

Keweenaw County Planning Commission  
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The Planning Commission Regular Meeting was held at the Grant Township Hall in Copper Harbor following the Planning Commission Public meeting to hear public comments on the request by Clyde Wescoat to rezone a parcel of property from RS2 to AG

The meeting was called to order at 7:06 by Chairman John Soper.

Roll Call Present:        Jon Soper, Chairman  
                              Richard Schaefer, Vice Chair  
                              Jay Piquette, Member  
                              Joe Langdon, County Commissioner  
Representative  
                              Tom O'Callaghan, Member  
                              Joan Nelson, Zoning Administrator  
  
Absent:                    John Parsons, Member  
                              Jack Treganowan, Member

**AGENDA**

**Motion** by Chairman Soper to approve the agenda. Motion seconded by Vice-Chair Schaefer.

The motion was approved.

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**Motion** by Chairman Soper to approve the minutes of August 26, 2008, with a correction for the date of the meeting. The motion was approved.

**Guests:** Many of the public who attended the Public meeting stayed for the Regular Meeting.

**Unfinished Business:**

**Michigan's Zoning Enabling Act (MZEA):** Jon Soper reported that work by the Planning Commission is continuing.

**Michigan's Planning Enabling Act (MPEA):** Jon Soper reported that work by the Planning

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Commission is continuing.

**Land Use Plan Update:** Jon Soper reported that work is continuing. Jon requested that members review the Land Use plan for the next meeting. Rich Schaefer recommended that the chairman send out letters to the Township Supervisors asking for input on the Land Use Plan by 11-15-2008.

**Zoning Request:**

**Motion** by Tom O'Callaghan to approve Clyde Wescoat's Zoning Change request. Motion seconded by Joe Langdon.

**Discussion:** The issue of well-head protection was discussed since a section of the well head area may be in the parcel that is being requested to be re-zoned. Jon Soper pointed out that any wellhead land automatically is CEP even if the Adjacent property is AG.

Rich Schaefer asked what has changed since the original Zoning request was turned down at a previous meeting. Joe Langdon responded that if the owner makes a proper request, we should revisit the question. Jon Soper pointed out that since the original request, the Commission has been able to do more investigation of the claim that this would be spot zoning and therefore illegal. It was pointed out that this may not meet the definition of spot zoning and that spot zoning is not illegal per se. Tom O'Callaghan said that we now have public input on the request, the the public appeared to be overwhelmingly in favor of the change, and that absent a good reason, we should not the property owner the right to use his land as he sees fit. It was pointed out that he can already use the land as a farm under the non-conforming rule.

Janet Shea requested that the Planning Commission abide by the rules of Findings of Fact required. Jon Soper requested that the minutes reflect that the Commission has considered the Findings of Fact as required by Section 20.7 of the Zoning Ordinance and we feel that the request meets the criteria specified, including all of the negative comments made against the request.

Rich Schaefer pointed out that we cannot approve the motion until we amend the Land Use Plan designation of the property.

Tom O'Callaghan withdrew his motion in order to make the Land Use Plan change. Joe Langdon withdrew his seconding of the motion for the same reason.

**Motion** by Jon Soper to amend the Land Use Plans description of the NE 1/4 of the SW1/4 of Section 32T59N R28W from RS to AG.

**Discussion:** Have we adequately addressed the requirements of Section 20.7 of the Ordinance as it

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pertains to the motion in question. The members agreed that we have addressed the requirements of Section 20.7 of the Ordinance.

A roll call vote on the motion was taken. Jon Soper, yes; Jay Piquette, no; Tom O'Callaghan, yes; Rich Schaefer, no; Joe Langdon, yes.

Motion carried.

**Motion** by Tom O'Callaghan to approve Clyde Wescoat's Zoning Change request to rezone the NE 1/4 of the SW1/4 of Section 32T59N R28W from RS to AG. Motion seconded by Joe Langdon, subject to provision that the well head protection area is not included in the AG rezoning.

Discussion points as related to the requirements of the Findings of Fact, Section 20.7 of the Ordinance:

We now have a better sense of the Community support for the change;

I. It appears that since the land was historically a farm, it should have been zoned AG in the original Ordinance;

We are not creating an adverse precedent since we are correcting an error in the 1975 Ordinance;

The is no identifiable impact on the well head protection area or other governmental functions;

The requestor owns all the adjacent property. No adverse economic affects are created;

- I. a. no surface water drainage problem is created;
- b. no waste water disposal problem is created;
- c. no adverse effect on surface of subsurface water quality is created.

The Land Use plan has been amended prior to the Zoning Ordinance Change

I. There are existing overlaps in land use between RS and AG. No incompatible uses with the surrounding area are created.

II. The action will prevent an economic inequity to the property owner. The requested rezoning change better suits the owners current and future uses of the property that the existing RS classification.

III. The property can be put to a reasonable economic use after the requested change.

IV. Other procedures such as Variance or Special Land Use procedures would not be as equitable to the owner as a Zoning classification change.

A roll call vote on the motion was taken. Jon Soper, yes; Jay Piquette, no; Tom O'Callaghan, yes; Rich Schaefer, no; Joe Langdon, yes.

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Motion carried.

**Planning Commission By Laws**

Chairman Soper requested that the Planning Commission by-laws be reviewed for the next meeting.

**County Website Update:** Janet Shea reported that the website is on line and ready for comment. Joe Langdon commented that the website needs the approval of the Board of County Commissioners. Jon Soper commented that the Planning Commission still needs to approve its section. Janet requested that all corrections be e-mailed to her.

**Zoning Administrator Report:**

Joan reported on a zoning violation in Gay township on the Loc Labelle road. A cabin and sauna is being constructed, the sauna is located too close to the shoreline, and no permits have been requested or issued. Joan was instructed to notify the owner of the violations and that the owner will be fined if there is no compliance.

Joan reported that 30 permits have been issued this year to-date, while 55 were issued last year.

**Public Comment**

Janet Shea thanked the Commission for listening to her concerns.

**Motion** to adjourn by Jon Soper. Seconded by Tom O'Callaghan  
Meeting adjourned at 9:01 pm