

## APPROVED MINUTES

### DELTA COUNTY PLANNING COMMISSION MEETING Delta County Service Center Monday, July 7, 2025

- I. Call to Order. The meeting was called to order at 5:30 p.m.
- II. Pledge of Allegiance.
- III. Roll Call. Member(s) present: John Denholm, Amy Berglund, Clayton Harris, Curtis Larsen\* Charles Lawson, Matthew Jensen. Member(s) absent: None. Recording Secretary present: Kasja Nelson. Also present: Rachel Pascoe, Assistant Building & Zoning Administrator
- IV. Amy Berglund, Chair, addressed why Commissioner Kelli van Ginhoven had been crossed off the members list on the agenda. At a previous Delta County Planning Commission meeting it was determined that the Planning Commission should only have one member from the Board of Commissioners serving on the Planning Commission and the other seat was to go to a member of the Township Association. Commissioner van Ginhoven decided to step down from the Planning Commission, which means that her seat will be filled by a member of the Township Association at a later date.
- V. Approval of the May 5, 2025 minutes.  
Motion to approve the minutes as written was made by John Denholm and seconded by Charles Lawson.  
Vote: Yes-5 No-0. Motion Carried.
- VI. Approval of agenda.  
Motion to approve the agenda as written was made by Matthew Jensen and seconded by John Denholm.  
Vote: Yes-5 No-0. Motion Carried.
- VII. Public Comment.
  1. Rory Mattson, Escanaba. Spoke regarding Unfished business item # 1 – PA233 Compatible Renewable Energy Ordinance. It was his opinion that an existing ordinance was already worked on, compatible, and ready to go. He was hoping to find out why it was being re-worked and what was being changed. He is concerned about private property rights.
- VIII. Declaration of conflict of interest. None.
- IX. New Business.
  1. CASE 6-25-PC – Baldwin Township.  
Presented by Rachel Pascoe: Baldwin Township is seeking to rezone parcel 001-004-004-00 from C-3 to R-1 and be granted a Special/Conditional Use permit to allow for the continued

## APPROVED MINUTES

use as a park. This rezone is needed because they are looking to obtain a MDNR grant to make park improvements.

Motion to open the public hearing made by Matt Jensen and seconded by John Denholm.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Matthew Jensen	Yes		

Vote: Yes-5 No-0. Motion Carried.

**Public hearing opened: 5:37 p.m.**

- Steven Branstrom, Perkins. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that the project aligns with future goals and is compatible with the surrounding area.
- Janice Frizzell, Baldwin Township Assessor. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that the project aligns with the community's future goals, provides a safe space for people to gather, and helps with community enrichment.
- Elaine Demeuse, Perkins. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that this would allow for the much-needed improvements and ongoing community enhancements.
- Rodney LaBumbard, Cornell. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that there was a wish to see the area used and as active as it had been in the past. It was also pointed out that this would allow for more improvements to be made.
- Alan & Betsy DePuydt, Perkins. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter provided memories of a previously busy baseball diamond and thinks that this rezoning would help rejuvenate the area and create a place where more memories can be made.
- Brad DePuydt, Jacksonville Florida. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that the resident grew up in Baldwin Township and they still return to the area several times a year and own property there. The letter emphasized the need for an area where people can gather and pointed out that this project aligns with future goals. The project will also help protect valuable natural resources.
- Sarah Latvala, Rapid River. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that this project aligns with the recreation plan, is compatible

## APPROVED MINUTES

with the surrounding area, and provides a gathering location for members of the community.

- Gregory Stevenson. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that this allows the township to pursue future goals for the community and increases recreational possibilities.
- Thomas LaChance, Baldwin Township. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that this project aligns with what the property has always been used for, and the rezone would allow for improvements to be made to the playground.
- Eileen Gustafson, Perkins. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that this project is a spark to help renew the community and is welcomed.
- Gerald Nelson, Gladstone. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that the plan is an awesome addition to the community and would help make the area useful again.
- Mark Depuydt, Baldwin Township Treasurer. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that the rezone would allow for upgraded facilities and will help make the area more vibrant.
- Jamie Depuydt, Perkins. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that the plan would provide a social gathering area, aligns with the future goals for the community and is compatible with the surrounding area.
- Aaron Depuydt, Perkins. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that it would allow the area to continue to be used as a park, is compatible with surrounding areas, and is a much need gathering space.
- Dawn Delaney, Perkins. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that this project would help foster community connections and provide a sense of belonging for community members.
- Mark & Lisa Pugh, Rapid River. Submitted a letter of support that was read aloud by Rachel Pascoe. The letter stated that the rezone would lead to the continued ability to make improvements, aligns with future goals, is compatible with surroundings, and provides a needed gathering space.
- Amy Berglund, Chair, took a moment to bring Curtis Larsen up to speed and commented that it was very impressive that all the letters received were letters of support and were unique in nature.

## APPROVED MINUTES

- Lisa Carlson, Baldwin Township Supervisor. Is very impressed with the collaboration of the people of Baldwin Township. Carlson is confident that this parcel can be revitalized and be an important part of Baldwin Township.
- Clayton Harris asked if the green area on the map is what we're reviewing and if that was the only area being rezoned and how you get to the parcel.
- Carlson commented that there is an easement through the Cretens property and is working with EGLE to get another good road into the parcel.
- Clayton Harris wanted to know if there is a guarantee that there will always be access to the parcel, and wanted clarification regarding the comment that it was hard for ambulances to get into the property and Carlson commented that the easement is included in the deed thereby guaranteeing access and the easement has been cleared. Harris also wanted to know if the park would be free to residents and Carlson stated that the board hasn't decided yet.

Motion to close the public hearing made by John Denholm and seconded by Clayton Harris.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes

Vote: Yes-6 No-0. Motion Carried.

### **Public hearing closed: 6:04 p.m.**

Motion to rescind the motion to close the public hearing and re-open the public hearing to ask for public comment was made by John Denholm and seconded by Clayton Harris.

### **Public hearing re-opened: 6:06 p.m.**

- Bob Vandamme. Vandamme wanted to respond to the issue regarding the ambulance. Creten's had some product that was in the way on the easement but that has been mostly cleared now. He is in support of the project and thinks it will benefit the community and get kids outside and away from screens.

Motion to close the public hearing made by John Denholm and seconded by Clayton Harris.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes

Vote: Yes-6 No-0. Motion Carried.

### **Public hearing closed: 6:08 p.m.**

## APPROVED MINUTES

**Worksheet:** Application has been reviewed; it meets Ordinance requirements; location is appropriate for use; no effect on district; no concerns from adjacent property owners; no environmental impact and is not a spot zone.

Motion to approve the application as submitted was made by John Denholm and seconded by Matthew Jensen.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes

Vote: Yes-6 No-0. Motion Carried.

### 2. CASE 7-25-PC – Byler, Jonathan.

Presented by Rachel Pascoe: the property owner is looking for the Planning Commission to rezone parcel 005-005-023-10 from Agricultural Production to Rural Residential and grant a Conditional Use permit to allow them to split the property with an existing home and a minimum of two acres. The remainder of the parcel will be combined with a neighboring 40-acre parcel to the south of the parcel in question, for the purpose of building a new home next to the split parcel with the existing home. He would like to build a home on the split parcel next to the existing home to take care of his aging parents. The current ordinance would allow for this change to take place through the Zoning Administrator, but the existing home had to exist before 1976, which it did not. This is why this matter is coming to the Planning Commission, and they weren't allowed to split the parcel into 2 acres with the existing home.

Motion to open the public hearing made by John Denholm and seconded by Charles Lawson.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes

Vote: Yes-6 No-0. Motion Carried.

**Public hearing opened:** 6:12 p.m.

- John Denholm pointed out that the piece being split would be rural residential if the application is approved and it's being attached to a 40-acre parcel that is zoned agricultural production. Rachel Pascoe informed the Planning Commission that this scenario actually happens quite frequently in many townships in Delta County due to how zoning was initially introduced. However, the owner would need to follow all

## APPROVED MINUTES

setbacks that apply in rural residential if he chose to build on the part of the property that is zoned rural residential

- Curtis Larsen said that just recently the Planning Commission approved an application that seemed very similar to this current application. Rachel Pascoe verified that it was a similar situation but did not include building an additional property.
- Clayton Harris questioned what the surrounding zoning was. Rachel identified the current zoning and pointed out that the parcel in question does not touch an area that is already zoned rural residential but there is rural residential nearby.
- Clayton Harris questioned whether this would be a case of spot zoning, which the Planning Commission was trying not to do. Rachel Pascoe confirmed that this would probably be considered a spot zone.
- John Denholm wanted to investigate the rules regarding what spot zoning is. He pointed out that since there is rural residential close by perhaps the rules would indicate that the parcel didn't have to share any property lines with a parcel zoned rural residential for it not to be considered spot zoning. Rachel Pascoe stated that she wasn't sure about the spot zoning rules regarding what would and would not be spot zoning in this situation.
- John Denholm wanted confirmation on where the new home would be built. Rachel confirmed that the new home would be built on 2 acres split from the existing parent's home.
- Clayton Harris wanted to make the commission aware that they shouldn't be doing spot zoning.
- Jonathan Byler, property owner. Explained that there was a need to build a new home next to his parent's home to take care of them as they age. He stated that there used to be an old home where he wants to build the new home, but it had been removed quite some time ago. Byler stated that this additional home next to his parents is very needed at this time due to the family situation and an accident that had recently occurred.
- Rachel Pascoe stated that she had reached out to try to get details regarding the 2<sup>nd</sup> home that no longer exists but was told that there were no details on the previous structure because when the Byler's took over the property in 2018 the structure was abandoned and had no value so there were no additional details on the property other than that it did exist at one point.
- Commissioner Jensen wanted to know if anyone knew how far from the parcel in question the nearest property was zoned rural residential. It was speculated from the map that it would be approximately 100 to 300 yards away.

## APPROVED MINUTES

- John Denholm stated that he was unable to find a provision stating that a property required a shared boundary with zoning that it was requesting it to be rezoned to for it not to be considered spot zoning. Denholm also read the requirements in the ordinance for agricultural production and felt that this should qualify. Rachel Pascoe stated that the requirements were not met under the ordinance because the existing home had not been present prior to the introduction of the zoning ordinance, therefore the property owner is required to work within the current zoning ordinance. This is why the matter came to the Planning Commission.
- Rachel Pascoe informed the Planning Commission that the split in the parcels happened in 2018. Jonathan Byler owns all the parcels now, but he was not the one that initiated the parcel split.
- Berglund wanted to know how many property owners were surrounding the property and Rachel Pascoe confirmed that 5 neighboring property owners were mailed letters and no response had been received.
- John Denholm felt like there is a lot of rural residential parcels in that area.
- Clayton Harris asked if the existing home is up to code and Rachel Pascoe stated that she wasn't sure because that hadn't been investigated because it wasn't relevant to the current case. Pascoe stated that Byler wasn't the one that built the existing home so he could not be held responsible for that. Commissioner Jensen echoed Pascoe's thoughts that Harris' concerns about the existing home had nothing to do with the current application. Harris disagreed that the issue wasn't relevant to the current case.
- Amy Berglund stated that the may concern was the spot zoning and said she thought there must be a better option other than the current rezoning proposal.
- Clayton Harris stated that it was a simple answer. If this is spot zoning than it shouldn't be done because it causes problems for the county.
- Curtis Larsen proposed that the home Byler wants to build could be considered a replacement for the home that used to be there. John Denholm stated that if the old structure that used to be there was recognized then what Byler wants to do would be okay under the current zoning ordinance.
- The commission asked Byler if there was anything left of the structure that used to be there, and he stated after some thought that there was a basement remaining that had been filled in and covered. Rachel Pascoe and Amy Berglund both reminded the Planning Commission that the home no longer exists there.

## APPROVED MINUTES

- Commissioner Jensen said that the Planning Commission needed to remember that what they are looking at in this situation is rezoning a small piece of land to a zoning district that is inconsistent with the others, and that is spot zoning.
- John Denholm stated that he would like to approve the building of the new home but leave the property zoned as agricultural production. It would eliminate the question of spot zoning. Clayton Harris agreed.
- Amy Berglund stated that she'd rather not rezone the property because spot zoning sets a bad precedent and there must be better options available.
- Racel Pascoe reminded the Planning Commission that they were here because under agricultural production rules in order to have a single-family dwelling on 2 acres the structure needs to have been present since the effective date of the ordinance which it was not. This is why this matter is before the Planning Commission.
- Curtis Larsen wanted to know why nobody had answered his question about whether the new structure could be built as a replacement for the old structure. Rachel stated that new construction has to follow the current zoning ordinance. Larsen commented that he is struggling with the idea that the property owner isn't being allowed to replace the old structure to take care of his aging parents.
- John Denholm proposed a new solution that the parcel in question be combined with the adjacent 40-acre parcel that Byler also owns. That parcel could then be split into two parcels that could each have a single-family residence on it.
- Rachel Pascoe said that Byler would be able to do what John Denholm proposed and all of that could be taken care of in the office & with the Township Assessor, that another hearing would not be needed.

Motion to close the public hearing made by Matt Jensen and seconded by Clayton Harris.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes

Vote: Yes-6 No-0. Motion Carried.

**Public hearing closed:** 6:46 p.m.

**Worksheet:** Application has been reviewed, and it has been determined that the request would be a spot zone, and the recommendation that the applicant review the alternate option that was proposed by the Planning Commission.



## APPROVED MINUTES

Motion to deny the application that was submitted was made by John Denholm and seconded by Clayton Harris.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes

Vote: Yes-6 No-0. Motion Carried.

### 3. CASE 8-25-PC – Holesh (Fierens), Amanda.

Presented by Rachel Pascoe: the property owner is looking for the Planning Commission to rezone parcel number 008-108-001-10 from rural residential to Lakeshore & River for the purpose of splitting off two smaller parcels along the waterfront.

Motion to open the public hearing made by John Denholm and seconded by Matthew Jensen.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes

Vote: Yes-6 No-0. Motion Carried.

#### **Public hearing opened: 6:49 p.m.**

- John Denholm stated that this piece of property had come before the Planning Commission previously when the owner was going to attempt to put a resort in but then found that the property wouldn't perk for a project the size of a resort.
- Rachel pointed out that a corner of the parcel is next to a parcel that's already zoned lakeshore & river and the parcel is along the lake.
- The property owner was asked if she had any comments and she introduced Travis Wood from Grover Real Estate to answer any questions.
- Travis Wood addressed Commissioner Jensen's concern regarding the easement and confirmed that it would be used to access both split properties.
- Curtis Larsen commented that he has spoken to people in Manistique who are hopefully that some development will take place along the lake.
- John Denholm stated that if it's along the lake it should be lakeshore & river.
- Commissioner Jensen stated that it seemed compatible with lakeshore & river.
- Larsen asked the owner how she intended to secure the availability of the easement. Commissioner Jensen explained that the availability of the easement in the future isn't under the prevue of the Planning Commission.

## APPROVED MINUTES

- Travis Wood stated that a provision for the easement would be included in a maintenance agreement and the deed so that the easement would continued if the current owner sold the property in the future.

Motion to close the public hearing made by Curtis Larsen and seconded by Charles Lawson.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes

Vote: Yes-6 No-0. Motion Carried.

**Public hearing closed:** 6:59 p.m.

**Worksheet:** Application has been reviewed; it meets Ordinance requirements; location is appropriate for use; no effect on district; no concerns from adjacent property owners; no environmental impact and is not a spot zone.

Motion to approve the application that was submitted was made by John Denholm and seconded by Matthew Jensen.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes

Vote: Yes-6 No-0. Motion Carried.

### X. Unfinished Business.

#### 1. PA233 Compatible Renewable Energy Zoning Ordinance.

- Commissioner Jensen informed the Planning Commission that there is a proposed version of the ordinance included in the packet and asked that all members review the ordinance and bring any thoughts/comments/questions that they have regarding the ordinance to the meeting being held in August. Jensen explained why the county shouldn't have a CREO but an ordinance that is incompatible but workable. Jensen also presented an overview of the purposed ordinance and how it would potentially work.

### XI. Correspondence.

Motion to place all correspondence on file and send a letter that we have received and reviewed the correspondence and have no comments to Garden Township, Masonville Township, and Au Train Township; and send a letter that we have received and reviewed the correspondence and have comments to Ford River Township was made by Matt Jensen and seconded by John Denholm.

Vote: Yes-6 No-0. Motion Carried.

## APPROVED MINUTES

### XII. Public Comment.

- Bob Barron – stated that he had questions about PA233 and is concerned about not having a CREO in place. Barron felt that the existing ordinance was a CREO and no changes should have been necessary. Barron also stated that he was aware of financial assistance offered by EGLE but that a CREO was required qualified, and that this version of PA233 that has been created limits what the townships can do. It's his opinion that property owners know best about what should be done with their own property.
- Angela Spriks, Perkins. Has concerns about how her property is zoned. She is the sole support of her family. She has poultry, fruit trees and a garden that she uses to feed her family. She has now received a letter stating that she could face fines or jail time if she doesn't get rid of her chickens. She financially cannot get rid of her chickens as they feed her family. When she originally bought the property, the township told her the parcel was in a grey zone, and she would be able to have chickens. She cited the Right to Farm Act.
- Rory Mattson, Escanaba. He would like to see the timer used during public comment. He is concerned about the timing of the PA233 ordinance and hopes that the Planning Commission will give residents enough time to review the ordinance prior to holding a public hearing. Mattson had thought that the Planning Commission meetings would be streamed online but as of yet they haven't been. He stated that landowners are concerned about the Master Plan and that it will be restrictive. He is concerned about the comment made by Commissioner Williams that "she doesn't like the landscape of Delta County."
- Bob Vandamme, Baldwin Township. Vandamme is concerned about how much the Planning Commission will control personal property rights. He also expressed concern regarding Commissioner Williams comment "I don't like how Delta County looks." He also has concerns regarding the drain commissioner that was brought in. He wants the Planning Commission to be strong advocates for private property rights in Delta County.

### XIII. Planning Commission Member Comments.

- John Denholm feels like he understands how residents are feeling and their concerns. He stated out in the country there isn't much need for zoning. He feels that private property rights are important and it's what makes America stand out. He reminded residents that the Master Plan is being re-done because it got outsourced the last time it was done and some of the information isn't presented properly. He stated that everyone should have a chance to have input on the Master Plan.

## APPROVED MINUTES

- Commissioner Jensen felt that the discussions that took place were good, and some good solutions came out of those discussions.
- Amy Bergman wanted everyone to know that they will have an opportunity to have input on the Master Plan. CUPPAD is doing the Master Plan and won't be farmed out and there will be 15 public meetings included. The Master Plan doesn't do the zoning, it just gives feedback and provides guidance to the Planning Commission.
- Curtis Larsen wants to strongly encourage everyone in Stonington to attend the public hearings for the Master Plan. He'd like to find a way to inform both sides of the Stonington Peninsula about events and announcements. He also complimented Rachel on her professionalism and how she handles herself.

### XIV. Adjournment.

Motion to adjourn at 7:42 p.m. made by Matthew Jensen and seconded by John Denholm.