

**Lake Township Planning Commission
Regular Meeting
April 27, 2016**

Approved Minutes

The meeting was called to order at 6:07 by Pobanz. The Pledge of Allegiance was recited.

Roll call. Jerry Pobanz, Todd Gordon, Nicole Collins, Clay Kelterborn all present. Bob Siver absent.

Zoning Administrator Tory Geilhart present.

Approval of March 23, 2016 Minutes: Motion made by Gordon to accept the March 23, 2016 minutes, seconded by Collins. All ayes – passed.

Approval of Agenda: Motion made by Pobanz to accept the agenda, seconded by Gordon. All ayes – passed.

Correspondence: None

Public Comments: None

Old Business:

LANDPLAN: Mark Eidelson of LANDPLAN advised that the strategy for tonight's meeting will be to review the matters in the March 31, 2016 correspondence from LANDPLAN and then jump back to the February 8, 2016 correspondence from LANDPLAN beginning on page 8 and review those matters. Eidelson further advised that the review of the April 6, 2016 correspondence from LANDPLAN will begin once the reviews of the other two correspondences have been completed.

Eidelman explained that during the review of the February 8, 2016 correspondence on the subject of the R1 single family district, it was determined that the Planning Commission (PC) struggles with dealing with nonconforming structures; that the PC has an interest in wanting to provide for some flexibility and expansion, or redevelopment, of nonconforming structures. Based on that finding and its impact on the conversation regarding the R1 district in the February 8, 2016 correspondence, a hold was put on that part of the conversation. Eidelson advised that he was asked to prepare a correspondence that could provide for some alternative nonconforming structure regulations to help address some of the bigger issues regarding the district. Eidelson prepared the March 31, 2016 correspondence for review by the PC to see what the PC thinks about the nonconforming structure provisions.

Pobanz advised that at the March meeting it was discussed to remove Zoning Ordinance Section 1310 and Kelterborn advised that the PC was steering more towards being more restrictive. Eidelson advised that he was under the impression that the PC wanted to increase flexibility which led to the March 31, 2016 correspondence. Gordon advised that he believes Eidelson covers the PC's concerns in 4.a. of the March 31, 2016 correspondence.

Eidelson proceeded to present the sample set of provisions in the March 31, 2016 correspondence to address nonconforming structures and lengthy discussions followed:

Nonconforming Structures

Eidelson explained that in paragraph **A.1.** it says you can make whatever alterations, modifications provided they comply with the standards of the ordinance and don't increase the nonconformity. Everything under A.1., which is subsection a. and b., give exceptions to that trying to make it more flexible because Eidelson was under the impression that is what the PC wanted. If the PC doesn't want to make it more flexible, then it's possible that a. and b. make no sense because a. and b. are providing more flexibility. Discussion followed:

1. Enlargement/Alteration:
 - 1.a. PC agrees to also add 'dormer'.
 - 1.a.1) and 1.a.2) Eidelson does not believe these two are needed; he is going to think about these two issues.
 - 1.a.3) PC agrees.
 - 1.a.4) PC agrees to change the roof slope from "...not to exceed a slope of 2:12..." to "...not to exceed a slope of 12:12..."
 - 1.b. The PC agrees with the provisions of 1.b with the following exceptions:
 - 1.b.2) change "The expansion area shall not exceed a height of eight and one-half (8.5) feet..." to "The expansion area shall not exceed a ten (10) foot wall height..."
 - 1.b.3) change "...shall not exceed a height of eight and one-half (8.5) feet..." to "...shall not exceed a ten (10) foot wall height..."
2. Destruction:

The PC agrees with the provisions.
3. Relocation:

The PC agrees with the provisions.
4. Minor Repairs: The PC agrees to remove the following language in this paragraph: "...in any period of twelve (12) consecutive months."
 - 4.a. The PC agrees with this provision.
 - 4.b. The PC agrees to change this provision to: "No structural alterations shall be undertaken, as in the case of **the relocation of a load bearing wall.**"
 - 4.c. The PC agrees to remove this provision.

Eidelson recommends that with the nonconforming structures issue aside, to now focus on the zoning districts and directed the PC to the February 8, 2016 correspondence beginning on page 8.

Site Development Standards

- a. A lengthy discussion ensued regarding Section a., the required minimum lot area of 12,000 square feet. Eidelson will contact the County to see if it is willing to share information on whether the County only requires 12,000 square feet. Eidelson asked that if the Health Department will accept as a general rule 12,000 square foot lots, does the PC want to keep 12,000 square feet also. The PC agrees to wait to see what the County requires.
- b. The PC agrees with the recommendation that the 581.5' elevation line be the only setback measurement option.
- c. The PC supports the concept of averaging. The concern is that the 30° rule has been in place for quite some time as the result of a court case in Caseville Township. The Zoning Administrator advised that decks and porches are usually what comes into play with the 30° rule. The PC agrees with removing the 30° rule and replacing it with an averaging concept but agrees that there needs to be language in the ordinance that prevents structures from jockeying for positions.
- d. The current ordinance limits dwellings to a height of two stories (or 35') which Eidelson explained is not ordinary. It was discussed that the previous administration changed the ordinance from 28 feet to 35 feet or 2 story. After lengthy discussion, Eidelson advised that this provision will be left as is because there was no majority vote to make any change.
- e. The PC agrees to remove this provision.
- f. The PC agrees to remove this provision.

Zoning District Boundaries

A discussion ensued regarding the shoreline in the R1 district and its different characteristics and the prospect of creating two separate districts. Eidelson suggested that there has to be differences in order to justify 2 separate districts and suggested holding off on this issue until the PC is able to get through the subject of decks and accessory buildings that will take place at the next meeting. The PC agrees.

New Business: None

Public comments: None

Motion to adjourn made by Gordon, seconded by Collins. All ayes – passed.

Meeting adjourned at 9:09 p.m.

Next meeting May 25, 2016 @ 6:00 p.m.

Submitted by Lisa Clinton