

Laketon Township Planning Commission
March 9, 2022 Regular Meeting Minutes – APPROVED 4/13/2022

CALL TO ORDER: Chairperson Bob Marine called the meeting to order at 6:04 pm

PLEDGE OF ALLEGIANCE:

ROLL CALL:

- Present: Eric Anderson, DJ Hilson, Dave Mieras, Paul Hoppa, June Earhart, Suzanne Hayes and Bob Marine.
- Absent: None.
- Also present: Applicant Peggy Barber, Zoning Administrator Heidi Tice and Recording Secretary Veronica West.

APPROVAL OF AGENDA: Eric Anderson moved to approve the agenda as presented. June Earhart supported the motion and the motion carried by voice vote.

APPROVAL OF MINUTES: Dave Mieras moved to approve the minutes of 02/09/2022 as presented. June Earhart supported the motion. The motion carried by voice vote.

PUBLIC COMMENTS on AGENDA ITEMS ONLY: **NONE**

CORRESPONDENCE

- Zoning Permits Report for Jan/Feb 2022 – distributed for informational purposes.

UNFINISHED BUSINESS:

- **Section 3.29 Major Street Setbacks:** Zoning Administrator Heidi Tice presented potential language changes suggested by the Township Attorney, to remove all roads (River Rd, Fenner Rd, Scenic Dr, Whitehall Rd, Bear Lake Road and Buys Rd) that are currently listed in the major street setback, except leave in W. Giles Rd, west of Buys Rd and to leave the rest of the language of this section as it currently is. Bob Marine expressed concerns of having homes built or additions added that would protrude forward in front of existing homes and cause site line issues or block views of neighboring homes. Eric Anderson explained that when the 100-foot setback came into existence with the 2006 ordinance, it created many non-conforming homes in areas that were already developed. He discussed a case that came to the ZBA where a legal, non-conforming home needed a variance to add a simple front deck/porch, an amenity nearly all the surrounding homes had. He noted this is a taking of a right of the property owner that other property owners in the area have. Discussed covered the reason for the 100 ft setback being intended to preserve rural character, not necessarily to accommodate road expansions or sidewalks. Eric Anderson also commented that requiring the 100-foot setback on some properties in areas that were developed long ago creates a “hodge podge” look with houses mainly built with the old setback of 25 feet or so and new ones set back 100 feet between the older existing homes. Eric Anderson also discussed various streets where it does or doesn’t make sense to have such a large front yard setback but did move to accept the attorney’s recommendation to change the language of Section 3.29 Major Street Setback to remove all roads from the list except W. Giles Rd, west of Buys Rd. DJ Hilson supported the motion. The motion carried by a voice vote. *Note: Language change to this section would be an amendment to the Zoning Ordinance that is required to go through the Public Hearing process before adoption by the Laketon Township Board.*
- **Proposed zoning changes for Witham Dr** – Zoning Administrator Heidi Tice discussed Twp. Attorney’s response to PC questions regarding the Witham Dr corridor and how best to address the area that has a mix of conforming commercial uses and legal, non-conforming residential uses since most of the residentially used properties cannot meet the requirements of commercial zoning and haven’t changed from residential in over 40 years. The Twp Attorney’s advice is to add residential uses as a special land use in a C-2 district that would have to be applied for by the property owner. It would also require the development of the requirements in order to be approved for a residential special land use in the C-2 district. It was noted this would apply to all C-2 zoned property, not just the Witham Dr corridor. Eric Anderson commented that he feels the cost of that may be unfair financially to these property owners and he wondered/questioned why the residential use couldn’t be added as a permitted use instead. ZA Heidi Tice also noted the attorney said the other option would be to create a whole new district for mixed use,

Laketon Township Planning Commission
March 9, 2022 Regular Meeting Minutes – APPROVED 4/13/2022

but that would take more time to develop and therefore cost more money. She also commented on a section of the ordinance that has a provision for a property owner to revert to a prior zoning district, but there would be costs involved in that option as well just as with the special land use option. Eric Anderson requested that the ZA pose the question to the Twp Attorney of adding a residential use to the permitted uses with in C-2, provided they follow R-3 residential zoning regulations. The rest of the commission agreed to investigate this option before proceeding. Tabled until the next meeting.

NEW BUSINESS:

- **Site Plan Review: 1343 Whitehall Rd for Peggy Barber** – ZA Heidi Tice gave an overview of the project, noting what brought it to township attention was the renting of space to tenants that were engaged in business activities that are not permitted in this zoning district, which Ms. Barber was not aware of. She explained that those tenants have vacated the building and Ms. Barber has applied for site plan review for the permitted use of office space, with office space for a building contractor who will use it for estimating and invoicing activities and some equipment storage, as well as one other office space with an exercise/workout area. Heidi also noted the site plan is in order, has all required items on it. Eric Anderson reiterated that the PC is to review the exterior site plan and not anything on the interior of the building, to which ZA Heidi Tice replied that is accurate, the interior of the building and any construction/occupancy is reviewed by the building department and fire department to meet their codes. Ms. Barber commented that the building is in need of deferred maintenance, such as ceiling repairs, doors need upgrading and misc. other repairs. She added she has an architect working on the plans, which is required for commercial buildings. Parking spaces, of which there are eight (8) existing, were reviewed, no additional spaces are required per the Township Attorney's advice that was reported on by ZA Heidi Tice. The existing sign was discussed and ordinance requirements checked and found to be in compliance with most of the current requirements, except for clear area beneath it due to some old overgrown bushes. Bob Marine would like to see those removed. DJ Hilson moved to approve the submitted site plan for 1343 Whitehall Rd, with the condition that the bushes underneath the existing sign be removed. June Earhart supported the motion. The motion carried by voice vote.
- **Election of a new Vice-Chairperson for the PC** – Due to the resignation of the vice-chairperson officer position by Paul Hoppa, a new vice-chairperson is needed. There were no nominations, so Chairperson Bob Marine asked for a volunteer. There was no rush to volunteer, however, Eric Anderson said he would volunteer so long as there is no legal conflict as he is also an elected member of the Township Board. Discussion revealed members didn't see any reason for there to be any conflict. Dave Mieras moved to accept Eric Anderson as the Vice-Chairperson of the Planning Commission. June Earhart supported the motion. The motion carried by voice vote.

PUBLIC COMMENTS: **NONE**

BOARD REPORTS:

- **Board of Trustees:** Eric Anderson noted the board had lengthy discussions on the Witham Rd rezoning for 989 Witham Rd and did ultimately approve the request, so the property now is R-3 and can be redeveloped residentially.
- **ZBA:** Suzanne Hayes – no meetings have been held/nothing to report.

ADJOURNMENT:

- DJ Hilson moved to adjourn the meeting. Eric Anderson supported the motion. The motion carried and the meeting adjourned at 7:13 pm.

Respectfully Submitted:

Veronica West
Recording Secretary