

Superior Township Planning and Zoning Committee
Brimley, Michigan 49715

Minutes, May 8, 2018 Meeting

Meeting called to order by Rick Plunkett at 6 p.m. at Willabees Lobby.

Present: Rick Plunkett, George Kinsella, Elgon Ellis, Matthew Maki
Not Present: Ken Belk

Minutes from prior meeting (March 7, 2018) distributed for review.

- Motion to accept minutes: Elgon
- Second to motion: George
- Discussion: George reiterated the importance of holding regularly scheduled meetings not also to perform the "Planning" in accordance with both the Master Plan and the committee member vision for future Bay Mills Township growth and development.

Motion to accept Minutes approved, Four Ayes.

Old Business

1. Discussed status of request to consider approval of zoning reclassification of property located at 9519 South Bound Road (letter dated February 15, 2018). This committee's reply to that letter included a request for additional information, to be routed through Bill Beaune as the Superior Township Zoning Administrator. No response to date, so further action is deferred until Bill Beaune receives additional communication.

2. Discussed status of progress relating to land on Irish Line, approximately 2.6 acres that the owner had wanted to be classified as "Agricultural" but the lot size does not meet minimum requirement of "not less than 20 acres". No further action is contemplated by this committee until Bill Beaune indicates whether any site plan, building permit, or other documentation has been initiated.

New Business

1. Inquiry from Bill Scheid, who has a 7020 square foot lot (60' x 117') that formerly had a single wide mobile home with utilities and sewage attached, until the house was removed last fall. Bill has questions pertaining to the site's possible development, particularly as to requirements for a "dwelling" and measurements for setbacks from the property line.

The Residential Zoning Ordinance, Article 8, page 80, requires:

- a 10,000 SF lot
- 25 foot setbacks front and rear, and 10 foot setbacks on the sides.

This leaves an available lot "footprint" of 2680 SF (40' x 67'), which could be adequate for his needs, depending on what he is planning for development.

Discussion included the following keys:

- Bill Scheid's best means of contact appears to be my email, as his phone number was not working (Continued on next page)

Superior Township Planning and Zoning Committee
Brimley, Michigan 49715
May 31, 2018

Special Meeting Minutes

The Superior Township Planning and Zoning Committee convened a special meeting at 6 p.m. on May 31, 2018 at the Superior Township Hall to gain information from Gordy Gillray about his intent for possible site improvement at 10885 Irish Line Road, Brimley, and for the Planning and Zoning Committee to provide information about compliance with the Township Ordinance.

Committee Members Present: Ken Belk, Elgon Ellis, George Kinsella, Matthew Maki, Rick Plunkett

Other Participants: Gordy Gillray (property owner), Andy Twork (friend of Gordy)

Review of Rick's key points:

- 1) stated the purpose of the meeting was to gather information from Gordy and to provide explanation of applicable Township Ordinances.
- 2) cited two relevant Township Ordinances: *Article 2 Section 2.02 Definitions*, and *Article 8 Section 8.04 Residential District* (see Attachment).
- 3) took care to emphasize the Committee's role as an *advocate for* and not to be *adversarial against* the property owner's opportunity to make improvements.
- 4) took care to emphasize the Committee's charge to comply with the guidance of the Township Ordinance, including making allowances where permissible.

Summary of critical issues:

- 1) *Lot Area* is too small, having only 8,400 of needed minimum of 10,000 square feet.
- 2) *Lot width* is only 56 feet instead of needed minimum of 200 feet without city water/sewerage.
- 3) *Acreage is too small*, only 10% of required 2 acres (8400 SF of required 87,120 SF)
- 4) *A garage as an Accessory Structure to an existing Principal Building* which is not there.

Request by applicant: Would the Planning Committee recommend approving the plan as proposed now? The Committee members consensus was "no", barring addition of land to meet minimum Ordinance compliance regarding square footage, sanitation, and principal structure.

Remaining Courses of Action: Rick informed Gordy that the process allows for appeal to the Zoning Board of Appeals, and beyond that, filing a suit through the Circuit Court.

Respectfully,

Matthew Maki, Secretary

attachment: Extract of Article 2, Section 202, Extract of Residential District Section 8.04

Superior Township Planning and Zoning Committee
Brimley, Michigan 49715

Minutes, June 12, 2018 Meeting

Meeting called to order by Rick Plunkett at 6 p.m. at Superior Township Hall.

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

Minutes from prior meeting (May 8, 2018) available for review.

- Motion to accept minutes: Elgon
 - Second to motion: George
- Motion passed unanimously

Old Business

1. Review of process for paying Committee members for meetings. Rick will complete an attendance summary for all Committee meetings based on attendance taken at each meeting. This attendance summary then will be forwarded to the appropriate Township representative who will process any action.
2. Discussed status of any pending actions regarding the Gordy Gillray property on Irish Line. That matter appears to have been resolved with no approval to continue to build on that site.

New Business

1. Position: "Zoning Administrator", possibly part-time, is needed for the following reasons:
 - a. Designated individual for day-to-day zoning administration duties, answers inquiries, reviews permit documentation for compliance with ordinance, makes recommendations that will help resolve questions at the lowest level.
 - b. Provides summaries and recommendations for issues needing discussion or action by the Planning and Zoning Committee.
 - c. A Zoning Administrator position enables the Planning and Zoning Committee to exercise a due process function for the Zoning Administrator for resolution at that level, while still retaining the Zoning Board of Appeal for a due process appeal following a Planning and Zoning Committee decision.
2. Documentation with a request for a building permit. It has been observed that Permit Applications are not uniformly completed before processing can take place. Certain documents are necessary *beforehand* to insure compliance with the Ordinance for lot size, frontage, setbacks, and allowed zoning use *before site improvement begins*. After some discussion, two critical documents at the beginning of the application process would tend to eliminate halting a project where some site improvement had already begun prior to permit approval.
 - a. Survey of the site. Either have the site surveyed or provide an existing survey already on file. Existing survey copies are available through the County (assessor), or through a survey company, to name a few. Without a survey, property lines are a matter of guesswork, family lore, or simple speculation. It is the responsibility of the applicant to provide this information

b. Site Plan sketch. This should show factual boundaries to the site layout, show all setbacks, include frontage, depth, building dimensions, and be a verifiable plan as to what is being agreed at the time of the permit approval.

c. Some discussion regarding a "disclaimer" in lieu of verifiable (surveyed) boundaries included language that in effect is a disclaimer along the line, "all information provided in this site plan is accurate and, if at some later date is determined to be in error I hold the Planning and Zoning Committee and Superior Township not responsible." This may be an approach to consider, but it also may simply be begging the questions as to why the information was not verified before approval was granted.

3. George suggested that future decisions or actions taken by the Planning and Zoning Committee should include the phrase, "shall be without precedent" in order to allow every action to be considered on its own merits and not on the basis of many conflicting precedents that currently exist and which the Committee is resolved to begin normalizing with consistent standards.

4. The Building Permit Application for Timothy Strader, 7871 West Six Mile Road was reviewed and granted approval as it was for replacement structure for one previously approved .

5. Michigan Township Association Planning and Zoning Seminar. This educational opportunity to develop professional models and practices is available July 12, 2018, in Gaylord, Michigan, at the Tree Tops Center.

a. Cost per person is \$91 if registration is completed no later than June 28.

b. Cost per person is \$113 if registration is completed after June 29

c. All five Committee members expressed interest in attending this Seminar

Additional Discussion

Jimmy Miller and the Used Car Lot, possibly at or near Mel's Fireworks on M28. Committee members had not seen the preliminary information yet but general comments included:

a. It is proposed to be a "Class B" used car lot. Clarification needed on what that means.

b. Are the used cars able to be driven, or are they just for "parting out", or junk?

c. What environmental issues may exist due to fuel, oil, or fluids?

d. Is the lot to be paved, fenced, effect on traffic?

More information needs to be gathered before any further discussion or direction may proceed.

Adjournment

Motion to adjourn: George

Seconded motion: Elgon

Motion passed: Unanimous

Next Planning and Zoning Committee Meeting: *Tuesday, July 10, 6 p.m., Township Hall*

Respectfully,

Matthew Maki

Superior Township Planning and Zoning Committee
Brimley, Michigan, 49715

Regular Meeting July 10, 2018

In Rick Plunkett's absence, Matt Maki called the meeting to order at 6:20 p.m. at the Superior Township hall.

Present: Ken Belk, Elgon Ellis, George Kinsella, Matthew Maki
Not Present: Rick Plunkett

Minutes from the meeting held June 12, 2018 reviewed and discussed.

Motion to accept minutes: Elgon

Second to motion: George

Motion passed unanimously.

Old Business.

1. **Planning and Zoning Administrator.** Several candidates were mentioned but none have emerged as a potential fill, yet. General qualifications include:
 - a. Perform day-to-day zoning administrative duties within a flexible schedule to enable Township Planning and Zoning process support at the user level. Answer inquiries pertaining to ordinance interpretation, review permit application and documentation for compliance with ordinances, provide limited assistance example: locating property corners, make recommendations that will help permit applications to move forward, and perform routine tours of the township for compliance, or possible non-compliance, with ordinances.
 - b. Provide periodic summaries and recommendations to the next level, the Planning and Zoning Committee, to resolve issues needing discussion or further action as determined by the Planning and Zoning Committee.
 - c. Documentation from the Planning and Zoning Administrator as well as from the Planning and Zoning Committee are essential "due process" records should any action be forwarded to the Zoning Board of Appeals.
2. **MTA Planning and Zoning Seminar** Final coordination completed for four committee members (Elgon, George, Matt, Rick) participation July 12, in Gaylord.
3. **Status of Used Car Lot** (at/near Mel's Fireworks on M28 by M221): No further development since last month with same remaining questions as last meeting (12 June):
 - a. Proposal for use as a "Class B" used car lot. What is a "class b" used car lot?
 - b. Are the used cars serviceable and able to be driven, not merely "parted out" or "junk"?
 - c. What environmental issues (DEQ) may exist?
 - d. What will be the effect on traffic?Discussion revealed this case as an ideal "Zoning Administrator" role as no individual in the Planning and Zoning Committee is tasked for this duty, and the committee itself is not a vehicle to conduct hearings of inquiry. The committee consensus was that this is a matter for the Township Board, probably asking Bill Beaune to function in that capacity for this task.

- 4. Documentation check list** to accompany building permit applications:
- a. A current survey that graphically shows corners and lines.
 - b. Property corners are marked on the site plan and correspond to what is at the site.
 - c. The site sketch includes existing structures, includes distances from property lines and road right-of-ways. Also included is the proposed structure(s) including location, dimensions and shape.
 - d. Existing land deed issues such as leases or easements.

New Business:

Consensus agreement: essential need for position of Zoning Administrator”.

Motion to adjourn at 7:20 p.m.: Elgon

Second to motion: Ken

Unanimous approval

Next regularly scheduled meeting: Tuesday, August 14, 2018, 6 p.m. Superior Township Hall.

Respectfully,

Matthew Maki
Secretary

Superior Township Planning and Zoning Committee

Brimley, Michigan 49715

Regular Meeting, August 7, 2018

Agenda

Meeting called to order by Matthew Maki at 6:15 p.m. at Superior Township Hall

Present: Ken Belk, George Kinsella, Matthew Maki

Not present: Elgon Ellis, Rick Plunkett

Minutes from July 10, 2018 (Annex A)

Motion to accept: George

Motion Seconded : Ken

Motion to approve Minutes, unanimous

Public Comments: Three minutes per commentator:

Discussion: none

Old Business.

1. Michigan Township Association (MTA) Planning and Zoning Seminar July 12, Gaylord:

Attended: Elgon, George, Matt, Rick

Topic: "Emerging Issues in Planning and Zoning"

Discussion: This was a very helpful meeting, and others of a similar nature are essential for educational and practical application in our township.

2. Status of Used Car Lot (at/near Mel's Fireworks on M28 by M221). Did further clarification come to light based on the question of Jimmy Miller's plan?

Discussion: Tabled pending additional information or inquiries from Jimmy Miller.

3. Required documentation to accompany building permit application assembled for future use:

a. Building Permit Application Checklist (Annex B)

b. Example Site Plan Sketch (Annex C)

Motion: George: "To add the Building Permit Application Checklist and Site Plan Sketch as required documentation to be completed and returned to the Superior Township Hall as part of the Building Permit Application process so the overall process may move forward".

Motion seconded: Ken

Motion approved by unanimous vote

New Business.

1. Sullivan Creek Property Status

Discussion: There are questions as to the owner's plan for the site, as well as the need for the Building Permit Application to be supported by a site plan sketch with verification of corners and set-backs before proceeding further. Rick Plunkett has made contact with the owner, still pending additional information.

2. Update of search for Zoning Administrator position following Interview (Annex D)
Discussion: the overall consensus was that both George Kinsella and Rich Phillips should meet with Rick Osborne and continue the dialogue to discern whether Rick would be the person to fill the Zoning Administrator position.

3. Additional Items.

a. Discussed providing article for the Superior Township Website to introduce Rick Osborne, should he be hired as Zoning Administrator.

b. Discussed providing the Superior Township Website with guidance for Building Permit Application available at the Township Hall, to include the Building Permit Application Checklist and the Site Plan Sketch as key documents to enable the process to move forward.

Motion to adjourn: Matt made a motion to adjourn the meeting at 7:47 p.m.

Motion seconded: Ken

Motion approved unanimously

Next Regular Meeting: Tuesday, September 11, 2018, 6 p.m. Superior Township Hall

Respectfully,

Matthew Maki, Secretary
Planning and Zoning Committee

Superior Township Planning and Zoning Committee
Brimley, Michigan 49715
Regular Meeting, September 11, 2018

Agenda

Meeting called to order by Matthew Maki at 6 p.m. at Superior Township Hall.

Present: Ken Belk, Elgon Ellis, George Kinsella, Matthew Maki, Rick Orsborne
Not present: Rick Plunkett

Minutes from August 7, 2018

Motion to accept: George

Motion seconded: Elgon

Vote to approve Minutes: Unanimous

Public Comments: Three minutes

Discussion: none

Motion to change agenda to move New Business item 1 and address it at this time as John Waisanen is present. George

Motion seconded: Elgon

Vote to approve motion: unanimous

Comments by John Waisanen: Mr. Waisanen presented his plan to develop by remodeling and updating an existing cottage on a location approved prior to 1970. By utilizing the existing structure "footprint" he proposes adding an additional ½ story height that still would be under the 30 foot height limit.

After discussion and a review of the plans and pictures from the location, the Committee agreed to follow current procedure; that Rick Orsborne, as Zoning Administrator, would compare his on-site observations with documentation provided by Mr. Waisanen. The consensus is the Zoning Administrator is able to resolve this matter at his level unless he recommends further Planning and Zoning Committee involvement.

Old Business.

1. New Zoning Administrator, Rick Orsborne, assumed duties in August. Rick informed the committee that since August he has visited several locations where Zoning Permit Applications were provided or zoning questions were answered. Rick requested a modification to the Zoning Permit Application to include the date the Application was issued, and a place for the Zoning Administrator to sign to validate the start of the application process.

The committee recommended Rick obtain two magnetic signs to place on his vehicle doors that would identify him as the Superior Township Zoning Administrator. Additionally, the committee recommended Rick obtain a suitable number of business cards for use in his duties.

Old Business (continued)

2. Status of Used Car Lot (at/near Mel's Fireworks on M28 by M221). Did further clarification come to light based on the question of Jimmy Miller's plan?

Discussion: Tabled pending additional information gathered between the Zoning Administrator and Jimmy Miller.

3. Sullivan Creek property status. No update, still pending.

New Business.

1. Motion to approve change in *document title* and contact *person information*

FROM: "Building Permit Application Checklist", contact person Rick Plunkett

TO: "Zoning Permit Application Checklist", contact person Rick Osborne

Motion to accept changes: Matt

Second to motion: Elgon

Vote to approve changes: Unanimous

3. Additional Items.

a. Discussion "looking forward", that having a Zoning Administrator enables the committee to address more "planning" and not exclusively "zoning" issues.

b. Discussion on several potential additions into the Township and their positive benefits.

Next Regular Meeting: Tuesday, October 9, 2018, 6 p.m. Superior Township Hall

Motion to adjourn: Matt

Seconded Motion: Elgon

Vote to adjourn: unanimous

Respectfully,

Matthew Maki

Secretary

Planning and Zoning Committee

Superior Township Planning and Zoning Committee

Brimley, Michigan 49715
Regular Meeting, October 9, 2018

Agenda

Meeting called to order by Ken Belk at 6:03 p.m. at Superior Township Hall.

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

Not present: Rick Plunkett

Minutes from September 11, 2018

Motion to accept: Elgon

Motion seconded: Ken

Vote to approve Minutes: Unanimous

Public Comments: Three minutes

Discussion: none

Old Business.

1. Jimmy Miller presented his plan for a Class B Used Car Lot on M28 south and east of the intersection with M221. Rick Orsborne indicated he had met with Mr. Miller and determined the plan could be approved as it is in compliance with the Township Ordinance. Mr. Miller provided the site plan and detailed sketch of his proposed activity to the committee. After some questions and discussion the committee determined the plan appeared feasible following assurances that the site will never be used as or become a junkyard or a site for salvage and parts.

Motion. Elgon made a motion to approve Mr. Miller's plan to establish a Class B Used Car Lot on M28 so he may proceed going forward.

Motion seconded. Ken Belk

Motion approved. Unanimous

1. Zoning Administrator Report. Rick Orsborne,
 - a. The magnetic vehicle door signs order identifying his position as Zoning Administrator is pending.
 - b. The business card order is pending.
 - c. Rick showed the committee the documents (Zoning Permit Application and Building Permit) he provides once an interested individual calls and meets with him. In this way he discusses the process, and, once the Zoning Permit is approved, Rick provides the Building Permit the county uses.
 - d. The Lynn Auto Parts store has been approved and construction has begun.
 - e. Rick notified the committee of a very small (10 x 24 foot) house placed on a concrete pad at 11075 Irish Line road. This site formerly had held a mobile home that was removed several years ago. After some discussion the committee agreed to monitor the situation and inform Mr. Sims, from Chippewa County, of the site.

2. Sullivan Creek property status. No update, still pending.

New Business.

1. Review of the Superior Township Planning and Zoning Ordinance.
 - a. The committee began a page-by-page review of the ordinance, pages 1-6. Items needing further review or clarification were identified for later action.
 - b. At the next meeting the committee will resume the review process beginning on page 7.
 - c. Discussion on several potential additions into the Township and their positive benefits.

Next Regular Meeting: Tuesday, October 9, 2018, 6 p.m. Superior Township Hall

Motion to adjourn: Matt

Seconded Motion: Ken

Vote to adjourn: unanimous

Respectfully,

Matthew Maki
Secretary
Planning and Zoning Committee

Superior Township Planning and Zoning Committee

Brimley, Michigan 49715

Regular Meeting, November 13, 2018

Location: Smart House, South Lakeshore Loop

Agenda

Meeting called to order at 6 p.m. by Ken Belk at the Smart House, Lakeshore Loop Drive, north of the Boat Launch park.

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

Not Present: Rick Orsborne (Zoning Administrator)

Chris Toms (Prospective Planning and Zoning Committee member)

Administrative Details (Tabled)

- Welcome new Planning and Zoning member _____
- Select new Planning and Zoning Committee Chair to replace Rick Plunkett.
Motion to Nominate
Motion to Close Nominations
Vote for Chair, Planning and Zoning Committee:

Minutes from October 9, 2018

Motion to accept: George

Motion seconded: Ken

Motion approved unanimously

Public Comment. There were no comments.

Old Business.

Participant comments related to Zoning Board of Appeals seminar, October 29, in Kinross.

- Elgon noted the similarities between this meeting and the one held last spring in the Sault.
- Ken noted the majority of issues addressed Zoning Board of Appeals (ZBA) concerns.
- Both Ken and Elgon agreed the conference identified the interface between the ZBA and the township level Planning and Zoning Committee

- Rick Orsborne update progress on business cards, magnetic sign. (Tabled)

New Business.

- Rick Orsborne update on activities since October meeting. (Tabled)
- Continue review/update of Ordinance beginning on page 7. (Tabled)
We left off at the end of page 6.
George provided copies of Whitefish Township's Blight Ordinance for our later review.

Additional Business.

- Discussion about arranging the facility to accommodate meetings and use resources best by utilizing the Smart House and not having overlapping meetings with AA at the Township Hall.
- Discussed general conditions when “conflict of interest” could be a valid reason any Committee member might abstain from voting on recommendation the Committee is considering.
- Updated Contact Information and

Motion to adjourn. Elgon

Seconded motion. George

Motion approved unanimously

Next Regular Scheduled Meeting: December 11, 2018 at Smart House

Matthew Maki

Secretary

Planning and Zoning Committee

Superior Township Planning and Zoning Committee

Brimley, Michigan 49715

Regular Meeting, December 11, 2018

Location: Smart House, South Lakeshore Loop

Agenda

Meeting called to order at 6:08 p.m. by Ken Belk.

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

Not Present: Chris Toms (work conflict)

Administrative Details (tabled)

Welcome new Planning and Zoning member, Chris Toms. Elect new Chair for committee.

Minutes from November 13, 2018

Motion to accept: George Motion seconded: Elgon

Motion passed unanimously

Public Comment(s): three minutes per individual: None

Old Business.

Rick Orsborne update progress on business cards, magnetic sign. He has the magnetic sign but the business cards are still pending. He may add the Superior Township Logo to the card design.

New Business.

- Rick Orsborne update on activities for October and November meeting.
Some inquiries about emplacing a Quonset hut but further discussion deferred until spring.
AT&T has made some inquiries but these appear to be just contact information for now.
The Auto Parts store still is planning to open the first week of April, 2019.
- Continued review/update of Ordinance beginning on page 7. At our next meeting we will resume with "Forest Land" in the middle of page 8.

Additional Business. Updated Contact Information

Motion to adjourn: Elgon **Motion seconded:** Ken

Motion passed unanimously

Next Regular Scheduled Meeting: January 8, 2019 at Smart House

Matthew Maki
Secretary
Planning and Zoning Committee