

MINUTES SILVER CREEK TOWNSHIP

PLANNING COMMISSION MEETING – DECEMBER 22, 2021

Chairman Terry Harris called the Planning Commission meeting to order at 7:00 p.m. on Wednesday, December 22, 2021.

The Pledge of Allegiance to the Flag of the United States of America recited.

MEMBERS PRESENT: Terry Harris, Tim Feirick, Debbie Brown, John Joossens, and Trustee Mike Glynn

MEMBERS ABSENT: Jon Tidey, Mick Braman and Nick Barnes

OTHERS PRESENT: Zoning Administrator Mark Davis and Recording Secretary Wendy Fitzgerald

APPROVAL OF THE AGENDA FOR PUBLIC HEARING

John Joossens motioned to approve the agenda.

Tim Feirick seconded.

Motion passed by roll call vote.

MEETING PURPOSE

At the request of Chairman Terry Harris, Secretary Debbie Brown read the public hearing and meeting notice for the request by Robert Adcock property 14-130-031-032-00 for rezoning and the considerations for rezoning contained in Section 155.275 of the Silver Creek Township Zoning Ordinance.

PUBLIC COMMENT

A member of the public looks for clarification on what the Township considers waterfront property. Mike Glynn reads Section 155.079 of the Silver Creek Township Zoning Ordinance which has the definition. Mr. Adcock told members he has a hard time hearing and requests aid from Mr. McLauchlin for tonight's meeting. Howard McLauchlin with McLauchlin Realty, Inc. stands for Robert Adcock, and supplies an explanation for the rezoning request. He questions the agriculture zoning when the properties around the applicant are small and residential.

Terry Harris motioned to close public comment.

Debbie Brown seconded.

Motion passed by voice vote.

MEMBER COMMENT

Discussion about location of the agriculture zoning and clarification on the easement location for the property is discussed between members and party requesting rezoning.

Motion to close public hearing by Debbie Brown

Terry Harris seconded.

APPROVAL OF AGENDA FOR REGULAR MEETING

Tim Feirick Motioned to approve the agenda
Debbie Brown seconded.
Motion passed by voice vote.

APPROVAL OF NOVEMBER 17, 2021, MINUTES

Tim Feirick motioned to approve the minutes.
Debbie Brown seconded.
Motion passed by roll call vote.
Mike Glynn abstained

COMMUNICATIONS

None

PUBLIC COMMENTS

None

ZONING BOARD OF APPEALS REPORT

None

TOWNSHIP ATTORNEY'S REPORT

None

BUILDING AND ZONING ADMINISTRATOR REPORT

Presented by Mark Davis.

NEW BUSINESS

Terry Harris directs public hearing discussion about rezoning. Mike Glynn reads the zoning ordinance and explains the difference between the two zones (Agricultural and Waterfront). He points out that the lot is non-conforming. He explained the reasoning behind the setbacks for properties in the agricultural district. Stressed concern over rezoning, explained the location of the property is not close to the waterfront. Suggests applying R-1, to properties like this. Proposes to add a paragraph to Section 155.078(D) of the Silver Creek Township Zoning Ordinance "*If the side yard setback requirements, found in the District Regulations Table, render an existing platted lot unbuildable for a Single-Family Residential Use, then table (D) used in 155.80 R-1 Single Family Residential District may be applied by the Zoning Administrator.*" He explains that property in R-1 has different setbacks and explains it may solve similar problems for others in areas like this. Debbie questions the acreage and reads R-1 purpose. Mike notes there are a lot of homes in the agriculture district that are not using their property for agriculture purposes. He reads the other possible uses properties in the agriculture district can have; noting

the board should consider all the uses before considering changes. John Joossens asks if changing to R-1 would prevent the need to rezone. Terry suggests if the Planning Commission plans to deny the request the township board should consider this suggested addition quick so there is some sort of relief for the request presented tonight. Tim questions if this would allow small lots in this zoning classification to be buildable and questions their marketability if not. Mike Glynn points out that lots like this are already not buildable whether they approve any measure, adding this could bring a choice but cannot guarantee that all lots will be buildable. He supplies copies of his proposed change/addition to 155.078(D) paragraph for all members. Terry suggests turning the paragraph over to the township clerk for consideration, noting there will need to be a public hearing on it before its added.

Debbie Brown Motions to recommend adding the verbiage to Section 155.078 (D).

John Joossens seconded.

Motion passed by voice vote.

DETERMINATION ON APPLICANTS REQUEST FOR REZONING

Members discuss whether to table or decline the rezoning request. Terry Harris suggests declining the request by the landowner pending action by the township. Debbie Brown suggests tabling the motion rather than decline it. Mike Glynn has problem supporting any rezoning. Terry Harris points out that if they deny the request, it will prevent the applicant from making the request again for one year, suggests tabling the request allows the Township to consider the verbiage, and leaves the applicants request open for the board to consider later if needed. Mike Glynn agrees to tabling and clarifies with the applicant that this could take a few months before there is a determination noting any decision would need another hearing. The applicant understands and appreciates the idea of tabling his request.

Jon Joossens motions to table the request.

Debbie Brown seconded.

Motion passed by voice vote.

OLD BUSINESS

Update on Senate Bill 446 and House Bill 4722 Short term rentals. Jon Joossens, no updates, saying he doubts a determination will come before the end of 2021.

Debbie thanks Terry for his service, Mike presents a certificate to him on behalf of Silver Creek Township.

PUBLIC COMMENTS

none

NEXT MEETING

January 26, 2022

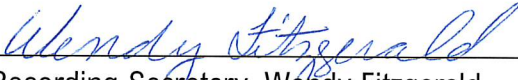
ADJOURNMENT

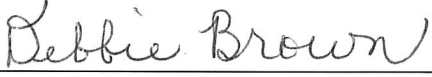
Debbie Brown motioned to adjourn.

John Joossens seconded.

Motion passed by voice vote.

Meeting adjourned at 8:02 p.m.


Recording Secretary, Wendy Fitzgerald


Secretary, Debbie Brown