

**PRESQUE ISLE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
Held January 2, 2019**

Call to order: The meeting was called to order at 7:00 pm. by the Chairman: J. Bidwell.

The Pledge of Allegiance was recited.

Roll Call: Members present: J. Bidwell, B. Fay, E. Szymanski, and B. Hellmuth. C. Winters was absent.

Approval of Agenda: B. Hellmuth requested the addition of “**2019 Meeting Schedule**”. B. Hellmuth moved to approve the agenda with the addition. Seconded by; B. Fay. All ayes; motion passed.

Approval of Minutes (September 5, 2018): B. Hellmuth moved to approve the minutes as written. Seconded by; B. Fay. All ayes; motion passed.

Approval of Minutes (September 27, 2018): B. Hellmuth moved to approve the minutes as written. Seconded by; B. Fay. All ayes; motion passed.

Election of Officers: B. Hellmuth nominated J. Bidwell to remain as the chairperson. B. Hellmuth moved to close nominations and to cast a unanimous ballot for J. Bidwell. Seconded by; B. Fay. All ayes; motion passed. E. Szymanski nominated B. Fay to remain as vice chairperson. B. Hellmuth moved to close nominations and to cast a unanimous ballot for B. Fay. Seconded by; E. Szymanski. All ayes; motion passed. E. Szymanski nominated C. Winters to remain as secretary. B. Hellmuth nominated E. Szymanski as secretary. B. Hellmuth moved to close nominations for a vote of secretary. Seconded by; B. Fay. A roll call vote was taken for C. Winters. 1 aye; 3 nays; motion failed. A roll call vote was taken for E. Szymanski. 3 ayes; 1 nay; motion passed.

Comments from Audience: F. Szymanski asked if there were any updates regarding the appeal hearing.

2019 Meeting Schedule: Suggested meeting days: Wednesday, January 2, 2019, Tuesday, May 7, 2019, Tuesday, July 2, 2019, Wednesday, September 4, 2019 and Tuesday, January 7, 2020. B. Hellmuth moved to approve the suggested meeting days. Seconded by; B. Fay. All ayes; motion passed.

Correspondence: Discussion regarding voting and the Zoning and Enabling Act.

Reports

- **TWP Board (B. Hellmuth):** A written report was provided. B. Hellmuth gave a brief synopsis of his report. *(Please see report attached).*
- **Zoning Administrator (S. Lang):** A written report was not provided at this time.
- **Planning Commission (E. Szymanski):** A written report was not provided at this time. E. Szymanski advised that they will meet on Monday, January 7, 2019 and advised that they will have a site plan review at that time.

Unfinished Business

- **Bylaws Follow-up (Revision):** ZBA members thoroughly went over the current bylaws and revised various areas. A rough draft of the current revisions will be provided at the May 2019 meeting.
- **Review Section 28.10 of Zoning Ordinance:** Discussion was made regarding criteria for granting variances and practical difficulties.

New Business

- **Litigation Update:** J. Bidwell advised that she has not received any new information since the hearing. The judge that heard the hearing has since retired and the information has been given to the replacement judge.

Adjournment: With no further business to discuss; the meeting was adjourned at 9:30 pm.

Meeting Reminder: The ZBA will meet again on Tuesday, May 7, 2019 at 7:00 pm for their regular scheduled meeting.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant

Board of Trustees Liaison Report for ZBA

Reg. Mtg. 1/2/19 – B. Hellmuth

- Sept. -Audit report; follow up at later meeting.
- Bidwell reappointed to ZBA.
 - Twp. Boundary sign to be completed soon.
 - Purchased more equip. for PIFD.
 - Plan for gym roof leaks.
 - Complete applications required before Boards review.
 - Non-functioning fire hydrants in PIHA discussion.
 - Purchased office chairs.
 - estimates on AC for Twp. Hall.
- Oct. -purchase equip. for PIFD & look into new rescue vehicle under state bid.
- Parks & rec. 10/13 lighthouse festival planned.
 - Agreement signed with Museum Society.
 - Cemetery ordinance discussion, remain tabled.
 - Gym roof leak options being explored.
 - Renewed snow removal agreement.
 - Museum Society to inventory lighthouse artifacts.
 - Election workers approved; election costs \$3500-4800.
 - Discuss options on ceiling lights in mtg. room.
 - Donation rec'd to purchase large screen tv & computer for mtg. room & seed money for
Electronic sign.
 - Policy on 3 new message boards agreed upon.
 - Gym use for pickleball approved as for volleyball.
- Nov. -Seeking bids on ceiling lights.

- Message board policy adopted.
- Gym roof leaks fixed.
- Cemetery ordinance adopted.
- Jenni Matuzak appointed to park/rec. committee.
- LaFarge PI Twp. report on Lake Esau pumping.
- Cemetery veterans memorial still seeking funds.
- Holiday lighting to be put off until 2019.
- Computers approved for PIFD (1300) & facilities manager (750).
- Adopted 2 resolutions assessor needed.
- Election costs much higher (70% turn out).
- Budget needs adjusting due to legal expenses.
- Adopted road commission resolution opposing increasing logging truck wt. limit.

- Dec.
- Road commission presentation on road millage.
 - Appointment of rep. to PI library board (Margaret Hersched).
 - Budget adjustments made.
 - LED conversion on hall lighting (8500); pay back 6-7 years.
 - Adopted second right of refusal.
 - Audit review to be 1/4/19 at auditor's.
 - Court hearing 12/14 on Pl.Comm/ZBA decisions.

**PRESQUE ISLE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
Held May 7, 2019**

Call to order: The meeting was called to order at 7:00 pm. by the Chairman: J. Bidwell.

The Pledge of Allegiance was recited.

Roll Call: Members present: J. Bidwell, B. Fay, E. Szymanski, and B. Hellmuth. Absent member with excuse; C. Winters.

Approval of Agenda: B. Fay moved to approve the agenda as written. Seconded by; E. Szymanski. All ayes; motion passed.

Approval of Minutes (January 2, 2019): B. Hellmuth moved to approve the minutes as written. Seconded by; B. Fay. All ayes; motion passed.

Comments from Audience: No comments.

Correspondence: B. Hellmuth provided information regarding the Zoning Board of Appeals from the Township Focus magazine. Members looked over the information. *(Please see attached)*.

Reports

- **TWP Board (B. Hellmuth):** A written report was provided. B. Hellmuth gave a brief synopsis of his report. *(Please see report attached)*.
- **Zoning Administrator (S. Lang):** A written report was not provided at this time. Members discussed and agreed that S. Lang should attend all meetings, regardless if there are hearings scheduled on the agenda.
- **Planning Commission (E. Szymanski):** A written report was not provided at this time. E. Szymanski advised that they did not meet in May and they had been reviewing the lighted sign ordinance at the last 2 months meetings and a public hearing was scheduled in April regarding the lighted sign ordinance.

Unfinished Business

- **Bylaws Follow-up (Revision):** ZBA members thoroughly went over the draft bylaws and revised various areas.
- **Litigation Update:** J. Bidwell advised that the appellants have filed a "Claim of Amended Appeal" and no other information is known at this time. ZBA members discussed the document that was provided.

New Business

-

Additional Information: The ZBA members agreed to look over the Non-Conforming lots ordinance at the July 2019 meeting.

Adjournment: With no further business to discuss; the meeting was adjourned at 8:47 pm.

Meeting Reminder: The ZBA will meet again on Tuesday, July 2, 2019 at 7:00 pm for their regular scheduled meeting.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant



Q How many members should the township's zoning board of appeals have?

The Michigan Zoning Enabling Act (MZEA) requires that the township's zoning ordinance creates a zoning board of appeals. Thus, the number of members must be specified in the zoning ordinance. The MZEA requires a zoning board of appeals to have at least three members if the population of the township is 5,000 or less. A zoning board of appeals in a township with a population of more than 5,000 must have at least five members. The MZEA provides for not more than two alternate members.

Q Who appoints members to the zoning board of appeals?

The MZEA provides that the township board, by majority vote, appoints members to the zoning board of appeals. MTA Legal Counsel suggests that such appointments should be recorded in the minutes of the meeting at which the members were appointed and that the terms of the appointees be stated therein as well.

It is further recommended that the township takes steps to ensure that it knows the dates that appointments expire so that it reappoints members or appoints new members on the regular schedule. Keeping track of appointments can be particularly difficult if there is a changeover in membership of the township board when historical information may be lost with an outgoing member or members.

Q How long are the terms of office of the members of the zoning board of appeals?

The MZEA provides that terms of office are three years for members of the zoning board of appeals. When first initiated, member terms may be staggered so that they do not all come due for reappointment at the same time. A township board member may—but is not required to—be on the zoning board of appeals. If a township board member is a member of the zoning board of appeals, that person's term would coincide with their term on the township board.

The township planning commission must have a member who serves on the zoning board of appeals (sometimes called the "mutual member"). This "mutual member's" term on the zoning board of appeals is the same as their term on the planning commission.

The terms of alternate members are also three years.

Q Are there requirements for certain members to be on the zoning board of appeals?

The number of members must be at least that required by the MZEA and the township's zoning ordinance. Up to two alternates may be appointed, in accordance with the MZEA. However, the township's zoning ordinance may provide for only a single alternate member. This means that you should check your own zoning ordinance's section creating the zoning board of appeals before you automatically assume that you get two alternates.

The only other requirement is that one person must serve on BOTH the zoning board of appeals and the planning commission for the township. That person cannot also be a member of the township board. A zoning board of appeals may have a member of the township board on it, but that is not required by the MZEA. Again, however, check your own township's zoning ordinance to see if there is a requirement for one member of the township board to be on the zoning board of appeals.

Q If a zoning board of appeals member moves out of the township, are they off of the zoning board of appeals?

Yes. All members of the zoning board of appeals must be electors and residents of the township. (This is sometimes confused with the planning commission. The Michigan Planning Enabling Act allows for up to one planning commission member who is not a qualified elector of the township, but of another local unit of government). Usually a zoning board of appeals member who moves out of the township will submit a resignation coinciding with their move-out date. However, if a member moves out but does not resign, MTA Legal Counsel recommends that the township board take an affirmative step to indicate in its minutes that the person is no longer a "qualified elector of the township" and declaring the seat vacant.

Q If there is a vacancy on the zoning board of appeals, does an alternate member automatically become a regular member?

No. The township board would need to appoint someone to fill the remainder of the unexpired term. While there is no

regular member in that position, an alternate member would be called upon to vote.

Of course, the township board may appoint an alternate to fill the unexpired term of a regular member, but it should determine whether the alternate member wishes to become a regular member before assuming that he or she will want the regular position. If the township board does appoint an alternate member as a regular member, then it will create a vacancy in the position of "alternate member." It will then need to appoint an alternate.

A zoning board of appeals member is not required by the state constitution to take the oath of office; however, it is recommended so as to create another record of the appointment and the acknowledgement thereof by the person taking the oath. The township zoning ordinance itself may specify that members of the zoning board of appeals must take the oath of office.



When is a decision of the zoning board of appeals final?

The MZEA provides that a decision of the zoning board of appeals can be appealed to the county circuit court within whichever of the follow occurs first:

- Thirty days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson; or
- Twenty-one days after the zoning board of appeals approves the minutes of its decision.

MTA Legal Counsel recommends the use of a "decision form" that can be signed by the zoning board of appeals' chairperson and provided to the applicant either at or shortly after the meeting. This is the best way to ensure that the "appeal period" for a zoning board of appeals decision is limited to 30 days (from the date of issuance of that decision). Many townships have only one or two zoning board of appeals meetings in a year. If no decision form is provided to the applicant, the appeal period is basically held up until after the minutes of that meeting are approved by the zoning board of appeals—which could be months after the decision was made.

Hello, MTA ... ? provides general information on typical questions asked by township officials. Readers are encouraged to contact an attorney when specific legal guidance is needed. Member township officials and personnel may contact MTA Member Information Services with questions or requests from 8 a.m. to 5 p.m., weekdays, at (517) 321-6467 or fax (517) 321-8908.

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- A. FIVE
- B. THREE
- C. ONE



ANSWER ON PAGE 35

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ZBA Bd. Liaison Report
Barton Hellmuth

1/14/19

- new computer & 70" tv monitor donated for mtg. display. Art Russ did in-service prior to mtg.
- PIFD Okayed to purchase new rescue truck with state bid (\$31,000) plus equipment to outfit truck (\$20,000).
- DEQ letter on electric transmission line from Rogers City Calcite to Stoneport to replace poles & update.
- Audit report completed with meeting at auditor's office with Bart and Larry.
- Road millage committee may be formed to examine possible election in 2020.
- Lighthouse artifacts being inventoried & estimated value.
- Clerk notifies BOT need to amend budget soon to cover attorney bills from pole barn appeal.

2/11/19

- Continue to buy equipment for PIFD and renewed contract w/city of Alpena.
- Revising office closing policy.
- Discuss hall rental for profit groups.
- Legal fees exceeding budgeted amt. due to planning comm. & ZBA appeals in court.

3/11/19

- Changing insurance companies. More coverage for minimal increase.
- Boat race on Grand Lake set for early June (1st weekend). Discussed by DNR & PIYC. (Twp. not involved).
- Budget mtgs. set for one each month, Mar, April, and May.
- Adopted final office closing policy (supervisor and clerk decide).
- Adopted final hall rental policy on for profit groups (\$50).
- Set 7/6/19 @ 7:30 for veteran's memorial dedication at cemetery.

-Museum society planning fireworks viewing at Old Lighthouse for a donation and fundraising.

- Renew pager location app. For PIFD.

-Possible sale of old 10 ac. dump site.

4/8/19

-Les Nichols award given to Dick Nowak PIFD.

-Long Lake Assn. Donates \$5,000 to PIFD for ice boat.

-Re-appointments to Rec. Comm. & Fire Board.

-Approval of election workers for 5/7.

-Tabled sale of property and marijuana opt out.

-Jeni Matuszak reports on Lighthouse artifacts.

**PRESQUE ISLE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
Held July 2, 2019**

Call to order: The meeting was called to order at 7:00 pm. by the Chairman: J. Bidwell.

The Pledge of Allegiance was recited.

Roll Call: Members present: J. Bidwell, B. Fay, E. Szymanski, B. Hellmuth and C. Smith. Absent member with excuse; C. Winters.

Approval of Agenda: J. Bidwell requested the addition of “**Article 27**” to **New Business**. B. Hellmuth moved to approve the agenda with the addition. Seconded by; E. Szymanski. All ayes; motion passed.

Approval of Minutes (May 7, 2019): B. Hellmuth moved to approve the minutes as written. Seconded by; B. Fay. All ayes; motion passed.

Comments from Audience: No comments.

Correspondence: B. Hellmuth advised that he had received a zoning complaint that he passed along to S. Lang regarding home rentals. S. Lang gave a brief update.

Reports

- **TWP Board (B. Hellmuth):** B. Hellmuth gave a verbal report.
- **Zoning Administrator (S. Lang):** A written report and brief synopsis was given. *(Please see report attached).*
- **Planning Commission (E. Szymanski):** A written report and brief synopsis was given. S. Lang reviewed the Township zoning map with the members.

Unfinished Business

- **Bylaws Follow-up:** B. Hellmuth moved to table the item until the September 2019 meeting. Seconded by; B. Fay. All ayes; motion passed.

New Business

- **Article 27:** Discussion was made by the ZBA members and S. Lang. S. Lang will work on record of non-conforming uses to allow some flexibility for the zoning administrator. The Township can no longer grant non-conforming uses. Members agreed that the wording should be cleaned up for Article 27.11.

Adjournment: With no further business to discuss; the meeting was adjourned at 8:53 pm.

Meeting Reminder: The ZBA will meet again on Wednesday, September 4, 2019 at 7:00 pm for their regular scheduled meeting.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant

Zoning Board of Appeals Report

From Zoning Administrator

Month of June, 2019

1. Permits for the month of June 2019.

- a. Received the warranty deed for the Township Board approval of the lot split. Construction will resume. Kauffman Rd
- b. 24 X 36 detached accessory structure; Bell Bay
- c. 8 X 14 shed; Bayshore Drive
- d. 12 X 40 deck; E. Grand lake Rd
- e. 24 X 38 Chalet with loft; Evergreen
- f. 30 X 40 detached accessory structure; Long Lake Rd
- g. 40 X 40 addition to a 20 X 32 cottage; Long Lake
- h. 692 sq. ft. addition to a 1050 sq. ft. cottage; Grand Lake
- i. 30 X 38 Dwelling Lake Huron; Briar Lane
- j. 24 X 30 addition to a cottage; Long Lake

2. Settled a neighbor dispute regarding the complete tear down and rebuild of a non-conforming accessory structure which was grandfathered in at the time of new dwelling construction. Structure was directly on the side lot line, in the front set back and 6 feet from the water. Resolution: structure must be moved to the rear of the yard with a 10' side setback and a 20' rear yard setback. My last contact with the owner confirmed that the structure is gone. The owner will now place shrubs along the lot line.

3. The property on Long Lake thought to be a part of Brooks Long Lake Sub. is confirmed to be owned by the Presque Isle County Road Commission. The Road Commission will not allow a dock and hoist to be placed on their property.

4. Received a complaint about short term rentals of a dwelling on Pine Street on Grand Lake. Was asked if there were ordinances which would prohibit such

activity. After researching the ordinance, I could not find anything which would prohibit that use. I will engage the Township Planning Commission in that discussion at their next meeting.

“There comes a time when you have to choose between turning the page and closing the book.”

Steve Lang
Zoning Administrator

PC Update to ZBA

- **February – Site Plan Review for construction of a 40x60 detached accessory building in RM district was approved. Lighted & Moving sign ordinance, discussion of master plan and ordinance to potential contract out for reviewal.**
- **March – Reviewed Lighted & Moving Sign Ordinance.**
- **April – Sign Ordinance, Appeal of Special Use.**
 - Appellant believed that a special use permit dated 5/21/1995 for a (Bed and Breakfast) should be revoked on the basis of deed restrictions not being listed on the site plan. I was determined by the planning commission and legal consulting that the Planning Commission does not have the authority to revoke the special use permit in this case.
 - 23.2B – Signs may be illuminated in the C-1, C-2, I-1, I-2, and C-F and C-M districts only. Moving, flashing or revolving signs are permitted in C-1, C-F and C-M districts only, except as otherwise expressly permitted under this ordinance. No sign shall constitute a nuisance as that term is defined under Michigan law. There was further discussion on the Dark Skies initiative and how allowing illuminated commercial signage would affect this initiative, with the Planning Commission agreeing that it would not and would be a good balance, along with other ordinance.
- **July**
 - **Put reviewing master plan on hold. We will still review this. However, we spoke about NEMCOG possibly making change and review ordinances.**
 - **Questions where brought up about what Presque Isle has for Commercial Zoned Property**
 - **The PC also began discussion on seasonal rentals. There was some head way with discussion of single family and multi family, nuisance, PRE and building inspections.**

**PRESQUE ISLE TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
Held September 4, 2019**

Call to order: The meeting was called to order at 7:00 pm. by the Chairman: J. Bidwell.

The Pledge of Allegiance was recited.

Roll Call: Members present: J. Bidwell, B. Fay, E. Szymanski, B. Hellmuth and C. Smith. Absent member with excuse; C. Winters.

Approval of Agenda: B. Hellmuth moved to approve the agenda as written. Seconded by; E. Szymanski. All ayes; motion passed.

Approval of Minutes (July 2, 2019): B. Fay moved to approve the minutes as written. Seconded by; J. Bidwell. All ayes; motion passed.

Comments from Audience: No comments.

Correspondence: None

Reports

- **TWP Board (B. Hellmuth):** A written report and brief synopsis was given. *(Please see report attached).*
- **Zoning Administrator (S. Lang):** A written report and brief synopsis was given. *(Please see report attached).*
- **Planning Commission (E. Szymanski):** Discussion was made by board members regarding the NEMCOG meetings that will be held for the Planning Commission.

Unfinished Business

- **Bylaws Follow-up:** Brief discussion was made by the board members regarding the bylaws. B. Fay moved to approve adoption of the bylaws as presented. Seconded by; C. Smith. All ayes motion passed.

New Business

- **Update Litigation:** J. Bidwell advised that the appeal has been denied. A brief discussion was made by board members.
- **Review of Provisions in Zoning Enabling Act:** J. Bidwell provided a copy of the Zoning Enabling Act.
- **Meeting Schedule for 2020:** Tuesday, January 14, 2020, Tuesday, May 5, 2020, Tuesday, July 7, 2020 and Tuesday, September 1, 2020.

Additional Information: Term Renewal – J. Bidwell moved to approve recommendation to the Board of Trustees for another 2 year terms for E. Szymanski and B. Fay. Seconded by; B. Fay. All ayes; motion passed.

Adjournment: With no further business to discuss; the meeting was adjourned at 8:41 pm.

Meeting Reminder: The ZBA will meet again on Tuesday, January 14, 2020 at 7:00 pm for their regular scheduled meeting.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant

ZBA Liaison Report (Hellmuth)
Sept. 4, 2019

7/8/19 - Adm. Asst. Kim on medical leave.

- 7/6 Memorial dedication and holiday events went great.
- Gift shops doing volumes of business.
- Lighthouse repairs are becoming urgent. Finances are a problem.
- BOT examining cemetery fees. Expenses, expansion, and maintenance.
- Zoning admin. proposes increase in land use permits. BOT will wait for more info before action.
- BOT considering using reserved road fund dollars to solve immediate repairs at lighthouses.

8/12/19 - MEDC broadband grant submitted for fiber internet.

- Approved Planning Comm. request for NEMCOG to look over our ordinances at a cost of \$8,000.
- Rec. Dept.'s music program successful, Labor Day picnic 8/31, 150th New Lighthouse anniversary celebration being planned for summer 2020.
- New lighthouse tower repainting est. at \$40,000. Possible anonymous donor to fund cost.
- PIFD new rescue truck ready to roll.
- Land use fee increased from \$20 to \$30 eff. 1/1/20.
- BOT to examine directional sign funding.

- PI Twp. Quarry CAG added 2 new members
and capped membership at 14.

- Next mtg. Mon. 9/9/19.

Zoning Board of Appeals

Report

From Zoning Administrator

Month of September, 2019

1. Issued 6 permits for the month of August 2019. These included 2 dwellings, 2 additions, 1 detached accessory structures and 1 deck.
2. A letter were sent to the collapsing dwelling on Kauffman Blvd. So far no response from the owner. I met the PI County Building Official on site and was informed that the structure was not in bad enough shape for him to get involved. The roof structure of the house needs to be in jeopardy of falling in before the County will get involved.
3. No response as yet from the owner of the dwelling with the trees on the deck.
4. Attended a MTA zoning class in St. Ignace that had two interesting subjects on their agenda.
 - a. Short term rentals: Michigan Courts, both Circuit and Appeals have ruled in favor of not only communities with deed restrictions but also zoning laws. The rulings view short term rentals as commercial uses and not allowed in residential districts. Also, short term rentals change the character of the neighborhood. Caveat: the House of Representatives have two bills proceeding through committee that would change the Michigan Planning Enabling Act (MPEA) to provide that short term rentals are a residential use and would be allowed in all residential zones. Further, communities could not develop rules or ordinances to prohibit short term rentals. These changes are scheduled to be in place by April 2020. Spoke to Sue Allor, who is in favor of the bills, informed me that short term rentals bring approximately 200 million dollars to the State. The House majority seems to be on board.

b. Mining: I thought mining would be a great subject for me to jump into but it was more directly pointed to sand and gravel (small) operations. I told the instructor that Presque Isle Township has a mining operation of nearly 6000 acres. Her response, oh my. Her topic was not including large industrial mining operations.

5. I am working with two angry neighbors about an outdoor wood stove. Woodstove installation was prior to the 2006 change in the Zoning Ordinance which makes this a non-conforming use.

The purpose of my life is to not only be happy but to be useful, to be honorable, to be compassionate, to have it make some difference. This will confirm that I have lived and lived well."

Steve Lang
Zoning Administrator