

10/30/2024

MINUTES APPROVED

Mary Ellen Krieg
Marian Allbritten

Powell Township
PO Box 319
Big Bay MI 49808

Township Hall

Zoning Board of Appeals Hearing - September 11, 2024 & October 1, 2024

Posted undated Received by mail Aug. 31, 2024

Public Hearing - 2024-03 ZBA Appeal of a Conditional Use Permit application denial from the Powell Township Planning Commission to UP Propane LLC to operate a utility substation in Section 33, T50N R26W, part of S ½ of SW ¼ beginning 1000' East of SW corner, thence East 559 feet to Co. Rd. 550 ROW, thence NW'ly alg Co. Rd. 550 603 feet, thence South 230 feet to POB. Property is in the TP-40 Zoning District which only allows 40-acre parcels. Part of property #52-11-033-001-00.

Meeting called to order by chair Marian Allbritten at 10:00 am, on September 17, 2024. Roll Call: Mary Ellen Krieg (recording secretary), Marian Allbritten, Howard Robare (zone admin.).

- Approval of the agenda with one correction of date at top to Sept. 17, 2024.
- Approval of the minutes of ZBA 5/14/2024 & 6/11/2024 with no changes or additions.

Public Comment- Opposing UP Propane LLC

1. Susanne Wicklund - 520 Bluff, Negaunee, MI
2. Rene M. Wicklund - 540 W. Barage Ave., Marquette, MI
3. Elizabeth Sanderson - 1715 Ontario Ave., Marquette, MI
4. Carla Champagne - PO Box 20, Big Bay, MI
5. Rona Milka - 421 McMillan, Marquette, MI
6. Gene Champagne - Letter read. (attached)

Concerns stated were increase traffic, noise, odors, scenic wilderness, safety; process used, and need for additional services.

ZBA chairman Marian Allbritten made motion to postpone/suspended hearing until further information from the Planning Commission is available and fact finding by the ZBA can be done. Motion seconded Mary Ellen Krieg. -motion passed.

Meeting suspended at 11:00am.

To be Continued-

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October 1, 2024

Powell Township
Zoning Board of Appeals

Continuation of Hearing started on September 17, 2024.

Posted on Powell Township website as required.

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Meeting called to order by chair Marian Allbritten at 10:00 am,
Roll Call: Mary Ellen Krieg (recording secretary), Marian Allbritten, Howard Robare (zone admin.). Additionally members of the community and Township Supervisor.

Updated information:

- Document received from Scott Matheny Region 2 HMSI Inspector, Department of Licensing and Regulatory Affairs, Bureau of Fire Services, Storage Tank Section 611 W. Ottawa St, 4th Floor, PO Box 30033, Lansing MI 48909. State approval of installation. See attachment.
- Findings of Fact Powell Township Planning Commission (undated) received and referenced/read throughout hearing. See attachment.
- Letter received from Renee Wicklund - read. See attachment.
- Reported by Mary Ellen Krieg (ZBA) Marquette County Road Commission Engineer contacted by phone for input as to location/safe operation of tank utility. Spoke with Pam Skypta MCRC, Engineer met with Mr. Harrington at site. No problems with the site as long as Mr. Harrington follows the requirements of his Driveway permit which may require him to have two access points- one in and one out. Driveway permit required.

Review of the Findings of Fact Relative to the Proposed Use as submitted by Powell Township Planning Commission by the Powell Township Zoning Board of Appeals.

- A. Powell Township has no specific regulations regarding "Utilities" listing it as industrial and not complying with residential development. See letter from State of Michigan. While the map indicates residential use there is much commercial traffic along CR 550 to service the Big Bay location and the mine. Abutting property is TP40, which is not suitable residential either. Motion made to disagree with PTPC (Powell Township Planning Commission). Seconded and passed.
- B. Harmonious in appearance with existing or intended character of the general vicinity. The ZBA agreed with that statement and proposed that as many trees be left between The tank and the surrounding area as possible. Road is not designated a scenic byway or drive.
- C. ZBA disagrees with the finding of the PTPC. County Road 550 is a corridor not a Wilderness Road. It serves as a truck route for mining vehicles as well as businesses on either end, and residential in the middle. The TP40's along this stretch could be harvested at any time.
- D. The PTPC has no fact to support their statements. Already substantial truck traffic on the road as well as commuter traffic. No complaints of noise or pollutants from and existing similar tank in the township. No effect on TP40's. ZBA Disagrees with PTPC.
- E. The proposed use will be served.....public facilities and services etc. PTPC agreed and so does the ZBA
- F. The proposed use will not create excessive additional requirements.....etc. PTPC agreed and so does the ZBA.
- G. The proposed use will involve uses, activities, processes, materials and equipment and conditions of operations that will be detrimental to any person, property, or the general welfare by reason of excessive noise, traffic, smoke, fumes glare, or odors. ZBA disagrees with the PTPC. It is adjacent to CR550. It is more than 1,000 feet from any hunting camp or stream. An existing tank in Powell Township was installed next to a Motel that is operating as an assisted living facility has not created the problems sited by the PTPC.
- H. The proposed use will not pose a risk to public health, safety and general welfare of the community in that the safety aspects of the site are regulated by the state. ZBA agrees.
- I. The proposed site is permissible under Article III, Section 321(D)(2) and is therefore consistent with the intent and purpose of the specific zoning district in which it is located. ZBA agrees.

The above statements and votes of the ZBA were unanimous in each point as noted.

Motion made to approve the Conditional Use Permit application, overrule the denial from the Powell Township Planning Commission, to UP Propane LLC, to operate a utility substation.

Roll Call Vote: Mary Ellen Krieg-yes Marian Allbritten -yes. Motion approved.

Meeting adjourned 11:30 am.

Minutes- MEK

Howard Robare - Zoning Admin.

Attachments:

Minutes May 14, 2024 Approved

Minutes June 11, 2024 Approved

Email received from State of Michigan -Scott Matheny -2pgs to Dan Harrington

Notice of Public hearing ZBA

Letter read G. Champagne

Letter read R. Wicklund

Summary of findings of fact Powell Township Planning Commission -4pgs

cc: Darlene Turner Supervisor