

Milton Township
Planning Commission
Approved Meeting Minutes
May 15, 2018

Members present: Chairman Hefferan, Merillat, Cole, Kingon and Kopkau and Lefevbre.

Members absent: Murphy.

Also present: Weinzapfel and 3 audience members.

Hefferan called the meeting to order at 7 pm

Approval of minutes dated April 10, 2018:
Minutes **approved by unanimous consent.**

Township Board Report:

Cole said the three zoning amendments recently recommended were approved by the board; weekly rentals, shoreline protection definitions, and signs.

ZBA Report:

Kingon said the ZBA met and elected officers and set meeting dates.

Kingon, Hefferan, and Lefevbre will be on a subcommittee that will discuss off-premises signs in the village zone. They will meet May 31st at 8:00am.

Agenda:

1. Public Hearing: Lawrey Accessory Structure 2018-02-SU.
2. Public Hearing: Weltyk Accessory Structure 2018-01-SU.
3. Discussion of the definition of a dwelling unit.
4. Discussion of 117.305A4.
5. Set agenda for June meeting.

Motion by Kingon to approve the agenda as amended. Seconded by Kopkau. **Motion carried.**

1. Public Hearing: Lawrey Accessory Structure 2018-02-SU:

Kingon declared a conflict of interest and excused himself from further participation. The public hearing was noticed in the Elk Rapids News April 26th, 2018.

Henry Fritz gave a presentation as representative for John Lawrey on the Special Use request for property tax number 05-12-005-00. He is seeking consideration to put up a structure larger than his house under section 117.305A4. The subcommittee was made up of Merillat, Murphy, and Kopkau. The subcommittee met on April 3rd. The project will result in approx. 8% lot coverage. It has proper setbacks. We went through 117.1602 review standards and according to the

subcommittee it meets all of the requirements. The subcommittee recommends using a sketch review rather than a full site plan review under 117.2102B. The project is in compliance with the ordinance and it is recommended for a public hearing.

Weinzapfel said when looking at some of these cabins that are small, under normal conditions it would be a right if the house had been a little bigger and he could have just pulled the permit.

Lefevbre said lot coverage still applies.

No correspondence was received.

No questions for informational purposes.

Those speaking in support:
No one wished to speak.

Those speaking against:
No one wished to speak.

Public Hearing closed for board deliberations.

The board discussed how this change applies to the character of the neighborhood and if that is germane to the discussion. Merillat pointed out that this building does not change the use of the lot. There were no concerns from surrounding property owners.

Motion by Cole to approve Lawrey Accessory Structure 2018-02-SU. Seconded by Merillat. No additional discussion.

Roll Call:

Lefevbre: Yea; based on the findings of the subcommittee.

Cole: Yea; It meets all our requirements.

Merillat: Yea; it meets the requirements of the ordinance.

Kopkau: Yea; it meets the requirements of the ordinance.

Hefferan: Yea; and it meets the master plan page 8-6 and it is not causing conflict between land owners.

Motion carried. 5-0.

2. Public Hearing: Weltyk Accessory Structure 2018-01-SU:

It was advertised in the Elk Rapids News April 26th, 2018.

The subcommittee met on April 3rd. There are multiple accessory structures existing on the property. It meets setback requirements. The lot coverage will be 11%. The subcommittee recommended going with a sketch plan review rather than a site plan review due to the size and

nature of the project under 117.2102B. The drawings indicate the building does not conflict with the character of the area.

No correspondence was received.

No questions for informational purposes.

Those speaking in support:
No one wished to speak.

Those speaking against:
No one wished to speak.

Public Hearing closed for board deliberations.

The size of the new structure is 40'x72'. It is almost three times as large as the principal structure. Hefferan said the lot is big. Cole said he does not see a way to object to this. The neighbors do not have any issue with it and it conforms with the ordinance.

Motion by Lefevbre to approve Weltyk Accessory Structure 2018-01-SU. Seconded by Kingon.

Roll Call:

Kingon: Yea; it is consistent with the ordinance and the Master Plan.

Merillat: Yea; it meets the ordinance.

Cole: Yea; it meets the ordinance.

Lefevbre: Yea; it meets the ordinance and the Master Plan.

Hefferan: Yea; it meets the ordinance and the Master Plan, and the location is appropriate on the lot.

Kopkau: Yea it meets the ordinance.

Motion carried 6-0.

3. Discussion of the definition of a dwelling unit:

A Dwelling Unit is defined in 117.201D as: "A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, and sanitation purposes." As long as you do not have a toilet, stove, and a bed all in the same place, it is not a dwelling unit by definition. You can have two of the three, but not all three. Is that what we still want? Cole said he voted against this at the time we did this. The cooking area is so portable. We are setting ourselves up for legal cases. How do you find out about it if it is not complained about? We have no reason to go and check unless someone has complained. Kingon said he argued for the existing language. We do not want two dwelling units on the same lot. However, it is not a dwelling if it does not have all three. If it is a rental, it could be followed up on and resolved. Cole said his biggest problem is if you get a complaint and we go in and find a violation, what is our recourse? Something has to be removed? Probably the cooking piece and

that is a very temporary removal. If a granny flat is added to a house as an addition it is okay, because it is under one roof. Lefevbre asked regarding the county requirements and discussed the county building requirements for occupation. Kingon said the village of Elk Rapids voted recently to allow accessory dwellings. They take five applications per year. Merrillat said he sides with Kingon. We have people trying to circumvent our ordinance in all different ways. We cannot write it to prevent people from working the edges. Kingon asked if Weinzapfel has had any problem accessory dwelling units. No. Kopkau said she feels the same as Kingon. Kingon said he does not see any extra stress on the lakes. The health department is pretty strict regarding allowing another bathroom or an addition and making sure the septic will handle it before it is allowed to be built. Hefferan said he appreciates the discussion and he believes we should leave it as is. If it becomes a bigger issue, we can revisit it then.

4. Discussion of 117.305A4:

Weinzapfel gave a presentation regarding prior issues we have addressed, and it is a matter of people paying \$300 to get a special use approval. Because they have a small cottage, we are penalizing them when they want to put up a larger accessory structure. The newer homes are all much, much larger. We are penalizing because someone's house is small. We do not define character and we should not be judging an applicant on character. They have to meet the 40% coverage. Visually, Hefferan doesn't see the harm in \$300 for the fee so we can see what is going on. Merrillat said even if there is a conflict with a neighbor, you would have to determine if it was a real issue. Cole said he is wondering about putting a square footage requirement in. Accessory Structures could be up to a certain size it would be allowed without a Special Use Permit regardless of the primary structure's size, beyond that size, it would be a special use. Merrillat suggested it should at least be a multiple of the size of the dwelling. Hefferan discussed how an accessory structure impacts surrounding properties. What is the standard though? Merrillat said if someone has a bigger house, they do not even have to come in here. It is a fairness issue. Hefferan said it is a visual scale issue. Due to the potential of overcrowding, you can put "X" in, but if you get over "X", you need a special use permit. Commission members will consider it and discuss it next month.

Outdoor Storage/Marine Sales and Service/Signage for Tad Dowker: Subcommittee is Kopkau, Merrillat, and Hefferan will meet 1:00-2:30 pm. June 5.

Weinzapfel is uploading the amendments we have done, and he has a question regarding shoreline protection strip. Would you review section 117.320,3,a,ii in relation to exceeding 2000 square feet. The Commission clarified that the language refers to the square footage of the shoreline project not the dwelling.

5. Agenda for June.

1. Off-Premises Signs Subcommittee.
2. Dowker Outdoor Storage/Marine Sales and Service Subcommittee.
3. Discussion of 117.305A.
4. Set agenda for July.

Meeting adjourned by order of the chair at 8:55pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joseph Merillat". The signature is written in black ink and is positioned above the printed name.

Joseph Merillat