

MINUTES SILVER CREEK TOWNSHIP

PLANNING COMMISSION PUBLIC HEARING AND REGULAR MEETING – MAY 25, 2022

Chairman Nick Barnes called the meeting to order at 7:00 p.m. on Wednesday, May 25, 2022.

The Pledge of Allegiance is recited.

MEMBERS PRESENT: Nick Barnes, John Joossens, Debbie Brown, Mike Glynn, Jon Tidey, and Veronnica Kenreich

MEMBERS ABSENT: Tim Feirick

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

APPROVAL OF THE AGENDA

Mike Glynn motioned to approve the agenda.

Debbie Brown seconded.

Motion passed by voice vote.

READING OF PUBLIC NOTICE

Read by Debbie Brown:

“The request of Robert Adcock to rezone his unaddressed property located just north of 55964 Forest Beach Street within the Township and identified as tax parcel no. 14-130-031-032-00 from the existing “A-R” Agricultural/Rural District Zoning Classification to the “WD” Waterfront District Classification. Such rezoning, if approved will amend the zoning map to reflect this change. Considerations for rezoning are contained in Section 155.275 of the Silver Creek Township Zoning Ordinance. This request was tabled without a date certain at the Planning Commission’s December 22, 2021, meeting. As such, a re-notice is required but there is no change to the request.”

PULIC COMMENT

Mr. Adcock reiterated why he submitted his request.

Mike Body had questions about the tabled discussion on the zoning administrator’s authority. Nick Barnes addressed Mr. Body, stating an update will be soon and if there are any changes, a public hearing would be scheduled.

WRITTEN COMMENT

None

COMMISSION DISCUSSION

Veronnica Kenrich explains what Special Assessment District (SAD) is to the applicant and expresses concern on rezoning non-waterfront properties as waterfront. She adds it would also create issues with the neighbors in his same situation forcing them to be rezoned, potentially increasing their taxes. She discussed other ways the applicant may be able to build without rezoning including going before the Zoning Board of Appeals. She asks for clarification from the applicant on whether he is trying to sell or build.

Mr. Adcock states he is trying to sell, and no one will buy it due to setback issues.

Debbie Brown reads the description and purpose of the waterfront district from the Silver Creek Township Code of Ordinances:

§ 155.079 WD WATERFRONT DISTRICT.

(A) Description and purpose.

(1) The Waterfront District is characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the waterways and shorelines of the township.

(2) The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront and shoreline properties and to ensure that the structures and uses in this District are compatible with and protect these unique attributes. Such physical, economic, and social attributes will be protected by permitting and regulating watercraft, private piers, docks, and hoists incidental to the structures located on the waterfront and shoreline properties.

Mark Davis points out that the Zoning Board of Appeals can only grant variances based on practical difficulty and purchasing an undersized lot is not a practical difficulty.

Debbie Brown agrees and clarifies if the applicant decides to file a variance request with the Zoning Board of Appeals, the Planning Commission cannot guarantee the outcome.

Nick Barnes states that he cannot support the applicants request based on the description and purpose of waterfront district.

Mike Glynn notes that a variance runs with the property and would not need to be reapplied for.

Mark Davis states that zoning is contiguous, and properties cannot be spot zoned.

Mike Glynn agrees and reads Silver Creek Township Ordinance 155.275:

§ 155.275 ZONING ORDINANCE AMENDMENTS.

(3) The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary, in accordance with the requirements of the Zoning Act, being M.C.L.A. §§ 125.3101 et seq.

(4) In considering a recommendation for an amendment to the zoning map, the Planning Commission shall consider:

- (a) All possible uses within the area requested to be re-zoned and not just those that the property owner requests;
- (b) The purposes for which property in the immediate vicinity is zoned;
- (c) The Master Plan;
- (d) The character of the zoning district, its particular suitability for particular uses, and the general trend and character of building and population development; and
- (e) The public services available and the public services needed for the zoned use and the proposed use.

DETERMINATION ON APPLICANTS REQUEST FOR REZONING

Mike Glynn motions to approve or deny the zoning request of Robert Adcock.
Jon Tidey seconded.

Nick Barnes- denied
John Joossens- denied
Debbie Brown- denied
Mike Glynn- denied
Jon Tidey- denied
Veronnica Kenreich- denied
Tim Feirick- absent

All members present denied, no members approved.

PUBLIC COMMENTS

Mr. Adcock asks if there is a different request he could make. Nick Barnes directs applicant to speak with Mark Davis and explains the process.

CLOSED PUBLIC HEARING

REGULAR MEETING

Call to order 7:34 p.m.

MEMBERS PRESENT: Nick Barnes, John Joossens, Debbie Brown, Mike Glynn, Jon Tidey, and Veronnica Kenreich

MEMBERS ABSENT: Tim Feirick

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

APPROVAL OF THE AGENDA

Mike Glynn motioned to approve the agenda.

Debbie Brown seconded.

All members present approved. No members denied.

APPROVAL OF THE MINUTES FROM APRIL 27, 2022

Debbie Brown motioned to approve the minutes.

John Joossens seconded.

All members present approved. No members denied.

COMMUNICATIONS:

None

PUBLIC COMMENT

None

ZBA REPORT

Nick Barnes notes there was a meeting regarding the placement of a manufactured home on an existing footprint. The applicant's request was denied, and a lessor variance granted.

BUILDING AND ZONING ADMINISTRATOR'S REPORT

Mark Davis updated members on latest report. He asked for an update on giving his position more authority for unique undersized lots in agricultural district. Nick Barnes states a determination should be known soon.

NEW BUSINESS

Nick Barnes explains the township is reviewing the Master Plan. Questions Mike Glynn about it asking him to share his thoughts and knowledge on the process. Mike Glynn explains the process and encourages new members to jump in and bring new viewpoints. Members agree to read the Master Plan and come back to discuss the topic at future meetings.

OLD BUSINESS

Short term rentals - Senate Bill 446 and House Bill 4722. No updates. General discussion ensued on areas that the township could investigate. Members decide to table the discussion for now so they can focus on the Master Plan.

PUBLIC COMMENT:

None

MEMBER COMMENT:

None

NEXT MEETING:

June 22, 2022

ADJOURNMENT

Debbie Brown motioned to adjourn.

John Tidey seconded.

All members present approved, no members denied

Meeting adjourned at 8:05 p.m.

Recording Secretary, Wendy Fitzgerald

Secretary, Debbie Brown