TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Public Hearing of the

Planning Commission

Community Service Building

APPROVED Minutes WITH CHANGES 5-0.

March 12, 2019

**Present:**  Shoemaker, Stridiron, Kulka, Petersen, Jorgensen

**Absent:**Carleton, Goossen

**Others:**    Graber

**Audience:** 7 attendees

**Recording Secretary:** J. Petersen

**1.**    **Call to Order Regular Meeting:**

Meeting called to order at 7:03 pm by Kulka

**2.**  **Call to Order Public Meeting:**

Meeting called to order at 7:03 pm by Kulka

**3.    Summarization of Procedures and Rules**

Rules and procedures were outlined and reviewed by Kulka

**4.   Public Hearing topics:**

**4a Proposed amendments to Chapter XX *Zoning Board of Appeals* Revised Version 1.9.19**

Shoemaker and Graber summarized the changes to be minor such as; gender neutralizing of terms ie “Chairman” is replaced with “chairperson” etc. Also the appeal response time was modified. The ZBA now has up to 5 days to notify requesters about decisions made at ZBA meetings. Copies were distributed and available, Kulka asked for any comments and or questions from the public - none were given.

**4b Special Use Permit #2019-03**

Kulka summarized application #2019-03; Request to allow modification to this parcel’s short term rental zoning allowance on a Village Business Zoned parcel. Graber explained that the zoning ordinance already permits a bed & breakfast that does and has existed there on this Village Business Zoned parcel under the Bed and Breakfast guidelines in the TLT zoning ordinance. One half of the building is the owner’s living space, and the other half is a legally operating, ordinance complying with Zoning Ordinance under permitted uses. The applicants are requesting to use the owner’s half as a short term rental as well.

PC Co-Chair Jorgensen read aloud letters submitted to TLT regarding Special Use Permit #2019

Letter #1 Michael and Kelli Healey - Legacy Woods Trail (TLT): Not in support of approving permit

Letter #2 Steven and Joan Szynal - US 31 (TLT); Not in support of approving permit

Letter #3 Tom Joseph - TLT resident: Not in support of approving permit

Letter #4 Lezlie Morrow & Glenn Baja: (Lezlie is owner of property in question): In support of approving permit

Letter #5 Andrew Marasky TLT resident: In support of approving permit

Letter #6 Debbie Comer and Dennis Schneider - TLT residents and business owners: In support of approving permit

Letter #7 John and Stacy Wright - Legacy Woods Trail (TLT): Not in support of approving permit

Letter #8 Jim Hettinger - TLT resident and business owner: In support of approving

Letter #9 Rod and Mira Bell - TLT residents and business owners: In support of approving

Letter #10 Melanie White - TLT resident and business owner: In support of approving

Letter #11 Brittany White - TLT resident: In support of approving

Letter #12 John and Margaret Jenkins - TLT residents: In support of approving

No other letters were submitted

Graber commented to clarify a general misconception/false information contained in some of the letters.

1. This bed and breakfast is and has been in compliance with the township zoning ordinance; it is a permitted, legally compliant.
2. There are and have never been any complaints regarding this business, its owners or its short term renters.
3. Several short term rental violations have recently been served with notice and have ceased, others were taken to court and were ordered to cease.
4. The nature of the permit request is there are two existing units with the owners living in one, and a bed and breakfast in the other. The applicant wishes to move from the site and rent both units.
5. Graber stated the parcel is not a waterfront parcel. The parcel is zoned Village Business. There are 8 parking places. The structure is a non-conforming structure. . Fifth Street is not a street maintained by village, township or county.

Kulka called for public comment

* Karen Baja - Empire, MI - On behalf of permit applicant Lezlie Morrow (former PC member and trustee in another township)

Baja spoke in support of approving the permit. Key items: The applicant has hired a local caretaker. The rental units are seasonal and will not be rented during the winter months as they are not insulated for winter. The parcel abuts only one R1 zoned parcel - to the east. The unit has been operating legally with the one unit with no complaints for the entirety of Morrow’s ownership. The parcel is zoned village business and is located on a busy road. Torch Lake Township handles requests such as this on a case by case basis due to the uniqueness which is essential in maintaining control and not setting precedent. The units will host 6 persons max. (3each). Housing is needed to keep businesses employed. Baja thanked the Planning Commission for the opportunity to speak and for the work they do.

* Michelle Merrrifield on behalf of The Torch Lake Cafe and Jim Hettinger (owner Torch Lake Cafe).

Merrifield spoke in support of approving the permit application. In response to fireworks and bonfires - residents enjoy these activities every day and should not be reasons to deny short term rentals. Very few options for places to stay exist from Charlevoix to Traverse City. She owns a rental in Banks Township where she has had more negative issues with her long term renters opposed to her short term. Short term renters usually fill their time with activities and are in their rental units to sleep only.

* Rick Randall - US 31N TLT resident; neighbor to parcel in question since 1996. Spoke in support of approving permit. He states several businesses have existed there; retail, kayak rental etc with traffic coming and going… he would rather see short term rental than retail. It’s never been a bother to him since it started short term renting,

Kulka called for any further public comment and none was given.

The PC deliberated and asked questions for clarification

Kulka asked for final public comment and closed the meeting at 8:03pm