

# LAKE TOWNSHIP PLANNING COMMISSION

Unapproved Minutes  
Wednesday, February 22, 2006

This meeting of the Lake Township Planning Commission was called to order at 7:00 PM by Chairman Lou Colletta. Also present were planning commission members McCallum, Geppert Ehrlich and Lalley. Zoning Administrator Russell and Supervisor Kelterborn also present along with two guests.

Minutes of the February 8, 2006 meeting were read by McCallum. McCallum suggested that the addition of Paragraph G "Expiration" should be a separate section, Section 308, followed by Section 309, Inspections and 310, Certificate of Occupancy. Motion by Geppert to accept the minutes of February 8, 2006 with the noted correction and the minutes of January 18, 2006 previously provided to all members, seconded by Colletta. Motion carried.

Chairman Colletta suspended the further order on the agenda to allow David Battane to address the planning commission. Mr. Battane informed the members that he feels he was discriminated against by the township due to the fact that he was required to provide a benchmark survey and obtain a soil erosion permit from Huron County Building & Zoning prior to building an 18' x 20' deck at his property located at 4328 Port Austin Road in 2004. He stated that his neighbor, Richard Kelterborn, at 4330 Port Austin Road was not required to get a survey or soil erosion permit for a deck in 2002 and 4278 Port Austin Road was also not required to submit such documents for a deck in 2003. Mr. Battane stated there were eight other decks built along the shoreline area without such requirements. Mr. Battane asked why he was required to get a benchmark survey when the others mentioned were not.

Mr. Battane provided a copy of his site plan along with a copy of the site plan for 4330 and 4278 Port Austin Road. Chairman Colletta asked why Supervisor Kelterborn signed Mr. Battane's site plan. Supervisor Kelterborn stated he signed it because Mr. Battane would not work with Zoning Administrator Russell and requested that Mr. Kelterborn do the site plan review for his project.

Chairman Colletta noted that the Zoning Administrator in 2002 was Bill Ross who approved the site plan for 4330 Port Austin Road. He informed Mr. Battane that the planning commission is a recommending board and it is not their job to go out and make sure the zoning administrator is doing his job. He suggested that Mr. Battane should address his concerns to the Township Board.

(Mr. Battane left the meeting at 7:35 PM)

Supervisor Kelterborn requested that he be allowed to address the planning commission and have his comments put into the minutes. Chairman Colletta so allowed.

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Kelterborn stated that he has answered Mr. Battane's questions on more than one occasion. He stated that Mr. Battane hired Pat Withey to build his deck and construction was commenced without a land use permit, at which time he was red tagged by Zoning Administrator Russell. Mr. Battane came into the office calling Mr. Russell a liar and a cheater and stated that he wanted Kelterborn to review his site plan. Kelterborn told Mr. Battane that he is the Supervisor and not the Zoning Administrator. He told Mr. Battane that he does not review site plans and if he is requesting him to review his site plan, he was going to require a survey to verify lot lines and location of the Ordinary High Water Mark. Mr. Battane was required to obtain a Soil Erosion Permit from Huron County Building & Zoning because he had excavated his entire front yard in excess of 225 square feet and is less than 500' from the lake. Kelterborn stated that normally a person building a deck sets poles into the ground without excavating. Kelterborn further stated that Mr. Battane's house was converging on the lot line and the deck was going to cover the entire front yard area. Mr. Battane had to revise his site plan in order to stay within the 25% lot coverage. Kelterborn stated that he worked with Mr. Battane on a number of occasions when he came into the office.

Discussion on procedures for site plan review when conflicts of interest arrive between applicants and the zoning administrator. Geppert stated that if Mr. Battane wanted Kelterborn to review his site plan, then he would have to comply with Kelterborn's requirements.

Correspondence read. McCallum to contact Caseville Township to obtain a copy of a map depicting the overlay area for wind energy zoning.

Additional correspondence dated January 30, 2006 from Spicer Group read and discussed as follows:

Paragraph 2 – Special Approval Permits in R-1 District. Special use permits are allowed in other areas.

Paragraph 5 – Industrial District. McCallum suggested adding the following:

*At the time of adoption of this Zoning Ordinance, there are several industrial zoned properties within Huron County which are either improved and vacant or unimproved, which are most likely better suited for industrial development than any area within Lake Township. If, at some point in the future, industrial development is needed or wanted within the boundaries of Lake Township, the planning commission will review the current Master Plan and Zoning Ordinance for consideration of an industrial district.*

Colletta requested that McCallum draft a letter to be sent to Spicer Group in follow up to the June 30<sup>th</sup> correspondence.

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Discussion on accessory structures and permanent structures. Lalley cited a reference to the term "permanent" from a court decision, *Lauren Hills Homeowners Improvement Association, et al v Kokko, April 2005*, which stated that "sheds and playhouses were different in character than a garage; sheds and playhouses were temporary in nature, while a garage, with footings, was more permanent." McCallum read the definition of "structure" from the zoning ordinance of the Village of Lincolnshire as follows: "Anything erected, the use of which requires more or less permanent location of the ground or attachment to something having a permanent location on the ground."

Complaints filed with the township in regard to a boat hoist being stored on private property were discussed. The Zoning Administrator was advised to proceed under the guidelines of the Interim Zoning Ordinance.

#### Site Plan Review:

1. **3683 Port Austin Road** – Submitted by William Mutart for construction of a new garage. Side yard setback is only three feet. Approval should be denied based upon side yard setback. Applicant has room to comply with setback requirements.
2. **6599 Sylva Beach Road** – Submitted by Charles & Jeanne Henry for partial reconstruction of existing dwelling. Existing structure is nonconforming based upon front yard setback. Applicants wish to demolish and rebuild approximately 668 square feet of the existing dwelling which has a crawl space foundation with an additional approximately 667 square feet over a basement. Based upon Section 1311, Reconstruction and Restoration, Paragraph A of the Interim Zoning Ordinance, approval should be denied unless applicants can conform to the required front yard setback of 25'.
3. **5814 Champagne Road** – Zoning Administrator Russell noted that prior approval had been recommended on September 14, 2005 for a 12 x 16 shed. Applicant has requested that he be allowed to place a semi-tractor trailer on his property rather than the original 12 x 16 shed. Request should be denied for the reason that a tractor trailer is not an approved structure.

Motion by McCallum to adjourn, seconded by Colletta. Meeting adjourned at 10:00 P.M. Next meeting scheduled for March 22, 2006 at 7:00 P.M.

Valerie McCallum, Secretary