

Laketon Township Planning Commission
August 10, 2022 Regular Meeting Minutes – APPROVED 09/14/2022

CALL TO ORDER: Vice - Chairperson called the meeting to order at 6:01 pm

PLEDGE OF ALLEGIANCE:

ROLL CALL:

- Present: June Earhart, Eric Anderson, Suzanne Hayes, Paul Hoppa and Dave Mieras.
- Absent: DJ Hilson and Bob Marine w/notice.
- Also present: Zoning Administrator Heidi Tice, Recording Secretary Veronica West and one area citizen.

APPROVAL OF AGENDA: Suzanne Hayes moved to approve the agenda, with the addition of an unfinished business item of appointing a new vice-chairperson. Eric Anderson supported the motion and the motion carried by voice vote.

APPROVAL OF MINUTES: *Note: Agenda had a small error, the March 9, 2022 listed were approved at the April 13, 2022 meeting, it is the April 13, 2022 Master Plan Public Hearing Minutes and the April 13, 2022 Regular Meeting and SLU Public Hearing Minutes.* June Earhart moved to approve minutes from the April 13, 2022 meetings as presented. Dave Mieras supported the motion. The motion carried by voice vote.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY: NONE

CORRESPONDENCE:

- **Zoning Permits Report (Apr. 2022 – July 2022):** Summary report of numbers of different permits issued covering 4/1/2022 – 07/31/2022, brief discussion, ZA H. Tice noted a large number of fence permits for this time frame.
- **Zoning Ordinance Issues Requiring Lawyer Assistance:** Zoning Administrator H. Tice commented on a couple of addresses with zoning ordinance violations that are proving difficult to enforce/gain compliance for various reasons and she is getting assistance from the Twp. Attorney to try to resolve this issues.
 - 959 N Peterson Rd – Temporary Structure - owner's wife is ill, needs more time and hopes to have the situation corrected by May 2023.
 - 203 N Buys Rd – Accessory Bldg w/no permit – building straddles the property line between owner's home and the owner's adjacent rental property, home property isn't large enough by zoning rules for the size of the bldg, needs to do a boundary adjustment of about 5 acres from rental property. Owner has not been responsive.
 - Brief discussion on accessory bldg. size restrictions, Eric Anderson commented they still seem to be too restrictive in his opinion. Dave Mieras commented it would look aesthetically better to have a building than stuff all over a yard. Discussion of allowing bigger buildings potentially affecting the maximum percentage of allowable impervious surface coverage, especially on smaller lots and the affect it may have on stormwater drainage. Dave Mieras did also ask about fences and if they need to be 100 feet from the edge of the bluff on Lake Michigan. ZA H. Tice stated yes, the fence setback is 100 feet, but dunes and bluffs move and erode and some of the old fences may no longer be 100 feet from the edge.

UNFINISHED BUSINESS:

- **Section 3.29 Major Street Setbacks:** Discussed proposed language changes to the roads/areas included in the 100 foot major street setback. Discussion of the eastern areas of the township having zoning for smaller lots and already being developed this way where 100 feet in not feasible. Consensus reached to keep the 100 foot setback on W. Giles Road, W. River Rd and Fenner Rd west of Buys Road only and to delete the other roads and leave the rest of the section as is. Dave Mieras moved to approve the changes discussed to Section 3.29 Major Street Setback so it will read as follows: "A one hundred (100) foot setback from the right-of-way line shall be provided for parcels fronting W. Giles Rd, W. River

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Rd and Fenner Rd west of Buys Rd. With respect to existing structures withing the required major street setback, they may be reconstructed on the same building footprint if destroyed by an Act of God, provided the structure cannot reasonably meet the major street setback requirements.” June Earhart supported the motion. The motion carried by voice vote. June Earhart moved to direct the Zoning Administrator to schedule and publish notice of a public hearing for the purpose of considering this zoning ordinance amendment on Wednesday September 14, 2022 at 5:45 pm. Eric Anderson supported the motion and the motion carried by voice vote.

- **Witham Rd Corridor:** ZA H. Tice noted she is still waiting on attorney advice/opinion, discussed having attorney Ron Bultje coming in to the PC meeting in September or October to discuss PC intent and to assist in language development. Eric Anderson stated his conversations with Twp Attorney Dave Bossenbroek lead him to believe the R4 residential can be a permitted use in this commercial district it's just a matter of developing the language properly and he also commented there area few properties with R3 zoning that may need to be brought in to this proposed combo district R4/C2 to make this area make sense and help the residents be able to do upgrades to their properties. No action taken.
- **Elect New Vice-Chairperson:** Suzanne Hayes moved to nominate June Earhart as the Planning Commission Vice-Chairperson. Dave Mieras supported the motion. June Earhart accepted the nomination and the motion carried by a voice vote.

NEW BUSINESS:

- Section 3.32 Swimming Pools; subsection C – ZA H. Tice discussed how this section reads, and appears to be conflicting itself; talking about exempt pool covers in the Michigan Residential Building Code and still requiring a fence around the yard. Paul Hoppa commented on how the pool cover must be put in place by a person and mistakes/forgetfulness can occur. Eric Anderson spoke on remembering when this section of the ordinance was last updated and believes that while it isn't well written, it was the intent of the Planning Commission at that time to be more restrictive than the Building Code as it is the job of the township to protect the public and a fence is forced protection that is always there that cannot be forgotten to be put in place after use of the pool. Dave Mieras asked if the fence could just be around the perimeter of the pool and not the entire yard. There was discussion about location of a required fence and how to rewrite the ordinance to read better and not look like a typographical error or be conflicting. Staff suggested the following language replace the first sentence of Section 3.32.C if it is the intent of the PC to require a fence even if a safety cover is involved; *“A pool with a safety cover that complies with ASTM 1346 is exempt from a pool barrier by the Michigan Residential Building Code; however, this ordinance shall require a fence around the perimeter of the pool.”* Eric Anderson moved to approve this language suggested for a proposed ordinance amendment so that the entire Section 3.32.C paragraph reads *“A pool with a safety cover that complies with ASTM 1346 is exempt from a pool barrier by the Michigan Residential Building Code; however, this ordinance shall require a fence around the perimeter of the pool. The fence shall not be less than four (4) feet not more than six (6) feet in height. Fence gates shall be self-closing, self latching and capable of being locked.”* June Earhart supported the motion. The motion carried by a voice vote. June Earhart moved to direct the Zoning Administrator to schedule and publish notice of a public hearing for the purpose of considering this zoning ordinance amendment on Wednesday September 14, 2022 at 5:45 pm. Dave Mieras supported the motion and it carried by voice vote.

PUBLIC COMMENTS: NONE

BOARD REPORTS:

- **Board of Trustees:** Eric Anderson reported on sewer manhole repair/relining on Bear Lake Rd, which ARPA funds are being used to help with the costs, also reported on the status of sewer costs going down from the infiltration of stormwater and groundwater, some of which was actively pumped in by residents during the high water & heavy rains the last year or two. Some manholes were sealed/locked in some way to prevent unauthorized access. He also reported on the parking lot light at the Twp Hall and the board having approved repair/replacement. Paul Hoppa asked about costs to the Township of the Fenner Road bridge and also about the water line project under the Muskegon Lake Channel. Eric Anderson responded that the bridge cost to the township was 50% of the project but he did not remember the actual figure, but thought it was around \$100,000. He also stated the water project is complete and there are now two lines of water to the area and some hook ups are beginning to take place. Eric also reported on the possibility of ARPA funds being used for township park updates/upgrades, including pickleball courts and noted Lori Archer is working hard on this issue. Additionally, Eric reported he

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attends the Bear Lake Lake Board often and stated that board is working hard to communicate better with the public and that the aeration project, which was controversial, is a dead project as it was denied by the State.

- **Zoning Board of Appeals:** Suzanne Hayes deferred her report to ZA Heidi Tice who reported on the 2 ZBA Variance Meetings that took place, both were for larger than allowable accessory buildings. One of the cases involved not only more square footage, but more than the allowable number of accessory buildings. The other case involved a large accessory building with more square footage than allowed but the property had a number of other ordinance violations. ZA H. Tice noted that both variance requests were denied by the ZBA. Eric Anderson commented that while difficult, and he feels the allowances for accessory buildings are too strict, these calls by the ZBA are “good calls”, because you cant just grant variances because someone is a nice neighbor or something might look better, the rules and procedures need to be followed.

ADJOURNMENT:

- June Earhart moved to adjourn. Eric Anderson supported the motion. The motion carried and the adjournment occurred at 7:02 pm.

Respectfully Submitted:

Veronica West
Recording Secretary