TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

A-Ga-Ming Golf Resort

Zoning Board Meeting

APPROVED Minutes WITH CORRECTONS 5-0

August 12, 2020

**Present:** Chairman: Dave Barr Members: Cole Shoemaker, Mark Jakubiak, Bob Cook

**Alternates:**  Jim Meinke, Jim Gainey

**Absent:** Greg Sumerix

**Others:** Deb Graber - Zoning Administrator, Todd Millar - Township Atty, Alan Martel TWP Supervisor

**Recording Secretary:** Jacqueline Petersen

**Audience**: 2

**1. & 2. Call to Order Regular Meeting / Record Members Present:**

Meeting called to order at 7:02pm by Dave Barr

Roll call conducted by Barr

**3. Approval of Agenda;**

Cook requested to add agenda item #7A - Review of motion passed at July 8, 2020 ZBA Meeting.

Motion by Cook to approve the agenda with addition; seconded by Jakubiak, Barr called for further discussion and vote; 5/0 motion carried

**4. Approval of last ZBA Draft Meeting Minutes (July 8, 2020)**

Corrections:

1. Page 1, last sentence insert word “if” instead of “it” after “He stated…”
2. Page 1, Second to last sentence replace “to to” with “to do”
3. Page 2, 3rd line down correct spelling of weather to “whether”
4. Item #8 Corrected to say “Barr stated that Mr. Spencer delivered more information for his interpretation request on 7-7-20. This does not meet the 30 day in advance requirement of the ZBA so that members have time to review.” Discussion followed...Jakubiak made motion TO NOT ACCEPT THE ADDITIONAL INFORMATION THAT CAME IN LATE.

Motion by Barr to approve draft meeting minutes from the July 8, 2020 meeting with corrections, being sure Spencer’s documents are part of the minutes; motion seconded by Cook. Barr called for further discussion and vote; 5/0 motion carried.

**5. Conflict of interest to agenda items**

Barr polled all ZBA members asking if any conflicts existed and none were given.

**6. Communications Received**

Barr distributed to the board and read into the minutes a letter from Atty Howard dated July 30, 2020 regarding the prior month’s request for zoning interpretation. Barr also distributed correspondence from Spencer with proposed meeting minute revisions. Barr read letter from TLT ZBA to SPENCER regarding results of the July 8, 2020 meeting dated 7-9-20. The letter from Howard as well as the correspondence from Spencer stated they had requested a “postponement” of the interpretation at the last ZBA meeting. Barr stated he did not agree and that Howard and Spencer stated this at the last meeting. Barr stated Howard said that due to the interpretation of structure by the ZBA to not include Rock/Sea Walls, no further interpretation was needed. Barr asked the board to review the documents and polled the board for their opinion and recollection. Jakubiak stated he agreed with Barr that there was no request for postponement, also agreeing with Barr was Meinke. Cook stated he believed a postponement was requested. SHOEMAKER STATED HE DID NOT REMEMBER.

Cook made a motion to open and revise the meeting minutes from 7-8-20 with regards to Spencer’s proposed revisions; motion seconded by Shoemaker. Barr called for further comment. Jakubiak stated all revisions were acceptable except where Spencer requested a postponement. Meinke stated he thought it was clear the ZBA was discussing “Rock” walls as opposed to the change Spencer made to calling it a “Sea” wall and did not want to revise the minutes. Barr stated the changes Spencer was proposing (other than the postponement, which he states did not happen) had no real bearing and the recording secretary did a fine job on the meeting minutes, and the additional details in Spencer’s proposed minutes have no bearing on ZBA proceedings. Barr called for further discussion and vote; 1/4 motion not carried. (Yes vote was Cook)

**7. Public Comment**

Spencer said he did in fact request a postponement. Discussion followed. No changes made,

**7A. Re-discuss motion made at 7-8-20 meeting**

Cook stated he was concerned that the ZBA may have overstepped its duties in the interpretation and definition given at the meeting on 7-8-20, Cook read the motion. TWP Atty Millar, Cook, Barr and Martel discussed the ZBA’s responsibilities. Millar stated that an interpretation by its very nature made a determination. Millar, Martel and the ZBA concluded the ZBA had not overstepped or did the job of the PC in its handling or response to the request for interpretation and the motion stands. Martel stated that it is the job of the ZBA to interpret.

**8. Report of matters of interest to the ZBA from the Planning Commission**

Shoemaker summarized the actions of the Planning Commission from the prior evening’s meeting including farm labor housing, sign ordinance and A-Ga-Ming PRD revision.

**9. Zoning Administrator’s Report**

Graber distributed an updated *Checklist for June 2020* and TLT 2020 Land Use Permits spreadsheet through Permit #2020-39, and ZBA Appeals ZBA 2020-3. on-going permit status, and current zoning applications were summarized as well. Petersen 31 has new owner; Airport has new owners. Graber reports 40 permits to date, lots going on, 3 more Short Term rentals notified. Graber also stated the Torch Lake DNR access site will not go up for sale this year, rather it’s been postponed and will go for sale next year.

**10. Summary of action items to be taken on or before the next ZBA meeting**

None - No September meeting required. Next meeting scheduled for October 14, 2020 unless no variance requests or appeals filed. If none filed, next meeting will be November.

**11. Comments/Concerns of the public**

Cook asked for update regarding Templin

Graber stated he still has to remove the “wings” and has until 11-15-20 to do so

Templin wants to use wings as a boat ramp. Graber informed him to first obtain permits from DEQ and soil erosion then she will discuss his project further.

Spencer stated he feels strongly he never waived his rights to the rest of the process. He stated Barr thanked him for the offer of postponement. Barr stated he has kept meetings until midnight and after and was prepared that night to do the same until Spencer and his atty. deemed it not necessary to continue. Spencer stated again he unequivocally did not waive his rights and that the ZBA, being a judicial body different from the PC and board, should keep accurate records. Spencer also stated that he was disappointed to learn there was no audio tape made of the meeting. Barr informed him the audio tapes are for the recording secretary’s convenience. He said recording the meeting, according to the township clerk is not mandatory. Graber stated it was also her opinion that a postponement was not requested, and had it been, the ZBA would have indeed Not postponed, rather would have pushed forward with the interpretation in its entirety, even if the meeting went past midnight as it has in the past.

Barr called for final comments from the public and there were none.

Barr thanked Graber and A-Ga-Ming for making the arrangements for tonight’s meeting.

**12. Adjournment**

With nothing further, a motion was made by Cook to adjourn, the motion was seconded by Jakubiak, Barr called for further comment and vote; passing 5/0. The meeting was adjourned at 8:11pm