

Mason County Planning & Zoning Department

102 E. FIFTH STREET
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November 7, 2017

Minutes of the Mason County Planning Commission special meeting held at 102 E. 5th St., Scottville on November 7, 2017 at 7:00 p.m.

MEMBERS PRESENT: Tom Hooper, Cary Shineldecker, Janet Andersen, Doug Robidoux, Frank Redmond

MEBERS ABSENT: Mike Shaw (excused), Jim Wincek (excused)

OTHERS PRESENT: Fabian Knizacky, Adam Young, Mary Reilly, Cayla Christmas

The meeting was called to order at 7:00 p.m. by Chairman Tom Hooper.

The meeting minutes from October 9, 2017 were approved as amended with a motion by Frank Redmond and second by Janet Andersen. Motion carried, 5 yes 0 no.

The meeting minutes from October 17, 2017 were approved as amended with a motion by Doug Robidoux and second by Frank Redmond. Motion carried, 5 yes 0 no.

Addition or deletions to the agenda: Tom Hooper proposed to move line item C regarding the Lake Winds Energy Park to after the Zoning Board of Appeals update.

Conflict of Interest: Cary Shineldecker with the Lake Winds Energy Park.

Public Comment: Evelyn Bergaila stated she didn't agree with the Planning Commission letter regarding building grades. Ms. Bergaila stated the proposed language was too lenient and stated a possible clarification could be, "increased drainage has to be kept on site." She stated the ordinance needs address that stormwater isn't going to adjacent properties. Evelyn Bergaila stated she understands the LEQ average is difficult to calculate, but stated it shouldn't be an average. Ms. Bergaila stated the wind turbines should not exceed 45 dBA ever.

Correspondence: Cary Shineldecker summarized points from Nextera vs. Alma Township federal court case related to a wind energy special land use that was denied by the Township. The federal district judge supported the board of trustees' decision to deny a wind energy park from being developed on the basis of how the decision was made, not necessarily the decision itself. Mr. Shineldecker pointed out the judge said the jurisdiction did not *have* to allow things if the needs are being met somewhere else.

New Business: Joe Mickevich, Sherman Township Supervisor, summarized a survey that was put together for the townships regards to the zoning ordinance update. The purpose of the survey was to try and get a consensus on specific regulations in the zoning ordinance which are a common source of complaints to township officials.

1 In summary:

- 2 1. Allow detached accessory buildings on vacant land. The townships surveyed,
3 except Meade, all agreed they would like to see some sort of compromise to
4 allow accessory buildings on vacant land. The survey suggested having a
5 minimum acreage amount to be able to have an accessory building without a
6 principle dwelling.
- 7 2. Allow single-wide trailers. The townships were more opposed to easing the
8 ordinance at first. He stated the eastern end of the county is lower income, and
9 people can't afford to buy or rent a house. Most of the townships, except Meade,
10 would like to allow the replacement of existing single-wide trailers with newer
11 trailers not to exceed a certain age
- 12 3. Allow campers to be used and stored on a parcel with no dwelling. The current
13 ordinance is too restrictive for land owners. The survey showed most of the
14 townships, except Meade, would like to either retract the ordinance or retract the
15 fee and increase the time a camper is allowed on vacant property.
- 16 4. Increase the square footage allowed for detached accessory buildings. He stated
17 the junk ordinance allows for certain things to be kept, but they have to be kept
18 indoors. Mr. Mickevich said the size restrictions restrict what people can keep.
19 Most of the townships wanted to see no restrictions as long as setback
20 requirements were met.
- 21 5. Remove location restrictions on accessory buildings requiring them to be in
22 side/rear yard or 200' off road. The majority of townships wanted to allow
23 detached accessory buildings anywhere on their property as long as setbacks
24 are met.

25 Jim Gallie, Amber Township Supervisor, stated the survey results were the opinions of
26 60 different people and not just the 12 supervisors. Mr. Gallie added the lack of
27 enforcement should not be the reason to not allow things. He stated Meade Township
28 doesn't want anything to change until it's enforceable.

29
30 Jim Gallie stated they are trying to improve the county and townships and added the
31 replacement of existing single wide mobile homes would help with the improvement.
32

33 Lois Krepps, Meade Township Supervisor, stated she looked at the survey as
34 protecting, not diminishing, the uniformity the Planning Commission has worked to
35 create in Mason County. Ms. Krepps stated the main source of revenue in the county is
36 property taxes. She stated weakening the ordinance weakens the revenue.
37

38 Lois Krepps stated the present zoning ordinance should remain as written until the
39 zoning can be enforced. Ms. Krepps gave examples of instances she felt the zoning
40 ordinance was not being enforced.
41

42 Mary Reilly clarified for Lois Krepps that some of her examples went through the courts.
43 There have been many instances in Meade where zoning has been enforced.

1 Lois Krepps stated single-wide trailers decrease marketability, and replacing existing
2 trailers with newer models would be “kicking the can down the road.”

3
4 Ron Krepps, Meade Township, stated he served on the Zoning Board of Appeals before
5 and remembered having cases of people turning storage buildings into cabins.

6
7 Jim Gallie stated he was against replacing existing single-wide trailers with newer
8 models until he realized the economic deficiency in other parts of the county. Mr. Gallie
9 said the option to get a new trailer is “kicking the can down the road, but it’s a nicer
10 can.”

11
12 Joe Mickevich stated he started his life with his wife in a single-wide trailer and has
13 since built a house. He said he could not afford anything else at that time.

14
15 Unfinished Business: Tom Hooper asked the Planning Commission to reach a
16 consensus of whether the Sanders Mud Bog Special Land Use shall be restricted to 3
17 or 4 mud bogs per year. The Planning Commission agreed up to 4 mud bogs should be
18 allowed per calendar year.

19
20 Frank Redmond made a motion to accept the motion presented specifying up to 4 mud
21 bogs per year. Second by Doug Robidoux. Motion carried, 5 yes 0 no.

22
23 Adam Young stated the August 28th draft and summary of the Zoning Ordinance Update
24 was presented to a subcommittee, and he wanted to address the comments that were
25 received. The proposed language for electronic signs was kicked back by the
26 subcommittee.

27
28 Janet Andersen stated the difficulty of enforcement weighed heavily on the
29 subcommittee’s decision. Ms. Andersen added people had different thoughts on what
30 the signs are and what would and wouldn’t be allowed.

31
32 Adam Young stated there are a lot of communities struggling with enforcing the zoning
33 requirements for this type of sign.

34
35 Janet Andersen stated the problem of enforcement makes her against keeping the
36 proposed electronic changeable signage language in the ordinance update.

37
38 Cary Shineldecker stated the County Commissioners adopt the ordinance in the end, so
39 he would be in favor of doing what they say.

40
41 Doug Robidoux stated he felt the language was discussed thoroughly, and he is in favor
42 of allowing electronic changeable signage in the C-1 district.

43
44 Janet Andersen made a motion to remove the proposed electronic changeable signage
45 language from the proposed ordinance update. Second by Fabian Knizacky. Motion
46 failed, 3 yes 3 no.

1 Adam Young stated the subcommittee was hesitant about approving a 600 square foot
2 minimum for accessory dwellings, but they did like the 1,000 square foot cap. The
3 subcommittee is in favor of a 720 square foot minimum.

4
5 Cary Shineldecker asked which dwelling would be the accessory if the minimum is the
6 same as for a principle dwelling.

7
8 Fabian Knizacky stated the subcommittee was split on allowing accessory dwellings,
9 and this was the compromise.

10
11 Cary Shineldecker made a motion to accept 720 square feet as the minimum square
12 footage for an accessory dwelling. Second by Fabian Knizacky. Motion carried, 6 yes 0
13 no.

14
15 Adam Young stated the Zoning Board of Appeals requested that the ordinance be
16 clarified about when the zero lot line is applied.

17
18 Cary Shineldecker explained the ZBA received a variance request from a side lot line.
19 Mr. Shineldecker stated there needs to be clarification of when the zero lot line applies
20 versus the normal side lot line setback.

21
22 Adam Young stated the zero lot line was intended for commercial buildings to share a
23 wall. Mr. Young presented proposed clarifying language. The building has to be part of
24 a development plan. Zero lot line can't exist without the plan of an adjacent building in
25 the future.

26
27 Fabian Knizacky made a motion to approve the language of item 4 as written. Second
28 by Janet Andersen. Motion carried, 6 yes 0 no.

29
30 Adam Young stated the current language regarding building grades does not recognize
31 existing runoff before the grade is changed. Mr. Young stated the language should
32 clarify the runoff that is increased as a result of the development versus natural runoff.
33 Under the current language, every project qualifies to require a professional survey. Mr.
34 Young stated the current language may make sense for a more urban community and
35 not for rural Mason County.

36
37 Fabian Knizacky asked if they could have in wording that it is the property owner's
38 responsibility to verify the increased runoff won't go onto adjacent properties and the
39 county does not hold responsibility.

40
41 Adam Young stated that is possible.

42
43 Cary Shineldecker stated the requirement for commercial uses should not be removed.

44
45 Janet Andersen stated that is addressed by the requirements for the site plan. Janet
46 Andersen made a motion to approve item 5 as noted. Second by Doug Robidoux.
47 Motion carried, 6 yes 0 no.

1 Adam Young presented a proposal of increasing the size of detached accessory
2 buildings.

3
4 Mary Reilly stated she proposed an increase in the square footage from the current and
5 asked for input.

6
7 Tom Hooper asked how often the request comes in for larger buildings.

8
9 Mary Reilly stated it is a frequent request. Ms. Reilly stated people want to store their
10 things inside.

11
12 Doug Robidoux, Fabian Knizacky, Frank Redmond, and Janet Andersen all agreed they
13 didn't have a problem with the proposed adjustments.

14
15 Cary Shineldecker stated he wouldn't have a problem with allowing bigger buildings and
16 would consider a minimum of 1,200 square feet.

17
18 Doug Robidoux made a motion to approve item 3 as revised. Second by Janet
19 Andersen. Motion carried, 6 yes 0 no.

20
21 The Planning Commission addressed the Township survey.

22
23 Doug Robidoux stated there is a need in the county to allow accessory buildings on a
24 parcel with no dwelling.

25
26 Cary Shineldecker stated accessory buildings are useful on vacant land as they help
27 clean up the area and keeps items secure. Mr. Shineldecker stated they also cut down
28 on vandalism.

29
30 Janet Andersen stated the townships she represents are looking to be able to construct
31 accessory buildings on vacant land. Ms. Andersen recognized that issues exist, but
32 feels you're never going to stop someone from living in a pole barn if they really want to.
33 Ms. Andersen stated people "have toys" they want to store.

34
35 Frank Redmond stated they should be allowed but with size limitations.

36
37 Fabian Knizacky stated accessory buildings on vacant land are not currently allowed
38 because nonresidents build storage buildings and then people try to live in them. The
39 County received many complaints from adjacent neighbors and that is why they
40 changed the policy. Mr. Knizacky stated he would not be in favor of allowing them.

41
42 Mr. Hooper stated people who come for recreational purposes want to leave their
43 belongings in a secure building instead of hauling them every time they come to Mason
44 County.

45
46 Doug Robidoux suggested allowing these buildings on a minimum of 20 acres and
47 requiring a special land use.

1 Mary Reilly stated she doesn't recommend the special land use. Ms. Reilly
2 recommended elevated administrative action instead similar to what is done for a new
3 dwelling in the Ag district.

4
5 Tom Hooper suggested allowing buildings on a minimum of 10 acres.

6
7 Doug Robidoux asked if the proposed size scale would be ok for a vacant parcel.

8
9 Mary Reilly stated the scale now is too big for buildings for vacant parcels.

10
11 Cary Shineldecker stated the commissioners and township supervisors have to answer
12 directly to the people. Mr. Shineldecker stated the County Commissioners could deny
13 the request and the Planning Commission could modify it.

14
15 Frank Redmond, Janet Andersen, Cary Shineldecker, Doug Robidoux, and Tom Hooper
16 agreed accessory buildings could be built on a vacant piece of property with a minimum
17 of 10 acres and the allowable size would be based on the scale for detached accessory
18 buildings on a parcel with a dwelling.

19
20 Fabian Knizacky voted against the proposal.

21
22 The Planning Commission addressed the topic of single-wide trailers.

23
24 Fabian Knizacky stated if the existing single-wide trailers are not replaced they will just
25 fall apart.

26
27 Janet Andersen stated affordable housing is an issue. Ms. Andersen recognized that
28 people complain about how they appear, and there is no maintenance code.

29
30 Tom Hooper suggested replacing existing single-wide trailers with models that are 4
31 years old or newer.

32
33 Mary Reilly stated single-wide trailers are not manufactured anymore.

34
35 Janet Andersen stated banks won't finance single-wide trailers. Ms. Andersen stated
36 she asked different areas of the state how they handle the issue and they replied they
37 do not allow single-wide trailers.

38
39 Cary Shineldecker stated he would be in favor of replacing existing with newer models
40 with the implementation of major restrictions.

41
42 Doug Robidoux stated if newer single-wide trailers are still available then he would be in
43 favor of replacing existing with single-wide trailers that are 10 years old or newer. Mr.
44 Robidoux added any sort of age restriction would be a good idea.

45
46 Tom Hooper stated he wouldn't want to have a single-wide trailer next door, but he
47 would much rather have existing single-wide trailers replaced with something newer and

1 in better shape.

2
3 Mary Reilly stated she would ask the building inspector to see if there is a logical age or
4 condition to impose on a replacement.

5
6 Janet Andersen and Fabian Knizacky did not support the replacement of single-wides.

7
8 Frank Redmond, Cary Shineldecker and Tom Hooper supported the replacement of
9 single-wides with age restrictions.

10
11 The Planning Commission addressed the topic of campers.

12
13 Cary Shineldecker stated he understands both sides and would like to loosen the
14 ordinance to be less restrictive.

15
16 Doug Robidoux stated he is bothered by the \$50 fee. Mr. Robidoux said people should
17 not have to pay a fee to put a camper on property they pay taxes on. Mr. Robidoux
18 suggested extending the time allowed to 150 days.

19
20 Fabian Knizacky supported getting rid of the \$50 fee and could support camping time up
21 to 120 days.

22
23 Janet Andersen agreed with Fabian Knizacky.

24
25 Mary Reilly stated currently the land owner is allowed to stay up to 30 days with no fee.
26 Ms. Reilly said the camper ordinance is expensive to enforce and requires multiple trips.

27
28 Frank Redmond agreed with Fabian Knizacky.

29
30 Tom Hooper stated 120 days "is light" and would be happy with either no fee or a
31 reduced fee from \$50.

32
33 Doug Robidoux stated he would be fine with 120 days.

34
35 Cary Shineldecker made a motion to drop the \$50 camping fee and extend the time
36 period to 120 days. Second by Frank Redmond. Motion carried, 6 yes 0 no.

37
38 The Planning Commission addressed the topic of allowing detached accessory
39 buildings anywhere on the property [with a dwelling].

40
41 Fabian Knizacky asked Adam Young to explain the reasoning behind requiring a
42 detached accessory building to be behind the front of a dwelling or 200' from the road.

43
44 Adam Young explained the reasoning is to have "a community of dwellings and not a
45 community of pole barns." Mr. Young elaborated that when you're driving through a
46 community, houses are much more visibly appealing. Mr. Young stated the hope was
47 pole barns wouldn't be as visible from the road as houses.

1
2 The Planning Commission agreed to keep the requirement.

3
4 Mary Reilly stated the 250' language regarding the principle dwelling did not make
5 sense.

6
7 Fabian Knizacky made a motion to change the language regarding principle dwellings
8 from 250' to 200'. Second by Janet Andersen. Motion carried, 6 yes 0 no.

9
10 Zoning Director's Report: Mary Reilly stated the next meeting will be November 28th.
11 Ms. Reilly stated they would have the Lake Winds Energy Park resolution on the sound
12 study at 6:30 pm and the two applications are scheduled to start at 7:30 pm.

13
14 ZBA Report: Cary Shineldecker stated the Zoning Board of Appeals met and for a
15 variance request for Kibby Creek Campground. The ZBA approved variances from the
16 required setbacks and partially buffered the neighboring fruit farm.

17
18 Mary Reilly presented photos of the landscaping at the LWEP substation. She
19 recommended all of the trees in the front of the substation be replaced as well as any
20 trees that are not 8' tall. The trees have 5 years to become 8 feet tall. None of the
21 trees in front are 8-feet tall and they all appear diseased. Several on the south property
22 line are diseased.

23
24 Doug Robidoux asked when the trees would need to be replanted. Mr. Robidoux asked
25 if the condition of the trees would need to be looked at in the spring and then a decision
26 would need to be made.

27
28 Frank Redmond suggested requiring the trees be replaced by May 31st.

29
30 Janet Andersen stated some trees can't be helped, and anyone else would be required
31 to replant. Ms. Andersen stated the trees should be replaced.

32
33 Doug Robidoux, Frank Redmond, and Tom Hooper agreed with Janet Andersen.

34
35 Janet Andersen made a motion to have the evergreen screen trees on the front and
36 south property line that are not 8' tall be replaced with new trees that are 8' [by June 1,
37 2018]. Second by Frank Redmond. Motion carried. 4 yes 0 no.

38
39 Frank Redmond asked if the performance bond Consumers Energy could be renewed.

40
41 Mary Reilly stated there is a renewal option with the bond. Ms. Reilly said it could be
42 taken to the Board of Commissioners to ask if they wanted to have the bond renewed.

43
44 Frank Redmond made a motion to request the performance bond be extended for three
45 years. Second by Doug Robidoux. Motion carried, 4 yes 0 no.

46
47 Public Comment: Evelyn Bergalla stated she would like to know where the irrigation

1 pipes are running at the LWEF substation. She stated that people need cheaper places
2 to live. Ms. Bergaila looked up the average price of "tiny houses" and they can be built
3 for \$20,000-\$25,000. Ms. Bergaila stated the Planning Commission should look into
4 allowing tiny houses instead of the replacement of single-wide trailers. She stated site
5 plans should specifically require proposed contours be shown instead of existing
6 topography for site plan review.

7
8 Bill Schoenlein, Consumers Energy, asked if there was a specific date by which the
9 trees at the Lake Winds Energy Park Substation be replanted.

10
11 Mary Reilly stated June 1st would be too late to plant new trees.

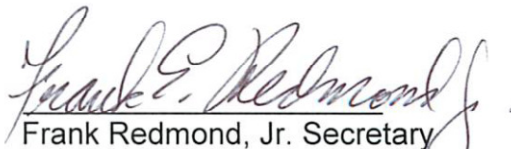
12
13 The Planning Commission agreed the trees will need to be replaced by no later than
14 June 1st.

15
16 Doug Robidoux asked how many square feet the tiny houses are that Evelyn Bergaila
17 was referencing.

18
19 Evelyn Bergaila stated the tiny houses are around 200 square feet.

20
21 Mary Reilly stated the building inspector stated the minimum square footage required
22 for a house to meet the required building codes is 450 square feet.

23
24 Tom Hooper adjourned the meeting at 10:41pm.
25


Frank Redmond, Jr. Secretary
Mason County Planning Commission