

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING HELD ON JULY 25, 2018**

The Planning Commission meeting was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, July 25, 2018. The Pledge of Allegiance to the Flag of the United States of America was led by Jon Tidey.

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

MEMBERS ABSENT: Dave Grabemeyer

OTHERS PRESENT: Recording Secretary Lindsay Krohne, Building/Zoning Administrator Todd Herter, members from the public

**MOTION TO APPROVE MEETING AGENDA**

Bill Zuhl motioned to approve the July 25, 2018 Agenda. Debbie Brown seconded. Motion passed by voice vote.

**APPROVAL OF MINUTES**

Jerry Donley motioned to approve the July 27, 2018 Planning Commission minutes. Bill Zuhl seconded. Jerry abstained. Motion passed by voice vote.

**COMMUNICATIONS**

None.

**PUBLIC COMMENT**

None.

**TOWNSHIP ATTORNEY'S REPORT**

None.

**BUILDING/ZONING ADMINISTRATOR'S REPORT**

Building/Zoning Administrator Todd Herter stated that he issued a permit for a solar panel.

**NEW BUSINESS**

**DISCUSSION REGARDING "TINY HOMES"**

Terry Harris stated that there was a Zoning Board of Appeals hearing on July 24, 2018 for what you may call a tiny home. Terry stated that a lot of people think of a tiny home as being on wheels like an RV, and in this case it was not as it was going to be on a foundation. Terry asked Todd Herter if tiny homes are becoming an issue for him.

Todd Herter stated that this was the first one to come before the Zoning Board of Appeals. Todd also referenced a property on Brush Lake Road where there were two potential purchasers who wanted to put up a tiny home and were denied.

Jerry Donley stated that he thinks the Planning Commission should consider looking at the 850 square foot first floor requirement. He added that it had to have been established by the township because to his knowledge, there is no state law saying that's the number they have to use.

Todd Herter stated that he had a situation once where the first floor was going to be a 350 square foot entrance way to a 2 ½ story house, and then attorney John Magyar said the first floor means the first floor of living space, not necessarily on grade.

Jerry Donley stated that he struggles with the 850 square foot on the first floor. He added that the applicant was requesting something that met their needs and doesn't believe it was fair.

Debbie Brown questioned if it was a need or a want. Jerry stated that he can't speak for them. Jerry added that the applicant lived in a condo less than 850 square feet for years, and she wanted something smaller that accommodates her lifestyle. He stated that he thinks there should at least be some discussion about it.

Todd Herter asked if Jerry believes it should be less or more square foot, and Jerry stated that he has no problem with the first floor. He stated that if there is 450 foot on the first floor and 400 foot on the second floor, that would meet the requirement. Jerry added that you don't have the option to have a second floor and have it be a part of the total.

Terry Harris stated that maybe they should review the ordinance. Jerry stated that nothing in the State of Michigan states any given square footage requirement. Terry stated that maybe this is the first issue that should run past the new legal firm.

Jerry Donley stated that if he is wrong, he will take the heat. He stated that it was a unique and beautiful home being presented, and he has nothing to gain from any outcome.

Mike Glynn stated that the 23' width and 850 square foot requirements came from issues they had in the past with mobile homes. He stated that manufacturers went bigger to meet the 850 square foot requirement. Mike stated that they didn't know if they wanted to have so many mobile homes in the township, and went to 23' to alleviate it which brought in the double wide era. Mike stated that the state required townships to provide a place for mobile homes, in order to have less expensive housing.

Mike stated that just like Mr. Donley, he doesn't have a dog in the fight but just wanted to share the information, adding that it was a big topic for many years in Michigan.

Jerry Donley stated that the square foot of a mobile home and the square foot of a residential, stick built property is different.

Mike Glynn stated that to add to Jerry's comment, mobile home parks allow you to have those specifications.

Jerry Donley stated that the vision was for people with less financial means to have a mobile home park. He questioned if they should be looking into square foot requirements for someone who doesn't need a larger home.

Debbie Brown stated that the square footage requirement protects neighbor's property values.

Mike Glynn referred to the Master Plan for what they want the township to look like. He stated that they decide with their Master Plan what they want it to look like, and agreed with what Jerry said, but stated that's how they got to where they are at.

Terry Harris stated that he sees potential issues with lake properties, where lots are already too small to put anything on. He stated that it's not much different than putting up mobile homes.

Todd Herter stated that the Zoning Ordinance establishes boundaries or guidelines, and if you take out 850 square foot, you have to replace it with something. He added that if you don't replace it with something, you'll have someone building homes the size of pop up campers. Todd stated that he is building a new home, and would not be happy if his neighbor next door wanted to put a tiny home there. Todd stated that it is arbitrary and capricious. He added that the Zoning Board of Appeals is there to grant variances if they chose to. Todd stated that under the old ordinance, 1972, there was a minimum square foot of 830 and in 2004 was upped to 850.

Jerry Donley stated that he concurs with most of what Todd said, and that he wanted to make it clear that he doesn't agree with the 850 square foot minimum, but disagrees with the minimum of the first floor. Jerry stated that in the Standards of Review, there is supposed to be reasonable difficulty. He added that the applicant did not show reasonable difficulty because there were no setback issues and everything was perfect other than the square footage was 633 instead of 850. Todd stated that she needed 217 square foot to meet the minimum.

Jerry Donley stated that reasonable difficulty was not there, so it was impossible to grant. He added that she wanted something less than 850 square foot and asked if that was fair.

Terry Harris stated that he did not want to rehash the Zoning Board of Appeals hearing on the previous night, and suggested they do some research and he call the attorney to see if there is any reason to consider changing it. Terry added that he believes they have enough on their plate, and don't need to visit this ordinance until they start getting into the discussion of tiny homes, which they are not prepared to discuss tonight. Discussion followed.

### **UNFINISHED BUSINESS**

### **DISCUSSION REGARDING DEVELOPMENT OF TOWNSHIP RENTAL ORDINANCE**

Terry Harris stated that the issue with rental ordinances is still at the state level and has not been voted on. He added that they do not want to pass an ordinance and have the state override it.

### **SOLAR ENERGY ORDINANCE DISCUSSION**

Terry Harris questioned the Planning Commission on what they would like to do and how they wanted to move forward. He stated that if they approve something tonight, it has to have a public hearing before going before the Township Board. Terry asked if they want to incorporate some parts of the Land Plan from Jefferson Township.

Jon Tidey stated that he likes how the land plan is laid out. Terry suggested having Recording Secretary Lindsay Krohne retype it and have a public hearing in September.

Debbie Brown stated that she likes how the small, medium, and large classifications are laid out. Tim Feirick stated that he liked it too. Discussion followed.

Terry Harris asked if they want it to be numbered like the rest of the township ordinances and stated that he will number it, and have Lindsay retype it before the August Planning Commission meeting.

Terry asked Todd Herter if this topic was creating any issues right now with there being no ordinance, and Todd answered that the recent permit he issued was the first one.

### **COMMISSION MEMBER DISCUSSION**

None.

### **PUBLIC COMMENT**

Mike Glynn stated that he quickly read through the Land Plan and thought he read somewhere where the side yard and rear yard setback can't be closer to the height of the panel. He added that he later read where utility grade solar farm setback is 10' but allowable height of 14'. He recommended making them the same height.

Todd Herter stated that he doesn't see why the setbacks shouldn't be what are required in that zoning district in the first place. Planning Commission members agreed.

Discussion followed.

### **PLANNING COMMISSION MEETING DATE**

Terry Harris verified the next meeting date would be Wednesday, August 22, 2018.

### **ADJOURNMENT**

Terry Harris motioned to adjourn the meeting. Tim Feirick seconded. Motion passed by voice vote. The meeting was adjourned at 7:37 p.m. by Chairman Terry Harris.

Respectfully submitted,

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Lindsay Krohne  
Planning Commission Secretary

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Jon Tidey, Secretary

To be approved at the August 22, 2018 Planning Commission meeting