

Milton Township  
Planning Commission  
Approved Meeting Minutes  
September 13, 2011

Members present: Kopkau, Lockett, Stilson, Hefferan, Kingon and Merillat

Also present: Weinzapfel and 6 audience members

Stilson called the meeting to order at 7 pm.

Cole arrived at 7:06 pm

Approval of past minutes dated August 9, 2011:

Corrections: Pg 1: "made aware of"; Pg 1: Tanis, correct spelling.

Pg 1: The sub committee recommended a public hearing not "approval of the request".

Pg 2: Add to motion "consider the request" to amend the special use permit.

Throughout: Township should be capitalized.

Pg 3: Kingon asked regarding the straw poll on page 3. He felt that this was a decisive vote. Cole said there was no motion or second. Hefferan said he felt that the ordinance review committee was struggling and asked for input. They were divided so we dialogued and each member was asked his/her view. Hefferan thought each member was providing feedback. Kopkau said she felt that she was just giving her thoughts. Merillat said it was not a motion and a vote. Stilson said although he was not here, he feels we should be close to being on the same page. Merillat said we do not all have to be on the same page to proceed. Lockett said that the straw poll reveals that the wording should stay the same. Direction at this time is to leave this section of the minutes as they are.

**Motion** by Hefferan to approve the minutes as corrected, seconded by Kopkau. **Motion carried.**

Meetings and Announcements:

None

Township Board Update:

None

Keith Termaat asked that water features be put on the zoning map. Those that are named in the zoning ordinance should be on the map (rivers, streams, ponds, creeks). It was agreed to add them.

Agenda:

1. Joe & Lori Tanis wish to speak regarding Wilderness Bay.
2. Tabled item second dwelling on same parcel or dwelling unit definition.
3. Ordinance review subcommittee report.
4. Septic inspection and property transfer report.

## 5. Rental Issue.

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

Joe Tanis requested that the public hearing be delayed until next month on October 11<sup>th</sup>. If the public cannot make this new meeting date, they are requested to submit letters. Without objection the Wilderness Bay Rental Public Hearing is rescheduled.

Discussion on item regarding second dwelling on same parcel or dwelling unit. Cole said second dwelling could be a subcommittee later. This would not be included in this ordinance revision. The big issue is the wording on the definition of dwelling. The definition of dwelling unit, revising “and” to “or”. Kingon said there are many situations now where they have separate structures with two of three facilities (sleeping and sanitation). Include “and” and recognize they exist. The fear that we will have rentals does not seem justified. Merrillat suggested incorporating the old language if this language is causing a problem.

**Motion** by Kingon to keep current language to include “and” in the current proposed draft language 8.12.2010 in the definition of dwelling unit. Seconded by Merrillat.

Discussion: Hefferan asked Cole if there is anywhere we can meet in the middle here. He sees how strongly Cole feels about this. Cole said the “or” is closer to the old language. He feels people are pushing up against the rules. Luckett said the current definition is for residential occupancy. Is this more restrictive? Yes. Luckett said residential occupancy does not have to be more restrictive. Cole said his compromise would be to have a subcommittee look at it. The original definition of dwelling unit is a mistake. **Motion carried.**

### Multiple Dwelling Units:

Multiple dwelling units using common beach frontage was discussed and is no longer allowed in the proposed draft. Zoning maps need to be updated to add the water features that Keith Termaat suggested. Weinzapfel will coordinate with Cole to make sure everything is updated. Everyone will get a copy for review and it will be given to Jay for a final draft.

Keith Termaat asked if the proposed zoning ordinance will be posted on the website before the next planning commission meeting. Cole said if Jay does not have any red flag issues, then we should be able to do that.

### Septic Inspection at Property Transfer Report:

Kingon presented a new draft dated September 1, 2011 with revisions and discussed the new updates based on comments provided from Derman and Luckett. Kingon also reviewed the latest undated intergovernmental agreement changes. Kingon requested that the Planning Commission have a public forum. This will be more of a formal process with the entire Planning Commission. Then, we will look at it again and hopefully move it to the board by November. Luckett suggested showing this to the County Commissioners as well.

Joyce Grammar asked regarding costs associated with an inspection. Kingon said it is currently \$276.

Merillat asked regarding the procedure for a forum. Should this be the whole commission or just the subcommittee? The Planning Commission will ultimately make a recommendation to the Township Board. Luckett said she has strong concerns about this from the Township's point of view. We are doing the heavy lifting for the county. This is something they should be responsible for. If the system fails, it is the responsibility of the health department to fix it. The only thing we are responsible for is if the seller doesn't have the system evaluated. Luckett discussed the area in Civil Action. Luckett asked if the health department will be willing to inspect and fix the systems, there would be no need for the ordinance. She is worried that the township will get stuck with the enforcement of this where the county should be the enforcer. Hefferan the county will not do this. Kingon said the township attorney's have approved this language. What are the charges of the "professionals"? (pg 8, paragraph 3). Does this mean attorney's fees? Kingon said yes.

The public forum on this issue will be Monday, October 3<sup>rd</sup> at 7 pm.

#### Rental Issue:

Tom Watkins of NW Torch Lake Drive discussed some of the Township's history with homes being built for rentals. He is the secretary/treasurer of Weathertop. There are two houses with 14 bedrooms total that were built in the middle of the Weathertop association. For the last twelve weeks, several families go in together and take over the two homes. They rent for \$10K each week and each week there are one or two calls to the sheriff. The incidents change, but every week, there are complaints. The incident material has been provided to Weinzapfel. There have been thefts, fires, destruction of property etc. Seven adjacent property owners hired an attorney to file a cease and desist order. It has become that upsetting to everyone. Part of the problem is they are in violation of the Township's ordinance because for the last two weeks, they are switching rentals mid week. Weinzapfel is going to submit a second notice of violation this week. Their deed restrictions clearly state that there should be no commercial use or rentals and there is precedent in the courts.

Stilson said he would like to appoint a subcommittee to look at this and come up with possible solutions for a general law ordinance for enforcement to deal with noise and nuisance. Cole said the sense he got from the Township Board is the vast majority of rentals are not a problem. We want those people to have the right to rent. We should look at things we can tighten up to control a situation like this. Do we have wording now that would allow the Township to take action in this case besides the length of stay? Hefferan asked how this relates to the situation that happened with Ackerman's. Cole said the ZBA ruled that the ordinance is a permissible ordinance. If the ordinance does not say anything about a use, you cannot do it. As a result a subcommittee went through and tried to find a way for people to have rentals. This took a long time. There were lots of people saying they did not want short term rentals in the township. At about the one year mark, others started saying if it was their property, it was their right to be able to rent it. When the dust settled in a couple years, the majority of the people were in favor of rentals with the condition of no less than seven days. Hefferan asked what can be done now if the issue was exhausted then. Cole said he's not sure, but the Township Board would like us to look at the issue. Kingon, Cole and Merillat will serve on this subcommittee.

Meeting adjourned by order of the chair at 8:20 pm.

Meeting reconvened at 8:21pm for George Bartel regarding property line setbacks. He understands that the setbacks are for structures. Concrete driveway can go to the lot line without problems. Weinzapfel confirmed this. Martel said if this is permanent structure, then setbacks come into play. However, regarding portable canopies, is there anything that restricts using one of those in the summer months? Typically they are used to store a boat. Cole read the current definition of structure and a portable canopy would be considered a structure and would not be allowed in the setback. Bartel would like to be allowed to use a temporary canopy in the setback. According to the proposed draft ordinance, this would not be allowed either. Bartel said he would like to see the Planning Commission look at their current and future regulations to include this. Bartel said he does have room conforming with the setbacks if it was in the middle of his front lawn. Cole said he does not believe we will want to change the ordinance language in this instance. This will be placed on the list of things to review after the ordinance passes or fails.

Meeting re-adjourned by order of the chair at 8:43 pm.

Respectfully submitted,

Joseph Merillat  
Secretary