

UNAPPROVED

Courtland Township Regular Planning Commission Meeting Tuesday, July 17, 2018

The regular meeting of the Courtland Township Planning Commission was called to order by Chairman Wood @ 7:00 p.m. Members present were Wood, McConnon and Nelson. Excused for absence was Moore & Rau. Also present was Zoning Administrator Brown, Supervisor Krygier, and Atty. Scales. Attendance of others is attached.

Approval of Agenda: Motion made by McConnon, supported by Nelson, to approve the agenda as presented. All yes, Motion carried.

Approval of Minutes: Motion made by McConnon, supported by Nelson, to approve the May 15, 2018 meeting minutes as presented. All yes, Motion carried.

Open Comments: None

Old Business: Short Term Rental Discussion

Attorney Scales presented a memorandum dated July 11, 2018 summarizing approaches to the regulation of short-term rentals of residential property and placed on file. The history of the Planning Commission's discussion was also noted. The Commission had put a decision on hold at the last September, 2017 PC Mtg. because there were two bills with the State Legislature, if passed, would have taken away local authority to regulate short term rentals. The State Legislature to date has not made any decisions. Since that time the Township Board has heard comments from both sides and has decided to ask the Planning Commission to look at the issue and develop some possible options.

Bed and Breakfast - A Bed and Breakfast could be considered as a Home Occupation because the owner actually resides at the residence and the guests are not provided with cooking facilities for their own use. A list of possible guidelines to be met is a part of the memorandum, Items 1 – 12.

Short Term Rental Licensing Ordinance - Options are to consider allowing them with permitted uses and prepare a licensing ordinance to impose requirements to operate as they are allowed. It is fairly common to rent apartments on a month to month basis or lease with one months' notice. Anything shorter than that would be considered a short term rental. Short term rentals could require a permit fee, building inspection for safety purposes and licensing would have to be in effect. If violations of the permit would be found, the permit would be terminated. There are conditions of the operation that could be enforced in regards to occupancy limits based on bedroom sizes, living areas, parking areas designated, days of

renting/length of stay, emergency notification list, watercraft permits, fire pits, play equipment, noise levels, regulate disturbances of the neighborhood, etc. More details are in the letter of memorandum as noted.

The other option is to prohibit short term rentals which customarily anything less than 28 days or a month to month lease are a commercial operation and not permitted in the Township's residential districts. However, the commission might want to clearly state whether it wishes to allow short term rental with conditions or prohibit them. Further clarification for either would need to be identified and appropriate amendments adopted by the Township Board. A public hearing would need to be scheduled for both options and the Planning Commission would make a recommendation to the Township Board based on the input and their findings of fact.

Chairman Wood stated this meeting is for more on the ground floor of the drafting process and those in attendance can comment on it.

Steve Mojzuk, rental is on 7175 Peninsula Dr. stated he has had this property as a rental for the past 30 years plus. He is for the short term rentals for seven (7) days minimum, nothing less than seven days. People that rent from him for the last 28 years are the same people and he has never had any problems. They control it and they live right next door to it.

Linda Hines Wessell, 7661 – 10 Mile Rd. has a rental at 8357 JeNeBe Dr., stated her family bought most of the Hines plat, built their home their and built up most of the lake. The property has been a family rental since 1950's. She inherited the property. She thought she would be grandfathered in and received a letter a few weeks ago, that she could no longer do it. Most of her renters come back on a weekly basis regularly every year and her children are there for five weeks out of the summer. She depends on the income that she gets from the cottage to pay her taxes. She receives about \$450.00/week income. All of her rentals are over a weeklong stay.

Shawn Wessell, 8353 JeNeBe Dr., has had a short term rental and never had any complaints except once when his wife & her friends were over, not renters. The family meets up there to vacation and to have it as a short term rental at other times is the only way they can do this. He feels that most people do not vacation for a month at a time, 30 days is an unreasonable request.

Lorraine Nykun, 8689 JeNeBe Dr., stated Brower Lake is an 80 acre lake that is a small lake and community like. Over the last 25 years the climate has changed now with maybe 4 or 5 airbnb rentals in the area. It is more of a commercial feel and more traffic and people bringing in boats for a 2 – 3 day vacation. Bringing in more personal watercraft on the lake is dangerous and they cannot control invasive species, if they come. She is worried about a fatal

accident with boaters who do not realize the boating rules and realize it is a small lake.

Patrick Mulvihill, 7198 Peninsula Dr., He currently lives on Bostwick Lake for 22 years and is also a new recent landowner on Big Myers Lake. He feels it is a respect issue with the renters. It is important that a land owner have the control over who they rent to and what they are allowing. No parties, no off street parking should be allowed, he provides a boat for his guests, you can sit around the camp site as long as you are responsible and respectful, give good direction, and he thinks we should all be able to get along. He endorses some sort of ordinance to control short term rentals, but feels if someone wants to rent for three days, he does not see why not.

Bonnie Engebretsen, 8431 JeNeBe Dr., wants to maintain the family oriented atmosphere to raise children here. She is concerned about not knowing who the people are that come in to rent. A person could be a felon or on the sexual offender list and they would not know it. No felons should be allowed to rent. The lake should not become incorporated by investors.

Sandy Cilek, 8415 JeNeBe Dr. She lives next door to the DeYoung's who has a short term rental. She stated they moved in to be a part of a residential community and not to be a part of the commercialization. She has a 13 year old daughter and feels the rentals need to be regulated, licensed, and inspected. She has spoken to Plainfield Township and Cannon Township. And they have adopted a zero tolerance. Her daughter needs to be in bed by 8 pm for school the next day. She also has to get up and work the next day, so that quiet time is very important. She said we definitely need the licensing and no less than seven days to distract people coming for just weekends. She does not want to live next to a hotel complex and with so much sex trafficking concerns nowadays, it is her job to protect her child. The parties they have next door has changed their lives. That is not her. They want both sides to be able to get along. She asked that we very carefully review/dig into other places that have them approved and see what they require.

Jackie DeRegnaucourt, 8651 JeNeBe Dr., has lived on Brower Lake for 48 years, also was President of the Brower Lake Assoc. for 16 years, and she was on the Courtland Twp. ZBA for 6 years. She stated most families go on vacation for a week. A week on the lake is precious quality time to teach their children about life. A seven day minimum is perfectly fine. Most families cannot afford to vacation for a month, that is not doable. We should not take away that experience for a family. We just need to have ordinances, agreements, and laws. She noted you can call the sheriff to take care of a lot of things. Don't take away her inheritance. She should be able to rent it. They do love their lake. Most people put in boats in the spring and take them out in the fall.

Bill & Trish Cutler, 8530 Brower Lake Dr. feels we need to be reasonable and sensible. Most people have lived here for many years. She questioned when was the last time you went on the sexual offenders list to see if you lived next door to someone? Be careful what you ask for. A weekly minimum, is something they could agree with. Depending on the bedrooms in a home that should tell how many occupants could be accommodated.

Chairman Wood stated we are trying to find a happy medium.

Shannon DeYoung, 8369 JeNeBe Dr., stated she moved onto the lake 17 years ago and they purchased the house next door about 14 years ago. They bought it to control who would be living next door and are using it for short term rentals. They have kids under the age of 14 as well. She tries to make sure people are respectful. She is ok with the licensing fee and having to comply with number of cars that can park on the property. She feels at least Airbnb regulates the rentals. Their furnace does not work, so they do not rent during the winter season. She is for short term rentals and agrees with regulations, and that they cannot bring on their own boat.

Lorraine Nykun, 8689 JeNeBe Dr., stated she understands both sides. She can understand why some do not want them when the homes are so close. There is also an increase in traffic coming and going more than if someone was just living next door. Campfires every night next door and smoke comes in the windows, so you cannot enjoy having windows open at night. It is every weekend people coming & going. If it is not the renter, it is the cleaning people. Also the renters have put trash in her garbage dumpsters and just throw in things without even using a bag to put it in first. She is also concerned with water safety. Renters may not know how to drive a boat. She bought on the lake to be a residential home and be a residential community. With renters it is like living next door to a hotel, it is busy and a lot of traffic. As far as she knows the Township has an ordinance in place and the short term renters have been told to stop advertising, but that has not happened. What is the Township going to do about that?

Ingrid Jensen, 8869 JeNeBe Dr., Feels that limiting the number of people is good. No boats should be allowed period. Renters to not understand boating rules. It is a tragedy waiting to happen. She wondered if we could allow what short term rentals that is happening now and add a condition that when the property is sold, the short term rental would have to stop. Hopefully that would limit having a lake with forty short term rentals with investors and the people who want to retire their can still afford it. Her other comments were that we are a small township with limited resources. We would have to hire three enforcement people to monitor the rentals and to check on the advertising on a weekly basis to be sure they are in compliance. The renter should provide a list of people they are renting to, to be sure they are not on the felon list, and that it is a 7 day rental minimum. She further questioned a letter was sent off to existing renters

giving them until September 1st, but to stop advertising immediately, what is the Township going to do about enforcing this? Attorney Scales answered the Township has not filed any enforcing actions at this time. She again stated Big Brower Lake is an 80 acre lake, with homes very close together and it is not an appropriate place for short term rentals. Maybe a lake should have to be a certain size before the short term rentals would be allowed.

Steve Cilek, 8415 JeNeBe Dr., noted some of their concerns came about 1 ½ year ago because of the renters next door. It is a very cramped situation. He wants to know if the short term rentals are legal or not? He feels there is a lot of ambiguity causing some of the frustrations. If the Township was clearer on where we stand, then they would not have all of this tension.

Chairman Wood stated we cannot erase history but we should move forward to areas ambiguity.

Sandy Cilek, 8415 JeNeBe Dr., stated at the last meeting we were not sure what the airbnb rentals were. She is concerned there is no way to enforce the ordinances and that mixed information has been received. She is not comfortable with the burden be on her to call the sheriff, the burden be on her to verify if someone next door is on the sex offender list, that they are complying with Township regulations, etc. It would not be fair. She does not want those burdens.

Jackie Dangi, 8768 Brower Lake Rd., stated this is a residential community. She does not want to live right next to a hotel commercial neighborhood. They chose Brower Lake for its residential community feel. There is no privacy when houses are so close together. She does not want a reduction in her property values because of the short term rentals.

Brent Boncher, 7227 Orlin Ct., Myers Lake, stated a lot of homes were built as cottages on the lakes back in the 20's – 50's. It is important to keep that in perspective since day one. It was the nature of the lakes and lake living. He has a very private setting with trees on both sides. He does do an orientation for about an hour prior to renting and reminds guests that 11 pm is quiet time. He has a 40 ft. lot with 108 ft of frontage and a large house. It is more private. He does not allow any wedding parties, no bachelor/bachelorette parties. The driveway is big enough for five cars, five guests, He has not had anyone parking out in the street. He is not opposed to limitations for number of renters based on bedrooms. Also, note that not allowing less 28 days rental is not realistic. People do not rent for 28 days when they are on vacation. They could not afford it from an economic perspective.

Frank Walejewski, 8547 JeNeBe Dr., Has lived on Big Brower Lake for 18 years, expressed that boating safety is bad on the lake. If there are three or more boats on the lake it is not safe.

Jeff Case, 8555 JeNeBe Dr., Has lived on the lake for 5 years. He bought his home to live there and says 90% of homes residents live there year around also or go to Florida for the winter and maybe rent it out for the season. He is not really in favor of the seven day rental because it is a neighborhood, but seven days should at least be the minimum.

Mike Wilson, 8570 JeNeBe Dr., stated he is seeing a common thread. Bringing boats on the lake is an issue with the type of threat that can be made from that and short term rentals with a minimum stay of 7 days would be fine.

Chairman Wood stated the commission has received a skeleton of ideas and will take additional steps to hear more input at the public hearing also. With the additional information, the commission plans to figure out what kind of direction to recommend to the Township Board. The possible approach would be to allow short term rental with licensing ordinance requirements and restrictions, do not promote new ones, and/or do nothing and leave the interpretation the way it is. Also the commission will be reviewing the bed n breakfast ordinance.

The residents want clarity to understand what their rights are and have details, in an effort to resolve some of these issues.

Chairman Wood suggested that it would be helpful to have the lake association rules posted, licensing ordinance posted and restrictions, assuming we allow them. Also a list of emergency contact phone #'s available to all renters.

Member Nelson further reiterated that the commission has heard about short term rentals not being allowed, limiting camp fires to weekends, hours limited on weekdays for noise, putting trash in their own (renters) dumpsters, and a lot of residents feel that seven days should be the minimum number of days for a rental allowed.

Motion was made by Wood, supported by McConnon, to table action on this issue until the next month's meeting subject to the township attorney preparing language for the options and a public hearing to be held. All members voting yes. Motion carried.

Zoning Administrator Report – ZA Brown stated the commission will have to determine this fall if they are going to want to do a full review to update the Master Plan.

Township Attorney Report – Attorney Scales reported the Court of Appeals issued a decision that exempts Medical Marijuana care givers from any Township regulations. A care giver has up to 5 – 6 patients. The Supreme Court may reverse this though.

Zoning Board of Appeals Report – Nelson reported they had a meeting in July and granted only one rear yard setback variance for a location of a proposed home on the lake lot. A front yard variance was requested but not granted. No meeting for August, 2018.

Township Board Representative Report - Member McConnon stated the Township voted to approve the revisions for the Oaks of Rockford consent judgement, they are actually creating less lots than what was originally allowed. The new lot size is also larger than originally approved. They are proposing a total of 600 lots where it could have been 700 lots in there.

Adjournment - Motion by McConnon, supported by Nelson, to adjourn @ 8:55 pm. All yes. Motion carried.

Respectfully submitted,

Colleen Brown

Colleen Brown, Recording Sec., & Zoning Administrator