

Millington Township Regular Planning Commission Meeting
and Special Land Use Public Hearing

October 14, 2024

Meeting was called to order by Chairman A Zavitz at 6:00 PM. Roll call vote showed Commission Members Matt Opperman, Doyle Pletcher, Luanne Jaruzel, Ed Maschke, Zoning Administrator Tammy Daenzer and 25 guests present.

Agenda approved with one addition, adding Midwest Motor under old business.

Motion made by Maschke, second by Pletcher to approve the minutes from the September 17, 2024 special meeting and public hearing, and the October 10, 2024 special meeting and public hearing. Unanimously approved as written.

Public comment – none

Old Business – Solar farms – Discussion on using our current solar ordinance as a Workable Ordinance as explained to Daenzer and Jaruzel in a conference call with Adam from Wade Trim last week. Having an ordinance encourages companies to work with us. In order to make a Compatible Renewable Energy ordinance all townships in the county would have to agree on the same thing, which seems unlikely to happen and not recommended by MTA. We can discuss setting a limit on what percentage of agriculture acres we allow in solar. We do not have ordinances on battery storage or wind for commercial use. Adam recommends that we would be better sending battery storage and large scale wind requests through the state, as having these ordinances would encourage them to come to our township. Section 14.25 Wind Energy Ordinance was reviewed. MTA will put out a templet for us to use in the future if we choose to change our ordinance in the future. A free informational zoom meeting is available through MTA later this week & members were encouraged to sign up for it. Daenzer emphasized that Adam recommends we not add ordinance for large scale wind or battery storage as it would encourage them to come to our township if we have them. If they go through the state it will discourage this development.

2. Storage container- Discussion on different kinds of large storage containers. A sample container ordinance from Bay County was reviewed. It showed 3 different types, and short term vs long uses. That sample ordinance does not allow these containers in R-1 or R-2 zones. After a short discussion, motion made by Pletcher, second by Maschke to table a decision until a future meeting. All approved. Motion carried.

3. Maschke presented his 2 page draft of a reference document for special use permits to help the planning commission to use and where in the ordinance special points were. Jaruzel noted that the Millington Township Board had approved the 5 page document presented by Zoning Administrator Daenzer at last months meeting and that it should be used by all the boards, including the ZBA, for continuity. Maschke thinks there were a few places where wording is different but couldn't specify at this time. Maschke will find the differences and bring them to

the next township meeting. It was noted that board members refer to the ordinance as the pertinent articles are listed in both documents.

3A – Midwest Motors LLC/Todd Hahn – Discussion and review of the permit conditions, including the generic conditions of liability when needed. They come from a templet of what MTA recommends to be on special use permits and future enforcement. As the permit wording on A through C are listed as was previously approved and the site plan meets our specifications, Chairman Zavitz signed the permit. The templet will be added to the special use packet for future use.

New Business – Conflict of interest from the Planning Commission bylaws were reviewed in regards to the SLUP request from Paul & Renee Dudley. 1. Immediate family involved – all commission members answered no.

2. Business or financial interest in property – all commission members answered no.

3. Owns or financial interest in neighboring property -all commission members answered no.

4. Reasonable appearance of conflict – all commission members answered no.

Maschke moved to close regular meeting at 6:47 PM and open Public Special Use Hearing, second by Jaruzel. Opperman- yes, Maschke – yes, Zavitz – yes, Jaruzel – yes, Pletcher – yes. Motion carried. Paul Dudley spoke to the board showing site plan with 8 parking places, house sleeps up to 6 people at this time, showed security cameras, doesn't allow parties. He showed contact list and house rules, reviews from past 2 years of operation and answered questions of how renters are reviewed before being allowed to rent. Noted it is 11 foot from one side boundary.

Public Comment -Steve Ley spoke noting that this rental operated illegally for two years and the township is being sued because of it, it is a commercial business, is a nuisance issue & should be denied because it isn't in harmony with the neighborhood.

Richard Yeager-Stiver – stresses that this has been called a business and as such isn't an allowed use in the Lake/Residential district.

Dennis Specia – Muntin Drive. He has noted a real division between lake residents on this issue since he moved there, also concerned about safety with renters' children not using life jackets.

Cody Clark – Osborn Drive – Noted the lake association is a voluntary organization & that some residents are for short term rentals.

Ruth Ann Davenport – Kimberly Dr. defended neighbor Nick Acquino saying he is not a hostile man. Private homeowners feel they have to monitor renters.

Sherry Morris - discussed what type of people rent her rental house. Referred to the Master Plan saying it was intended for resort, residential, & cottage style development. Discussed long term and short term rental.

Emory Close – asked commission to pay special attention to the rentals that have already had complaints.

Pam Hall – Duttons Island – tells the board to look through all the talk and try to enforce the ordinance and follow their intention.

Paul Dudley – denies disturbances. He talked to Supervisor Robert and others and no one was sure if STR's were allowed and couldn't get a straight answer. Looked at nearby lakes before he bought their rental.

11 Letters read from - Andrew & Tricia Orr – against STR's, noise, safety concerns

Nick Acquino – opposed to STR's not commercial area negative impacts

David Welch – against STR's stating loss of quality of life

Karen & Alfredo Aleman – against STR's not commercial area

Don Welch – concerned and opposed to STR's

Donna Solce – STR's are illegal & safety concerns

Tamera Ley – against siting theft & safety issues

Kelly Acquino – against, too close to her home, 10 feet

John Booko – support for board, enforce the original ordinance

Jim Cobb – opposed, board does not represent taxpaying residents

Karen Yeager-Stiver – against, violates zoning, operated illegally 2 years

Motion made by Pletcher, second by Maschke to close Public hearing and return to regular meeting at 7:50 PM. All voted yes, motion carried. Commission members reviewed site plan and scale drawing & parking & property description, all fulfilled Article 18.01 of the ordinance. Hearing has had proper notification per Article 18.02.

Standards of Article 18.03A were reviewed. Not all members agreed that it was in harmony with surrounding property.

Article 18.03B - No traffic hazard is created due to adequate parking.

Article 18.03C – Site layout noted close boundaries to property lines on one side & could be a nuisance. Discussion on fencing to help make close boundary less a problem.

Article 18.03D – All other specific requirements of zoning district will be met.

Article 18.04 Decision – A motion by Maschke to approve the SLUP for the Dudley's STR request on Parcel ID number 017001230080001 at 3124 Huston Dr. Millington, MI 48746 with the following conditions: 1. Parking limited to 6 cars.

2. Quiet time from 10 PM to 7 AM

3. Add a split rail fence following Article 14.17 between this property and neighbor Acquino between the homes to seawall.

4. Maximum number overnight guests is limited to 6.

5. Include applicable items of E through K of permit templet from zoning administrator.

Second by Opperman. Roll call vote showed Maschke – yes, Opperman – yes, Zavitz – yes, Jaruzel – no, Pletcher – no. Motion carried.

Zavitz called for a break at 8:47 PM and regular meeting resumed at 8:55 PM

Review of Planning Commission Bylaws conflict of interest reviewed for Cody Clark & Rachel Opperman's SLUP for a Short Term Rental 1. Immediate family involved – Opperman yes and will abstain from voting, all other commission members answered no.

2. Business or financial interest in property – all commission members answered no.

3. Owns or financial interest in neighboring property -all commission members answered no.

4. Reasonable appearance of conflict – Opperman answered yes, all other commission members answered no. Opperman recused himself and left the table. Maschke moved to close regular meeting and open Special Use Public Hearing for Cody Clark & Rachel Opperman SLUP request for a Short Term Rental on parcel #017-001-451-1400-00 at 7655 Osborne Dr., Millington, MI 48746. Second by Zavitz, all voted yes. Cody and Rachel handed out proposal package to commission members, noted they are life long residents, not outside investors. They included the information that will be given to renters. They pay 30 to 40% more in taxes on this property as it isn't their primary residence. Cody showed the property is zoned residential. This home has not been rented yet and will be operating under the current STR ordinance if they get a permit. Parking will be in the driveway only and has room for 4 cars. Can sleep up to 4 adults, has security cameras in place. Distance between neighbors 25 ft on the west and 28 ft from house to building, and 72 ft to next house. Noted there is a privacy fence on west between neighbor, does not interfere with neighbor's view of lake. The shed is only for storage not part of rental. Noted the new aluminum deck.

Public Comment – Steve Ley – stated this permit should be denied because of pending lawsuit about it being in a Lake Residential zone, noted police calls when people parked on his property, and complaint to former zoning ordinance officer. Voiced a concern over Opperman being a family member of applicant & a member of Planning Commission & conflict of interest.

Richard Yeager-Stiver – Believes it is a commercial use in residential zone. He referred to # 16 of Roberts Rules of Order regarding false accusations of a year ago & mentioned a recording. Truth matters, too many lies have been told, go with the facts.

Diane Wood – she has been living on Murphy Lake for 40 years, referenced 3 homes being moved to build a big house. Said Cody was told he could use this property could be a rental even before the ordinances were passed. Wondered who does rental inspections.

Paul Dudley – STR ordinance has been done. Stay with this one request at this discussion. Don't add more requirements.

John Booko – loves the community feel of Millington, where people pray for each other. Stated 85% of the lake residents are against rentals. He encouraged the board to care & listen to the people's voice.

Cody Clark – referred to police reports & that he was never approached by police, talked of division of the neighborhood, & noted only 16% of Murphy Lake homes are homesteaded.

Emory Close – brought up the court case & said he was violated.

Rachel Opperman – talked about signs

Ruth Ann Davenport -talked about signs against STR but states people also support them, but fear retaliation if they say so.

Dan Davenport – mentioned theft, referenced the 100 signatures of taxpayers that are against the Air B&B.

Renee Dudley – people have rights to their own property & it is a public lake for all to enjoy.

Pam Hall – doesn't want people to impede on her rights. Asks people to be respectful of neighbors.

One letter read from Karen Yeager-stiver- against and noted a previously read letter from

Tamera Ley that referenced both requests in the same letter – against.

Public Comments closed. Deliberation on the request for Cody Clark and Rachel Opperman for the STR meeting the ordinance.

Article 18.01 - Application meets the requirements.

Article 18.02 -The hearing followed all proper procedures.

Article 18.03A – This request meets the requirements of size, location & character being in harmony with surrounding neighborhood.

Article 18.03B – Meets the requirement as it does not create a traffic hazard.

Article 18.03C - Meets the requirements of site layout and has adequate boundaries & fence, so as not to create a nuisance.

Article 18.03D. – Will comply with specific requirements of the zoning district & follow the township STR ordinance that is in place.

Motion was made to approve the request as it meets all standards of the Millington Ordinance by Pletcher with the following conditions:

1. Limit parking to 4 vehicles maximum
2. Maximum 4 people maximum at a time.
3. Quiet time 10PM to 7 AM
4. Add applicable conditions E through K from templet for insurance & liability issues.

Motion seconded by Maschke. Roll call vote showed Pletcher – yes, Maschke – yes, Jaruzel – yes, Zavitz – yes. Motion carried.

Opperman returned to the table at 10:10PM. Next Planning Commission meeting will be November 11, 2024. It was noted that it is Veterans Day.

Motion to adjourn by Maschke, second by Jaruzel. All voted yes, meeting adjourned at 10:14PM.

Respectfully submitted