

# LAKE TOWNSHIP JOINT MEETING PLANNING COMMISSION AND BOARD

Unapproved Minutes  
Wednesday, November 20, 2006

The joint meeting of the Lake Township Planning Commission and Township Board was called to order at 6:00 PM by Supervisor Clay Kelterborn.

**Board members present:** Kelterborn, McCallum (Clerk and Planning Commission member), Fischer, Hyzer and Remer.

**Planning Commission members present:** Colletta, Geppert, Ehrlich and Lalley.

Also present was Arnold Russell, Zoning Administrator, Kathleen Bolton, Recording Secretary and approximately 30 guests.

Minutes from the October 25, 2006 Planning Commission meeting were read. Motion by Geppert, seconded by Lalley to accept minutes as presented, motion carried.

McCallum read the Public Notice for Hearing, Kelterborn explained that the hearing is only on topics listed in the notice. Colletta opened the Public Hearing.

Public comments:

Krebs stated that his parents **Marv & Sal Krebs, 3478 Port Austin Road** have hired attorney Don Clark to represent them. Clark stated the concerns of the Krebs: height restrictions, catastrophic conditions and the lack of a "Motel" designation.

Colletta stated that the height restriction has been increased from 27' to 35' for the RB District. McCallum stated that an "Act of God" clause has been added to the RB District. Clark stated that the "Cottage Rental" designation was adequate for the type of business the Krebs operates.

McCallum read through the changes that the Planning Commission has made to the proposed ordinance since the Public Hearing held on September 27<sup>th</sup>, 2006. Colletta stated that changes have not been updated on the website as the commission was waiting until they received comments back from the Huron County Planning Commission.

**Paul Beck, 4713 Port Austin Road**- currently operates three businesses out of his residence and has concerns about his property being rezoned from General Business to Residential. Beck feels he meets the criteria set forth in the Master Plan and wants to maintain his General Business status.

Colletta stated that the commission has designated State Park Road as the townships "General Business District" and the commission is trying to avoid spot zoning.

Lalley stated that with the rezoning to Residential, Beck can continue his business of restoring 1-3 cars per month. If the property was to sell, the non-conforming status would go with the land. Beck and any future owners would not, however, be allowed to expand the business. Rezoning the property to Residential will bring it more in line with neighboring properties.

**Robert Luckey, 3968 Port Austin Road**-stated that he had dealt with a similar non-conforming designation and that he could not obtain a mortgage or insurance because of the non-conforming status.

**Sally Brown, 4702 Port Austin Road**-questioned if her neighbor is allowed to run a business in a residential area, is she entitled to also operate a business in her home.

Colletta stated that it would require commission approval of a Special Land Use Permit.

Kelterborn asked if there have been any complaints about Beck's business. Colletta, Geppert, Lalley and Ehrlich stated there have been numerous verbal complaints from many of the neighboring property owners.

Fisher questioned if complaints need to be in written form. McCallum stated that the township does not have a policy that complaints have to be in written form.

**Bob Smith, 6630 State Park Road**-stated that with the proposed rezoning of State Park Road to General Business all the current businesses on the street would be non-conforming due to the proposed setback requirements. Smith also had concerns about parcels behind State Park (on M-25) that a property owner wants to have rezoned to residential. Smith questioned what affect the residential setback requirements would have on adjacent general business property owners.

**Linda Alashmaly, 6687 James and Oak Beach Pantry, 3731 Port Austin Road**-purchased the business in 2004 and assumed it was zoned General Business. The previous owner did not disclose that the property was zoned Residential and had non-conforming status. Alashmaly had a problem obtaining property insurance due to the

non-conforming status. She also feels the zoning will affect the value of the business if she attempts to sell it. Alashmaly inquired about rezoning in 2004 but did not pursue the issue.

Discussion followed on the Alashmaly's property. It was stated that the property was zoned General Business in the past but that it had been zoned Residential since at least 1974. Hyzer and R.T. Smith were not sure when the property changed from General Business to its current Residential status. However, it has been designated on the townships zoning maps as Residential and has been presented and approved as part of the Ordinance adoption at a Public Hearing in 1992.

Alashmaly may continue the business in its current manner as a "corner store" and any future owners could continue the business as non-conforming in a residential district. If Alashmaly wants to pursue a rezoning, she will need to follow the procedures to request a rezoning.

**Laura Simmons, 6707 Oak Beach Road**-has concerns about the rezoning of her property from Industrial to General Business, she wants reassurance that her family can continue the auto repair and towing business.

Colletta stated that Service Station (auto repair) businesses are allowed in the General Business District with Special Land Use approval. Given that the business is existing, there will be no need for the property owners to acquire a Special Land Use permit. Simmons may continue the business as an auto repair and towing business. The property may also be sold in the future as a business, in the General Business District. If future owners want to change the nature of the business, they may be required to apply for a Special Land Use permit for the change in use. Kelterborn stated that the current business isn't really an industrial type of business and that the rezoning to General Business is more in keeping with the current use and the adjacent property zoning.

**Bruce Herriman, 4090 Yax**-stated that the Oak Beach Pantry is the only "corner store" in the area that stays open year around and that it should be rezoned to General Business.

Kelterborn reiterated that the business can continue as a non-conforming business in a Residential District.

Amended to read:  
Discussion on the current site plan review policy: Russell stated that he felt confident handling standard site plans, sheds, garages, etc. but felt a review by the commission for R1 district projects, non-conforming and general business was appropriate. Kelterborn believes the review by the commission has been helpful but believes the township needs a clear site plan review policy so builders have a procedure to follow.

Motion by McCallum to change the ordinance to read, "Planning Commission will review all R1 projects, non-conforming and commercial site plans. In addition any site plan submitted to the Zoning Administrator that he/she deems needs further review may be forwarded to the commission." Seconded by Lalley, motion carried.

An audience member questioned the posting of meeting notices. McCallum stated that township meets all requirements for posting, a notice is published in the local paper, a copy is placed on the information board outside the hall, and the website also contains the notices. Residents can also call the office Monday-Friday from 10AM-2PM and ask about upcoming meetings.

Motion by Lalley to close the Public Hearing, seconded by Geppert, motion carried. Public Hearing closed at 7:40PM.

***Minutes amended at 01.24.07 Planning Commission meeting-***

~~Discussion on the current site plan review policy: Russell stated that he felt confident handling standard site plans, sheds, garages, etc. but felt a review by the commission for non-conforming, new home construction, R1 district and general business was appropriate. Kelterborn believes the review by the commission has been helpful but believes the township needs a clear site plan review policy so builders have a procedure to follow.~~

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Letter was read from Huron County Planning Commission pertaining to their review of Chapters 1-17. Letter was read from Attorney Salens in response to comments of the Huron County Planning Commission.

Discussion followed on changes that need to be made to the proposed ordinance. Planning Commission will take into account comments from residents, Attorney Salens and the Huron County Planning Commission and will make changes to the text and remove the overlay designation from the zoning map before forwarding them to the board.

Motion by Lalley, seconded by Ehrlich to approve the proposed ordinance changes to Chapters 1-17 with changes and to forward them to the board for consideration.

Roll call vote, Geppert-YES, McCallum-YES, Colletta-NO, Lalley-YES and Ehrlich-YES. Motion passed.

Kelterborn asked if the board members have any questions concerning the proposed ordinance changes to Chapters 1-17.

Fischer stated she doesn't want the Planning Commission to add the site plan review procedure to the ordinance because it gives the planning commission too much power. Fischer wants the site plan review procedure to be set by board policy.

Hyzer stated that he hadn't heard too much about the ordinances and has no questions. Hyzer also questioned why the proposed ordinances were sent to the county given that Lake Township does their own planning.

McCallum stated that it is required by law that the Huron County Planning Commission has an opportunity to review and make comment on all revisions to the zoning ordinances.

Colletta read the planning commission rezoning recommendations for Section 13. Motion by Colletta to approve the rezoning of Section 13 per the Notice of Public Hearing, seconded by McCallum, Lalley-YES, Geppert-YES, Ehrlich-YES, Colletta-YES, McCallum-YES, motion passed.

Motion by Ehrlich, seconded by Colletta to rezone Section 16 per the Notice of Public Hearing from General Business to R-2 Single Family Residential. Roll call vote-Lalley-YES, Ehrlich-YES, Colletta-YES, McCallum-YES, Geppert-NO, motion passed.

Laura Simmons would like something in writing to assure that her family can continue operating their business under the new zoning. McCallum stated that Simmons can be given a copy of the approved minutes from the nights meeting that will include the references to her property.

**New Business-Site Plan Review:**

1. **6630 State Park Road-** Submitted by Bob Smith for an addition to the existing pole barn. Addition will be built on existing footprint of previous building that burnt down. Zoning Administrator Arnold Russell verified the property lines. Approval recommended.
2. **4690 Port Austin Road-** Submitted by David & Jan LeAnnais for a conversion of the attached garage to a game room. No additional square footage will be added. Approval recommended.

**3. 5116 Port Austin Road**-Submitted by Rick & Barb Werkman for an addition for storage and living quarters. Property contains two accessory buildings and current lot coverage is 36.79%. Approval denied.

**Lot Split Reviews:**

**Charles Eveleth-**

Owns a waterfront parcel with 150' frontage on Lake Huron. Eveleth wants to split the parcel and create two (2) parcels each being 75' wide. Lake Township's ordinance requires 100' frontage on parcels and 12,000 square feet. Proposed split doesn't meet requirements.

**William Corby-property ID #3213-014-010-00** wants to split off back portion of parcel and sell it to adjacent property owner. Kelterborn will verify that remaining parcel will contain at least the required 12,000 sq ft.

Motion by McCallum to adjourn meeting, seconded by Colletta, Motion carried. Meeting adjourned 8:51PM.

Next Planning Commission meeting scheduled for January 24, 2007.

Kathleen Bolton  
Recording Secretary