

Clearwater Township Planning Commission
Regular Meeting of May 8, 2017
As Approved June 5, 2017

Call to Order, Pledge of Allegiance: Chair Parzych called the meeting to order at 7:03 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 officials: Zoning Administrator Molby
Public: Judy Umlor, Larry Knight, Luana Karazia, Bruce Karazia, Sarah Karazia, Bryan Karazia, Jule Moore, Carol Backers.

Approval of Agenda: MOTION by Backers, second by Von See, to accept the agenda as presented. Motion carried. **Call for Disclosure of Conflicts of Interests:** Chair called for commissioners to disclose any real or potential conflicts of interests. There were none.

Approval of Minutes: MOTION by Backers, second by Von See, to accept the minutes of April 24, 2017 as presented. Motion carried.

Public Comment for Matters Not on the Agenda: There were no comments.

Comments from Commissioners for Matters Not on the Agenda: There were no comments.

Scheduled Public Hearing:

To consider the special use application by Bruce and Luana Karazia to add a second dwelling on their 80-acre parcel, a property at address 6451 Gillett Road NW, Rapid City, Michigan, 49676, being parcel number 004-022-002-00. Property is in the Agricultural Zone; this special use application is controlled under Subsection 17.03.M Supplementary Dwelling, subject to the following provisions:

1. A single supplementary dwelling may be permitted for the purpose of housing members of the immediate family of the property owner, or to house workers employed to harvest farm or forest crops grown on the premises.
2. Said supplementary dwelling shall meet the standards of Section 17.02.A and the standards of ARTICLE XXIV.
3. In connection with a Special Use Permit application, applicant shall submit an affidavit attesting that the subject land parcel containing the primary dwelling and the supplementary dwelling will not subsequently be split or divided in a manner that results in a dwelling on a parcel of land that does not meet the area, frontage, and setback requirements of this Article.

4. In the event of approval of the Special Use, the applicant shall cause to be recorded the Special Use Permit including the affidavit of Section 17.03.M.03 above, which affidavit shall be identified as a deed restriction running with the land. A copy of this recorded instrument shall be conveyed to the Zoning Administrator by the applicant prior to the issuance of a Land Use Permit.

Chair Parzych opened the public hearing and explained the procedural sequence: first the Zoning Administrator will report his findings, then the applicant will explain the project, then persons in support of the project will speak, and finally, persons in opposition to the project will speak; all speakers will be limited to five minutes. *Acting Zoning Administrator Parzych* received the application a few weeks ago. The applicant chooses not to split the 80-acre property, but asks to be able to add a second dwelling on the property. Drawings of the proposed project are available to inspect. *Bryan Karazia* speaking for the family, presented the project to build a second dwelling on the property to allow Bryan and Sarah, and their children, to be near Bryan's parents, Bruce and Luana Karazia. The family operates a small "hobby farm" and does not wish to split the property. They wish to keep the family members close, on the same property, to support one another, and to continue operating the farm. Zoning Administrator Molby inquired what the distance will be between the two homes. Bryan replied that it is 250 to 300 feet, farther than the distance to the nearest neighboring property. *In support* – there were no additional speakers in support. *In opposition* – there were no speakers in opposition. Before going to the standards of review, the Commission needed to determine that the application was complete, with sufficient site plan information. It had been submitted incomplete at the April 3, 2017, meeting and was completed with the assistance of the Acting Zoning Administrator following that meeting. The required information for site plans is found in Section 28.05 of Ordinance 22. The pertinent portions of that Section were considered by the Commission and found to be met by the site plan drawing as submitted by the applicants.

After this review, the following motion was made: **MOTION** by Backers, second by Von See, to accept the application as complete. Motion carried. At this point, Chair Parzych closed the public input portion of the hearing, and began its deliberations. The Commission proceeded to the standards of review for special use permits, as found in Section 24.03.A.1-8

24.03 BASIS OF DETERMINATIONS Prior to approval of a Special Use application, the Planning Commission shall insure that the standards specified in this Section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Use under consideration. **A. GENERAL STANDARDS** The Planning Commission shall review the particular circumstances of the Special Use request under consideration in terms of the following standards, and shall recommend a Special Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The Special Use shall be designed, constructed, operated and maintained in a manner that shall not change the essential character of the surrounding area. *Parzych* – yes – farmland residential standard house *Backers* – yes – not going to change anything *Von See* – yes *Fields* – yes – as a finding of fact, this is an 80-acre parcel; the second dwelling will have no effect on anybody in the surrounding area *Eldridge* – yes – agreed, it is a large property, there will be no effect on surrounding area ***The Commission finds that Standard 1 is met.***

2. The Special Use shall not interfere with the general enjoyment of adjacent property. *Parzych* – yes – as a finding of fact, since the nearest neighbor is so far away *Von See* – yes *Backers* – yes *Eldridge* – yes *Fields* – yes ***The Commission finds that Standard 2 is met.***

3. The Special Use shall represent an improvement to the property under consideration. *Backers* – yes – site plan reveals improvements to the property *Eldridge* – yes – will enhance the value *Fields* – yes – it represents not only an improvement to the property, but also to the quality of life for the family. *Von See* – yes *Parzych* – yes – for reasons already stated ***The Commission finds that Standard 3 is met.***

4. The Special Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare. *Von See* – yes – there's enough space between the homes *Eldridge* – yes – the size of property and distance between the homes *Parzych* – yes – the distance from other properties *Fields* – yes – self-evident, given size or property and distance from neighbors *Backers* – yes – in the normal life of a residence, nothing that will affect safety of anybody on adjacent properties ***The Commission finds that Standard 4 is met.***

5. The Special Use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed Special Use shall be able to continually provide adequately for the services and facilities deemed essential to the Special Use under consideration, such as whether the proposed sewage disposal and water supply will be safe and adequate. *Parzych* – yes – as a finding of fact, the health department codes have to be met for the project to be approved *Backers* – yes – *Eldridge* – yes – health department will control *Von See* – yes *Fields* – yes – as a finding of fact, the township does not have any essential public services other than electricity, the sewage and water supply are onsite and will come under the control of the health department ***The Commission finds that Standard 5 is met.***

6. The Special Use shall not place demands on public services and facilities in excess of current capacity. *Parzych* – yes – there are no public services other than electrical *Backers* – yes – agree *Von See* – yes – agree *Eldridge* – yes – agree *Fields* – yes – agree, as a finding of fact in such a case, if standard 5 is met, standard 6 is also met ***The Commission finds that Standard 6 is met.***

7. The Special Use shall be consistent with the intent and purpose of this Ordinance. *Backers* – yes – purpose to promote public health, safety, peace, and general welfare of the inhabitants of the residents of the township *Von See* – yes – agree *Parzych* – yes – agree *Eldridge* – yes – agree *Fields* – yes – will improve the health, safety, and comfort of this family ***The Commission finds that Standard 7 is met.***

8. Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material or by a well-maintained dense evergreen planting, which screening shall not be less than six (6) feet in height. *Fields* – given the size and nature of this project this standard is not applicable *Backers* – agree *Von See* – agree *Eldridge* – agree *Parzych* – agree ***The Commission waives Standard 8 as not applicable.*** The Commission found no need for additional conditions. An affidavit is required, attesting that the property will not be split in a way that results in a nonconforming residential lot. After discussion, the following motion was made: **MOTION** by Backers, second by Von See, to recommend approval by the township of the special use permit application by Bruce and Luana Karazia to add a second dwelling on their 80-acre parcel, a property at address 6451 Gillett Road NW, Rapid City, Michigan, 49676, being parcel number 004-022-002-00; with the requirement that the applicant shall submit an affidavit attesting that the subject land parcel containing the primary dwelling and the supplementary dwelling will not subsequently be split or divided in a manner that results in a dwelling on a parcel of land that does not meet the area, frontage, and setback requirements of this Article. **Roll call vote:** Eldridge – yes Fields – yes Parzych – yes Backers – yes Von See – yes Motion carried unanimously.

Ongoing Permanent Business: The Commission considers Master Plan and Zoning Ordinance review and maintenance at every regular meeting, as a matter of ongoing permanent business. Secretary Fields reported that Cheryl Goss, the Clerk of Whitewater Township, inquired about the Clearwater Township Private Access Easement Ordinance, which is referenced in Section 28.04.D of Ordinance 22 the Zoning Ordinance. Research reveals that there is no document or separate ordinance of that name in Clearwater Township. Rather, the reference actually is to Section 4.14 PRIVATE ACCESS EASEMENTS, of Ordinance 22 the Zoning Ordinance. A correction is required to the language of the reference in Section 28.04.D to read: "... requirements of ARTICLE IV, SECTION 14, of this Ordinance." This does not alter the Ordinance and does not require a public hearing; this is merely a housekeeping correction. Secretary Fields is assigned to make that correction.

Old Business: The known items of Old Business are 1) tiny houses, 2) medical marijuana, 3) definition of structure, and 4) waterfront setback language. These items are held over to the June agenda.

Report of Township Representative: *Clerk Eldridge* – reported that Supervisor Larry Niederstadt is in the hospital awaiting surgery to amputate his foot. He has been quite ill with an infection that threatens his life. It is anticipated that a deputy supervisor will be

appointed, to serve until Niederstadt can return to work in a couple of months. A resolution on "Natural Hazards Mitigation" was passed at the last meeting of the Township Board. The contracts have been signed for the Baggs Road work, and forwarded to Kankaska County Road Commissioner John Rogers. The total cost of the work is estimated at about \$92,000. Kankaska County, Grand Traverse County, Whitewater Township, and Clearwater Township are splitting the cost. Wilhelm Road will be a two-year project that will be started this year. The County has funds to spare and will front the second year cost of \$53,000 to the Township. Zimmerman Road work will cost over \$400,000. It has to be totally reconstructed, beginning with a complete engineering study. It is likely the Township will have to buy some property along the road in order to properly handle the necessary drainage. We have a four-year millage that generates \$120,000 per year. At the end of the current projects, we will still be short about \$15,000, which will have to come out of our General Fund. Parzych requested assurance that the gravel intended for maintenance of our gravel roads, not be appropriated for the ongoing roadwork projects. A new truck has been purchased for the Township, at a price \$7,000 under the local bids. Street lights will be placed on the intersections of Rapid City Road with Morrison Road and with Plum Valley Road. Backers inquired why the light formerly at Valley Road and Kellogg Road has not been replaced? Eldridge replied that is still a mystery, she has not received a reply to her inquiry. The Umlor court case has been settled.

Report of Zoning Administrator: *Acting Zoning Administrator Parzych* – reported that activity has greatly increased, there are lots of land use permit applications. The formal report will be ready for the Township Board Meeting. Parzych believes that it is time for the township to have a full-time Zoning Administrator, or a permanent part-time assistant for the part-time Zoning Administrator.

New Business Backers – reported that a vacation rental bill, making short-term rentals legal, has passed through the house of the State legislature; it has not passed the senate, yet. If passed and signed by the governor, it would make rentals of under 28 days legal in Michigan, unless prohibited by the particular township's ordinance. *Eldridge* – has information on tiny houses for Backers; she will put it in his box; the house at the intersection of Kellogg Road and Valley Road appears to be smaller than the minimum permitted for a dwelling space in this township. There was discussion regarding the specificity of the definition of "structure" in Ordinance 22 the Zoning Ordinance. Judge Buday states that the township must clarify that definition if it intends to exempt at-grade patios from being structures. The review of that language will be on the agenda for the June meeting. There was discussion about controlling the development of windmill farms. Some townships are banning windmills within their jurisdictions because of the restrictions on use of the land where the windmills stand and the dangers of "ice-flinging," among other concerns.

Closing Public Comment: *Judy Umlor* – asked whether, if the definition of structure gets changed in the Zoning Ordinance, there could be any compromise on the judgment her son, Wesley, has to comply with in 90 days. She also felt that if Wesley has to comply with the law, others should have to, too. Brief discussion ensued about even-

handedness in applying the law, a concept with which the Commission wholly concurred, and about the potential for staying enforcement during deliberation on refining pertinent definitions. No action was taken. *Guy Molby* – thanked Adam Parzych for all his help during the many months of Guy's illness.

Adjournment: MOTION by Backers, second by Von See, to adjourn. Adjournment at 8:17 p.m. **Assignments:** ? Fields to communicate recommendation to the Township Board to approve the Karazia special use permit application for a second dwelling on their property. ? Fields to make housekeeping correction to language of 28.04.D of Ordinance 22. ? Fields to assure tiny houses, medical marijuana, waterfront setback language, and structure definition are items on the June agenda.

Next Meeting: June 5, 2017, at 7:00 p.m., in the Clearwater Township Community Center (a.k.a. the Little Red Schoolhouse). Respectfully submitted, Tina Norris Fields Secretary