

**Lake Township Planning Commission  
Regular Meeting  
July 26, 2023**

**Approved Minutes**

The meeting was called to order at 6:15 by Siver at the Lake Township Hall.

**Roll call:** Keith Hoffman, Bob Siver, Nicole Collins, Tim Quinn, Tim Lalley all present.

Supervisor Valerie McCallum and Zoning Administrator Tory Geilhart were also present.

**Approval of Agenda:** Motion made by Collins to approve the Agenda, seconded by Lalley. All ayes – passed.

**Approval of Minutes:** Motion made by Collins to approve the June 28, 2023 Minutes, seconded by Lalley. All ayes – passed.

**Correspondence:**

- Building Permit Report for June 2023 - no comments
- Zoning Report for June 2023 – Siver inquired about #5, the email from Mike Lazerak regarding Sand Road mobile home. Geilhart advised it is a new owner with an older mobile home that has been vacant for a while and there is a camper being used on the property. Geilhart advised he is in communication with the new property owner and advised not to camp until Geilhart can determine if it's a habitable structure because you cannot camp on vacant property without a permit. Geilhart working with property owner to schedule a date for inspection of the mobile home to determine the condition.

Siver inquired about light issues #12 and #19. Geilhart advised those are the same issues just listed twice. Geilhart advised he addressed this issue a few years ago. It is a mercury light that has been there for years and the property owner put a shield on the light. Geilhart advised he contacted the property owner and it was the shield that fell off and the property owner is working on remedying the situation.

Siver inquired about #15, the demo permit for existing mobile home. Geilhart advised the mobile home on Huron Drive is going to be pulled out and future home to be built.

Siver inquired about #8, the email from Ed Thomas regarding a driveway on vacant property. Geilhart advised the property is located just east of Frank's Party Store and the property owner is having issues and asked that he be able to install a gate, which has been installed.

Lalley inquired about the progress on the school house on State Park Road. Geilhart advised that if there is no progress in the near future, he will contact the property owner.

- Land Use Permit Report for January 2023 – no comments

**Public Comments:** None

Siver advised that the Minutes reflect time is reserved for Public Comments.

**New Business:** None

**Old Business:** Siver asked if there were any objections to addressing the Master Plan first.

**Master Plan** - With no objections Siver addressed the additions/amendments made by LandPlan, specifically under **Chapter 3.6, Solar and Wind Energy** and **Overriding Considerations** that was sent back to the PC at the Board's request. The PC members confirmed to Siver that they were in agreement with the language. Motion made by Collins to recommend the additions under **Solar and Wind Energy** and **Overriding Considerations** to the Board, seconded by Quinn. All ayes, passed.

Motion made by Collins to recommend the Board distribute the Master Plan to the adjacent municipalities, seconded by Quinn. All ayes, passed.

**Continuation of Zoning Ordinance Amendments** - Siver advised that the PC made an error at the last meeting to amend Section 16.6.(C)(3)(b) of the Zoning Ordinance; he advised the PC needs to recommend the amendment. Motion made by Collins to recommend to the Board increasing the variance expiration period from 180 days to one year, seconded by Lalley. All ayes – passed.

Siver referred to LandPlan's 01/20/2023 letter item #4, **Consider using setbacks of existing dwellings in determining the setback for new adjacent dwellings (or modifications to existing dwellings) as opposed to the standard 25' setback currently required in Residential Districts, to allow an applicant to build consistently in line with existing structures on adjacent lots (with appropriate limitations), to encourage practicality, and minimize front yard variance requests**, and the discussion the PC had regarding 10' versus 20' and keeping it consistent with adjacent properties. Siver advised he had an email exchange with LandPlan and LandPlan continues to recommend 20'. Siver also addressed the issue of powerlines with LandPlan. What he took away from LandPlan's answer is that some people are taking it into their own hands; if they build too close to the powerlines and they run into an issue with DTE, it's on them not us. Hoffman stated it would be on the Township and the Township needs to have some guidance available to let individuals know what the rules are for DTE regarding setbacks for powerlines. Geilhart stated he is proactive with individuals and contacts DTE and advises individuals of DTE's recommendations. Quinn asked if the Township requests a variance from DTE or the customer who plans on building. Geilhart stated he advises people 15' as that is what is depicted on the clearance of wires from building pamphlet but DTE will at times waive that. Hoffman stated LandPlan believes it is not within the Township's authority to be able to tell

someone based on the DTE guidelines that the Township can stop it but Hoffman believes the Township has a responsibility to let people know what the guidelines are. McCallum suggested checking with the Fire Department on its opinion as they get called out when power lines come down; what the Fire Chief's thoughts are when structures are built certain distances from the line. Siver stated he is content with the DTE status quo for now and the PC members agreed.

Siver referred back to the issue of setbacks in the R1 and R2 Districts in item #4 and advised that to the best of his recollection, the PC generally reached agreement on the two different setbacks; a 20' setback for the R2 and in order to create some conformity for people who already built close to the road, a 10' setback on the R1 side of the road. Geilhart advised that at the last meeting a discussion ensued regarding increasing the rear yard setback from 10' to 20'. Hoffman stated there has to be a standard and asked whether the Township knows if anyone is closer than 10'. Geilhart stated no and further stated that he hopes the Township isn't going down the road of applying the setback to accessory structures in rear yards. Siver stated he understands that this issue is particular to front yard setbacks. Siver stated there are two questions, how far on either side of the property and how close to the road. Lalley asked the reason for decreasing the setbacks. Geilhart advised there have been 4 variance requests where the requests did not meet the setback requirements; 3 requests were granted and at that point a decision was made to possibly entertain making adjustments to the requirements. After further discussion, the PC agreed with a front yard setback of 250' average on each side of the property with no less than an 18' minimum required setback for R1 and maintain the 25' front yard setback for R2.

Motion by Hoffman to recommend to the Board to modify the front yard setback in the R1 District to incorporate a setback averaging system of 500' identified as 250' on each side of the home but in no case shall that average be less than 18', seconded by Lalley. All ayes – passed.

Hoffman referred back item #2, **Rear yard setback for R-1 District appears to be a typo and should be consistently 10' for non-lakefront lots (Table 3-4, Footnote 7(B))** and the PC meeting Minutes of 03/22/2023 stating by a vote of 4 yes to 1 no, "The minimum rear yard setback for a non-lakefront lot created after the effective date of this Ordinance in an R-1 or R-2 District shall be twenty (20) feet. The minimum rear yard setback for a non-lakefront lot created prior to the effective date of this Ordinance in the R-2 District shall be ten (10) feet." Hoffman stated the issue of established lots in R-2 needs to be addressed. Collins stated the reason it is less in the older lots is because the required size was less. After lengthy discussion, Hoffman recommended to table the discussion on the rear yard setbacks in the R2 District until the next meeting. In the interim, the PC members need to draft up some ideas on what might be an appropriate lot size and further discuss. Siver asked whether it would be practical to create a distinction between accessory structures and principal residence setbacks. Collins stated every ordinance she deals with has different rules for accessory structures and there should be a distinguishable difference.

Siver brought up the issue of firewood being sold on the corner of Champagne Road and M-25 which obstructs the view of traffic and is unsafe. Geilhart advised he plans on having a discussion with the Board to allow in R-1 and R-2. Siver stated this is an issue to be addressed by the PC in item #8.

Siver referred to item #5, **Insert a diagram to assist with interpretation/application of Section 20.22, Clear Vision.** Hoffman asked the PC members if there were any objections to having an illustration to assist with interpretation of the Section; there were no objections. Hoffman asked

about the 20' versus 30' and Siver stated he would ask LandPlan for clarification on that recommendation.

Hoffman referred to item #6, **Increase flexibility to allow applicants to build on existing “nonconforming footprints,” such as enabling the erection of a second story on an existing nonconforming dwelling (setback encroachment), with appropriate restrictions to minimize impacts on neighboring lots.** Hoffman stated this issue was previously discussed and it is his suggestion to allow to build on existing footprint. Hoffman clarified that an existing footprint should be what is currently there. Any changes would then need to conform to the current zoning ordinances. For example, if the current footprint is a one-story house and a second story was requested the second story would have to conform to the zoning ordinances. If a two-story house was existing, then only the same footprint could be built. Any variations would need to conform with current zoning ordinances. Hoffman further stated there were concerns that people will put up big ugly places. Hoffman stated that as long as the zoning ordinances are followed this should not be a problem. Collins stated the current ordinance states that the addition of a second story must meet the current setbacks requirements. Hoffman stated that the ordinance allows certain things on the existing footprint but there appears to be a number of restrictions that play into it. Hoffman asked Geilhart if this is a problem of building on the existing footprint. Geilhart advised that he would like to see some flexibility, to go up on the existing footprint leaving more land for tile fields and well separations; can there be a balance between conforming and common sense. Lalley asked if this is a hot item and Geilhart advised a variance was granted for that very reason. Siver asked Hoffman if he has been seeing this issue since on the Zoning Board of Appeals. Hoffman advised the appeals were due to conforming issues but he doesn't believe it's a major problem, it's about how flexible the Township wants to be. Geilhart suggested that the PC table this issue and he will put some examples together that he thinks were reasonable requests for the PC to review.

Siver advised that the remaining items will be deferred to the next meeting.

**Public Comments:** None

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

Meeting adjourned at 8:28 p.m.

Next meeting Wednesday, August 23, 2023 at 6:00 p.m.

Submitted by Lisa Clinton