

GARDEN TOWNSHIP MICHIGAN
GARDEN TOWNSHIP PLANNING COMMISSION

MEETING MINUTES FOR JULY 11TH, 2024

Meeting was called to order with the Pledge of Allegiance at 7pm by Chair Person, Tom Lang.

Present: Frank Williams, Tim O'Neill, Jenna Silkworth, Tom Lang

Absent: Jodi Williams

Zoning Administrator, Joe Maki was also present, as well as the Executive Director of CUUPAD, Dotty La Joye.

Approval of the Agenda: Jenna made a motion to approve the Agenda as presented. Frank seconded the motion. Roll call vote: Ayes: Frank, Tim, Jenna, Tom. Nays: 0. Motion passed

Approval of minutes: Tim made a motion to approve the minutes from Planning Commission's meeting on June 13th 2024 as presented. Jenna seconded the motion. Roll call vote: Ayes: Frank, Tim, Jenna, Tom. Nays: 0. Motion carried

Old Business:

Master Plan project continues... Dotty La Joye will be with us from this point forward until project is completed: Dotty La Joye is the executive director of CUUPAD, a planner by profession, and the planner assigned to develop the Garden Township Master Plan. Dotty presented an update on the progress of the Master plan. She provided and discussed a map of Garden Township that included illustration of farmland and prime farmland as provided by USDA soil maps(48:00). She provided a breakdown of the answers given on the survey sent out earlier this year, and a further explanation of how a Future Land Use map will be developed and included in the Master Plan. The draft of the Master Plan will be completed by March 2025.

Continued discussion: "many travel trailers on 1 residential parcel" per the request of Planning Commission member Lang: Tom Lang stated he had requested this issue to be on the Agenda again; that some people have been living in a travel trailer and claimed that neighbors had been complaining. He announced that he would like each member of the Planning Commission to spend personal time over the next month drafting the details they would like to

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see in an ordinance to regulate living in a camper. No motion was made to undertake this request. Tom expressed that instead of having the township's attorney draft an ordinance, the Planning Commission could draft such an ordinance themselves and present it to the Township Board for approval. When Tom was done speaking, Jenna spoke on the matter. She stated that over the course of about a year she has listened to the matter of "multiple travel trailers on a particular parcel" and that someone is living in one of those campers between the school and Garden Corners; that the subject has been repeatedly brought up, meeting after meeting, in specific regard to that one particular parcel. She wanted to go on the record stating she felt everything about the reasons being expressed as to why "something had to be done about it" were, in her opinion, wrong, discriminatory, and that at least half of the reasons were ridiculous. She gave specific examples as to why she felt it was an act of targeting by continually singling out these particular residents and their parcel. She stated that it was not the place of the Planning Commission to be targeting any particular person or parcel; to "go after them" as she quoted from previous meetings; that she found it to be wrong; and could not understand the motivation of continually bringing up this particular parcel and the desire to "do something about it". She expressed strong opposition to the creation of any such ordinance that would limit or restrict the ability for these residents to live in their camper or have multiple campers on their property. She pointed out that no one has ever come to a meeting in order to voice a formal complaint, nor had any letter of complaint been received by the Planning Commission, nor was there any violation being committed by the residents on their parcel. She passed out to the Commissioners a copy of a letter from the residents of this particular parcel, then read the letter aloud during the meeting. This letter has been added to the Planning Commission records book that is kept in the township office.

Tom asserted that someone had previously made a complaint, or mentioned a concern, to commissioner Jodi Williams (who was absent from the meeting). Tom asserted that there is no reason why a person who wanted to stay in a camper shouldn't have to go to the Zoning administrator to get a permit to do so. Tom continued to say he wanted to get some regulation so it doesn't get out of control. He went on to name the property owners on either side of the particular parcel; mentioned that there are also people across the street from them; that they have an outhouse; and that he would like to continue to pursue the matter further.

Tim voiced his personal experience of having lived in an RV for seven years before building the home he lives in now; that he had had lots of people come and stay and visit, with up to 8 campers on his property at one time; he had campfires in addition to neighbors; he felt there was no need to develop an ordinance as suggested by Tom.

Frank said that he felt the matter should be dropped; that all the research done previously by Zoning Administrator indicates that there are no issues, and that it should be let go; that there had been some complaints or concerns some time ago, but has not heard of any recently.

Jenna asserted there should be a difference between a remark made in casual conversation and a formal complaint made, which should be distinguished by attending a meeting and making such a complaint or by sending it in writing to the Planning Commission. She reasserted that no such formal complaint had ever been made.

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Tom said he can drop the issue but predicts there will be issues in the future and it will have to be dealt with it then.

The **Assessor's/Zoning Administrator's report** for Garden Township was presented and a copy will be kept on file. Jenna made a motion to accept the report, seconded by Frank. Roll call vote: Ayes: Tim, Frank, Jenna, Tom. Nays: 0. Motion passed.

New Business:

PUBLIC HEARING for the Conditional Use application Craig Potvin for parcel 21-010-063-006-00 Jenna made a motion to open the Public Hearing for the Conditional Use Permit, seconded by Frank. Roll Call vote: Ayes: Frank, Tim, Jenna, Tom. Nays: 0. The motion passed and the Public Hearing was opened.

Joe Maki explained that when he receives a Conditional Use application, he must set a public hearing; he must inform the Planning Commission of the application; he must gather and provide information and supporting documents to the Planning Commission and make that information available to the public upon their request – no such requests were made on this occasion. Mr. Maki described the parcel and the desired request of the owner, Craig Potvin, to split the 40 acre parcel into two 10 acre parcels along Little Harbor Road with a 20 acre parcel behind the front two parcels, with an easement passing back and forth across the two front parcels in order to access the 20 acre parcel behind them. The parcel and surrounding area is currently zoned as Resource Production. The Planning Commission was provided documents detailing what is allowed and not allowed in an area zoned as Resource Production, including the regulations indicate the minimum size for Resource Production district is 20 acres. Therefore, any split smaller than 20 acres requires a majority vote from the Planning Commission to approve a Conditional Use Permit.

All documents pertaining to the proposed Conditional Use Permit were reviewed by the Planning Commission.

Mr. Maki detailed that per the Garden Township Zoning Ordinance section 105, all appropriate parties were notified in writing about the request for the Conditional Use Permit and informed of the Public Hearing and provided with an opportunity to voice their opinion on the matter. A similar notice was posted on the door of the Township Hall, and placed in the newspaper in order to make the matter known to the general public.

Mr. Maki reminded everyone that the Planning Commission is an advisory body to the Township Board, and therefore to makes a decision to approve or reject the application and give their recommendation to the Township Board for the final action.

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The General Standards the Planning Commission and Township Board to use for making a decision were read aloud by Mr. Maki: "The proposal will be harmonious with accordance with the policies and specific objectives of the Township's Master Plan (which has not been finished yet). It will be designed, constructed, operated, and maintained to be harmonious and appropriate with the appearance with the existence of the intended character of the general vicinity and the use will not change the essential character of the same area; will not be hazardous or disturbing to existing or future neighboring uses; will not diminish the value of land or building or structures in the district; will be served adequately by essential public facilities and services such as highway, streets, police, drainage structures, refuse disposal, schools, and persons or agencies responsible for the establishment for the proposed use shall be able to provide adequately any such service; it will not create excessive additional requirements at public cost for public facilities and services; it will not be detrimental to the economic welfare of the community and will not involve uses, activities, processes, materials, and equipment and conditions of operation that would be detrimental to any person, property, or general welfare etc, to protect the public health, safety, and welfare of the community; it will be consistent with the intents and purpose of the specific zoning district in which it is located." Those are the guidelines upon which the decision of the Planning Commission has to be made.

Upon the written letters of notification being sent to property owners in close proximity, and the publication being made of the Public Hearing for this Conditional Use Permit, only one letter of input had been received by the Zoning Administrator; it was a letter of opposition and was read aloud during the meeting and is kept on file in the Planning Commission's record book in the Township Office.

Public input was received, each person was requested to sign in with their name and address. Persons that spoke against the proposed Conditional Use Permit were Gilbert Blauvelt, Mark Petrich, Deanna Manke, Matt Petrich. Craig Potvin spoke in favor of the Conditional Use Permit that he was requesting.

Gilbert Blauvelt: Stated that he owns a parcel near the one requesting a Conditional Use Permit; there are already 3 driveways in that area and that the proposed division would create 2 additional driveways; loves the rural living; the more land divisions there are, the more urban the area becomes. He expressed concern about a free-flowing well on the property that is requesting the Conditional Use Permit; that it could be disrupted or destroyed with the addition of new driveways in that area; and that many animals use this water source, particularly in the winter since it does not freeze. He stated that he went on the property (because the gate was down) to go and look at the road for the proposed easement; he expressed concern over how wide the road was. He stated concerns about hunting and the danger of stray bullets in that area with narrowness of 10 acre lots that have been proposed. He expressed concerns that someone might buy those 10-acre lots, put a trailer on them, and change their oil and just let it drain on the ground.

Mark Petrich: Stated that he lives kitty corner to the property requesting the Conditional Use Permit; that he just went through the process of splitting his 40 acres and gave 20 acres to his son. He had requested a division of 10 acres when he pursued this originally, but was informed

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by Mr. Maki that the state law says 20 acres was the smallest division allowed in that area (unless he took it to the Board), so he had to give his son 20 acres instead of 10 acres. He expressed that he'd rather see a rural setting; and that he feels the state law of 20 acre (minimum size) should be used; and don't see why the easement couldn't go through a 20-acre parcel instead of two 10 acre parcels. He prefers not to have the Conditional Use Permit approved. His concerns are for population, a rural setting, and that it the easement should go through a 20-acre split instead of two 10-acre splits.

Deanna Manke: Stated that she lives about a mile from the proposed site (for the Conditional Use Permit); she bought her first 80-acre parcel in 2004; and when they were pursuing purchasing it that they were told the were allowed 8 splits, but upon closing they were informed the were only allowed 1 split. She doesn't understand that, or the exactly how a Conditional Use Permit works, but expressed that she wants to keep the area rural; she did not buy 80 acres to be in an area with a bunch of 10-acre parcels down her road. She stated that she is against it (the proposed Conditional Use Permit).

Matt Petrich: Just acquired the parcel alongside the property applying for the Conditional Use Permit; he is not in favor of the proposed split; if this is approved, the next thing you know there are a bunch of people there. He said that he plans on building a house on his parcel; that he is from Manistique and has had neighbors his whole life and has been looking forward to moving to the country to be away from all the neighbors; if this goes through then we have Gilly, myself, my dad, 2 other 10 acre lots alongside of him, and more splits across the road; it puts more people in danger with close proximity from gunfire from hunting; that pretty much everyone in the area hunts and this would put more people in danger; statistically speaking the more people in an area (hunting) is a greater chance of someone getting hurt. He thinks that the land should be split into two 20 acre parcels instead of two 10's and a 20 acre parcel.

Craig Potvin: Stated that he has met all the conditions for the Conditional Use Permit; if the others don't want to see 10 acre parcels there or not is irrelevant because there are 10 acre parcels all the way up and down that county road both directions, and even right across the street from the proposed location. He showed arial photographs of the area and pointed out that 2 of the people that spoke about wanting to have a rural setting built right on their own property lines. He spoke about the road (for the proposed easement); that it was already in existence when he purchased the property and that he has not widened it but has only trimmed branches to ease the passage along it. He mentioned the letter that was received in opposition to the proposed split wanted to keep a rural setting and to keep it for hunting; that he understands that but how many people are supposed to be hunting alongside a county road?; that he his only asking for 10 acre spits along the county road, not in the back 20 acres.

Commission members discussed the details and shared their opinions of the matter. Frank stated that he felt all the conditions had been met for the Conditional Use Permit. Tim stated that the concerns expressed about the added danger of hunting (because of smaller parcels of the proposed 10-acre splits) would not be much of an issue because state law dictates that you cannot

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hunt within 450' of an occupied structure; with the existing homes and the future homes, it would not allow for hunting of the majority of at least one of the proposed 10-acre parcels. Jenna stated the area that it is located (resource production) requires the minimum size to be 20 acres; that guidelines to make the decision to approve this permit state "it needs to be consistent with the intent and purpose of the specific zoning district in which it is located" and did not feel that was met. That most parcels in the area were likely purchased with the understanding that it was rural and would remain so; that it was not in an area that allowed for smaller parcels. Tom expressed that his concern that if this was approved that it would set precedence to allow for smaller and smaller splits down to 5 acres, and that it will never stop. He referred to a survey sent out (in February to gather feedback from the community for the drafting of the Master Plan) and that the majority of them stated that they wanted to keep the land large enough and didn't want a bunch of splits; that lake frontage is being split all over the place. He stated that he had concerns about hunting and being overpopulated. He stated that he felt if we did approve this, people from all over the township would start coming in wanting to split their properties and he doesn't want to see that; that we are already seeing a lot of splits and building going on up on the Garden Plains, splits of 40 acres and 20 acres.

Roll Call Vote for the approval of the Conditional Use Permit: Ayes: Frank, Tim. Nays: Jenna, Tom. Conditional Use Permit was not approved.

Jenna made a motion to close the Public Hearing for the Conditional Use Permit, seconded by Frank. Roll call vote: Aye: Tim, Jenna, Frank, Tom. Nays: 0. Motion passed; Public Hearing was closed

Other: None

Public Comments: Melissa Bube and Jim Bube spoke in regards to their property (the property on the agenda for "multiple travel trailers on one residential parcel"). They expressed that when purchasing the property, they contacted authorities at the county and township level to make sure that they were able to stay in their camper, and have a legal outhouse in the meantime before building their home; they made sure they were compliant with all laws and zoning ordinances.

Edward Manke spoke in opposition to the lack of appropriateness in regards to supposed complaints; stating that voicing complaints based on hearsay, a rumor, or on what "someone else heard someone else say" is not acceptable; that there is a proper form of operations and it should not be based on hearsay.

Janet Dasch spoke saying that if there was concern about this (living in a camper/multiple travel trailers on one residential parcel) because you can "see the future" then use the Master Plan to develop the plan as such; that if the community doesn't want campers, then it can be planned accordingly; and that now is not the time to look at drafting an ordinance but to focus on the Master Plan which is a 20 year plan for the community.

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Adjourn: Frank made a motion to adjourn at 8:39pm, seconded by Tim. Roll Call:
Ayes: Frank, Tim, Jenna, Tom. Nays: 0. Motion passed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jenna B. Silkworth". The signature is written in dark ink and is positioned above the printed name.

Jenna Silkworth

Garden Township Clerk & Ex Officio Planning Commission Member.