

**Burt Township  
Planning Commission Minutes  
January 18, 2016**

The Regular meeting of the Burt Township Planning Commission was called to order by Chair Chris Kindsvatter on January 18, 2016, at 7:00 pm at the Burt Township Hall, 7029 Birchwood Road, Cheboygan, Michigan.

Members present: Chris Kindsvatter, Gene Hodulik, Matt Landon, Robert Babcock  
Absent: David Hutto  
Also attending: Jim Larson, Randy Frykberg

**Agenda** – Kindsvatter

**MOTION:** Moved by Babcock, supported by Landon to approve the agenda with the addition under New Business to add Irregular Lot Shapes.

**MOTION APPROVED**

**Declaration of Any Conflict of Interest on the Agenda** - None

**Minutes** – December 14, 2015

**MOTION:** Moved by Landon, supported by Babcock to approve the minutes of December 14, 2015, as amended.

**MOTION APPROVED**

**Public Comment** – None

**Board Representative Report** – Hodulik

Hodulik reported the following:

- The Board is looking at new website designs and email addresses. Met with representatives in their proposed cost to improve and redo the site. A subcommittee was charged with coming up with layout design concept of the proposed new site.
- Next Board meeting is March 3, 2016

**ZBA** – Kindsvatter

No report since last meeting of December 4, 2015 meeting

**Old Business**

Update from subcommittee on septic and water quality – Hutto Report distributed in his absence Reported on Dr. Grenette Thornassy from Tip of the Mitt Watershed Council continues to work on gather Cheboygan statistical. Matt Landon to contact Mr. Cavanaugh at Department of Health this week.

Fire Pits/Seating Areas – Kindsvatter

Proposal for consideration was presented and discussed. After much discussion and concern over the size of the area and composition of any materials, the following proposal was approved to be forwarded to the Burt Township board. Frykberg stated that Burt Township is the only township he was aware of with this type of ordinance

**MOTION:** Moved by Landon, supported by Babcock to submit, to the Township Board, the following recommended zoning ordinance change to Section 6.04.3 (3) to allow for seating area of fire pits.

**6.04.3(3) – Additional Permitted Accessory Structures**

*Strike present section:*

~~3. A fire area defined as a fire pit and surrounding buffer zone, shall be permitted in any residential district in compliance with required district setbacks, except on waterfront parcels. Such fire areas shall also be permitted within the front (lakefront) setback. In the lakefront setback, fire area shall be limited to a total footprint of no more than sixty four (64) square feet, and buffer zone shall be totally permeable surface. The fire pit shall not exceed fourteen (14) square feet. The fire area shall not exceed a height of one (1) foot above finished grade.~~

*And insert new section and language*

**3. Fire Pit**

(A) **Non-waterfront lot.** A fire area, defined as a fire pit with surround area, shall be permitted in any non-waterfront residential district in compliance with required district setbacks. The fire pit shall not exceed fourteen (14) square feet. The fire area shall not exceed a height of one (1) foot above the low point of natural grade. Any surround area exceeding two hundred (200) square feet shall require a zoning permit from Burt Township.

(B) **Waterfront lot.** A fire area, defined as a fire pit with surround area, shall be permitted in any waterfront lot under the following restrictions:

(1) **Outside the 75 foot lakeside setback requirement,** a fire area shall be permitted in compliance with the remaining district setbacks. The fire pit shall not exceed fourteen (14) square feet. The fire area shall not exceed a height of one (1) foot above the low point of natural grade. Any surround area exceeding 200 square feet shall require a zoning permit from Burt Township.

(2) **Within the 75 foot lakeside setback requirement,** a fire area shall be permitted in compliance with required district setbacks with the following restrictions:

(a) All fire areas will require a zoning permit from Burt Township.

(b) The fire pit shall not exceed fourteen (14) square feet.

(c) The fire area shall not exceed a height of one (1) foot above the low point of natural grade.

(d) All material utilized to construct the surround area shall allow proper, natural drainage. Non-porous, solid materials (example: concrete or asphalt) shall not be allowed.

(e) The surround area shall be slopped for drainage to the far side from any waterfront.

*(f) Lots with one hundred (100) feet of frontage or less may construct a surround area not to exceed one hundred forty-four (144) square feet with no side exceeding twelve (12) feet in length.*

*(g) Lots exceeding one hundred (100) feet of frontage may construct a surround area not to exceed two hundred twenty-five (225) square feet with no side exceeding fifteen (15) feet in length.*

**Roll Call Vote** - Landon –yes; Kindsvatter; yes, Hodulik –yes; Babcock- yes;

### **MOTION APPROVED to be forwarded to Board**

#### Vegetation Strips – Kindsvatter

Larson said the ordinance was adopted in October 2006. Enforcement has not been followed until recently with one enforcement action that demonstrated the lack of discretion for existing strips that already protect the shoreline. The ordinance as written is too specific and would require alteration. (Ref: December 14, 2015 public comment to the planning commission by Matt Cyrulnik). In this situation, following a permitted rebuilding project, a new vegetation strip would be required. It would mandate that he would alter or remove existing trees and exposed tree roots to plant shrubs or herbaceous plants. Landon felt that lakefront altered during construction should then require the vegetation strip as presently defined but if the lakefront was not altered during construction, then only say it is "recommended or suggested" to do the vegetation strip. Kindsvatter will continue discussion with Burt Lake Preservation Association Board on this issue to garner additional support for change. After much discussion, it was moved that Frykberg and Larson present at the March 14, 2016 a proposed language that would amend section 6.12. 4 by making it voluntary and “highly recommended” to establish vegetation strip and follow the same guidelines as the recently adopted Cheboygan County ordinance.

#### Ordinary High Water Mark (OHWM) Definition – Kindsvatter

Kindsvatter stated since many section of the township ordinance refers to Ordinary High Water Mark ( OHWM) that there should be a definition of same. After discussion it was approved that the following be sent to the Township Board for consideration.

**MOTION:** Moved by Hodulik, supported by Babcock to submit, to the Township Board, the following recommended zoning ordinance change to Burt Township Ordinance Section 2.02, definition section:

***Ordinary High Water Mark (OHWM)- is the line on the shore of Burt Lake established by fluctuations of water and indicated by physical characteristics such as a line impressed on the bank, shelving, destruction of terrestrial vegetation, presence of litter or debris, or changes in the character of soil. If the soil, configuration of the surface, or vegetation on the shoreline has been altered by man's activity, the high water mark shall be located where it would have been if this alteration had not occurred. If the above visual determination is unclear, then the OHWM of 594.5 feet as determined by the United States Army Corp of Engineers (USACE) will be used as the ordinary high water mark.***

**MOTION APPROVED to be forwarded to Board**

### **New Business**

### Irregular Shaped Lots

Larson presented a situation that needs to be in the ordinance concerning irregular shaped lots. A situation arose where a person owning 2 properties on the lake wants to carve out a section that would be highly irregular. The township ordinance needs clarification on minimum size allowed. Frykberg stated that most townships have minimum lot width of 100 feet. The commission requested that Frykberg and Larson come back to the March 14, 2016 meeting with a proposed new ordinance that would limit irregular shaped lots with a 100 foot minimum requirement.

**Planning Commission Comments:** None

**Public Comment:** None

### **Future 2016 Planning Commission Meeting Dates**

March 14, 2016 -7:00 pm

May 16, 2016 - 7:00 pm

July 18, 2016 - 7:00 pm

September 19, 2016 - 7:00 pm

December 12, 2016 - 7:00 pm

**MOTION:** Moved by Landon, supported by Hodulik to adjourn.

**MOTION APPROVED**

Adjourned at 8:52 pm

Respectfully submitted,

Christian Kindsvatter – Planning Committee Chairperson/Meeting Minute Recording Secretary