

APPROVED

Eveline Township Planning Commission Meeting Minutes
Regular Meeting
March 2, 2022
7:00 P.M.

- 1) Call to Order:** The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance by Chairman Kelly McGinn.

Commissioners present: Eric Beishlag, Gary Albring, Kelly McGinn, and Lorraine Sims. Absent and excused, Prudence Kurtz observing via telephone. Recording Secretary Sandi Whiteford, Zoning Administrator Deb Graber, Attorney Bryan Graham, Ron Chapman, Janet Blossom, Susan Vron dran and Aaron Senchik were also present.

- 2) Agenda:** Motion by Commissioner Beishlag, supported by Commissioner Sims, to approve the agenda as presented. Motion carried.
- 3) Minutes:** Motion by Commissioner Albring, supported by Commissioner Beishlag to approve the February 2, 2022 minutes as written. Motion approved.
- 4) Public Comment:** Ron Chapman asked Attorney Graham if the board representative on the Planning Commission could be the Vice-Chairman and could that person then moderate the meeting in the absence of the chairman. Township Attorney Bryan Graham stated “The short answer is yes”, there is nothing in the law to prevent the board representative from being vice-chairman or moderating the meeting in absence of the chairman.
- 5) Training Session:** Chairman McGinn turned the meeting over to Attorney Graham who discussed processes and procedure the Planning Commission must adhere to. He stated that zoning decisions are the most difficult to make. The decision must be based on standards. A public hearing is to gather evidence. A good record of summarized comments is essential. Individual Planning Commission members have no authority to authorize an action, the Planning Commission as whole must authorize an action. Discussions must be held at a public meeting. Discussion by email is a violation of the Open Meetings Act. Email should be used only to provide information.

Ron Chapman asked Attorney Graham if the Zoning Administrator could offer a recommendation as to the decision at hand. Attorney Graham stated that a decision or recommendation cannot be discussed. The Zoning Administrator can only present the facts and the reason for the Zoning Administrators decision. The Zoning Administrator should supply the ordinance that pertains to the appeal.

An Exhibit list must be kept. The public hearing may be adjourned to another date and time to allow more information on a specific topic or the opportunity to review additional information provided at the public hearing. Approval of an appeal should be granted if all standards are met. If the topic is controversial Attorney Graham is willing to attend. Each member should make a visit to the property but should not hold a discussion of the appeal with the property owner. The application gives permission for the members to enter the property. A special use cannot be appealed unless the ordinance approves, if not the answer is no. Commissioner Albring stated that Master Plan is a major piece of the discussion. Attorney Graham stated the Master Plan is merely a guide. Attorney Graham defined misfeasance as neglect and malfeasance as deliberate.

- 6) **Waterfront Greenbelt Information for April Meeting:** An invitation to all interested persons and entities will be put in the Charlevoix County Press and on the Township website and information board at the Township Hall.
- 7) **Waterfront Greenbelt – Rice Property:** Discussion was held regarding the definition of a stream and if the Rice property water flow should be classified as a stream or a spring and the proposal presented. Zoning Administrator Graber stated she needs a determination from the Planning Commission if the water flow is a stream or a spring. Motion was made by Commissioner Beishlag and supported by Commissioner Albring to table the Rice property discussion until further information was obtained from the Attorney by the Zoning Administrator. Motion Approved.
- 8) **Zoning Ordinance Review:** Commission briefly discussed Article 2 regarding private airstrip definition. Article 4.9 regarding tiny homes. Article 4.19 regarding riparian rights and Article 4.21 regarding property classifications such as Rural Residential, Farm Forest 1 and Farm Forest 2. No action was taken.
- 9) **Zoning Administrator:** Three land division splits completed. Sims, Trute & Milnes
Two new short term rental licenses - Kettler & Raleigh on Nowland Lake
New pole barn zoning permit - Mike Kitley - Brock Road.
Attached a full copy of the Granicus Report with all information included that they provide.
Below is a list of the pending items:
 - Berish home addition Phelps Road -- meeting Friday, 3/4/22 at 10 a.m.
 - Webster 3 car garage Ferry Road - Wright Construction; waiting for staking
 - Trute pole barn - Sequanota Road - Robbins Construction; staking week of 3/7
 - Henrickson new home & pole barn Ross Lane - Black Birch
 - Rice - Greenbelt Review with Planning Commission 3/2/22
 - Way - Greenbelt -- waiting on soil erosion permit to be applied for M-66
 - Bob Wilson home addition; application in; staking in the spring
 - Williams - issue with shed
 - McCollum - issue with neighbor's shed
- 10) **Public Comment:** No additional public comment was received.
- 11) **Commissioner Comments:** No Commissioner comments or concerns presented.

12) Adjournment: Commissioner McGinn adjourned the meeting at 10:02 pm.

Respectfully submitted,

Sandi Whiteford
Recording Secretary