

Clearwater Township
Planning Commission
Regular Meeting of April 6, 2015
As approved May 4, 2015

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:02 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Backers, Fields, Parzych, Von See.

Commissioners absent: Vance.

Township officials: ZA Molby

Public: Norm Neuenschwander

Approval of Agenda:

Commissioner Backers requested an addition under New Business, to discuss initiating a public service project to fund the purchase of an electronic public information sign.

MOTION by Backers, second by Von See, to accept the agenda, with the added item under new business. Motion carried.

Call for Disclosure of Conflicts of Interests:

All commissioners declared no conflicts of interests with items on the agenda.

Approval of Minutes:

MOTION by Parzych, second by Backers, to accept the minutes of March 2, 2015 as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

There was none.

Comments from Commissioners for Matters Not on the Agenda:

Commissioner Backers reminded us to visit www.michigantaxpayers.com for a full explanation of the issues addressed by the upcoming vote on Proposal 1. He pointed out the seriousness of this being a constitutional amendment.

Old Business:

Proposed Amendment to Article XXVI : Included in the meeting packets are two documents, 1) the proposed amended language, showing which language is to be deleted (struck-through) and which language is to be added (underlined); and 2) excerpts from the MZEA (PA 110 of 2006 as amended), with the appropriate portions of the law, as pertaining to this portion of our zoning ordinance, highlighted for ease of review.

Changes are proposed for existing Sections 26.09, 26.10.C, 26.10.D, 26.12, and 26.13, and a new Section 26.14 is proposed to be added. Highlighted excerpts from the MZEA (PA 110 of 2006 as amended), addressing the proposed changes and addition, are: 125.3064(3) pertaining to stays pending an appeal to the ZBA (ordinance Section 26.09),

125.3605 pertaining to the finality of a ZBA decision, and 125.3606 pertaining to the 30-day clock for appeal to a circuit court following a ZBA decision (both are in proposed Section 26.14).

Also highlighted is MCL 125.3064(7) pertaining to the requirement that the ordinance “establish procedures ... for approval” (ordinance Section 26.07.B). This highlight is included only to support the earlier amendment to Article XXVI (Amendment 1, enacted in 2013).

Our purpose in reviewing these materials is to be certain that we have done this correctly, before we forward them both to the County Board of Commissioners for review and comment, and back to the Clearwater Township Board for action. Prior experience with having our materials fail to reach the hands of the Board of Commissioners, persuades us that we will use certified mail as a means of establishing when the 30-day clock starts running.

Since we have already done the work on this amendment twice, and the recommendation of this Commission has not been adopted by the Township Board, we consider that perhaps the time has come for the Township Board to hold the public hearing on this amendment, and to act on the matter as the legislative authority of Clearwater Township. Zoning Administrator Molby indicated that we ought to suggest that the Township Attorney be invited to be present when the Township Board holds the public hearing, to answer any specific questions regarding the law.

MOTION by Backers, second by Von See, to:

- 1) send to the Township Board, the proposed amended language of Article XXVI, with the explanatory excerpts from the MZEA (PA 110 of 2006, as amended), pertaining to the Zoning Board of Appeals, with a covering memo requesting the Township Board to hold a public hearing under its own authority; and
- 2) to forward the same materials to the County Board of Commissioners for review and comment.

Roll call vote: Backers, yes; Von See, yes; Parzych, yes; Fields, yes.

Motion carried unanimously.

Medical Marijuana: Fields distributed the current law as found on the legislative website, along with an article on the “Fort Knox” building set up by a businessman in the Grand Rapids area. It’s a secure facility that provides marijuana growing space for registered caregivers. We are still waiting for the court cases to be settled and for the legislature to finalize the applicable law.

Report of Township Representative:

Clerk Vance absent – no report.

Report of ZBA Representative:

Commissioner Fields: A variance hearing was held on March 23, 2015. Wes Umlor bought a small property on Crystal Beach Road, sixty-six feet wide, with a small house on it. The house needed a certain amount of expansion simply to allow the 6’9” man to occupy it. The original ceiling is only 7’1” high. The proposed variance does not encroach any further on the setbacks, and provides additional living space on the ground floor, plus a view of the lake. The proposal was reasonable and met all the standards of review, so

the variance was granted. The concrete driveway is larger than we like, but his reasoning is that it will permit him to turn around on his property and not be forced to back out onto Crystal Beach Road. The Zoning Administrator indicated that the driveway is not part of the variance request, because it is a use by right. The applicant cannot encroach any further into the lakeside setback.

Report of Zoning Administrator:

Zoning Administrator Molby distributed his report for March 2015, which report is hereby incorporated into the record by reference, and a copy of which is attached to the permanent copy of these minutes as [Att A].

New Business

Electronic Sign: We know that we truly want an electronic sign for putting up public information. The Township Board recognizes the need for such a sign, but maintains that we do not have sufficient funds available at this time to do the necessary for our roads and purchase the sign. Parzych will approach the Board one more time, asking for the \$7,200 the sign will cost. After that, the question is how we can raise the funds to be able to purchase the sign. What are our limitations as appointed officials? There must be a legal way to go about raising the funds. This will be a public service, to keep the people we're working for informed about what is going on, whether they take advantage of that information or not.

Closing Public Comment:

Norm Neuenschwander spoke about wanting to build a shed. In his case, to spare some big trees, he would need to secure a variance from the ZBA.

Adjournment:

MOTION by Backers, second by Fields, to adjourn. Adjournment at 7:53 p.m..

Assignments:

- Fields to advise Pat Gray to register Parzych, Backers, and Fields for MTA Planning and Zoning seminar, at Boyne Mountain, on April 28, 2015.
- Parzych to address the Township Board one more time regarding purchase of an electronic public information sign.
- Fields to send Article XXVI materials to Township Board and to County Board of Commissioners

Next Meeting: May 4, 2015.

Respectfully submitted,



Tina Norris Fields
Secretary

Zoning Administration Monthly Report MARCH 2015 Clearwater Township

4 Land Use Permits

Garages, Sheds

Residences

Residences with Attached Garage

Pole Barns

1 Resident Additions 7586 CRYSTAL BCH. RD.

2 Decks, Porches, etc. 8394 CROSSBEAK DR., 9430 TORCH BROOK CT.

1 Miscellaneous, Other Buildings 7381 RAPID CITY RD.

8 Field Checks

— Attorney Contacts

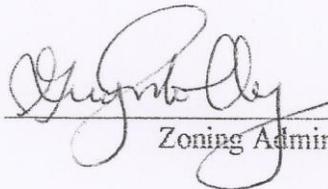
1 Planning Commission Meetings

15 Contacts with Public, Home and Land Owners

1 ZBA Meetings and/or Township Board Meetings

1 Training Sessions

2 Zoning Violations



Zoning Administrator