TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Planning Commission Meeting (ZOOM)APPROVED Minutes 7-0 WITH CORRECTIONS

January, 12, 2021

|  |  |
| --- | --- |
| **Present** | Chair: Stridiron, Members: Kulka, Carleton, Budros, Shoemaker, Hawkins, Merchant |
| **Absent** | None |
| **Others** | Graber, Strange (meeting IT administrator) |
| **Audience** | None |
| **Recording Secretary** | J. Peterson |

1. **Call to Order Regular Meeting**

Meeting called to order at 7:00 by Stridiron.

1. **Pledge of Allegiance**

The Pledge of Allegiance was recited, led by Stridiron

1. **Public Commentary**

Stridiron called for public comment and there was none

1. **Consideration of Agenda**
   * Change > Add: Approve draft meeting minutes from 1.7.21 (item 5A)
   * Motion by Kulka to approve Agenda for 1.12.21 with changes
     + Second: Carleton
   * Stridiron called for further comment and vote 7/0 motion passed
2. **Approval of draft minutes** 
   * **From 11-10-20**
     + Changes:

* Location of meeting in header (meeting was a Zoom meeting ~~at TLT Meeting Room~~)
* 2 lines above Item #8 “lnl” should be the word ‘link’
* Item 12B - Graber submitted the changes suggested last week - change week to month
* 13B Kulka nominated Stridiron (add for PC Chair)
* 13B Stridiron nominated Kulka (change second Stridiron to Kulka and add “for PC Vice Chair:
* 13B Stridiron nominated Carleton (add for PC Secretary)
  + - Motion by Kulka to approve draft meeting minutes from 11-10-20 as corrected
      * Second: Stridiron
    - Stridiron called for further comment and vote 7/0 motion carried
  1. **From 1.7.21**
     + Motion by Budros to approve draft meeting minutes from 1.7.21 as written
       - Second: Merchant
     + Stridiron called for further comment and vote 7/0 motion carried

1. **On-going Reports**
   * **Zoning Administrator’s Report**

Graber distributed an updated *Checklist for December 2020, Zoning permit data 2006-present* graphand TLT 2020 Land Use Permits spreadsheet through Permit #2020-64, and ZBA Appeals ZBA 2020-5. On-going permit status, ZBA appeals, Land divisions/combinations, and realtor/buyer inquiries were discussed and current zoning applications were summarized as well. Permit numbers on the rise. Blight issues are being worked on and Graber encourages reporting any is noticed.

* + **PC Representative on ZBA Report**

ON 11/11/2020 THE ZBA CONDUCTED A PUBLIC HEARING FOR A VARIANCE APPEAL (ZBA 2020-05) OF SECTION 7.03 HEIGHT, AREA AND LOT LINE SETBACK. THE VARIANCE WOULD ALLOW FOR THE CONSTRUCTION OF AN ENCLOSED ENTRY ON A HOME IN THE REAR SETBACK. THE VARIANCE WAS DENIED. THE ZBA DID NOT MEET IN DECEMBER.

* + **TLT Board Representative on PC Report**

Jason Merchant prepared the following report

The Board meeting was a little longer than anticipated but a lot of work was accomplished...12 items were discussed and approved and the key ones are as follows; 1. The new Township handbook was approved...copies are available with the clerk. You will need to sign an acknowledgment form to show you have received it and you will abide by it. 2. Bill Petersen will head up the construction of the Townships work projects and serve as Deputy Supervisor. Bob Spencer has volunteered to head up a project for the development of a Township Policy Book to provide governance guidance for the Board and other Township operations. 3. The Board approved the Document Scanning program for all areas of the Township. This will help store critical documents in the cloud and allow the Township to purge documents that are beyond their retention requirements. This is a one-year project and will cost roughly $32,000. 4. We approved the Norwood Township/Torch Lake Township Ambulance agreement to provide emergency services to Norwood. The effective date was 1/1/2021 but due to a complication with Norwood’s' existing agreement with Charlevoix, we will now have to redo the approval with an effective date of 4/1/2021. 5. Finally, we approved an increase for our Per Diem Ambulance employees to help reduce overtime in the ambulance group. 6. The Board also held a special meeting which was to have a closed session with our Township attorney to review a document which is protected under client/attorney privilege and there was no board action taken on this matter when we came out of closed session.

1. **Correspondence, Meetings, Training Announcements, etc.**
   * Stridiron and Kulka will be emailing a training document they have prepared for new members - look for this in the next few days
   * Hawkins has almost completed the MTA training workshop; Budros has completed this; Stridiron encouraged all to take part in this course.
2. **Unfinished Business**
   1. **Zoning Ordinance Review of Chapter 2.12-2.22**
      * 1. **SECTION 2.03 - DAMAGED OR TOTAL DESTRUCTION OF NONCONFORMING BUILDING.**

Any building or structure, whether it is nonconforming because of the building itself or the lot on which it is located, may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosive, fire or other acts of God, if completed within eighteen (18) months after the damage or destruction. Prior to reconstruction, the owner must have the sewage disposal system and water supply evaluated permitted, inspected and approved by the District Health Department #3 (Remove) and replace with: Health Department of Northwest Michigan.

* Motion by Kulka to approve changes to Section 2.03, seconded by Merchant.
* Stridiron called for further discussion and vote 7/0 motion carried
  + - 1. **SECTION 2.04 - MOBILE HOMES.**

D. A mobile home which does not meet the definition of "dwelling, 1-unit" shall not be permitted in any zone within the township except in a seasonal trailer park or mobile home park located in the "PRD or PUD" zone and established pursuant to state law applicable thereto and approved by the Planning Commission or unless used for temporary purposes as hereinafter provided. A variance may be secured from the Zoning Board of Appeals to use a mobile home as a temporary residence for a period not to exceed one (1) year; provided that the ability and intent to erect a home on the premises is shown; provided that the mobile home is located on premises having running water and sewage facilities that have been permitted, inspected and approved provided further that on expiration of the one (1) year period, the Zoning Board of Appeals may renew the permit for an additional period of one (1) year upon sufficient showing that the house construction could not be completed in said one (1) year, but has substantially progressed during such period. Said Board may require a performance bond conditioned upon the removal of the mobile home from the premises from the time limited in an amount satisfactory to said Board. Exception located in Chapter 6 – Agriculture Section 6.02 J.

* Motion by Shoemaker to approve changes to Section 2.04 D, seconded by Merchant.
* Stridiron called for further discussion and vote 7/0 motion carried
  + - 1. **SECTION 2.05 - TEMPORARY DWELLINGS.**

C. Adequate provision is made for temporary public or private water supply and sewage disposal that has been permitted, inspected and approved to and from said structure.

E. Certificate of occupancy must be on file.

* Motion by Shoemaker to approve changes to Section 2.05, seconded by Merchant.
* Stridiron called for further discussion and vote 7/0 motion carried
  + - 1. **SECTION 2.12 - HOME OCCUPATIONS, COTTAGE INDUSTRY, AND HOME BASED BUSINESS.**

A. Cottage industries may be permitted as a special use in any zoning district in which 1-unit dwellings are permitted, subject to review and approval by the Planning Commission. The special use permit shall be reviewed for compliance with the original permit by the Zoning Administrator on a periodic basis and upon transfer of the property.

**Removed:Cottage industries may be allowed on the basis of individual merit.**

* Motion by Hawkins to approve changes to Section 2.12 Cottage Industry section, seconded by Carleton.
* Stridiron called for further discussion and vote 7/0 motion carried
  + - 1. **SECTION 2.13 – LAKE ACCESS AND USE REGULATIONS. (Amendment effective October 8, 2008).**

**1. *Except as provided in subsection 3 below (Delete),* no person or entity may erect or maintain or cause to be erected or maintained more than one (1) dock and more than one (1) swim raft or other similar recreational devices or structures for each one hundred (100) feet of the front lot line. The length of the dock shall be limited to the length necessary to reach a continuous water depth of four (4) feet. Any portion of a dock located on any riparian or littoral land parcel which is situated parallel or approximately parallel to the shore of said parcel shall not exceed 50 percent of the front lot line. No dock located on any riparian or littoral land parcel or swim raft or other similar recreational device or structure shall be erected or maintained in a manner which will impede the reasonable use of the waters by the owners of adjoining riparian or littoral land parcels or the general public lawfully using the water surface. The locations of all docks, hoists, permanently moored boats and swim rafts or other recreational devices or structures shall comply with the side yard setbacks from the riparian boundary lines as determined under Michigan law. Docks or swim rafts or other recreational devices or structures shared by the owners of adjoining riparian or littoral land parcels shall be allowed within the setbacks of the common lot line.**

**2. *Except as provided in subsection 3 below,* no person or entity shall moor or cause to be moored in a manner other than temporary mooring or anchorage as an incident of navigation more than three (3) registered watercraft *and (3) hoists (add)* for every one hundred (100) feet of the front lot line. *For the purpose of determining the number of registered watercrafts permitted under this Ordinance, no more than four (4) personal watercraft, as defined in this Ordinance, shall be used for such calculations (DELETE).***

**3. For each additional 100 feet of the front lot line in excess of the first 100 feet of front lot line provided for in subsections 1 and 2 above, one (1) additional dockTHREE(3) *hoisSt (ADD)* and one (1) additional swim raft or other similar recreational devices or structures may be erected or maintained and three (3) additional registered watercraft may be moored.**

* Motion by Budros to approve changes to Section 2.13 C.1, 2 &3 as presented below, Seconded by Hawkins.
* Stridiron called for further discussion and a roll call vote Stridiron-YES Kulka-YES Carleton-NO Budros-YES Shoemaker-YES Hawkins-NO Merchant-NO; Motion carried 4/3
  + - 1. **SECTION 2.17 - WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES.**

A one (1) time occupancy of no more than thirty (30) days per year may be permitted for a recreational vehicle if it is self-contained and contains a sanitary system approved by the District Health Department 3 (Delete) and replace with:. “Health Department of Northwest Michigan”.

* Motion by Kulka to approve changes to Section 2.17, seconded by Carleton.
* Stridiron called for discussion and vote 7/0 motion carried.
  + - 1. **SECTION 2.19 - USE OF RECREATIONAL VEHICLES AS TEMPORARY DWELLINGS**.

A one (1) time occupancy of no more than thirty (30) days per year may be permitted for a recreational vehicle if it is self-contained and contains a sanitary system approved by the ***District Health Department 3 (Delete) and replace with***”Health Department of Northwest Michigan.”

* Motion by Shoemaker to approve changes to Section 2.19, seconded by Merchant.
* Stridiron called for discussion and vote 7/0 motion carried.

1. **New Business**
   1. **Special Use Permit - Schoolhouse** on hold until spring
   2. **Review Draft Consumer Fireworks Ordinance**

* Stridiron outlined the purpose and procedure of ordinance review.
* ***Draft consumer fireworks police power*** ordinance was distributed, as well as ***Draft #2 Fireworks Ordinance section 4 and 5 only*** .
  + Budros and Stridiron addressed the group regarding zoning regulation and research.
  + Graber reminded the group since this is a police power ordinance, it goes straight to the board for approval.
  + The commissioners and Graber asked questions and discussed.
  + Budros will rewrite for review at next meeting including version # and date.

1. **Concerns of the Planning Commission**
   1. **Concerns of the PC Chair**

* Tomorrow, a person for the position of Planner will be interviewed.
  + ONE~~1~~ was eliminated by Stridiron due to no Personal Liability Insurance. Stridiron has asked surrounding townships for suggestions to no avail. ONE~~1~~ company is located in Traverse City, but they seem to be more in tune with larger communities.
  + Please bring any and all ideas for filling this position to the board, as there is only ONE ~~1~~ company to consider at this time. Hawkins asked the educational requirements, Stridiron didn’t know. He stated some have Bachelors’, some Masters etc., but would be comfortable with an accredited planner.
  1. **Concerns of PC Members**
* Kulka stated “Proof” is defined more than one way and can be used to grandfather issues, and it’s up to the landowner to prove they’re grandfathered in.
  + Kulka asked Graber what kind of proof for grandfathering she looks for. Graber stated; pictures, neighbor vouchers, tax returns - Grandfathering does not last forever - if the activity ceased to exist, the activity is no longer grandfathered.
* Kulka stated regarding the planning consultant, he would like to get a good one, and see what they know about our township.
* Kulka congratulated Stridiron on a job well done as PC Chair and he’s glad he took over.
* Graber asked commissioners to familiarize themselves with and review Chapter 21 for a future discussion and possible re-zoning.

1. **Public Commentary**

Stridiron called for public comment and there was none

1. **Adjournment at 9:45**

With nothing further, a motion was made by Shoemaker to adjourn, the motion was seconded by; Kulka. Stridiron called for further discussion, there was none, and vote passed 7/0.