Manistee County
Planning Department

PLANNING DEPARTMENT
(231) 723-6041
Fax (231) 398-3526
planning@manisteecountymi.gov

Manistee County Planning Building, 395 Third Street Manistee, Michigan 49660

March 15, 2022

Planning Commission Members
Onekama Township
5435 Main Street
Onekama, MI 49675

Dear Planning Commission Members,

Robert and Laurie Brown are applying for a Special Land Use Permit for their property, parcel # 51-11-001-011-20, addressed as 12482 Milarch Road, Bear Lake, MI 49614.

Background:

I received a special land use request from Robert and Laurie Brown. They are seeking special land use approval for the utilization of a commercial kitchen on the property as well as utilizing the property as a farmers' market. The parcel resides within the Agricultural – AG-1 District. The applicable use of the property falls under the special uses for the zoning district, with the Standard Industrial Classification (SIC) Code for Food Kindred Products being 20.

Legal Description of Property: N 1/2 N 1/2 NE 1/4 SE 1/4 & NW 1/4 SE 1/4 49.75 A*M/L SEC 1 T23N R16W.

Please review the following information:

- Robert & Laurie Brown's special land use application.
- Narrative from the Brown's explaining the nature of their request.
- Building Layout.
- Map of Milarch Road, Circa 2021.
- Three photos taken July 2021 that show the current parcel condition.
- Two photos taken March 2022 showing parking area and a narrative explaining parking conditions.
- Notice of Meeting/Public Hearing for Newspaper.
- Letters that were sent parcel owners and occupants per Planning and Enabling Act 2008.
- Motions Memo.

If a special land use permit is granted all other local, state, and federal required permits must be acquired before construction begins. If you have any questions or concerns, feel free to reach out to me via email or phone.

Regards,

Katie Mehl
Planning and Zoning Administrator
Manistee County
231.398.3525
kmehl@manisteecountymi.gov

Manistee County
Planning Department

Manistee County
Planning Department

Planning & Zoning
395 Third Street
Manistee, MI 49660
231.723.6041 (phone)
231.398.3526 (fax)

Special Use Permit Application

A Detailed Site Plan is required for all Special Uses

Please Print

Submission of Application		
Applications must be submitted 30 days prior to the meeting for review for completeness. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the **fee payment of $750.00** in accordance with the schedule of fees adopted by the Township Board. An application shall be submitted to the Zoning Administrator on a Special Use application form. A Special Use application shall be placed on the agenda of the Planning Commission within thirty (30) days of the submission of a complete application prepared in accordance with this Zoning Ordinance. An application, which is incomplete or otherwise not in compliance with this Ordinance, shall not be processed until complete. **No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.**		
Property Information		
Address: 12482 Milarch Rd. Bear Lake		Parcel # 51-11-001-011-20
Applicant Information		
Name of Owner or Lessee: Robert W. Brown Lauri E Brown		
Address: 11317 Erdman Rd. Onekama MI 49675		
Phone #(231) 889-3513	Cell#:(231) 690-5469	e-mail: brownshoney@yahoo.com
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
Data Required/Project Information		
Land Area:		Zoning Classification: Agricultural
Present/proposed Land Use: Ag building with Food licensed kitchen		

Attach a Detailed Narrative for the following	
☐	A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate. Because we own and farm this land.
☐ None	Applicant's statement of the expected effect of the special use on emergency service requirements, schools, automobile and truck circulation patterns, and local traffic volumes.
☐ None	Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the Township Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.
☐	Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in Section 8607.

Additional Information

Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis, an environmental assessment, a market study, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.

Special Use review procedures. An application for Special Use Approval shall be processed in accordance with **Article 86.**

Issuance of a Special Use permit. Special Use Permits shall be issued in accordance with **Section 8602.**

Appeals. No decision or condition related to a Special Use application shall be appealed to the Zoning Board of Appeals. An appeal of a Special Use decision or condition may be taken to Circuit Court.

Duration of Approval. The Special Use permit shall become effective upon Planning Commission approval and run with the land until the use ceases, expires, or the Special Use Permit holder requests termination of the Special Use Permit.

Amendments. Amendments to Special Use permits shall be handled in the same manner as the initial Special Use permit application. Minor non-substantive changes to a site plan in may be made to an existing Special Use permit if such a change is sought prior to the issuance of an occupancy permit for work authorized by Special Use Permit.

Transfers. Transfers shall be handled in accordance with **Section 8609.**

Expiration. A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:

1. Work authorized by the SUP has not taken place within three hundred sixty-five (365) days.
2. If the applicant requests the rescinding of the Special Use permit.
3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
4. If replaced by another permitted use or Special Use permit.
5. If there is a failure to comply within 6 months after the certificate of occupancy issued.

Authorization

CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he/she/they is/are the ☒ owner, ☐ leasee, ☐ owner's representative, ☐ contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all the requirements of the Onekama Township Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion. The undersigned, by signing the Application, agrees to pay all fees and escrow payments in full.

Signature: Robert W Brown Date: 2-8-2022

Signature: Lauri E. Brown Date: 2-8-2022

If applicant is Incorporated or a Limited Liability Corporation a copy of the Articles of Incorporation is to be submitted with application. ***Please make all checks payable to Onekama Township.***

☑ By checking this box permission is given for Planning Commission Members to make a site inspection if desired.

☐ Yes ☒ No Please indicate if the applicant will be tax exempt, applying and/or eligible for tax abatements, credits or deferments for this proposed project. If Yes, explain:

Office Use Only

Fee: ☐ **$750.00** ☐ **$_____** **Escrow Payment**		**Receipt #**
Date Received:	**Hearing Date:**	**PC -**

From: Lauri Brown
To: Katie Mehl
Subject: Re: Special Land Use Application
Date: Tuesday, February 22, 2022 2:52:37 PM
Attachments: image001.png

[WARNING: External Message]

Katie,

These are our possible intentions for the building located at 12482 Milarch Road, Bear Lake, MI (parcel# 11-001-011-20).

We are Brown's Poplar Ridge Orchards, LLC. A three generation fruit and vegetable farm. We grow both certified organic and conventional fruits and vegetables. Our plan is to have one location to handle our crops that we sell at farmers markets and have a small farm market in the building for local sales. Walk in cooler to store our farm produce. Currently we do five farmers markets a week through the season.

We need a licensed commercial kitchen in order to comply with food safety for processing our products.

We do annual water samples on our wells and are inspected annually by organic inspectors. Our farms are MEAP verified for safe farm practices.

This is a 50 acre parcel. School forest on north side. Dog kennel and home on south side. Special needs home? across the road to the east. School forest also across the road. Should have little to no impact on traffic.

Possible future plans for our parcel could be agritourism.

These are some of our products we will use our commercial kitchen for.

Honey bottling and processing comb honey, spreadable honey, flavored honey, raw and filtered honey.
Maple syrup bottling, maple sugar and maple cream.
Bees wax processing, beeswax products.
Jams and jellies.
Pies, cookies, bread, cakes, donuts and other bakery products.
We plan on offering these things for sale at our market and also the following.
We have very small cider press and apple sorter and hope to do cider.
Beef, pork and lamb from our farm.
Possibly sell Eden Foods and Northern Natural organic products, who are buyers of our organic apples.

Thank you,

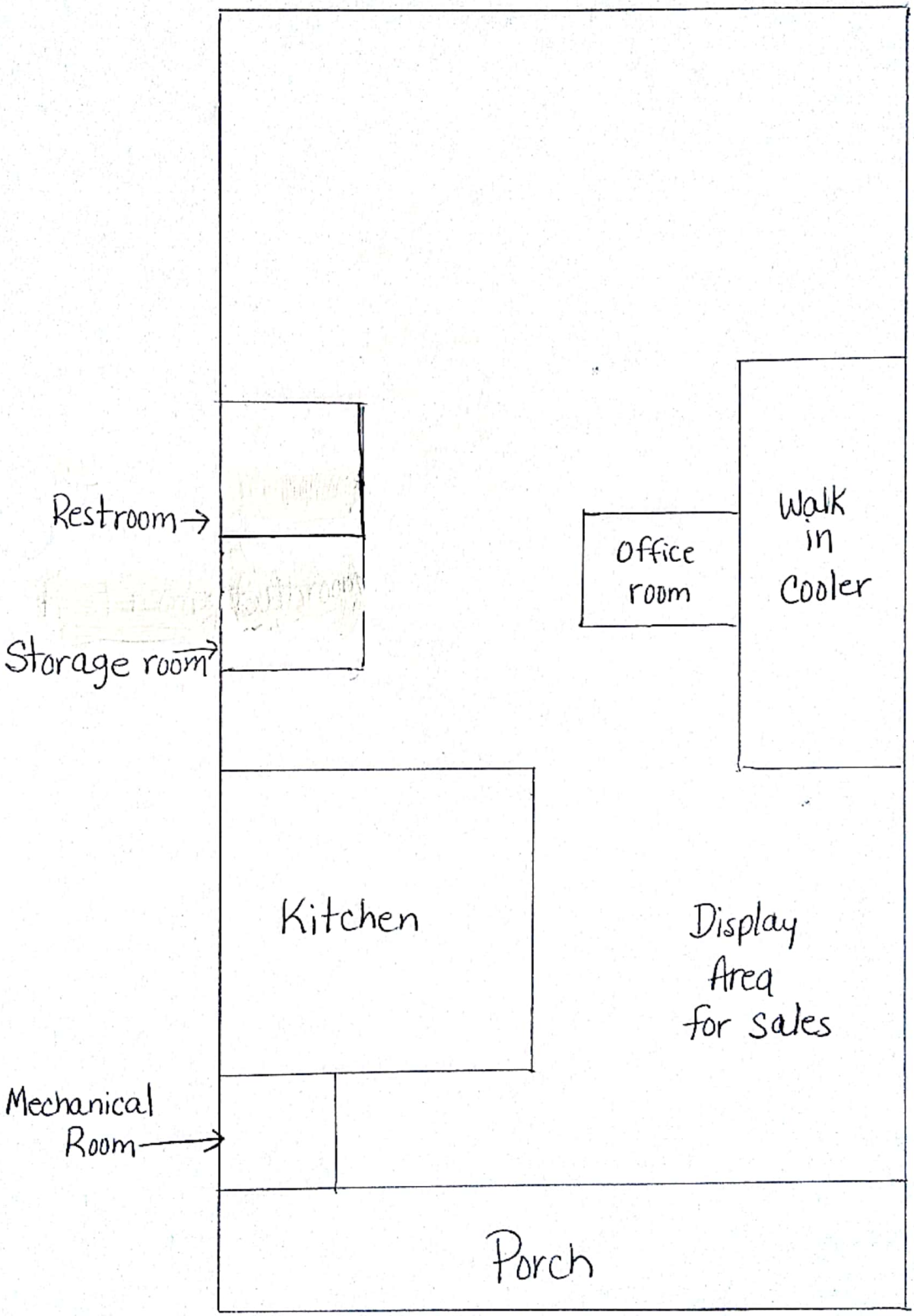
Bob and Lauri Brown
(231)889-3513

Sent from Yahoo Mail on Android

On Tue, Feb 22, 2022 at 11:24 AM, Katie Mehl <kmehl@manisteecountymi.gov> wrote:

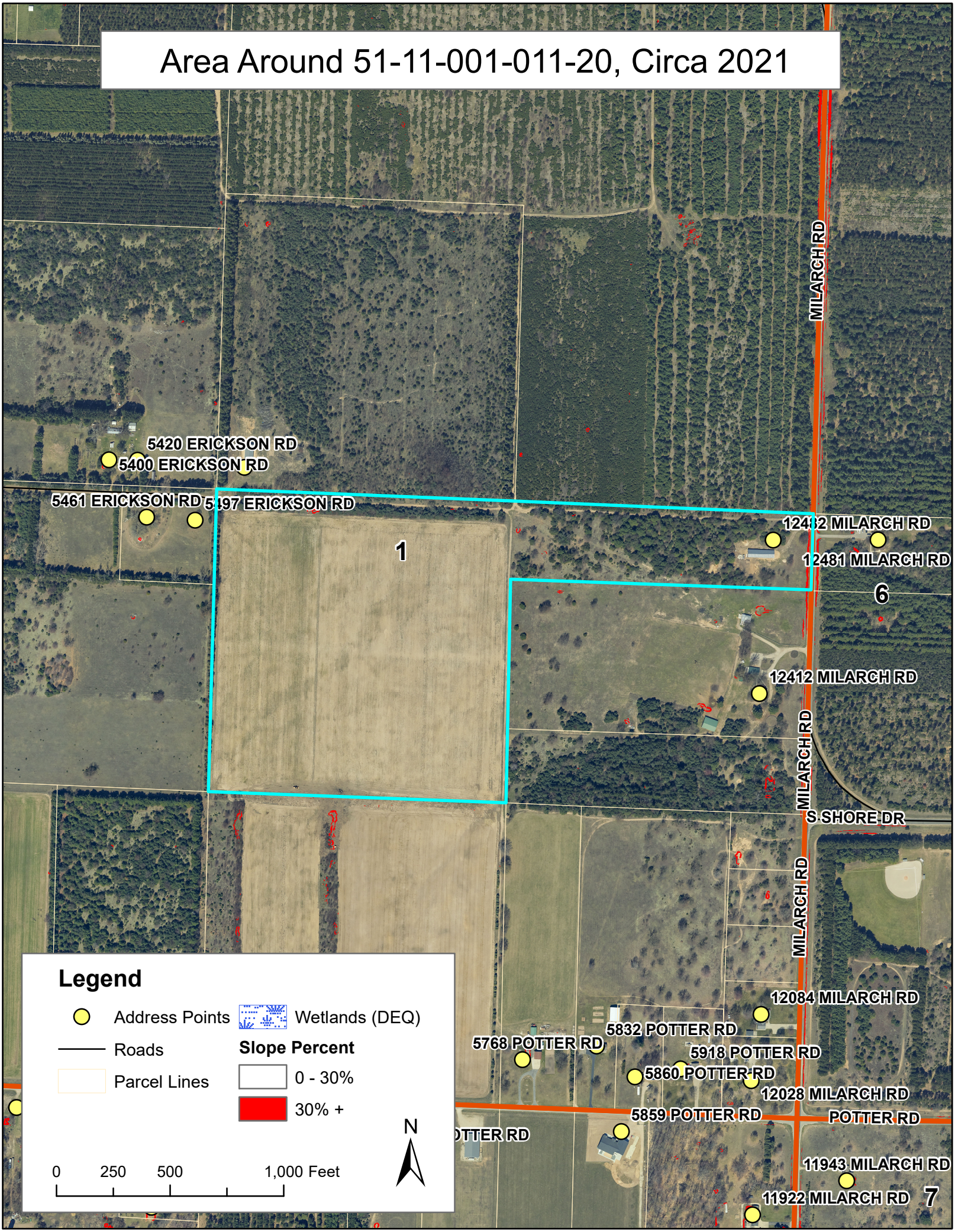
Robert and Lauri Brown

Site Plan February 2022



12482 Milarch Rd. Building

Scanned with CamScanner


Area Around 51-11-001-011-20, Circa 2021
MILARCH RD
5420 ERICKSON RD
5400 ERICKSON RD
5461 ERICKSON RD
5497 ERICKSON RD
1
12482 MILARCH RD
12481 MILARCH RD
6
12412 MILARCH RD
MILARCH RD
S SHORE DR
MILARCH RD
12084 MILARCH RD
5832 POTTER RD
5768 POTTER RD
5918 POTTER RD
5860 POTTER RD
12028 MILARCH RD
5859 POTTER RD
POTTER RD
11943 MILARCH RD
11922 MILARCH RD
7
Legend
Address Points
Wetlands (DEQ)
Roads
Slope Percent
Parcel Lines
0 - 30%
30% +
N
0
250
500
1,000 Feet

From: Lauri Brown
To: Katie Mehl
Subject: Parking
Date: Thursday, March 3, 2022 8:48:38 PM

[WARNING: External Message]

Photos are taken from north side of property and from Milarch road. Approximately 300 feet wide and 175 feet from road to building. Plenty of room for parking spaces. Our selling area will be about 1,000 square feet, which should require 10 spaces. Our plan is to provide the 10 spaces with plenty more space to add more as needed. This is on a 50 acre parcel.

We got a driveway permit from the county. Greg Hejl determined there was no need for a culvert and no problem with location of driveway. The gravel was purchased from Ron Brown & Son's.

Let us know if any other information is needed.

Bob and Lauri Brown

Sent from Yahoo Mail on Android

NOTICE OF PUBLIC HEARING

The Onekama Township Planning Commission will hold three public hearings at their regularly scheduled meeting for Thursday, May 19, 2022, at 7:00 PM at the Onekama Township Hall, 5435 Main St., Onekama, MI. 49675; phone: (231) 889-3308.

The first public hearing will be held to consider a special land use request for Parcel ID # 51-11-001-011-20, commonly known as 12482 Milarch Road, Bear Lake, MI 49614. The property owner is seeking special land use approval for the utilization of a commercial kitchen on the property as well as utilizing the property as a farmers' market. The parcel resides within the Agricultural – AG-1 District.

The second public hearing will be held to consider a zoning ordinance text amendment. The request is to modify Article 10: General Regulations of the Onekama Township Zoning Ordinance as it relates to a Guest House or Second Dwelling on a Parcel, to allow for larger Guest Dwellings than what is currently permitted.

The third public hearing will be held to consider a zoning ordinance text amendment to the following sections within Article 10: General Regulations of the Onekama Township Zoning Ordinance:

- 1020. Temporary Dwellings, that will not change the intent of the section, but clarify the current language.
- 1019. Location of Accessory Buildings and Structures subsection B.9 to only apply to parcels within residential districts.

All documentation regarding the above requests can be found on the Onekama Township Website at https://www.onekama.info/township or by visiting Onekama Township Hall during their regular office hours (Mon-Wed 9:00 AM- 2:00 PM).

Correspondence can be sent by mail, or hand delivered to Onekama Township Hall, 5435 Main St. P.O. Box 458 Onekama, MI 49675. Correspondence can also be sent via email to the Township Clerk at clerk@onekamatwp.org or via fax at (231) 889-5587. Please, mark it ATTN: Onekama Township Planning Commission. All correspondence must be received by end of business day on the day of the meeting or can be presented to the Planning Commission during the public hearing.

This notice is posted in compliance with PA267 of 1976 as amended (Open Meetings Act), MCLA 41.72 (2) (3) and the Americans with Disabilities Act (ADA) Note: Individuals with disabilities requiring auxiliary aids or services should contact Onekama Township by writing or calling the following: Shelli Johnson, Clerk – 5435 Main St. P.O. Box 458 Onekama, MI 49675. Phone 231-889-3308 Ext: 201.

Manistee County
Planning Department

Katie Mehl
Planning and Zoning Administrator
(231) 398-3525
kmehl@manisteecountymi.gov

Manistee County Planning Building, 395 Third Street Manistee, Michigan 49660

April 27, 2022

Dear Occupant,

You are receiving this letter because you own or reside within a property which is 300 feet of a property being considered for a special land use request.

The Onekama Township Planning Commission will hold three public hearings at their regularly scheduled meeting for Thursday, May 19, 2022, at 7:00 PM at the Onekama Township Hall, 5435 Main St., Onekama, MI. 49675; phone: (231) 889-3308.

The public hearing will be held to consider a special land use request for Parcel ID # 51-11-001-011-20, commonly known as 12482 Milarch Road, Bear Lake, MI 49614. The property owner is seeking special land use approval for the utilization of a commercial kitchen on the property as well as utilizing the property as a farmers' market. The parcel resides within the Agricultural – AG-1 District.

The special land use request and application can be found on the Onekama Township Website at https://www.onekama.info/township or by visiting Onekama Township Hall during their regular office hours (Mon-Wed 9:00 AM- 2:00 PM).

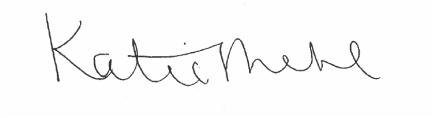
Correspondence can be sent by mail, or hand delivered to Onekama Township Hall, 5435 Main St. P.O. Box 458 Onekama, MI 49675. Correspondence can also be sent via email to the Township Clerk at clerk@onekamatwp.org or via fax at (231) 889-5587. Please, mark it ATTN: Onekama Township Planning Commission. All correspondence must be received by end of business day on the day of the meeting or can be presented to the Planning Commission during the public hearing.

This notice is posted in compliance with PA267 of 1976 as amended (Open Meetings Act), MCLA 41.72 (2) (3) and the Americans with Disabilities Act (ADA) Note: Individuals with disabilities requiring auxiliary aids or services should contact Onekama Township by writing or calling the following: Shelli Johnson, Clerk – 5435 Main St. P.O. Box 458 Onekama, MI 49675. Phone 231-889-3308 Ext: 201.

Per Planning and Enabling Act of 2008, you must be notified if you own property or occupy a structure within 300 feet of the property requesting special land use approval. Below you will find a listing of addresses and parcel owners that have been notified of this request.

Parcel Number	Property Owner's Name	Property Street	Property City	Property State	Additional Owner Names	Owner's Street	Owner's City	Owner's State	Owner's Zipcode
02-006-200-01	BEAR LAKE SCHOOL	6157 THIRTEEN MILE RD							
02-006-325-01	H & M PROPERTIES	12481 MILARCH RD				PO BOX 7200	HUDSON	FL	34674-7200
02-006-325-02	BEAR LAKE SCHOOL	6115 SOUTH SHORE DR							
11-001-007-05	RENNIE MELISSA J (LE) & TRUST	5461 ERICKSON RD	BEAR LAKE	MI		5461 ERICKSON RD	BEAR LAKE	MI	49614
11-001-001-00	ONEKAMA CONSOLIDATED				SCHOOLS		ONEKAMA	MI	49675
11-001-011-00	CLARK MICHAEL J & ANNA &	MILARCH RD			ROY AMBER & CHARLES	13380 CLYDE RD	HOLLY	MI	48442
11-001-013-00	BRADFORD JOSEPH & BAKER NANCY (LE)	5768 POTTER RD	BEAR LAKE	MI	STARK CAREY ETAL	5768 POTTER RD	BEAR LAKE	MI	49614
11-001-011-10	PICKERING MARGARET J	12412 MILARCH RD	BEAR LAKE	MI		12412 MILARCH RD	BEAR LAKE	MI	49614
11-001-010-00	TEMPLE PATRICIA REED					1257 E. MESA AVE	LAS CRUCES	NM	88001
11-001-007-00	RENNIE MELISSA &	ERICKSON RD			RENNIE CHRISTOPHER	5461 ERICKSON RD	BEAR LAKE	MI	49614
11-001-002-00	DIXON RANDALL & BRENDA	5498 ERICKSON RD	BEAR LAKE	MI		5498 ERICKSON RD	BEAR LAKE	MI	49614
11-001-012-00	BROWN THEODORE & KAYLIE					5479 POTTER RD	BEAR LAKE	MI	49614
11-001-006-00	RENNIE MELISSA &	5420 ERICKSON RD			RENNIE CHRISTOPHER	5461 ERICKSON RD	BEAR LAKE	MI	49614
11-001-011-20	BROWN ROBERT W & LAURI E (LE) TRUST	12482 MILARCH RD	BEAR LAKE	MI		11317 ERDMAN RD	ONEKAMA	MI	49675

Sincerely,



Katie Mehl
Manistee County Planner
Onekama Township Zoning Administrator

Manistee County
Planning Department

Katie Mehl
Planning and Zoning Administrator
(231) 398-3525
kmehl@manisteecountymi.gov

Manistee County Planning Building, 395 Third Street Manistee, Michigan 49660

March 15, 2022

Planning Commission Members
Onekama Township
5435 Main Street
Onekama, MI 49675

Dear Planning Commission Members,

I received a special land use request from Robert and Laurie Brown. They are seeking special land use approval for the utilization of a commercial kitchen on the property as well as utilizing the property as a farmers' market. The parcel resides within the Agricultural – AG-1 District. The applicable use of the property falls under the special uses for the zoning district, with the Standard Industrial Classification (SIC) Code for Food Kindred Products being 20.

This memo is to act as a starting point for actions for this request for special land use approval. The following can be followed completely, partially, or not at all. They are simply to help the Planning Commission members have a starting point for discussion.

Option A: Deny the request for special land use approval. The special land use request fails to pass the majority vote needed.

Option B: Allow the request for special land use approval. The special land use approval would allow for the for the utilization of a commercial kitchen on the property as well as utilizing the property as a farmers' market as described in the narrative provided and site plan labeled . All other aspects of the Bear Lake Township Zoning Ordinance would have to be followed.

Option C: The Planning Commission may approve with conditions the request for special land use approval.

The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

Regards,

Katie Mehl
Planning and Zoning Administrator

Manistee County
Planning Department

PLANNING DEPARTMENT
(231) 723-6041
Fax (231) 398-3526
planning@manisteecountymi.gov

Manistee County Planning Building, 395 Third Street Manistee, Michigan 49660

April 28, 2022

Planning Commission Members
Onekama Township
5435 Main Street
Onekama, MI 49675

Dear Planning Commission Members,

I received a zoning amendment request from Ed Kriskywicz, acting on behalf of his clients Tom & Melissa O'Connor and Mike & Amy Kust. The property information for both clients is provided in the application. Although, it is important to note the amendment request is not specific to their property, but to Article 10: General Regulations, which is applicable to every zoning district within Onekama Township.

Background:

This amendment request is to modify the current regulations for section 1018. Guest House or Second Dwelling on a Parcel. Currently, Guest Dwellings are regulated by not only section 1018, but also section 1019. Location of Accessory Buildings and Structures. Please see below for a breakdown of this interpretation.

ACCESSORY BUILDING means

A. A supplemental building or structure on the same parcel of land as the main building or buildings, excepting those buildings specifically regulated or exempted by the ordinance, the use of which is incidental or secondary to that of the main building. It is the intent of this ordinance not to allow storage buildings in the Resort Residential Districts 1,2,3, and 4, and Special and Unique Residential as established in Section 1801 of this ordinance, unless main dwelling is located on the same parcel of land.
B. Accessory Building include but are not limited to above or below grade constructions intended for use or used as guest dwellings, garages, and storage buildings/sheds exceeding eight (8) feet from grade. Portable building of greater than 144 sq ft in floor area are defined as accessory buildings, whether having a

permanent foundation or not. Recreational vehicles and travel trailers which are clearly not permanent and are easily removed are not considered accessory structures. Under no circumstances shall a septic system or tile field be considered an accessory structure.
[Annotation: Modified by amendment effective February 9, 1999.]
[Annotation: Modified by amendment effective July 13, 2007.]

Because guest dwellings are specifically called out in the definition of accessory buildings, this is telling me that they are regulated as accessory buildings. Also, Section 1018.A.5. states:

5. The second dwelling complies with all applicable construction, parcel size, height, yard and set-back requirements, and all other restrictions and requirements of this Ordinance, including Article 1009 and #6 below,

The reason an amendment is being proposed is to allow for Guest Dwellings greater than what is allowable under the regulation listed below from section 1019.B.5:

5. For districts zoned RR-1, RR-2, RR-3, and RR-4, one (1) detached primary accessory structure is allowed on parcels of two (2) acres or less, limited to one thousand and two hundred (1200) square feet and a maximum sidewall height of twelve (12) feet.

This amendment request would exempt Guest Dwellings from section 1019. Location of Accessory Buildings and Structures, while adding further regulation regarding size under section 1018. Guest Dwelling or Second Dwelling on a Parcel. I would like to provide some insight to the narrative provided with the request, and its reference of amendments to the zoning ordinance that took place in July of 2021. The applicant was under the impression the July 2021 amendments changed regulation as it relates to guest dwellings. This is not the case, and we can have further discussion on it during the meeting. Contained within the packet is the language that was modified in July of 2021.

Please review the following information:

- Narrative Provided by Application.
- Zoning Amendment Request Application.
- Notice of Meeting/Public Hearing for Newspaper.

- Language from Zoning Ordinance that was modified July 2021.

If you have any questions or concerns, feel free to reach out to me via email or phone.

Regards,

Katie Mehl
Planning and Zoning Administrator
Manistee County
231.398.3525
kmehl@manisteecountymi.gov

ed kriskywicz
construction design, inc.
design, build... Enjoy!

Office: 387 River Street, Manistee MI 49660
Shop: 100 Washington Street, Manistee MI 49660

office: 231.723.9552
mobile: 231.794.8180

March 22, 2022

Jim Trout, Chair
Onekama Township Planning Commission
5435 Main Street, PO Box 458
Onekama, Michigan 49675

Regarding: Zoning Amendment Request
1961 & 1963 Crescent Beach Road, Manistee
3719 Lakeshore Drive, Manistee

As supporters of municipal zoning and good planning we submit this application to amend the Onekama Township Zoning Ordinance Article 10, Section 1018 and 1028, regulating the size of a guest house or second dwelling, which was amended in July 2021.

As the design/build contractor, we represent the owners of the above mentioned properties. It takes years of planning and design prior to submitting an application for a building permit and other local permits. These homes were designed to comply with the zoning ordinance that existed at the time. The amendment in July 2021, was still not available for our consideration on the township website in February 2022.

It's our opinion the zoning ordinance prior to the July 2021 amendment was well-written and the existing bulk requirements of setbacks and lot coverage already controlled the size of structures on a parcel of land. Prior to the amendment, the maximum square footage stipulations were not part of the zoning ordinance for accessory building/guest cottages. The only ordinance that addressed size of accessory building was Article 1018 A.3, which stipulates that second or Guest Dwelling must be a MINIMUM of 800 square feet above ground.

The Kust's and the O'Connor's did everything they could in advance to avoid a situation like this from inhibiting the progress of their dream projects. If not for the zoning amendment in July 2021, both of these projects would be building in process. In addition, we have two more projects in the design phase that will have to be scratched and started over.

After many discussions with the Zoning Administrator, Katie Mehl, she suggested we apply for an amendment to the zoning ordinance. If an accessory building/guest house is limited to the current 800-1200 square feet, and the parcel of land allows for a 10,000 square foot home, the property and neighborhood will be proportionately out of balance.

We propose the attached language to amend sections 1018 and 1028, to limit a guest house or second dwelling to 50% of the primary dwelling or simply less square footage; or revert to the original language, as previously mentioned, and allow the setbacks and maximum lot coverage control what can be built on that particular site.

Please consider our request for a zoning amendment. We support planning and zoning ordinances, and understand the result of good zoning is a pleasing aesthetic in our community. This request will create a balanced aesthetic in our neighborhoods.

Sincerely,

Ed Kriskywicz
Designer & Builder

Planning & Zoning
395 Third Street
Manistee, MI 49660
231.723.6041 (phone)
231.398.3526 (fax)

Zoning Amendment Request

Please Print

Zoning Amendment Request Requirements
Request must be received 30 days prior to the Onekama Township Planning Commission meeting to be placed on the agenda. Notice of the Public Hearing shall be held before the Planning Commission. Notice shall include publication in a newspaper and posting in Township Hall. **Fee for Petition of Zoning Amendment is $750.00** which needs to be submitted with the application. You or your representative should be present at the meeting to explain your request to the Planning Commission and to answer any questions. After the public hearing, the Planning Commission will make a recommendation to the Township Board. The Township Board will consider final action on your petition.

Applicant Information		
Name of Owner: TOM & MELISSA O'CONNOR + MIKE & AMY KUST		
Address: 1188 SEVERN RIDGE RD, WEBSTER NY 14580 + 8848 HILLSWICK TR, BROOKLYN PARK MN 55443		
Phone #: 860·422·4729	Cell#: 763·226·3874	e-mail: melissa.oconnor59@yahoo.com / mike@hendlin.com
Name of Agent (if applicable): ED KRISKYWICZ CONSTRUCTION DESIGN, INC.		
Address: 387 RIVER ST, MANISTEE MI 49660		
Phone #: 231·723·9552	Cell#:	e-mail: ed@cdihomedesigns.com

Property Information	
3719 LAKESHORE DR, MANISTEE 51·11·530·841·00	
Address: 1961 & 1963 CRESCENT BCH RD	Parcel # 51·11·032·007·00
Present use of Property: RESIDENTIAL	
This area is ☐ un-platted, ☐ will be platted ☒ is platted – Name of Plat: WICKATEWAH (O'CONNOR) METES & BOUNDS (KUST)	

RE-ZONE AMENDMENTS	
☐ **Re-Zone:** Rezone Parcel # _____ from _____ to _____	
Attach narrative stating the reason for the change.	
Has a previous application for a variance, special use permit or re-zoning on this land ben made in the past? ☐ Yes ☒ No If yes when _____. Decision: ☐ approved ☐ denied	
✓	***Please answer the following questions or provide the following information:***
	State specifically the reason for this Amendment request at this time
	Legal Description of Property affected
	List of Deed Restrictions (cite Liber & Page)
	Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land
	Will this re-zoning be in conformance with all adopted development plans of the Township?
	Will this re-zoning be in conformance with all adopted development plans of and Manistee County?
	What do you anticipate the impacts of the proposed zone change on the adjacent property to be? What steps do you propose to take to mitigate any negative impacts associated with the proposed change?
	Does the proposed re-zoning conform to the plans? If not, why should the change be made? Please be specific, brief and attach any supporting documentation which substantiates your claim. This could include an allegation that the existing zoning is in error which would be corrected by the proposed change, or that specific changes or changing conditions in the immediate area make the re-zoning necessary to promotion of public health, safety and general welfare.

Site Plan Requirements *May be waived by the Zoning Administrator*
Attach a site plan drawn to the scale of one (1) inch equals (10) feet, showing all existing structures on the property, all proposed structures and marking those structures that will be removed or razed. Also, the general shape, size and location of all existing structures within 100 feet of the property along with their uses shall be depicted on the site plan, along with all abutting roads, streets alleys or easements.

TEXT AMENDMENTS	
☒ **Text Amendment:** Amend Article 10 Section 1018 & 1028 to [❒ delete, ❒ supplement, or ❒ clarify] the Onekama Township Zoning Ordinance. ***Attach copy of proposed ordinance language.*** ***Attach narrative stating the reason for the change.***	
✓	**For text amendments to add additional uses to a land use district answer the following questions:**
	Is the proposed land use already provided elsewhere in the Ordinance?
	Is the proposed land use compatible with uses already permitted in the land use district?
	Does the proposed land use comply with the Master Plan?
	Does the proposed land use contribute to the character of development envisioned in the Master Plan?
	Would the proposed land use be appropriate anywhere in the land use district?
	Would it be more appropriate to address the need by special use permit?
✓	**For text amendments to change or add additional regulations or standards answer the following questions:**
	Does the proposed rule, change or addition help reinforce the Master Plan?
	Is the proposed rule, change, or addition in keeping with the spirit and intent of the Ordinance?

Authorization		
CERTIFICATION AND AFFIDAVIT: The undersigned affirm(s) that he/she/they is/are the ❒ owner, ☒ owner's representative, involved in the petition and that the answers and statements herein contained and the information submitted are in all respects true and correct to the best of his, her or their knowledge and belief. Signature: Ed Kryskyniez Date: 03.24.2022 ED KRISKYNIEZ @ CDI. Signature: _____ Date: _____ ☒ By checking this box permission is given for Planning Commission Members to make a site inspection if desired.		
Office Use Only		
Fee: ❒ $750.00		**Receipt #**
Date Received:	**Hearing Date:**	**PC -**

1018. Guest House or Second Dwelling on a Parcel:

~~A.~~ This Ordinance does not permit a second dwelling or second principal use on a parcel, except as stated in this Section. The purpose of this Section is to provide for the placement of a second dwelling or Guest House on a parcel that would not otherwise be allowed by this Ordinance, under certain circumstances, recognizing the need for others to take residence near their home or family, but in separate living quarters.

A second dwelling or Guest house may be placed on the same parcel where a dwelling or other principal use already exists if all of the following conditions are met:

1. The application for a Land Use Permit shall include a Medium Site Plan pursuant to Section 9405 et seq.
2. Dwellings are a permitted use in the land use district.
3. The second or guest dwelling has a minimum or 800 square feet of ~~above grade, ground floor, conditioned living space~~ **floor area,** with a core living area of not less than twenty (20 feet) by twenty (20) feet, excluding wings, overhangs, porches and similar extensions.
4. The second dwelling is of similar design, construction, equal or greater roof pitch, materials, and exterior finish of the primary dwelling on the parcel.
5. The second dwelling complies with all applicable construction, parcel size, height, yard and set-back requirements, and all other restrictions and requirements of this Ordinance, including Article 1009. ~~and #6 below,~~
6. The distance between the principal dwelling or use and the secondary dwelling is twice the required side yard set-back in the respective zoning district.
7. The dwelling is on a parcel with frontage on a public road with a driveway containing a minimum of three parking places.

~~B.~~**8.** The Appeals Board shall not grant variances to the construction, minimum size, height, yard and set-backs or any other regulations of this Ordinance to the principal OR second dwellings when both are located on the same parcel.

~~1.~~ **9.** If the second dwelling or guest house is occupied for more than eight weeks in a calendar year, occupancy shall be limited to adult members of the extended family of the owner of the principal dwelling**

~~2.~~ **10.** Primary dwellings and guest dwellings rented to non-family members for more than fourteen (14) days in any twelve-month period are considered non-homestead for tax purposes and are not eligible for the Michigan Homestead exemption.

** Guest houses cannot be used as long-term rental properties. Previously, rental of any kind was prohibited. These are allowed for "guests" and for extended family living quarters (mother-in-law etc. housing). See "A", above.

11. Guest Dwellings are specifically exempt from section 1019. Location of Accessory Buildings and Structures.

12. Any parcel containing a Guest Dwelling must adhere to section 1028. Impervious Surface Coverage.

13. The footprint of the Guest Dwelling shall be no more than half (1/2) the footprint of the primary dwelling and cannot be taller than the roof line of the primary dwelling on the parcel.

1028. Impervious Surface Coverage:

For any parcel that is one (1) acre or less, **any parcel that contains a Guest House or Second Dwelling,** or any parcel that is partially or wholly within five- hundred (500) feet of Portage Lake or any tributary of Portage Lake, the following standards shall apply:

A. The impervious surfaces of the development of the property shall not cover more than 35% of the total parcel.

~~B. For non-conforming parcels that are less than 15,000 square feet in area, the impervious surfaces shall not exceed 35% of the total property area or the area of the building envelope, whichever is less.~~

C. For the purposes of this ordinance "impervious surfaces" means surfaces that are impenetrable by water, including, but not limited to, building roofs, sidewalks, driveways, parking lots, concrete or stone patios.

Manistee County
Planning Department

KATIE MEHL
PLANNING AND ZONING ADMINISTRATOR
(231) 398-3525
kmehl@manisteecountymi.gov

Manistee County Planning Building, 395 Third Street Manistee, Michigan 49660

Language Amended and Effective July 11, 2021

Article 10: General Regulations

Amend section 1019. Accessory Structures

- **Amend subsection B.3 to the following:**

The number of accessory buildings is limited by the requirements of Article 1019, ~~Section C~~ Sections B., #4-8.

- **Amend subsection B.8 to the following:**

For districts zoned agricultural or commercial, the same limitations apply, except on such parcels larger than two (2) acres but less than five (5) acres, the accessory building or structure shall be limited to one thousand and five hundred (1,500) square feet and a maximum side wall height of fifteen (15) feet. On such parcels of five (5) acres or more, accessory structures may be sized as suitable for the purpose of the intended use. On parcels of (15) acres or more zoned AG-1 or AG-2, with or without a dwelling, the permitted number of accessory buildings and / or structures is based on the overall size of the parcel. One accessory structure or building is permitted for every five acres of parcel size.

- **Amend subsection C.1 to the following:**

The number of accessory buildings is limited by the requirements of Section 1019, ~~Subsection A~~ Subsection B.

Amend section 1029. Garden Sheds

- **Amend subsection A to the following:**

In any residential district, erection/construction of garden shed, defined as a small storage building of 144 square feet or less in floor area and not exceeding a height of eight (8) feet at the eave line, may not commence without first obtaining a Land Use Permit. The application must specify construction details – materials, height, location, sketch/property lines, etc.

- **Amend subsection E to the following:**

In no case shall a garden shed be erected on any residential parcel lacking a primary dwelling, unless said parcel is contiguous to a parcel owned by the same owner. In the event of a property sale or transfer resulting in different owners of a contiguous parcel and parcel with a primary dwelling, any garden sheds must be removed from the parcel lacking a primary dwelling within fourteen (14) days.

Amend section 1033. Solar Panels

Amend subsection C to the following:

- ~~Ground mounted solar panels shall only be located in a side or rear yard and shall meet or exceed required yard setbacks and shall be located to minimize any glare to adjacent properties. The surface area of the arrays of a ground mounted solar panels, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the parcel coverage of the parcel on which the system is located. Ground mounted solar panels shall not exceed fifteen (15) feet in height above the ground elevation surrounding the systems.~~ Roof mounted solar panels may be located on front, rear, or side facing roofs as viewed from any adjacent street.

Amend subsection D. to the following:

- ~~Roof mounted solar energy equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulation. Roof mounted solar panels shall be located only on rear or siding facing roofs as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitation, no location exists other than the streetfacing roof where the solar energy system can perform effectively.~~ Roof mounted panels must be mounted at the same angle as that of the existing roof pitch and shall not extend above the roof surface more than the height of the typical panel mounting bracket.

Amend subsection E. to the following:

- ~~All solar panels and installations will not inflict glare, heat, or other nuisances which may be harmful to adjacent properties.~~ Solar panels and installations shall not inflict glare or heat on other parcels, dwellings, or buildings. <u>It is entirely the responsibility of the owner of the dwelling to ensure that solar panel installations do not inflict glare or heat on any other dwelling, building, parcel, or roadway at any time.</u>

Article 37: Agricultural – AG-1

Amend section 3702. Permitted Uses

- **Amend subsection D.1 to the following:**

Roadside stands within ~~fifty feet of the right-of-way of Northwood Highway (M-22~~) <u>twenty-five feet or more from the road-right-of-way of Northwood Highway (M-22) and all secondary roads in the Township.</u>

Article 38: Agricultural – AG-2

Amend section 3702. Permitted Uses

- **Add subsection J:**

<u>Roadside stands twenty-five feet or more from the road-right-of-way of Northwood Highway (M-22) and all secondary roads in the Township.</u>

Manistee County
Planning Department

PLANNING DEPARTMENT
(231) 723-6041
Fax (231) 398-3526
planning@manisteecountymi.gov

Manistee County Planning Building, 395 Third Street Manistee, Michigan 49660

April 28, 2022

Planning Commission Members
Onekama Township
5435 Main Street
Onekama, MI 49675

Dear Planning Commission Members,

There are two sections of the Onekama Township Zoning Ordinance the Township would like to address and propose amendment to. The first section is 1019. Location of Accessory Buildings and Structures, and the following is being addressed:

B.9. All accessory buildings and structures on parcels of less than three (3) acres shall meet the appearance of the principal structure on the parcel and adjacent neighborhoods in order to maintain the residential appearance of the neighborhood.

The proposed language would read:

9. ***In all residential districts,*** all accessory buildings and structures on parcels of less than three (3) acres shall meet the appearance of the principal structure on the parcel and adjacent neighborhoods in order to maintain the residential appearance of the neighborhood.

The second section to be addressed is 1020. Temporary Dwellings. The following proposed language will not change the intent of the section but will provide for clearer regulation regarding the utilization of temporary dwellings. The modification proposed to subsection D & E is as follows:

D. In any residential district, parking or storage of trailers, recreational vehicles, boats, or temporary dwellings - or any period of occupancy or any use as a temporary dwelling, as defined in this Ordinance - is prohibited on all vacant parcels unless adjacent to a parcel owned and occupied by the owner or tenant of both the vacant parcel and adjacent parcel, except as otherwise allowed by this ordinance.

1. If adjacent to a parcel owned and occupied by the owner or tenant of the vacant parcel, the vacant parcel may be used for parking or storage of trailers and recreational vehicles, including boats, subject to restrictions delineated in section 1032 or elsewhere in this Ordinance.

2. If adjacent to a parcel owned and occupied by the owner or tenant of the vacant parcel, the vacant parcel may be used as temporary “overflow” sleeping capacity for guests for a total period of not more than three (3) weeks in any 12-month period.

Attached to this memo is the current language for section 1020. Temporary Dwellings, of the Onekama Township Zoning Ordinance. If you have any questions or concerns, feel free to reach out to me via email or phone.

Regards,

Katie Mehl
Planning and Zoning Administrator
Manistee County
231.398.3525
kmehl@manisteecountymi.gov

Manistee County
Planning Department

b. The accessory structure is located to one side of the property and not in front of the principal dwelling;
c. Side yard setbacks shall be met.
d. The accessory building shall not be more than half the distance between the primary dwelling and the road Right-Of-Way, but not less than fifty (50) feet from the road Right-of-Way.

[Annotation: Section modified by amendment effective November 22, 2013.]

C. No storage building shall be allowed in a residential district (RR-1, RR-2, RR-3 or RR-4 and SUR) unless the main dwelling is located on the same parcel of land.
   1. The number of accessory buildings is limited by the requirements of Section 1019, Subsection B.
      [Annotation: Modified by amendment effective November 22, 2013.]
      [Annotation: Modified by amendment effective July 11, 2021.]
   2. The parcel for which the storage building is proposed would, if the road between them did not exist, be contiguous to the parcel on which a dwelling owned by the same person is located, if the road between the two parcels did not exist.
   3. The storage building will not be on a riparian, littoral or lakefront parcel. The parcel is large enough for the size of the building proposed, while still complying with all setbacks.
   4. The size of the storage building shall be limited by the requirements of Section 1019, Subsection B.
   5. The eaves are boxed (enclosed), and the exterior surface is painted or coated to maintain the residential appearance of the neighborhood.
      [Annotation: Sub-sub-section added by amendment effective January 12, 1997.]

1020. Temporary Dwellings:

No person shall use or per permit the use of any temporary dwelling or "trailer" as defined in this ordinance as a principal or seasonal dwelling on any site, parcel, field, lot of record, or tract of land, except:

A. As temporary quarters during the construction and installation of a dwelling conforming to Section 1017 of this Ordinance when the following conditions are met:
   1. The location of the temporary dwelling or trailer shall comply with all setback requirements of this ordinance.
   2. The use of the temporary dwelling or trailer shall not be contrary to the public health, safety or welfare.
   3. The use of the temporary dwelling or trailer shall be limited to twelve (12) months beginning with the issuance of a permit. The permit may be renewed for not more than one additional year upon approval of the zoning administrator for good cause shown.
B. As part of a campground licensed by the Michigan Department of Public Health.
C. As temporary recreation on a non-commercial/no rental basis by tourists, campers and sportsmen on
   1. Public land where such activity is allowed, or by state or federal regulations
   2. On one’s own land if:
      a. In the Agricultural (AG-1) or Agricultural (AG-2) land use district, and
      b. So the temporary dwelling does not remain on the site for a total period of more than 3 weeks in a calendar year beginning with the issuance of a camping permit by the Zoning Administrator.

   [Annotation: Modified by amendment effective February 5, 2000.]
D. As temporary “overflow” sleeping capacity for guests for a total period of not more than three (3) weeks.

E. In any residential district, parking, storage or any period of occupancy or use as a temporary dwell, as defined above, is prohibited on all vacant parcels not adjacent to a parcel owned and occupied by the owner or tenant of both the vacant parcel and adjacent parcel, except as otherwise allowed by this section of the ordinance.
[Annotation: Modified by amendment effective November 22, 2013.]
[Annotation: Added by amendment effective February 9, 1999.]
[Annotation: Added by amendment effective September 6, 2016.]

1021. Incomplete Structure:

No basement, cellar, garage or any incompletely constructed structure may be occupied as a dwelling for a period of more than two (2) years without completing the exterior in a watertight manner, including, but not limited to finished siding, windows and roofing.

1022. Home Occupations:

Home occupations shall not be allowed in any zoning district in Onekama Township except as hereinafter provided:

A. The home occupation(s) takes place at a dwelling owned by the resident and where the resident engaging in the home occupation lives on a full-time basis.
B. There are not more than two home occupations pursued within a dwelling.
[Annotation: Modified by amendment effective January 12, 1997.]
C. The home occupation(s) shall be accessory to the principal use (residential) of the property.
D. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation.
E. The home occupation(s) shall be conducted entirely within the enclosed dwelling or auto garage accessory to the house with no external evidence of the activity.
F. The home occupation(s) does not result in the employment and/or self-employment of more than two individuals.
G. The home occupation(s) shall not involve the use of any toxic or dangerous materials or hazardous equipment.
H. If the home occupation is a bed and breakfast, it shall not be closer than five hundred (500) feet of another existing bed and breakfast home occupation.
I. If the home occupation is a bed and breakfast it shall have one (1) parking space for every three (3) spaces of legal sleeping capacity, off street, in addition to required parking for the dwelling and in compliance with sections 1016.B to 1016.E of this ordinance.

1023. Sexually Oriented Businesses:

[Annotation: Section added by amendment effective August 10th, 1997]

A. Purpose. It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal throughout the commercial and industrial zones of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.
B. Conditions. In order to obtain and retain a special use permit for operation of a sexually oriented business regulated use as defined by this Zoning Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special use permits:
    1. A special use permit must be acquired through the special use procedures as described in Article 86;
    2. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by this Section shall not be located within 1,000 feet of any other such regulated uses as defined by this Section, nor within 500 feet of any residentially zoned district or preexisting residential use prior to enactment of the zoning districts, school, daycare center, church or other religious institution, or public