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Helena Township Planning Commission
PUBLIC HEARING – FUNNELING ORDINANCE (RE-DO)
October 2, 2025 @ 5:00 p.m.

HTAG TRANSCRIPT

(The content contained herein was extracted directly from recordings of the above-referenced event and prepared as accurately as possible based on the room's conditions including number of people simultaneously conversing. At such times, comments are unrecognizable, it is so noted as such as being "(inaudible)".

Present

David Hunstad
Jim Gurr - Chair
Fay Vandenberg - Secretary
Jim Schilling – Board Liaison
Gordy Schafer

Butch Peebles - Supervisor
Bob Logee - Zoning

Absent

Mike Robinson – Vice-Chair
Darren Whipple

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Schafer: "Darren will be ten minutes late. Sorry about that."

Gurr: "I've just given notice that he's going to be ten minutes late. So you'll not be surprised when he shows up. Everybody has the agenda in front of them. So I'm looking for, unless somebody feels the need to amend it, I'm looking for a motion to approve."

Schafer: "Motion to approve".

PC Member: "I second."

Gurr: "Okay, so motion's been made. Has it been seconded? Any further discussion? All in favor, signify by aye."

PC Members "Aye".

Gurr: "Any opposed, the same?" Thank you.

CONFLICT OF INTEREST:

Gurr: "This is the point where we ask ourselves whether any member of the planning commission feels that they might have a conflict of interest with anything that's on the agenda?"

COMMUNICATIONS:

Gurr: "I've received nothing in print. I can tell the public that there will be no interim county planning commission meeting for October. There's nothing on the agenda. No business."

VandenBerg: "Well, Bob and I have received some communications regarding residents on RVs that are, they don't bother them. So, but we're not talking about that tonight, but I wanted to share that I'm getting communications."

Gurr: "I'll keep those documents for when they should come out. So let the Minutes reflect that...that's a good point for them. Okay....Anybody else have any communications? If not, I will open our public comment period with respect to the normal meeting. Mr. Sak?"

PUBLIC COMMENT:

Resident Paul Sak: "Paul Sak...I want to commend the planning commission. I missed the September 4th meeting, but I want to commend you for following the law and logic and having another public hearing for 5.02.02. That's very refreshing. But it also then brings up 5.02.01. It also brings up 5.02.02, which was a public hearing on June 19th, which didn't have the correct notice. Same problem that you had with 5.02.01. The decision was made June 5th, that being to have a Public Hearing on June 19th, which was 14 days away. There wasn't a notice in the newspaper until June 12th, which is only 7 days. And at subsequent meetings, there were a number of us, myself included, that asked the planning commission to reconsider that 5.02.02, because it violated the law, just like you've gone through this process the last couple meetings. So I'm going to ask the planning commission to get the board to rescind that law and pass the public hearing on 5.02.02."

PC Hunstad (?): "I have a question...can you rescind something that's already been passed by the board?"

Sak: "Yes, you can. It was done roughly two years ago around here, when there was an ordinance that was clearcutting. And a lot of clearcutting and doing away with the greenbelt. That was passed by the planning commission, unbeknownst to a lot of us, and then was rescinded by the board. So the board has the power to rescind an ordinance that's been passed. So, I'm asking that 5.02.02 be given the same legal...follow the same legal process that you just did and restart that process with a new public hearing for 5.02.02. And I think this was brought up at last week's meeting, last month's meeting, and information I have was that somebody would be looking into that, those dates. I have those dates, I have the newspaper, I have copies of your minutes, which document exactly what I said about that ordinance. Thank you."

(3-minute Timer Rings)

Gurr: "Thank you. Okay. Perfect timing. Okay...." Okay...any other public...Gary?

Resident G. Mayes: "Yes, um....I've been thinking about this for quite a while. It's... in a couple of meetings, I've heard comments that if something isn't in our zoning ordinance, then it's a free-for-all, they can do whatever, and people can do anything they want. And I've done a lot of research on this, and I found a Supreme Court ruling, and I think this would be important for everyone on the Board or on the Planning Commission to understand this, that is...here's what the Supreme Court said. It clarifies, when using a generally allowed under the permitted use section of a municipal zoning ordinance in Michigan, depending on the wording of the particular ordinance, if use is not expressly listed in the permitted use section of a zoning district involved, it is normally not allowed in a zoning district. In other words, uses not specifically listed are generally disallowed.

Resident G. Mayes: "The decision could have a significant impact upon whether a variety of different uses, including but not limited to short-term rentals, keeping of farm animals, home occupancy uses, and permitted uses allowed in particular zoning districts, if not matching. The reason why I bring this up is that I think that we all need to have an understanding of, if it's not in our ordinance, it's generally not allowed, it would go through the permitted use process. Or special permitting process, sorry. So, but I've heard it a couple times, I've heard it from a Planning Commission member, and I've heard it from another. And I just, I want clarification, because I've done a lot of research, and this holds very true. And I just, I wanted to bring this up. I've been, it's been a couple months now, but I've been bringing other issues up. Thank you."

Gurr: "Okay. Any further public comments on the regular agenda? Any none? No.

Gurr: "So we're going to take a look at 5.02.01. On your packet, you've got all the detailed information. So, we're going to close our Regular Meeting and open our Public Hearing on 5.02.01 language.

Gurr: "So, it's a Public Hearing, so we need to have in the record the people speaking and their addresses. So, I think many of you had the opportunity to get information filled out. So, this is your time period if people decide to jump in afterwards and identify yourselves so we can keep moving. I typically like the zoning administrator, who is not here, to give a, kind of a, what I call a pressy of what it is that is the concern, but he's not here. So, we'll wait until he comes back in. But, you can see on the agenda it mentions a finding of fact. You don't really need to have a finding of fact for a Public Hearing. Finding of facts are mandatory and special use permitting... That's just a kind of a misstatement condition. But, we will look for facts. Well, I think everybody in the room is aware of what we're here to discuss. I don't think we need to wait for Bob to come in to give us his minute version. This is actually the third month that we've touched on this. We did it in depth and in response to citizen concerns that many people subscribed to. We've kind of backpedaled and here we are again for Public Hearing on October 2nd for the same business. So, we can begin normally with the zoning administrator. I'll give him the opportunity to give history when he comes in but, we can start with Public Comment. Did they send in anything? Oh, there we go.

Gurr: "Gary?

Resident G. Mayes: "Sorry...I'm good.

Schafer: "_____ (inaudible) is calling - That was our goal."

Gurr: "Okay, Paul Sak."

Resident P. Sak: "On August 25th, when you had a public hearing on this original, I voiced an opinion. The minutes from that meeting are, I think, are very misleading. It says, Paul Sak questioned the reasoning for why residential lots that had 100 feet of waterfront were permitted to dwelling Units. That is not the point, and that was not what I said. Right now, residential lots, R-1 lots, have a minimum of 100 feet. Those are mostly lake lots in our township. R-1, one dwelling unit, one house, 100 feet. What this ordinance does, the way it's written, is it allows 100 feet of water and I can understand, we do want to control funneling. It used to be you could get up to four without too hard of a challenge to go to one, and now it's down to two. But the reality is, it still is allowing funneling.

P. Sak: "For 100 foot, you're basically saying two dwellings, two contiguous lots, two homes, can use that 100 foot. And my issue back on August 25th is the same issue now. What is the logic between having R-1, people that own R-1 property, only limited to one house if they're building on it, but allowing two dwellings off the lake to use that one lot, 100 foot, minimum 100 foot? In my mind, I don't know, the math doesn't work, the logic doesn't work, there still is funneling. Because you now are doubling the quantity of people using a lot, putting boats out there, putting docks out there. That's my point. And I would appreciate it if it were captured in that sense, not the way it was on August 25th.

Gurr: "I'm summarizing that as an observation on the recorded minutes."

Gurr: "Go ahead, Gordy."

Schafer: "This is for vacant. Vacant. Bob (Logee) tell them what happens once a house gets built.

Schafer: "You want this was the language you wanted it, right?"

Logee: "Right, there's no...."

Schafer: "Then the two lots go away, they can't do it. This is for vacant. Once it's vacant, whatever.

Logee: "On a vacant lot, you've got no buildings."

Schafer: "He gave us the query, right. But once someone builds a house on the water, the two lots behind are done, right?"

Logee: "Right. And I will say in the decades I've been involved, there's never been a party come forth under this issue, seeking more back...."

P. Sak: "Can I make just a comment since Gordy..."

Gurr: "Just a second." Thank you, Bob. You weren't here, you might remember from all those years, I kind of like to have a zoning administrator who's really kind of the point person give like a minute version of the issue before we go into our Public Hearing. We're underway, and I think we all understand what's going on, but if you feel the need to elucidate, just raise your hand and let us know." Paul?

P. Sak: "Just a comment to what Mr. Schaefer said, I agree with that. Once a house is built, then the two lots theoretically can't use that. I follow that logic. But the logic still is, you've got a hundred foot, when you look at it from a funneling to a lake, you've got a hundred foot of property with two families, two groups, two short-term rentals funneling into that one vacant lot. And that's the point. Three years from now when somebody....

Schafer: "So?"

P. Sak: "builds on that house, and there is a house, I understand that.

Schafer: "So what you're saying is you think people will build two houses on the back lot and use the front. They'd have to be the same owner..."

Sak: "That's what I'm saying, and you know, outside logic, I mean, logic..."

Schafer: "I get it, I get it....Bob, have you seen...."

Sak: "It would be crazy to do, but you want to have logical ordinances."

Logee: "No, I've never come across that."

Schafer: "Understood. So it hasn't happened yet?"

Sak: "There's a lot of stuff that hasn't happened yet, and then it happens."

Gurr: "Okay. Any more of our public comment seekers that have given us the information to identify them for the minute? Is there? If not, we're going to close the public comment part of the public hearing. Okay. We've closed the public comment part of the public hearing.

Gurr: "Now we, as a commission, will look at our language, decide whether we're still comfortable with the premise that it was promulgated along, and recommend it to the township board for approval. I'm looking from one end to the other. Any commission members, any of you want to delve into this further?

Schafer: "We've been on this for three months."

Gurr: "Okay. That's the case. I'm looking for a motion to approve the 5.02.01 language and recommend to the township board that they approve it at their next meeting, which, by the way, will be before the county meeting, where they will review it in November as a complete ordinance."

PC Member "So moved."

Gurr: "So it's been moved. It's been seconded. Thank you. Now we're good. Any further discussion? Hearing none, I'll call the question. All in favor, signify by aye.

PC Members: "Aye".

Gurr: "Any opposed the same?

Gurr: "Very good. It's done. So a week from now, we'll be able to tell the board that we've recommended to them that they approve and enact by their ordinance-making procedure by resolution, and then we'll go to the county planning commission.

Gurr: "We're learning we can frontload it or we can backload it, so we're going to satisfy their concern in advance. We will close the public hearing at 5:21 p.m. and proceed to hold business.

Gurr: "We'll ask....did all of our members manage to get the notice sent around about Mary Riley and her language _____? It really is worth your while, guys, to take a look at Mary Riley's continuance of the Planning and Zoning News. I think I have it with me normally. The last issue of Planning and Zoning News. This was a quarterly publication that was given to planning and zoning individuals for many, many years through MSU Extension. The professor who was the motivating force has retired. Mary Riley, who was one of his graduate assistants and a planner from Mason County, has carried on the torch. We don't have a publication paid for by the taxpayers anymore, but she does have an email service she makes available pretty much on a quarterly basis that does the same thing. Just to summarize what's inside this one, case summaries, information sources to keep up to date, keeping track of your community planning and zoning history, and a calendar - Very, very useful stuff. She still tries to get it out, but it comes by email now."

Schafer: "Thank you."

Gurr: "It's worth paying attention to. Okay. Now, of course, I just managed to lose my agenda. I was stuck in Planning and Zoning News. Okay. Any old business anybody else needs to refurbish?

Gurr: "Okay. Next time we meet will be Thursday, November 6th, 2025, at 5 o'clock. Having said that, are we looking for a motion to adjourn?

Gurr: "5:24 (pm)"

Schilling: "I second.

Meeting adjourned at 5:24 p.m.

NEXT REGULAR MEETING:

Thursday, November 6, 2025 @ 5:00 pm

Provided by,
Helena Township Advocacy Group (HTAG)
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