

TOWNSHIP OF LINCOLN
CLARE COUNTY P.O. BOX 239
LAKE GEORGE, MI. 48633

Supervisor Zimmerman
Clerk Majewski
Treasurer Carey
Trustee Hardin
Trustee Tobin

Lincoln Township Planning Commission

Regular Meeting - Tuesday, April 20, 2010 at 7:01.

Roll Call:

Present - Chair Hamilton, Vice Chair Bridges, Secretary Szczepanski,
Liaison Tobin, Recording Secretary House, Zoning Administrator Lambert,
Building Inspector Mantei

Absent - 0

Public - 2

Approval of Minutes:

Regular Meeting, March 16, 2010 - It was moved by Hamilton and seconded
by Tobin to accept the minutes as corrected. Motion Passed.

Zoning Administrator's Report:

(See Attachment 1) Bacon was told that if he keeps his blight behind the
fence, the courts won't pursue the issue. Hamilton stated that the Township
will be receiving a cease and desist notice from the DNR on the Bacon
problem.

Building Inspector's Report:

None

Correspondence:

1. Notice of a Small Scale Renewable Resource Workshop and Becoming
an Effective Commissioner Training Session were announced. Any one
interested should see Hamilton.
2. A letter was received from Arnold Van Overbeke from White Birch on
Pine Run Road concerning his opposition to allowing accessory buildings

on property without a primary structure. He outlined the negative ramifications of this possible legislation.

3. The same letter was received from Sharon Overbeke of the same address in White Birch.

Old Business:

1. Special Use Permit - Szczepanski led discussion and passed out the revised copy of this document. The Township Board set fees for the application at their last meeting; the fee will be \$250 if the request is brought up at a regular Planning Commission meeting and \$425 if a special meeting must be called. Bridges asked that detailed site plan requirements be added to the document especially in light of the problems that Hayes Township has had recently. Bridges handed out 21.03 Site Plan Requirements from Isabella County for consideration. Szczepanski will include it in the document. Hamilton moved and Szczepanski seconded to accept the Special Use Permit presented with changes. Motion passed.
2. Contiguous Lots Definition - Hamilton checked on roads in the Township and stated that 90 to 95% are plated and the rest are planned as easements but not built yet. The definition that is proposed would prevent most residents from using lots across the road from them to build accessory buildings. The concern is for past practices. The Zoning Attorney, Jaynie Hoeroff and the Township's current Attorney were consulted and they stated that across the road would be contiguous in their estimation. Hamilton proposed taking out the "plated road statement" in the ordinance. Heated discussion ensued. Hamilton stated that "we have allowed this in the past and he'd like to see us continue this policy". Bridges stated that right of way can be defined in a different way. Tobin stated that "I want to see this fixed". Bridges suggested that the ordinance language needs to be changed not the definition of contiguous. Tobin suggested that the Township allow building on a property across the road but have restrictions on what is built. Tobin shared suggestions for what restrictions could be applied based on his meeting with the Zoning Attorney. Tobin stated "we need to help people not hinder them". Bridges stated that we need to make it legal by changing the ordinance rather than the definition. Lambert stated that the definition of contiguous is good but shouldn't be adopted if we don't go on to change the language of the ordinance and set restrictions. The issue will be tabled. Everyone is asked to work on this issue and come back for discussion next time.

3. Utility Buildings - Hamilton had started making a chart for sizes of buildings to be allowed on a lot dependent on the size of the lot. Instead, he suggested establishing an allowed percentage. Possible percentages were discussed. Perhaps a maximum could be established for residential areas. Lambert suggested staying with the present rule for having the accessory building no larger than the foot print of the primary residence. He further stated that the number of buildings should be defined and restricted in size as well. The issue was tabled for next meeting.
4. Sections 1512 and 1519 - Hamilton pointed out how the discussion of all dwellings vs. manufactured homes in section 1519 is confusing and should be clarified. The Zoning Attorney suggested another change in 1512, number 4, part B. A paragraph in 1519 is to be repeated and added to 1512 and Hamilton suggested that the ordinance language differentiate between “destroyed by unintentional means” and “destroyed intentionally by the hand of the owner.” The Zoning Attorney suggested looking at the language “every effort”. Discussion of intentional led to the suggestion of voluntary destruction or neglect of a non-conforming structure. Tabled until everyone comes up with suggestions for the wording in 1512, number 4, part B.

New Business:

None

Public Comment:

- Q. A resident stated that 108 W. North Street, the former Silver Lake Store, is being used for storage and doesn't have electricity. He isn't running a business out of the building. He asked “What is the problem?”
- A. Hamilton – “If Lambert says there is a problem, then there is”. We have no provision for a stand alone building. The former store is now zoned residential. Lambert stated that the building in question is being leased and the business out of his home is grandfathered in. Commercial use of the building has been given up. He stated that a Special Use Permit is needed or he needs to stop using it. The building is owned by the Middleton's and he is leasing it. Lambert feels that it is a commercial use of a residential building. Bridges suggested that he rent a commercial storage building and that the zoning ordinance does not allow for the use he is making of this building. Any business that is abandoned becomes residential after 6 months if it is in a residential area. The owner needs to seek the Special Use Permit for the property to assist this lessee. In 2009 Lambert wrote a letter to the Middleton's asking them to take care of the

property.

- Q. The lessee stated “I think this is a piece of bull. I came here for a reason. I thought you’d see my point of view and help me since I am improving this property. This whole issue is just to make some money for the Township.”
- A. The Planning Commission stated that the fees are to cover the expenses of handling Special Use Permit issues including advertising, per diem, filing, and attorney fees. Seldom does the fee fully cover the expenses involved.
- Q. Carey stated that he thought this was a good meeting.

The next Regular Meeting will be on May 18, 2010 at 7:00 pm.

Moved by Tobin and seconded by Szczepanski to adjourn the meeting at 9:04.p.m. Motion Passed.

Secretary,

Gary Szczepanski

Attachment 1

MONTHLY REPORT OF LINCOLN TOWNSHIP ZONING ADMINISTRATOR

March 17, 2010 to April 20, 2010

Approved Zoning Applications

1. Misty Simmons (Gail Zeigler), 110 W. Park Street, Free Standing Sign
2. Joseph Cushman, 3743 W. Monroe, 28 x 34 attached garage
3. Steven J Dekett, 610 Judy Trail, 40 x 40 accessory building
4. George A Archbold, 504 Forest, 10 x 24 deck
5. Scott Moreno, 4231 Mockingbird Circle, 30 x 40 accessory building (horse barn)
6. Marian Bechtol, 1131 lake Drive (Bertha lake), 6 x 24 deck

Unapproved Zoning Applications

1. Peter Gietzen, 1623 lake Drive, 32 x 42 accessory building, denied for dimensional reasons, might be going for a variance.

Ordinance Complaints

1. Scott Losey & Deanna Onstott for possible residential structure without valid permits on the corner of Old State and Mannsiding, turned over to Township Attorney. Contacted ZA by phone and will meet with him next time they are up here.
2. 108 W. North Street, commercial use of a residential property.

Zoning Violations

None