

**PUBLIC HEARING
WATERSMEET TOWNSHIP ZONING BOARD OF APPEALS
FRIDAY, JUNE 14, 2013
TOWNSHIP OFFICE ANNEX
10:00 A.M.**

DRAFT

Meeting called to order at 10:00am by Edward Casey, filling in for absent Chairperson Fred Reimer.

Purpose: Appeal on the ruling of removing the special condition of Inn Keeper on the Sonnevile Bed and Breakfast located at E19960 Thousand Island Lake Road, Watersmeet, MI 49969.

A public hearing of the Planning Commission (PC) for a Special Use Permit was held in February 2013 for a Bed and Breakfast (B&B) at the Sonnevile property. At the meeting of the PC held immediately after the hearing, the special use permit was issued with two conditions, 1. No more than 5 bedrooms can be rented out, 2. The B&B must be occupied by the Inn Keeper. Additional discussions in March and April were held to remove the condition of the Inn Keeper remaining on the premises based on the definition of "Inn Keeper". There was a letter sent to the Township Attorney, Michael Pope for clarification of the term. Based on Mr. Pope's determination, the special condition was removed at the April 18th meeting of the PC.

Julie Mathiesen appealed the decision to remove the special condition. Ms Mathiesen felt that procedures had not been followed and all requirements for the Special Use Permit had not been met. Both the Michigan Planning and Enabling Act and the Michigan Zoning Act require looking at a number of requirements. The application for the special use permit did not address the hours of operation, whether or not it is a seasonal business, the number of people staying at one time, will the guests be docking boats, etc. Mr. Majeski could not answer all of the questions stating that he had to talk to the owner. She feels that the owner should have been present if she had to answer the questions. Ms. Mathiesen made a FOIA (Freedom of Information Act) request from the Township and felt that it was incomplete. No information on the well and septic system was included. There are two different types of systems, residential and commercial. Mr. Majeski stated that he had provided everything that was asked for before the permit was issued. Ms. Mathiesen feels that applicant and the township ignored some of the laws and is concerned about the process the township uses in planning and zoning.

Supervisor Rogers addressed the Zoning Ordinance not listing a B&B. The State of Michigan does not require a license for a B&B. It does allow for short term rental (5.02b). Ms. Mathiesen stated that the zoning for lakes in both the Master Plan and the Zoning Ordinance is primarily residential.

MS. MATHIESEN
Ms. Mathiesen returned to the Health Department requirements. There are 2 health codes: Single Family Homes and Commercial. The code says that if you increase water into your septic system you need to modify the system or at minimum have it inspected. Depending on what type of food service you provide, it could impact the amount of water used and therefore determine the type of septic needed. Mr. Majeski stated that the septic system is overkill for the number of bedrooms. Ms. Mathiesen stated that none of this was included in the original application.

Greg Garlock stated that in the Zoning Laws there is a specific list of items requiring a Special Use Permit: marinas, resorts, hotels. Bed & Breakfast is not listed. This probably requires a zoning change.

Joe Lomastro stated that he was on the PC for a number of years and the short term rental clause was put in for renting out a single family residence for 1 or 2 weeks. People would come and terrorize the lakes in order to enjoy their vacations with no regard for anyone else or property values. Anyone can write an ordinance about anything and there is always a way for someone to find a loophole in it.

Rich Henriksen stated that the definition of a B&B is a "mom and pop business run out of a private residence". He also stated that there would be an increase in the water for the sewer system with the addition of laundry for the rooms rented. Mr. Rogers went back to the Zoning Ordinance 5.02b that provides for short term rentals.

Ms. Mathiesen questioned why the definition of "Inn Keeper" was the only item Attorney Pope was asked to address.

Mr. Majeski asked what the exact purpose of this meeting was. Mr. Deurkop stated that the question at hand was the Planning Commission's decision to remove the conditions imposed at the April meeting. He does feel that there are some ordinances should be written and procedures changed, but that is not what this meeting was about.

Richard Statler asked that with all the talk about wells and septic systems, where do you draw the line? Could hi-efficiency machines be required in the future?

Ms. Mathiesen did commend the Township on it's Master Plan and Ordinances. She does feel though that there are procedural issues.

Fred Deurkop made a motion that the Zoning Board of Appeals affirm the Planning Commission's decision to remove the condition that the Inn Keeper must be the property owner of a Bed and Breakfast. There was a second by Bill Neumann.

**Roll Call Vote: Bill Neumann, Aye
Joe LoMastro, Nay
Fred Deurkop, Aye
Ed Casey, Aye**

Motion carried. Aye: 4 Nay: 1

Joe Lomastro asked if a Special Use Permit follows to a new owner? Answer is no.

Motion to adjourn by Bill Neumann, second by Ed Casey

Motion carried.

Meeting adjourned at 11:15am

Respectfully submitted,

**Sandy Mansfield, Clerk
Watersmeet Township**