

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, September 21, 2010 at 8:06.

**Roll Call:**

**Present** - Chair Hamilton, Secretary Szczepanski, Graham, Recording Secretary House, Zoning Administrator Lambert, Building Inspector Mantei

**Absent** - Vice Chair Bridges (word "resigned" removed), Liaison Tobin (excused)

**Public** - 4

**Approval of Minutes:**

Open Public Hearing on Ordinance Language, August 17, 2010 - It was moved by Hamilton and seconded by Szczepanski to accept the minutes as presented. Yes (3) No (0) Motion Passed. Regular Meeting, August 17, 2010 - It was moved by Hamilton and seconded by Graham to accept the minutes as corrected. Yes (3) No (0) Motion Passed.

**Zoning Administrator's Report:**

(See Attachment 1) Lambert stated "I don't now how many times I told Mr. Hoberek that he couldn't use the property in question for storage but he insisted that there must be an avenue he could try. So, I suggested he try for a Special Use Permit."

**Building Inspector's Report:**

(See Attachment 2)

**Correspondence:**

1. A letter from Roger Carey on “good neighbor lighting” was given to Szczepanski.
2. A Planning Michigan meeting in Detroit on Oct 20-23 was announced. Hamilton will see if attendance could be covered by the Township.
3. A copy of Bridges’ letter of resignation, as sent to the Supervisor, was read.

**Old Business:**

1. Szczepanski led a discussion on the lighting ordinance. He handed out a new copy for each member. Changes were pointed out. Actual problems on the lake were discussed. Lambert and Mantei expressed concerns about how to monitor adherence to the ordinance. Lambert stated that he is opposed to any lighting ordinance. Hamilton read a concise statement of an ordinance from another Township that addressed just environmental issues concerning lighting. Szczepanski will consider this language and bring it back to the next meeting.
2. The issue of Accessory Buildings was tabled for a future meeting. Hamilton stated that the ZBA asked for the Planning Commission to reduce restrictions on accessory buildings to eliminate the number of variances they are hearing. A discussion followed on the necessity of addressing this issue at all.

**New Business**

None

**Public Comment:**

1. Lambert asked that applications for a position on the Planning Commission be encouraged by the existing members to the Township Supervisor.
2. What is considered the front and back of a property on the lake? Hamilton stated that on the lake the front is the lake side.

The next regular meeting will be October 19, 2010 at 7:00 pm.

Moved by Hamilton and seconded by Szczepanski to adjourn the meeting at 9:06 pm. Yes (3) No (0) Motion Passed.

Secretary,

Gary Szczepanski

## **Attachment 1**

### MONTHLY REPORT OF LINCOLN TOWNSHIP ZONING ADMINISTRATOR

August 18, 2010 to September 21, 2010

#### **Approved Zoning Applications**

1. Donald Hubbard, 116 Arbor Drive, 768 sq. ft. accessory building
2. James Van Dorpe, 1319 Arbor Drive, 1200 sq. ft. addition to garage
3. Tim Rausch, 531 W. Shingle lake Drive, utility building
4. Kathy Mascott, 436 W. Shingle Lake Drive, Remodel Home  
Construction, covered porch
5. Edward Beam, 915 Arbor Drive, storage building
6. Michael Graham, 4681 Teaberry, 12 x 24 deck
7. Ronald Bott, 658 Shingle Lake Drive, utility building
8. Joanne Woodworth, 1963 Arbor Drive, 26 x 10 deck

#### **Zoning Applications not approved.**

None

#### **Ordinance Complaints**

1. James and Judy Morgan, 1470 South Jackson Avenue – Signed complaint for blight – trial date October 8<sup>th</sup>.
2. Ronald Bott, 658 W. Shingle Lake Drive – blighted property and structure
3. Andrew Guadagni, W. Shingle Lake Drive – blighted trailer
4. Robert Wallace, 2779 W. Lake George Drive – logs and brush on property not owned by them. Promised removal of a 20 x 24 accessory building. Called on 9-16-10. Will be cleaning up the wood and was given 30 days to remove the trailer.

#### **Zoning Violations**

1. Joann Taylor, 381 Arbor Drive, dock setback violation, trial date Oct. 18<sup>th</sup>

## ATTACHMENT 2

### **MONTHLY REPORT Of the LINCOLN TOWNSHIP BUILDING INSPECTOR**

September 2010

#### PERMITS

Sharon and Brent Coates at 711 Pine Street for a mobile home	\$170
Diekevers Roofing at 457 W. Shingle Lake Drive for a reroof	\$25
Michael Chance at 321 South Street for a roof repair	\$70
Pioneer Pole Buildings on Mannsiding Road for a pole barn	\$178
Bridges Construction at 5335 Fawn Terrace for a roofed stairway	\$104.60
Summit Modular Homes on Finley Lake Road for a modular home	\$155.20
Vern Pardo at 5553 Elm Run for a roof over a deck	\$98
David Deleeuw at 745 Arbor for a pole barn	\$156.40
Rita Warchol at 1210 Forest for a roof repair	\$70
James Vandorpe at 1519 Arbor for a garage	\$100.96
Donald Hubbard at 116 Arbor for a pole barn	\$139.12
William Bringer at 1940 Arbor for a demolition	\$70
Pete Norlander at 1940 Arbor for a pole barn	\$220.56

#### INSPECTIONS

8-3-10 Steve Bryant at 4561 Oak Run for a final inspection  
8-6-10 Pete Norlander at 2445 Spruce Hill for a final inspection  
8-7-10 Pete Gietzen at 1623 Lake for a footing inspection  
8-10-10 Gary Harms at 1741 Ironwood for a footing inspection  
8-14-10 Diekevers Roofing at 457 W. Shingle lake for a final inspection  
8-18-10 Pioneer Pole Buildings on Mannsiding for a footing inspection  
8-26-10 Vern Pardo at 5553 Elm Run for a rough inspection  
8-28-10 Gary Harms at 1741 Ironwood for a final inspection  
8-30-10 Ami Woodworth at 1963 Arbor for a footing inspection

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**Lincoln Township Planning Commission**

**Open Public Hearing** - Tuesday, September 21, 2010 at 7:00.

**Roll Call:**

**Present** - Chair Hamilton, Graham, Secretary Szczepanski, Recording  
Secretary House, Zoning Administrator Lambert, Building  
Inspector Mantei

**Absent** - Liaison Tobin excused, Vice Chair Bridges (resigned removed)

**Public** - 9

**Overview:**

The purpose of the meeting is to consider the request of Mr. Mark Hoberek for a Special Use Permit in conjunction with the property at 108 W. North Street, parcel #18-010-030-100-27, at Silver Lake in a residential district for storage of commercial equipment.

**Approval of Minutes:**

Open Public Hearing for Special Use minutes of August 17, 2010 were read. Hamilton moved and Graham seconded to accept the minutes as presented. Motion Carried. Yes (3) No (0) Szczepanski moved and Hamilton seconded to rescind the motion in the decision to grant the Special Use Permit for Mr. Hoberek. Yes (3) No (0) Motion Carried.

**Staff Report:**

Zoning Administrator Lambert gave a history of the property's use and condition. Building Inspector Mantei gave information on the condition of the building itself. He said it was sound but could use a new roof.

**Applicant Report:**

Mr.Hoberek stated that he just wants a location to store his equipment and has been keeping the property, at 108 W. North Street, up for the benefit of the adjoining property owners.

**Correspondence:**

None

**Public Comment:**

1. I would think that using this property instead of leaving it vacant is good for the area.
2. Why is the electricity denied? It seems to be a safety issue. I feel the building should be lighted to prevent accidents in the winter.
3. What does he want to do? I wasn't informed of the last meeting. Shouldn't individuals have to identify themselves as being within the 300 ft. of the residence in question when they speak up? The Lincoln Township web site was praised. He asked if the proper forms had been submitted. He noted that in the Lincoln Township ordinances, there is no provision for outside commercial storage in residential areas.
4. Isn't this going to be a commercial use? Are you sure you can do this?
5. I'm concerned about how you will control the use of this building? Will the Permit be renewed every year? This building is very close to the road and in very bad condition. It has been a nuisance and I'm concerned about what will happen in the future. I admit that Mr. Hoberek has kept up the lawn. Why would you allow a sign on the building advertising a business? I'm not in favor of this. I hope the board looks at what they would like across from their place. This is right at the entrance to our lake. Zoning Administrator Lambert clarified the ordinance concerning signage. Hoberek stated that all he wanted was a yard sign that is removable in the winter and wanted to remove the current sign on the building.
6. This building was a commercial building at one time. Were there any complaints when the building was in operation as a convenience store? Zoning Administrator Lambert stated that the property was never zoned commercial and was built when the Township wasn't zoned.
7. Where would Mr. Hoberek be allowed to store anything in the Silver Lake area? Hamilton stated that there is no commercial property around the lake and he would have to travel for this purpose. Now he stores the equipment in his yard and there haven't been any complaints so why complain about this location?
8. Is what he actually intends to do storage or a business out of this

building? Is there any contamination of the site? Zoning Administrator Lambert produced a document from the DEQ certifying that the property had been cleaned up. Mr. Hoberek stated that he stores winter equipment in summer and summer equipment in winter, so it is storage.

9. Special Exceptions does not state such a use for R-2 on the books. Lambert stated that Mr. Hoberek currently has a legal non-conforming use at his home and has had since 2001. If Hoberek does move his equipment to this new location, he can't return it to his home.
10. Does Mr. Hoberek live in this area? Hamilton, said yes about 3 blocks away from this site.

**Finding of Fact:**

1. Hamilton stated that storage in the residential area is not allowed in the ordinances for R-1 or R-2.
2. Graham said she didn't want this building turning into an office so she was still against electricity. She still doesn't want a sign on the building or storage of anything other than the equipment he needed for his business. I didn't understand that some equipment would be stored in the building but also at his home. How are we going to issue this special use if we aren't going to convert the property to commercial use?
3. Lambert stated that we don't want to change it to commercial because then we couldn't control its use. We are asking only for a commercial use of the building.
4. Graham stated that then she would be in favor of granting the permit but would still not want it to become an office.
5. Szczepanski added that "we could have him put up a privacy fence if it would help with the neighbors acceptance. This could also be a problem then for vandalism."
6. Graham reiterated that two trailers is still to be adhered to as well as a restriction on chemicals. Also, if any of the restrictions are not adhered to then the permit is rescinded? Hamilton said yes.
7. Hamilton read what accessory use is permitted by ordinance on page three (3) of the ordinances. Zoning Administrator Lambert stated that this building could not be considered an accessory building because there is no primary structure.
8. Graham stated that she doesn't see how the Planning Commission could approve this use then.

**Decision:**

Graham moved and Szczepanski seconded (word "that" removed) not to grant a special use permit to Mr. Hoberek for storage of his equipment at this location.

Hamilton (Yes) Graham (Yes) Szczepanski (Yes) Motion Passed.

Moved by Graham and seconded by Szczepanski to adjourn the meeting at 8:06.  
Yes (3) No (0) Motion Passed.

Secretary,

Gray Szczepanski