

**MINUTES SILVER CREEK TOWNSHIP
REGULAR PLANNING COMMISSION MEETING HELD FEBRUARY 26, 2020**

The Planning Commission Meeting was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, February 26, 2020. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Nick Barnes, Tim Feirick, Bill Zuhl, Terry Harris, Debbie Brown

MEMBERS ABSENT: Jon Tidey, Dave Grabemeyer

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

MOTION TO APPROVE FEBRUARY 26, 2020 AGENDA

Debbie Brown motioned to approve the February 26, 2020 Planning Commission Meeting Agenda with the elimination of "VIII: Public Comment." Nick Barnes seconded. Motion passed by voice vote.

MOTION TO APPROVE FEBRUARY 13, 2020 MINUTES

Tim Feirick motioned to approve the February 13, 2020 Planning Commission Meeting Minutes. Nick Barnes seconded. Motion passed by voice vote.

COMMUNICATIONS

Chairman Terry Harris stated that the Public Hearing for the campground Special Use Permit is closed, but there were a few written correspondences received that must be read into the record. Debbie Brown read the letters aloud:

Terrence Coleman: Opposed due to increased traffic and congestion on Garrett Rd and the lake itself, and dangerous traffic situations.

Diane Coleman Morris: Opposed to campground due to density problem around the lake, and concern of home values declining.

Howard & Ann Walsh: No objection to the applicants making a living doing what their family has done, but object the overcrowding conditions that the little campground will bring. Referenced Section 155.182 (One dock per parcel)

Clifford Bloom (Legal counsel for Dewey Lake Property Owners Association): Asked Planning Commission to deny the special use request for the campground, or prohibit the campground and users thereof from having access to Dewey Lake. Added that the special land use application does not meet the requirements of the Zoning Ordinance.

Attorney Mark A. Miller on behalf of Philip and Lynette Nevins: The use being requested is a grandfathered use. Reviewed the standards. Explained there are two docks and they are not

requesting any additional. A second letter received by Mr. Miller referenced Section 155.050 General Requirements. Mr. Miller added that the applicants filed a request for a Special Use Permit to continue the same use.

TOWNSHIP ATTORNEY'S REPORT

None.

ZBA REPORT

None.

BUILDING/ZONING ADMINISTRATOR'S REPORT

None.

NEW BUSINESS

PHILIP NEVINS AND LYNETTE NEVINS SPECIAL USE PERMIT APPROVAL

Tim Feirick asked Todd Herter if the driveway is grandfathered in and if that means the whole campground is grandfathered, and Todd answered yes.

Debbie Brown stated that she sees both sides. She stated that she sees how neighbors wouldn't want a campground, and since the campground sold, this is their opportunity to voice their opinions. Debbie added that this property has been there for 100 years – Before any of the houses were built there. Debbie stated that when the houses around the campground were built or bought, the campground was already there.

Terry Harris referred to the application for a Special Land Use filled out by Philip Nevins and Lynette Nevins and read their request aloud, which explained that the 3.01 acres they received as part of the Frank N. Nevins Trust was not enough property to operate the campground, so they purchased an additional two acres to total the 5 acres required in the Silver Creek Township Zoning Ordinance.

Tim Feirick commented that there is nothing shown on their drawing as far as piers or docks. Todd Herter replied that they are removable, to his knowledge. Philip Nevins confirmed that they are not permanent.

Tim Feirick referred to Section 155.182 A) One dock shall be permitted for each parcel, and asked for clarification. Discussion followed. Mr. Miller stated that there are two docks, one for each parcel. Tim asked if there is a certain number of boats you can put on each dock.

Tim asked if the electrical and well upgrades would have to be completed, and Terry answered that they are just upgrades to the property.

Terry stated that the property is really grandfathered in, even with new ownership, and it is still the same family. He added that they would technically be approving the continuation of Special Land Use that has already taken place.

Tim stated that his only concern is that it's not full of docks and boats. He added that the Nevins should still be able to have their watercraft there, but doesn't know if the campers should be allowed to dock there, even though there is a public access on the lake.

Todd Herter referred to Sections 155.130-155.136 on page 115 in the Zoning Ordinance and referred specifically to (G) (3):

Number of docks. One pier or dock shall be allowed, used, or installed for each platted lot or parcel meeting all legal minimum water frontage, area, and width requirements imposed by the Township Zoning Ordinance for the zoning district in which the lot or parcel is located. On a parcel with more than 100 feet of contiguous frontage (measured at the ordinary high-water mark), a second pier or dock may be allowed.

MOTION TO APPROVE SPECIAL LAND USE PERMIT

Debbie Brown motioned to approve the Zoning Application by Philip Nevins and Lynette Nevins for the campground. Nick Barnes seconded. Motion passed by roll call vote:

Yes (4): Tim Feirick, Bill Zuhl, Terry Harris, Debbie Brown

No (1): Nick Barnes

Absent (2): Jon Tidey, Dave Grabemeyer

PUBLIC COMMENT

Lisa Malloy of Jones Road asked if the ownership changes, then shouldn't the grandfather clause be invalid? Todd Herter answered that the Special Use is with the property. Lisa stated that she has an issue with the ownership changing, and that the use is going to change because there are two different campgrounds. She added that the driveway for the other campground is a concern, as it is inconsiderate and there are children in close proximity.

John Fehland of Garrett Rd. stated that the frontage noted in Section 155.036 pertains to the front lot, not necessarily everything in the back. He added that if their intent is to rent that out or use frontage for areas in the back, any boat or dock needs to be addressed for that front lot, not the one in the back as it is strictly for that front lot.

Terry Harris stated that it is all one piece of property. He added that it is no different than if Mr. Fehland used the boat dock behind his home, and it happened to be on the front parcel of property, and all the rest was vacant. He stated that he would have his dock and his boat down at the back of his property on the lake.

John Fehland questioned if everything on the back means they are entitled to dock a boat in the front.

Terry answered that they are allowed to use it if the owner gives them permission.

John Fehland asked if they are allowed to dock a boat, and stated that it needs to be outlined so he can understand what the front lot is used for. He questioned who is entitled to use the front lot and in what way. John stated he is disappointed in the council.

Mark Miller, attorney with Phil and Lynette Nevins stated that it seems like a number of people who have complained about the Nevins having their campground have homes on the lake that are used for short term rentals. He stated that John Fehland has a short-term rental listed on “Airbnb” that sleeps 9 people, Salvatori owns one that sleeps 12 people, Sabastian Ashland owns one that sleeps 8-10 people, and Jim Hogan owns one that sleeps 6-8 people. Mark Miller stated that there are others as well. He questioned why they are so worried about a few people coming and staying at a campground.

Ann Walsh of Garrett Road stated that she doesn’t and never did have a problem with Nevins. She stated that the submitted pictures were ignored, which show how many people were packed on the beach and questioned why they have to look at that. Ann stated that they don’t care if they have the campground, but you can’t put all of that down there. Ann added that they are opposed to the two-year lease with the Minnick’s to use the two-lane dirt road to take trailers in and out. Ann stated that she believes the grandfathered rights should have ended with the purchase of the property. She added that this coming summer will be mass chaos and her grandchildren won’t be able to go outside due to the traffic on the road.

Lisa Malloy questioned why they needed to buy the other two acres if the grandfather clause is in effect, since it was already a campground.

Terry Harris answered that the Grandfather clause is in effect for the use of the property, but the ordinance has a requirement that it has to be at least five acres. Lisa replied that the requirement was put into place after they had their business, and that the 8-trailer site campground should have been grandfathered in and they shouldn’t have needed two additional acres. Todd Herter stated that they are following their attorney’s recommendations.

Veronica Towne stated that she is disappointed that people that do not live on their lake get to make decisions about their lake. Veronica stated that she has an issue with keyholing and overuse. Veronica stated that she finds it unusual that the Nevins’ attorney was given Dewey Lake Property Owner Association’s letter from their attorney and was allowed to give a rebuttal, when their attorney wasn’t able to give a rebuttal. Veronica stated that the campground has not been operating near the capacity that it used to, and the docks on Lynette’s side are very new and very full with boats that are not theirs. She added that she is concerned about their lake as it is at capacity, and the invasive species epicenter is Shady Shores, which costs everyone in their Special Assessment District money. She also added that the increased amount of people and boats add to the danger, species, congestion, and shoreline erosion.

Phil Nevins stated that there is only going to be a boat and a pontoon on each dock, and no boats will be allowed from any of the trailer sites.

COMMISSION MEMBER COMMENTS

Terry Harris stated that the next scheduled meeting is March 25, 2020.

ADJOURNMENT

Tim Feirick motioned to adjourn the meeting at 8:26 p.m. Debbie Brown seconded.

Respectfully submitted,

Lindsay Krohne
Recording Secretary

Debbie Brown, Secretary

To be approved at the March 25, 2020 Planning Commission Meeting