

Au Train Township Planning Commission - Work Session
October 8, 2020 - 6:00 pm, Au Train Township Hall

Members Present: Scott LaCombe, John Carr, Duke Fillmore, Bill Weisinger, Matt Lang

Others Present: Richard Oas, Amy Andrews, Michelle Doucette, Jason McCarthy (via phone), two unnamed

Call to Order / Pledge of Allegiance:

Chairman LaCombe called the meeting to order at 6:00 pm. The Pledge of Allegiance was recited.

Approval of Agenda:

Motion: To approve the agenda as presented.

Moved: Fillmore

Supported: Weisinger

Motion Carried Unanimously

Public Hearing, Richard Oas Conditional Use Permit Application for Vacation Rental, N7571/N7573 Cedar St, Au Train

Chairman LaCombe opened the public hearing at 6:02 pm. Mr. Oas introduced himself and talked about his desire to convert the subject duplex property from long-term rentals to vacation rentals. He talked of his record with the subject property as well as his other rental properties in the area.

Amy Andrews lives next door to the subject property. Ms. Andrews voiced her opposition to the property becoming a vacation rental, stating several reasons for her opposition.

In response to some of Ms. Andrews concerns, Mr. Oas offered to install a fence between the two properties.

The public hearing was closed at 6:15 pm.

Discussion / Decision:

Although Ms. Andrews appreciates Mr. Oas' offer to install a fence, she would prefer the subject property not become a vacation rental.

Mr. Oas stated that he has owned the property since 2002.

ZA McCarthy questioned whether or not the subject property has a CUP as required in the R1/2 district for a multi-family dwelling. Mr. Oas stated that the duplex was built as rental property in 1970 (thereby making it a nonconforming structure).

ZA McCarthy stated that the PC should consider the fact that the parcel on which the subject property resides contains a second duplex being used as vacation rentals.

ZA McCarthy also questioned whether or not there is adequate parking at the property to support the number of dwellings on the property. Mr. Oas stated that there is.

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The PC reviewed the nine standards of Section 802 Basis of Determination/General Standards of the Au Train Township Zoning Ordinance and how they pertain to the CUP request.

After discussion, the following motion was made:

Motion: To approve the CUP with the following condition attached: Mr. Oas is to construct a six foot high fence between N7571/N7573 Cedar street and E5376 Liberty street. The fence is to meet county codes and is to run from the street easement to the tree line behind the properties. Construction of the fence is to be completed prior to the first short-term rental or July 1, 2021, whichever occurs first.

Moved: Fillmore

Supported: Lang

Vote: LaCombe - Yes, Fillmore - Yes, Lang - No, Carr - Abstain, Weisinger - Yes

Motion Carried

Public Comment:

None

Approval of Minutes:

Motion: To approve the September 17, 2020, PC meeting minutes as presented.

Moved: Fillmore

Supported: Carr

Motion Carried Unanimously

Zoning Administrator's Report:

The October ZA report has not yet been finalized. As usual, the report will be finalized prior to the October 12th township board meeting.

Old Business:

Zoning Ordinance

The PC continued reviewing updates to the Au Train Township Zoning Ordinance. M. Lang and J. Carr reported on their meeting with the Joe Cilc (Alger county building inspector). The primary takeaways from this meeting were:

- 1) A dwelling in Alger county is required to be a minimum 500 sq. ft. In response to this requirement, the PC decided to remove the definition of "Tiny Home" from the draft zoning ordinance.
- 2) Alger county requires short-term rentals to be inspected for fire alarms and egresses. In response to this, when transmitting an approved CUP to the applicant, ZA McCarthy will cc the

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Alger county building inspector. ZA McCarthy suggested that the zoning ordinance be updated to reflect that the cost of the inspection is to be borne by the CUP applicant. He also suggested that a passed inspection be made a condition of all short-term rental CUPs.

- 3) Townships are required to keep a list of nonconforming structures. ZA McCarthy will look into this.

M. Lang voiced his opinion that short-term rentals should no longer be permitted in residential areas. For the most part, his opinion was not shared by others. During the subsequent discussion, various other topics related to short-term rentals (e.g., business license, yearly registration, density, homestead tax exemption, illegal rentals) were mentioned.

ZA McCarthy's proposed new language regarding Home Occupations, setbacks requirements for waterfront properties, and site plan documentation requirements was discussed and will be incorporated into the zoning ordinance.

M. Lang will incorporate changes into the draft zoning ordinance and send the updated draft to M. Doucette. M. Doucette will print copies and deliver one to each PC member so they can review the complete draft prior to the next PC meeting.

New Business:

None.

Public Comment:

None.

Additional Comments:

The next meeting of the PC is scheduled for November 5, 2020, at 6:00. There will be two public hearings scheduled during the meeting to consider CUP applications.

Adjournment:

Motion: To adjourn.

Moved: Carr

Supported: Weisinger

Motion Carried Unanimously at 7:33 pm.

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Acronyms used in this document: CUP - Conditional Use Permit, PC - Planning Commission, ZA - Zoning Administrator