

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING HELD OCTOBER 23, 2019**

The Planning Commission meeting was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, October 23, 2019. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Jon Tidey, Tim Feirick, Bill Zuhl, Terry Harris, Debbie Brown

MEMBERS ABSENT: Nick Barnes, Dave Grabemeyer

OTHERS PRESENT: Recording Secretary Lindsay Krohne, one member from the public

**MOTION TO APPROVE OCTOBER 23, 2019 AGENDA**

Tim Feirick motioned to approve the October 23, 2019 Planning Commission Meeting Agenda with the addition of discussion of a possible upcoming rezoning request under Commission Discussion. Debbie Brown seconded. Motion passed by voice vote.

**MOTION TO APPROVE SEPTEMBER 25, 2019 MINUTES**

Tim Feirick motioned to approve the September 25, 2019 Planning Commission Meeting Minutes with the following corrections:

1. “two” in place of “to” in the first sentence of “Fence Definition Discussion” and
2. “reviewing” in place of “review” in the first sentence of the third paragraph under “County Master Plan Discussion.”

Jon Tidey seconded. Motion passed by voice vote.

**COMMUNICATIONS**

None.

**PUBLIC COMMENT**

Bruce Nevins referred to a previous Zoning Board of Appeals hearing where a woman was denied a variance to build a home smaller than the required 850 square feet for the ease of heating and air conditioning. He asked if they have anything that could be proposed for Waterfront District to allow a mobile home, or whatever they want to give them, on the property until they pass away. Bruce stated that he spoke with another township who told him they could have a special use for an accessory building, which someone can live in. He added that a parent could live in the special use accessory building until they die, and then it would have to be removed or added on to in order to comply.

Jon Tidey stated that it would rule out the possibility of someone wanting to do that for rentals.

Bruce stated that the request was denied due to no practical difficulty. He added that the property was three combined lots. He asked the commission to think about it.

**TOWNSHIP ATTORNEY’S REPORT**

None.

**ZONING BOARD OF APPEALS REPORT**

Liaison Dave Grabemeyer was absent; Recording Secretary Lindsay Krohne reported that there is a scheduled ZBA hearing on October 30<sup>th</sup>.

**BUILDING/ZONING ADMINISTRATOR’S REPORT**

None.

**NEW BUSINESS**

**DISCUSSION OF ELECTION OF PLANNING COMMISSION OFFICERS FOR 2020**

Discussion of election of officers was held. Terry stated that if no one is comfortable taking over as the Chair, he is willing to stay on for another year. He recommended that someone else take on the Chair position after next year.

**MOTION TO APPROVE PLANNING COMMISSION OFFICERS FOR 2020**

Jon Tidey motioned to approve Planning Commission officers: Terry Harris as Chairman, Tim Feirick as Vice-Chairman, and Debbie Brown as Secretary for 2020. Tim Feirick seconded. Motion passed by voice vote.

**UNFINISHED BUSINESS**

**FENCE DEFINITION DISCUSSION**

Chairman Terry Harris read the proposed definitions with subcategories:

FENCE Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including hedges or living bushes or shrubs, encircling either wholly or any portion of any area

ADJACENT GRADE Adjacent grade shall be construed as the average grade measured at a point three feet on each side of the fence. In the case of a fence on a retaining wall, adjacent grade shall be the grade of the top of the wall.

HEIGHT The average distance between the top element in the fence and the adjacent grade over a straight section of fence with no corners.

PROTECTIVE MEASURES FENCE A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.

Terry stated that he put in the sub categories under the Fence definition because he thought they were pertinent. He added that they do have definitions and parameters for fence height in the ordinance.

Bill Zuhl stated that he doesn't care to include "hedges or living bushes or shrubs" in the fence definition. He questioned that since you have to have a permit to put up a fence, if you put a row of pine trees up in your yard, is that a fence?

Terry stated that the ordinance does not specify fencing material, and if someone wants to erect a fence made of pallets, there is nothing stopping them.

Debbie Brown referred to Todd Herter's comment at the previous meeting about someone using a tarp as a fence.

Terry stated that the height of a fence cannot be over 4' near the road, and can only be 66% solid.

Bill Zuhl stated that looking at 155.031, Section B "Residential districts or uses", and C "Other districts – non-residential districts and WD District", he doesn't like that Waterfront is included and should be in its own section. He stated that it reads they can go with an 8' barbed wire fence in Waterfront District, which is not correct.

Terry stated that "C" is the section, but numbers 1, 2 and 3 are intended to define and there is no exclusion of 1 to 2.

Bill stated that Waterfront should be in its own district with the same height as the Residential section, being 3'.

Bill added that there are a lot of 10-12' deer fences going up in Ag District. He stated that with the Right to Farm Act, you'd never win in court.

Terry stated that they need to review Section 155.031 in general, and they can keep working on the fence definition. Bill added that he is good with everything else except the live hedges part.

Terry asked Bill if he wants to put Section C. 2 in a separate section under Residential, and Bill answered yes. He suggested that B. lists just Waterfront District, using the same height and restrictions as B. 1 and B. 2 for Residential Districts.

Discussion included moving Section C to D 2 & 3, changing Waterfront District to D, changing 2 to 1 and 3 to 2, and having D. 1 the same as residential B. 1 and B. 2.

Tim Feirick asked about changing the height restriction and Bill Zuhl answered that he could see it becoming a conflict, but they could probably just leave it alone. Debbie Brown commented that 4' seems low for a fence. Discussion followed.

Terry asked Recording Secretary Lindsay Krohne to type a draft.

Terry stated that they would remove “including hedges or living bushes or shrubs” from the fence definition.

Tim Feirick asked if they are going to define fencing materials and Bill Zuhl suggested leaving it alone.

### **COMMISSION MEMBER DISCUSSION**

Terry Harris stated that Debbie wanted to clarify the possible upcoming rezoning application. Debbie stated that the 43 acres is currently zoned Waterfront District and has frontage on two lakes, Little Crooked and Cable. She added that the property is marshy and the property owner wants to rezone as Agriculture.

Tim Feirick asked if they can split the property so that the Waterfront property is Waterfront, and the rest is Agriculture.

Debbie explained that they have a similar area on her lake that is marshy, but the property owner was able to put in a pier. She added that she is not sure of the reasoning for the rezoning with it being on two lakes, other than tax.

Jon Tidey explained that the way he understood, the problem stemmed from the sale of the property because the property owner is losing a storage building. The owner can do what he wants if it is zoned Agriculture. He added that the property owner already has the maximum of two accessory buildings.

Terry stated that they have not received a request to rezone the property yet.

Terry asked the Planning Commission members if they want to follow previous years and cancel the December Planning Commission meeting, which falls on Christmas Day. All members agreed to cancel the December meeting as well as hold the November meeting on November 20, 2019 due to Thanksgiving.

### **PUBLIC COMMENT**

None.

### **PLANNING COMMISSION MEETING DATE**

Chairman Terry Harris stated the next Planning Commission meeting will be held on Wednesday, November 20, 2019.

### **MOTION TO ADJOURN**

Tim Feirick motioned to adjourn the meeting. Debbie Brown seconded. Motion passed by voice vote.

The meeting was adjourned at 7:38 p.m. by Chairman Terry Harris.

Respectfully submitted,

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Lindsay Krohne  
Recording Secretary

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Jon Tidey, Secretary

To be approved at the November 20, 2019 Planning Commission meeting

DRAFT