

MINUTES  
THE CITY OF THE VILLAGE OF DOUGLAS  
SPECIAL MEETING OF THE PLANNING COMMISSION  
86 W CENTER STREET – DOUGLAS, MI  
APRIL 27, 2022 – 7:00 PM

- A. Call to Order by chair Buszka at 7:00 p.m.
- B. Roll Call: Present – Buszka, Seabert, Pattison, O’Malley, Whitely, Heneghan  
Absent – Florian

Approval of the April 27, 2022, meeting agenda.  
*Motion by Pattison, with support from Seabert, to approve the April 27, 2022, agenda as presented. Motion carried by unanimous roll call vote of those members present.*

- C. Public Comment – None received
- D. Written Comment – Letter received from Joyce Petter, 11 Water St. – Opposing Container to be used at Wade’s Bayou.  
- Letter received from Marta Petter, 11 Water St. – Opposing Container to be used at Wade’s Bayou.

E. New Business

- 1. Public Hearing: Site Plan Review & Waterfront Construction Application (Major) – Accessory Structures – Bulkhead, Dock(s) / Stairs, and site changes to Sensitive Lands; R-2 Residential District. 156 Lakeshore Drive (Scott/Chrtina Garberding, Ryan Hall)

*Motion by Pattison, with support from Heneghan, to Open Public Hearing. Public Hearing opened by unanimous roll call vote of those members present.*

- a. Applicant Presentation:
  - a. Ryan Hall was present at the meeting; however, he was unaware that he would have to speak on this parcel as he was present for the Sarah Fash application. Mr. Hall was hired to build the beach steps.
  - b. Public Comments:  
There were no comments.
  - c. Staff Remarks:  
Wikar address Planning members, these permits were sought during the height of COVID when the State could not keep up with demand. This did not negate responsibility for local ordinances. The State gave directives and people acted on those directives without complying with local ordinances as well. Property owners are not present to speak. Under Section 16.20 Environmental Protection Standards there is presence of sensitive land on the site, 16.202C allows the City to require mitigation measures to replace those resources if disturbed or destroyed. There is a 30’ strip from the high watermark that should be maintained
  - d. Commissioner Comments:

Commissioners questioned if the applicant had at all reached out to Nick? (No)  
There are significant areas of critical dunes and high-risk of erosion. An inspection of the site showed the work had been completed, our job is to protect the roadway from erosion and extra care should be given when working along this area. The fact that the work is completed give way to a fine being imposed. All vegetation should be replaced. If the ordinance was followed there would be no problem, each tree and vegetation assist to cease erosion. Disheartening that Planning has no site plan, no way of knowing if any grading was done, no way of determining if vegetation was removed, if this application is tabled can we impose a Stop Work Order on the site?

*Motion by Seabert, with support from Whiteley, to close the public hearing. Motion carried by unanimous vote of those members present.*

*Motion by Pattison, with support from Seabert, to table the application for 156 Lakeshore Drive until such time as all contingencies stated below have been met:*

- 1) All permits must be submitted*
- 2) Applicants must meet all City Ordinance requirements*
- 3) A stop work order shall be imposed on the property*
- 4) A complete site plan shall be received*

*Motion carried by unanimous vote of those members present.*

2. Public Hearing: Site Plan Review & Waterfront Construction Application (Minor) - Accessory Structure and Accessory Use – Outdoor Public Recreation; R-3 Neighborhood Conservation District. 80 E Center Street (City of Douglas)

*Motion by Pattison, with support from Whiteley, to open the Public Hearing. Motion carried by unanimous vote of those members present.*

- a. Applicant Presentation:  
The applicant began his presentation by stating they had won the bid for Wade's Bayou and are proposing to install a larger container type building where the past shed had been. To accommodate the module, move the City owned kayak racks to the other side of the road where the temporary racks are located would be required. The container would be painted with artwork.
- b. Public Comments:  
Two letters received in opposition to the structure.
- c. Staff Remarks:  
Wikar stated this application is for a temporary structure and Department of Public Works could move the kayak racks if Planning wished.
- d. Commissioner Comments:  
Pattison believes the structure needs to be further from the shoreline. She is all for maintaining the view from the waterfront. This is what it is, a shipping container.  
O'Malley voiced concerns regarding meeting the setbacks.  
Heneghan believes the view is also important and is not in favor of the placement.  
Chair Buszka inquired if the structure could be placed temporarily and relocated at a different time?

The applicant, addressing setback concerns, was in agreement he could obtain a shorter version of what was being proposed.

*Motion by Seabert, with support from Heneghan, to close the Public Hearing. Motion carried by unanimous vote.*

*Motion by Seabert, with support from Heneghan, to approve the site plan review for Temporary Accessory Structure located at 80 E Center Street, zoned R-3 Neighborhood Conservation District in the Downtown District, Douglas, Michigan with the following conditions:*

- 1) The structure shall be 30' rather than a 40' shipping container, to meet size of parcel. If the container does not fit, then applicant shall use option 2 with the condition of using screening.*
  - 2) The container shall be fitted with cladding consistent with other structure within the district.*
  - 3) The container shall be removed by November 1st, 2022*
  - 4) Location of container shall be for 1 season and then be reviewed*
  - 5) The Public Art must be approved and be consistent with City Ordinances*
- Motion carried by a 5 (yes) to 1(no) vote, Pattison casting the descending vote.*

3. Public Hearing: Site Plan Review & Waterfront Construction Application (Minor) – Addition to Principal Building and Accessory Structures – Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District. 96 Lakeshore Drive (Robert Tighe)

*Motion by Seabert, with support from Heneghan, to open the Public Hearing. Motion carried by unanimous vote of those members present.*

- a. Applicant Presentation:  
Applicant and Architect appeared on zoom, what is currently being proposed is two decks that should be replaced and revitalize some stairs in ill repair. Also, we would repair some decking near the home. Believe we have done our due diligence and met all requirements.
- b. Public Comments:  
No public comments
- c. Staff Remarks:  
Wika, the district requires minimum 7 yard setback unless there is a permitted yard encroachment which is approved by waiver through Planning Commission. To the west of this parcel, they're demonstrating a three foot setback for the stairs and deck, so less than 7 feet, this is something that should change.
- d. Commissioner Comments:  
The applicant has done their due diligence and we are pleased, thank you. Has the applicant had conversations with EGLE? (Yes) A copy of the response from this agency will be sent to Wika. Will the retaining wall have work done? The owners have reached out to Soils and Structures for suggestions and repairs. Planning appreciated that the applicant waited to get site plan review prior to beginning this work.

*Motion by Seabert, with support from Heneghan, to close the Public Hearing. Motion carried by unanimous roll call vote of those members present.*

*Motion by Pattison, with support from Heneghan, to approve the Site Plan Review for Accessory Structures-Deck(s)/Stairs and site changes to Sensitive Lands located at 96 Lakeshore Drive, zoned R-2 Residential District, Douglas, Michigan contingent upon the following:*

1. *That any natural vegetation be approved by the City.*
2. *That the letter received from EGLE requiring no permit be sent to the City Planner*
3. *Bring plan into compliance with Sect. 16.08*  
*Motion carried by unanimous roll call vote of those members present.*

4. **Public Hearing: Site Plan Review & Waterfront Construction Application (Major)- Accessory Structures – Bulkheads, Deck(s) Stairs and site changes to Sensitive Lands; R-2 Residential District. 130 Lakeshore Drive (Kevin/Cami Freeman, Mike DeYoung)**

*Motion by Seabert, with support from O'Malley to Open the Public Hearing. Motion carried by unanimous vote of those members present.*

- a. **Applicant Presentation:**  
Mr. Freeman walked into a bad situation and made it worse. At the time of purchase he was shown a contract by Mr. Dave Barker that permits had been acquired for work on the property.
- b. **Public Comments:** Sarah Hurley, neighbor, the applicant didn't mention that there was late night work being done late into the night. Disingenuous information that was just heard. The applicant sat on the Planning Commission in Chicago.
- c. **Staff:**  
The work done at 130 Lakeshore was done without permits, there was a stop work order that was not paid attention to by both builders. Planning should look at Section 16.20 for Environmental Protection Standards and also Section 16.21 for Shoreline Protection. A Waterfront Construction application and Site Plan Review application are still needed.
- d. **Commission Comments:**  
Commission questioned why the applicant had not come to the City for permits. Also expressed displeasure that the applicant has caused drainage issues and used non-native plantings. Applicant did inherit a bad situation and make it worse; the dunes are in danger and if they collapse the road collapses. We need specific requirements from the City Planner.

*Motion by Seabert, with support from O'Malley to close the public hearing. Public hearing closed by unanimous roll call vote of those members present.*

*Motion by Seabert, with support from Pattison, to continue the Public Hearing based on the receipt of the following:*

1. *Receipt of EGLE review and recommendations*
2. *Outstanding fees and fines be paid*
3. *A site plan review application be received*
4. *Submit landscaping plans*
5. *Must meet all standards in 16.20 and 16.21 and 24.02*  
*Motion carried by unanimous roll call vote of those members present.*

5. Public Hearing: Site Plan Review & Waterfront Construction Application (Minor) Accessory Structures – Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District. 3071 Lakeshore Dr. (Sara Fash, Ryan Hill)

*Motion by Pattison, with support from Seabert, to Open the Public Hearing. Motion carried by unanimous roll call vote of those members present.*

- a. Applicant Presentation:  
Ryan Hill, builder for Ms. Fash was present to answer questions regarding the proposed build.
- b. Public Communication – George Judd, 3073 Lakeshore Dr. had a couple of questions, the bluff is right at Lakeshore Dr. and concerns are with erosion. Hoping that Engineers are looking at what can shore up Lakeshore, concerns about drainage with Ms. Fash drainage. Drainage from her property has been pushed onto our beach. We would like to see a full audit of Ms. Fash drainage system to make sure her water does not drain onto our beach.
- c. Staff Remarks: Have deficiencies of plans to address. Standards 62.20 and 62.21 do apply, received application forms. Discussed circumstances when you can approve a plan without completeness.
- d. Planning Comments:  
Not sure the Builder has any plans that the Commission can make decisions on, we need a complete plan and to see EGLE Plans. See no need to continue when we need so much more.

*Motion by Seabert, with support from Whiteley, to close the public hearing. Motion carried by unanimous roll call vote.*

*Motion by Pattison, with support from Heneghan, to continue the Public Hearing on 3071 Lakeshore at the July meeting. Contingent upon receipt of the following:*

- 1) *Applicant must adhere and meet Sect. 16.20 and 16.21 of the City Ordinances*
- 2) *Submit an Engineering plan showing drainage, slope stability, and landscape*
- 3) *Submit Waterfront Construction and Site Plans*

*Motion carried by unanimous roll call vote.*

6. Public Hearing: Site Plan Review & Waterfront Construction Application (Major)- Accessory Structures – Bulkhead/Revetment, Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District. 144 Lakeshore Drive (Frederick Eagle Royce III)

*Motion by Pattison, with support from Seabert, to open the Public Hearing (Roll Call Vote)*

- a. Applicant presentation: Sarah Hurley spoke on behalf of Frederick Royce the III. Mr. Royce sued the Batts, 130 Lakeshore Dr. for failing to get a permit for a wall. A settlement was reached, Batts was to pay all expenses for him and Royce. Dave Barker applied 10/20/20 for the permitting with EGLE.
- b. Public Comments - None

- c. Staff Remarks -There has been a lawsuit filed regarding payment of rocks and permitting, however the court order is not dated, not recorded, and does not have a security seal by the magistrate. I think to this point, your application reflects the work that has been done. We need to understand that the shoreline should have a 30' empty strip, have some concerns with the tree being pulled upright. There were a number of things done without permits. Not proposing additional work, we need a zoning plan record and site plan.
- d. Commissioner Questions  
Will work be done on the stairs? Will anymore work be com? The plans we see doesn't give us much information.

*Motion by Seabert, with support from Whiteley, to close the public hearing. Motion carried by unanimous roll call vote.*

*Motion by Pattison, with support from Heneghan, to continue the Public Hearing during the June meeting with the following contingencies:*

- 1) *A legally binding court order must be presented*
- 2) *Arrange for the City to inspect the work*
- 3) *Must adhere to Section 16.21 of the City Ordinance*
- 4) *Must address the tree issue*
- 5) *Must complete an application with MTS*

*Motion carried by unanimous roll call vote.*

F. Old Business

- A. Resolution Supporting Amendment of the City of the Village of Douglas Schedule of Fees and Civil Fines.

This resolution was initiated by Kelley Heneghan of the Planning Commission and is recommended to go to the City Council. Chair Buszka read the resolution into the record.

*Motion by Pattison, with support from Heneghan that the Douglas Planning Commission approve the Resolution Supporting Amendment of the City of the Village of Douglas Schedule of Fees and Civil Fines. Motion carried by unanimous roll call vote.*

G. Reports of Officers, Members, Committees

H. Public Comment

I. Adjournment

Motion by Pattison, with support from Seabert, to adjourn the meeting. Meeting adjourned.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2022

Signed \_\_\_\_\_  
Paul Buszka, Planning Commission Chair