MEMBERS PRESENT: Dan Plasencia, Kelly Alexander, Paul Desy, James Scott, Bert Notestine, Shawn Wonnacott, David Laughbaum, Steve Neal

MEMBERS ABSENT: John Eby

STAFF: Tammy Doernenburg, Monica Linehan, Nancy Salar

I   Call to Order and Attendance
The meeting was called to order at 7:30 PM by Vice-Chair Desy as Chairman Eby was not present. All other members were present.

II   Minutes of August 1, 2013
Scott made a motion supported by Wonnacott to approve the minutes of the August 1, 2013 meeting minutes as presented. The motion passed unanimously by voice vote.

III   Cases

1. Case #15-13  Emmet County Planning Commission, REZONE- (B-2 to R-2B), Four parcels (vacant parcel, 6152, 6174, & 6236 Mill Street) Section 3, McKinley Township

   Legal Notice: A request by Emmet County Planning Commission to rezone from B-2 General Business to R-2B General Residential the following four (4) parcels located within Section 3 of McKinley Township being located on the east side of the Department of Natural Resources trail right-of-way and south of Mill Street. The parcels are 6152 Mill Street (Tax Parcel 24-10-10-03-101-034 owned by Kelly Czaplicki); vacant land (Tax Parcel 24-10-10-03-101-038 owned by Kelsie Perttu); 6174 Mill Street (Tax Parcel 24-10-10-03-101-037 owned by Donald Heintz); and 6236 Mill Street (Tax Parcel 24-10-10-03-101-036 owned by Pellston Firefighters, Inc.). The purpose of the rezoning is to reflect the current land uses and future land uses intended for the properties.

   Packet items: No new info

Doernenburg noted that this is the second hearing for this case. The proposed properties to be rezoned were shown. The proposed use of the property is residential and is in line with the Master Plan. The township supports the request and no objections have been received.

Kelsie Perttu is the owner of the vacant parcel and stated that there is only residential uses in the area, not business uses. This parcel is landlocked and she is surrounded by family and friends that support her putting a mobile home on the parcel.

There were no public comments on this case.

Plasencia made a motion to approve Case #15-13, a request by Emmet County Planning Commission to rezone from B-2 to R-2B tax parcels 24-10-10-03-101-034, 038, 037, & 036 in Section 3 of McKinley Township based on the Emmet County Master Plan approved January 15, 2009, and the
2. **Emmet County Planning Commission, TEXT AMENDMENT-SECTION 2207-SIGNS**

**Legal Notice:** Attached

**Packet items:** No new info

Doernenburg noted that this is the second hearing for this case. Some of the highlighted changes include allowing 30 days for extra signage for new businesses or ownership of businesses, a modification of the method used for measuring signs, and language changes to bring the ordinance into compliance with both the Michigan Zoning Enabling Act and the First Amendment. Also, the ZBA will review sign exceptions as variances. Four townships have recommended approval; Wawatam, Springvale, Littlefield, and Readmond. No additional recommendations or comments have been received.

Desy asked about the new businesses. How is this tracked? Doernenburg stated that if the signage became an issue, they could prove length of time from the lease or the purchase agreements. It typically isn't tracked unless there is an enforcement issue. Laughbaum asked about the ZBA reviewing signs; he doesn't feel that this is the right direction and would make it more difficult for property owners to get the exceptions that they are looking for as they would have to prove a hardship. Doernenburg noted that the conditions for granting a sign exception haven't changed, just the language; modification becomes variance.

There was no public comment on this case.

Scott made a motion to recommend approval to the Emmet County Board of Commissioners of Case #14-13, Emmet County Planning Commission, Text Amendments to Section 2207, as proposed for the following reasons: because of the facts presented in this case and because the proposed text is necessary to bring the Ordinance into compliance with the Zoning Enabling Act. The motion was supported by Alexander and passed on the following roll-call vote: Yes: Neal, Notestine, Scott, Wonnacott, Laughbaum, Desy, Plasencia, Alexander. No: Laughbaum. Absent: Eby.

3. **Warren & Laura Morche, SPECIAL USE PERMIT-Accessory building as main use, 4717 Arbutus, Section 35, Cross Village Township**

**Legal Notice:** A request by Warren and Laura Morche for a Special Use Permit for an Accessory Building as a Main Use at 4717 Arbutus, Section 35, Cross Village Township. The property is zoned FF-2 Farm and Forest and is tax parcel number 24-05-04-35-100-007. The request is per Section 2102-17 of the Zoning Ordinance.

**Packet items:** Request & location map, tax parcel map, application, impact statement, zoning evaluation
**Passed out at meeting:** Township recommendation, 8/7/13 site plan

Salar presented this case. The property is located on Arbutus Road which is a seasonal road and is zoned FF-1. The request is for an accessory building as a main use on the property. The building has already been built as the original permit was issued for both a residence and accessory building. The residence was never built. The property is about 37 acres in size. The setbacks are met and the
building is well screened from the road. It is set back 100' feet from the road and there is room for a main residence to be built in front of this building in the future if desired. The aerial and site photos were shown. Doernenburg added that this request could have been approved administratively if the building was at least 250' from Arbutus Road.

The applicant, Warren Morche was present.

There was no public comment on this case.

Desy asked about the township's recommendation. Doernenburg stated that they had asked if this was procedural and it is. An affidavit of use has already been recorded on this building when it was built.

Scott made a motion to approve Case #19-13, Warren and Laura Morche for a Special Use Permit for an Accessory Building as a Main Use on property located at 4717 Arbutus Road, Section 35, Cross Village Township, tax parcel 24-05-04-35-100-007, as shown on the site plan dated “Received August 7, 2013” because the standards for allowing an Accessory Building as a Main Use have been met, a residence could be constructed on the property in the future, an affidavit of use has been filed with the Emmet County Register of Deeds and because the township has recommended approval as a procedural matter. The motion was supported by Plasencia and passed on the following roll-call vote: Yes: Neal, Notestine, Scott, Wonnacott, Desy, Plasencia, Alexander, Laughbaum. No: None. Absent: Eby.

4. Case #21-13  Josh Swiss for Karen Hughes, SPECIAL USE PERMIT-Exception to accessory building size standards, 5304 W Levering Rd., Section 34, Cross Village Township

Legal Notice: A request by Josh Swiss for Karen Hughes for a Special Use Permit for an exception to the size standards of an accessory building on residential property at 5304 W. Levering Road, Section 34, Cross Village Township. The property is tax parcel 24-05-04-34-400-018 and is zoned RR-2 Recreation Residential. The request is to allow a 3,200 sq. ft. building per Section 2201-6 of the Zoning Ordinance.

Packet items: Request & location map, tax parcel map, application, impact statement, 8/9/13 site plan & elevation, zoning evaluation

Passed out at meeting: Township recommendation

Salar presented this case. The property is on Levering Road and is zoned RR-2. The proposal is for a larger than allowed accessory building. The proposed building would be 3,200sf where 1,200sf is allowed. There are other accessory buildings but in that zone with the amount of acreage that they have three accessory buildings would be allowed up to the maximum size (1 per 5 acres). The site plan was shown, the proposed building meets setback standards, photos and elevations were shown.

Josh Swiss, applicant, was present. The building is well screened on a well wooded lot and is about 580' from the road. The property owners also own the 15 acres to the east.

Plasencia asked if the sheds on the property are in compliance. Doernenburg stated that they are under 200sf.

There was no public comment on this case.

Plasencia made a motion to approve Case #21-13, Josh Swiss for a Special Use Permit for an Accessory Building size exception on property located at 5304 W. Levering Road, Section 34 of Cross
Village Township on tax parcel 24-05-04-34-400-018, as shown on the site plan dated Received August 9, 2013 because the applicant has shown that no good purpose would be served by strict compliance with the Ordinance standards and on condition that the use is to be personal storage, and because the township has recommended approval. The motion was supported by Neal and passed on the following roll-call vote: Yes: Neal, Notestine, Scott, Wonnacott, Desy, Plasencia, Alexander, Laughbaum. No: None. Absent: Eby.

5. Case #18-13  Stewart Hayes for Harbor Springs Hangar, LLC, PUD AMENDMENT/SPECIAL USE PERMIT/SITE PLAN REVIEW-Private airplane hangar, 1551 N US 31 Hwy, Section 27, McKinley Township

Legal Notice: A request by Stewart Hayes for Harbor Springs Hangar LLC for a Planned Unit Development Amendment, Special Use Permit, and Site Plan Review for a private airplane hangar at the Pellston Regional Airport. The request includes a height modification of up to three (3) ft. on a proposed hangar building north of the existing hangar buildings at US-31 North, Section 10, T37N-R4W, McKinley Township. The property is zoned FF-2 Farm and Forest with a Planned Unit Development-1 overlay. The property is tax parcel number 24-10-10-27-100-001 and is 1551 N US 31 Hwy, Pellston, MI. The request is per Article XVIII and Section 1900, Note g) of the Zoning Ordinance.

Packet information: Request & location map, tax parcel map, application, impact statement, 8/6/13 site plan & elevations, zoning evaluation

Doernenburg presented this case explaining that the request is for a new private airport hangar at the Pellston airport. The overall parcel is over 800 acres and owned by Emmet County. The Board of Commissioners approved the applicant to come before the Planning Commission for this request. The parcel is zoned I-2, FF-1, R-2B and has a PUD-1 overlay which allows for hangars. This proposed hangar would be 75'x80' and needs a height modification as it is proposed to be 32'10". No new access would be required. Seven parking spaces are proposed which are sufficient for the use. No new signs or lighting are proposed and would have to be reviewed by Sign & Lighting Committee if desired. The building meets the setback requirements. The site plan was shown. There are five locations on this parcel for future hangars. Doernenburg stated that her recommendation would be to have the Board of Commissioners review the final PUD which would approve all of those locations so that in the future, they would have to come to the Planning Commission for site plan review but not to the Board of Commissioners. The township has recommended approval. A drainage plan has been received and a performance bond of $1,000.00 will be required. The site plan and site photos were shown.

Rip Hayes, applicant, Kelly Atkins, airport manager, and Bart Wangaman were present to answer any questions.

Notestine asked if this building will be larger than the existing hangars and if they'd be the same design. Atkins stated that it would be slightly larger but the building would be designed similarly with the same colors etc. Alexander asked about approving the overall PUD. What is to say that the other buildings wouldn't want to be larger? Doernenburg noted that the motion could stipulate that they be consistent with this plan. They would still have to come here for site plan review. Plasencia asked Atkins to show where the road work is going to occur for access to these hangars. This was pointed out on the site plan and Atkins noted that the County will be paying for this road but will be reimbursed by the FAA. Plasencia asked how high the current terminal building is. Doernenburg stated that they received a height modification and believes it is 35'. Atkins noted that the FAA allows for a 100' building in that area. Plasencia stated that he feels that it is a win for the County to be able to further develop the airport. Desy asked about vegetation; realizing it is an airport but would any be required? Doernenburg stated that the requirements are linked to parking and wouldn't go into place unless over 20 spaces were being put in.

There was no public comment on this case.
Wonnacott made a motion to recommend approval to the Emmet County Board of Commissioners for final PUD to allow up to five airplane hangars consistent with the site plan received August 6, 2013. The motion was supported by Notestine and passed on the following roll-call vote: Yes: Neal, Notestine, Scott, Wonnacott, Laughbaum, Desy, Plasencia, Alexander. No: None, Absent: Eby.

Wonnacott then made a motion to approve Case #18-13, Stewart Hayes for Harbor Springs Hangar LLC, Planned Unit Development Amendment, Special Use Permit and Site Plan Review for a aircraft hangar building at 1551 N US 31 Hwy, Located in Section 10 of McKinley Township, tax parcel 24-10-27-10-000-001 as shown on the site and elevation plans dated 8/6/2013 based on the facts presented in this case: the use is a permitted use within the PUD, the site plan meets the standards of the Zoning Ordinance, the standards for a Height Modification have been met and on condition that a $1,000 performance guarantee be in place prior to issuance of a zoning permit and will be returned upon satisfaction with the Zoning Ordinance standards, no outdoor display is permitted (or proposed), and no outdoor lighting or signs are permitted unless reviewed as required by the Zoning Ordinance and because the township has recommended approval. This motion was supported by Notestine and passed on the following roll-call vote: Yes: Neal, Notestine, Scott, Wonnacott, Laughbaum, Desy, Plasencia, Alexander. No: None, Absent: Eby.

Neal asked if there is a procedural risk to approve the site plan without knowing the Board of Commissioners' decision on the PUD? It was discussed and because this motion also includes a PUD approval they could not approve the overall PUD and still approve just this case.

6. Case #20-13 Ken Hankinson, SITE PLAN REVIEW-Private airplane hangar, 1553 N US 31 Hwy, Section 27, McKinley Township

Legal Notice: A request by Ken Hankinson for a Site Plan Review for a private airplane hangar at the Pellston Regional Airport. The proposed building is north of the existing hangar buildings at US-31 North, Section 10, McKinley Township. The property is zoned FF-2 Farm and Forest with a Planned Unit Development-1 overlay. The property is tax parcel number 24-10-27-100-001, 1553 N US 31 Hwy, Pellston, MI and is owned by Emmet County. The request is per Article XVIII and Section 2405 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, impact statement, elevation sketch, zoning evaluation, 8/9/13 site plan

Doernenburg noted that this case is for another private hangar at Pellston airport. This is site plan review only because it is not proposed to be over 30' therefore no special use permit would be required. This hangar is proposed just west of the previously reviewed hangar. The township has recommended approval on this one as well.

Neal asked if it wouldn't make more sense to have the hangars the same size for aesthetics. Scott stated that function is probably a primary concern. Desy asked how many planes these hangars will hold. Atkins stated that this one would hold one small-medium sized jet and the previous a medium sized jet.

There was no public comment on this case.

Scott made a motion to approve Case #20-13, Ken Hankinson, Site Plan Review for an aircraft hangar building at 1553 N US 31 Hwy, Located in Section 10 of McKinley Township, tax parcel 24-10-27-10-000-001 as shown on the site plan dated Received 8/9/2013 and elevation plan based on the facts presented in this case: the use is a permitted use within the PUD, the site plan meets the standards of the Zoning Ordinance, the height standards have been met and on condition that a $1,000 performance guarantee be in place prior to issuance of a zoning permit and will be returned upon satisfaction with
the Zoning Ordinance standards, no outdoor display is permitted (or proposed), and no outdoor lighting or signs are permitted unless reviewed as required by the Zoning Ordinance and because the township has recommended approval. The motion was supported by Alexander and passed on the following roll-call vote: Yes: Neal, Notestine, Scott, Wonnacott, Laughbaum, Desy, Plasencia, Alexander. No: None, Absent: Eby.

7. Case #22-13 Angola Thompson, SPECIAL USE PERMIT-Group child care home, 2615 Gregory Rd., Section 14, Maple River Township

Legal Notice: A request by Angela Thompson for a Special Use Permit for a Group Child Care Home within the residence at 2615 Gregory Road, Section 14, Maple River Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-09-14-14-400-015. The request is per Section 2102-12 of the Zoning Ordinance.

Packet items: Request & location map, tax parcel map, plat map, aerial, application, impact statement/home occupation plan, floor plans, zoning evaluation
Passed out at meeting: plot plan

Doernenburg explained that this case is before us because the proposal is for group child care (6-12 children) and the Michigan Zoning Enabling Act says that a special use permit is required for over 6 children. The proposal is to have a group child care home in Maple River Township on Gregory Road. The applicant lives on the property and will have no outside employees other than family to help with the children. The parcel is zoned FF-1 and is approximately 30 acres. The parking is adequate for the use and no additional parking is proposed to be added. The proposal retains the residential character of the area with no new buildings proposed. The aerial and site photos were shown along with the site plan. The Michigan Zoning Enabling Act specifies standards for review that were outlined on the zoning evaluation form in the packets. Doernenburg stated that everything appears to be met except for fencing. The local jurisdiction can require fencing but the applicant has indicated that they would rather not have fencing as the house is so far from roads and someone would be supervising the children at all times. The State of Michigan requires zoning approval prior to licensing. The township has recommended approval of this case.

The applicant, Angela Thompson was present.

Neal asked if there are any natural buffers in back of the house to alleviate the need for a fence. Thompson stated that it is pretty flat. They could install a fence but she feels that it would be restrictive as they have a wonderful property and would be nicer if they had free access rather than a small fenced in area. She stated that the State will inspect the grounds prior to issuing a license and if it is required by their inspector a fence would be installed. Alexander asked about neighbor comments. No feedback has been received. Thompson stated that she anticipates offering services to children from two months to school age. She has had a license prior to this just not a group child care license.

There was no public comment on this case.

Plasencia made a motion to approve Case #22-13 Special Use Permit for a Home Occupation to allow a group child care home for up to twelve children for Angela Thompson at 2615 Gregory Road, Section 14, Maple River Township based on the Home Occupation Use Plan, the facts presented in the case, the plan meets the standards of the Zoning Ordinance, and meets the standards of the Zoning Enabling Act and on condition that a two square foot sign is permitted and because the township recommended approval. The motion was supported by Wonnacott and passed on the following roll-call vote: Yes: Neal, Notestine, Scott, Wonnacott, Laughbaum, Desy, Plasencia, Alexander. No: None, Absent: Eby.
8. Case #139A-98 Natalie Tripp, SPECIAL USE PERMIT-Home Occupation-salon, 466 Skyline Dr., Section 1, Bear Creek Township

Legal Notice: A request by Natalie Tripp for a Special Use Permit for a Home Occupation for a salon within the residence at 466 Skyline Drive, Section 1, Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-01-19-01-201-003. The request is per Section 2102-12 of the Zoning Ordinance.

Packet items: Request & location map, tax parcel map, application, impact statement/home occupation plan, parcel location map, site plan, zoning evaluation

Salar presented this case. The parcel is located on Skyline Drive just off of E. Mitchell Road. The proposal is for a home occupation to run a beauty salon. The applicant resides on the property and has stated that she anticipates two-four cars daily. The existing home will be modified to accommodate the salon; no new construction proposed. The existing driveway will be used. The plat plan, site plan, floor plan, and site photos were shown. An exterior door will be added to have a separate entrance into the salon. The township has recommended approval and discussed hours at their meeting. The applicant would operate 9am-5pm Monday-Friday and 8am-12pm on Saturday.

The applicant, Natalie Tripp was present for questions.

Doernenburg noted that neighbors had been notified and no opposition has been received.

Plasencia asked about a sign. Ms. Tripp stated that she would not be putting out a sign. Alexander asked if there would be any outside employees. Tripp stated that it would just be her.

There was no public comment on this case.

Notestine made a motion to approve Case #139A-98, Natalie Tripp, Special Use Permit for a Home Occupation to operate a hair salon at 466 Skyline Rd., Section 1, Bear Creek Township as outlined in the Home Occupation Use Plan and as shown on the site plan both dated July 23, 2013 because the use meets the standards of Section 2102-12, the use will not conflict with the residential character of the neighborhood, only people living on the premises may be employees of the home occupation, hours of operation will be 9am to 5pm Monday-Friday, 8am-12pm Saturday, a sign 2 sq. ft. is permitted and because the township has recommended approval. The motion was supported by Neal and passed on the following roll-call vote: Yes: Neal, Notestine, Scott, Wonnacott, Laughbaum, Desy, Plasencia, Alexander. No: None, Absent: Eby.

9. Case #168A-86 Brown Motors, SITE PLAN REVIEW-Amendment, 2102 N US 31 Hwy, Section 26, Bear Creek Township

Legal Notice: A request by Brown Motors for Site Plan Review Amendment on property located at 2102 US-31 N, Section 26, Bear Creek Township. The property is tax parcel number 24-01-16-26-200-047 and is zoned B-2 General Business. The request is to allow expansion of a parking lot behind the existing Brown Motors detailing shop per Article X and Section 2405 of the Emmet County Zoning Ordinance.

Packet items: Request & location map, aerial, application, impact statement, 8/9/13 site plan, zoning evaluation

Salar presented this case. She pointed out on a location map that the request is for a triangular piece of property next to Brown Motors that is zoned B-2 and is approximately 2 acres. The aerial was shown as well as site photos. The proposal is for parking expansion. The site plan was shown. The existing drive would be utilized and no new curb cuts or buildings are proposed. Drainage calculations have been submitted and a performance guarantee would be required. Snow storage is proposed in the back as well as trash and recycling. Changes to lighting need to go to the Sign & Lighting committee for review. The site plan has been revised since the original submittal to illustrate the trees that were
moved per the township's request. They were lined up in the back of the property and will now be located in the island. Doernenburg noted that the revised plan has a notation that stipulates that they will bring the lighting into compliance.

Desy stated that the township felt that the trees would be better suited if they were in the islands closest to the detail shop. He noted that the parking lot is paved in a portion and gravel for the rest-this is noted on the site plan. Neal stated that this would be an improvement to the site.

There was no public comment on this case.

Notestine made a motion to approve Case #168A-86, Brown Motors, Site Plan Review for a parking expansion at 2102 N US-31 Hwy., Section 26, Bear Creek Township as shown on the site plan dated August 30, 2013 because the use meets the standards of Section 2102-12, the use will not conflict with the character of the area, and on condition that a $10,000 performance guarantee be provided as required by the Zoning Ordinance, and that the lighting be reviewed by the Sign and Lighting Committee and because the township has recommended approval. The motion was supported by Plasencia and passed on the following roll-call vote: Yes: Neal, Notestine, Scott, Wonnacott, Laughbaum, Desy, Plasencia, Alexander. No: None, Absent: Eby.

10. Case #3B-88 Henry Schneider for Petoskey 31 Properties LLC, SITE PLAN REVIEW-Amendment, 1192 & 1194 N US 31 Hwy, Section 33, Bear Creek Township

Legal Notice: A request by Henry Schneider for Petoskey 31 Properties LLC for site plan review amendment on the properties located at 1192 and 1194 US 31 N Hwy, Section 33, Bear Creek Township. The property is zoned B-2 General Business and includes tax parcels 24-01-16-33-200-013 and 014. The request is to amend the site plan to allow a second restaurant on the property per Sections 1000-6 & 2405 of the Zoning Ordinance.

Packet items: Request & location map, aerial, application, impact statement, renderings, site plan, landscape plan, zoning evaluation

Doernenburg presented this case noting that the site plan was not approved by Bear Creek Township. They have been asked to revise the plan and this is anticipated to be received for next month's meeting. The site is the current location of China King Buffet and the former Alphie's Attic. In 1987, Hardee's restaurant was reviewed. Rather than require existing businesses to be removed, a 40' wide lot was approved for Alphie's Attic with the stipulation that the property owner of the Hardee's parcel would be required to re-capture the parcel if the business ceased to exist. There have been several ownership changes since this point. The proposed changes would be in-line with the Access Management plan by reducing access points from two to one and linking access with McDonald's.

Desy stated that there was a lot of discussion at the township meeting. They asked the applicant to reconsider the site plan. Hopefully they will come in with something more suitable for the next meeting. The access points are good but the plan needs to be worked out better. Some of the concerns were with safety of the drive thru that is located on the China King Buffet and handicap accessibility issues.

The case was postponed until the next regularly scheduled meeting to allow the applicant time to revise the site plan.

IV Public Comment:
Jerry Slebiska and son were present and looking for an update on the neighboring home that is being rented out on S Lake Shore Drive.
Doernenburg explained that it is an ongoing enforcement process. She has received multiple correspondence from concerned people along S Lake Shore Drive. She noted that she had put together some ordinance information for the packets this month that discusses the Torch Lake Township ordinance regarding short term rentals and also the Maui County regulations that had been discussed at previous meetings. Townships can require registration and licensing of short term rentals if they desire but counties cannot. Doernenburg stated that she discussed these situations with the County Controller and he feels that there are not enough resources to enforce a rental ordinance. If a township wished to adopt an ordinance, they'd also have to be able to enforce it. She is working through our current ordinance to address what can be addressed by zoning. Letters have been sent. Alexander asked what the hesitancy is with adopting an ordinance for these uses. Doernenburg stated that they are difficult to enforce. She stated that the process is ongoing on both this issue and the one in Bear Creek Township. If homes are being rented as single family homes there is no zoning issues. If it is being advertised otherwise, that is where we can enforce the ordinance. The issue is that there is nothing specifically in the ordinance that relates to regulating rental homes. Rental is only mentioned twice in the ordinance; once in the definition of a hotel/motel and again when referring to parking for a hotel/motel. A tourist lodging facility is allowed in one district. The way that the ordinance is set up, if a use is not specifically listed it is prohibited. There is the option of taking to the ZBA for an interpretation or the ordinance could be amended if this group feels that is the right direction to go in. Wonnacott asked whether the current rentals would then be grandfathered in if the ordinance was amended. Doernenburg stated that it is a gray area. They would only be grandfathered in if they were utilizing as a rental prior to zoning in 1972.

Mr. Slebiska stated that Friendship Township granted Emmet County it's zoning powers. The ordinance states that this property is a single family area. This should be defined to start. There are a lot of expensive properties in this area. Rentals have gone on for years with no issues. When there is a website for the property and they are getting nearly $4,000 per week for the rental, you know it's not being rented to friends and family. He stated that he checked the website tonight and it is still advertised. This is a business being ran in a residential area. Mr. Slebiska stated that he realizes that there is an expense to enforce the ordinance but this is why we pay taxes to get the proper agencies involved when they should be. When they brought up the issues with the neighbor in regards to the dumpster, the neighbor complained to the Sherriff that they were being harassed. There is a very famous architecturally designed home about a half mile away that is featured in a number of journals. Mr. Slebiska stated that he discussed this issue with the owner and he is concerned and doesn't want this use either as he has millions invested in his property. There is less than a week to go on the violation letter. What is the intent of the zoning board on these issues? The township won't enforce. He is counting on this board as a taxpayer to enforce the ordinance.

Wonnacott stated that to the extent that we can enforce zoning issues we are doing so. There are other issues that have been brought up that are not zoning issues and need to be enforced through the proper channels. Mr. Slebiska stated that the trigger for enforcement should be if there are complaints from the neighborhood. Renting your cabin and living next door does not create the same issues. Doernenburg noted that this is how enforcement works now and why the process has been started on this property; due to their complaints. Mr. Slebiska's son stated that he doesn't want everyone in the county upset because they are trying to 'ban rentals' but if it is rented for a long period of time it is different than these weekend rentals. Doernenburg stated that she has been to the site multiple times but since most of the rental activity would be on the weekends, photos would be helpful. This is the best way to enforce violations and what she has used on the Bear Creek parcel that has similar issues. She stressed that by no means should they trespass in order to get photos. Laughbaum stated that nothing will be changed if the ordinance is not changed. He doesn't feel that there is a point to creating more zoning laws if there are enough already. If there are single family homes being used as
multi-family, this is in the ordinance and should be enforced through those channels. Alexander stated that the use is impossible to stop but the abuses can be looked into. He encouraged the neighbors to submit evidence so that it can be enforced.

V Other Business:

- **SR-2 Ordinance Review:** Doernenburg explained that there have been some issues in the past with tree cutting along the Tunnel of Trees in the SR district. There was a request by the Heritage Hwy Committee to modify language to better enforce the tree cutting. Civil Counsel came up with proposed language that was presented to the board but it never went anywhere. Doernenburg asked the members of the committee if they would be interested in forming a sub-committee along with some members of the Planning Commission to discuss potential changes to the language as it relates to tree cutting. She asked the board if anyone would be interested in serving on such a committee to think about it and let her know. There was some discussion on what would be involved and whether this applied to just the Tunnel of Trees or to the whole county. It would just be specific to the Tunnel of Trees. Doernenburg stated it would be nice to have some that are interested in preservation, some that are interested in property rights, and possibly a forester to be on the committee. This will be discussed at a future meeting.

- **Enforcement Report:** Distributed. There was little discussion on other issues than the rental situations.

VI Adjournment

There being no other business, and no additional public comment, Desy called the meeting adjourned at 9:25 p.m.

________________________________________   __________________________
James Scott, Secretary        Date