

Commissioner Soper called the meeting to order at 6:01 pm.

Roll Call

Present: Jon Soper, Chairman
Richard Schaefer, Vice Chair
Jay Piquette, Member
Joan Nelson, Zoning and Equalization Administrator
Joe Langdon, County Commissioner, Representative
Tom O'Callaghan, Member

Absent: Jack Tregabiwan, Member
John Parsons, Member

Purpose

The purpose of the Public Hearing was to hear comments on the application by Clyde Wescoat of Copper Harbor to re-zone forty acres of his property from RS-2 to AG. Mr. Wescoat stated that he intends to stable horses on the property, maintain an orchard, and grow root crops. The property is described as the entire NE1/4 of the SW1/4 of Section 32 T59R28 located in Copper Harbor, Keweenaw County, Michigan 49918. The re-zoning would also require a change to the land use plan. Mr. Wescoat said the land has always been a farm but was misclassified in the 1975 Zoning Ordinance as RS-2. Mr. Wescoat said that the 1975 classification did not create an issue, but the change in RS-2 restrictions in the 2006 revision of the Ordinance has created issues. The Zoning Board of Appeals said that they did not have the authority to consider the requested change.

A Public hearing on the request was held at 6 p.m. at the Copper Harbor Community Center in Copper Harbor. The following are the comments made by the audience.

Barbara Foley, resident, in favor.
She has lived in the area all her life and the property has historically always been a farm.

Kurt Horton, resident, in favor.
Does not understand why the Ordinance prohibits the owner from using his land as it has historically been used.

Keith Walters, resident, in favor.
It has been a farm and should remain a farm.

Meg North, resident conditionally in favor.

As Township Supervisor, her concern is that part of the area well head area is included on the parcel in question. If the well head protection area is not jeopardized, she is not against the change. Clyde Wescoat, the requestor, said that he has been assured by the hydrologist that the well head area in question is outside of the parcel of land that he is requesting the change to. Jon Soper, the Planning Commission Chairman responded that under the law any portion of the well head area that falls within the parcel in question is automatically excluded from the zoning change and is classified a Wellhead Protection Area.

Art Davis resident in favor

Dawn Charbonneau resident opposed

She and her husband Ed own the adjacent property, the Lake Fanny Hoe Resort and objects to the stabling of horses on the property. She said that Mr. Wescoat frequently allows people to keep their horses on his property and that this has created a nuisance because of the odor of horse dung.

Bill Quackenbush resident in favor

He asked if the same result could be gotten thru a variance.

Jeff Coltas resident in favor

He is in favor of the proposed use.

Kelly Coltas resident in favor

Comm. Don Kilpela, Sr. resident in favor

Karen Karl resident in favor

In favor, conditional on the well head protection.

Ed Charbonneau resident opposed

He and his wife Dawn own the adjacent property, the Lake Fanny Hoe Resort and objects to the stabling of horses on the property. He stated that horses drop dung on 2nd Street which creates an issue for his guests. He also said that people staying on Clyde's property use Ed's resort facilities without permission. Horse dung on the trails also creates a nuisance for hikers.

Carol Mylan resident in favor

Carol and her husband (deceased) built and used to own the Lake Fanny Hoe Resort. They had stables on the property and never had any complaints about the horses.

Johanna Peters resident in favor

Mike Museal resident in favor

Mike will be the one who is stabling the horses on Clyde's property and will fully comply with all ordinances and regulations.

Janet Shea local business owner (Eagle Harbor resident) opposed

Clyde should ask for Conditional Zoning which will allow him to board the horses with any of the other issues attendant with rezoning the property to AG. Jon Soper stated that the Conditional Zoning would expire when the property changes hands.

Janet presented an 11 page packet of objections to the re-zoning, including a list of all the activities that are allowed under AG. Janet contends that the change would be spot zoning and provided the Planning Commission with documentation on the subject of spot zoning.

Jeff Coltas argued that the majority of the residents are in favor of the change.

Jon Soper stated the Planning Commission is re-visiting the Land Use Plan as required by law, but has received no input from the Townships.

Bill Quackenbush asked if there was any objection to AG areas in the Land Use Plan. Jon Soper stated no.

Art Davis stated that the land should have been correctly zoned AG in 1975 and should be corrected now.

Kurt Horton argued that a man should be able to do what he wants on his land as long as it does not interfere with his neighbors.

Jeff Coltas stated that the Mountain Lodge used to have riding stable and that horse back riding has historically been part of the area.

Keith Walters stated that the land use plan is a living document subject to change.

Carol Mylan asked Clyde if he had considered Conditional Zoning. Clyde said that he discussed it with Jon Soper and decided re-zoning to AG was more appropriate to his future plans.

Janet Shea stated that Clyde's stated purpose was to board 3 horses, not to open a commercial stables. Jeff Coltas responded that the complaint about the horse dung would be the same if the horse boarding was private or commercial.

Dan Fosner resident in favor

Dan feels that commercial stables would benefit the area. Jon Soper said that commercial stables are permitted in RS.

Meg North reiterated her concern about the well head area. Jon Soper said that the re-zoning will not take effect if it conflicts with the well head area.

Jim North resident in favor

Clyde's family has always protected the land and has always worked for the benefit of the community.

Keith Walter stated that if the township is concerned with well head protection then the township should purchase the land affected by the well head issue.

Jessie Robinson resident in favor

Being able to re-zone to AG will show that the community is flexible and this will encourage new residents and new business.

Janet Shea stated that since Clyde does not own the horses, boarding them is by definition a commercial operation which is already permitted in RS and does not require a zoning change.

Art Davis reiterated that a mistake occurred in 1975 by not making it AG and that it should be rectified now.

Jon Soper requested a show of hands for and against.

Three people were against.

Sixteen people were in favor.

Motion to adjourn the meeting by Joe Langdon. Motion seconded by Jay Piquette.

Motion carried.

The meeting was adjourned at 6:58 pm.