

**LAKE TOWNSHIP PLANNING COMMISSION**  
**Public Hearing and Regular Meeting**  
**Unapproved Minutes**  
**Wednesday, September 22, 2010**

The **public hearing** of the Lake Township Planning Commission was called to order at 6:30 PM by Chairman Dave Szumlinski.

Szumlinski asked for a moment of silence in memory of Gerry Geppert who passed away on September 11, 2010.

**Pledge of Allegiance** was recited.

**Roll call** by Lisa Konke, Recording Secretary. Present were Dave Szumlinski, Deb McBride, Dale Hartsell, Gordon Krueger, and Jeffery Krohn (new member) along with approximately 14 guests.

Szumlinski read correspondence from Walt Kloc received September 21, 2010 regarding his comments and concerns on the proposed ordinance amendments.

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

Ray Eskau commented that in the 1960's people built decks wherever they wanted without the need for high water mark surveys.

Szumlinski responded that these amendments would eliminate the need for an expensive survey to determine the high water mark for property owners who want to build a deck.

Eskau asked if a deck can extend past the seawall.

Szumlinski answered no. He added that if a seawall is not present, Lake Townships Zoning Administrator can determine a suitable location based on nearby properties.

Lou Colletta asks Hartsell to read the amendment for Chapter 7, G., 4, and what his interpretation of this section was.

Hartsell read number 4 from the section G. The will be no setback restriction on deck placement from a seawall." He stated that his interpretation is that a deck can be built up to the edge of a seawall.

Conrad Przystup questioned how the Township is going to keep track of where these decks are being built.

Szumlinski answered that a site and building permit are still required.

Yvonne Bushey commented that she is a lakefront property owner and have a deck on the north side of their residence which she and her family enjoy and get a lot of use out of.

Walt Kloc commented in length on his concerns with the proposed ordinance amendments regarding the 300 sq. ft. size limit being suggested for the R-1 district. He

stated that it is not fair to limit lakefront property owners to 300 sq. ft. and R-2 district to have no restrictions on size. He feels that this size limit will create more non conforming properties and does not feel that seawalls should be used as the high water mark where deck construction is concerned. Furthermore, he does not feel that our current Zoning Administrator is competent enough to determine a suitable location for a deck where no seawall exists. He would like to see these issues looked into more before moving forward with these amendments.

Szumliniski answered that the seawall being used as the high water mark is only when it comes to the construction of decks.

Kloc commented that his deck is approximately 430 sq. ft. Therefore, his property/deck would be considered non conforming.

Bushey asked is perhaps Mr. Kloc was concerned because he felt that this zoning amendment would be changing the high water mark where all construction is concerned.

Szumliniski stated that this Board is simply trying to allow property owners more leverage in the construction of decks so they can enjoy their property.

Eskau asked if the Board could raise the 300 sq. ft. size limit now.

Szumliniski stated that currently, the township has no ordinance on decks. If needed, the Board can always go back and amend the footage later.

Hartsell stated that ordinances are supposed to be made in a manner that will limit the need of variances. He added that according to Lake Township's current ordinance, if you have a bigger piece of property, you can build a deck larger than 300 sq. ft. in the R-1 district as long as you meet the 35% lot coverage.

Szumliniski added that this will also benefit the property owner who has an older deck and would like to rebuild it to footprint without the need for a variance hearing.

Kloc stated that his property is larger than a lot of properties in the R-2 district and yet he would be restricted to no larger than 300 sq. ft. He feels this is discriminatory.

Szumliniski answered that these amendments are not going to please everyone, but you have to start somewhere.

Kloc requested that a size limit be imposed on the R-2 district as well.

Krueger replied that the majority of properties in the R-2 district are larger than most lakefront lots and that these amendments are a starting point.

Bob McLean commented that Hartsell had made a good point in that a board should not get in the habit of enacting ordinances that will encourage variance requests. He suggested that the Board could possibly institute a percentage of lot coverage for decks for the R-1 and R-2 districts.

Szumliniski answered that there are no perfect solutions and this is at least a start.

Colletta commented that his property is smaller than Mr. Kloc's, yet he will be able to build a larger deck than Mr. Kloc can.

Szumliniski answered that this ordinance is not a cure all for every situation, and it is not perfect, but at least now this Board has something in the books to work with.

No more public comments.

Szumliniski stated that he would like to take a roll call vote on these proposed ordinance amendments and due to the fact that Jeff Krohn was written a violation on the amendment pertaining to campers and temporary use permits, he would like to advise him that he can abstain from the voting.

Motion by Szumliniski **to forward the proposed ordinance amendments to the Huron County Planning Commission for review.** Roll call: Szumliniski, aye. McBride, aye. Hartsell, aye. Krueger, aye. Krohn, abstained. Motion carried.

(Public hearing closed.)

### **Approval of Minutes**

Motion by Hartsell, to accept the **minutes of the August 25, 2010 regular minutes** seconded by McBride. All ayes. Motion carried.

### **Agenda**

Szumliniski stated that he would like to add Chairman's comments to the agenda.

Motion by Hartsell, **to approve the agenda with the addition of Chairman's comments**, seconded by Krueger. All ayes. Motion carried.

### **Correspondence:**

Szumliniski stated that there were two (2) letters in the member's packets from Malcolm Swinbanks. The first letter received August 25, 2010 was not signed by Mr. Swinbanks himself. The second letter, a duplicate of the first, received September 13, 2010, was signed by Mr. Swinbanks and would be read and entered into record.

McBride read the letter received September 13, 2010 from Malcolm Swinbanks regarding ambient noise criterion.

McBride read a fax received September 15, 2010 from Kevon Martis, Vice Chairman Riga Township Planning Commission regarding wind energy zoning language being prepared by Mike Homier of Foster-Swift of Grand Rapids for Riga Township.

### **New Business:**

#### **Election of Officers**

Motion by Krueger, **to elect Szumliniski as Chairman of the Lake Township Planning Commission**, seconded by Hartsell. Roll call: Szumliniski, abstained. McBride, aye. Hartsell, aye. Krueger, aye. Krohn, aye. Motion carried.

Motion by Krueger, **to elect McBride as Secretary of the Lake Township Planning Commission**, seconded by Hartsell. Roll call: Szumlinski, aye. McBride, abstained. Hartsell, aye. Krueger, aye. Krohn, aye. Motion carried.

Motion by Szumlinski, **to elect Krohn as Vice Chairman of the Lake Township Planning Commission**, seconded by Hartsell. Roll call: Szumlinski, aye. McBride, aye. Hartsell, aye. Krueger, aye. Krohn, abstained. Motion carried.

### **Wind Draft**

Szumlinski stated that the Board members packets contained the wind ordinances of Chandler Township and Riga Township. He suggests that the Board table the wind ordinance so the members may review these documents along with the letter from Malcolm Swinbanks and the wind draft (Huron County/Lake Township) that was in the packet from the August 25, 2010.

Motion by Hartsell, **to table the Wind Draft until members can review new information they have received**, seconded by McBride. All ayes. Motion carried.

### **Medical Marijuana**

Szumlinski referred to the Michigan Medical Marijuana Act of 2008 and pointed out that Lake Township attorney, Walt Salens, has recommended that the township hold off on passing any zoning amendments until the Attorney General and the Courts rule. Section C of the Michigan Medical Marijuana Act of 2008 refers to where dispensaries can be located. He believes that the Board should begin working on a zoning ordinance that will specify where these dispensaries can be located in Lake Township.

Krueger questions if Lake Township can ban medical marijuana from our area.

Szumlinski answered that he does not think so, though rather than ban medical marijuana the Board may want to impose very strict guidelines as to where dispensaries can be located. He suggests the Board table this issue and review the Michigan Medical Marijuana Act of 2008 which was included the packets.

Motion by Krueger, **to table the Medical Marijuana**, seconded by Hartsell. All ayes. Motion carried.

### **Review Master Plan**

Szumlinski suggested that the Board table the review of the Master Plan until Lake Township receives census data.

Motion by Szumlinski, **to table the Master Plan until Lake Township receives updated information from the Census Bureau**, seconded by McBride. All ayes. Motion carried.

### **New Business**

Szumlinski apologized and commented that he had not asked new member of the Lake Township Planning Commission, Jeffery Krohn, to introduce himself and asked him if he would at this time.

Jeffery Krohn stated that he lives near Elkton with his wife Stephanie, and 2 sons. He owns a consulting business and farms. He owns property in Lake Township and wanted to be appointed to the Lake Township Planning Commission to serve the community and hopefully make a difference.

### **Chairman's Comments**

Szumliniski stated that during the last Planning Commission meeting of August 25, 2010, there was an altercation between himself and the Lake Township Clerk, Valerie McCallum. He added that Ms. McCallum wanted to make a public comment and he read to her from the Open Meetings Act, informing her that if she continued, she could possibly be in violation of this Act because there was a quorum of the Lake Township Board of Trustees present. He continued by stating that since that meeting, charges have been brought against him following a complaint filed by Ms. McCallum with the Huron County prosecuting attorney.

He informed the Planning Commission members that this was the current status of this situation and does not affect any other member of this Planning Board.

### **Public Comments:**

Walt Kloc commented on the questions that were asked of the Board in his letter that was read during the public hearing portion of this meeting. He asked whether these questions regarding the 300 sq. ft. size limit in the R-1 district would be answered.

Szumliniski responded by saying that Mr. Kloc's questions and comments were answered during the public hearing.

Kloc commented that there has never been a maximum size limit on decks.

Hartsell answered that this amendment to Lake Townships zoning ordinance will give more property owners the opportunity to build.

Szumliniski asked Mr. Kloc if he had any new comments to make as these questions had been asked numerous times throughout this meeting.

Hartsell suggested that when these amendments come before the Lake Township Board, Mr. Kloc can express his concerns.

Robert McLean commented on the wind ordinance and suggested that the Planning Commission review the Master Plan first. He added that openness and discussion will alleviate friction between the public and the Board. He asked that the correspondence that was read at this meeting regarding wind be taken to heart and that the Board study them and come up with a wind ordinance that will protect the people.

Lou Colletta commented on the Chandler Township and Riga Township wind ordinances and asks that the Board, especially Mr. Krohn, look over Lake Townships original wind draft that was drafted during his term with the previous Planning Commission.

McLean concurs with Colletta and stated that there are a lot of problems with the Huron County wind ordinance.

No more public comments.

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

**Meeting adjourned at 8:30pm.**

Public hearing and regular Planning Commission meeting, October 27, 2010, 7:00 pm.

Respectfully submitted,

Lisa Konke

Recording Secretary