

Minutes:
Watersmeet Township Planning Commission

Regular Meeting of August 13, 2014

Watersmeet High School Library

- 1) Meeting called to order by Chairman Roy D'Antonio at 6:30 PM.
- 2) Pledge of Allegiance was given.
- 3) **Roll Call:** Members Present: Chairman Roy D'Antonio, Vice Chairman Dave Sherrill, Secretary John Neumann, Township Board Liaison-Rich Henriksen, Pete Peterson, Jeff Wasson, John Cestkowski, Larry Potter and Jeff Zelinski were present. Township Supervisor, Zoning Administrator and several community members were present.
- 4) **Approval of Agenda/Changes:** Rich Henriksen requested an addition of item 7 concerning short-term rentals after closing the public hearing. Public comment was moved up to item 10. A motion to accept agenda was made by Dave Sherrill, second by Pete Peterson. Unanimous yes vote to approve agenda.
- 5) **Enter Into Public Hearing concerning Key-hole Ordinance:** Julie Mathiesen submitted a letter that had questions she had on the wording of the Key-hole Ordinance written by Attorney Pope and her questions answered by Attorney Pope. (letter attached) Chairman D'Antonio read the letter into the record. Julie stated that she believed that the new language was a great improvement to the current language but she still had a few comments. She thought the change from families to individuals was needed. She also thought that some words in the Ordinance should be defined. Multi Unit development being one. She said we need to have minimum frontage requirements clarified. She commented the Township historically has been inconsistent in applying and enforcing its Ordinances including the Special Use Permit process. Also in enforcing the requirements of related Statutes such as the Michigan Zoning Act and Planning Act. In addition to that, Mr. Pope has issued several opinions that have been inconsistently applied throughout the Special Use Permit process. She said that if there was a set of minimum standards developed that dealt with lakefront development it would eliminate some of the inconsistencies and the need to interpret what the intent is of the Ordinance and the law plus Mr. Pope's opinions. There are examples on Cisco Lake where lots with multiple acres but very little lake frontage could allow multiple families to funnel through the 200 feet which in all effect would be key-holing. Mr. Pope, in 2001, had proposed waterfront regulations to the Township. He stated in the regulations that in L1 areas, if there were any multi unit development allowed there should be a requirement of a minimum of 150 feet of lake frontage for each single family home, dwelling or condominium development. So if you had a proposed 10 unit condominium development, you would need 1500 feet of frontage. In L2 areas, the proposed minimum requirement was 300 feet for a single-family unit. This is consistent with the lot sizes currently in the Ordinance. And the concept for applying minimum standards for lakefront development is found in all of the Ordinances that Mr. Pope referenced in his recent draft. Her suggestion is that even if this language was adopted tonight, and she thinks the key-hole language is good, there still needs to be

additional work on other sections of the Ordinance before forwarding any recommendations to the Township Board. The last comment Julie made was that she thinks the definitions in the Ordinance need to be expanded. She has said this before, but she thinks family, multiple family structures, marinas, resorts, multi unit development, most of the terminology in Mr. Pope's revised language, as well as throughout Article 5 of the zoning areas which addresses lake areas, should be defined. By expanding these definitions she thinks this would alleviate some of the concerns she referenced in her comment letter. Jack Earhart commented that there is an exception in the language that allows for a Special Permit. Why is the Board concerned about multiple family dwellings when we buy single-family lots? What's wrong with single-family dwellings? Greg Wenzel from Poor Lake spoke and thanked the PC for the work we have done on the Key-hole Ordinance. He said he supported Julie's suggestions. She made some good points and the PC should strongly consider them in this process.

- 6) **Close Public Hearing:** Dave Sherrill made a motion to close the Public Hearing after no more comments, 2nd by Pete Peterson. All in favor.
- 7) **Short Term Rentals:** Rich Henriksen stated there have been complaints around the Clearwater Lake area about the practices of the Waite/Wienand property. Rich turned the discussion over to the Zoning Administrator David Neumann. Dave stated that for the last several weeks there were multiple times that there were more than 4 people staying at the property which is in violation of the Special Use Permit issued by the PC. He had pictures of 7 cars on the property. He stated that Mr. Hoot's trees have been cut down for firewood adjacent to the property. Mr. Hoots has put up no trespassing signs since then. He stated that so far there haven't been any other problems with the renters. Jim Hoots presented pictures of the trees that were cut down. He said that there hasn't been one week when it has been under 5 people staying at the rental and he stated he knew this because he goes over to the property at least once a week and speaks to the renters. He said the rental lake frontage is so small that the renters are often on his property. He was asked what the maximum amount of people he observed and he said he has seen 14 people. Rich reiterated that the PC only allowed the Special Use Permit for 4 renters because of the limited size of the septic system. He wondered what the PC should instruct the Zoning Administrator to do concerning this violation. Dave Sherrill stated that he thinks the PC should pull the Special Use Permit and that the Zoning Administrator should send a letter indicating the violation. Dave Neumann stated he would rather have the PC write the letter to the property owners because of the legal aspects of the situation. There was a discussion and comments made that the Board of Appeals had been leaning towards going against the PC's Special Use Permit for the Waite property but eventually agreed with the PC because of the 4 people limitation. There was a lengthy discussion of what should be done which included other properties that are also in violation.
- 8) **Approval of Minutes:** Motion was made by Pete Peterson to accept minutes as written from the July 9th 2014, Regular PC meeting, second by Jeff Wasson. Unanimous yes vote.
- 9) **PC Vote to recommend to Watersmeet Township Board new Key-hole Ordinance language:** The word individuals changed to families was discussed. Roy D'Antonio made the motion for the change, 2nd by Rich Henriksen. All in favor. Dave Sherrill had some comments concerning the new Ordinance language. He said he believes that we have the

same key-hole issues with stream and river properties. After a discussion it was agreed that the Ordinance would still cover the rivers and streams. Dave also thought that the PC should have definitions of multi family and condominium. John Neumann asked why we couldn't rely on Michigan Code definitions. Dave still believed they should be defined. Pete thought we should move the new language forward and at a later time work on definitions. Rich Henriksen made the motion to approve the new language as adjusted, 2nd by Jeff Wasson. All in favor with the exception of Dave Sherrill who voted no.

- 10) **Public Comment:** Greg Wenzel commented that he is concerned that renters aren't informed about invasive species and how they should clean their boats. Treatment on the lakes is very expensive. He also said that septic overload could add to the problem. Julie Mathiesen said she understands the PC's desire not to re-invent the wheel with new definitions. But she believes some words need to be defined by the PC for the Township's best interest instead of relying on the broader definitions. There was a discussion on septic systems in general around the lakes or the lack thereof. Julie suggested the PC create an Ordinance to require septic inspections.
- 11) **Zoning Administration Report:** David Neumann reported that it has been slow and there were only building permits issued for 2 decks, one large green house and garage. Dave said there has been a request for a Bed and Breakfast on Twist Lake by the Piels. A hearing will be held at our next regular meeting.
- 12) **Master Plan/Recreation Plan/Updates:** Roy D'Antonio commented that he believes the full PC should have a special meeting to work on the Master Plan because it will take more time than we have at a regular meeting to move this forward. Motion by Dave Sherrill to schedule a special meeting for September 3rd at the Town Offices to work on the Master Plan and Survey, 2nd by Roy D'Antonio. All in favor.
- 13) **Survey:** Dave Sherrill submitted a revised survey to the PC. He asked everyone to look at it so we can discuss it at the next meeting. There was a discussion about demographics and mailing costs for the survey.
- 14) **Sub-Committee Update:** Dave Sherrill presented the changes that the sub-committee had worked on. Most of the changes were typos and errors. One change was to add language to reference definitions in several sections to make them more consistent. R1 was defined more clearly. Dave also thinks that changes in the Ordinances should be dated so that grand fathered property could be identified easier. Dave had a question of what a drop was and Roy explained it was a tarp or something that rolled down on something like a boat shelter or garage and wasn't permanent. There was a clarification created that stated it was the Zoning Administrator's responsibility to insure Special Use Permits are completely filled out prior to submitting it to the PC and it was the PC Secretary's responsibility to send letters to the adjacent property owners who may have input concerning the Special Use Permit. Also, the completed and approved Special Use Permit will be given to the PC Chairman, the Zoning Administrator, and the Township Clerk who will maintain a file of all Special Use Permits. Dave Sherrill pointed out that on the map in the Ordinance, East of US45, there is nothing there for the restricted and commercial district but there is a restricted and commercial district. It was decided that we need an updated map created to place into the Ordinance. It was stated that the Medical Marijuana addendum should be brought into the Ordinance when the Ordinance was updated. The

Lake area buffer zones language should be changed to Lake area transition zones. There was a discussion about mobile homes and how they were defined in the Ordinance. It is believed that the intent of the Ordinance was not changed and wouldn't require a hearing up to this point. The next discussion revolved around the square foot requirements on lakes. The current required building square footage is 1200 on lake lots. Roy made a statement where he thought the square foot requirement is too large and thought 700 square feet was a reasonable size. He believed that the large size was prohibiting building in the township. Rich was concerned that making the required size smaller would devalue the adjacent properties. There was a vote to change the square footage size to 600 square feet that passed 5-4 but was later rescinded. There was another discussion concerning the size, minimum and maximum. John Cestkowski made a motion to change R&F size from 400 to 200 square feet and L1, L2 and transition zones from 1200 to 750 square feet. 2nd by Pete Peterson. Roll call vote: Roy D'Antonio yes, Pete Peterson yes, Dave Sherrill no, John Neumann yes, John Cestkowski yes, Jeff Wasson yes, Jeff Zelinski yes, Rich Henriksen no, Larry Potter yes. Motion carried.

- 15) **Adjournment:** Motion to adjourn by Rich Henriksen, second by Jeff Zelinski, Unanimous yes vote.
8:30 PM

Respectfully submitted by, *John Neumann* – Planning Commission Secretary