

**Lake Township Planning Commission  
Regular Meeting  
September 27, 2023**

**Unapproved Minutes**

The meeting was called to order at 6:05 by Siver at the Lake Township Hall.

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

Supervisor Valerie McCallum and Zoning Administrator Tory Geilhart were also present as well as approximately 4 guests virtually.

**Approval of Agenda:** Siver requested to add the resignation of Tim Lalley to the Agenda as well as adding a possible amendment to the Planning Commission meeting schedule. Motion made by Collins to approve the Agenda with additions, seconded by Hoffman. All ayes – passed.

**Approval of Minutes:** Motion made by Siver to approve the August 28, 2023 Minutes. seconded by Quinn. All ayes – passed.

**Correspondence:**

- Building Permit Report for August 2023 – Siver referred to **Permit #PB230038 – Work Description: Remove non conforming portion of home. Repair and replace portions of remaining home as needed. Add 2<sup>nd</sup> Story.** Geilhart advised the house is just barely off the setback, it is supposed to be six inches and it is five inches, and there were issues with the foundation. Geilhart advised this is one of the examples he used regarding building on existing footprint. Gielhart stated the better option was to move it over and that is what the owner did.

Siver asked for a refresher on **Permit #: PB230043 – Construct new home per approved variance.** Geilhart stated it was an existing single story house on the lake side with a garage between the house and M-25; the house did not meet the front or east side setback. The owner came to the township with plans to tear down the existing house and build a new house putting the new house off the east property line to conform but there was no way they could meet the 25 feet front yard setback. The Zoning Board of Appeals granted the variance based on the location of the tile field and the well.

- Zoning Report for August 2023 – Siver referred to **Item #10 – Complaint about neighbors garage and use of garage at 6590 Sylva Beach** and **Item #21 – Occupancy Permit needed for garage at 6590 Sylva Beach.** Geilhart advised a neighbor complained about a garage on a vacant lot where the owner was staying occasionally; pictures found on Facebook by a neighbor showed beds set up in

there. Geilhart sent a letter to the owner based on the pictures and the owner admitted staying there. Geilhart advised the owner they cannot occupy the structure outside of reasonable use, parking to go to the beach or hanging out for the day, but no habitation can take place. Geilhart further advised the owner that if she were to camp there, it would require a permit. Siver asked if there was a well or septic on the property and Geilhart advised he is not sure.

- Land Use Permit Report for August 2023 – no comments
- Short Term Rental (STR) Letters from Residents – Siver advised these letters were provided to the PC at the Board meeting.
- Michigan Zoning Enabling Act – act 110 of 2006
- Sample – Draft Solar Energy Ordinance
- Draft solar Ordinance White Lake Twp., Muskegon County, MI from Cliff Bloom

Quinn referred back to STR's and the Board's decision to put a ban in place. Quinn stated he is disappointed with what the Board did after the PC had decided not to ban STR's; the Board did not entertain other options such as putting in stiffer rules and regulations.

Hoffman stated he agrees with Quinn. Hoffman further stated the House and Senate are working on this issue and are closer to an agreement. Also, the Michigan Realtors Association came forward with ideas related back to zoning issues which plays into the Michigan Zoning Enabling Act; they have made suggestions and draft language to amend the Michigan Zoning Enabling Act including a hotel tax. Hoffman stated Lake Township may be back to the drawing board. Collins stated that it would be out of the township's hands as state or federal regulations trumps what the township has in place. Hoffman stated that a change by the State to allow STR's will include the ability for municipalities to put some controls in place.

**Public Comments: None**

**New Business:**

**Resignation of Tim Lalley:** Siver informed the PC that he and the supervisor received a letter last week from Lalley resigning his position on the PC.

**Planning Commission Meeting Schedule:** Siver stated that the PC has addressed a volume of things over the last couple years relating to the Zoning Ordinance, the Master Plan, the PUD, the STR ordinance and was thinking now that those issues are in the rear, there is no mandate that the PC meets every month and asked McCallum if the obligation was four times per year. Siver further stated that special meetings can be scheduled if need be and asked the PC for their thoughts. McCallum stated she believes it is quarterly but the zoning ordinance needs to be checked to make sure there isn't reference in there on the meeting schedule. McCallum further stated that based on a township like Lake, it may be reasonable to downsize to every other month; last year January and February meetings were cancelled due to the weather and December was a holiday month; if meetings were not held in December, January and February and then scheduled every other month, the requirement would probably be met and schedule in between if necessary. McCallum further stated there is no meeting in November and the December meeting was moved up to the December 13<sup>th</sup>. Siver stated meeting on the fourth week of the month creates problems and possibly the PC may want to change the meeting day to the second Wednesday in the month. Collins agreed with Siver. Hoffman agreed with Siver about

changing the meeting to earlier in the month and further stated there are issues that need to get to the Board due to timeframes associated to get things done. Hoffman further stated that he doesn't feel meeting on a quarterly basis is not enough but is open to every other month. Quinn stated he is not opposed to a change. Siver asked McCallum if there would be a problem changing the PC meeting to occur the week before the Board meeting; McCallum stated there would not be a problem and further stated the by-laws state the PC must meet four times year. Quinn asked how much notice the public would need if a special meeting was scheduled and McCallum stated a regular meeting would require an 18-hour notice. McCallum stated the PC meetings are scheduled and published through the end of March 2024 and is not sure how much the PC wants to change it unless it's an emergency cancellation; the PC is going to have its meeting in December and possibly at the January meeting cancel the February meeting by motion. McCallum further stated it would be a good idea for Collins to bring up the issue at the next Board meeting to see how the Board feels about downsizing the number of PC meetings. Hoffman stated to maintain the schedule as is through March; McCallum stated that would be her recommendation. Issue tabled until October PC meeting.

McCallum advised the PC that the Master Plan has been sent out to neighboring communities and a Public Hearing needs to be scheduled. Siver asked for a motion to add the Public Hearing for the Master Plan to the agenda. Motion made by Hoffman to add the Public Hearing to the agenda, seconded by Collins. All ayes – passed.

Siver asked if there were any objections to have the Public Hearing at the December meeting. Hoffman stated he is not opposed but asked if it is beneficial to the community with the holidays coming up; January and February can be just as tough. Siver and Collins do not see a problem with scheduling in December. McCallum stated LandPlan can be available virtually at the December meeting to help walk through the procedures. McCallum also advised that Mark Eidelson from LandPlan is retiring.

Motion by Collins to schedule the Public Hearing for the Master Plan for December 13<sup>th</sup>, 2023 and to have Mark Eidelson from LandPlan available, seconded by Quinn. All ayes – passed.

### **Old Business:**

**Solar Zoning Ordinance - Draft** - Siver advised that at the request of the Board, the PC needs to revisit the solar zoning ordinance. Siver advised an example ordinance that the township attorney has worked on is included in the packet. Hoffman asked where the Board is on this issue, in favor or not in favor. McCallum advised there is a lot of concern not only by the Board but among residents; even in the Master Plan, the township does not want to see large commercial development in the township. Siver stated he knows the state is tackling alternative energy sources and asked if this is going to be similar to the right-to-farm. McCallum stated the utilities and the environmental non-profits are lobbying to get it turned over to the public service commission so they have oversight; no bills have been introduced yet. Hoffman asked if the township has already done some work on this issue and Collins advised no document has been produced and any discussion would be in the Minutes. Siver stated the Board's preference is to adhere to the Master Plan as far as solar is concerned.

Motion by Collins to review the example ordinance and further discuss at the next meeting, seconded by Quinn. All ayes – passed.

**Continuation of Zoning Ordinance Amendment issues as per Mark Eidelson's correspondence of January 20, 2023** – Siver referred to LandPlan's 01/20/2023 letter 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.** Collins stated that at the Board meeting, Kelterborn mentioned that he spoke to Jeff Smith and Smith advised that in the county, they would not let anyone go closer than five feet because it is in the building code, it is a fire safety issue. Geilhart stated there are methods to get around fireproofing an exterior wall. Hoffman asked why there is an issue with allowing a build on the same footprint; you either allow to build on the footprint or you don't allow it. Siver stated the PC should be encouraging conforming with the zoning ordinance. Collins stated tearing down a house and building a new one should conform. Hoffman stated if the foundation is still there, they would have to rip up the foundation and move it back to conform; that discourages people from renovating their homes. Quinn asked Geilhart if he is looking for a little flexibility due to a number of lots that may be 40 feet. Geilhart stated the previous zoning ordinance had an 80 percent rule, which has been eliminated, meaning 80 percent of the setback was met which gave the owner a feeling they were getting something. Collins stated she will take a look at how many lots are 40 feet wide and 50 feet wide before any decision is made. Issue tabled

Siver referred to item #7, **Increase flexibility for homeowners to build within already established "building lines," such as in the case of closing in interior 90o corners of L-shaped dwellings, decks, garages etc., rather than being restricted to current setbacks (provided extension does not encroach further toward lot line then the existing portion of the structure).** Geilhart stated this issue comes into play more often with decks. Collins stated she thought there was something addressed with reducing the setback for decks. McCallum referred to page 20-10, **Section 20.11 Setback Exceptions for Residential Outdoor Living Area (Patios, Decks, Porches, etc.).** Collins stated she wants to look at the size of all the lots in all districts. Issue tabled.

Siver referred to item #8, **Allow firewood sales in R-1 and R-2 Districts as a use permitted by right (currently classified as special land use) in recognition that recreational camping is a major industry in this area and neighboring townships have not experienced problems when firewood sales are treated by right.** Geilhart stated there was a discussion with the PC in 2016-2017 and progress was made on this issue; allowable under a permitting process with certain requirements. Geilhart stated he has had very, very few complaints outside of the individual that was processing the wood for sale. Geilhart spoke to officials in Caseville and they have restrictions and address complaints if/when received; Hume Township may have regulations but there are more firewood sales in Hume Township than anywhere. McCallum stated Hume Township is county zoned and according to Jeff Smith, firewood sales are not allowed; if a complaint is received, it has to be enforced but they do not have the manpower to go around and enforce it. Geilhart referred to the May 24, 2017 Minutes of the Planning Commission where the issue of firewood sales was discussed. Quinn asked how many are selling firewood in the township? Geilhart stated approximately five. Siver stated that he has no issue with firewood sales as a use by right with provisions. McCallum reminded the PC that by making it a use by right and there are complaints, anyone that is doing it is grandfathered in. After lengthy discussion, Collins stated there needs to be a joint meeting with the Board to determine what the Board's view is on this issue; if the PC works on the issue and it then goes to the Board and they say no, what is the point of working on it. Geilhart stated he would welcome a discussion with the Board to find out their concerns. Collins stated she will take this issue back

to the Board to determine their interest and schedule a joint meeting between the PC and the Board. Issue tabled.

Motion made by Collins to address item #9 at the October meeting, seconded by Quinn. All ayes – passed.

**Public Comments:** None

Quinn addressed the PC stating he was surprised by Lalley’s resignation and was appreciative of his input.

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

Meeting adjourned at 8:15 p.m.

Next meeting Wednesday, October 25, 2023 at 6:00 p.m.

Submitted by Lisa Clinton