

Superior Township Zoning Committee
Brimley, Michigan 49715
April 9, 2024

Call to Order. Meeting called to order at 6:01 p.m.

Present:

Mark Olsway (Member), Dianne Compo (Member), John Waisanen (Board Liasson), Sherry Bertram (Member),

Absent: Cindy Wilson (Member), Lori Busha (Zoning Administrator)

Dianne Compo questioned John Waisanen and asked if the Zoning Board had a quorum to do business. John Waisanen said yes, there was a quorum. Meeting proceeded.

Motion to Approve Agenda

Motion to approve: Dianne Compo

Motion seconded: Mark Olsway

Motion approved: unanimously

Motion to Approve Minutes from March 12, 2024 Zoning Meeting

Motion to approve: Mark Olsway

Motion seconded: Dianne Compo

Motion approved: - unanimously

Public Comment (3 minutes per commenter) none

Old Business: None

New Business: Zoning Board Report by Lori Busha for April 9, 2024

Lori Busha was absent. Sherry Bertram read the report to the committee.

Dianne Compo questioned the "Spring, 2024" deadline for demolition of the Passmore Hardware property by the Bay Mills Indian Community. They (BMIC) have purchased the property and said they would clear it in Spring.

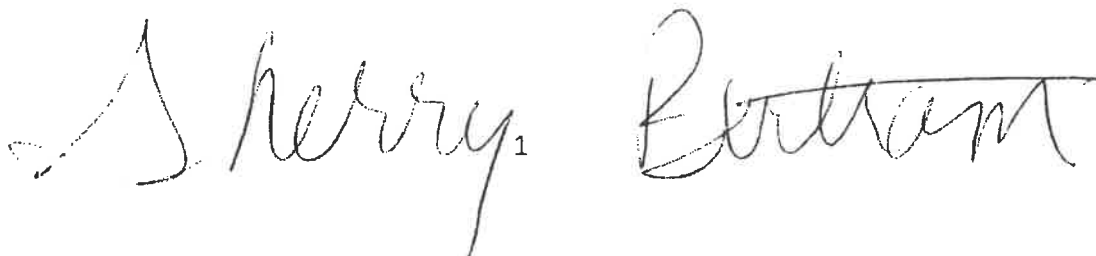
John Waisanen suggested that Lori Busha reach out to get a specific date and/or update of their demolition plans.

Motion made by Dianne Compo to have the Zoning Administrator (Lori Busha) reach out to BMIC for a specific plan and date.

Seconded by Sherry Bertram.

Motion Carried.

MINUTES APPROVED AT ZONING MEETING – May 14, 2024



Sherry Bertram

New Business: Sign Ordinance.

Some discussion about reviewing the suggestions for Sign Ordinance discussed at the March, 2024 meeting. John Waisanen told the committee that the lawyer for Superior Township had suggested that the committee prepare a document outlining the proposed changes for the township sign ordinance and send that to the Superior Township Board.

Motion by John Waisanen: To take the lawyers advice and create a document including definitions at the next meeting to present to the Superior Township Board regarding the changes for our sign ordinance.

Seconded by Dianne Compo.

Motion Carried.

Bay Mills Indian Community – Request for Zoning Permit for Bay Mart Renovations

Justin LeBlanc, from the Bay Mills Indian Community, came to seek a zoning permit for the renovations at Bay Mart. Also in attendance was Scott Watrous, Project Manager for Oscar Larson of Gaylord, the contractor for the tribe.

At this point, John called the Zoning Administrator, Lori Busha, on his phone and left it on so she could be a part of the discussion.

Per the Zoning Administrator's Report that was read the night of the meeting, Justin was asked by the Zoning Administrator to give the plans for the renovation to the committee for review at least one week prior to this meeting. He emailed a copy to Lori Busha but the print was so small it was impossible to read the specifications.

Justin brought plans with him, as did Scott Watrous but the committee did not have ample time to review them, during the meeting.

John gave the committee some background information. The existing canopy over the pumps is directly over the property line for Bay Mart. Bay Mart currently resides in Superior Township and wants to expand their footprint to include a small parcel of property northeast of their parcel.

Justin LeBlanc emailed Lori a Quit Claim Deed for this additional parcel and another deed for the property across the street that was previously owned by Ruth Bean. The Ruth Bean property deed was a warranty deed.

John explained to Justin that a Quit Claim Deed does not guarantee a clear title for a parcel of property and that this deed from the tribe does not prove ownership nor does it prove that someone else may or may not have a claim to that property.

The tribe needs a clear title insurance for this property and because they do not have that, this is a concern for the township. It could put the township in a position of being liable if someone ever makes a claim on this parcel of land.

John then asked Justin how many gallons of fuel Bay Mart typically sells. Justin said approximately 1,000,000 gallons of gas and 400,000 gallons of diesel per year. John stated that

the Zoning Administrator had researched spillage and found that per 1,000,000 gallons of fuel sold, the average spillage is 100 gallons.

Sherry Bertram voiced concerns about what type of catch basin the revised gas station would have. Sherry stated that right now, pump spills run off to a drain in the parking lot that is currently an open hole with an orange cone marking it. This drain likely leaks gas and diesel spills down through the ground and into the water supply, directly into the Waiska River and then the Bay. Sherry stated that because we cannot see the plans, we cannot see what type of changes the tribe is going to make to stop this leakage.

Dianne Compo also voiced concerns about the water supply and told Justin that “he would certainly want to be sure things were done correctly”. Justin agreed that he did.

John stated that the committee has two issues.

1 – The deed is a Quit Claim Deed and not a Warranty Deed. A Quit Claim Deed does not guarantee that the tribe actually owns the property that they are including in their plans for the Bay Mart renovation.

2 – The committee was not given the plans by the tribe in a timely manner for review so that they could be sure that concerns about spillage would be addressed in the renovation.

John said that he had reached out to the township lawyer for direction and the lawyer suggested that the tribe should get a Warranty Deed and /or title insurance to be certain that ownership would be secure and clear.

Sherry Bertram made a Motion:

That the permit for the tribe be tabled until the township is certain that the tribe has done their due diligence in obtaining a Warranty Deed and/or title insurance for the parcel of property adjoining Bay Mart.

Motion was seconded by John Waisanen.

John called for a roll call vote on the motion.

Roll call was unanimously to table by Dianne Compo, Mark Olsway, John Waisanen, Sherry Bertram.

Motion carried.

John stated that the township wanted to assist the tribe in getting the project underway. John said that the township will be chasing down a water line that may be running under the second parcel of property to determine if it is an active or inactive line. John said that he and Rich Phillips from the Water Department will look into this line.

John asked the Zoning Administrator, Lori Busha, if she had any questions and when she did not, he closed their phone connection.

John told Justin that when the tribe has a clear Warranty Deed or title insurance for the parcel they want to purchase, then the Zoning Committee will evaluate the request for a permit from Zoning.

Motion by Sherry Bertram to adjourn the meeting at 7:15.
Seconded by Mark Olsway.

Motion carried unanimously.

Next meetings. Zoning: May 14, 2024 6 p.m. – 6:45 p.m. Planning – May 14, 2024 6:46 – 7:30 p.m.

Adjournment

Motion to adjourn at 7:15 by Sherry Bertram, second by Mark Olsway.
Motion passed unanimously.

Sherry Bertram
Secretary

Zoning Administrator Report

April 9, 2024 Meeting

Lori Busha - Zoning Administrator

Old Business

- BMIC has acquired the old Laundry and old Hardware property. No new updates. The properties on 6861 & 6891 S. M221 will both be demolished by Spring 2024. This item is open.
- Simpkin property blight on M221. No new updates. Should this be handled by a process server? Need funds approved by TWP Board. This item is open.
- Morgan property blight on Green Street. No new updates. April 26-27 will start taking everything out of the garage and finish taking down the garage by May 11, 2024. This item is open.
- Davis – Lillian Road property – Inquiry about Zoning for Barn. Zoning Application sent. Awaiting a response. This item is open.
- Bastian – Shenandoah property – Text to see if there was interest in putting up a used modular home for this property. No response. This property was awarded a variance for the size of the original footprint in the January 3rd ZBA meeting. Bastian will need to submit new Zoning paperwork to get approval. This item is open.
- Emplit – Lakeshore Drive Property – No new updates. Zoning Inquiry to put a mobile home on the property. Email sent with the Building/Zoning Application. He expects to be ready in the spring. Awaiting the returned Zoning Application. This item is open.
- EUP Planning – I received the new Zoning Map electronically. It will need to be printed in a larger format and signed by the Supervisor before being published. Awaiting signature. This item is open.

New Business

- Midway Rd – Ball Construction contacted me regarding putting up a garage on this property. The paperwork was submitted and checked against the zoning requirements for the Rural Residential Zone that it is located within. All was good. An additional check was done to confirm the property was owned by the owner identified by Ball Construction. John did the physical zoning measurements to confirm that the building would meet the setback requirements. The Zoning was approved and sent to Chippewa County Building Dept. This is closed.
- Bay Mart – Information for a new Fuel Canopy and pumps was submitted by Justin Le Blanc. This review needs to be conducted by the Zoning Committee for commercial property. I requested that 5 larger drawing sets of the project be submitted at a minimum 1 week prior to the meeting for all members to have a proper review. Additionally, since the project involves moving and reconnecting to the sewer lines and construction around water mains, the Water Board will need to have 5 additional drawings sets to review the project. Lastly, since there has been a question about the ownership of the corner property that is included in this project, documentation needs to be submitted to confirm ownership. This item is open.