

3 GREEN OAK CHARTER TOWNSHIP
Planning and Zoning Department
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Green Oak Charter Township
Planning Commission
Regular Meeting
Thursday, July 11, 2013
7:00 p.m.

Green Oak Charter Township Hall
10001 Silver Lake Road
Brighton, MI 48116
810. 231-1333

AGENDA

1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Commission
4. Approval of the Agenda
5. Approval of June 20, 2013 Regular Meeting Minutes

6. Call to the Public (Limited to agenda items only)
7. Business Items:
 - A. Public Hearing for text amendment 38-184, Yard Encroachments OA 01-2013
 - B. Text amendment for 38-365 Common Use Riparian (Keyhole) Regulations, OA 03-2013
8. Reports
 - A. Chairman
 - B. Township Board Representative
 - C. Zoning Board of Appeals Representative
 - D. Planning Consultant
 - E. Correspondence
9. Call to the Public
10. Adjournment

Posted: July 3, 2013

PLANNING COMMISSION

Robert Moran, Chairperson
Chuck Fellows, Vice Chairperson
Sarah Pearsall, Secretary
Rollin Green, Twp. Board Rep.

Dean Williams
Russell Brooks
Lamberto Smigliani

Green Oak Charter Township
Planning Commission
Regular Meeting Minutes
July 11, 2013

Approved: July 25, 2013

The meeting was called to order by Mr. Moran at 7:00 p.m.

Roll Call: Russell Brooks
Chuck Fellows
Rollin Green
Robert Moran
Sarah Pearsall
Dean Williams

Absent: Lamberto Smigliani

Guests: 5

Also Present: Lesa Brookins, Zoning Administrator
Don Wortman, Carlisle/Wortman

APPROVAL OF AGENDA

Motion by Pearsall, second by Fellows
To approve the agenda as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

APPROVAL OF the June 20, 2013 Regular Meeting Minutes

Additional language was added to the minutes.

Motion by Pearsall, second by Brooks
To approve the ~~Gonsent~~ Agenda as amended,
Minutes of June 20, 2013.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CALL TO THE PUBLIC

Randy Gregory– He is concerned about the possible removal of the Riparian Keyhole Amendments. He referred to letters from Supervisor St. Charles and a memo from Carlisle/Wortman. He stated that in paragraph A of the ordinance, the section of intent

50 includes 1.) Avoiding situations which may create a nuisance, 2.) Impairment of our
51 natural resources and 3.) Harm to property values. Each of those are functions to
52 protect the health, safety and welfare of the residents. The clauses proposed for
53 removal pertain directly to items #1 and #3. He stated that the Carlisle/Wortman memo
54 states that the Township has no authority to enforce the ordinance on a private park.
55 To use that logic, no Township ordinance is enforceable and should be removed.
56 Private associations are at the bottom of the government hierarchy. He stated that he is
57 an adjoining property owner to a keyhole property. The issues were brought forth to the
58 homeowners association and in retaliation they were scorned, ridiculed, harassed and
59 slandered. The attorney that they hired believes that the association is subject to the
60 provisions of the ordinance and that aggravated members of the association. The
61 association also hired an attorney and were also told that the ordinance applies and that
62 the provisions apply. The removal of these provisions would only further encourage the
63 activity that goes on now. He asked that the provisions are retained.
64

65
66 **Sherry Young** – She stated she is also a resident of the Four Lakes Association and
67 she is an adjacent property. It was suggested by one of their community planners that
68 noise and hours of use regulations should be eliminated in favor of residents creating
69 their own regulations and policing themselves. Unfortunately, people have varying
70 needs and interests and need to leave those regulations to officials who do not have a
71 vested interest in the outcome of the decisions. She asked that the regulations not be
72 removed. Without these two regulations to reduce noise our neighborhood foot path
73 would turn into a free for all. She explained that some neighbors were led to believe
74 that the regulations would not be enforced, the next night the driver of a golf cart gave a
75 war cry 3 feet from their bedroom window. Some of the neighbors want 24/7 access to
76 the park and do not care that adjacent neighbors are routinely woken in the night and
77 early in the morning. She explained how hard it is to get back to sleep after a
78 disturbance since it is not always obvious that it is a neighbor on the path and not a
79 prowler trying to break into their home. She stated that their rights are seriously
80 trampled on. The people need well designed unbiased laws to live peacefully and we
81 need these two regulations and fair consistent enforcement.
82

83 **Randy Hocky** – He stated he lives in the Four Lakes Association and is a trustee in the
84 Association. The two members that just spoke are not overstating the problem. It has
85 been a very difficult situation. He is concerned that if the restrictions are removed that
86 the situation will become worse. There have been issues late at night and he is afraid
87 there could potentially be violence.
88

89 **Crystal Keller** – She stated that she has been the Secretary of Four Lakes Association
90 for 8 years and she agreed that the troubles have not been overstated. The
91 Homeowners Association hired an attorney to help define reasonable use and talked at
92 the annual meeting. There are a large number of residents that believe they should
93 have 24 hour access to the beach. They are also working on their golf cart issue upon
94 private roads as well. She hoped a decision would not be reached now.
95

96 **BUSINESS ITEMS**

97 **A. Public Hearing for Text Amendment 38-184, Yard Encroachments OA 01-**
98

99 2013

00
01 Mr. Wortman referred to the Carlisle/Wortman memo dated May 8, 2013.

02
03 There was brief discussion regarding the patio/terrace definition as well as the definition
04 of a porch and unenclosed porches. The Commission agreed that additional language
05 needed to be added regarding the definition of porch.

06
07 Mr. Moran opened the public hearing at 7:35 p.m. and closed it due to no comments.

08
09 The Commission took no action on this item and it is postponed until further language is
10 identified.

11
12 **B. Text Amendment for 38-365 Common Use Riparian (Keyhole) Regulations,**
13 **OA 03-2013**

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15 Mr. Wortman referred to the Carlisle/Wortman memo dated April 3, 2013. He explained
16 that he had a discussion with the Township Attorney regarding the enforcement issues.
17 He questioned what the obligation of the individual homeowners' is and what the
18 obligation of the Township and Police Department is. The Attorney pointed out the
19 intent section of the ordinance which does talk about health, safety and welfare. The
20 Attorney suggested further discussion with the Supervisor. A provision could also be
21 added regarding signage that spells out the rules. The main concerns were police
22 power and enforcement. Mr. Wortman explained that the Attorney suggested that this
23 item be postponed until there was further discussion with the Township Supervisor.

24
25 Mr. Moran stated that it was never the intent of this body that that area would not be
26 subject to the same enforcement/conditions that would be enforced elsewhere. Never
27 was there intent to say that the residents were on their own. Ms. Pearsall stated that
28 the police should be called when there are disturbances at 4:00 a.m. in the morning, this
29 is a general ordinance and it will apply to any area.

30
31 There was back and forth discussion between the Commission and the audience
32 members regarding their concerns.

33
34 **Dale French** -- He commented that he is part of the Silver Lake Association and there
35 are 2 keyhole properties in that Association. He stated that they have been fortunate
36 that they don't have these kinds of issues. He stated that the keyhole properties have
37 their own association and are also a part of the main association.

38
39 Ms. Young expressed her concern regarding enforcement and felt that tickets should be
40 written.

41
42 Mr. Wortman explained that Section 365 is applied as a special use and it would only be
43 for new Riparian lots, he did not believe these Riparian Lots would have the conditions
44 applied to them. These regulations as written, right now would only apply to new
45 Riparian Lots. Mr. Hocky stated that his attorney felt that they are subject to the
46 keyhole regulations. Mr. Wortman stated that they can discuss that issue further with
47 the Township Attorney.

48
49 Mr. Moran stated that he felt the Homeowners Association was heading in the right
50 direction and if they can work through creating a document that would include
51 necessary enforcement with significant penalties he felt it would eventually work. Ms.
52 Young stated her concerns regarding safety in confronting these issues. She stated
53 that the neighbors have been disregarding the rules all along and they will not settle
54 down and develop reasonable bylaws and even if reasonable bylaws are made those
55 same people will just disregard them. She asked for government assistance.
56

57 The Commission took no action and postponed this item until further discussion is
58 conducted.
59

60 REPORTS

- 61
62 A. Chairman - Mr. Moran commented on the road work that continues in the
63 Township. He also commented that Genoa Township is in the process of
64 updating their Master Plan in the traditional way of obtaining community input.
65 B. Township Board Representative - Mr. Green reported that Central Conveyor was
66 approved and reported that the Fire Marshall reported on the issues that
67 happened during the fireworks display at Hidden Lakes.
68 C. ZBA - None
69 D. Planner - Mr. Wortman explained that he needs to meet with the Supervisor
70 regarding placing the Survey Monkey and Community Remarks on the website.
71

72 CORRESPONDENCE - Work has begun on The Legacy Center, Phase I.
73

74 CALL TO THE PUBLIC

75
76 Sherry Young - She stated that there were additional concerns such as excessive
77 liability and gross negligence. She stated that there is harassment, beer bottles in their
78 yard, children driving golf carts, people driving drunk, damage to their landscaping and
79 fence. They have been trying to create awareness regarding gross negligence and
80 liability. Mr. Moran suggested talking to a liability attorney to investigate costs.
81

82 Randy Gregory - He thanked the Commission for their approach on this proposal. He
83 explained that the property that is being accessed is 250 feet from the road and these
84 golf carts are going down a 10 foot wide path with pedestrians. He questioned the time
85 limit on the final game time for The Legacy. Mr. Moran explained that The Legacy was
86 approved as a Planned Unit Development and it is a Zoning District that allows
87 negotiation between the Township and the applicant. The time of the last game was
88 one of the conditions that the Planning Commission requested and the applicant agreed
89 to.
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91 ADJOURNMENT

92
93 Mr. Moran adjourned the Regular Planning Commission meeting at 8:22 p.m. due to no
94 further business.
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Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

