

**MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION PUBLIC HEARING AND REGULAR MEETING HELD
ON JULY 27, 2016**

The Public Hearing was called to order by Terry Harris at 7:00 p.m. on Wednesday, July 27, 2016. The Pledge of Allegiance to the Flag of the United States of America was led by Terry Harris.

MEMBERS PRESENT: Bill Zuhl, Dave Grabemeyer, Mike Glynn, Jerry Donley, Terry Harris, Tim Feirick

OTHERS PRESENT: Attorney John Magyar, Tom - Stephenson Surveying Rep, Recording Secretary Lindsay Krohne

ABSENT: Tom Lehrer

Terry Harris stated the reason for the public hearing, being the elimination of Zoning Ordinance 6.04 Sections C and D Front Yard Averaging.

Terry Harris motioned to adopt the Agenda for the Public Hearing. Dave Grabemeyer seconded. Motion passed by voice vote.

PUBLIC COMMENT

Terry Harris opened the floor for public comment at 7:03 p.m.

Mike Glynn stated that Todd informed him he would not be able to make it to tonight's meeting, but that he invited Tom from Stephenson Surveying to come to explain the high water mark.

Attorney John Magyar stated that the Planning Commission is considering deleting Sections C and D from 6.04, Front Yard Averaging. He asked Tom for clarification that if they did that, they would not be able to find the ordinary water mark without a survey.

Tom stated that the problem he has is with the wording "ordinary water mark" because it is hard to determine with consistently fluctuating change. He also added that he believes "Base Flood Elevation" to be incorrect. He stated that you can use base flood elevation or high water mark, but not ordinary water mark as long as you don't go into the 30' setback.

Tom also made a suggestion to have the court set a level for each lake. Attorney John Magyar replied that if they were to go into litigation, they would be asking the court to set a level that could be detrimental to property owners.

Dave Grabemeyer asked if Keeler Township set a high water mark, and if that was a mark that we could go by. Discussion followed. Tom stated that Big Crooked Lake has a pump. He added that it could be costly to incorporate.

Tom stated that he sat on a board in Porter Township where people were very upset, since it required a special assessment.

Tom provided a map of the lakes with the elevations listed to the Planning Commission to keep. Discussion followed.

Bill Zuhl asked what would happen if a property owner wanted to build a house and they had a seawall. Tom replied that you would use the seawall, since there is typically a good stain on it.

Jerry Donley commented that most people think they own to the water's edge, which is not always true.

Tom from Stephenson Surveying stated that a staff gauge, a steel plate with numbers on it, could be used by putting a stake in, using a level or GPS and subtract a foot, to know where you need to be.

Attorney John Magyar stated that we need to get with the drain commissioner and find out what drains are present.

Jerry Donley asked for clarification on whether they wanted to set Waterfront District's set back to 60'. He asked if they realized that would eliminate nearly every Waterfront lot. Attorney John Magyar answered that that was what he understood from the last meeting, and that they don't have to do that. Jerry replied that he wouldn't make a big deal about 30' but 60' he would.

Discussion followed about Section C and the last sentence. It was discussed that the Planning Commission did not think the last sentence should be eliminated. Attorney John Magyar added that they could just change the heading to go with the last sentence.

Mike Glynn stated that he believes the correct thing to do would be to get with the drain commissioner to see if a staff gauge would be appropriate. Discussion followed.

Tom from Stephenson Land Surveying left the meeting at 7:38 p.m.

Discussion of eliminating C and D followed. Mike Glynn questioned what would happen if they sent it to the Township Board to be voted on, and Building Inspector Todd Herter received a building permit application for a new home. Attorney John Magyar answered that they would go by the high water mark.

There were no communications received for the public hearing.

Chairman Terry Harris closed the floor for public comment at 7:42 p.m.

Dave Grabemeyer motioned to close the public hearing. Jerry Donley seconded. Motion passed by voice vote.

REGULAR PLANNING COMMISSION MEETING

Terry Harris called the meeting to order at 7:43 p.m.

APPROVAL OF AGENDA

Bill Zuhl motioned, seconded by Jerry Donley, to approve the July 27, 2016 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

APPROVAL OF MINUTES

Dave Grabemeyer motioned, seconded by Jerry Donley, to approve the June 22, 2016 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote.

COMMUNICATIONS

None.

PUBLIC COMMENT

None.

TOWNSHIP ATTORNEY'S REPORT

None.

BUILDING AND ZONING ADMINISTRATOR'S REPORT

None.

NEW BUSINESS

MOTION TO ELIMINATE SECTION 6.04 C AND D

Jerry Donley motioned to remove 6.04 C (with the exception of the last sentence), and to eliminate section D from 6.04 and change the heading of C to Front Yard Measurement. Mike Glynn seconded.

Mike Glynn mentioned keeping the part of section D, regarding uncovered porches and decks. Discussion followed. It was agreed to amend the motion.

Mike Glynn motioned to amend the previous motion and remove only the first sentence of D, to read: An open, unenclosed, and uncovered porch, or deck, exceeding more than eighteen (18) inches off the ground, may not project into a required yard setback. A balcony or window awning shall not project into any required yard setback. (8/15) Motion carried by voice vote.

MOTION TO RETAIN FRONT YARD SET BACK IN WATERFRONT DISTRICT

Jerry Donley motioned for no change to the front yard setback in Waterfront District, retaining the 30' setback.

Jerry Donley motioned to retain the 30øfront yard setback in Waterfront District. Bill Zuhl seconded. Motion passed by voice vote.

UNFINISHED BUSINESS

None.

COMMISSION MEMBER COMMENTS

Terry Harris informed the board that there is nothing on the agenda for August. He suggested canceling the August 24, 2016 meeting and meeting September 28, 2016 unless something came up to put on the agenda for August. The Planning Commission agreed.

Attorney John Magyar commented that he will be in touch with the drain commissioner to see if he can attend the September meeting.

PUBLIC COMMENT

None.

ADJOURNMENT

Jerry Donley motioned to adjourn, seconded by Dave Grabemeyer. Motion carried by voice vote.

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Lindsay Krohne
Recording Secretary
To be approved at the September 28, 2016 meeting