

**KASSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Monday, August 21, 2023; 7:00 pm
Kasson Township Hall
10988 S. Newman Road, Maple City, MI 49664
MINUTES**

I. Call Meeting to Order/Pledge of Allegiance

Vice Chairman Lanham called the meeting to order at 7:02 pm with the Pledge of Allegiance.

II. Roll Call of Commissioners and Staff

- A. Present: Tad Carter, Township Board Rep; Mike Lanham, Vice Chairman; Dave Noonan, Commissioner
- B. Excused: Jerry Roush, Chairman; Chuck Schaeffer, Secretary
- C. Staff: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary
- D. Visitors present: 0

III. Consideration of Agenda (Attachment "A")

Vice Chairman Lanham asked for a motion to approve the agenda as presented. **CARTER MOVED TO APPROVE THE AGENDA AS PRESENTED; NOONAN SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

IV. Declaration of Conflicts of Interest - None

V. Approval of Minutes – July 17, 2023

Vice Chairman Lanham asked for a motion to approve the minutes of July 17, 2023 as presented. **NOONAN MOVED TO APPROVE THE MINUTES OF JULY 17, 2023 AS PRESENTED; CARTER SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

VI. Correspondence Received

Cypher stated that he received correspondence which will be discussed when he gives his report.

VII. Area Reports

- A. Chairperson - Chairman Roush – absent

- B. Secretary - Commissioner Schaeffer – absent
- C. Township Board - Commissioner Carter – no report
- D. Zoning Board of Appeals - Commissioner Noonan – no report
- E. Zoning Administrator – ZA Cypher

Cypher reported that he issued three land use permits during the month of July bringing the year-to-date total to 28. He conducted seven construction/site inspections and investigated one violation. Cypher supplied information via 26 phone calls and 19 Internet responses. For the month of July, a total of \$250 was collected.

There are currently two pending ZBA applications regarding the Enduro matter; our attorney is currently reviewing the applications. One application pertains to Cypher's decision to deny the special land use permit based on the applicant did not qualify under the forested zoning district. The second ZBA application involves a decision that was made by the PC to deny the Enduro permit based on the legality of Section 7.15.

Vice Chairman Lanham inquired about the digging that is taking place on Baatz Road by Elmers. He asked if this is with the National Park. Cypher replied, "No".

Carter asked about a semi-truck trailer that is being turned into a storage unit. Cypher indicated that no action has been taken in this matter yet.

VIII. New Business

A. List of Zoning Ordinance amendments for PC review

Cypher was previously asked to assemble a list of items in the zoning ordinance that the PC should review; the resulting list dates back to when Cypher first began working for Kasson Township.

Cypher recommended that, due to the situation with the Enduro Motorcycle Race, the PC look at sections in the Ag and Forested zoning district sections. He added that an issue that may come before the PC involves housekeeping cabin parks. Mr. Roy Henderson on Tower Road has 16 acres which are bisected by power lines. He is considering a housekeeping cabin park on this property and this would fall within the forested zoning district but may be problematic for the neighbors.

Definitions:

Boarding or Lodging House – in discussing this, Cypher noted that this could be a management nightmare if people are trying to contact someone in the event there is a ruckus.

Lot Coverage – Cypher explained that for large, medium and small lot density, impervious surfaces count against lot coverage.

Outdoor Recreation Establishment – Depending on the outcome of the Enduro ZBA hearing, this will be flushed out. There has been pushback from the Enduro applicants and their legal counsel due to comments regarding “children’s amusement parks”. Cypher stated that Peter Wendling is a good attorney and has written a very good argument in this matter.

Section 4.4: Classification of Uses Not Listed

There is language that “The ZA should make a determination first and then a party if aggrieved can apply to the ZBA”. Cypher emphasized that a decision in these matters must be made by someone. He added that a party must somehow be aggrieved in order to go before the ZBA.

Cypher explained that the zoning ordinance passages that are being reviewed contain language that is highlighted in yellow. This language does not currently exist in the zoning ordinance but this is language that Cypher recommends be added.

Section 4.5.2: Special Land Uses – AG

In reviewing this section, Cypher asked the PC if there is agreement that slaughterhouses and salvage yards would be detrimental to the neighbors; all PC members agreed this is true. There was consensus that gravel might be an option for this section.

Carter asked about solar farms. Cypher stated that there is a difference with these farms depending on whether they are for personal or commercial use. He added that Kasson Township does not allow solar farms in the Ag district now but stated that it is probably a good idea to include this in the zoning ordinance.

Section 4.9.1: Permitted Uses – Commercial

Cypher stated that other townships have moved business use to “Special Uses; this is because many people are not taking personal responsibility to look online for information. He briefly discussed Public Hearings and the 300-foot letters which are distributed.

Cypher also stated that single-family dwellings were left out of the business district. If they were allowed to be classified as “commercial”, he asked where commercial would then be expanded to. Cypher addressed the concept of mixed use and reminded the PC that an applicant came before the PC within the last year. The rule was that if the applicant wanted to live here, a business must also be located on the premises. Mr. and Mrs. Patterson were the applicants in this case and Cypher reported that they ran into trouble at the Code Office regarding a required sprinkler system for their proposed use. They hired an architect to help with this matter. Cypher informed the PC that he told the Pattersons that he would bring up the issue of mixed use to the PC again.

Carter asked what happens if one has a disagreement with the Code Office. Cypher stated that there is an appeal option to the Construction Board of Appeals. Noonan asked who are the members of this board but Cypher replied that he was unsure. Noonan stated that he was asking because he was curious if the board members had a building background. Cypher stated that the Construction Board of Appeals recently had an appeal from the Traverse City Whiskey Company. He added that these board members are appointed by the County Board and stated that he would try to locate a roster of current members.

Section 5.13: Temporary Outdoor Uses

There were no questions regarding this section.

Section 5.17: Landscaping, Screening, Greenbelts, Buffers and Fences

Cypher stated that, with the exception of the gravel district, we do not have any other requirements regarding screening; this is very lean. Cypher briefly discussed the Solon Township Landscape Ordinance and mentioned that the PC put together a very unique ordinance that allowed people to ask for waivers, if necessary. He stated that this adds to the cost for the business but the waivers remain in effect in perpetuity; thus, future owners will have to maintain the conditions of the original approval. Cypher informed the PC that staff would forward a copy of the Solon Township Landscape Ordinance for their review.

Section 5.18: Private Road Standards

Cypher was curious as to how the number “5” was selected regarding private roadways or driveways that are intended to serve five or more lots or residential units. He stated that normally this number is two. Vice Chairman Lanham asked if there are three houses, is this still a standard driveway. Cypher replied, “Yes”. He stated that the Fire Chief is looking at compatibility.

If the Fire Department cannot get their equipment into an area, an \$80,000 sprinkler system will be required; something needs to be done if emergency services are unavailable. Cypher explained that the sprinkler system is only one part; water is needed to make the system work. He informed the PC that the previous Fire Chief, Chris Comeaux, required 40,000 gallons of water for Corey Flaska's project in Solon Township.

Cypher stated that the Fire Chief could put a memo together and/or attend an upcoming PC meeting. He is having trouble with some roads in the township in terms of getting his trucks into the area. Noonan added that it is important to have decent driveway access for the good of everyone. The standard driveway is 12 feet in width; Noonan suggested that this be increased to 16 feet. Cypher stated that there will be a good discussion on this matter in the near future.

The zoning ordinance allows the Fire Chief to ask for improvements from the PC and the township board, if necessary. Cypher stated that he will give the board a heads up that he will be taking some enforcement action. He added that for ambulances, in particular, this can be a problem. Letters would need to be sent to residents informing them that they could no longer be covered for emergency services if the matter wasn't remedied.

Section 7.11: Permit Expiration or Renewal

Cypher stated that this suggestion was brought up previously. This pertains to requesting that applicants come before the PC every two years for review and renewal of their special use permit if it is tied to a performance guarantee.

Section 7.15: Other Special Land Uses

Cypher stated that this section depends on how the Enduro matter concludes. He stated that he believed that legal counsel should not have disrupted the process as Cypher had checked with MTA with regard to this section of the ordinance. Cypher explained that legal counsel did not come out and agree with him completely but the Findings of Fact must still be reviewed. This worksheet will be evidence at the ZBA hearing.

Section 10.5: Failure to Obtain Land Use Permit

The consensus is for the ZA to have discretion; however, a standard is needed so that not everything is up to the ZA. Evidence must be provided.

Cypher reminded the PC that anything pertaining to the upcoming ZBA appeal should not be discussed until after the hearing has taken place.

IX. Old Business

A. GAAMPs – Farm Market definition

Carter stated that he spoke to Mike Wozniak with the Michigan Department of Agriculture and Rural Development (MDARD) who mentioned that the GAAMPs represent minimum standards. Under the “Farm Market” definition, fifty (50%) percent of the product must be produced on the farm. Carter believes that selling items such as jewelry, hats, etc. should not be allowed as this has nothing to do with the farm. Cypher read the language pertaining to the standard for the sale of Ag products. Cypher mentioned that he has not stopped at these places but if a hat, for example, reads, “XXX Farm Market”, this could be acceptable. Carter added that Mr. Wozniak told him that the sale of products such as jewelry is not in the spirit of a farm stand. Cypher stated that he will add the topic of Ag products grown on the premises to the list of items that need to be addressed.

Discussion ensued regarding someone up the road who is selling honey that was purchased elsewhere but the label was changed. Carter stated that we want to be “in the spirit” and promote farmers who are local to Kasson Township. It is believed that visitors to the area want to purchase local products. Cypher suggested that the PC invite Mr. Wozniak to a future meeting when they are ready to discuss this topic further.

X. Public Comment - None

XI. Comments from the Commissioners – None

XII. Next Meeting - Monday, September 18, 2023 at 7:00 p.m.

XIII. Adjournment

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

The meeting was adjourned at 7:25 pm.

Respectfully submitted,

Allison Hubley-Patterson
Recording Secretary

ATTACHMENT “A” - AGENDA

**KASSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Monday, August 21, 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. Approval of Minutes – July 17, 2023
6. Correspondence Received
7. 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
8. New Business
 - A. GAAMPS – Farm Market Definition – continue discussion
9. Old Business
 - A. List of Zoning Ordinance amendments for PC review
10. Public Comment
11. Comments from the Commissioners
12. Next Meeting: Monday, September 18, 2023; Kasson Township Hall
13. Adjournment

ATTACHMENT "B" – Zoning Administrator's July 2023 Report

Kasson Township Zoning Administrator's JULY 2023 REPORT

8/4/2023

To: Kasson Township Board & Planning Commission

From: TIMOTHY A. CYPHER

Land Use Permits Issued:	3	YEAR TO DATE 28
Signs / Home Occupation	0	
Single Family Residences (SFR)	2	
Additions to SFR	0	
Garages	0	
Decks & Porches / MISC.	0	
Accessory Buildings	0	
Commercial Construction	0	
Stairs / Landings / Fences	0	
Agriculture construction	1	
Demolitions / Relocating	0	
Boat houses - SWIMMING POC	1	
Solar Panels	0	
Renewal of / Change of use	0	
Z.B.A. proceedings	2 ENDURO APPLIED	1 INQUIRY
Special Land Use Permits	1 ENDURO DENIED	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	7	
Violations/Investigations	0 **VIOLATIONS**	
	1 INVESTIGATIONS	
	*JUNK @ RESIDENTIAL LOCATION	
	SHIPPING CONTAINERS BEING PERMITTED	

I also supplied information via 26 phone calls, 19 via internet to Township residents & others:

I also attended the PC and Township Board meetings.

Please feel free to contact me with any questions.

Phone 231-360-2557

tim@allpermits.com

ATTACHMENT "C"

Zoning Administrator's Monthly Permit Summary (July 2023)

KASSON TOWNSHIP ZA'S MONTHLY PERMIT SUMMARY

PERIOD: JULY 2023

DATE	PERMIT #	NAME	USE	RECEIPT CK.#	AMOUNT
7/24/2023	LUP 23-26	ZIENTEK	LAND USE	202326	3401 \$ 75.00
007-023-009-10	11710 S. BRIGHT ROAD	AG LEAN-TO ON EXISTING BUILDING		448 S.F.	
7/25/2023	LUP 23-27	SHEFFER TRUST	LAND USE	202327	33644 \$ 75.00
007-010-018-20	9711 S. MAPLE CITY RD.	SWIMMING POOL & SURROUNDING AREA		1,248 S.F.	
8/2/2023	LUP 22-21	HABITAT	RENEWAL LAND USE	202221	2917 \$ 100.00
007-003-010-35	E. WESTERN AVENUE	THREE DUPLEXES W/ ONE CAR GARAGES		5,676 S.F.	

TOTAL \$ 250.00

SIGNED:

Timothy A. Cypher

DATE: 8/4/2023

TIMOTHY A. CYPHER
 KASSON TOWNSHIP ZONING ADMINISTRATOR
 231-380-2557
STAFF@ALLPERMITS.COM