

GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS
HELD VIA WEBEX
FEBRUARY 10, 2021

MINUTES

1. CALL TO ORDER: By Chairman Volkening at 6:02 pm.
2. PLEDGE OF ALLGIANCE: Was recited by all.
3. ROLL CALL: Board members present virtually were: Wilson, Volkening, McDonald, Haight and Baldwin. All members attended the meeting from Green Lake Township, Grand Traverse County. Also present virtually were Alycia Reiten, Planning and Zoning Director and Ronda Robinson, Recording Secretary.

4. ELECTION OF OFFICERS:

Motion by Volkening and support by Marek to keep the same slate of Officers for the 2021 year: President-Volkening, Vice President-Baldwin, Secretary-Haight. Roll Call: Yes-Baldwin, Haight, Marek, Wilson, Volkening. No-0. Carried.

5. APPROVAL OF AGENDA: Moved by Marek and supported by Wilson to approve the Agenda, as presented. Roll Call: Yes-Wilson, Marek, Haight, Baldwin, Volkening. No-0. Carried.
6. APPROVAL OF MINUTES: Moved by Marek and supported by Wilson to approve the Minutes of December 9, 2020, as presented. Roll Call: Yes-Baldwin, Haight, Marek Wilson, Volkening. No-0. Carried.

7. CORRESPONDENCE: Added into the record during the applicable cases.

8. CONFLICT OF INTEREST STATEMENT: None.

9. NEW BUSINESS

a. ZBA 21-001 – A request for the granting of a variance to Article 8 Zoning Districts, 8.7 Table of Dimensional Regulations, front yard setback 35 feet, located at 5457 Bush Road, Interlochen, MI and owned by John and Patricia Thomas. The applicant is requesting a variance of 23 feet to the front yard setback for the construction of a shed.

Thomas explained that because of the lot's proximity to both Green Lake and Bass Lake their lot is extremely wet. When they built their home, they were instructed to place it as far south as possible to keep it away from the water flowage. The whole lot is in the

wetland. They now live here year-round and need a shed to store equipment. They hope to place the shed between the house and the road, partially in the front yard setback. The shed will be a prebuild 10 X 10-foot building without a foundation. There will be a four-foot porch roof to shield the doors from snowfall. The shed will match the house.

Volkening asked if the shed is a one story; it is only one story. Wilson asked about the septic tank.

There were two letters submitted for this case. Haggard's Plumbing and Heating was in favor of the Variance. Frank and Cindy Rydquist were not in favor of the Variance.

Chair Volkening opened Public Hearing to Public Comment at 6:18 pm.

No Public Comment.

Chair Volkening closed Public Hearing to Public Comment at 6:19 pm.

Wilson said he has concerns about the shed being so close to the road because of snow plowing. Thomas said the road is private in front of his house and the plowing is minimal. Volkening said that he noticed that Bush Road already has homes and sheds in the front yard setback.

Motion by Marek and second by Haight to approve ZBA 21-001 because the request meets the five conditions of Article 15, Section 15.4. Roll Call: Yes-Wilson, Marek, Baldwin, Haight, Volkening. No-0. Carried.

b. ZBA 21-002 – A request for the granting of a variance to Article 8 Zoning Districts, 8.7 Table of Dimensional Regulations, Note D: Minimum Dwelling Unit Area – The minimum dwelling unit area shall be eight hundred (800) square feet at grade, habitable space except for a mobile home located in a licensed mobile home park, located at 4682 State Park Highway, Interlochen, MI and owned by Dave Loomba. The applicant is requesting a variance to the minimum 800 square feet at grade to build a house with the dwelling unit on the second floor.

Jeet Loomba, 17858 Cherokee Drive, Spring Lake, MI, representative for Dave Loomba, explained that the lots are small in this area and therefore also bought the lot across the street and combined the two lots. The house plan is 1400 square feet. To fit a home on the small lot the garage is below the main living area. 400 square feet would be on the ground level with the garage and 1000 square feet would be on the second level. The Ordinance requires 800 square feet to be at grade level.

Marek asked what the lot's setbacks are according to the Ordinance. Reiten said the lot has two front yards with a 35-foot setback each and two side yards with a 12' 8" setback each.

The only correspondences sent for this case was from Haggard's Plumbing and Heating and was in favor of the Variance.

Baldwin stated that if one stall was removed from the garage, they could meet the 800 square foot requirement on the main level. Marek said he believes this is a want and not a need.

Chair Volkening opened Public Hearing to Public Comment at 6:34 pm.

No Public Comment.

Chair Volkening closed Public Hearing to Public Comment at 6:34 pm.

Wilson said the house plan could be drawn up differently to meet the Ordinance's requirements. Volkening said there are lots of options for the floor plan.

Motion by Marek and second by Wilson to deny the Variance ZBA 21-002 because of the reasons stated in the Board's discussion. Roll Call: Yes-Wilson, Marek, Wilson, Volkening. No-Haight. Carried.

c. ZBA INT 21-001 – Does the short-term rental of residential property constitute a commercial or business activity under the Green Lake Township Zoning Ordinance?

Volkening referenced five letters of support for Short Term Rentals from Frank Rydquist, Chris and Marsha Mead, Brad and Debi Corrigan, Veronica Carol, and the Tuckey family.

Volkening referenced letters not in support of Short-Term Rentals from James McCallum, Amanda, Jacob, Chris and Bill Tomlinson.

Chair Volkening opened Public Hearing to Public Comment at 6:47 pm.

Amanda Tomlinson, 4259 Bush Road, believes Short Term Rentals are a commercial activity.

Jacob Tomlinson, 4259 Bush Road, believes Short Term Rentals are a commercial activity.

Nancy Forbes, 8701 South Road, said renters have been very respectful on her side of the lake and she is in favor of finding a middle ground with some standards.

Chris Roth, 5335 State Park Highway, said with Township rules for the renters and property owner there would be few problems.

Susan Tuckey, 4671 State Park Highway, said short term rentals help the local economy in many ways. Owners need to self-regulate. She has concerns with being singled out. Bad neighbors are not always renters.

Chris Mead, 7632 Bush Road, thinks Short Term Rentals should stay residential with oversight, because they have a positive impact on the local economy.

Kurt Hubschnieder, 4205 Cranberry Lane, believes in having a good property manager that meets the expected high standards. Crafting a good Ordinance can be important.

Linda Samelson, 4630 Bradford Heights, Colorado Springs, believes that with rules the impact of Short-Term Rentals is no different than a residential use. They are not a business.

Tony Ansonge, 6793 Galvin Road, said that in his opinion there is no evidence that the Ordinance contemplated rentals being a Commercial use. The Planning Commission is the place this issue should be resolved.

Chair Volkening closed Public Hearing to Public Comment at 7:17 pm.

Reiten summarized her memo dated 2-10-21 in the Board's packet. She stated that it is Staffs' opinion that Short Term Rentals are commercial in nature. She said that the goal in obtaining a determination is to offer guidance to the Planning Commission. Future regulations of Short-Term Rentals would come from a safety perspective.

Motion by Marek and second by Volkening that Green Lake Township Zoning Board of Appeals interrupts ZBA INT 21-001 as a business or commercial activity. Also, to request the Planning Commission to take up a Short-Term Rental Ordinance in all residential areas of the Township and then ask the Township Board to draft a Police Power Short Term Rental Ordinance after approval of the Zoning Ordinance. Roll Call: Yes-Baldwin, Haight, Marek, Wilson, Volkening. No-0. Carried.

Marek said that he sees it as a commercial or business activity because cash is exchanged for a service. He is not opposed to Short Term Rentals; there are currently commercial activities that are approved in residential areas. This action would not stop any Short-Term Rental activity that is already in process.

Volkening stated that this issue has been kick down the road for a long time and it is necessary to regulate Short Term Rentals in this area for the good of the whole Township. Wilson said we are blessed to live here. He is surrounded by Short Term Rentals and has only had positive experiences. He thinks some regulations would be helpful. Baldwin's opinion is that a Short-Term Rental is a commercial activity. The Health Department and Fire Department should have input into the safety aspects of future regulations. Haight also believes Short Term Rentals are a good thing but they could use some regulations. Volkening said they do not want to make Short Term Rentals illegal but just to fall into

an area where some issues can be regulated. Wilson wants Short Term Rentals to be allowed in all districts.

10. OTHER BUSINESS: None.

11. PUBLIC COMMENT:

Nancy Forbes appreciates the Board's thoughtful approach.

12. BOARD COMMENTS:

Volkening welcomed Andy Marek to the Zoning Board of Appeals. He also thanked Patrick McDonald for his dedication and Public Service for the Township and the Zoning Board of Appeals. His knowledge will be missed.

Marek asked Volkening to take tonight's discussion to the Planning Commission. He will take it to the Township Board.

13. ADJOURNMENT: Volkening adjourned the meeting at 7:43 pm.

CHRIS HAIGHT, SECRETARY
GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS

RONDA ROBINSON, RECORDING SECRETARY
GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTION
PRIOR TO THEIR ACCEPTANCE.