

# Mason County Planning & Zoning Department

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November 4, 2015

Minutes of the Mason County Zoning Board of Appeals meeting on November 4, 2015,  
7:30 p.m. at 102 E. 5<sup>th</sup> Street, Scottville, MI.

MEMBERS PRESENT: Jerry Jensen, Ron Krepps, Ralph Lundberg, Richard Anderson,  
Kent Collins

MEMBERS ABSENT:

OFFICIALS PRESENT: Mary Reilly

Jerry Jensen called meeting to order at 7:30 pm.

A motion was made by Ron Krepps and 2<sup>nd</sup> by Ralph Lundberg to approve the meeting  
minutes of August 19, 2015 as amended. Motion carried, 5 yes 0 No.

Addition to Agenda: Add meeting time for regular meetings to new business

Public Comment: None

Correspondence: None

A public hearing was held for #PZ15175, a dimensional variance for a mud bogging pit  
spectator area. The applicant has requested a 150' variance (west) and a 20' variance  
(south) from the 500' setback for a mud bogging pit spectator area. The property is  
owned by Bruce Sanders, 965 S. Gordon Rd and is located in Amber Township, N 3/4  
of E 1/2 of SW 1/4 Sec 23 T18N R17W 60 A M/L (001-023-012-00), in the AG District.  
Mary Reilly presented the staff report (portion below), photos, and aerial photograph.

## FINDINGS OF FACT

1. The applicants are requesting a special land use (SLU) permit for a mud bogging pit which will be heard on May 19, 2015. The SLU has not been approved due to site plan issues.
2. A 100' variance (west) and 20' (south) was granted for the mud bogging pit by the ZBA on May 6, 2015 (PZ15022).
3. The original site plan submitted to the PC and ZBA did not include a spectator area on the west side so it was omitted from the original variance request. When the site plan was corrected to show spectators, the PC indicated the applicant must apply for and receive a variance before a site plan could be approved showing spectators on the west side of the pit..

4. The site plan was amended to include spectator area and submitted for a second meeting on August 18 (canceled) and again on September 15 (information not presented in a timely manner—not in packets). A final decision has not been made to approve/deny the SLU.
5. The site plan indicates that up to 480 people can attend the mud bogging event at a time (assuming 2 per car). Attendees come on a staggered basis throughout the day (come early and leave early or come later in the day). The event held in June 2015 had about 800 attend throughout the entire day, according to the owner's son.
6. The owner indicates that spectator areas on both sides of the pit are needed to let attendants adequately see and experience the mud bogging activities.
7. Most attendees will park in the designated parking area (see site plan) but those that are volunteers/family members, less mobile, or handicap will park/tailgate in the spectator areas. Some will set up small canopy 9 X 9-ish structures, for the day within the spectator area.
8. The applicants have been hosting events on a regular basis for the last several years and want to hold events approximately once per month (Saturdays) from May 1 to Sept 30.
9. The required setback for a mud bogging pit is 500' to a property line.
10. The DEQ, Barry Peterman, was contacted and acknowledges that this is not a regulated wetland.
11. The USDA (Scottville Office) acknowledges that there are no conflicts with Agricultural activities, or other enrolled farm land, aka "swamp busting" on the property or in relation to the mud bog.
12. The Road Commission has acknowledged that this use does not cause "excessive" wear and tear on public roads but indicates that the owners should call them after a mud bog event of road maintenance is needed and offer to pay for additional brine, etc. (this matter would be handled under the special land use permit).
13. The mud bogging events/activities started on this parcel in 2012 and first started on a limited basis, then grew to more events.

Mary Reilly read a letter from Art and Karen Fredericks voicing their opposition and concerns with the mud bog pit.

A motion was made by Ron Krepps and 2<sup>nd</sup> by Ralph Lundberg to accept the staff report as part of the file. Motion carried, 5 yes 0 no.

Jerry Jensen opened the public hearing.

Bruce Sanders mentioned he did not realize that the spectator area had to be on the site plan when he asked the Board for the first variance. He thought that "people are just standing there". He stated that he needed another 50' on the west and 20' on the south to allow people to view the mud bog pit.

Jerry Jensen asked if the spectator area would be closer than 1,000 feet to a dwelling.

Bruce Sanders said no.

There was a discussion on where the spectator area would stop. There is row corn planted on the edges of the spectator area on the site plan so it forms a natural boundary to the spectator area (to the west property line).

Jerry Jensen asked if spectators were always on the west side.

Bruce Sanders said yes, he just did not think it needed to be on the site plan.

Ralph Lundberg gave the Board a summary of the Planning Commission discussions on the mud bog pit and indicated that this most recent version of the site plan, included with the variance, is what the Planning Commission has been asking for. The Planning Commission has been “grappling with capacity” and how to control the number of people at an event.

Jerry Jensen stated the pit is where it is and it can not really be changed.

Ron Kreps noted that if the pit was re-located, it would be reducing the active agriculture on the parcel.

Jerry Jensen closed the public hearing.

Jerry Jensen read the standards for receiving a variance from Section 24.05 (3) a, b, c, and d of the Mason County Zoning Ordinance.

- A. **The strict compliance with the ordinance would cause a practical difficulty.** The mud bog pit special land use (if granted) is somewhat of a trial for the land use given that no similar event like this has gone through the ordinance process. Reducing the amount of spectator area by half would deprive the owners of rights.
- B. **The conditions and circumstances unique to the property were not created by the owner or his predecessor in title.** The location of the mud bog was not created by the owner, it is a natural feature. The mud bog is a naturally muddy area that cannot be farmed. There is a recreational benefit.
- C. **The requested variance will not grant special privileges that are denied other properties similarly situation and in the same zoning district.** The variance would not grant special privileges. There may be a 40 acre parcel available to mud bogging that is naturally wet and not farmable; this kind of parcel would have the ability to place the pit in the center of the parcel to meet the 500’ setback. This property does not have any flexibility. The mud pit is in a naturally occurring location and cannot be relocated to meet the 500’ setback.
- D. **The requested variance will not be contrary to the spirit of this Zoning Ordinance.** The variance would not be contrary to the spirit of the ordinance. The ordinance helps to facilitate where a mud bog pit is suitable. Given the location of the parcel, it appears to be suitable to have a spectator area in the designated location on the site plan. The special land use has not yet been approved and the land use could be considered on a “trial” or limited use basis to see how the land use is progressing.

A motion was made by Ron Krepps and 2<sup>nd</sup> by Richard Anderson to grant a 150’ variance (west) and a 20’ variance (south) from the 500’ setback for a mud bogging pit spectator area. The variance meets standards of Section 24.05 (3) A, B, C, and D of the Mason County Zoning Ordinance. Motion carried, 5 Yes 0 No.

New Business: Mary Reilly told the Board the dates for hearing the Consumers Energy Appeal for the spring sound study is set for December 2, 2015 and December 16, 2015 at Summit Town Hall.

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145 There was a discussion on changing the meeting times of the Zoning Board of Appeals  
146 to be at 4:30 pm November 1<sup>st</sup> thru April 30<sup>th</sup> (starting January 1, 2016) and 7:30 pm  
147 May 1<sup>st</sup> thru October 31<sup>st</sup>.

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149 With a unanimous vote the board approved to change to the meeting and bylaws (if  
150 needed).

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152 Zoning Directors Report: None

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154 Planning Commission Report: Ralph Lundberg gave the Board a summary of the  
155 Couturier migrant housing special land use and the expansion of the outdoor business  
156 for Fun N Sun RV.

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158 Meeting was adjourned at 8:29 p.m.

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163 Richard Anderson, Secretary  
164 Zoning Board of Appeals