

Waverly Township
Planning and Zoning Minutes
42114 M-43 Hwy.; Paw Paw, MI 49079
September 13, 2010

Chairman Tom Fleetwood called the meeting to order at 7:00 p.m. and asked the Planning and Zoning members to introduce themselves; Diane Julien, Tom Fleetwood, Tony Millek, Louie Barkovich, and Mike LaPine. Also present were 3 in the audience. Board and audience said the Pledge of Allegiance.

ABSENT: Vacant position on board and Anne Giles.

AGENDA:

MOTION: Millek moved to approve the agenda as presented. Second by Fleetwood. Voice vote, all yes, motion carried.

MINUTES AUGUST 2010:

MOTION: Barkovich moved to accept the August 9, 2010, minutes with the start time change to 7:00. Second by Julien. Voice vote, all yes, motion carried.

UNFINISHED BUSINESS:

6a. Special Use Permits three-year review:

Clerk Sandra Oakleaf was very helpful in the P&Z search for information about previously issued Special Use Permits in the township because she found several old minute books. Fay Dorr will review the information and present it at the October meeting.

Trustee Millek and Supervisor Tomlinson asked Michigan Township Services to compile a list of businesses in the township. Discussion followed regarding ones in non-compliance and whether the township should do a blanket grandfathering action, charge them for special use permits, or allow them to continue until they quit, stipulating that the new owners cannot continue that business. ~~Three e-Examples~~ **DISCUSSED** ~~are~~ **WERE** the woodcutter business operating without a special use permit for two years on CR 665 **AND** the Leduc Blueberry business on M-40. ~~and Ryan Tapper selling cars on M-40 near Ski's Bar.~~

Dorr explained the County Equalization Department is conducting a countywide search for businesses operating without proper personal property filings and the possibility of county sharing the Waverly information.

Dave Foerster suggested a survey be included in the Winter 2010 tax bills asking all business after 1978 for information about their existence.

MOTION: LaPine moved to have Dorr check with the County about a list of personal property in the township. Second by Barkovich. Voice vote, all yes, motion carried.

MOTION: Fleetwood moved to table further discussion of the list of special use permits until more information is available. Second by LaPine. Voice vote, all yes, motion carried.

6b. Temporary Dwellings Sec. 4.06, pages IV-6 & IV-7:

At the 8/9/10 meeting, the discussion centered particularly on #7 because it should not be a special use permit, rather it should be a temporary permit because special use permits are granted to the property permanently. There was some discussion about the validity of a special use permit being granted permanently; however, Foerster noted that Attorney Knotek agrees that is what the Zoning Ordinance states. Discussion that perhaps that was not always the intention or rule. Discussion that it is easier to enforce a special use permit. P&Z could suggest a change and issue a special use permit as a temporary use permit and give the zoning administrator the authority to issue a temporary use permit along with the criteria to follow in doing so. Question was should the P&Z change the definition of a special use permit.

MOTION: Fleetwood moved to table further discussion of Temporary Dwellings until the October meeting, giving the P&Z members sufficient time to review all of Section 4.06 and bring back proposed language changes. Second by Millek. Voice vote, all yes, motion carried.

MOTION: Fleetwood moved to table 6 c, d, and e until the October meeting. Seconded by Millek. Voice vote, all yes, motion carried.

NEW BUSINESS:

None.

PUBLIC COMMENTS:

Tomlinson announced that he will be reappointing Bernie Wilcox to the P&Z at the October Township Board Meeting.

TOWNSHIP BOARD REPORT:

Millek summarized the Township Board meeting on September 2, 2010: 36th Street residents do not want their road paved, 47th Ave. will be estimated for paving, no action was taken on the medical marijuana moratorium, two applications of dust control was completed for \$11,600 \$11,500, a payment was made toward the fire truck, township insurance reduced by \$2200 by contracting with a new agency, old phones and fax machine were donated to Goodwill, old voting ballots were shredded costing \$9, Dave Clark the cemetery sexton is working on the cemetery maps, the township received a clean audit, exit signs will be replaced with LED lights, Board of Appeals application cost was reduced to \$600 from \$750. The Township Board minutes are on-line at www.waverlytownship.com

P&Z COMMISSIONER COMMENTS:

- Fleetwood distributed an article on the Right to Farm Act.
- Tomlinson distributed an article from the DNR regarding a township on Lake Huron.

Barkovich moved to adjourn and LaPine seconded. Fleetwood declared the meeting adjourned at 9:09 p.m.

Respectfully,
Fay A. Dorr, For the Planning and Zoning Commission