

Webber Township
2286 W. Springtime St.
Baldwin, MI 49304
Special Meeting
January 17, 2024
231-745-3471

Purpose: Public Hearing requested by Ruth Riley and Pie Medina regarding proposed ordinance amendments to Article XXI Nonconformities and Article III section 3.17 Garage Sales.

Call to Order: 6:00PM

Pledge of Allegiance

Attendance: Dan Cousar-Here, Deb Hanes-Here, Ernie Wogatzke- present, Kelly McCune-Here, Pat Williams-Absent

Agenda Approved: Motion to approve the agenda was made by Deb with support by Kelly. 4 Aye – 1 absent. Motion carries.

Business at hand:

Motion to open the Public Hearing for Article XXI Nonconformities made by Kelly with support by Deb. Roll Call: Kelly-Yes, Dan-Yes, Deb-yes, Ernie-Yes, Pat-Absent. 4 Yes Votes, 1 Absent. Motion carries

Discussion on whether the newspaper ad was correct was debated. It was decided to continue on with the public hearing regardless.

There was a diversion from the topic at hand to discuss the involvement of Williams and Works in writing the Ordinances. It was confirmed they are involved, however the Township is not charged for minor discussions and services.

Ruth Riley read section 102A, Intent and Purpose, #6, #7, #8, and #12 from the Ordinance Book. Questioning if this amendment was in compliance with this section.

It was explained the underlying intent of the Ordinance amendment was to allow an owner of a nonconforming dilapidated property to make improvements without having to wait for a natural disaster to occur. Two schools of thought prevailed among Planning Commission members – 1. Let them improve to a safer, more aesthetically pleasing structure or 2. Don't allow to improve, rather let them continue to deteriorate until they are gone from the Township. The Commission felt it best to allow the owners' to improve upon their properties, but not beyond the extent of the existing nonconformity.

The concern seemed to be whether this ordinance amendment was pertaining to just single wides or any nonconforming structure.

A member of the public commented that we should either eliminate nonconforming language, or lower the bar on what is nonconforming. Take single wides off nonconforming list. Allowing improvements to nonconforming structures doesn't accomplish anything.

It was felt the language of the Ordinance is too broad. It must include specific language as to the condition of the replacement single wide. A member of the public, who is a zoning administrator in another township, stated a ZA can only enforce what is written in the ordinance so it is not a personal judgment call. Anything that is not delineated in the ordinance must be handled by Code Enforcement. If the Code Enforcement officer is not employed by the Township, the enforcement reverts back to the County. If a personal judgment call is made by the ZA the Township would open itself up to litigation. Lake County does not inspect single wides for structure, for this purpose. It was stated the County and Ordinance need to match or, again, we are open to litigation. Michigan Law states that no mobile home older than 6/15/1976 can be brought into the State. It was advised that the age of the mobile home not be used to determine its acceptability

A further discussion ensued regarding the intent of the ordinance. Deb Hanes provided her interpretation that the intent was strictly applicable to single wides. That an existing single wide could be replaced or upgraded for any reason, not just natural disaster. The question came up as to whom would inspect the new single wide. The Zoning Administrator is not qualified. Lake Co only inspects the slab and tie downs. They also inspect the plumbing, electrical, and mechanics. The intent was the Zoning Administrator would only inspect the aesthetics. You do not need to be certified to do that.

The discussion reverted back to the newspaper ad being incorrect. Deb stated she wanted to state nothing more than the Ordinance numbers and sections that were to be discussed, and received conflicting advice. She asked for an official statement that in the future newspaper ads should include nothing but the ordinance (s) or topics to be discussed without details. Again, the input was conflicting. It was advised to go to the MTA book for proper procedures.

The issue of existing structures being involved in this amendment continued to be discussed. It was pointed out the language of the existing ordinance and amended language are contradictory. Discussion continued to resolve this issue.

Five alterations to language proposed:

1. Regarding structures and building, remove "voluntary destruction or removal by owner".
2. Regarding mobile homes, remove "structurally sound and replace with aesthetically similar with surrounding buildings".
3. Define aesthetics for Zoning Administrator.
4. Separate paragraph so buildings and structures are dealt with separate from mobile homes. End first sentence after, "it may be rebuilt".

These changes seemed to suit the requirements of the public in attendance.

Motion to close the Public Hearing for Article XXI, Nonconformities made by Deb with support by Kelly. Roll Call: Kelly-Yes, Dan-Yes, Deb-yes, Ernie-Yes, Pat-Absent. 4 Yes Votes, 1 Absent. Motion carries.

Public Hearing closed at 7:50PM

Motion to open Public Hearing for Article III, Section 3.17, Garage Sales made by Deb with support by Kelly at 7:51PM. . Roll Call: Kelly-Yes, Dan-Yes, Deb-yes, Ernie-Yes, Pat-Absent. 4 Yes Votes, 1 Absent. Motion carries.

Discussion ensued regarding the intent of this Amendment. Response from Planning Commission was, the current ordinance, as written, does not allow a home owner located in a commercial, or any otherwise non residential designated zone to have a garage or yard sale. The amendment would allow these residents to have this type of sale on their property.

Some public attendees felt this change was being made to benefit one resident, rather than issuing him a ticket. The Planning Commission believes that all residents located along M37 and other areas designated non residential would benefit.

Motion to close Public Hearing made by Kelly with support by Dan. Roll Call: Kelly-Yes, Dan-Yes, Deb-yes, Ernie-Yes, Pat-Absent. 4 Yes Votes, 1 Absent. Motion carries. Public Hearing closed at 8:06PM.

Deb to prepare recommendation for Planning Board to add:

1. Limit length of sale to no more than 3 consecutive days.
2. Change language from "Garage Sale" to "Sale"
3. Include language: "exempt non profits".

Motion to consider adopting these ordinances – No motion made. Motion fails.

Motion to vote on Amendment 21.04 amended language at next board meeting made by Kelly with support by Dan. 4 Aye votes, 1 absent. Motion carries.

Motion to vote on Amendment to 3.17, with additions, at next board meeting made by Kelly with support by Deb. Vote 3 Aye, 1 No, 1 absent.. Motion carries.

New Business: Deb asked for a motion to appoint her as Intuit and QuickBooks Administrator and possibly add our IT person, Dave McCall as a secondary administrator. Motion to appoint Deborah Hanes as Intuit and QuickBooks administrator made by Kelly with support by Dan. 4 Aye votes, 1 absent. Motion carries.

It was decided to determine at a later date whether Dave would be the best secondary.

Motion to adjourn made by Deb with support by Dan.

Adjourned: 8:19PM

Respectfully submitted,

Deborah L Hanes, Clerk