

Au Train Township Planning Commission - Work Session

March 18, 2021 - 6:00 pm, Au Train Township Hall

Call to Order / Pledge of Allegiance:

Chairman Carr called the meeting to order at 6:05 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 ten visitors were present at some time during the meeting including Zoning Administrator Jason McCarthy, Supervisor Michelle Douchette, Tom Beauchaine, Jason Cain, Lou Kustin, and Matt Marenger.

Approval of Agenda:

Although no additions or deletions were made to the agenda, the order of the items listed under Old Business was modified.

Motion: To approve the agenda as modified.

Moved: Fillmore

Supported: Miller

Motion Carried Unanimously

Approval of Minutes:

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

Moved: Fillmore

Supported: Weisinger

Motion Carried Unanimously

Public Comment:

Tom Beauchaine (Au Train township) - Mr. Beauchaine expressed his opposition to using shipping containers, buses, campers, etc. as an alternative to storage buildings. Mr. Beauchaine believes that such storage containers being used at a business next to his home has reduced his property value.

Lou Kustin (Au Train township) - Mr. Kustin spoke on three topics. 1) Mr. Kustin believes that short-term rentals existing within the confines of an established resort area are not problematic. However, he believes that using individual dwellings as short-term rentals is problematic to the residents who live in the neighborhoods in which these rentals exist. He believes that the density of short-term rentals in township neighborhoods should be identified. He believes that there are likely many non-permitted short-term rentals in the township and that these non-permitted rentals should not be grandfathered in but should go through the permitting process as currently permitted short-term rentals have done. 2) Mr. Kustin expressed his concerns about the use of shipping containers, trailers, etc. for storage purposes. Current zoning does not permit such uses and he is concerned that those already in use in the township will be grandfathered in should the township continue to disallow them. Mr. Kustin's hope is that such temporary storage units will not be permitted on a long term basis and that the PC will study the issue to see how it is handled in other areas. He believes that such temporary storage units reduce property values in residential neighborhoods. 3) Mr. Kustin expressed his opinion that the names of those filing zoning or

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blight complaints should remain confidential unless the complaint rises to the court level. He believes the township receives relatively few complaints because the township residents are concerned about retaliation should their identity become public.

Jason Cain (Au Train township) - Mr. Cain expressed his opinion on two topics: 1) Mr. Cain supports the use of temporary storage units (i.e., shipping containers). He believes they are a very economic alternative to a storage building. He does not think that your neighbor having a temporary storage unit has any effect on the appraised value of your property. 2) Mr. Cain supports the short-term rental industry in the township. He believes that existing properties being used as short-term rentals should become grandfathered (i.e., nonconforming) should short-term rentals become more restricted in the forthcoming amending of the zoning ordinance. He believes the buying/selling of properties used as short-term rentals generates additional tax revenues. He also believes that short-term rentals, bed and breakfasts, resorts, hotels, etc. should be treated equally in the forthcoming amendment(s) to the zoning ordinance.

Matt Marenger (Escanaba) - Mr. Marenger spoke in support of short-term rentals. He stated that he owns multiple properties in the area (both within and outside of Au Train twp). He believes that, because of the nature of the short-term rental business, his properties are in better shape than the residential properties neighboring his short-term rental properties. He stated that (some) local properties used as long-term rentals have been turned into drug houses while, because of the nature of the business, short-term rentals are essentially immune from this problem. Stating that in a good year a short-term rental property is occupied 100 - 150 days, Mr. Marenger implied that auto/ATV/snowmobile traffic generated by the occupants of a short-term rental property is far less than if that same property were used as a permanent residence.

Michelle Doucette (Au Train township) - Ms. Doucette relayed comments she recently received from David Hebert (Au Train township). Mr. Hebert currently lives in Christmas and plans to retire in 2 ½ years. After his retirement, Mr. Hebert plans to use his residence as a short-term rental. Ms. Doucette also mentioned the possibility of placing a moratorium on shipping containers until the issue can be hashed out.

ZA McCarthy introduced himself. Mr. McCarthy believes blight is hurting the property values and the aesthetic value of the township and that making the community cleaner and less cluttered can only make it more marketable. He stated that we (i.e., himself, the PC, and the township board) are not going to disallow short-term rentals in the township. However, the township has been, and continues to be, inundated with short-term rentals and now is a good time to address the issue with a goal of protecting the platted areas which are historically single-family residential in nature and relegate short-term rentals to the historical areas in which they are typically found. Mr. McCarthy stated that (properly permitted) short-term rentals would be grandfathered in regardless of how the zoning ordinance is amended. He believes that hotels, cluster housings, campgrounds, etc. are a good possibility in the township's future.

The process of how blight complaints are handled was briefly discussed.

Secretary Lang read an email from Joel VandeVelde (Au Train township). In the email, Mr. VandeVelde expressed his concerns regarding short-term rentals in the township. His neighborhood (Christmas) has seen an explosion in the number of short-term rentals. He does not wish those who have invested time and money into short-term rentals to lose. However, he would like to see the trend reversed. He would

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like to see the number of short-term rentals frozen and a licensing system for short-term rentals implemented which is overseen by the PC and voted on by the Township Board.

Chairman Carr mentioned the township board's moratorium on new CUP applications for short-term rentals. He stated that the PC needs to determine how many short-term rentals, both legal and illegal, exist within the township and the locations of the short-term rentals. He also stated that he personally believes that illegal (i.e., non-permitted) short-term rentals should not be grandfathered in and that grandfathering them in would be unfair to those who have spent the time and money to get their short-term rentals properly permitted. Therefore, he will push the township board to either shut illegal short-term rentals down or require them to go through the proper permitting process.

New Business:

None.

Old Business:

Shipping Containers

J. Carr provided the recent history of: 1) the PC voting to ban shipping containers within the township in the upcoming zoning ordinance amendments; but 2) the board requesting that the PC revisit the issue.

Various aspects of shipping containers were discussed such as their visibility, aesthetics, and being temporary vs. permanent structures. J. Miller suggested that the PC put together a list of shipping container items and have the PC vote on each individual item. As examples: 1) Should shipping containers be visible from the highway? 2) Should shipping containers be permitted in the R1/2 district? 3) Should a CUP be required for a shipping container?

J. McCarthy will put together some basic language regulating shipping containers for our next PC meeting.

Vacation Rentals

Vacation rentals in the township were discussed. M. Lang gave an overview on his task of attempting to document the short-term rentals within the township.

ZA McCarthy suggested that following:

- Our definition of a short-term rental should state that it is a non-owner occupied structure.
- The township itself does not make money from short-term rentals.
- We should not permit short-term rentals in the traditionally residential districts.
- Where permitted, short-term rentals should only be permitted by CUP.
- For now, we make minor adjustments to the ordinance and make more substantial adjustments following an update to the township's Master Plan.

J. Miller talked of how past zoning administrators may have dispensed incorrect and/or confusing information regarding what was needed for a property to become a short-term rental and that there are multiple emails supporting this. He mentioned that the township board will have to determine how to handle those short-term rentals which are not currently permitted because of the incorrect and confusing

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information given. He also mentioned that currently several properties in the R-1/2 district are in various states of disrepair and that transitioning such properties into short-term rental could be good for the neighborhoods in which these properties exist. Therefore, he thinks that short-term rentals should be permitted by CUP in the R-1/2 district (which, traditionally, is a residential district). Mr. Miller suggested that the water, fire extinguishers, and other safety related items in short-term rentals be inspected on a regular basis. He also mentioned that adequate parking and proximity of an owner/manager should be strong determinants when considering a CUP for a short-term rental.

The conditions and process for revoking a short-term rental CUP was discussed.

J. McCarthy and M. Lang will propose short-term rental language prior to the next PC meeting.

Mobile Food Trucks

Mobile food trucks within the township were discussed. It was decided that food trucks would be allowed on private property in all districts within Au Train Township provided they have a current and valid license from the Alger County Health Department (LMAS).

Public Comment:

Lou Kustin spoke of how temporary storage containers (i.e., shipping containers, buses, trailers, etc.) on your neighbor's property can lower your property value in contrast to what a prior member of the public stated. He reiterated some of his concerns surrounding temporary storage containers and short-term rentals. He also reiterated his request that the names of those who file an official complaint with the township remain confidential. ZA McCarthy stated that he does divulge a complainant's identity unless required for legal reasons.

M. Doucette spoke of a blight complaint she has received and has passed on to ZA McCarthy.

Next Meeting:

A work session was scheduled for April 15, 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: CUP - Conditional Use Permit, PC - Planning Commission, ZA - Zoning Administrator