

Matt Wieber, Chairman
Robert Bollenberg, Vice Chair
Bruce Wildie, Secretary
Tim Flynn, member

Jason Barnard, Zoning Administrator
Mary Pitcher, Assistant Zoning Administrator
Alison Michalak, Recording Secretary
David Gardner, member

WEST BENZIE JOINT PLANNING COMMISSION
BENZONIA TOWNSHIP HALL
REGULAR MEETING MINUTES
JULY 16, 2024

CALL TO ORDER- Call to order at 6 pm by Chairman Wieber.

In attendance: Wieber, Bollenberg, Flynn, and Gardner; Zoning Administrator Barnard and Assistant Zoning Administrator Pitcher

Public Present: 14-

including Anne Noah, Mary Ferens, Lisa Pyne, Randy Marcos, Jon Gallagher, Steve Stephens, Tassie Bosher, Susan Kirkpatrick, William Becker, Karen Earl

A MOTION by Bollenberg, Support by Gardner to approve agenda as amended to include Farm Stands/Right to Farm Act under new business; motion carried all ayes, voice vote. A MOTION by Gardner support by Bollenberg to accept the minutes from May 2, 2024; motion carried, all ayes.

PUBLIC INPUT

Karen Earl- spoke about the minutes from March 7, 2024 and would like her public comments as recorded to be clarified to reflect her statement on short term rental language. Asking that maximum allowable STR units be based on housing density.

OLD BUSINESS

FOIA POLICY-A MOTION by Flynn, Support by Gardner to accept the updated FOIA policy as rewritten, MOTION CARRIED; all ayes

ORDINANCE REWRITE- Assistant ZA Pitcher states the Request for proposals for the zoning ordinance rewrite have been sent to six businesses that provide these services as of July 1. Proposals are due July 31. Lake Township is

in the process of a zoning amendment update and have only received one proposal- Assistant Pitcher will follow up to all RFP recipients.

NOISE ORDINANCE- Mary Pitcher states Attorney Figura sent a sample ordinance using a decibel meter for evaluating noise levels- A sample noise ordinance from Almira Township has been received to use for evaluation and consideration. Flynn and Bollenberg comments how enforcement is to be implemented: police power ordinance or noise ordinance. Wieber requests members review the sample languages for the next meeting.

SUNKISSED HILLS- A permit has been issued for (2) four stall garages and an additional residence (located on top of hill). The ordinance states that the residence needs to be completed first -the accessory structures have been started before the residence. A stop work order has been issued on the garages. Barnard reports the driveway has been adjusted, 21 trees in place and the court date is rescheduled for August 6, 2024. The verification of revegetation is the remaining compliance requirement.

WATERSHED OVERLAY – Barnard states 2 language items are being updated to complete the language and should be ready for Township approval and public notice by September’s Benzonia Township meeting.

NEW BUSINESS

LEGAL SERVICES RFP- Wieber led a discussion about the solicitation for RFP for legal services. Wieber states there are many firms that can represent our two townships’ unique needs. Assistant ZA states she can have a sample RFP sent to members by August 8.

FARM STANDS/RTF- Bollenberg concerned that a Platte Township Farm Stand is selling products not grown on site or nonagricultural related. Barnard states that there is minimum language in the current Zoning Ordinance addressing Farm Stands. Bollenberg will investigate further to confirm what type of items are available for purchase. Bollenberg acknowledged and thanked Assistant ZA Pitcher for her hard work and extra effort for the Planning Commission.

Wieber states a rescheduling of September meeting is necessary-
A MOTION by Gardner, SUPPORT by Flynn to hold the September regular meeting on August 29, 2024 at 6pm; MOTION CARRIED, all ayes.

CORRESPONDANCE- none

PUBLIC INPUT

Anne Noah – asked if the Overlay is required to have a public hearing before adoption. Would like the Planning Commission to address why Sunkissed Hills is not a conservation PUD.

Karen Earl- inquired as to the current occupancy at requirements at Sunkissed Hills. There has been ongoing occupancy since May.

Tassie Boshier- wants to know the status of allowing occupancy while waiting for the court decision. Assistant ZA Pitcher confirmed that the court hearing is scheduled for August 6 at 2:30 pm at the 19th Judicial Circuit Court.

Lisa Pyne- wanted to know how the erosion control is being handled by EGLE.

Billy Becker- Owner of Sunkissed Hills states he is available to discuss the outbuild at Sunkissed Hills. He gave an overview of the project's history and claims compliancy is met with the exception of the lower asphalt driveway.

Valerie Gerhart- Raised concerns about overlay being ignored by developer.

Steve Stephens- does not think all issues related to the Sunkissed Development are zoning error.

Lynn Gregory- would like a full assessment of the environmental impact of the Sunkissed Development.

Anne Noah-please keep an eye on the docks that will be put in – there may not be enough minimum footage available as required by ordinance. Feels like this situation has developed because of the absence of county-wide planning and zoning which has created a disconnect between county permitting agencies and the townships.

A MOTION to adjourn at 7:26 pm by Flynn, Support by Gardner-MOTION CARRIED, all ayes.

Next meeting August 29,2024

Respectfully submitted,
Alison Michalak, recording secretary