TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Planning Commission Meeting

Community Service Building

APPROVED Minutes 7-0 WITH ONE SPELLING CORRECTION

December 12, 2017

**Present:**  Shoemaker, Bretz, Kulka, Carlton

**Absent:**  Goossen, Petersen, Jorgensen

**Others:**    Grobbel, Martel, Graber

**Audience:**    Larry Lavely

**Recording Secretary:** J. Petersen

**1.**    **Call to Order Regular Meeting:**

    Meeting called to order at 7:00 pm by Kulka

Members present announced their names and titles. - New member Lora Carlton was introduced and will be serving as TLT PC Secretary

**2.    Public Commentary:**

Kulka asked for public comment and none was offered at this time

**3.    Consideration of Agenda:**

    Request by Kulka to approve agenda with the following changes/additions: Section 7 Unfinished Business will now be: 7A  Buildings   7B Time Limits on appeals 7C Shall vs May   7D  Fences   7E Update on Master Plan

Motion by Shoemaker to approve 12.12.17 agenda, with the aforementioned changes, motion seconded by Bretz; passed 4/0

**4.**    **Approval of Minutes of November 14, 2017:**

Motion by Bretz to approve 11/14/17 meeting minutes; motion seconded by Shoemaker; further discussion was asked for by Kulka and vote was taken and passed 4/0

**5.    On Going Reports**

**5A     Zoning Administrator Report - Deb Graber**

Deb Graber distributed a written report as well as a spreadsheet entitled Torch Lake Township, 2017 Land Use Permits.  Listed are all permit #, dates, address, type of development, waterfront or not, zone, use, landowner names, contractors and fees for all requested permits to date in 2017.

* Regarding the ZBA’s decision on the Bucklew / Petrillo case:  Graber sent a letter to the B/P’s informing them of the ZBA’s decision to revoke permit #17-23.  A date of 1-15-18 was given as the deadline to remove the deck/walkway/stairs.  Deb will also inform the DEQ of this violation / decision and ask them about the permitting of the shed having been moved into the setback, however into the bank and possible critical dune area.
* Violation:  Templin - Structure does not meet site plan submitted - 856 Golden Beach - Property owner may apply for appeal in spring. Graber and the property owner wish PC and ZBA members to visit the property.
* Violation:  Knecht - No permit for land clearing, electric install, slab install - possible critical dune area. Eden Woods Court.  Letter sent 11/22/17 Fine paid.
* Violation:  Matthews Construction.  Demo of 651 NW TL Drive w/ No permit.  fine paid
* Violation:  VanHouten Construction, Demo of 4851 NE TL Drive w/ No Permit. fine paid
* Zoning complaints:  Blight.  Graber is waiting for new blight ordinance to come from the township Atty.
* Graber expressed gratitude to the PC members as she takes on the duties of Zoning Administrator.  Bretz expressed his gratitude for her service and diligence.  He expressed that likely things will slow for her as she puts out the fires that the vacancy in this area of the township has caused.

    **5B     Representative on ZBA Report**

Bretz reported the ZBA’s decision to revoke permit #17-23 and said there was a article published about it in the Antrim Review.   Graber said this decision may be appealed - 45 days were given.  The cost to the township may exceed 50K.

    **5C     TLT Board Representative on PC Report**

None

**6.    Correspondence, Meetings, Training, Announcements, etc.:**

    Kulka:  Citizen Planner is an online course paid for by the township for all interested PC, ZBA and Board members.  90 days to complete at leisure with webinars and online text. - See Kathy Windiate to sign up.

**7.    Unfinished Business**

**78A    Building/Structures**

**7B    Time Limit for Zoning Appeal**

**7C Shall Vs May**

Decision of PC to NOT change Building / Structure wording in ordinance was discussed in a draft letter to Matel from Kulka 12/8/17 and this was distributed.  Shoemaker: asked if the decision was to NOT change the ordinance, why are we seeking legal advice?  Grobbel stated to ask atty to provide case law.  Also discussed in this letter is asking the board to request information from the atty regarding the length of time townships may reasonably allow zoning appeals to continue.   The PC requests relevant Michigan caselaw that the P may re-examine limits placed upon zoning appeals.  The letter also requests any relevant Michigan case law regarding the use of “may” and “shall” within the ordinance.

Graber will update proposal attachments and Kulka will update the letter and refer to the attachments in the letter.

**7D Fence Zoning**

Chris Grobbel distributed DRAFT Ver 2 (12-8-17) and asked the PC to review as he has tried to capture all of the comments from the last meeting and streamline the document.

PC members discussed opacity, perimeters, height, maintenance, intent, Riparian waterfront, Litoral waterfront, setbacks,  OHWM, decorative definition, and adding OHWM numbers to Pg 2, letter D. Comments were noted by Grobbel who will make changes to this draft as discussed.  He will submit a 3rd draft for a detailed review of the PC to make a decision.

**7E Master Plan Update-Chris Grobbel**

* Waiting for direction of scope from the board to proceed or wrap up. - What elements fit into the budget of those discussed / or button up and be done?
* Survey Monkey results were emailed - Graber will forward to Shoemaker who did not receive.

**8.  New Business**

N/A

**9.  Concerns of the Planning Commission**

* Kulka introduced new PC Secretary Laura Carlton
* Kulka reported the bylaws of the PC have been given to the Township Clerk Kathy Windiate
* Kulka suggested as a training an educational effort that the PC review the bylaws each meeting and spend ½ hour training.  Grobel stated he has several training modules already made in Powerpoint that would serve this purpose well. He recommends a training session be scheduled separately from the regular PC Meeting.  Bretz stated to be sure training sessions do not violate the open meetings act.  He is in favor of having our township advisor (Grobel) or other professional trainer facilitate the process.

**10.  Public Commentary**

Kulka asked for public comment and there was none.

**11 Adjournment - 8:47pm**

With nothing further, a motion was made by Shoemaker to adjourn, the motion was seconded by Bretz, final comments were again asked by Kulka and a vote was taken to adjourn, passing 4/0.