### Notice of Public Hearing Huron County Planning Commission Wednesday, April 2, 2025 County Building, Meeting Room 305 250 E. Huron Avenue, Bad Axe, Michigan Special Approval Use Permit: SAP 2025-03

Notice is given that the Huron County Planning Commission will hold a public hearing on Wednesday, April 2, 2025, at 7:00 p.m., in Room 305, County Building, 250 E. Huron Avenue, Bad Axe, Michigan 48413. The purpose of this meeting and public hearing is to hear comments about and consider the request for a Special Approval Use Permit to mine sand in Section 22 of Grant Township, Huron County, Michigan, more fully described below:

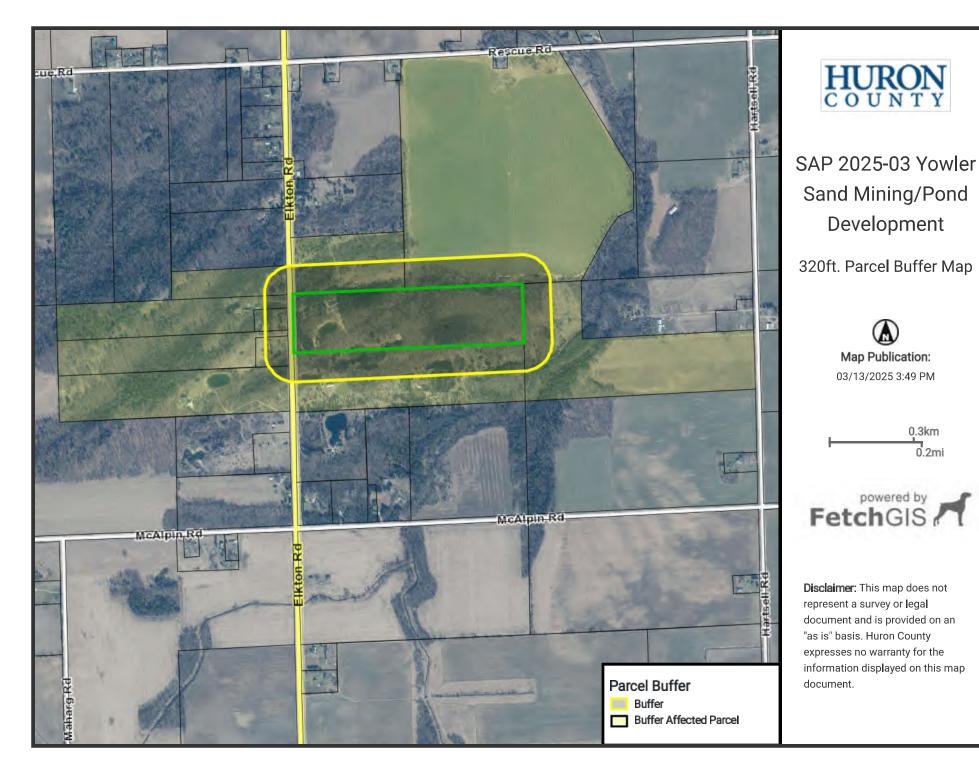
Special Approval Use Permit: SAP 2025-03: Request by property owner Brandon Yowler, 4267 South Elkton Road, Gagetown, Michigan, 48735, to mine sand from a portion of his 40-acre parcel in Section 22 of Grant Township, Huron County, Michigan. Parcel I.D. 3210-022-009-50 is in the Agricultural (AGR) Zoning District. Sand will be removed to an approximate depth of 10-15 feet. The area of excavation will create a permanent residential pond, encompassing approximately 4.0 acres. All finished grades will be less than 3:1 slope. The applicant has an agreement with Buchholz Transport to remove the sand from the site and it is anticipated the mining & pond development will be completed by December 31, 2025. Under provisions of the Zoning Ordinance of Huron County, Article XV Special Approval Use Permits, Section 15.01 and Section 15.02(4), the Huron County Planning Commission is authorized to review specific uses regulated within the various zoning classifications as set forth in the Ordinance. Pursuant to provisions of the Michigan Zoning Enabling Act, Act 110 of 2006, MCL Section 125.3205(3), "An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit."

The application and site plan relative to this request are available for public examination during office hours at the Huron County Planning, Building & Zoning Department, Room 102, County Building, 250 E. Huron Avenue, Bad Axe, Michigan 48413, and also available on the county website: <u>www.co.huron.mi.us</u>.

Persons wishing to comment on the proposed special use permit are invited to this meeting. Written comments may be mailed to the Huron County Building & Zoning Department, 250 E. Huron Avenue, Room 102, Bad Axe, Michigan 48413 or sent by fax to 989-269-3362 or email to smithj@co.huron.mi.us. For further information on this matter, please contact Jeff Smith of the Building & Zoning Department at 989-269-9269.

This notice is disseminated pursuant to PA 110 of 2006, being the Michigan Zoning Enabling Act, as amended.

Huron County Planning Commission Bill Renn, Chairman



	Application Fee Regular Mee 0 Application Fee Special Me							
Date: 2/18/25		PROJECT NO.: SAP 2025-03						
APPLICANT'S NAME: Brandon Yowler								
ADDRESS: 4267 S. Elkton Rd. Go		MI	48735	937-360-9				
ADDRESS:S. Elkton_Kd. (70 street	city	state	zip	telephone				
PROPERTY OWNER'S NAME AND ADDRESS (in	f different than above):							
Brandon Yowler								
8308 Haist Rd.	Pigero	MI	48755	937-360-97 telephone				
street address	Pigeon city							
ADDRESS OF PROPERTY REQUESTED FOR SI	TE PLAN REVIEW: 426	7 S. Elkton	Rd. Ga	getown MI 487				
PROPERTY IDENTIFICATION No.: 10 - 02			0					
PROPERTY IDENTIFICATION No.:	4 001 00							
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Brandon Yowler 4267 S Elkton Rd Gagetown, MI 48735 Home: 937-360-9762 E-mail: byowler@gaschofurniture.com

Dear Huron County Planning Commision,

My name is Brandon Yowler, and I am writing to you in regards to a project taking place on my property. The property is # 10-022-009-50 and is described as the North 1/2 of the North 1/2 of the Southwest 1/4 of Section 22, T15N - R11E, Grant Township, Huron County, Michigan carrying the physical address of 4267 S. Elkton Rd. Gagetown, MI 48735. I have attached a survey and aerial view of the property for reference.

This application is serving as an "in process" project as the work has begun, but is less than 30% complete. In January 2020 I contracted Shagene Construction to dig a .75 acre pond on the property leaving behind all the materials (sand). Over the course of 4 years, the sand which was piled into my existing wood line 3-4' deep began to cause significant damage and root rot to the standing woods. Trees were dying off and falling over around the pond and surrounding accessory building structure causing concern for my property and children.

In August of 2024, I approached Buchholz Transport over the possibility of removing the excess sand and dead trees to prevent further destruction. In order to make the project cost effective for both parties, we negotiated to increase the size of the existing pond from .75 acres to a pond not exceed 4 acres in size; exchanging the removal of sand materials for the labor.

The completed portions of the pond will have a maximum 3 to 1 slope to prevent erosion of the waters edge. Excess sand will be removed to prevent additional damage to the woods and tree line. The current pond is located within DEQ wetlands designated areas and the expanded pond will also fall into this same category. Keeping this in mind, improvements will be made to the current wetland area with the increase of the pond through the creation of additional habitat and the prevention of further destruction of the current habitat through root rot, falling timber, and other naturally occuring processes. Proposed sand removal area on the property will be excavated to a depth of 10-15'. All the excavations have been, and will continue to be performed following MHSA (Mine Safety and Health Administration) guidelines per Michigan law.

The project is scheduled to be completed by December 31, 2025 to the specifications described above meeting all local and state ordinances.

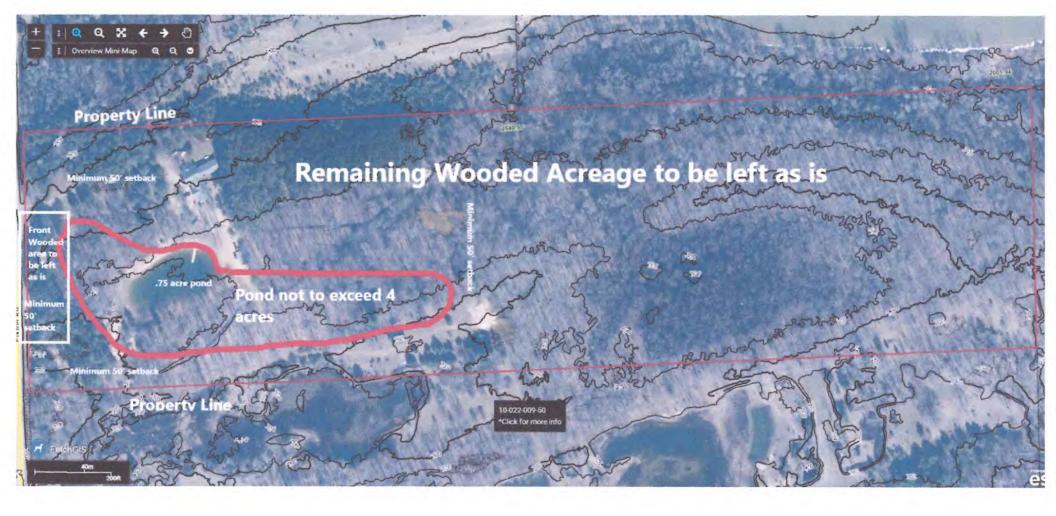
Thank you for your time and consideration in this matter.

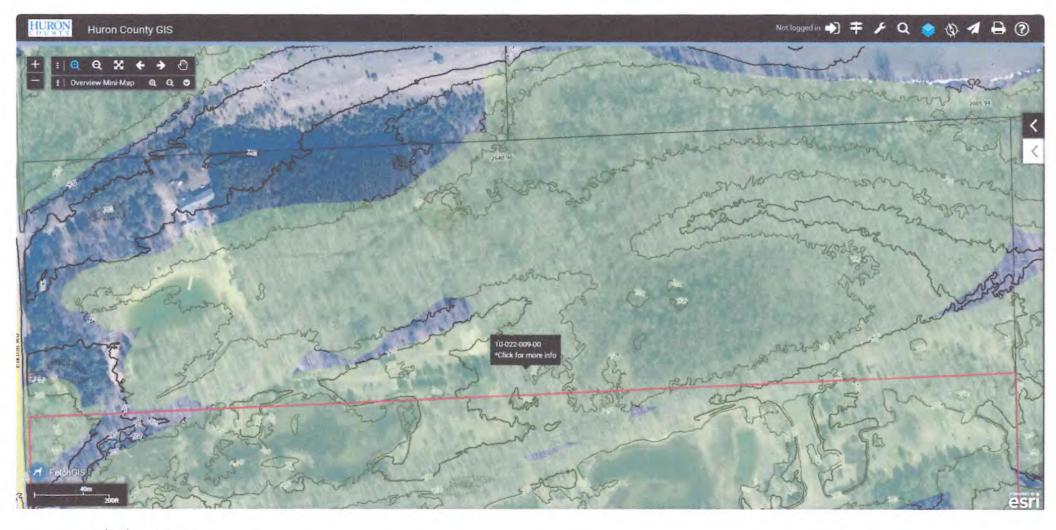
Sincerely,

2118/25

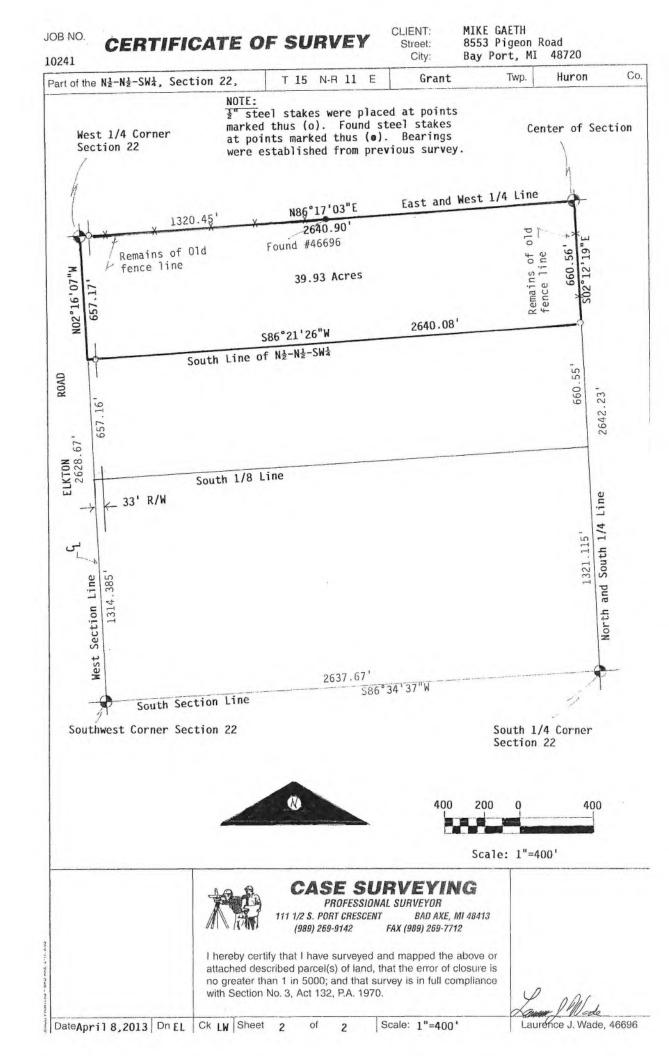
Brandon Yowler- Owner

Date





Wetland Map



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Parcel Number: 3210-022-0	09-50	Jurisdict	ion: GRANT		С	County: HURON		Prin	ted on		03/13/2025
Grantor	Grantee		Sale Price		Inst. Type	Terms of Sale		Liber & Page		ified	Prcnt. Trans.
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VOLLMER JASON & JANEL & K	GAETH MICHAEL &	CONNIE &	0	07/14/2010	QC	21-NOT USED/OTHER		1333:432		D	0.0
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Property Address	Address			RO Zoning:	Buil	Lding Permit(s)		Date N		S	tatus
4267 S ELKTON RD Owner's Name/Address		School: (	CASS CITY PUBL	IC SCHOOLS	ACCE	ESSORY BUILDING	01	01/29/2021 2100		13	
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		MAP #: 27	7 22 300 008		NEW	CONSTRUCTION	06	06/24/2013			
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8308 HAIST ROAD PIGEON MI 48755			ved X Vacant			tes for Land Tabl	Le .				
		Public				* 1	actors *				
			rements	Descrip	Description Frontage Depth Front Depth Rate %Adj. Reason						
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1/2 OF SW 1/4. 40 A.		Storm									
Comments/Influences		Sidewa									
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\*\*\* Information herein deemed reliable but not guaranteed\*\*\*





SAP 2025-03 Yowler Sand Mining/Pond Development Wetland Map Layer

> Map Publication: 03/13/2025 3:45 PM

200m 600ft



**Disclaimer:** This map does not represent a survey or legal document and is provided on an "as is" basis. Huron County expresses no warranty for the information displayed on this map document.

#### ARTICLEXV. SPECIAL APPROVAL USEPERMITS

#### SECTION 15.01 SPECIAL APPROVAL USEPERMITS-APPROVAL PROCEDURES. In order

to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the County, the Planning Commission, in addition to its other functions, is authorized to review certain uses designated as "Uses Permitted on Special Approval" within the various zoning classifications as set forth in the Ordinance.

Such uses have been selected because of unique characteristics which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause them to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

The burden of proof of facts which might establish a right to a Special Use Approval under the foregoing conditions shall be upon the applicant.

All applications for Uses Permitted on Special Approval shall be accompanied by a site plan and shall be processed in accordance with, and subject to all the provisions of Site Plan Review. The Planning Commission shall have the responsibility to review <u>andapprove</u> Special Approval Use Permits. It shall be the Planning Commission's responsibility to insure that specific conditions associated with each use are complied with.

Action of the County Planning Commission on any such matter shall be taken only after an application in writing shall be filed with the Zoning Administrator and shall be governed by the required procedure for an application pursuant to the Michigan Zoning Enabling Act, as amended, including holding a hearing. Developers of projects, which require a Special Approval Use Permit and zoning variances, shall apply for and be issued a Special Approval Use Permit before applying for zoning variances. Developers of projects which require a Special Approval Use Permit must begin work on the project within one (1) year of issuance of the permit unless otherwise agreed upon by the Planning commission.

The issuance of any permit shall not be approved unless the Planning Commission shall find, in each case, that:

1. All requirements set forth in this Ordinance will be complied with;

2. The use and any proposed structures to be utilized in connection therewith will not create any threat to the public health, safety and welfare and will not unduly aggravate any traffic problem in the area;

3. The proposed use will not be injurious to the surrounding neighborhood;

4. The proposed use will not be contrary to the spirit and purpose of this Ordinance. The Planning Commission may require such conditions as it may deem reasonably necessary to promote the spirit and intent of this Ordinance.

5. All proposed structures, equipment or material shall be readily accessible for fire and police protection;

Page **129** of **162** 

### ARTICLEXV. SPECIAL APPROVAL USEPERMITSContinued

### SECTION 15.01SPECIAL APPROVAL USEPERMITS-APPROVAL PROCEDUREScontinued:

6. The proposed use shall not cause traffic congestion or movement out of proportion to that normally prevailing in the particular district.

7. The proposed use shall provide sufficient space for off-street parking of all vehicles attracted by its presence and shall abide by the regulations set forth in this Ordinance for its particular district or use;

8. Any proposed building shall not be out of harmony with the predominant type of building in the particular district by reason of its size, character, location or intended use.

9. If applicable, groundwater protection is incorporated into the design of the site and proposed facility.

# SECTION 15.02 USESNOTOTHERWISEINCLUDED WITHIN ASPECIFICUSEDISTRICT: (ZA#98-1; eff. 6/10/98)

Because the uses referred to hereinafter possess unique characteristics making it impractical to include them to a specific use district classification, they may be permitted after consideration by the Planning Commission, pursuant to the provisions of Sections 14.28 of this Ordinance. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential (R-1, R-2, RM-1) District unless otherwise specified.

These uses require special consideration since they service large areas and require sizable land areas, creating problems of control with reference to abutting use districts. Those uses which fall specifically within the intent of the section are as follows:

1. <u>OutdoorTheaters</u>: Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 (IND), and AGR Districts only. Outdoor theaters shall further be subject to the following conditions:

a. The proposed internal design shall receive approval from the Zoning Administrator as to adequacy or drainage, lighting and other technical aspects.

b. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.

c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

### ARTICLEXV. SPECIAL APPROVAL USEPERMITSContinued.

<u>SECTION 15.02 USESNOTOTHERWISEINCLUDED WITHIN ASPECIFICUSEDISTRICT:</u> (ZA#98-1; eff. 6/10/98) Continued.

CommunicationTowers/WirelessCommunicationFacilitiescontinued:

Performance standards: (ZA '98-1; eff. 6/10/98) continued:

5) Towers shall be located so that they do not interfere with reception in nearby residential areas.

6) The base of the tower and any guy supports shall be fenced with a minimum 6 ft. high fence.

7) The tower shall be removed by the property owner or lessee within six (6) months of being abandoned.

8) Colocation Review: Applicant(s) for zoning approval to construct a new wireless communication facility (tower) shall demonstrate that a feasible colocation on a nearby facility is not available for the coverage area and capacity needs. A map indicating the location of nearby wireless communication facilities (towers) shall be provided, and it shall be the responsibility of the applicant to demonstrate that such facilities do not have the capacity or location for colocation. All applications for new and/or modified wireless communication facilities (towers) shall demonstrate (towers) shall demonstrate colocation capacity. (ZA '01-01; adpt. 5/8/'01; effective. 7/6/'01)

3. <u>WaterSupplyandSewageDisposalPlants</u>: All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.

a. Municipal water supply and sewage disposal plants, to serve the immediate vicinity, shall be permitted in all use districts.

b. Sewage disposal systems that are designed to disperse waste water from sources outside the County over large tracts of land shall not be permitted in the R-1, R-2, RM-1, and AGR Districts.

c. All operations shall be completely enclosed by a cyclone type fence, not less than six (6') feet high.

4. <u>Sand, Gravel, Topsoil, Ore and Minerals</u> All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.

No fixed machinery shall be erected or maintained within fifty (50') feet to any street right-of-way line or property line in order to insure sub-lateral support to surrounding property.

Where it is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6') feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50') feet to the top or bottom of any slope.

### ARTICLEXV. SPECIAL APPROVAL USEPERMITSContinued.

# SECTION 15.02 USESNOTOTHERWISEINCLUDED WITHIN ASPECIFICUSEDISTRICT: (ZA#98-1; eff. 6/10/98) Continued.

4. Sand, Gravel, Topsoil, Ore and Mineralscontinued;

No slope shall exceed an angle with the horizontal of forty-five (45E) degrees.

No building shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Planning Commission.

The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the community in general.

Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.

When excavation and removal operations or either of them are completed, the excavated area shall be graded to that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of airable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.

Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, and individual, or to the community in general. The applicant shall provide evidence that the proposed extractive operation will not in any way contaminate the surface water or the water table of the area. On-site testing by a qualified soil scientist is required.

5. <u>Nuclear Power Plants</u> Nuclear Power Plants shall be permitted in Industrial (IND) District only. All applicable State and Federal rules, regulations and statutes must be met prior to actual siting anywhere in Huron County. If deemed necessary, the Huron County Planning Commission, shall require copies of all data submitted to any State or Federal Agency pursuant to any law, ordinance or permit process.

6. <u>DisposalAreas</u> Disposal areas - Type I wastes, Type II wastes, Type III wastes, inert materials, or sites designed to receive dredge materials, as herein defined are permitted in any district subject to the requirements of this ordinance.

## AVERY

5160

YOWLER BRANDON & CARLA 8308 HAIST ROAD PIGEON, MI 48755

BUCHHOLZ KYLE P & NICOLE LE/TRUST 4370 SOUTH ELKTON ROAD GAGETOWN, MI 48735-9500

ERLA ROBERT J & DAWN H 4256 SOUTH ELKTON ROAD GAGETOWN, MI 48735-9539

RICHMOND GARY D SR & 1081 MEADOW CREST DRIVE CLARKSTON, MI 48348 Easy Peel<sup>®</sup> Address Labels Bend along line to expose Pop-up Edge<sup>®</sup>

VERHAAR JOHANNES M & ANTHONIA M 3201 WEST SOPER ROAD BAD AXE, MI 48413

BRADSHAW DOUGLAS A & CATHY L 15305 ETON POINTE DR CLINTON TOWNSHIP, MI 48035

ATKIN MARK R 4280 SOUTH ELKTON ROAD GAGETOWN, MI 48735

VOLLMER COREY M 136 SOUTH CASEVILLE ROAD PIGEON, MI 48755 Go to avery.com/templates ! Use Avery Template 5160

GUINTHER GERALD & JACALYN LE/TRUST 4230 SOUTH ELKTON ROAD GAGETOWN, MI 48735

BRINKMAN RYAN & ELIZABETH 4290 ELKTON ROAD GAGETOWN, MI 48735

VERHAAR JOHANNES M & ANTHONIA M 3201 WEST SOPER ROAD BAD AXE, MI 48413 DUDII COLC

SAP 2025-03 Mailing List

Huron County BOC Legislative Members via email

Deborah Knarian 2569 S. Barrie Road Bad Axe, MI 48413

Richard Swartzendruber 2751 Stein Road Bad Axe, MI 48413 James Leonard 66 Buschlen Road Bad Axe, MI 48413

George Lauinger 710 Kuhl Road Bay Port, MI 48720

Bill Renn 6206 Campbell Road Pigeon, MI 48755 J. Dean Smith 8321 Berne Road Bay Port, MI 48720

Grant Township Clerk Janice Brandel 4554 Maharg Road Cass City, MI 48726

Bernie Creguer 3037 Limerick Road Kinde, MI 48445

Jeremy Polega 832 Port Crescent Road Port Austin, MI 48467