

CHIKAMING TOWNSHIP PLANNING COMMISSION July 11, 2018

Approved

Public Hearing - SLU # 198: Allow continued use of a non-conforming multiple dwelling structure in an R-1 Residential District.

The Public Hearing of Special Land Use (SLU) #198 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, Gary Wood, Richard Carlson, and Andrew Brown present.

Zoning Administrator Van Thornton informed the commission that there were no letters or correspondence to be entered into the record regarding the SLU. Thornton informed the commission that township legal council submitted a written statement that the commission needs to verify that prior multifamily use was existing as of March 1964.

Neighboring property owner Birute Petrauskas stated that the previous owner, Ray Vasquez, passed away and was known to have had 6 flats. She added that her father lived in the area as far back as the 60's or 70's and he had spoken of it being a multifamily residence for as long as he could remember.

Jesse Hibler, architect for the renovation of the property, came forth to speak on behalf of the property owner. He informed the commission that his client purchased the property in the spring. The prior owner operated the property for approximately 20-30 years as a multifamily use with 6 units. Property owner Kathy Bryan-Peters is planning a complete rehab of the entire structure. Hibler explained that the new parking will be located off of Howard Street.

Dow questioned if the footprint of the structure will remain the same. Hibler responded that it will with the exception of adding a small deck.

Wood questioned if the applicant is able to provide proof that the structure was used as multifamily since 1964. Peters responded that she was able to find existing records that confirm multifamily use back to the 90's. She added that from what she understands the structure was originally built as a lodge to house workers in the lumber industry.

Wood questioned if the title can be reviewed to trace ownership over time.

Brown questioned the anticipated cost of improvements. Hibler estimated \$300,000. Brown expressed admiration at the initiative to improve the structure and stated that he feels it would have been impossible to find documentation of use from 54 years ago.

Petrauskas expressed concern about the parking being located off of Howard Street. Thornton explained that 7.5 onsite parking spaces are required per the ordinance and the new site plan shows 9 off of Howard St. which eliminates all street parking. Kohn stated that he does not like the parking space so close to the corner. Petrauskas stated that one of the neighboring homes sometimes has up to 27 cars on the weekends and the property managers tell them to park in New Buffalo but there is still a major parking issue. Brown expressed that he agrees there are many rental properties that are out of control but this seems to be a reasonable plan.

The regular meeting was commenced.

The Agenda was reviewed. Wood moved to approve the agenda, supported by Marske. Motion carried.

Minutes of the prior June meeting were reviewed. Carlson requested that in the 3rd paragraph, under new business, "onsite" be added before "parking spots." Wood moved to approve the minutes, supported by Rappe. Motion carried.

Public Comments: None

Old Business:

1.) Special Land Use decision based on public hearing.

Carlson questioned if 7.5 onsite parking spaces are required and 9 are provided would it be better to remove the space that is near the corner. Hibler informed the commission that the spot is 24 feet away from the intersection. Thornton confirmed that 20 feet is the required distance.

Rappe questioned if there is a difference in the amount taxed for single family versus multifamily. Thornton was unsure but expressed that value of the property is a large part of tax amount.

Rappe questioned how many electric meters exist on the building. Peters responded that there are 6 electric and 4 gas meters.

Kohn expressed that he feels moving the parking off street and reducing the units from 6 to 5 makes the property less nonconforming.

Rappe reminded the commission that every unit has a kitchen and that the existence of individual meters prove multifamily use from at least the 70's. She added that the electric company would have likely needed approval for 6 meters.

Dow questioned if there is a way to approve the extended nonconforming use without documentation or grant more time so that the applicant can search for documentation.

Wood suggested tabling a decision until the applicant can search for additional paperwork. Thornton reminded the commission that their action is to make recommendation to the township board who will then make the final decision. He suggested that it be added in the motion that the board decision be contingent on additional information.

Moved by Rappe to recommend to the township board to grant an extension of the SLU permit contingent upon the board receiving satisfactory information indicating prior multifamily use. Seconded by Carlson. Motion carried. Marske abstained from the vote.

2.) Update on progress of proposed zoning ordinance.

Carlson reported that progress continues to be made on the ordinance with several meeting having taken place over the past month. An opinion has been expressed that land owner's property changed in the new zoning should be independently notified which is currently being discussed. Wood added that the public still has opportunity to comment.

Wood explained that there are zoning changes being made around community centers. He added that the consultants have not yet come back with a revised ordinance following the last round of input.

Marske informed the commission that the township board did approve a rental ordinance though it is more of a registry.

Reports: None

New Business: Discuss existing nonconforming signs that do not have a sign permit.

Thornton informed the commission that there have been multiple signs put up without obtaining the correct permit. The zoning office is trying to create a policy to bring nonconforming signs into conformity. All signs in the township were surveyed and Thornton is suggesting that those without permits on file be sent notification requesting that their permit be submitted or they come into the office to obtain a permit and make sure their sign complies with the ordinance. Thornton explained that many signs are in the road right of way or CSX easement and MDOT will not address the issue. He added that a sign permit costs fifty dollars one time.

Rappe suggested that existing conforming signs without a permit be waived the fifty dollar fee. Kohn expressed that he felt that process would not be fair to permit holders who followed the law to pay and get a permit. Kohn suggested that it be considered if signage may have been in a site plan that was reviewed but a separate sign permit was not obtained. Dow asked the commissioners to continue to consider the best way to address the issue and be prepared to discuss further under old business at the next meeting.

Rappe questioned if a moratorium yet exists in the Green Corridor. Rappe then inquired if the new Tony's Diner location required a site plan review. Thornton apologized and expressed that he made a mistake by not bringing it to the commission for review.

Other Public Comments:

Underhill questioned what would happen with electronic signs that are not permitted. Dow responded that schools cannot be overseen and the Senior Center sign is a "cat out of the bag" that was given approval by a prior township administration.

Underhill expressed that she thought the SLU reviewed in the public meeting was going to be for long term renters but she learned it would be a VRBO. Scott Rappe suggested that the required length of stay could be extended for renters since it is in a single family area. Brown stated that he feel it is less difficult to deal with than a large party house.

Kim LaSata introduced herself and informed the commission that she is running for senate and believes every community has the right to decide what they would like to do for short term rentals.

Dan Milsk questioned what the township decided with regards to medical marijuana facilities within the township. Dow responded that they did not make a decision and bigger changes may be coming at the state level.

Adjournment:

With no further business before the Commission, Marske moved to adjourn the meeting at 8:21 pm. Supported by Kohn. Motion Carried. Meeting Adjourned.

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