

**Elk Rapids Township Planning Commission  
Regular Quarterly Meeting  
Meeting Minutes - Tuesday, July 18, 2017**

The meeting of the Elk Rapids Township Planning Commission was called to order by Chairwoman Shen Smith at 6:302 pm at the Government Center, 315 Bridge Street, Elk Rapids, MI 49629

**Present:** Shen Smith, Renee Mischel, Emile Sabty, James Lundy & Pug Sliger  
(*Quorum Established*)

**Absent:** Gary Pepler & Aaron Isenhardt

**Also Present:** Larry Nix, Zoning Administrator & William Derman, Township Attorney

**Adoption of Agenda:** Agenda for the July 18, 2017 meeting was unanimously adopted  
**M/S Mischel/Lundy** by the Commission. **Motion Approved**

**Public Comments:** None.

**Approval of Minutes:** Minutes for the April 18, 2017 meeting was unanimously adopted  
**M/S Lundy/Sliger** by the Commission. **Motion Approved**

**Township Zoning Administrator's Report:**

Mr. Nix referenced the report he provided to the Planning Commission dated July 10, 2017. The following items were reviewed and discussed by the Commission:

- There is a marine repair business located on the Grammer property adjacent to Birch Lake Road. It is zoned R-1. Outdoor storage is not permitted on this site. It appears vehicles are brought in for repair and are removed fairly quickly. Mr. Lundy and Mr. Nix will continue to monitor this property during the off season to ensure that vehicles are not being stored outside long term.
- There are two abandoned vehicles on the former Randy Gee property on Williams Ct. Mr. Nix is in the process of sending the owners a "clean-it-up" letter.
- Mr. Nix noticed that the owner of 14570 Williams Drive had recently moved a storage shed ten feet from Williams Drive. Mr. Nix spoke to the owners and informed them that the placement of the shed violates the front yard setback provisions of the Zoning Ordinance. The owner pointed out that his neighbors have similar structures on their properties. Mr. Nix noted that he plans to send a letter to this owner regarding this violation, and will need to do some research on the history of the other structures located in the area.
- Mr. Nix reported that he has received some inquiries regarding short-term rentals in the Township and clarified that the Township has no ordinance that restricts short term rentals. It was further noted that the Township really hasn't had a lot of reported complaints or problems with short term rentals.
- There is proposed legislation still in the State committee, being considered that basically says Township's cannot regulate residential short term rentals. A copy of House Bill No. 4503 dated April 25, 2017 was provided to each of member of the Commission.

- Mr. Derman further noted the following: Last year there was a similar bill that didn't go anywhere and it is uncertain whether or not this particular bill will pass. MTA materials indicate that these type of bills consider short term rentals of 28 days or less as residential use. In addition, these bills typically still allow the regulation of things like noise, advertising, traffic and possibly other conditions, but the Township would have to get creative on these regulations.
- At this time Milton Township requires that rental properties in their area register for a permit each year and that a local caretaker/contact person needs to be on file for that property in case of an emergency or complaint.
- The Committee had an extensive discussion on the difference between: short term rentals, B&B's, Airbnb's, and vacation rentals. Various examples of rentals, locations, and the differences and issues they experienced were shared and discussed.
- Mr. Sabty reported that there are currently 79 Airbnb's located in Elk Rapids listed on one web-site. Some of these are for the rental of rooms and some are for the rental of the entire house.

### **In Conclusion:**

1. The Commission determined the difference between B&B's, Airbnb's and short term rentals is a bit unclear, (*i.e.*, some have owners living in the home while renting, some are not on the premises while being rented, some serve breakfast, some are for single rooms, and others are for the entire home). The Township Ordinance only addresses B&B's.
2. It was suggested that perhaps it might be helpful to research how other communities are handling the increasing popularity of Airbnb's and short term rentals.
3. It was also suggested that the Township just be aware that these types of rentals are going on throughout the community. Even though short term rentals do not appear to be a problem for the Township at this point in time; it might be a good idea to keep track of any reported complaints or issues that may arise in the future.
4. The Planning Commission was in agreement to do nothing about short term rentals at this time especially in light of the pending legislation still in the MI Committee. (House Bill #4503).

### **ZBA Update:**

- Mr. Nix reported that the ZBA met in May and approved two cases. One was a variance request for a stairway/deck on N. Bayshore Drive and one was for a carport at the corner of Cairn Highway and Maple Street. Both applicants met the standard requirements and were approved by the Board.
- The ZBA changed their meeting date and time. They will now meet on the second Monday of the month at 3:00 PM. The Bylaws, website and outside bulletin board have been updated to reflect this change.
- Eight zoning permits were recently issued between May-July – two were for new homes and six were for storage buildings.
- Several investigations were conducted on shoreline improvement projects. None applied to the Township Ordinance.

- There is a project in the design stage adjacent to Elk Lake that may be coming to the Planning Commission before the end of the year that involves replacing a very steep stairway/sitting area. Mr. Nix has provided his input to the owners and the design company, 360 Outdoor. The owners are still deciding on what they want to do.

**Township Zoning Map Update:**

Mr. Nix noted that because of the many changes, updates and discrepancies not reflected on the current Township Zoning Map, the Planning Commission requested that he work with Bill Derman, Dorance Amos and Emile Sabty to determine what needs to be done to update the current map.

**A summary of the topics, issues, questions and discussion follows:**

- Mr. Nix reported that he and Emile Sabty met to discuss the Zoning Map updates. After researching and confirming the list of changes that affect the zoning map presented by Mr. Sabty, it was concluded that the Township Zoning Map has never been updated. There is no current mark-up copy of the zoning map documenting changes and dates.
- Mr. Nix noted the following five zoning issues for the Planning Commission to review and consider prior to changing the Township Zoning Map:
  1. **Existing Park Land in Elk Rapids Township** – New zoning category potential as the demand for land in the Township continues.
  2. **Grammer Parcels – Birch Lake Road** – Currently used as a watercraft repair facility. The Township zoning map has these parcels zoned as R-1 and has them as two parcels. The County has this parcel assessed as Commercial and one parcel. The Commission may want to think about rezoning this to Commercial to be consistent with its use.
  3. **R-2 Zoning throughout the Township** – Does this make sense to have an R-2 zone where these properties are currently located at? What is the purpose of this district? Some are very small and don't apply. Mr. Sabty noted that the only officially zoned R-2 parcels in the Township is the Shaw property off of Elk Lake Road.
  4. **Environmental District** – What is the basis for that boundary? Environment, land and the water table changes over the years. Is something zoned twenty years ago still appropriate today? The Commission suggested it might be a good idea to do a physical inventory of these areas in the fall to determine if the zoning classification is still appropriate.
  5. **Specific Parcels** – There are 10-15 parcels in the Township where their use and assessment classification is different from how it is zoned. Ex: Residences on parcels zoned as commercial, and some commercial businesses on residential zoned parcels.

**In Conclusion:** Mr. Nix noted that none of these zoning issues are immediately urgent. However, these items should be a part of the preparation for the Master Plan update discussion due in two years. Mr. Nix also suggested that working on these items individually instead of as a group, would be the best way to address them. In addition, when the time comes to update the Master Plan, it might be a good idea to collaborate with the Village in the areas that are appropriate to do so. Mr. Nix indicated that he would put together a brief summary report on these issues for the Commission to consider in the future.

**Pine Hollow Property – Letter from Lori & Rick Cochran:**

Mr. Nix informed that Commission that he has had several conversations with a Mr. Cochran who currently resides in Waco, Texas. Mr. & Mrs. Cochran are interested in possibly purchasing the Pine Hollow Estate located at 10400 S. Bayshore Drive and running a high-end Airbnb or B&B at that location.

Mr. Nix provided the Commission with a letter (dated July 16, 2017) from the Cochran’s outlining their personal information, credentials and experience in running a successful Airbnb in Texas. The Cochran’s informed Mr. Nix that they would like to get the Planning Commission’s input to see if running this type of business out of their home would be a problem. They do not want to invest a lot of money purchasing this home only to find out they would not be allowed to run this out of the Bayshore location.

**The Commission discussed this request and a summary of this discussion follows:**

- Mr. Nix informed the Commission that he had provided the Cochran’s with a copy of the Township Ordinance, definition of a B&B and the R-1 zoning special use criteria. Mr. Cochran confirmed to Mr. Nix that he had reviewed all the documents and that there would not be a problem with them complying with the Townships requirements of operating a B&B at this location.

It was noted that the Cochran’s originally reported that they would be operating a high-end Airbnb out of the Pine Hollow property. However, after reviewing the Township Ordinance indicated it would be a B&B.

- There was much discussion regarding the difference between running a B&B and an Airbnb, and what difference/impact operating this type of rental would make in the surrounding neighborhood.
- It was noted that the Cochran’s indicated they would be living in the home while operating the B&B and plan on utilizing 3 rooms.
- The pending legislation on short term rentals (Bill No. 4503) was discussed and how this bill, if passed, would impact what kind of control the Township could have on B&B’s, Airbnb’s and vacation rentals.
- If the Commission was to hold a public hearing on this request, the Township Ordinance indicates that a 1,000 foot notification to the neighbors would be required.
- The Commission suggested to Mr. Nix that it would be helpful to research how other communities are handling these types of requests.

**In Conclusion:** The Board concluded that there were still many unanswered questions regarding this request. An important factor to the Commission was that this potential B&B/Airbnb be owner occupied. Mr. Nix reported that he plans to respond back to the Cochran’s and will share the Commission’s concerns with them.

**Unfinished Business:** None.

**Public Comments:** None.

**Member Comments:** None.

**Adjournment:** Motion to Adjourn.

**M/S Mischel/Lundy** **Motion Unanimously Approved.**  
Meeting was adjourned at 7:49 PM