

**JMINUTES SILVER CREEK TOWNSHIP  
PLANNING COMMISSION MEETING – NOVEMBER 18, 2020**

Chairman Terry Harris called the Planning Commission meeting to order at 7:00 p.m. on Wednesday, November 18, 2020.

It was stated that Mick Braman would take the place of Bill Zuhl after November 20, 2020.

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

MEMBERS PRESENT: Nick Barnes, Debbie Brown, Tim Feirick, David Grabemeyer, Terry Harris, Jon Tidey

MEMBERS ABSENT: None

OTHERS PRESENT: Building and Zoning Administrator Todd Herter, members of the public

**APPROVAL OF THE AGENDA**

David Grabemeyer motioned to approve the agenda in supplement to discussing the Planning Commission dates and times for 2021 under New Business.

Debbie Brown seconded.

Motion passed by voice vote.

**APPROVAL OF OCTOBER 28, 2020 MINUTES**

Debbie Brown motioned to approve the October 28, 2020 Planning Commission minutes.

Nick Barnes seconded.

Motion passed by voice vote.

**ZONING BOARD OF APPEALS REPORT**

David Grabemeyer stated that the Zoning Board of Appeals had a meeting that consisted of two variance requests made by the same individual. One request was for a front and side yard variance for an above ground pool. The request was denied by a 3:2 vote. The other request was for a privacy wall. The request was granted by a 5:0 vote.

**NEW BUSINESS – UPDATE ON SHORT-TERM VACATION RENTAL ORDINANCE PROGRESS**

Todd Herter stated that in order to label short term vacation rentals as a special land use, there must be a definition of short-term vacation rentals. He stated that Township Attorney Rob Thrall could get a legal definition of the term. Todd stated that there must be a list of requirements for people who want special land use permits. The tentative list of requirements include: **1.** a detailed floor plan including dimensions and standard use of each room **2.** a parking site plan **3.** number and location of fire extinguishers, smoke detectors, and carbon monoxide detectors **4.** required annual inspections **5.** short-term rental vs. long-term rental (Short-term rentals are a transient use, and less than 30 days. Long-term rentals are covered under the Fair Housing Act, and are over 30 days.) **6.** registration fee scheduled by number of potential occupants **7.** special use request – annual, semi-annual, or permanent? **8.** limiting each bedroom to two persons **9.** use of the BS&A Software.

Terry Harris asked if the 9 items were more of a procedural policy or an ordinance.

Debbie Brown asked why 14 rental days was considered a commercial rental property. She asked if it was 14 days consecutively or just 14 days a year.

Todd Herter stated that it is 14 days total. He stated that a commercial use is a hotel or motel. He stated that the Board would need to decide when the special use permit would be required, before or after the 14 days. Todd commented that the court stated that short-term rentals are commercial rentals in nature.

David Grabemeyer commented that he thought the most noise and trouble came from the rental home owners rather than the renters.

Nick Barnes commented that some renters do not know any of the rules or ordinances of the area.

Todd Herter commented that rental properties are income generating properties.

Tim Feirick asked if there would be a fee for those interested in a special land use permit.

Todd Herter responded that there would be a fee.

Tim Feirick asked if the special land use permit could be permanent.

Todd Herter responded that the permit could be permanent, as long as it was in effect under the current owner.

Terry Harris stated that the Planning Commission should get a draft of the 9 short-term rental requirements so that the issue could be moved forward.

Debbie Brown agreed. She asked if the township had the BS&A Software.

Todd Herter responded that the township had the Software in the Building Department.

Nick Barnes commented that it would be beneficial to add a policy for liability coverage to the list of short-term rental requirements.

Tim Feirick voiced his concerns on how the township would decide on how the occupancy load for short-term rentals would be set. He stated that he thought a permanent special land use permit would be best.

Todd Herter stated that the majority of rental houses on the lakes have 5 bedrooms or less. If it is stated that there can only be 2 people per bedroom, that would be 10 people total in the household, therefore, it would still be considered a single-family residence. Todd stated that it was important for the Commission members to discuss their thoughts and opinions on the short-term rental matter.

Nick Barnes commented that it would be beneficial to have the Township Attorney at the next Planning Commission meeting so that he could answer questions and help with ideas for the short-term rental ordinance.

Debbie Brown, Tim Feirick, and David Grabemeyer agreed that the sooner the attorney could join the better.

Nick Barnes suggested that the information regarding the short-term rental ordinance should be sent to new Commission member Mick Braman.

Terry Harris stated that the discussion on short-term rentals would be tabled until the next Planning Commission meeting.

### **2021 PLANNING COMMISSION MEETING DATES**

Terry Harris stated that the meetings would be on the fourth Wednesday of every month, with the exception of November and December due to the holidays. The meeting dates would be November 17, 2021 and December 22, 2021.

Debbie Brown motioned to approve the 2021 Planning Commission meeting dates.

Tim Feirick seconded.

Motion passed by voice vote.

### **UNFINISHED BUSINESS – PUBLIC USE OF FIREWORKS WITHIN THE TOWNSHIP**

Terry Harris stated that the Silver Creek Safety Committee could look into regulating the public usage of fireworks.

Debbie Brown commented that according to state regulations, fireworks are allowed the Friday and Saturday before Memorial Day, from June 29 – July 4, the Saturday and Sunday before Labor Day, and on New Year's Eve. She questioned if the Planning Commission wanted to regulate more on fireworks since they are already state regulated.

Terry Harris stated that the firework discussion was an issue for the police or public safety, rather than the Planning Commission.

Nick Barnes and Tim Feirick agreed that it would be beneficial to send the information along to be further looked into.

Debbie Brown motioned to send information on fireworks along with the dates they are allowed to the Silver Creek Public Safety Committee.

Nick Barnes seconded.

Motion passed by voice vote.

### **ADJOURNMENT**

Terry Harris stated that the tentative date for the next Planning Commission meeting would be December 16, 2020.

Nick Barnes motioned to adjourn.

David Grabemeyer seconded.

Motion passed by voice vote.

Meeting adjourned at 8:22 p.m.

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Recording Secretary, Liberty Nevins

Secretary, Debbie Brown