

**Burtchville Township
Planning Commission**

**4000 Burtch Road
Lakeport, Michigan 48059**

Minutes of May 2, 2023 Planning Commission Special Meeting;

The Chair Dave Klinesteker, called the meeting of the Burtchville Township Planning Commission to order at 7:07 pm.; Pledge of Allegiance Recited

Members Present: Klinesteker, Light, Minnie, Richards, Vargo and Wollenweber.

Excused: Schmitt.

Citizens present: Pam Patterson, Zoning Administrator; S Douglas Touma, Township Attorney; Frank Brettschneider; Connie Braswell; Robert Heine; Shashin Doshi; Carolann Tremble; Linda Leuch; Greg Amyot; Clyde Taylor; Sandra Taylor; Randv Wilkinson; Judy Redmond; Tim Redmond; Husseh Aoun; Rana Aoun; Margaret Shomaker; Bob Wiley; Al Briolat; Bob Bailey

Minutes: Motion by Minnie, second by **Wollenweber** to approve minutes of April 4, 2023. Motion was unanimously approved by voice vote.

Close Regular meeting at 7:10 p.m. and open Public Hearing:

Special Land Use Applications for Short Term Rental at 6500 Lakeshore Road.

Public Hearing:

1. **6500 Lakeshore Road – Short Term Rental.** Rana Aoun, 6500 Lakeshore we bought the property last year to try make short term rental that's about it. Zoning Administrator stated this is a well-maintained property. It has 4 bedrooms, with sufficient bathrooms and parking spaces. There were a couple items of concern that they have corrected, they have provided everything required by the township; insurance policies, septic inspection and property manager is local. **Public Hearing Opened. Comments:** How the ordinance work, same as on books or will it change to allow daily or continue minimum of 6 days; who polices how many cars in driveway or people there; concern with people partying at night. Asked if could give examples or recent examples of township rescinded of Airbnb or short term rental where violating ordinance. Klinesteker - we haven't had to rescind based on complaint at this time; explained there is a process. Public - Believe breaking four ordinances already pursuant to Airbnb add. Neighbor stated understand the process but concerned township has very limited control. Doshi – explained about renter and landlord signing agreement, includes quiet hours and if problems renter can have vacation cut short and not receive money back. Taylor heard people next door fighting and knocked a guy out and if not abiding by agreement now what makes think will in future. Mrs. Taylor saw 15/20 young men fighting last summer – reply by Aoun that last summer did not have rentals were fixing the place started renting last fall. Ms. Taylor, if want to sell our home have to sell to someone that wants to do Airbnb. Disheartening to not know what will be next door each weekend. Bob Wiley wondered if renting wave runners or people bring up – problem is let unlicensed kids run up and down the coastline close to shore. Amyot - 6979 Lakeport drive – concerned with Dollar General problems. Leuch couple things about short term rental – very concerned about people renting to because it is your house that renting

don't want them to destroy. You have recourse, don't have recourse who lives next door as a homeowner but more control of who rent to. Tremble concern are managers local and how local are they a management company, if you live in area, and property values of neighbors, important for everyone in township to live comfortably. Question on how high can you build fences.

Close public hearing on 6500 Lakeshore Road at 7:50 p.m.

Open public hearing on 8140 Lakeshore Road:

2. **8140 Lakeshore Road – Short Term Rental.** Shashin Doshi owner purchased 3 years ago from gentleman who built property other family in the area. Have family in area. While lake front house being built a guest house/carriage house was built on front part of property to live in above garage while main house being built. Don't know what to do with the space, furnished nicely hopefully to rent short term. Live on-site; main house on property about 300 feet from building. Zoning Administrator stated very well maintained only issue was needed an address which has been taken care of. No issues at all. It is upstairs and steep stairs, people need to know that will be using stairs. Parking spaces approximately 8 but will be limited to one car – have everything as far as septic and insurance papers. One comment on rental agreement says Province of British Columbia and Federal laws of Canada. Applicant said it will be corrected, searched on line to find an agreement. Garage space is not available to renters. Tremble inquired about having 2 homes on same property lot. Zoning Administrator explained that can have guest quarters on lakefront property.

Close public hearing on 8140 Lakeshore Road.8:01 p.m.

Open public hearing on 8032 Kimball Drive:

3. **8032 Kimball Drive – Special Land Use.** For a Mini-warehouse Lager Storage, Dr. Frank Brettschneider explained purchased land just north of Harris Road; was used as sale/storage of used mobile homes and excavating storage. Want to build mini-storage. Never had drainage issues on land in 20 years. Had civil engineering plans regarding drainage. Would like to build fences extra tall for barrier around area. Would like variance of rule for asphalt or paved parking area. Want to make look aesthetic. Mr. Heine, Lager Storage partner, expressed couple things important is to make aesthetically attractive and work with neighbors. Want to use bioswales to absorb moisture and deterrent to people entering the property. Drain Commissioner Wiley in support of plan. Also mentioned that if property not maintained can be issued citation and given opportunity to correct problem. Ms. Leuch - she is on two sides of the property, only concern is fence to protect her horses – very much against asphalt. No drain issues in the area or affecting her land; gravel absorbs the water; in support of the project.

Close public hearing on 8032 Kimball Drive at 8:15 p.m.

Reopen Regular meeting at 8:15 p.m.

New Business:

1. Short term rental application – 6500 Lakeshore Road. **Wollenweber** made motion to approve application; **Richards** second - like to revise motion that with condition they fix advertisement to comply with ordinance requirements. Wollenweber accepted friendly amendment. Yes – six; No – zero. Motion carries with unanimous approval.
2. Short term rental application – 8140 Lakeshore Road. No questions. **Minnie** made motion to approve special land use short term rental, **Light** second. Richard commented that single family residential, that intention was not to have rental for second dwelling place on property. Attorney – There is nothing in short term rental ordinance that requires that have a separate tax parcel. Roll call vote – Yes – four; Abstain – one, No-one. Motion approved.

Break at 8:25 p.m.

Resume at 8:27 p.m.

3. Special Land Use - 8032 Kimball Drive- Zoning Administrator – advised had reviewed the site plan and initially denied based on ordinance which stated all driveways and pathways must be concrete asphalt or concrete. Recommended they go to ZBA after meeting and that was recommended that go to ZBA when they went didn't have as much information as have now. Since the township board was disappointed that it was not able to get some variances for the property; a revision of the mini warehouse ordinance is proposed that would allow for nice appearance entrance and aesthetic look to community. Something that board can review and set for public hearing for changes. At this time, I am in favor of the project that would be better to have gravel driveway between the buildings. Klinesteker - Everything on site plan is correct with exception of unpaved driveway and unpaved parking? Zoning Administrator - correct they have checked every box that zoning could ask for. Klinesteker - the Planning Commission cannot grant a variance to an existing ordinance. **Attorney** when ordinance has a clear requirement cannot grant variance but can table for approval by board of an amendment to the ordinance. Wollenweber, think it is a good use of the property but without ordinance change it is a stretch to approve the application. We need to amend the ordinance in this case. In favor of ordinance change here. **Attorney** can approve subject to the change in the ordinance. Wiley cannot have water running off property to neighbors; and will need permit to have drain into State highway ditch and connection of driveway to State highway. Motion by **Wollenweber**, to approve the special land use subject to 1) 8-foot fence as proposed in response to neighbor concerns pursuant to section 154.096; 2) signage to comply with township sign ordinance, 3) obtain all permits required by Drain Commissioner or Mdot with paving the entrance area; and 4) contingent upon the approval of amending ordinance 154.131 by the Township Board; second by **Light**. Roll call vote – yes - 6.
4. Letter from Board regarding Ordinance 154.131 -Mini-Warehouse. – discussion about amendment to Ordinance. **Wollenweber** made motion to set public hearing for 154.131 section (e). Zoning Administration can be special meeting. Klinesteker – zoning administrator suggests revise section (e) to read “all entrance and exit driveways, parking” deleting “loading and vehicular circulation”; next change “Driveways must be maintained in good repair.” And “Gravel drives may be allowed between storage units to allow natural drainage of rain water, provided they are maintained not to create mud and maintain a minimum of 6” gravel.” Discussion that need to put in conditions, they have

sand; west of State Road is clay; need to put in have to have something that shows will drain. Wiley commented that engineers that do the design - the soil comes into play when designing. Attorney suggested add new "(f) The site shall provide adequate drainage control to not burden neighboring properties." **Minnie** second. Move to set public hearing for 154.131 section (e) and addition of new (f). Roll call vote – yes - 6, no - zero. Motion carries with unanimous approval.

Old Business:

1. Solar Ordinance: Minnie told about attending two classes at conference in Traverse City and brought back 3 books with good explanation in first section and sample ordinance written by Michigan State University. Klinesteker advised of May 25 County workshop on solar issue and ZBA basis – need application filled out and given to the clerk.
2. Report on search for Planning Consultant. Wollenweber made attempts, waiting for return calls from John Jackson. Have couple other names to contact. Will check on prices of firms that talking to. Klinesteker talked to SCC Planning and they confirmed will help on per case basis. Charge for their labor. It is along lines how their schedule is; right now currently working on number of master plans. It is an option nothing that we retain them; done on case by case basis.

Citizen Comments: Greg Amyot regarding Dollar General and retention water problem draining onto his property and need the drain open that was not completed under M-25 to church property. Damaging property; want water tested.

ZBA Report. Minutes of March 22, 2023 Zoning Board of Appeals given to commission members.

Board Liaison report: Contained above.

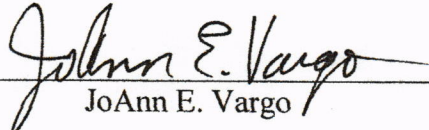
Correspondence:

1. Letter Jonathan Gniatczyk follow-up regarding short term rental application for 8158 Lakeshore Road.
2. Letter Gordon and Doreen MacDonald regarding short term rental application for 8140 Lakeshore Road.
3. Letter Josey Karasch regarding short term rental application for 8140 Lakeshore Road.
4. Letter Clyde and Sandra Taylor regarding short term rental application for 8140 Lakeshore Road.

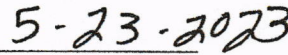
Special Meeting: Public Hearing, May 23, 2023 @ 7:00 p.m.

Next Regular Meeting: June 6, 2023 @ 7:00 p.m.

Adjournment: Motion by **Minnie**, second by **Light** to adjourn 9:27 p.m. Motion passes unanimously on voice vote.



JoAnn E. Vargo



Approved