

Wilber Township—Iosco County
Board of Trustees Meeting
April 1, 2024
Proposed Minutes

Call to Order: Supervisor Mark Nunn called the meeting to order at 7:00 pm. Also present were Clerk Bob White, and Trustees Cheri Mioduch and Mary Pingot. Treasurer Steve Ferguson was excused. Also, present were Zoning Administrator Ron Phillips, Assessor Jessica Landry, Elections Clerk Gary Mallon, IT Dan Mioduch; Township Legal Counsel Timothy Gulden, of Bauer, Florip & Wojda, PLC, in Alpena, MI; NEMCOG Deputy Director Denise Cline; Dan and Lynn Kubisiak and their Legal Counsel Andrew Balzer, of Shinners & Cook, PC in Saginaw, MI; and four guests.

February 5, 2024, Board of Trustees meeting minutes were approved as submitted.
February 16, 2024, Special Budget Workshop minutes were approved as submitted.

Treasure's Report: The March Treasurers Report is deferred until May.
Commission: No Report
Additions to the Agenda: None

1st Public Comment Period: Individuals will be limited to three (3) minutes in which to address the Board.

Opened at 7:01 and closed at 7:01

Oscoda Area Schools Superintendent Scott Moore provided detailed information about the May 7, 2024, Special Election Bond Proposal which, if approved by voters, will allow the school district to borrow a sum not to exceed \$20,800,000 for a variety of facilities upgrades and erection of a new community center building. This amount represents a zero increase from the current levy in Existing Millage Rate.

Commission Reports

- Zoning Administrator/Ordinance Enforcement: 3 new permits and one new blight violation.
- Planning Commission: Next regular meeting is April 11th at 8 am.
- Cemetery: Gates opened today for vehicles, and most of the large trees and limbs that fell during the January 11, 2024, heavy snowstorm have been removed. We will determine after the trees leaf-out if there are additional dead limbs that need to be culled.
- Assessor: Described the limited appeals activity during the Boards of Review held on March 11th & 13th.

New Business: none

Unfinished Business:

The Township Board of Trustees' consideration of an application for amending the Wilber Township Zoning Ordinance, Ordinance No. 19-01, adopted April 8, 2019. An application for a conditional rezoning was filed by Daniel and Lynn Kubisiak on October 2, 2023, pursuant to Section 10.04 of the Zoning Ordinance (Case #2023-001). A public hearing concerning the application was held before the Wilber Township Planning Commission on November 9, 2023, as required by the Zoning Ordinance. The application seeks a conditional rezoning to allow the applicants to split their forty (40) acre parcel, which is located in the Agricultural Residential (AR) zoning district, into one thirty-eight (38) acre parcel, which would remain in the AR zoning district, and one two (2) acre parcel, (which currently includes a dwelling), which would be rezoned to Medium Density Residential (MDR), with the **condition** that the latter parcel be used only for a single family dwelling.

Following the November 9, 2023, public hearing, the Wilber Township Planning Commission approved a motion to recommend the denial of the conditional rezoning application by a roll call vote: three ayes, one nay, with one vacancy. The motion to deny was approved.

The proposed conditional application was then submitted to the Iosco County Planning Commission for its input, as required by the Zoning Ordinance and the Michigan Zoning Enabling Act. During its meeting on January 23, 2024, the Iosco County Planning Commission approved a motion to recommend that the Kubisiaks go to the Wilber Township Zoning Board of Appeals to seek a variance that would allow their property split. A copy of the Iosco County Planning Commission meeting minutes was then provided to Wilber Township.

Supervisor Nunn read aloud the ***Findings of Fact; Rezoning Report 3-25-2024*** prepared by NEMCOG (Northeast Michigan Council of Governments) Deputy Director/Chief Planner Denise Cline for the Township Board of Trustees' consideration. (A copy of this report is attached to these minutes.)

The Findings of Fact Rezoning Report of 3-25-2024 provides a description of the applicants' request and the conditional rezoning process. In addition, the report includes the standards for rezoning decisions that appear in section 10.03-B of the Zoning Ordinance, along with draft findings of fact concerning the application of each standard to the Kubisiaks' conditional rezoning application, for the Township Board of Trustees' consideration.

The draft findings of fact noted that the proposed conditional rezoning would not meet the standard set forth in section 10.03-B(D) of the Zoning Ordinance: "Is the proposed rezoning consistent with the goals and objectives of the Township Master Plan, including any subarea or corridor studies? If conditions have changed since the Master Plan was adopted, is the proposed rezoning consistent with recent development trends in the area?" The report lists draft findings of fact concerning this standard.

The Findings of Fact Rezoning Report of 3-25-2024 also includes the following: "NOTE: It appears that splitting off 10 acres (which includes the residence) might be technically possible and still comply with the Land Division Act. A 10-acre split would comply with the AR District (there is no minimum width in the AR District). The split would result in a parcel that is not rectangular, however, this split would comply with the AR District and would not necessitate a rezoning. An example is shown below. It should be noted that the placement of the side lot line might result in the creation of a nonconforming building, so that should be carefully looked at."

Supervisor Nunn then asked the Kubisiaks and their legal counsel for any comments. Mr. Kubisiak reiterated the applicants' intentions about the proposed property split and conditional rezoning, and the fact that three smaller parcels, less than ten acres in size, exist across Wilber Road from the applicants' property.

The applicants' legal counsel, Andrew Balzer, then discussed the history and layout of the applicants' property, the Zoning Ordinance, and the Michigan Zoning Enabling Act provisions addressing conditional rezonings, and he requested approval of the conditional rezoning application.

Supervisor Nunn then asked the members of the Township Board of Trustees if they had any questions or comments regarding the application or the draft conclusions included in the Findings of Fact Rezoning Report. No comments or questions were offered.

Supervisor Nunn then made the following motion: Moved by Nunn, seconded by Trustee Pingot, to deny the proposed Conditional Rezoning of two (2) acres of property at 2403 Wilber Road containing a single-

family dwelling to the MDR District based on the information of fact contained in the ***Findings of Fact; Rezoning Report 3-25-2024.***

Discussion on the motion was offered by Supervisor Nunn. No comments were made.

A roll call vote was held:	Aye	Nay	Absent:
Mark Nunn	X		
Mary Pingot	X		
Cheri Mioduch	X		
Robert D. White	X		
Stephen Ferguson			X

The motion to deny the conditional rezoning application is approved.

Announcements: The audit will begin on May 23rd, instead of May 20th.

Paying of the Bills: Moved by Pingot, seconded by Mioduch, to pay the bills as presented. All ayes, motion carried.

2nd Public Comment Period: Individuals will be limited to three (3) minutes in which to address the Board.

Opened at 7:47 and closed at 7:47

Adjournment: There being no further business, moved by Pingot, seconded by Mioduch to adjourn the meeting at 7:47. The Board of Trustees unanimously voted by voice vote to approve the motion.

Respectfully submitted,

_____/s/_____
Robert White, Clerk