

**Burtchville Township  
Planning Commission**

**4000 Burtch Road  
Lakeport, Michigan 48059**

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**Minutes of October 4, 2022 Planning Commission Regular Meeting;**

The Chair Dave Klinesteker, called the meeting of the Burtchville Township Planning Commission to order at 7:03 p.m.; Pledge of Allegiance Recited

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

**Excused:** None.

**Citizens present:** Pam Patterson, Zoning Administrator; S Douglas Touma, Township Attorney; Dave Lapish, Denice Lapish, JoAnn, Wilton, Jack Wilton, Ruthann Clenney, Sandra Hollands, John Hollands, James Buckley, Mindy Radatz, Josh Radatz, Reggie Goldman, Donna Figlik, Jim Figlik.

**Minutes: Motion by Wollenweber**, second by **Schmidt**, to approve minutes of September 6, 2022 meeting with correction of date of next meeting. Motion was unanimously approved by voice vote.

Close Regular meeting at 7:05 p.m. and open Public Hearing: **Special Land Use Application for Short Term Rental at 6122 Wildrose Lane**

**Public Hearing: Special Land Use application 6122 Wildrose Lane**

Chairman Klinesteker application submitted by Linda Pope and Jon Haddad and proceeds help paying Sue Haddad rent at Mercy Village. Zoning Administrator has gone through the property as far as all requirements have been met and have determined the number of bedrooms, guests that will be allowed and the number of parking spaces. Approval from County as far as sewage disposal, septic systems. All items in our ordinance regarding short term rentals and the water supply. Rules are posted. Zoning Administrator advised very nice piece of property, well maintained everything that asked to be done has been completed I am satisfied. Denice Lapish spoke on behalf of owners as they live out of state. My husband maintains the outside and I maintain the inside, welcome the guest and oversee their stay. Mr. and Mrs. Lapish are designated property manager and emergency contact. Owner wants to put on BRBO and Traveling nurses websites. It is short term it is basically to fund her Mother's care so it will not be forever. Short term rental defined in section 154.135. No fireworks, beach fires (no firepits)

Public comment:

Reggie Goldman, Jim Figlik and Donna Figlik. Questions on short term guidelines, enforcement, overlooking contracts, parking.

Close public hearing 7:28 p.m.

Re-open Regular Meeting 7:28 p.m.

## New Business:

1. 6122 Wildrose Lane – Special Land Use. Motion by Minnie to approve Short Term Rental; second by Wollenweber. Roll call vote: Light, yes; Minnie, yes; Richards, yes; Schmitt, yes; Vargo, yes; Wollenweber, yes; Klinesteker, yes. **Motion Carries** – approval for short term rental at 6122 Wildrose Lane has been approved.

## Old Business:

1. **Special Land Use Application 6777 State Road, Joshua and Malinda Radatz.** Zoning Administrator (“ZA”) and Chairman made site visit with questions regarding inspection, sewage and fire marshal inspection, what has been done. ZA advised of fire exits, smoke detectors and furnishings/equipment in 40 x 60 portion of 60 x 120 building. Not open to public but allowing friends and family to come and worship or spend time together in this area. Homeschool and allow friends and family to be part of that as well. Attorney defined commission task – have application in which they describe what uses are. Two uses are not special land uses, they are allowed without special land use – personal use and having work trucks come and stored in pole barn are not special land uses. Have other activities that can be described different ways, don’t look at labels used by owner; look at the actual use – how they are utilizing that property with specific emphasis on how they are allowing people outside their family to come and use that property. **Klinesteker:** Comes down to perceived use of the property finished area for their Sunday gatherings and those are averaging around 20. It was reported that at one point in time 20 cars in the parking lot which would indicate 20 and possibly 60 people attending a Sunday event and have in minutes stated you have prayer meetings there and you do have a youth group that meets there and these are all somewhat sponsored by Even the Sparrow. When inspected finished area it is set up with chairs set up in circle which would be typical for a prayer meeting type of thing. You also do some homeschooling and homeschooling groups meet there. It’s a very specific use which would not fall into home use or that would come under agricultural use of the building. **Wollenweber:** If approved, the property would still have to meet fire codes, building codes, including paving of the parking lot and stuff like that under Section 154.110. Staff can assist in defining those items so you know what they are. Attorney – if you say they are doing enough of things that fall within a church-like activity then yes would have to meet fire code rules and parking rules that apply when bringing non family people onsite. In this case have to be in fact finding role. Does it meet the definition of a church as people use that word in everyday life. **Klinesteker** commented the reason got letter from the township was that gatherings held did not fall under allowed use – the gatherings. ZA – received complaints and have 3 businesses listed for property. Exceeding home occupation that says can only have no more than 1 additional car at any one time, no more than 10 customers or clients shall come to the dwelling for services or products during one day. **Radatz,** admitted that with homeschooling it is against the law to have other kids and teach anyone else; however, have had other Mom’s come and we group teach. They bring their children with their resources and I

bring my children. **Klinesteker** commented to the PC –They are using it with others for prayer times, Bible studies, they are using it for homeschoolers to come together and interact. It has been used for weddings in the past. So have to look at what using the building for and are those uses over and above what you feel is allowed in the agricultural/residential area where the building is located and if over and above. Current use is beyond what is allowed in a/r without special land use permit. **Wollenweber:** Would like to grant special land use as a church with conditions in term of fire marshal, building official approval and things like that there might be some requirements like paving your parking area – a time frame established for it to be paved things like that certain conditions that you knew what those things would be. **Schmitt** – The issue is the church - the weekly meeting with at least 20 people or cars that's the thing that might require a special land use; certain things you are going to have to comply with and they will have to do with building codes and fire marshal. **Attorney:** If granted, they can abandon special land use at any time. **Klinesteker** they can say we don't want to pave the parking lot, we don't want to do this or everything else and forget the whole special land use. If nothing happens for 18 months it ends or they can surrender it. **Schmitt:** First, the only thing dealing with here that would require a special land use is the church gathering. **Richards** – one issue with the 3 couples have that business “Even the Sparrow” since it is a register business it cannot be a home occupation under our ordinance. **Attorney:** The fact that it's a non-profit does not take out of home occupation -- here we think the clearest indication you are not allowed to have 2 or more other people coming on site for the non-profit. The indication here is that you and 2 other families coming over and packing and Non-profit falls under home occupation; where bring 2 other families on-site does not. Also, it is incidental use, non-profit entity to provide services to people in need which churches do. **Richards:** I think can handle with conditions of some form; this also becomes a wedding venue if it becomes a church. **Attorney:** you do have tools under Section 154.096 to impose conditions if think necessary for added protection to put cap. Special land use is issued specifically to applicant, a new property owner would have to come and apply. **Wollenweber** I would make a **motion** that approve special land use subject to staff providing them information on whatever they need to do to meet codes and a reasonable time frame for compliance whatever item are, be it exit signs, paving parking area, and capacity would be established under building code on conditions on it not be used as a wedding venue except for immediate family members as previously outlined and that there would be a reasonable time frame established for any compliance of physical improvements that need to be made. **ZA** - The fire marshal will have to approve the space; how many people allowed for square footage. The only other thing is you only really have one bathroom for that space the other bathroom is out in the garage. So, depending on code of how many people per bathroom; but there is a code how many bathrooms have to have available for amount of people from the health department. **Klinesteker:** Anything would be contingent upon meeting all current building codes is being fairly general? Yes, parking would depend on number of people going to have if have 40 believe need minimum of 20 parking spaces. Requirement based on square footage in ordinance book; based on square footage of what actually using. Fire marshal have to approve for how many people fit into that space. Motion is for special

land use as a church under 154.110 – yes. Want approved based on fire marshal's recommendation. Adam second motion. **MOTION - approval of site as church special land use subject to fire marshal review and requirements under 154.110. Conditions - meet driveway requirements for commercial building; parking specified in ordinance special land use. 154.110 parking in C 154.023.** Roll call vote, Light, yes; Minnie, yes; Richard, yes; Schmitt, yes; Vargo, yes, Wollenweber, yes; Klinesteker, yes. **Special land use has been approved for a church.**

**Meeting recess for break at 8:55 p.m.**

**Meeting resume at 9:02 p.m.**

2. Ordinance Review – will take up at next meeting once typed in final form
3. Bylaws for planning commission – sample given out for review and comment at next meeting.

**Public Comments:** During public hearing and continuation of special land use application

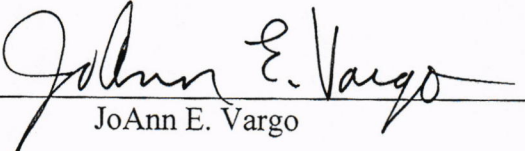
**ZBA Report.** No report since last Planning Commission meeting.

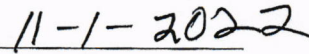
**Board Liaison report:** None.

Correspondence: Substitute for House Bill No. 4722 regarding short term rentals – Dan Lauwers advised that want to put guards in place.

**Next Regular Meeting: November 1, 2022 @ 7:00 p.m.**

**Adjournment:** Motion by Light second by Minnie to adjourn at 9:10 p.m. Motion passes unanimously on voice vote.

  
JoAnn E. Vargo

  
Approved