

Evangeline Township Planning Commission
02476 Wildwood Harbor Road, Boyne City, MI 49712
May 17, 2022, Regular Meeting

Approved: June 21, 2022

1.0 Call to Order and Roll Call:

Meeting called to order at 5:31 p.m. by Chair Cortright

Roll Call:

Present: Chair, Rod Cortright; Secretary, Linda Fry; and Member, Larry Taylor

Absent: Vice Chair, Steve Smith

Excused: Member, Jeff Langhart

Staff: Zoning Administrator, Bonnie Shunatona; Recording Secretary, Sara Christensen

Guests: Mr. & Mrs. Ronald Ottney with Attorney Jack Turner; Carrie May of Boyne Engineering and Design

2.0 Declaration of any Conflicts of Interest Concerning Agenda Items: None

3.0 Approval of Meeting Minutes: None

4.0 Citizens Comments on Non-Agenda Items: None

5.0 Advertised Public Hearings: None

6.0 New Business

6.1 Pre-Application Consultation: Ronald Ottney – 2149 Old Horton Bay Rd.; Private Road/Parcel Split

Staff Bonnie Shunatona provided a description of Mr. Ronald Ottney's request for tonight's pre-application conference regarding a proposed plan for the construction of a private road to serve as ingress and egress for four (4) future lots he would like to split off (for future building sites.)

Mr. Ottney asked if he would be allowed to split the parcel if he provides a plan that meets the private road ordinance. He stated that Benchmark Engineering provided a topographical map showing existing slopes. Mr. Ottney stated that he intends to fix the existing driveway to meet the Ordinance.

Chair Cortright displayed two aerial photos of the Ottney property on the overhead screen: one from 2014 and one from 2019. The photos showed a significant clearing of trees on Mr. Ottney's property. Mr. Ottney stated that Bieshlag Logging was hired to remove all dead, dying and scrub trees and leave all healthy oaks and maples because this is the area identified for development and it provided a clearer view of the lake. Chair Cortright shared that development can occur on the ridge lines; however, section 5.08.6F of the Zoning Ordinance is very clear about construction on forested ridgelines. The Ordinance states that construction cannot take place on a cleared ridgeline. He shared the formula for calculating Basal Area and noted that it promotes the best growth of Northern Hardwoods. Photos were also provided to demonstrate what this density looks like. It was stated that any construction would have to be such that rooftops would be below the ridgeline.

Mr. Ottney's attorney stated that he was here tonight regarding a question about the letter dated April 29, but with the turn in tonight's conversation, this does not seem relevant at this time.

Chair Cortright noted areas where homes could be located. Mr. Ottney stated his intentions to replant the ridgeline so that he can build on it. Chair Cortright noted the requirements for an established

wooded buffer to be installed before construction approval can be granted. When Mr. Ottney stated his surprise over all the building requirements, Chair Cortright noted that once a parcel is designed to be split up, an entire additional level of compliance must be met. He noted that a 100' buffer must be established around each building envelope that meets that 60 sq ft. of basal per acre (spacing of the trees is dependent on the radius of the trees).

Chair Cortright noted that at this time, splits would only be approved in areas that are not causing a view issue. He also noted that the Township does not have a specific minimum lot size, nor a minimum residence size. He reiterated that Mr. Ottney would be able to create parcels on his property before a road that meets the private road standards is developed; however, no zoning permits for new construction will be provided until such time as a private road that meets the standards is in. Mr. Ottney referenced the February 15 meeting notes where Planning Commission Member Jeff Langhart asked if the entire driveway needs to be paved and Chair Cortright stated that the entire driveway needs to be paved. The Private Road Ordinance was referenced for clarification, and it was identified that Mr. Ottney was misinterpreting the Ordinance as the entire road must be paved, not just the steep slopes.

6.2 Site Plan Review: Patrick Latcham – 04257 Wildwood Harbor Rd.; Waterfront Construction

Staff provided background information in tonight's meeting packet for a request to construct a two-story, detached accessory building (garage) with an accessory dwelling unit on the upper floor. Mr. Latcham has retained the services of Carrie May of Boyne Engineering and Design who is here tonight. The subject parcel 15-005-012-006-10 is located in the Walloon (W) zoning district and is approximately 10.67 acres with a residential dwelling unit on the lakefront. This uniquely shaped parcel appears to contain dense forest over a significant portion of the western half. The planned development is located more than 200' from the shoreline.

Chair Cortright noted that the submitted site plans are very legible which makes for easier review. He noted that the request is a permitted use and asked if there is a floor plan for the living area. Carrie May is not in possession of the floor plan. Chair Cortright noted that as part of the application approval, the floor plan will need to be submitted to staff. It was noted that shrubs will be added to the greenbelt area in front.

The Planning Commission reviewed the site plan and went through the following Findings of Fact:

1. Section 5.05.2 Allowable Buildings and Structures: The Accessory Building Structure, a proposed three (3) car garage with an accessory dwelling unit above is an allowable use.
2. Section 5.05.3 General Development Standards were reviewed:
 - a. No docks are included in the proposed project.
 - b. No viewing platforms are included in the proposed project.
 - c. No paths are included in the proposed project.
 - d. The impervious surface requirement is met.
 - e. The site plan includes an existing driveway.
 - f. The existing Natural Vegetation Waterfront Buffer strip has trees; however, the site plan includes additional plantings to meet the standards of Section 3.06 of the Zoning Ordinance.
 - g. The minimum of two (2) off street parking spaces is met.
 - h. No fencing is proposed, nor required.
3. Section 5.05.4 Specific Development Standards were reviewed:
 - a. Water Frontage does not apply as this is an existing lot.
 - b. Water Front Setback is met.
 - c. Road Setback is met.

- d. Road Frontage is met.
 - e. Side Yard Setback is exceeded.
 - f. Primary Dwelling Building Height is not applicable.
 - g. Accessory Building Height is less than 25'.
4. Section 5.05.5 Other Standards were reviewed:
- a. No other lot splits.
 - b. No streams.

Motion by Larry Taylor, based on the findings of fact, to approve the Site Plan for an Accessory Building with Accessory Dwelling Unit at 4257 Wildwood Harbor Road with the following conditions: the accessory dwelling floor plan and new septic permit from the Health Department of Northwest Michigan both be submitted for administrative approval prior to construction, seconded by L. Fry: vote all ayes, motion carried.

6.3 Letter from Bryan Graham regarding Ayres Property – 4677 Ellis Rd.

Township Attorney, Bryan Graham, recently received correspondence from Maureen Connaughton of Harris Law who has been retained by Jennifer Ayers regarding the Ayers Property at 4677 Ellis Road. Copies of all correspondence were provided to Planning Commission members in advance of tonight's meeting. The correspondence is in regards to Ms. Ayers' previous meetings (December 15, 2020 and February 15, 2022) to review a proposed project to add an accessory dwelling unit to the existing Class A non-conforming detached garage. A site plan has not been approved by Planning Commission.

Chair Cortright asked the Planning Commission members if they had a chance to review the letters between the two attorneys. He stated that he had a conversation with Attorney Graham who advised that the Planning Commission accept an exception of a 25' greenbelt as opposed to the Zoning Ordinance requirement of 50' due to Ms. Ayers qualifying disability under the federal Americans with Disabilities Act. After brief discussion, the Planning Commission agreed to defer to Township Attorney Bryan Graham's judgement.

6.4 Letter from Carrie May regarding Development Plans for Habasco Property

Chair Cortright attended last week's Township Board meeting to present the new Zoning Ordinance language discussed at the May 4 Special Meeting. They were okay with increasing the area for storage units, but wanted it buffered and only one curb cut per master parcel. Density of development is still one unit per three acres.

Chair Cortright noted that the Habasco project will continue to be a special land use. Carrie May noted her point about density being based on the overall size of the property. It was also noted that 8-9 residential units are possible on this property and curb cuts will be limited. Another special meeting to continue this discussion will be held in a couple weeks.

7.0 Unfinished Business

7.1 Zoning Ordinance Review & Proposed Revisions

A Special Meeting will be posted for Monday, June 6 at 5:30p.m. to continue discussion of the proposed Zoning Ordinance Revisions.

8.0 Reports & Communications - None

9.0 Planner/Zoning Administrator Report

Bonnie Shunatona reviewed the Administrator Report included in tonight's meeting packet. She shared details of a challenge with the unresponsive Short-Term Rental they have been trying to track

down and stated that she will continue to pursue. She also shared an email from Barry Hicks of LIAA, regarding a request to meet between June and October with local Planning Commission to gain feedback on Lake Charlevoix. Chair Cortright said it would be fine to invite him to a regular meeting during that timeframe.

10.0 Next Meeting: The next meeting of the Planning Commission is a Special Meeting scheduled for June 6 and the next regular meeting will be June 21, 2022; both will be at the Evangeline Township Hall at 5:30 p.m.

11.0 Adjournment: Meeting adjourned at 7:10 p.m. by Chair Cortright.

Submitted By:

A handwritten signature in black ink that reads "S. Christensen". The signature is written in a cursive, flowing style.

Sara Christensen, Recording Secretary