PLEASE NOTE
THESE ARE THE UNAPPROVED

Minutes of Burt Township
Zoning Board of Appeals Meeting
December 7, 2016

The regular meeting of the Burt Township Zoning Board of Appeals was called to order by Chair Kim Kihnke on December 7, 2016 at 2:00 pm at the Burt Township Hall, 7029 Birchwood Road, Cheboygan, Michigan.

Members present: Kim Kihnke, Harold Koviak, Harold Koviak , Chris Kindsvatter
Members absent: Dennis Reimann
Also attending: Jim Larson, Ken Barrow, Eric Nyberg, Maureen Lange, Marti Barrow, Eric Nyberg, Barry Gies, Dianne Gies, Michael Largnes, Jeff Young, Tom Koukel, Ken Mohre, Jr., Paul Peariso, Deb Young, Nawrien Lange, Harold Heintz, Dave Hutto, Patti Green, Jim Larson, Tim Chris, Arron Rustad, Ed Terris, Tim MacArthur.

Agenda:
Approved of the revised agenda to conform to Burt Township Board approved ZBA polices on Agenda guidelines. Initial agenda was published with all content and items to be addressed.

MOTION: Moved by Koviak, supported by Kindsvatter to approve the revised agenda as presented.
MOTION APPROVED

Declaration of Conflict of Interest- None

Minutes of September 23, 2016 meeting.

MOTION: Moved by Koviak, supported by Kindsvatter to approve the Minutes of September 23, 2016 as published with the following revisions:

- Page one, first paragraph, first line, strike "Vice"
- Page one, first paragraph, second line; strike "Kim Kihnke" and insert "Kathie Parker"
- Page two, first paragraph, line 10; strike "leave" and insert "remove"
- Page two, first paragraph, line 12; insert after "expected" the following, "from the contractor, Blaine LaVigne of the Burt Township ordinances in the future."

MOTION APPROVED

Public Comment – None

Public Hearing:
Variance Request: Ken Parrish had submitted a variance request application. The reason for the variance is a nonconforming building (the cottage sits 1.4 feet from the north property line (side setback). He would like to modify the cottage by adding a 9 x 7 enclosure to the living

area similar to cottage 2 as shown and add a brick patio at ground level which should not encroach on the 75' setback but will with the side set back.

Ken Mohre, the association executive, stated that the association approved the variance request. Neighbor Davis Lavalle also approved of the request variance.

MOTION: Moved by Koviak, supported by Kindsvatter to approve the variance request of the 8.6 foot construction set back that would be consistent with the other cottages and specifically #2. This will provide an improvement to the cottage association and to the community.

Roll Call vote:
Harold Koviak- yes
Kim Kihnke-yes
Chris Kindsvatter- yes

MOTION APPROVED

Beauwood Plat Re-configuration:
Beauwood has requested a change in the layout of their private shared access site dock system commencing in the 2017 boating season. The primary change places the dock T at the end of the dock system. The number of hoist remains the same at 13 but the layout is better for appearance, usage of association members and provides a more safe ingress and egress of boats.

MOTION: Moved by Koviak, supported by Kindsvatter to approve the plat re-configuration. This will provide be a clearer layout, provide swimming safety, same configuration but better layout, improvement to the township and the association members.

Roll Call vote:
Harold Koviak- yes
Kim Kihnke-yes
Chris Kindsvatter- yes

MOTION APPROVED

New Business

P A Miller Private Access License-Request to be recognized as a private shared access site:
P.A. Miller subdivision Saturday (Eaglesnest Road). They have a lot (approx. 36 feet wide by 150 feet deep) on Sturgeon Bay Road which is owned by 22 properties (16 individuals own all 22 properties) in the P. A. Miller Private Access. They are requesting 4- 8 ft sections of dock to get over the rocks to the lake and 3 moorings for day use only. All property owners have warranty deeds and pay their own taxes on their share of the property. The will take out the docks and moorings at the end of the season and police the area themselves.

A motion to remove from the table was offered and approved.

Ken Barrow, spokesperson for the 22 lot owners, presented more information on the P. A. Miller Private Access as well as the Sturgeon Bay property owners by presenting a warranty deed of 1967 that has no mention of ownership by Stuerogon Bay property owners. It did state in writing that on the deeds of Sturgeon Bay property owners that thy have use of the P.A. Miller Private Access. Further presented as a Quick Claim Deed of June 4, 1979 that added by Irene Miller the words to Sturgeon Bay property owners to have ingress and egress rights. Tom Koukel, Barry Gies and Ken Parsh added further support to Mr Barrow's statements.

Mike Langnas, who opposes the approval as a shard access of this P. A. Miller Private Access, pointed out a letter of support from Ray Howd, neighbor to Langnas and whose property is next to the P.A. Miller Private Access site as well as Mike Hyland who is on the other side of the access and in Tuscarora Township.

Tim MacArthur, Burt Township Attorney, presented his initial findings in a letter of December 1, 2016 to the ZBA but did preface that he lacked the background and much of the legal documents as presented at the hearing today, December 7, 2016. He stated there appears to be two property access rights. One for P. A. Miller Access owners that have ownership and then one for Sturgeon Bay property owners who have access of ingress and egress only. He did feel more is needed to be done in court to determine the difference between access and ownership.

Kindsvatter gave some of the neighborhood folk lore on the history of this special situation. All Sturgeon Bay property owners, except Mr Langnas, have property on the lake and riparian interests. This can be seen in the Cheboygan County mapping program. Mr Bowman who previously owned Mr Langnas property had a working relations ship with Mr. Maumen who owned Mr Howds property and had lake access. At that time Bowman provided the dock and put it out on Mr.Maumen property access. A dispute later ensued between the two and that dock was removed leaving Bowman again without lake access. Now Mr Langnas, who purchased Bowman property, continues to have no lake access, riparian interest or lake access. Since the new boat launch was erected next to Mr. Hyland's property in Tuscarora Township several years back and within 50 feet of the P. A. Miller Private Access site there iappears to be no need for any of the Sturgeon Bay property owners to have egress and ingress access privileges to launch boats at the P. A. Miller Private Access site.

Kindsvatter further pointed out that the P. A.Miller Access 22 owner did fulfill all the requirements in the Burt Township Ordinance 6.10.2 and 6.10.3 on Shared Access and therefore the ZBA should approve their request application. He also stated that in the Township ordinance that the township is not determining ownership but only fulfills the process to be granted approval as a shard access site.

After much more discussion and motion was made to table.

MOTION: Moved by Koviak, supported by Kindsvatter to table until next meeting.

MOTION APPROVED

2017 ZBA Meeting Dates:

MOTION: Moved by Koviak, supported by Kindsvatter to approve the 2017 meeting dates of February 3; April 21; May 26; July 14; September 15 and December 1. All meeting at Township hall at 7 pm except February 3 and December 1 which are at 2 pm.

MOTION APPROVED

Zoning Administrator Report - Larson

- Ranch road still being cleaned up

Township Board Report – Koviak

- Koviak met with residents on Indian Point Rd. regarding possibly paving Brutus and part of Indian Point Roads. Starting Monday, the Road Commission will begin improving the road with crushed rock.

Planning Commission Report – Kindsvatter
Kindsvatter reported that the Board passed the stand alone ordinance for enforcement of the zoning ordinance and which would also designate the zoning officer as the enforcement officer. Next meeting will be December 19, 2016 at 7pm to discuss vegetation strips, and emerging issue in township on rentals, fireworks ordinance, state legislation on pot growers and townships to opt out and changes in state law relative to signs ordinances.

Zoning Board of Appeals member comments: none

Public Comments: none

MOTION: Moved by Koviak, supported by Kindsvatter to adjourn.

MOTION APRPOVED

Adjourned at 4:05 pm

Respectfully submitted,

Christian Kindsvatter, Acting ZBA Recording Secretary