

LAKE TOWNSHIP PLANNING COMMISSION
Regular Meeting
Wednesday, July 28, 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, Deb McBride, Dale Hartsell, and Gerry Geppert along with approximately 15 guests.

Approval of Minutes

7:05pm (Gordon Krueger present.)

Motion by Szumlinski, to accept the **corrected minutes of the May 26, 2010** seconded by Hartsell. All ayes. Motion carried.

Motion by Hartsell, to accept the **corrected minutes of the June 14, 2010 public hearing/regular meeting**, seconded by Krueger. All ayes. Motion carried.

Motion by Hartsell, to accept the **minutes of the June 23, 2010 regular minutes** seconded by Geppert. All ayes. Motion carried.

Agenda

Motion by Geppert, **to approve the agenda with no additions**, seconded by McBride. All ayes. Motion carried.

Correspondence:

Szumlinski stated that a letter was received from James Quinn, regarding the proposed ORV ordinance and informed the Board that it had only been received the morning of this meeting and the letter will be added to the agenda of August 25, 2010, and will be read at that time.

Hartsell read an email from Lou Colletta, Lake Township resident, titled The Real Story, regarding wind turbines.

Szumlinski read a letter from Russ Lundberg, Huron County Building and Zoning, in response to the letter sent regarding a point of sale septic/well ordinance.

Szumlinski commented that it appears that a small township such as Lake Township. We do not have the resources to enforce such an ordinance, and as Mr. Lundberg pointed out, the Huron County Health Dept. would likely be the best to handle such an ordinance. He suggests tabling the issue until we are better qualified to enforce such and ordinance or until a time when Huron County begins working on one.

Krueger added that, if an individual is selling or buying a house, they can find well and septic information for the property that is in question.

Motion by Hartsell, **to table the point of sale septic/well ordinance**, seconded by McBride. All ayes. Motion carried.

New Business:

Toni Lojek, Lake Township resident & Non Conforming Structures: Mrs. Lojek addressed the Board regarding her residence on Port Austin Rd. She stated that the house was built in 1977, and an addition was added on to the front in 1992. They have always abided by Lake Township ordinances and such. In 2002, they had vinyl siding installed on the exterior of the home. Since that time they have had a leak. Several contractors have not been able to find or fix the leak either. Every attempt to stop the leak has failed. Al Bumhoffer, builder, is the contractor they are dealing with now and has offered that the only solution he can see to stop this water damage is to enclosed the front porch area. She applied for the site permit application and was told by Arnie Russell that this was not possible. The residence now, sits on the property line and the overhang would make it non conforming. At the time the existing residence was built, the house did meet all the setback requirements. She presented pictures of the interior of the home to show water damage to Board members. She would like permission to build the addition on the front porch and enclose the front wall of the house to stop the leak.

Szumliniski offered that according to our ordinance, an overhang would make it non conforming. The Lake Township Zoning Board of Appeals would be the deciding factor for this issue.

Hartsell stated that we can not decide if this construction can occur. A ZBA application for a variance will need to be filed and scheduled.

Szumliniski instructed Mrs. Lojek to apply for a variance with the Lake Township Zoning Board of Appeals. Board members agreed that this was the best option for her.

Old Business:

Szumliniski referred to temporary drafts he had handwritten and provided to the Board members in their packets. He offered that he would like to read all of the proposed ordinance amendments and then discuss them. These amendments will have to be reviewed by the township attorney if the Board agrees to these changes.

Demolition of Structures

Szumliniski read from the draft and stated that adding this section to the Lake Township Zoning Ordinance will clarify how far a building can be torn down.

Canvas Structures

Szumliniski read from the draft and stated that the only change to Lake Township's existing ordinance would be the addition to Section 202 Accessory Building. The addition would add the wording to include aluminum and canvas structures and that there can be no sides, front or back. The structure must remain temporary.

McBride questioned if there would be any limits to the size.

Arnie Russell, Zoning Administrator, questioned setbacks and lot coverage.

Szumliniski stated that yes; a site permit application will be needed as this amendment will be in the section of our ordinance that requires this application.

Motion by Krueger, **to send these amendments to the township attorney for wording and legality**, seconded by Hartsell. All ayes. Motion carried.

Decks

Szumliniski read from the draft and stated that in Section 702. Uses Permitted By Right. Adding that decks are not to be considered as lot coverage, a size limit of 300 sq. ft., that the seawall shall be considered the high water mark as far as deck construction is concerned, and that regarding older decks, that these may be removed and replaced as long as the same footprint is followed, providing it is not in the road right of way. This amendment will be in the R-1 and R-2 district.

Motion by Krueger, **to send this amendment to the township attorney for wording and legality**, seconded by Hartsell. All ayes. Motion carried.

Recreational Vehicle Permits

Szumliniski read from the draft and stated the Township Board of Trustees has referred this to the Planning Commission. And that as our ordinance states now, with a temporary use permit, you can camp on a vacant lot for 14 days, every 4 months. With this amendment to our existing ordinance, Memorial Day, Fourth of July, Cheeseburger in Caseville, and Labor Day should be allowed but limited. Memorial Day and Labor Day allows 4 days, Friday to the Monday of the holiday. Fourth of July allows any 4 days, one of which must be the holiday. And Cheeseburger Festival, 2 days before, the duration of the festival, and 2 days after, for a total of 13 days. A property owner will still be able to apply for a temporary use permit for non holidays.

McBride questioned how this restriction of camping on a vacant lot came to be.

Russell commented that people were parking numerous campers on a single vacant lot and the facilities (sewer, water, electricity) weren't available on these properties to support this activity. Some of the camper units simply were in disrepair and stored on these lots.

Szumliniski commented that this change in the ordinance would allow for a total of 37 days. Of the 37 days, 23 days require no temporary use permit.

Motion by Szumliniski, **to send this amendment to the township attorney for wording and legality**, seconded by McBride. All ayes. Motion carried.

Krueger asked about the ORV ordinance.

Szumliniski stated that it has not yet been received from the Board of Trustees.

Public Comment

Lou Colletta questioned the proposed ordinance amendment regarding demolition of structures and whether it applies to non conforming only.

Szumliniski answered that Tory Geilhart had brought to the attention of the Planning Commission that our existing ordinance does not state how far a structure can be demolished.

Colletta replied that would be for a non conforming structure and that if it was conforming this would not be an issue.

Szumliniski disagreed in that at the time of construction it was not non conforming. It may be non conforming due to setbacks not because the structure is non conforming.

Colletta commented that a structure in perfect conformance could be torn down regardless.

Jeff Krohn commented that regarding the recreational vehicle permits. He feels that all the Board has accomplished is that they have defined the period of when a person can camp on a vacant lot. Being that it is already allowed because the Zoning Administrator doesn't enforce the ordinance.

Szumliniski disagreed in that our existing ordinance only allows for 14 days. With the amendment, this would allow for additional days.

Jeff Krohn asked that the Board consider extending the 14 days to 30 days.

Hartsell stated that with this amendment, there are additional days being allowed.

Ryan Lefief commented that perhaps that allowing for special circumstances with an agreement that the person show proof of waste disposal.

Szumliniski stated that this would make our Zoning Administrators job harder. How does he determine whether one circumstance is more important than the next?

Pat Przystup questioned how long Mr. Krohn's camper had been on his lot before the violation occurred.

Krohn answered, 5 years with no complaints.

Colletta commented that what he believes Mr. Krohn is saying that he is going to have to move his trailer off his lot repeatedly.

No more public comments.

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

Meeting adjourned at 8:15pm.

Next regular Planning Commission meeting, August 25, 2010, 7:00pm.

Respectfully submitted,
Lisa Konke, Recording Secretary