

**MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION MEETING – FEBRUARY 23, 2022**

Chairman Nick Barnes called the meeting to order at 7:00 p.m. on Wednesday, February 23, 2022.

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

MEMBERS PRESENT: Nick Barnes, Debbie Brown, John Joossens, Tim Feirick, Mike Glenn, Veronnica Kenreich

MEMBERS ABSENT: Jon Tidey

OTHERS PRESENT: Zoning Administrator Mark Davis, Recording Secretary Wendy Fitzgerald, and members of the public

APPROVAL OF THE AMENDED AGENDA

- Date correction for the next meeting should be March 23, 2022, not February 23, 2022.

Debbie Brown motioned to approve the amended agenda.

Tim Feirick seconded.

Motion passed by voice vote.

APPROVAL OF THE AMENDED MINUTES FROM JANUARY 26, 2022

Three corrections made as follows:

- Under, Approval of Agenda for Public Hearing: a typo "Nick Barnes noted an error"
- Under, ZBA Report, the last sentence "He noted that this is not the first time a property like this has requested a variance"
- Mike Glynn's paragraph was not noted properly, it should read: "155.078 (D) (1) If the requirements, found in the District Regulation Table, render an existing platted lot unbuildable for a Single-Family Residential Use, then table (D) used in 155.080 R-1 Single Family Residential District may be applied by the Zoning Administrator."

Debbie Brown motioned to approve the amended minutes

John Joossens seconded.

Motion passed by voice vote

COMMUNICATIONS:

Debbie Brown mentioned there were emails from Attorney Seeber regarding variances in other townships. Mike Glynn said that Keeler Township is updating their master plan.

PUBLIC COMMENT

None

TOWNSHIP ATTORNEY'S REPORT

None

ZBA REPORT

Nick Barnes said the ZBA denied the tabled variance and approved a lessor variance.

BUILDING ADMINISTRATOR'S REPORT

Presented by Mark Davis.

NEW BUSINESS

None

OLD BUSINESS

Nick Barnes asked for Mike Glynn's input on the tabled discussion regarding the Robert Adcock property. Mike Glynn states member discussion on this specific property cannot occur unless the property owner is present. He adds conversation about non-conforming lots and zoning in general could be discussed. Nick Barnes will invite Robert Adcock back to make a determination on his specific circumstance.

Mike Glynn said the township attorney asked that members take into consideration the number of lots that would be affected by decisions. Veronnica wonders if environmental effects are thought about when considering requests. She notes that lots not in the waterfront district can still contribute to lake problems however only waterfront property owners end up paying for the issues. She feels rezoning backlots will have big environmental implications and only benefit the individual property owner making the request. She would like to see lake lots built in environmentally friendly ways. John Joossens feels that agricultural properties cause more environmental issues than residential ones. Veronnica argues that removal of the undeveloped lots such as grass lands and wooden areas, etc. damage area lakes. She adds that undeveloped lots absorb troublesome runoff making them important to lake health. She would like to see a balance. Mike Glynn notes impermeable surfaces are considered, and the current lake issues are inherited ones. He adds that the township master plan is to keep the cottage feel however past actions allowing bigger houses and outbuildings, roads and sewer systems are not in line with the plan. He feels keeping someone from using their property in a legally permitted way is not the goal of the township. John Joossens feels they should consider property owners that own land that is now considered non-conforming through no fault of their own. Tim Feirick wonders if

lots rezoned as waterfront, would pay the same tax as waterfront properties. Veronnica asserts lots without waterfront should not be rezoned as waterfront. Mike Glynn agrees saying the waterfront description is very specific in the ordinance. He adds that the master plan should describe where the township wants to go and how they want the lake areas to look. Mike Glynn reread the proposed new paragraph sent to the township attorney and the email responses from her on it. He made copies of the email exchange and distributed it to all members.

Members continued the discussion of Silver Creek Township ordinance 155.030 (B) (3). Mark and Nick discuss similar ordinances from other townships. Nick asks members to look over other township ordinances and bring back any ideas or thoughts they gain from it to the next meeting. Discussion ensued about the different setback variances offered by other townships.

Members continued the discussion about Senate Bill 446 and House Bill 4722 about short term rentals. John Joossens noted there has not been a decision. He feels it should not be left on hold indefinitely and would like to see some decisions made locally if the state does not make a decision. Debbie notes that other townships have been making decisions on this. Mike mentions the 28-day rental limitation per year verbiage bothers him. Discussion ensued on the reasoning behind the 28-day limitation verbiage. Mike notes rentals are not a permitted use in the township. Nick points out that many homes are bought solely for their rental income. Veronnica feels some rentals get out of hand with noise and other issues. She would like to see some basic common-sense restrictions put into place. Debbie Brown feels that when people complain it is usually policing and not zoning related. John Joossens feels noise ordinances are too hard to police. Nick agrees some rules should be in place at the township level. Mike Glynn adds noise is a nuisance and not zoning related; zoning is land use; he would like to investigate occupancy and parking limitations because these issues can lead to safety problems.

Nick Barnes asks if anyone has a current version of the Township Master Plan. Offers to get copies for everyone. Mike Glynn notes a digital version is also available on Cass County Website.

PUBLIC COMMENT:

Allison Corrothers is a local property owner; she rents her units out locally and lives in Chicago. She feels the 28-day verbiage is a misconception adding it is the difference between long- and short-term rentals and feels that members should clarify this. She adds that she only rents to families and has set her own occupancy limitations to avoid wear and tear on her rentals. She argues that she always vets her renters because she does not want them to be a nuisance. Her neighbors know to call her if there is a problem and while it is rare that they do, if they do, she takes care of it right away. She feels that any noise ordinance should include everyone not just rentals. She said her family also stays in the rental and have had issues with noise from residents. Veronnica recognizes she lives near Allison and knows that she is responsible property owner. She clarifies that her comments were directed toward irresponsible property owners. Mike Glynn explained that he researched the 28-day verbiage and found the phrase in the ordinances of neighboring townships too, it is an annual limitation and wonders if this is just

a matter of rephrasing or if the intent was to limit rentals. He notes that rentals are not listed as a permitted use in the township ordinance, and feels it is time for the township to address it. Debbie Brown asks for clarification about permitted uses. Mike clarifies that if uses are permitted, they are listed, he read page 112 for permitted uses and notes that short term rentals are not listed as a use, and it needs to be if it is to be allowed. Corrothers interjects that she feels the township cannot add every single use that a person uses their property for and then just say that if it is not listed; it is not allowed. Mike maintains that rentals have never been a permitted use and is something the township needs to address.

NEXT MEETING:

March 23, 2022

ADJOURNMENT

Debbie Brown motioned to adjourn.

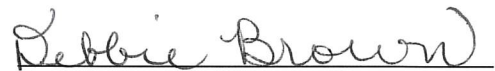
Tim Feirick seconded.

All members present approved, no members denied

Meeting adjourned at 8:22 p.m.



Recording Secretary, Wendy Fitzgerald



Secretary, Debbie Brown