TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Community Services Building

Planning Commission Meeting

Draft Minutes

May 11, 2021

**Present:** Chairperson, B. Stridiron, Members: B. Hawkins, J. Kulka, L. Carleton, J. Merchant, Sara Kopriva, Jackie Petersen, C. Shoemaker, B. Budros

**Absent:** None

**Others:**

**Audience:** 18

**Recording Secretary:** Veronica Beitner

**1.** **Call to Order Regular Meeting** by Bill Stridiron at 7:05 PM

**2. Pledge of Allegiance** – Recited by all present

**3. Panel Introduction** - completed

**4.** **Motion to Approve Agenda** – Motion to approve agenda by J. Kulka, seconded by C. Shoemaker. No Discussion – Passed 9-0

**5.** **Call to Order Public Hearing** – 7:07 pm

**6.** **Summation of the Procedures and Rules** – Jerry Kulka assumed role as Chair for Public Hearing as Bill Stridiron recused himself for Public Hearing. J. Kulka reviewed Hearing Guidelines and Process. S. Kopriva, Consultant provided historical information regarding rezoning parcel 05-14-106-014-20 at 5884 N M-88 Hwy from Village Residential to Village Business as well as reviewed TLT 4 requirements for rezoning. All documents were provided by applicant for consideration by the Planning Commission (PC.) Handouts with summary information provided for audience by S. Kopriva. 5 public attendants were identified to present comments. Public commentators allowed 10 minutes per speaker maximum.

**Rob (Ann) Vermeer**, Lake Living Services spoke to historical interest in local area and present TLT land ownership. Purchased two parcels to expand business and beautify existing neglected business building. No plans to increase size of building nor add any other buildings to either parcel. Plan to restore former retail spot which will include restoring water heat and other utilities while adding a small office and restroom. Family business with mission to serve community. One parcel coded as Village Residential. Requests that Lot with Resale Shop that is currently coded as Village Residential; though it appears to never have been used as a residential, be recoded to Village Business. Other parcel purchased is coded as Village Business. Spoke to Chapter 10 of Village Zoning Ordinances. **Brian & Lynn Agar**, 5911 N. M-88, Eastport, own 2 properties with one being due east and one diagonally across road from proposed rezoning parcel. Currently possess easement through both lots as arranged with previous owners. Lake Living did not take into consideration when submitting paperwork. Concern is that applicant may not respect easement. This would cause an adverse effect on their two surrounding properties. Concerns regarding opening up property to a whole list of things should applicant not continue as a business and choose to sell property. **Dave Taylor**, 5844 N. M-88 lives 2 blocks away from proposed changes. Concerned with impact on property values and combination of two lots which could result in new businesses. Against any rezoning changes in this primarily residential area. Would prefer to have parcels rezoned as Village Residential. **Brad Ruggles,** 4931 E. Torch Lake Dr. Questions whether company is a contractor and can make a Construction Company out of business. If so, how large of equipment would be present. **Virgil & Shelley Johnson,** 5893 M-88, live directly across the property that is applying to be rezoned. Has concerns regarding light pollution that would alter current beauty of area. If allowed, personally feels it will lower values and change home for future generations.

**Bill Stridiron**, 5903 N. M-88, Eastport which is located kitty corner to property in question. Have owned property since the 1940’s and opposed to rezoning. Addressed the Township Master Plan and provided copies of a summary which includes maintaining a friendly and peaceful atmosphere. The application does not fit this Master Plan per Mr. Stridiron. Additionally, he states that the coding of the Township Map is not accurate. Additional arguments presented as to why this land use change would not balance the public’s interest when looking at the Master Plan.

Finding of facts document also provided to members. Zoning Ordinance Chapter 10 was identified with the following sections: C, E, 10.E, sections A-O, the M-88 Corridor with a summary of properties impacted. No detailed site plans provided; both current and long term, by the applicant. Partial survey submitted dates back to 1995 which goes against standard practice. **Written correspondence**: 5.5.21 from **Brian Bastien**, 5881 North M-88 lives within 300 ft. of proposed rezoning. Opposition due to mainly future business uses, loss of quiet environment, destruction of green space, and other negative effects. 4.28.21 **Sherry and Tim Bogardus**, 4448 North East Torch Lake Dr., residents of Central Lake but visit Eastport frequently. Concerns with increase traffic, people and businesses would take away from quaint village. 4.28.21 **Lynn and Brian Agar** oppose combining the two lots. Note: were present to speak to concerns as well as a written complaint. Attached their site plan which showed their Easement. 5.6.21 from **Kirk Hoisington**, 5802 N. M-88, Central Lake opposition not keeping in line with surrounding properties. Largest concern is that it could lead to larger business and a possibility of selling in future. J. Kulka thanked all for comments and allowed any commissioners opportunity to request clarifications from statements made by public. B. Budros asks B. Stridiron which properties were not properly coded as Village Business along M-88. B. Stridiron showed directly on maps he provided. S. Kopriva presented Torch Lake Township Map with identifiers from Zoning Ordinance for additional clarification. B. Budros stated based on tonight’s documents provided, her research has been incorrect and changes “everything” in her mind. Additional discussions amongst members continued. S. Kopriva spoke to fact that Commission can only rely on maps that they have at disposal at this time. Any discrepancies in the map need to be addressed separately. As it states now with information available, everything to the west of parcel in consideration is zoned Village Business and everything to east is Village Residential. Cole Shoemaker asked for clarification of packet that B. Stridiron provided. J. Kulka clarified that packet from B. Stridiron was not represented by a Commissioner but rather as a private citizen. **Tom Petersen**, 12252 Hjelte Rd asks what the property in question is zoned today? J. Kulka stated they don’t really have an answer but that is purpose of tonight’s meeting. He states that it’s time to let a little business into area and we need to be open minded. Everyone pays taxes and we shouldn’t be trying to tell people what to do. J. Kulka closed the Public Hearing at 7:51 PM

**8. Break** commenced at 7:52 PM. **Regular Meeting** called back to order at 8:00 PM

**9.** **Public Commentary** – none

**10.** **Minutes** from 4.13.21 Regular meeting – B. Stridiron asks for any corrections. B. Hawkins, Section 5.2 should reflect Kathy Windiate. J. Kulka provided a draft with his corrections in strike-out. 7C.1, remove the word projects located in the first line. J. Kulka proposes removing under section 9.A, the first three (3) lines should be removed and proposed rewrite “As part of the ongoing review of Chapter 2, two Zoning Ordinances are to be reviewed tonight: Carriage Houses and Accessory Buildings and use of RV’s as Temporary Dwelling.” Section 9B in first line remove the word “group” and replace with PC Commissioners, replace the word “this” with Zoning Ordinance. Second sentence, add “A vote was taken resulting in 2 yes and 4 no votes. Third sentence, add the word “topic” and remove the end that states “(Yes: Stridiron, Kulka.) J. Petersen expresses confusion regarding changes made to minutes. A motion in Unfinished Business, section 9.A was struck out by J. Kulka. J. Petersen states that as the Recording Secretary at that time, the motion was made and withdrawn. Combine Sections 9 A and C together as they were reviewed and discussed together. Original dictations will remain. Section 11A, correct spelling of “again” in first line. Line 2 add the word “that” after Commissioners. C. Shoemaker inquires why so many proposed changes. J. Petersen also questions this fact. S. Kopriva spoke to minute requirements. B. Stridiron asked for input from all commissioners regarding preference to have more detail or streamlined and summarized minutes. L. Carleton likes the details. J. Kulka prefers the summarized version. K. Windiate spoke to requirements of minute content. Items pertinent to the action can be summarized as Board discussion. Discussion regarding minute guidelines and process ensued. Split votes rules were reviewed.

Motion by B. Hawkins to accept the changes as reviewed. B. Budros seconded. Passed 7-0.

**11.** **Ongoing Reports**

A. Zoning Administrators Report – TLT 2021 Land Use Permits updated to reflect ZP 2021-01 through ZP 2021-31. Question posed regarding blight issuances. Is understanding the we will continue warnings but with latitude being given? S. Kopriva responded that warnings will continue; however, without enforcement it will continue to be an issue.

B. Cole Schumacher provided report regarding Appeal ZBA 2021-01 Livingstone request of variance to a land division, which would require a variance for an encroachment of the ten-foot setback by an existing boat house. Motion that the encroachment by the existing boat house having met the four criteria which was approved. ZBA determined that the pump house being a nonconforming structure. Committee called for further discussion which was passed by committee. ZBA 2021-02 Torchlake LLC requests variance to place an accessory structure on the vacant lot to house maintenance equipment. Committee found the request did not meet the four criteria in Chapter 20 Section 20.01 A, B, C, and D. Motion for variance denied.

C. J. Merchant reviewed citizen questions regarding absence of a Zoning Administrator. Review of TLT decisions regarding implementation of Interim Zoning Administrator Consultant and an Assistant. Posting for TLT Zoning Enforcement Officer still open and pay increased to $30/hr. Antrim County awarded funds for road repair. TLT asked to identify 3 roads for repair. Update provided regarding the Day Park and Nature Preserve post winter work completed. 7

**12.** **Correspondence** – None

**13.** **New Business A**. B. Stridiron recused himself and J. Kulka continued this agenda item with review of options regarding Rezoning request PCA 2021-01 for Lake Living Properties at 5884 N. M-88 Hwy, Parcel #05-14-106-014-20. Review that options are to Table or No table, Rejection, Approval or Modification and noted final decision to be made by TLT Board. Sara K. provided additional information regarding practices in determination which should include criteria, listing of ordinance and intent of use. She cited options for owners as zoned now and highlighted that if rezoned, any use and all regulations allowed for the new district are permitted. C. Shoemaker asks S. Kopriva more information regarding accuracy of map. He noted this would be an important point to consider on this issue. Sara states any concerns regarding the map, that she took pictures of the parcels and the applicant provided a map and the need to use these resources. B. Budros motions to tabling this issue to next meeting. Seconded by C. Schumacher. B. Hawkins discusses that enhancements of having applicant provided updated site map. J. Merchant mentions that current map with codlings also be provided for review prior to next meeting. Sara K. clarified that while there may be Village Residential homes currently on area in question, the parcels may be zoned Village Business. S. Kopriva will compile requested materials. J. Petersen mentions that a Special Meeting could be called. J. Kulka states there may not be time to do so with the requested added resources. B. Budros restates motion to Table decision to next meeting so that additional information could be reviewed and discussed for final decision. C. Shoemaker second. 4 ayes, 2 nays (L. Carleton and J. Merchant)

**14.** **Unfinished Business**

A. Zoning Ordinance Review 2.19 spoke to adding additional language to Recreational vehicle showing ownership and part 2 being temporary dwelling for owners as construction continues toward completion. J. Kulka motion to add new language as drafted by S. Kopriva to Zoning Ordinance Review 2.19. Definitions to be added refer to be allowed only to owner of recreational vehicle and property. There shall be only one 30-day permit as a temporary dwelling allowed for only the owner. 4 ayes, 2 nays (C. Shoemaker and L. Carleton)

Chapter 4, Nonconformities- S. Kopriva presented a draft of a proposed new language as compared to existing. B. Stridiron has charged S. Kopriva to look at all TLT ordinances. Sara also reviewed item E on last page as it relates to item D. Steve Langworthy has suggested this topic be reviewed sooner than later and will be taking a look at as well. C. Shoemaker states this doesn’t substantially change anything except it reads more concise. Further discussion ensued. J. Merchant prefers the suggestion that S. Kopriva review and bring forward to review with Board and Commissioners. J. Kulka makes motion to have Interim Zoning Administrator Consultant S. Kopriva review all ordinances and report with proposed changes. J. Merchant seconded. No discussion. Passed 6-0. B. Stridiron motions to add this to a public hearing to be heard in June. C. Shoemaker seconded. passed 6-0.

**15. Concerns of Commission**

B. Stridiron encourages all to attend training and presentation by Steve Langworthy on 5.13.21 at 6:00 pm

Commissioners Concerns – none

Consultant Concerns – none

**16. Public Comment:** Dave Taylor – concerning the zoning maps, approximately 2 years ago there was an application for a dock storage facility and there were the same concerns voiced. It was supposed to have been taken care of. Second, in regards to comment made about being open to new growth, he made his choice to retire to a sleepy village. Additional comments made by various commissioners asking for clarifications from Sara Kopriva for educational purposes.

**17.** B. Stridiron motion to adjourn, J. Merchant seconded. 9:35 pm.