

LAKE TOWNSHIP PLANNING COMMISSION
Unapproved Minutes
Wednesday, March 24, 2010

The **regular meeting** of the Lake Township Planning Commission was called to order at 7:00 PM by Chairman Dave Szumlinski.

Pledge of Allegiance was recited.

Roll call by Lisa Konke, Recording Secretary. Present were Dave Szumlinski, Gerry Geppert, and Deb McBride along with approximately 5 guests. Absent - Dale Hartsell and one member yet to be appointed.

Minutes of the February 24, 2010, regular meeting: Motion by McBride to accept minutes, seconded by Geppert. All ayes. Motion carried.

Agenda: Motion to accept the agenda by Geppert, seconded by McBride. All Ayes. Motion carried.

Correspondence: None

Old Business

Width and Square Footage:

Szumlinski referred to Section 705.1 Minimum Lot Size, Lake Township Zoning Ordinance. He suggests that for clarification purposes, an insert should be added our existing ordinance citing Land Division Act 288 of 1967 and that any properties in our township that fall under this Act are exempt from our existing ordinance. He feels that it would be better understandable if it's cited earlier in the ordinance.

Szumlinski then referred to Page 4.4, Lake Township Zoning Ordinance. He would like to see a section D included with the Land Division Act 288 of 1967 for reference and to clarify.

Geppert questioned side setbacks.

Szumlinski replied 16 ft. He's not suggesting changing the setbacks, just clarification of the ordinance.

McBride asked how we would change this.

Szumlinski stated that we would need to hold a public meeting.

Geppert asked if the Board needed all members to be present and that we should wait until all a full Board is present to make any decisions.

Joining of Lots Together:

Szumliniski then referred to Section 1304. Non-conforming lots in common ownership. He suggests not allowing lots to be divided into non-conforming lots of 65'.

Geppert replied that our Zoning Administrator has to approve the building specs.

Szumliniski answered that is not what he is saying. Not referring to the building aspect, rather the division of the property.

McBride asked what if someone has a lot with odd footage.

Szumliniski answered that then they would need to acquire the difference in the footage to make a 100 foot lot.

McBride asked if that would present a hardship.

Szumliniski stated that the State of Michigan says that 65 foot is build able. Our ordinance says it is not.

Geppert said if you split property like that, one will have to sit vacant.

Szumliniski suggested that the Board could look into this further.

McBride stated that she would like to find out more about this.

Szumliniski stated that he talked with Arnie Russell, Lake Township Zoning Administrator, and you can put a camper on a vacant if you apply for a special use permit, which will allow you to keep it there for 14 days. So he feels if a person sells a lot with a garage on it, we are not giving them permission to live or stay in the garage. He feels you should not have to join lots to build an accessory structure. He referred to the draft that he presented to the members at the last meeting.

Szumliniski further stated that other townships don't allow it but it will give property owners that have this type of situation, the opportunity to separate the lots and sell the lot with the accessory structure to someone who can use the storage space.

Szumliniski stated no plumbing or septic can be issued.

Geppert stated that then you have vacant buildings on these lots with no septic and plumbing to them.

Szumliniski replied that he does not think people will move into these structures as they can come in and get a permit for a camper for 14 days maximum. The property will become uncapped and generate more tax revenue for Lake Township. He feels that this ordinance was useful when the township was being formed years ago, but does not apply as much now.

McBride questioned who enforces this 14 day ordinance.

Szumliniski replied that Arnie Russell does.

McBride asked then would these changes that Szumliniski is suggesting be an addendum.

Szumliniski stated no that it would change the ordinance.

Geppert disagreed and feels that they will live in these structures. It's happening near his residence now.

Szumliniski asked if it would make a difference if the lot was joined or un-joined.

Geppert replied the lot was always joined.

Szumliniski stated that you can have all the ordinances in the world and certain people aren't going to obey them. He agreed with Geppert that are probably that will take advantage. But others who would obey should be able to split the lots and sell the property with the accessory structure.

Geppert suggested tabling this until a full board is present and that he disagrees with this.

McBride read from a memo from Hartsell regarding Hume and Port Austin Township policies and that neither of them allow accessory structures on a vacant property.

New Business

Septic Study:

Szumliniski stated that he had a meeting with Yvonne Bushey, Septic Committee member. He added that he sees some problems with this:

1. We are relying on the Huron County Health Dept.
2. In the winter you can't expect a tank or field in the winter.

Geppert replied that Szumliniski needs to change his way of thinking. When he lived in Macomb County he could not sell his home until a septic study was done and he then needed to replace it. He had to make the necessary repairs before he could put his house up for sale. He thinks an inspection is a good thing.

McBride agrees.

Szumliniski suggested requiring an escrow account for a sum that would cover the necessary repairs.

McBride questioned this and asked what an escrow account would solve.

Szumliniski replied that should a home be sold during the winter months and wasn't able to have the septic system inspected, then the funds would be available for the new owners to perform the necessary repairs.

McBride disagrees.

Geppert added that as a person selling a home, you have to make your mind up ahead of time to sell and you know that you need this inspection.

Szumliniski referred to the DJ's Portable Toilet Rentals presentation and that he questioned her about winter inspections and was told they are more difficult and more expensive.

Geppert suggested looking at the ordinances in Macomb, Mt. Clemens and Ray Townships.

Motion by McBride, seconded by Geppert to **table Septic Study discussion to the next meeting when a member of the Committee is present.** All ayes. Motion carried.

Public Comments

Lou Colletta referred to and read excerpts from:

1. Revised Ordinance Lake Township, 1975. Residential Districts
2. 1992, Lake Township Ordinance. Lot Area and Width
3. Lake Townships present ordinance.

He feels the chairman is taking things out of context and suggesting changes that already exist in our present ordinance:

4. Section 103, Interpretation.

He emphasized the word "shall" which by law means mandated.

5. Section 106. Repeal
6. Approved plats
7. Section 1203.2, Required Area or Space.
8. Section 1203.3, Approved Plan for New Subdivision.
9. Section 1303, Lots of Record.

Colletta stated that no matter the size of the lot they can build on it providing they can meet the setbacks. Szumliniski is saying you cannot build on a 50' lot.

Szumliniski disagreed and said he did not say that and maybe he was misunderstood, and that he said any 50' lot in a subdivision plotted before 1967, can be built upon. He would like the ordinance to say that any lot that falls under the Act of 1967.

Colletta stated that it's already in the ordinance. He referred to Section 1303, Lake Township Ordinance, Non-Conforming Lots of Record. According to this section, you can divide lots, but they cannot be divided if 50'. 65 feet is the minimum frontage. That's the rule of the State of Michigan.

Szumliniski would like to clarify. Section 705, Minimum Lot Size. He would like to clarify it by adding into the wording, "Except a plotted subdivision that falls under the Land Division Act 288 of 1967."

Colletta stated there has never been a refusal in Lake Township to build on a 50' lot.

Szumliniski stated he was referring to: If you own two 50' lots next to each other and wanted to build on the lot next to the one with your house, you would not be able to build a garage on it unless you joined the lots. He feels this should be changed.

Colletta stated that you will not find a 50' lot in this township with a 50' lot next to it.

Szumliniski replied that he wants to change the ordinance so that you can build on an adjoining lot without the need to combine them.

Colletta stated that the Planning Board, by State Statute, is an administrative board and can not set laws. He added that by setting an ordinance that tells property owners that if they sell their property, they WILL get their septic systems inspected, this violates the Statute.

Szumliniski replied that we are in a gray area with this and will be checking into the legality of it.

No more public comments.

Motion by McBride, seconded by Szumliniski to adjourn. All ayes. Motion carried.

Meeting adjourned at 8:12pm.

Next regular Planning Commission meeting on April 28, 2010 at 7:00pm at the Lake Township Hall.

Respectfully submitted by:
Lisa Konke, Recording Secretary

