

Meeting Minutes
Watersmeet Township Planning Commission
March 13, 2013

Meeting called to order by Chairman Dennis Snyder at 5:32 PM

Members Present: Dennis Snyder, Fred Reimer, Greg Garlock, Pete Peterson, Jeff Wasson, Roy D' Antonio and Rich Henriksen were in attendance. Alan Shively and Larry Potter were excused. Seven of nine members were present meeting the quorum requirements and business could be officially conducted.

The Pledge of Allegiance was given.

Members of the Community Present: Mike Rogers-Township Supervisor and David Neumann-Township Zoning Administrator were present.

Minutes of the February 13th, 2013 Regular Meeting: The minutes of the February 13, 2013 regular meeting were read and a motion to accept the minutes as presented was made by Reimer and supported by Henriksen. A voice vote followed with all members present in favor.

Minutes of the February 13th, 2013 Public Hearing: The minutes of the February 13th, 2013 public hearing were distributed and a motion to accept the minutes as presented was made by D' Antonio and supported by Reimer. A voice vote followed with all members present in favor.

Zoning Administrator's Report: Zoning Administrator Neumann reported no activity. He gave the commission a heads up to expect a request for an asphalt plant soon.

Zoning Board of Appeals Report: ZBA liaison Reimer reported no activity.

Public Comments: There were no public comments.

Chairman's Comments: The chairman held a discussion regarding meeting times for meetings from May to September. He proposed changing the meeting times to start later for the summertime. After a discussion among the members it was decided to change the meeting times to 6:30 PM for regular meetings and 7:00 PM for public hearings. All members were in favor of the changes.

Agenda Changes/Additions: None

Old Business: Two items of old business were considered:

1. Finalize temporary dock extension extensions language for "use by special approval". A lengthy discussion among the members was held and we could not come to agreement on what the language should be. A motion to table

this item was made by Henriksen and supported by Garlock. The motion was approved as follows: Yes – 7 members, No – 0 members.

2. Inclusion of the following preamble in the Master Plan and Zoning Ordinance: *“Watersmeet Township is governed by the United States Constitution, and the Constitution of the Sovereign State of Michigan, and further does not recognize any foreign initiative such as United Nations Agenda 21 as it pertains to private property rights”.*

Motion was made by Jeff Wasson and supported by Pete Peterson to incorporate the preamble on the cover face of the Zoning Ordinance and on the inside cover of the Master Plan. Discussion ensued addressing several points:

- Statement is necessary as UN Agenda 21 could potentially limit private property rights;
- Is it appropriate to include perceived political statements in township zoning documents?
- Does addition of the preamble constitute a document change requiring public review?

A voice vote followed the discussion and the proposed preamble was approved as follows: Yes – 6 members, No – 1 member. The preamble will be inserted by the Township Clerk.

New Business: One item of new business was introduced:

1. The rental of guest houses on L1 and L2 zoned districts via “use by special approval” was introduced by Chairman Snyder. He stated that he has received several inquiries on why there is a prohibition on guest house rentals. A very lengthy and heated discussion followed. Vice Chairman Reimer stated he did not receive any advanced notice of the agenda and would like to table the issue until a future meeting so it could be researched further. Planning commission member Rich Henriksen read a prepared statement on the rental of guest houses (see attachment 1). A motion to table was made, supported and approved.

Motion to adjourn at 7:45 PM by Rich Henriksen with support by Fred Reimer. Voice vote: All in favor.

Respectfully Submitted by: Gregory Garlock- Planning Commission Secretary and approved on 4/18/2013

Rental of Guest/Caretaker Houses in L-1 & L-2 Zoning Districts

The Zoning Ordinance currently states permitted uses of L-1 and L-2 to be limited to “one family residential structures” under 5.02A-1. Under 5.02B “Use by Special Approval” permits: -1 “Resorts”, -6 “Multiple family structures” and -7 “Caretaker or guest houses – **not for rent or lease**”. Section 5.01C provides the requirements for construction of “Caretaker or guest houses – **not for rent or lease**” upon granting of a special approval permit.

Section 5.03 deals with Key-holing/Funneling/Pyramiding; the crux of which prevents lake access from “back-lot” development. With a land division, the Guest House would be subject to “Buffer Zone” requirements and the provisions of 5.03 apply. This is to minimize the human pressure on the lakes’ ecosystem. By permitting rental housing in addition to the main house on L-1 and L-2 properties on a single lot, we have potentially doubled the human pressure on the lakes. We also will see increased vehicular traffic on the access roads. There is no way to effectively police and enforce 5.03 now and even less so if all caretaker/guest houses are subject to rental operation.

With the income potential for the property owner present, we may see a proliferation of requests to build “guest houses” on existing L-1 and L-2 lots that currently don’t have one. This will be followed by a request to rent it out as soon as the occupancy permit is issued.

Once this precedent is set, how would the Planning Commission be able to deny **any** requests for rental structures on **any** lake lots? Obviously, they could not. Let’s assume that a property owner has a big family and needs to house several families representing multiple generations. He wants to build a 4-plex “guest house”. He has the lot size to accommodate a 4,000 square foot building and meet all the setback requirements. If he can’t, the ZBA has established a reduction in the setbacks for non-standard lots. We couldn’t deny building this monstrosity with the Zoning Ordinance as it is *currently* written. Tomorrow, he will ask to rent the four units to the public and this land baron now owns a “back door” resort or apartment complex. He can rent out the “primary dwelling” too. This baron now lives and plays golf in Florida while his agents collect the money and his accountants claim huge write-offs on his Federal Income tax.

This change goes to the core of effectively gutting Section 5 in its entirety. In addition, the Planning Commission, by allowing this, will have brought a significant change to a lifestyle that many of the current residents bought into at significant cost. This, in my humble opinion, would constitute a “taking”.

Therefore, I will vote NO.