

Clearwater Township
Planning Commission
Regular Meeting of December 7, 2015
As approved January 4, 2016

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:06 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

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

Township official: Zoning Administrator Molby

Public: Carol Backers, Bruce Belanger

Approval of Agenda:

MOTION by Backers, second by Eldridge, to accept the agenda as presented. Motion carried.

Call for Disclosure of Conflicts of Interests:

Chair Parzych called for commissioners to disclose any real or potential conflicts of interests. There were none.

Approval of Minutes:

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

Public Comment for Matters Not on the Agenda:

Bruce Belanger asked whether any progress had been made on the discussion of cabins and the minimum required dwelling space. Commissioner Backers explained that the county is looking at eliminating the square footage requirement for dwellings, but we do not know where that matter stands at this time.

Comments from Commissioners for Matters Not on the Agenda:

Tom Backers commented that the Kalkaska Republican Party Christmas dinner will be held December 14 at the Up North Grill.

Public Hearing on Proposed Amendment to Article XIII of Ordinance 22:

At present, under Article XIII regarding Single Family Residential District, the use of an accessory building or guest house is permitted under a special use permit as long as it meets certain criteria. The one in question is 13.03.C.3 as follows:

13.03.C The use of one accessory building or guest house as a temporary, auxiliary living space may be allowed provided that:

3. Neither the auxiliary living space nor the primary dwelling is offered for, or used for, rental purposes.

The proposal is to strike 13.03.C.3 in its entirety.

Findings of fact:

The Commission notes that rental of accessory buildings and guest houses is an activity of long-standing in the township.

The Commission notes that many township property-owners traditionally have used rental income as a means to pay their property taxes.

Commissioner Backers observed that during the most recent election, as he was canvassing door-to-door, every other house was occupied by someone other than the owner, someone who was renting the space.

Commissioner Fields observed that during her research, she was unable to find a compelling public need that justified the ban on the renting of auxiliary living space.

Public input: Chair Parzych invited the public to speak their concerns on the matter. Carol Backers made the point that not all who have been renting out their accessory living space began the practice before this portion of the Zoning Ordinance was enacted. Thus, technically, if they do not come forward to seek a special use permit, they are in violation of the Ordinance. The Commission agreed, but noted that there is no practical way to ascertain who those people might be and to enforce the special use permit requirement retroactively.

Chair Parzych asked if anyone wished to speak in opposition to the proposal to strike 13.03.C.3. No one did.

Deliberations:

During discussion, commissioners speculated that item 13.03.C.3 may have been part of a model ordinance used as a foundation for our ordinance – “cookie-cutter” wording that simply got overlooked by the original Zoning Board; or, perhaps the item came about because of some complaint, and it might be political in nature. The question was raised of how the township could control inappropriate use of a special use permit once granted. The answer was that there are requirements that must be met, and if they are not met, the special use permit can be voided. This is enforceable.

After discussion, the following motion was made:

MOTION by Fields, second by Parzych, to recommend to the Township Board to strike Section 13.03.C.3 in its entirety from Ordinance 22, the Zoning Ordinance. Motion carried unanimously by roll call:

- Backers - yes
- Parzych - yes
- Eldridge - yes
- Von See - yes
- Fields - yes

Ongoing Permanent Business:

Master Plan and Zoning Ordinance ongoing review: There is nothing new to report.

Old Business:

Amendment to the by-laws: – a fresh copy of the amended by-laws was distributed in the commissioners’ packets. Specific language has been added assigning responsibility for advising the people, on whose behalf a public hearing is to be held, when a change is made to said hearing.

Article XII – Signs: - a copy of the current Sign Ordinance was distributed in the commissioners’ packets. Commissioners will be reviewing this Article to insure that we do not regulate on content of message. This review will be on the agenda for January 4, 2016.

Report of Township Representative:

Clerk Eldridge – reported that, at its November meeting, the Township Board enacted the amendment to Article XXVI as recommended by the Planning Commission. The amendment was published on December 3, 2015, and becomes effective on December 11, 2015.

Clerk Eldridge asked for participation in a joint meeting of the Township Board, the Planning Commission, and the Zoning Board of Appeals, and proposed December 16, 2015 at 6 p.m. before the regular Township Board meeting. Commissioners all agreed to attend. There was agreement all around that the governing and administrative boards of the township need to have better lines of communication in order to work well together.

Report of Zoning Administrator:

Zoning Administrator Molby distributed his report for November 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

Election of officers: After discussion and confirmation that nominated candidates were willing to serve, the following motion was made:

MOTION by Backers, second by Von See, that the current officers continue in office (Chair – Adam Parzych; Vice-chair – Tom Backers; Secretary – Tina Fields).

Motion carried unanimously by roll call vote.

- Backers - yes
- Parzych - yes
- Eldridge - yes
- Von See - yes
- Fields - yes

Closing Comment:

The Commission noted with sorrow, the passing of our sheriff, Abe DeVol, on November 28. Over 3,000 people attended the funeral, overflowing the capacity of the church. Kalkaska High School National Honor Society senior students lined the cortege route from the church to the Kaliseum with blue ribbons. The current edition of the

Voice will be remembering Abe on the front page. We had a moment of silence in honor of Abraham Clifton DeVol, a cherished friend and sheriff.

Adjournment:

MOTION by Backers, second by Eldridge, to adjourn. Adjournment at 7:46 pm.

Assignments:

- Fields to forward memo regarding 13.03.C.3 strike to township board
- Put Article 12 on agenda for January 2016

Next Meeting:

Special joint meeting – December 16, 2015, at 6 p.m.

Regular meeting - January 4 2016, at 7 p.m.

Respectfully submitted,



Tina Norris Fields
Secretary

Zoning Administration Monthly Report NOVEMBER²⁰¹⁵ Clearwater Township

1 Land Use Permits

Garages, Sheds

Residences

Residences with Attached Garage

Pole Barns 4049 MORRISON Rd.

Resident Additions

Decks, Porches, etc.

Miscellaneous, Other Buildings

8 Field Checks

— Attorney Contacts

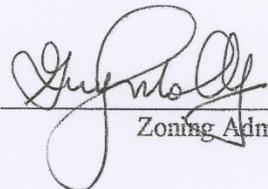
1 Planning Commission Meetings

11 Contacts with Public, Home and Land Owners TOWERS, SETBACKS, PROPERTY INFO., LAND SURVEY QUES, COMMERCIAL BLDGS, ETC

1 ZBA Meetings and/or Township Board Meetings

— Training Sessions

2 Zoning Violations



Zoning Administrator