

Milton Township  
Planning commission  
Approved Meeting Minutes  
August 9, 2011

Members present: Hefferan, acting as chair, Kingon, Lockett, Merillat, Cole and Kopkau

Members absent: Stilson, excused

Also present: 4 audience members

Hefferan called the meeting to order at 7 pm.

Approval of past minutes dated July 12, 2011:

**Motion** by Kingon to approve the minutes as presented. Seconded by Cole. **Motion carried.**

Approval of Agenda:

Add subcommittee report on second dwellings.

**Motion** by Lockett to approve the agenda as amended. Seconded by Kingon. **Motion carried.**

Wilderness Bay Rental Subcommittee Report:

Hefferan reported that according to the Antrim County Health Department and Milton Township, there were to be no rentals of the property. It was supposed to be owner occupied. According to the Master Deed, owners may not rent for any term and may not be amended without governmental approval. In 2002, there was an amendment made to the master deed, which allowed owners to rent for terms not less than six months. The Township was not involved in that decision. The Health Department was made aware of and approved the change. In May the Tanis family asked to rent on a weekly basis. That issue was withdrawn. Subsequent to that, they asked to be permitted to rent for 6 months or longer as per the current master deed. The Health Department reevaluated the situation and said anything shorter than six months would not be acceptable, but greater than six month would be acceptable. The subcommittee met July 25<sup>th</sup> and recommends ~~the approval of the request~~ a public hearing. A letter was received from Mr. & Mrs. Tanis explaining their position. Ken & Chris Hall also emailed saying they are not opposed to rentals of no shorter than 6 months.

Cole said he recalls that originally there were four units. They changed it into three condo units. The planning commission thought this would be a gain for the Township. After that the Overzets rewrote their Master Deed without informing the Township. In the process, other people have purchased into this condo unit and have found this rental problem.

Kingon said what is requested is a revision of the Special Use Permit and a public hearing is needed for that.

Loriann Tanis said her letter discusses where they have been and what they intend to do with it in the future. As a marketing tool, they would like to have six month rental available.

**Motion** by Luckett to have a public hearing on September 13<sup>th</sup>, 2011 to consider the request to amend the special use permit for Wilderness Bay Codo to allow rentals of not less than six months. Seconded by Cole. **Motion carried.**

Ordinance Review Subcommittee Report:

Cole said there is one detail to address tonight. They would like to send it to Jay to get a final version. Then put it up on the website and allow people to have a look at it and get to a public hearing so we can hear the public's comments. The second dwelling issue could take a while to sort out. In the meantime, they would like to go ahead with the ordinance as is and add an amendment later if necessary. Cole discussed the definition of dwelling unit and how that has changed. The definition is "sleeping, cooking, and sanitation" Cole suggests it should be "sleeping, cooking, or sanitation." Kingon and Luckett discussed changing the definition. The current definition is a building used for residential occupancy. Cole said this is very broad. The whole danger is that while these exist in the Township, if we eliminate the prohibition against them, this could multiply tenfold. Kingon discussed the current regulations. Merrillat said it is difficult to live in a dwelling that is missing one of those three items, sleeping, eating, or sanitation. Cole said we are not talking 12 months a year; we are talking 7 days at a time for possible rentals. Cole said we could go back to what we have now. Luckett said the square footage is not being discussed. If you call it a dwelling, it is going to have to meet the square footage requirements. Luckett said this should be something the Township is willing to enforce.

Kevin Kuhn discussed his hardship.

Keith Termaat said this is a different question on the water versus inland. Size of property makes a difference.

This discussion is tabled for now.

Subcommittee report on second dwellings:

Kingon has done research on different types available throughout the country. The three proposals are:

- 1) Temporary Hardship Second Dwelling: The owner must apply. Cole read the requirements.
- 2) Guest Cottage Second Dwelling: Kingon discussed a guest dwelling that could have sanitation and sleeping, but no kitchen. If you make the requirements specific enough, you will prevent future rental of that property. Kingon feels this is reasonable. The guest dwelling accommodates a hardship.
- 3) None of the above.

Kingon discussed doing a survey of the Township to get the feeling that would inform a decision.

Merillat asked if this only applies to detached accessory structures. Yes.

A straw poll of board members was taken. 4-3 and the definition will be kept “sleeping, cooking, and sanitation.”

Septic Inspection and Property Transfer Report:

Kingon said a public forum was held at the end of May. A lot of feedback was received and many changes were made. After review, those changes were approved by all parties. Weinzapfel took the document to the Township attorneys. This report was expected back today. It is not ready, but in general, legal has no overwhelming issues with this proposed ordinance. Kingon said the Township Board would like the Planning Commission to have a public hearing on the issue. Luckett asked regarding the intergovernmental agreement. What are the costs involved? Kingon asked for her specific comments to review them. Kingon suggested we review Derman’s comments and discuss at the next meeting and hopefully, call for a public hearing then. Merillat asked about the ramifications of putting property into a trust for tax purposes with no change in ownership.

Meeting adjourned by order of the chair at 8:19 pm.

Respectfully submitted,

Joseph Merillat  
Secretary