

EATON COUNTY BOARD OF APPEALS MINUTES
December 5, 2023

Call to Order: Chair Nikki Chmielewski, 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, Rob Cook, Donald Chase, Mark Stahl, and Nikki Chmielewski

Absent: Tim Cattron

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

Agenda Approval: A motion was made by **Member Cleary** to approve the agenda for the December 5, 2023 meeting. **Member Chase** supported. Motion carried.

Minutes Approval: A motion was made by **Member Cleary** to approve the minutes as written from the May 2, 2023 meeting. **Member Chase** supported. Motion carried.

Communications: Ms. Miller stated there were none.

Public Comment: None

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.

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

Applicant's Statement: Due to the applicant, Mr. Drew Marks, being absent, Ms. Miller read Mr. Marks written statement to the Board of Appeals dated November 30, 2023 into record. **Member Chmielewski** asked Ms. Miller to address any of the concerns in the statement while reading it. While reading Mr. Marks statement into record, Ms. Miller stated in reference to the limitations and conditions written on the Conditional Use Permit, she had informed Mr. Marks staff could not add conditions that were not part of the motion during the Planning Commission meeting; as shown on page three of Mr. Marks statement, several of the proposed conditions are not part of the application or motion for approval. Ms. Miller addressed the maximum density outlined in the Zoning Ordinance for properties located in a Low Density Residential Zoning District. She stated a unit is also known as a dwelling unit as defined in Section 5.3.4 D of the Zoning Ordinance. Ms. Miller read the definition into record. Ms. Miller addressed the concern of the easement for the partial location of the drain field servicing the property located at 11068 W. St. Joe Highway. Ms. Miller stated the language on the Conditional Use Permit Application is taken from Section 8.4.3 of the Zoning Ordinance; she read the section into record. Ms. Miller also read Zoning Ordinance Section 9.3.1 into record. She stated staff did

not require the easement to be located on the site plan as it did not affect the proposed use of Mr. and Mrs. Cassidy's property. She stated the easement area is located on the southwest corner of Mr. and Ms. Cassidy's property.

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

Speakers in favor of the application: None

Speakers in opposition to the application: Mr. Mike Trowbridge, 1095 Irish Rd, stated that he felt the county had made the right decision in approving Mr. Cassidy's CUP. Mr. Trowbridge stated that Mr. Marks lives over 2300 feet from the property and does not meet the requirements of an aggrieved party. Mr. Trowbridge stated that he himself does live within 300 ft of the property and that Mr. Cassidy's property is not in violation of any county ordinance. Mr. Trowbridge stated that all of Mr. Cassidy's neighbors within a 300-foot radius do not have any problems with the private camping, and that those outside of the 300-foot radius should either be charged more to file an appeal or just not be allowed to do so, as he believes Mr. Cassidy is just being harassed now. Mr. Trowbridge stated that a large portion of the decision should be based on numbers such as the neighbors within the 300-foot radius of Mr. Cassidy's property, and that those are the neighbors to be heard, not the neighbors outside of the 300-foot radius.

Mr. Tom Cassidy, 11066 W. St. Joe Highway, stated that he feels this case has now turned into a matter of harassment of his property and neighboring properties. Mr. Cassidy stated that he has had prior enforcements on his property, but that he always complied with the enforcements and resolved them. Mr. Cassidy stated that he has seen Mr. Marks taking pictures of his property from a kayak on the lake. Mr. Cassidy stated that Mr. Marks has continually reported him to code enforcement, but half of the time the complaint was false or had already been resolved. Mr. Cassidy stated that he just wants to be able to enjoy his property with family and friends.

Mr. Brian Ross, Chairman of the Planning Commission, 147 S Main St., stated that the regulations and conditions put forth in the CUP were intentional, nothing was omitted that shouldn't have been. Commissioner Ross stated that he felt the conditions in Mr. Cassidy's CUP are adequate without needing further detail.

Public hearing closed at 6:29 p.m.

Board of Appeals Discussion/Comments: **Chair Chmielewski** stated that the question comes down to if Mr. Mark's is an aggrieved party. **Member Cleary** stated that Mr. Marks appeal seems to be more of an effort to prevent a future problem. **Member Cleary** read the definition of aggrieved and stated that Mr. Marks does not fit the definition of someone who is or has been aggrieved. **Ms. Cleary** stated that she felt the Planning Commission's ruling seemed sufficient and unnecessary to call into question. **Chair Chmielewski** and **Member Chase** agreed with **Member Cleary's** statements.

Member Cleary moved to deny 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. They find that:

1. The appeal has not been brought forward by a party who qualifies as an aggrieved party.

Member Chase supported. A roll call vote was taken with five (5) voting aye and none (0) voting nay. Motion carried.

Old Business: None

New Business: Ms. Miller reviewed department changes with Eaton County Construction Code and Eaton County Community Development. She stated Planning and Zoning is now part of Construction Codes; The department title is Eaton County Construction Code & Planning and Zoning. Ms. Miller stated Mr. Chris Garrison is the Director of the department, Ms. Tammy Alger is the Planning and Zoning Assistant/Permit Specialist, and she is the Planning and Zoning Administrator/Code Enforcement Officer. She stated Ms. Claudine Williams is still a valued employee with Eaton County and is still the Director of Community Development.

Public Comment: None

A motion was made by **Member Chase** to adjourn the December 5, 2023 Board of Appeals meeting. **Member Stahl** supported.

Meeting adjourned at 6:37 p.m.