

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

DATE: April 16, 2018

CALL TO ORDER: Mark Felton called the meeting to order at 7:12 p.m.

ROLL CALL: Members present – Laurie Hodack, Mark Felton, Mike Skop arrived at 7:20 p.m.

ALSO PRESENT: Township Zoning Administrator/Supervisor Sue Hobbs, Jeff Denise and Eric Fitzgerald.

APPROVAL OF MINUTES: Motion by Hodack, seconded by Felton, to approve the minutes of March 5, 2018. Motion Carried

CITIZEN COMMENT OF NON-AGENDA ITEMS: There were none

OLD BUSINESS :

Discussion of the fire at Heartwood Mills and continuing issue of noise from the debarker.

NEW BUSINESS:

Jeff Denise - Foggy Mountain Spirit Company - 15-002-012-013-10
Reclassification of NonConformities

Jeff explained that the property is already a manufacturing facility for tool and dye. He is planning to use this for manufacturing wood furniture and perhaps later expanding into a distillery also. While they may in the future add a small tasting room, there would be very few customers at the site. The plan would be to add that in a more populated area.

Zoning Administrator Hobbs explained that the recent changes in the 2017 zoning ordinance provided for two classifications for non-conforming which allows more flexibility for an owner to make changes. All non-conforming parcels are now classified as "Class B" nonconforming, which does not allow much flexibility. The ordinance created a procedure, with Standards for the Planning Commission to change a property from Class B to "Class A", which allows a property owner more flexibility in the use of their nonconforming property.

PUBLIC HEARING: The public hearing was opened by Chairman Mark Felton at 7:35 p.m.

Eric Fitzgerald, owner of adjacent property, stated that he has discussed the change in use with Jeff Denise at length. He has a good understanding of the plans for the property and he has no objection to the reclassification.

The public hearing was closed at 7:48 p.m.

The Planning Commission reviewed the Standards of changing the classification in relation to the subject property to determine if these standards were met:

- A. The nonconforming use, building, or structure was lawful at the time of its inception.

In response to questions from the Commission, ZA Hobbs explained that, in research the history of the property, the Township had no zoning at the time the building was built for manufacturing. Throughout the years, when it was sold, review was completed and the procedure was completed to designate the property as pre-existing, nonconforming.

- B. The continuation of the nonconforming use, building, or structure will not significantly and adversely affect surrounding properties and will not significantly depress property values in the immediate area.

It will not.

- C. If the nonconforming structure is a sign, the nonconformity is due to dimensional regulations other than the limitation on the area of the sign surface or the limitation on the height of the sign.

n/a it is not a sign.

- D. The nonconforming use, building, or structure is not located within the landscape buffer required by **Section 3.20** of this Ordinance (except as otherwise permitted by **Section 3.20**), is not located within the Waterfront Greenbelt as regulated by **Section 3.19** of this Ordinance, and is not located within a wetland regulated by the State of Michigan.

It is not. There is wetland across the road. There was brief discussion of a greenbelt planted between the manufacturing facility and the Fitzgerald residence. Fitzgerald and Denise will discuss this.

- E. The nonconforming use, building, or structure is of economic benefit to the Township.

A new business which will be of interest to residents and visitors alike will be of benefit to the Township.

MOTION by Skop, seconded by Hodack to approve the Nonconforming classification change for property #15-002-012-013-10, consisting of approximately three acres, from Class B nonconforming to Class A nonconforming.

ALL AYES, MOTION CARRIED.

HOME OCCUPATION/COTTAGE INDUSTRY request from Dirk Martin property #002 022 010 35.

Dirk Martin is desiring to make an art studio in his home where he will have room to paint, display, and perhaps occasionally sell his art work. I believe this would fall under the Home Occupation description.

PUBLIC HEARING There was no public in attendance for this request. The Commission discussed area of a requested addition. They determined that the impact on the neighborhood would be minimal. They believed that the request more closely fit the Home Occupation description than a cottage industry.

Motion by Skop, seconded by Felton to approve a Home Occupation for Dirk Martin at 002 022-010-35.

All ayes, motion carried.

ADJOURNMENT: Motion by Felton seconded by Hodack to adjourn. Motion carried

Meeting adjourned at 9:00 p.m.

Submitted by Marie Kelenske