

**MINUTES SILVER CREEK TOWNSHIP  
PLANNING COMMISSION MEETING HELD ON JUNE 22, 2016**

The Planning Commission was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, June 22, 2016. The Pledge of Allegiance to the Flag of the United States of America was led by Jerry Donley.

MEMBERS PRESENT: Jerry Donley, Mike Glynn, Dave Grabemeyer, Terry Harris, Tom Lehrer, Bill Zuhl

OTHERS PRESENT: Attorney John Magyar, Building and Zoning Administrator Todd Herter, Recording Secretary Lindsay Krohne

ABSENT: Tim Feirick

**APPROVAL OF AGENDA**

Bill Zuhl motioned, seconded by Dave Grabemeyer, to approve the June 22, 2016 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

**APPROVAL OF MINUTES**

Tom Lehrer motioned, seconded by Jerry Donley, to approve the May 25, 2016 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote.

**COMMUNICATIONS**

None.

**PUBLIC COMMENT**

None.

**TOWNSHIP ATTORNEY'S REPORT**

Attorney John Magyar referred to Building and Zoning Administrator Todd Herter to update the Planning Commission on the high water mark issue. Todd Herter stated that he had talked to Mr. Stephenson of Stephenson Land Surveying. Mr. Stephenson informed Todd that it would be difficult for someone to determine the high water mark because first, you have to determine the normal water mark, which requires several years of studies. Mr. Stephenson stated that you measure that point to the point where vegetation starts to grow on the bank, half way between that is what they consider to be the high water mark.

Todd stated that in Keeler Township, on Round Lake and Big Crooked Lake, there is a set normal high water mark pin. They shoot the pin, shoot where the high water is, and get an

elevation difference to determine the high water mark. Keeler then measures 30 feet from that point, to get the setback.

Todd added that Keeler Township had an Army Corps of Engineers who came up with the pin.

John Magyar stated that the high water mark is something the surveyor can identify, but Todd cannot.

Bill Zuhl asked how Keeler Township got the Army Corps out to do this. Todd answered that he didn't know, but it must have been done years ago. Discussion followed. Todd suggested having Mr. Stephenson come to a Planning Commission meeting to give his input, since they do this kind of work often to determine flood zones. Discussion followed.

The issue was put on hold until the next meeting, and will be placed on the July agenda. Meanwhile, Todd agreed to ask Mr. Stephenson to attend the next meeting.

### **BUILDING AND ZONING ADMINISTRATOR'S REPORT**

Todd Herter reported that a building permit was issued to Mr. Swartz for the large addition on Magician Lake, and that construction would begin soon.

### **NEW BUSINESS**

#### **MOTION TO APPROVE UPDATED BYLAWS**

Mike Glynn motioned to approve the updated bylaws. Tom Lehrer seconded. Motion carried by voice vote.

#### **REVIEW OF SECTION 3.11 ACCESSORY BUILDINGS/STRUCTURES**

Terry explained that Todd Herter suggested a few changes in Section 3.11. Todd Herter stated that he was asking for consideration to change number 8 in Section 3.11 to read 2,000 square feet instead of 1,800 square feet for over 1 to 2 acres, and the side wall height to 12 feet instead of 10 feet. Todd also suggested changing the 25% lot coverage for Agricultural District to 30%, to be consistent with Waterfront District.

Jerry Donley stated that a lot of time was spent on this a few years back.

#### **MOTION TO MAKE NO CHANGE TO SECTION 3.11**

Tom Lehrer motioned to make no change to Section 3.11 Accessory Buildings/Structures. Dave Grabemeyer seconded. Motion carried by voice vote.

### **UNFINISHED BUSINESS**

#### **SECTION 3.23 PRIVATE ROADS/STREET ZONING ORDINANCE**

Terry Harris stated that eliminating D-3 on page 3 of the proposed ordinance had been previously discussed.

**MOTION TO APPROVE 3.23 PRIVATE ROADS/STREET ORDINANCE**

Tom Lehrer motioned, seconded by Bill Zuhl, to approve Section 3.23 Private Roads/Street Zoning Ordinance as presented, with the deletion of D(3) and renumbering the remaining, and replacing Section 3.23 with the revised ordinance. Motion carried by voice vote.

**COMMISSION MEMBER COMMENTS**

Mike Glynn questioned the board about the Swartz building permit being discussed and issued by the Township Board at the last Township Board meeting. He asked for clarification on the administering of the permit. Attorney John Magyar stated that the existing home was nonconforming when it was built in the mid 1990s.

Discussion took place regarding discussion of deleting the front yard averaging section of the Zoning Ordinance for Waterfront District. Attorney John Magyar stated that we can't enforce it.

John Magyar stated that the front yard setback is what they would go by if it was deleted. Discussion followed.

**MOTION TO NOTICE OUT 6.04 C & D CHANGE**

Terry Harris motioned, seconded by Dave Grabemeyer, to notice out the change in 6.04 C and D. Motion carried by voice vote.

Terry Harris verified the next meeting date on Wednesday, July 27, 2016 at 7:00 p.m.

**PUBLIC COMMENT**

None.

**ADJOURNMENT**

Jerry Donley motioned to adjourn, seconded by Mike Glynn. Motion carried by voice vote.

The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Lindsay Krohne  
Recording Secretary  
To be approved at the July 27, 2016 meeting