TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Planning Commission Meeting

Community Service Building

Approved Minutes with Corrections 6-0

February 13, 2018

**Present:**  Shoemaker, Bretz, Kulka, Carleton, Petersen, Jorgensen

**Absent:**Goossen

**Others:**    Grobbel, Graber

**Audience:**    Martel

**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.

**2.    Public Commentary:**

Martel announced that a decision will be made by June about TLT EMS. The options to discuss are limited ALS, advanced ALS or privatization. March 1, 2018 will be a public invited meeting to give information about cost of each option. Things to discuss are competitive wages for our EMS, health benefits etc. Martel distributed the letter dated 2-8-18 announcing the meeting. Please submit comments to the board in writing regarding this, or anything regarding mil increases to Kathy, Sharon or Alan to distribute to other board members. Please encourage public participation and spread the word. Budget for 2018 is being settled by the board in March.

Martel also commented to the PC that while writing the fence zoning ordinance keep it simple. State and maintain the intent, and let the ZBA handle and dig into individual cases and not get caught up on the “what ifs”.

**3.    Consideration of Agenda:**

Request by Kulka to approve agenda. Motion by Shoemaker to approve 2.13.18 agenda. Motion seconded by bretz; further discussion was asked for by Kulka and vote was taken and passed 6/0.

**4.**    **Approval of Minutes of January 9, 2018**

Motion by Jorgensen to approve 1.9.18 meeting minutes; motion seconded by Shoemaker; further discussion was asked for by Kulka and vote was taken and passed 6/0.

**5.    On Going Reports**

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

Deb Graber announced no new permits to date have been issued.

* Bucklew Petrillo have filed a ZBA appeal for a 4/11/18 hearing.
* Templin’s “raised garden/retaining wall” has a 3-10-18 deadline for appeal.
* Livingstone Variance - property less than 100 ft due to boathouse split off appeal

**5B     Representative on ZBA Report**

Bretz stated no new business from ZBA

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

Petersen reported that the board is meeting several times this month to finalize 2018 budget. Petersen also recapped Martel’s information regarding the 3/1/18 hearing on EMS.

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

MTA brochure for ZBA training was distributed with dates on March 22, 26 and 27 for available ZBA training.

**7.    Unfinished Business**

**7A Building/Structures -** Kulka distributed correspondence from Millar regardingwording and definitions. Millar’s recommendations were discussed. Grobbel asked if the definitions allow the Zoning administrator and the ZBA to carry out their duties? He stated that the definitions are well laid out and agrees with Millar. Graber asked: does a set of stairs going to the shore considered a structure? Grobbel stated he believes it is and is subject to state permits but is allowed to provide the land owner access to the water. Petersen stated that to the county/state (MI building code) once you pick your foot up three (3) times to use it, it’s called a structure - which is two steps. Graber stated to add fences, sidewalks, pump heads, driveways and roads to exempt list. Petersen- wants to add exemption list to definition along with the changes that Millar recommended. Grobbel stated that this would likely take the burden off the zoning administrator in the cases of flag poles, pump houses etc. Jorgensen stated the exemption list should remain. Grobbel reminded the PC of the steps to changing the ordinance. 1. public hearing on proposed amendment. 2. The amendment goes to the county. 3. If approved by the county the PC makes a recommendation to the board and sends along with the county comments. 4. The board may make amendments (requiring another public hearing and step 2) or it may accept the ordinance amendment.

**7B Time Limit for Zoning Appeal**

Petersen stated that the shorter the time allowed the better as it is costly to allow these things to drag out. Grobbel stated the reason he asked Millar for advice was to see if there was any case law regarding the matter. Grobbel stated that it is the PC’s judgment call whether to go with 30 or 45 days being the time limit for an appeal. He stressed compliance over enforcement is our goal. All PC members stated 30 days was sufficient and all were in favor of proposing this later with the other proposed issues. (Shall vs May and building and structure definitions.)

**7C Shall Vs May**

The change from Shall to May is recommended by Millar and the PC. Also, the word “body” will be removed from this section after the Township Board in the first part of the new language.

**7D Zoning Administrator and Municipal Infractions**

What level of issuing citations / violations and enforcement does TLT wish it’s zoning administrator to have? Much discussion about this topic was had, specifically in regard to what duties are typically carried out with police and which involve a public figure. Graber asked if the zoning administrator has the ability to issue a civil infraction or only a cease and desist order. Grobbel spoke to both sides of the issue. The pros and cons of the zoning administrator having police power and authority and the pros and cons of allowing police enforcement and zoning guidance. Grobbel recommends Kulka to draft a memo to Martel and discuss with Millar all together for the best legal interpretation. Grobbel stated that Zoning vs Police power is a much bigger issue than issuing citations and violations.

**7E Fence Zoning**

Ordinance numbering for this will be Chapter II Section 27. (2.27 fences)

Chris Grobbel distributed DRAFT Ver 4 (1\_29\_18)) and asked the PC to review as he has tried to capture all of the comments from the last meeting. The document was reviewed by the PC and questions and discussion took place. Issues with this version such as opacity (40% Opaque=60% solid), lists of what is allowed and what is not (sec 2.27.7), earthen berms (to remain in ordinance), 50’ setbacks on both Lake Michigan and Torch Lake waterfront properties will be in the ordinance, height measuring (from the ground), etc. PC members stated that the ordinance needed to be rearranged for flow and order. Grobell marked up a copy, and will be making the changes. He will submit another version at the next PC meeting with the changes marked up to follow.

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

Grobbel announced all the hand filled surveys have been entered and the results have been distributed and are available. Written comments on the surveys are still coming and will be distributed later. The board has directed Grobbel to incorporate the survey in a public hearing this spring and wrap it up by the end of summer. $1000 was budgeted, and the project took $5000 to complete. 103 repondants to the survey is double what was expected. Bretz stated the survey result print out is difficult to follow. grobbel stated that it is a canned product, and that the last page of each section is where the information and question is located. Grobbel state that Martel created a timeline to wrap up the project and send to the county, who has 42 days to review then put to public hearing this summer to adopt the new master plan. (meeting initiated by the PC) Grobbel will use the old maps to save $. Last chapter says what our goals and objectives as a township are and our plan for the next 10-20 years.

**8. New Business**

None

**9.  Concerns of the Planning Commission**

Kulka announced per Martel

* TLT will no longer post notices at the Eastport Market
* Special notice section on web page will be added for hearings.
* Any meeting of ZBA on second Wednesday of the month is not to be a special meeting

Graber stated the fee of $300 is for a zba special meeting and $100 is for a regularly scheduled zba meeting to have matter heard. - Petersen stated that $100 is not enough and would not cover the cost of the meeting.

Graber announced the Fire Dept. Chili cook off will be March 17, 2018 at TLT

**10.  Public Commentary**

Kulka asked for public comment and there was none.

**11 Adjournment - 8:43pm**

With nothing further, a motion was made by Petersen to adjourn, the motion was seconded by Shoemaker, final comments were asked by Kulka and a vote was taken to adjourn, passing 6/0.