

**MINUTES SILVER CREEK TOWNSHIP**  
**PLANNING COMMISSION MEETING – MAY 26, 2021**

Chairman Terry Harris called the Planning Commission meeting to order at 7:03 p.m. on Wednesday, March 26, 2021.

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

MEMBERS PRESENT: Mick Braman, Jon Tidey, Terry Harris, Debbie Brown, Nick Barnes, and John Joossens

MEMBERS ABSENT: Tim Feirick

OTHERS PRESENT: Recording Secretary Wendy Fitzgerald, members of the public

**APPROVAL OF THE AGENDA**

Debbie Brown asked for a motioned to approve the agenda with the update.

Mick Braman noted the update to include Masterman Property.

John Joossens Motioned to approve the agenda with the update.

Jon Tidey seconded

YES (6): Nick Barnes, Mick Braman, Debbie Brown, Terry Harris, John Joossens, Jon Tidey

NO (0): None.

ABSENT: Tim Feirick

Motion passed by roll call vote.

**APPROVAL OF MARCH 24, 2021 MINUTES**

Debbie Brown motioned to approve the March 24, 2021 Planning Commission minutes.

Nick Barnes seconded.

YES (6): Nick Barnes, Mick Braman, Debbie Brown, Terry Harris, John Joossens, Jon Tidey

NO (0): None.

ABSENT: Tim Feirick

Motion passed by roll call vote.

**COMMUNICATIONS**

Debbie Brown described two letters received from the public. One from Linda Lawless about short term rentals recognizing that the topic on short-term rentals is a complex one. Second letter from Ted Crothers with quotes from ZBA handbook. Members received copies beforehand.

Mick Braman advised there is a House Bill #4722 about Land Use, zoning, and short-term rentals. He noted that this has not been enacted. It will apply to the rental of a dwelling including but not limited to short term rentals. It is a residential use of property and a permitted use in all residential zones. It is not subject to a special use or conditional use permit. Noting this section does not prohibit regulation and that the Township does still have the authority to regulate these items that the bill does not restrict. His conversation with the Township attorney revealed if this passes it will negate anything the PC has worked on. It is Mick's recommendation that the item under *unfinished business* be tabled for now. Debbie Brown notes there is a Senate bill pending about the same topic. Mick Braman says he reached out to Brad Paquette who was our representative and coauthor of the bill for his comment but was not given any new information.

## **PUBLIC COMMENT**

Bruce Bragg from the public expressed his concern about short term rentals, feels individuals and local businesses in the township share his concern about the proposed short term rental ordinance. Would like to see a committee put together to investigate it before it is voted on. Claims to have 2000 signatures of residents that feel the same.

PC responded with similar conversation as given moments earlier.

Terry Harris noted this will be tabled once we get to unfinished business part of the agenda.

Linda Lawless voiced concern over weeds in the lake and feels they come from boats. Suggested installing washing stations to properly wash boats as seen on other lakes.

Mick notes this would be a complex issue.

Debbie states this could be done by Lake associations like the one on Paw Paw Lake.

Nick Barnes and Mick Braman agree some lakes are not set up for washing stations and it would be expensive endeavor.

Terry Harris notes other sources can bring weeds and does not feel this would solve the problem but could introduce new issues.

PC points out this could be a DNR/police issue and become troublesome noting washing stations become rushed and work can be reckless to keep the traffic flowing.

Phil Nevins with Nevins Landing states Dewey Lake weeds are not as bad as they used to be in the 60's feels their water is far too soft for pests and weeds.

## **TOWNSHIP ATTORNEY'S REPORT**

None

## **ZONING BOARD OF APPEALS REPORT**

Nick Barnes reports ZBA approved a side yard setback on a corner lot for a new garage. He noted the triangular shape of the property led to the approval of the variance.

## **BUILDING AND ZONING ADMINISTRATOR REPORT**

None

## **NEW BUSINESS**

Site Plan Modification-Rental Hall/Wedding Barn (Jennifer Northrup). The site plan modification is for 13 light poles that go down along the roadway that enter the property to be reduced to nine poles with double lights. She explained that Todd Herter reviewed all of this and walked around the building and looked at the property. Explained that unless there are changes to the actual structure she did not have to keep coming back. Terry Harris agreed adding unless the changes are big or could block vision for exiting the property or some other issue that would cause a public/traffic hazard or similar problems, she would not need to keep coming back.

Debbie Brown made a Motion to approve the site plan modifications described as the elimination of four light fixtures.

Nick Barnes seconded

YES (6): Nick Barnes, Mick Braman, Debbie Brown, Terry Harris, John Joossens, Jon Tidey

NO (0): None.

ABSENT: Tim Feirick

Motion passed by voice vote.

Terry Harris introduced the next item explaining it is more informational than official since there has been no paperwork and no notification on it. Adding it is an update to the Masterman property. He noted at the last Silver Creek Township board meeting the board suggested that the Planning Commission take another look at the Masterman property to combine two parcels of land into one. He added one is zoned Ag the other Waterfront. Stating the house is already on the waterfront sewer. Owner would like one tax ID number; the goal was just to reclassify it as waterfront district at the last board meeting.

Mick read quote from Trustee Mike Glen, that the ZBA denied a variance on this property because they put a pool in without a permit. Owners were told by a pool company that they did not need a permit. He notes change in zoning district from the AG to the waterfront district would reduce the setback requirements. It raised a question that if he made a change to the waterfront district, would the variance have been granted. Mick noted quotes from Todd Herter where he questioned the property split that was done years ago. The Property was nonconforming parcel as an AG property. Mick points out that it is already hooked up to the waterfront sewer, so the

owner wants to be on the waterfront district it will not increase or decrease his taxes. Stated that this is how it was presented in January when it was unanimously approved. He notes this is now more procedural and he would still vote to allow the rezoning.

Debbie notes she was absent in the January meeting on this issue. She said he had the property then bought the farmland behind him. Noting this is how it ended up with one parcel zoned waterfront.

John Joossens notes this property is on wrong side of Rd, saying the property is unique. He says waterfront district does not help.

Terry notes he would like opinions on what other Township board members or officials said to be in hand rather than hearsay. The fact that ZBA denied him, was information not given at the time of the January Meeting. Asserting when he voted, he did not know about the ZBA meeting and was not aware of what the rest of the Commission members knew when they voted. Affirming that having that knowledge now does not change much for him. During the January meeting the information given was they had two pieces of property abutting each other one waterfront and one AG and he wanted to combine the two and make his property waterfront since he was already on waterfront sewage.

Nick says the request was not denied because he put a pool in without a permit, it was denied because of the set back.

Debbie questions if the property owner knew that night that if he were denied by one board, he could still work around it to get it approved in another way. Noting he was relying on the pool company and did not ask the township. Asked for clarification on what is being voted on.

Mick Braman motion to reaffirm original decision of January 27<sup>th</sup>.

John Joossens seconded

Debbie Brown, abstained

YES (5): Nick Barnes, Mick Braman, Terry Harris, John Joossens, Jon Tidey

NO (0): None.

ABSENT: Tim Feirick

Motion passed by voice vote.

Terry Harris cautions members about misleading communications to be careful of misrepresenting the Township stance on issues.

## **UNFINISHED BUSINESS**

Debbie Brown Motion to Table Short Term rentals pending decision from the state.

Mick Braman seconded

YES (6): Nick Barnes, Mick Braman, Debbie Brown, Terry Harris, John Joossens, Jon Tidey

NO (0): None.

ABSENT: Tim Feirick

Motion passed by roll call vote.

### **COMMISSION MEMBER COMMENTS**

Conversation continued about special use versus permitted use.

Mick Braman advises everyone on how to follow the Bill to watch how it progresses.

PC consensus that they are not trying to make things difficult for people even with permitted uses, restrictions are usually necessary.

### **PUBLIC COMMENT**

Linda Lawless, Ron Caron and another person questioned combining properties and why someone can request waterfront zoning when they do not have waterfront property. Questioned how his property was put onto sewage in the first place.

PC members addressed the public questions.

Man from public asked what benefit is there to rezoning if taxes do not go up or down. Another public member feels rezoning to Waterfront is a keyholing measure to gain access that he does not have.

PC members explain the meaning of combining properties and reiterates why the property from tonight's meeting was revisited.

Bruce Nevins interjects why the Masterson property was denied a variance. Explained that he was approved for a privacy fence that is not allowed in the waterfront district, pointing out if he is now zoned waterfront his fence is no longer in compliance.

Next Meeting June 23, 2021

### **ADJOURNMENT**

Mick Braman motioned to adjourn.

Debbie Brown seconded.

Motion passed by voice vote.

Meeting adjourned at 8:04 p.m.