

Colfax Township, Weldon Township and Village of Thompsonville
Community Joint Planning Commission
14731 Thompson Avenue, Thompsonville, MI 49683
Minutes – March 1, 2018 Regular Meeting

Peggy Minster opened the meeting at 7:00 P.M. followed by the Pledge of Allegiance.

Present at roll call: Commissioners Peggy Minster, Shelley Greene, Irene Dunham Thayer, Don Suchocki, Sally Bobek, Chris Bobek, Debra Franke and Gene Houghton; zoning administrator Craig Meredith. Absent: Eugene Allen (excused).

Guest: Sue Meredith.

Agenda Additions/Corrections: Shelley adds Community Issue under New Business.

Motion/second by Irene/Debra to accept agenda with addition; motion carried.

Approval of Minutes: Motion/second by Sally/Irene to approve February minutes as presented; motion carried.

Public Comment: None.

Unfinished Business and Reports

A. Violations/Citations: Peggy said Mr. Lindsay received the citations for the accessory structures and travel trailer and called her and Eugene. She informed him decisions are made by the JPC as a group. Peggy said Mr. Lindsay read the ordinance and still feels he can have a trailer as a temporary dwelling and the accessory structures. He could not be here due to the weather and told her she would pass on that he wants the citations rescinded. She asked the commission if a dwelling foundation and framing are in; Shelley said no. Her understanding is that the trailer has been there since 2016, and the violations came to our attention as a result of a dispute between Mr. Lindsay and a neighbor. A violation notice was issued and then citations when the neighbor's attorney sent a letter to Craig Meredith and Colfax Township on the violations. Peggy asked if there is a septic field; Shelley said no and that the trailer and structures were there prior to applying for a dwelling permit. Peggy then read the ordinance which states no structures shall be erected prior to issuing a permit; a dwelling must have a foundation and be framed in before any accessory buildings can be added; and temporary dwellings must be able to hook on to county approved water and sewer systems. She said we also have the attorney's letter stating Mr. Lindsay is not in compliance with the zoning ordinance.

Peggy opened the issue for discussion. Shelley said Mr. Lindsay presented his case at Colfax's February meeting that he should be able to have the trailer and structures on his property, has applied for permits and wanted the township board to rescind the citations. The board informed him they did not have the authority and that it was a JPC issue. The supervisor gave her the floor and she stated the history of the issue as she knew it and what the zoning ordinance states on temporary dwellings as well as travel trailers and accessory structures without dwellings. She informed Mr. Lindsay when and where the JPC meets. Shelley explained that the JPC discussed trailers and structures without dwellings at length when developing the ordinance and, ultimately, it was the legislative bodies' decision. Sally said with a difference of opinion the choices are to go back and forth or go to court. Chris felt a ticket is the right way to go, get him into court and make him do what he is supposed to do. Sally, Debra and Irene agreed. Gene said the ordinance is clear. He has to abide by what is in place, he has not shown a reason why he should be exempted from the standards and we should proceed with what was set in place. Don: well said and agreed with Gene. Based on discussion, Peggy said the commission is in agreement that Mr. Lindsay is in violation of the ordinance, the citations stand and it's unanimous.

Concerning Mr. Johnson, Peggy said he paid the ticket and will be removing the addition. Shelley said she received a call from him saying it was paid that day and wanted to know what he could do to keep the addition. She asked if he obtained a county building permit; he did not. She said they require a zoning permit, and the zoning administrator denied it because the house is a nonconforming structure in a commercial district. She said he was very nice and asked many good questions. Shelley explained this area of the zoning ordinance to Mr. Johnson, the process the JPC followed to develop it and that the property has been zoned commercial for many years. Mr. Johnson asked her what he should do; he acknowledged the need to remove the addition. She could only say what she would do which would be call or write the zoning administrator stating the ticket has been paid and give intentions on removing the violation.. Craig said Mr. Johnson was in his office this evening, said the ticket has been paid, will provide a letter and said the bedroom addition will be torn down when the weather turns nice. Peggy said this is on the right track and asked Craig to provide Shelley a copy of the letter.

Peggy asked Craig the status of the Popa violation. He said a stop work order was issued, he and the building department had discussions with Mr. Popa, an architect drew up plans and application will be made for a land use permit when the weather breaks. Peggy asked Craig to obtain written status on the issue from Mr. Popa to document the conversation. Craig added that he met with him three times and sent a violation notice with a stop work order but had no response. Shelley said the lack of response was why the JPC directed a citation be written at the time. Craig confirmed no citation was issued, just the stop work order; Peggy acknowledged the events saying just so we know. The additional fee for starting work prior to a permit is due with application for a zoning permit.

Craig described the Osga situation and said a violation notice was issued in August or September. He confirmed there has been no citation issued or conciliatory conversation or documentation toward resolution. Mr. Osga received one violation notice; Craig intended to send a second but went into the hospital shortly thereafter. Craig wrote in the September 20, 2017 notice that it appeared a salvage/scrap yard may have been started as well as dismantling of vehicles for scrap which is not allowed in the R2 District. Craig also wrote it may be more of a blight issue rather than zoning and was copying the Village blight enforcement officer and Village president. Chris said he received the notice, sent a letter and normally would follow up and review the property after 30 days. However, his term ended so it wasn't backed up with a ticket. When it starts again he will need to talk with the board and possibly issue a ticket. Craig confirmed there has not been follow up since the first violation letter.

Concerning the Wohadlo property, Craig said he was kicked off the property and the owner did not sign for the citation sent by certified mail which was returned by the post office October 20. Gene felt another citation needs to be issued. Chris suggested asking the magistrate for direction on the process to serve property owners; perhaps a deputy can accompany him. Peggy directed Craig to issue citations for Osga and Wohadlo reflecting what was in the violation notices.

B. Gibbs Project: Mr. Gibbs met with Craig following the February JPC meeting. The project is for 23 lots in one subdivision plus 28 more. He has already paid the Village for water at the 23 lots. Craig said Mr. Gibbs wants a 720 square foot or less one bedroom house like an apartment. Craig was asked if the square footage included a garage and he said yes. Shelley said Mr. Gibbs was informed the garage can't be considered part of a home's livable space. Peggy said based on research the project has to be a PUD, it's what Frankfort is doing and Sally said the same for Crystal Lake Township. It has to be a "special" thing, will be an amendment to the zoning ordinance and a site plan is needed. Sally said Frankfort allows small houses on properties with existing homes but not on a vacant lot. Craig will show Mr. Gibbs the PUD requirements. Chris said a decision will be needed on the difference between the living space size and the footprint; what if he doesn't want to add a garage? Peggy said it has to meet county building codes and is a different issue from zoning.

C. Zoning Administration: Covered under Violations/Citations.

D. 2018-2019 Budget: Colfax and the Village approved. No further action at this time.

E. Weldon Withdrawal Timeframe Letter: Sally presented a letter from Weldon's clerk addressing several items. Sally printed the bank statement and activity for the month. Shelley said Ron Evitts and Eugene Allen received a letter stating Weldon Township anticipates withdrawing at its March 13 meeting. Sally said Carrie's understanding is she will pay the bills and issue a check payable to both Colfax and the Village at the March meeting to close the account. Craig said he boxed up the Village and Colfax permits; the printer and laptop will be available after the 13th. Gene asked if we need anything about the costs involved with the restructuring. Shelley said we haven't received direction and asked Sally if their attorney addressed how the bills will be handled. Shelley said the joint ordinance agreement needs to be amended as a start and feels legal wording is needed beyond removing Weldon Township from a Word document. Sally felt it should be a simple matter and said there may be resistance from the Weldon board.

F. Zoning Administrator Report: Written and oral reports provided. Craig reviewed permits. A solar panel company contacted him concerning the triangle property at Weldon Road. Gene said a zoning administrator back up plan is needed going forward

G. Village/Township Reports: Sally reported Weldon is looking at improving parks, the planning commission held its first meeting and hall updates are being considered. Shelley said Mr. Lindsay attended Colfax's meeting to address citations, David Schaffer presented on county solid waste and recycling activity and a special budget meeting was held. No Village report.

H. Budget Review/Compensation Authorization: Bills presented: zoning administrator \$259.80, attorney \$390.00. Motion/second by Sally/Gene to pay bills and compensation authorization. Roll call: Gene Houghton, Debra Franke, Chris Bobek, Sally Bobek, Don Suchocki, Irene Dunham Thayer, Shelley Greene, Peggy Minster – yes; no – none; absent: Eugene Allen; motion carried.

New Business

A. Nonconforming Structure: Shelley asked for the commission's position on the Gibbs structure. Sally asked Craig for an explanation on issuing the permit. It was determined the permit was issued in error, the zoning administrator was admonished and the commission agreed to allow the structure to remain.

B. Terms of Office: Irene's term was renewed by Colfax. The Village needs to renew Gene's.

C. Community Issue: Shelley spoke with the undersheriff regarding lack of response to a dog fighting incident posted on social media. He asked her to pass on that they are looking into what happened with dispatch on the first call and said they came out on a second call. No evidence of dog fighting was found and the community is asked to contact the sheriff's department or animal control of such activity. The undersheriff also said state law prohibits dogs running at large.

Correspondence: Planning and Zoning News bill received.

Public Comment: Irene was congratulated upon reporting she was accepted to serve on the Benzie County Planning Commission for a one-year term.

Adjournment: Motion/second by Irene/Gene to adjourn at 8:45 P.M.

Respectfully submitted,

Shelley Greene
Secretary

Minutes are proposed until approved at the next meeting