

LAKE TOWNSHIP PLANNING COMMISSION

Unapproved Minutes
Wednesday, June 27, 2007

The meeting of the Lake Township Planning Commission was called to order at 7:00 PM by Chairman Colletta. Geppert, Ehrlich, and McCallum were present. Lalley was absent. Zoning Administrator Russell and two guests were also present.

Motion by McCallum to approve the minutes of the May 23, 2007, seconded by Geppert. Motion passed.

Site Plan Review

Diamondshores Association has submitted a site plan application requesting permission to build a 20' by 30' deck in their easement on Port Austin Road between Hilltop and Walter J Drive. Members questioned if the deck meets the setback requirements. Structure needs to be 35' from the high water mark on the shoreline side, and 25' from the 50' road right-of-way for Port Austin Road. Members reviewed a similar project built nearby at 3873 Port Austin Road in 2002. Russell will visit the site to verify measurements.

Darlene Hernalsteen, 4414 Port Austin Road, received survey 6.27.07 via fax, Zoning Administrator still has not received a site plan or review fee. Stop Work Order from 6.08.07 still in effect. No review of file by planning commission.

Krohn proposed lot split and possible rezoning

Read a copy of letter sent on behalf of the planning commission to Mr. Krohn and response letter from Mr. Krohn. A memo in the file concerning Michigan Department of Environmental Quality (MDEQ) issues was read. The MDEQ states that it appears there is a violation of the permit to fill. The allowable area was for a 16' wide private driveway and the field representative for the MDEQ stated that on his site visit the road appeared wider. If a violation is issued Lake Township will receive a copy for the file. The memo also references a conversation with Attorney Walt Salens stating that the township needs to receive a copy of a permit or a letter from the MDEQ stating that the resulting front parcel would be buildable. The planning commission is questioning if the parcel would contain enough upland area to meet the requirements for a commercial lot.

Motion by McCallum to withhold a decision on rezoning until a letter or permit is received from the MDEQ stating the front parcel would contain a large enough upland portion to meet commercial lot requirements.

Krohn asked why the previous owners did not have to get a permit or letter from the MDEQ before selling the land to him. McCallum stated that Krohn is the developer and is requesting the split and the rezoning and applying for necessary permits is part of the process. The members discussed the requirements for commercial lots with Krohn. Scaling the MDEQ map it appears there is only 11,000 sq. ft. of buildable area, the requirement is 15,000 sq. ft. The buildable area of the lot is taken from the edge of the road right-of-way, Krohn stated that he had measured from the edge of the road for his buildable area figure and had not considered the road right-of-way which is 100' in front of his lot. Colletta stated that based on the square footage of buildable area alone the planning commission could not approve a rezoning to commercial.

Colletta seconded motion made by McCallum. Motion passed.

Zoning Ordinance language

Currently references to ridge height in the zoning ordinance reads "Maximum building height shall be twenty-eight (28') feet or two (2) stories above average adjacent grade."

McCallum thinks for clarification in all applicable references it should read "Maximum building height shall be twenty-eight (28') feet, no more than two (2) stories above average adjacent grade."

Motion by McCallum to address language at next public hearing, seconded by Geppert. Motion passed.

Section 1201.13 Control of heat, glare, fumes

The members discussed whole house air conditioners and their placement on properties in relations to neighboring homes. There was discussion on if they should be required to meet setback requirements. The members agreed that homeowners have limited locations for placement and no regulation should be imposed.

Section 705.2 Minimum Yard Requirements D

Colletta questioned if a property owner building a new home is required to meet the 30 degree line of site for his own home or can he build further back and thereby block his own view. After much discussion and agreeing that the language needs clarification Colletta agreed to research the issue and report back to the commission next month.

Wind Turbine Ordinance

Members received copies of a model ordinance addressing wind turbine sites. Secretary Bolton will forward links to additional model ordinances for members to review. Members will research and prepare to discuss language for a Lake Township Wind Turbine Ordinance at their July meeting. McCallum would like to have language ready for a possible August public hearing.

Lot coverage

Members received copies of a lot coverage ordinance that Colletta had located. The ordinance would include patios and paved driveways in calculations of lot coverage. Colletta will do additional research on the percentages in the model ordinances in comparison to Lake Township's lot coverage calculations. Members will read over the material in preparation for discussion at their July meeting.

Mining & Mineral Extraction Ordinance

Bolton will forward links to members of model ordinances pertaining to mining operations. Members will discuss further at their July meeting.

Light Pollution Ordinance

Residents have shown an interest in maintaining the dark skies in the area and feel it is part of the appeal of the area. Bolton will forward a sample ordinance to the members to review.

Canvas Structures

No discussion at this time, moratorium by board in effect until May 2008.

Motion by Geppert to adjourn, seconded by Ehrlich. Motion passed, meeting adjourned at 9:18PM.

Next Planning commission meeting is scheduled for July 25th at 7PM.

Kathleen Bolton, Recording Secretary