



CHARLEVOIX COUNTY PLANNING COMMISSION

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Tentative Agenda
Thursday February 6, 2025
6:00 p.m.
Committee Room
Charlevoix County Shirley Roloff Center
13513 Division St., Charlevoix, Michigan 49720

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Public Comments
- V. County Business Items
 - Approval of Minutes of January 9, 2025 Meeting
 - Correspondence and Communications
 - County Parks & Recreation Plan Update
- VI. Townships, Cities, MI Dept of EGLE & Corps of Engineers Items
 - St. James Township Proposed *Conditional* Rezone (Adrian-Rogers)
 - St. James Township Proposed Zoning Text Amendments
 - Norwood Township Proposed Rezone (Wagner)
 - EGLE Public Notice (Sorber)
- VII. Comments/Reports
 - Planning Director
 - County Commissioner Liaison
 - Planning Commission Members
- VIII. Any Unfinished County Business
- IX. Adjournment



CHARLEVOIX COUNTY PLANNING DEPARTMENT

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Charlevoix, Michigan 49720
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planning@charlevoixcounty.org

Memorandum

To: Planning Commission members
From: Kiersten Stark, Planning Director
Re: Commission meeting material
Date: January 31, 2025

The draft minutes of the January 9th Planning Commission meeting and the Staff Reports for the township items on the agenda will be provided to Commission members during the week of February 3rd, prior to our meeting on February 6th. If you have any questions, please contact me at (231) 547-7234 or starkk2@charlevoixcounty.org.



A MICHIGAN HISTORICAL SITE

CHARLEVOIX COUNTY PLANNING COMMISSION

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

DRAFT Meeting Minutes January 9, 2025

I. Call to Order

Acting Chairperson Nancy Ferguson called the meeting to order at 6:00 p.m. in the Committee Room at the Charlevoix County Shirley Roloff Center.

Members present: Nancy Ferguson, Pam Grassmick, Matt Cunningham, Mike Ritter, Marshal Bakker, David Wheeler, and Anna McGlashen

Members absent: None

Others present: Kiersten Stark (Planning Director)

II. Pledge of Allegiance

M. Ritter led the Pledge of Allegiance to the Flag of the United States of America.

III. Introduction of Members

The Planning Commission members and Staff introduced themselves.

IV. Election of Officers

Acting Chairperson Ferguson opened nominations for Chairperson. P. Grassmick nominated N. Ferguson for Chairperson. M. Ritter seconded the nomination. N. Ferguson asked for any further nominations. No further nominations were made. Voice vote to elect N. Ferguson for Chairperson: all in favor. Motion passed.

Chairperson Ferguson opened nominations for Vice Chairperson. N. Ferguson nominated M. Cunningham for Vice Chairperson. M. Bakker seconded the nomination. N. Ferguson asked for any further nominations. No further nominations were made. Voice vote to elect M. Cunningham for Vice Chairperson: all in favor. Motion passed.

Chairperson Ferguson opened nominations for Secretary. M. Cunningham nominated P. Grassmick for Secretary. N. Ferguson asked P. Grassmick if she would be willing to serve as Secretary. P. Grassmick answered affirmatively. N. Ferguson seconded the nomination. N. Ferguson asked for any further nominations. No further nominations were made. Voice vote to elect P. Grassmick for Secretary: all in favor. Motion passed.

1
2 **V. Approval of Agenda**
3

4 MOTION by P. Grassmick to approve the agenda as presented. M. Bakker seconded the motion.
5 Voice vote: all in favor. Motion passed.
6

7 **VI. Public Comments**
8

9 None
10

11 **VII. County Business Items**

12 **Approval of Minutes of November 7, 2024 Meeting**
13

14 MOTION by M. Ritter to approve the minutes of the November 7, 2024 meeting as presented.
15 M. Cunningham seconded the motion. Voice vote: all in favor. Motion passed.
16

17 **Correspondence and Communications**
18

19 K. Stark reviewed the following items:

- 20 • Notice of Intent from Chandler Township to update their Master Plan
21
22 • Update on Michigan House Bill 5557
23

24 K. Stark explained that the Planning Commission reviewed this bill last year when it was first
25 moving through the Michigan House and Senate. It was passed by the Legislature and is now
26 Public Act 153 of 2024. This new legislation amends Sections 7, 15, and 33 of the Michigan
27 Planning Enabling Act (P.A. 33 of 2008, as amended) to require the following: 1) A master
28 plan must account for a range of housing types, costs, affordability, attainability, ages, and
29 other characteristics, including single- and multiple-family dwellings, to serve the housing
30 demands of a diverse population, 2) The membership of a planning commission must be
31 representative of the local unit of government's housing interests (among other major interests
32 in the community), and 3) A master plan must include an assessment of the community's
33 existing and forecasted housing demands, with strategies and policies for addressing those
34 demands. K. Stark noted that most community master plans already address the topic of
35 housing, but not to the extent required by this new legislation. She explained that P.A. 153 of
36 2024 will go into effect in March, so these requirements will apply the next time we update the
37 County Future Land Use Plan and when we review proposed new township and city plans.
38

39 A. McGlashen asked if Chandler Township will need to comply with this new legislation if
40 they will be completing their master plan update after P.A. 153 take effect in March. K. Stark
41 said yes. A. McGlashen also asked if these new requirements will be a significant change for
42 communities in their master planning process. K. Stark said yes, the new legislation will
43 require a more in-depth study of current housing availability and housing needs in a
44 community, an assessment of whether the housing needs are being met and, if not, development
45 of strategies and policies to meet those needs.
46

P. Grassmick suggested contacting Zach Sompels, the Charlevoix County Housing Ready Program Coordinator, to give an update on housing to the Planning Commission. K. Stark will contact Zach Sompels to give a housing update at an upcoming meeting.

2025 Meeting Schedule (Resolution)

Commission members reviewed the Proposed 2025 Meeting Schedule. N. Ferguson noted the July meeting is proposed to be held on the second Thursday of the month due to Independence Day. Discussion took place regarding possibly holding the July 10th meeting in one of the local units of government and organizing a Planning Commission tour of that area, which would include discussion of current issues with the local officials.

MOTION by M. Bakker to adopt the following resolution setting the 2025 meeting schedule. A. McGlashen seconded the motion. Roll call vote: M. Ritter – yes, P. Grassmick – yes, M. Cunningham – yes, N. Ferguson – yes, M. Bakker – yes, D. Wheeler – yes, and A. McGlashen – yes. Motion passed.

RESOLUTION SETTING THE 2025 MEETING SCHEDULE

WHEREAS, in 2011, the Charlevoix County Planning Commission was re-established under the auspices of the Michigan Planning Enabling Act (PA 33 of 2008, as amended), and

WHEREAS, the Michigan Planning Enabling Act requires the Planning Commission meeting schedule to be adopted by resolution,

NOW THEREFORE BE IT RESOLVED, that the Charlevoix County Planning Commission will hold their regular meetings on the first Thursday of the month at 6:00 p.m. in the Committee Room at the Charlevoix County Shirley Roloff Center, 13513 Division Street, Charlevoix, Michigan 49720, *unless otherwise posted*, with the understanding that meetings may be cancelled or rescheduled due to lack of a quorum, inclement weather, scheduling conflicts, or lack of agenda items, and

BE IT FURTHER RESOLVED, that the January 2025, July 2025, and January 2026 meetings will be held on the second Thursday of the month, and

BE IT FURTHER RESOLVED, that the regular meetings may be held at other locations throughout the county on occasion but will be posted in compliance with the Michigan Open Meetings Act (Public Act 267 of 1976, as amended).

VIII. Townships, Cities, MI Dept of EGLE & Corps of Engineers Items

Boyne Valley Township Proposed Zoning Text Amendments

Commission members reviewed the proposed text amendments to Article 2 Definitions, Article 3 General Provisions, and Article 9 Administration & Enforcement of the Boyne Valley Township Zoning Ordinance pertaining to the use of shipping containers as accessory buildings.

K. Stark reviewed the Planning Department Staff Report. She described the proposed amendments and provided some comments. In Article 2: Definitions, Section 2.02 Definitions, references to shipping

containers are proposed to be added to the existing definitions of the following terms for clarification: *Accessory Building or Structure*; *Accessory Building, Major*; *Accessory Building, Minor*; and *Shipping Container*.

Referring to the definition of *Accessory Building or Structure*, K. Stark suggested the Township may want to consider omitting the term “accessory buildings” in the second line because that’s the term that is being defined. Typically, a term is not used in the definition of itself. Also, in the last sentence of this definition, the Township may want to consider refining the wording to read as follows: “An accessory building or structure attached to the principal building or structure shall be considered part of the principal building or structure.” The purpose is to be consistent in the terminology used throughout the definition.

K. Stark also noted that references to shipping containers do not need to be added to the definitions of *Accessory Building, Major* and *Accessory Building, Minor* because shipping containers are now included in the definition of *Accessory Building or Structure*.

In Article 3: General Provisions, Section 3.04 Accessory Buildings and Structures, shipping containers are proposed to be added to subsection D. In subsection F., a minor grammatical change is proposed in the introductory line. Also, in subsection F. 2., the third sentence is proposed to be omitted because shipping containers have been added to the definition of *Accessory Building or Structure* and Section 3.04, subsection D. already imposes a limit of two (2) accessory buildings per lot or parcel.

K. Stark noted shipping containers actually don’t need to be added to subsection D. because they’ve already been added to the definition of *Accessory Building or Structure*. In fact, adding a reference to shipping containers in subsection D. makes it look like the Township is differentiating between minor accessory buildings and shipping containers, which is not the case. She suggested rewording this subsection to read as follows: “Two (2) accessory buildings or structures shall be permitted per lot or parcel without regard to the size of the accessory buildings or structures.”

In Article 9: Administration & Enforcement, Section 9.02 Zoning Permit and Application, subsections A. and F., the Township is proposing to reduce the size threshold at which accessory buildings or structures would require a zoning permit from 200 square feet to 150 square feet.

K. Stark noted, in both instances, accessory buildings or structures less than 150 square feet would not require a zoning permit. However, an *Accessory Building, Minor* is defined as 150 square feet or less. The Township may want to consider either changing the wording in the definition of *Accessory Building, Minor* or the wording in Section 9.02 so they match. That way, whatever is defined as “minor” would not require a zoning permit. Was this the Township’s intent?

M. Bakker asked if the proposed changes to Section 3.04 would apply to all zoning districts. K. Stark said yes, as this is in Article 3: General Provisions. Referring to Section 3.04 D., M. Bakker said only allowing two (2) accessory buildings would not work well in the Agricultural district. It’s fine for the other districts, but not Agricultural because it wouldn’t accommodate a growing farm.

M. Bakker thought 150 square feet was small for an accessory building. He noted the County Department of Building Safety doesn’t require a building permit until you reach 200 square feet.

1 M. Bakker also commented that he did not know of any shipping container less than 8 feet x 20 feet,
2 which is 160 square feet. If 160 square feet is the smallest shipping container made, then shipping
3 containers should not be included in the definition of *Accessory Building, Minor*.
4

5 M. Bakker reiterated that only allowing two (2) accessory buildings is too restrictive for the
6 Agricultural district.
7

8 N. Ferguson asked if the Township is seeing a lot of shipping containers coming into their community.
9

10 MOTION by P. Grassmick to send the Planning Department Staff Report and the Planning
11 Commission's comments to Boyne Valley Township for their consideration. Discussion: Referring to
12 Section 3.04 D., A. McGlashen asked if "two (2) accessory buildings shall be permitted" is an
13 allowance or a restriction. The way it is worded is confusing. M. Bakker agreed, noting the wording
14 could be interpreted more than one way, especially by using the word "permitted." He suggested
15 rewording it for clarification as follows: "A maximum of two (2) accessory buildings shall be allowed
16 per lot or parcel..." Voice vote on the motion: all in favor. Motion passed.
17

18 **IX. Comments/Reports**

19 **Planning Director**

20
21
22 K. Stark gave an update on recent Planning Department activities:

- 23 • Phase 3 of the Boyne City to Charlevoix Trail
 - 24 ○ Meetings held by County Staff, the engineering firm, and the contractor to discuss the
 - 25 issue with the retaining walls (placed too close to the paved path) – five (5), possibly all
 - 26 six (6), of the walls will need to be rebuilt in the Spring
 - 27 ○ Once the retaining walls are rebuilt, the remaining construction items will be
 - 28 completed: paving, concrete work, install benches, permanent signage, and site
 - 29 restoration;
 - 30 ○ Construction activity has ceased for the winter and will resume in the Spring
- 31 • Phases 4 and 5 of the Trail
 - 32 ○ Finished preparing and released a Request for Proposals for engineering services to
 - 33 complete the Trail (Phases 4 and 5)
 - 34 ○ Held a mandatory pre-submittal meeting on December 10th for engineering firms
 - 35 interested in submitting a proposal
 - 36 ○ Developed and have been updating a Running Question & Answer List regarding the
 - 37 RFP
 - 38 ○ Submittal deadline for engineering proposals is January 24th
- 39 • (Solid Waste) Materials Management Planning
 - 40 Working with County Administrator's office and Networks Northwest Staff to establish
 - 41 a County Materials Management Planning Committee, which will oversee the process
 - 42 of developing a new Solid Waste/Materials Management Plan for the County, per the
 - 43 new State statutory requirements
 - 44

45 **County Commissioner Liaison**

46
47 Not present
48
49

Planning Commission Members

M. Ritter commented that he attended a couple of webinars. One of them was on ethics in planning and zoning, which was a good program. The Charlevoix School Board has approved an \$8 million bond for the school election ballot in May. He spent most of the week dealing with a computer system issue.

M. Cunningham reported that Lakes Michigan and Huron are at 578.18 feet is predicted to fall one (1) inch by February 3, 2025. Lake Superior is at 601.12 feet and is predicted to fall two (2) inches by February 3, 2025. Lake Michigan is currently 41 inches lower than the highest monthly average, which was recorded in January 2020. Lake Superior is 19 inches lower than the highest monthly average, which was in January 2020. We're on the downward cycle.

P. Grassmick reported they had two meetings on short-term rentals yesterday on Beaver Island. Some people were supportive of more regulations on short-term rentals; others didn't want any regulations. She also reported that the University of Michigan has a wave generator on the Island, which is a prototype of sorts. They just received a \$3.5 million grant from the National Science Foundation to study whether the prototype could generate enough electricity to power the lights at the south end of the Island where Charlevoix County owns 160 acres, including a lighthouse. P. Grassmick also reported they just had their first Zoning Board of Appeals meeting on the Island in 13 years. The ZBA considered a variance request for building in a Critical Sand Dune area. She explained that the townships on Beaver Island are two of the rare townships in the state that administer their own Critical Dune Ordinance. She also reported that Beaver Island received a \$55,000 grant to reduce by 30% the amount of solid waste material that has to be shipped off the Island. There's still a lot of household waste that could go into a compost pile. So, the grant will pay for each household to receive a bin to collect their compost

A. McGlashen had no comment.

M. Bakker reported that he is on the Marion Township Planning Commission. He also reported that Marion Township approved the Noirot conditional rezone. Petition has been filed to place a referendum on the ballot. Another proposed housing development on M-66 is ongoing and currently the subject of a lawsuit. The Marion Township Planning Commission just recommended that the Township hire a municipal planner; they would like to audit their zoning ordinance, as it needs to be brought up to date. There's a lot of activity in Marion Township and it seems to be centered around housing.

D. Wheeler commented, on the Community Watch of East Jordan, he hopes the City of East Jordan can install security cameras at the recycling drop-off center because a few families are taking advantage of the system by dumping their household trash in the recycling bins. The recycling center was shut down for a couple days while city staff were sorting through the material in the bins to resolve the issue.

N. Ferguson explained that County policy requires Planning Commission members to earn three (3) hours of continuing education credit each year. She explained that Staff will provide flyers on various planning-related programs offered throughout the year. K. Stark noted that most programs are webinars, and the County covers the registration fees. N. Ferguson encouraged new members to consider taking the MSU Extension Citizen Planner Program, as it is very helpful training. She also described some of the 1-hour planning webinars offered this past year.

1
2 **X. Any Unfinished County Business**

3
4 None

5
6 **XI. Adjournment**

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8 MOTION by M. Ritter to adjourn the meeting. M. Cunningham seconded the motion. Voice vote: all
9 in favor. Motion passed.

10
11 Chairperson Ferguson adjourned the meeting at 7:11 p.m.

12
13
14 Minutes submitted by,

15
16 Pam Grassmick
17 Secretary

18
19 PG/kjs

Michigan Association of Planning
Planning and Zoning Essentials Workshop

Wed. March 19 and Thurs. March 20

6:00 to 8:00 PM

Online, via Zoom, in two parts

This course is designed to boost confidence by sharpening skills, identifying conflicts of interest, understanding legal foundations, examining roles and responsibilities, and more! Ideal for introducing new planning commissioners and zoning board of appeals members to their roles and responsibilities, and also for more experienced officials looking to refresh their skills and build upon existing knowledge. Roles and responsibilities, site plan review, comprehensive planning, zoning ordinances, variances, how to determine practical difficulty, and standards for decision-making are covered.

\$125 per person

The workshop will also be recorded and made available to registrants after the program is held.



MAP's 2025 Pro-Housing Webinar Series

Earn 1.5 AICP CM Credits or 1.5 Master Citizen Planner Credits per session

The housing shortage in Michigan continues, and MAP is kicking off a second Pro Housing Webinar Series in 2025 to build on our planning and zoning reform work in recent years. The webinars will prepare community planners, housers, advocates, developers, and local leaders with a collection of policy, regulatory, programmatic, and finance solutions to help your municipality get the housing it needs to provide shelter to all who want to live in your community.

This 7-module Pro-Housing Webinar Series runs from January to September 2025, and covers it all, from how to contemporize zoning codes to make development review processes more predictable and creating a data driven housing element of your master plan to corridor planning and why missing middle housing probably IS one of the most effective ways to provide housing for those seeking something other than a single family detached home.

January 15 | Brownfield TIF | 3 - 4:30 PM

The Brownfield TIF has emerged as one of the most reliable tools a municipality and a developer can use to make housing projects pencil. This workshop covers the Brownfield Redevelopment Act and how it can become a significant part of local government's response to financial assistance for housing projects. Recorded webinar available as watch on demand.

February 26 | Housing Finance for Planners | 3 - 4:30 PM

Planners can estimate the number and type of housing units needed, and update master plans and zoning codes to be ready when a developer shows up, but we often do not have an understanding of how projects are financed, how lean the profit margins can be, and why affordable units will almost always require a subsidy. Planners should possess this knowledge and can serve as "translators" between elected and appointed leaders, the public, and the development community.

April 24 | The Housing Element of a Master Plan | 3 - 4:30 PM

In November 2024, Representative Grant's PEA amendment to require a housing element in a municipal master plan was enacted into law. This session will review the specifics of the new language and present best practices to develop a housing plan, including an assessment of the community's existing and forecasted housing demands and addressing a range of housing characteristics.

May TBD | Missing Middle Housing

Missing Middle housing is a concept that highlights the need for diverse, affordable housing choices in walkable places. Middle housing is largely considered "missing" because such building types have been illegal or difficult to build since the middle of the last century when single family zoning became the predominant residential arrangement in practically every municipality across the country. Reintegrating these housing concepts into our plans and codes can go a long way toward increasing housing supply with in-demand housing products. Presented by Opticos Design.

June 25 | Use by Right and Administrative Approvals | 3 - 4:30 PM

Permitting uses by right and implementing administrative approvals can connect a community vision that is based on meaningful community engagement and articulated in a plan with more appropriate zoning review processes, creating more opportunities for investment and growth. This session discusses ways to shift responsibility for administrative development decisions toward the administrative professionals, freeing up elected and appointed officials to set policy and develop broad guidance while reducing gratuitous friction in the review process.

July 16 | Community Engagement for Housing: Changing Hearts and Minds | 3 - 4:30 PM

Many planners find that when it comes to housing projects, the traditional engagement process does not draw a representative section of the community and, as a result, does not produce recommendations that meet the community's needs, or the goals expressed in the adopted master plan. This session identifies the groups who are consistently struggling to find housing across the state, helping communities design engagement practices that can better reach them. It also explores ways to bring housing advocates, and their deep knowledge of housing needs and proven solutions, into the public conversation. Online reference book included.

September 25 | Transforming your Corridors with Housing | 3 - 4:30 PM

Most municipalities in Michigan have a corridor that is replete with resources, including infrastructure and even transit, which are underutilized. Hear from communities that are retrofitting their tired corridors into thriving, people-centered spaces that create new economic opportunities, using housing to lead the charge.



**MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION**

MAP Members: \$35 Each | \$150 for the collection
Non Members: \$45 Each | \$175 for the collection
Student Members: \$10 Each | \$35 for the collection
Register at www.planningmi.org

RRC Communities: you are eligible for discount pricing. Contact your RRC advisor for details!



CHARLEVOIX COUNTY PLANNING DEPARTMENT

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Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Memorandum

To: Planning Commission members
From: Kiersten Stark, Planning Director
Re: St. James Township Proposed Conditional Rezoning
Date: January 30, 2025

On May 9, 2024, the Charlevoix County Planning Commission reviewed a request by Rene S. Adrian-Rogers to rezone a 2.38-acre parcel (owned by Lawrence R. Rogers and Rene S. Adrian-Rogers) located at 25460 Lake Dr. in St. James Township from Single Family Residential (R-1) to Harbor (H). Attached is the rezoning request reviewed by the Planning Commission on May 9, 2024, an excerpt of the minutes of the May 9, 2024 County Planning Commission meeting as well as the Planning Department Staff Report concerning this proposed rezoning. This will provide helpful background information for reviewing the current request by Ms. Adrian-Rogers to *conditionally* rezone her property from Single Family Residential (R-1) to Harbor (H).

St. James Township Planning Commission
P. O. Box 85
Beaver Island, MI 49782

Charlevoix County Planning Commission
301 State Street
Charlevoix, MI 49720

April 2, 2024

RE: Rezoning Application by Rene S. Adrian-Rogers – Property ID 013-223-001-90

Rene S. Adrian-Rogers has submitted a REZONING application for property located on 25460 Lake Drive, Beaver Island, MI 49782. The property ID is 013-223-001-90 consisting of 2.38 acres and currently zoned R1. The applicant wishes to have the property rezoned to Harbor District as they have a small art studio at their home which they wish to open to the public for sale of art works. The property is adjacent to the Harbor district.

The St. James Township Planning Commission held a Public Hearing on March 19, 2024 at 5:30 pm where written public comment was taken and accepted. No other public comment was made at the hearing. Additional attachments are:

- Application for Re-zoning
- Notice of Public Hearing for March 19, 2024
- Correspondence from Denise A. Richards
- Approved Minutes from the March 19, 2024 Public Hearing

The St. James Township Planning Commission, by unanimous roll-call vote, did approve this application.

Any questions may be directed to: Lori Taylor-Blitz - Chair of St. James Township Planning Commission at chair.pc.stjamestwp.bi@gmail.com.

Regards,



Cynthia Pryor – Recording Secretary
St. James Township Planning Commission
Beaver Island

APPLICATION TO AMEND THE ZONING ORDINANCE

TO:

☐ St. James Township Planning Commission

FEE- \$250.00

CASE No. 5-1928
Date Received 1/31/24

FROM:

Rene S. Adrian-Rogers

(Property Owner)

25460 Lake Drive

(address)

Beaver Island, MI 49782

(city, state, zip code)

231-313-0102

(telephone, home and business)

For Office Use Only

Date Rec'd. _____
Effective Date: _____
Fee Rec'd. _____
Hearing date _____
Township Planning Commission:
Action: _____
Date: _____
County Planning Commission:
Action: _____
Date: _____
Township Board:
Action: _____
Date: _____
Notice of Adoption date: _____
Case number: _____

Please note: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

ACTION REQUESTED

The petitioner requests St. James township approve the following petition for a zoning amendment. This petition is for a text amendment "A" or a change to the zoning map "B" or both.

- Fill out pages 1, 2 and 4 of this application for A (text amendment).
- Fill out only pages 1, 3 and 4 for B (change the zoning map).
- Fill out pages 1, 2, 3 and 4 for both.
- If this is a multiple request, duplicate page 2 or 3, as many times as necessary, so one copy is used for each requested change.

- ☐ A. Zoning Text change.
☒ B. Zoning Map change.
☐ A&B. Both Zoning Text & Map change.

NOTE: The amendment may be adopted as proposed, further revised or not adopted.

This request is to change the text of section (S) _____
The change is shown below, using underlining or bold face, like
this, to show new text, and strike out, ~~like this~~, to show words
to be deleted: _____

This request is to change the text of section (S) _____
The change is shown below, using underlining or bold face, like
this, to show new text, and strike out, ~~like this~~, to show words
to be deleted: _____

Why, what is the purpose, of the proposed zoning text change? _____

Why, what is the purpose, of the proposed zoning text change? _____

B. Map change (rezoning): Use another copy of this page for each different area being nominated for rezoning.

This request is to rezone land from: R-1 Single-family Residential
to Harbor

PROPERTY INFORMATION:

Legal Description of land to be rezoned: see attached

☒ attached, additional sheets if necessary.

☐ attach copy of map showing proposed change.

Property size: 2.38 acres

Parcel Data Process (tax) Number 013-223-001-90---

Address(es) of the property (if new construction, an address will not be known yet.

An address is obtained after a zoning permit is issued.): 25460 Lake Drive

☐ attached, additional sheets if necessary.

Attach or list all deed restrictions for the property at question: _____

☐ attached, additional sheets if necessary

List names and address of all other persons, firms, or corporations having a legal or equitable interest in the property at question: Lawrence R. Rogers

☐ attached, additional sheets if necessary

This area is X unplatted, _____ platted, _____ will be platted. If platted, name of plat: _____

.What is the present use of the property? residential

STATEMENT TO JUSTIFY THE PROPOSED AMENDMENT:

State specifically the reason for the proposed amendment at this time: To be able to welcome the public into

my studio space and be able to sell goods.
See attached.

Complete and attach a site plan of the subject property which includes:

- 1) All of the property lines.
 - 2) All structures (with locations and dimensions) on the subject property and abutting property, and all structures within 300' of subject property.
 - 3) All roads, easements, bodies of water, and any significant topographic features on the subject property or within 300'.
- This site plan should be as near to scale as possible.

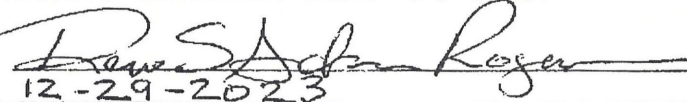
☐ Attached, more data.

WHAT ARE THE NUMBER OF ATTACHED SHEETS:

- List and describe them:
1. Legal description of land
 2. Statement to justify proposed amendment-detail.
 3. Site plan
 4. _____
 5. _____

(add more lines if needed)

The undersigned affirms that he/she is the agent representing the applicant requesting the zoning change and that the answers and statements contained here are true.

Signed: 
Date: 12-29-2023

When completed send two copies to:

Rick Speck
Township Zoning Administrator
Box 29
Beaver Island, MI 49782

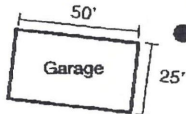
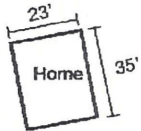
25460 Lake Drive

St. James Township

Legal Description:

Legal Description: COM AT S1/4 COR SEC 23 T39N R10W TH AL N&S1/4 LI OF SD SEC N0DEG01'30"E 1457.89 FT TO S1/8 LI OF SD SEC TH AL SD 1/8 LI S89DEG58'57"E 69FT TO POB TH CONT AL SD 1/8 LI S89DEG58'57"E 231FT TH PARA WI SD1/4 LI S0DEG01'30"W 433FT TH PARA WI SD 1/8 LI N89DEG58'57"W 231FT TH PARA WI SD1/4 LI N0DEG01'30"E 433FT TO POB BEING PT OF GOV LOT 1 SEC 23-39-10 2000SP 12/99 FRM 223-001-75

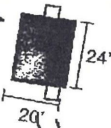
Lake Drive



033-10

167' to Willis garage

Art Studio



Quack Shack
(duck pen)



Parking

Garden

001-80

Cabin

32'

24'

Pole
Barn

30'

36'

25460 Lake Drive

013-223-001-90

001-90

001-35

Statement To Justify the Proposed Amendment

This Proposed Zoning Amendment is for 25460 Lake Drive in St. James Township.

My name is Rene Adrian-Rogers. You may know me as a clerk at the gas station or Deputy Clerk of Peaine Township. I have a BFA in Advertising Design and have done graphic design professionally and as a volunteer. For 20+ years I've acted as bookkeeper for my husband's home maintenance business. The work I enjoy most is turning found objects into art, photography, painting and small upholstery projects - to mention a few. I want to be able to invite the public into my studio space and to have the ability to sell my work on site.

Currently our parcel is zoned R-1 Single Family Residential which allows for a home business to create art/crafts and to offer lessons. It's **Section B, Line 7-g** in the Beaver Island Joint Townships Zoning Ordinance that brings me to request this amendment from R-1 to Harbor District.

The ordinance reads as follows: *Section 6-B. Use Regulations 7) Home-based businesses such as business and professional offices, telecommuting businesses, and the manufacture of hand-crafted products subject to the following conditions: line "g." No sales or rental of goods shall be permitted on the premises, except as may be incidental to the furnishing of a service.*

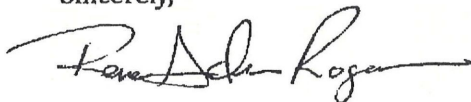
Please refer to my Site Plan to see that our parcel is already in very close proximity to the Harbor District - Parcel 032-40. My plan is to create a footpath from the road directly to the studio (see Site Plan) without taking away the wooded look of the front of our parcel. We also have off-street parking for vehicles.

In 2015 we built the art studio, nestled into the woods and sided with rough sawn lumber to blend into nature. Over the past couple years, my husband Larry and I have been finishing the interior. It's got personality! From the old truck hood that serves as an awning over one door (be sure to look up when you go in!) to the brightly painted walls and trim. Windows on every wall invite the outdoors in!

The studio is in a gem of a spot - tucked in the woods, close to town and a days worth of other attractions. It's a nice walk or bike ride from downtown. There's hiking at the Petritz Nature preserve that's across the street, just west of our property. At the end of Lake Drive you can take a stroll on the beach. Do some bird watching in the Gull Harbor Natural Area and explore the thick forest in the Stanhope Nature Preserve. Next grab a cup of coffee from Craig and Rita at The Beaver Island Coffee Co. by the lighthouse to get energized for the walk to the Toy Store and the Maritime Museum. Lastly, grab a brew at W.P.B.C. before dinner and dark sky viewing.

I look forward to the opportunity to open my studio to the public, providing an inviting destination to obtain island-made art products for our growing tourism industry. Your consideration of the zoning amendment is greatly appreciated.

Sincerely,



Rene Adrian-Rogers
phone/text: (231) 313-0102
radrianrogers@gmail.com

St. James Township, Beaver Island, MI 49782

Notice of Public Hearing

**5:30 pm, March 19, 2024 at the Beaver Island Historical Society Print Shop Museum
located at 26275 Main Street, Beaver Island, MI 49782.**

PLEASE TAKE NOTE that on the **19th day of March, 2024 at 5:30 P.M.** the St. James Township Planning Commission will hold a Public Hearing in response to the request by Rene S. Adrian-Rogers to rezone property at 25460 Lake Drive, Beaver Island, MI 49782 from “R-1 Single Family Residential” to “Harbor District”. Public may appear at the public hearing in person or by counsel. Written comments will also be received by mailing them to the Planning Commission Recording Secretary, PO Box 85, 37830 Kings Hwy, Beaver Island, MI 49782 or contacting via email at planning.sjt.sec@gmail.com by March 15, 2024.

For more information, please go to stjamestown.org – Planning and Zoning Notices:
https://webgen1.revize.com/revize/stjamestownmi/planning_commission/notices.php#outer-2566sub-2668

Dated: February 19, 2024 Posted: February 19, 2024

Submitted by: Cynthia Pryor, Recording Secretary of St. James Planning Commission P.O. Box 85, 37830 Kings Hwy, Beaver Island, MI 49782, 906 360-2414, planning.sjt.sec@gmail.com.

From: Denise A Richards
Sent: Friday, March 15, 2024 6:01 PM
To: planning.sjt.sec@gmail.com
Subject: Zoning

Hello,

We have several concerns about rezoning a residence on lake drive. We live at 25385 Lake.

1. Does this set a precedent? Does it open up the street to become more commercial? We are a fairly quiet street and want to keep it this way.
2. How far can the harbor district extend? Seems like a long way from town proper.
3. Traffic?? Increased traffic on the street is a real problem. Parking? I see a designated spot but is it enough? And does it allow for 2 way traffic?

We are not opposed to more shopping venues but would like to keep it in town. So we are opposed to this rezoning effort.

Thank you

Tom and Denise Richards
(Sole owners)

Sent from my iPad

Kiersten Stark

From: Sharley Hower - Mike Braden <sharleyandmike@yahoo.com>
Sent: Friday, April 19, 2024 6:25 AM
To: Planning; supervisor.stjamestown.bi@gmail.com
Subject: Opinion Adrian-Rogers Rezoning

Let it be known I am opposed to rezoning Adrian-Rogers property.

My reasons for opposing is that we already to much traffic and speeding down Lake Drive. Both have been a issue for years.

Sincerely
Mike Braden
25455 Lake Drive
BI

Residence
6240 E Hackett Drive
Cedar, MI 49621
231-218-3533

St. James Township Planning Commission Public Hearing/Special Meeting Minutes

Date: March 19, 2024 5:30pm

Print Shop Museum Conference Room

Meeting called to order: 5:30 pm by Taylor-Blitz Quorum established, Pledge of Allegiance

Roll Call of Commissioners: Present: Lori Taylor-Blitz, Mark Engelsman, Vic VanDeventer, Paul Cole, Cynthia Pryor

Also present: Shelby Harris, Rick Speck and 6 members of public

MOTION to approve Agenda by: Engelsman 2nd: VanDeventer

All in favor: **Approved**

Taylor-Blitz Closed Special Meeting and Opened Public Hearing – Adrian-Rogers Rezoning

Public Comments asked for and none obtained. Applicant was asked to supply general information about the application which was done. Comments from Commissioners taken and general discussion indicated no issue with the application. A letter from Denise and Tom Richards was read which was not in support of the rezoning.

MOTION to Approve the Rezoning Application by: Cole 2nd by Engelsman. Roll Call vote – all in favor. Rezoning **APPROVED** and will now move forward to the Charlevoix County Planning Commission for their review.

Public Hearing Closed by Taylor-Blitz.

Special Meeting Re-opened by Taylor-Blitz.

NEW BUSINESS:

1. S-1930 Turner Pavilion Permit Application

After discussion, no objections to the application were made. Applicant answered questions.

MOTION for Approval without Condition by: Cole 2nd: VanDeventer All in Favor **Approved**

2. S-1931 Visser Critical Sand Dune Area Permit Application

After discussion, no objections to the application were made.

MOTION for Approval without Condition by: Engelsman 2nd: VanDeventer All in Favor **Approved**

OLD BUSINESS:

1. **Zoning Ordinance Amendment Update** – RFP letter from Beckett/Raeder discussed noting their assessment that one ordinance for the Island is recommended. Budget of \$35,000 sufficient for one ordinance. \$10,000 to \$15,000 additional would be needed to do two separate ordinances per the RFP. Issue on hold until Peaine Planning Commission makes recommendation for going forward.
2. **Planning Commission Work Plan**
 - a. **Tiny/Small Houses.** Engelsman led discussion of amending R-2 District to include housing down to 400 sq ft in Port St. James Association only. Cole and Taylor-Blitz will discuss with Township about contacting lawyer for opinion. Commission would like to start the Zoning Ordinance Amendment process for Small Houses in R-2 district of Port St. James.

MOTION: To begin the process of evaluating the Amendment of R-2 District Ordinance to accommodate 400 square feet housing in St. James Township. By: Engelsman 2nd: Pryor
All in Favor. **Approved.** To be sent to the Township Board for their approval

- b. **Zoning Map Updates.** Pryor discussed work required to update Zoning Map.

MOTION: To create a sub-committee to begin work on Zoning Map. Pryor/Speck/Harris
By: Van Deventer 2nd: Engelsman. All in Favor **Approved**

ZONING ADMINISTRATOR UPDATES: None

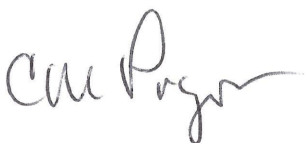
TOWNSHIP UPDATES: Cole indicated Capital Improvement Plan work going forward and have added Pam Grassmick, Charlevoix County Planning Commissioner to township Public Works committee. Pryor noted Township Board resolution to keep CIP process in township control until 2028.

CORRESPONDENCE: None other than email associated with Public Hearing

BOARD MEMBER AND PUBLIC COMMENT: Blight an issue – needs attention. Harris noted that the Beaver Island Association has been charged with addressing. BIA meeting scheduled for April 16th.

NEXT MEETING DATE: April 2, 2024 at 6:00 pm – St. James Township Hall

MOTION TO ADJOURN: by VanDeventer 2nd: Taylor-Blitz All in Favor Approved. **Adjourned 6:26 pm**

By 

3-19-24

Harbor District - Section 6.13- Permit Application ChecklistApplicant ADRIAN - ROGERS Permit # S-1928 Date 3-19-24Project Address: 25460 Lake Dr.

- ☒ Identification
- ☒ General Information
- ☒ Proposed Use and Lot
- ☒ Sketch or Site Plan
- ☒ Existing Structure location and exterior dimensions
- ☐ Proposed Structure
- ☐ Location of proposed or existing well and septic
- ☒ Location of public roads and right-aways
- ☐ Location of shoreline within 500 ft
- ☒ Location of structures on abutting lots within 10 ft of property lines
- ☒ Depths of all yards including decks, porches, etc F:25 S:10 RLS:35
- ☐ Development Plan Section 14
- ☐ Height – 40' Accessory Building Height – 20'
- ☐ Floor Area – 768 sq ft Min Total ☐ 600 sq ft 1st floor on multi story
- ☐ Special Uses: Living Quarters Above as long as 600 sq ft on main floor
- ☐ Underground Utilities
- ☐ Buffer Strip Required ☐ Y/N
- ☐ Required to preserve and incorporate natural features such as woods, streams and open spaces
- ☐ Non-Conforming Replacement – Does not exceed general height, size, or scope of existing Building -
- ☐ Wall faces shall not be increased in width or height
- ☐ No greater impairment of views to Bay
- ☐ No increase in # of buildings, structures, dwelling units, or businesses
- ☐ Development Plan Required ☒ Y/N *Site Plan included*

COMMENTS:

PROPERTY IS ADJACENT TO EXISTING HARBOR
DESIGNATED PROPERTY

Motion to Approve BY COLE 2ND ENGLISHMAN

Motion to Approve with Conditions:

Motion to Deny

Motion to Postpone

Roll call vote - All APPROVED

Finding of Fact

Description of the request/application

REZONE FROM R-1 TO HARBOR

Motions Made

BY COLE 2ND ENGLISHMAN TO APPROVE W/O CONDITION

Each Standard and the reasons why the standard was or was not met

PARKING OFF STREET - MINIMAL IMPACT TO TRAFFIC
OR NEIGHBORHOOD

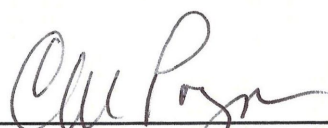
Any Conditions attached to an approved request

NONE

Post Decision Documentation of Planning Commission Decisions

✓ Signed Site Plans by Applicant, Recording Secretary or Chair – (3) copies
(1) Applicant, (2) Planning Commission (3) Official File

____ Copy of approved minutes along with letter to Applicant noting the action taken and
any conditions - Recording Secretary
Date sent to Applicant ____/____/____



Recording Secretary

379-24

Date



CHARLEVOIX COUNTY PLANNING COMMISSION

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Excerpts from Approved Meeting Minutes May 9, 2024

I. Call to Order

Chairperson Nancy Ferguson called the meeting to order at 6:01 p.m. in the Committee Room at the Charlevoix County Shirley Roloff Center.

Members present: Nancy Ferguson, Pam Grassmick, Matt Cunningham, Mike Ritter, and Dave Skornia

Members absent: None

Others present: Kiersten Stark (Planning Director) and Jerry Russell (Charlevoix Township resident)

VI. Townships, Cities, MI Dept of EGLE & Corps of Engineers Items

St. James Township Proposed Rezone

Commission members and Staff considered the proposed rezoning of a 2.38-acre parcel owned by Lawrence R. Rogers and Rene S. Adrian-Rogers, having property tax identification number 15-013-223-001-90 and located at 25460 Lake Dr. in St. James Township, from Single Family Residential (R-1) to Harbor (H). K. Stark reviewed the Planning Department Staff Report on the proposed rezoning, which included a comparison of land uses allowed and dimensional requirements in the current versus proposed zoning district, existing uses and natural features on the subject parcel and surrounding properties, the zoning of adjacent parcels, the relationship to the Beaver Island Master Plan, the soil type, the Township Planning Commission's recommendation, and some general points to consider.

K. Stark said, after reviewing the proposed rezoning, she thought this would be a good candidate for a *conditional* rezoning to Harbor (H). However, a conditional rezoning could only be initiated by the property owner/applicant, not the Township.

D. Skornia noted that the subject property is already contiguous with the Harbor district.

P. Grassmick said the maps (in the Staff Report) do not show a complete picture of this geographic area. There are also two (2) nature preserves nearby. P. Grassmick said what is happening is Harbor district "creep". She emphasized that a rezoning to Harbor (H) district would run with the land and *any* of the

uses allowed in the Harbor district could potentially be established on the property. P. Grassmick said they just cleaned up an auto repair/junk car yard within 200 feet of the subject parcel; a rezoning of the subject parcel to the Harbor district would allow similar commercial uses to potentially be established in that area again. P. Grassmick said she had been informed that there was very little discussion of the proposed rezoning by the Township Planning Commission before they voted in favor of the rezoning. P. Grassmick also noted there were two (2) letters from nearby property owners in opposition to the rezoning. P. Grassmick noted that an art gallery on the subject property would be low impact. She could support a conditional rezoning to Harbor specifically to allow an art gallery. This would also acknowledge the investment made by other property owners in the area. She questioned what other improvements would be needed to establish the art gallery (i.e., public restrooms). K. Stark added it would need to be handicapped-accessible. P. Grassmick said these improvements could be costly.

D. Skornia questioned why the Township was considering a rezoning rather than the possibility of a text amendment to the zoning ordinance to allow goods to be sold as part of a home-based business as a special use in the Single Family Residential (R-1) district. He emphasized the Township is almost there because they already allow home-based businesses, such as the manufacture of hand-crafted products, as a permitted use with conditions in the R-1 district. D. Skornia said artist communities are very popular in northern Michigan. He added that with a special use permit, the Township would have the option to revoke the permit if activities on the property expand beyond what is specifically permitted. He also pointed out this is no different than allowing a farm stand on an Agricultural-zoned parcel for the sale of produce grown on the farm. He said limitations are typically placed on what can be sold at a farm stand as well. D. Skornia added that, as far as traffic is concerned, most people would probably walk to this property due to its location close to town. N. Ferguson said people like to walk in that wooded area. D. Skornia said, with a special use permit, the Township would have the ability to place conditions on the use and there would be a public hearing held as part of the approval process.

Further discussion took place regarding Harbor district “creep”. D. Skornia commented that, looking at the Township’s future land use map and the proximity of this parcel to the area designated “Harbor”, this is where you would expect to see Harbor district “creep”. So, it is *planned* “creep”.

M. Ritter asked when the neighboring parcel to the west was rezoned to Harbor. K. Stark said in 2018. M. Ritter was concerned about inconsistency – rezoning one parcel to Harbor, but not allowing the adjacent parcel to be rezoned to Harbor. M. Ritter questioned the reason for rezoning the one parcel to Harbor in the past. K. Stark said this parcel (Willis) is partially designated as Harbor on the future land use map. N. Ferguson said other factors may have been considered as well.

Looking at the zoning map, M. Ritter pointed out that the subject parcel is actually closer to St. James Harbor than many parcels which are already zoned Harbor. He also asked if the landowner could possibly locate her art gallery on another parcel that is already zoned Harbor (H).

MOTION by N. Ferguson that we cannot support a rezoning of this parcel from Single Family Residential (R-1) to Harbor (H) because it would allow many land uses that the Township may not want at that location, and that the Township may want to explore other options, such as a conditional rezoning to Harbor (H) or a text amendment to the Zoning Ordinance to allow, as a special use in the Single Family Residential (R-1) district, the sale of goods as part of a home-based business, and that the Planning Department Staff Report illustrates the drastic difference between the uses allowed in the Single Family Residential (R-1) district and the Harbor (H) district, a point which doesn’t appear to have been discussed by the Township Planning Commission, based on the public hearing minutes. P. Grassmick seconded the motion. Voice vote: all in favor. Motion passed.



CHARLEVOIX COUNTY PLANNING DEPARTMENT

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Staff Report St. James Township Proposed Rezone

Background Information

Property Owner: Lawrence R. Rogers and Rene S. Adrian-Rogers
Property Tax ID #: 013-223-001-90
Property Address: 25460 Lake Dr., Beaver Island
Parcel Size: 2.38 acres

Current and Proposed Zoning

Current Zoning District: Single Family Residential (R-1)
Proposed Zoning District: Harbor (H)

Comparison of Land Uses Allowed

Legend: P = Permitted Use
SP = Special Use
--- = Not Allowed

Land Uses	Single Family Residential (R-1)	Harbor (H)
Single-family dwellings	P (one (1) per lot)	P
One accessory dwelling per lot (shall not exceed the lesser of 1,500 square feet or 50% of the floor area of the principal dwelling, and other conditions; minimum 600 square feet)	P	---
Public schools and colleges, when owned and operated by a governmental agency	P	---
Parks, playgrounds, playfields, libraries, fire stations, community centers and other public buildings owned and operated by a governmental agency or a non-profit neighborhood group	P	P (only publicly owned and occupied municipal buildings,

		and municipal playgrounds and recreation areas)
Docks, boat landings and similar structures	P	P (wet or dry storage of boats, boat sales and brokerage firms, boat builders, yards and shops)
Two (2) detached accessory buildings	P (in addition to the accessory dwelling)	P
Home-based businesses, such as business and professional offices, telecommuting businesses, and the manufacture of hand-crafted products (with conditions)	P	---
Religious institutions	P	P
Adult foster care facilities for six (6) or fewer persons	P	---
Group day care homes	P	---
Child day care facilities for six (6) or fewer children	P	---
Other accessory uses customarily incidental to the above listed uses	P	---
Cemeteries	SP	---
Institutions for human care	SP	SP (including senior housing)
Bed and breakfasts	SP	P
Multiple family dwellings	---	P
Automobile and other vehicle sales	---	P
Boat, boat motor or related marine repair facilities	---	P
General office building (executive, administrative, professional)	---	P
Banks, savings & loan, insurance, real estate	---	P
Public utility offices	---	P
Generally recognized retail business, including but not limited to groceries, drugs, dry goods, clothing, and hardware	---	P
Single family residential dwelling to be used for rental purposes, and motels, hotels, and boarding houses	---	P
Museums, art galleries	---	P
Private club, halls	---	P
Indoor storage in a permanent structure, excluding toxic and/or hazardous materials	---	P

Indoor recreational uses (bowling alley, billiards)	---	P
Theaters	---	P
Personal service establishments, which perform services on the premises: repair (TV, radio, shoe), barber or beauty shop	---	P
Shop for custom work, provided it's not objectionable as being odorous, unsightly or noisy	---	P
Bakery not employing more than five (5) persons	---	P
Restaurants (not including drive-in restaurants) and bars	---	P
Gasoline filling or service station (with conditions)	---	P
Living quarters above or attached to the principal structure as long as it has a minimum of 600 square feet of floor area	---	SP
Temporary outdoor displays	---	SP

Source: St. James Township Zoning Ordinance

Comparison of Dimensional Requirements

Dimensional Requirement	Single Family Residential (R-1)	Harbor (H)
Minimum Lot Area	100,000 square feet (smaller lots may be permitted provided the following standards are met: (a) Only lots of record as of Aug. 5, 1992 may be split (b) The split lot shall be a minimum of 150 feet in width at the front lot line or shall be split in half whichever is more (c) Minimum lot to measure 90,000 square feet in area	10,000 square feet
Minimum Lot Width	200 feet	None
Minimum Front Yard Setback	35 feet	25 feet, except for commercial bldgs where established bldgs on adjacent lots have an average setback of less than the minimum; in these cases, a new or expanded bldg shall have a front yard setback equal to the average setback established by the bldgs

		on both sides and w/in 200 feet of the new or expanded bldg
Minimum Side Yard Setback	25 feet	10 feet
Minimum Rear Yard Setback	35 feet	35 feet
Minimum Floor Area	<i>Principal dwelling:</i> 768 square feet of floor area excluding porches, garages, basements, and utility areas; 600 sq. ft. on first floor of multi-story building	<i>Single family residence:</i> 768 square feet of floor area; 600 sq. ft. on first floor of multi-story building
Maximum Building Height	35 feet; 20 feet for an accessory gazebo or garage	40 feet; 20 feet for an accessory gazebo or garage
Maximum Lot Coverage	No maximum	40% (30% for accessory buildings or structures in the rear yard)

Source: St. James Township Zoning Ordinance

Existing Uses on the Subject Parcel and Surrounding Properties

The subject parcel is heavily wooded and features a single-family home (cabin), pole barn, and an art studio. The surrounding area is heavily wooded with a few single-family homes and accessory buildings.

Zoning of Surrounding Properties

The parcels to the north are zoned Single-Family Residential (R-2). The parcels to the east and south are zoned Single-Family Residential (R-1). The parcel to the west is zoned Harbor (H). Please see the attached *Zoning Map*.

Relationship to Master Plan

This parcel is designated Low Density Residential on the future land use map in the Beaver Island Master Plan. Following is a description of Low Density Residential from the Master Plan:

Low Density Residential

Low-density residential uses are located primarily along the Lake Michigan shoreline. Home-based businesses, accessory dwellings, and all types of home designs and styles are encouraged in this district. These areas should not be developed into conventional subdivisions with wide paved roads, minimal trees, and car-dependent design.

- Continue current zoning standards to encourage a mix of amenities in this district, such as parks, preserves, trails, and home-based businesses
- Encourage cluster development to preserve natural features

Soils

Please see the attached *Land Use/Cover & Soil Map* showing the soil types on the property.

Soil Symbol	Soil Name	Slope	Features affecting foundations for low buildings	Suitability for septic tank disposal fields
DDB	Deer Park-Dune land association, undulating	0 to 6%	Well drained; slight compressibility; good shear strength	Slight limitations due to rapid permeability; possible contamination of shallow water supplies by effluent

Source: USDA Soil Survey of Charlevoix County, MI

Township Planning Commission Recommendation

The St. James Township Planning Commission recommended approval of the request to rezone the property from Single Family Residential (R-1) to Harbor (H).

Staff Comments

Points to consider:

- While the future land use map designates this parcel as Low Density Residential, it's near the Harbor area to the west.
- This parcel is within walking distance of town (St. James).
- A rezoning to Harbor would allow *any* permitted uses and possibly special uses in that zoning district, some of which are higher intensity commercial uses.
- The subject parcel and surrounding area is heavily wooded, which provides buffering from neighboring properties.

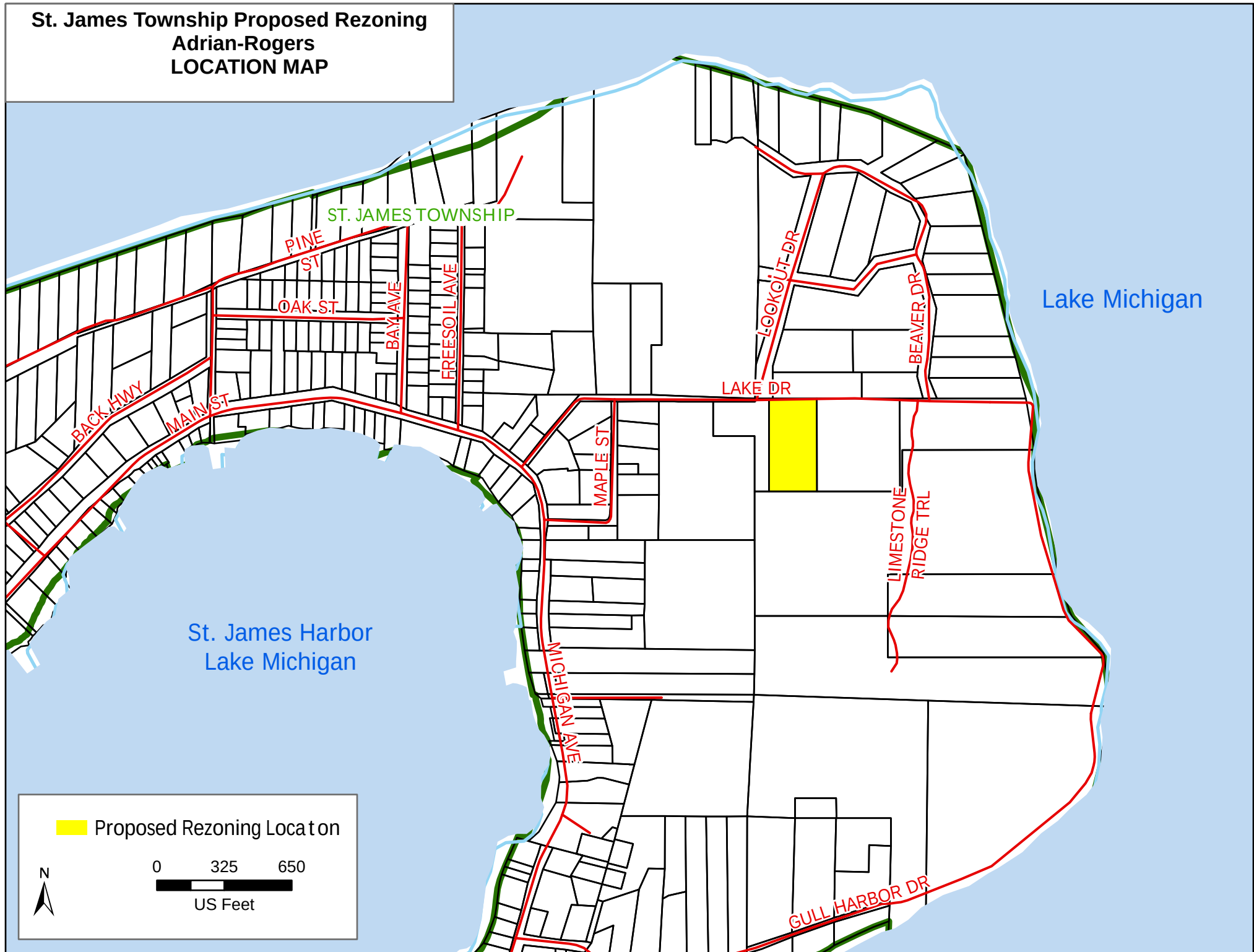
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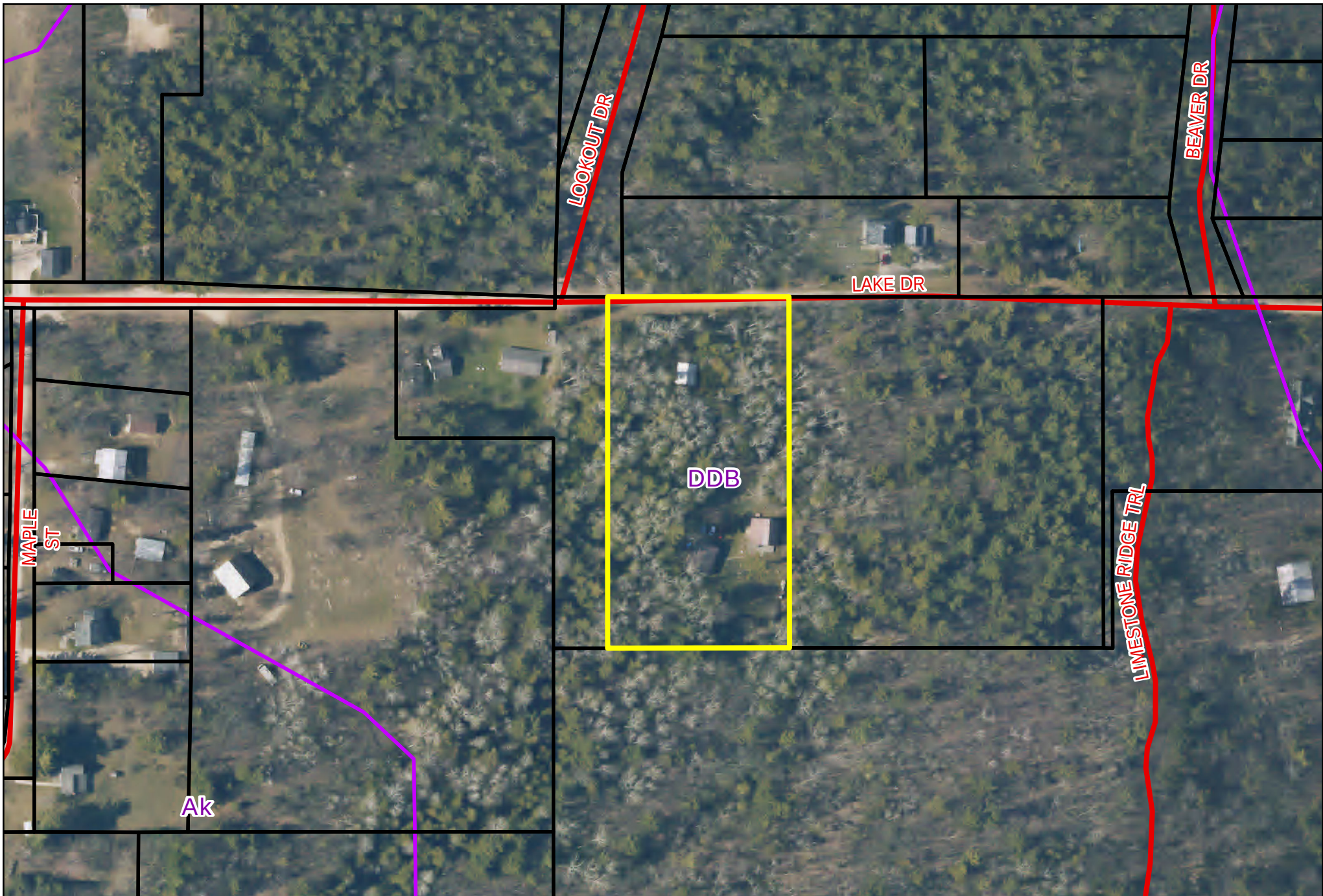
Kiersten Stark
Planning Director

With mapping assistance from:

Devon Baker
GIS Technician
Charlevoix County Equalization Department

**St. James Township Proposed Rezoning
Adrian-Rogers
LOCATION MAP**





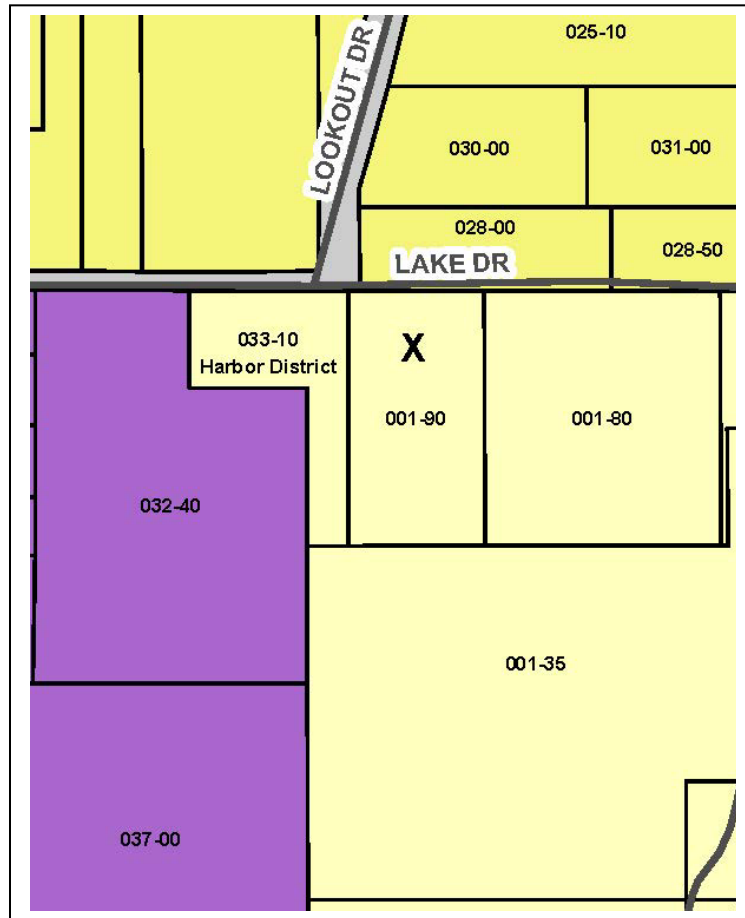
0 50 100 200
Feet

 Proposed Rezoning Location

**St. James Township Proposed Rezoning
Adrian-Rogers
LAND USE/COVER & SOIL MAP**

St. James Township Zoning Map

Adrian-Rogers Proposed Rezone



X = Subject property

ZONING DISTRICTS



A: AGRICULTURAL



C:1 RESORT COMMERCIAL



CD: CRITICAL DUNE



H: HARBOR



MR: MARINE RELATED



PLFD: PUBLIC LAND AND FACILITIES



R-1: SINGLE-FAMILY RESIDENTIAL



R-2: SINGLE-FAMILY RESIDENTIAL

St. James Township Future Land Use Map
Adrian-Rogers Proposed Rezone



X = Subject property



December 2, 2024

Ms. Kirsten Stark
13513 Division St.
Charlevoix, MI 49720

RECEIVED

JAN 06 2025

Charlevoix County
Planning Department

Dear Kirsten,

Attached is the documentation for the rezoning of the Lawrence R. Rogers and Rene S. Adrian-Rogers property noted as Parcel 15-013-223-001-90 and located at 25460 Lake Dr. in St. James Township, from Single Family Residential (R-1) to Conditional Harbor (H). After reviewing the information sent to us from the Charlevoix County Planning Commission, the parties were notified and asked to submit a request for conditional rezoning.

A public hearing notice was published and notices to all landowners within 300' of the said property was sent with a Public Hearing set for August 13, 2024. The results of the Public Hearing was as follows:

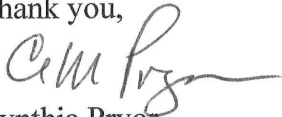
MOTION TO APPROVE WITH CONDITIONS: To rezone property conditionally from R-1 to Harbor for the use of property for an art gallery with condition at applicant prove ADA approved restroom for public use and that the property will revert back to R1 if property is no longer owned by applicant.

Motion by: Pryor 2nd by: Cole Roll Call Vote: Cole – Aye, VanDeventer- Aye, Taylor-Blitz – Nay, Pryor – Aye. **Motion Passed and Approved.**

Subsequent correspondence from the applicant noted that the Charlevoix County Buildings and Safety Department indicated that due to the size of the space being allocated for the gallery, 294 sq ft, the property was exempt from the requirement to provide an ADA approved restroom (300 sq ft). Subsequent action was taken at a Planning Commission meeting on October 1, 2024 to remove the requirement of an ADA restroom as a condition of rezoning. The minutes of this meeting were approved on November 12, 2024.

We submit this rezoning to your attention for any further conversation and approval from the Charlevoix County Planning Commission.

Thank you,



Cynthia Pryor
Recording Secretary – St. James Township Planning Commission

REQUEST FOR: CONDITIONAL HARBOR

APPLICATION TO AMEND THE ZONING ORDINANCE

TO:

☐ St. James Township Planning Commission

FEE- \$250.00

CASE No. 5-1928A

Date Received 7/8/24

FROM:

Rene S. Adrian-Rogers
(Property Owner)

2546D Lake Dr.
(address)

Beaver Island, MI 49782
(city, state, zip code)

231-313-0102
(telephone, home and business)

For Office Use Only

Date Rec'd. _____
Effective Date: _____
Fee Rec'd. _____
Hearing date _____
Township Planning Commission:
Action: _____
Date: _____
County Planning Commission:
Action: _____
Date: _____
Township Board:
Action: _____
Date: _____
Notice of Adoption date: _____
Case number: _____

Please note: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

ACTION REQUESTED

The petitioner requests St. James township approve the following petition for a zoning amendment. This petition is for a text amendment "A" or a change to the zoning map "B" or both.

- Fill out pages 1, 2 and 4 of this application for A (text amendment).
- Fill out only pages 1, 3 and 4 for B (change the zoning map).
- Fill out pages 1, 2, 3 and 4 for both.
- If this is a multiple request, duplicate page 2 or 3, as many times as necessary, so one copy is used for each requested change.

- ☐ A. Zoning Text change.
- ☒ B. Zoning Map change.
- ☐ A&B. Both Zoning Text & Map change.

NOTE: The amendment may be adopted as proposed, further revised or not adopted.

A. Text amendment: Use another copy of this page for each different section being nominated for a text change.

This request is to change the text of section (S) _____
The change is shown below, using underlining or bold face, like
this, to show new text, and strike out, ~~like this~~, to show words
to be deleted: _____

☐ attached, additional sheets if necessary.

Why, what is the purpose, of the proposed zoning text change? _____

B. Map change (rezoning): Use another copy of this page for each different area being nominated for rezoning.

This request is to rezone land from: R-1 Single Family Residential
to "Conditional" Harbor - Limiting the commercial
usage of this parcel to art gallery business only.

PROPERTY INFORMATION:

Legal Description of land to be rezoned: see attached

☒ attached, additional sheets if necessary.

☐ attach copy of map showing proposed change.

Property size: 2.38 acres

Parcel Data Process (tax) Number 013-003-001-90-

Address(es) of the property (if new construction, an address will not be known yet.

An address is obtained after a zoning permit is issued. 25460 Lake Dr.

☐ attached, additional sheets if necessary.

Attach or list all deed restrictions for the property at question: _____

☐ attached, additional sheets if necessary

List names and address of all other persons, firms, or corporations having a legal or equitable interest in the property at question: Lawrence R. Rogers

☐ attached, additional sheets if necessary

This area is ☒ unplatted, _____ platted, _____ Will be platted. If platted, name of plat: _____

What is the present use of the property? residential

STATEMENT TO JUSTIFY THE PROPOSED AMENDMENT:

State specifically the reason for the proposed amendment at this time: To be able to welcome people into my art studio space and be able to sell goods.
see attached.

Complete and attach a site plan of the subject property which includes:

- 1) All of the property lines.
- 2) All structures (with locations and dimensions) on the subject property and abutting property, and all structures within 300' of subject property.
- 3) All roads, easements, bodies of water, and any significant topographic features on the subject property or within 300'.

This site plan should be as near to scale as possible.

☐ Attached, more data.

WHAT ARE THE NUMBER OF ATTACHED SHEETS:

- List and describe them: 1. Legal description of land
2. Statement to justify proposed amendment-detail.
3. Site plan.
4. _____
5. _____

(add more lines if needed)

The undersigned affirms that he/she is the agent representing the applicant requesting the zoning change and that the answers and statements contained here are true.

Signed: _____

Date: _____

Rene S. Adams Rogers
07-03-2024

When completed send two copies to:

Rick Speck
Township Zoning Administrator
Box 29
Beaver Island, MI 49782

Statement To Justify the Proposed Amendment

This Proposed Zoning Amendment is for 25460 Lake Drive in St. James Township.

This request is to change the zoning of our property to "Conditional Harbor District"; upon recommendation from the Charlevoix County Planning Commission. The "Conditional" clause to be written to limit the usage to art gallery sales only, the full Harbor District land use would NOT be available for this property.

Our property is currently adjacent to the Harbor District parcel 033-10. Currently our parcel is zoned R-1 Single Family Residential. It's **Section B, Line 7-g** in the Beaver Island Joint Townships Zoning Ordinance that brings me to request this amendment from R-1 to Conditional Harbor District.

The current ordinance for R-1 reads as follows: *Section 6-B. Use Regulations 7) Home-based businesses such as business and professional offices, telecommuting businesses, and the manufacture of hand-crafted products subject to the following conditions: line "g." No sales or rental of goods shall be permitted on the premises, except as may be incidental to the furnishing of a service.*

- Off-street parking available for vehicles.
- My plan is to create a footpath from the road directly to the studio for pedestrian traffic.
- Bike rack for any bicycle traffic.
- The studio space has both a front and rear entrance.
- I envision a hand painted sign to blend in with the natural surroundings.
- Business hours will be similar to those of other island art galleries.
- Art galleries are generally quiet businesses not inclined to generate large surges of traffic.

Lake Drive is already well travelled when Gull Harbor Road isn't underwater. It's possibly one of St. James Township's most popular scenic drives and has been for many years, also known as "Carwash".

Being a good neighbor is important to me. I respect and appreciate the input provided by the Charlevoix County Planning Commission. Please contact me if you have any questions and would like to meet me and further discuss my plans.

Sincerely,



Rene Adrian-Rogers
phone/text: (231) 313-0102
radrianrogers@gmail.com

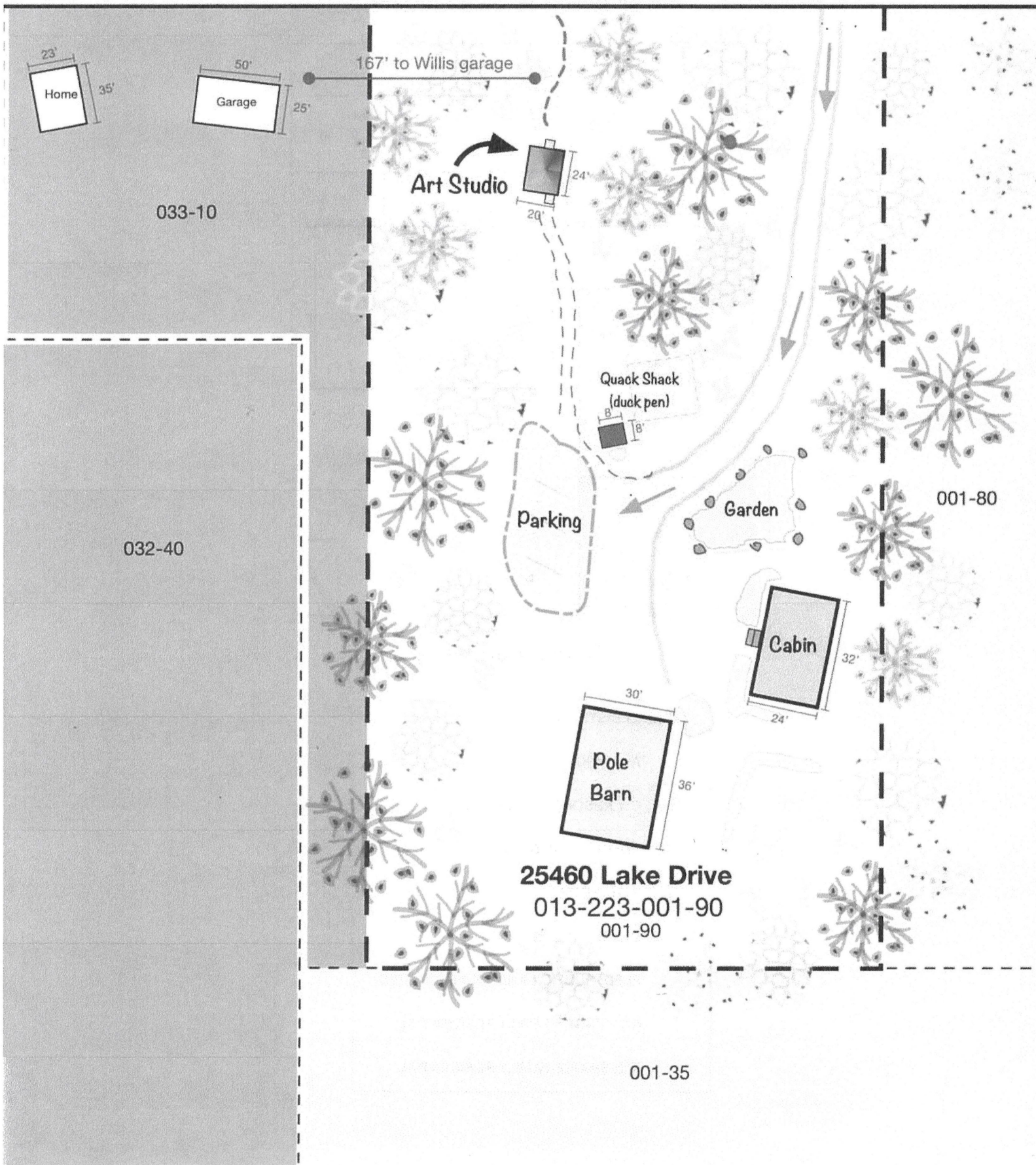
25460 Lake Drive

St. James Township

Legal Description:

Legal Description: COM AT S1/4 COR SEC 23 T39N R10W TH AL N&S1/4 LI OF SD SEC N0DEG01'30"E 1457.89 FT TO S1/8 LI OF SD SEC TH AL SD 1/8 LI S89DEG58'57"E 69FT TO POB TH CONT AL SD 1/8 LI S89DEG58'57"E 231FT TH PARA WI SD1/4 LI S0DEG01'30"W 433FT TH PARA WI SD 1/8 LI N89DEG58'57"W 231FT TH PARA WI SD1/4 LI N0DEG01'30"E 433FT TO POB BEING PT OF GOV LOT 1 SEC 23-39-10 2000SP 12/99 FRM 223-001-75

Lake Drive



**St. James Township Planning Commission
37735 Michigan Ave. Beaver Island, MI 49782
(231) 448-2260**

**Notice of Public Hearing
August 13, 2024 Time: 5:30 p.m.**

PLEASE TAKE NOTE that on August 13, 2024 at 5:30p.m. the St. James Township Planning Commission will hold a public hearing in response to a request by Rene S. Adrian-Rogers to conditionally rezone property at 25460 Lake Drive, Beaver Island, MI 49782 from "R-1 Single Family Residential," Section 6.00, to "H - Harbor District" being Section 6.13 of the Peaine and St. James Township Zoning Ordinance under MCL 125.3405. The use of the property will be limited to the residential use under Section 6.13 b) 1)(a) (b) 1 and to the commercial use of Museums, Art Galleries under 6.13 b) (2)(d). This conditional rezoning is being offered by the property owner and all other uses in the H district other than those stated in this notice are prohibited if the conditional rezoning is approved. If the property is no longer being used as a Museum, Art Gallery, it will revert to its previous zoning classification being R-1 Single Family Residential or any successor zoning classification of the existing R-1 zoning district. Members of the public may appear at the public hearing in person or by their legal counsel. Written comments will also be received by mailing them to the Planning Commission Recording Secretary, PO Box 85, 37830 Kings Hwy, Beaver Island, MI 49782 or contacting via email at planning.sjt.sec@gmail.com by August 9, 2024.

This NOTICE is published by:

St. James Township
PO Box 85
Beaver Island, Michigan 49782
231 448-2761

St. James Township Planning Commission Public Hearing and Special Meeting Minutes

Date: August 13, 2024 5:30 pm

St. James Township Hall

Meeting called to order: 5:30pm by Taylor-Blitz Quorum established, Pledge of Allegiance
Roll Call of Commissioners: Present: Lori Taylor-Blitz, Vic VanDeventer, Cynthia Pryor
Paul Cole, Mark Engelsman

Also present: Rick Speck, Rene and Larry Rogers, Heather Robinson, Tom James, Frank D'Andrea, Dana D'Andria, Anna VanDeventer

MOTION to approve Agenda by: VanDeventer 2nd: Cole
All in favor: **Approved**

Public Hearing Opened 5:35 pm

Taylor-Blitz asked for public comment on Permit S-1928A – Adrian Rogers Permit for Conditional Rezoning from R1 to Harbor.

Pryor read correspondence in opposition to rezoning by Michael Braden and Sharley Hower, adjacent landowners, in opposition to the permit siting additional traffic and congestion.

Tom James asked where Harbor ended and stated there was already too much traffic on Lake Drive and he was opposed to permit.

Larry Rogers stated that the gallery would be open in Summer only and did not think traffic an issue.

Heather Robinson stated that artists needed to be supported and was in favor of rezone.

Frank D'Andria did not support the rezone stating there was already issue with too much traffic, vandalism in the residential neighborhood.

Dana D'Andria thought it was an elegant solution that did not open up the neighborhood to unwanted Harbor district activities and was a serene and interesting art gallery and property. Liked that walkers were being encouraged by a path from the road to the gallery. Thought traffic was due to other sources of people getting to the beach and access to the Gull Harbor drive. Thought the conditional aspects were a good compromise.

Rene Adrian Rogers read her assessment of Rezoning Factors and stated that she had contacted the Health Department and they did not think a restroom was required.

Asking for additional public comment and hearing none Taylor-Blitz closed Public Hearing. 6:02 pm.

Special Meeting re-opened at 6:03 pm

MOTION to approve Minutes for July 9, 2024 by Engelsman 2nd by VanDeventer
All in Favor: **Approved**

NEW BUSINESS:

- a. S-1928A Adrian-Rogers Conditional Rezone Permit

Pryor noted she had contacted the Building and Safety Department and talked to Mechanical and Plumbing Inspector Ryan Woods who stated that an ADA Compliant restroom was needed as Mercantile Services to the public. 403.1 of Building Code

Larry and Rene Rogers indicated that a restroom had been built in their pole barn and they would make it compliant. They were advised that this would be a condition of their permit approval.

Commissioner discussion of rezoning factors with Taylor-Blitz concerned about incursion of Harbor into Residential and potential spot zoning. Cole brought the question with a motion to approve. Discussion over the conditions brought out the Motion to Approve with Conditions.

MOTION by Pryor, 2nd Cole. To rezone property conditionally from R1 to Harbor for the use of property for an art gallery with condition that applicant provide ADA approved restroom for public use and that the property will revert back to R1 if and when the property is no longer owned by applicant.

Roll call vote: Cole -Aye, VanDeventer-Aye, Engelsman-Aye, Taylor-Blitz -Nay, Pryor - Aye. **Motion Passed.**

OLD BUSINESS:

- a. **Zoning Map Updates:** Pryor indicated that in working with Heather Robinson they had completed the task of evaluating every lot in St. James Township and noting zoning district with each lot. Pryor thanked Robinson for her help in completing the project. Pryor and Robinson will be submitting 6 hours each in compensation for their time.
- b. **Agenda for Joint Meeting with Township Board:** Pryor thought adding information from the Master Plan noting Nine Features to Protect would be good for that discussion. Taylor-Blitz asked Pryor to coordinate with Supervisor Bobbi Welke.

CORRESPONDENCE: None other than public comment as read

COMMISSION AND PUBLIC COMMENT: None

NEXT MEETING DATE: August 20, 2024 Joint Meeting with Township Board – 5:30 pm at Print Shop Museum. Next scheduled meeting is September 3, 2024. This may be changed due to proximity to holiday.

MOTION to Adjourn by VanDeventer, 2nd: Engelsman All in Favor. **Adjourned 6:30 pm**

Minutes Amended and Approved: August 27, 2024

Cynthia Pryor – Recording Secretary

R1 District - Permit Application Checklist

Applicant: **Rene Adrian-Rogers** Permit #: **S-1928A** Date Permit Filed: 7-8-24

Project Address: **25460 Lake Dr**

☒ Identification

☒ General Information

☒ Proposed Use and Lot : **Conditional Rezone to Harbor – Art Gallery**

☒ Sketch or Site Plan

☒ Existing Structure location and exterior dimensions

☐ Proposed Structure

☐ Location of proposed or existing well and septic

☐ Location of public roads and right-aways

☐ Location of shoreline within 500 ft

☐ Location of structures on abutting lots within 10 ft of property lines

☐ Depths of all yards including decks, porches, etc F:25 S:10 RLS:35

☐ Development Plan Section 14

☐ Height – 40' Accessary Building Height – 20'

☐ Floor Area – 768 sq ft Min Total ☐ 600 sq ft 1st floor on multi story

☐ Special Uses: Living Quarters Above as long as 600 sq ft on main floor

☐ Underground Utilities

☐ Buffer Strip Required ☐ Y/N

☐ Required to preserve and incorporate natural features such as woods, streams and open spaces

☐ Non-Conforming Replacement – Does not exceed general height, size, or scope of existing Building -

☐ Wall faces shall not be increased in width or height

☐ No greater impairment of views to Bay

☐ No increase in # of buildings, structures, dwelling units, or businesses

☐ Development Plan Required ☐ Y/N Site Plan included - Y

COMMENTS: After Public Comment, Commission noted conditional approval based on need for ADA Restroom availability for public use and the reversion back to R1 at the sale of the property by applicant.

Motion to Approve

Motion to Approve with Conditions: To rezone property conditionally from R1 to Harbor for the use of property for an art gallery with condition that applicant provide ADA approved restroom for public use and that the property will revert back to R1 if property is no longer owned by applicant.

Motion to Deny

Motion to Postpone

Finding of Fact

Description of the request/application Applicant requests conditional rezoning from R1 to Harbor for the use of property as art gallery for making and selling art.

Motions Made by Pryor, 2nd Cole. To rezone property conditionally from R1 to Harbor for the use of property for an art gallery with condition that applicant provide ADA approved restroom for public use and that the property will revert back to R1 if and when the property is no longer owned by applicant.

Roll call vote: Cole- Aye, VanDeventer-Aye, Engelsman -Aye, Taylor-Blitz – Nay, Pryor-Aye

Motion Passed.

Each Standard and the reasons why the standard was or was not met

Rezoning is reasonably consistent with surrounding uses and will not have an adverse impact on surrounding properties due to its nature as an art gallery. The Commission Chair noted issue with incursion of Harbor District into Residential District and concerns about spot zoning.

Rezoning from R1 to Harbor took place in 2018 on the neighboring property – so this property continues the movement of Harbor district to the east. It is felt that the conditional rezoning will give a privilege to the owner to be able to sell art work conditionally in the neighborhood but will not adversely impact the general uses of the surrounding landowners. Parking will be on site and not on the road as is in current practice on the Conservancy properties, open to the general public across the street, where parking to visit Conservancy properties is along the roadway.

The Beaver Island Master Plan is protective of the Harbor District and its historic nature and allows for tourism which is one of the protected features of Beaver Island. The addition of this art gallery is in support of this concept.

The applicant must first obtain a permit and approval for an ADA restroom that can serve any member of the public visiting the site.

The conditional use of this art studio and gallery will be ensured as long as the current landowner owns the property. If and when the property changes ownership from Lawrence and Rene Rogers the property will revert back to R1.

Any Conditions attached to an approved request

1. Applicant must first obtain a permit and approval for an ADA Restroom for use of any person of the public visiting the art gallery.
2. If and when the property changes ownership from Lawrence and Rene Rogers the property will revert back to R1.

Post Decision Documentation of Planning Commission Decisions

_____ Signed Site Plans by Applicant, Recording Secretary or Chair – (3) copies
(1) Applicant, (2) Planning Commission (3) Official File

Pending Copy of approved minutes along with letter to Applicant noting the action taken and any conditions - Recording Secretary
Date sent to Zoning Administrator 9/6/2024

Cynthia Pryor

9/6/2024

Recording Secretary

Date

REZONING FACTORS

1. Is the proposed rezoning reasonably consistent with surrounding uses?
2. Will there be an adverse physical impact on surrounding properties?
3. Will there be an adverse effect on property values in the adjacent area?
4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
5. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
8. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
9. Is the site served by adequate public facilities or is the petitioner able to provide them?
10. Are there sites nearby already properly zoned that can be used for the intended purposes?

In considering the foregoing, it is important to recognize that the considerations are general in nature, may overlap somewhat, and that there may be other factors not listed. When pondering the above questions, the decision maker must also give due consideration to (a) the general character of the area in which the subject property is located, (b) the property itself and its attendant physical limitations and suitability to particular uses, (c) the general desire to conserve property values and, (d) the general trend and character of population development. The community should evaluate whether other local remedies are available.

The decision maker should not focus on any one concern among the various factors to be taken into consideration when passing upon a rezoning request.

Prepared by: Young, Graham & Wendling, P.C., Attorneys at Law
P.O. Box 398, Bellaire, Michigan 49615, (231) 533-8635

Lauri/docs/muni/zoning

St. James Township Planning Commission Special Meeting Minutes
Tuesday, August 27, 2024 10:00 am
St. James Township Hall

Meeting called to order: 10:00 am by Taylor-Blitz. Quorum established, Pledge of Allegiance

Commissioners Present: Lori Taylor-Blitz, Vic VanDeventer, Cynthia Pryor

Absent: Mark Engelsman – excused, Paul Cole – excused

Others present: Rick Speck – Zoning, Heather Robinson, Zach Sompels via Zoom, Mark Engelsman via Zoom

MOTION to approve Agenda by Taylor-Blitz, 2nd: Pryor.

All in favor - **Approved**

Asked for MOTION to approve Minutes of August 13th – Public Hearing/Special Meeting.

Taylor-Blitz wanted her NAY in the vote to be documented as concern about Spot Zoning and her general disagreement with Adrian-Rogers R-1 to Harbor Conditional Rezoning.

MOTION to approve Minutes of August 13th as Amended with Taylor-Blitz comments by:

VanDeventer, 2nd: Taylor-Blitz

All in Favor - **Approved as Amended**

MOTION to approve Special Joint Meeting of August 20th by: VanDeventer, 2nd: Taylor-Blitz

All in Favor - **Approved**

NEW BUSINESS:

- a. **Review** template of R2 Text Amendment – Small Housing: Zach Sompels
- b. Review current definitions and special use text for applicability or amendment
- c. Review and approve next steps including date for public hearing

After much discussion the following verbiage will be used as a public notice for purposes of furthering the change of R2 square footage requirements in St. James Township from 600 sq ft to 400 sq ft, excluding R2 on Lake Michigan and Font Lake Frontage and all Critical Sand Dune Areas in the township. Public Hearing will be scheduled for October 3, 2024 added on to PC regular meeting. Time for Public Hearing will be 5:30 pm.

Proposed

Section 6.01 e

e) Floor Area Requirements - Each principal dwelling shall have a minimum of 400 square feet of first floor area, except for parcels with frontage on Lake Michigan, Font Lake, or the Critical Dune Overlay District which shall have a minimum first floor area of 600 square feet. Each accessory dwelling shall have a minimum of 400 square feet of floor area.

MOTION to approve Proposed R2 Change by: Pryor, 2nd: VanDeventer – All in Favor **Approved**

Next Meeting Date: October 1, 0224

MOTION to Adjourn by: VanDeventer, 2nd: Taylor-Blitz.
All in Favor – **Approved**

Meeting Adjourned: 10:55 am

Meeting Packet

Agenda

Draft Minutes August 13, 2024

Draft Minutes August 20, 2024

From: "Rene Adrian-Rogers" <radrianrogers@gmail.com>
To: "rickspeck tds. net" <rickspeck@tds.net>
Sent: Wednesday, September 18, 2024 12:39:10 PM
Subject: Re: S-1928A - Re: Public Restroom Requirement

Rick,

Thanks for forwarding the information from the last Planning Commission meeting to me.

After the August 13th Planning Commission meeting I did some research regarding the requirements to provide a public restroom. Next I communicated with the Charlevoix County Building Department; speaking first with Ryan Woods and later with Kevin Schlickau. I was asked to submit my findings, a floor plan with measurements of the public space (294 square feet) and non-public work area (143 square feet) plus photographs of the building.

Yesterday Mr. Schlickau and Mr. Woods took the opportunity while they were on the island to visit the studio space in person to verify the floor plan.

Based on the Michigan plumbing code, a business having a public access area less than or equal to 300 square feet is exempt from having to provide a public restroom facility. Upon completing their inspection I was informed that a public restroom is not required. This information will be included in the Charlevoix County file on our property.

What will be considered the "employee restroom" in our pole barn is the size of an ADA t-shaped restroom. I would not deny a customer, that was in need, access to this restroom. The details of Restroom Access for Person's with Medical Conditions are found in Michigan Compiled Law - Section 446.72. I understand this to be Michigan's version of Ally's Law.

Understandably, accessibility is important and there are laws to be learned and followed. Removing the architectural barrier of having only steps into my studio, is a priority. After Larry and I design an ADA approved, entrance for the studio I will apply for a permit to build it.

I appreciate the work that you and both the St. James Township Planning Commission and the Charlevoix County Planning Commission have done over the past nine months in regard to both of my rezoning requests.

Thank you,

Rene Adrian-Rogers
(231)313-0102

On Sep 9, 2024, at 9:18 AM, rickspeck@tds.net wrote:

From: "Cynthia Pryor" <planning.sjt.sec@gmail.com>
To: "rickspeck tds. net" <rickspeck@tds.net>
Cc: "Lori Taylor-Blitz" <chair.pc.stjamestwp.bi@gmail.com>
Sent: Saturday, September 7, 2024 2:02:31 PM
Subject: S-1928A Rene Adrian- Rogers Finding of Fact and Public Hearing Minutes

Rick, attached are the approved amended Minutes and Finding of Fact from our last special meeting of August 27, 2024 for S-1928A Conditional Rezoning from R-1 to Harbor.

Please let me know when the condition of adding an ADA Compliant restroom is accomplished and we will then forward to Charlevoix County Planning Commission for their working.

Thank you,

Cynthia Pryor
Recording Secretary
St. James Township Planning Commission

St. James Planning Commission Public Hearing/Regular Meeting Minutes
Tuesday, October 1, 2024 5:30 pm
St. James Township Hall

Meeting called to order: 5:30 pm by Taylor-Blitz. Quorum established, Pledge of Allegiance
Commissioners Present: Lori Taylor-Blitz, Mark Engelsman, Vic VanDeventer, Paul Cole, Cynthia Pryor

Others present: Rick Speck -Zoning, Zach Sompels via Zoom, Bobbi Welke-Township Supervisor, Laurie Galia, Jon Galia

MOTION to approve Agenda by Engelsman; 2nd: VanDeventer
All in favor – **Approved**

Public Hearing Opened by Taylor-Blitz at 5:35 pm

Public Comment Taken:

Bobbi Welke – wanted explanation of difference between language for Accessory Building and Accessory Dwelling. Engelsman explained ‘Dwelling’ as living space and would be a minimum of 400 sq ft as currently outlined in existing ordinance. ‘Building’ referred to garages and other out buildings.

Jon Galia – concerned about feasibility of going to 400 ft. Explanations given by Commissioners regarding history of Port St. James Association covenant language and need for smaller housing based on need of citizens.

No other comment forthcoming Taylor-Blitz **Closed Public Hearing** at 6:03 pm

Regular Meeting continued at 6:03 pm

MOTION to approve Special Meeting Minutes of August 27, 2024 by Cole; 2nd by Engelsman
All in Favor – **Approved**

MOTION to approve *Section 6.01 “R2” Single Family Residence District, subsection (e) Floor Area Requirements – Each principal dwelling shall have a minimum of 400 square feet of first floor area, except for parcels with frontage on Lake Michigan, Font Lake, or the Critical Dun Overlay District which shall have a minimum first floor area of 600 square feet. Each accessory dwelling shall have a minimum of 400 square feet of floor area.* By Engelsman; 2nd by VanDeventer.

Role Call Vote: Cole Y, VanDeventer Y, Engelsman Y, Taylor-Blitz Y, Pryor Y. All in Favor.
Motion **Approved**.

NEW BUSINESS:

- a.** Review email from Rene Adrian-Rogers regarding Conditional Approval R-1 to Harbor Rezoning. Pryor noted that the conditional requirement for an ADA Restroom was based on building size not interior use of building floor space between public and private use. Taylor-Blitz suggested a review by township Lawyer. Cole noted that Commission did not have jurisdiction over the need for ADA and if the Building Inspector waived need for ADA Restroom, then the noted Condition should be withdrawn.

MOTION to Approve removal of ADA Restroom as a condition of rezone by: Cole; 2nd by Engelsman. Roll Call Vote: Cole Y, VanDeventer Y, Engelsman Y, Taylor-Blitz Y, Pryor N.
Motion Approved

- b.** Review next steps for Ordinance Amendment. Pryor noted the easiest way to deal with Zoning Map changes is to make all R-2 on Lake Michigan and Font Lake frontage a Lake Front overlay similar to overlay of Critical Sand Dune Area within the R-2 District. Welke and Speck both noted concerns that the CSDA overlay on map was not truly representative of real CSDA lots. Pryor noted the work done to establish a data base of all lots in the Township can be used to clean up those discrepancies. All agreed to use the date base to denote the overlays within the R-2 District as the best way to communicate zoning map changes to the County. Sompels stated support also and noted he should have a draft copy of new ordinance by the end of this month.

Next Meeting Date: Due to Election, meeting moved to November 12, 2024

MOTION to Adjourn by: VanDeventer, 2nd: Engelsman.

All in Favor – **Approved**

Meeting Adjourned: 6:35 pm

Meeting Packet

Agenda

Public Hearing Notice

Draft Minutes August 27, 2024

Email from Rene Adrian-Rogers

St. James Planning Commission Special Meeting Minutes

Tuesday, November 12, 2024 6:00 pm

St. James Township Hall

Meeting called to order: 6:00 pm by Taylor-Blitz. Quorum established, Pledge of Allegiance

Commissioners Present: Lori Taylor-Blitz, Mark Engelsman, Vic VanDeventer, Paul Cole, Cynthia Pryor

Others present: Rick Speck -Zoning, Zach Sompels via Zoom, members of public

MOTION to approve Agenda by Cole; 2nd: VanDeventer

All in favor – **Approved**

MOTION to approve Special Meeting Minutes of October 1, 2024 by Cole; 2nd by Engelsman

All in Favor – **Approved**

NEW BUSINESS:

- a. S-1952 Hahn-Rivera Harbor Permit – residential permit only any other development requires a development plan noting any commercial establishment, parking, lighting, etc.

MOTION to approve by Cole; 2nd by Engelsman All in Favor – **Approved**

- b. S-1953 Pierson Harbor Permit – replacing decks in existing location.

MOTION to approve by Cole; 2nd by Engelsman All in Favor – **Approved**

- c. S-1955 Hall-Varlet CSDA Permit – replacing existing deck structure around home.

MOTION to approve by Pryor; 2nd by VanDeventer. All in Favor – **Approved**

- d. S-1923 Smith Driveway Permit – pending County Road Commission permit approval

MOTION to approve Pryor; 2nd VanDeventer All in Favor – **Approved**

- e. S-1923 French Permit – Discussion of roofline of Accessory Building – **Determined structure as originally permitted. No action required**

- f. Outer Island Zoning Ordinance Requirements – Pryor explained intent of new ordinance language of Outer Islands is proposed to follow Northern Lake Michigan Island Collaborative structure for assessments of rare and endangered species and assessment of cultural resources. Question of existing landowners now under Agriculture zoning would be changed to new ordinance and would need to be compliant to new language per Sompels. Work to be part of ongoing Ordinance development.

OLD BUSINESS:

- a. Zoning Map Updates – Pryor noted all work on zoning map completed with help from Heather Robinson. Determined file will be part of Ordinance approval process and then sent to County for map work. Sompel and Pryor would like to hold meeting with them to explain methodology. Critical Sand Dune areas need to be verified by County, DNR and Township.

- b. Zoning Ordinance Development Update – Sompels indicated that a draft copy will be ready by end of month for Commission review. A special meeting to go over the draft will be held on December 10, 2024.

Zoning Administrator Updates: None

Correspondence: None

Next Meeting Dates: Regular December meeting: December 3, 2024 at BI Historical Society.
Special Meeting on Ordinance scheduled for December 10, 2024

MOTION to Adjourn by: VanDeventer, 2nd: Engelsman.
All in Favor – **Approved**

Meeting Adjourned: 7:10 pm

Approved 12/10/24



CHARLEVOIX COUNTY PLANNING DEPARTMENT

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Staff Report St. James Township Proposed Conditional Rezone (Adrian-Rogers)

I have no concerns with a conditional rezoning of this property to the Harbor (H) district to allow an art gallery to enable the applicant to sell goods in her art studio. Given that the adjacent parcel to the west is zoned Harbor, the requested conditional rezoning of the Adrian-Rogers property would be a logical transition from the Harbor district to the Single-Family Residential district. If the Township ultimately decides to approve the conditional rezoning to Harbor (H) to allow an art gallery, their motion should be worded to clarify that the uses permitted on the property would include two (2) detached accessory buildings, an art gallery, and a single-family dwelling. Otherwise, a conditional rezoning to Harbor to only allow an art gallery would inadvertently create non-conforming uses (the cabin, the pole barn and the Quack Shack).

Another option, instead of conditionally rezoning this property, would be a text amendment to the zoning ordinance to allow home-based businesses as a permitted use in the Harbor district. The Township may also want to consider allowing the sale of goods as part of home-based businesses in the Harbor district, given the stated purpose of the Harbor district and the fact that it already allows many commercial uses, including retail businesses. Understandably, a text amendment such as this would open up the entire Harbor district (not just the Adrian-Rogers property) to include home-based businesses that would also include the sale of goods, which could potentially change the character of the Harbor district (more commercial and less residential). The Township may have already considered this option and ruled it out, but if not, it is worth considering. If the Township wishes to explore this further, it would be beneficial to work with a Planner.

Looking at the site plan of the property, would the Quack Shack (duck pen) be considered an accessory structure under the zoning ordinance? If so, then there are three (3) accessory buildings/structures on the property. The zoning ordinance only allows two (2) detached accessory buildings, not only in the Harbor district, but also in the R-1 district, as the property is currently zoned. If this is, in fact, a zoning violation, has it been addressed by the Township? If it hasn't already been addressed, would it be an option to move the Quack Shack and attach it to the outside of the Pole Barn? This would bring the property into compliance as far as accessory buildings are concerned (whether or not the property is rezoned).

Prepared by:

Kiersten Stark
Planning Director

RECEIVED

December 30, 2024

Ms. Kirsten Stark
13513 Division St.
Charlevoix, MI 49720

JAN 06 ~~2024~~ 2025

Charlevoix County
Planning Department

Dear Kirsten,

Attached is the documentation concerning the approval of a zoning ordinance change for R2 Single Family Residence in St. James Township which reads as follows:

Section 6.01 "R2" Single Family Residence District, subsection e) Floor Area Requirements – Each principal dwelling shall have a minimum of 400 square feet of first floor area, except for parcels with frontage on Lake Michigan, Font Lake, or the Critical Dune Overlay District which shall have a minimum first floor area of 600 square feet. Each Accessory dwelling shall have a minimum of 400 square feet of floor area.

Public Hearing Notice was published for a Public Hearing which took place October 1, 2024 where the change was approved by unanimous roll call vote.

As we are in process of a complete re-do of our zoning Ordinance, I did not immediately send this to your commission for consideration. In conversation with you, we were remiss and we submit this zoning ordinance change for any further conversation and approval from the Charlevoix County Planning Commission.

Thank you,



Cynthia Pryor
Recording Secretary – St. James Township Planning Commission

**St. James Township Planning Commission
37735 Michigan Ave. Beaver Island, MI 49782
(231) 448-2260**

**Notice of Public Hearing
October 1, 2024 Time: 5:30 p.m.**

PLEASE TAKE NOTE that on **October 1, 2024 at 5:30p.m.** the St. James Township Planning Commission will hold a public hearing concerning the following proposal and change to the Peaine and St. James Township Zoning Ordinance from a floor area minimum of 600 square feet to a minimum of 400 square feet as noted below:

Section 6.01 “R-2” Single Family Residence District, subsection e) Floor Area Requirements - Each principal dwelling shall have a minimum of 400 square feet of first floor area, except for parcels with frontage on Lake Michigan, Font Lake, or the Critical Dune Overlay District which shall have a minimum first floor area of 600 square feet. Each accessory dwelling shall have a minimum of 400 square feet of floor area.

Members of the public may appear at the public hearing in person or by their legal counsel. Written comments will also be received by mailing them to the Planning Commission Recording Secretary, PO Box 85, 37830 Kings Hwy, Beaver Island, MI 49782 or contacting via email at planning.sjt.sec@gmail.com by September 30, 2024.

This NOTICE is published by:

St. James Township
PO Box 85
Beaver Island, Michigan 49782
231 448-2761

Posted: September 17, 2024

By: Cynthia Pryor, Recording Secretary, St. James Planning Commission

St. James Planning Commission Public Hearing/Regular Meeting Minutes
Tuesday, October 1, 2024 5:30 pm
St. James Township Hall

Meeting called to order: 5:30 pm by Taylor-Blitz. Quorum established, Pledge of Allegiance
Commissioners Present: Lori Taylor-Blitz, Mark Engelsman, Vic VanDeventer, Paul Cole, Cynthia Pryor

Others present: Rick Speck -Zoning, Zach Sompels via Zoom, Bobbi Welke-Township Supervisor, Laurie Galia, Jon Galia

MOTION to approve Agenda by Engelsman; 2nd: VanDeventer
All in favor – **Approved**

Public Hearing Opened by Taylor-Blitz at 5:35 pm

Public Comment Taken:

Bobbi Welke – wanted explanation of difference between language for Accessory Building and Accessory Dwelling. Engelsman explained ‘Dwelling’ as living space and would be a minimum of 400 sq ft as currently outlined in existing ordinance. ‘Building’ referred to garages and other out buildings.

Jon Galia – concerned about feasibility of going to 400 ft. Explanations given by Commissioners regarding history of Port St. James Association covenant language and need for smaller housing based on need of citizens.

No other comment forthcoming Taylor-Blitz **Closed Public Hearing** at 6:03 pm

Regular Meeting continued at 6:03 pm

MOTION to approve Special Meeting Minutes of August 27, 2024 by Cole; 2nd by Engelsman
All in Favor – **Approved**

MOTION to approve *Section 6.01 “R2” Single Family Residence District, subsection (e) Floor Area Requirements – Each principal dwelling shall have a minimum of 400 square feet of first floor area, except for parcels with frontage on Lake Michigan, Font Lake, or the Critical Dun Overlay District which shall have a minimum first floor area of 600 square feet. Each accessory dwelling shall have a minimum of 400 square feet of floor area.* By Engelsman; 2nd by VanDeventer.

Role Call Vote: Cole Y, VanDeventer Y, Engelsman Y, Taylor-Blitz Y, Pryor Y. All in Favor.
Motion Approved.

NEW BUSINESS:

- a. Review email from Rene Adrian-Rogers regarding Conditional Approval R-1 to Harbor Rezoning. Pryor noted that the conditional requirement for an ADA Restroom was based on building size not interior use of building floor space between public and private use. Taylor-Blitz suggested a review by township Lawyer. Cole noted that Commission did not have jurisdiction over the need for ADA and if the Building Inspector waived need for ADA Restroom, then the noted Condition should be withdrawn.

MOTION to Approve removal of ADA Restroom as a condition of rezone by: Cole; 2nd by Engelsman. Roll Call Vote: Cole Y, VanDeventer Y, Engelsman Y, Taylor-Blitz Y, Pryor N.
Motion Approved

- b. Review next steps for Ordinance Amendment. Pryor noted the easiest way to deal with Zoning Map changes is to make all R-2 on Lake Michigan and Font Lake frontage a Lake Front overlay similar to overlay of Critical Sand Dune Area within the R-2 District. Welke and Speck both noted concerns that the CSDA overlay on map was not truly representative of real CSDA lots. Pryor noted the work done to establish a data base of all lots in the Township can be used to clean up those discrepancies. All agreed to use the date base to denote the overlays within the R-2 District as the best way to communicate zoning map changes to the County. Sompels stated support also and noted he should have a draft copy of new ordinance by the end of this month.

Next Meeting Date: Due to Election, meeting moved to November 12, 2024

MOTION to Adjourn by: VanDeventer, 2nd: Engelsman.

All in Favor – **Approved**

Meeting Adjourned: 6:35 pm

Meeting Packet

Agenda

Public Hearing Notice

Draft Minutes August 27, 2024

Email from Rene Adrian-Rogers

St. James Planning Commission Special Meeting Minutes - Draft
Tuesday, November 12, 2024 6:00 pm
St. James Township Hall

Meeting called to order: 6:00 pm by Taylor-Blitz. Quorum established, Pledge of Allegiance
Commissioners Present: Lori Taylor-Blitz, Mark Engelsman, Vic VanDeventer, Paul Cole, Cynthia Pryor

Others present: Rick Speck -Zoning, Zach Sompels via Zoom, members of public

MOTION to approve Agenda by Cole; 2nd: VanDeventer
All in favor – **Approved**

MOTION to approve Special Meeting Minutes of October 1, 2024 by Cole; 2nd by Engelsman
All in Favor – **Approved**

NEW BUSINESS:

- a. S-1952 Hahn-Rivera Harbor Permit – residential permit only any other development requires a development plan noting any commercial establishment, parking, lighting, etc.
MOTION to approve by Cole; 2nd by Engelsman All in Favor – **Approved**
- b. S-1953 Pierson Harbor Permit – replacing decks in existing location.
MOTION to approve by Cole; 2nd by Engelsman All in Favor – **Approved**
- c. S-1955 Hall-Varlet CSDA Permit – replacing existing deck structure around home.
MOTION to approve by Pryor; 2nd by VanDeventer. All in Favor – **Approved**
- d. S-1923 Smith Driveway Permit – pending County Road Commission permit approval
MOTION to approve Pryor; 2nd VanDeventer All in Favor – **Approved**
- e. S-1923 French Permit – Discussion of roofline of Accessory Building – **Determined structure as originally permitted. No action required**
- f. Outer Island Zoning Ordinance Requirements – Pryor explained intent of new ordinance language of Outer Islands is proposed to follow Northern Lake Michigan Island Collaborative structure for assessments of rare and endangered species and assessment of cultural resources. Question of existing landowners now under Agriculture zoning would be changed to new ordinance and would need to be compliant to new language per Sompels. Work to be part of ongoing Ordinance development.

OLD BUSINESS:

- a. Zoning Map Updates – Pryor noted all work on zoning map completed with help from Heather Robinson. Determined file will be part of Ordinance approval process and then sent to County for map work. Sompel and Pryor would like to hold meeting with them to explain methodology. Critical Sand Dune areas need to be verified by County, DNR and Township.

- b. Zoning Ordinance Development Update – Sompels indicated that a draft copy will be ready by end of month for Commission review. A special meeting to go over the draft will be held on December 10, 2024.

Zoning Administrator Updates: None

Correspondence: None

Next Meeting Dates: Regular December meeting: December 3, 2024 at BI Historical Society.
Special Meeting on Ordinance scheduled for December 10, 2024

MOTION to Adjourn by: VanDeventer, 2nd: Engelsman.
All in Favor – **Approved**

Meeting Adjourned: 7:10 pm



CHARLEVOIX COUNTY PLANNING DEPARTMENT

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Staff Report St. James Township Proposed Zoning Text Amendments

St. James Township is proposing to amend Article VI: Zoning District Regulations, Section 6.01 – “R-2” Single Family Residential District, subsection e) Floor Area Requirements of their Zoning Ordinance.

The current text is as follows:

Floor Area Requirements - Each principal dwelling shall have a minimum of 600 square feet of floor area, exclusive of porches, garages, basements and utility areas, with a multi-story building having a minimum of 600 square feet on the first floor. Each accessory dwelling shall have a minimum of 400 square feet of floor area, exclusive of porches, garages, basements, and utility areas, but may not exceed the lesser of 1000 square feet or 50% of the floor area of the principle structure.

The proposed new text is as follows:

Floor Area Requirements - Each principal dwelling shall have a minimum of 400 square feet of first floor area, except for parcels with frontage on Lake Michigan, Font Lake, or the Critical Dune Overlay District which shall have a minimum first floor area of 600 square feet. Each Accessory dwelling shall have a minimum of 400 square feet of floor area.

Staff Comments

The proposed amendments would have the following effect:

- Reduce the minimum floor area requirement for principal dwellings from 600 square feet to 400 square feet, except for principal dwellings on parcels with frontage on Lake Michigan, Font Lake, or the Critical Dune Overlay District
- Remove the exclusions from the minimum floor area requirement for principal dwellings, so porches, garages, basements, and utility areas could be counted as part of the floor area for the purpose of determining whether the minimum floor area requirement has been met; this would have the effect of further reducing the minimum required size of principal dwellings; (*Side note:* Traditionally, it has been standard practice for communities to exclude porches, garages, basements and utility areas from the minimum floor area requirement because these areas are not considered part of habitable living space)

- Remove the same exclusions from the minimum floor area requirement for accessory dwellings, so porches, garages, basements, and utility areas can be counted as part of the floor area for the purpose of determining whether the minimum floor area requirement has been met; this would have the effect of reducing the minimum required size of accessory dwellings
- Remove the maximum floor area allowed for accessory dwellings because this is already stated in Section 6.01, subsection b) Use Regulations, subsection 2).

I have no concerns with the proposed amendments. Township officials, including the Planning Commission and Township Board, have had extensive discussion about housing needs on the Island. The Township Planning Commission has been working with the Charlevoix County Housing Ready Program Coordinator to develop the proposed amendments, which will allow for smaller homes, to help meet housing needs on the Island.

Prepared by:

Kiersten Stark
Planning Director

Kiersten Stark

From: Jennifer Neal <jenneal.planning@gmail.com>
Sent: Monday, January 20, 2025 11:14 AM
To: Kiersten Stark
Cc: Leslie Meyers; Shari; David Kolka
Subject: Norwood Township Rezoning Request
Attachments: January 13, 2024 PC Mtg Draft Minutes packet.pdf; MEMO Wagner Property ReZoning 11325.pdf; 955 Norwood Rd Wagner Rezoning Application.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Kiersten,

I have included information for the County Planning Commission to review regarding a request to rezone property in Norwood Township. The Norwood Township Planning Commission met on January 13, 2024 and recommended approval of the request to the Township Board.

Please let me know if you have any questions or need any additional information.

Warm regards,

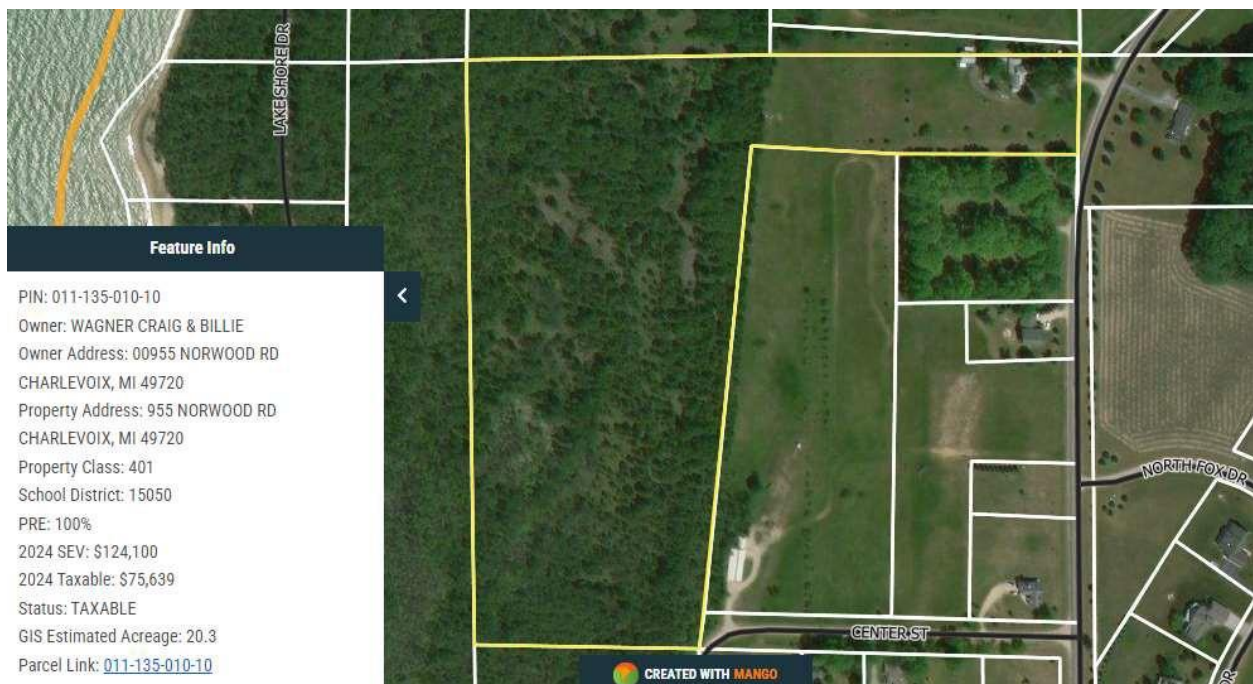
Jenni Neal

MEMO

To: David Kolka, Planning Commission Chair, and fellow Planning Commissioners
From: Jennifer Neal, AICP, Township Planner
Date: January 13, 2024
Subject: Wagner Rezoning –
955 Norwood Rd., PIN 011-135-010-10 & Vacant, PIN 011-126-008-15

Background

Property owners, Craig & Billie Wagner, submitted an application to request rezoning for property located at 955 Norwood Rd., PIN 011-135-010-10, and a vacant parcel PIN 011-126-008-15. The two properties are located to the west of Norwood Rd., north of Center St. The larger property, 955 Norwood Rd. is approximately 20.3 acres and the vacant parcel is approximately .7 acres.



Each property is currently zoned A: Agricultural. Parcel # 011-135-010-10 was rezoned to A in April 2021 with recommendation by the Planning Commission and approval by the Township Board. The applicants request the properties be rezoned to R1: Low Density Residential. The intended use is single family residential, however, the applicant would be permitted any use allowed within the proposed zoning district.

The public notice was posted in the *Charlevoix County News* on December 26, 2024 for a public hearing to be held on January 13, 2025. The rezoning request is accompanied by an application to consider a lot split involving the subject properties.

According to Section 10.00.D(5) of the Zoning Ordinance, the Planning Commission shall review and apply the following standards and factors in consideration of any rezoning request. Comments regarding the request are included for review. The Planning Commission should determine if the request meets the standard or not.

Standard	Comment	Finding
a. Is the proposed rezoning consistent with the Norwood Township Land Use Plan?	<i>The proposed district is compatible with Village Proper shown in the 2022 Master Plan Future Land Use Map.</i>	Yes
b. Is the proposed rezoning reasonably consistent with surrounding uses?	<i>Properties to the east and south are zoned R1. The Village of Norwood is located to the south.</i>	Yes
c. Will there be an adverse physical impact on surrounding properties?	<i>No physical improvements are proposed at this time.</i>	No
d. Will there be an adverse effect on property values in the adjacent area?	<i>Development standards of the proposed district are similar to surrounding existing uses.</i>	No
e. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?	<i>There is a need for new housing and rezoning the land will allow for smaller lot sizes and new housing units to be built.</i>	No (intent changed)
f. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?	<i>Staff foresee no impacts to surrounding properties at this time.</i>	No
g. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?	<i>Surrounding properties are similarly zoned to the proposed district.</i>	No
h. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?	<i>The lot size requirement of the A District is a minimum of 5 acres compared to the required 20,000 sq. ft. of the R1 District.</i>	No
i. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?	<i>The proposed district is compatible with Village Proper shown in the 2022 Master Plan Future Land Use Map.</i>	No

j. Is the site served by adequate public facilities or is the petitioner able to provide them?	<i>The site is not served by public facilities. The developer will be required to meet all applicable requirements upon submitting a development request.</i>	No
k. Are there sites nearby already properly zoned that can be used for the intended purposes?	<i>There are a few parcels near the Village of Norwood that may be acquired for new housing development. No intact parcels are similar in size.</i>	Yes
l. The community should evaluate whether other local remedies are available. Presently, cities and villages are allowed to grant use variances.	<i>The intended use, single-family residential, is compatible with the existing zoning and the proposed zoning.</i>	Yes

Norwood Township Planning Commission
Monday, January 13, 2025, 7:00pm
Norwood Township Hall
Draft Minutes

Call to Order by Vice Chairman David Vermeesch

Pledge of Allegiance by all who were present

Welcome to all present by Vice Chair Vermeesch

Roll Call – Chairman David Kolka-excused absence, Vice Chairman David Vermeesch-present, Secretary Doug Warner-absent, Member Trevor Dotson-present, Member Alec Amstutz-present

Approval of Agenda – Vermeesch asked to amend the Agenda to place the Yacht Services Application before the Wagner Rezoning and Lot Split due to the amount of time the Wagner issues may take. **MM by Dotson to approve the amended Agenda, 2nd by Amstutz. Motion carried to approval 3-0.**

Conflict of Interest - None

Public Comment on Agenda Items - None

Minutes Approval for November 11, 2025 PC Meeting – **MM by Dotson to approve the November 11, 2024 PC Meeting Minutes, 2nd by Amstutz. Motion carried to approval 3-0.** (There was no December 9, 2024 PC Meeting so no December minutes to approve)

Zoning Administrator's Report – November & December 2024 (on line). December ZA report reviewed by ZA Nick Brief.

Planning Commission Old Business –

PC Meeting 2025 Calendar Review – PC reviewed the 2025 Township Calendar. Vermeesch asked that the STR License review be put under the Township Board's calendar instead of the PC's. The remainder of the calendar was agreed to.

2024 Annual Report (Planner) – Annual Report was presented by Planner Jennifer Neal. The report contained the 2024 summary of the Planning Commission's work as well as a review of the year ahead. Vermeesch thanked Neal and Chairman David Kolka for their work on the report. **MM by Amstutz to approve the report and recommend to the Township Board for approval, 2nd by Dotson. Motion carried to approval 3-0.**

Schmid S.U.P. Review - Annual receipt was presented for pumpkins produced by the Schmid's to uphold their S.U.P. contingencies.

Planning Commission New Business –

Yacht Services Application for Property Line Adjustment – Mark & Tia Blackmore presented an application to adjust two property lines in order to balance a lot combination. Tom Krause, friend and realtor of the Blackmores, was present to represent the Blackmores. Krause stated that they have checked with Equalization and there was not a problem with these adjustments. Since part of these parcels are in Marion Township the PC asked if approved in Marion Township and Krause stated it had been with no contingencies. It was noted that Section 6B of the ordinance states that non-conforming lots cannot be split or adjusted if the outcome is less non-conforming. Discussion that this needs to be presented to the Zoning Board of Appeals, but it can be noted that the Planning Commission can recommend the application be approved but a variance is necessary. **MM by Vermeesch to give the applicant a conditional approval on the application for the property line adjustment and combination subject to the necessary variance by the ZBA, 2nd by Dotson. Motion carried to approval 3-0.** It was noted by the Planner that this will have to go to the ZBA in February due to the timeline for notifications.

Public Hearing for Wagner Property Zoning Change - Public Hearing opened at 7:36 p.m. ZA gave an overview of the rezoning application. The applicants, Craig & Billie Wagner are asking to rezone their property from Agriculture to R-1 in order to be able to split property into 6 lots. Two for their children, two for themselves and two for sale. The original plan was to keep it as Agriculture but when the applicant realized the lots must be 5 acres in size and not 3 acres, he requested the rezoning because the surveyor made the plan based on 3 acre lots. The applicant was under the understanding that Agriculture zone lots could be 3 acres, however, lots must be at least 5 acres.

Ben Freds, 19775 Center St, stated he is familiar with the Wagner's plan feels it is appropriate for the neighborhood and feels it is consistent with the Master Plan.

Susan Bennett, future Norwood property owner, addressed whether this application makes sense for the Master Plan and how the splits will affect infrastructure. She stated she is worried about splits and how often they will be requested and how it will affect the surrounding neighborhood. She felt there should be some restrictions.

Marty Siefried of Sunset Ridge, questioned the number of lots and what they were all being used for. Wagner explained the number of lots and their intended uses.

ZA presented an email from Gregory Gibbs and Ann Lerche, owners of parcel 011-134-005-20. The memo showed concerns for the Dark Park areas in Norwood. A copy of their memo is attached to these minutes.

Public Hearing closed at 7:49 p.m.

Discussion included abiding by the Ordinance, and that the applicant had applied in 2020 to rezone his property from R-1 to Agricultural to farm it and this was approved by the Planning Commission and Township Board in 2021, even though the County Planning Commission had some issues with the re-zone. Vermeesch stated he remembers being against Spot Zoning and felt this is what this was at the time. Amstutz felt that the whole PC should be present to vote on this. There were also questions on whether this is equitable for the Township. Standards were reviewed. There were twelve Standards that were reviewed. These Standards are attached to these minutes at the end.

Vice Chairman Vermeesch asked to have a 5-minute recess. Recess from 8:33 pm to 8:41 pm.

MM by Amstutz to not recommend the rezoning application. After discussion the motion was withdrawn.

MM by Dotson to approve the application from Craig & Billie Wagner to rezone their property from Agriculture to R-1, 2nd by Vermeesch. Roll call vote: Amstutz-Aye, Dotson-Aye, Vermeesch-Nay. Discussion by Planner that according to the PC By-laws Section 5 Subsection D In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. Provided, however, that an affirmative vote of a majority of the appointed members of the Commission shall be necessary for the adoption or amendment of the master plan, decisions regarding Special Use Permit Applications and recommendations regarding Zoning Ordinance Amendments. When a quorum is not present, no official action, except for closing of the meeting may take place. **Revote: Amstutz-Aye, Dotson-Aye, Vermeesch-Aye. Motion carried to approval 3-0.**

Wagner Application for lot split – ZA gave synopsis for lot split application. Craig and Billie Wagner submitted an application to split their land into six 3+ acre parcels. The ZA and the PC agreed the application was complete. The concern by the PC was if a road needs to be put in the Charlevoix County Road Commission must approve as well as Great Lakes Energy being able to supply power to all lots.

MM by Vermeesch to approve the application as presented by Craig and Billie Wagner to split their property into six lots as presented on survey dated 10/25/2024. This is contingent on the final approval of their property zoning change by the Norwood Township Board of Trustees and a statement from the Charlevoix County Road Commission and Great Lakes Energy pursuant to the Land Division Ordinance Section 5 Subsection B7, 2nd by Dotson. Motion carried to approval 3-0.

Public Comment –

Mike Bennett, future Norwood property owner, said he appreciated the work the PC is doing. He feels changing from Agriculture to Rural Residential is not an issue nor the lot split but is concerned about setting precedence and would like to work together to maintain an agricultural area. He would encourage PC to keep supporting the Township and do what is right and wished the PC good luck.

Correspondence & Announcements – None

Meeting adjourned at 9:22pm

Respectfully submitted by,
Shari Jones, Norwood Township Recording Secretary

Commit on rezoning request for 955 Norwood Road, identified as parcel's 011-135-010-10 & vacant lot 011-126-008-15

From: Gregory T. Gibbs <greggibbs51@sbcglobal.net>

Sent: Mon, Jan 13, 2025 at 12:49 pm

To: zoning@norwoodtwp.org

Cc: Ann Lerche, Gregory Gibbs

We are lot owners of parcel # 011-134-005-20 (Owner: GIBBS GREGORY T & ANN LERCHE)

While we would prefer Norwood stay as it is, we understand that property owners have rights and sometimes want return on their investment. So, while we are **not** submitting an objection to the proposed change to residential, we are concerned about the excessive lighting that may result in the area as we consider Norwood Township park and our lot as a unique 'Dark Park' for viewing celestial bodies and events in the evening. Accordingly we would like to see some assurance and protection of this "Dark Park" here in Norwood. This is known as dark-sky compliance. We request that the owner agree or the township require the newly zoned area, if approved, use the 5 principles of responsible lighting to make sure it is dark-sky compliant. These principles are as follows:

1. Useful

Use light only if it is needed

All light should have a clear purpose. Consider how the use of light will impact the area, including wildlife and their habitats.

2. Targeted

Direct light so it falls only where it is needed

Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.

3. Low level

Light should be no brighter than necessary

Use the lowest light level required. Be mindful of surface conditions, as some surfaces may reflect more light into the night sky than intended.

4. Controlled

Use light only when it is needed

Use controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.

5. Warm-colored

Use warmer-color lights where possible

Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.

For more information on this subject please see this website: <https://darksky.org/>

Thank you for considering our request.

Sincerely,



CHARLEVOIX COUNTY PLANNING DEPARTMENT

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Staff Review Norwood Township Proposed Rezone

Background Information

Property Owner/Applicant: Craig & Billie Wagner
Property Tax ID #: 15-011-135-010-10 *and* 15-011-126-008-15
Property Address: 00955 Norwood Rd. *and* no address
Parcel Size: Approximately 20.3 acres *and* 0.7 acre
Please see the attached *Location Map*.

Current and Proposed Zoning

Current Zoning District: Agricultural (A) (*both parcels*)
Proposed Zoning District: Low Density Residential (R-1) (*both parcels*)

Comparison of Land Uses Allowed

Legend: P = Permitted Use
SP = Special Use
--- = Not Allowed

Land Uses	Agricultural (A)	Low Density Residential (R-1)
1. Single family dwellings	P	P
2. Public parks and recreation facilities	---	P
3. Docks and boat landings	---	P
4. Home occupations	P	P
5. Home-Based Businesses	P	P
6. Short-term residential rental	P	P

Land Uses	Agricultural (A)	Low Density Residential (R-1)
7. Accessory uses customarily incidental to uses 1 – 6 above	P (only uses incidental to single family dwellings)	P
8. Bed & breakfast facilities	P	SP
9. Public buildings and facilities	SP	SP
10. Places of worship and related religious buildings	SP	SP
11. Planned Unit Developments (PUD)	SP	SP
12. Accessory buildings and uses customarily incidental to special uses 8 – 11 above	SP (only those incidental to uses 9 – 11 above)	SP
13. Artisans Gallery	P	SP
14. Two-Family Dwellings	P	SP
15. Accessory dwelling units	P	SP
16. Agriculture, including both general and specialized farming, tree farms, and forestry	P	---
17. Accessory uses customarily incidental to permitted uses 14 – 16 above	P	---
18. Farm stands	P	---
19. Plant nurseries and greenhouses	P	---
20. Farm-a-culture including tours, rides, shows, u-pick, special events & educational activities	P	---
21. Farm markets	SP	---
22. Sand and gravel extraction	SP	---
23. Temporary sawmills	SP	---
24. Public and private campgrounds	SP	---
25. Golf courses and country clubs	SP	---
26. Private airports and landing strips	SP	---
27. Schools	SP	---
28. Kennels, veterinary clinics and animal hospitals	SP	---
29. Cemeteries	SP	---
30. Cottage industries	SP	---

Land Uses	Agricultural (A)	Low Density Residential (R-1)
31. Telecommunications and Wireless Communication Towers	SP	---
32. Meteorological Towers, Anemometer Towers and Test Towers	SP	---
33. Wine, beer, spirits and food services associated with vineyards, breweries and distilleries	SP	---
34. Accessory buildings and uses customarily incidental to special uses 21 – 33 above	SP	---

Source: Norwood Township Zoning Ordinance

Comparison of Dimensional Requirements

Dimensional Requirement	Agricultural (A)	Low Density Residential (R-1)
Minimum Lot Area	5 acres	20,000 square feet
Minimum Lot Width	300 feet	100 feet
Minimum Front Yard Setback	50 feet <i>(Agricultural accessory buildings: At least 35 feet or the height of the building from any lot line, whichever is greater, and shall be at least 50 feet from the main dwelling)</i>	50 feet
Minimum Side Yard Setback	25 feet <i>(Agricultural accessory buildings: At least 35 feet or the height of the building from any lot line, whichever is greater, and shall be at least 50 feet from the main dwelling)</i>	15 feet
Minimum Rear Yard Setback	100 feet <i>(Agricultural accessory buildings: At least 35 feet or the height of the building from any lot line, whichever is greater, and shall be at least 50 feet from the main dwelling)</i>	50 feet
Minimum Dwelling Unit Floor Area	690 square feet	920 square feet
Maximum % of Lot Coverage	15%	15%

Source: Norwood Township Zoning Ordinance

Existing Uses on the Subject Parcel and Surrounding Properties

The eastern portion of the larger subject parcel features a single family home with outbuildings and an open, grassy field. The western portion of this parcel is wooded (mostly softwoods) and undeveloped. The smaller subject parcel is vacant/undeveloped and features an open grassy field and some trees. Similar to the subject parcels, the surrounding properties feature single family homes, wooded areas, and grassy fields/open space. To the north of the smaller subject parcel is a large pond. And the adjacent parcel just south of the northeastern portion of the larger subject parcel is the Township cemetery, which fronts on Norwood Road. Please see the attached *Land Use/Cover & Soil Map*.

Zoning of Surrounding Properties

The properties to the north are zoned Agricultural (A) and Conservation Reserve (CR). The property to the west is zoned Conservation Reserve (CR). The properties to the south are zoned Low Density Residential (R-1). The properties to the east are zoned Rural Residential (RR). Please see the attached *Zoning Map*.

Relationship to Master Plan

On the future land use map in the Norwood Township Master Plan, the subject parcels are in the area designated as Village Proper. Following is a description of the Village Proper from page 23 of the Master Plan:

The village of Norwood is a location that has a distinct sense of place. When a person arrives in the village, they immediately know they are in a special place unique from the surrounding areas in the Township. This is a village that was designed prior to the automobile and it continues to have this feel. The village is comprised of homes built from the 1800's to the present. This area also has the original church, schoolhouse and Township Hall. The roads are narrow and lined with large, mature maple trees. There are no parking lots in this area; vehicles are parked along the street. This Master Plan recommends establishing a specific zoning district that preserves the character of the village of Norwood and does not make any existing development legally nonconforming.

Any new development in the Village should be compatible with the existing character of the village (e.g. narrow tree-lined roads in a grid pattern. Boundaries for the village of Norwood should be established through the Zoning District Map.

Please see the attached *Future Land Use Map* and associated text from the Township Master Plan.

Soils

Please see the attached *Land Use/Cover & Soil Map*. On the following page is a chart showing the soil types on the subject parcels.

Soil Symbol	Soil Name	Slope	Features affecting foundations for low buildings	Suitability for septic tank disposal fields
EaB	East Lake loamy sand	0 – 6%	Well drained; slight compressibility; good shear strength	Slight limitations: rapid permeability; possible contamination of shallow water supplies by effluent
SuB	Summerville stony sandy loam	0 – 6%	Well drained; bedrock at a depth of less than 2 feet	Severe limitations: moderate permeability; bedrock at a depth of less than 2 feet; stony
KaE	Kalkaska sand	18 – 25%	Well drained; slight compressibility; good shear strength	Severe limitations: sidehill seepage may occur; installation and operation of disposal fields are difficult where slopes are more than 12%
AgB	Alpena gravelly sandy loam	0 – 6%	Well drained; slight compressibility; good shear strength	Slight limitations: rapid permeability; possible contamination of shallow water supplies
Ep	Epoufette sandy loam	0 – 4%	Poorly drained; high water table; slight compressibility; good shear strength	Severe limitations: poorly drained; high water table; moderately rapid to rapid permeability
KaB	Kalkaska sand	0 – 6%	Well drained; slight compressibility; good shear strength	Slight limitations: rapid permeability; possible contamination of shallow water supplies by effluent

Source: USDA Soil Survey of Charlevoix County, MI

Township Planning Commission Recommendation

The Norwood Township Planning Commission recommended rezoning these properties from Agricultural (A) to Low Density Residential (R-1).

Staff Comments

In 2020, the property owners requested a rezoning of the larger subject parcel from Low Density Residential (R-1) to Agricultural (A) because they wanted to farm the land. The County Planning Commission reviewed the request in 2021 and recommended denial because a rezoning to Agricultural was not consistent with the Township Master Plan, which designated this parcel as “Village Proper”. However, the County Planning Commission also noted that the Township Master Plan was due for an update and if the future land use map were to be revised, it would be appropriate for the Township to reconsider a rezoning to Agricultural in the future. The Township Board approved the rezoning to Agricultural (A). In 2022, the Township updated their Master Plan, but no changes were made to the future land use map.

Low-Density Residential (R-1) zoning (for both parcels) is more consistent with the Township Master Plan than Agricultural (A) zoning, as the future land use map designates this area as part of the “Village Proper”.

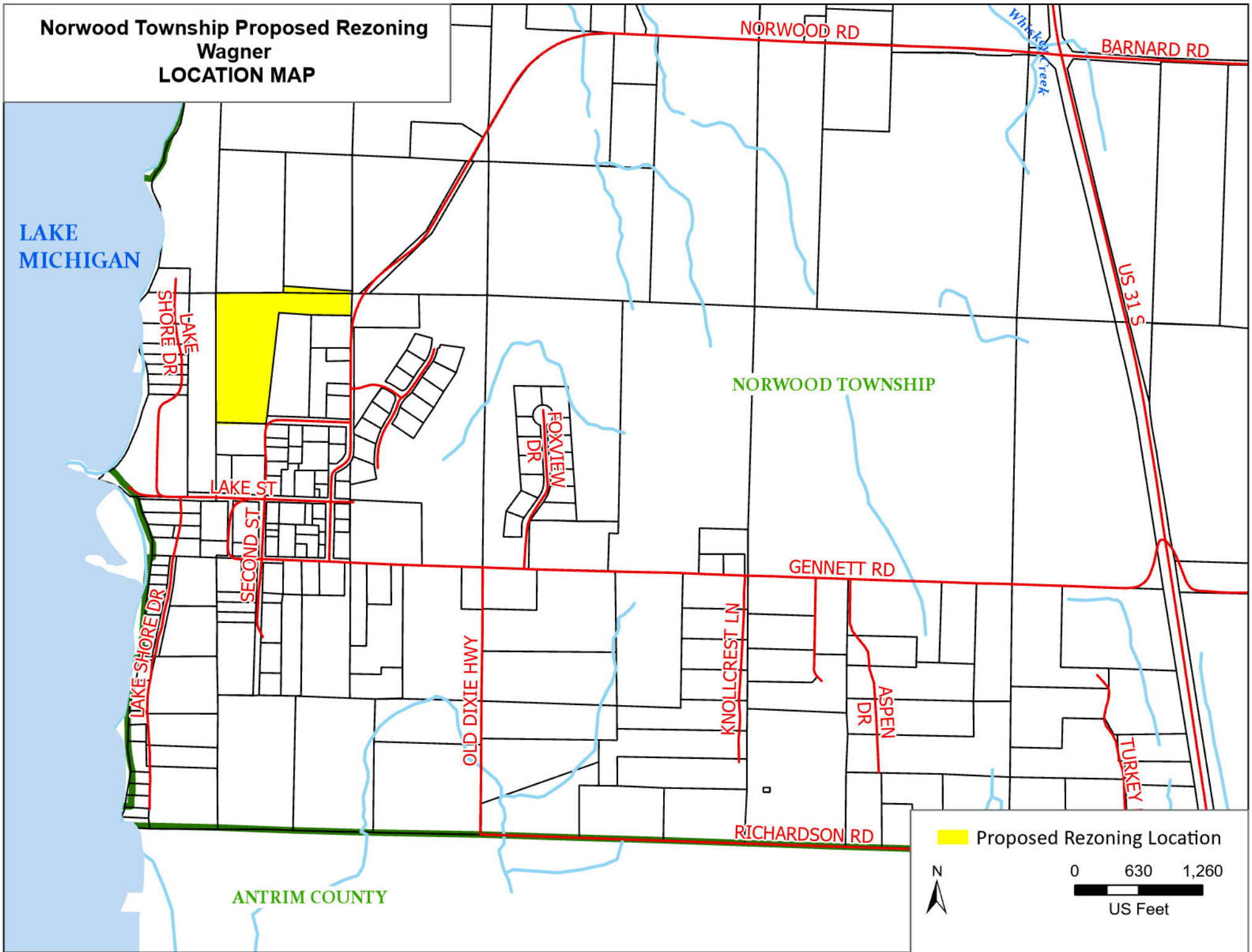
The findings of the Township Planning Commission with respect to the standards and factors for considering proposed rezonings also support this request.

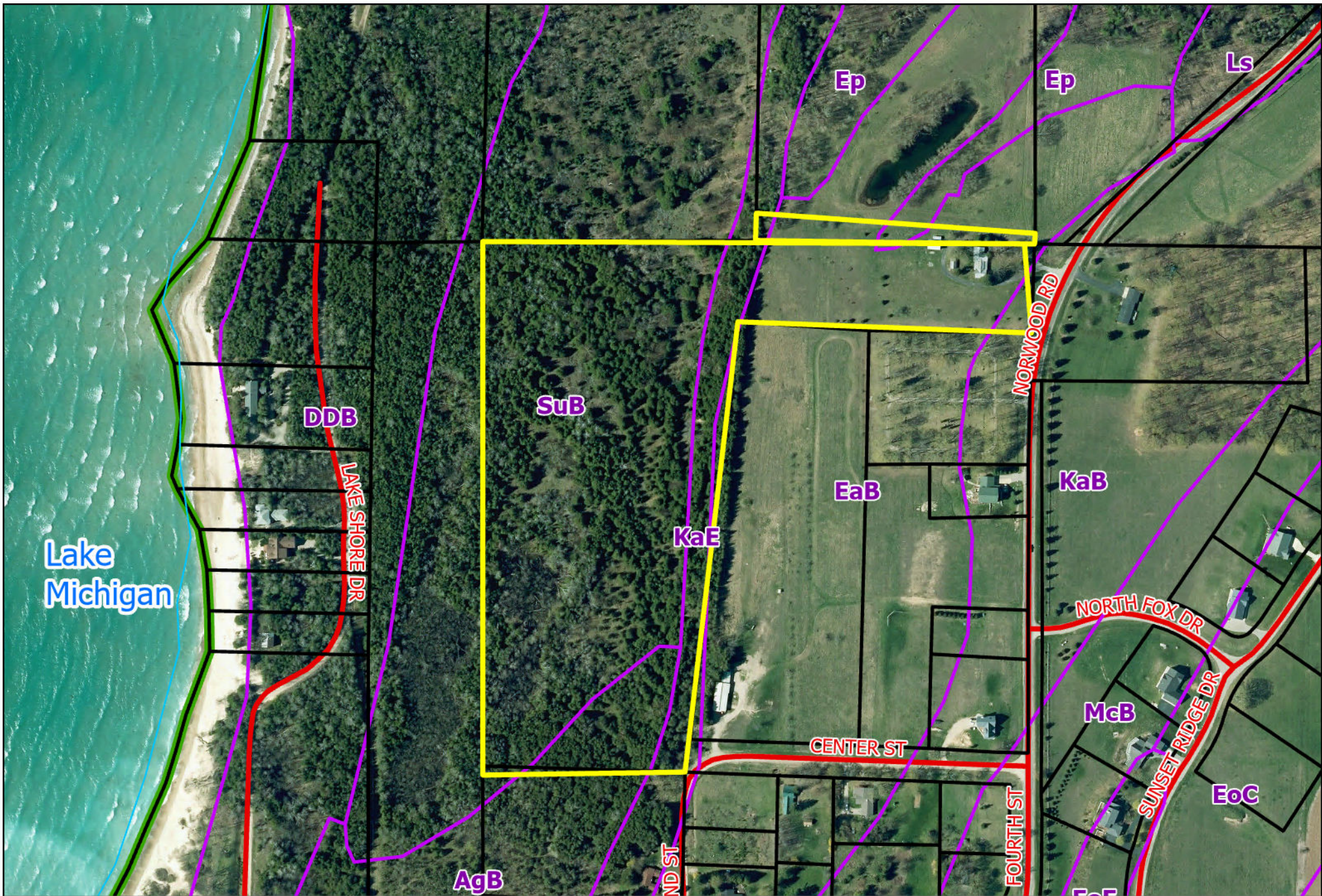
Prepared by:

Kiersten Stark
Planning Director

With mapping assistance from the Equalization Department

Norwood Township Proposed Rezoning
Wagner
LOCATION MAP



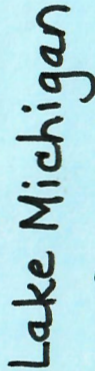


0 95 190 380
Feet

 Proposed Rezoning Location

**Norwood Township Proposed Rezoning
Wagner
LAND USE/COVER & SOIL MAP**

ZONING MAP



ZONING DISTRICTS

-  A: AGRICULTURAL
-  C: COMMERCIAL
-  CR: CONSERVATION RESERVE
-  I: INDUSTRIAL
-  R1: LOW DENSITY RESIDENTIAL
-  RR: RURAL RESIDENTIAL

Current zoning: Agricultural (A)

Proposed zoning: Low Density Residential (R-1)

Section 5

Future Land Use Plan

The Future Land Use Plan serves as a general guide to the Township's desired future land use patterns and as a graphic representation of the Township's goals and policies. In general, this Plan was developed after careful consideration of the following features in each area and the surrounding properties:

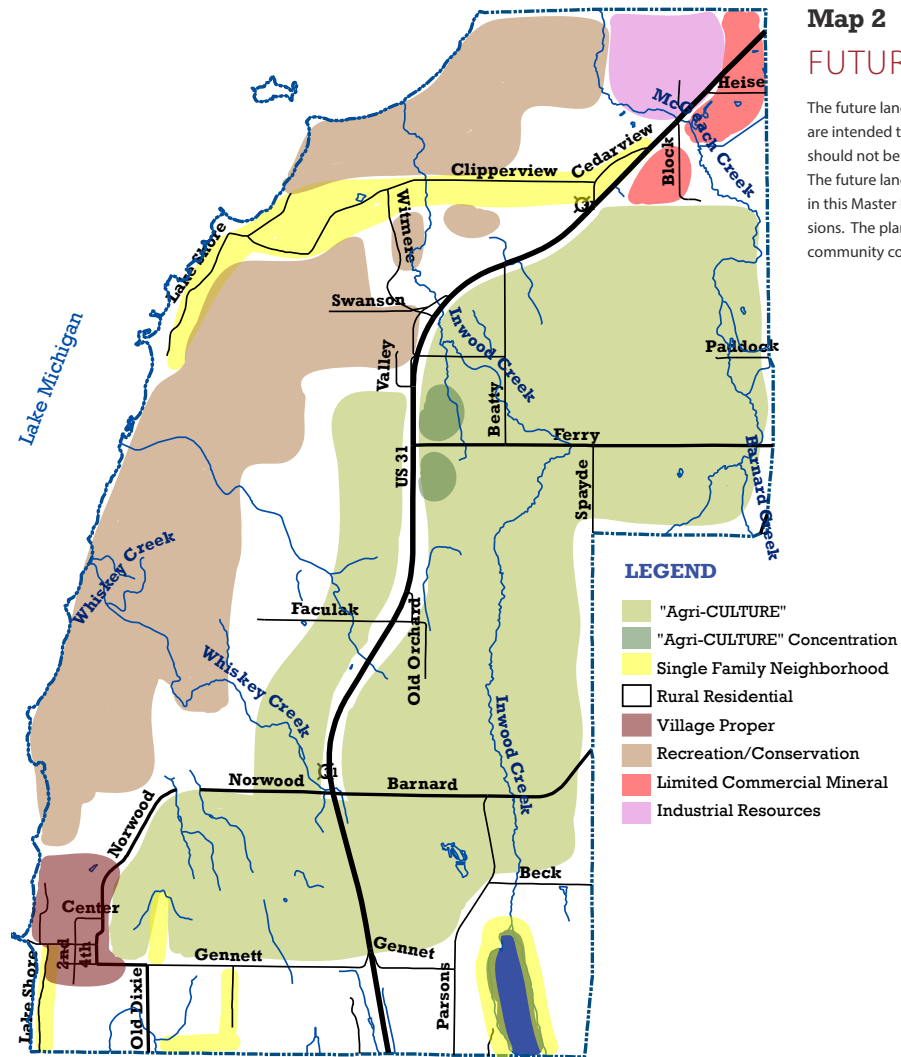
Natural features, including streams, ponds, lakes, wetlands, woodlands, steep slopes, soils, wildlife habitats, and other features that help define the natural capability of the land to support various land use densities;

- Existing development patterns and trends in the Township;
- Capacity of the Township's roadway system;
- Northwest Michigan Health Department's policy for septic systems;
- Residents' expressed needs through the community survey; and
- Desired future land use and character.

The Future Land Use Plan not only reflects the goals and policies of this Master Plan, but also assumes that land will be developed, redeveloped, or remain undeveloped using the other regulatory tools the Township has at its disposal. Tools such as the Zoning Ordinance provide guidance for many elements of a development. The Future Land Use Plan map is a representation of the future as far off as 20 years from now. Readers are cautioned to review other elements of the Master Plan, such as changes which may have occurred since the Master Plan was developed, and the conditions which existed at the time the Future Land Use Plan map and other elements of the Master Plan were prepared.

Since zoning shall be "based on a plan," as stated in the Michigan Zoning Enabling Act, all Zoning Ordinance changes in Norwood Township should be consistent with the policies established in this Master Plan. If they are not compatible, then the Zoning Ordinance should be changed to match the Master Plan descriptions over time and in a logical fashion.

If any Zoning Map change is approved by the Township Board, it is vital that the change match both this Future Land Use Plan and the other policies in this document. If it doesn't, the rezoning, the Master Plan and the Zoning Ordinance's legitimacy could be at risk. The Master Plan should be reviewed and revised, if necessary, prior to substantial zoning changes.



FUTURE LAND USE CATEGORIES

“Agri-CULTURE”

This Master Plan strongly encourages a creative agricultural resources element coined “Agri-CULTURE.” The concept of “Agri-CULTURE” allows for agritourism and cultural accessory uses in Norwood Township. These accessory uses, while maintaining the rural character and preserving farmland in the Township, should be allowed when in harmony with the health, safety and welfare of the citizens. All of these “Agri-CULTURE” accessory uses should enhance the fabric of the community and have a logical relationship to the principal land use on each property. “Agri-CULTURE” presents a unique opportunity to combine aspects of tourism, agriculture and cultural opportunities for financial, educational and social benefits to tourists, producers and the broader community.

“Agri-CULTURE” provides the Township with the potential to increase its local tax base and provide new and innovative employment opportunities for residents. In addition, “Agri-CULTURE” provides educational opportunities to the public, helps preserve agricultural lands and allows the development of businesses that might otherwise be outsourced to other communities or eliminated altogether.

There may be three general levels of these “Agri-CULTURE” uses. First, typical accessory uses may be allowed by-right after an administrative review. A second, more intense tier, would require development of some zoning standards and should be approved through a site plan review. A third, most intense use set of standards would permit some specialized agriculturally-oriented industries to be developed on agricultural or low density residential zoned properties in accordance with special use approval standards that make sure uses are not developed in a manner that negatively impact surrounding properties.

“Agri-CULTURE” Concentration would represent a potential concentration of agritourism style primary uses (by-right).

Comparatively there are many active traditional farms in Norwood Township. The hilly terrain and amazing microclimate in this area are conducive for wineries and fruit orchards. The intent of this “Agri-CULTURE” classification is to maintain and promote existing traditional farming operations to continue and flourish by protecting them from encroachment by incompatible uses. This “Agri-CULTURE” classification

includes active farms and land uniquely suited to traditional agricultural practices. These are the parcels where there is active farming and where it is likely to continue. The recommended future land uses are primarily agricultural operations, not residential development. The Township wants to promote these uses including dairy, beef, and crop farming in addition to agriculture-oriented accessory uses such as farm markets, U-pick operations, nurseries, corn mazes, hayrides, and other customary, ancillary, and incidental uses.

The overall residential density should be one unit per five (5) acres; however, individual lot sizes may be smaller when the development is clustered in order to protect interior open spaces and agricultural lands. To encourage clustered developments, the Township should consider implementing a bonus density alternative for standard lot splits or large-lot single family condominium subdivisions.

Rural Residential

People move to rural areas such as Norwood Township to own a larger lot or property than is possible in urban areas. This can mean five acre, ten acre, or even larger lots. The desire for large-lot rural residential development is common in northern Michigan.

The hilly topography in Norwood Township is not conducive for high-density development. In some instances, a five acre parcel may only have 10,000 square feet suitable for development. An overall density that does not exceed one (1) unit for every three (3) acres is appropriate for areas with steep slopes and other physical constraints for structures. In some instances, cluster development (building the majority of the residences on a portion of the development parcel) may be best suited for this area. These cluster developments should be reviewed as a standard site plan as opposed to going through a more intensive review process.

The overall residential density in this planned land use should be one (1) unit per two (2) acres; however, individual lots sizes may be smaller when the development is clustered. To encourage clustered developments, a bonus density program should be implemented.



Small farm animals in Norwood Township.

Village Proper

The village of Norwood is a location that has a distinct sense of place. When a person arrives in the village, they immediately know they are in a special place unique from the surrounding areas in the Township. This is a village that was designed prior to the automobile and it continues to have this feel. The village is comprised of homes built from the 1800's to the present. This area also has the original church, schoolhouse and Township Hall. The roads are narrow and lined with large, mature maple trees. There are no parking lots in this area; vehicles are parked along the street. This Master Plan recommends establishing a specific zoning district that preserves the character of the village of Norwood and does not make any existing development legally nonconforming.

Any new development in the Village should be compatible with the existing character of the village (e.g. narrow tree-lined roads in a grid pattern. Boundaries for the village of Norwood should be established through the Zoning District Map.

Single-Family Neighborhood

This land use area is comprised of single-family homes and it is the intent of this Master Plan to provide for livable and desirable neighborhoods for current and future residents. The primary use should be standard single-family homes. The increasing availability of computer internet connections allows people to work from home. Also, home-businesses that have minimal impact on surrounding neighbors should be encouraged to diversify job opportunities and stimulate year-round local economic opportunities.

The overall residential density shall be one (1) unit per (1) acre; however, individual lot sizes may be smaller when the development is clustered. The Township should implement a bonus density program to promote clustered developments. Clustered developments help preserve the Township's rural character while still meeting the housing needs for future residents.

Recreation/Conservation

Land designated for Recreation/Conservation is intended to protect, preserve and enhance unique and vital natural features and provide areas for parks, recreation, and open spaces which preserve and enhance

the rural character of the Township while, at the same time, broadening recreation and conservation opportunities in appropriate areas. Both public and private recreational/conservation lands are included in this category.

The backbone of the area's economy is its lakes and streams, so protecting them is good for commerce and environmental stewardship. Some locations in northern Michigan have allowed development along their natural resource corridors that negatively impact scenic views and the environment. Norwood Township, through this Master Plan, desires to keep these areas in their natural state.

Most of the Lake Michigan shoreline is already in public ownership, but some of it is privately owned. Intermittent segments of a regional trail system (beginning in Harbor Springs and ending in Eastport) exist in this area. The Master Plan seeks to maintain and complete these connections.

Limited Commercial

The main commercial operation in the Township is a small retail complex. These businesses generally serve northern Michigan and are not oriented to Norwood Township's population. They do provide jobs and an economic base. These businesses should continue to exist but not greatly expand. Any expansion should be done westwards from the existing retail complex, and future commercial principal uses should be limited to furnishing goods and services for the Township's economic market area. This Master Plan does not promote strip-style development along the US 31 corridor.

Mineral Industrial Resources

The citizen survey reflects a desire to have no further industrial development in the Township. Therefore, this Master Plan limits industrial uses to presently-zoned mining and industrial resource properties. This Master Plan also recognizes that mining and drilling are specifically permitted uses in Michigan's Zoning Enabling Act and that zoning or other controls on these uses should be to mitigate the very serious consequences of these uses.



Apple Orchards in Norwood Township c. 1890. In 1897 Norwood Township pioneer and statesman William Harris introduced a bill to the State Legislature which recognized the Apple Blossom as the State Flower.



Agri-inspired pottery from the Norwood Township Bier Pottery Studio.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
Gaylord District Office
P.O. Box 30458, Lansing, Michigan 48909-7958

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), will hold an online public hearing on February 20, 2025, at 6:00 p.m. (EDT).

How to attend the Online Meeting:

To attend the online public information meeting register at <https://bit.ly/4hdjs7A>. After registering, you will receive a confirmation email containing information about joining the meeting. If you do not have internet access and would like to join by PHONE ONLY please use the following phone number: 213-787-0529, and use Conference Code 881478. Pre-registration is not required to attend the meeting. Individuals interested in participating can click the link above at the start of the event (6:00 p.m.).

The purpose of this hearing is to secure the views of interested persons concerning the following application for permit:

Submission Number HQ7-TP3R-B42B2, by Brigham Sorber, 105 Crosby Dr., East Jordan, Michigan, 49727, under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 301). The applicant proposes to install a permanent, open-pile dock measuring 200 feet long by 6 feet wide with two finger piers, one measuring 24 feet long by 6 feet wide and the other 40 feet long by 6 feet wide. The applicant also proposes to install a permanent boat hoist measuring 16 feet wide by 16 feet long and to dredge 363 cubic yards from two areas, one measuring 40 feet long by 70 feet wide to a depth of 1.5 feet and the other 40 feet long by 70 feet wide to a depth of 2 feet. The applicant proposes additional maintenance dredging of up to 137 cubic yards within the same areas for a total maximum of 500 cubic yards of material removed per the life of the permit. The project is located in T33N, R07W, Section 34, Eveline Township, Charlevoix County, Michigan.

The application is available for review on EGLE's Web site at: <https://mienviro.michigan.gov/ncore/external/publicnotice/search>. The public hearing record will remain open for 10 days after the public hearing date. Any written comments to be submitted for the public hearing record must be received before the close of the record.

To submit comments, access the Public Notice search at: <https://mienviro.michigan.gov/ncore/external/publicnotice/search>. You do not need an account to add a comment to the Public Hearing comments. Use the search tool on the Public Hearing Search to find the public hearing announcement. It is most easily searched using the Submission Number. Once you find the submission using the search engine at the above link, you can review related documents to the application and click the "Add Comment" tab to enter your comment. You will have the option to either type your comment or upload it as an attachment.

The public hearing will be held pursuant to Section 30105 of Part 301. The public hearing will not be a legal proceeding, witnesses will not be sworn, and there will be no cross examination. Public hearings are primarily informational and are held to encourage the expression of views and presentation of facts.

A copy of the decision on this application can be reviewed online, using Site Explorer, once a decision has been made.

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
Water Resources Division

Date: 01/23/2025

NOTE: Persons with disabilities needing accommodations for effective participation in this meeting should email Ryan Blazic at BlazicR@Michigan.gov one week in advance to request mobility, visual, hearing, or other assistance.

Digital EGLE/USACE Joint Permit Application (JPA) for Inland Lakes and Streams, Great Lakes, Wetlands, Floodplains, Dams, Environmental Areas, High Risk Erosion Areas and Critical Dune Areas

version 1.44

(Submission #: HQ7-TP3R-B42B2, version 2)

Details

Submission ID HQ7-TP3R-B42B2

Status In Process

Fees

Fee	\$500.00
Payments/Adjustments	(\$500.00)
Balance Due	\$0.00 (Paid)

Form Input

Instructions

[Click here](#) to download a copy or print these instructions (recommended).

Contact Information

Applicant Information (Usually the property owner)

First Name **Last Name**
Brigham Sorber

Organization Name
NONE PROVIDED

Phone Type **Number** **Extension**
Mobile 5177754667

Email
brighamsorber@gmail.com

Address
6123 COTTAGE DR
HASLETT, MI 48840

Is the Applicant the fee simple property owner? (Does the applicant have full and permanent ownership of the parcel, as well as any buildings on that parcel?)
Yes

Has the applicant hired an agent or cooperating agency (agency or firm assisting applicant) to complete the application process?
Yes

Agent Contact

First Name **Last Name**
Tom Cunningham

Organization Name
NONE PROVIDED

Phone Type **Number** **Extension**
Business 2315472145

Email
lyonsmarineconstruction@gmail.com

Address
6530 BROWN RD
CHARLEVOIX, MI 49720

Upload Attachment for Authorization from Agent

SorberBrig_agent letter.jpg - 11/04/2024 03:01 PM

Comment
NONE PROVIDED

Are there additional property owners or other contacts you would like to add to the application?
No

Project Location

EGLE Site Reference Number (Pre-Populated)

1138002744738651273

Project Location

45.208775,-85.1500487

Project Location Address

105 CROSBY DR

EAST JORDAN, MI 49727

County

Charlevoix

Is there a Property Tax ID Number(s) for the project area?

Yes

Please enter the Tax ID Number(s) for the project location

006-750-023-10

Is there Subdivision/Plat and Lot Number(s)?

No

Is this project within Indian Lands?

No

Local Unit of Government (LUG)

Eveline Township

Directions to Project Site

From East Jordan follow 3rd St and Division St to Sunset St.

Take S Peninsula Rd 4.1 miles to Bracey Rd in Eveline Township

Continue on Bracey Rd. Drive to Crosby Dr - project site is approximately 1 mile down Crosby Dr. on the left.

Background Information

Has the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and/or United States Army Corps of Engineers (USACE) conducted a pre-application meeting/inspection for this project?

No

Has the EGLE completed a Wetland Identification Program (WIP) assessment for this site?

No

Environmental Area Number (if known):*NONE PROVIDED***Has the United States Army Corps of Engineers (USACE) completed either an approved or preliminary jurisdictional determination for this site?**

No

Were any regulated activities previously completed on this site under an EGLE and/or USACE permit?

No

Have any activities commenced on this project?

No

Is this an after-the-fact application?

No

Are you aware of any unresolved violations of environmental law or litigation involving the property?

No

Is there a conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property?

No

Are there any other federal, interstate, state, or local agency authorizations associated with this project?

No

Permit Application Category and Public Notice Information**Indicate the type of permit being applied for.**

Individual Permit for all other projects

This type of permit application requires that you include contact information for the adjacent landowners to this project. If you are only entering in a small number of bordering parcel owners contact information, please select "Enter list of recipients". If there is a rather large number of affected property owners such as a project that significantly affects lake levels, please upload a spreadsheet of the property owners. Please include names and mailing addresses.

Enter list of recipients.

This project may require public noticing. Please list the adjacent landowners to the project, along with any of the others that may apply:

Contact Type	Contact Person	Mailing Address	City	State	Zip Code
Adjacent Landowner	SHERMAN THEODORE H TRUST Owner2: SHERMAN NANCY J TRUST	185 Crosby Dr.	East Jordan	MI	49727
Adjacent Landowner	EIDENREICH TAMMY	394 N WOLCOTT	Hillsdale	MI	49242

Project Description

Project Use: (select all that apply - Private, Commercial, Public/Government/Tribal, Receiving Federal/State Transportation Funds, Non-profit, or Other)

Private

Project Type (select all that apply):

Private Residence

Project Summary (Purpose and Use): Provide a summary of all proposed activities including the intended use and reason for the proposed project.

The purpose of the proposed dock is to provide safe and navigable dockage for the owner's pleasure craft, as well as a place for the owner and his family to swim. P We propose to construct a 200' x 6' permanent open pile dock with finger piers (24'x6' and 40'x6'), and a boat hoist per the attached drawing. The applicant would like to securely moor his 34' boat (which draws 4') in the proposed boat hoist at his dock, (and needs at least 6' of water to be safely moored in the proposed boat hoist), and 2 17' boats which draw 3' of water. The applicant would also like to be able to utilize moorage on the north and south sides of the dock, which will provide safe access to the 34' watercraft for loading and unloading when not in the boat hoist as is common practice. As shown on the plan submitted, the depth of the water at the shore end of the inner boat hoist slip is 3.8' in depth. With the US Army Corps of Engineers' prediction of the lake levels to be in a declining cycle, we believe that a small amount of dredging (approximately 366 cyds) will also be necessary to moor the owners' pleasure crafts at depths that will be sufficient and safe for the owner's pleasure craft for many years at this location. Proposed activity will provide safe, stable wharfage for the property owner's personal watercraft and will replace the use of less stable seasonal dockage of similar length.

Project Construction Sequence, Methods, and Equipment: Describe how the proposed project timing, methods, and equipment will minimize disturbance from the project construction, including but not limited to soil erosion and sedimentation control measures.

All work will be done using floating equipment. Beginning with piling installation followed by framing, decking, and boat lift installation. Next, for dredging, first we will place turbidity curtain, then dredge and haul sand materials with barge-mounted crane and remove curtain when the water column has cleared.

Project Alternatives: Describe all options considered as alternatives to the proposed project, and describe how impacts to state and federal regulated waters will be avoided and minimized. This may include other locations, materials, etc.

Several other dock configurations were considered but this layout met the owner's needs. The new dock design is open pile which allows for the free flow of water through it, which minimizes the impact on the resource.

We considered using seasonal docking structures, however, the applicant's boat is approximately 34' long with an 11' beam and will require a structure that will keep it secure and safe in the wind and waves. A seasonal dock just does not have the structure to provide this level of security. Seasonal boat hoist structures were considered, but the applicant has already experienced having his boat hoist and boat damaged by wind and wave action at this location. Additionally, we consider the installation and removal of seasonal structures to be much more negatively impactful to the environment than the proposed permanent dock system (see attached description of permanent and seasonal docks, which has been cited in other previously contested and approved permanent dock EGLE permit application 14-15-006-P for Hollenbech on Lake Charlevoix). In recent years, we have observed many seasonal docks on Lake Charlevoix being removed well after November 1st, which is considered the beginning of a critical period for Cisco (Lake Herring) spawning.

Additionally, We also looked at making the end of the dock a floating section, but this would make the dock a larger target for ice flows in the spring that would damage the dock.

As another alternative we considered making the dock shorter, however this would not allow for the mooring of the boat with the draft the owner would like to accommodate, or such a configuration would create the need for a far greater volume of dredging, with a greater impact on the environment. We also considered a longer dock configuration, but this would be more costly for the owner and would have a greater impact on public trust waters. We had also considered a longer dock configuration to possibly eliminate the need for dredging, however, the amount of proposed dredging is very minimal, and is necessary to allow the proposed boat hoist to be deep enough to allow the owner's boat to safely enter and egress from the boat hoist. We feel the combination of dock size, with very minimal dredging, is the most prudent and least impactful design to meet the owner's needs at this location. There are other permanent docks in this area of Lake Charlevoix, and we believe the owner has the right to use his lakefront property just as many others on the lake currently already do.

The only marina facilities close by are a 10-minute drive from this location. To do nothing would be to deny the owner the same rights that have been afforded to others.

CORRECTION REQUEST (APPROVED)

Alternatives Analysis

Please provide a more detailed Alternatives Analysis including all options that can achieve the project purpose and why this is the least impactful feasible and prudent proposal. At minimum, include variables such as alternate locations, configurations and sizes (layout and design), and methods (construction technologies), and other constraints (local regulations, resource issues). Discussion should also include why the "do nothing" alternative is not feasible or prudent. Specifically, please discuss placing the dock in the center of the parcel. Please also more thoroughly review the long term impacts of repeated maintenance dredging vs proposing a longer dock.

Created on 12/3/2024 3:18 PM by **Erin Emington**

2 COMMENTS**Lyons Marine (lyonsmarineconstruction@gmail.com) (12/5/2024 12:17 PM)**

Dredging for navigation shall be minimal and is below minor project criteria (<500 cyds) for dredging in Section 10 waters. A turbidity curtain shall be used during dredging to prevent off-site sediment distribution during dredging activities. Dredging shall only be conducted outside designated fish spawning periods. Dredge spoils shall be removed from site and disposed of at an approved upland disposal site. All construction materials are non-polluting. Other alternatives considered included:

- Various dock configurations.
- Shorter dock resulting in increased dredging.
- Longer dock, less dredging, greater lakeward reach than adjacent historical use.
- Off- site moorage; do nothing.

The current proposal minimizes impacts to State and federal waters while allowing for continuation of the property owners safe access to the line of navigation consistent with contiguous and adjacent uses in the area.

There are other docks in the area of Lake Charlevoix similar in size and length, and we believe the owner has the right to use his lakefront property just as many others on the lake currently already do. The only marina facilities close by are a 15-20 minute drive from this location. To do nothing would be to deny the owner the same rights that have been afforded to others, and would not meet the owner's needs for safe and navigable wharfage.

Lyons Marine (lyonsmarineconstruction@gmail.com) (12/5/2024 12:16 PM)

The proposed dock is intended to replace and continue an existing use of a long-standing dock in the current location. Dock impacts shall not increase from historical use at subject property and adjacent uses.

The applicant/owner and his family have enjoyed recreational activities at this location such as swimming, day sailing, and teaching their grandchildren to kayak, etc. with the dock in its current location for many years. One of the main reasons they have located their dock where it is currently located, and thus a central reason for the proposed location for replacement with a permanent dock, is that there is an uninterrupted view corridor where the applicant and his family can see where children are swimming and/or engaging in other recreational activities. Locating the dock in the center of property would significantly reduce the availability of safe swimming space at his property, and many others in this area of Lake Charlevoix have also located their docks in similar configurations. The applicant considers this to be an important safety concern regarding visibility of the main swimming/recreation area. Regarding method and sequence of construction, we have been building docks in this method/sequence for many years, with minimal impact on the environment. There are no known alternatives to provide the strength of a mechanically driven pile to support the applicant's boats, and given the applicant's experience of having a seasonal boat hoist damaged due to weather, as well as his boat, he would like to avoid these financial losses in the future. Additionally, the applicant believes that the repeated environmental impacts of installation and removal of seasonal structures are far more negatively impactful than the one-time installation of a permanent dock and hoist structure.

One could certainly imagine nearly infinite possibilities for various dock configurations and design features, and in the interest of clarity we only described some of the most salient options that we have considered and that we and others have provided in other permit applications for similar projects. Regarding the alternative of putting the dock in the center of the property, the owner has the right to locate his dock at the

location of his choosing to reach safe and navigable wharfage while minimizing negative impacts on the shared aquatic resource and public trust, and the proposed location provides the safest option for reaching navigable water depths while also maintaining the safety of the current swimming area. We have applied for an individual permit because we recognize the proposed location exceeds the limits of criteria for a minor permit dock project by not being located in the center of the property.

Regarding the alternative of greater dock length and the potential impact on reducing dredge volume, we considered a longer dock that would limit or eliminate the need for dredging, and there are certainly options for increasing the length of the dock to limit the need for dredging. However, we took into account the length of adjacent permanent dock structures and concluded a longer dock could present a greater impact on navigation. The amount of proposed dredging is less than 500 cyds, and we do not expect continued maintenance dredging to be required at any significant volumes for many years after the life of the currently proposed permit period. Additionally, a longer dock would be far more costly for the applicant to install and maintain.

Project Compensation: Describe how the proposed impacts to state and federal regulated waters will be compensated, OR explain why compensatory mitigation should not be required for the proposed impacts. Include amount, location, and method of compensation (i.e., bank, on-site, preservation, etc.)

Compensatory mitigation should not be required as we believe the impacts to the resource will be minimal.

Upload any additional information as needed to provide information applicable to your project regarding project purpose sequence, methods, alternatives, or compensation.

[Docks permanent vs seasonal.pdf - 11/04/2024 04:36 PM](#)

Comment

NONE PROVIDED

Resource and Activity Type

SELECT THE ACTIVITIES from the list below that are proposed in your project (check ALL that apply). If you don't see your project type listed, select "Other Project Type". These activities listed require additional information to be gathered later in the application.

Boat Hoist

Dock/Pier/Mooring

The Proposed Project will involve the following resources (check ALL that apply).

Inland Lake (open water greater than 5 acres in size)

Major Project Fee Calculation Questions

Is filling of 10,000 cubic yards or more proposed (cumulatively) within wetlands, streams, lakes, or Great Lakes?

No

Is dredging of 10,000 cubic yards (cumulatively) or more proposed within streams, lakes, or Great Lakes? (wetlands not included)

No

Is new dredging or adjacent upland excavation in suspected contamination areas proposed by this application?

No

Is a subdivision, condominium, or new golf course proposed?

No

Inland Lake Project Information (1 of 1)

Lake Name

Lake Charlevoix

Water elevation reference* (show elevation on plans with description):

Other: IGLD 85

Ordinary High Water Mark (OHWM) elevation (feet):

580.5 IGLD

Date of observation (M/D/Y)

11/04/2024

Inland Lake average water depth at activity location in a normal year (feet):

4

What length (feet) does the project activity(ies) extend waterward of the OHWM?

244

CORRECTION REQUEST (APPROVED)

Project Length waterward of OHWM

It appears the proposed dock is 200 feet long, but based on your project plans the proposed dredging extends more than 7 feet waterward of the end of the dock. Please include the total distance waterward of the OHWM you are proposing to work, including all proposed dredging.

Created on 12/3/2024 3:11 PM by **Erin Emington**

1 COMMENT

Lyons Marine (lyonsmarineconstruction@gmail.com) (12/5/2024 12:19 PM)

Proposed dredge area extends 244' from OHWM, and has been corrected in the form.

How far from water (at the OHWM) onto the land will the project extend? (E.g. a boat well that is dug into the shoreline 20 feet extends 20 feet landward)

0

Describe any measures used to retain sediment:

turbidity curtain

Will a turbidity curtain be used during the proposed project?

Yes

Inland Lakes, Great Lakes and Stream Impacts (1 of 1)

The following impact description applies to: (select only one at a time, duplicate this entire section if there are impacts to multiple waterbody types):

Inland Lake

Acres of Inland lake/Great Lake affected by your project below the Ordinary High Water Mark:

Category	Acres
Permanent	.01
Temporary	0
	Sum: 0.01

Select from the following list all Fill Activities (select all that apply to this waterbody impacted):

No fill

Activities Involving Dredging or Excavation: Select from the following list for Excavation/Dredge Activities (select all that apply to this waterbody impacted):

General Dredging New (lakes, stream, Great Lakes below OHWM)

Projects involving Excavation/Dredging below the Ordinary High Water Mark:

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected value for complex impact Areas (square feet)
dredging	40	70	1.5	2800	4200	156	NONE PROVIDED
dredging	40	70	2	2800	5600	207	NONE PROVIDED

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected value for complex impact Areas (square feet)
				Sum: 5600	Sum: 9800	Sum: 363	Sum: NaN

Has this area been previously dredged?

No

Is long-term maintenance dredging proposed?

Yes

How often?

5 years

CORRECTION REQUEST (APPROVED)

Maintenance Dredging

Are you proposing to dredge just once or twice during the life of the permit (5 years)?

Created on 12/3/2024 3:12 PM by **Erin Emington**

1 COMMENT

Lyons Marine (lyonsmarineconstruction@gmail.com) (12/5/2024 12:21 PM)

We do not expect to need to do maintenance dredging within the 5 year permit period, but the applicant would like to maintain the option for doing so if it becomes necessary to maintain safe and navigable water depths.

What is the method used to be dredged?

Mechanical

How much volume of material will be removed (cubic yards)?

363

Has the dredge material been tested?

No

Bottom dredge elevation determined by?

Water level

Height difference between surface of water and bottom dredge elevation?

6

Date water elevation was used?

05/25/2024

Spoils Disposal

Will the excavation/dredge spoils be disposed of on site or off site?

Off-site

Where will the excavation/dredge spoils be disposed of?

Sandy Pond Dr (Private) Charlevoix, MI 49720 PIN: 009-002-048-25

If your project includes STRUCTURES then select all of the proposed activities in the following list. If your activity is not shown, then select “None of the Above” and move to the next question. Only enter an impacted area in one of the impact tables (do not duplicate impact entries).:

Boat Hoist

Dock (except Crib Dock)

Projects involving Structures constructed below the Ordinary High Water Mark:

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected value for complex impact AREAS (square feet)
dock	200	6	1	1200	1200	44	NONE PROVIDED
finger pier	24	6	1	144	144	5	NONE PROVIDED
finger pier	40	6	1	240	240	9	NONE PROVIDED
boat hoist	16	16	1	256	256	9	NONE PROVIDED
				Sum: 1840	Sum: 1840	Sum: 67	Sum: NaN

If your project includes Other Activities not listed in this section, then select from the proposed activities in the following list. If your activity has not been listed in this Section, then select “Other” and enter a description of your activity. Only enter an impacted area in one of the impact tables (do not duplicate impact entries). If you selected a Fill, Excavation/Dredging, or Structure activity above in this section, but do not have an activity listed as Other, then select None of the Above for this question.

None of the above

Does the proposed project include mitigation?

none

Dock/Pier/Mooring Project

Are new commercial docks or wharves of 300 feet or more (cumulatively) in length proposed?

No

Please provide the dimensions of similar adjacent structures.

Structure	Length (feet)	Width (feet)
permanent dock - Ted Sherman	140	6
permanent dock - Lincoln Phillip	180	6
permanent dock - Nate Skop	140	6

Distance from the proposed project to the adjacent property lines.

Left (feet)	Right (feet)
49	94

CORRECTION REQUEST (APPROVED)

Dock Location on the Property

Is there some reason the dock cannot be placed in the center of the property?

Created on 12/3/2024 3:14 PM by **Erin Emington**

1 COMMENT

Lyons Marine (lyonsmarineconstruction@gmail.com) (12/5/2024 12:22 PM)

As noted in our comments regarding the alternatives analysis above, the proposed dock is intended to replace and continue an existing use of a long-standing dock in the current location. Dock impacts shall not increase from historical use at subject property and adjacent uses.

The applicant/owner and his family have enjoyed recreational activities at this location such as swimming, day sailing, and teaching their grandchildren to kayak, etc. with the dock in its current location for many years. One of the main reasons they have located their dock where it is currently located, and thus a central reason for the proposed location for replacement with a permanent dock, is that there is an uninterrupted view corridor where the applicant and his family can see where children are swimming and/or engaging in other recreational activities. Locating the dock in the center of property would significantly reduce the availability of safe swimming space at his property, and many others in this area of Lake Charlevoix have also located their docks in similar configurations. The applicant considers this to be an important safety concern regarding visibility of the main swimming/recreation area.

Is the structure within the applicant's riparian interest area?

Yes

Attach a copy of the property legal description, mortgage survey, or a property boundary survey report.

NONE PROVIDED

Comment

NONE PROVIDED

Boat Hoist Project (1 of 1)

What type of boat hoist is proposed?

Cradle

Distance from the proposed hoist to the adjacent property lines.

Distance from property line to the left (feet)	Distance from property line to the right (feet)
28.6	100

Area occupied, including cat walks (square feet)

256

Is a permanent roof proposed on the boat hoist?

No

Upload of Proposed Site Plans

Does your project include any one or more of the following: impacts to one or more acres of wetland, new construction of a breakwater or seawall with a total length more than 1,000 feet, a stream enclosure of greater than 300 feet in one or more segments, or relocation or channelization of a stream more than 1,000 feet in one or more segments? Also select "YES" for any other project that requires federal coordination.

No

If you have obtained a letter resulting from the USFWS Michigan Determination Key (DKey) tool for endangered species, please attach the letter below.

USFWS Information and Planning and Consultation (IPaC) system can be found online at <https://ipac.ecosphere.fws.gov/>.

[USFWS Michigan Determination Key_\(DKey\)_Tool](#)

Upload the Michigan DKey Output Letter

NONE PROVIDED

Comment

NONE PROVIDED

Required on all Site Plan uploads. Please identify that all of the following items are included on your plans that you upload with this application.

Site Plan Features	Existing and Proposed Plan Set
Scale, Compass North, and Property Lines	Yes
Fill and Excavation areas with associated amounts in cubic yards	Yes
Any rivers, lakes, or ponds and associated Ordinary High Water Mark (OHWM)	Yes
Exterior dimensions of Structures, Fill and Excavation areas associated with the proposed project	Yes
Dimensions to other Structures and Lot Lines associated with the project	Yes
Topographic Contour Lines from licensed surveyor or engineer when applicable	Yes

Upload Site Plans and Cross Section Drawings for your Proposed Project

[SorberBrig20241028.pdf](#) - 11/04/2024 04:38 PM

[SorberBrig20241205 site plan and profile revised.pdf](#) - 12/05/2024 12:25 PM

Comment

NONE PROVIDED

CORRECTION REQUEST (APPROVED)

Site Plans

Please add dimensions on the overhead view of the dredging area including the total distance waterward of the OHWM.

Created on 12/3/2024 3:17 PM by **Erin Emington**

1 COMMENT

Lyons Marine (lyonsmarineconstruction@gmail.com) (12/5/2024 12:23 PM)

We have added the requested dimensions in the attached revised site plan.

Additional Required and Supplementary Documents

[DredgeSpoilsLocationMap Sandy Pond Dr..pdf](#) - 11/04/2024 04:41 PM

Comment

NONE PROVIDED

Fees

Individual Permit Fee:
+\$500.00

Total Fee Amount:

\$500.00

Is the applicant or landowner a State of Michigan Agency?

No

Attachments

Date	Attachment Name	Context	User
12/5/2024 12:25 PM	SorberBrig20241205 site plan and profile revised.pdf	Attachment	Lyons Marine
11/4/2024 4:41 PM	DredgeSpoilsLocationMap Sandy Pond Dr..pdf	Attachment	Lyons Marine
11/4/2024 4:38 PM	SorberBrig20241028.pdf	Attachment	Lyons Marine
11/4/2024 4:36 PM	Docks permanent vs seasonal.pdf	Attachment	Lyons Marine
11/4/2024 3:01 PM	SorberBrig agent letter.jpg	Attachment	Lyons Marine

Status History

	User	Processing Status
12/5/2024 11:28:27 AM	Lyons Marine	Draft
12/5/2024 12:26:00 PM	Lyons Marine	Submitting
12/5/2024 12:26:20 PM	Lyons Marine	Submitted
12/5/2024 12:26:22 PM	Lyons Marine	In Process

Audit

Event	Event Description	Event By	Event Date
Submission Locked	Submission Locked	Erin Emington	12/3/2024 3:11 PM
Submission Unlocked	Submission Unlocked	Erin Emington	12/3/2024 3:32 PM
Submission Locked	Submission Locked	Erin Emington	12/10/2024 8:41 AM
Submission Unlocked	Submission Unlocked	Erin Emington	12/10/2024 8:42 AM

Event	Event Description	Event By	Event Date
Submission Unlocked	Submission Unlocked	Erin Emington	12/10/2024 8:51 AM

Revisions

Revision	Revision Date	Revision By
Revision 1	11/1/2024 4:08 PM	Lyons Marine
Revision 2	12/5/2024 11:28 AM	Lyons Marine

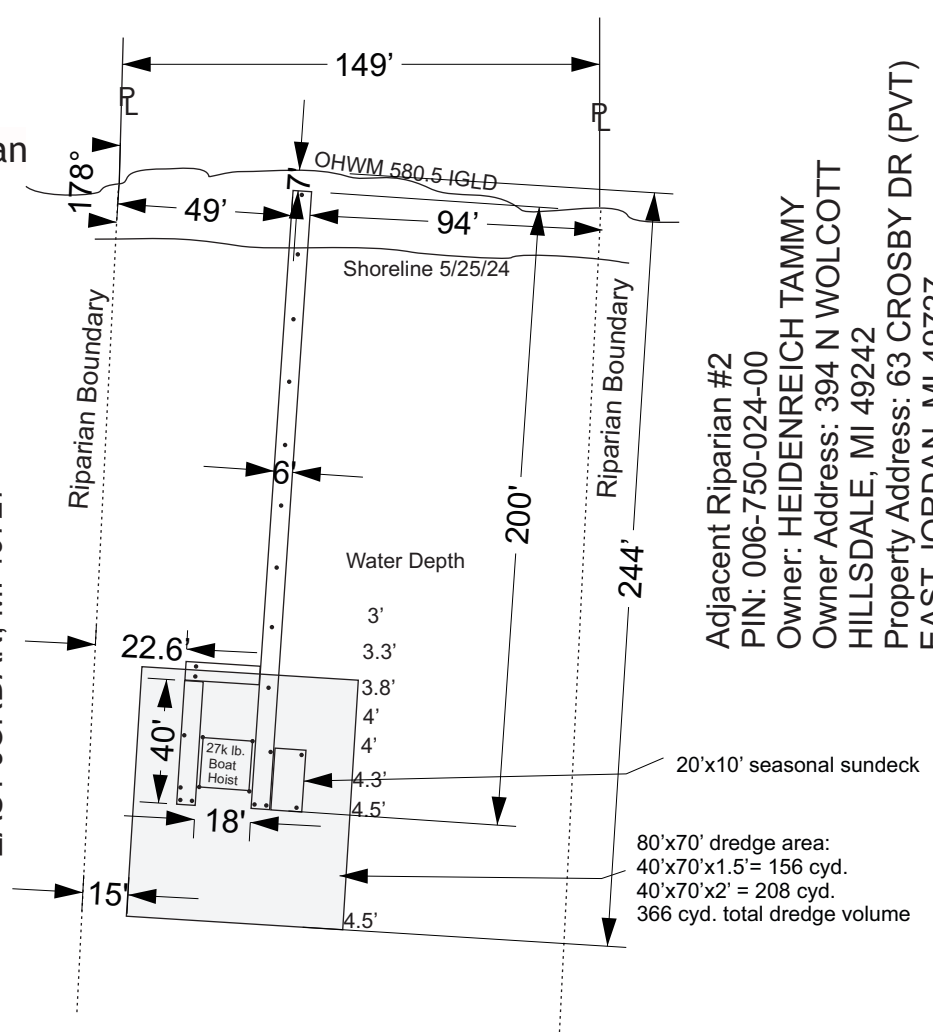
Brig Sorber Proposed Dock, Boat Hoist, and Dredge Site Plan



Scale 1" = 60'

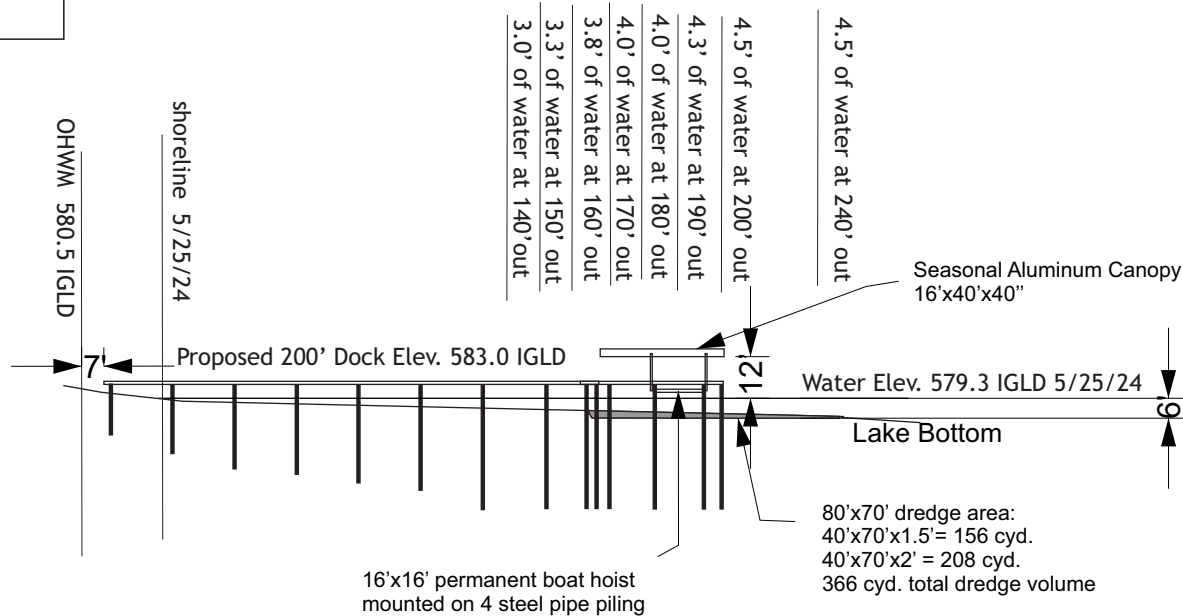
Adjacent Riparian #1
PIN: 006-750-021-10
Owner: SHERMAN THEODORE H TRUST
Owner2: SHERMAN NANCY J TRUST 1/2INT
Owner Address: 00185 CROSBY DR
EAST JORDAN, MI 49727
Property Address: 185 CROSBY DR (PVT)
EAST JORDAN, MI 49727

Adjacent Riparian #2
PIN: 006-750-024-00
Owner: HEIDENREICH TAMMY
Owner Address: 394 N WOLCOTT
HILLSDALE, MI 49242
Property Address: 63 CROSBY DR (PVT)
EAST JORDAN, MI 49727



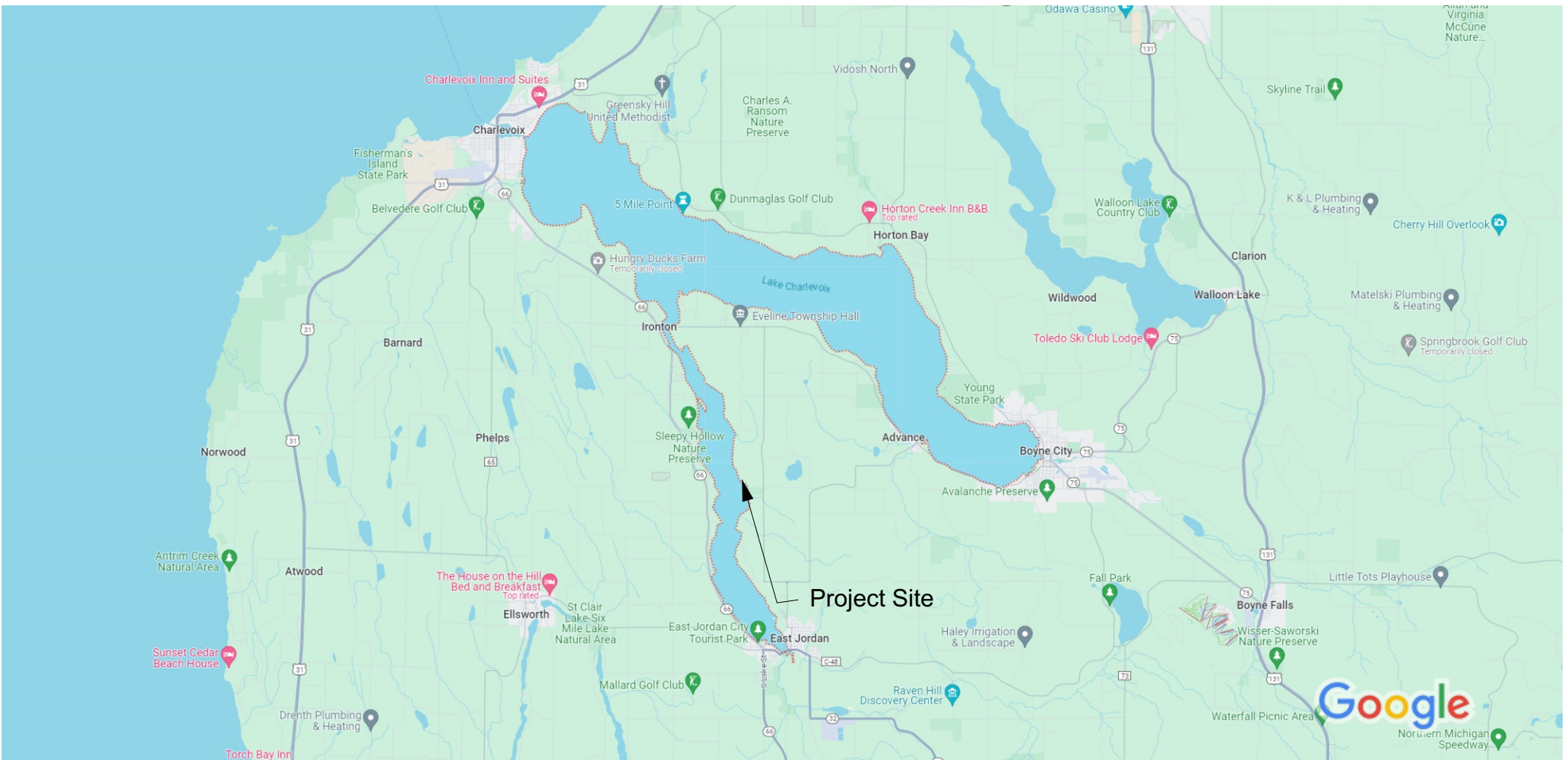
Water body: Lake Charlevoix
Township: Eveline
Owner: Brig Sorber
Location: 105 Crosby Dr.
East Jordan, MI 49727
Agent: R.B. Lyons, Inc.
Date: December 5, 2024

Profile Section





Lake Charlevoix



Map data ©2024 Google 1 mi



Sorber Dock and Boat Hoist Project Parcel Map

PIN: 006-750-023-10
Owner: SORBER FRANCINE MARIE TRUST
Owner Address: 6123 COTTAGE DR
HASLETT, MI 48840
Property Address: 105 CROSBY DR (PVT)
EAST JORDAN, MI 49727
Property Class: 401
School District: 15060
PRE: 0%
2024 SEV: \$787,200
2024 Taxable: \$470,129
Status: TAXABLE
GIS Estimated Acreage: 0.8
Parcel Link: [006-750-023-10](https://mangomap.com/charlevoix-county/maps/142318/advanced-tax-parcel-map?print-preview=true&preview=true#zoom=17&lat=45.209013&lng=-85.151435&layergroups=charlevoix%20county%3A410...)

50 m
200 ft

RIPARIAN STUDY

LOT 23 AND THE S. 1/2 OF LOT 22
WATER'S EDGE SUBDIVISION (LI. 2 OF PLATS, PG. 31)
EVELINE TOWNSHIP, CHARLEVOIX COUNTY, MICHIGAN

FRANCINE MARIE SORBER TRUST
TAX ID #15-006-750-023-10

RIPARIAN NOTE:

THIS PROPERTY INCLUDES RIPARIAN RIGHTS TO LAKE CHARLEVOIX. A RIPARIAN HAS THE RIGHT:
1. TO USE THE WATER FOR GENERAL PURPOSES, SUCH AS BATHING, DOMESTIC USE, ETC.
2. TO WHARF OUT TO NAVIGABLE WATERS.
3. OF ACCESS TO NAVIGABLE WATERS.
4. TO ACCRETION.
THE RIGHT TO WHARF OUT TO NAVIGABLE WATERS IS NOT ABSOLUTE AND UNRESTRICTED RIGHT AS IT IS SUBJECT TO THE STATE AND FEDERAL APPROVAL.

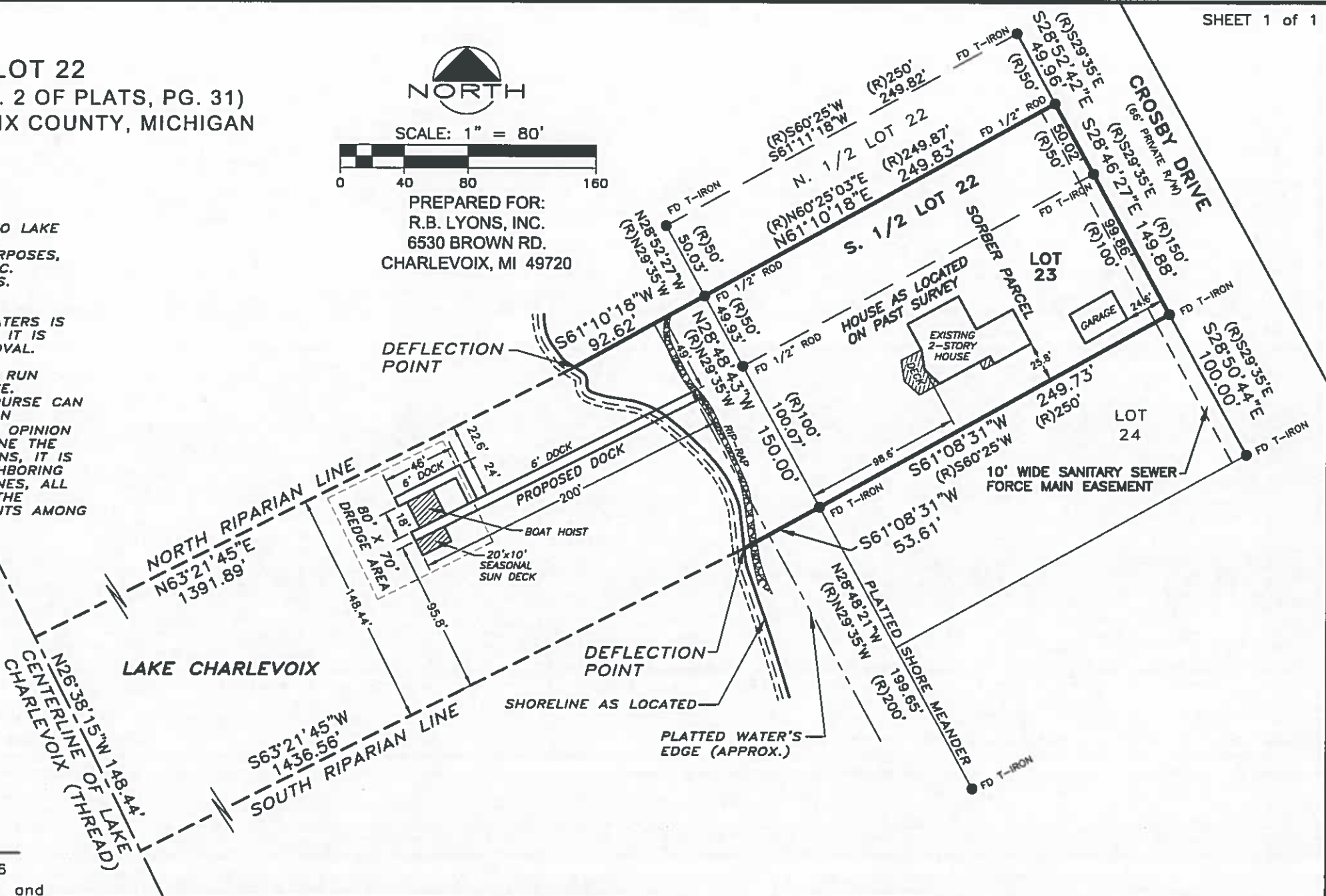
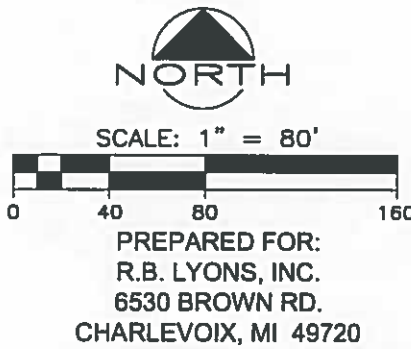
AS GENERAL PRINCIPLE, THE RIPARIAN LINES RUN PERPENDICULAR TO THE THREAD OF THE LAKE. DETERMINING THE THREAD OF THE WATER COURSE CAN BE SUBJECTIVE. THE RIPARIAN LINES HEREON DELINEATED ARE BASED ON THE SURVEYOR'S OPINION FROM AN ACTUAL FIELD SURVEY TO DETERMINE THE THREAD OF THE LAKE. AS WITH ALL OPINIONS, IT IS SUBJECT TO JUDICIAL REVIEW. IF THE NEIGHBORING PROPERTY OWNERS DISAGREE WITH THESE LINES, ALL THE PARTIES CAN HAVE THE COURTS MAKE THE DETERMINATION OR MAKE RIPARIAN AGREEMENTS AMONG THEMSELVES.



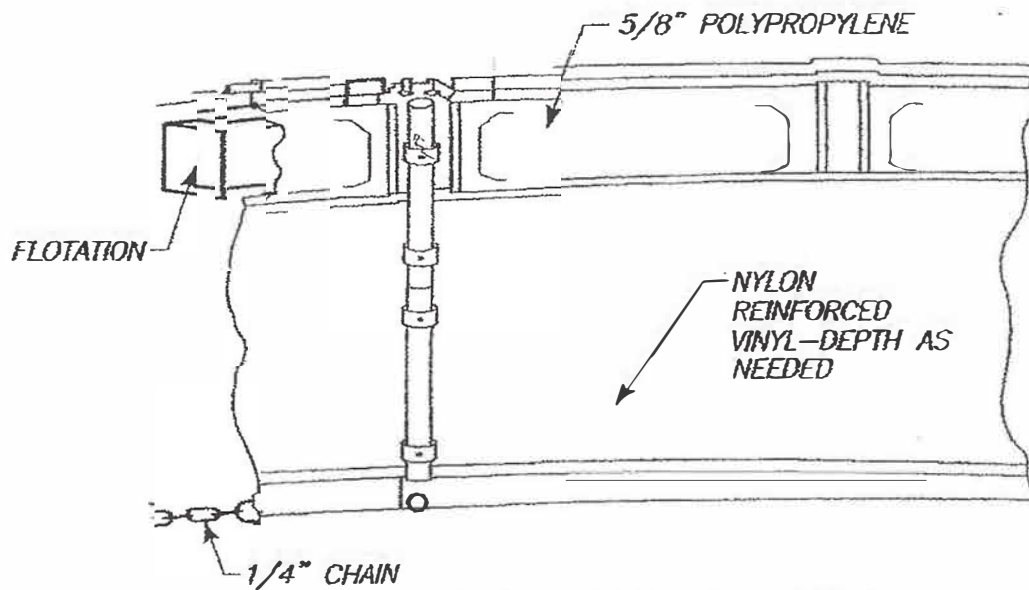
SCOTT A. PAPINEAU, P.S. NO. 4001050446
I HEREBY CERTIFY that I have surveyed and mapped the parcels heron described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying.

FIELD: 08-24-10	STAKED: MW - SP	DRAWN: IDS
JOB: SB-29936c.24	DATE: 10/07/2024	

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720
(231) 547-6882 - FAX (231) 547-0021
EMAIL: info @ fcassurveying.com



- LEGEND:
- 1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 - 2. BEARINGS BASED ON GPS LOCATIONS OF EXISTING MONUMENTATION.
 - 3. "●" FOUND 1/2" SURVEY ROD UNLESS OTHERWISE NOTED.
 - 4. (R) PREVIOUSLY RECORDED BEARING AND/OR DISTANCE.

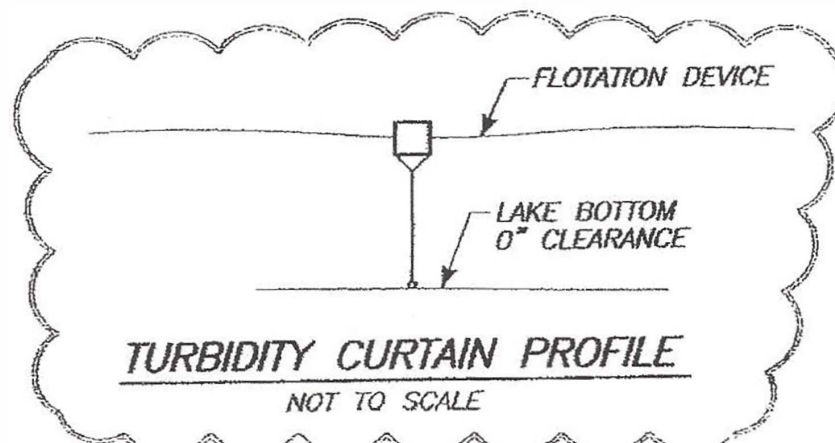


TURBIDITY CURTAIN DETAIL

NOT TO SCALE

NOTES:

Prior to beginning any dredging, the contractor will install commercial-grade silt curtains that extend from a floating boom on the lake surface down to the bed of the waterway. The silt curtain will continuously and completely enclose the dredge area. The silt curtain will be properly anchored onshore, and anchored offshore at 25-foot intervals to provide a stable and functional barrier. The silt curtain will be maintained in effective working condition until all dredging is completed and turbidity has returned to background levels.



TURBIDITY CURTAIN PROFILE

NOT TO SCALE

Please consider the merits of permanent open pile docks over seasonal docks.

1. Environmental – Open pile permanent docks allow water to flow through freely and do not capture sand. With the permanent dock there is only one installation (unless the owner wants the dock removed or altered). The bottom land is only disturbed once in the life of the dock (twenty-five to fifty years). Our installation method is by crane barge, so little bottom land is disturbed during installation. The footprint on the bottom land is less than one square foot per piling. A typical 200' permanent dock may have 15 to 20 piling. It would have a footprint of less than 20 square feet. With a seasonal dock the bottom land is disturbed twice a year during installation and removal often during the fish spawning season. They are often placed on mud pads if the ground is soft. If typical 1' auger mud pads are used on each side of a typical 200' seasonal dock with typical 8' sections the dock would have a bottom-land footprint of 50 square feet. This means that cumulatively, over a twenty year period, 1,000 square feet of bottom land will have been disturbed plus all the bottom land disturbed by the men and equipment doing the installation. Sometimes pieces of plywood or blocks are laid under the foot pad on the bottom. This material often does not get removed when the dock is removed at the end of the season. On many occasions we have found this left over debris on the lake bottom. Additionally, seasonal docks are most often stored along the shore. Some are in wetlands, and some are in the Shoreland Protection Strip (25' to 50' area landward of OHWM regulated by some townships), so these highly vulnerable areas may also be disturbed at least twice a year during installation and removal.
2. Aesthetics – Aesthetics are a matter of individual preferences. For most of the time, 8 to 9 months of the year, when they are not in use, the seasonal docks are piled up along the shore, some in wetlands and the Shoreland Protection Strip. If aesthetics are indeed of concern from a zoning perspective, it would seem that seasonal docks create what many would consider a blight for the majority of the year.
3. Safety, Stability and Function-The permanent docks that we have built are very stable structures which are able to hold vessels in place through very heavy winds. Several of these docks have taken severe ice hits through the years with zero or minimal damage. Most of the docks that we have built have been 6' wide. This adds to their stability but also adds to their function and safety. A 6' wide dock allows you to move someone out on the dock in a wheel chair and turn the wheel chair around on the dock or gives you enough room for two people to help load a person in a wheel chair onto a boat. A 6' wide dock allows two people to carry heavier items together down the dock. We have built many of these docks so the deck elevation can be adjusted to the changing water elevations. Seasonal docks will not secure or hold any boat in a heavy wind, in fact, they may break apart creating both shore and navigational hazards.
4. Economy-Permanent docks are a source of income to the local municipality that they are in as they are taxable real property and increase property values. Seasonal docks are not taxed. Although permanent docks have a fairly high initial cost to the owner, several years of installation and removal of a seasonal dock may be more expensive.

Viewing Parcel Number: 009-002-048-25

Parcel Details

Property Address:	SANDY POND DR (PVT) CHARLEVOIX, MI 49720
Owner Information:	SWANSON K & D INC & 610 SHERIDAN ST CHARLEVOIX, MI 49720
Taxpayer Information:	,
Property Class:	302 - Industrial - Vacant
School District:	15050 - Charlevoix
P.R.E. Percentage:	0%
2017 SEV:	\$40,000
2017 Taxable Value:	\$11,728
2016 SEV:	\$40,000
2016 Taxable Value:	\$11,624

Legal Description

COM AT THE W 1/4 COR OF SEC 2 T33N R8W TH S 89DEG 54'04"E AL E&W 1/4 LI OF SD SEC 1320.53 FT TO W 1/8 LI SD SEC BEING POB TH CONT S 89DEG 54'04"E AL SD 1/4 LI 523.64 FT TO ELY LI OF THE FORMER C&O RR ROW TH S 5DEG 15'W AL SD ROW 265.23FT TH N89DEG54'04"W 100.39FT TH S05DEG11'41"W 1075.83FT TO S1/8 LI SD SEC TH N89DEG57'17"W 326.26FT TH N01DEG06'37"E AL W1/8 LI 1331.14FT TO POB BEING PT OF NE1/4 OF SW1/4 SEC 2-33-8 SP05-85 FROM 002-048-00 SPLIT ON 06/28/2004 FROM 009-002-048-20

T.33N. - R.8W.

SITE

MARION

Dredge Spoils Disposal Site
is off Loeb School Road
in Section 2

The property belongs to
Swanson's K & D, Inc.
and has been approved
for use previously

MDEQ file #'s

87-5-74

89-5-37

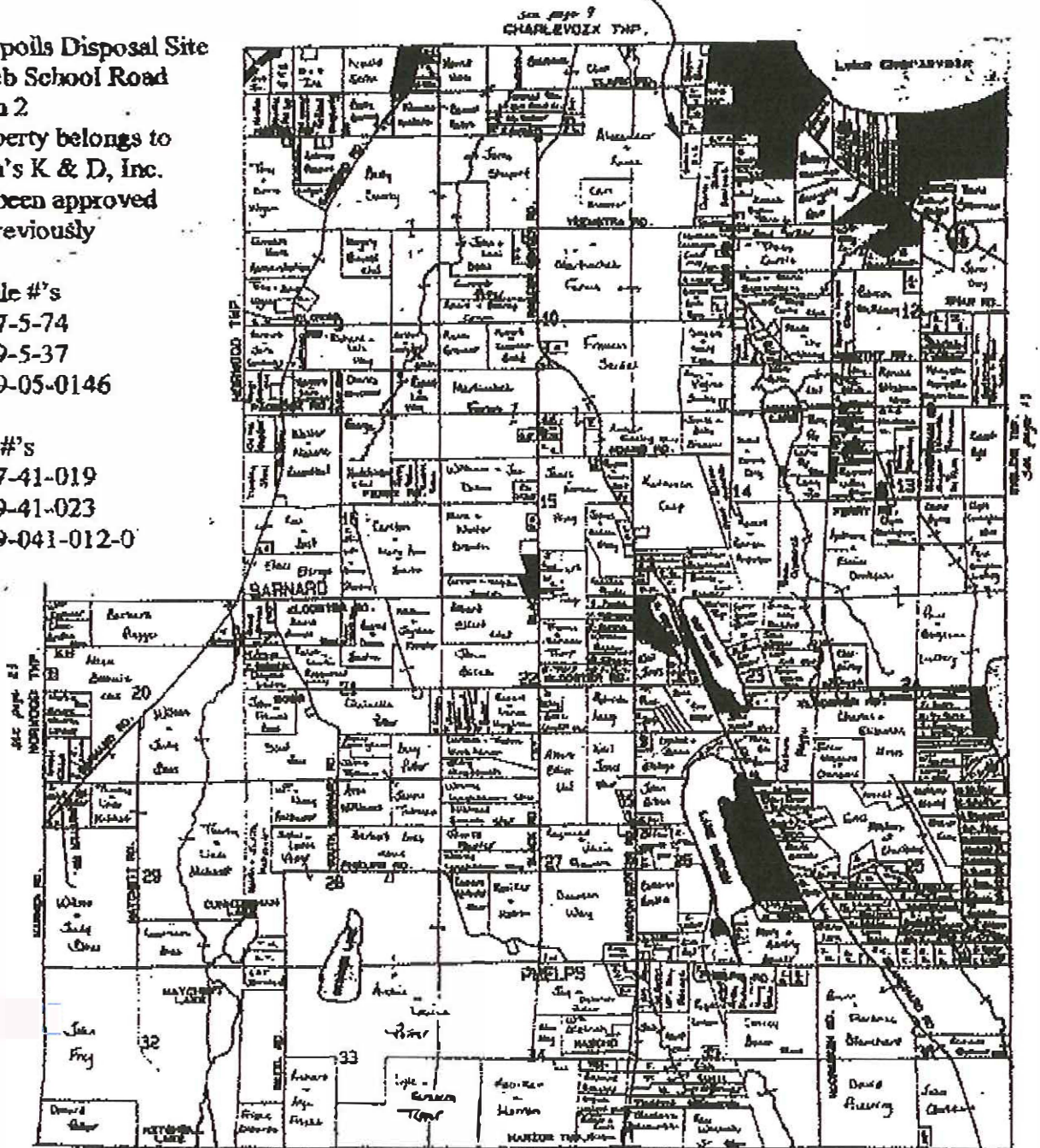
99-05-0146

COE file #'s

87-41-019

89-41-023

99-041-012-0



I grant me permission to deposit dredge spoils at this site

Ken Jones

Swanson K&D, Inc.

Mechanical dredging to be done by R.B. Lyons, Inc. Turbidity curtain will surround the dredge area.
Dredge materials to be loaded on barge, off loaded to trucks and hauled to site

DREDGE SPOILS LOCATION MAP



Dredge Spoils Location Map #2

Best access is off Clark Road in Marion Township of Charlevoix County



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