

**Lake Township Planning Commission  
Regular Meeting  
August 21, 2024  
4988 W. Kinde Rd, Caseville MI 48275**

**Approved Minutes**

The meeting was called to order at 6:01 by Siver at the Lake Township Hall.

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

Supervisor, Valerie McCallum, Zoning Administrator, Tory Geilhart present as well as two (2) guests in-person and two (2) guests virtually.

Siver suggested adding ‘Public Comments’ item going forward to the agenda prior to getting into the meeting along with ‘Public Comments’ at the end of the meeting.

**Approval of Agenda:** Motion made by Collins to approve the agenda with the addition of **Public Comments** prior to **Correspondence**, seconded by Quinn. All ayes – passed.

**Approval of Minutes:** Motion made by Collins to approve the June 5, 2024 Special Meeting Minutes, June 12, 2024 Minutes and July 2, 2024 Minutes, seconded by Quinn. All ayes – passed.

**Public Comments:** Guest from Sunshine Realty advised that the lakefront property across from the property the township purchased currently has an accepted offer and the prospective buyers are looking at possibly splitting the parcel as it is an extremely large parcel; the buyers were considering splitting the property into three (3) parcels but would be satisfied with splitting into two (2) parcels, which would be over 170 foot each. The issue appears to be the well and septic systems as there is confusion in the ordinance; specifically, Section 20.29.A.1 which states “In all zoning districts, there shall be at least one hundred (100) feet of lake or stream frontage...” and Section 20.29.A.9 further states, “The minimum water frontage requirements of this section shall be doubled if the property involved is not served with public sewer...” Siver stated this issue is on the agenda under **New Business** and the PC will discuss prior to going into the other items on the agenda.

**New Business:**

**Zoning Ordinance Sec. 20-29** – Siver referred to page 20-20, Section 20.29.A.9. of the Zoning Ordinance which refers to the minimum water frontage requirements of this section shall be doubled if the property involved is not served with public sewer. Siver stated the ordinance should probably be amended and suggested striking the language “... if the property involved is not served with public sewer or...” Motion by Collins to recommend to the Board to strike the

language "... if the property involved is not served with public sewer or...", seconded by Pryor. All ayes – passed.

### **Correspondence:**

- Monthly Permit Reports for May, June, July 2024 – Hoffman asked Geilhart if permits applications are up or down; Geilhart advised permit applications have been down, in general, over the last couple years.
- Building/Zoning Reports for April, May June, July 2024 – Siver asked Geilhart if the letter of 07/18/2024 to the Lavender Farm regarding its liquor license was just a formality; Geilhart advised it was a phased process obtaining the license and once everything came through, the letter was sent as a formality. Hoffman asked Geilhart if he sees any trends; Geilhart advised that he hasn't seen any trends, outside of the issues in the Zoning Ordinance that are on the table with the PC.
- Land Use Permit Reports April/May combined, June, July 2024 – no comments.
- Email from McCallum dated 08/21/2024 regarding MDK Enterprises LLC, Port Austin Road.

After lengthy discussion regarding the 30° rule and the five hundred (500) foot averaging, Hoffman stated he thinks the PC is in agreement that the **Footnotes for Table 3-4 – Site Development Requirements, 7.A.1) and 7.A.2).** needs to be looked at to clarify some language; not necessarily to change 7.A.1) but clean up the language. Hoffman stated the attorney states 7.A.1) is the most restrictive; maybe add some language making it a little more realistic. Hoffman asked how would the 30° rule harm someone more by making it the primary rule as opposed to the secondary; right now, the averaging is the primary issue from the attorney's standpoint and the 30° rule is secondary. Hoffman further stated that two people here that do this on a regular basis are both saying that it seems like the 30° rule would be from the farthest point as opposed to the language in the ordinance that says the corner of the building nearest to the shared lot line. Collins stated the PC needs to figure out how it needs to read; the closest corner to that property line but the furthest one out. McCallum stated that according to LandPlan, the 30° rule was not heard of, most of the shoreline communities in Michigan go with the 500 feet averaging for the reason it gives enough room to work with. After further discussion, Hoffman stated the language in the ordinance puts the township in a bind; the PC needs to work on the language and see where this case goes; if a variance is requested and is shot down, which could happen, or if it is approved, see if the neighbor wants to file suit. Geilhart stated that MDK Enterprises LLC feels that based on the language in the ordinance, the non-conforming chapter about establishing conforming properties, that the language in 7A.1 and 7.2 undercuts the entire character of the ordinance. Geilhart stated he advised MDK Enterprises LLC of the seven (7) standards that need to be met in a variance request. Geilhart stated he struggles that in order to comply with the ordinance, this individual would have to ask for a 21 foot variance in the road right-of-way to build on his lot when he has the room to build and maintain the required setback. McCallum asked and the PC agreed to have the attorney look at the sections in the ordinance on lakefront setbacks and render some sort of input that the PC can review. Siver stated the PC should revisit the averaging on the lake side of the house. McCallum suggested the township should reach out to Zoning Administrator's in other lakefront communities to see how they apply their waterfront setbacks; do they apply averaging and how do they determine it.

## Old Business:

**Zoning Ordinance Amendments** – McCallum produced the Zoning Map and stated R-1 is yellow and most of the time is waterfront property but when you get to Champagne Road, R-1 is on the south side of M-25 and if the 30° is maintained, it should include those properties too.

Siver referred to LandPlan's January 20, 2023 correspondence regarding zoning ordinance amendment issues and advised item #1 voted all ayes, #2 voted all ayes, # 3 voted four (4) ayes, one (1) no, #4 – modification of front yard set back at 18 feet, voted all ayes, #5 agreed insertion of diagram. #6 and #7 outstanding, #8, #9 and #10 referred to the Board and the new issue of averaging and 30° rule on lakefront properties added.

Collins asked if a Public Hearing should be scheduled for the issue in Section 20.29.A.1 that was addressed earlier or wait until all the amendments are compiled. McCallum advised if the PC is going to do a group of amendments at one time, the PC has to consider what they are because if a Public Hearing is held on five (5) ordinances, for example, and one of them is very controversial and the PC recommends that they get adopted and the Board adopts them, they are adopted as one ordinance even though they are amendments to several different sections of the ZO. If someone were to file a referendum on a single controversial amendment, then all five are held in obedience until that referendum is held.

Hoffman stated some items should be able to be grouped into one Public Hearing; item #2 which was a typo and possibly item #5. McCallum stated the footnote for Table 3-4 on page 3-13, 6.C. needs clarification as to what it is referring to. McCallum stated the definition for short term rentals should be located in Article 21, Section 21.2. McCallum stated there is an error on the Zoning Map in Section 19 that needs to be corrected; the one parcel (yellow) on the south side of M-25 should be in the R-2 district; the footnote for Table 3-4 on page 3-14, 7.B. *add* R-1 and R-2; page 20-10 Section 20.11.B. *add* the word 'feet' "...fifteen (15) **feet** from the front lot line..."; Section 21 under **Dwelling, Single Family** *change* 21.6 to 20.6.

McCallum suggested a list of the amendments be put together and reviewed at the next PC meeting. After discussion, it was agreed that a public hearing could be scheduled at its next meeting; considering Wednesday, October 16, 2024 at 6:00 p.m.

**Public Comments:** None

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

Meeting adjourned at 8:41 p.m.

Next meeting Wednesday, September 11, 2024 at 6:00 p.m.

Submitted by Lisa Clinton