

Matt Wieber, Chair
Bruce Wildie, secretary
Jason Barnard, Zoning Administrator
Mary Pitcher, Assistant Zoning Administrator

Robb Bollenberg, Vice Chair
Tim Flynn, Member
David Gardner, member

WEST BENZIE JOINT PLANNING COMMISSION

BENZONIA TOWNSHIP HALL

REGULAR MEETING

March 7, 2024

CALL TO ORDER- Call to order at 6:00 p.m. by Chairman Wieber

ROLL CALL- In attendance: Bollenberg, Wildie, Wieber, David Gardner, Flynn; also, in Attendance: Assistant Administrator Mary Pitcher

PUBLIC PRESENT- 12 public including Tom Kucera, Anne Noah, Mary Ferens, Lisa Pyne, Paula Figura, Christine Stapleton, Anne Browning, Karen Earl, John Wheeler, and 3 additional public audience.

AGENDA- A **Motion** by Wildie, **Support** by Bollenberg to accept the agenda as amended to include Assistant Pitchers' report; motion carried, all ayes.

MINUTES- All members reviewed the February 1, 2024 minutes A **Motion** by Flynn, **Support** by Wildie to accept minutes as amended to reflect that the July meeting will be held on July 11, not July 4; motion carried, all ayes. Amend the dates to read that the July meeting will be held on July 11, 2024

INPUT

Anne Noah- attached is a handout of her statement to the members concerning the status of the CLW overlay ordinance, legal reconciliation status regarding the hiring of staff, status of all unfinished projects, status of the closed session both Townships attended 6 months ago-requests that these items should still be on the agenda under old Business; Thanked Mary Pitcher for getting notices posted on the WBJPC website; disappointed that the commission is meeting bi-monthly; the by-laws, current budget, and draft minutes be posted on the website; wants the last five years of the zoning Administrator's report.

Tom Kucera—stated that Crystal Lake Township and Lake Township have clauses in their Accessory Dwelling Unit ordinances. Concerned that the ADU'S are allowing a residence over a garage and that puts two residences on one parcel. Crystal Lake Township has created further language to ensure the

Matt Wieber, Chair
Bruce Wildie, secretary
Jason Barnard, Zoning Administrator
Mary Pitcher, Assistant Zoning Administrator

Robb Bollenberg, Vice Chair
Tim Flynn, Member
David Gardner, member

property owners are renting to family and friends and not through host rental sites.

Lisa Pyne- would like to know the current status of the Crystal Lake AdHoc committee meeting and the status of the Sunkissed appeal.

OLD BUSINESS

None

ASSISTANT ZONING ADMINSTRATOR REPORT

Mary Pitcher reports Sunkissed Hills is currently in negotiations with the Township. Next ADHOC meeting is April 2, 2024 and is looking to appoint a representative from WBJPC to this committee. Senate Bill 5438, if passed into law would allow the State of Michigan to oversee Short Term Rentals with registration and enforcement level. Also, a public administrative hearing is scheduled for March 14, 2024 addressing the request from Wild Things Farm to utilize 4 campsites on their property. States currently 2 driveway access needs to be permitted by the County Road Commission. Pitcher is currently taking a MSU zoning certification course.

ZONING AMENDMENT DISCUSSION

Members reviewed other jurisdiction's language addressing short term rental, ECHO, Accessory dwellings, and minimum footage required for a land use permit. The members discussed using nuisance and noise ordinances to help with enforcement of the rental properties.

Lake Township has hired an enforcement officer at \$21,000 per year.

Frankfort has a maximum number of short-term rentals allowed.

Assistant ZA suggests the commission consider perimeters to the STR amendment that would address max number of units allowed, noise, nuisance and the need to have an enforcement policy included. Chairman Wieber queried what the maximum

Matt Wieber, Chair
Bruce Wildie, secretary
Jason Barnard, Zoning Administrator
Mary Pitcher, Assistant Zoning Administrator

Robb Bollenberg, Vice Chair
Tim Flynn, Member
David Gardner, member

percentage of rentals should be permitted- Bollenberg states a balance is necessary to respect the landowners' rights; Wildie comments that the Village of Honor has enacted a SRT ordinance that includes addressing Health and safety requirements; Gardner stated the minimum square footage for most townships is currently 720 sq footage with others being 400 sq footage.

PUBLIC INPUT

Ann Browning- stated that the Beulah Planning Commission charges an annual fee to Short Term rental owners at \$500 per year with a \$50 registration fee.

Lisa Pyne- Talked about the utility sheds being used as residences on Martin road.

Alison Michalak- comments that consideration for all structures, regardless of square footage minimum, be required to get a land use permit.

Karen Earl- asks members to consider minimum number of rentals allowed.

John Wheeler-asks the WBJPC to require Sunkissed Hills to change the name of the current access road as the name is almost the same name of his road and is causing confusion with the deliveries and unnecessary traffic.

Christine Stapleton- suggests the ordinance should focus on the nuisances that short term rentals create; Accessory Dwelling Units are important for homeowners to ensure family and workforce housing.

Tom Kucera- recapped a letter received to Crystal Lake Watershed from Attorney Tim Figura. Asks the members to review the 4 items regarding setbacks, nonconformance, Article 22 as it relates to environmentally sensitive areas, and asked if the WBJPC is ready to approve the Crystal Lake Overlay district.

A **MOTION** to adjourn by Wildie, **SUPPORT** by Gardner at 7:25 pm.

Next meeting is May 2, 2024

Respectfully submitted,

Alison Michalak, recording secretary.