

**SOUTH BRANCH TOWNSHIP PLANNING COMMISSION
SPECIAL USE APPROVAL APPLICATION**

DECISION AND ORDER

Applicant/Authorized Agent: Vardy, Garry & Gayle

Hearing Date: July 30, 2020

Owner: Vardy, Garry & Gayle

PROPERTY DESCRIPTION

Parcel #: 061-032-016-180-00

Address: 7775 Pautesa Dr., Roscommon, MI 48653

PARCEL 4: BEING PART OF THE E 1/2 OF THE SE/4 OF SEC 32, T25N R1W, SOUTH BRANCH TWP, CRAWFORD CO, DESC AS: COM AT THE SE COR OF SAID SEC 32, TH N 0 DEG 50 MIN W ALG SEC LINE, 568.00 FT; TH N 86 DEG 36 MIN 30 SEC W ALG THE NLY ROW LINE OF PAUTESA DRIVE, 1044.00 FT TO THE POB; TH CONT N 86 DEG 36 MIN 30 SEC W ALG SD DRIVE, 266.00 FT; TH N 0 DEG 44 MIN 15 SEC W ALG 1/8-LINE, 652.10 FT; TH S 89 DEG 40 MIN E, 300.00 FT; TH S 0 DEG 44 MIN 15 SEC E, 428.15 FT; TH N 86 DEG 36 MIN 30 SEC W, 34.73 FT; TH S 0 DEG 44 MIN 15 SEC E, 240.00 FT TO THE POB & CONTAINS 4.35 ACRES OF LAND. ACCESS TO THIS PROPERTY IS OVER THE COUNTY ROAD TO THE SOUTH SIDE AS SHOWN ON THE CERTIFICATE OF SURVEY. FURTHER SUBJECT TO ALL RESTRICTIONS, RESERVATIONS & EASEMENTS OF RECORD, IF ANY. Hereafter referred to as 'the parcel'

APPLICATION

WHAT THE APPLICANT SEEKS:

Applicant seeks a special use permit for overnight camping with a single recreational vehicle, on private property without a dwelling unit, without a restriction on the number of nights in a calendar year. Also known as Annual Long-term Camping.

The Planning Commission having considered the Application, a public hearing having been held on July 30, 2020, after giving due notice as required by law, the Planning Commission having heard the statements of the Applicant, owner and Applicant/Owner's Agents, the Planning Commission having considered letters submitted, if any, by members of the public and comments, if any, by members of the public, the Planning Commission having considered all Exhibits [list attached], and the Planning Commission having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The Planning Commission finds the parcel is 4.35 acres located in the Low-Density Residential (LDR) zoning district.

2. The Planning Commission finds the parcel is located next to, across from, and abutting parcels located within the platted subdivision known as Silver Woods,
3. The Planning Commission finds the parcel is not a part of the Silver Woods platted subdivision.
4. The Planning Commission finds that the proposed camping site is setback at least 50 feet from the front and rear property lines and at least 20 feet from either side property lines, which are the minimum required setbacks for the LDR district.
5. The Planning Commission finds the health department correspondence allows him to camp on his property with the proper use and discharge of the trailers black water tank. He is getting fresh water from Darrell Stonecipher 7973 pautesa.

SPECIFIC FINDINGS OF FACT UNDER SECTION 3.06.3

Annual Long-term Camping:

Overnight camping, with a single recreational vehicle, on private property without a dwelling unit shall be an allowable permitted use in the FF and RC districts and an allowable special use in the MR and LDR districts without a restriction on the number of nights in a calendar year, subject to all of the following conditions.

- A. Parcel owner agrees to pay the South Branch Township refuse fee assessment in conjunction with an approved annual Long-Term Camping Permit.
 - a. The Planning Commission finds this will be met.
- B. An annual Long-Term Camping Permit must be obtained from the Township.
 - a. The Planning Commission finds this is being met.
- C. The recreational vehicle must meet all setback requirements.
 - a. The Planning Commission finds this has been met.
 - b.
- D. Fresh water and waste disposal must meet District Health Department #10 requirements.
 - a. The Planning Commission finds the health department correspondence allows him to camp on his property with the proper use and discharge of the trailers black water tank. He is getting fresh water from Darrell Stonecipher 7973 pautesa
 - b. The Planning commission finds this has been met.
- E. Minimum lot size is 1.0 acres.
 - a. The Planning Commission finds this has been met.
 - b.

- F. The recreational vehicle must have a current license tag and be operable.
 - a. The Planning Commission finds this has been met.
 - b.
- G. The recreational vehicle must not be used as a permanent dwelling unit.
 - a. The Planning Commission finds this has been met.
 - b.
- H. Must comply with the South Branch Township Blight and Anti-Noise Ordinances.
 - a. The Planning Commission finds this has been met.
 - b.
- I. Campfires must be contained in a metal ring.
 - a. The Planning Commission finds this has been met.
 - b.
- J. Camping activities shall not be a nuisance to surrounding properties.
 - a. The Planning Commission finds this has been met.
 - b.

The Planning Commission finds that the standards of Section 3.06.3 have been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 6.03.5

Standards for Granting Site Plan Approval

- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
 - 1. All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - i. The Planning Commission finds this has been met.

2. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. No prohibited plant species (per the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended) and no noxious weeds seeds (as identified in the Michigan Seed Law, Act 329 of 1965 and Regulations 715, Seed Law Implementation) shall be intentionally planted.
 - i. The Planning Commission finds this has been met.
3. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. Site drainage during and after construction shall not result in erosion due to an increase in velocity and/or volume of stormwater runoff entering neighboring properties.
 - i. The Planning Commission finds this has been met.
4. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - i. The Planning Commission finds this has been met.
5. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
 - i. The Planning Commission finds this has been met.
6. Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
 - i. The Planning Commission finds this has been met.
7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
 - i. The Planning Commission finds this does not apply.
8. Exterior lighting shall be arranged as required by Section 3.19 Outdoor Lighting.
 - i. The Planning Commission finds this has been met.
9. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
 - i. The Planning Commission finds this does not apply.
10. All streets shall be developed in accordance with the Section 3.23 Driveways and Private Roads, or if a public road, the County Road Commission specifications.
 - i. The Planning Commission finds this does not apply.
11. All site plans shall comply with the terms of the Crawford County Soil Erosion and Sedimentation Control Ordinance and Stormwater Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of these County Ordinances.
 - i. The Planning Commission finds this does not apply.

12. Site plans shall conform to all applicable requirements of state and federal statutes, applicable county regulations and the South Branch Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.

i. The Planning Commission finds this has been met.

B. The Planning Commission shall seek the recommendations of the Fire Chief, the Crawford County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.

i. The Planning Commission finds this has been met.

The Planning Commission finds that the standards of Section 6.03.5 have been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 7.02.4

Standards for Granting Special Use Permits

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

i. The Planning Commission finds this has been met.

B. Compatibility with Adjacent Land Uses

1. The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

i. The Planning Commission finds this has been met.

2. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the areas by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

i. The Planning Commission finds this standard is not applicable.

3. The proposed special land use shall specify hours of operations, to ensure compatibility with the surrounding land uses.

i. The Planning Commission finds this standard is not applicable.

C. Public Services

1. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
 - i. The Planning Commission finds this has been met
2. The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
 - i. The Planning Commission finds the health department correspondence allows him to camp on his property with the proper use and discharge of the trailers black water tank. He is getting fresh water from Darrell Stonecipher 7973 pautesa
 - ii. He will be obtaining the township refuse permit as part of his use permit.

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

- i. The Planning Commission finds this has been met.

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

- i. The Planning Commission finds this has been met.

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

- i. The Planning Commission finds this has been met.

The Planning Commission finds that the standards of Section 7.02.4 have been met.

In considering the forgoing, it is important to recognize that the considerations are general in nature, may overlap somewhat, and that there may be other factors not listed. When pondering the above questions, the decision maker must also give due consideration to a) the general character of the area in which the subject property is located, b) the property itself and its attendant physical limitations and suitability to particular use, c) the general desire to conserve property values and, d) the general trend and character of population development.

The decision maker should not focus on any one concern among the various factors to be taken into consideration when passing judgement upon a special use request.

CONDITIONS

1. If a water well is installed it must comply with the standards of the district #10 health department.
2. If the Black Water tank shall not be emptied on the property.

DECISION

Motion by Sylvester and seconded by James.

Based on the above findings of fact, and with the conditions listed above, if any, the Special Use Permit and Site Plan Review regarding overnight camping with a single recreational unit on private property without a dwelling unit, without a restriction on the number of nights in a calendar year is approved as a special land use.

Roll call vote: All Yes

Motion Carries.

No performance guarantee shall be required to be deposited, with the Township Clerk, at the time of the issuance of the permit authorizing the activities or project.

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101, MCL 125.3606, and MCL 125.3607, any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Julie R. Cucci
Chairperson

7/30/2020
date

Anna Sylvester
Secretary

7/30/2020
date