

Draft

CASCO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
June 16, 2021; 6 PM

**Members Present:** Chairman Lewis Adamson, Vice Chairman Andy Litts, Board Representative Dan Fleming, Secretary Greg Knisley, ZBA Representative Sam Craig and members Kelly Hecker and John Weaver

**Members Absent: None**

**Also Present:** Zoning Administrator Tasha Smalley, Recording Secretary Janet Chambers and via zoom, interested citizens Clay and Janis Griffindorf

1. **Call to order:** The meeting was called to order by Chairman Adamson at 7 PM.
2. **Review / Approval of Agenda:** The agenda was reviewed and approved as printed.
3. **Public Comment – items NOT on agenda:** None
4. **Approval of minutes:**
  - a. **5/19/21 Regular Meeting minutes:** A motion by Fleming, supported by Hecker to approve minutes of 5/19/21. All in favor. MSC
5. **Public hearing – none**
6. **New Business:**
  - a. **Any other business that may come before the commission:**
7. **Old Business:**
  - a. **Text amendment discussion – Winery and Lake Michigan setback:** Smalley said this is an item that has been tabled at last few meetings and has been on the agenda for approximately 2 months. Winery text and Lake Michigan setbacks are an item that needs to be amended but has not yet.

Weaver recalled a previous discussion about titling the section “Alcohol Production Facilities”.

Smalley said the section could also cover fruit, meat, wineries, or hops. Distilleries are not covered anywhere else in the ordinance. Typically, a distillery does not use an AG product. The purpose of allowing in an AG district is generally to promote their AG product and make money. A tasting room and sales are commercial uses where they normally are not allowed. Commissioners need to discuss whether Casco wants to allow facilities that do not produce at least some of the product.

Knisley asked if they can ship some of the product in to augment the supply.

Smalley said many townships do allow shipping in additional product to supplement theirs, but that is a decision for Casco to make.

Hecker asked if current wineries are required to grow their own product.

Smalley said an existing winery was approved via the Farm Market section of the ordinance, so they are required to grow their product.

Knisley said they should not be restricted to using ONLY their own crop.

Adamson said farmers would want to grow at least some of the product because it would add to the nostalgia.

Fleming added, it is the nature of crops that you will not always have a good crop and may need to supplement.

Chairman Adamson said the PC should get something on the books for wineries and it could be expanded to include breweries, etc. later.

Smalley said RR does allow AG. The PC will need to decide if RR would be exempt from allowing wineries. She added the GAMP setback is about 50'.

Parking, signage, occupancy number, etc. will have to be decided. Some are limited to 5,000 which is quite big. Everyone eventually wants to have weddings. They would need to comply with Special Events standards. The Special Events ordinance requires them to be owner operated and are required to live at the location.

Commissioners discussed the proposed 10 PM closing. McIntosh closes at 6 PM. An earlier draft had closing at 9 PM but was changed to 10 PM because Farm Markets are allowed to be open until 10 PM.

Litts questioned whether the proposed setbacks fit on 3 acres?

Smalley said the current setback is 50', with 75' from non-farmers.

Litts asked if the PC should make a motion to move forward on this?

Smalley said she would like to have 3, 4, or 5 ordinance changes before scheduling a public hearing. Smalley will make a draft incorporating items discussed. There will be an opportunity for further discussion or changes later.

Discussion moved on to Lake Michigan setbacks. Smalley said she had a request at 42 North Shore drive for a swimming pool. There is a small section of Lakeshore that is not in high-risk erosion. EGLE does not regulate in non- high-risk areas. A swimming pool or structure needs a setback. With Lake front properties, the ordinance considers both street side and lake side to be front yards. Swimming pool provisions say no swimming pool in front yards. There is a provision to allow them in lakeshore, but it defers to EGLE for regulation. The small non-high-risk erosion area at the south end of Casco is not regulated by EGLE. There are also areas in the ordinance that refer to the lakeside as rear yard and other areas that

refer to it as front yard. This will need to be consistent. There is also an ordinance that never got changed where setbacks were determined by an average of 5 structures.

Knisley said 'structures' would need to be defined. It could come down to the site plan review.

Discussion ensued about whether to go with "average" of a number of adjacent structures or average within a certain distance, or simply average within a number of lots, and what type of structure goes in the average. Could be simplified by just saying a specified number of feet and avoid using an average.

Everything EGLE does not regulate will need to be covered. Stairs, deck at top of stairs, sheds, power lifts, etc.

Fleming asked the reason for regulation, just because EGLE does not.

Smalley said she gets requests and if EGLE does not regulate something, she needs to know the setbacks. It is for protecting the bluff and neighbors.

Fleming asked how we know what distance from the bluff will protect the bluff. How does EGLE know what distance will not cause a problem. Fleming said if someone wants to build close to the bluff, we need to warn them of their risk and let them decide.

Discussion ensued about how one person taking a risk also affects neighbors on the bluff. As someone tries to mitigate erosion to save something they have built, it can affect the shoreline and future erosion. The consequences are not limited to one person.

Smalley said currently when she gets an application for along the shoreline, it is not clear in the ordinance how she is to handle it.

Chairman Adamson said there is a committee looking at revetments also.

Windcliff drove steel in the ground and backfilled it with sand. Scenarios like that affect much more than their own property. It creates a mess when you disturb sand and soil.

Fleming said even at 200' eventually it will erode.

Weaver asked how many property owners along the lakeshore even have 200' on the lakeside of their homes?

Smalley did not have that information, but said some people go from the Ordinary high-water mark (OHWM). You need to determine where you want to measure from. It could be the bluff at the time of application or OHWM.

Knisley referred to a property where the bluff was removed. They made a slope to the water regardless of what it did to neighboring properties. No body stopped them.

Litts asked about just updating language to today's standards and what that would entail. If Smalley does the language corrections, and leaves the setbacks and decisions to the PC, it may go smoother with the language corrections in front of us.

Smalley said there are some minor changes. There is a section where a change was written and not put in the ordinance, and the part where EGLE is not part of the standard, there needs to be a standard. Lake Michigan waterfront and streams and ponds are all referred to as waterfront. This needs to be clarified.

Knisley asked if there should be a side ordinance?

Adamson said someone could still go to the ZBA if they need to.

Smalley said the starting point of the measurement needs to be determined. You could stick with 200' and let the property owner get a variance.

Litts asked about public input.

Smalley said they will have an opportunity at the public hearing. She added that EGLE regulates anything with a roof and foundation. She added when she went through EGLE books from the 70's and 80's they had two different setbacks a non-high-risk erosion area has a 65' setback and high-risk erosion area has 180'.

Knisley said we could ask EGLE what their objective is for the setbacks they have.

Weaver said he went through EGLE for his home, and they had a period of time in mind that the home would be safe. They made a statement "You should be good for 100 years.

Chairman Adamson said to consider something that would keep it simple.

Smalley said like a single-family home 200' from OHWM.

Adamson said the PC should revisit this.

- b. **Any other business that may come before the commission:** Smalley said there are no site plans or requests at this time.

Adamson said we should let July slide if there is nothing pressing. After discussion, members decided to meet in July and take August off. Hecker will take minutes at the July meeting.

Smalley said easier text amendments in July will be signs (attorney has made a draft to consider), definitions for childcare and daycare will be discussed. DEQ will need to be changed to EGLE. Waterfront for lakeshore and other waters will need to be clarified. Discussion on Projections into yards will be something that will require more discussion.

## **8. Administrative Reports**

- a. **Zoning Administrator – April & May:** Fleming asked Smalley is there a way to track citizens questions so we can address what they are asking frequently? When we work on the Master Plan we need to know what people want.

Smalley said she does list items that have a steady flow of questions. That is where she gets some of the items to add to her list.

Knisley brought up a question of pole buildings and having a residence in or attached to them. This is becoming popular, and they are pretty nice buildings.

Smalley said a residence requires a foundation 42" below grade, which would exclude pole buildings.

Knisley said people include a foundation just on the part they will reside in. The ordinance says if there is no home, there cannot be a barn. This is a way to have a home incorporated in or attached to the barn.

- b. **Township Board Representative:** Fleming said the board has not met. They have changed from Wednesdays to Mondays. They will meet next Monday.
- c. **ZBA Representative:** Craig said there was a variance requests to split one lot into 4 lots and build 4 homes. That request was denied. Another request was for a home close to falling in lake, on a 45' lot. They needed 2 side variances. Approval was granted subject to positioning the house so a Fire truck through.
- d. **Water / Sewer representative:** There were two requests to have fees waived. Boss family said sewer ran past, but was not connected to their property and wanted connection fee waived. That was denied. A developer at Everett Park wanted fees waived because they said they had connected to lots on Elkenburg. This was not true, and they were denied.

The budget was approved. They will replace a \$50,000 valve on the Blueberry water tank.

- 9. **General Public Comment:** Clay Greiffendorf, (via zoom) was asked if he had questions. He did not but found discussion on setbacks and pools interesting.
- 10. **Adjourn:** Meeting was adjourned at 7:06 PM.

Minutes prepared by Janet Chambers, Recording Secretary