

LAKE TOWNSHIP PLANNING COMMISSION

Unapproved Minutes
Wednesday, January 24, 2007

The meeting of the Lake Township Planning Commission was called to order at 7:00 PM by Geppert, Chairman Colletta was absent. McCallum, Ehrlich and Lalley were present along with approximately 8 guests.

Township Attorney Walt Salens was present as was Attorney Don Clark representing Mr. & Mrs. Paul Beck.

Beck Property Rezoning:

Letter was read from Clark concerning the proposed rezoning of the Beck property from, B-1 General Business to R-2 Single Family Residential. Clark suggested modifying the R-B Residential Business language to incorporate the type of business the Beck's operate and then rezone the property from the R-2 to R-B. This option would result in the Beck's property conforming with the zoning, where as the R-2 designation would make the property non-conforming.

McCallum asked Salens if the suggested language could be added to the R-2 Single Family Residential instead of the R-B Residential Business. Salens stated that it could be added to R-2 but the definition of "Home Occupation" would have to be changed. Salens felt that it would be better to modify the R-B language. Salens also pointed out that there are three (3) parcels near the Beck's property that are zoned R-B. Salens feels that the issue can be resolved with some minor changes to the language in Sections 1001, 1002 and 1003.

Mr. Beck stated that he would like to keep the B-1 General Business zoning and would remove the business sign from the property if that would resolve the issue. Beck also stated that he has no plans to change the type of business he conducts. Clark pointed out that the Beck businesses are low impact with very little traffic.

Lalley stated that the planning commission concern is not with the current business so much as what future owners of the property may do if the zoning remains B-1 General Business. With the B-1 zoning the commission has little control over what type of business operates on the site. Clark stated that zoning the property R-B would result in the township having more control over future businesses on the property. The R-B designation would also allow the Beck's to have the business be conforming. Salens and Clark agree that making changes to the language of the R-B district would be in the best interest of everyone and they will work together to draft the language for the commissions' approval.

Nov. 20, 2006
Minutes 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.

McCallum made a motion to modify the language of the R-B district in relation to the proposed rezoning of the Beck's property, seconded by Lalley. Motion passed.

McCallum made a motion to approve the minutes of the Joint meeting, held on November 20, 2006 as amended, seconded by Ehrlich. Motion passed.

Read email from Mike and Sally Knoll concerning "Bigfoots" and construction sites.

New Business-Site Plan Review:

- 1. 4639 Port Austin Road**-Submitted by Don King (Long's Homes) on behalf of Elliot Passman. Property contains an old trailer with an addition and a shed. Owner wants to remove existing trailer and have new modular home put on site. **Letter on file from Huron County Health Department stating cement over septic field must be removed.** Proposed twenty seven feet by forty four foot home does allow for required side yard setbacks. Proposed home and garage would also result in thirty two (32%) percent lot coverage, the maximum is twenty five (25%). Planning commission members questioned if the property owner could purchase a smaller modular home for the site. Site plan request denied.
- 2. 4774 Port Austin Road.** Submitted by Joe and Shirley Fioritto. Property owners want to add a second story addition to their home. The survey shows that the overhang on the current home is on the property line. Home does not meet side yard setback requirements and is non-conforming, site plan application denied.

Meeting Schedule for 2007 and 2007-08 Budget:

Commission members discussed the meeting schedule for the 2007-2008 year, all agree to stay with the fourth Wednesday of the month at 7 PM. There will be no meeting scheduled for the month of December. Discussion on 2007-08 budget followed. The commission will request funding for sixteen (16) meetings. Request for supplies will be \$750.00, for consultations- \$2,000.00, legal counsel-\$2,000.00, mileage-\$500.00, publications-\$500.00 and education-\$1,500.00.

Zoning Ordinance Items to Review/Consider:

McCallum pointed out that the definitions for “Front Yard”, “Rear Yard” and “Waterfront Yard” need to be corrected to read “nearest point of all buildings” instead of “nearest line of the main building”. Motion by McCallum to correct the definitions at the next public hearing, seconded by Lalley. Motion passed.

McCallum presented a proposed new definition for bedroom-

BEDROOM – Any room in a residential structure which is greater than seventy (70) square feet in area, which is susceptible to present or future use as a private sleeping area and which has at least:

1. One (1) egress window or door per fire code; and
2. One (1) interior method of entry and egress, excluding closets and bathrooms, allowing the room to be closed off from the remainder of the residence for privacy.

In determining the number of bedrooms contained in any residence, it shall be presumed that all residences contain a living room, kitchen, bathroom and at least one (1) bedroom.

The current definition for bedroom reads-

BEDROOM-A room in a dwelling unit for or intended to be used for sleeping purposes of human beings.

Motion by Geppert to consider new definition for bedroom at the next public hearing, seconded by Ehrlich. Motion passed.

Commission members discussed correspondence received from Mike and Sally Knoll’s concerning “Bigfoots” and construction sites. Members questioned if there is language in the ordinance that addresses time limits for construction projects. McCallum stated that the Michigan Building Code states that the building permit may be revoked on projects that have one hundred and eighty (180) days of inactivity. Kelterborn stated that he had spoke to Attorney Salens in the past about this issue and the fact that there are projects that have been in the construction stage for four (4) to five (5) years. Commission members would like some sample ordinance language sent to Salens for his review. The possibility of requiring a performance bond was also discussed. The problem of messy construction sites was discussed, possible solutions suggested were, fines for contractors and/or requiring a dumpster on site.

The members pointed out that a lot of the issues with “Bigfoots” were addressed in the proposed Chapter 18-Overlay district.

Next meeting scheduled will be on February 28 at 7:00 P.M. Motion by Ehrlich to adjourn, seconded by Geppert. Motion carried. Meeting adjourned at 8:25 P.M.

Kathleen Bolton, Recording Secretary