the Zoning Ordinance at 2355 S. Royston Road, Section 30, Eaton Rapids Township. Specifically, the request is to reconstruct a larger pole building than previously approved.

Staff Report: Ms. Miller read the staff report and the site plan review responses from the Eaton County Drain Commissioner's Office and the Eaton County Road Commission into record.

Commissioner Ross asked if there were any questions for staff.

Commissioner Hosey asked if the applicant had submitted to the Eaton County Drain Commissioner's office. Ms. Miller stated the Eaton County Drain Commissioner's office reviews at time of application for the building permit.

Applicant Statement: Mr. Middaugh did not have anything to add. He asked if the Planning Commissioners had any questions for him.

Commissioner Ross asked if the size was going to be larger but in the same area as the previous barn. Mr. Middaugh confirmed he would be making the barn a little larger and it would be going in the same place as before.

Commissioner Hosey asked if there would be additional buffering. Mr. Middaugh said there would not be.

Commissioner Ross invited any speaking in favor or opposition to the request to make public comment.

Speakers in favor: None
Speakers Opposed: None
Public Hearing Closed: 7:08 p.m.

Commissioner Cattron stated his only concern might be the lack of additional buffering.

Commissioner Ross stated that the barn was situated in an area where runoff would not be detrimental to any of the surrounding neighbors.

Commissioner Cattron stated he had no additional concerns.

Commissioner Hosey moved to approve **CU-4-16-5** a request by Michael Middaugh and Katie Baum for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a Construction Contractors Establishment and Storage of Heavy Equipment (tree service) per Section 14.29 of the Zoning Ordinance at 2355 S. Royston Road, Section 30, Eaton Rapids Township. Specifically, the request is to reconstruct a larger pole building than previously approved, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Michael Middaugh and Katie Baum for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Cattron supported the motion. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-10-23-5: Request by Brookfield Township for a Conditional Use Permit to operate a Government Facility per Section 14.10 of the Zoning Ordinance at 8037 Brookfield Road, Section 28, Brookfield Township. Specifically, the request is to allow for adjustment of the property lines and an addition on to the existing Brookfield Township Hall.

Staff Report: Ms. Miller read the staff report and site plan review responses from the Eaton Conservation District and Eaton County Road Commission into record.

Commissioner Ross asked for questions from the staff. There were none.

Applicant Statement: Ms. Larson, Brookfield Township Treasurer, stated she agreed with the staff report.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None
Speakers opposed: None
Public hearing closed: 7:18 p.m.

Commissioner Cattron moved to approve CU-10-23-7 a request by Brookfield Township for a Conditional Use Permit to operate a Government Facility per Section 14.10 of the Zoning Ordinance at 8037 Brookfield Road, Section 28, Brookfield Township. Specifically, the request is to allow for adjustment of the property lines and an addition on to the existing Brookfield Township Hall, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Brookfield Township for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Holmes supported the motion. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU10-23-7: Request by Thomas and Tina Cassidy for a Conditional Use Permit to operate a Park and Recreational Facility (private campground) as defined in Section 5.3.16 P of the Zoning Ordinance at 11066 W St. Joe Hwy., Section 18, Sunfield Township.

Staff Report: Ms. Miller read the staff report, Site Plan Review response from the Eaton Conservation District into record. Ms. Miller also read an email from the applicant and seven written responses from the public into record.

Commissioner Ross inquired about the maximum number of sites the applicant desires to have and the number of people staying on site. Ms. Miller stated he may want to clarify that with the applicant. Ms. Miller stated she believes the applicant would like to have two to three sites. One for the applicant's mother and two for friends.

Applicant Statement: Mr. Cassidy stated he wanted the campground for friends and family to enjoy the lake and the surrounding state land that is adjoined to his property. He stated he would have no more than three campers on site.

Commissioner Cattron stated that the site plan shows four outbuildings even though only two are included in the application. He asked what the use of the additional two out buildings are that are not included on the site plan. Mr. Cassidy stated that one is for storage and equipment, and the other is a former bait shop that is used for storage of his kayaks.

Commissioner Cattron asked if the unit that the applicants mother stays in is permanent. Mr. Cassidy stated that it is a permanent unit. The other two campers would come and go.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: Mike Trowbridge, 9724 Round Lake Rd, Vermontville, stated he own's property within 300 feet of Mr. Cassidy's. He stated that before the property was purchased by Mr. Cassidy and it was a public campground, there was a lot of vandalism and theft. Since Mr. Cassidy purchased the property, all of the previous issues have been resolved and it is now peaceful. He stated that no one he knows within 300 feet of Mr. Cassidy's property has a problem with the private campground.

Speakers opposed: Drew Marks, 11459 Carlton Center Rd, Lake Odessa, stated that he opposes Mr. Cassidy's CUP application for three reasons: The Eaton County Zoning Ordinance, the application itself, and the enforcement on the property. Mr. Marks referred to the definition of parks and recreational facilities in the zoning ordinance and read the ordinance. Mr. Marks stated that if the CUP is approved, Mr. Cassidy's residence will become a recreational facility per the ordinance regarding parks and recreational facilities. Mr. Marks then read a section from the Eaton County Zoning Ordinance on the intent and purpose for R1 zoning, quoting, "maximum density in the R1 district shall not exceed three units per acre". Mr. Marks stated that Mr. Cassidy has a unit, a permanent trailer, and the permanent residence. Mr. Marks stated that R1 also states that a property may only have concealed storage of one unoccupied trailer on the property, but Mr. Cassidy is requesting to have three unoccupied trailers. Mr. Marks referred to a planning commission meeting from two years ago, in which the planning commissioners had discussed travel trailers and their placement on private property. Mr. Marks stated that the result of that previous discussion was a vote to approve adding to the ordinance that someone could apply for a temporary housing permit to place a recreational unit on RC or LA zoned property. Mr. Marks stated that he believes W St. Joe Hwy is in fact a private Rd, and after 2008 the private road document needs to be updated with the addition of lots. Mr. Marks stated that Mr. Cassidy's parcel is in the one hundred year floodplain, but no EGLE permits have been acquired. Mr. Marks stated he had a problem with the application itself being unclear as to what additional storage will be had, as it states "etc.". He would like to know what the "etc." part of the application is. Mr. Marks went on to review previous violations on the property.

Commissioner Ross asked if there were anyone else would like to speak regarding the application.

Public hearing closed: 7:46 p.m.

Commissioner Hosey stated that he does not see any current violations on the property. He believes the property is also in compliance with the Barry Eaton Health Department, as there no evidence stating otherwise.

Commissioner Ross stated that he also did not see any evidence that the Barry Eaton Health Department was opposed to the request. He stated that he would like to see a firm number of three approved for campers or sites, whatever would be best.

Commissioner Cattron stated he didn't see anything from EGLE approving the request.

Commissioner Ross asked Ms. Miller if she visited the site with EGLE and Environmental Health. Ms. Miller said yes, she met with Mr. Minh-huy Radics of EGLE, Wynn Barry with Environmental Health, and Chris Griffith the Eaton County building inspector at the site. Ms. Miller stated that the lake is an inland lake, and nothing is required from those departments.

Commissioner Hosey asked that if the request was for more than three lots would EGLE intervene then? Ms. Miller said yes, there is a separate section of EGLE that states if more than three campers are being used, the property would have to become a state licensed campground. Ms. Miller also clarified that Mr. Cassidy's property is not on a private road. She stated that Matt Hannahs, the lead engineer for the Eaton County Road Commission, confirmed that the Road Commission certifies the public road almost to the end of the pavement, which is beyond Mr. and Mrs. Cassidy's property.

Commissioner Dillinger asked if there were any concern with the parking on site. Ms. Miller said parking is shown on the site plan, but the size of the spaces are not. Ms. Miller said the applicant can revise their site plan to include the information if the commissioners would like.

Commissioner Hosey moved to approve **CUP-10-23-7** a request by Thomas and Tina Cassidy for a Conditional Use Permit to operate a Park and Recreational Facility (private campground) as defined in Section 5.3.16 P of the Zoning Ordinance at 11066 W St. Joe Hwy., Section 18, Sunfield Township, with the following conditions:

1. No more than three campers shall be located on the site.
2. The site plan shall be revised to include the size of the parking spaces.
3. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy,

Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.

4. This Conditional Use Permit is granted to Thomas and Tina Cassidy for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Cattron supported the motion. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CUP10-23-6: Request by Walton Township for a Conditional Use Permit to operate a Government Facility per Section 14.10 of the Zoning Ordinance and Open Air Storage per Section 14.33 of the Zoning Ordinance at 6966 S Stine. Road, Section 16, Walton Township.

Staff Report: Ms. Miller read the staff report and fifteen written responses from the public into record.

Applicant Statement: Matt Kuschel, representative of Walton Township, stated that the request is essentially and ultimately for a government facility. The transfer station is a group of eight to ten dumpsters where household trash can be deposited. To use the transfer station, a resident of Walton Township would be able to purchase a punch permit. Mr. Kuschel stated that one hundred and eighty nine of those have been purchased so far this year. This service is an option for those who do not wish to use traditional curb side pickup. Mr. Kuschel re-iterated the phases of the project, with the new township hall being part of the final phase three. Mr. Kuschel stated that the new building and transfer station would be just three miles from the current location, so no huge change there. He stated there would also be no huge change to the characteristics of the use. Mr. Kuschel also stated there would be no hazardous materials or hazardous waste on site or being dumped. EGLE has not come back with any concerns either. Mr. Kuschel stated there is already good screening on both sides of the new property. He stated the new township hall would also provide additional screening of the transfer site, and there will be additional fencing. Mr. Kuschel continued to review Walton Township's CUP request. Mr. Kuschel stated there are no plans at present to install a sign, but if it is decided a sign is necessary than the appropriate permits would be applied for at that time. Mr. Kuschel stated the site is already well served by existing public facilities such as the streets, water and septic. He stated that the traffic would not be much increased at the new location. Mr. Kuschel stated the existing water and septic on the property is fine, but if they need to upgrade those systems they will. Mr. Kuschel stated that property value would not be impacted significantly. He sited a study from Penn. State from 2005. A twenty percent increase at worst. He stated there at present is no odor from the transfer station nor were there any rodents. Those conditions would continue at the new location. There will be an operator on site to collect any sort of trash that may escape from the dumpsters. Mr. Kuschel stated the dumpsters would be emptied once a week, just as a personal curb service would be. He does not believe that there will be significant run off from the dumpsters, as they close and seal shut, and do not leak. He stated that run-off from I-69 far exceeds whatever runoff might come from the dumpsters. Mr. Kuschel stated that the

intersection at the site would slow traffic as people make their turn onto the next street. He stated that the traffic would not change as the new station is on the same street in the same area. Mr. Kuschel finished his statement by stating that EGLE has no objections, there are no supported allegations of contamination, and this is at the bottom a governmental facility for township hall operations with the added bonus of a community transfer station.

Commissioner Hosey asked if there was a unanimous vote from the township. Mr. Kuschel stated that he was not aware of a vote to submit the conditional use permit. He is aware this is the boards first step in the process. Mr. Kuschel stated that whether or how to bring the dumpsters over would be subject to continuing action and decision by the board.

Commissioner Hosey asked if there had been any prior public meetings. Mr. Kuschel stated there had been several, once of which he personally attended to address citizen concerns.

Commissioner Hosey asked if Mr. Kuschel was sure there were other meetings. Mr. Kuschel said it was discussed at prior board meetings with significant response from the public, which was why he had been asked to attend one meeting to provide more information.

Commissioner Holmes asked what the township board finds negative about their current location. Mr. Kuschel stated it is because the property is owned by another entity. At the new site, the hall and the transfer site would be strictly under township ownership.

Commissioner Holmes asked how the waste and material would be managed from the transfer station; would it be at a county level. Mr. Kuschel stated the waste at the transfer station would be managed by Granger Trash Services.

Commissioner Cattron asked if there would be pavement under the dumpsters or a curb around them; would the township have any objection to that. Mr. Kuschel stated there is at present some concrete that some of the dumpsters would be able to sit on, but not all. At present there are no plans for curbing, but they would be willing to work with EGLE and use best practices to meet requirements for the dumpsters.

Commissioner Porter asked where the current location is. Mr. Kuschel stated it was on Butterfield Hwy, at the edge of the township.

Commissioner Hansen asked if Mr. Kuschel had been hired by the township, and if he were being paid by the taxpayers. Mr. Kuschel stated that yes, he had been hired by the township.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: Art Williams, 4995 W Butterfield Hwy, Olivet, stated that he resides directly next to the current transfer station. Mr. Williams stated he was the former operator and current caretaker of the transfer station. He stated that he has not had any adverse effects to his health, no odor, and no rodents. In regards to the wetland, he said it is currently sitting in the middle of a wetland. He stated there is also no EGLE with where the transfer station currently sits. Mr. Williams did add that the road is more dangerous where the transfer station sits right now, and he believes it would be safer in new location.

Speakers Opposed: Robert Judy, 1269 Miller Hwy, Olivet, stated that the new site would not be worth investing in. He stated the gravel alone would cost too much. He believes a vote should have been held that allowed township residents to have a say whether the new site had been purchased or not. Mr. Judy doesn't believe that any of the township residents had been made aware of the land purchase.

Dale Barr, 2960 Miller Hwy, Olivet, stated that he is a former Eaton County Commissioner and a representative of Walton Township. Mr. Barr stated there had only been one meeting in regard to the new transfer station and township hall. Mr. Barr asked of the commissioners if section 14.10 could be approved without approving section 14.33 of the zoning ordinance? Ms. Miller stated yes, the request can be approved separately. Mr. Barr stated that the new township hall is not the issue, but the transfer station is. He stated that there are other townships that use the transfer station illegally. Mr. Barr also stated that the 5-way intersection near the new transfer station is hazardous, even with stop signs.

Frank Cologero, 6521 McDonald Rd, Olivet, stated that he is a chemist. He provided a list of questions that he gave to each planning commissioner. He asked that the planning commission respond to the questions before making a decision. Mr. Cologero read through his questions.

Melissa Leckie, 6130 S. Stine Rd, Olivet, stated that she walks twice a day by the current transfer station. She walks from Stine to Marshall. Her concern is that people speed around the corner and slam their breaks to stop. Ms. Leckie stated that the roads are just simply too hazardous for that location. She states that questions have been presented to the board at meetings, and the answer has always been "we don't' know". Ms. Leckie expressed concern the transfer station will not be profitable as only 20% of the township might use the new station. She stated that there are in fact holes in the dumpsters that do leak. Ms. Leckie also stated that this area is a residential area and nothing more. Ms. Leckie asked for clarification about why the move is being made as there is no problem with the current dump site.

Duston Twichell, 5818 S Stine Rd, Olivet, stated per public act 110 of 2006, a Michigan Zoning Enabling Act, under article five section 125.3504 subsection 4 A, the public was not given the necessary notification or say in this request. He stated the township made held special meetings with limited public notice of 18 hours. Mr. Twichell stated that no one on Walton Township's board lives less than three miles away, so they will not be

affected the way the residents within those three miles will be. Mr. Twichell also stated the while the dumpsters have lids, they are seldom closed. Leachate is always coming out of the dumpsters. Mr. Twichell said the transfer station is an environmental problem, and other townships will be illegally using the dumpsters.

Tim Ball, 6332 S Cochran Rd, Charlotte, stated the new transfer station should not go in, and the existing township hall should be rebuilt. Mr. Ball stated that a vote should be held for the township to determine where they would like the new location to be. He stated that a transfer station shouldn't be built at all and the township would either have to get curb service or find a way to get rid of trash themselves. Mr. Ball stated that he also believes the transfer station is an environmental hazard.

Richard Boughner, 2917 Miller Hwy, Olivet, stated that per section 9.3.6, Basis of Planning Commission Decision, section E, the whole project goes against what that section says. Mr. Boughner read the section for the planning commission and public.

Charles Sharp, 6910 S Stine Rd, Olivet, stated that he is concerned that Walton Township is not acting in the best interest of the township residents. Mr. Sharp stated this project is not going to help him, or the township residents. He stated that it will cause smell and health complications.

Kathy Carpenter, 3288 Baker Hwy, Olivet, stated that her other concern, in addition to the concerns previously stated by other residents, is the potential of trash not being picked up weekly. She stated this was during shutdown. Ms. Carpenter also stated the new township hall should be put on a ballot and be voted for, as the township residents will be paying for it.

Kevin Tillotson, 6684 Marshall Rd, Olivet, stated that he is originally from Flint. Mr. Tillotson expressed concern that the new transfer station will create a similar environmental hazard to that of Flint's water. Mr. Tillotson believes that the environmental hazard may be enough to cause serious harm to human life and animal life.

Barb Platzer, 6920 S Stine Rd, Olivet, stated that she counted residences and businesses within a mile radius of the new transfer station and found 82 houses and 3 businesses. Ms. Platzer stated that the transfer station will be affecting an entire community, not just a few people.

Jacob Wildenhaus, 6963 S Stine Rd, Olivet, stated that he is directly across the street from the proposed station. His main concern is the traffic in that area. Mr. Wildenhaus stated that people drive over the speed limit and make turns blindly in that area.

Dewain Vallie, 212 Kalamo St, Olivet, stated that the township residents have no idea what the cost of this project is going to be. He stated that they do not need a new township hall and the residents will be paying for services the majority don't use. Mr. Vallie is concerned the fees will keep being imposed with the new site.

Tami Briskie, 6800 Marshall Rd, Olivet, stated that at a township meeting, Mr. Kuschel did not inform the planning commission that the reason for moving the transfer station was because of possible contamination and they needed to move before there was a lawsuit. Ms. Briskie stated that a new site would only face the same problems as the previous.

Scott Byam, 2877 Cameron Dr, Olivet, stated that he suspects the new site property was purchased secretly without any public notice. He also stated that parking will be just as problematic during elections as it is now at the current site. The new site will not improve that.

Doug Norton, 5540 Elm Rd, Olivet, stated that he doesn't understand the need to move to a new site if there truly were no lawsuits on the current. He stated if there is the potential for a lawsuit on the current, then the new site would face the same issues again.

Mr. Kuschel asked Chair Ross if he could address some of the concerns. **Commissioner Ross** said yes. Mr. Kuschel stated that at state campgrounds there are groups of dumpsters for the patrons to utilize. Mr. Kuschel stated that is no different than what Walton Township is going to be doing. He stated there is no toxic or hazardous waste or industrial waste at the transfer station. Mr. Kuschel stated the concerns about contamination are strictly about the current location, which comes from activity that predates the township. Not the future eight dumpsters to be managed by Granger. Mr. Kuschel stated the dumpsters are only to be used for household waste. He stated that what this is, is a zoning question, it is not a decision on paying for government services. That would be a decision for Walton Township. Mr. Kuschel stated that they are here to see whether the use complies with the zoning ordinance, and he believes it does.

Nick Vasilion, 204 W Butterfield Hwy, Olivet, stated that his issue with the new transfer station is that the new site is residential, or limited agricultural. Mr. Vasilion doesn't believe they have the right to charge the residents to use the dumpsters as it is not a commercial property.

Public hearing closed: 9:43 p.m.

Commissioner Ross stated that he is concerned about the proposed buffering. He stated that he believes there should be a more substantial buffer, such as a faster growing pine tree. **Commissioner Hosey** asked what sort of trees would be better. **Commissioner Ross** stated something that is larger and faster growing and would provide more cover, such as a pine tree.

Commissioner Lawitzke referred to section E under Requirements for approval. She stated that she believes the proposed is detrimental to the surrounding residents and may become more so if the request is approved. She stated that toxic waste is already

at the current site and thus will affect the new proposed site as well. **Commissioner Lawitzke** stated that she does not believe the proposed request is compatible or harmonious with the surrounding area.

Commissioner Holmes stated that a negative of the proposed is the traffic in the area being close to the intersection. His other concern is that EGLE had not responded to the request. He stated that a majority of what the public came forward with are concerns that need to be addressed to Walton Township itself.

Commissioner Ross stated that the Eaton County Road Commission did approve the request with conditions. He stated that EGLE will have to respond to the request as they're one of the agencies that have to provide approval.

Commissioner Cattron stated that he is concerned about the ground water, but he is going to rely on the facts that have been presented. He stated that he also believes the screening around the transfer station should be strengthened in a more solid fashion.

Commissioner Porter stated that he believes the township should explain their need of the new location further.

Commissioner Ross stated that is not something for the planning commission to decide. The need of the location is for the township to discuss.

Commissioner Porter stated that he did not think the provided site plan is acceptable. **Commissioner Cattron** stated that the planning commission could ask for a revised site plan if they thought it necessary.

Commissioner Hosey stated that he would like to know what measures could be taken by the township to prevent potential toxic waste. **Commissioner Ross** stated that they could make a condition in their motion to address the methods for the prevention of toxic waste. **Commissioner Hosey** agreed that he would like to include a motion regarding the potential toxic waste and its prevention.

Commission Dillinger stated that he is not convinced condition E is met fully. He stated that he believes the other four conditions are sufficient. He stated that the transfer station and the township hall are really two different projects. He suggested that they might be able to approve a portion of the request and deny another, as the township hall does meet all five conditions for approval.

Commissioner Ross stated that they may need to add a motion for there to be a solid surface with curb to contain waste. He suggested that the planning commission table the meeting.

Commissioner Cattron asked if **Commissioner Dillinger** was concerned about the wetlands. **Commissioner Dillinger** stated that he was concerned about ground water

contamination and damage to wetlands. He stated that at a minimum the planning commission needs to address that.

Commissioner Lawitzke asked if they could table the request in order to get EGLE to further investigate the request in regards to section E.

Commissioner Cattron stated that the site plan revision and EGLE approval be included together as a decision to table the decision. **Commissioner Hosey** added that vermin control should be addressed as well. **Commissioner Cattron** asked what would need to be updated in the site plan. **Commissioner Porter** stated that the site plan does not show widths, where the driveways are going to be. He stated he is also concerned about the traffic and the intersection being hazardous. **Commissioner Ross** stated the Eaton County Road Commission did say they could make updates to the driveway but would need to turn it into a commercial driveway. He added that he would like the site plan updated and more legible.

Commissioner Cattron inquired if the size of the site plan is what was provided. Ms. Miller stated that it was, and per Article 8 it was accepted by staff as presentable. Ms. Miller stated the applicant may wish to hear that a larger site plan is needed.

Commissioner Cattron moved to table **CU-10-23-6** a request by Walton Township for a Conditional Use Permit to operate a Government Facility per Section 14.10 of the Zoning Ordinance and Open Air Storage per Section 14.33 of the Zoning Ordinance at 6966 S Stine. Road, Section 16, Walton Township. With the stipulations: a wetland determination to find extent of wetland, a site plan that is more clear and easier to see, something at least double the size of what is provided, that the driveway be clearly delineated, to consider extending the northern buffer and consider using multiple species like pine and arborvitae together. To have a solid surface and curb and gutter where the dumpsters are going to go.

Commissioner Ross clarified that the Planning Commission would further consider the application at the November 7, 2023 meeting. **Commissioner Hosey** supported. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

Commissioner Ross asked for other business. Ms. Miller stated the special master plan meeting will be on October 24, 2023. The 2024 meeting schedule has been determined. The only one that is not the first Tuesday of the month is January 2024 due to Board of Commissioners schedule.

Commissioner Ross asked for a vote to approve the 2024 meeting schedule next month. All in favor.

Reports: Ms. Miller stated the September Zoning Ordinance Committee Meeting was canceled due to illness. The next Zoning Ordinance Committee Meeting is scheduled for October 17, 2023 at 3:00 p.m. to discuss potential marihuana regulations, lot line

adjustment and lot combinations regulations at a minimum. She stated the Zoning Board of Appeals did not meet this evening due to lack of business.

A motion was made by **Commissioner Hosey** to adjourn the meeting. **Commissioner Lawitzke** supported. Motion carried.

The meeting adjourned at 10:22 p.m.

Brandy Miller

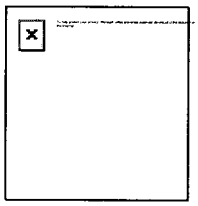
From: Eaton Conservation District <eatoncd@macd.org>
Sent: Monday, October 2, 2023 8:00 AM
To: Brandy Miller
Subject: Re: Site Plan Review for CU-10-23-7, Cassidy

Hi Brandy,

The Eaton Conservation District Board of Directors has no concerns about this application.

Thank you,
Rachel

Rachel Cuschieri-Murray
Executive Director
Eaton Conservation District
(Facebook, Instagram and YouTube)
Office: 517.543.1512 x5



Are you receiving this email outside of your working hours? I value your personal time and space. There is no need to respond until it is convenient for you.

On Mon, Sep 11, 2023 at 10:26 AM Brandy Miller <BHatt@eatoncounty.org> wrote:

Good morning,

Attached is a Conditional Use Permit Application submitted to this office by Thomas and Tina Cassidy. Mr. and Mrs. Cassidy are requesting to operate a private park which would allow for up to three campers on their property.

Their property is located at 11066 W. St. Joe Highway; the 1.03 acre parcel is zoned Low Density Residential (R-1).

Historically, the previous property owner operated a public campground and boat rental business from the same property with a Conditional Use Permit.

Mr. and Mrs. Cassidy are requesting a private park that will not be open to the public. Please see the attached application and supporting documents for more information regarding the request.

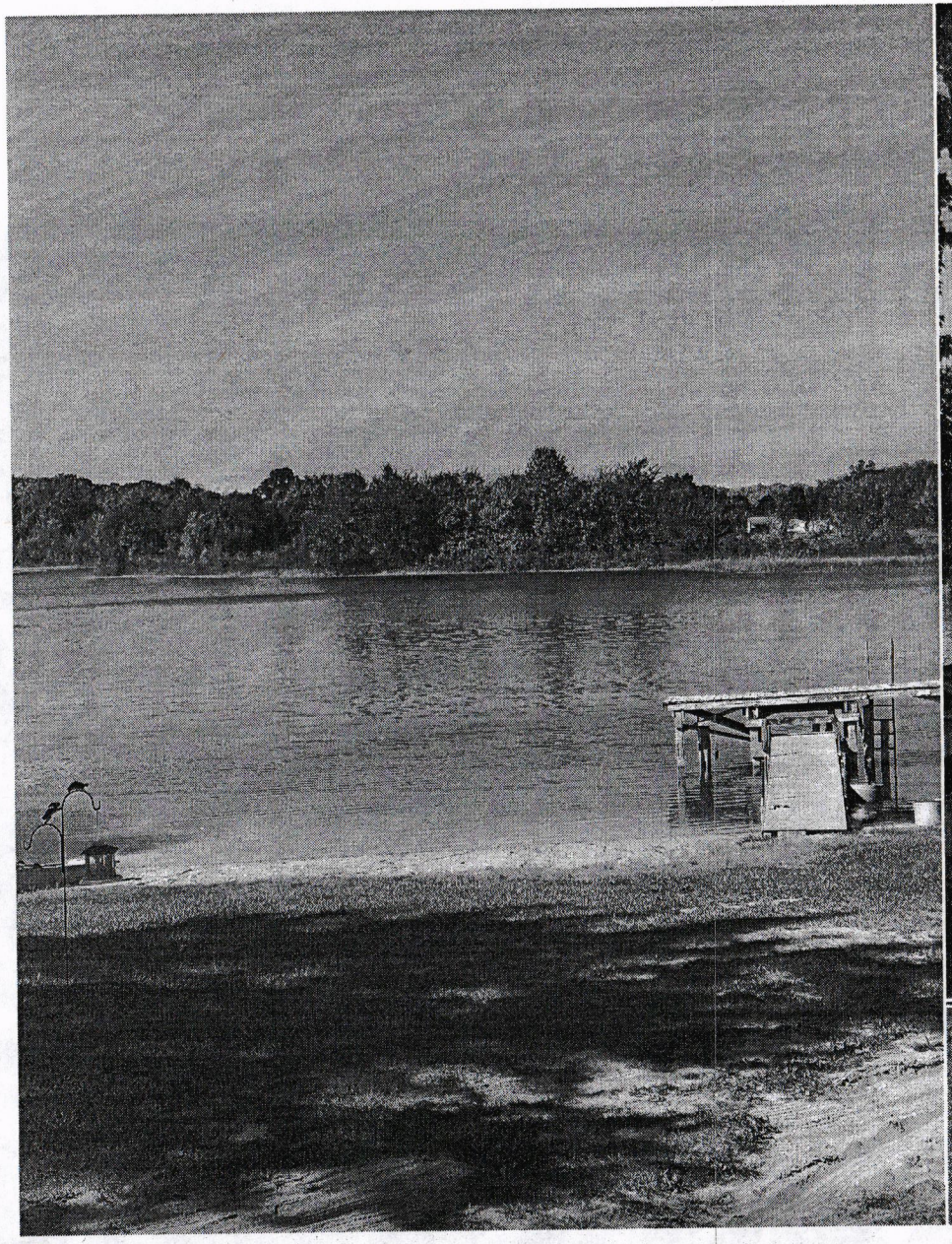
Brandy Miller

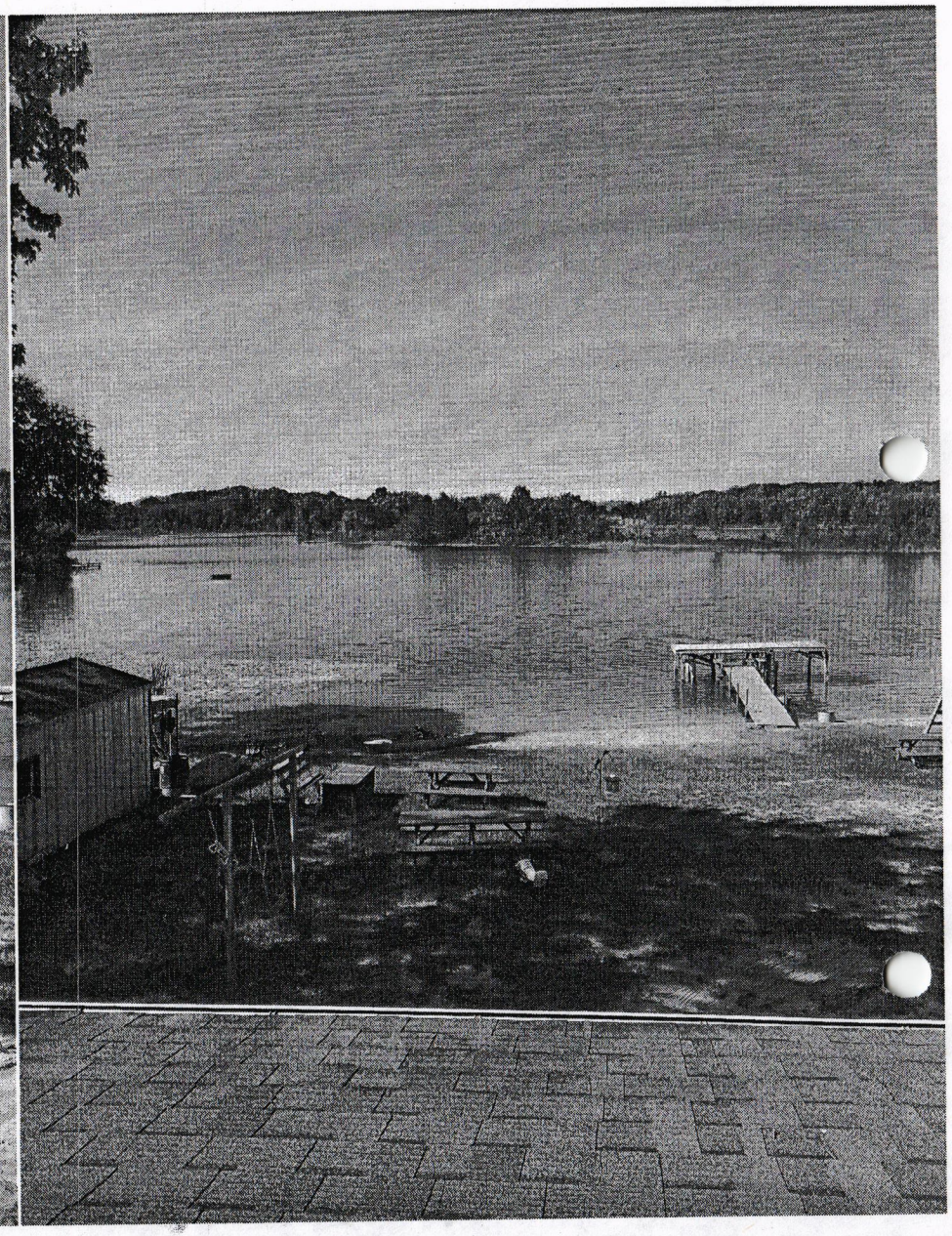
From: Tom Cassidy <cassidyslandscape@yahoo.com>
Sent: Tuesday, October 3, 2023 3:07 PM
To: Brandy Miller
Subject: My CUP App - Planning Commission Meeting

Please share the attached photos with the Planning Commission. I took these photos to show I am not obstructing Mr. Marks view. My property can not be seen from his. I can't see his property from mine.


CHEVROLET









Brandy Miller

From: Jamie Tirrell <jamietirrell@gmail.com>
Sent: Thursday, September 28, 2023 12:41 PM
To: Brandy Miller
Cc: jennifersparksrealtor@gmail.com
Subject: Temporary permit hold request

Hello,
Please let this email service as a notice that I am currently asking that the permit approval-- CU-10-23-7 requested by Thomas and Tina Cassidy received in the Notice to The Neighbors from the Eaton County Planning Commission-- be placed on a temporary hold until the sale of my land is complete. My realtor and I are in the process of finalizing documents now and will update accordingly with the next steps.

Thank you for your time and if you have any questions please feel free to reach back out.

Jamie Tirrell

Brandy Miller

From: Mike Remar <mikesremar@gmail.com>
Sent: Tuesday, October 3, 2023 7:21 PM
To: Brandy Miller
Subject: Re: Meeting Tonight

My name is Mike Remar and I own the cottage at 11144 W Saint Joe Highway Vermontville, MI 49096. I am writing this email to let the county know that I do not have any issues with Tom Cassidy applying for or receiving the parks and recreational property certification from the county so that his camper and another one or two cabin camp on his property for a yearly term. Tom and his significant Tina take great care of their lake property, are hands on and very supportive of the neighbors on the lake. This is just another example of the idiots on the other end of the lake trying to be a dictator of the lake and his neighbors. I support Tom and Tine. Thank you

Mike Remar
Certified Structural Evaluator
Foundation Specialist
Direct or Text: (616) 307-2491
Office: (616)228-7524
Mikesremar@gmail.com
WWW.foundationspecialistmi.com

> On Oct 3, 2023, at 7:11 PM, Brandy Miller <BHatt@eatoncounty.org> wrote:
>
> Good evening,
>
> While you may watch via zoom, you can not participate. If you would like to send an email I will read it into record.
>
> The meeting will also be available via Zoom for viewing and listening purposes only, by using the following link https://us02web.zoom.us/j/85285167760.
>
> Regards,
>
>
> Brandy Miller
> Planning and Zoning Administrator/Code Enforcement Officer Eaton
> County Department of Construction Codes & Planning and Zoning
> 517-543-3004
>
>
>
>
> -----Original Message-----
> From: Mike Remar <mikesremar@gmail.com>
> Sent: Tuesday, October 3, 2023 6:56 PM
> To: Brandy Miller <BHatt@eatoncounty.org>
> Subject: Meeting Tonight

>
>
> Hey Brandy, this is Mike Remar at 11144 W Saint Joe Highway and I would like to join the meeting tonight via zoom. Can't find my paperwork but would like to support Tom.
>
>
>
> Mike Remar
> Certified Structural Evaluator
> Foundation Specialist
> Direct or Text: (616) 307-2491
> Office: (616)228-7524
> Mikesremar@gmail.com
> WWW.foundationspecialistmi.com
>
>
>
> This email, including any attachment(s) to it are intended solely for the use of the individual or entity to which it is addressed. If you have received this email in error please notify Eaton County or the Barry Eaton District Health Department (BEDHD) by replying to the original email and deleting any email(s) or attachment(s) that you have received. Both Eaton County & BEDHD screen all outgoing email and attachment(s) for viruses; however, Eaton County or BEDHD cannot accept liability for any damage caused by any virus transmitted by this email. The recipient should check this email and any attachment(s) for the presence of viruses.

10/03/2023

TO: EATON COUNTY PLANNING COMMISSION

FROM: STEPHANIE RUNYAN

SUBJECT: TOM & TINA CASSIDY

Dear Planning Commission Members,

I'm writing to inform you that I hold no objections to the Conditional Use Permit to operate a Park & Recreational Facility (private camping) to my neighbors, Tom and Tina Cassidy who reside at 11066 W Saint Joe Hwy, Vermontville, MI 49096, parcel # 010-018-400-140-00.

I can be reached at 517-983-3777 shall you need to reach me for anything further regarding this matter.

Regards,

Steph



Brandy Miller

From: FREDERICK <frederickjgregg@centurylink.net>
Sent: Tuesday, October 3, 2023 3:54 PM
To: Brandy Miller
Subject: tom & tina cassidy getting permit

To Whom It May Concern:

I am writing in behalf of Tom and Tiina Cassidy. My name is Fred Gregg and my family bought property on Saubee Lake in 1958. I lived there for 45 years and I still own property there. Back when we lived there there was a resort owned by Hunt's that turned into Ames' resort then into Frank's resort and LaRue's Landing that Tom Cassidy now owns. For years you were able to go back to Saubee Lake to pay to swim, rent a boat, rent a campsite, rent a cabin, some days up to 150 people would pay to go swim there. There were 11 cabins along the south side and lots of them had campers or motor homes parked behind them all the time or some of the time. But nobody cared about that, everybody came to Saubee Lake to have fun, that's where everybody went in the area to go and nobody complained about nothing. And I don't believe that somebody that lives approximately 1/4 mile away, that has to use a water vessel, or a quad in the winter or drive 4 or 5 miles around the country to get to the south side of Saubee Lake because they cannot see the Cassidy's residence from their home. This just to waste the county's time and money because of what is none of his business. He should be fined if his complaint is found unjust.

As a property owner at Saubee Lake, I have zero issues with Tom and Tina requesting to have a camping permit for their property.

Thank you.
Frederick Gregg

Brandy Miller

From: Susan Patrick <d2j4patrick@gmail.com>
Sent: Tuesday, October 3, 2023 2:21 PM
To: Brandy Miller
Subject: Tom Cassidy request before the County Board Commissioners meeting tonight.

Good Afternoon Brandy,
This is Doug Patrick we have five taxable properties within close proximity to the Cassidy's. My wife and I wanted to send you our position to allow Tom and Tina Cassidy's request CU-10-23-7 for a Conditional Use Permit which would be used for private camping use on their property which is before the Planning Commission meeting tonight. We have no objections or issues with the Eaton County Planning Commission approving this request. This permit would allow them to have their family and friends there to camp and enjoy the summers at Saubee Lake. There should be no problems with this request as it would not have any negative impact on their surrounding neighbors.

Respectfully,
Doug and Sue Patrick

Sent from Mail for Windows

Brandy Miller

From: Kirt-Deb Gundry <kirtdeb@gmail.com>
Sent: Wednesday, September 27, 2023 7:54 AM
To: Brandy Miller
Subject: CU-10-23-7 Thomas and Tina Cassidy for a conditional Use Permit

Dear Ms. Miller

We are writing to you in regards to the public hearing for Thomas and Tina Cassidy's request for a Conditional Use Permit at 11066 W. St. Joe Hwy in Sunfield Township.

Our properties are adjacent to the west side of the Cassidys' property and we have no objection to their request.

Thank you,

Kirt and Debra Gundry

Brandy Miller

From: Gary Brown <garybrownsr@outlook.com>
Sent: Tuesday, October 3, 2023 1:07 PM
To: Brandy Miller
Subject: CU-10-23-7 - Conditional Use Permit to operate a Park and Recreational Facility (Private Camping)

Dear Miss Miller,

My name is Gary Brown, and I am the homeowner located at 10975 Irish Rd. I received this letter from your office about the mentioned file number and would like to let your office know that I have no problem with granting Thomas and Tina Cassidy this permit to allow them to have private camping on THEIR Property!

Sincerely,

Gary E. Brown Sr.

STAFF REPORT
CU-9-04-11

TO: EATON COUNTY PLANNING COMMISSION
KATHY TIRRELL – APPLICANT

ELIZABETH LARUE – PROPERTY OWNER

FROM: **EATON COUNTY COMMUNITY DEVELOPMENT DEPT.**

RE: Request by **Kathy Tirrell (Elizabeth LaRue, Owner)** for a **Conditional Use Permit** for a Parks and Recreation Facility per Art 5.3.16 of the Ordinance at 11066 W. St. Joe Highway, Sec 18 and 19, Sunfield Township.

HEARING DATE: Monday, September 13, 2004 at 7:00 p.m.

SUBJECT PARCEL: 11066 W. St. Joe Hwy, Vermontville, MI 49096
Property Code: 010-018-400-140-00 & 010-019-200-070-00

(Property owner/holder of land contract: 15752 M-68, Onaway, Michigan 49765)

SITE DATA:	**ON-SITE**	**SURROUNDING**
Size:	Approx. 1.45 Total Acres	
Zoning:	Limited Agriculture	Limited Agriculture & Commercial (C-1)
Land Use:	Residential	Residential
Site Use History:	Residential	Residential, commercial
Soil Class:	Non-Essential	Non-Essential
Road Class:	St. Joe Hwy **is not** a major road	n/a

OTHER LAWS: P.A. 116: No County Drain– SPR MDOT – n/a
Septic & Well Permit - SPR Road Commission – SPA DNR Permit - SPR

APPLICANT'S STATEMENT: PLEASE SEE ATTACHED APPLICATION AND STATEMENT.
The applicant requests a CUP for a "Saubee Lakeside Resort with boat launch, fishing boat rental, swimming beach and rustic camping. Operating hours are proposed to be 7 days a week, 7 am to 8 pm eery day. There will be one employee on site between 7 am and 8 pm. The property is owned by Elizabeth LaRue. The applicant, Ms. Tirrell, indicated that she is purchasing the land on a land contract and has applied for this permit.

The property is zoned low density residential. No new buildings are proposed. The business will use an exiting 10x20x10 building of unknown age that is on skids, a steel shed. The building will be used for a bait shop. There site plan shows a house, and another storage building on the site. The application indicates that the current use of the property includes a residence in a separate building.

The site is located within 500 ft of Saubee Lake, it does not lie in a designated flood plain and the application indicates no plans to construct or upgrade the access drive to the site that would cross a water body.

A hose run from the house will be the water source for employees and clients. The public restroom will be a porta potty. Ms. Tirrell will store boats, paddles, cushions and life jackets on the property adjacent to the lake (010-018-400-140-00). The application indicates one entrance to the site from a public street. O additional exits/entrances are planned. The driveway is not paved and does not have curb and gutter. The anticipated traffic to the site is listed as boat launches, trucks with boat trailers. No number is given. The application indicates proposed parking for 20 vehicles that is not paved nor lighted. Supplies will be brought to the site by light delivery trucks.

No conditional use permit has been granted for this site. The site was cited for violations of the ordinance.

Ms. Tirrell states a permit should be granted because, "No 1 This business has been in operation since 1937. No 2 I provide wholesome family recreation, fishing, camping, swimming, etc. No 3 I was told in

June of 2002 by county officials prior to purchasing this property would be grand fathered in for full operation. No 4 all neighbors purchased property while business was in operation or prior to with no complaints No 5 I am the only boat livery in Eaton County."

Site Plan Review

Approved	Denied	Approved	Denied
[x] Drain Commission©	[ ]	[ ] Ron Johnson	[ ]
[ ] MDOT	[ ]	[ ] Ron Wilson©	[ ]
[x] Building Official©	[ ]	[ ] Vicinity Mbr.	[ ]
[ ] Twp. Fire Dept.	[ ]	[x] Sunfield Twp.	[ ]
[ ] BEHD©	[ ]	[x] T-GSCD	[ ]

MAILING: Sixty-seven (67) surrounding property owners were notified.

Drain Commission: Approved with the comment "please don't require paved parking. **And the condition:** "SESC pemit required for any construction."

Construction Code: Approve with comment that "no buildings proposed, exist 10x20 ok."

Sunfield Township: The township recommended approval and sent a letter with an excerpt of their minutes. In summary, the minutes indicated that Ms. Tirrell is purchasing on land contract the business known as Saubee Lakeside Resort. The property has provided residents a boat launch, fishing, rental, rustic camping and a swimming beach. She operating in 2002, chose to be closed in 2003 and reopeneind in 2004 and was nofied she was in violation. Superviser Brown lives nearby and feels the operation has not been disruptive to the area. She has made the effort to clean up the place and is not proposing any type of recreation that wasn't already being offered before she took over. It was the consensus of the board that they do NOT oppose her operation as long as she is able to do what is needed to pass other portions fo the requirements set for business operating in the County.

Ron Wilson, site committee: Neither approved nor denied with comment" Concerned over the actual site plan and the grand fathered issue. Need clarification at 9-13-04 meeting.

SPECIFIC REGULATIONS: EATON COUNTY LAND DEVELOPMENT CODE
SECTION 5.3.16P PARK, PARKS AND RECREATIONAL FACILITIES:

5.3.16P Definition: A parcel of land, building or structure used for recreational purposes including, but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas and leisure time activities.

GENERAL REQUIREMENTS FOR APPROVAL: (Applicant must satisfy items A-F)

9.3.6 Basis of Planning Commission Decisions: The Planning Commission's decision will be based on compliance with the specific requirements contained elsewhere in this Ordinance, and the general standards listed below: **Items A-E**

❑ A. Compliance with the applicable Land Use Policies in the Eaton County Comprehensive Development Plan: Staff: This area is designated as **Resource Conservation** in the Eaton County Comprehensive Development Plan; therefore, the policies applicable are as follows:

This land use category is intended to address the desire of some to live on remote parcels within the undeveloped parts of the county. Land uses will be restricted to single family dwellings and accessory

buildings. Lot sizes may vary considerably, but the performance standards for this classification will favor proposals that do not exacerbate the fragmentation of farmlands or endanger sensitive environmental features. Clustered housing development that preserves significant tracts of open lands would be favored over large acreage single family lots.

B. Essential public facilities are adequately provided to the project, including, but not limited do, highways, streets, police and fire protection, emergency medical care, schools, storm water drainage, public transportation, and public recreation, or the owner/developer shall provide adequately any such service(s). Additional requirements at public cost for such facilities and services will not be detrimental to the economic welfare of the community.

☐ 1. Existing roads	☐ 4. Fire protection	☐ 7. Public transportation
☐ 2. Schools	☐ 5. Police	☐ 8. Public recreation
☐ 3. Storm water drainage	☐ 6. Emergency medical care	

C. Location and design of driveways providing vehicular ingress and egress, and automobile parking areas for the project are designed to avoid common traffic problems and promote the safety and convenience of vehicular and pedestrian traffic. The level of traffic generated by the project will not significantly or adversely impact the adjacent road system.

D. On-site sanitation facilities, if any, including sewage disposal, potable water supply, storm water, and solid waste disposal, are properly designed and capable of handling the project's long term needs including; *(SEE SPR)*

☐ sewage disposal	☐ potable water supply
☐ storm water	☐ solid waste disposal

E. The project is harmonious and compatible with the existing land use, natural features, and planned character of the adjacent property and general vicinity, and the project will not result in conditions that are detrimental to surrounding persons or property. Specifically;

a. prime agricultural soil	☐ major forests	☐ wildlife
b. water recharge areas	☐ wetlands	
c. lakes, rivers, or streams	☐ major sand, gravel, or mineral deposits	

9.3.7 Statements of Conclusion: The Planning Commission shall specify in writing the conclusions and findings on each request in terms of the general standards listed above in Section 9.3.6 of this Ordinance.

9.3.8 Required approval by Planning Commission: The Planning Commission shall approve a request for Conditional Use Permit for any applicant which fully meets the general standards and specific standards contained in this Ordinance.

9.3.9 Conditions of Approval: The Planning Commission may require reasonable conditions in conjunction with the approval of a Conditional Use Permit. Such conditions shall include conditions necessary to ensure that public services and facilities affected will be capable of accommodating increased service and facility loads caused by the proposed land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in socially and economically desirable manner. The conditions imposed shall be recorded in the minutes of the Planning Commission and on the Conditional Use Permit. These conditions shall remain unchanged unless a written request is submitted to the Planning Commission for change of conditions.

A request for change of conditions shall be scheduled for a public hearing before the Planning Commission. Prior to the hearing the request shall be reviewed under the appropriate Site Plan Review process. The recommendations from the Site Plan Review process shall be reported during the hearing. A public notice shall be mailed to all property owners within 300 feet of the Conditional Use Permit site. Approval of the change of conditions shall be granted only upon an affirmative vote of the majority of the Planning Commission. All changes shall be recorded in the minutes of the meeting and on the Conditional Use Permit.

COMMUNITY DEVELOPMENT STAFF COMMENTS:

This application was submitted following a number of discussions with Ms. Tirrell regarding operation of a resort business at the lake. Prior to her purchase of the property, it was cited for violations of the zoning ordinance for operation of un-permitted business activities. At that time (1999-2000) the owners resolved the pending violation by contacting the county code enforcement officer in Feb. 2001 that they

were no longer operating a business at that site. The violation file was closed. Later, when the business was restarted, the property owners of record were notified of the land use violation. Per the zoning ordinance Article 12, a legal non-conforming land use is any use of land in a district in which it is not a use permitted by right or site plan approval pursuant to the ordinance and can be show to have been established as a legal non-conformity during a time when there was no valid zoning ordinance or it was established under the jurisdiction of a previously valid zoning ordinance and it continues to remain in compliance with the terms of a permit issued at that time. We found no evidence of the previous legal establishment of this business. Neither the owners nor the applicant provided any evidence or proof that it had been legally established prior to the County ordinance requirements. A deputy from the Sheriff's Department did send a letter indicating that he had issued a permit to operate a boat livery to Terry and Beth Larue for a livery called "Larue's Landing" in 2001. However, upon visiting with him, Capt. Peacock clarified that he does not review or approve any land uses with the permit, he just assures that the boats are registered and that the applicant indicates there are sufficient life jackets available for the number of boats they plan to rent out at any one time. Even if the boat livery business were considered a legal non-conformity, when they discontinued operation of the business, it would be considered abandonment under the ordinance and the non-conforming use would loose its ability to continue without meeting current zoning requirements. Per the ordinance, just because another business was operated at the site in the past, the legal non-conforming use could not be changed in use (article 12.2.3E Substitution). The business with picnicking, camping, and operating a beach were not a boat livery business and the previous business was not "Saubee Lakeside Resort", it was "Larue's Landing" with a different mailing address than any included in the application materials. In summary, staff determined that this was not a "Legal Non-Conforming Use" per the ordinance criteria because there was evidence that the same business had not been continuously operated at the site since prior to ordinance requirements (letter from prior owners as well as township description of years not in operation), because the proposed (current) uses were not the same as the past uses (as a boat livery-Larue's Landing), because there were changes to the business description, its name, and its owner. The applicant, Ms. Tirrell, originally came to the Community development office suggesting that she planned to operate a hair salon from the property as well. Ms. Pigg told her that she should provide proof of the continued same business in order to be considered a legal non-conforming use. Failing that, she was told that her proposed business operation there would require a conditional use permit and/or rezoning. She has applied for a Conditional use permit to operate a resort business. The staff determined that the closest match to the ordinance would be a Park and Recreation facility.

Per the ordinance, a Park and Recreation Facility as provided for in Article 5 is a use allowed in an R-1 zoned area with a CUP. This business appears to meet the general description of a Park and Recreation Facility. Per the ordinance in article 5.3.16P, it is a parcel of land, building or structure used for recreational purposed including but not limited to playgrounds, sport fields, game courses, beaches, trails, picnicking areas, and leisure time activities could meet the description of this proposed business with its boat rentals, launch and picnic area. However, the proposed rustic camping may not be a similar use and the Planning Commission should discuss what activities or business uses of the property can be made if the permit is granted. The property, being zoned R-1, would not allow for a home business. Only a home occupation is allowed on R-1 properties with a site plan approval. The proposed uses do not include the home on this lot, so the proposed uses would not be considered a home occupation.

Parking in the amount of one space for every four persons of maximum anticipated capacity is required (Art. 10.4). The application does not describe maximum anticipated clients, but the application indicates there will be parking for 20 vehicles. The site plan does not show dimensions for that parking area but at 0.83 Acres, it appears large enough to accommodate 33 spaces (294 ft long / 9 ft per space) along the southern lot boundary. Per the ordinance, parking areas with ten or more spaces in an R2, R3 or C district must have paved parking, but this property is zoned R-1 residential, so it may not need paving. However, the ordinance requires that other lots may utilize an aggregate stone or gravel surface property graded for storm drainage. Said surfaces must be maintained and replaced. There is no indication of plans for surface of the parking area in the application. The Planning Commission should specify how many parking spaces must be maintained by the applicant and in what condition.

The ordinance provides some specifics for a park and recreation facility in the definition in Article 5. The Planning Commission may wish to review the definition of the business and then review the ordinance criteria in Article 9 regarding whether the proposed land use meets the general criteria for a Conditional Use Permit.

The Planning Commission should note that per Art. 9.3.6, the land use should be compatible with the natural features of the property. The County received a copy of a letter from the Michigan Department of Environmental Quality indicating that the property was in violation of some state laws due to unauthorized activity by placing a metal bulkhead, rock, and soil fill in Saubee Lake. A call to the DEQ office on September 1, 2004 confirmed that the violation is pending and has not been resolved. The Planning Commission may wish to discuss how this pending violation may relate to the use of that beach area of the property. In addition, no permits for a campground have been issued by the DEQ for this site. Such permits are required to operate a site with more than three campsites. There is no indication in the application how many rustic campsites are planned for the property, nor their location or accommodations.

Per the requirements in Article 9, the Planning Commission should specify how the project complies with applicable land policies, is provided all essential public facilities such as water, sewer, highways, emergency medical care, storm water drainage, etc. The Planning Commission should review and discuss the location of driveways and on-site sanitation facilities. As of this writing, the health department had not responded, but the Planning Commission may wish to review whether a hose from the residence and a porta-potty are sufficient to serve the proposed business. They should also discuss whether rustic camping on the less than one-acre lot meets the ordinance criteria. The Planning Commission may place any conditions designed to protect natural resources, health, safety, and welfare as well as the social and economic welfare of those who will use the land use and the community as a whole.

CONDITIONAL USE PERMIT APPLICATION

EATON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
1045 INDEPENDENCE BLVD., CHARLOTTE, MI 48813
517-543-7500 extension 684 FAX 517-543-7377

Applicant Name(s): Kathy TiRRell

Circle one (Property Owner) Representative
(must have ~~proof of ownership~~/owner permission)

Mailing Address:

Street 11066 W. St Joe Hwy

City ~~Charlotte~~ State ~~MI~~ zip 49813

Phone(s): N/P Vermontville Mi 49096

Property Address: (if different than above)

Street Same

Property Code: 010-019-200-070-00
010-018-400-140-00

Township: Sunfield

Office Use Staff will complete

Case No.: CU-9-04-11

Fee $400 check ✓ cash ____

Date received: 7-20-04

Eaton County Planning Commission
Hearing Date: 9-13-04

Decision: Approved Denied

Decision date:

Site Plan Review Committee
Committee meeting date:

Decision: Approved Denied

Decision date:

SITE DEVELOPMENT PLANS

1. **Please describe the business proposed for this site. (attach additional sheet if needed)**

Saubee Lakeside Resort - Boat Launch
Fishing boat Rental, Swimming Beach
Rustic Camping

2. **EMPLOYEES**

What Days will the business be in operation? 7 days/wk what hours each day? 7AM-8pm

How many employees will be on the site? 1
During what hours will they be on site? 7AM-8pm

3. **BUILDINGS**

The proposed conditional use permitted must comply with all applicable fire safety and emergency vehicle access requirements as well as other requirements of the State Construction Code, local Fire Code and the Eaton County Construction Code Department.

Will you construct or install any new building(s) or additions to exisiting structures? N/O

What are their dimensions (Width, Length, Height) ____

Construction Type ____

Proposed Completion Date: ____

Will any existing building(s) be used for the business?
Please provide the dimensions (Width, Length, Height) 10 X 20 X 10
Year Built Unknown Construction Type On Skids
Steel Shed
Describe the areas in the building and how they will be used. Bait Shop

PROPERTY INFORMATION

2. Current zoning of the property (*Circle one*) ***Information available from Community Development Dept.:***

Limited Agriculture (LA) (Residential (R1, R2, R3)) Commercial (C1, C2) Industrial Resource Conservation

3. Is the property enrolled in Public Act 116- the Farmland Preservation Act? Yes (No)

4. Please list all persons and/or firms with legal or equitable interest in this parcel
Both Terry hA Rue / Kathy TiRRell

5. Is the property located within 500 ft. of a stream, drain, lake, pond, or seasonally flooded wetland? (Yes) No (if yes, explain)
LAKE

6. Does the property lie within a designated 100 year flood plain? (If yes, the applicant should contact the MI Dept. of Environmental Quality for state permit requirements.) **Yes (No)**

7. Do you plan to construct or upgrade access drive(s) to the site that will cross a flood plain, seasonally flooded wetland, county drain, or stream? Yes (No) (if yes, explain)

8. Current Use(s) of the applicant property **(Please indicate if used as residence, agricultural, commercial, etc.):**
Residence Seperate building

9. Current Use(s) of other area properties: (Indicate if residential, agricultural, commercial, etc.)
Residential

10. PLEASE ATTACH A LEGAL DESCRIPTION OF THE PROPERTY

A legal description of the parcel is the deed, land contract, or tax information for a property. It must include any deed restrictions, easements, etc.

11. PLEASE ATTACH A SITE PLAN! (Please label with applicant name and page number)
A site plan is a scale drawing that shows the boundaries of the property, any structures, buildings on the property, public or private roads, driveways, easements, or other property features, and any natural features including bodies of water, wetlands, etc. The site plan must include the following:

a) **Property dimensions (measurements of all property boundaries, including road frontage).**
b) **Any easements or public right of way, including utility easements or ingress/egress.**

I belive this request should be granted

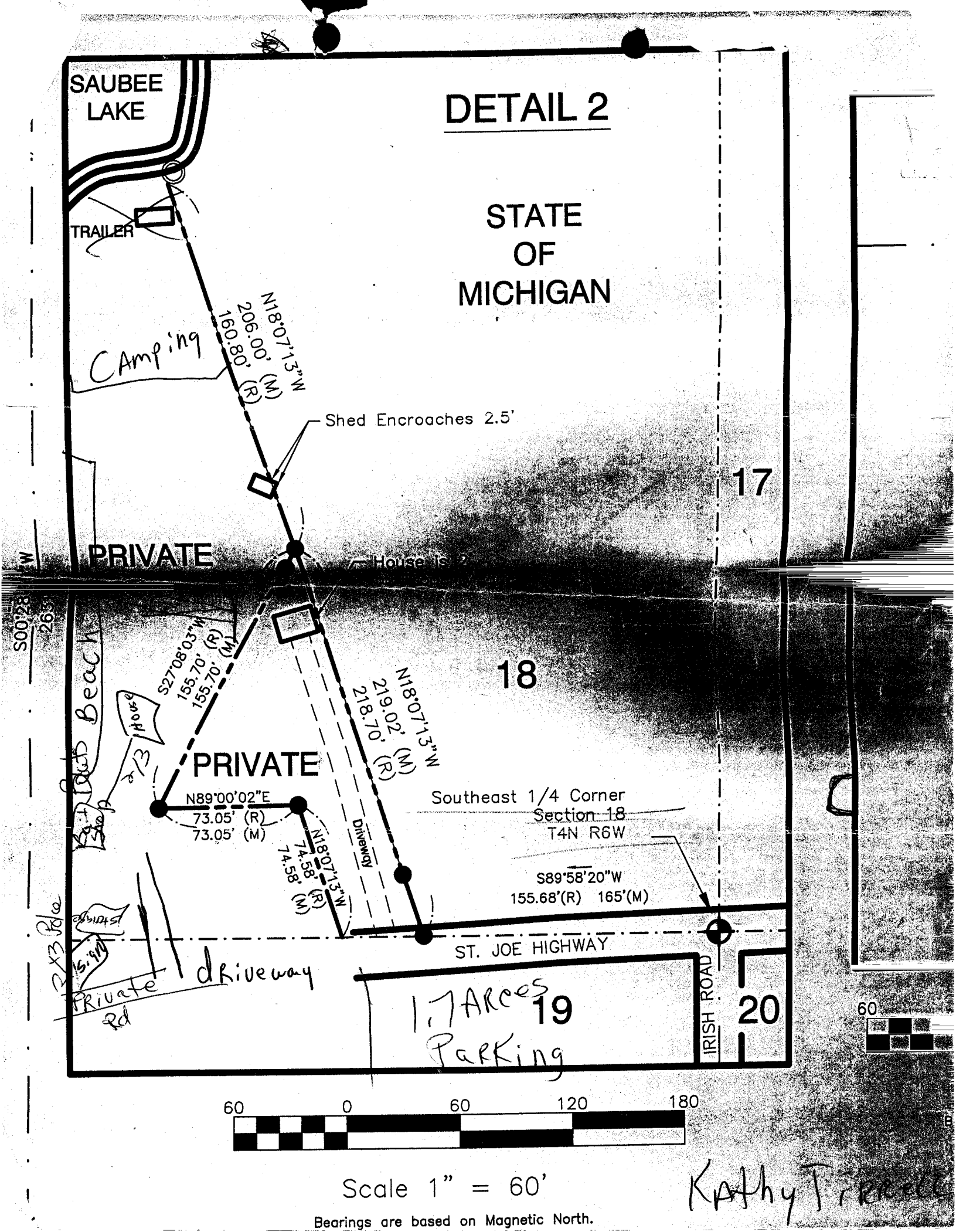
No1 this Bussiness has been in operation since 1937

No2 I provide wholesome family recrecation, fishing, camping Swimming etc.

No3 I was told in June of 2002 by county official prior to purchasing this property would be grandfathered in for full operation

No4 all neighbors purchased property while Bussiness was in operation or prior w/no complaints

No5 I am the only boat livery in Eaton Co.


DETAIL 2
SAUBEE LAKE
STATE OF MICHIGAN
TRAILER
Camping
N18°07'13"W
206.00' (M)
160.80' (R)
Shed Encroaches 2.5'
17
PRIVATE
House is 2'
S00°28'
263
18
S27°08'03"W
155.70' (R)
155.70' (M)
N18°07'13"W
219.02' (M)
218.70' (R)
House
PRIVATE
N89°00'02"E
73.05' (R)
73.05' (M)
N18°07'13"W
74.58' (R)
74.58' (M)
Driveway
Southeast 1/4 Corner
Section 18
T4N R6W
S89°58'20"W
155.68'(R) 165'(M)
ST. JOE HIGHWAY
Private driveway
1.7 Acres
Parking
19
20
IRISH ROAD
60 0 60 120 180
Scale 1" = 60'
Bearings are based on Magnetic North.
Kathy Tirrell

John Neelands Copy of
Map Showing DNR Property

Plat - map

Raised eyebrow at Lake frontage

did DNR Purchase land
recently do they own part of Tony
Walker Property

24,000

220.69 80% after

(bye) Surveys

90%

1/2 | 440.

2 yrs. Statute of Limitations

Contract Request

deadrat fund

Change Statute in Policy

Request

Pre Paid Legal for Bobby

To

Copy of Workshop 96.

EATON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
1045 INDEPENDENCE BLVD.
CHARLOTTE, MI 48813
(517) 543-7500 or 485-6444 ext. 678 Fax: (517) 543-7377
e-mail: apike@co.eaton.mi.us

June 21, 2004

6-28-04
Kathy, this needs to be taken care of.
Bett

ELIZABETH LARUE
15752 M-68
ONAWAY MI 49765

Dear Ms. Larue:

A recent inspection of your property indicates that you are in violation of the Eaton County Land Development Code (E.C.L.D.C) on your property at 11066 W. St. Joe Hwy Section 18, Sunfield Township. The property is zoned Low Density Residential (R-1) but a business "Saubee Lake Resort" is being operated on that parcel. As the property owner of record, you are held responsible for this violation. This is the **first NOTICE OF VIOLATION. You must remove the violation within thirty days (no later than July 23, 2004).** Per the Eaton County Land Development Code (Article 3.8.2B) if the violation remains, this office may seek either a criminal warrant or appropriate civil action against the property owner.

The ECLDC does allow for the operation of a "Parks & Recreation Facility" with a Conditional Use Permit. The definition of a Parks and Recreation Facility is: a parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sports fields, game courts, beaches, trails, picnicking areas and leisure time activities. If the business operated on the parcel meets this definition, you may wish to apply for a Conditional Use Permit to seek permission to operate the business that meets the ordinance criteria. An application is enclosed.

If you intend to resolve this violation by acquiring a Conditional Use Permit to operate a business that meets the ordinance criteria, you must submit the application with all required information and application fees by July 23, 2004.

If this violation is not stopped nor an application received that would rectify the violation by July 23, 2004, a **Stop Work Order** will be posted on the property. Failure to stop all work will result in the furtherance of the violation and the Eaton County Community Development Department may seek an immediate Temporary Restraining Order and/or other appropriate judicial relief from the Eaton County Circuit Court.

Please contact this office if you have any questions or concerns.

Sincerely,

Amy Pike

Amy Pike
Code Enforcement Official
Eaton County Community Development Department

Cc: Sunfield Township
Ms. Kathy Tirrell, possible business operator

file motion to put money in escrow

LAND CONTRACT

PARTIES

THIS CONTRACT, made the 22nd of March , 2002, between Terry and Elizabeth LaRue a married couple, of Vermontville, Michigan, hereinafter referred to as "Seller" and Kathy Tirrell a single woman, hereinafter referred to as "Purchaser," ***WITNESSETH,*** That in consideration of the mutual convenants to be performed between the respective parties hereto as hereinafter expressed and the sum of **$170,000.00** to be paid by the Purchaser to the Seller, as hereinafter specified between the parties hereto as follows:

$5,000.00 good faith money due upon signing of contract
$30,000.00 due in May 1st, 2002, Possession to be June 1st, 2002
$35,000.00 due January 7th 2003
There shall be a balloon payment of the balance on contract
Due in June 2005.

Payments to be due on the 7th of every month

may not issue payment 30.000 35,000 & House payment

DESCRIPTION

The Seller hereby sells and agrees to convey unto the Purchaser all that certain piece or parcel of land situated in the Township of Sunfield , County of Eaton, State of Michigan, and described as follows, to wit;

PARCEL #1 -Parking

COM. 207.6 FT W OF SE CORNER OF SEC. 18, N 17DEG W 75 FEET , W 73 FEET, N 27DEG 54MIN E 154.3 FEET N 17DEG W 160.8 FEET M/L TO SAUBEE LAKE, SWLY ALONG SHORE OF LAKE TO A POINT DUE N OF A POINT 478 FEET W OF SE CORNER OF SEC.18, S TO SECTION LINE, E 270.4 FEET TO BEG. SEC. 18, T4N, R6W, SUNFIELD TOWNSHIP

PARCEL#2

COM AT NE CORNER OF NE ¼, S 6 RODS, W 294.5 FT, N 50 FT , W 52.5 FT, S 2 FT, W 36FT, S 5 FT, S24DEG 14MIN W 43.9 FT, N 74 FT TO SEC. LINE, E 423 FT TO BEG. SEC 19, T4N, R6W SUNFIELD TOWNSHIP. Commonly known as: LaRue's Landing

Together with all tenements, hereditaments, improvements and appurtenances, including all lighting fixtures, plumbing fixtures, shades, venetian blinds, curtain rods, storm windows, storm doors, screens, awnings, if any and _N/A___ now on the premises, and subject to all recorded easements, conditions, encumbrances and limitations and to all applicable building and use restrictions, zoning laws and ordinances, if any, affecting the premises.

PRICE AND TERMS

2. Said Purchaser hereby purchases said premises of the Seller and agrees to pay the Seller therefor the said sum of **$170,000.00** Dollars in the manner following: ***$5,000.00 Dollars*** on delivery of this contract,

EATON COUNTY COMMUNITY DEVELOPMENT - PLANNING COMMISSION
1045 INDEPENDENCE BLVD.
CHARLOTTE, MI 48813
(517) 543-7500 or 485-6444 ext. 684 *Fax:(517) 543-8457* *spigg@eatoncounty.org*

RECEIVED
SEP 27 2004
By

CONDITIONAL USE PERMIT CU-9-04-11

Issued by: Eaton County Planning Commission on September 13, 2004

Issued to: **Kathy Tirrell, 11066 W. St. Joe Highway, Vermontville, MI 49096**

Site: **Saubee Lakeside Resort, 11066 W. St. Joe Hwy., Section 19 Sunfield Twp.**

The Eaton County Planning Commission, at their regularly scheduled public meeting on September 13, 2004 reviewed and approved a new request for an Parks and Recreation Facility per Art 5.3.16 of the Ordinance at 11066 W. St. Joe Highway, Sec 18 and 19, Sunfield Township. The permit is issued for the limited purpose of operating a Commercial Recreation Facility (boat launch, boat livery, bait shop, swimming beach, and rustic camping) on the existing property in accordance with all of the following requirements and conditions:

Requirements and Conditions

1. This Conditional Use Permit is granted only to Kathy Tirrell to operate the proposed "Saubee Lakeside Resort" with only boat launch, fishing boat rental, swimming beach, bait shop and rustic camping of up to three sites. The approval is based on the application materials provided on July 20, 2004 by Ms. Tirrell and the information discussed at the public hearing held September 13, 2004. This permit is valid only for as long as all of the following conditions are met.
2. Per the Land Development Code, any changes or variations from the submitted site plans and application will require review and reconsideration by the Eaton County Planning Commission. Any future expansions will require Planning Commission approval ***prior to*** commencement.
3. The applicant is responsible for obtaining approval for this operation from the **Barry-Eaton District Health Department** for the swimming beach, boat livery, bait shop, and rustic camping. **The applicant must provide proof of approval to the Community Development Department within six months of the granting of this permit (by March 30, 2005).**
4. The applicant is responsible for obtaining **approval for the site uses planned, resolving any pending violations with the Michigan Department of Environmental Quality**. The applicant must provide proof of such approval(s)/violation resolutions to the Eaton County Community Development Department **within six months of the granting of this permit (by March 30, 2005).**
5. The applicant may place one sign to identify the business. Per the ordinance Article 11.9, a ground sign may have a maximum display area of thirty-two (32) square feet with a maximum height of eight (8) feet.
6. The applicant must provide and place signs that clearly designate the parking area. The signs must direct patrons of the resort to park in the designated area only and discourage them from entering and/or turning around on the private road.

7. The applicant must add gravel and, if necessary, drainage tiles to the parking and driveway areas. The applicant is responsible for maintaining the parking and drive area of the business.
8. The applicant must install a Privacy Fence, which is six feet tall minimum and sight-proof on the western border of the property. The applicant must place the fence in a way that will limit or end trespassing by Resort patrons onto other properties.
9. The Business, as requested, is seasonal only and may operate seven days a week from May 1st to October 31st only.
10. The on the water hours (for swimming and boating) shall be 7:00 a.m. to 8:00 p.m. only.
11. There must be at least one management person present whenever there are patrons at the Resort.
12. The business must keep and maintain a port-a-potty at the site.
13. There may be a maximum of three rustic campsites with only one camping unit (tent, trailer, etc.) per site.
14. There may be a maximum of 12 boats rented out at one time.
15. There may be no jet skis or speedboats launched from this site.
16. The swimming area must be marked with buoys as it is currently.
17. The bait shop may continue to operate as currently operated. No additional area, products, or services may be added.
18. **This permit is granted only to Kathy Tirrell for the limited purpose of operating the Saubee Lakeside Resort** business at this site in compliance with all of the above conditions. This Conditional Use Permit **is non-transferable.**

Any interested person aggrieved by the decision of the Planning Commission may have that decision reviewed by the Board of Appeals at their next regular meeting or a special meeting called for that purpose.

A Special Land Use Permit shall be valid as long as the permitted use continues in accordance with the conditions, requirements, and site plan included in said permit. Provided, however, that an applicant must begin the proposed land use in compliance with the above requirements within six months of the granting of this permit (no later than March 30, 2005).

We have read the above limitations and conditions and agree to assume this conditional use permit and abide by the above limitations and conditions.

Kathy Tirrell
New Operator/Representative

Sept 25-2004
Date

11066 W. St Joe Hwy
Address Vermontville, Mi 49096

517 765 5060
Telephone

Cc: Sunfield Township
Construction Code Department
Road Commission
B-E District Health Department/Department of Environmental Quality

RECEIVED
SEP 27 2004
By

Eaton Co. Planning Comission CU-9-04-11

There are some conditions that I would like altered if possible with the boating hours. I had asked for 7am-8pm because I let the last boat on the water at 8pm not in at 8pm.

3. Contacted the health dept Permit 9-25-04 Left a message w/ Regina Young

4. Contacting Dave Pingle at DEQ at time of this writting, Mr Pingle was at lunch

6. I Contacted Steve Shaver Eaton Co. road commission to change parking signs reading (NO Parking this side of street) that I currently contributing to parking issues the problem is these run parrell to my parking lot. also inquiring about Private property Dead end Signs

7. I belive this was addressed at the meeting not to place gravel in parking area. this will only create Problems!

1. Children throwing gravel
2. gravel being pulled into road way
3. trucks when loaded are more apt to get stuck!
4. the Parking area has served itself well for the last 76 years this is flat grass area that drains into county drain in #1

8. I do not believe I can place an 8 ft privacy fence according to the rules for neighbors view of the lake cannot be blocked a 4 ft fence would serve the intended usage.

9. I am requesting that I be allowed to operate from April 1 thru Oct 31 as April is one of the best fishing mths

10. The hours for swimming are 10 Am - 8 pm I would like to request the boating hours be extended to dusk also because the best fishing hours on this lake an almost any lake are from 7:30 - 9:30 its only dark until 10.00 in June + July my boats have no lights and have to be in by dark

13. I will forward a letter from the Deq that stated I can have a maxim of 4 camp sites

15. As far as for Business purposes jet skis + speed boats are not allowed threw the launch only for fishing purposes do large boats enter the water + they keep it no wake -

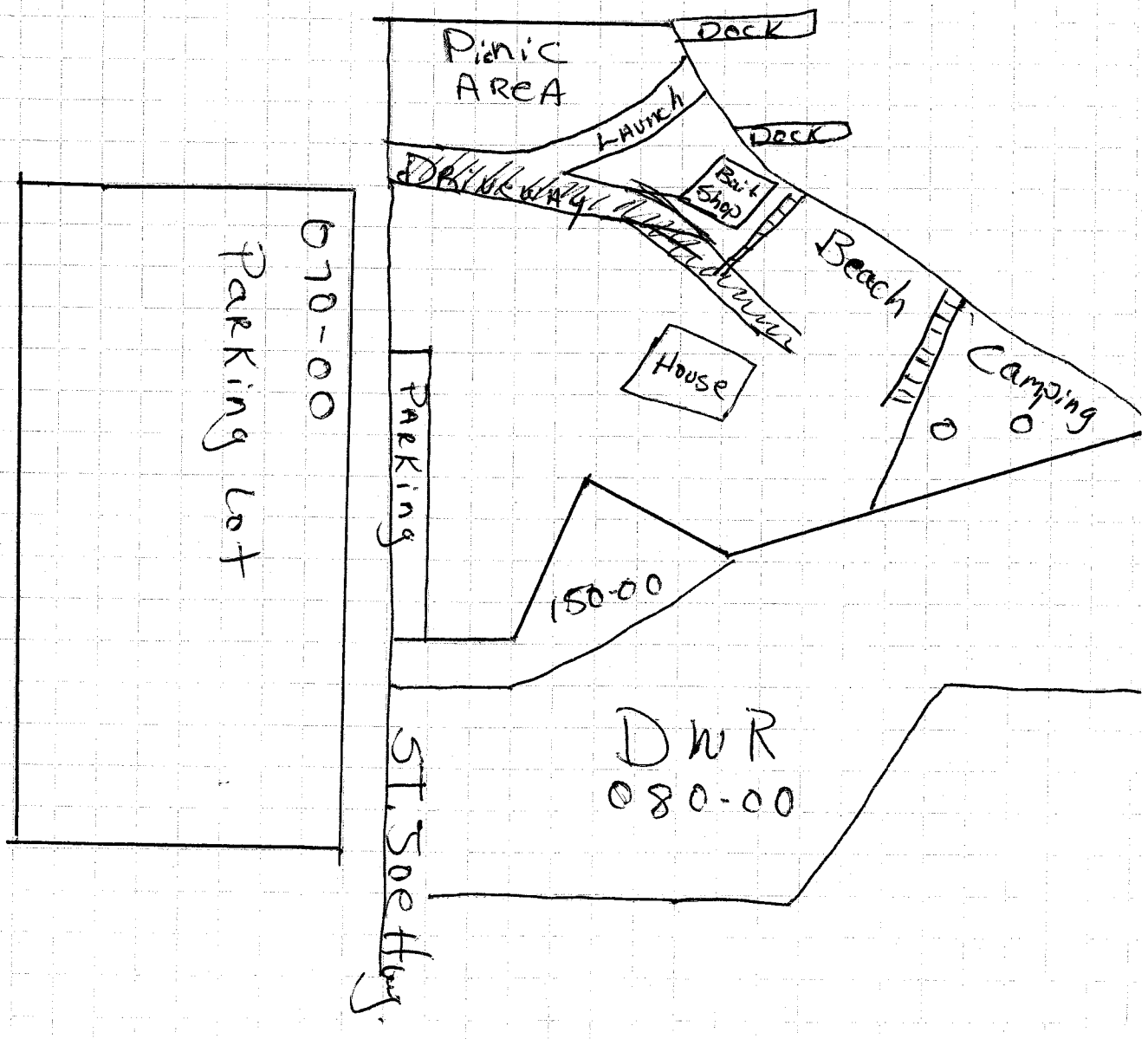
Several owners of property on the lake have speed boats & some jet skis or let theire friends on w/ such. I do let several neighbors launch without charge because this is the only way most of them can get there boats on the wate also I need to be allowed for my personal use to have the same boating right of other land owners.

Also are church or boy/girl scout Jamborees an allowable use?
In closing I would like to state that I am a widow w/3 children and have several thousands of dollars tied up in this Business!

Kathy Tweel

9-27-04

517-652-5060


Picnic AREA
Dock
Launch
Dock
Bait Shop
Driveway
Beach
House
Camping
070-00
Parking Lot
Parking
150-00
DWR
080-00
St. Joe Hwy.

Saubee Lakeside Resort Rules

Entrance charge $2.00 each

No Life Guard / Swim at own risk

1. No Alcohol in Picnic or Beach area
2. No Glass in Picnic or Beach area
3. No children under 12 without adult
4. Sorry no pets
5. No pushing + shoving on platform
6. No profanity, fighting etc.
7. Stay in swimming area
8. Stay in Beach + Picnic area
9. No shore fishing or on docks
10. Please take care of all trash, bottles etc. (containers provided)

Please Follow the rules. They are for your safety + the safety of others.

By entering you are agreeing to follow the above rules.

We are not responsable for injurys or accidents.

Thank You! Enjoy your day.

the staff of Saubee Lakeside Resort

EATON COUNTY COMMUNITY DEVELOPMENT - PLANNING COMMISSION
1045 INDEPENDENCE BLVD.
CHARLOTTE, MI 48813
(517) 543-7500 or 485-6444 ext. 684 ***Fax:(517) 543-8457*** *spigg@eatoncounty.org*

CONDITIONAL USE PERMIT CU-9-04-11

With conditions revised on October 5, 2004

COPY

Issued by: **Eaton County Planning Commission on September 13, 2004 then conditions 9 and 10 revised per applicant request and discussion at the October 5, 2004 public hearing.**

Issued to: **Kathy Tirrell, 11066 W. St. Joe Highway, Vermontville, MI 49096**

Site: **Saubee Lakeside Resort, 11066 W. St. Joe Hwy., Section 19 Sunfield Twp.**

The Eaton County Planning Commission, at their regularly scheduled public meeting on September 13, 2004 reviewed and approved a new request for an Parks and Recreation Facility per Art 5.3.16 of the Ordinance at 11066 W. St. Joe Highway, Sec 18 and 19, Sunfield Township. On October 5, 2004 at the regular public hearing of the Planning Commission, they heard and discussed a request from the applicant regarding the requirements and conditions. The permit is now issued for the limited purpose of operating a Commercial Recreation Facility (boat launch, boat livery, bait shop, swimming beach, and rustic camping) on the existing property in accordance with all of the following requirements and conditions:

Requirements and Conditions

1. This Conditional Use Permit is granted only to Kathy Tirrell to operate the proposed "Saubee Lakeside Resort" with only boat launch, fishing boat rental, swimming beach, bait shop and rustic camping of up to three sites. The approval is based on the application materials provided on July 20, 2004 by Ms. Tirrell and the information discussed at the public hearing held September 13, 2004 and again on October 5, 2004. **This permit is valid only for as long as all of the following conditions are met.**
2. Per the Land Development Code, any changes or variations from the submitted site plans and application will require review and reconsideration by the Eaton County Planning Commission. Any future expansions will require Planning Commission approval ***prior to*** commencement.
3. The applicant is responsible for obtaining approval for this operation from the **Barry-Eaton District Health Department** for the swimming beach, boat livery, bait shop, and rustic camping. **The applicant must provide proof of approval to the Community Development Department within six months of the granting of this permit (by March 30, 2005).**
4. The applicant is responsible for obtaining **approval for the site uses planned and for resolving pending violations with the Michigan Department of Environmental Quality**. The applicant must provide proof to the Eaton County Community Development Department that the approvals have been granted and also that the pending violation has been resolved **within six months of the granting of this permit (by March 30, 2005).**

5. The applicant may place <u>one</u> sign to identify the business. Per the ordinance Article 11.9, a ground sign may have a maximum display area of thirty-two (32) square feet with a maximum height of eight (8) feet.
6. The applicant must provide and place signs that clearly designate the parking area. The signs must direct patrons of the resort to park in the designated area only and discourage them from entering and/or turning around on the private road.
7. The applicant must add gravel and, if necessary, drainage tiles to the parking and driveway areas. The applicant is responsible for maintaining the parking and drive area of the business.
8. The applicant must install a privacy fence, which is six feet tall minimum and sight-proof on the western border of the property. The applicant must place the fence in a way that will limit or end trespassing by Resort patrons onto other properties.
9. **The Business is seasonal only and may operate seven days a week from April 1st to October 31st only.**
10. **The on the water hours for swimming shall be 7:00 a.m. to 8:00 p.m. only. The on the water hours for boating are 7:00 a.m. until dark.**
11. There must be at least one management person present whenever there are patrons at the Resort.
12. The business must keep and maintain a port-a-potty at the site.
13. There may be a maximum of three rustic campsites with only one camping unit (tent, trailer, etc.) per site.
14. There may be a maximum of 12 boats rented out at one time.
15. There may be no jet skis or speedboats launched from this site.
16. The swimming area must be marked with buoys as it is currently.
17. The bait shop may continue to operate as currently operated. No additional area, products, or services may be added.
18. **This permit is granted only to Kathy Tirrell for the limited purpose of operating the Saubee Lakeside Resort** business at this site in compliance with all of the above conditions. This Conditional Use Permit **is non-transferable.**

Any interested person aggrieved by the decision of the Planning Commission may have that decision reviewed by the Board of Appeals at their next regular meeting or a special meeting called for that purpose.

A Special Land Use Permit shall be valid as long as the permitted use continues in accordance with the conditions, requirements, and site plan included in said permit. Provided, however, that an applicant must begin the proposed land use in compliance with the above requirements within six months of the granting of this permit (no later than March 30, 2005).

We have read the above limitations and conditions and agree to assume this conditional use permit and abide by the above limitations and conditions.

_____ _____

New Operator, Representative Date

_____ _____

Address Telephone

Cc: Sunfield Township
Construction Code Department
Road Commission
B-E District Health Department/Department of Environmental Quality

EATON COUNTY
PLANNING COMMISSION MINUTES
September 13, 2004

Call to order: Chair Brian Ross called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, 1045 Independence Blvd, Charlotte, MI 48813.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: **Present:** Brian Ross, Harlan MacDowell, Marilyn Rutter, Duane Tirrell, Mandy Dellinger, Ron Johnson and John Forell **Absent:** Dave Roberts and Ronald Wilson **Staff Present:** Claudine Hannold, Brandy Hatt and Susan Pigg

Agenda Approval: A motion was made by **Commissioner MacDowell** to approve the agenda for the September 13, 2004 meeting. **Commissioner Dellinger** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Tirrell** to approve the minutes of the June 1, 2004 meeting. **Commissioner Johnson** supported. Motion carried.

Public Comments: none.

CU-9-04-11: Request by Kathy Tirrell for a Conditional Use Permit for a Parks and Recreation Facility (boat livery and camping) per Art 7.4A.4H of the Ordinance at 11066 W. St. Joe Highway, Sec 18 and 19, Sunfield Township.

Commissioner Terrill stated that the applicant is his sister-in-law and requested to be excused from the case. **Commissioner Rutter** moved to excuse **Commission Tirrell** from this case and **Commissioner Johnson** seconded. Motion carried.

Commissioner Rutter stated that she visited the property yesterday (9/12/04) and spoke with Ms. Tirrell, but has not made a formal decision regarding the application yet.

Staff Report: Ms. Pigg read staff report. The size of the parcel is approximately 1.45 acres; the property is zoned Low Density Residential (R-1); the surrounding zoning is Limited Agriculture (LA) and Low Density Residential (R-1); Current land use is residential; surrounding uses are residential and agricultural. St. Joseph is not a major roadway.

Ms. Pigg also read recently received letters from the Health Department and 7 surrounding property owners.

Agency responses: Drain Commission, approved with comment; MDOT, no comment; Building Official, approved with comment; Health Dept, denied w/comment; Thornapple Grand, approved; Township, approved w/comment; Site Plan Review Member Wilson, did not approve or deny with comment; A notice was posted in the paper and sixty-five (65) surrounding property owners were notified.

Commissioner Ross asked if the business could be considered a Home Business. Ms. Pigg said there is not enough information to determine that. The Board may wish to discuss that. The application did not refer to a residence. Using the information provided by the applicant staff determined the business best fit the Parks and Recreation Facility description.

Commissioner Rutter asked if the parking should be paved or not. Ms. Pigg stated that anything under 10 spaces may use aggregate stone, not paving. The application allows for 20 spaces, but does not state how the area will be surfaced.

Applicant Statement: Ms. Kathy Tirrell, 11066 W. St. Joseph, Vermontville, MI. Ms. Tirrell said that she had a few concerns. The first of which was the business never ceased to exist, there has always been a boat livery there. She stated that she has receipts from customers renting boats in 2002 and a letter and pictures from 1928 to present from Elizabeth Larue (land owner) proving her point. She also stated that the township letter was incorrect. She was only unable to operate the business in August of 2003 due to a car accident. Ms. Tirrell asked if everyone that swims in the lake takes a shower before they enter the lake. She feels like she is being picked on. The people that live around the lake knew the business was there. If they did not like the business they should not have bought their property. The property owners are not there all of the time, only during the weekends. Ms. Tirrell stated that she has made improvements to the property and no longer allows alcohol. She tries to provide a family atmosphere. Ms Tirrell stated that the Road Commission put up a sign in an attempt to stop the traffic from going down the private road part of St. Joseph. All of the people that drive down the road are not from her business. Ms. Tirrell stated that she is the only boat livery in Eaton County. She tells customer they are to use trolling motors only. She stated that she rents out fishing boats, kayaks and canoes and it should not bother the neighbors. Ms. Tirrell also stated that several of the residents from around the lake buy pop and ice cream from her bait shop. Ms Tirrell stated that she has a letter that says that if she has less than four campers she would not need to have a permit. Ms. Tirrell stated that she does not blame the residents for not wanting the business, but it has been there for many years and they knew it was there.

Commissioner MacDowell asked Ms. Tirrell if she lived on the property. Ms. Tirrell said that she only lives on the property during the summer months because the house does not have a furnace.

Commissioner MacDowell asked Ms. Tirrell if the lake was a no wake lake. Ms. Tirrell responded no. She added that she only rents trolling motors, but she let customers with motors launch. She has only had a problem with one person in three years.

Commissioner MacDowell questioned Ms. Tirrell about the pending DEQ violation. Mr. Tirrell stated that she was not aware of that. She sent them photos and didn't think it should be a problem with them and they never responded.

Commissioner Dellinger asked Ms. Tirrell if she planned on have more camp sites. Ms. Tirrell stated that she did not plan on having more campsites. She said she had applied for a variance to have more campsites, but was denied. **Commissioner Dellinger** also asked about Ms. Terrell's boats. Ms. Tirrell said she has 13 fishing boats, 6 kayaks and 3 canoes.

Commissioner Forrell Questioned how many campsites Ms. Tirrell could have. Ms. Pigg stated that the Health Department says up to 5 with no permits. The Ordinance says she must comply with the Health Department and DEQ. Ms. Tirrell stated that she has a letter saying she could have 4 campsites. **Commissioner Dellinger** asked Ms. Tirrell where she received the letter from. Ms. Tirrell stated that she could not remember.

Commissioner MacDowell asked Ms. Terrill if she would be operating the business all year. Ms. Tirrell stated that the business would be seasonal. She would not be open in the winter.

Commissioner Forell asked Ms. Tirrell if there was a state owned access to the lake. Ms. Tirrell said yes.

Commissioner Rutter Questioned how many parking spaces would be available. Ms. Tirrell stated that there would be 6-10 parking spaces.

Commissioner Dellinger asked Ms. Tirrell if there is a port-a-potty on the property? Ms. Tirrell said yes.

Commissioner MacDowell stated the he was concerned about the letter from the DEQ. Ms. Tirrell stated that she wrote back and forth with the DEQ. She asked for a reply back within 10 days and left messages, but had not heard back. This had lead her to believe that the problem was resolved. As far as Ms. Tirrell

was concerned she made improvements to the lake. Ms. Tirrell stated that she had pulled rail ties, tires and other debris out of the water. She also pushed rock, sand, gravel and 20 yards of dirt up against a piece of corrugated metal for the shore. **Commissioner Ross** asked Ms. Pigg how she had obtained the letter from the DEQ. Ms. Pigg stated a copy was sent to the office. It was put in Ms. Tirrell's violation file.

Commissioner Dellinger asked to see the pictures that Ms. Tirrell had made reference to.

Commissioner MacDowell asked about the privacy fence. Ms. Tirrell stated that her neighbor that owned the fence had taken the fence down. She was not sure if the fence could be put back up because she thought it was in violation for blocking another neighbors view of the lake.

Commissioner Forell asked Ms. Tirrell if it was going to be an issue to resolve the matter with the DEQ. Ms. Tirrell stated that it would not be a problem. **Commissioner Forell** asked Ms. Tirrell if she had sent the letters to the DEQ by certified mail. Ms. Tirrell had stated that she had not, but that she did have a fax receipt for a letter that she had faxed to the DEQ. **Commissioner Forell** asked Ms. Tirrell if she was going to allow jet ski to launch from her property. Ms. Tirrell stated that she would not.

Speakers in Favor:
Bev Brown, Sunfield Township Supervisor. Ms. Brown said the township did not oppose Ms. Tirrell's request to operate the business because they thought she had enough obstacles to overcome and if she could overcome those it could be ok. Ms. Brown also stated that she is a resident of the Saubee Lake area and as a resident she does not oppose Ms. Tirrell's business.

Commissioner Ross asked if the lake could be accessed from the state land. Ms. Brown stated that you could, but that you would have to carry your boat to the water. **Commissioner Ross** also asked Ms. Brown if there is an association for the property owners of the lake. Ms. Brown said there was not an association for the lake.

Drew Marks, 11858 W. St. Joseph. Mr. Marks stated that he has lived on Saubee Lake for 29 years and has been associated with the lake for 41 years. Mr. Marks believes the lake has a lot of use the public should have access to. Mr. Marks stated that Ms. Tirrell's property is the only boat launch on the lake. Mr. Marks also stated that the state land access is primitive and to launch from the state land access, you would have to carry your boat. Mr. Marks also stated that he concurs with Ms. Walkers letter. Mr. Marks stated he believes the business adds character to the lake.

Speakers Opposed:
Kirt Gundry, 11098 W. St. Joseph. Mr. Gundry stated he agrees that with restrictions the business could work. Mr. Gundry also stated that he would also like to have the fence put back where it was. The noise and other issues distract from his enjoyment of the lake. Customers of Ms. Tirrell's have started to trespass on his property. Mr. Gundry also stated that there is not and never has been an association for the lake. Mr. Gundry confirmed that the state land access to the lake is primitive and that you have to carry your boat to the water.

Public portion closed at 8:04 p.m.

Commissioner Forell stated that he had visited the site. He remembered it from when he was a child. He stated that he thought Ms. Tirrell had done a nice job cleaning up the business, but that she would still need to be in compliance with the Health department and DEQ to operate. He also stated he did not think there was a parking issue. He could see where people would drive down the road and thought that the business could use better signage. **Commissioner Forell** asked Ms. Pigg about local and state camping requirements, specifically water requirements. He stated that the board should limit the amount of boat that the business can rent out at once.

Discussion was held regarding the Heath Department and DEQ. **Commissioner MacDowell** stated that the board should focus on the land use. It is up to the applicant to work out the differences between the Health Department and the DEQ.

Commissioner Rutter questioned if the board was to approve could they approve with the condition that Ms. Tirrell complies with the Health Department and DEQ regulations? Ms. Pigg stated that the Board could require written documentation from both departments that Ms. Tirrell complies with their rules.

Commissioner Dellinger suggested that restrictions be put on how many boats Ms. Tirrell could rent out at one time. **Commissioner Dellinger** also questioned if the Board should limit the amount of horsepower the motors on the boats could have.

Commissioner Rutter stated that the Conditional Use Permit should be non-transferable.

The Commissioners discussed boat rentals and launching, signage and privacy fencing.

Commissioner Dellinger moved to approve CU-9-04-11 (Kathy Tirrell, applicant) for a Conditional Use Permit for a Parks and Recreation Facility (boat livery and camping) per the application and ordinance with the following conditions:

1. Applicant must provide written approval from the Barry-Eaton District Health Department and DEQ for the business (boat livery and rustic campground) to the Eaton County Community Development Office.
2. Appropriate signs must be posted designating the business parking and preventing customers from driving down the private road.
3. Business operation is to be seasonal, only from May 1 through October 31.
4. Gravel must be added to the driveway and parking area and drain tile should be added if necessary.
5. Port-a-potty is to remain on the property and be maintained.
6. A 6 ft privacy fence must be installed on the property's west side to prevent patrons from trespassing.
7. There may be a maximum of three (3) campsites at a time with a maximum of one camping unit (tent or trailer) per site.
8. A maximum of 12 boats can be rented out at a time.
9. Hours of operation on the water for boats and swimming will be 7:00 a.m. – 8:00 p.m.
10. No jet ski or speedboats can be launched from this site.
11. The CUP is non-transferable

Commissioner Forell supported.

Discussion was held regarding additions to the conditions.

Commissioner MacDowell moved to add the following friendly amendments to the conditions:

12. One management person must be on site when ever any customers are present.
13. Swimming area must be marked with buoys.
14. Bait shop store may continue as currently described.

Commissioner Johnson supported.

A roll call was taken with five (5) voting aye, and one (1) voting nay. Motion carried.

CU-9-04-12: Request by Union Church of 5 Corners for a Conditional Use Permit for a Religious Institution under Art 14.22 of the Ordinance at 4012 Marshall Rd, Sec 1, Walton Twp.

Staff Report: Ms. Pigg read staff report. The size of the parcel is Approximately 7.17 acres; the property is zoned Low Density Residential (R-1); the surrounding zoning is Limited Agriculture (LA) and Low

Density Residential (R-1); Current land use is a religious institution; surrounding uses are residential and agricultural. Marshall Road is a major roadway.

Agency responses: Drain Commissioner, approved w/comment; Health Dept, approved; Road Commission, approved w/comment; Building Official, approved w/ comment; Fire Department, approved w/ comment; MDOT, approved; Site Plan Review Member Johnson, approved w/comment; A notice was posted in the paper and eighteen (18) surrounding property owners were notified.

Commissioner MacDowell asked what the Health Department comments were. Ms. Pigg answered that the Health department had denied the application the first time, but had approved it this time.

Applicant Statement: Ms. Kelly Klienfelt, representative of Union Church of 5 Corners, 4012 Marshall Road, Charlotte, MI. Ms. Klienfelt stated that she was confused by the Road Commissions comment, but will do what they have to get the CUP. They are only reapplying because the original CUP expired before they could pave the parking area and build the pavilion.

Commissioner MacDowell stated that he would not like to see the pavilion rented out. Ms. Klienfelt stated that the pavilion would only be rented out to members of the church congregation.

Commissioner Rutter questioned the continual flea market being held at the property on the weekends. Ms. Klienfelt stated that it was to help pay for the building and paving costs. **Commissioner Rutter** asked Ms. Klienfelt how long the church planned on having the flea market for. Ms. Klienfelt stated that she was not sure.

The Commissioners and Ms. Klienfelt discussed the rental of the property and tables. **Commissioner Ross** stated that the Board needed to be careful about the restrictions they put on the church's use of the property to raise funds.

Speakers in favor or opposition: none

Public portion closed at 8:54 p.m.

Commissioner Ross asked if the gravel area was being expanded. Ms. Pigg stated was not indicated in the application. She stated that the Board may want to include Road Commission requirements in their motion.

Commissioner Rutter questioned the signage. Ms. Pigg stated that the Board may want to specify that it remain same. The Commissioners discussed the possibility of restricting the rental of the property and fundraising.

Commissioner MacDowell moved to approve CU-9-04-12 (Union Church of 5 Corners, applicant) for a Conditional Use Permit for a Religious Institution per the application and ordinance requirements.

Commissioner Forrell supported.

A roll call was taken with seven (7) voting aye, and none (0) voting nay. Motion carried.

CU-9-04-13: Request by John Ray and Laura Detweiler for a Conditional Use Permit for a Home Business (grocery store) under Art 14.13 of the Ordinance at 5757 West Kinsel Highway, Sec 6, Carmel Township.

Staff Report: Ms. Pigg read staff report. The size of the parcel is Approximately 24.38 acres; the property is zoned Limited Agriculture (LA); the surrounding zoning is Limited Agriculture (LA); Current land use is a residential and agricultural; surrounding uses are residential and agricultural. Kinsel Road is not a major roadway.

Agency responses: Drain Commissioner, comment; Health Dept, denied w/comment; Road Commission, denied w/comment; Building Official, approved; Fire Department, approved; MDOT, comment; Site Plan Review Member Johnson, approved w/comment; A notice was posted in the paper and seventeen (17) surrounding property owners were notified.

Commissioner Tirrell stated that the Health Department and the Road Commission had denied the application so if the Board were to approve the application, Mr. Detweiler would still need to follow their requirements. **Commissioner Tirrell** questioned if the business could be classified as a farm market. Ms. Pigg read from article 14.1 the definition of farm market as including seasonal produce. The application described a business that included much more and since it is located near their residence staff thought home business article 14.13 would be a better fit. The Planning Commission may wish to discuss how to best classify this business.

Applicant Statement: Mr. John Detweiler, 5757 West Kinsel Highway, Charlotte, MI. Mr. Detweiler apologized for not going through this process in the first place. He stated that he had called the zoning department and the Health Department to get approval to operated the business. The store hours were 8:00 a.m. to 6:00 p.m. The new business hours are Saturday 8:00 a.m. to 4:30 p.m. Mr. Detweiler stated that he realized that the welding was listed in the Chamber of Commerce flyer, but that it was not part of this business.

Mr. Detweiler stated that Ms. Weaver form the Health Department had approved his business. Ms. Pigg clarified that Ms. Weaver is with the Michigan Department of Agriculture not the Barry-Eaton District Health Department. She noted that per the Michigan Department of Agriculture website, applicants are responsible for meeting all of the local regulations as well as their licensing requirements.

Commissioner MacDowell questioned if the business was a grocery store. Mr. Detweiler said yes. They buy bulk foods and break them down for sale in smaller quantities. **Commissioner MacDowell** asked for examples of the items Mr. Detweiler buys and breaks down. Mr. Detweiler stated that he buys things like oats, flour, wheat and candy and re-packages them into smaller amounts. **Commissioner Dellinger** asked if Mr. Detweiler sold milk or pop in the store. Mr. Detweiler said no.

Commissioner MacDowell asked Mr. Detweiler how he would comply with the rule that requires him to produce 85% if the items he is selling in his store and asked Mr. Detweiler if he was currently complying with this rule. Mr. Detweiler said no. **Commissioner MacDowell** stated that this was really a commercial business, that is why the Health Department and the Road Commission denied the application. Mr. Detweiler asked how a arts and craft shop would be different from his business. **Commissioner MacDowell** stated that the arts and crafts must also be made on the property where the business is being conducted.

Commissioner Ross noted that the Road Commission was concerned with the semi-truck traffic and questioned Mr. Detweiler about the number of deliveries he receives. Mr. Detweiler stated that he receives 1 to 2 deliveries a month. **Commissioner Forrell** asked Mr. Detweiler if the road weight limits were met. Mr. Detweiler stated that one of the truck drivers is aware of the weight limits. He also stated that if the weight limit was a problem, he would have the truck go somewhere else and unload and then he would just go pick up he merchandise with a smaller truck.

Commissioner Rutter questioned if all eight (8) employees live there. Mr. Detweiler said yes. He also stated that he would not hire any other employees.

Commissioner Dellinger questioned if Mr. Detweiler has adequate parking. Mr. Detweiler stated that he has parking for 9 vehicles. **Commissioner MacDowell** stated that he was concerned about the type of products Mr. Detweiler was selling in his store. He asked Mr. Detweiler what his intent was. Will he just sell grain or will he sell other products. **Commissioner MacDowell** stated that if Mr. Detweiler was to sell the other products his store would be considered a commercial store.

Commissioner Dellinger asked Mr. Detweiler if he would be selling refrigerated products. Mr. Detweiler stated that he sells eggs, butter and cheese. **Commissioner Tirrell** asked Mr. Detweiler if he selling baked goods in his store. Mr. Detweiler stated that he does not now because the baked goods need to be made in a licensed kitchen. However, his mother has a licensed kitchen down the way so they may in the future.

Speakers in Favor:
Stephen Tilmann, 2441 N. Stine Road, Charlotte. Mr. Tillman feels that the business is a community resource. It is important to see people working in the field. We should have a policy to support this kind of activity. He stated that there was a store similar to it, but it has gone out of business. Mr. Tilmann also stated that many of the customers are not Amish. He stated that there is adequate parking. The store is closed on Sunday. Mr. Tilmann said that the delivery trucks come down the road once every two weeks but the milk trucks going to the other farms go down the road all of the time.

Jack Short, 4115 West Kinsel, Charlotte. Mr. Short stated that all of the land that fronts on Kinsel is Amish owned. He thinks the store is an asset to the community. Mr. Short stated that he realized that Mr. Detweiler needed to follow the rules, but a CUP is better then spot zoning. Mr. Short feels that it is better for the Amish women to go to Mr. Detweiler's store then to Wal-Mart.

Debbie Gothberg, 3449 Carlisle Highway, Charlotte. Ms. Gothberg is a customer of Mr. Detweiler's store. She stated that Parking is not an issue, and the store enhances the community. It is a good place to buy spices for canning. She would recommend the store to anyone. Ms. Gothberg feels that the store brings in revenue to the county. She would rather shop at Mr. Detweiler's store than go to Meijer. **Commissioner MacDowell** asked Ms. Gothberg what products she buys at the store. Ms. Gothberg stated that she buys spices, molasses, homemade noodles and cheese. She also stated that it is a clean store. **Commissioner MacDowell** asked Ms. Gothberg if she would limit the amount of product the store could sell. Ms. Gothberg stated that she feels that the size and location of the store limits that amount of product they sell.

Speakers Opposed: None

Public portion closed at 9:42 p.m.

Commissioner Rutter stated that calling the business a store clearly puts it in violation of the Ordinance and she feels it is a commercial store. **Commissioner Tirrell** asked if there was a way for Mr. Detweiler to add more homemade items to his store. **Commissioner Rutter** stated even if he could he would, it would still be a commercial business and not a home business as described in the ordinance.

Commissioner Forell stated that he has a hard time calling the business a commercial business with the amount of sales the store has. He would like to see the store continue, but is not sure how. **Commissioner Rutter** stated that they (Planning Commission) need to limit the home business. Lots of places start out small and grow. She also stated that they do not have the power as the Planning Commission to override the ordinance limitations on home businesses nor to allow a commercial business as described in the ordinance to go into a limited agriculture zoned parcel. **Commissioner MacDowell** agreed with Commissioner Rutter, but would still like to approve the business with restrictions so it will not grow.

Commission Dellinger asked about the 15% rule for home businesses where as the Ordinance says only 15% of the products sold can be made or assembled off site. If Mr. Detweiler repackages the items he sells, is that considered made-at-home or not

Commissioner Rutter stated that it was a great business, but if the Planning Commission was to grant approval how could they justify limiting the next home business that applies for a CUP.

The Commissioners discussed re-zoning the property with Ms. Pigg. Ms. Pigg noted that the ordinance does not provide for a dual zoned parcel, where only an area within the parcel is commercial. Also, she notes the staff report indicates that the area is master planned for agricultural uses per the County Comprehensive Development Plan. She noted that the Planning Commission has the authority to grant permits for a variety of businesses and they could look over the Ordinance to see it they could find another description that better fits this particular requested business.

Commissioner Forell asked Ms. Pigg what the difference was between a farm market and a grocery store. Ms. Pigg read the definition of a Seasonal Farm Market from article 14.1 noting that seasonal farm markets sell produce and are seasonal. This proposed business has been designated a grocery store by the Michigan Department of Agriculture and sells mostly non-produce items year round. **Commissioner Dellinger** stated that nothing in the Zoning Ordinance covers the bulk foods except a grocery store.

The Commissioners discussed the definition of Home Business.

Commissioner Forell asked if the Planning Commission could say having the grocery store is helping their farm business. **Commissioner Terrill** commented that there were pending disapprovals from the Health Department and Road Commission but that they had been evaluating this business as if it were commercial. Ms. Pigg reminded the Planning Commission that, per Article 9 of the Ordinance, the Planning Commission can not approve a application if it does not meet the criteria laid out by the Health Department and Road Commission requirements.

The Commissioners discussed how to approve the application or whether they should table the discussion until they were able to completely review the ordinance. **Commissioner Forell** moved to table the application until the October Planning Commission meeting pending the applicant providing information about how they can get approval from the Health Department and the Road Commission.

Commissioner MacDowell supported
A vote was taken all were in favor. Motion carried.

Other Business:
Dan Knickerbocker, Designer Built Homes (CU-9-01-19) sent in a letter requesting an extension to condition H of their permit to operate a golf course with a clubhouse. The letter states that Designer Built Homes ran out of funds to build the clubhouse in the allotted time and would like an extension of that condition so they can build when they are in a better financial status.

Commission MacDowell moved to grant a one (1) year extension to Condition H of CUP 9-01-19 with a note that no other extensions would be granted.

Commissioner Rutter supported
A roll call was taken with five (7) voting aye, and none (0) voting nay. Motion carried.

Ms. Pigg reviewed the status of a number of pending code violations. Letters regarding these were included in the packet.
Upcoming cases: 2

Public Comments:
Stephen Tilmann, 2441 N. Stine Road, Charlotte. In regards to **CU-9-04-13,** Mr. Tilmann stated that he questioned the 15% rule for a home business. He thinks that repackaging the product is assembling it. He also stated that he does not understand why the Health Department would be able to approve or deny the application because there is not any water or sewer hook up in the building.

Commissioner Johnson moved to adjourn the meeting. **Commissioner Forell** supported. Motion carried.
The meeting adjourned at 10:35 p.m.

EATON COUNTY
PLANNING COMMISSION MINUTES
October 5, 2004

Call to order: Chair Brian Ross called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, 1045 Independence Blvd, Charlotte, MI 48813.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: **Present:** Brian Ross, Harlan MacDowell, Marilyn Rutter, Duane Tirrell, Mandy Dellinger, Ron Johnson, Dave Roberts and Ronald Wilson **Absent:** John Forell **Staff Present:** Sue Pigg and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Rutter** to approve the agenda for the October 5, 2004 meeting. **Commissioner MacDowell** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner MacDowell** to approve the minutes of the September 13, 2004 meeting. **Commissioner Johnson** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner MacDowell** to approve the minutes of the September 20, 2004 meeting with the corrections suggested by Ms. Pigg. **Commissioner Johnson** supported. Motion carried.

Public Comments: none.

CU-10-04-15: Request by Randy Merrill for a Conditional Use Permit for a Home Business (taxidermist shop) as described in Art 14.13 of the Ordinance at 4833 Carlisle Highway, Sec. 20, Carmel Township.

Staff Report: Ms. Pigg read the staff report. The size of the parcel is 1 acre; the property is zoned Limited Agriculture (LA); the surrounding zoning is Limited Agriculture (LA) and Low Density Residential (R-1); Current land use is residential; surrounding uses are residential and agricultural. Carlisle is not a major roadway.

Agency responses: Drain Commission, approved; MDOT, approved; Building Official, approved with comment; Health Dept, approved with comment; Thornapple Grand, approved; Vicinity Member Tirrell, approved with comment; A notice was posted in the paper and eleven (11) surrounding property owners were notified.

Applicant Statement: Mr. Randy Merrill, 4833 Carlisle Highway, Charlotte. Mr. Merrill stated that he is on temporary disability. He stated that he has attended classes to learn the trade of taxidermy to help supplement his income. Mr. Merrill stated that with the help of the electric lift the taxidermy work is within his disability restrictions. Mr. Merrill also stated that his clients will be required to take any unused material with them. There will not be any fats or oils going into the septic system. He also stated that he will be using salt, Tide laundry detergent, and hair conditioner to tan the hide of the animals. It is his belief that there will not be an environmental impact. Mr. Merrill stated he would like to have two signs. One at the road and one on the pole barn.

Commissioner MacDowell asked Mr. Merrill for clarification on the number of signs and the size and location of the signs. Mr. Merrill stated that he would like to have two signs, one 2ft x3ft sign at the road and one 4ft x 8ft sign made out of plywood on the peak of the barn.

Commissioner MacDowell asked Mr. Merrill if he would be working in the pole barn. Mr. Merrill said yes.

Commissioner Roberts stated that the ordinance only allows Mr. Merrill to have one sign. He asked Mr. Merrill which sign he wanted to have. Mr. Merrill stated that he would like to have the sign at the road so people can see his business.

Commissioner MacDowell asked Mr. Merrill if he would be open for business on Sundays. Mr. Merrill stated that he would not. He stated that he adjusted his hours to accommodate hunting seasons. Mr. Merrill stated that he only processes deer and bear. He will not process fish therefore he will not have a need for a ventilation system for painting. **Commissioner MacDowell** asked Mr. Merrill what he business hours would be. Mr. Merrill stated that his business hours will be October through December, 10:00 a.m. to 4:00 p.m., Monday through Saturday and January through September, 8:00 a.m. – 4:30 p.m.

Speakers in Favor: None

Speakers Opposed: None

Public portion closed at 7:16 p.m.

Commissioner Tirrell moved to approve CU-10-04-15 (Randy Merrill) for a Conditional Use Permit for a Home Business (taxidermist shop), per the application and ordinance with the condition that one sign may be put at the road and the normal home business restrictions per the ordinance.

Commissioner Rutter supported.

A roll call was taken with eight (8) voting aye, and none (0) voting nay. Motion carried.

CU-10-04-16: Request by Ronald and June Stall for a Conditional Use Permit for a Commercial Garage as described in Article 14.19C of the Ordinance at 8990 West Lawrence, Section 10, Kalamo Township

Staff Report: Ms. Pigg read the staff report. The size of all three parcels is approximately 0.4 acre; the property is zoned Commercial (C1); the surrounding zoning is Limited Agriculture (LA); Current land use is commercial; surrounding uses are residential and agricultural. Both Ionia Road and Lawrence Highway (M-79) are major roadways.

Agency responses: Drain Commissioner, approved; Road Commission, approved with comment; Building Official, approved with comment; Site Plan Review Member Wilson, approved w/comment; Kalamo Township approved. A notice was posted in the paper and thirty (30) surrounding property owners were notified.

Commissioner Rutter questioned the size of the lot and the size of the building and whether the planning commission could or could not approve the business or if the case would have to be heard by the Board of Appeals. Ms. Pigg stated that the building already exists and it is a use allowed with a CUP per the ordinance.

Commissioner Dellinger asked what the Eaton County Road Commission and MDOT were requiring. Ms. Pigg stated that both agencies are requiring that the entrance be brought to commercial standards which usually include paving the apron and curb to control the tracking of gravel onto the already paved road surface. **Commissioner Dellinger** asked what the requirements were for the parking lot. Ms. Pigg stated that MDOT does not have any requirements for the parking lot. She also stated that the zoning ordinance would require that the parking lot be paved if the lot had 10 or more parking spaces, but that is not the case.

Commissioner MacDowell asked if the current building complies with the ordinance requirements. Ms. Pigg said yes. She also stated that the building was built in 1984 with a variance from the Board of Appeals. **Commissioner MacDowell** asked if the addition will meet the setbacks. Ms. Pigg stated that it would not meet the current side setbacks, but it was built to meet the commercial requirements at that time. The addition will not cover more then 50% of the property.

Commissioner Roberts asked Ms. Pigg about the new site plan provided at their seat today. Ms. Pigg stated that it was a drawing to clarify the applicants intent for the building. She stated that the applicants would explain it when they speak. She has not reviewed it.

Applicant Statement: Ronald and June Stall, 5360 Scott Road, Nashville. Mr. Stall stated when he bought the business it was called Fassett Auto Body. He stated that the business never closed. He stated that he and his lawyer were not aware that he needed a Conditional Use Permit to operate the business. He thought he was just taking over an existing business. Mr. Stall explaining the drawing that was passed out prior to the meeting stated that the existing paint booth will be taken down leaving a 13 ft X80 ft cement pad. Mr. Stall stated that that area will be used to store the vehicles he will be working on. He also stated that he plans to put a fence around the cement pad. Mr. Stall stated that the building id located 140 ft from M-79 and 179 ft from Ionia Road. He stated that the building will be 50 ft from the clear vision area as per MDOT's requirements. Mr. Stall stated once all the construction is done the building will be a total of 80 sq ft bigger. Mr. Stall stated that the sign for the business is located 75 ft 3 inches from the building and MDOT approves of its location. He also stated that MDOT widened the driveway and put in a culvert for him last year. Mr. Stall stated that the 22 ft x 36 ft addition to the end of the building will be a paint booth. He also stated that the new paint booth will bring the building up to code. There will be a tank outside of the paint booth. There will be a cement wall and containment area for spills, if that should ever happen. Mr. Stall stated Bruce Dittmer, with Construction Code, asked him to hire an architect to design the addition and he has. Mr. Stall stated that they are trying to bring the building up to code and make it presentable for the community. He said he was not sure what he was getting into when he bought the building. As far as he knew he was buying an existing and legal business.

Commissioner Roberts asked Mr. Stall how many days a week the business would be open. Mr. Stall stated that he would be open Monday-Friday primarily and Saturdays if needed. He also stated that he has been approached by insurance companies and other business to do work on their vehicles. **Commissioner Roberts** suggested the permit allow 6 days operation and they can close if they wish.

Commissioner Dellinger asked Mr. Stall if he was willing to put up the required 6 ft opaque fencing and upgrade the entrance to the drive. Mr. Stall stated that he was willing to do whatever it took.

Mr. Stall stated that the construction of the office may need to be delayed. He would like to bring the building up to code and install the new paint booth first.

Commissioner Rutter if the cars that he was not working on would be parked on the concrete pad. Mr. Stall stated that a vehicle would be on the pad only if it did not fit in the shop.

Commissioner MacDowell asked where the paints and thinners would be stored. Mr. Stall stated that all paints and chemicals would be stored in the paint booth and the mixing room. He also stated that everything would be grounded per the requirements. Mr. Stall stated that he has also installed a CO2 fire retardant system per the requirements. He stated that if there were a fire the system would kick on before the fire department got there.

Speakers in Favor:
Kelly Williams, 220 W. Main, Vermontville. Ms. Williams stated that Mr. Stall has worked on several of their vehicles. She is very satisfied with the work and feels that Mr. and Mrs. Stall are professional and offer impressive service to customers.

Jerry Sheerin, 1120 Gordan, Lansing. Mr. Sheerin stated that he works for a paint supplier that supplies Mr. Stall with paint. He stated that both Mr. and Mrs. Stall have taken classes and completed a certified paint program.

Daniel Dever, 537 Hall Circle, Ft. Hvechvca, AZ. Mr. Dever stated that he is a son-in-law to Mr. and Mrs. Stall. Mr. Dever stated that when Mr. and Mrs. Stall bought the business it was a hole in the ground. He stated that Mr. Stall has put a lot of time and money into the business. He also stated that the business looks great and he encouraged the Board to support it.

Greg Sparks, 2510 Double Bogic Drive. Mr. Sparks stated that he met Mr. and Mrs. Stall through Mr. Fassett. He stated that he introduced Mr. and Mrs. Stall to the architect they hired. Mr. Sparks stated that he feels Mr. Stall will do what ever is necessary to bring the building up to code. He encourages the Board to approve this request.

Speakers Opposed: None

Public portion closed at 7:49 p.m.

Commissioner Dellinger stated that the cars on site should be stored behind an opaque fence and hours could be Monday through Saturday, 8:00 a.m. to 5:00 p.m.

Commissioner MacDowell moved to approve CU-10-04-16 (Ronald and June Stall) for a Conditional Use Permit for a Commercial Garage, per the application, the ordinance requirements, they must satisfy the Health Department and Road Commission requirements, they must install an opaque 6 ft fence and hours may be 8:00 a.m. to 5:00 p.m., Monday through Saturday.

Commissioner Wilson supported.

A roll call was taken with eight (8) voting aye, and none (0) voting nay. Motion carried.

Other Business:

CU-9-04-13 (tabled from September 13, 2004): Request by John Ray and Laura Detweiler for a Conditional Use Permit for a Home Business (grocery store) under Art 14.13 of the Ordinance at 5757 West Kinsel Highway, Sec 6, Carmel Township.

Commissioner Rutter moved to remove CU-9-04-13 from the table. **Commissioner Dellinger** supported. Motion carried with all voting aye.

Ms. Pigg offered clarification for the attachments the Planning Commission received before the meeting. One attachment was a letter from Mr. Detweiler making reference to two other approved home businesses (Millers and Detweiler). Another attachment was a letter from the Barry Eaton District Health Department stating that they had re-examined the request and reiterated they denied the request.

Commissioner MacDowell asked Ms. Pigg if the Health Department had denied the request due to the fact that the Detweilers do not have an appropriate sanitary system to serve this type of use. Ms. Pigg said yes.

Commissioner Tirrell asked how the Department of Agriculture could approve it. Ms. Pigg stated that she does not know, but the Health department said that the Department of Agriculture was looking in to the problem. The Department of Agriculture requires the approval of the Health Department before they can make an approval. They also, per their website, require local zoning approval before hand.

Ms. Pigg stated that she has left messages with the Eaton County Road Commission to find if they had re-evaluated their recommendation, but she did not get another response. Their original recommendation is in the file and staff report.

Commissioner Rutter stated that the business still does not meets the ordinance requirements for a Home Business, nor another agriculture land use.

Commissioner MacDowell stated that even if they had met the requirements of a Home Business, they do not have the approval of the Health Department, which is needed.

Commissioner Tirrell asked the Planning Commission if they should invite Mr. Detweiler to speak. **Commissioner Ross** stated that the Planning Commission already heard from Mr. Detweiler and had his letter and all of the additional information they requested. He did not feel that Mr. Detweiler needed to add anything.

Commissioner MacDowell moved to deny CU-9-04-13 on the basis of lack of Health Department and Road Commission approval, that more then 15% of the items sold are manufactured out of the home which does not meet the ordinance requirements, and that a grocery store is a uses allowed on commercial lots.

Commissioner Roberts supported

A roll call was taken with eight (8) voting aye, and none (0) voting nay. Motion carried.

CU-9-04-11: Request by Kathy Tirrell to amend her Conditional Use Permit for a Parks and Recreation Facility (boat livery and camping) per Art 7.4A.4H of the Ordinance at 11066 W. St. Joe Highway, Sec 18 and 19, Sunfield Township, that was granted on September 13, 2004.

Commissioner Johnson moved to excuse **Commission Tirrell** from this case and **Commissioner Roberts** seconded. Motion carried.

Commissioner MacDowell asked Ms. Pigg what exactly it was that Ms. Tirrell wanted. Ms. Pigg stated that Ms. Tirrell wanted changes to the conditions of her permit they issued lat month and she listed them in her letter.

Commissioner Rutter asked Ms. Pigg about the request to not put down gravel. Ms. Pigg stated that the gravel requirement is per the ordinance and the Eaton County Road Commission suggestion. Ms. Pigg also stated that if Ms. Tirrell did not feel that gravel was a good idea then she could pave the parking area.

Commissioner Rutter and Ms. Pigg discussed the fencing. Ms. Tirrell wants to install a 4 ft fence, but her Conditional Use Permit requires her to install a 6 ft fence. **Commissioner Rutter** stated that she did not feel that that item should be changed due to the fact that it was a request from the surrounding neighbors.

Commissioner Dellinger stated that she would consider changing the months of operation from May 1 to October 1 to the requested April 1 through October 31st.

Commissioner Rutter and Commissioner Dellinger discussed changing the hours of operation from 7:00 a.m. to 8:00 p.m. to the requested 7:00 a.m. to 10:00 p.m. **Commissioner Dellinger** stated that she feels that the hours that were put in place are suitable for Ms. Tirrell's business and the neighborhood. **Commissioner Rutter** stated that she feels that extending the hours of operation to 10:00 p.m. is a reasonable request. **Commissioner Roberts** stated that he feels that have the hours of operation from

7:00 a.m. until dark is reasonable. He stated the hours would change with the season. He also stated at times it gets dark at 7:30 and that is when the boats would need to be in. **Commissioner Rutter** agreed, but stated that the swimming hours should stay the same as they are in the current Conditional Use Permit.

Commissioner Rutter moved to change the following conditions for CU-9-04-11 to read as follows:

3. Business operation is to be seasonal, only from April 1 through October 31.
9. Boating hours will be from 7:00 a.m. until dark. Swimming hours will be from 7:00 a.m. to 8:00 p.m.

Commissioner Roberts supported

A roll call was taken with seven (7) voting aye, and none (0) voting nay. Motion carried.

Chairperson Ross announced that the City of Charlotte approached the County Zoning Office and invited them to discuss possible plans for a joint master plan and Planning Commission for the areas of Eaton and Carmel Township that surround Charlotte. **Chairperson Ross** stated that he met with the Charlotte mayor and manager. They have contacted the townships and plan to apply for a grant to hire a facilitation and planning firm to assist. **Chairperson Ross** invited discussion. The Commissioners expressed interest and suggested continuing discussion. Some expressed concern that another layer of zoning could undermine coordination by creating new layers of jurisdiction. They asked who would staff or administer the effort and how the details would work of who serves and what land is covered. The Commissioners agreed that Ms. Pigg should inform and update the County Commissioners regarding this and they suggested **Chairperson Ross** continue meeting with the City of Charlotte to explore and gain more information without committing the County.

Ms. Pigg reported that all code violations that had court ordered clean ups have been paid up to date.

Upcoming cases: 2

Public Comments: None

Commissioner MacDowell moved to adjourn the meeting. **Commissioner Johnson** supported. Motion carried.

The meeting adjourned at 8:55 p.m.

EATON COUNTY
PLANNING COMMISSION MEETING
May 3, 2005

Call to Order: Chair Brian Ross called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI 48813.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Brian Ross, Dave Roberts, Marilyn Rutter, Duane Tirrell, Harlan MacDowell, Dave Wilson. Ronald Johnson, Joyce Kennedy, John Forell and Mandy Dellinger
Staff Present: Claudine Hannold and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Rutter** to approve the agenda for the May 3, 2005 meeting. **Commissioner Wilson** supported. Motion carried. **Commissioner Ross** pointed out that the agenda had approval for the April 5, 2004 minutes instead of April 5, 2005 minutes.

Minutes Approval: A motion was made by **Commissioner MacDowell** to approve the April 5, 2005 minutes as printed. **Commissioner Johnson** supported. Motion carried.

Public Comments: Ms. Babette Burnett, 7155 W. Lawrence Hwy., stated that she currently has a conditional use permit to operate a craft shop on her property (CU-6-04-08). Ms. Burnett said she would like permission to allow other area crafters to sell their self made products on her lawn during a craft sale to be held on or about June 2nd and 3rd. Ms. Burnett stated that each vendor will put money in to help pay for the advertising of the event. **Commissioner Forell** stated he does not see a problem with the craft sale. **Commission Kennedy** asked Ms. Burnett is she had enough parking? Ms. Burnett stated that she has two (2) acres of land with plenty of room for parking. **Commissioner Rutter** asked Ms. Burnett if this is a one time only event. Ms. Burnett stated it was. She said the intent of the craft sale was to draw business to her store. **Commissioner Kennedy** asked if the Planning Commission could limit the request to one sale. **Commissioner Ross** said yes. **Commissioner MacDowell** stated parking should not be allowed in the road. Ms. Hannold stated Ms. Burnett's permit covers the parking requirement.

Commissioner Forell moved to allow Ms. Burnett to have a two-day craft show that is operated within her current Conditional Use Permit. **Commission Johnson** supported

CU-5-05-06: Request by Gregory Akin for a Conditional Use Permit for an Agricultural Business (Seasonal Farm Market) per Art 14.1 of the Ordinance at 2355 S. Royston Road, Sec 30, Eaton Rapids Twp.

Staff Report: Ms. Hannold read the staff report. She stated the applicant has requested a Conditional Use Permit to operate an Agricultural Business, Seasonal Farm Market.

Applicant: Mr. Akin stated he was not sure where to start. **Commission Ross** suggested that Mr. Akin address some of the concerns from the staff report. Mr. Akin stated that he and Ms. Pike communicated back and forth regarding his business and the signs. Mr. Akin said he did not know there were rules for his business. He said when Ms. Pike informed him he needed a Conditional Use Permit he applied. Mr. Akin stated he is applying for a seasonal farm market, not a moral mushroom business.

Mr. Akin quoted a portion of Article 14.1 from the ordinance and added that he feels the confusion lies in the fact that the mushrooms are not grown on his property. He said his intent is to operate a small business that would provide gourmet produce and specialty items. It's also possible he would want to sell sweet corn from/for local farmers. Mr. Akin stated he had information from the Michigan Department of Agricultural and was aware of all of the rules and regulations regarding farm markets and wild mushrooms. Mr. Akin read a copy of a letter he wrote to Ms. Pam Weaver with Michigan Department of Agricultural regarding his business. He added again that his business would be a small operation. Mr. Akin said he would like clarification on the signage for his farm and for the business. He said he would like to have a sign identifying his farm along M-50 and another sign for the business on Royston by his driveway. Mr. Akin noted that he already had permission from MDOT to place a sign on M-50. Mr. Akin said he has enough acreage for parking on his property. He stated he was unsure of his hours of

operation, however, he would like to only be open when he is home. Mr. Akin addressed the concern of Eaton County Road Commission regarding dust from the driveway. He stated he has one entrance off of Royston Road that forks off on his property. He stated one fork is a private drive to his home and the other goes to the barn for the business. Mr. Akin said a barn and a green house on the property would be used for the business. Mr. Akin stated his business is a small time business called Micro Farms.

Commissioner MacDowell asked Mr. Akin if the business was a seasonal farm market. Mr. Akin stated it was. **Commissioner MacDowell** asked Mr. Akin if the products he sells are all grown on his property. Mr. Akin stated some of the products are grown on his property others would be brought in. **Commissioner MacDowell** asked Mr. Akin how much of the product sold would be grown on his property. Mr. Akin stated eighty to ninety percent (80-90%) of the products sold would be grown on his property and ten to fifteen percent (10-15%) of his products, like the mushrooms would be brought in from other locations. Mr. Akin stated the mushrooms he would sell would be documented and would satisfy Michigan Department of Agricultural requirements.

Commissioner MacDowell stated Mr. Akin could have on sign. Mr. Akin asked for clarification because he said he would like one sign on Royston Road for his business and one sign on M-50 for his farm. Mr. Akin said his understanding of the ordinance allows his seasonal farm market to have a sign and allows for an additional sign for his customary farm operation. **Commissioner MacDowell** asked Ms. Hannold for clarification from the ordinance. Ms. Hannold read the ordinance sign requirements for a seasonal farm market and a customary farm operation. **Commissioner MacDowell** asked Mr. Akin if his sign would be 4' x 8'. Mr. Akin stated it was approximately that size. Mr. Akin explained the location and purpose of each sign. He stated that he would like to put a sign identifying the business on Royston Road and a sign identifying the farm on M-50. **Commissioner MacDowell** stated Mr. Akin could put a sign on his pole barn if he would like to. Mr. Akin stated he had no plans to put a sign on his pole barn.

Commissioner Ross asked Mr. Akin if the months of May to November would be sufficient for business operation. Mr. Akin stated it was. **Commissioner Ross** asked Mr. Akin if business hours from 10:00 a.m. – 6:00 p.m., Monday through Friday would be sufficient. Mr. Akin stated that would be fine, however he would like to be open on the weekends as well. **Commissioner Rutter** asked Mr. Akin if he would have an open and closed sign. Mr. Akin stated he would. **Commissioner Rutter** suggested Mr. Akin's business hours be 10:00 a.m. to 6:00 p.m. seven (7) days a week. **Commissioner MacDowell** stated he did not want to see this turned into a retail business. **Commissioner Kennedy** questioned if the ordinance definition of a seasonal farm market allowed for the sale of produce that was not grown on-site. Mr. Akin stated he does not interpret the ordinance that way and that he would like to sell other farmers products. **Commissioner Tirrell** asked Mr. Akin if he expected to exceed two thousand dollars ($2,000.00) in sales per season. Mr. Akin said no. **Commission Tirrell** stated his interpretation of the ordinance was any business with $2,000,00 and under in sales must grow product on-site and is not required to be permitted. However, any business wanting to bring in off-site products or plans for sales over $2,000.00 would require a permit.

Commissioner Ross pointed out that Eaton County Road Commission and Eaton Rapids Township asked that there be no driveway off of M-50. **Commissioner Kennedy** commented that Eaton Rapids Township requested the permit be reviewed in two (2) years. **Commissioner Dellinger** asked Mr. Akin if he was planning to change the driveways at all. Mr. Akin stated he is not.

Speakers in favor: Mr. Dave Wilson, Eaton Rapids Township Trustee. Mr. Wilson said the township was concerned that a driveway may be installed off from M-50 in the future. He also noted that the township would like clarification on the hours of operation. Mr. Wilson said the township would like the permit to be non-transferable. **Commissioner Ross** asked Mr. Wilson's opinion on the business being open from May through November, seven (7) days a week, 10:00 a.m. – 6:00 p.m. Mr. Wilson stated he was fine with that. Mr. Wilson stated another Township concern was that the business would grow to be much larger, which was why the township requested a two (2) year review.

Speakers in opposition: None

Public portion closed at 7:42 p.m.

Commissioner Ross stated Mr. Akin could have a 32 square foot sign to identify the business. **Commissioner MacDowell** stated Mr. Akin could also have a sign on his pole barn. **Commissioner Ross** said Mr. Akin did not request a sign on his barn. At the request of the Planning Commission Ms.

Hannold read a portion of article 11 of the ordinance to clarify the sign issue. Ms. Hannold stated Mr. Akin would like a sign for his business and a sign for his customary farming operation. **Commissioner Kennedy** and **Commissioner Rutter** both thought Mr. Akin should be allowed to have two (2) signs, because the farming sign would be an exempt sign. **Commissioner Ross** felt once the business was established that Mr. Akin would no longer be eligible for the exempt sign. **Commissioner Dellinger** pointed out that as proposed both signs really would be for the business and possible not for the farm at all. **Commissioner Roberts** stated if the sign on M-50 was only advertising the farm, then another sign should be allowed on Royston Road identifying the business. Discussion was held in reference to the number, size and location of signage.

Commissioner Dellinger suggested allowing Mr. Akin to have two signs, as long as they were different and not advertising the same thing. For example one sign would clearly be for the business and the other clearly be for the customary farm operation. **Commissioner Ross** said if Mr. Akin was allowed to have two (2) permanent signs he would like the sign on Royston Road be limited to 16 square feet (4'x4') and the sign on M-50 be limited to a maximum of 32 square feet.

Commissioner Roberts stated Mr. Akin must comply with the Michigan Department of Agriculture requirements for the mushrooms. Ms. Hannold asked the Planning Commission to clarify if Mr. Akin's business would be considered a home business or a seasonal farm market. **Commissioner Tirrell** stated the business would be a seasonal farm market.

Commissioner Rutter moved to approve CU-5-05-06 (Gregory Akin) for a Conditional Use Permit for an Agricultural Business (Seasonal Farm Market) per the application, site plan, all zoning ordinance requirements and the following conditions:

1. Hours of operation may be during the months of May through November only from 10:00 am – 6:00 pm, seven (7) days a week.
2. Compliance with the requirements of the Michigan Department of Agricultural must be met at all times.
3. Two (2) signs are permitted on the property. One sign on Royston Road not to exceed sixteen (16) square feet and one sign on M-50 not to exceed thirty-two (32) square feet.
4. There may be no access off from M-50 to the business.
5. A permit review shall be conducted in two (2) years.
6. The Conditional Use Permit shall be non-transferable.

Commissioner Wilson supported

A roll call was taken with ten (10) voting aye and none (0) voting nay. Motion carried.

Mr. Akin asked the Planning Commission if he was allowed to operate his business before he received a letter from Eaton County Community Development. **Commissioner Ross** stated Mr. Akin could operate his business as long as he met all of the conditions of his permit.

CU-5-05-07: Request by Deborah Snody for a Conditional Use Permit for a Home Business per Art 14.13 of the Ordinance at 135 W. Santee Highway, Sec. 12, Chester Twp.

Staff Report: Ms. Hannold read the staff report. She stated the applicant has requested a Conditional Use Permit to operate a Home Business.

Commissioner Rutter questioned if the applicants needed to file for a conditional use permit due to the nature of their business (no retail sales or traffic generation). Ms. Hannold read a part of the definition for home business from the ordinance to clarify that yes, per the ordinance a permit was needed. **Commissioner Kennedy** asked if the applicants were proposing any employees. Ms. Hannold said per their application no. **Commissioner Forell** said he felt the Planning Commission should give the applicants their money back. Ms. Hannold stated that there are other businesses with similar circumstances operating in the County with Conditional Use Permits that they were also required to obtain. **Commissioner Ross** requested the applicant come forward.

Applicant: Mr. Snody stated he and his wife have been making shaker boxes and dried flower arraignments for several years. He said they used to make them as gifts and now have decided to turn it into a business. Mr. Snody stated there property has not changed in any way. He stated that the pole

barn was approximately 125 feet away from the home and that approximately 325 square feet of it was being used for the business. Mr. Snody stated while the site plans shows the property being 2.19 acres; he actually owns 70 acres in the area. He added that he would like the Planning Commission to refund his money.

Commissioner Forell asked Mr. Snody about his volume of sales. Mr. Snody stated he has not sold any products yet. Mr. Snody stated he and his wife have always made the products at there home, they have decided to sell them now because they are retired. Mr. Snody stated he will be going to approximately five (5) craft shows this year. **Commissioner Forell** asked Mr. Snody if he has a sign that identifies his business. Mr. Snody said no. **Commissioner Forell** asked Mr. Snody if he will be selling products from his home. Mr. Snody said no. **Commissioner Forell** stated he feels the applicants should be given their money back. **Commissioner Tirrell** pointed out that the business would not be creating any extra traffic, noise or dust to the neighborhood, and would not have any employees. Commissioner Tirrell also feels the applicant should be refunded. **Commissioner Dellinger** agreed. **Commissioner Ross** asked staff how the Community Development Department knew the business was in operation. Ms. Hannold stated the applicants filed for a Doing Business As Permit (DBA). Ms. Hannold explained office policy is to mail letters to DBA applicants (within county zoning jurisdiction) informing them they may need a permit to operate their business and to contact the Community Development Department.

Commissioner Ross stated the Planning Commission and the Community Development staff are obligated to follow ordinance requirements. They do not have the option of exempting businesses from applying for a conditional use permit when the Ordinance dictates one must be obtained. **Commissioner Ross** stated staff did their job in accepting the application and per the ordinance the business requires a Conditional Use Permit. He also stated if the Planning Commissioners felt the ordinance needed to be changed those changes should be taken to the Zoning Ordinance Committee for their review. **Commissioner Dellinger** stated if the applicants filed for a DBA then they must plan on making more than two thousand dollars ($2,000.00) a year and benefiting from tax deductions related to the business. Under these circumstances she agrees that Mr. & Mrs. Snody should obtain a Conditional Use Permit to operate the business on the property.

Speakers in favor: None
Speakers in opposition: None
Public portion closed at 8:16 p.m.

Commissioner Tirrell moved to approve CU-5-05-07 (Deborah Snody) for a Conditional Use Permit for a Home Business (Craft Shop) per the application, site plan, all zoning ordinance requirements. **Commissioner Johnson** supported

A roll call was taken with ten (10) voting aye and none (0) voting nay. Motion carried.

Commissioner Forell asked Ms. Hannold what the Community Development Department does with Doing Business As (DBA) filings. Ms. Hannold explained that staff sends a generic letter to all businesses within county zoning jurisdiction notifying the DBA applicant that they may need a permit to operate their business and to contact the department. **Commissioner Forell** stated he feels the county is taking away the rights of its citizens. He also stated he has gotten several complains from the constituents in his area regarding the rights of property owners being taken from them. **Commissioner Rutter** pointed out that the Planning Commission might have approved Mr. and Mrs. Snody's Conditional Use Permit in haste with no conditions to operate. Ms. Hannold pointed out that all Conditional Use Permits are approved based on the application and ordinance requirements.

The Planning Commission discussed the requirements of a Home Business per the Ordinance. **Commissioner Rutter** suggested the Zoning Ordinance Committee meet to discuss Home Businesses further. Ms. Hannold stated staff would coordinate and schedule a meeting.

CU-5-05-08: Request by Kenneth Klopp, and property owner John Hafeli, Inc., for a Conditional Use Permit for a Commercial Garage per Art 14.19 of the Ordinance at 2571 Sanilac Dr., Sec 34, Benton Twp.

Staff Report: Ms. Hannold read the staff report. She stated the applicant requested a Conditional Use Permit to operate a Commercial Garage. Ms. Hannold pointed out that the business was similar to others that have been approved to operate on the property since 1976.

Commissioner MacDowell asked Ms. Hannold about one of the signs on the property. Ms. Hannold stated there is a billboard on the property that is not related to the business. **Commissioner MacDowell** asked Ms. Hannold if the building is rented by Mr. Klopp. Ms. Hannold said yes, per the application materials. **Commissioner Ross** asked about the other businesses that operated on the property in the past. Ms. Hannold gave a summary of two previous permits that were granted on the property. She noted both were approved as non-transferable. **Commissioner MacDowell** asked if the previous permits had been voided. Ms. Hannold said yes, they have been closed. **Commissioner Ross** asked if staff had any problems with the previous permits. Ms. Hannold said not to her knowledge. **Commissioner Ross** suggested using the previous permits as a guideline for the new one if approved. **Commission Rutter** asked if a fence for inoperable vehicles had been constructed as required by the Planning Commission. Ms. Hannold stated she did not recall a fence being on the property.

Applicant: Mr. Kenneth Klopp, Kloppz Kustomz. Mr. Klopp stated the four (4) long haul trailers that are proposed on his application are actually not part of the business. He said they belong to his parents and are only stored on his property for a period of twenty-four (24) hours. Mr. Klopp said when the trailers are there he checks their lights and washes them for his parents and in return they help him with the rent. Mr. Klopp stated he has cleaned up the yard and has purchased fencing that is six feet (6') in height. He stated he plans to build a twenty-five foot by twenty-five foot (25' x 25') fenced section behind the garage to house any inoperable vehicles. Mr. Klopp stated the original plans submitted by the previous applicant showed the proposed fenced section directly over the drainfield, however, as indicated he will be putting the fence at the back of the garage instead.

Commissioner MacDowell asked Mr. Klopp if he would be the only employee. Mr. Klopp said yes. Mr. Klopp also added that he currently has two vehicles in his shop and will not take more vehicles than he can repair himself. **Commissioner MacDowell** Mr. asked Mr. Klopp if the parking was adequate for his business. Mr. Klopp stated the most vehicles he has had in the parking lot at one time was approximately six (6) and most of the vehicles belonged to friends, not customers. Mr. Klopp also stated that his parents have not parked their trailers in his parking lot in over a month. **Commissioner Rutter** asked Mr. Klopp if he ever planned on having employees in the future. Mr. Klopp stated he could possibility have an employee in the far future, but at present time he barley has enough work for himself. **Commissioner Roberts** asked Mr. Klopp for the size and location of the fenced area for inoperable vehicles. Mr. Klopp stated the fenced area would be twenty-five feet by twenty five-feet by six feet (25' x 25' x 6') and would be located off the back of the building. **Commissioner Dellinger** asked Mr. Klopp if all of his materials like tires and paint would be stored in the building. Mr. Klopp stated his materials would be stored inside the building.

Speakers in favor: Joe Bullen, Benton Township Supervisor. Mr. Bullen stated the proposed use of the property seemed to be less intense than the previous Conditional Use Permit. Mr. Bullen stated he feels the proposed use would be a good fit for the property.

Speakers in opposition: None
Public portion closed at 8:35 p.m.

Commissioner MacDowell said Mr. Klopp seemed to be in compliance with the conditions of the previous permit. He questioned if the Planning Commission needed to include all of the same conditions on Mr. Klopp's permit. Ms. Hannold stated that most of the conditions for the previous permit were requirements from the ordinance and that all permits have the ordinance requirements of the included on them.

Commissioner Roberts pointed out that the fenced area for vehicles would only be large enough to hold two (2) to three (3) vehicles. He questioned if it was a large enough area. Ms. Hannold stated the fenced area per the ordinance was only for inoperable vehicles. **Commissioner Roberts** questioned where the long haul trailers would be stored. Mr. Klopp clarified that only the trucks would be on the property not the trailers. He also stated that the trucks would only be there overnight and would be able to park on the east side of the property in the parking spaces provided. **Commissioner Kennedy** asked Mr. Klopp if the long haul trucks would all be there at the same time and how many parking spaces would they take up. Mr. Klopp stated the long haul trucks would take up a maximum of six (6) to seven (7) parking spaces, however, they would only be there for approximately twenty-four (24) hours.

Commissioner Roberts moved to approve CU-5-05-08 (Kenneth Klopp) for a Conditional Use Permit for a Commercial Garage per the application, site plan, all zoning ordinance requirements and the following conditions:

1. Hours of operation be Monday through Saturday from 9:00 a.m. to 9:00 p.m.
2. The Conditional Use Permit shall be non-transferable.
3. Conditions 2-9 from permit CU-5-04-06 be met.

Commissioner Forell supported

A roll call was taken with ten (10) voting aye and none (0) voting nay. Motion carried.

Other Business:
Ms. Hannold stated that the Planning Commission needed to discuss CU-09-04-11, Kathy Tirrell.

Commissioner Duane Tirrell stated Kathy Tirrell was his sister-in-law and requested he be excused. Motion carried.

Ms. Hannold stated that the (30) day extension granted to Ms. Tirrell at the April 5, 2005 Planning Commission meeting was set to expire in two (2) days, May 5th. However, the DEQ has given Ms. Tirrell until June 13, 2005 to resolve their violation and be compliant. Ms. Hannold has been in contact with Ms. Tirrell and while she is working on being compliant with the DEQ, she is not yet. Ms. Hannold stated that Ms. Tirrell was not able to attend the meeting this evening, however, she did request that the Planning Commission grant her the same extension as the DEQ, June 13, 2005. Ms. Hannold read a letter from a neighbor in reference to the business for the record. Ms. Hannold said she spoke with the neighbor earlier in the day regarding some of her concerns. Ms. Hannold also noted a neighbor complaint that the business was in operation. Ms. Hannold said Ms. Amy Pike, the Code Enforcement Officer, inspected the property and took pictures. The inspection pictures raised ordinance violation concerns in reference to junk and signage. **Commissioner Rutter** suggested extending Ms. Tirrell's deadline to June 30, 2005. **Commissioner Ross** stated Ms. Tirrell waited until the last minute to become compliant with her permit and he did not feel the Planning Commission should grant her that long of an extension. Ms. Hannold pointed out that the permit was going to expire in two (2) days. The Planning Commission could grant another extension or revoke the permit. **Commissioner Dellinger** said she did not think Ms. Tirrell should be operating her business if she is not in compliance with her permit. **Commissioner MacDowell** asked Ms. Hannold to repeat the DEQ deadline. Ms. Hannold stated the DEQ gave Ms. Tirrell until June 13, 2005 to be in compliance with their regulations. **Commissioner Ross** suggested the Planning Commission extend compliance with the CUP conditions to June 13, 2005 with the understanding the business may not operate until it is compliant with all CUP conditions including the DEQ requirements and approval. At the request of the Planning Commission Ms. Hannold read a letter from the DEQ, Mr. Clampit, that was written to Ms. Tirrell. **Commissioner Roberts** suggested the letter to Ms. Tirrell regarding the extension of her permit also remind her of sign requirements. Ms. Hannold stated she and Ms. Pike would conduct another inspection of Ms. Tirrell's property. The Planning Commission decided if Ms. Tirrell was found operating without being compliant with the conditions of the permit, that the business be ticketed.

Commissioner Roberts moved to extend the deadline for compliance with conditions and requirements for CU-9-04-11 to June 13, 2005. with the following conditions:

1. The business shall not operate until it is in compliance will all requirements and conditions from Eaton County and the Department of Environmental Quality (DEQ). Community Development Department must have proof the business is in compliance with DEQ regulations.
2. If the business is not in compliance with Eaton County and DEQ by June 13, 2005 the Conditional Use Permit will be revoked.

Commissioner Dellinger seconded

A roll call was taken with nine (9) voting aye and one (1) voting nay. Motion carried.

Commissioner Tirrell returned to the meeting.

Ms. Hannold gave an update on J & L Country Store in Carmel Township belonging to Mr. and Mrs. Detweiler. The Planning Commission denied a conditional use permit for the Country Store in October of 2004 because the business did not meet the requirements of the zoning ordinance, Health Department and Eaton County Road Commission. Ms. Hannold stated staff has now received a letter from the Health Department dated April 22, 2005 approving the business for operation. Ms. Hannold stated she also

received a phone call from Representative Jones's office in reference to the business as to why it was denied. Ms. Hannold assured Mr. Jones's staff that the business was denied because it did not meet zoning requirements and directed them to the appropriate sections of the ordinance they could view at the County website. Ms. Hannold also advised them of the re-application requirements. Ms. Hannold stated Ms. Pike, the Code Enforcement Officer, has inspected the property and found the business to be in operation without a Conditional Use Permit. Ms. Hannold asked what action the Planning Commission would like taken on the matter. **Commissioner Dellinger** suggested Mr. and Mrs. Detweiler be ticketed for operating their business without a permit. **Commissioner Ross** suggested Ms. Hannold write a letter to Mr. and Mrs. Detweiler informing them that they need to stop the operation of the business. He said if their business has changed from the original permit and they now meet ordinance requirements they may reapply and may or may not be granted, but they cannot operate the business without a permit.

Ms. Hannold stated she received a phone call from an Eaton County resident asking about the regulations for a corn maze. The Planning Commissioners stated if the business did not have sales of more than two thousand dollars ($2,000.00) it could be considered a Seasonal Farm Market and would not need a Conditional Use Permit.

Ms. Hannold reminded the Planning Commission that their meeting schedule listed a meeting on July 5, 2005. It was decided to keep the scheduled meeting date.

Ms. Hannold suggested proposing a change to the fee schedule to the Board of Commissioners for Conditional Use Permit holders that request changes to the conditions of their permits. Ms. Hannold stated that currently there is no change for this service and per the ordinance any changes made to the conditions of an existing permit have the same notification and review processes as if it were new. **Commissioner Ross** stated he was confident with any decisions Ms. Hannold may make in reference to a fee for this service.

Ms. Hannold informed the Planning Commission that the Public Works and Planning (PWP) Committee approved DCA-02-05-02 to be changed back to Limited Agricultural zoning. This is not what the Planning Commission recommended, however, Ms. Hannold stated the PWP Committee did not make the decision lightly. She said they based their decision on the information provided and the fact that the Planning Commission vote was a tie.

Upcoming Cases: Ms. Hannold informed the Planning Commission there would be three (3) cases for the month of June.

A motion was made by **Commissioner Rutter** to adjourn meeting. **Commissioner Forell** supported.

Meeting adjourned at 10:11 p.m.

EATON COUNTY
PLANNING COMMISSION MEETING
September 6, 2005

Call to Order: Chair Brian Ross called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI 48813.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Harlan MacDowell, Mandy Dellinger, Duane Tirrell, Brian Ross, Ronald Wilson, Marilyn Rutter, John Forell, Joyce Kennedy and Dave Roberts
Absent: Ronald Johnson
Staff Present: Claudine Hannold and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner MacDowell** to approve the agenda for the September 6, 2005 meeting. **Commissioner Rutter** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner MacDowell** to approve the July 5, 2005 minutes as printed. **Commissioner Rutter** supported. Motion carried

Public Comments: Doug Patrick, mailing address 4375 Clark Road, Bath, Michigan. Mr. Patrick stated he has a place located on Saubee Lake, 1119 W. St Joe Hwy, Sunfield, Michigan. Mr. Patrick stated he was present to talk about the conditional use permit (CU-9-04-11) issued to Kathy Tirrell on September 13, 2004, and revised on October 5, 2004. Mr. Patrick apologized for approaching the Planning Commission a year after the permit was granted, however he was only able to see how she would respond to the conditions of the permit during the summer months. Mr. Patrick said he believes another neighbor sent pictures to the Planning Commission regarding the violations. He also stated he thought other residents made phone calls regarding the violations.

Mr. Patrick read condition #6 of CU-9-04-11. He stated the private road continues to get a lot of traffic down the road to turn around. Mr. Patrick stated the property owner at the end of the private road had to put up a gate to stop the traffic. Mr. Patrick stated he did not grade the private road to try to stop the traffic. He said it is very bumpy right now as a result.

Mr. Patrick read condition #7 of CU-9-04-11. He stated the parking area for the business was well maintained prior to Ms. Tirrell's ownership of the business. Mr. Patrick said Ms. Tirrell only cleaned off half of the parking area. He stated customers park on the road. He said he had to be taken to the hospital a few weeks ago, and his wife had a hard time getting down the road around Ms. Tirrell's customers who were parked on the road. He stated an ambulance or fire truck would not have been able to get down the road if he had needed one. Mr. Patrick said if the parking area was taken care of there would not be a problem.

Mr. Patrick read condition #10 of CU-9-04-11. Mr. Patrick said both swimming and boating hours are ignored. He stated swimmers are out past 8 p.m. and sometimes past 10:30 p.m. He also stated fishers exceed time frame on a regular basis and are often out fishing after dark.

Mr. Patrick read condition #13 of CU-9-04-11. Mr. Patrick stated he works for General Motors and is out to lake for two weeks during the month of July. He stated while he was there there were nine (9) different campers on the property at one time. He said the campers were not only camping in the camping area, but they were also camping in the picnic area. Mr. Patrick also stated people were staying in a van and a pick up this weekend. He stated there have been large fires and excessive noise.

Mr. Patrick read condition #15 of CU-9-04-11. Mr. Patrick stated there have not been any boats with skiers, but there have been jet skies allowed on the lake. He also stated a 250 horsepower boat was allowed onto the lake.

Mr. Patrick read condition #16 of CU-9-04-11. Mr. Patrick stated there is only one (1) buoy marking the swimming area. He stated the swimmers are swimming beyond the buoy. He said he has had to yell at

someone before to let them know there was a speedboat close to them in the water. He said swimmers are also swimming in the fishing area. He said prior to Ms. Tirrell owning the business this did not happen. He said he and the neighbors are worried that someone is going to get hurt.

Mr. Patrick stated all of the items he listed; the pictures and other complaints are proof of Ms. Tirrell's disregard for the items that were specified in the CUP. Mr. Patrick stated he would like the CUP to be revoked.

Commissioner Ross stated the Planning Commission would address his concerns later in the meeting.

Public comments closed at 7:10 p.m.

CU-6-05-10: Request by CelluSite, LLC (Derek McGrew) for a Conditional Use Permit for a Wireless Communication Facility per Art 14.27 of the Ordinance at 6612 Marshall Road, Section 15, Walton Township.

Staff Report: Ms. Hannold read the staff report.

Commissioner MacDowell asked Ms. Hannold if the applicant had been informed of all of the regulations. Ms. Hannold said yes. **Commissioner MacDowell** asked Ms. Hannold what the applicants' comments were. Ms. Hannold stated she believes the applicant is ready to address any outstanding items.

Commissioner Kennedy questioned the paragraph of the applicant's statement that reads, "Of the 143 sites, only ten have been determined to need new towers," she asked why only one tower is being requested. Ms. Hannold said per the applicant the other nine towers are outside of Eaton County.

Applicant Statement: Mr. Derek McGrew stated he would like to address the issues as they are listed in the consultant report. Item 1. Mr. McGrew handed out a new site plan to show the new tower location and complete landscape plan. Mr. McGrew stated after staff reviewed the plans it was determined the tower needed to be moved. He noted that the small red circle on the plan just distributed represented the tower location, which is 97.5 feet from the northwest property line. He said the lease area has not changed however, the location of the tower within the lease area is now in compliance with the ordinance property line distance setbacks. Item 5. Mr. McGrew also stated the new site plan presented shows the new landscape plan, which now includes the proper number of trees needed for a buffer. Item 3. In reference to the structural design, Mr. McGrew stated the drawings submitted were sample drawings. He said engineered drawings for towers are not done until the tower is actually ordered. Mr. McGrew stated he would have the appropriate engineered drawings signed and sealed when he applies for his building permits. Item 2. Mr. McGrew stated he originally planned for the tower to house five (5) carriers, but due to the decrease in the height of the tower, the tower will now only accommodate four (4). Mr. McGrew pointed out the ordinance only requires the tower to accommodate three (3) carriers. Item 4. Mr. McGrew stated he misunderstood what Mr. Whately was looking for. Mr. McGrew stated the tower he is proposing is designed to collapse upon its self. He stated the safe fall area if zero (0). Mr. McGrew stated he would do whatever the Planning Commission deemed necessary for approval.

Commissioner MacDowell asked Mr. McGrew if he was going to satisfy item #1 of Mr. Whately's report. Mr. McGrew said yes. **Commissioner MacDowell** asked Mr. McGrew if he is going to satisfy item #4 of Mr. Whately's report. Mr. McGrew said yes. **Commissioner MacDowell** asked Mr. Whately why he could not comply with item #3 of Mr. Whatley's report. Mr. McGrew stated the tower had to be ordered before he could get engineered sealed drawings for the tower. Mr. McGrew stated he would submit the engineered signed drawings to Eaton County Construction Code when he applies for a building permit. **Commission MacDowell** asked Mr. McGrew if he was satisfied Item #4 of Mr. Whatley's report. Mr. McGrew stated the tower is designed to collapse upon itself and directed the Planning Commission to a letter he submitted with his original permit written by Valmont Microflect regarding the design criteria and failure modes for a proposed 260' lattice tower. **Commissioner MacDowell** asked Mr. McGrew if he had complied with item #5 of Mr. Whatley's report to put a seventh (7^{th}) tree on the landscape plan. Mr. McGrew said yes. **Commissioner MacDowell** asked Mr. McGrew about Mr. Whatley's condition to approve the tower only after the co-locations are finished. Mr. McGrew stated that Centennial and Michianna Metro net are the same company and Michianna Metro net has already collocated on two towers in question. Mr. McGrew said both of those towers are owned by American Tower (American

Tower bought Trinity). **Commission MacDowell** asked Mr. McGrew if he could satisfy all the requirements. Mr. McGrew said yes.

Commissioner Kennedy asked if the two co-locations, just mentioned, were complete. Ms. Hatt stated she believes Michianna Metronet has collocated on one of the towers, but can not be sure until she reviews the files. Ms. Hatt added she did not believe the other co-location had not been applied for yet.

Commissioner Forell asked Mr. McGrew how large the lease are was and why the tower located off center in the area. Mr. McGrew stated the lease area on the property was 70' x 70' and was already established when he discovered the tower did not meet setback requirements. He said in order to comply with the ordinance he moved to location of the tower inside the lease area so he did not have to redo the lease agreement with the property owner.

Commissioner Tirrell clarified with Mr. McGrew that the request was for a monopole tower. Mr. McGrew stated yes he was requested a monopole tower.

Commission Dellinger questioned the self-collapsing documentation. Mr. McGrew stated the letter from Valmont Microflect, included in his application materials, states the tower is self-collapsing.

Commissioner Wilson asked for clarification regarding the co-location on the two existing towers. Ms. Hannold explained the ordinance requirements for building new towers and collocations and existing towers.

Commissioner Ross asked Ms. Hannold if the drawings Mr. McGrew submitted for his proposed tower are similar to other drawings submitted by other cell tower companies. Ms. Hannold stated the ordinance does not required sign and sealed prints until the applicant applies for the building permits.

Commissioner Rutter asked Ms. Hannold if the Planning Commission were to approve the tower would it be based on all of the conditions being met. Ms. Hannold stated the Planning Commission could approve the request with conditions or table the case until Mr. McGrew proves all of the conditions have been met.

Ms. Hannold added that the Planning Commission may wish to keep in mind the CUP is only valid for six (6) months. If Mr. McGrew does not apply for building permits for the tower within six (6) months the CUP will expire and be void. **Commissioner Kennedy** asked if Mr. McGrew would need to reapply for a new permit if he exceeds the six (6) month time frame. Ms. Hannold said yes.

Commissioner Rutter asked if the Planning Commission should table the case until the co-location is done. Ms. Hannold said staff would administer whatever the Planning Commission decided. She noted the applicant was aware of the time constraint and that it would be possible to co-locate and apply for tower permits within six (6) months.

Commissioner MacDowell moved to approve CU-6-05-10 (Cellusite LLC, Derek McGrew) for a Conditional Use Permit for a cell tower per the application, site plans, all zoning ordinance requirements and the following conditions: all recommendations from page 7 of Mr. Whatley's report must be met.

Commissioner Kennedy supported
A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

CU-9-05-14: Request by Bernard and Steve Tennes for a Conditional Use Permit for an Agricultural Business per Art 14.1 of the Ordinance at 4648 Otto Road, Section 21, Benton Township.

Staff Report: Ms. Hannold read the staff report.

Commissioner Kennedy asked Ms. Hannold if the boiler is correctly installed. Ms. Hannold stated the location of the boiler is not under Ms. Weaver's jurisdiction.

Commissioner Ross asked Ms. Hannold to repeat what Benton Township's requirements were for the business. Ms. Hannold read the letter from Benton Township.

Commissioner Rutter asked Ms. Hannold if she had received any complaints on the business. Ms. Hannold stated she had not received any complaints on the business, but she had received a letter of support sent by a neighbor to Benton Township.

Commissioner MacDowell asked Ms. Hannold about the Eaton County Road Commission requirements. Ms. Hannold said the Road Commission is only requiring new driveways, or modification to existing driveways be permitted. **Commissioner MacDowell** asked Ms. Hannold to explain the concern with the parking areas. Ms. Hannold said parking areas are shown on the site plan, but dimensions are not shown. **Commissioner MacDowell** asked if Mr. Tennes had adequate Parking for the business. Ms. Hannold said there was not enough information to determine if the parking was adequate. **Commissioner MacDowell** asked Ms. Hannold if Mr. Tennes needed to submit a drawing that showed actual parking spaces for the parking area. Ms. Hannold stated at a minimum a drawing showing the dimensions for the parking would be needed. **Commissioner MacDowell** asked Ms. Hannold about the division of the property. Ms. Hannold stated the original parcel was just over eighty (80) acres and Mr. Tennes divided the property in to two (2) parcels just over forty (40) acres each. **Commissioner MacDowell** asked Ms. Hannold if the pole barn was on the wrong property. Ms. Hannold stated the pole barn wasn't necessarily on the wrong property, however the pole barn, after the division, is no longer on the same parcel as the cider mill. **Commissioner MacDowell** asked Ms. Hannold what would happen if Mr. Tennes wanted to sell his house. Ms. Hannold stated Mr. Tennes might be able to do a lot line adjustment or a land division if he wanted to sell his home. **Commissioner MacDowell** asked Ms. Hannold what would happen if Mr. Tennes sold the pole building with the home. Ms. Hannold stated the Planning Commission could address that problem by putting conditions on the permit. **Commissioner MacDowell** asked Ms. Hannold if the discrepancy in the size of the pole building is a problem. Ms. Hannold stated the size of the building is used to determine how many parking spaces are need for the business. **Commissioner MacDowell** asked Ms. Hannold if the building was safe for public use. Ms. Hannold stated the building was built as an agricultural building and Mr. Tennes was in the process of getting it permitted. Ms. Hannold stated Mr. Tennes was required to get a Conditional Use Permit for the business prior to obtaining a zoning referral, which is needed to obtain a building permit.

Commissioner Forell asked if the business would include both parcels. Ms. Hannold said Mr. Tennes stated in a letter to the Planning Commission he would like the Conditional Use Permit to be approved for both parcels. **Commissioner Forell** asked if the permit would be voided if one of the parcels were sold. Ms. Hannold stated she recommended one of the conditions of the permit be Mr. Tennes would need the approval of the Planning Commission if the business expands or is altered in any way.

Commissioner Kennedy asked if the lagoon system for the pole building could be on a different parcel from the pole building. Ms. Hannold stated Michigan Department of Environmental Quality (MDEQ) monitors the lagoon system. Ms. Hannold said she called MDEQ to see if that type of situation would be a problem and MDEQ did not seem concerned about the matter. They stated it would be all right as long as they had permission form the property owner and there also would be a clause in their MDEQ permit about notification of transfer of ownership. **Commissioner Kennedy** asked Ms. Hannold if Mr. Tennes would be able to sell the parcel with the barn and keep the parcel with the lagoon system on it. Ms. Hannold stated yes, but only with MDEQ approval. **Commissioner Ross** asked Ms. Hannold if the lagoon system was addressed in the deed to the property. Ms. Hannold stated she would have to look into it. **Commissioner Dellinger** asked Ms. Hannold what is currently being used for a septic system for the pole barn. Ms. Hannold stated the Planning Commission would have to clarify that with Mr. Tennes. Ms. Hannold said she believes MDEQ has jurisdiction over the new building and the Barry Eaton District Health Department has jurisdiction over the original building used for the cider mill.

Commissioner Tirrell asked Ms. Hannold why Regina Young with Barry Eaton District Health Department has revoked her approval. Ms. Hannold stated when Ms. Young gave her approval of the business the approval was based on the business located on one parcel. Ms. Hannold stated Ms. Young wanted to make sure there is not a problem with the public water supply and she needed more time to make an evaluation.

Commissioner Rutter noted Mr. Tennes stated all applicable permits for the business have been obtained. She asked Ms. Hannold if the Planning Commission needed to list all of the permits required for the business if the permit is granted. Ms. Hannold stated the Planning Commission might want to list all of the permits required and add that the permit comply with all local, state and federal guidelines to cover everything.

Applicant Statement: Mr. Steve Tennes stated he has worked with his father (Bernard Tennes) full time for the past two (2) years. Mr. Steve Tennes stated he owns Country Mill Farms LLC, but his dad runs the Country Mill. Mr. Steve Tennes stated they plan for him to take over the farm operation when his father retires. Mr. Steve Tennes stated in the original letter submitted with the CUP application he stated he would be building a home on the farm for himself. He said they divided the property because the ordinance does not allow more then one home on an eighty (80) acre parcel and he is not a migrant worker. Mr. Steve Tennes said he has a building permit for the home and it is currently under construction. Mr. Steve Tennes stated he had a letter from Ms. Pam Weaver with Michigan Department of Agriculture stating he is now in compliance with her department. He also stated he had a letter from the Michigan Boiler Division stating the location of his boiler is correct. The letters from both departments and a picture of the boiler were passed around to the Planning Commission. Mr. Steve Tennes stated the migrant housing is now licensed and is in compliance with Michigan Department of Agriculture. He said the issue with the size of the pole building (orchard barn) could easily be resolved. Mr. Steve Tennes said he spoke with the 911 office and will put up signs directing emergency services where to go. He said he has been working with Environmental Health for the past year. He said they have gone through several ways to make the orchard barn comply, and then he went to Michigan Department of Environmental Quality. He stated the Barry Eaton District Health Department does not regulate the orchard barn. Mr. Steve Tennes stated the properties (parcel A and B) are under the same ownership so per the State of Michigan the lagoon system for the orchard barn can be on the other parcel of land. He said per MDEQ it can continue to exist that way as long as the properties (parcel A and B) stay in the same ownership. Mr. Steve Tennes said he hired Mr. Maynard Berry as recommended by Ms. Regina Young, Berry Eaton District Health Department, to design the lagoon system. He stated he has no intention of the properties ever having different owners. He stated he would accept the Planning Commission making the ownership of the parcels a condition of the Conditional Use Permit. He stated he only divided the property so he could build his home on the farm. In response to compliance with the Barry-Eaton Health District, Mr. Steve Tennes stated he had a letter from Harold Workman, from that Department, stating they would allow a utility easement for both parcels of land to share the utilities. Mr. Steve Tennes stated he would be willing to accept a condition that the same person owns both parcels with the understanding that he will eventually purchase it.

Commissioner Ross asked Mr. Tennes if he was willing to comply with the conditions requested by Benton Township. Mr. Tennes stated he was fine with all of Benton Township's request.

Commissioner Rutter asked Mr. Tennes if he knew the dimensions of the parking area. Mr. Tennes stated he was not aware he needed the dimensions for the parking area. He said couldn't give the exact dimensions at this time. He said one of the parking areas was approximately 400' x 400'. Mr. Tennes stated that he attended a Township meeting with his neighbors present and the business has not been a problem. He said they are always concerned that all parking be on their property and they have never had any problems with cars being parked in the road. Mr. Tennes stated he would provide dimensions for the parking, but noted that there are no yellow parking lines.

Commissioner MacDowell stated the commercial building located on residential property could be confusing. **Commissioner MacDowell** asked Mr. Tennes what would become of the business and property if something were to happen to him before he purchased it. Mr. Tennes stated it was his understanding if the property ever changed owners the CUP will be null and void, but as long as the same trust/family members owned the property and business it would be able to continue operation. **Commissioner MacDowell** suggested the conditional use permit be non-transferable and comply with the requirements of Eaton County Construction Code. Mr. Tennes noted construction code has completed all of the inspections they are able to without a zoning referral from Eaton County Community Development.

Speakers in favor: Joe Bullen, Benton Twp Supervisor. Mr. Bullen stated he wanted to clarify that the hours of operation suggested by the township board are for the building not for the entire business.

Commissioner Kennedy asked Mr. Bullen if there had been any complaints on the business. Mr. Bullen stated they had not received any complaints on the business. Mr. Bullen added Mr. Tennes runs a neat clean operation.
Speakers in opposition: none
Public portion closed at 8:24 p.m.

Commissioner MacDowell suggested the business be approved with the following conditions.

1. Satisfy Construction Code requirements.
2. Agree to the condition suggested by Benton Township Board.
3. Satisfy Michigan Department of Agriculture, Eaton County Central Dispatch (911), Eaton Barry District Health Department and any other government agency.
4. Ownership of the both forty (40) acre parcels (parcels A&B) will remain the same.
5. Submit parking plan to Eaton County Community Development. No parking in road right of way.

Commissioner Dellinger stated she does not have a problem with the building being open to the public year round. Mr. Bullen stated the building was limited to seasonal use because Mr. Tennes will be using it to store his farm equipment during the winter months. **Commissioner Dellinger** asked Mr. Tennes if he intends to store his farm equipment in the building year round. Mr. Tennes said yes. **Commissioner Dellinger** asked Mr. Tennes if he would like the option to use the building for the public during the winter months. Mr. Tennes stated he is willing to accept the conditions as presented by the Benton Township Board.

Commissioner Rutter asked the Planning Commission if the transfer of ownership should include Mr. Steve Tennes when he transferred it his name. **Commissioner Dellinger** asked if Mr. Tennes is part of the trust. **Commissioner Tirrell** stated it should not matter if Mr. Tennes is part of the trust or not. He stated as long as both parcels are owned by the same person who owns it should not matter. Mr. Tennes stated if the same person owns both pieces of property then the property is in compliance with MDEQ and Eaton County 911.

Commissioner Rutter stated the Planning Commission could make the business non-transferable with the exception of a transfer to Chris, Steve or Bernard Tennes (all members of the Trust). Mr. Steve Tennes stated he would also like the permit transferable to heirs of the Tennes family. **Commissioner Rutter** questioned if that could be done. **Commissioner MacDowell** stated transferring the permit to a family member is fine with him, as long as both pieces of property are owned by the same person.

Commissioner Forell moved to approve CU-9-05-14 (Bernard and Steve Tennes) for a Conditional Use Permit for an Agricultural Business per the application, site plan, all zoning ordinance requirements and the following conditions:

1. Ownership of both forty (40) acre parcels (parcels 070-021-100-060-01 & 070-021-100-060-02) shall remain the same. The permit is non-transferable, however, permission is granted to transfer ownership in the future to other designated members of the Trust, Tennes family members and/or their heirs. If ownership is any other entity than those listed above a request for change of conditions to the permit and fee must be submitted for review by the Planning Commission.
2. Hours of operation shall be limited to 9:00 am to 11:00 pm. (Benton Twp recommendation).
3. There shall be no sales of alcohol or beer on premise. (Benton Twp recommendation).
4. Public access to the dual purpose building shall be limited to May 1 to November 15. (Benton Twp recommendation).
5. Requirements of all necessary agencies must be met, including but not limited to: Eaton County Construction Code Department, Eaton County Central Dispatch (911), Barry-Eaton District Health Department, Michigan Department of Agriculture and Michigan Department of Environmental Quality.
6. A parking plan must be submitted to the Eaton County Community Development Department for review. There shall be no parking in the road right of way.

Commissioner Rutter supported
A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

The Planning Commission took a break at 8:40 p.m. and reconvened at 8:46 p.m.

CU-9-05-15: Request by Elite Engineering Services, Inc. (Larry E. Denniston) for a Conditional Use Permit for a Commercial Recreational Facility (sports training facility) as defined in Article 5 of the Ordinance at 7841 Butterfield Highway, Section 35, Bellevue Township.

Staff Report: Ms. Hannold read the staff report.

Commissioner Tirrell asked Ms. Hannold if Bellevue Township had any comments on the permit application. Ms. Hannold said no correspondence was received from the Township.

Commissioner Rutter asked Ms. Hannold whom the Planning Commission would issue the permit to. Ms. Hannold stated the Planning Commission would issue the permit to the property owner, Mr. Larry Denniston.

Applicant Statement: Mr. Rick Walkenspaw, Elite Engineering spoke on Mr. Denniston's behalf. Mr. Walkenspaw stated the project was a dream of Mr. Denniston's. He said currently the property is a family owned farm and Mr. Denniston would like to develop it into a training facility. Mr. Walkenspaw stated this facility would primarily be for baseball and soccer and in the future possibly a gym and some dormitory housing. Mr. Walkenspaw stated he went to the Bellevue Township Board Meeting and they did not have any concerns with the business. He said Mr. Denniston plans to work with the school district and allow them to use the soccer fields. Mr. Walkenspaw stated he has no problem complying with any regulation on this permit.

Commissioner Kennedy asked Mr. Walkenspaw what his plans were for water and sewer. Mr. Walkenspaw stated phase one of the project was only for the soccer fields. He stated there would be port-a-potties on the property and the players could being there own bottled water. Restrooms and a concession stand are planned in future phases and it is understood that well and septic services would be required at that time.

Commissioner MacDowell asked Mr. Walkenspaw if the house and business would remain on the same property. Mr. Walkenspaw stated that would be their preference, yes. He also noted that the proposed maintenance barn would be in the same location as an old barn on property. He said the barn would house lawn equipment and a truck for the business.

Commissioner Rutter asked Mr. Walkenspaw if the property would have outdoor lighting and be lit for the business. Mr. Walkenspaw said some of the areas would have outdoor lighting. He also stated the lighting would be shielded from the neighbors. Mr. Walkenspaw stated the property presently sits approximately twelve feet (12') above the road level. He said the current tree lines would remain on the property and they have no intentions of mowing down any trees. Mr. Walkenspaw stated the design of the business is such so the can use the existing vegetation on the property as a buffer.

Commissioner Kennedy asked Mr. Walkenspaw how much of the 76 acres the soccer field would require. Mr. Walkenspaw stated the soccer fields would take up approximately fourteen to seventeen (14-17) acres of the property. He said Mr. Denniston would use the existing home when he retires. Mr. Walkenspaw stated there is a county drain that runs through the property, but that it would be maintained. Mr. Walkenspaw stated in order to separate the residential home from the sports facility they are proposing to put in a new driveway. **Commissioner Rutter** asked Mr. Walkenspaw why the location of the driveway was chosen. Mr. Walkenspaw the other portion of the property where the driveway could go is a low area that can only be used for a running track or a walkway.

Commissioner Tirrell asked Mr. Walkenspaw if he would be paving the parking area right away. Mr. Walkenspaw stated he is not planning on paving all of it at once. He stated the paving would be done as needed throughout the phases of the project.

Commissioner Roberts asked Mr. Walkenspaw how many parking spaces (per the ordinance) would be needed for the soccer fields. Mr. Walkenspaw stated the soccer fields would require approximately one hundred (100) parking spaces.

Commissioner Kennedy asked Mr. Walkenspaw how many children would be on each soccer team. Mr. Walkenspaw said eleven (11). **Commissioner Kennedy** noted there would be twenty-two (22) childern per field. **Commissioner Forrell** asked Mr. Walkenspaw what age ranges the facility would cater to. Mr. Walkenspaw stated the facility would be open for children ranging in ages from five (5) to eighteen (18).

Commissioner Kennedy stated she does not think the proposed parking is adequate. Mr. Walkenspaw stated the proposed one hundred spaces allows for twenty spaces per field. **Commissioner Dellinger** asked the applicant if the proposed one hundred (100) parking spaces were for all five (5) soccer fields. Mr. Walkenspaw said yes.

Commissioner Forrell asked Mr. Walkenspaw what level of soccer would be played on the fields. Mr. Walkenspaw stated he believes high school is the highest level that will play on the fields.

Commissioner Rutter stated in her review of the business she spoke with coaches in the Eaton County area to ask their opinion of the business. She said they pointed out that restrooms and adequate ingress/egress to the property would be essential to the success of the business. **Commissioner Rutter** asked Mr. Walkenspaw if he thought the proposed ingress/egress of the facility was adequate for the one-hundred (100) cars as discussed. Mr. Walkenspaw said yes. He stated scheduling of the games would make a difference also.

Commissioner Dellinger asked Mr. Walkenspaw how wide the proposed driveway would be. Mr. Walkenspaw stated the proposed driveway would be approximately thirteen feet (13'). **Commissioner Dellinger** asked Mr. Walkenspaw if traffic would enter and exit on the same drive. Mr. Walkenspaw said yes.

Commissioner MacDowell stated he is concerned about the project. He said the concept sounded good, but six years is a long time to develop a business. Mr. Walkenspaw explained each phase of the facility. **Commissioner MacDowell** clarified the center portion of the property would developed last, with the phase work being done on both the east and west sides of the property first. Mr. Walkespaw stated the gym will be located in the center of the property and would be the most costly portion of the project and therefore done last. He said the best location for the gym, dorms, and offices would be in the center and he would like the focus to be on those areas when customers come up the driveway. **Commissioner MacDowell** stated his concern isn't the concept, rather how the Planning Commission can make sure it is done in a timely manner and in compliance with all regulations. **Commissioner Rutter** suggested the business be reviewed before every phase. **Commissioner Ross** asked if the review could be done with out a fee. Ms. Hannold stated any changes to the permit would have to be public noticed and advertised.

Commissioner Wilson asked Mr. Walkenspaw where the project would be in in one year. Mr. Walkenspaw said the soccer fields are planned for completion in time for the 2006 summer season. **Commissioner Roberts** asked Mr. Walkenspaw if the parking areas and driveway would be paved by then as well. Mr. Walkenspaw said yes.

Commissioner Kennedy asked Mr. Walkenspaw when he would start phase two of the project. Mr. Walkenspaw stated phase two would begin in 2007. **Commissioner Kennedy** commented the soccer players would have a long wait for restroom facilities.

Commissioner Rutter noted there was only one drive for the business on the plans. She asked Mr. Walkenspaw if there were plans in the future to put in a second drive. She stated she does not feel one drive is adequate if there were an emergency. Mr. Walkenspaw stated he could widen the driveway to allow for another lane, but he could not put in another driveway without eliminating three or four (3-4) soccer fields. **Commissioner Rutter** suggested using the current driveway for the property as a second driveway for the business. Mr. Walkenspaw stated that drive is currently part of the house and he would need to speak with Mr. Denniston before making any changes to the home. **Commissioner Dellinger** stated she agrees with Commissioner Rutter. **Commissioner Rutter** said she really feels the driveway issue needs to be addressed and resolved in case of an emergency.

Commissioner Rutter noted bleachers were not indicated on the site plan. She asked Mr. Walkenspaw if there were plans for bleachers. Mr. Walkenspaw said bleachers would be installed with the baseball fields only.

Commissioner Forrell clarified the soccer fields would be finished with phase one (1) of the project and the next phase will be completed two (2) years after. Mr. Walkenspaw said yes.

Speakers in favor: None
Speakers in opposition: None
Public portion closed at 9:18 p.m.

Commissioner Dellinger stated she agreed with Commissioner Rutter on the second ingress/egress for the business. She stated the driveway for the home could be made the second ingress/egress for the business. She said she is concerned about emergency vehicles being able to get in and out of the business safely. **Commissioner Dellinger** suggested having a smaller separate drive posted for emergency vehicles only. **Commissioner Rutter** suggested the new drive be four lanes and used for customers and emergency vehicles. **Commissioner Roberts** stated a two-lane driveway should be fine for phase one of the business. **Commissioner Dellinger** stated a four-lane driveway would be nice, but it would be cheaper to construct a two-lane driveway and have a small gravel drive for emergency vehicles.

Commissioner MacDowell asked if the Planning Commission was considering phase one of the business only. **Commissioner Ross** said yes.

Commissioner McDowell moved to approve CU-9-05-15 (Elite Engineering and Larry Denniston) for a Conditional Use Permit for an Commercial Recreational Facility per the application, site plan, all zoning ordinance requirements and the following conditions:

1. Approval is for phase one of the request only.
2. All requirements of Eaton County Construction Code, Eaton County Drain Commissioner and Barry Eaton District Health Department must be met.
3. All lighting must be shielded inward.
4. Proposed 60' x 80' pole barn is considered part of phase one of the business.
5. Phase one of the business is to include paving of the proposed driveway and one hundred (100) parking spaces.
6. This permit is valid for 6 months. If construction on the business has not begun in 6 months this permit will be null and void.

Commissioner Wilson supported
A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Commissioner Kennedy asked Mr. Walkenspaw what the hours of operation for the business would be. Mr. Walkenspaw stated the hours of operation would be 7:00 a.m. to 11:00 p.m. **Commissioner Kennedy** asked if children would be playing games that late. Mr. Walkenspaw stated the children would probably leave around 9:30 p.m., however, it may take until 11:00 p.m. for clean up by staff.

Commissioner Ross stated after phase one (1) is complete Mr. Walkenspaw would need to file for a change of conditions to start phase two (2).

CU-9-05-16: Request by Frank and Michele Gentry for a Conditional Use Permit for a Foster Care Facility per Art 14.4.1 D of the Ordinance at 1745 Miller Highway, Section 23, Walton Township.

Staff Report: Ms. Hannold read the staff report.

Commissioner Tirrell asked Ms. Hannold if Walton Township commented on the business. Ms. Hannold stated Walton Township approved the business. **Commissioner Kennedy** asked Ms. Hannold if the applicant is the current owner of the property. Ms. Hannold said yes.

Commissioner Forell stated he is concerned about the proposed future expansion of the business, because the property is only two (2) acres. He stated the applicants might not be able to meet the requirements of the Health Department when they do the expansion.

Commissioner MacDowell asked Ms. Hannold if there were two (2) homes on the property now. Ms. Hannold said no. She stated Mr. and Ms. Gentry would like to expand their business in the future. **Commissioner MacDowell** asked Ms. Hannold if Mr. and Mrs. Gentry know they need the approval of the Health Department for the business. Ms. Hannold said yes.

Applicant Statement: Mr. Frank Gentry, 1745 Miller Highway, Olivet. Mr. Gentry stated his wife owns the home and that she lived there for ten (10) years prior to their marriage. He said he and his wife would now like to turn it into a nice care facility for eight to ten (8-10) residents. Mr. Gentry stated there would be a full time care person living on the premises. He said the Walton Township Board approved the application, but they were concerned about the number of ambulance calls to the facility. Mr. Gentry said

he suggested he take on part of that burden. Mr. Gentry stated he spoke with Blair Ballou regarding the requirements for the driveway. As a result he said he would be paving the driveway and the parking area. Mr. Gentry also stated the parking area would be identified and lit. Mr. Gentry stated he met with Jay VanStee, Barry Eaton District Health Department, and he would be installing new drain field to meet Health Department requirements. Mr. Gentry stated he was not aware he could not have two (2) facilities on the same property and understands he may have to modify his expansion plans. He stated he does not have a large enough piece of property to put in a drain field for twenty (20) clients. Mr. Gentry added he would need to relocate a fuel oil tank that is underground and place it above ground. He said he is also in the process of having the well tested. Mr. Gentry stated Mr. VanStee's approval of the request is pending resolution of any outstanding issues.

Commissioner Tirrell asked Mr. Gentry how much work would need to be done inside the building. Mr. Gentry stated he has carpeted three levels of the home and painted all of the rooms. He stated he still has some work to do in two (2) of the large bedrooms and in the walkout basement. Mr. Gentry stated he would need to have the plumbing in the house checked. He said everything would need to be brought up to code. Mr. Gentry indicated that the walkout basement would house the full time administrator. He stated he plans to hire one or two additional employees. **Commissioner Tirrell** asked Mr. Gentry which fire department services the home. Mr. Gentry stated the City of Olivet Fire Department. Ms. Gentry stated she has been in contact with the fire department and has been working with them. Mr. Gentry explained some of the ingress/egress locations of the home.

Commissioner Dellinger asked Mr. Gentry if there would be a nurse on staff or would the administrator be licensed to administer medication to the clients. Mr. Gentry stated the administrator could only assist with basic needs and visiting nurses would come to the home for other needs. Mr. Gentry noted the clients of the home would not be of high acutely levels and most likely all would be ambulatory. He stated staff would be able to take the clients to their appointments by van.

Commissioner Kennedy asked Mr. Gentry if this was his first venture into this type of business. Mr. Gentry said yes. He said he does own fifteen (15) nightclubs so he has some education as to the code compliance process. He stated he was willing to do what all of the appropriate agencies required.

Speakers in favor: None
Speakers in opposition: None
Public portion closed at 9:58 p.m.

Commissioner MacDowell stated the business sounds good. He stated he thinks the permit should be non-transferable and Mr. and Mrs. Gentry should comply with all requirements of the Barry Eaton District Health Department and Eaton County Road Commission.

Commissioner Forell moved to approve CU-9-05-16 (Frank and Michele Gentry) for a Conditional Use Permit for a Foster Care Facility per the application, site plan, all zoning ordinance requirements and the following conditions:

1. Must satisfy all requirements of Eaton County Construction Code, Eaton County Drain Commissioner and Barry Eaton District Health Department.
2. The permit is non-transferable.

Commissioner Rutter supported
A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Other Business:
Ms. Hannold stated Mr. and Ms. Detweiler still have not applied for building permits for the pole barn their business operates from. **Commissioner Ross** suggested issuing them a ticket and having Ms. Hannold write them a letter explaining they are not in compliance. Ms. Hannold noted this would be the second notice of violation ticket in the amount of $150.00. The Planning Commission agreed to issue Mr. and Mrs. Detweiler a ticket for non-compliance.

Ms. Hannold stated 2006 Planning Commission Meeting Dates are tentatively set. She asked the Planning Commission to review the dates for adoption at the next meeting.

In response to the evening's public comment and additional complaints filed, Ms. Hannold suggested Ms. Tirrell's CUP (CU-09-04-11) be reviewed.

Commissioner Terrill stated that the applicant is his sister-in-law and requested to be excused. **Commissioner Forell** moved to excuse **Commission Tirrell** from the remainder of the meeting. **Wilson Johnson** seconded. Motion carried.

Ms. Hannold read three complaints that were made to the office regarding Ms. Tirrell's business. Ms. Hannold stated Ms. Pike has mailed a letter of violation to Ms. Tirrell at the house on Saubee Lake, but it was returned to the office. She stated Mr. Pike re-mailed the letter of violation to Ms. Tirrell's home on Battle Creek Highway. Ms. Hannold stated Ms. Pike has not yet received a response from Ms. Tirrell.

Commissioner Rutter asked if the Planning Commission could revoke Ms. Tirrell's CUP or would they need to wait for Ms. Amy Pike to inspect the property. Ms. Hannold stated she and Ms. Pike inspected the property in May to confirm compliance with the permit, however, it has not been re-inspected. **Commissioner Forell** stated he inspected the property and found the parking area was not being maintained. He stated the weeds were tall and overgrown.

Commissioner MacDowell excused himself from the meeting at 10:15 p.m.

Commissioner Rutter asked Ms. Hannold if the Planning Commission could revoke portions of the permit, like the camping, rather than revoking the entire permit. Ms. Hannold said yes, that would be an option. The Planning Commission could also require Ms. Tirrell to get approval from Michigan Department of Environmental Quality for the campground.

Commissioner Ross stated the Planning Commission just approved ticketing another permit holder for non-compliance and suggested this permit holder be ticket as well. Ms. Hannold noted Ms. Tirrell's ticket would be a first notice of violation and would be in the amount of $50.00. The Planning Commission agreed to send Ms. Tirrell a ticket for non-compliance.

Ms. Hannold stated another complaint was received from a neighbor of Bellevue Stone Products (surface mine) and they may be at the next Planning Commission meeting. **Commissioner Roberts** stated the Mining Committee has inspected the mine and found it to be in compliance.

Upcoming Cases: Ms. Hannold reminded the Planning Commission that there is another Planning Commission meeting on Tuesday, September 13th at 7:30 p.m. Ms. Hannold stated the Planning Commission will hear four (4) cases.

A motion was made by **Commissioner Rutter** to adjourn meeting. **Commissioner Roberts** supported.

Meeting adjourned at 10:25 p.m.