

**Burt Township  
Planning Commission Minutes  
March 14, 2016**

The Regular meeting of the Burt Township Planning Commission was called to order by Chair Chris Kindsvatter on March 14, 2016, at 7:04 pm at the Burt Township Hall, 7029 Birchwood Road, Cheboygan, Michigan.

Members present: Chris Kindsvatter, Gene Hodulik, Matt Landon, Robert Babcock, David Hutto

Also attending: Jim Larson, Randy Frykberg, Harold Koviak, Katie Parker, Stuart Cheney, Paul Janness

**Agenda** – Kindsvatter

**MOTION:** Moved by Babcock, supported by Landon to approve the agenda as presented

**MOTION APPROVED**

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

**Minutes** – January 18, 2016

**MOTION:** Moved by Hodulik, supported by Babcock to approve the minutes of January 18, 2016.

**MOTION APPROVED**

**Public Comment** – Harold Koviak mentioned the Supreme Court ruled against sign regulations relative to content. Also PA 269, as signed by the governor, prevents government bodies to a 60 day gag order on commenting on issues prior to voting on the ballot. The Michigan Township Association and other organizations have challenged and after March 21 the court will be reviewing the case.

**Board Representative Report** – Hodulik

Hodulik reported the following:

- The Board approved using the present web master for another year but changes to be made on the website to bring the site more up to date and also provide more timely information. This will include email addresses for township officials and committees.
- The township budget will be discussed at the April 7, 2016 meeting. Copies available on website.
- The board heard from the Road Commission on future crack sealing this summer and rated roads in township that need repairs.
- Grant is to be finalized for continuing the trail on the north side of the lake.

**ZBA** – Kindsvatter

ZBA met on March 19, 2016 to review the staking and footprint of a property on Elmhurst Drive and approved same with conditions to be met.

## Old Business

Update from subcommittee on septic and water quality – Hutto reported on the committees effort to establish a septic and water inspection at the time of transfer or property sale. He communicated with Health Department director and his interest in working with the township on this effort.

On April, 2016 Dr. Grenette Thornassy will be presenting at the Tuscarora Township hall to detail the new watershed management plan. All township residents are welcomed to attend and get an update of the Tipp of the Mitt activities and management plan. Clerk to have this posted on website of Burt Township.

Dr. Grenette Thornassy from Tip of the Mitt Watershed Council will be coming to the May 16, 2016 Planning Commission to give a presentation on the Septic and Water quality inspection at sale and transfer. It was suggested that this be put on the website for all township residents to attend.

## Fire Pits/Seating Areas

**MOTION:** Moved by Landon, supported by Hutto to present for public hearing on May 16, 20016, as reviewed by the Township Board, the following 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 new or reconstructed 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 sloped 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; Hutto - yes

**MOTION APPROVED for Public Hearing on May 16, 2016 at 6:30 pm at the township Hall**

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

**MOTION:** Moved by Hodulik, supported by Hutto to present for public hearing on May 16, 2016, as reviewed by the Township Board, the following zoning ordinance to the definition section by adding Ordinary High Water Mark (OHWM)

**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.*

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

**MOTION APPROVED for Public Hearing on May 16, 2016 at 6:30 pm at the township Hall**

Number of Copies in Permit filings.

**MOTION:** Moved by Landon, supported by Babcock to present for public hearing on May 16, 20016, as reviewed by the Township Board, the following zoning ordinance change to

***Amendment Article IV, Site Plan Review, Section 4.03 Site Plan Review (All Districts) subsection 4-A Application Submittal Procedures:***

A. ~~Ten (10)~~ (8) copies **and a digital PDF copy of all files** of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for site plan approval shall not proceed until all required information has been supplied. Once a complete application meeting the requirements of this ordinance has been submitted, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

***Amendment of Article V Uses Subject to Special Use Permit, Section 5.02 – Uses Subject to Special Use Permit***

***1. Applications:***

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a form provided for that purpose, and shall include the following:

A. Site plan prepared under the requirements of **Section 4.03 – Site Plan Review (All Districts) - Site Plan Data Required** **and to include 8 copies and a digital PDF copy of all files**

***Amendment of Article VII: Supplemental Site Development Standards  
Section 7.01.12 C(2) Requirements of Preliminary Plan***

Following the Pre-application Conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development Plan for the subject property. The applicant shall submit eight (8) copies **and a digital PDF copy of all files** of Preliminary Planned Unit Development Plan with the PUD application, at least thirty (30) days prior to the date of the Planning Commission meeting at which a Public Hearing on the Plan is to be scheduled. The Zoning Administrator shall review the submitted site plan application and if determined to be complete, (all required information provided), shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. If the application is not complete, the Zoning Administrator shall send a letter to the applicant identifying the deficiencies.

***Amendment of Article VIII: Zoning Board of Appeals, Section 8.01 – Zoning Board of Appeals, subsection 6. Zoning Board of Appeals submittal:***

The applicant is required to submit eight ~~(8)~~ **one (1) copies** **and a digital PDF copy of all files** of surveys, plans and data as required under Article VI: Site Plan Review, or other information deemed reasonably necessary for making any informed decision on his or her appeal.

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

**MOTION APPROVED for Public Hearing on May 16, 2016 at 6:30 pm at the township Hall**

Frykberg will present to the Township Clerk all appropriate wording for website presentation and all required newspaper posting wording.

Vegetation Strips

**Motion:** A motion by Hutto and supported by Landon to remove from the table and to continue discussion on vegetation strip ordinance.

**Motion Approved.**

Larson gave a history, as determined by past 2006 minutes that the ordinance which was presented in the May 2006 Planning Commission meeting but adopted in October 2006. Initially this issue was presented in October 2003 to the Planning Commission and no action until May 2006. Since October 2006 effective date, 21 actions on required vegetation strips have had no enforcement. Recently there has been one enforcement action that demonstrated the lack of discretion for existing strips. Two of the actions are questionable and 8 will be coming due in the next year for competition of their 2 year install of a vegetation strip. The ordinance, as written is too specific and allows for no flexibility.

Frykberg felt that lack of enforcement would create legal issues.

Landon felt that as vegetation strip would not be needed unless altering the shoreline. Also felt that education programs are more important than enforcement.

Larson stated that if enforcement was made on the 21 on the books to be done that the township would be in court due to past non-enforcement of the ordinance. Another area of concern is the “shall not be removed” clause that would be impossible to enforce or follow with new sales.

Koviak stated that he wanted to keep the ordinance as it is presently and not have problems with BLPA or the Tipp of the Mitt.

Cheney felt that an enforcement fund should be established to enforce the present ordinance. **Hutto said Mr. Chaney meant that if we have an ordinance, then the whole ordinance needs to be enforced and the board should have a fund for legal enforcement of ordinance).**

Kindsvatter mention that the required “Within twenty-five (25) feet of the ordinary high water mark, a natural vegetation strip shall be established or maintained on a least seventy percent (70%) of the lake or stream frontage” and could be interrupted as any size, such as 1 foot wide and it does not really mean all the 70% of the land area. Very open and poorly worded.

The Planning Commission will present at the next meeting areas for consideration and re write of the present ordinance with better guidelines, examples to follow and an education plan.

**Motion:** This issue be tabled to the next meeting.

**Motion** passed.

## **New Business**

### Irregular Shaped Lots

Frykberg presented his rewrite of the proposed ordinance changes for irregular shaped lots. He will return to May meeting with presentation for commission consideration the specific sections that the following should be placed besides the definition section.

“Minimum Square – Each lot shall be of such configuration that a minimum square of the same number of linear feet pre side as the frontage minimum , will fit within the lot without utilizing lands designed as wetlands designed as wetlands, watercourse, or slopes greater than 25%.”

### **Planning Commission Comments:**

Babcock requested that the Sunset Resort by Hoppie’s be looked into since it is being sold as separate units as if condo’s and it appears does not follow division state guidelines or the township ordinance on Shared access. Larson will get with township attorney on this issue.

**Public Comment:** None

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

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 Hodulik, supported by Babcock to adjourn.

**MOTION APPROVED**

Adjourned at 8:47 pm

Respectfully submitted,

Christian Kindsvatter – Planning Committee Chairperson/Meeting Minute Recording Secretary