

LAKE TOWNSHIP PLANNING COMMISSION
Public Hearing and Regular Meeting
Unapproved Minutes
Wednesday, June 23, 2010

The **public hearing** of the Lake Township Planning Commission was called to order at 6:00 PM by Chairman Dave Szumlinski.

Pledge of Allegiance was recited.

Roll call by Lisa Konke, Recording Secretary. Present were Dave Szumlinski, Deb McBride, Dale Hartsell, Gerry Geppert, and Gordon Krueger, along with approximately 9 guests.

Szumlinski opened the Public Hearing portion for public comments regarding the proposed ordinance amendments.

Lou Colletta commented that he noticed what he believes is a typo, and that the word frontage is not present in the Section 1304. amendment. Yet, it is present in the amendments to Sections 705 and 805.

Motion by McBride **to add the word frontage to paragraph 3 of the ordinance amendment to Section 1304.** seconded by Hartsell.

Roll Call: Szumlinski-Aye, Geppert-Aye, Krueger-Aye, Hartsell-Aye, McBride-Aye, Szumlinski-Aye. **Motion carried.**

Platted lots held in common ownership may be divided upon request if they can individually meet a minimum width of one-hundred (100') feet frontage and a lot area of not less than twelve thousand (12,000) square feet. Lake Township feels it is necessary to uphold these minimum standards for existing nonconforming parcels in common ownership in order to maintain isolation between wells and septic.

Lou Colletta questioned that Section 705.1, Minimum Lot Size, and what happens if someone has a 65' or 70' lot and it's less than 12,000 sq ft.

Szumlinski answered that the later lots are 12,000 sq ft. Older lots fall under the Act 288, of 1967.

Hartsell commented that all that was added to the ordinance was the exception for lots platted prior to 1967.

Szumlinski stated that the ordinance has not changed. The wording was added to let people know that if they had a lot that was platted before 1967, they would not have to have 100' of frontage and you do not have a variance to build on it.

Walt Kloc stated that about 20 years he was informed by a resident that he had a non conforming lot. How would he know if his lot falls under the Land Division Act 288, of 1967?

Szumliniski stated that it may have been considered non conforming due to the fact that the setbacks were 3' or less than they are now. And perhaps by the guidelines that were followed at the time, the actual building is non conforming because of it's setbacks.

Kloc asked how you would find out if a lot was platted before 1967. Also, how does this change affect him as a property owner of Lake Township.

Szumliniski stated that the Planning Commission hasn't changed the ordinance. The Planning Commission simply made the ordinance clearer and easier to understand. He stated that the Lake Township Assessor would be able to tell you when your lot was platted.

(Public hearing closed.)

Szumliniski stated that he has a request from George Lauinger, Sleeper State Park Manager, to speak, regarding the Huron County ORV ordinance.

Motion by Szumliniski, **to add George Lauinger to agenda as guest speaker**, seconded by Hartsell. All ayes. **Motion carried.**

Guest George Lauinger, Sleeper State Park

Mr. Lauinger spoke regarding the Huron County ORV Ordinance No. 2010-01 which will allow ORV's to operate on county roads with the exception of M-25. In the event that Lake Township decides to opt in to the county ordinance, he is interested in seeing the portion of Sand Rd. from Conkey Rd. to Quarry Rd. restricted and closed to ORV traffic. The reason for this being that upon speaking with Arnie Carr, DNRE Biologist out of Cass City, there is a section of Sand Rd. in which the Oak Pine Barren exists. These areas do not tend to become forestry and there are less than 20 parcels in the State of Michigan. He stated further that for the most part, ORV riders are very good citizens and abide by laws and regulations. Though there is always an exception and riders tend to take advantage of open field areas. Opting out of the Huron County ordinance will help, even if it is at for that area of Sand Rd. Also, he would like to see State Park Road, north of Sand Rd. closed to ORV traffic. Being that there is no reason for riders to go north from Sand Rd. if M-25 is closed to ORV traffic. He stated that the Sleeper State Park would pay for any and all closure signs needed to protect this area.

Larry Crews stated that if he owned Franks Party Store he would want the ORV's to be allowed to use State Park Rd. north of Sand Rd.

Lauinger answered that his main concern is Sand Rd. If Lake Township chooses to allow ORV's on State Park Rd. that would be fine.

Crews questioned how many residences are in that area of Sand Rd.

Robert Smith, Supervisor, stated that there are 5.

Ryan Lefief asked whether those houses on Sand Rd. have access to Conkey Rd. from

their property.

Smith answered that he was unsure.

Crews asked how those residents would be affected by not being able to use the closed section Sand Road.

Lauinger answered that the closure would be meaningless if any ORV's were allowed.

Lauinger concluded his presentation at 6:45pm.

Minutes of May 26, 2010.

Motion by Szumlinski, **to change the word Pigeon to Pinnebog, in the Minutes of May 26, 2010 in the comment made by Val McCallum on page 3, and attach a copy of the memo from McCallum to the minutes of May 26, 2010 for future reference**, seconded by Hartsell. All ayes. Motion carried.

Minutes of June 14, 2010 Workshop Meeting.

Motion by Hartsell, **to add the word water to page 3, # 2 Decks. Will read: 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.** Seconded by McBride. All ayes. Motion carried.

Motion by Krueger, **to accept the Minutes of May 26, 2010 and June 14, 2010 with changes**, seconded by McBride. All Ayes. Motion carried.

Szumlinski offered that he would like to add writing another letter to the Huron County Planning Commission to the agenda under New Business.

Motion by Hartsell, seconded by Krueger. All ayes. Motion carried.

New Business

Letter to Huron County Planning Commission

Szumlinski stated that the Board has not yet received a response to the letter mailed to the Huron County Planning Commission regarding Point of Sale Septic Ordinances. He would like to send them another letter and would like to mail it out before the next meeting.

Motion by Hartsell, **to mail another letter to Huron County Planning Commission regarding Point of Sale Septic Ordinances**, seconded by Krueger.

All ayes. Motion carried.

Planning Commission Workshop in Frankenmuth

Szumlinski asked the Board which members were available to attend the Planning Commission Workshop in Frankenmuth on July 21, 2010 from 5:00pm – 9:00pm.

Motion by McBride, **to send Dave Szumlinski and Dale Hartsell to the Planning Commission Workshop in Frankenmuth on July 21, 2010 from 5:00pm – 9:00pm**, seconded by Krueger. All ayes. Motion carried.

Demolition of Structures

Szumliniski offered that he feels the Board should consider an ordinance regarding the limit to which a building can be torn down, per Tory Geilhart, Lake Township Building Inspectors recommendation.

Hartsell stated that this Board should work together with Tory Geilhart, and inquire with other townships, as to their demolition policies.

Canvass Structures

Hartsell stated that a site permit application should be necessary for the placement of canvass structures. Also, the Board should check with other communities as to their regulations regarding these structures.

Szumliniski added that these canvass structures should remain portable.

Geppert questioned whether a building permit would be needed.

Szumliniski stated that the Board would need to define these structures first, and move on from there.

Decks

Szumliniski stated that now, our ordinance considers decks a structure and are considered lot coverage. He does not feel that decks should be considered lot coverage. He added that you could cement your whole yard and it's not considered lot coverage.

Krueger questioned free standing decks near the seawall or attached decks.

Szumliniski stated that all decks are considered lot coverage. He added that he feels the size of the decks should be limited.

Geppert questioned covered decks.

Szumliniski added that if we draft an ordinance we will have to stipulate this.

Szumliniski feels that Lake Township needs an ordinance just for decks.

Szumliniski does not feel a high water mark survey should be required and that Lake Township should perhaps follow the DEQ recommendations for high water marks and set them at the seawall.

Hartsell and Krueger agreed that the Board should look into this.

Szumliniski added that in the Workshop Meeting, Tory stated that he feels that a homeowner should be able to replace a deck, in the same footprint, as long it's not in the road right of way, by only obtaining a building permit.

McBride, Hartsell, Krueger agreed.

Public Comments

Walt Kloc commented that he has a neighbor that would like to extend a deck; he would like the Board to take into consideration the area that states the deck would have to be in the same footprint. Someone may need to rebuild their deck and make accommodations for a wheelchair or disability.

Szumliniski stated that such a circumstance would possibly be given special consideration after it is reviewed without the need for a variance.

Kloc then stated that on page 2-16, Lake Township Ordinance, it defines the Ordinary High Water Mark. And that the high water mark has been established by the USACE (Army Corp. of Engineers) and set at 581.5 feet above sea level. He commented that a couple of years ago the United States Supreme Courts ruling was that the ordinary high water mark was 580.5. There have been discrepancies from Caseville to Port Austin with this 1 foot difference. He asks that the Board research this and get it in line with the Supreme Court ruling.

No more public comments.

Motion **to adjourn** by Hartsell, seconded by McBride. All ayes. Motion carried.

Meeting adjourned at 7:50pm.

Next regular Planning Commission meeting, July 28, 2010, 7:00pm.

Respectfully submitted,
Lisa Konke, Recording Secretary