

Superior Township Planning and Zoning Committee
Brimley, Michigan 49715
January 14, 2020

Minutes

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

Present: Ken Belk, Elgon Ellis, George Kinsella, Susanne Kniskern, Matt Maki, Rick Orsborne
Not present: none

Motion to approve agenda

Motion to approve. Elgon

Motion seconded: Rick

Motion passed unanimously

Minutes from December 10, 2019

Motion to approve Minutes: Susanne

Motion seconded: Rick

Motion passed unanimously

Public Comment (three minutes per commenter)

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. *Separate halves of the house are on site but not yet assembled.*

2. Rick (Zoning Administrator) has temporarily deferred issuing a citation to a property owner which allowed two weeks to request a variance for a gazebo location or be fined \$100 for non-compliance with the ordinance. *The property owner did provide a request for a variance as requested. The Zoning Administrator deferred assessing a fine until May 30, 2020. If the gazebo is not moved by May 30, 2020 in compliance with Township Ordinance Article 9 regarding property setbacks, the deferred fine may be assessed with additional actions to follow, subject to review of steps being taken, until the Ordinance violation is resolved.*

The property owner may appeal the Zoning Administrator's decision by bringing the request for a variance to a hearing with the Planning and Zoning Committee in a regularly scheduled meeting for further discussion and clarification. The Planning and Zoning Committee is not empowered to approve a request for a variance. The Committee does gather information that may help bring about a resolution short of granting a variance. If the property owner chooses to appeal to the Zoning Board of Appeals (ZBA) that board will post the meeting date, time, location, publish the elements of the appeal in the newspaper and through written posting at the Township Hall, and conduct a public hearing at the Township Hall. The ZBA decision is final, subject to appeal to the Circuit Court.

3. Rick discussed the location and need for relocation of a shed and of a canvas garage on Irish Line with a property owner to bring into compliance with the Township Ordinance. After discussion, 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 December 10, 2019 meeting
 - a. *Pending actions.* The Zoning Administrator (Rick Orsborne) provided a letter dated January 10, 2020 stating the plan for the Passmore Hardware store is now in some discussion with a realtor.
 - b. *Blight actions:* no new issues
 - c. *Additional Variances:* no new variance requests
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. *The Zoning Administrator will compare suitable hand-held rangefinders and make a recommendation for purchase by the Township.*
3. Status of Ordinance Review as of 13 January 2020: The Zoning Review completed through Article 8 (page 68). 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. Feb 10 Smart House to continue the Ordinance review, Articles 9 and 10.

(Planning) 6 p.m. Feb 11 Smart House. This is a change to the location of the meeting.

There being no further business, adjournment was at 7:01 p.m.

Matthew Maki

Secretary, Acting Chair Planning and Zoning Committee

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

Superior Township Planning and Zoning Committee
Brimley, Michigan 49715
March 10, 2020

Call to order: Matt Maki called the meeting to order at 6:07 p.m.

Present: Ken Belk, Elgon Ellis, George Kinsella, Susanne Kniskern, Matthew Maki, Rick Orsborne. None absent.

Motion to approve agenda

Motion to approve: Susanne

Motion seconded: Rick

Motion carried unanimously

Minutes from February 11, 2020

Motion to approve Minutes: George

Motion seconded: Elgon

Motion carried unanimously

Public Comment (three minutes per commenter)

Old Business

1. The following Pending Action has been resolved as the property owner has completed required documentation and now lives in that residence: R. Charles, River Road, proposed double-wide placement but prior house still on site: Zoning Administrator verified the plan is complete.

2. 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. After discussion, 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*

- 1) Windmill at the mouth of the Waiska River. Some concerns expressed about it making excessive noise. Rick spoke with the property owner and determined the windmill is an active, energy producing device. Further actions to be determined pending arrival of details of the windmill maintenance schedule and related data.
- 2) Passmore Hardware building status. Rick has made numerous (at least 7) attempts to establish contact by phone with limited success. The latest information is there may be two realtors in some discussion regarding the property. Rick will try to verify this and obtain clarification from Mark VanDoren, one of the realtors in question. The intent is to determine the actual property situation and possible actions to follow.

b. *Blight actions*

c. *Additional Variances*

2. **Status of Ordinance Review as of 9 March 2020:** The Zoning Review is completed through Article 12. Depending on the size of a numbered Article, the pace has averaged 2 Articles per meeting. There are 6 numbered Articles remaining for review. Once the initial review is completed the next step is to refine any changes, additions, or deletions to the Ordinance, provide them in context of the original document for review by the Township Board's review and comment for further revision as needed.

Additional Business

The next Committee meetings are scheduled as follows:

(Zoning) 6 p.m. April 13, Smart House. (Planning) 6 p.m. April 14, Township Hall

Adjournment at 6:52 p.m.

Matthew Maki

Secretary, Planning and Zoning Committee

Superior Township Planning and Zoning
July 14, 2020

Called to order: Elgon 6:00

Present: George, Rick, Elgon,
absent: Matt, Ken

Motion to approve agenda: George, 2nd Elgon
Motion carried

Minutes from June 9, 2020: Motion to approve minutes George, Elgon 2nd. Motion carried

Public comment: Question about fence height at address 9770 W. Shenandoah. Fence has to be moved back 25 feet from road right a-way and lowered 3 feet.

Old business: Discussion on township constable position for zoning administrator. Motion to be presented to township board for Rick to has the position along with his present duty.

New Business: Jana Hutcheson was approved to build a garage.

Zoning administrator report:

- A. State and Baker shed approved
- B. lake shore Look carport was taken care of
- C. Alcott Beach fence is being taken care of
- D. Fence on Shenandoah is taken care of
- E. M-28 blight problem being worked on
 - D. Kinsella road blight- animal control cleared of violation
Rick is checking on blight condition
- F. Ron Harding is first fined with \$100 with second fine pending. Has had no verbal contact
- G. 9571 Shenandoah complaint with trailer use
- H. Shed on Alcott to be moved this week

Status of ordinance review as of July 13, 2020: Complete through article 15. Three numbered articles remaining for review.

Additional Business: Next meeting scheduled as follows: Zoning meeting 6:00 August 10, 2020 at the Smart House. Planning meeting 6:00 August 11, 2020 Township Hall.

Adjournment 7:24

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

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

Present: Ken Belk, Elgon Ellis, George Kinsella, Rick Orsborne, Matthew Maki

Motion to approve agenda

Motion to approve: Rick

Motion seconded: Ken

Motion carried unanimously

Minutes from July 14, 2020

Motion to approve Minutes: Elgon

Motion seconded: Rick

Motion carried unanimously

Public Comment (3 Minutes per commenter) formed the basis of "New Business, Item 1".

Old Business. Status of "Township Constable" position for Zoning Administrator.

New Business

1. Chris Whealy addressed pending Ordinance revision process, specifically, whether new language may change from existing 100 foot lot width requirement for Waterfront Residential District, for original lot property that never has been cut previously, to actual 87 foot lot width due to 13 feet of lot width is set aside as access,. The Planning and Zoning Committee members will review and discuss this at the next scheduled Ordinance review meeting, September 7.

Bill Munsell inquired about the Planning and Zoning Meetings schedule, and also sought assurances that the Ordinance Review is incorporating spelling or grammatical corrections in the current Ordinance. This schedule is posted on the front door of the Township Hall and extends through March 2021. All meetings are open to the public and minutes of regularly scheduled meetings are available on line on the Township's website. The Ordinance review process is in a working committee status, is at the point where all articles have been reviewed with recommended changes which shall be collated and verified for accuracy in our September 2020 meeting on 7 September at the Smart House.

2. Zoning Administrator report, activities since July 14, 2020 meeting. All actions either have been completed or are already in process of resolution.

a. *Pending actions*

b. *Blight actions*

c. *Additional Variances*

The status of "Township Constable" position for Zoning Administrator is pending board review.

3. Verizon Tower Project: a meeting is scheduled for August 13 following delays such as the COVID effect.

4. Status of Ordinance Review as of 10 August 2020: The Zoning Review completed through Article 17. There are NO numbered Articles remaining for review. The next action is to review the totality of recommended changes, additions, corrections or updates to frame the updated ordinance with corrections indicated. The recommended ordinance with changes will be submitted to the Township Board for review and further action if any, prior to public review.

Additional Business

The next Committee meetings are scheduled as follows:

(Zoning) 6 p.m. September 7: Smart House. (Planning) 6 p.m. September 8: Township Hall

Adjournment

Move to adjourn at 7:19 pm: Rick

Motion seconded: George

Motion carried

Matthew Maki

Secretary, Planning and Zoning Committee

Superior Township Planning and Zoning Committee
Brimley, Michigan 49715
September 8, 2020

Call to order: Matt Maki called the meeting to order at 6:01 p.m.

Present: Ken Belk, Elgon Ellis, George Kinsella, Matthew Maki, Rick Orsborne

Motion to approve agenda

Motion to approve: Rick

Motion seconded: Elgon

Motion passed unanimously

Minutes from August 11, 2020

Motion to approve Minutes: Rick

Motion seconded: George

Motion passed unanimously

Public Comment (3 Minutes per commenter).

Old Business. Status of "Township Constable" position for Zoning Administrator.

1. Verizon Tower Project: a meeting scheduled for August 13 results. *Still Pending.*
2. The status of "Township Constable" position for Zoning Administrator. *Will require additional board action and is an elected position.*

New Business

1. Zoning Administrator report, activities since August 11, 2020 meeting. All actions either have been completed or are already in process of resolution.
 - a. *Pending actions*
 - b. *Blight actions*
 - c. *Additional Variances* One variance pending for placing a shed within the 10 foot set back.
2. Status of Ordinance Review as of 7 September 2020: completed, awaiting consolidation.

Additional Business

1. Discuss effect of "no new lagoon". Will need 5 acres and a raised septic/drainfield.
2. Discuss effect of using language from Corps of Engineers for waterfront property.

The next Committee meetings are scheduled as follows:

(Zoning) 6 p.m. October 12: Smart House. (Planning) 6 p.m. October 13: Township Hall

Adjournment

Move to adjourn

Motion seconded:

Motion

Matthew Maki

Secretary, Planning and Zoning Committee

Superior Township Planning and Zoning Committee
Brimley, Michigan 49715
October 13, 2020

Call to order: Matt Maki called the meeting to order at 6 P.M.

Present: Ken Belk, Elgon Ellis, George Kinsella, Rick Orsborne, Matt Maki

Motion to approve agenda

Motion to approve: George

Motion seconded: Elgon

Motion carried unanimously

Minutes from September 8, 2020

Motion to approve Minutes: Ken

Motion seconded: Rick

Motion carried unanimously

Public Comment (3 Minutes per commenter).

Old Business. Status of "Township Constable" position for Zoning Administrator.

1. Verizon Tower Project: *there is pending a Right of Way (RW) Request from Cloverland Electric. Once this is approved completion of that task will be a matter of weeks.*

2. Status of "Township Constable" position for Zoning Administrator. *Tabled pending further action at the next Annual Township Meeting in the Spring of 2021.*

New Business

1. Zoning Administrator report, activities since September 8, 2020 meeting. All actions either have been completed or are already in process of resolution.

a. *Pending actions*

b. *Blight actions: Rick received one official complaint about the old Passmore building.*

This is being addressed in the normal channels of administrative actions regard blight.

c. *Additional Variances*

2. Status of Ordinance Review as of 12 October 2020: Have reviewed 47 of the 105 pages of recommended changes, additions, corrections or updates to frame the updated ordinance with corrections indicated. The Zoning Committee addressed the subject of lot width size.

Motion: Elgon. Reference: *The Jordan Beach Waterfront District.*

The following lots in the Jordan Beach Plat will receive special consideration due to historic Plat dimensions that allow access the beach.

1) *Lot 22 adjacent to the 4th Street Right of Way, 60 foot width, is buildable under the provisions of the Ordinance provided setback requirements are met.*

2) *All the following lots have an established minimum width of 80 feet, are buildable under the provisions of the Ordinance provided setback requirements are met:*

a. *Lots 14, 15, 38, 40, and 41, adjacent to 2nd Street Right of Way*

b. *Lots 8, 7, 52, 53, 54, 55, adjacent to 1st Street Right of Way*

Motion seconded: Ken

Motion Carried unanimously. Motion language will be included in the updated Ordinance draft.

Additional Business

1. Discuss effect of “no new lagoon”. *As lagoons are no longer allowed, minimal lot size therefore will be 5 acres. This will be included in the updated Ordinance draft.*
2. Discuss effect of using language from Corps of Engineers for waterfront property. *Pending additional information, this topic will be revisited under “Old Business”.*

The next Committee meetings are scheduled as follows:

(Zoning) 6 p.m. November 9: Smart House. (Planning) 6 p.m. November 10: Township Hall

Adjournment. There being no additional business, the meeting adjourned at 6:55 p.m.

Move to adjourn: Elgon

Motion seconded: Rick

Motion carried unanimously

Matthew Maki

Secretary, Planning and Zoning Committee

Superior Township Planning and Zoning Committee
Brimley, Michigan 49715
December 8, 2020
Minutes

Call to order: Matt Maki called the meeting to order at 6:01 pm
Present: Elgon Ellis, George Kinsella, Rick Orsborne, Matthew Maki

Motion to approve agenda

Motion to approve: George
Motion seconded: Elgon
Motion passed unanimously

Minutes from October 13, 2020

Motion to approve Minutes: George
Motion seconded: Rick
Motion passed unanimously

Public Comment (3 Minutes per commenter).

Old Business. Status of Verizon Tower Project: a meeting scheduled for August 13 results.
George reported the Verizon technician is working on the project now, completing testing.
The process should be completed and be in working status within one week.

New Business

1. Zoning Administrator report, activities since October 13, 2020 meeting. All actions either have been completed or are already in process of resolution.
 - a. *Pending actions:* slow, mostly some zoning related phone calls about possible building.
 - b. *Blight actions*
 - c. *Additional Variances*
2. Status of Ordinance Review as of 12 October 2020: Have reviewed 47 of the 105 pages of recommended changes, additions, corrections or updates to frame the updated ordinance with corrections indicated.

Additional Business

The next Committee meetings are scheduled as follows:
(Zoning) 6 p.m. January 11: Smart House. (Planning) 6 p.m. January 12: Township Hall

Adjournment

Move to adjourn: Elgon
Motion seconded: Rick
Motion approved

Matthew Maki
Secretary, Planning and Zoning Committee