

# BAY TOWNSHIP PLANNING COMMISSION

NOVEMBER 10, 2020

## CALL TO ORDER

Dave Skornia (Chair) called the ZOOM meeting to order at 7:00PM and led with the Pledge of Allegiance. Also, in attendance were Wendy Simmons (Board of Trustees Rep), Steve Van Dam (Vice-Chair), Joe Jones, Lynn Maxwell (Secretary), Xavier Gaudard, Jamie Shepherd and Ron VanZee (Zoning Administrator). Kristin Baranski (Recording Secretary), Shawn Winter (BRI) were also in attendance.

## PRIOR MEETING MINUTES

**MOTION by Van Dam, seconded by Gaudard, to correct and dispense with the reading of the October 6th, 2020 Planning Commission regular meeting minutes, passed upon unanimous affirmation vote of the Board Members.**

**A roll call was taken:**

**Yeas: Simmons, Van Dam, Jones, Gaudard, Maxwell, Skornia, Shepherd**

**Nays: None**

**MOTION BY Maxwell, seconded by Shepherd, to approve the minutes of the October 6th, 2020 Planning Commission regular meeting as presented passed upon unanimous affirmation vote of the Board Members.**

**A roll call was taken:**

**Yeas: Simmons, Van Dam, Jones, Gaudard, Maxwell, Skornia, Shepherd**

**Nays: None**

## AGENDA APPROVAL

**MOTION by Simmons, seconded by Maxwell, to approve the agenda as presented, passed upon unanimous affirmative vote of the Board Members.**

**A roll call was taken:**

**Yeas: Simmons, Van Dam, Jones, Gaudard, Maxwell, Skornia, Shepherd**

**Nays: None**

## PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARING

Public comments open and closed with no comment.

## PUBLIC HEARING

### SUSAN PANSUK/DOUGLAS FIELDER

The purpose of this meeting is to consider an application for a Special Use permit submitted by Floyd Wright representing Susan Panasuk and Douglas Fielder, to replace an existing legal non-conforming dwelling with a new accessory dwelling.

## BAY TOWNSHIP PLANNING COMMISSION

NOVEMBER 10, 2020

Public hearing opened at 7:06 pm. Wright presented the project to the Bay Township Planning Commission as well as the public attending Zoom meeting for Charlevoix County Tax ID 15-001-008-023-00, located at 04233 Sho Sho Nie Beach Drive, Boyne City, Michigan 49712. The new accessory building will improve non-conformity on property. An old log cabin close to water has been removed and a new all conforming primary, with new septic and new well; all up to date has been built. A guest house also currently exists on parcel, in desperate need of updating. The applicator is requesting to tear down current guest house and replace with an up to code, including new septic and improved setbacks, new build guesthouse.

Public Comments opened and closed at 7:15 pm with no public comments. VanZee received two letters in support of request. Public Hearing closed at 7:16 pm.

### Finding of Fact

#### 4.34 Accessory Dwelling Units

a) ADUs may not be appropriate on every residential parcel and are subject to the provisions of Article XIII (Special Uses), and the following specific requirements:

1. ADUs are permitted only as an accessory use to an owner-occupied single-family dwelling. **MET**
2. A maximum of one ADU is permitted per parcel. **MET**
3. An ADU must be established as a permanent structure. **MET**
4. An ADU may be incorporated into an existing dwelling on any lot meeting the minimum lot size and dimensional standards of the zoning district in which it is proposed. When proposed as a separate structure from the existing dwelling unit, an ADU shall comply with the standards of Section 4.7. **SEPARATE STRUCTURE MET**
5. In no case shall an ADU be larger than 800 square feet and it must comply with minimum building occupancy standards established by the Charlevoix County Department of Building Safety. **MET**
6. An ADU may not be placed on a non-conforming lot or on a lot with a non-conforming primary structure if the non-conformity is because the lot or structure is too small. **N/A**
7. On-site parking accessed through an existing driveway shall be required for an ADU. **MET**
8. Applicants for an ADU shall provide certification from the Health Department of Northwest Michigan that the water supply

## **BAY TOWNSHIP PLANNING COMMISSION**

**NOVEMBER 10, 2020**

and sewage disposal facilities are adequate for the projected number of residents. **MET**

9. Upon site plan review, the planning commission may enter into a deed restriction or other means to restrict certain activities when/if the property changes hands, before issuing a zoning permit. **N/A**

### **13.3 General Standards for Approval of Special Uses**

a. The property subject to the application is in a zoning district in which the special use is allowed by district regulations **MET**

b. The special use, as proposed, complies with any specific standards applicable to that special use appearing elsewhere in this Ordinance **MET**

c. The proposed special use will be consistent with the intent and purpose of the Township's Land Use Plan, as well as the intent and purpose of the zoning district in which it will be located **MET**

d. The proposed special use will not result in the creation of demands on police and fire services or on other public services or facilities, in excess of the Township's financial ability to provide same **MET**

e. The proposed special use will not diminish the opportunity for surrounding properties to use and develop their properties as zoned **MET**

f. The proposed special use will be designed, constructed, operated and maintained so as not to negatively impact the character of land uses in the surrounding area **MET**

g. The proposed special use will not involve uses, activities, processes, materials or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrape materials **MET**

h. The proposed special use will be harmonious with the existing or intended character of the general vicinity and will not be hazardous to existing or future nearby uses **MET**

**MOTION by Van Dam, seconded by Maxwell, to approve a Special Use Permit, based upon Finding of Fact as stated above, for an ADU (accessory dwelling unit) for Charlevoix County Property Tax ID 15-001-008-023-00, located at 04233 Sho Sho Nie Beach Drive, Boyne City, MI 49712, passed upon affirmative vote of the Board Members.**

# BAY TOWNSHIP PLANNING COMMISSION

NOVEMBER 10, 2020

*A roll call was taken:*

*Yeas: Simmons, Van Dam, Gaudard, Maxwell, Jones, Shepherd, Skornia*

*Nays: None*

## MASTER PLAN COMMENTS REVIEWS

Bay Township Planning Commission reviewed all comments received thus far during the Master Plan 63-Day Review Period.

**MOTION by Simmons, seconded by Maxwell, to set a public hearing at the regular planning commission meeting on Tuesday, December 1<sup>st</sup>, 2020 at 7:00 pm to receive comment on the draft Bay Township Master Plan, passed upon unanimous affirmative vote of the Board Members.**

*A roll call was taken:*

*Yeas: Simmons, Van Dam, Jones, Gaudard, Maxwell, Shepherd, Skornia*

*Nays: None*

## GREENBELT PROTECTION LANGUAGE

Bay Township Planning Commission reviewed additional edits and Native Plant Recommendations.

## ZONING ADMINISTRATOR REPORT:

VanZee presented a zoning activity report.

## ZONING BOARD OF APPEALS REPORT:

Gaudard presented a Zoning Board of Appeals report.

## BOARD OF TRUSTEES REPORT:

Simmons represented a Board of Trustees report.

OTHER: N/A

CORRESPONDANCES: N/A

PUBLIC COMMENTS: N/A

## ADJOURNMENT:

**MOTION by Maxwell, seconded by Van Dam, to adjourn, passed upon unanimous affirmative vote of the Board Members.**

*A roll call was taken:*

*Yeas: Simmons, Van Dam, Jones, Gaudard, Maxwell, Shepherd, Skornia*

**BAY TOWNSHIP PLANNING COMMISSION**

**NOVEMBER 10, 2020**

*Nays: None*

**Respectfully Submitted,**

**Kristin Baranski  
Deputy Clerk**