

# Zoning Administrator Report

## January 2018

Zoning Permits/Actions: No Zoning Permits Applied for During January 2018

Address	Parcel Number	Owner Name	Permit #	Improvement
---------	---------------	------------	----------	-------------

### Land Divisions

No land division applications have been received during the month of January. Numerous discussions have been held with an individual who wishes to split off a five acre parcel from a twenty acre parcel but due to the fact that the property is zoned Agricultural, the individual was informed that AG District requires a ten acre minimum. I informed him that if the property were to be rezoned to Rural Residential (which requires a five acre minimum) he could then split off a five acre parcel.

### Nuisance Complaints

No nuisance complaints were received during the month of December.

### Zoning Violations

I have not been contacted by Grady Graham as of yet regarding his landscaping plan that he was going to meet with me to discuss. I will be sending out a letter to Grady Graham's, attorney who hopefully can move Mr. Graham towards resolving the issue.

At such time as the amendments are made to the Section 3.14 of the Zoning Ordinance, I will ramp up my enforcement activities with regard to shoreline protection strip.

Plans have been presented to Marilyn Morehead regarding the Pierce property on Indian Trails which appear to meet with the requirements of the newly proposed language for Section 3.14. Provided the proposed language is adopted by the Township Board, this violation should be able to be easily rectified.

Regarding the Featherly property where fencing has been removed and needs to be replaced and a vegetative buffer planted, he has ordered the fencing and will be required to install it when the ground thaws in the spring. In regard to the vegetative plantings, he has indicated that since the furniture display is no longer in front of this property, he does not believe that he needs to put in any vegetation. I have indicated that the Planning Commission approval in the past has required the plantings which he never provided and that should he desire to not plant the vegetation as required, he will need to request the Planning to amend his site plan.

### Meetings Attended

I attended the January Township Board and Planning Commission meetings.

### Upcoming Meetings

The only upcoming meetings on my calendar include the February Township Board and Planning Commission meetings.

No variance requests have been made and none appear to be on the horizon for the Zoning Board of Appeals.

### Other items of Interest

An individual has expressed an interest in purchasing a parcel of property which is currently zoned C-1 Neighborhood Commercial for use as rental storage units with the potential for some business activities to take place on the property as well. I advised the party that he could not operate rental storage on property zoned C-1 and indicated that their options would be to request a rezone to Industrial or to C-2. The property owner has filed a request to rezone the property from C-1 to C-2 and has concurrently filed for a special use permit to operate a number of different types of businesses out of those storage buildings. Both of these items are on the February Planning Commission agenda as advertised public hearings. Public Hearing Notices were placed in the Petoskey News Review more than 15 days prior to the hearing date as required by statute. All property owners located within 300 feet of this parcel of property were mailed notices more than 15 days prior to the date of the hearing, again, as required by statute.

If the special use permit is granted by the Planning Commission but the rezoning is denied, the special use permit will be invalid. The typical procedure would be to have the rezoning take place prior to applying for the special use permit but due to time constraints, the applicant has chosen to apply for both actions at the same time to shorten the time frame.

I have been contacted by the Bureau of Alcohol, Tobacco, Firearms and Explosives regarding a property owner in the Township who wishes to establish a fireworks magazine on his property which is currently zoned Agricultural. The individual conducts fireworks shows around northern Michigan and operates his business out of his home. At the current time, he accepts delivery of the fireworks that will be used for each show by truck and assembles them at the site where the show will take place (this is my understanding). The person wishes to be able to store fireworks materials at his property for multiple shows which requires a Federal License with setbacks from residents based upon the quantity of materials stored on site. As a part of the Federal License, the party must be in compliance with Zoning and receive the approval of the local fire chief. I have taken the position that since the materials and activity will not be stored or take place in the residence or in an attached garage that the use cannot be classified as a Home Occupation, rather it falls under the Ordinance as a Cottage Industry which requires a special use permit. As of the end of January, the individual has yet to apply for a Special Use Permit to conduct a Cottage Industry on his property.

I have also received a request to allow events to take place upon a parcel of property; these events could include weddings and receptions, parties and other similar activities. This property this activity would be located on is zoned RR-1 (Rural Residential). The applicant indicated she had spoken with the Township Supervisor who felt that the use she was interested in conducting on the property was similar to some of the uses listed in that district. I did contact the Township Attorney for guidance on this matter and he indicated the Zoning Ordinance as currently written, does not give the Planning Commission the ability to make a determination as to whether a use is similar to other uses allowed in that district and as such, allow currently unlisted uses to occur. The Hayes Township Zoning Ordinance at some point in the past did have such provisions in the Ordinance but does not at the current time. As a result, I have no choice but to deny the application. I will prepare a letter to the application outlining her options.

The Planning Commission recently decided that they no longer have need of the services of a Recording Secretary and as a result, many of the tasks that were performed by the Recording Secretary have been

assumed would be undertaken by the Ordinance Officer/Zoning Administrator. I have agreed to perform some tasks to get the Commission through the past few months to ease them in their transition. At the time I contended that the functions of the Secretary were not the same functions that are required of the Ordinance Officer. The chair of the Planning Commission contends that the language in the Ordinance Officer Job Description item number 16. which reads as follows: "Carry out directives of the Board of Trustees, Planning Commission and Zoning Board of Appeals" results in the Planning Commission being able to assign tasks to the Ordinance Officer. The Secretary Job Description clearly states the Secretary will "Publish all notice of hearings of the planning commission as prescribed by the Open Meeting Act" and I would argue also by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act and "Must notify all property owners affected by any rezoning or Special Use Applications as prescribed by the Open Meetings Act" and again, by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

I believe that the Ordinance Officer being required to perform these duties will unduly detract from the time the person has to perform other duties which are required of the Ordinance Officer. I bring this to the attention of the Township Board and respectfully request that the Board resolve this issue in a timely manner.