

Township of Lake

Huron County, Michigan

Public Hearing

April 9, 2011

The Public Hearing scheduled upon request was called to order by Supervisor Smith at 12:00 Noon. Board members present were Smith, Osborne, Hartsell and McCallum. Fischer absent. 19 guests in attendance.

Prior to opening the meeting for public comments, Smith read a letter from the Michigan Townships Association dated April 4, 2011 regarding rules for public comments during a public hearing. Smith then stated that persons would have five minutes for comments. McCallum suggested that it would be easier for purposes of the minutes to go through the individual amendments one at a time with comment offered under each amendment. Smith asked Board members how they wanted to proceed. Osborne agreed with taking comments on each amendment separately as long as the comment time was limited to two or three minutes. McCallum asked those in attendance which way they would prefer to handle the comments. Majority voted in favor of each item separately with two minutes on each amendment per person.

Prior to Smith opening the meeting to public comment, McCallum requested that her objection to the public hearing being held at this time rather than in May when more residents are back in the area be included in the record.

Smith asked Osborne to read the amendments.

Chapter 2, Definitions – Accessory Building. Definition amended adding: “To include canvas and aluminum structures, those are to be classified as open structures. Open structures can have a roof, but no front, back or sides enclosed. They have the same requirements as a normal accessory building.”

Lou Colletta asked whether these will also be included in lot coverage. Smith indicated they would have to be.

Jeanne Henry asked how this change came about, whether there were requests from property owners? She is concerned about the unsightliness of these structures and what they will be used for. Osborne indicated the township can take care of such problems under the blight ordinance.

Chapter 12, General Provisions, Section 1202.4 Use of Mobile Homes and Recreational Equipment. Addition of subsections:

- E. Memorial Day and Labor Day: No Temporary Use Permits will be required for the four day period from Friday to Monday the weekends of these holidays.**
- F. No Temporary Use Permits will be required for the following: 2 days before, 2 days following, or the duration of the Cheeseburger in Caseville festival.**
- G. Fourth of July: No Temporary Use Permits will be required for any four consecutive days, one of which must be the holiday.**

Township of Lake

Huron County, Michigan

Public Hearing

April 9, 2011

Paul Beck stated his opposition to these amendments for the simple reason that if people are camping for two or three days on a vacant lot, what will they be doing for sanitary facilities? Smith stated that most RV's have their own facilities, that this does not allow for camping in the woods, it is not a wilderness deal. Ann Krzeminski stated that there will be problems with sanitation and they were required to obtain a permit when they were camping on their property during construction to make sure they had adequate facilities. She stated the township cannot assume that a vacant lot is attached to another lot with facilities. The amendment does not say mobile home or RV. If they have a tent, they do not have facilities and the township is going to allow people to camp for six or seven days without facilities. She stated she does not want someone camping next to her property and digging a hole.

Dick McIlhargie asked what restrictions will be put in place as far as where they can park, whether they can park on easements or the side of the road. He also asked about noise problems. He stated he lives on Cochran Road and has photos showing what's going on with RV's. He said one person camps every year and takes up the whole road. He stated he is not against camping, but most people come up here to party and he can't sleep with his windows open because of the noise.

Smith stated that the township has a noise ordinance. Dick McIlhargie stated that the township should have printed rules and when people get a permit, they get a copy of the rules.

Dave Szumlinski, Planning Commission Chairman, stated that the lack of a permit does not give people the right to violate other's property and if they are making too much noise, they can call the police and they will come.

Jeanne Henry stated that it is going to create problems. On holiday weekends or during Cheeseburger, if someone has a complaint and calls the police, they will not come. She stated that in her neighborhood they have had problems with numerous vehicles on one property, terrible noise, and people drunk and disorderly. She asked how many campers or tents will be allowed? She stated that the amendment is written too loosely.

Lou Colletta questioned the lack of sanitation facilities and also deed restrictions. He stated that a while back it was a yearly occurrence with one resident who had multiple campers on his property and the neighbors complained, the police intervened and nothing happened. Colletta also stated that it is his understanding that this amendment regarding campers only came about because of one individual.

Township of Lake

Huron County, Michigan

Public Hearing

April 9, 2011

Paul Beck commented that it is a good idea to require sanitation and if on certain weekends enforcement is lacking, it may be a good idea but he doesn't see it that way. He stated that he has had campers next to his property who left trash behind. Osborne stated that is when he needs to contact the zoning administrator for blight.

Jeanne Henry asked why the board is encouraging this type of use.

Walt Kloc stated that he shares the same concerns with the comments already submitted. He is concerned that the township will go back to the sixties and seventies when there were motorcycle gangs and people camping all over and we will have problems. He suggested that before this is adopted, Valerie or Yvonne should rewrite it.

Chapter 7, R-1, Single Family Residential – Section 702. Uses Permitted by Right. Addition of the following subsections.

- G.**
- 1. Decks are not to be considered as part of lot coverage.**
 - 2. Decks are to be constructed of wood or composite material and cannot exceed 300 sq. ft.**
 - 3. Lake Township will use steel seawalls as the high water mark for decks.**
 - 4. There will be no setback restriction on deck placement from a seawall.**
 - 5. Decks that need to be replaced, can be replaced to footprint without a variance, as long as they are not within the right of way.**

Jeanne Henry stated that she does not understand why lakefront properties are being restricted. She indicated that she has lakefront property that is 100' wide by 250' deep and has an old porch that will need to be replaced and she is being limited to a 300 square foot deck. Smith indicated that after 2005 houses on the lakeside did not have room for decks, at least most of them do not and what they have is grandfathered. He also stated that her lot is an easement. Jeanne Henry stated that she has two 50 foot lots, her property is not an easement, and why is the limitation only on the lakeside.

Mike Manenti of 3458 Port Austin Road stated that he does not have a deck and wants to know why he is being limited to 300 square feet. Smith stated that as of 2005 none of those areas could have decks. Mike Manenti stated that with 35% lot coverage, he has 4,500 square feet to work with, has used only 1,640 square feet, so why can't he build a deck more than 300 square feet?

Dave Szumlinski indicated that when they looked at the ordinances a lot of people who wanted to build decks had to go to the ZBA to get a variance. He stated they wanted to take some restrictions off because some people had no where to go because they didn't have enough property and anyone can still go for a variance.

Township of Lake

Huron County, Michigan

Public Hearing

April 9, 2011

Mike Manenti stated that if he has the property and can meet the 35% lot coverage, why should he have to spend the money for a variance.

Lou Bushey stated that people should realize that people on the lakeside have had to comply with a 35 foot setback from the ordinary high water mark and pay for a costly survey. He stated his deck is less than 300 square feet and is big enough. He stated that the amendments are going in the right direction.

Mike Manenti stated that if he meets the requirements and wants a bigger deck he should not have to pay for a variance.

William Osborne stated that he has been bothered by this ordinance and he wanted to do something for the people who could not have a deck. He would like to see it passed to give people a chance to build a deck.

McCallum asked how many lakefront property owners have not been able to build a deck. Pete Eskau said he was told by the prior superintendent that he would never be able to build a deck since he was over lot coverage.

Ann Krzeminski asked that it be worded that if someone has the space to comply with the 35% lot coverage, they be allowed to do so. It is too restrictive at 300 square feet and should be adjusted.

William Osborne stated that he wants to pass this ordinance to give people this summer to build.

Dick McIlhargie questioned the fact that patios are not considered lot coverage and stated that there is no common sense in this meeting.

Dave Szumlinski stated that when the planning board tried to pass this ordinance they never thought it would cover or solve everything but his board is more than willing to listen to any complaints if there needs to be adjustments to these.

Lou Colletta stated that many have tried to make recommendations to the planning commission and they listen but do not do anything. He stated that decks are not considered lot coverage, lot coverage was increased from 25% to 35%, building heights were increased to 35 feet and it was said that the prior planning commission was discriminating, but now the current planning commission is discriminating on decks and it is not right, they are creating the biggest nonconformity out of this ordinance.

Township of Lake

Huron County, Michigan

Public Hearing

April 9, 2011

Paul Beck asked about lot coverage on nonconforming parcels and if there is a house and then they want to put a deck, what are their options? Smith stated that you would need to go to the ZBA and they can approve it. He also stated that Pete Eskau has a patio door with an eight foot drop with only one other exit from the house and it is a safety issue.

Walt Kloc wanted to know if his written comments submitted for this meeting and prior meetings would be read. McCallum stated they would be. He wanted to add that he did attend the planning commission meeting and it was a farce. He expressed his concerns, went through the trouble to give comments and it was not discussed. He said that public comments are not being considered.

Chapter 8, R-2, Single Family Residential, Section 802. Uses Permitted by Right. Addition of the following subsection:

- G.**
- 1. Decks are not to be considered as part of lot coverage.**
 - 2. Decks are to be constructed of wood or composite materials.**
 - 3. Decks have no size limit restrictions.**
 - 4. Decks that need to be replaced, can be replaced to footprint without a variance, as long as they are not within the right of way.**

Lou Colletta repeated the question, if decks are not part of lot coverage, what is the issue?

Ann Krzeminski asked whether someone can build a deck to the lot line. Smith commented that they still have to follow the setbacks.

Chapter 13, Nonconformities. Addition of: Section 1310.1 Demolition of Structures. Structures can be torn down to the foundation upon inspection by the Lake Township Building Inspector. If a foundation is unsafe, it can be repaired in the same footprint without a variance. No permits will be given to properties that are in the right of way.

Lou Colletta stated he was at the initial meeting when this ordinance was proposed and stated that the zoning administrator and building inspector were at the table with the planning commission and Smith and Lou Bushey were also in attendance and that the building inspector had indicated that as a builder, if a porch or part of an addition needed to be repaired and it was nonconforming, it should be able to be repaired without a variance. He did not say a complete demolition of an entire home that is nonconforming should be allowed to be rebuilt on the same footprint and possibly adding a second story which will increase its nonconformity.

Dave Szumlinski stated that when they put that in there they had a meeting with the building inspector and if someone has a house that is nonconforming, maybe three feet from the property line instead of six, they should be allowed to rebuild without a

Township of Lake

Huron County, Michigan

Public Hearing

April 9, 2011

variance. If the foundation is unsafe, the building inspector will allow them to bring it down to the footprint and rebuild.

Jeanne Henry stated that the language needs to be written more clearly.

Paul Beck asked what would happen if a foundation sits on someone else's property. Also, if they tear down a structure that was 25' high, can they go ahead and rebuild to 35'? He stated the language is too loose and needs more work.

Letters of April 6, 2011 and September 21, 2010 from Walt Kloc read by McCallum along with November 5, 2010 letter from Huron County Planning Commission attached thereto.

Smith read email of April 8, 2011 sent to Pat and Conrad Przystup by Larry Schuldt, 4962 Port Austin Road.

Walt Kloc stated that the township does not have to listen to the County Planning Commission's recommendations, but from his viewpoint and past career as a federal employee, he relied on the advice of others and encouraged the board to do so. He stated he fully supports the building of decks and asked if there was some way the board could issue a moratorium on the requirement for a survey showing the ordinary high water mark.

Motion by Smith to close the public hearing, seconded by Hartsell. Public hearing adjourned at 1:20 P.M.

Valerie McCallum, Clerk