

Mason County Planning & Zoning Department

102 E. FIFTH STREET
SCOTTVILLE, MICHIGAN 49454
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November 17, 2015

Minutes of the Mason County Planning Commission meeting held at 102 E. Fifth St.,
Scottville, on November 17, 2015 at 7:00 p.m.

MEMBERS PRESENT: Steve Bieniek, Michael Shaw, Tom Hooper, Dennis Dunlap,
Ralph Lundberg, Cary Shineldecker

MEMBERS ABSENT: Doug Robidoux (excused)

OTHERS PRESENT: Trudy Roy, Mary Reilly

The meeting was called to order at 7:00 p.m. by Dennis Dunlap.

A motion was made by Tom Hooper and 2nd by Steve Bieniek to accept the minutes of
October 13, 2015 as amended. Motion carried, 6 Yes 0 No.

Addition or deletions to the agenda: None

Conflict of interest: None

Dennis Dunlap opened public comment.

Evelyn Bergaila voiced her concern about the way the meeting for Thurs Nov. 19th was
written about in the paper and that it was posted on the County website on Monday. "The
meeting should be re-noticed and done properly". Ms. Bergaila passed around a press
release from May 1, 2013 concerning the law firm of Gockerman, Wilson, Saylor &
Hesslin joining Mika, Meyers, Beckett and Jones and voiced concern that Ron Redick,
the County's attorney, had a conflict of interest due to Richard Wilson representing
Consumers up to 2014. Ms Bergaila voiced her concern with the consultants on the list
as part of the settlement and stated why each firm was not appropriate.

Aldon Maleckas voiced his concern with the consultants on the list and explained why he
did not feel the County should use any of them. Mr. Maleckas asked about the peak hour
parking mentioned in the Dr. Simone special land use.

Dennis Dunlap closed public comment.

Correspondence: Mary Reilly summarized a verbal opinion received from the
Prosecutor's office on dilapidated or ruined buildings in the County. The Prosecutor does
not think that the ordinance provides a clear enforcement mechanism to require
maintenance or removal of a building that has been destroyed due to a long term lack of
maintenance. A destroyed building due to fire, wind storm or other "casualty" should be
repaired to a referenced standard, the Michigan Building Code, and this should be
addressed in the zoning update.

1 There was a public hearing for special land use to establish a home based business for
2 an art gallery/studio (PZ15204), Craig Convissor/Laurie Carey, 58 S. Taylor Road in
3 Branch Township (002-014-005-90). The owner would like to operate an art gallery and
4 studio from existing detached accessory buildings. No correspondence was received for
5 or against. Following is a portion of Mary Reilly's staff report.

7 PROJECT DESCRIPTION: Last year the owners moved to this location. They are both artists.
8 The display and sell items throughout the area, but have welcomed the public into their work
9 spaces and sell items from the property as well. They have a 2' X 3' portable sign in the front
10 yard and other signs on the buildings and an off-premise portable sign (15" X 20" at US-10.

11
12 FINDINGS OF FACT:

- 13 1. Front building: 15 X 30 studio (450 sf) and 15 X 30 gallery (450 sf): (30 X 30)
- 14 2. Back building: 48 X 30 studio (1440 sf)
- 15 3. Dwelling: 24 X 44 (1056 sf)
- 16 4. Parking is located on the west (front) by the front building. Parking areas can
17 accommodate about 5-6 cars.
- 18 5. Parking is screened from view by approximately 50' of forested area.
- 19 6. Hours are from 9-5, if the owners are at home, spring through fall. The owners leave
20 in the winter months.
- 21 7. There is a portable sign at the road which is typically removed each night. There are
22 some smaller signs, including a neon "open" sign, on the front building.
- 23 8. The gallery only sells art work created by the property owners.

24
25 PHYSICAL SITE CHARACTERISTICS:

- 26 1. The property is relatively flat and is surrounded by forested land on all sides of the existing
27 buildings.
- 28 2. With the exception of the sign out front, the property looks like a typical residential
29 property in the area from the road.

30
31 Mary Reilly presented pictures of the property. Ms. Reilly stated a possible issue was if
32 the Board would allow a portable "A" frame sign near Taylor Rd when the owners have
33 the gallery open in addition to the sign on the building. One nine square foot sign, either
34 a free standing or wall sign, is allowed.

35
36 A motion was made by Ralph Lundberg and 2nd by Steve Bieniek to accept the staff
37 report into the record. Motion passed, 6 Yes 0 No.

38
39 Craig Convissor stated both he and Laurie are self-employed artists. Part of their work is
40 displayed in the gallery and they also make custom pieces and meet with clients in their
41 homes. Mr. Convissor explained the gallery is busiest during the summer tourist months
42 and the 3 weeks around Christmas.

43
44 Dennis Dunlap asked if there was any public comment. There was none. Dennis Dunlap
45 closed the public hearing.

1 Mike Shaw asked about the disposal of paint, paint thinners etc.

2
3 Craig Convissor stated it was important for them to keep the area environmentally clean.
4 What can not be disposed of on the premise is collected and taken to the hazardous
5 waste day collection.

6
7 Dennis Dunlap closed the public hearing.

8
9 Mary Reilly read the portion of the ordinance on temporary portable "A" frame signs.

10
11 There was a discussion on the type of "A" frame sign, where the sign would be placed out
12 front, and how often the owners put it out for display.

13
14 The board agreed that the "A" frame sign could be considered a portable, temporary sign
15 for promotional purposes. The board stated that other off-premise signs are not allowed
16 by the ordinance.

17
18 A motion was made by Cary Shineldecker and 2nd by Thomas Hooper to approve the
19 special land use to establish a home based business for an art gallery/studio based on
20 the site plan and staff analysis. Meets all requirements of Sec. 17.32, Home Based
21 Businesses. Motion carried, 6 Yes 0 No.

22
23 A motion was made by Mike Shaw and 2nd by Steve Bieniek to approve the special land
24 use to establish a home based business for an art gallery/studio based on the site plan
25 and staff analysis. Meets all condition of Sec. 16.05, Standards for Approval for a
26 Special Land Use. Motion carried, 6 Yes 0 No.

27
28 A motion was made by Mike Shaw and 2nd by Tom Hooper to approve site plan based on
29 staff analysis. Cary Shineldecker stated that the owners are managing hazardous
30 materials, such as paint thinners, and this should be added to the analysis under #8.
31 Meets all condition of Sec.18.05, Standards for Granting Site Plan Approval. Motion
32 carried, 6 Yes 0 No.

33
34 New Business: Cary Shineldecker asked to discuss the Open Meetings Act, specifically
35 the portion about public attending an open meeting and the exclusion of people from a
36 meeting. As a member of the Board with a conflict of interest "I do not see how you can
37 keep me from attending as a member of the public. There is a lot of information that could
38 be used in the future that is discussed at these meetings." He stated that he does not
39 understand how there can be change to a special land use outside of the MZEA. Mr.
40 Shineldecker also expressed concern over requiring people to state their name and
41 address before speaking.

42
43 Mary Reilly stated the settlement issues will be dealt with at the meeting on Thurs. The
44 review for the Board is a courtesy. The Board of Commissioners will make the decision.

45
46 Ralph Lundberg stated that conflicted members not attending a meeting is a part of the

1 bylaws.

2
3 Mike Shaw read from the section on conflict of interest in the bylaws.

4
5 Cary Shineldecker asked how the Board can redefine or write something that goes
6 against the State ruling.

7
8 Dennis Dunlap stated that names are required for the minutes. Some people state their
9 address but it has never been a requirement to participate.

10
11 Steve Bieniek mentioned that when a person applies for and becomes a member of the
12 Board they give up their right to be a member of the public.

13
14 There was a discussion on the perceptions and reasons a conflicted Board member
15 should not attend a meeting.

16
17 Unfinished Business: Mary Reilly passed around sheets showing the final ranking of
18 items identified for the zoning ordinance update. Ms. Reilly noted that parking was high
19 on everyone's list. Consultant proposals are due at the end of this week.

20
21 Zoning Directors Report: Mary Reilly stated there would be a meeting on December 15th.

22
23 Zoning Board Appeals: Ralph Lundberg stated that a variance was approved for a
24 spectator area on the west side of a proposed mud bog on Bruce Sander's property.

25
26 Dennis Dunlap opened public comment.

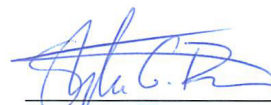
27
28 Aldon Maleckas asked if settlement is approved by the Board of Commissioner, does that
29 mean the Board of commissioners can rewrite the zoning ordinance.

30
31 Ralph Lundberg stated the Board of Commissioners can not rewrite the zoning
32 ordinance.

33
34 Aldon Maleckas stated the settlement is contrary to the special land use and the zoning
35 ordinance.

36
37 Evelyn Bergaila voiced her concerns to the Board concerning the choices put forth for
38 sound consultants and questioned the consultants' qualifications.

39
40 Public comment was closed. The next meeting will be November 19, 2015 at 7pm, the
41 Ludington Courthouse at 304 E. Ludington Ave,
42 Ludington. Meeting adjourned at 8:35 pm.

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44


Steve Bieniek
Mason Planning Commission Secretary