TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Community Service Building

Zoning Board Meeting

APPROVED Minutes 5-0

June 10, 2020

**Present:** Chairman: Dave Barr Members: Cole Shoemaker, Mark Jakubiak, Bob Cook, Greg Sumerix

**Alternates:**  Jim Gainey

**Absent:**

**Others:** Deb Graber - Zoning Administrator, Alan Martel, Supervisor

**Recording Secretary:** Jacqueline Petersen

**Audience**: 3

**1. & 2. Call to Order Regular Meeting / Record Members Present:**

Meeting called to order at 7:01 pm by Dave Barr

Roll call conducted by Barr

Martel reviewed the CoVid 19 procedures of the TLT Building including building sanitization, exits and entry and questionnaire.

**3. Approval of Agenda;**

Motion by Cook to approve the agenda; seconded by Jakubiak, Barr called for further discussion and vote; 5/0 motion carried

**4. Approval of last ZBA Draft Meeting Minutes (March 11, 2020)**

Motion by Jacubiak to approve draft meeting minutes from the March 11, 2020 ZBA meeting, motion seconded by Shoemaker. Barr called for further discussion and vote;5/0 motion carried.

**5. Conflict of interest to agenda items**

Barr polled all ZBA members asking if any conflicts existed. Shoemaker noted that his wife is employed by the applicants and that the applicants are neighbors, although not to the parcel in question. THE MEMBERS discussed the issue, COOK STATED SHOEMAKER’S POSITION on the Planning Commission states he may not vote on the issue in both capacities. Jakubiak stated he felt no need to disqualify and should be up to Shoemaker. Barr stated it does not meet the requirements of conflict of interest as stated in the by-laws. Sumerix stated in terms of integrity to the board, if the issue were to go to court, would this issue present a bias? Based on this concern, Shoemaker stated he was able to be objective. Barr made a motion for Shoemaker to step down for this hearing tonight, Seconded by Cook, Barr called for further discussion and vote 5/0 motion carried. Barr asked for alternate Meinke. Alternate Meinke stated he is close friends with the applicant and will be recusing himself. Barr made a motion to recuse Meinke from participating in this hearing tonight. Motion seconded by Jakubiak, Barr called for further discussion and vote 5/0 motion carried. Barr called for alternate Jim Gainey, who stating he had no conflict of interest, served as a voting zoning board member for this appeal.

**6. Communications Received not pertaining to current variance request**

Barr called for communications received not pertaining to current variance request and none was given.

**7. Public Comment not pertaining to current variance request**

Barr called for public comment and none was given

**8. Discussion of appeal #2020-2 at 758 US 31 in Kewadin, MI Parcel #05-14-202-008-01 appealing for a zoning variance for 4 mobile homes.**

Barr summarized the rules and procedures for the hearing of the above appeal.

Graber summarized the application for appeal and reasons the request was denied by her.

Barr called for comments from township officials - none were offered

Barr read aloud the following letters received by the township

#1. Scott Kreutzer wrote in objection to the appeal

#2. Andrew Kamp wrote in support of the appeal

#3. James Hresko wrote in support of the appeal

#4. Vernon D. Lalone wrote in support of the appeal

#5. Mary Michno wrote in support of the appeal

#6. George Drogt wrote in support of the appeal

#7. Dennis Spillane wrote in support of the appeal

#8. Glenn and Chris Harvey wrote in support of the appeal

#9. C. Voss Guntzviller wrote in support of the appeal

#10. James and Joan Opperman wrote in support of the appeal

#11. Brian Altonen wrote in support of the appeal

#12. Lon Bargy, Kevin and Karen Bargy wrote in support of the appeal

Barr asked King to speak

King spoke to the board regarding his request. He stated most of the information was contained within the application. He stated the ordinance regarding “mobile home park” did not apply as the homes would not be available to the general public. He spoke of neighboring farms - 9 for sale, all struggling. Kings are first generation farmers with children who would like to continue to farm into the next generations. King spoke about the requirements to maintain a farm in the area and how crucial the housing is to sustain his operation. He explained why the spot he is applying for was chosen and why the 8 acre and 20x20 living area requirements are unreasonable in this instance. King referenced pictures and drawings displayed on the whiteboard to familiarize the board members. King described how hand picking much of his produce requires skilled laborers and those laborers need housing to afford to be in this township. He stated in building mobile homes, he can put 4 in at the same cost as one duplex. He stated this is the most economical way to accomplish his goal. King stated that the township land use plan states it wishes to maintain the rural character of the township and in his opinion there is no better way than to support farming operations.

Barr called for public comment in favor of approving the application

Bill Petersen spoke in support of approving the application and offered that the zba table the issue and look into adding to or amending the zoning ordinance in agricultural zones.

Barr called for public comment not in favor of approving the application and none was given

Barr asked King for further comments and he had none

Barr called for further PUBLIC comment and none was given

Motion by Barr to close public meeting, motion seconded by Cook, Barr called for further discussion and conducted a roll call vote 5/0 motion carried.

Barr asked the board for questions and comments to begin deliberation.

The board members deliberated about the issue. Sumerix asked if there were special considerations already in the ordinance for agricultural lands - Graber stated there were not. Sumerix asked the zoning history of the trailers currently on the neighboring parcel, which King added were installed in 1988 - Graber stated there was not. King stated the trailers were installed with a prior Zoning Administrator under the Right to Farm Act. Sumerix asked Graber to outline the roadblocks (reasons she denied the permit application) Graber stated #1. 3 or more mobile homes = trailer park #2. No main dwelling on the property #3. No section of a mobile home has the minimum 20x20 section of wall as required in the ordinance. #4 lot size and width does not comply. King was asked where septic would be placed - he said he would comply with the health dept, as they will dictate the location and placement anyway. Cook asked King; How many other farmers in TLT have worker housing; King named three but stated that anyone who has fresh fruit has housing or they borrow workers from other farms who DO provide housing. Cook asked if the farms mentioned were bigger or smaller, 1 was larger and others were smaller. Cook asked if the 4 units proposed were to replace or expand the workforce. King stated to expand. Cook asked how many housing structures he had, KING STATED 4 in TLT and others in Central Lake. Cook asked if King had several tax ID #s on the parcel or just one. King stated one. Cook asked for the definition of “main dwelling”. Graber stated his son lives in main farm house and could attach properties together to accomplish this. Cook asked when the need for this housing occurred, King stated about 5 years ago and is finally coming up on the priority list of needs. Cook asked for the level of urgency. King stated it is urgent to level 8 on a scale of 1-10; fruit is coming and the demand is growing every year. Cook asked, given the urgency and the fact the zba is deciding something like this that would set precedent, is there availability to go to the planning commission and expedite some kind of zoning amendment. Graber stated that would be about a 4 month period to accomplish. Cook asked if he could expedite the process and Graber stated it all depended on the planning commission and the county. Cook asked King if he could put the project off 3 months in order to get the TLT board and the planning commission to write an amendment to the ordinance. King stated that at this time, holding off 3 months would be possible. Cook stated the site plan is void of the septic plan and the health department will take a while to perk the property and might end up in a change of location. King stated he is aware the location will perk and will not be moved. Cook stated the site plan should show the drain field and the septic when considering the application. Cook asked King again if a 3 month delay in order not to set precedence and develop a zoning ordinance amendment would be agreeable. King stated he could hold off 3 months. Cook outlined how he and the boards and commissions can fast track the process and get it to the county for approval. Gainey pointed out that precedents aren’t set by granting one time events - why can’t we give him (King) the go ahead now, knowing we will be writing an amendment. Barr stated the ZBA won’t be writing the ordinance and thus should delay the decision and allow the planning commission and board to work it out. Barr stated the zba would like to give King what he needs today, but to follow procedure it has to be handled this way. Barr asked King if he was delayed until March 2021, would it affect him. King stated it would not. Barr stated he felt the board Trustees; Cook and Petersen, should draft the ordinance and present it to the Twp. board. Cook asked Barr for the next step. Barr stated the ZBA should present a letter to the board stating the objective. Motion was made by Barr to open the meeting back up to the public, motion seconded by Cook. Barr called for further comment and vote 5/0 motion carried.

Barr made a motion to delay the ruling on variance request #2020-02 for a six month period, and to have a letter drafted from the zba to the board of trustees, through our representative Cook, to be presented to the board to work to modify the ordinance. Motion seconded by Cook. Barr conducted a roll call vote 5/0 in favor, motion carried.

Bill Stridiron spoke to the ZBA. He asked if it was passed would the variance go with the property in perpetuity? Graber - YES. Stridiron asked that, in the wording of the ordinance, to consider this and to tighten it up so that if the property ever sells, it will not become a trailer park.

**9. Report from Planning Commission - Cole Shoemaker**

Shoemaker summarized the events of the public hearing and Planning Commission meeting on June 9, 2020. A Ga Ming Training facility was approved as a special use in the existing PRD. Shoemaker asked the planning commission to review and change section 24 and chapter 4 where the interpretation conflicts with the ordinance and the PC will discuss at their July meeting.

**10. Report from the Zoning Administrator**

Graber distributed an updated *Checklist for May 2020* and TLT 2020 Land Use Permits spreadsheet through Permit #2020-24, and ZBA Appeals ZBA 2020-2. on-going permit status, and current zoning applications were summarized as well as the house on US 31 and M88 will be taken down.

**11. Summary of action items to be taken on or before the next ZBA meeting**

PETERSEN will draft a letter to the board with Graber and Cook.

July 8, 2020 next meeting. Agenda is a request for interpretation #2020-3

Graber and Barr updated the board regarding recent past appeals heard and variances decided.

**12. Comments/Concerns of the public**

Barr called for comments from the public and there were none.

**15. Adjournment**

With nothing further, a motion was made by Barr to adjourn, the motion was seconded by Cook, Barr called for further comment and vote; passing 5/0. The meeting was adjourned at 9:00pm