

**Minutes
Regular Meeting
Crystal Lake Township (CLT) Planning Commission
7:05 PM November 28, 2018
Crystal Lake Township Hall**

Tammy May
1-23-19
Gawing

1. CALL TO ORDER by Chairman Wright at 7:05 pm.

2. ROLL CALL AND RECOGNITION OF VISITORS

Present: Chairman Greg Wright, Board Members Lee Ewing, Bill Herd, Mike Pasche, Tammy May arrived at 7:14 pm. Commissioners Absent: None.

Also present: Zoning Administrator Tom Kucera, Recording Secretary Jeannette Feeheley.

Visitors were asked to sign in and identify themselves:

- Ed Kriskywicz with Construction Design, Inc. (CDI), on behalf of owners Mark & Tara Dimeo;
- Shawn Middleton, P.E., CFM, Principal/Sr. Project Manager, Spicer Group Engineers, Surveyors, Planners, Architects, working on the DIMEO project;
- Shane Brennan, also with the Spicer Group, working on the DIMEO project;
- Dave Wynne, Susan Kirkpatrick, and Tassie Bosher of the Crystal Lake Watershed Association;
- Martha Papineau, owns cottage near the DIMEO property;
- Steve Loveless, homeowner near the DIMEO property;
- Chris Howard with The Cottage Pros, property managers for the STEENSTRA property;
- John Simpson, also with The Cottage Pros, working on the STEENSTRA property;
- Jerry Lewallen, homeowner near the STEENSTRA property;
- Ann Kullenberg, year round resident and homeowner near the STEENSTRA property;
- CLT Supervisor Amy Ferris appearing as private citizen.

3. CALL FOR CONFLICT OF INTEREST: None

4. CORRESPONDENCE: As correspondence received concerned the applications on the agenda, it will be taken up during the public hearings on today's agenda.

5. APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 24, 2018:
Wright moved, Herd seconded, all ayes. Minutes of Oct. 24, 2018 approved.

6. APPROVAL OF AGENDA

Wright moved, Herd seconded, all ayes. Agenda of Nov. 28, 2018 approved.

7. PUBLIC COMMENTS: None at this time. Opportunity to be granted again during Public Hearings.

8. REPORTS TO THE COMMISSION

A. Chair Report:

Wright reported he had attended the informative Oct. 30th Benzie Summit at Grow Benzie; Networks Northwest was also there; Wright was asked about CLT's capital planning.

Ewing reported he had completed the Citizen Planner Course and found it informative.

B. Zoning Administrator Report:

Administrator reported receiving 2 more requests on zoning matters, totaling 21 for the year.

C. Zoning Board of Appeals:

Administrator reported the Zoning Board has authorized establishment of a committee to search for a new attorney. Nothing else pending, except the final meeting of the year.

9. A. DIMEO SPECIAL LAND USE APPLICATION: RESUME PUBLIC HEARING OF 10-24-18

Chairman Wright called to order at 7:15 pm the resumption of the Public Hearing on the DIMEO SPLU Application that had begun at the previous Planning Commission Public Hearing on this application on Oct. 24th.

Zoning Administrator was asked to present to the Commissioners his staff report (attached to these Minutes). Copies were made available to those in attendance. Administrator read through the Findings of Fact regarding each relevant Zoning Article, responses of the designer, engineers and property owner that he had received or not received as various matters arose, and numerous conditions of approval recommended by staff if the Planning Commission were to approve the application. Commissioners asked and received answers from the Administrator as he went through the report. The main concern was the slope of the land being over 25%, which, if not mitigated, would cause run-off and erosion and other negative impacts on Crystal Lake and the area. Another concern voiced during discussion between the zoning administrator and Commissioners was the precedent that might be set by this Application regarding possible future requests for variances to build on 25% slopes overlooking Crystal Lake. The presence of easements present on the property was also discussed.

The staff report having been presented and discussed among the Commissioners, the Chair offered opportunity to those in attendance to speak.

Ed Kriskywicz of CDI, representing the owners, said when CDI first began work on the project, a non-design issue arose and he immediately contacted the Spicer Group to help. He said they have the same goals as the Commissioners: the least amount of impact during construction. Everything Tom (Administrator) asked for, they tried to provide. He held up design drawings of the proposed house from various views and provided the soil erosion permit. The home is designed to be 2500 square feet, five bedrooms, five bathrooms, a three car garage, and facing east. He has given the Dimeos the names of various landscapers but they have not yet acted on that piece. CDI will do the lighting themselves and it will be standard, over entryways, doors, etc. Septic system will be up the hill from the house.

Shawn Middleton of the Spicer Group said their main focus was to capture all the rain and water around the building. A new infiltration system is meant to capture all. Anything we construct that would be an impervious surface would be dealt with. He was asked and responded to questions about concentrating all that runoff into one spot, and how the infiltration system would handle storms. He said the Spicer Group has done a lot of infiltration systems and with the right plants with deep roots, they work, but he is not a landscaper and will leave plant selection to landscapers. He was asked if there will be standing water. He answered the pond overflows at six feet with the runoff going down the slope as it does now. Dimensions of the pond are 30 feet by 30 feet, with the main idea to have water leach back into the side of the hill. He was asked about routine maintenance, the accumulation of leaves, and humus layer development.

Ed Kriskywicz of CDI was asked about the two already existing cottages on the property. He said the smaller of the two buildings would be strictly for storage, and the other would be used as a cabana/beach house, not a guest house, but simply a place to shower and change clothes near the beach. He has no plans

to make those buildings any larger.

Concerns by various members of the public in attendance included, among other issues, what recourse would be available if the project is built and then, at some point, it sends sediment into the lake. One answer was that citations can be written until the problem is resolved, but potentially legal suit might be required. The Spicer Group said they were aware, in other situations, of maintenance agreements between the drain commissioner and commercial enterprises but had not heard of one with residential owners. Discussion on these and other issues continued.

Dave Wynne of the Crystal Lake Watershed Association presented their comments/recommendations on this project. He said, even with the administrator's conditions, they still have a concern with the size of the home on that steep a slope, and they recommend disapproval of the application. If the Commissioners do approve, however, they hope all the conditions already discussed would be required and also issues about the septic system would be as well. They also have a concern that the owner, naturally, will want to remove a good portion of the trees on the slope to have a view of the lake, so they'd like to see how that will be addressed, and hope that issue, and all issues, will be addressed prior to issuance of the permit. They also ask that all conditions of the permit, if approved, would go with the land if it is sold. He handed the Association's written comments in hard copy to the Administrator.

After all present who wished to speak had been heard, Wright closed the Public Hearing at 8:20 pm.

Discussion among the Commissioners commenced. Much centered on whether the applicant had demonstrated that, to build a home on the property, there are no "reasonable alternatives" to the plans being presented that build a large home on the 25% slope. In regard to size, it was discussed whether alternatives did exist, including the possible redesign of the two already existing cottages into some sort of home on the beach so that the slope would not be impacted. While much work had already been done by the designer and engineers regarding the development of one particular plan to meet the desires of the new property owner, it was discussed that it would be preferable, prior to approval or disapproval, for the Commission to be shown by the applicant whether other reasonable alternatives with less potentially negative impacts do or do not exist, and that the required re-advertising of the public hearing occur, and that sufficient time be given the applicant and all concerned by postponing action until the next regular meeting of the Commission in January.

Ewing moved to postpone the decision. Herd seconded. Discussion. Motion amended to say: Moved to postpone the decision on Special Land Use Permit 2018-01-SLU as submitted by Mark and Tara Dimeo until the following information is provided: the Commission would like to see if there are any possible alternatives to the current plan as to location and size of the house.

Roll call vote: Ewing, Herd, Pasche, Wright: Yes. May: No. Motion Passed. Decision postponed until next regular meeting of the Planning Commission on January 23, 2019.

B. STEENSTRA SLUP APPLICATION: REVIEW AND PUBLIC HEARING

Chairman Wright opened the Public Hearing on the STEENSTRA Application at 9 pm.

Zoning Administrator read through the Staff Report's Findings of Fact and Recommendations; Commissioners asked questions along the way. There is question about the legality of the property; it has

been in non-conformance for decades with multiple housing units in an area zoned rural residential for single family homes. All present, including the Applicant's representatives, agreed that the situation has been dire, and that improvement of the right sort would be welcome. The new owner has already improved some of the property's units. While the owner intends to tear down the worst eyesore building, the application asks the Commission's approval to build additional units at that spot. Front lot is 1.2 acres and wooded back lot 7 acres. Administrator went through the objectives of the project, including the desire to provide needed low cost, work-force housing to Benzie County. He was asked if the owner plans to add more buildings later, and answered that the owner has not provided a complete plan for the whole property. The Findings of Fact reveal that the proposed additional units would add significantly to the number of residents and automobiles, with potentially thirty-two additional people. Administrator has been contacted by a neighbor who has several concerns, including septic system questions.

Jerry Lewallyn, a neighbor of the property on Casey Rd, asked the Commission to deny the permit, and submitted correspondence citing his concerns (attached to these Minutes). He understood the need for work force housing but felt the property had never been legal and that additional units would further take away the rights and values of other properties in the neighborhood and create more traffic and light pollution. He said when he looks out his window he sees a trashy blue house and said it would be great if the new owner removed it but when he bought ten years ago, he did not sign up to live next to what has been happening on that property, including unrestrained dogs and other problems. He felt that adding eight additional units with additional septic, garbage, traffic, etc., would benefit only the absentee owner, not anyone else.

Chris Howard of Cottage Pros on behalf of the applicant explained that Mr. Steenstra has not owned the property very long and Cottage Pros has been hired to manage the property and make improvements. He said Cottage Pros have only been there ninety days and already the owner has spent \$20,000 on some units and today committed to spending another \$39,000 to renovate. He said there are not a lot of Mr. Steenstra's in the world that would take over this property and be willing to spend money to improve it. He said the blue house in the front is gross and he understands completely how the neighbors feel, but Mr. Steenstra is trying to improve, not make a bad situation worse. He said obviously, our county needs low cost work force housing badly. He said Peter Steenstra is very interested in building/remodeling green as much as possible and considers his renters as guests. As for renters who behave badly, some have been evicted, and Cottage Pros will be doing background checks going forward and get good renters. It is not going to be an apartment complex with high lighting. They need it to be family friendly. All trees will remain. The rest of the units are served by one well and have their own septic. The two proposed new buildings would have new systems. They would be chalet-type duplexes. Rent on the entire property ranges from \$400 to \$1,000. They would be similar to the current duplexes but two-story.

Amy Ferris, as Supervisor of CLT, said she encourages all the good will that Mr. Steenstra and Cottage Pros have put into the property. But as a private citizen, she would not want to live next door to it. Cottage Pros could be fired tomorrow and Mr. Steenstra could sell the property and then we'd have additional slums. She would not encourage the Commission to further the illegality of this property by granting a permit to build additional units.

Mr. Lewallyn said it's not a matter of how well it might be built. The property and neighborhood is just not meant for that many people. If it were a single family home being built there, he would have no objection.

Ann Kullenberg, another neighbor of the property on Casey Road, read her written statement of concerns to the Commissioners (attached to these Minutes). She said the planned use of the application is not appropriate for the neighborhood, she said and will permanently change the neighborhood's character. Historically, it has already devalued her own property and her life. She has lived at her home twenty-one

years and has filed numerous complaints since 2012 with the township, health department, and so on, about uses of the property, including inadequate disposal of garbage, lack of animal control, light and noise pollution, sewage problems. She believes Mr. Steenstra purchased the property in 2016 but adding more units is not going to improve the situation. She also objects to the landlord being absentee while she lives and resides on Casey Road permanently. She asked what assurances she has that the Township and County will respond to future problems at this property, given the history.

As all who wished to speak had done so, Chairman Wright closed the Public Hearing at 10:06 pm.

The Commissioners discussed the application, the intent of the ordinance for rural preservation, and the density of this multi-family property in a zone that is not multi-family. Chris Howard of Cottage Pros was asked further questions and he explained how much work they have put into improving the situation to date. The Commissioners did not wish to discourage improvements but were not comfortable adding more units and density and putting a stamp of approval on a multi-family application in an area not zoned for such.

Herd moved that Special Land Use Permit 2018-03-SLU as submitted by Peter Steenstra be disapproved as not consistent with our zoning. Pasche seconded. Roll call: Ewing, Herd, May, Pasche, Wright: Yes. Motion passed unanimously. Application disapproved.

Chairman Wright expressed hope that the new owner will not give up his attempts to improve the property.

10. UNFINISHED BUSINESS

A. Temporary Building and RV Ordinance 3.14 and 14.8 Status: Not taken up.

11. NEW BUSINESS: None taken up.

12. PUBLIC COMMENTS: None.

13. OTHER BUSINESS: None.

!4. ADJOURNMENT: Meeting adjourned at 10:18 pm. Next meeting: Wednesday, January 23, at 7 pm.

Respectfully submitted,

Jeannette Feeheley, Recording Secretary

Five Attachments:

- 2018-11-25 Staff Rpt w-Findings & Maps.pdf (regarding Steenstra application);
- 2018-11-28 Lewallen Objection.pdf (regarding Steenstra application);
- 2018-11-28 Kullenberg Objections to SLU.pdf (regarding Steenstra application);
- 2018-11-16 Staff Rpt w-att Dimeo House.pdf (regarding Dimeo application);
- Rpt 3 Complaint Status.pdf (regarding active complaints to the zoning board).