

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Tuesday, August 9, 2016 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

The meeting was called to order at 7:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair: Sherm Chamberlain
Members Present: Judy Clock, John Elzinga, Mary Eveleigh, Julee Roth, RJ Waddell
Members Absent: Toni Felter, Rick Golding
City Staff: Interim Planner Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

None.

D. Approval of Agenda

Motion by Member Clock, second by Member Roth to approve the agenda as presented. Motion passed by unanimous voice vote.

E. Approval of July 11, 2016 Minutes

Member Waddell stated that under Item C, it should read "Member Waddell" instead of "Chair Chamberlain" and the first sentence of Item J should be "Chair Chamberlain" instead of "Member Waddell". Motion by Member Elzinga, second by Member Eveleigh to approve the July 11, 2016 minutes as corrected. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

Albert Wojan spoke on behalf of his sister Madelyn Renaud. He stated that a garage was added onto a house that abuts his sister's property. The property is located on W. Hurlbut and Sheridan Streets, owned by Evelyn Loy. He noted that particular property has been situated as it has been for 50+ years. The new garage was built under the stipulation that the front yard would change. He said corner lots in the City have two front yards, a primary and a secondary, and he questioned how the primary front yard was determined.

Mr. Wojan stated that the house appeared to face Sheridan Street and the decision was made to switch the front entrance to W. Hurlbut. He said that with the new garage all entrances face Sheridan. He questioned that if the traditional front entrance changes to the new front yard, can the shed and patio remain where they are. He noted that the shed and patio were not permanent structures. He requested an answer so that this issue doesn't arise again and he felt that the vague language "traditional front entrance" should be clearly defined in the Zoning Ordinance.

Ms. Renaud said that the postal address of the property in question was 209 Sheridan Street. Chair Chamberlain stated the definition of front lot line for corner lots: the shortest of the two lot lines tangent to the street right-of-way or road easement. Mr. Wojan stated the issue is by switching the front entrance to W. Hurlbut it now allows the side yard setbacks to be 8' instead of 25', as the backyard is now a side yard. The Commission advised that the issue would need to be brought before the Zoning Board of Appeals.

Ms. Renaud questioned whether Ms. Loy could keep the shed and deck as is. Interim Planner Panoff responded that it would be an existing, non-conforming structure and yes they could remain. Ms. Renaud noted that they were existing, but not permanent because there was no foundation under either structure. Member Clock commented that the homeowner did not consider that side of her property the front yard when the shed and deck were installed. Interim Planner Panoff stated that a new shed would not be allowed, but because it already exists they could not force the homeowner to remove the shed. Member Eveleigh stated that the best course to take would be to bring the matter before the Zoning Board of Appeals. Member Roth felt that the Board needed to further clarify the Zoning Ordinance. Chair Chamberlain stated that each member of the Commission could review the situation and then determine if the Commission wanted to forward the matter to the Zoning Board of Appeals.

G. New Business

None.

H. Old Business

1. Review of Zoning Ordinance Amendments

a. Review Language for Potential Updates

Interim Planner Panoff began a review of proposed Zoning Ordinance amendments. Member Roth referenced page 5 in the agenda packet and stated that the subsections reference both boathouses and inland dredging and should be separated for clarification. Discussion followed regarding upland dredging by special permit only and inland dredging issues. The Commission concurred that inland dredging and upland dredging needed to be defined clearly in the Ordinance. Interim Planner Panoff summarized that the Commission wanted to add definitions for inland and upland dredging to the Ordinance, add upland dredging instead of inland dredging in Table 5.60 as a special use, and clarify section 5.46.

Member Clock referenced Section 5.60 "all fences shall be constructed with the finished side exposed to the neighboring properties". She commented that there are fences that are double-faced. Member Roth indicated that deer fences were not addressed in this section. Interim Planner Panoff stated that he has not received complaints about deer fencing. Member Waddell questioned whether a permit was required to put up a deer fence and Interim Planner Panoff recommended that there should be a permit.

Member Waddell questioned the regulations for a corner lot whereby a front yard fence had to be a maximum height of 3', but a side yard fence could be 6'. Interim Planner Panoff clarified that the side yard started behind the edge of the house.

Interim Planner Panoff explained what language was added to the retaining wall section. Member Everleigh questioned what if someone was using natural trees or vegetation as a wall or fence and they fail to take care of the landscaping. Member Roth stated that Code Enforcement should be contacted. Member Waddell thought that the retaining wall language was a good start.

Chair Chamberlain referenced the memo from Claire Karner, Community Planner at LIAA, regarding *Enacting Shoreline Zoning Protections Around Lake Charlevoix*. He stated that most of Round Lake was covered in sheet piling and most elevations were set at heights that were above the all-time high water line. He felt the Commission should redefine water elevation; it was kind of a meaningless commodity for houses not on the extreme northeast corner of Round Lake. Member Waddell commented that he could not find where the 582.35' number comes from. Chair Chamberlain stated that number was the highest recorded elevation whereas the ordinary high water mark is a legally defined elevation by each governing body. Discussion continued regarding the high water elevations of 581.5' versus the recommended ordinary high water mark of 582.35' (International Great Lake Datum) for Lake Michigan, Pine River Channel, and Lake Charlevoix. Member Waddell wanted to see a map or a survey that would show how the higher water mark would affect existing properties. Member Clock stated that she would like to know if the Townships have changed their high water mark to 582.35' before the Commission makes a decision.

Member Roth referenced page 10 of the agenda packet, regarding regulating the number of docks allowed. She felt that they needed to be cautious because Harbor Club has installed small docks for paddle boarding or kayaking. She questioned if that would count as two docks. Member Roth felt that would cause a lot of people to be upset. Member Waddell questioned if the finger docks at the marina were counted as one dock. He commented that the way the proposed language was worded is unworkable. Chair Chamberlain stated that it would be difficult to control the number of docks and any alteration would require Army Corps of Engineers and DNR permits. Historically they have a line of navigation that has established the length of the docks.

Member Roth questioned whether the Commission should consider some kind of anchor safety zone near docks so vessels could move around the lake. Member Waddell suggested including a map of where boats are allowed to anchor in the lakes. Member Roth recalled that the Sheriff's Department told her that a right-of-way was needed for maneuvering boats. Interim Planner Panoff indicated that the City could not regulate where boats anchor. Chair Chamberlain suggested checking with the Army Corps of Engineers as to guidelines or safe mooring distances.

Discussion followed regarding the recommended edits listed on page 9 and the Commission concurred to add site plan review for waterfront developments. Member Waddell stated he was not ready to address the suggested language regulating the number of docks on page 10. He felt it was too vague and there were too many issues.

Member Roth stated that the intent appeared to limit boats, however they shouldn't be limiting people's access to boats.

Discussion continued regarding proposed language specifically regulating or prohibiting keyhole/funnel development and the Commission concurred that the language was not needed.

b. Planning Commission Discussion on Rental Regulations

Member Waddell stated he liked South Haven's "Good Visitors Guide", having a contact person available 24 hours a day for rental properties, informing everyone within 300' that the owner was going to rent their home as a short-term rental, and maximum occupancy and maximum visitors allowed. Member Roth suggested that a sub-committee should draft suggested language regarding rental properties.

Chair Chamberlain questioned if City Council had the political will to pass an ordinance regarding short-term rentals. Interim Planner Panoff replied that there were a few who mentioned short-term rentals. Chair Chamberlain directed Staff to look into what type of lodging tax is charged by hotels/motels in town. Members Roth and Waddell agreed to work as a sub-committee to draft short-term rental language. Interim Planner Panoff stated that Amanda Wilkin from the Convention and Visitors Bureau would be a good person to include on the sub-committee.

c. Direction for Language Changes, Further Staff Research, etc.

Member Roth suggested that there should a "safe zone" in the City in front of cameras for an exchange of goods. Interim Planner Panoff responded that would be an issue for the Police Department to address.

I. Staff Updates

None.

J. Request for Next Month's Agenda or Research Items

None.

K. Adjournment

Motion by Member Elzinga, second by Member Eveleigh to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 8:53 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair