

LAKE TOWNSHIP PLANNING COMMISSION
Workshop Meeting
Unapproved Minutes
Monday, June 14, 2010

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

Pledge of Allegiance was recited.

Present: Dave Szumlinski, Deb McBride, Gerry Geppert, and Gordon Krueger, Tory Geilhart, Building Inspector, Arnold Russell, Zoning Administrator along with approximately 6 guests.

Chairman Szumlinski opened the meeting by stating that the purpose of this workshop meeting is to meet with Lake Townships Building Inspector and Zoning Administrator. They would like to have the Planning Commission address some issues on some of our existing ordinances as well as ordinances that our township is lacking.

Arnold Russell, Zoning Administrator

1. Canvass Structures were discussed and the fact that there was a 2 year moratorium to look into the matter in the past. More and more of these structures are appearing and we don't have any regulations. Some have 4 walls and a door. The Planning Commission needs to look into some guidelines as far as site permit applications, where these structures can be placed, what kind of materials they are made of and setbacks.

Szumlinski questioned the sides of the structures as far as what would be considered a wall.

Russell replied anything below the roof line. Some are placed over septic fields, close to the property lines, and are leaving them up all year long. He also added that it makes it hard to enforce when there is no ordinance.

Geilhart commented that we need to consider these as accessory structures. They are widely available, constructed of numerous different types of building materials, and should be considered an accessory structure. He feels that Lake Township needs to determine if we should allow this type of covering on a structure. Site plan applications should be required to erect these.

McBride asked where they are locating them on their property and what is being stored in them.

Geilhart answered that some are easily erected and has seen some on the road right-of-ways or in front yards. He noted that you can not build a shed or garage in front yards yet these are being placed there. People are storing boats, lawn equipment, golf carts, a lot of different things.

Szumlinski asked if the ones that exist right now have sides on them, can they be red tagged.

Russell replied that, no we can not because it's portable.

Geilhart offered that Lake Township can do one of two things. Either allow them as an accessory structure, which requires a site plan and approval, or don't allow them period.

Russell noted that some are just put together while others the poles are cemented into the ground.

2. Boat hoists were discussed and easements were the main issue as residents are not abiding by the ordinance. The residents are sent a violation letter, if the hoist is not moved from the easement to the water by Memorial Day weekend or off the easement to storage a letter of violation is written. From the time it takes to send out notices and seek a judgment to order them removed, it is time to put them back in the water. Tory and Arnie both feel that a date of removal should be put into place. If the hoists are not moved by that date then the township will consider them abandoned and have them moved at the owner's expense. Tory questioned who would be responsible for the expenses of removing them and that would have to be talked over with an attorney.

McBride commented that a friend had just mentioned to her the previous week about a boat hoist that was on an easement and hadn't been put in the water yet.

Geilhart replied that this is an issue. By the time we complete our process of sending out the violation letters. Summer is almost over and it's time to take the hoists out of the water. Residents have figured this out. He feels that our ordinance should state a date that fences and boat hoists need to be off the beach. If they are not, then it's an automatic, monetary fine.

Russell stated that in the fall, hoists need to be removed from the easements and people are not taking care of this. Then winter arrives and it's almost impossible to move them then. He called Pattulo from Cass City and he will move them off the easements for the township and he will sometimes buy them. Or they could be taken to the transfer station and cut up for scrap. It would cost the township a lot of money if we had him do all the hoists left on easements.

Szumliniski offered that perhaps the Planning Commission could look at putting a date in the ordinance regarding when hoists and fences have to be removed or a fine would be issued. If not paid these items would be considered abandoned.

Russell answered yes.

Geilhart stated that the legal ramifications would need to be gone over to see if we can legally take possession and sell or scrap them.

3. Blight – Arnie questions who to call when a house is up for sale or has been foreclosed on for the cutting of tall grass. Does he call the homeowner, real estate or bank? As for junk vehicles and yard debris. Who is going to pay for the clean up of a large amount of junk? Currently, there is a property where the homeowner has passed away and nobody is answering the violation letters. Russells questions whether we can legally do anything about this situation.

Szumliniski replied that needs to be looked into by an attorney.

Tory Geilhart, Building Inspector

1. Building permit time restrictions – Tory would like to see a time restriction put on building permits to eliminate unfinished housing, especially exteriors of homes. He noted that he has open building permits from 3 to 5 years ago. Currently, our ordinance states that as long as construction is ongoing and does not cease for six (6) months, the permit stays open. He feels one (1) year to eighteen (18) months is acceptable to build a home. Also, this time restriction will make the homeowner think twice before starting construction if they are not sure that they can finish construction. Additionally, it will benefit neighboring property owners

by ensuring that homes are finished on the exterior and not an eyesore. He suggested possibly imposing a strict fine if construction is not completed.

Szumliniski asked Tory to come up with a list of the time limits he is suggesting.

Geilhart stated that as our ordinance is now, he can prevent someone from moving into an unfinished dwelling by not granting an occupancy permit. But on the other hand he can not make someone put siding on the exterior of a house. A more restrictive ordinance would allow him to do this.

Szumliniski inquired as to the price of a building permit.

Geilhart answered that the fee varies.

Szumliniski suggested that perhaps a fee of maybe half of what the permit originally costed could be the fine.

2. Decks – He stated how difficult and expensive it is to get approval to build a deck in Lake Township. According to a class he attended a couple months ago, regarding high water marks, the DEQ states that the high water mark is at the seawall. He feels that if a property owner wants to build an unattached deck up to or on their seawall and can meet all the square footage requirements and setbacks, then they should not be required to apply for a variance or have to get a high water mark survey. This would only be for uncovered decks. He also feels confident that in such places where a seawall does not exist, Arnie Russell is competent and can determine an acceptable location for a deck.

Correction: add the word "water"

Szumliniski asked how some of these decks at the seawalls now exist. He wants to know if they were allowed at one time.

Geilhart replied that for as long as he has been building inspector they were not allowed. He is not aware if they were just erected and it wasn't enforced.

Geilhart stated that if a person owns a lakefront property, they should be able to put a deck up to the seawall. The one thing these people can enjoy and yet it is so hard to get approved.

3. Replacing older decks – Tory stated that there are a lot of old decks in Lake Township. Homeowners are reluctant to tear down the decks and replace them because they will not be able to rebuild them because they don't meet the setbacks. They are simply repairing and replacing part of the deck periodically as it is needed. He feels that if a homeowner has an older deck and would like to take it out and replace it in the same location; they should be able to do so. It must follow the same footprint as the old deck and for uncovered decks only.

Szumliniski commented that this is only fair.

Geilhart stated that some are non conforming, but they are going to remain that way regardless. Either they are going to repair them a little at a time. Or we can allow them to remove them and rebuild them in the same spot. This will result in safer structures and allow residents to continue to enjoy them without added expenses of variances and high water mark surveys.

4. Non conforming lots and tear downs of houses. He is unable to find in our ordinance how far you take a house down to the foundation. The answer is not in our ordinance. Lake Township needs to define this clearly.

Szumliniski asked what Tory feels this should be.

Geilhart replied that he feels down to the foundation would be acceptable. But where do you draw the line so it does not become non conforming.

Russell commented that a second story would make it more non conforming.

Geilhart replied that some might be on the road right of way. That would have to be addressed.

Szumliniski asked if either Russell or Geilhart had anything further and what was their priority as to what area was most important to them.

Geilhart replied tear down limits and building permit time limits. Decks should be open to public discussion.

Russell replied that he would like the canvass structures addressed first.

Szumliniski commented that they would address the tear down of a building, building permit time limit and open up the deck issue to further public comment. Canvass structures for the zoning department.

PUBLIC COMMENTS

Ray Eskau questioned if square footage of decks will be included in lot coverage.

Szumliniski replied that it will not be addressed at the next meeting. But it will be discussed in the future.

Lou Bushey commented that for about 5 – 6 years, a permit for boat hoists has been required and that Lake Township has no jurisdiction over these. He also stated that you cannot tell someone where in the lake they can put their hoists.

Szumliniski commented that the registrations are useful in the fact that we can identify whose hoists are on the beach and in violation.

Bushey stated that these easements are maintained by their own residents and they should be the ones enforcing the easements.

Szumliniski replied we can look into it and enforce it the best we can.

No more public comments.

Meeting adjourned at 8:40pm.

Public Hearing June 23, 2010, 6:00pm

Next regular Planning Commission meeting, June 23, 2010, following public hearing.

Respectfully submitted,
Lisa Konke, Recording Secretary