File

ELK RAPIDS TOWNSHIP PLANNING COMMISSION
ZONING BOARD
TOWNSHIP OF ELK RAPIDS - ANTRIM COUNTY, MICHIGAN
Shen B. Smith, Secretary
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3/3/88

MINUTES OF THE SPECIAL PUBLIC HEARING AND THE GENERAL MEETING OF THE ELK RAPIDS TOWNSHIP PLANNING BOARD HELD AT THE ELK RAPIDS TOWNSHIP HALL ON THURSDAY, MARCH 3, 1988.

ROLL CALL

PRESENT FOR THE PLANNING COMMISSION - RALPH MARTINEAU, JACK HART AND SHEN SMITH. PRESENT FOR THE TOWNSHIP BOARD MEMBERS - VIRSIL WHITE AND RONALD GRAMMER.

A QUORUM WAS ESTABLISHED FOR THIS MEETING. IN THE ABSENCE OF A CHAIRMAN SHEN SMITH WAS SELECTED TO SERVE AS TEMPORARY CHAIRMAN.

THE MEETING WAS CALLED TO ORDER AT 7:30 PM. A MOTION WAS MADE BY JACK HART, SECONDED BY RALPH MARTINEAU, THAT WE DISPENSE WITH THE READING AND APPROVE THE MINUTES FROM THE 2/28/88 MEETING, AS THERE WERE NO ADDITIONS OR CORRECTIONS. MOTION CARRIED

CHAIRMAN'S REPORT

SHEN SMITH READ A STATEMENT FROM THE ELK RAPIDS PLANNING COMMISSION TO THE TOWNSHIP BOARD, REQUESTING THAT A STUDY OF POTENTIAL GROWTH PATTERNS FOR THE TOWNSHIP BE UNDERTAKEN FOR THE UP GRADING OF THE ZONING ORDINANCE TEXT AND FOR THE ZONING MAP. A MOTION WAS MADE BY JACK HART, SECONDED BY RALPH MARTINEAU, THAT WE PRESENT THIS REQUEST TO THE TOWNSHIP BOARD FOR POSSIBLE ACTION. MOTION CARRIED

A PUBLIC HEARING (GRAMMER/VANDERVORT) COMMENCED FOR INPUT ON THE REQUEST FOR A BED & BREAKFAST ESTABLISHMENT AS A "SPECIAL USE" - "SPECIAL EXCEPTION" FOR THE PROPERTY IN QUESTION (Property description attached).

LETTERS WERE READ FROM R.& N. LOPER, P. SCHOEN, JR., DENNIS IRLAN, H. & F. HASKELL, M. & R. DONALLY AND H. GUSTLEY - ALL PROPERTY OWNERS WITHIN 300 FEET FROM THE PROPERTY IN QUESTION. A LETTER WAS READ FROM ROGER & MARY VANDERVORT, POTENTIAL OWNER'S, STATING THEIR INTENTIONS IF A BED & BREAKFAST ESTABLISHMENT WERE APPROVED. PICTURES WERE PASSED AROUND OF THEIR CURRENT RESIDENCE, GIVING THE HEARING AN IDEA OF HOW THE VANDERVORT'S MAINTAIN THEIR CURRENT RESIDENCE.

MR. MEL DONALLY, PROPERTY OWNER, SPOKE AT LENGTH ON THE CONCERNS HE HAS REGARDING THE GRANTING OF A SPECIAL USE PERMIT, AND THE EFFECT SUCH A DECISION MAY HAVE ON FUTURE GROWTH IN THIS AREA OF THE TOWNSHIP SINCE THERE IS NO ORDINANCE IN THE ZONING BOOKS COVERING A BED & BREAKFAST ESTABLISHMENT. MR. DEAN VELLIQUETTE, PROPERTY OWNER, STATED HE WAS CONCERNED OVER THE IMPACT ON ADJACENT PROPERTY VALUES.

ADDITIONAL INPUT WAS RECEIVED FROM THE PUBLIC AT LARGE. THE PLANNING COMMISSION DETERMINED THAT THE MAJOR CONCERN OF THE PROPERTY OWNER'S ADJACENT TO THIS PARCEL AND THE PUBLIC AT LARGE, WERE MAINLY AND MOST

IMPORTANTLY THE LACK OF AN ORDINANCE FOR CONTROL OVER THIS TYPE OF OPERATION IN THE TOWNSHIP AS A WHOLE. A MOTION WAS MADE BY JACK HART, SECONDED BY RALPH MARTINEAU, THAT WE GRANT A SPECIAL USE PERMIT FOR THE CURRENT OWNER (GRAMMER) & THE POTENTIAL OWNER (VANDERVORT), ALLOWING THEM TO OPERATE THIS PROPERTY AS A BED & BREAKFAST ESTABLISHMENT ON A TEMPORARY TWO YEAR SPECIAL USE PERMIT/LICENSE, CONDITIONAL UPON THE FOLLOWING RULES:

TEMPORARY/INTERIM LICENSING OF TOURIST HOME (BED & BREAKFAST) FOR GRAMMER/VANDERVORT AT 8160 CAIRN HIGHWAY, ELK RAPIDS, MICHIGAN

TOURIST HOME (BED & BREAKFAST)

(1) DEFINITIONS. The words and terms contained herein shall have the following meanings:

a. Owner shall mean any combination of the above listed persons who has equitable or legal title to the premises, dwelling, or dwelling unit.

b. Tourist Home (Bed & Breakfast) shall mean a single family building owned and occupied by a person renting out not more than three (3) rooms for compensation to persons who do not stay more than seven (7) consecutive days.

(2) License. Only the above listed owner's shall be allowed to hold a license under this directive of the Planning Commission. A set of architectural drawings of the existing structure shall be submitted to the Elk Rapids Zoning Administrator upon approval by the County Planning Commission and the Elk Rapids Township Board.

(3) Conditions of Permit/License. This license is issued subject to the following conditions in addition to conditions contained elsewhere in the Elk Rapids Township Zoning Ordinance:

a. The home is occupied and operated by the owner and is a single family residential dwelling.

b. A guest room shall not be located in a basement.

c. No more than three occupants per room shall be allowed.

d. A person who does not reside at the home shall not be employed to assist in the conduct of a tourist home except as usual for a single family residence.

e. The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.

f. A list shall be maintained of all guests and their place of residence.

g. A fire escape plan shall be developed and graphically displayed in each guest room.

(4) Licensing Fee. The annual license fee shall be established by resolution of the Township Board for this temporary/interim permit/license.

(5) Annual Inspection. The Tourist Home (Bed & Breakfast) shall meet all conditions of this directive and other applicable ordinances and laws. There shall be an annual inspection of the premises by the Building Inspector/Zoning Administrator.

(6) Lapse of Operation. The active operation of this Tourist Home (Bed & Breakfast) shall not have lapsed for more than nine (9) months.

(7) There shall be no additional Tourist Homes (Bed & Breakfast) establishments within 2,500 feet of this establishment.

(8) Additional Conditions that will govern the operation of this Tourist Home (Bed & Breakfast):

a. Rooms utilized for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purpose.

b. The exterior appearance of the structure shall not be altered from its single family character.

c. There shall be no separate or additional kitchen facility for the guests.

d. Off-street parking shall be provided as detailed on the site plan submitted. The proposed parking areas shall be in such a manner that the residential character of the property is preserved.

e. There shall be at least two (2) exits to the outdoors.

f. The rental of recreations equipment such as snowmobiles, ATV's or similar vehicles, in conjunction with the operation of this establishment shall be prohibited.

g. Signs - shall not exceed six (6) square feet. There shall be no neon, flashing, moving, etc. type of signage on this establishment. Because of the nature of the curving highway, it has been suggested that the sign be flush with the dwelling to prohibit any sight obstruction

h. Annual inspection of premises and licensing fees shall be June 1st of each year.

i. This Tourist Home (Bed & Breakfast) shall be an incidental and secondary use of the dwelling unit for business purposes. The intent of this directive is to insure compatibility of such business use with other permitted uses of the residential districts and with the residential character of the neighborhood involved.

(9) That continuance of this Tourist Home (Bed & Breakfast) thereof would not be contrary to the public health, safety, or welfare of the neighborhood; that the use or structure does not and is not likely to significantly depress the value of nearby properties; and that the use or structure was lawful at the time of its inception.

(10) THE INTENT OF THIS PLANNING COMMISSION IS TO DRAFT A PROPOSED ORDINANCE FOR THE TOWNSHIP BASED UPON THIS DIRECTIVE FOR A PUBLIC HEARING ON THE ESTABLISHMENT OF TOURIST HOMES (BED & BREAKFASTS). THE JUSTIFICATION FOR GRANTING A TWO YEAR TEMPORARY SPECIAL USE PERMIT/LICENSE IS BASED ON THE FACT THERE ARE CURRENTLY NO ORDINANCES IN OPERATION TO COVER THIS TYPE OF ESTABLISHMENT. THEY ARE IN ESSENCE CONSIDERED "IN HOME" OCCUPATIONS AND ARE NORMALLY ESTABLISHED IN R-1, R-2 AND R-3 DISTRICTS. WE HAVE DRAFTED THIS DIRECTIVE TO COVER THE ESTABLISHMENT AND OPERATION OF THIS PARTICULAR REQUEST.

THE PURPOSE OF THE TWO YEAR TEMPORARY PERMIT/LICENSE IS TO PUT IMMEDIATE RESTRICTIONS IN EFFECT FOR THIS ESTABLISHMENT REQUEST AND GIVE THE TOWNSHIP TIME TO ADOPT AN ORDINANCE COVERING THIS TYPE OF OPERATION.

(11) WITH THE FINAL ADOPTION OF AN ORDINANCE REGULATING TOURIST HOMES (BED & BREAKFASTS), THIS PARTICULAR ESTABLISHMENT SHALL ADHERE TO ANY ADDITIONAL RESTRICTIONS, CONDITIONS, OR LIMITATIONS SO PLACED ON TOURIST HOMES (BED & BREAKFASTS).

THE GRANTING OF THIS TEMPORARY SPECIAL USE PERMIT/LICENSE SHALL IN NO WAY BE CONSTRUED AS TO BE PRECEDENCE SETTING OR A "GRANDFATHER TYPE" ESTABLISHMENT. ENFORCEMENT OF THE CONDITIONS AND RESTRICTIONS OF THIS DIRECTIVE SHALL BE HANDLED BY THE ZONING ADMINISTRATOR. LACK OF COMPLIANCE WITH THESE DIRECTIVES UPON INSPECTION, SHALL TERMINATE THE SPECIAL USE PERMIT/LICENSEE WITH NO REFUND OF LICENSING FEES.

MOTION CARRIED

IT WAS FURTHER POINTED OUT THAT THE 2,500 FEET RESTRICTION BETWEEN ESTABLISHMENTS SHOULD BE DRAFTED INTO THE TOWNSHIP ORDINANCE INSTEAD OF THE 1,000 FEET AS LISTED IN THE SAMPLE ORDINANCE, AND THAT THE PROPERTY OWNERS WITHIN 1,000 FEET OF A PROPOSED ESTABLISHMENT BE NOTIFIED BY MAIL OF AN IMPENDING HEARING.

PUBLIC HEARING (MOODY/JAKEWAY) COMMENCED FOR PUBLIC INPUT REGARDING THE POSSIBLE REZONING FROM R-2 TO C-1 OF A PARCEL OF PROPERTY ON US 31 (Property description attached), CURRENTLY OWNED BY JEFF JAKEWAY, WITH POTENTIAL BUYER'S, STEVE & ANDREA MOODY, FOR AN AUTO REPAIR SHOP.

NO LETTERS WERE RECEIVED FOR THIS PUBLIC HEARING. INPUT WAS RECEIVED FROM THE THE ADJACENT PROPERTY OWNERS AND THE PUBLIC. THE FEELINGS OF THOSE PRESENT CONCLUDED THAT, IF REZONING WERE ALLOW ON THIS PARCEL TO COMMERCIAL, IT WOULD OPEN UP A NEW COMMERCIAL AREA THAT IS NOT CURRENTLY ON THE TOWNSHIP MASTER PLAN, THUS CREATING "SPOT ZONING".

IT WAS ALSO POINTED OUT THAT THE MASTER PLAN FOR THE TOWNSHIP IS OVER 10 YEARS OLD WITH VERY LITTLE UPGRADING OR THOUGHTS FOR FUTURE EXPANSION. ALSO POINTED OUT WAS THE FACT, THAT COMMERCIAL GROWTH ALONG THE US 31 IS LIMITED ONLY TO THE SOUTH AS THE NORTH IS CURRENTLY RESTRICTED ACCESS.

MR. JEFF JAKEWAY STATED THAT HE OWNS THE TRACT FROM THE ANTRIM COUNTY LINE UP TO THE CURRENTLY ZONED COMMERCIAL SECTION. HE DOES NOT HAVE A MASTER PLAN IN MIND FOR THIS PROPERTY AT THIS TIME, BUT IT IS NOT FEASIBLE TO PUT IT BACK INTO CROPS BECAUSE OF A SOIL PROBLEM.

A MOTION WAS MADE BY SHEN SMITH, WHICH RECEIVED NO SECOND, THAT WE OPEN UP THIS AREA AS AN EXTENSION OF THE COMMERCIAL ZONE.

A MOTION WAS MADE BY SHEN SMITH, WHICH RECEIVED NO SECOND, THAT WE APPROVE THE JAKEWAY/MOODY REQUEST FOR REZONING.

A POLLING OF THE BOARD FOR A DECISION RESULTED WITH:

SHEN SMITH	IN FAVOR OF GRANTING THE ZONING CHANGE REQUEST
RALPH MARTINEAU	NOT IN FAVOR OF GRANTING THE ZONING CHANGE REQUEST
JACK HART	ABSTAINED, FOR LACK OF KNOWLEDGE OF SUBJECT TO BASE A DECISION ON

IT WAS SUGGESTED THAT AN ABSTENTION IS CONSIDERED AS A NO VOTE. AS A CLEAR DECISION COULD NOT BE REACHED WITHOUT INPUT FROM THE COUNTY PLANNING COMMITTEE, A MOTION WAS MADE BY SHEN SMITH, SECONDED BY JACK HART THAT WE ADJOURN AT 10:30 PM. MOTION CARRIED

Respectfully submitted,

Shen B. Smith

Shen B. Smith
Secretary