

Superior Township Planning and Zoning Committee  
Brimley, Michigan 49715  
February 11, 2020

**Call to order:** Matt Maki called the meeting to order at 6:02 p.m.

**Present:** Ken Belk, Elgon Ellis, George Kinsella, Matthew Maki, Rick Orsborne  
**Not present:** Susanne Kniskern

**Motion to approve agenda**

Motion to approve: George

Motion seconded: Ken

Motion carried unanimously

**Minutes from January 14, 2020**

Motion to approve Minutes: Rick

Motion seconded: Elgon

Motion carried unanimously

**Public Comment** (three minutes per commenter)

**Discussion of Application for a Variance:** Gazebo located at 9691 W. Shenandoah, Brimley.

Reference: Superior Township Zoning Ordinance (Item in blue type is relevant section)

Article 9 Waterfront Residential District

Section 9.04 Regulations and Standards

1. *Front Yard – Any lot bounded by both a public street and the shoreline of a river or lake shall be considered to have two front yards for the purposes of this standard. Minimum front setback in the Waterfront Residential district is 10 feet from a street or 50 feet from the shoreline. In the case of a front yard that is adjacent to the shoreline, setback is measured from the ordinary high water mark (in the case of Lake Superior, as legally established by the United States Army Corps of Engineers).*

2. *Side Yard – A 10-foot minimum width, except where adjoining a street or highway in which case the Front Yard requirements will apply.*

3. *Rear Yard – A 10-foot minimum rear yard depth shall be required.*

**Presenter:** Jim Busha: Request for Variance for Gazebo within the required 10-foot set back.

**Discussion:**

1. Request to approve gazebo relocation within the required 10-foot property side setback.

The gazebo previously former location on the property was not a compliance issue.

2. Mr. Busha provided a completed Request for Variance and a site sketch. There are other locations on the property that meet the Ordinance requirement but interfere with a view of the water from the house.

3. Matt and George explained the structure and relationship of the Township Planning and Zoning process: beginning with the Ordinance, the duties of the Zoning Administrator, the Planning and Zoning committee, the Zoning Board of Appeals, and the Circuit Court.
4. George proposed a plan whereby the Planning and Zoning Committee would approve a designated period for Mr. Bush to use the gazebo, but after which the gazebo would be removed to come into compliance. This proposal was agreeable to the committee members as well as to Mr. Busha.

**Motion:** Elgon made a motion that Mr. Busha should be permitted to keep the gazebo in its present location until October 15, 2020. If Mr. Busha removes the gazebo prior to that date, he will so notify the Planning and Zoning Committee. After that date the gazebo shall be removed in order to bring the property setbacks into compliance.

Motion seconded: Ken

Motion carried unanimously

#### **Old Business**

1. Pending Action: R. Charles, River Road, proposed double-wide placement but prior house still on site: Zoning Administrator verified the plan for pending action is viable, remains a pending action.
2. **Resolved by Motion February 11, 2020 approving gazebo remaining in present location, 9691 West Shenandoah, Brimley, until October 15, 2020, at which time it shall be removed.**
3. Pending: Rick discussed the location and need for relocation of a shed and of a canvas garage with a property owner to bring into compliance with the Township Ordinance. The owner and Rick reached an agreement to wait for Spring when the structures may be moved

#### **New Business**

1. Zoning Administrator report, activities since January 14, 2020 meeting
  - a. *Pending actions.* Rick has received several concerns about a windmill in the waterfront residential district that emits an irritating noise. Rick has brought the concern to the owner, and after having completed appropriate research, plans to meet again with the owner
    - 1) to determine whether the windmill is performing a task or if it is merely ornamental
    - 2) to recommend an inspection to determine if it is a maintenance or mechanical issue
  - b. *Blight actions.* Rick informed the committee that talks regarding the Passmore property have begun, with additional talks pending a written plan and timeline.
  - c. *Additional Variances.* None
2. Zoning Administrator and issue of a Township owned Optical Rangefinder regarding accurately measuring linear horizontal distance for setbacks or other required distances as detailed in the Zoning Ordinance.

3. Status of Ordinance Review as of 10 February 2020: The Zoning Review completed through Article 10 (page 75). Depending on the size of a numbered Article, the pace has averaged 2 Articles per meeting.

**Additional Business**

The next Committee meetings are scheduled as follows:

(Zoning) 6 p.m. March 9, Smart House. (Planning) 6 p.m. March 10, Township Hall

**Adjournment at 7:52 p.m.**

Elgon made a motion to adjourn.

Ken seconded

Motion carried unanimously

Matthew Maki

Secretary, Planning and Zoning Committee

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