

CHIKAMING TOWNSHIP PLANNING January 2, 2019

APPROVED

The Planning Commission regular meeting was called to order with the Pledge of Allegiance at 6:30 pm by Chairman Doug Dow with members Bill Marske, Jerry Kohn, Grace Rappe, Richard Carlson, and John Chipman, Andy Brown present.

Others Present included township attorney Charles Hilmer & township Zoning Administrator Van Thornton

The Agenda was reviewed. Grace Rappe moved to approve the agenda, supported by Jerry Kohn. Motion carried

Minutes of the December 5, 2018 meeting were reviewed. Jerry Kohn moved to approve the minutes as presented, supported by Richard Carlson. Motion carried.

Old Business: Two proposed changes to the new proposed zoning ordinance were presented by township Zoning Administrator Thornton.

In Article 20: Definitions, Section 20.01 (page 252) - **Road or Street:** Any public or private thoroughfare, easement, or Right-of-Way other than a public or private ally , dedicated to or designed for travel and access to any land, lot or parcel weather designed as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

In Article 8: Nonconformities, Section 8.03 (Page 105) Under Paragraph (A) - **(1) Use of Nonconforming Lots.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be Erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area or width, or both provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare, as determined by the Zoning Board of Appeals. A lot of Record, as defined in Article 20, that has the required frontage on a private easement shall not be considered a non-conforming lot by reason of road frontage.

After a discussion Richard Carlson moved to approve the changes with the removal of “private” from the first sentence of the first change to read as (**Road or Street:** Any public thoroughfare, easement, or Right-of-Way other than a public or private ally , dedicated to or designed for travel and access to any land, lot or parcel weather designed as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:) and to remove “a private” from the last sentence of the second change and add “an” in its place to read as (- **(1) Use of Nonconforming Lots.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be Erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area or width, or both provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare, as determined by the Zoning Board of Appeals. A lot of Record, as defined in Article 20, that has the required frontage on an easement shall not be considered a non-conforming lot by reason of road frontage.) supported by Grace Rappe. Motion carried.

Other Communication: None

Reports: None

New Business: Request for a Major Amendment to Special Land Use #134 by Kristy Putnam, Peacock Place 13436 Red Arrow Highway, Harbert

Chairman Doug Dow read the following points to be noted on record – The business and property under discussion, Peacock Place, currently has no citations or notices of ordinance violations placed upon it by the township, it is a business in good standing. - Peacock Place has applied for a Rental Permit, in compliance with the townships new Rental Ordinance. The township preformed the required inspection in December and Peacock Place met all of the requirements. A permit was issued by the township. Again this is a business in good standing with the township. – Township officials, from our Supervisor through the Building Department, have spent many hours with Ms. Putnam, the manager of Peacock Place working with her to address her needs, desires, and concerns. – In summary Chikaming Township has already made many efforts to support this business.

Zoning Administrator Van Thornton read the following information to be noted –

The applicant is requesting that this commission set a date for a public hearing for approval of a major amendment to the existing special land use permit.

I feel that this application has multiple “challenges” and hurdles to overcome. In my opinion, approval of this request is most likely not in the applicant’s best interest.

The Commission should consider the following items (based on current zoning regulations) prior to making a decision:

1. A Seasonal Resort home is not allowed in an R-1 district. As a result, the current special land use may not be amended to allow for this use in the R-1 portion of the parcel.
2. A Seasonal Resort Home is a permitted use in a C district.
3. If the applicant chooses, she could discontinue the use of the front structure as a single family residence and use it as a Seasonal Resort Home without requiring any action by this commission. However, when a new zoning ordinance is adopted this use would become a non-conforming use.
4. Multi family dwellings are permitted in a C district, with a special land use permit.
5. Multi family dwellings are not permitted in an R-1 district.
6. In a recent zoning board of appeals hearing the applicant stated that the two “residential” structures are used in a manner that disqualifies them as a Seasonal Resort Home.

7. The proposed zoning ordinance will allow a Detached Unit Resort in a C district. This use is very similar to a Seasonal Resort Home and is permitted as a special use in a C district.
8. Similar to a Seasonal Resort Home, the Detached unit Resort allows for temporary occupancy of dwelling units on the property.
Permanent occupancy in any dwelling unit is prohibited in a Detached Unit Resort.
9. The application is incomplete in that it does not meet the requirements as detailed in Article 19 of the zoning ordinance. I attribute this partially to the changes in personnel in the Building and Zoning Department since mid-October of last year. However, if this commission sees fit, a public hearing should be set no earlier than March 19, 2019 in order to allow the applicant adequate time for preparation of a formal site plan and other required modifications to the application itself.

Finally, the applicant refers to her attempt to meet the needs of a potential buyer for her property. It appears to me that it would be far more efficient if the potential buyer would meet with the Zoning Administrator. This would allow the buyer to be very specific in describing their needs and receive proper guidance and advice from the township in return.

Kristy Putnam stated that she feels that when the new zoning ordinance is approved and takes effect that she will not be able to continue to having short term rentals at this location, Zoning Administrator Thornton asked if she has been keeping records of long renters have been staying in her rental units and per her records most renters have stayed for thirty days at a time or less. These records were for 2016 and 2017 and do fall into the definition short term/seasonal rental. Zoning Administrator Thornton stated that per the facts that he listed earlier that the property will still be in compliance even after the new zoning ordinance takes effect and that he will write her a letter to define “Temporary” in reference to nightly and weekly rentals and seasonal rentals. With this information Ms. Putnam withdrew her request for a Major Amendment to Special Land Use #134

Public Comments: None

Adjournment:

With no further business before the Commission, moved by Richard Carlson to adjourn the meeting at 7:16 pm. Supported by Jerry Kohn. Motion Carried. Meeting Adjourned.

Respectively Submitted,
Bill Marske, Secretary, Chikaming Township Planning Commission