

**APPROVED**

**Eveline Township Planning Commission Meeting Minutes  
Regular Meeting  
Eveline Township Hall  
8525 Ferry Road  
October 6, 2021  
7:00 P.M.**

- 1) Call to Order:** The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance by Chairman Kelly McGinn in the Township Hall.

Commissioners present: Kelly McGinn, Eric Beishlag, Lorraine Sims, Gary Albring and Prudence Kurtz. Recording Secretary Sandi Whiteford, Zoning Administrator Deb Graber and Planner John Iacoangeli were also present. Others present were Richard Mueller, C. Snell, Brenda Lewis, Jack Turner, Mike B., Alen R, Ann R, John Vrondran, Susan Vrondran, Nancy Ferguson, Susan Parks, Aaron N. and Kevin Pearsall.

- 2) Agenda:** Motion by Commissioner Beishlag, supported by Commissioner Kurtz, to approve the agenda with the addition of Zoning Report. Motion carried.

- 3) Public Comment:** None received.

- 4) Minutes:** Motion by Commissioner Beishlag, supported by Commissioner Kurtz to approve the September 8, 2021, meeting minutes with the spelling correction of the word tow to two Item 5, section II line 6, and September 10, 2021 minutes with the addition in item 4, line 5, Planner, John Iacoangeli stated residential acceptable levels are 65. Motion approved.

- 5) Steve Schnell:** Housing North representative Steve Schnell presented information on unique housing challenges in the area. He suggested that zoning ordinances may need to be reviewed to allow more housing types to accommodate needs. He presented handouts from Housing North, Northwest Michigan Housing Ready Checklist and Charlevoix County Needs Homes for Our Future which included information regarding housing needs. He suggested reaching out to developers, builders and other stake holders.

- 6) Public Hearing: Section 2.2 Zoning Amendment**

- I. Chairman McGinn opened the hearing at 7:15 p.m.
- II. Introduction of Changes: Chairman McGinn stated that the proposed amendment to Section 2.2, Table of Land Uses By Zoning District would add under the heading

Public/Institutional Uses/Utilities, Ambulance Substations as a permitted Use in the Farm Forest Zoning District.

- III. Public Comment: Chairman McGinn opened public comment at 7:11 p.m. Marcia Passinault asked why the change.
- IV. Close Public Comment: Chairman McGinn closed public comment at 7:21 p.m.
- V. Planning Commission acknowledges correspondence: None received.
- VI. Close Public Hearing: Chairman McGinn closed public hearing at 7:22 p.m.
- VII. Summary: Adopting the amendment will allow EMS substations in Farm Forest district.
- VIII. Commission publicly discusses: Commissioner Beishlag stated that the amendment would be a benefit to the Township.
- IX. Planning Commission deliberates and may or may not reach a decision: Commissioner Beishlag made a motion to forward the proposed zoning amendment as presented to Charlevoix County Planning Commission, followed by the Board of Trustees for final adoption.

**7) Hungry Ducks – Commission Deliberation:** Discussion of the definition of Agri tourism was held. Chairman McGinn opened the discussion for the public to comment. Nancy Ferguson stated that work appears to be proceeding on the property. Zoning administrator Deb Graber stated that planting grass seed is allowed. Nancy Ferguson also questioned the poured sidewalks and the donated building. Zoning administrator stated that no permit was needed for the building as it is less than 200 square feet. Nancy Ferguson stated that she felt the Planner was making comments to work around the ordinance and felt it is a conflict of interest for the planner to be working with site plans for the Mueller's. She then expressed concern over what is a bona fide agricultural pursuit, hours of a petting zoo, nothing produced on the farm is being sold on the farm and referred to the zoning ordinance stating the use should be harmonious and blend in with the neighborhood. Traffic will be disturbing; people and children make noise and a person should be on site in the farm house to take care of animals. They would like the carousel gone, go back to the original proposal, hours 10 a.m. to 6 p.m., no food trucks and no rehearsal dinners. Hoping the Planning Commission will deny the special use permit. Susan Parks asked if placement of the carousel was allowed how can the Planning Commission deny use in the future. She would like answers as to the definition of interpretive farm. Mike Bush stated it is an eye sore and the project steams along without approval. Aaron, the project engineer stated, we have listened to public and board, provided information. He stated that the ordinance allows for interpretive farm, the project is harmonious with the general vicinity, will preserve and enhance agricultural operations, use will not be disturbing, nothing hazardous is used, the project will be equal to or improve the area, will preserve farming history, education and will not create a burden on the area. Richard Mueller expressed that the he is paying the cost for the help of the planner. He stated he built it; he thinks it is a thing of beauty. The Charlevoix Chamber of Commerce provided comments they have received regarding the benefits of

the project. Chairman McGinn stated that the applicant has been required to pay for additional professional costs billed to the Township. Kevin Pearsall stated the carousel does fit in. Snyder's who live up the road have expressed support for the project. Many people do like what is being developed. Commissioner Albring expressed that the Planning Commission should move to questions the Planning Commissioners have. Commissioner Beishlag stated that times have changed, there used to be numerous farms in the area, now there are none. The property was classified as agriculture when it was purchased and if handled properly it can teach people. Sequanota Association is in support. Suggested a one (1) year trial with stipulations and review at that time. Commissioner McGinn suggested limited hours to start. At the end of a year the owners and neighbors can state effects and issues for review by the Planning Commission. Commissioner Albring stated that the Michigan Right to Farm Act states that a farm has to produce something. The Planning Commission went through the finding of facts and created a list of stipulations. Commissioner Albring made a motion to deny the request from Richard Mueller for a special use permit. He then withdrew the motion due to lack of support. Commissioner Beishlag made a motion to approve the special use permit request by Mr. Mueller with the following stipulations and to be reviewed at the regular Planning Commission meeting in October of 2022.

1. Use of the property for the Agricultural Related Commercial Enterprise, also known as the Hungry Ducks, shall be limited from May 20 through September 20.
2. Days of operation Monday through Sunday; closed all day Tuesday.
3. Hours of operation Monday through Friday 10AM until 5PM; Saturday and Sunday 10AM until 6PM; closed all day Tuesday
4. Use of the property after September 20 for school field trips by appointment only.
5. The small 7.5" train shall be allowed without a horn or bell.
6. The carousel shall be allowed without music.
7. The hayride (tram) shall be allowed
8. Installation of a fence four (4) feet in height based on the picture submitted in the application.
9. "No Parking" signs shall be posted by the applicant along Shaw Road.
10. Overflow parking may access Shaw Road to enter the property.
11. After completion of the 2022 year of operation (October) the Applicant will issue a report to the Planning Commission outlining number of visitors, estimated number of vehicles, and any other information requested by the Planning Commission.
12. Based on the 2022 year of operation report the Planning Commission may request modification of any of the conditions, and add additional conditions as warranted by the evaluation.
13. When the property is sold or transferred to another entity; natural or corporate, the carousel and the trains(s) shall be removed from the property.
14. Parked buses shall not be allowed to idle.
15. The Township has the right to enter the property to make periodic observations and inspections.

16. No further buildings (farm and non-farm) shall be constructed on the site without the approval of the Eveline Township Zoning Administrator.
17. The Applicant shall post at several, clearly accessible and visible locations emergency contact information.
18. Flashing signs shall not be allowed.
19. The Applicant shall have the Charlevoix Township Fire Department inspect the property for compliance with fire code and safety and provide documentation of compliance to the Zoning Administrator.
20. No camping, glamping, or fireworks allowed on the property.
21. Applicant shall include hand sanitize stations near animal pens.

Motion supported by Commissioner Kurtz.

**Aye:** Commissioner Beishlag, Commissioner McGinn, Commissioner Sims,  
Commissioner Kurtz

**Nay:** Commissioner Albring

Motion Approved.

8) **Public Comment:** No additional comments presented.

**9-A) - Zoning Report:** Issued 4 permits and 2 Short Term Rental licenses. Attended Granicus Training. Asked if an unlivable residence should be considered as primary residence. Suggested update to definitions: add "interpretive farm" and consider a definition for "primary residence" being a habitable residence with an operating well and septic.

9) **Commissioner Comments:** Planning Commission Training session will be held October 26 at 6:00 p.m. at the Township Hall.

9) **Adjournment:** Chairman McGinn adjourned the meeting at 10:20 p.m.

Respectfully submitted,

Sandi Whiteford  
Recording Secretary