

**MINUTES SILVER CREEK TOWNSHIP  
PLANNING COMMISSION MEETING HELD ON JANUARY 27, 2016**

The meeting was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, January 27, 2016. The Pledge of Allegiance to the Flag of the United States of America was led by Mike Glynn.

MEMBERS PRESENT: Mike Glynn, Dave Grabemeyer, Terry Harris, Tim Feirick, Bill Zuhl, Tom Lehrer

OTHERS PRESENT: Attorney John Magyar, Building and Zoning Administrator Todd Herter, Recording Secretary Lindsay Krohne, one member from the public

ABSENT: Jerry Donley

**APPROVAL OF AGENDA**

Bill Zuhl motioned, seconded by Mike Glynn, to approve the January 27, 2016 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

**APPROVAL OF MINUTES**

Bill Zuhl motioned, seconded by Tom Lehrer, to approve the December 16, 2015 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote.

**COMMUNICATIONS**

None.

**PUBLIC COMMENT**

None.

**TOWNSHIP ATTORNEY'S REPORT**

None.

**NEW BUSINESS**

**DISCUSSION OF SECTION 3.23 PRIVATE ROADS/STREET ZONING ORDINANCE**

Terry Harris stated that after reviewing an ordinance regarding private roads from Porter Township, which he provided copies of to the board, he figured they could go two ways: eliminate that part of the Zoning Ordinance completely, or look at using something similar to that of Porter Township.

Terry Harris stated that our ordinance says the Cass County Road Commission will approve permits for private roads, which they no longer do. He also stated that our ordinance has to

comply with the Cass County Road Commission's specifications as far as the width of private roads, which is 66 feet.

Terry Harris stated that the ordinance can be discussed at a future meeting, but there would have to be a public hearing in order to revise the ordinance to read similarly to Porter Township's ordinance.

Terry Harris commented that to his understanding, there is only one private road in Silver Creek Township.

Attorney John Magyar stated that it is a limited issue until someone goes to split property; when someone goes to split property, it becomes an important issue. He added that 99.9% of the time it is not important, but there are times when it is. John Magyar stated that there are so many roads around the lake that don't come close to 66 feet. John Magyar also stated that when dividing property into 6 or 8 parcels, they may only want to approve enough for the full width of the road, if even that far.

Terry Harris questioned if the Township has any liability in regards to private roads. Attorney John Magyar answered that they do not; school busses don't even go down a private road. Terry Harris asked for clarification that even if they don't comply with the 66 feet, the township doesn't have any liability. John Magyar answered no.

Building and Zoning Administrator Todd Herter commented that a 66 foot wide road is what you would want if developing a subdivision, since it has potential to become a county road.

Todd Herter referred to a current situation in Silver Creek Township, where a family owns a 20 acre parcel left behind by a deceased family member. He stated that the siblings want to split the 20 acres in three portions. Todd Herter explained that there is only a 43 foot wide easement going to the back 20 acres, and the family wants to split the property with 2 8-acre parcels and one 4-acre parcel. Todd added that the easement would be used for access to 5 homes, at most. Todd Herter stated that you have to consider the health and safety of the private road, making sure there is room for fire trucks, police cars, or ambulances. Todd Herter commented that 66 feet width for a road in a subdivision would be fine, but when thinking about only a few parcels, it is a lot of room.

Dave Grabemeyer asked what happens when a situation like that blossoms into splitting into even more parcels. Attorney John Magyar answered that splits are controlled by the state, how many times and how often. Todd Herter commented that, for example, if you have 8 acres and want to split 8 ways, a home built on the property would have to be so many feet from the property line, which could make it difficult to split property in so many parcels. Todd Herter added that there are a lot of variables, and if a split such as this occurred, you would probably want the 66 foot wide road due to the higher density of people.

Terry Harris asked if there was a formal request from the landowners. Todd Herter answered that it was being reviewed and a Zoning Board of Appeals hearing will be scheduled.

Bill Zuhl asked if it would be possible in this situation to go with a planned unit development and just call it a private drive. Attorney John Magyar answered that it would be more expensive than asking for a variance. John Magyar added that it is an existing easement, and he didn't think there would be a problem with the variance, but it would be up to the Planning Commission.

Terry Harris stated that Section 3.23 doesn't specify that a private road must be 66 feet wide. Todd Herter replied that that is the issue, and there needs to be something for him to go by when a person comes in with this type of situation.

Tom Lehrer commented that near his home on Magician Lake, the roads are not even close to being 66 feet wide; some are only about 30 feet. Tom Lehrer added that around the lakes there is no way you are going to have 66 feet wide on some roads.

John Magyar stated that they need to look at the potential for development and there needs to be some type of standard to know if a variance is needed. John Magyar commented that he likes the Road Maintenance Agreement because it lets everyone know if they are liable for certain maintenance of the private road and that it is specific. Discussion followed.

Terry Harris recommended that the board review the ordinance and discuss it at the next meeting.

Mike Glynn stated that the ordinance is almost beyond the scope of the Planning Commission. Terry Harris asked who else would have the responsibility for this, if not the Planning Commission or Zoning Board. Discussion followed.

Todd Herter commented that he would like to keep the ordinance as simple as possible.

Terry Harris stated that the issue will be tabled until the next meeting.

### **UNFINISHED BUSINESS**

#### **MOTION TO APPROVE THE CAPITAL IMPROVEMENT PLAN**

Tom Lehrer motioned, seconded by Dave Grabemeyer, to approve the Capital Improvement Plan. Motion carried by voice vote.

### **COMMISSION MEMBER COMMENTS**

Tim Feirick questioned how the Township uses the Capital Improvement Plan. Discussion followed. Bill Zuhl asked the members if they should adopt something so they review the Plan each year. Mike Glynn commented that it may be in the bylaws. Discussion followed. Terry Harris stated that he will make note to review the Capital Improvement Plan at the December meeting. Mike Glynn suggested a cut off of October for any requests and input for the Capital Improvement Plan, in order to have adequate time to review prior to the December Planning Commission meeting.

Mike Glynn commented that he wanted to make sure everyone had the updated bylaws, and stated that he will e-mail the Planning Commission members with the updated copy. He added that it may be incorrect on the website.

Terry Harris verified the next meeting date on Wednesday, February 24, 2016 at 7:00 p.m.

**PUBLIC COMMENT**

None.

**ADJOURNMENT**

Bill Zuhl motioned, seconded by Tom Lehrer, to adjourn. Motion carried by voice vote.

The meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Lindsay Krohne  
Recording Secretary  
To be approved at the February 24, 2016 meeting