

**KASSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Monday, June 19, 2023; 7:00 pm
Kasson Township Hall
10988 S. Newman Road, Maple City, MI 49664
MINUTES**

I. Call Meeting to Order/Pledge of Allegiance

Chairman Roush called the meeting to order at 7:00 pm with the Pledge of Allegiance.

II. Roll Call of Commissioners and Staff

A. Present: Tad Carter, Township Board Rep; Mike Lanham, Commissioner; Chuck Schaeffer, Secretary; Dave Noonan, Commissioner; Jerry Roush, Chairman

B. Staff: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary

C. Visitors present: In total, there were five members of the public present at various times during the meeting.

III. Consideration of Agenda (Attachment "A")

Chairman Roush asked for a motion to approve the agenda as presented.

NOONAN MOVED TO APPROVE THE AGENDA AS PRESENTED; SCHAEFFER SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.

IV. Declaration of Conflicts of Interest – none

V. Public Comment – none

VI. Approval of Minutes – May 8, 2023

Chairman Roush asked for a motion to approve the minutes of May 8, 2023 as presented. **NOONAN MOVED TO APPROVE THE MINUTES OF MAY 8, 2023 AS PRESENTED; LANHAM SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

VII. Correspondence Received - none

VIII. Area Reports

A. Chairperson - Chairman Roush – no report

B. Secretary - Commissioner Schaeffer – no report

C. Township Board - Commissioner Carter

Commissioner Carter reported that the Township is attempting to locate a veteran who is buried in the Kasson Township Cemetery. The Township would like to honor this veteran but needs to find the exact location of the gravesite.

Mr. Corey Flaska has been awarded the contract to remodel the Kasson Township Hall. A covered porch will be added to the front of the hall as well as in the back.

D. Zoning Board of Appeals - Commissioner Noonan – no report

E. Zoning Administrator – ZA Cypher

Cypher reported that Mr. Tom Grier, the Kasson Township attorney, has been tied up with the gravel legislation but will be submitting his comments on the use of “shall” versus “may” in the Master Plan in time for the July meeting. Mr. Grier will also provide other comments regarding the Master Plan, as he sees fit.

Regarding the Enduro Motorcycle Race, the applicants’ attorney sent Mr. Grier a letter stating that certain things were incorrect regarding the application as it relates to the zoning ordinance. Cypher and Grier are in the process of responding to this correspondence now. The applicants will be changing their business plan so that this project is represented as a business as opposed to a not-for-profit. The applicants indicated that they want more than just one event per year, which was originally proposed. The application will be submitted under the forestry section of the zoning ordinance.

Schaeffer asked about the tone of the letter that was received from the applicants’ attorney. Cypher replied that it was adversarial at first but then the letter was toned down. He is not sure that the attorney had all of the correct facts from the applicants.

Schaeffer stated that at the Public Hearing for the Enduro Motorcycle Race, he asked about the 501(c)(3) status. Schaeffer explained that he asked the applicants this question because he knows a group that would provide traffic control and other services at no charge during the event, but the applicants would need 501(c)(3) status. Schaeffer stated that he did not want to cause any issues by asking this question. Cypher stated that he conducted some research and did not find a 501(c)(3) filing. Mr. Seymour has also followed up with legal counsel on this matter. Cypher stated that the letter he and Mr. Grier are preparing to opposing counsel will be direct and to the point.

Cypher clarified that the applicants have tabled their application but it has not been withdrawn.

Cypher reported that Bryan Cloninger of Nature has not submitted a list of events for 2023 to him despite being asked to do so several times. Two events have already been held at Nature this year on June 17th and June 22nd, respectively. The June 17th event was a wedding with over 80 people in attendance. In September, additional weddings will be held at Nature with over 50 people at each event. Another wedding will be held at Nature in October. In the past, complaints have been submitted from neighbors regarding the noise. Schaeffer stated that he lives approximately $\frac{3}{4}$ of a mile from Nature and could let Cypher know if music is excessive. Cypher added that there is no standard for this. Mr. Cloninger will receive a civil infraction. The application that was approved for Nature specified that no events are to be held without prior approval.

For the month of May, Cypher took in \$525.00 in fees. He issued seven land use permits, three for single family residences, one addition, two accessory buildings and one commercial construction. The Enduro Special Land Use Permit request has been tabled. Cypher conducted nine inspections and continues to investigate a pending junk complaint. The residents informed him they were working towards compliance; however, Cypher has not seen any progress. He provided information via 334 phone calls and 23 internet responses.

IX. Old Business - none

X. New Business

A. Zoning Ordinance Definitions

Carter requested that this item be placed on the agenda. He explained that his son previously purchased a kit from Vermont to set up a farmstand. Once it was built, an inspector from the Building Safety Department came by and asked Carter for various permits. Carter was unaware that this was a requirement and stated that there are many farmstands in the local area. Carter spoke to Mr. Craig Brown from the Leelanau County Road Commission (LCRC). The LCRC issues driveway permits so it is uncertain why the Building Safety Department is handling this matter.

Cypher explained that anything under 200 square feet does not require any permit unless the structure is within three feet of the house. However, Carter's farmstand is larger than 200 square feet. Cypher read from section 4.5.1 of the Kasson Township Zoning Ordinance which pertains to "Permitted Uses":

- I. A stand for sale of agricultural products provided that:
 1. No more than one stand is allowed for each six hundred (600) lineal feet of road frontage.
 2. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
 3. The products sold on any stand are mainly grown or produced on the premises.

Cypher stated that the Building Safety Department determines if Carter is in the Ag area. Cypher investigated the situation and found Carter to be in compliance; a land use permit has since been issued. Cypher noted that there is always concern about people pulling off the road at a stand.

Cypher stated that what triggered this situation for Carter was the fact that the stand is over 200 square feet. Carter added that they are also looking at purchasing a windmill pump with a tower that is 47 feet in height. Cypher replied that Carter will want to make sure that the fall zone is entirely on his property. Carter should speak to the Building Safety Department about this matter. He was also advised to complete the Ag Affidavit as well as to make some phone calls to see what the process is. Cypher stated that the Building Safety Department has rules and regulations that they must follow. He informed the PC that approximately ten years ago, this Department was on probation and almost lost their certification in Leelanau County. New staff members were hired to address the problems in the Department. Cypher noted that they often hold up permits for simple things and added that there is pushback from builders in the area that things are delayed.

Schaeffer asked who signs the Ag Affidavit. Cypher replied that the County will sign the Affidavit but the applicant must bring the application forth. Cypher stated that planning and zoning does not work with Ag Affidavits; Schaeffer replied that we do Ag zoning. Schaeffer commented that it appears that different governmental units do not know what other units are doing. Cypher stated that departments try their best to take an intergovernmental approach to things.

Carter inquired about long-time residents who store boats in barns on their property. Cypher stated that he looks at advertisements in the paper and checks to see if the property is in the Commercial district; however, he added that he does not have permission to go on someone's property.

Lanham stated that Carter has a structure that is more than a farmstand. Discussion ensued regarding a farmstand versus a farm market. Cypher stated that the Building Safety Department was involved in another case where the public was being let into a building; this is a different situation.

Chairman Roush asked Carter if he was proposing that we add a new definition to the zoning ordinance based on what is being discussed this evening. Carter replied, "Yes". Cypher briefly discussed Generally Accepted Agricultural and Management Practices (GAAMPs) as they relate to roadside stands. A farm market is a commercial business where people are permitted to enter a building; a roadside stand is different. Chairman Roush asked for information to be brought to the July meeting for further discussion and to help the PC determine which definitions need to be added to the zoning ordinance.

XI. Public Comment

Mr. Tim Dowd resides on Hill Road in Cedar. His property is adjacent to the proposed site of the Enduro motorcycle racetrack. He is confused about how many times the applicant can amend the special land use permit before it is denied. He stated that the residential driveway permit should be brought up to a business driveway. The proposed campground site is filled with trees. He referenced a recent campfire that led to widespread fire in the Crawford County/Roscommon County area and believes this could happen at the site of the proposed Enduro event. He also inquired as to how many times the applicants might change law firms. Mr. Dowd stated that the Neighborhood Association would like to bring this matter to a conclusion.

Schaeffer stated that he continues to receive email messages but added that there has already been a Public Hearing in this matter. He asked if this was fair. Cypher replied that during the public comment portion of a PC meeting, the public does have the right to make comment on any topic. He added that any member of the public may call him directly for answers to their questions, too. Mr. Dowd stated that he is sorry to keep beating this issue but commented that the neighbors are bothered by the fact that this matter has not been resolved.

Father Mike Verschaeve lives at 11411 S. Tower Road. He stated that his family recently celebrated their mother's 95th birthday and they are all grateful for the paradise where they live.

Mr. Joe Verschaeve represents the Verschaeve Family Trust. He stated that he previously heard Mr. Seymour state that their organization would be a 501(c)(3). Mr. Verschaeve stated that he is now hearing that this has changed. He is concerned about the constant change of information that the citizens must apprehend. Mr. Verschaeve is very concerned about the risk of fire and added that the neighbors are concerned as well.

Mr. Jim Travioli stated that everything is constantly changing. At the Public Hearing, the neighbors heard opposition expressed and things have changed

since that meeting. He stated that he and his wife recently enjoyed a peaceful weekend sitting out on their deck. Mr. Travioli stated that they built their dream home with the understanding of what the zoning laws were in Kasson Township.

XII. Comments from the Commissioners

Lanham addressed the public and stated that, as a board, the PC members sit in front of the public and the board is charged with determining whether the applicant meets the ordinance requirements. He noted that at the May 8th meeting, much of what the PC members heard was repetitious and they have heard these comments before. Lanham stated that the PC is aware of the public's concerns but added that the PC must now be able to move to the next step in the process which is a review of the Findings of Fact.

Schaeffer stated that he has been bombarded with email messages but he is receiving the same comments. He stated that the PC members much make a decision that is defensible in court. He stated that many individuals are making assertions in their messages; for example, "If x happens, then this will happen". Based on the "reasonable man" doctrine, he asked that the public tell him where he can go to research things further which will allow him to defend his position on the board. He reiterated that the PC knows what the issues are but asked for the public's help in the process so that the appropriate facts can be gathered.

XIII. Next Meeting - Monday, July 17, 2023 at 7:00 p.m.

XIV. Adjournment

Chairman Roush asked for a motion to adjourn the meeting. **LANHAM MOVED TO ADJOURN THE MEETING; NOONAN SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

The meeting was adjourned at 7:50 pm.

Respectfully submitted,

Allison Hubley-Patterson
Recording Secretary

ATTACHMENT “A” – Agenda

**KASSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Monday, June 19, 2023; 7:00 p.m.
Kasson Township Hall, 10988 S. Newman Road, Maple City, MI 49664
AGENDA**

1. Call Meeting to Order / Pledge of Allegiance
2. Roll Call of Commissioners and Staff / Recognition of Visitors
 - A. Commissioners present (roll call): Carter, Lanham, Noonan, Roush, Schaeffer
 - B. Staff: Cypher, Hubley-Patterson
 - C. Visitors present
3. Consideration of Agenda: Additions or Deletions
4. Declaration of Conflicts of Interest
5. Public Comment
6. Approval of Minutes – May 8, 2023
7. Correspondence Received
8. Area Reports
 - A. Chairperson – Commissioner Roush
 - B. Secretary – Commissioner Schaeffer
 - C. Township Board – Commissioner Carter
 - D. Zoning Board of Appeals – Commissioner Noonan
 - E. Zoning Administrator’s Report – ZA Cypher
9. Old Business – None
10. New Business
 - A. Zoning Ordinance Definitions
11. Public Comment
12. Comments from the Commissioners
13. Next Meeting: Monday, July 17, 2023; Kasson Township Hall
14. Adjournment

ATTACHMENT “B” – Zoning Administrator’s May 2023 Report

Kasson Township Zoning Administrator's MAY 2023 REPORT

6/4/2023

To: Kasson Township Board & Planning Commission

From: TIMOTHY A. CYPHER

Land Use Permits Issued:	7	YEAR TO DATE 17
Signs / Home Occupation	0	
Single Family Residences (SFR)	3	
Additions to SFR	1	
Garages	0	
Decks & Porches / MISC.	0	
Accessory Buildings	2	
Commercial Construction	1	
Stairs / Landings / Fences	0	
Agriculture construction	0	
Demolitions / Relocating	0	
Boat houses	0	
Solar Panels	0	
Renewal of / Change of use	0	
Z.B.A. proceedings	0	1 INQUIRY
Special Land Use Permits	1 ENDURO TABLED	1 INQUIRY
Land Divisions	0	1 INQUIRY
Property Line Adjustments	0	1 INQUIRY
Private Roads / Driveways	0	0 INQUIRY
Zoning / Site Plan Reviews	0	0 INQUIRY
Construction / Site Inspections	9	
Violations/Investigations	0 **VIOLATIONS**	
	1 INVESTIGATIONS	
	*JUNK @ RESIDENTIAL LOCATION	
	SHIPPING CONTAINERS BEING PERMITTED	

I also supplied information via 34 phone calls, 23 via internet to Township residents & other:

I also attended the PC meeting, staff attended the Township Board meeting.

Please feel free to contact me with any questions.

Phone 231-360-2557

tim@allpermits.com

ATTACHMENT "C"
Zoning Administrator's Monthly Permit Summary (May 2023)

KASSON TOWNSHIP ZA'S MONTHLY PERMIT SUMMARY

PERIOD: MAY 2023

DATE	PERMIT #	NAME	USE	RECEIPT CK.#	AMOUNT
5/8/2023	LUP 23-11	WILLIAMS	LAND USE	202311	12934 \$ 75.00
007-600-007-00	8400 S. DUNNS FARM RD	NEW DWELLING ATT.GARAGE TWO DECKS		4,886 S.F.	
5/12/2023	LUP 23-12	KASSON TWP.	LAND USE	202312	1967 \$ 75.00
007-001-016-01	1744 E. DARGA ROAD	COVERED PORCH ADDITION - CONCRETE WALKWA		506 S.F.	
5/13/2023	LUP 23-13	METEER	LAND USE	202313	156 \$ 75.00
007-022-005-11	847 W. KASSON CENTER	NEW DWELLING & TWO DECKS		2,086 S.F.	
5/13/2023	LUP 23-14	MYERS	LAND USE	202314	1005 \$ 75.00
007-700-002-00	8261 S. DUNNS FARM RD	DWELLING ADDITION - TWO BEROOMS/BATH		144 S.F.	
5/14/2023	LUP 23-15	DENNETT	LAND USE	202315	2369 \$ 75.00
007-033-001-30	1119 W. TRAVERSE HWY	ACCESSORY BUILDING		255 S.F.	
5/16/2023	LUP 23-16	ROUBAL & NOONAN	LAND USE	202316	13231 \$ 75.00
007-003-023-50	879 W. BURDICKVILLE RI	NEW DWELLING ATT.GARAGE TWO PORCHES		4,896 S.F.	
5/29/2023	LUP 23-17	SPITZNER	LAND USE	202317	7532 \$ 75.00
007-011-007-20	122 STONY RIDGE RD	ACCESSORY BUILDING		3,200 S.F.	

TOTAL \$ 525.00

SIGNED:

Timothy A. Cypher

DATE: 6/4/2023

TIMOTHY A. CYPHER
 KASSON TOWNSHIP ZONING ADMINISTRATOR
 231-360-2557
TIM@ALLPERMITS.COM

