

BAY TOWNSHIP PLANNING COMMISSION
Special Meeting Minutes
May 27, 2026
Bay Township Hall

CALL TO ORDER

Dave Skornia (Chair) called the meeting to order at 7:00 PM and led with the Pledge of Allegiance. Also, in attendance were: Steve Van Dam (Board of Trustees Rep), Ralph Goodrich, Joe Jones (Secretary), Barb Mathes-Alguire (Vice-Chair), John Rohe (Zoning Board of Appeals Rep) and Jack Nestell (Parks and Rec). Also in Attendance: Zack Sompels (Zoning Administrator) and Kristin Baranski (Recording Secretary).

PLEDGE OF ALLEGIANCE

AGENDA AND

PRIOR MEETING MINUTES

MOTION BY Mathes-Alguire, seconded by Van Dam to approve the May 5th, 2026 minutes as corrected, passed upon unanimous affirmation vote of the Board Members.

Yeas: Skornia, Nestell, Van Dam, Goodrich, Mathes-Alguire, Rohe

Nays: None

PUBLIC COMMENTS

Public comments opened and closed at 7:05 pm.

PUBLIC HEARING FOR SUP ACCESSORY STRUCTURE WITHOUT A PRIMARY DWELLING

Applicant: Barr Terrence A Trust

Property Info: (unaddressed) Van Hosen Road, Boyne City, MI 49712

Parcel ID: 15-001-006-016-55

- Construct an accessory structure (36'x60') without a primary structure (72.4' front setback)
- Lot area is 513,137 square feet with the proposed building being 2,160 square feet
- Lot coverage of accessory building is 0.004%

Request: Special Use Permit for an accessory building without a principal structure under Article IV Section 4.7g

BAY TOWNSHIP PLANNING COMMISSION
Special Meeting Minutes
May 27, 2026
Bay Township Hall

Action: The Planning Commission may take action on Article IV General Provisions (page 28 in the Zoning Ordinance), Article XII Site Plan Review (page 65 in Zoning Ordinance) and Article XIII Special Uses (page 71 in Zoning Ordinance)

Planning Commission Comments include:

- Applicant is not planning on a lot of traffic as the building will be used for seasonal storage; building will not be plowed in winter thus drive way will a simple gravel/grass
- Planning Commission will expect proper screening; whether additional or existing, for this request
- Building height is approximately 27'
- Building lighting will be motion activated
- Building color will be dark to blend in
- Overhead door is opposite the front to limit view from road
- Planning Commission agreed that shielding of light, downward facing is very important
- Pre Conference Information as follows:

12.11 SITE PLAN REVIEW FOR APPROVAL

a. Compliance with Zoning District Regulations

All buildings, structures, uses and improvements shall comply with land use, lot area, setback, parking, sign, landscaping, screening and other regulations and standards established by zoning district regulations and all other applicable regulations contained in this Ordinance.

MET

b. Organization of Elements

All buildings, uses and improvements illustrated on the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character and use of adjoining property and the type and size of buildings. **MET**

The site shall be developed so as not to impede the normal and orderly development, improvement or enjoyment of surrounding property for uses permitted in this ordinance. All

BAY TOWNSHIP PLANNING COMMISSION
Special Meeting Minutes
May 27, 2026
Bay Township Hall

buildings, structures, driveways, internal circulation routes, parking and storage areas shall be designed and located so as to minimize potential adverse effects and impacts on adjacent and nearby properties. **MET**

c. Preservation of Natural Features and Natural Landscape

Natural features (woodlots, wetlands, watercourses, ponds, shorelines, attractive vegetation etc.) shall be preserved and protected to the greatest extent possible. As many natural features of the landscape shall be incorporated into the design and layout of the site as possible so as to buffer it from adjacent incompatible land uses, to preserve the character of the surrounding area and community as a whole and to control soil erosion and stormwater runoff. **MET**

d. Drainage Provisions

Special attention shall be given to proper site drainage so that stormwater runoff will not affect neighboring properties or overload watercourses in the area. Stormwater management systems shall be designed in accordance with professionally accepted principles, and shall provide on-site retention or detention facilities designed to hold runoff from a 50-year frequency storm event. Naturally occurring and pre-existing drainage ways shall be used for the movement of stormwater. Discharge of stormwater runoff from any site which may contain oil, grease, toxic chemicals, or other hazardous substances or polluting materials is prohibited unless measures to trap pollutants meet the requirements of the Michigan Department of Environmental Quality, based upon professionally accepted principles. **MET**

e. Soil Erosion

Proposed developments or uses shall not result in soil erosion or sedimentation problems. **MET**

f. Screening and Buffering

Screening and buffering, in the form of native vegetative landscape plantings, existing vegetation, screen fences, and the like, may be required at the discretion of the Planning Commission to insure compatibility between a site and adjoining land uses. **MET WITH CONDITIONS**

g. Emergency Vehicle Access

All buildings, groups of buildings, and uses shall be arranged to allow emergency vehicle access to all improved areas during all seasons of the year under all weather conditions. **MET**

BAY TOWNSHIP PLANNING COMMISSION
Special Meeting Minutes
May 27, 2026
Bay Township Hall

h. Pedestrian and Vehicular Circulation

Proposed driveway entrances and exits, parking areas, service drive and other internal circulation routes are located and arranged so as to insure the safety and convenience of pedestrian and vehicular traffic. If proposed by an applicant, or required at the discretion of the Planning Commission, or as otherwise provided in this Ordinance, pedestrian and bicycle pathways shall be insulated as completely as reasonably possible from the vehicular circulation system. **N/A**

i. Compliance with Applicable County, State and Federal Statutes

Site plans shall conform to all applicable requirements of state and federal statutes. Site plan approval and an occupancy permit may be conditioned on the applicant receiving necessary state and federal permits applicable to wetlands, lakes, streams, floodplains, hazardous substances, groundwater discharges, storm water discharges, and the like. **MET**

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 property 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 WITH SCREENING CONDITION**

BAY TOWNSHIP PLANNING COMMISSION
Special Meeting Minutes
May 27, 2026
Bay Township Hall

- 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 scrap 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**

Planning Commission discussed what the setback for an accessory building without a principal dwelling unit. Planning Commission referenced several sections to help determine what to follow.

4.6 Principal Use Required No accessory building or structure shall be constructed on any lot on which there is no principal use, unless the terms outlined in Section 4.7(g) are met.

4.7 (g). This subsection is to provide the opportunity to establish accessory buildings without a principal structure through a special use permit so long as the use is consistent with existing and surrounding uses. This provision shall not allow new uses that are commercial in nature. In all zoning districts, accessory buildings without a principal structure may be established through a special use permit, subject to the provisions of Article XIII, and the following requirements:

1. The accessory building is consistent with surrounding uses, based on the following considerations:

- a. The building is well-screened from public view; **MET WITH CONDITIONS**
- b. The building is an appropriate size compatible with surrounding buildings; **MET**
- c. The use is compatible with surrounding uses; **MET**
- d. The placement of the building is appropriate relative to surrounding roads, buildings, and natural features; and **MET**
- e. The outdoor storage of goods and/or materials of any kind is prohibited unless screened if the Planning Commission finds that such screens are necessary to mitigate any adverse impacts outdoor storage may have on adjoining properties and road rights-of-way. **MET**

2. A future development envelope for a principal structure is preserved in full compliance with all applicable setback requirements in the district.

- a. If the lot on which the accessory building is located does not have sufficient lot area for the future development envelope, then the accessory building may be constructed on the

BAY TOWNSHIP PLANNING COMMISSION
Special Meeting Minutes
May 27, 2026
Bay Township Hall

lot under consideration only if the owner of the lot owns another lot with sufficient area for the future development envelope that is either: i. ii. contiguous to the lot under consideration; or separated from the lot under consideration by a public or private road and the owner(s) of the two lots records deed restrictions (or other legal instruments) acceptable to the township attorney with the county Register of Deeds Office requiring the two lots to be used and/or sold as one development site. **MET**

3. Upon site plan review, the planning commission may determine a performance guarantee is required as set forth in Article XII, Section 12.17

4. Upon site plan review, the planning commission may determine it is necessary for the property owner to enter into a deed restriction or other means to restrict certain activities when/if the property changes hands, before issuing a zoning permit.

Public Comment opened at 7:07 pm

- Neighbor spoke in support of building and made applicant aware of an easement she has with parcel regarding a drain field that is on the parcel of interest. The builder and concerned neighbor will stake area to avoid any construction traffic disturbing or compromising drain field.

Public Comment closed at 7:20 pm.

MOTION by Mathes-Alguire, seconded by Rohe to approve the Special Use Permit for an Accessory structure without a principal structure for Parcel ID 15-001-006-016-55 with the following conditions: structure to be screened with minimum of quantity of 3, minimum height of 6 foot white pine trees or equivalent that will screen building from Van Hosen Road and all access (construction or permanent) is prohibited on any existing septic easement passed upon unanimous affirmative vote of the Board Members.

Yeas: Skornia, Nestell, Van Dam, Goodrich, Mathes-Alguire, Rohe

Nays: None

BAY TOWNSHIP PLANNING COMMISSION
Special Meeting Minutes
May 27, 2026
Bay Township Hall

VILLAGE OVERLAY DISTRICT LANGUAGE

Background: While going through a request for a lot split at the Horton Bay Community Church property to split the Church from the school house, it was discovered that a lot split would not be possible due to the fact that although the request met the minimum lot area and lot depth of 150' was not met. The Township Board has asked the Planning Commission if this is possible to make something happen. The church hopes to sell the property to a buyer that will renovate the schoolhouse into a museum/art gallery.

- The Master Plan established the Village Overlay District is intended to support small-scale, historically compatible uses including institutional uses such as museums, religious institutions and community centers
- The Master Plan places strong emphasis on preserving Horton Bay historic identity: “efforts to preserve historic areas and structures deserve special recognition and support”
- the Master Plan outlines that the Horton Bay area was developed historically without modern dimensional standards

Request: Possible text amendment solutions to allow the split to happen could be as follows:

- Add text to 9.6 Village Design Standards that could read: 9.6.g Dimensions Lots within the Village Overlay District must meet all of the lot requirements of Sections 5.4 Lot Area, Lot Width and Setback Requirements except if lot area is met and lot width is met, then a lot shall be allowed as long as it meets the State requirements of the Land Division Act
- Change text of 9.6 Area, Width and Setback Requirements to read: lot area and width must be met as outlined in Section 5.4 Lot Area, Lot Width and Setback Requirements
- Change text of Section 5.4 Area, Width and Setback Requirements to read: Lot Depth of the Residential Zoning District to 15'

Planning Commission discussion included:

- Historical Conservancy option
- Property Rights
- Caution with Deed Restrictions
- Sompels will research Historic designation (State of Michigan, conservancy, etc)

BAY TOWNSHIP PLANNING COMMISSION
Special Meeting Minutes
May 27, 2026
Bay Township Hall

Planning Commission came to a consensus that it is important to protect Horton Bay's historical properties.

9.6.e Setbacks and Dimensions can be edited to accomplish PC desire and Board of Trustees to approve parcel split.

A conservancy has the power to enforce a deed restriction

MOTION by Rohe, seconded by Van Dam to send the following Zoning Ordinance text amendments to the Township attorney for legal review as well as Charlevoix County Planning Commission:

9.6.e Setbacks and Lot Depth: Setbacks and Lot Depth for all shall be as follows:

1. Front Setback: Twenty-Five (25) feet

2. Side Setback: Ten (10) feet

3. Rear Setback: Thirty (30) feet

4. Lot Depth: One Hundred Twenty Feet (125) feet

passed upon unanimous affirmative vote of the Board Members.

Yeas: Skornia, Nestell, Van Dam, Goodrich, Jones, Mathes-Alguire, Rohe

Nays: None

MOTION by Goodrich, seconded by Jones to set a Public Hearing for Wednesday, August 5th, 2026 to hear Public Comment on text amendments to Article 5 of the Bay Township Zoning Ordinance, passed upon unanimous affirmative vote of the Board Members.

Yeas: Skornia, Nestell, Van Dam, Goodrich, Jones, Rohe, Mathes-Alguire

Nays: None

BAY TOWNSHIP PLANNING COMMISSION
Special Meeting Minutes
May 27, 2026
Bay Township Hall

OTHER CORRESPONDENCES/PC COMMENT

PUBLIC COMMENTS Public comments opened and closed at 9:00 pm with no comment.

ADJOURNMENT

MOTION by Goodrich, seconded by Jones to adjourn at 9:03 pm, passed upon unanimous affirmative vote of the Board Members.

Yeas: Skornia, Nestell, Van Dam, Goodrich, Jones, Rohe, Mathes-Alguire

Nays: None

Respectfully Submitted,

Kristin Baranski
Recording Secretary