

**SPECIAL MEETING  
LAKE CHARTER TOWNSHIP BOARD  
January 23, 2006  
7:00 p.m.**

**CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**

Supervisor Gast called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance. Clerk Payne called the roll board members present were John Gast, Supervisor, Gloria A. Payne, Clerk, Betty Korcek, Treasurer, Tom Carson, Trustee, William "Bill" Geukes, Trustee, Terry Eichler, Trustee and Fritz Wolf, Trustee. Seven visitors were present.

**OTHERS PRESENT:**

Scott Dienes, Lake Charter Township Attorney  
Craig Rochau, Attorney-At-Law  
Jay Kilpatrick, Williams & Works  
Court Reporter

**SET/AMENDAGENDA**

Supervisor Gast asked that the Compensation of the Construction Board of Appeals be added to the agenda. It was moved by Eichler seconded by Korcek to add the Compensation of the Construction Board of Appeals item to the agenda. All ayes, motion carried.

**AGENDA ITEMS**

**Rehearing of Mangold Private Road Request**

Supervisor Gast explained that this agenda item, a private road request for 50' instead of the 66' as allowed in the Lake Charter Township Ordinance was denied at the Lake Charter Township Board meeting on April 18, 2005. DuWayne and Sandra Mangold have sued Lake Charter Township over the decision the board made and this meeting is a court ordered rehearing of the private road request. A court reporter is present and a record of these proceedings will be filed with Berrien County Court File No. 05-2952-AV-M.

Trustee Eichler removed himself from voting on this issue since he owns property to the north of the Mangold's. It was moved by Korcek seconded by Geukes, to allow Trustee Terry Eichler to abstain from voting on this private road request. All ayes, motion carried. At this time Terry Eichler moved into the audience.

Supervisor Gast turned the floor over Craig Rochau, Attorney for DuWayne and Sandra Mangold. A preliminary statement from Michael Kiewel of Wightman and Associates was handed out, which Attorney Rochau outlined, and is attached to these board meeting minutes.

DuWayne Mangold reiterated that he had applied to the Township for a private road. This request was recommended for approval by the Lake Charter Township Planning Commission on April 4, 2005. Mr. And Mrs. Mangold appealed to the Lake Charter Township Zoning Board on April 14, 2005, which was recommended for denial.

Mr. Mangold further indicated that two private road requests were approved in Lake Charter Township that were not 66'. That these individuals did not need to file a site plan. That Gus Litke, their neighbor is opposed to the private road request and that he will not be amicable to grant a variance. Mr. And Mrs. Mangold are again requesting Lake Charter Township to approve the private road request.

Scott Dienes, Lake Charter Township's Attorney refreshed board members on the procedural history that Lake Charter Township needs to follow according to the ordinance. This decision tonight can be made on

the basis of a new decision and not what was done in the past. While, setbacks are not an issue in this case, granting this private road request would create setback issues.

Jay Kilpatrick of Williams & Works, Lake Charter Township's planner outlined his proposal regarding the private road request at issue. A copy of the memorandum is attached to these meeting minutes.

A letter was read by John Gast from Mildred Barfelz, 10671 California Road indicating that she would like for things to remain as they are. A copy of this letter is attached to these meeting minutes.

Trustee Carson asked if the private road request is approved, would there be setback issues the Mangold's would be facing.

Trustee Geukes asked whether the Mangold's had explored other options.

Clerk Payne asked whether the property could be surveyed with a differed plan to do what the Mangold's would like to do with the property and have the necessary amount of land available for a private road.

It was moved by Gast seconded by Wolf to deny the private road request. Roll call vote: Gast: Yes to deny, that Lake Charter Township should followed the current ordinance; Payne: Yes to deny, that we have ordinances and place and we should follow them; Korcek: Yes to deny and find alternatives to the site plan; Carson: Yes to deny, does not comply with ordinance; Wolf: Yes to deny, use other options; Geukes: Yes to deny, must follow ordinance. Motion carried.

Trustee Terry Eichler, once again, joined the board floor to conduct the remainder of the business on the agenda.

#### Compensation of Construction Board of Appeals

Supervisor Gast asked board members to give consideration to compensating the members of the Construction Board of Appeals. The recommendation is to compensate as the Planning Commission is compensated, \$50.00 per meeting, \$20.00 per site visit and \$55.00 for the Recording Secretary. It was moved by Payne seconded by Eichler to compensate the Construction Board of Appeals \$50.00 per meeting, \$20.00 per site visit and \$55.00 for the Recording Secretary. All ayes, motion carried.

#### **PUBLIC COMMENT**

There was none.

#### **ADJOURNMENT**

It was moved by Carson seconded by Geukes to adjourn the meeting. The meeting adjourned at 8:27 p.m.

Dated:

\_\_\_\_\_  
Gloria A. Payne, Clerk

\_\_\_\_\_  
John W. Gast, Supervisor