

**FOREST HOME TOWNSHIP  
PLANNING COMMISSION  
MEETING  
WEDNESDAY, NOVEMBER 4, 2015  
7:00 P.M.**

Members Present: Paul Trumble, Doug Dewey, Dan Steiner, Linda Cran, Tom Sheneman  
Absent: None  
Also present: Stephen Barnard Zoning Administrator and Public attendance sign in sheet attached.

The meeting was called to order by the Chairman, Paul Trumble at 7:05 p.m.

The Pledge of Allegiance to the U.S. flag.

The Chairman requested Public Comment: Tom Frey spoke on the FHT website and complained that there was an incorrect date and time for the FHT Board meeting. The Chairman asked Mr. Frey to take his issue up with the Forest Home Township Board. Public comment closed at 7:11 p.m.

**AGENDA:**

It was moved by Sheneman, seconded by Cran that the agenda be approved with the correction that the approval of the minutes be placed after public comment. Motion carried – Unanimous.

**MINUTES:**

It was moved by Cran, seconded by Dewey that the minutes of October 7, 2015 be approved as corrected. Motion carried – Unanimous.

**ZONING ADMINISTRATOR- STEPHEN BARNARD REPORT:**

He reported he had attended a training session for Michigan Association of Planners and Zoning and learned a lot of valuable information.

Reported that there are two (2) properties located at 2796 S. M-88 Hwy. the owner is Steven Bacon and has written Mr. Bacon an infraction for one (1) violation after many complaints from neighbors and public regarding the conditions of these properties. The infraction was written for one (1) of the properties that is located on the lakeside containing a cabin on wheels that had been permitted by the County for a time period of up to two (2) months which ended in July. The cabin is still on the site and Mr. Bacon has added another structure to the site. The infraction was written October 28<sup>th</sup>, 2015 per Article 19 Administration and Enforcement Section 1906 Violations and Penalty: Infraction fine of not less than \$200.00 was issued to Mr. Bacon and he has until November 10<sup>th</sup> to answer the infraction or additional infractions may be issued. The township has no blight ordinance and no enforcement means other than writing infractions. Also, Bob Bacon (father and neighbor) of Steven has complained about his sons' properties and is unable to sell his property with the conditions that his son has created and is unwilling to clean up his properties. The Township has to put pressure on Steven and use their authority. Therefore, Bob has lined up his equipment in front of his home to make a point and encourage the Township to act on this situation. Michigan Zoning Enabling Act requires due process which takes time to proceed to ensure that health and safety of the public and the use of rational means take place when taking action. The Antrim County Building Department has red tagged the property and will continue to report on the status.

## **POINT OF SALE**

The Chairman polled the members seeking their opinion.

Sheneman – In favor of ordinance for certain areas: Riparian properties.

Cran – Health Department authority concerns and support that the commission work through document.

Dewey – Last spring he thought this was a good idea, but not sure today. The Health Department having authority may come in and shut you down at any time. Not too worried about septic systems and looking at the Annual Summary reports from the Health Department did not find many, if any system failures and that he is concerned with wells. At this time not in favor of a point of sale ordinance.

Steiner – Agreed with Mr. Dewey and stated that the reports have shown that the failure rate is very low and that Milton Township with zero failures. Kalkaska and Manistee have reported one (1) failure. This may be a question to be voted on by the public body.

Trumble – Likes the concept and it is good that septic and water be tested. This should be done by the property owners while home inspections are being completed and believes buyers and sellers are willing to take these precautions. This Ordinance should be County driven rather than Township driven and a ballot question is not likely.

## **Public Input:**

Dean Crandall spoke on a Point of Sale Ordinance stating that this could be considered a form of spot zoning practices for lakefront properties and that this should be addressed by the County. Just because one (1) Township has this ordinance does not mean that all of the other fourteen (14) Townships need the same ordinance. This issue should be between the buyers and sellers and people have common sense and have inspections completed on their own. Tom Frey spoke on the low failure rate has shown in the annual reports that maybe an ordinance is not of value or time worthy. The home inspections should include a well and septic inspection as a requirement. The buyer and seller can include in their agreement the payer for the inspection. Barbara Carton stated that she is disappointed that the Point of Sale Ordinance is not fully support by the commission and asked if the commission could compromise by maybe incorporate into the FHT Zoning Ordinance, and that the realtors have no issues that she is aware of and that the cost is negotiable between the buyers and sellers. Thanked the commission for their time and hearing her request.

Commissions input on amending FHT Zoning Ordinance:

The Township has no reason to know what properties have or are being sold.

The Township has no policing of property sales.

This is not a zoning issue.

The Chairman stated that he will request a meeting with the Zoning Administrator and the Township Supervisor to discuss this issue further and will report back.

## **OLD BUSINESS:**

Dewey stated that he was upset to hear that the FHT Board approved the Amended Zoning Ordinance with Guest House changes and asked the Township Supervisor why the language and standards removed and he answered that he did not realize that this was a problem for the Planning Commission. All uses have standards and this is a problem we do not want guest houses to be the size of a department store. The Township Board should have not acted on this and the Ordinance should have been rejected and returned to the Planning Commission. Dean Crandall member of the FHT Board stated that that the Board has made an error and had over stepped a boundary and will bring this up at

their meeting tomorrow night to request that the adoption be rescinded and return to Planning Commission.

Discussion followed.

The Planning Commission will have recommendations and will request that Williams and Works to insert language and that another public hearing be held.

**NEW BUSINESS:**

Cran – spoke on Medical Marijuana and reported that a meth lab that was busted on Clam Lake Road in Forest Home Township and that the people involved were from southern Michigan. Ohio voted down Recreational use of marijuana, there are 8-10 growers in the state and there is big money for medical suppliers.

Discussion followed.

**PUBLIC COMMENT:**

Tom Frey spoke that the FHT Board policies could direct the Planning Commission to pursue issues like the Point of Sale.

**OTHER:**

Steve Barnard, FHT Zoning Administrator apologized for the mix up with the Amended FHT Zoning Ordinance and the Guest House language and standards.

Cran requested that the Guest House language be prepared, reviewed at the next meeting and that a public hearing be set.

Steiner requested that the Zoning Administrator continue to work on Steven Bacon and his violations.

The next regular meeting is set for Wednesday, December 2, 2015 at 7:00 p.m.

The meeting adjourned at 8:46 p.m.

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Chairman, Paul Trumble

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Secretary, Linda Cran