



# Antrim County Planning Commission



## MEMBERS

**Bill Bailey**  
12/31/2021

**Barbara Bradford**  
12/31/2022

**James Gurr**  
12/31/2022

**Gary Lockwood**  
12/31/2022

**Bruce Priemer**  
12/31/2021

**Rick Teague**  
12/31/2021

**Ron Tschudy**  
12/31/2020

**Commissioner**  
term elected

**Commissioner**  
term elected

## ADVISORY

**Stan Moore**  
MSU Extension

## STAFF

**Pete Garwood**  
County Administrator

**Jeremy Scott**  
Deputy Administrator

**Tina Schrader**  
Administrative Asst.

**Margie Boyd**  
Secretary

## OFFICE ADDRESS

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Bellaire, MI 49615

**PHONE:** 231-533-6265

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## SPECIAL ASSISTANCE

If you wish to attend a Planning Commission meeting and require special assistance, please contact the Administration and Planning Office.

The Antrim County Planning Commission meeting is scheduled for

**Tuesday, January 5, 2021**

Zoom Webinar:

<https://us02web.zoom.us/j/87682580485>

## AGENDA ITEMS INCLUDE:

- 5:30 p.m. Call to Order
- 5:31 p.m. Pledge of Allegiance
- 5:32 p.m. Organizational Meeting
  - Election of Officers
  - Selection of Meeting Dates/Times
- 5:45 p.m. Approval of Agenda (*pg. 2*)
- 5:50p.m. Declaration of Conflict of Interest
- 5:55 p.m. Public Comment
- 6:00 p.m. Approval of Minutes from December 1 2020 (*pg. 2*)
- 6:15 p.m. Old Business
  - Procedure Subcommittee
- 6:45 p.m. New Business
  - Torch Lake Township Zoning Ordinance Amendments - Chapter 2 and Chapter 4 (*pgs. 3-9*)
  - 2021-2026 Antrim County Parks & Recreation Plan (*pg. 10*)
- 7:30 p.m. Various Matters
- 7:45 p.m. Public/Member Comment

Adjourn

To join the meeting via desktop or laptop:  
<https://us02web.zoom.us/j/87682580485>

To join by telephone dial:  
(646)876-9923 OR (301)715-8592

When prompted, enter 876 8258 0485 followed by the pound key (#)



# *Memorandum Administration Office*

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January 5, 2020

TO: Board of Commissioners

FR: Pete Garwood, County Administrator

RE: Approval of Agenda, Minutes

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You should have received your agenda packets via electronic communication on December 23, 2020. If there are no changes or additions to the agenda, please consider the following action:

**Motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ to approve the January 5, 2021 agenda as presented.**

You received the minutes from the regular December 1, 2020 Planning Commissioner meeting via electronic communication on December 23, 2020. If there are no corrections to those minutes, please consider the following action:

**Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve the minutes of the December 1, 2020 meeting as presented.**



# *Memorandum Administration Office*

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December 23, 2020

TO: Planning Commission

FR: Administration/Planning Office

RE: Torch Lake Township - Proposed Amendments to Zoning Ordinance

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On December 23, the Administration/Planning Office received proposed amendments to the Torch Lake Township Zoning Ordinance. Administration Office staff will be out of the office until January 4, 2021 and will review the information at that time. A recommendation will be made to the Planning Commission at the January 5, 2021 meeting.

**From:** [zoningadmin@torchlaketownship.org](mailto:zoningadmin@torchlaketownship.org)  
**To:** [Scott, Jeremy](#); [Boyd, Margie](#); [Garwood, Peter](#)  
**Cc:** [Bill Stridiron](#)  
**Subject:** Antrim County Planning Commission - Review Sought - Chapters 2 & 4  
**Date:** Tuesday, December 22, 2020 4:14:30 PM  
**Attachments:** [Zoning Amendments - Chapters 2.16B, 2.27B and Chapter 4.02.pdf](#)

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Good Afternoon,

Please find the enclosed amendments to Chapter 2 – General Provisions, Chapter 4 – Nonconforming Lots, Uses of Land, Structures and Premises related to the Torch Lake Township Planning Commission. All amendments are in red. The proposed zoning amendments have been through public hearing and we seek comments from the Antrim County Planning Commission at its earliest convenience.

The public hearing was held on Tuesday, November 10, 2020 at 7:00 p.m. before the Torch Lake Township Planning Commission to request public input to the following amendments to correct contradictions within the township Zoning Ordinances:

- 1) Chapter 2 – General Provisions
  - a. 2.16 General Lot and Yard Area Requirements for All Zone Districts;  
Eliminate B. #1 “Fences shall be allowed in all setback areas provided that they do not obstruct pedestrian travel along the Lake Michigan Shoreline.”
  - b. 2.27 Fences; Eliminate B. “No Fences are allowed on lakeshore residential parcels along the water’s edge.”
- 2) Chapter 4 – Nonconforming Lots, Uses of Land, Structures and Premises
  - a. 4.02 - Nonconforming Structures Eliminate D. “The Zoning Board of Appeals may authorize a property owner to expand a legal nonconforming structure provided the following criteria are met:
    1. Not granting an expansion would present a practical difficulty or unnecessary hardship to the property owner.
    2. The expansion would not be contrary to the public health, safety, or to the spirit of this ordinance.
    3. The structure as expanded would not be likely to depress the value of nearby properties.”

Please let me know if you have any questions in this matter.

Thanks!

Deb

Deborah Graber, Zoning Administrator  
Torch Lake Township  
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2355 N US 31  
Eastport, MI 49627  
(231) 599-2036  
(231) 599-2981 (Fax)  
[zoningadmin@torchlaketownship.org](mailto:zoningadmin@torchlaketownship.org)

SECTION 2.16 - GENERAL LOT AND YARD AREA REQUIREMENTS FOR ALL ZONE DISTRICTS. (Amendment effective July 28, 2017)

- A. NONDUPLICATION. In determining lot and lot line setback requirements, no area shall be counted as setback area to more than one principal structure or use, and no area necessary for compliance with the open space requirements for one structure or use shall be counted in the calculation of requirements for any other structure or use.
- B. FRONT, SIDE, & REAR LOT LINE SETBACK AREA USES. Every part of every front, side and rear lot line setback area shall be open and unobstructed by structures from the ground up to the sky. No structure may be located within 50 feet of the water's edge of Torch Lake or within 50 feet of the Ordinary High-Water Mark of Lake Michigan. The following exceptions apply to these setback requirements.
- ~~1. Fences shall be allowed in all setback areas provided that they do not obstruct pedestrian travel along the Lake Michigan shoreline.~~
  - ~~2.~~ 1. One stairway per parcel with a maximum width of 48 inches is allowed in setback areas. The stairway may include landing(s) with a width not exceeding 48 inches and an area(s) not exceeding 48 square feet.
  - ~~3.~~ 2. Ground level walkways with a maximum width of 48 inches are allowed in setback areas. Walkways may reasonably traverse gullies, ditches, dune ridges, and other such depressions at a height more than ground level if they meet Antrim County building code requirements for safety and do not impede pedestrian travel along the shore of Lake Michigan.
  - ~~4.~~ 3. So as to not impact the dark night sky, lighting on decks, walkways and stairways shall only be illuminated by shielded, downwardly directed types of tread lighting.
- C. DWELLING PER LOT. No more than one (1) dwelling shall be erected on a lot in the R-1 or V zones. In all other zones where residential uses are allowed, a second dwelling may be constructed provided sufficient land is present to meet all frontage, lot area, parking, and setback requirements for each dwelling should the parcel be split at a later date. Where a lot is being developed as a Site Condominium Project, more than one Building Site may be located on a lot provided that sufficient land is present to meet all requirements as though each Building Site were a separate lot.

SECTION 2.27: FENCES (*Effective June 1, 2018*).

Purpose. Fences are meant to protect the Township's rural character, protect property values and provide privacy, protection and security.

SECTION 2.27.1 General requirements:

- A. For Commercial, Village Business and Industrial Districts, when located outside of a building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, are to be screened to the height of the particular piece of equipment, as follows:
  - 1. Roof-Mounted Equipment: To be screened by architectural features from the view of abutting streets and parcels.
  - 2. Equipment at Grade: When located on, or close to the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.
- B. For districts within which outdoor storage is allowed, it must be screened on all sides by a solid wall or fencing.
- C. Public utility substations where allowed shall be screened on all sides by a solid wall or fencing, and landscaping.
- D. All fences in all zoning districts shall be well-maintained, kept in good condition and repaired as necessary.
- E. The outer face of fences (i.e., the face away from the use which is to be fenced-in) shall be the smooth side of the fence with posts, supports, etc. on the interior.

SECTION 2.27.2 Residential (R1& R2), Multi-family Residential (R3) and Village Residential (VR) Districts:

- A. No side lot fence, gate or screen shall be placed closer than fifty (50) feet from the water's edge of Torch Lake or the federal ordinary high-water mark of Lake Michigan.
- ~~B. No fences are allowed on lakeshore residential parcels along the water's edge.~~

- Ⓒ. B. Side yard fences and gates may be continuous or in sections and shall not be greater than eight (8) feet in height. Vegetation should not be removed to conform to the foregoing setback requirement.
- Ⓓ. C. A continuous gate across a driveway is permitted. Such fences and gates shall be constructed of “see-through” materials/style, i.e., shall not be solid and shall possess 40 percent or more opacity.
- Ⓔ. D. When a residential lot borders a lake shore, a side lot fence shall not exceed four (4) feet in height and shall be constructed of “see-through” materials/style, i.e., shall not be solid and shall possess 40 percent or more opacity.
- Ⓕ. E. Solid fencing, not to exceed eight (8) feet in height, is permitted along the side of a lot bordering a public road that ends at the water’s edge or ordinary high-water mark. If a natural fence is planted in this location, its height is not limited.
- Ⓖ. F. Fences and gates adjacent to private or public road easements shall not be closer than ten (10) feet from a road easement and shall not be greater than four (4) feet in height.

## CHAPTER IV

### NONCONFORMING LOTS, USES OF LAND, STRUCTURES AND PREMISES

#### SECTION 4.01 – NONCONFORMING LOTS AND PARCELS

- A. Legal nonconforming lots and parcels are those which do not conform to the provisions of this ordinance but resulted from property having been divided prior to the zoning ordinance being originally adopted or by action of the Township to alter the land area requirements of the zoning district or by rezoning of the parcel of property from one zone district to another.
- B. Legal nonconforming lots and parcels may be occupied by conforming structures and/or use or by legal nonconforming structures and/or legal nonconforming uses.
- C. Reasonable variances shall be granted if no reasonable conforming structure can be located on the legal nonconforming parcel. In addition, the standards of Section 20.06 of this ordinance must be met.
- D. A legal nonconforming lot or parcel may be joined with other lots or parcels of property to form a more conforming lot or parcel. No legal nonconforming lot or parcel shall be altered in any manner that will result in a parcel which is less conforming to the requirements of this ordinance.
- E. Conforming lots and parcels shall not be altered in any manner which would result in the creation of a nonconforming lot or parcel.

#### SECTION 4.02 – NONCONFORMING STRUCTURES

- A. Legal nonconforming structures are those which do not conform to the provisions of this ordinance but resulted from structures having been constructed prior to the zoning ordinance having been originally adopted, or by action of the Township to alter the dimensional or setback requirements of the zoning district, or by rezoning of the parcel of property upon which the structure is located from one zone district to another.
- B. Legal nonconforming structures may be occupied by a conforming use or by legal nonconforming use.
- C. The Zoning Administrator may authorize a property owner to expand a legal nonconforming structure provided the following criteria are met:
  - 1. The use occurring in the structure is a conforming use.



2. Any expansion will result in the building being no less conforming (i.e., closer to meeting the minimum structure size requirements of the zone district), or the expansion will not encroach into the required setbacks or result in exceeding the maximum percentage of lot coverage of the zone district in which it is located.

~~D. The Zoning Board of Appeals may authorize a property owner to expand a legal nonconforming structure provided the following criteria are met:~~

- ~~1. Not granting an expansion would present a practical difficulty or unnecessary hardship to the property owner.~~
- ~~2. The expansion would not be contrary to the public health, safety, or to the spirit of this ordinance.~~
- ~~3. The structure as expanded would not be likely to depress the value of nearby properties.~~

~~E. D.~~ The Zoning Administrator may authorize a property owner to replace a legal nonconforming mobile home with another more conforming mobile home provided the following criteria are met:

1. Approval of the Zoning Administrator must be obtained prior to removing the existing mobile home.
2. The replacement mobile home must be more conforming than the mobile home it is replacing.
3. The replacement mobile home must have an appearance of proper care, maintenance and upkeep.
4. The location of the replacement mobile home shall not increase the intrusion into the setbacks.
5. The replacement would not be contrary to the public Health, Safety, or Welfare, or to the spirit of this Ordinance.
6. The replacement mobile home would not be likely to depress the value of nearby properties.

~~F. E.~~ Any structure nonconforming because of the building itself or the way it is located upon the lot or parcel of property, may be reconstructed in its original configuration in the event it is destroyed or partially destroyed by explosion, fire or other acts of God, provided restoration is completed within eighteen (18) months.



## *Memorandum Administration Office*

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DATE

TO: Planning Commission

FR: Administration/Planning Office

RE: 2021-2026 Antrim County Parks & Recreation Plan - DRAFT

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At their regular meeting on December 17, 2020, the Antrim County Board of Commissioners voted to approve the 2021-2015 Antrim County Parks & Recreation Plan for release for public review and comment. A Public Hearing will be likely be held on January 21, 2021 at which time the Board will receive comments from the public regarding the draft plan. It is expected they will adopt the plan at their regular meeting, assuming the Board of Commissioners keep the same meeting schedule as last year.

A hard copy of the draft plan is enclosed. Please review the plan and send any comments, concerns, or questions to the Administration Office before January 21, 2021.

Thank you.