

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING HELD ON JUNE 26, 2019**

The Planning Commission meeting was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, June 26, 2019. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Jon Tidey, Nick Barnes, Tim Feirick, Bill Zuhl, Terry Harris, Debbie Brown, Dave Grabemeyer

MEMBERS ABSENT: None

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

**MOTION TO APPROVE JUNE 26, 2019 MEETING AGENDA**

Bill Zuhl motioned to approve the June 26, 2019 regular Planning Commission meeting agenda. Debbie Brown seconded. Motion passed by voice vote.

**MOTION TO APPROVE MAY 22, 2019 REGULAR MEETING MINUTES**

Dave Grabemeyer motioned to approve the May 22, 2019 Planning Commission meeting minutes. Debbie Brown seconded. Motion passed by voice vote.

**COMMUNICATIONS**

None.

**PUBLIC COMMENT**

None.

**TOWNSHIP ATTORNEY'S REPORT**

None.

**ZONING BOARD OF APPEALS REPORT**

Dave Grabemeyer stated there were no meetings in June, but there is one scheduled for July to consider a variance for a setback.

**BUILDING/ZONING ADMINISTRATOR'S REPORT**

Building and Zoning Administrator Todd Herter was not present at this time.

**NEW BUSINESS**

**RE-INTRODUCTION OF TOWNSHIP RENTAL ORDINANCE DRAFT**

Chairman Terry Harris stated that he was asked by the Township Supervisor to revisit the discussion of implementing a township rental ordinance. Terry stated that he didn't know if anything was going to happen with the state, but the Planning Commission needed to make a decision whether or not to put something into place. Terry explained that if the state put something into place, a township ordinance would be grandfathered in. Terry recommended the Planning Commission make a decision within the next couple meetings.

Terry brought up long term rentals and short term leases (lake property/daily rentals) and asked the Planning Commission members which way they'd like to go.

Dave Grabemeyer stated that he spoke to several people within the township who were against having a rental ordinance.

Bill Zuhl stated that he feels they are trying to fix something that isn't broke.

Jon Tidey questioned Todd Herter how many rentals are a problem. Todd answered that there are currently two, and he receives about five complaints per year.

Jon stated that if he owned a lake front home, he would be upset having disruptive renters every single weekend.

Todd explained that most of the complaints at the lake rentals are related to noise and occupancy, and most other complaints, off the lake, are property maintenance code violations by the same landlord.

Discussion followed as to what Todd can do about a property maintenance code violation complaint. Todd explained that he can take the property owner to court if they do not comply, or he can have the structure condemned.

**MOTION TO TABLE RENTAL ORDINANCE**

Dave Grabemeyer motioned to table a rental ordinance, Jon Tidey seconded. Motion passed by roll call vote:

Yes: (6): Jon Tidey, Nick Barnes, Tim Feirick, Terry Harris, Debbie Brown, Dave Grabemeyer

No: (1): Bill Zuhl

**UNFINISHED BUSINESS**  
**BANQUET/WEDDING VENUE ORDINANCE SECTION 155.078 AR**  
**AGRICULTURAL/RURAL RESIDENTIAL DISTRICT (C) SPECIAL LAND USES (11)**

Bill Zuhl stated that the Cass County Planning Commission met earlier this afternoon and approved the Banquet/Wedding Venue Ordinance with no recommendations. Terry explained that the ordinance will go before the township board for approval at the next regular meeting.

**COMMISSION MEMBER DISCUSSION**

Dave Grabemeyer commented that at their last meeting, they discussed allowing both the renovation of an existing barn into a wedding barn, and the construction of a new barn specifically for a wedding barn. Dave stated that although they all agreed they were fine with the construction of new barns, he went home and thought about it more. He stated that he would not be happy if his neighbor constructed a new barn to hold events at every single weekend. Discussion followed.

Bill Zuhl explained that it is a Special Use. Building and Zoning Administrator Todd Herter stated that if all the special use criteria are met, they have to approve it. Todd added that maybe wedding barns are here to stay, and maybe they are a fad.

Todd Herter referred to the building that used to be “Sandy Acres”, explaining that commercial storage is not listed in the special use. He explained that the owner wanted to put up another building to store their records for their Chicago business. Todd stated that the building was being used to store personal boats, cars, etc.

Terry Harris asked how they are going to allow the township to grow if they don’t allow anything but Ag. Todd answered by having provisions.

Debbie Brown commented that her understanding from reading through the Master Plan is that they only want growth in certain areas of the township.

Jon Tidey stated that he doesn’t believe they are going to be over-run by wedding barns, adding that it may just be a trend.

**PUBLIC COMMENT**

Building and Zoning Administrator stated that he very recently went to talk to an individual to explain that they could only camp on a property 14 days of the year. Todd stated that he thought the conversation went well. He added that he invited the individual and his wife to come in that following Monday to go over the ordinance and make them copies. Todd stated that they did not show up on Monday, but came in on Tuesday when he was not in the office and told the Supervisor that Todd had the cops there at their property and that they were harassed by him. Todd added that they are claiming a discrimination lawsuit but is unsure if it will materialize.

Todd stated that during that process, he called the property owner who has these parcels up for sale, and has had them for sale for decades. Todd stated that two of the parcels are non-conforming because they don't meet the road frontage for Ag-District. He explained that it did when it was split, but not any longer.

Todd stated that in his conversation with the property owner, something was brought to his attention in Section 155.053 that he had to speak to the attorney about, and she recommended it be removed.

Todd referred to and read Section 155.053 Nonconforming Lots of Record, B:

The main building shall be located on the lot to assure maximum compliance with all yard and setback requirements for the district in which the lot is located, except that the main building shall maintain at least the following minimum required yards.

Todd explained that the dimensions in the box below that text are almost the exact dimensions of the required setbacks for waterfront district for lots that are 40' or less in width. Todd added that in Ag District, we have a side yard setback of 30', and this is saying 5'. He stated that we have 30' in the ordinance for a reason, and asked if they want to allow 5' side yard setback in Ag.

Discussion followed. Terry Harris asked which part really needs to be removed. Todd answered that the attorney was not very specific, but commented that it really needs to go. He added that what he underlined in his book is: “,except the main building shall maintain at least the following minimum required yards” along with the box underneath.

#### **MOTION TO REMOVE SECTION 155.053 B**

Bill Zuhl motioned to remove everything past the comma and the box below in Section 155.053 B, and set up a public hearing for the July meeting. Debbie Brown seconded. Motion passed by voice vote.

#### **PLANNING COMMISSION MEETING DATE**

Chairman Terry Harris stated the next Planning Commission meeting will be held on Wednesday, July 24, 2019.

#### **MOTION TO ADJOURN**

Dave Grabemeyer motioned to adjourn the meeting. Bill Zuhl seconded. Motion passed by voice vote.

The meeting was adjourned at 7:41 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 July 24, 2019 Planning Commission meeting