

## **MINUTES SILVER CREEK TOWNSHIP**

### **PLANNING COMMISSION MEETING – JULY 22, 2020**

Chairman Terry Harris called the Planning Commission Meeting to order at 7:00 p.m. on Wednesday, July 22, 2020.

**MEMBERS PRESENT:** Nick Barnes, Debbie Brown, Tim Feirick, David Grabemeyer, Terry Harris, Bill Zuhl

**OTHERS PRESENT:** Building and Zoning Administrator Todd Herter, Recording Secretary Liberty Nevins, members from the public

**MEMBERS ABSENT:** John Tidey

The Pledge of Allegiance to the Flag of the United States of America was recited.

#### **APPROVAL OF AGENDA**

Debbie Brown motioned to approve the agenda.

David Grabemeyer seconded.

Motion passed by voice vote.

#### **SUMMARY OF PREVIOUS PLANNING COMMISSION MEETING**

Member of the public Jon Fehland requested for the previous Planning Commission meeting to be summarized.

Recording Secretary Liberty Nevins shared the details of the June 24 meeting, including the discussion about short term rentals, marijuana issues, corner lot setbacks, and the change of district of the Nevins' Campground lots from R1 to Waterfront.

Terry Harris stated that Attorney Robert Thall had sent in some information regarding short term rentals for the members of the Planning Commission.

David Grabemeyer and Debbie Brown confirmed they had received the short term rental information and a copy of the minutes from the previous meeting.

#### **APPROVAL OF JUNE 24, 2020 MINUTES**

David Grabemeyer motioned to approve the June 24, 2020 Planning Commission minutes.

Debbie Brown seconded.

Motion passed by voice vote.

#### **PUBLIC COMMENT**

Terry Harris asked for any public comments.

Member of the public Linda Lawless asked how short term rentals would impact the public.

Jon Fehland questioned what a short term rental was.

Terry Harris stated that a short term rental is a property rented out for less than a month, typically between a week and fourteen days.

Debbie Brown shared the definition of a permitted short term rental, and the definition of a residential rental unit.

Jon Fehland questioned why "regulated by the state" was not included.

Member of the public Veronica Towne asked why a campground would not be included.

Terry Harris stated that campgrounds were being addressed if they were recovered under a different purpose other than stated in the ordinance.

Veronica Towne asked how a residential rental was different from a campground.

Linda Lawless stated that renters on the lakes rent out their properties for approximately two weeks to pay for taxes. She asked how the public would be impacted.

Building and Zoning Administrator Todd Herter stated that the supreme court ruled that a rental rented for over fourteen days is considered a commercial use.

Veronica Towne questioned if the previous statement made by Todd Herter applied if a property was rented for under fourteen days.

Todd Herter responded that the ordinance would permit it for fourteen days, and that anyone renting their home for fourteen days would have to register with the township.

Linda Lawless questioned if it would impact homestead exemptions and residency.

Todd Herter stated that it would only be impactful if the rental was deemed as a commercial use.

Veronica Towne asked why it would not apply to campgrounds or hotels.

Todd Herter explained that hotels are not allowed in R1 and Waterfront districts. He shared that campgrounds were exempt because they are grandfathered in.

Jon Fehland stated that a renter who had been renting for years would also be able to be grandfathered in.

Todd Herter stated that no ordinance allowed a rental home to be grandfathered as a permitted use.

Linda Lawless asked why the former Shady Shores property could be grandfathered in, since it did not sell as Shady Shores as a whole.

Todd Herter stated that an attorney would be able to answer that question.

Linda Lawless asked if the former Shady Shores property contained sewers all around.

Todd Herter stated that behind the first two hundred feet, nothing was required to be hooked up.

Terry Harris stated that before any decisions were made, there would be a public hearing in which the attorney would be present.

Jon Fehland asked if the Planning Commission makes a recommendation to the Board before a public hearing.

Terry Harris confirmed they do.

Dennis Foote commented that he was attending the meeting to hear about the updates on the revision of the corner lot setback proposal that was discussed in a previous meeting.

Terry Harris closed public comment.

## **ZONING BOARD OF APPEALS REPORT**

None

## **PLANNING COMMISSION MEMBER DISCUSSION**

### **SHORT TERM RENTALS**

Terry Harris stated that Attorney Robert Thall suggested that updates should be made to section 155.

David Grabemeyer commented that he read over what the attorney suggested and had talked to local business and homeowners, and his local family and friends. David shared that because of the response the people had expressed to him, that he would oppose short term rentals. He said he would be opposed to passing anything that would place more restrictions on the people of Silver Creek Township.

Terry Harris commented that a potential issue could be overcrowding in the lakes from the boats and people coming from rental houses.

Todd Herter stated that the ordinance does not permit commercial use in the residential district. David Grabemeyer commented that local homeowners also cause issues and problems, not just out of the area renters. He said that he believes the rental homes are what makes Sister Lakes what it is.

Bill Zuhl commented that he realized there would be inspections every three years for all types of rental homes and shared that he was upset about what was going on about it.

Todd Herter agreed that all types of rentals had not been discussed before.

Terry Harris commented that the Planning Commission was not close to making a decision on anything for the meeting at hand. He stated that some issues may be tabled again for further discussion in the future.

Linda Lawless asked how the public could impact the Planning Commission's decision on the issues at hand.

Terry Harris responded the public could share their opinions at a future public hearing.

Linda Lawless pointed out that it is an issue that some of the public cannot attend the meetings in the fall because they do not live locally.

David Grabemeyer asked Todd Herter if the supreme court made it so every township has to have short term rentals.

Todd Herter responded that the supreme court stated that short term rentals are transient nature and a commercial use. He stated that if a rental is not stated as a permitted use, it is not allowed.

David Grabemeyer asked if short term rentals are to be allowed in the future, if they would have to be listed as a special use.

Todd Herter responded that the attorney would have to give a definite yes or no, or short term rentals could have some restrictions placed on them.

Linda Lawless asked if the supreme court made decisions on short term rentals in regard to taxes.

Todd Herter stated that a specific short term rental case in Spring Lake was an issue because there was nothing in the local ordinance that allowed it and nothing that did not allow it. He said that the house could no longer be rented unless it was addressed in the zoning ordinance.

David Grabemeyer stated that motels have a limit of how many people are allowed in a room.

Todd Herter agreed that each room has an occupancy load.

David Grabemeyer stated that something similar could be done in the local rentals that state the amount of people allowed in the house.

Todd Herter agreed that could happen if it was for a short term rental. He shared that if a rental was to be rented all summer long or for year round, it must be put in the ordinance.

Terry Harris asked if anyone had an objection to gathering more information to present to the board.

Member of the public Richard Coleman stated that the attorney should be present for the meeting.

Terry Harris agreed. He mentioned that Attorney Robert Thall is not local.

Richard Coleman requested that the attorney be present.

Debbie Brown stated that people had to keep in mind the cost of the attorney for the township.

David Grabemeyer motioned to table the issue on short term rentals.

Nick Barnes seconded.

**CORNER LOT SETBACK**

Terry Harris asked Todd Herter if he had written up anything regarding the corner lot set back. Todd Herter responded he had not. He proposed that the corner lot setback should be half of what a front yard setback would be.

Terry Harris asked Todd Herter to write up what he had previously stated.

### **NEVINS' CAMPGROUND PROPERTY R1 TO WATERFRONT DISTRICT**

Terry Harris stated that papers showing the boundaries of the property were necessary to see before making any decisions.

Todd Herter stated that Assessor Bill Kays would have a copy of the needed information.

Jon Fehland asked when the Planning Commission would make a recommendation to the board.

Terry Harris stated that there was no rush and stated that the next Planning Commission meeting would be on August 26, 2020.

Jon Fehland asked who had let the property be one lot for each campground.

Todd Herter responded that the property had gone through a land split approved by Assessor Bill Kays. Todd said the split was ordered by the probate judge.

Jon Fehland stated that the individual parcels were no longer there and questioned how it all became one parcel.

Todd Herter told Jon Fehland to refer to Bill Kays about the situation.

Jon Fehland stated that he had spoken with Bill Kays and had not gotten an answer. Jon asked how the process was done before zoning was done.

Todd Herter responded that Jon Fehland would have to talk to Bill Kays.

Veronica Towne stated that it is the township's responsibility to respond to the public in a timely fashion. She asked for more communication to come from the township.

Jon Fehland commented that the meeting at hand had not been posted until the day before on July 21, 2020.

Bill Zuhl stated that the meeting at hand was posted and shared in January 2020. He commented that the meeting was not special, and that it was voted on back in January 2020.

Jon Fehland commented that the Zoom meeting notice and agenda was not posted until July 21, 2020.

David Grabemeyer asked why the meetings could not take place in person.

Terry Harris responded that the meeting place is not conducive for social distancing.

Member of the public Stephanie Munson asked what the current zoning is for the old Shady Shores property.

Todd Herter stated that the current zoning is R1.

### **MARIJUANA**

Terry Harris stated that the marijuana issues should be address by the township police or the sheriff's department.

Todd Herter commented that courts have allowed municipalities to regulate marijuana. He stated that the township could regulated the marijuana issues.

Terry Harris asked if there was an update on a specific marijuana instance.

Todd Herter responded that there were no updates. He stated that the issue of the instance was the odor. He believed that the individual was under investigation.

Terry Harris tabled the issue until the August 26, 2020 meeting.

### **ADJOURNMENT**

Nick Barnes motioned to adjourn the meeting.  
Debbie Brown seconded.  
Motion passed by voice vote.  
Meeting adjourned at 8:05 p.m.

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Liberty Nevins, Recording Secretary

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