

Au Train Township Planning Commission - Work Session

April 15, 2021 - 6:00 pm, Au Train Township Hall

Call to Order / Pledge of Allegiance:

Chairman Carr called the meeting to order at 6:03 pm. The Pledge of Allegiance was recited.

Members Present: Jake Miller, Trustee; John Carr, Chair; Duke Fillmore, Vice Chair; Bill Weisinger, Member; Matt Lang, Secretary

Others Present: No less than eight visitors were present at some time during the meeting including Supervisor Michelle Douchette, Tom Beauchaine, Jason Cain, Lou Kustin, Kevin Kolbus, and Jesse Cadwell.

Approval of Agenda:

M. Lang requested that an item be added to the agenda to discuss the Zoning Ordinance's appeal process. The item was added as New Business.

Motion: To approve the agenda as amended.

Moved: Fillmore

Supported: Lang

Motion Carried Unanimously

Approval of Minutes:

Motion: To approve the March 18, 2021, PC meeting minutes as presented.

Moved: Fillmore

Supported: Carr

Motion Carried Unanimously

Public Comment:

Kevin Kolbus (Au Train township) - Mr. Kolbus wanted to introduce himself to the PC and stated that he wants to stay abreast of the vacation rental policies. He employs several people at his multiple rental properties in the township. Mr. Kolbus thinks the tourism industry "up here" is getting out of control with the number of tourists the area has seen in the past few years. He believes that some parameters need to be put in place but he is concerned how the potential changing of the township's vacation rental policies might affect his huge investment in his vacation rental properties.

Tom Beauchaine (Au Train township) - Mr. Beauchaine expressed his opinions in regards to shipping containers. He stated that the ZA and the township's attorney have both determined that shipping containers are not permitted by the current zoning ordinance and that the township needs to put a stop to shipping containers before they become a larger issue. Mr. Beauchaine stated that it appears the township is trying to pacify certain people and that you don't know how bad [shipping containers] can be until they affect you personally.

Zoning Administrators Report

The March, 2021, ZA report is on file with the Township Clerk.

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New Business:

Zoning Appeals Process

M. Lang expressed his concern over *Section 1106 - Appeals* in the current zoning ordinance. His understanding is that an appeal of a zoning decision must occur within 30 days of the decision. However, since most ZA rulings are not made public until the ZA files his monthly report, most if not all of the 30 days might have already expired before the ruling in question becomes public knowledge. Mr. Lang did not want anything decided at this meeting but only wanted to mention the subject and have it discussed further at the next PC meeting.

Old Business:

Shipping Containers

Proposed language to be included in the Zoning Ordinance for the regulation of shipping containers was discussed and agreed upon.

A handout of the "Intents" of the various zoning districts as detailed in the current zoning ordinance was distributed to the PC members. On a district by district basis, the PC discussed and voted on whether or not shipping containers will be permitted. The outcome of the vote was that shipping containers will not be permitted in the Residential One/Two district nor the Lakeshore and River Two district. A shipping container may be permitted in all other districts by an approved CUP.

Vacation Rentals

The planning commission discussed safety concerns of vacation rentals and decided that the following would be required to be included with a vacation rental CUP application:

1. A receipt from a fire protection company showing the purchase or service of one or more fire extinguishers to be placed in the vacation rental; and
2. A County Health Department (LMAS) water test report on a water sample taken from the vacation rental.

M. Lang mentioned that the township board should consider protecting the residential areas of Christmas from additional resorts, vacation rentals, etc. should the current moratorium expire prior to the amending of the zoning ordinance and/or the updating of the zoning map.

Whether or not Joe Cilc (county building inspector) should inspect vacation rentals was discussed. Mr. Cilc had stated in the past that he would inspect vacation rentals for proper egresses and working smoke alarms. J. Miller will talk with Mr. Cilc and report on the subject at the next PC meeting.

The PC decided to include the following definition in the zoning ordinance:

Tourist Home: An owner occupied single-family dwelling containing six or fewer sleeping rooms available for rental to transient tenants for fewer than 30 consecutive days. A Tourist Home differs from a Bed and Breakfast in that a Tourist Home does not serve breakfast to lodgers.

Tourist homes and bed and breakfasts will be listed as a Conditional Use in all districts.

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Parking requirements for vacation rentals, bed and breakfasts, and tourist homes were discussed. No decisions were made and the subject will be discussed further at the next PC meeting.

The expiration of an unused CUP was discussed. Language similar to the following will be added to *ARTICLE VIII CONDITIONAL USE PERMITS, Section 804 - Procedure and Process* of the zoning ordinance:

Conditional use permits must be used for the purpose for which they are granted within two years of approval. An extension may be approved by the Zoning Administrator. If said permit is not used within the allotted time the permit shall automatically expire.

The process and reasoning of revoking a CUP were discussed. The following language was reviewed and will be used to modify *ARTICLE VIII CONDITIONAL USE PERMITS, Section 804 - Procedure and Process*

- F. The Planning Commission may revoke a Conditional Use Permit. Revocation of a Conditional Use Permit by the Planning Commission shall be made following a public hearing using the same procedures as when granting a Conditional Use Permit. The Planning Commission may revoke a Conditional Use Permit upon finding that the permit was obtained through misrepresentation, or where a use of land has been established or is conducted in a manner that violates or fails to comply with the provisions of this ordinance or a condition of approval, or where the use of land is undertaken in violation of any local, state or federal law which affects the health, safety, peace, morals or general welfare of the public.

M. Lang briefly reported on the project of documenting the vacation rentals within the township, primarily focusing on those being advertised on websites such as VRBO and AIRBNB. He will soon send an email to the PC and township board detailing his findings.

Each PC member had been given a handout of the "Intents" of the various zoning districts as detailed in the current zoning ordinance. On a district by district basis, the PC discussed and voted on whether or not vacation rentals will be permitted. The outcome of the vote was that vacation rentals will not be permitted in the Residential One/Two district nor the Lakeshore and River Two district. A vacation rental may be permitted in all other districts by an approved CUP.

Requiring the CUP applicant to attend the PC meeting at which their application is considered was discussed. The PC agreed that language similar to the following will be added to the zoning ordinance: In order to address potential questions and concerns of the Planning Commission, the applicant of a Conditional Use Permit or their representative is encouraged to attend, either in person or remotely, the Planning Commission meeting at which their application is being considered. Failure to do so might result in their application being tabled until the next meeting of the Planning Commission.

Public Comment:

Lou Kustin (Au Train Township) - Mr. Kustin suggested that a maximum number of vacation rentals per district be set for the districts in which vacation rentals are permitted. He suggested that a limit be set for the number of shipping containers permitted on a lot. He also suggested that shipping containers be used only individually for storage and not combined or assembled into larger structures.

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Jason Cain (Au Train Township) - Mr. Cain wonders why the PC may be placing additional requirements on vacation rentals (inspection, water test, fire extinguisher, etc.) if the township does not have any liability on personal property (i.e., vacation rentals). He also stated that he thinks setting a maximum number of vacation rentals per district is a bad idea.

Jesse Cadwell (Au Train Township) - Mr. Cadwell expressed his concerns on how vacation rentals negatively affect the residents in the neighborhoods in which they are located. He agrees with limiting vacation rentals to certain areas within the township. He stated that people can no longer afford to rent or buy homes in the area because those with quick cash are purchasing properties to use as vacation rentals.

M. Doucette (Au Train Township) - Ms. Doucette commented on the seeming discrepancy between the number of days mentioned in the definition of Tourist Home (30 days or less) compared to the definition of Short-term Rental (14 days or less). She mentioned that she has fielded questions in regards to the current vacation rental CUP moratorium. Based on the PC's vote on vacation rental permitting, she questioned what is to be done about township residents who had planned to use their properties as vacation rentals in the future. She thinks the term "Tourist Home" makes her think "Vacation Rental" and that the term "Tourist Home" should be changed to something else. She also questioned how the requirement that a Tourist Home owner (or representative) must be present during rental periods will be monitored. Lastly, Ms. Doucette commented on what seems to be a troubling trend of people in tourist destination locations like Au Train Township not being able to find houses to rent on a long-term basis because everything is being turned into short-term rentals.

Tom Beauchaine (Au Train township) - Mr. Beauchaine stated that he would like to know how someone determines in which district a parcel is located. He also stated his opposition to requiring a potential vacation rental to submit water test results.

Next Meeting:

The next PC meeting is the regular quarterly meeting scheduled for May 20, 2021 @ 6:00 pm at the Au Train Township Hall.

Adjournment:

Motion: To adjourn.

Moved: Lang

Supported: Fillmore

Motion Carried Unanimously at 8:40 pm.

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