

Laketon Township Planning Commission
April 13, 2022 Regular Meeting & SLU Public Hearing Minutes – APPROVED 8/10/2022

CALL TO ORDER: Chairperson Bob Marine called the meeting to order at 6:00 pm

PLEDGE OF ALLEGIANCE:

ROLL CALL:

- Present: June Earhart, Dave Mieras, Paul Hoppa, Eric Anderson, Suzanne Hayes and Bob Marine.
- Absent: DJ Hilson w/notice.
- Also present: Zoning Administrator Heidi Tice, Recording Secretary Veronica West, Township Supervisor Kim Arter, Applicant Jenna Slayton, representing Carolyn Parrish and approximately 10 (ten) citizens.

APPROVAL OF AGENDA: Eric Anderson moved to approve the agenda, with the addition of discussion on the Witham Road Corridor as an unfinished business item. June Earhart supported the motion and the motion carried by voice vote.

APPROVAL OF MINUTES: June Earhart moved to approve the minutes of March 9, 2022 as presented. Eric Anderson supported the motion. The motion carried by voice vote.

PUBLIC HEARING:

- **Special Land Use Application for C. Parrish at 735 Scenic Drive for a Bed & Breakfast establishment:**
 - Chairperson Bob Marine asked for a motion to open the public hearing, but it was noted the publication stated the Public Hearing was to start at 6:10 pm. The PC discussed a few of the regular agenda items until the public hearing time arrived. June Earhart moved to open the public hearing and Eric Anderson supported the motion. The motion carried by voice vote and the public hearing began at 6:10 pm.
 - Chairperson Bob Marine asked Zoning Administrator Heidi Tice to read aloud the written application received. She did read the applicant's description of the proposed bed and breakfast, noted that included with the application was a site plan of the layout of the property, showing parking and garbage storage areas as well as the layout of the lower level of the home to be used for the bed and breakfast rental area; including 2 bedrooms, living area, 1 bathroom and kitchen and dining area. She did also note there appears to be some violations of the township anti-blight ordinance, which she provided photos of that she took on her site visit. She also requested the PC members consider a condition of any approval that would require compliance with the Anti-Blight Ordinance. There was some discussion of the blighting factors (old fencing, old misc equipment/toys etc), whether there was a history of blight enforcement at this address, to which ZA Heidi Tice replied she did not know of any history of blight. She also explained the township policy and ordinance enforcement process.
 - Chairperson Bob Marine asked PC Secretary Dave Mieras to verify publication of the Public Hearing notice and read it aloud. It was read aloud and publication noted to have taken place on 3/27/2022 in the Muskegon Chronicle. *Note: a map and list of properties within 300 ft was also supplied the PC members with a notation that all of these properties were provided with a mailed notification of the application and public hearing date/time, in accordance with the Zoning Ordinance requirements.*
 - Discussion began and several members asked for clarification on who the property owner is, who the applicant for the special land use is and who lives on the premises. Applicant Jenna Slayton spoke, noting she is the applicant, she resides on the property with her mother Carolyn Parrish. She added the home is in her mother's name, but she has a guardianship and is the legal conservator for her mother and has the ability to sign for her.
 - Chairperson Bob Marine asked if Ms. Slayton had any comments to add to her application, she did not.
 - Chairperson Bob Marine ZA Heidi Tice to give a brief overview of the written staff report she gave to the PC members. She quickly reviewed the 13 specific requirements outlined in the ordinance for a Bed & Breakfast establishment, the applicant has show she meets 12 of the 13 items, the only thing that needs correction is that the trash area needs to be screened by privacy fencing, to which Ms. Slayton noted there is a trash storage area behind privacy fence gates next to the

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- driveway/parking area. ZA Heidi Tice did also cover the fact that this establishment has been in operation for over a year without a special land use approval and it came to the township attention when the property owners went to the Michigan Tax Tribunal over issues relating to the PRE (Principal Residence Exemption) percentage. There was some additional discussion of a couple of accessory structures on the property and whether or not they were erected/constructed with the appropriate permits; to which Ms. Slayton noted the one shed was there when her parents purchased the property in 1965 and the other is a screened enclosure around a sandbox for her grandchildren when they visit.
- Chairperson Bob Marine reviewed aloud the procedures for public comment; each person wishing to speak must state their name, their address and limit their comments to no more than 5 minutes. Public comment began at 6:25 pm.
 - Josefa (Joe) Chaplow of 688 Scenic Dr stated the applicants are very nice people, but she has concerns, having been in the rental business herself in the past; minimum age of renters as 18 year olds tend to party and this affects the neighbors, is there a limit to the number of guests? What about the blight in the yard? If the property is sold does the B&B transfer to the new owners? Ms. Chaplow commented on the short term rentals, noting they are not permitted by ordinance but do occur and she hopes any approval of a B & B would not set a precedent for more short term rentals. Ms. Chaplow suggested not advertising the Lake Michigan access as that brings people to the beach which sometimes has them trespassing on private property. She also asked if there would be a rule about lights on the beach and what time they would be required to be off. Ms. Slayton answered there are two bedrooms (a queen bed and a king bed) advertised as sleeps 4, but there could be small children in addition to that). Ms. Slayton also commented that she isn't the only one on Scenic Drive doing this type of rental.
 - Don Vanderlaan of 707 Scenic Dr concerned about requirements/rules give to renters about how to get to the beach/lake and not trespass on private property, and told of an incident where some people came up his beach stairs and gave him a difficult time. He added he has seen groups of people going up and down the dune with coolers which damages the dune. Ms. Slayton stated she instructs her guests & provides a map of her property and where they are permitted to be; she can't watch the beach every minute of the day and with the state park just a short distance away can't be responsible for everyone on the beach that may trespass on private property. Ms. Slayton added she has not had groups partying on the beach, but mostly families enjoying hiking at the state park.
 - No further public comment occurred and Paul Hoppa moved close the public comment portion of the public hearing and Dave Mieras supported the motion. A voice vote occurred and the motion carried but there was one "nay" vote.
 - PC Deliberations:
 - Dave Mieras commented on the township not permitting short-term rentals as a residential use but then allowing special land uses for bed & breakfast establishments in certain residential areas seeming to be inconsistent.
 - Eric Anderson commented that the bed & breakfast establishments under a special use are more like anyone having houseguests as the property owner resides on-site and has more oversight of the activities taking place whereas short-term rentals the property owner does not reside on site and has little oversight of what takes place on their property. He also commented on the blighting factors on this property that should be addressed and noted he felt in order to get the special land use approval there should be a requirement that the property will comply with all township ordinances.
 - June Earhart commented on these types of rentals existing without township approval or in violation of township ordinance as she sees cars up and down Scenic Drive and if this application is not approved by the PC, how can we be sure the use stops and doesn't just continue without approval – as it has been up til now. Eric Anderson commented that there may be other illegal rentals in the area but that can't be a consideration for this application.
 - There was extensive discussion regarding blight with Zoning Administrator Heidi Tice explaining the township process on ordinance enforcement and noting the PC can put conditions on any approval it may grant on this special land use application and give "more teeth" to enforcement action for ordinance violations. Bob Marine commented the blight is a separate issue from the special land use application.
 - Eric Anderson commented that per the zoning ordinance, this is an allowable special land use for this district, and based on the information presented it meets the ordinance requirements but he feels the blight needs to be dealt with. Ms. Slayton stated she has been working on the blight since she moved in with her mother several years ago and

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has removed several dumpsters full of stuff, she asked they remember her parents have lived in this home since 1965 and it is a lot of work to remove all the accumulated items.

- Paul Hoppa moved to approve the special land use for a bed & breakfast establishment at 735 Scenic Drive as presented. Eric Anderson suggested an amendment to the motion to include a condition for compliance with the township blight. Paul Hoppa declined to amend the motion stating that compliance with ordinances applies to all properties, so it goes without saying that compliance is required. Suzanne Hayes supported the motion. A voice vote took place, it was difficult to determine how many votes were yeas in favor and nays in opposition. A roll call vote followed. Voting in favor of the motion were: Paul Hoppa, Suzanne Hayes, Eric Anderson and Bob Marine. Voting in opposition to the motion were June Earhart and Dave Mieras. The ayes carried the motion. The Special Land Use was approved.
- Eric Anderson moved to close the public hearing. Suzanne Hayes supported the motion. The motion carried by voice vote and closed at 7:01 pm.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY: NONE

CORRESPONDENCE:

- **Annual Zoning Permits Report:** Summary report of numbers of different permits issued covering 4/1/2021 – 3/31/2022, no discussion, provided for informational purposes only.
- **Resident Email Correspondence:** Zoning Administrator Heidi Tice comment on the email correspondence from a resident that initially started with former Zoning Administrator Theresa Maner in 2020. The resident expressed concern over a home occupation business in his neighborhood that was a licensed FFL (Federal Firearms License) gun dealer. She noted the email writer is in the audience tonight to speak during public comment due to an incident that happened last Monday involving the breaking and entering of the home of the FFL gun dealer and resulting in fatal shooting of the criminal suspect by Michigan State Police.

UNFINISHED BUSINESS:

- **Section 3.29 Major Street Setbacks:** Zoning Administrator Heidi Tice explained she does not have the new draft language from the township attorney yet, but wanted some clarification as to what the PC wanted in the language – discussion revealed the PC had intended for the east/west roads of Fenner, W. Giles, & W. River, west of Buys all have the 100 foot front yard setback – not just W. Giles as these roads to the east of Buys Rd is mostly developed and requiring that kind of setback in that area is creating a lot of non-conformity and preventing existing homes from having the ability to be improved in various ways. ZA Heidi Tice will get that information to the Township Attorney. No further action taken.
- **Elect New Vice-Chairperson:** It was found to be a violation of state law to have the township board rep to the PC (Eric Anderson) also be an officer of the PC, so he cannot be the vice chairperson. No one else volunteered to take the position. Eric Anderson moved to table this to the next meeting. Paul Hoppa supported the motion. The motion carried by voice vote.
- **Witham Rd Corridor:** Eric Anderson commented on his conversation with the township attorney on this subject to fix the zoning issues in this area. He also commented he mis-spoke at the last meeting when referring to the residential zoning by saying R3, when he should have said R4. He still wants to allow the R4 residential use and the C2 commercial use as permitted uses in that area rather than make the R4 uses a special land use, which has costs to the property owner associated with it. Eric Anderson then made a motion to ask the Laketon Township Board of Trustees for permission for township staff to put out an RFP for a professional planning consultant to develop appropriate language for zoning in the Witham Road Corridor. Paul Hoppa supported the motion. The motion carried by a voice vote.

NEW BUSINESS:

- **Proposed Capital Improvement Plan 2022-2027:** Discussion covering the fact that state law requires the Planning Commission to develop a capital improvement plan exists even though the Planning Commission doesn't have much knowledge of the funding side of things, so the PC had a worksession with members of the Board of Trustees to discuss this plan. The proposed plan needs to be recommended to the Board of Trustees to move forward. Eric Anderson moved to recommend approval

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of the draft/proposed capital improvement plan 2022 – 2027 to the Laketon Township Board of Trustees. June Earhart supported the motion. The motion carried by voice vote.

- **Approval of 2022 Annual Planning Commission Meeting Dates:** Zoning Administrator Heidi Tice explained the Planning Commission by-laws require certain “housekeeping” tasks each year, and this one was missed at the January 2022 meeting. There are not changes to the regular monthly meeting date – the 2nd Wednesday of every month at 6:00 pm. Eric Anderson moved to accept/adopt the 2022 meeting dates as presented. Paul Hoppa supported the motion. The motion carried by voice vote.

PUBLIC COMMENTS:

- **Ryan Klootwyk of 1973 Sugaridge Dr:** Mr. Klootwyk spoke of his years as a Laketon Twp resident and raising his children in Laketon Township. He spoke of his frustration after getting a new neighbor that had a high volume of delivery trucks on a daily basis and then learning that new neighbor had an online gun store run out of his home. He stated he has expressed concern about that type of business attracting the wrong type of attention. He stated he is not anti-gun and owns guns himself but doesn't feel it is appropriate in a residential neighborhood. He added his fears had come true a little over a week ago when someone broke in to the home next door that sells guns and a man was shot and killed by the State Police. He added the man trespassed across his and other private property to specifically get to the home he broke in to. He spoke about how this event has proving his fear of something terrible happening in his once safe neighborhood. He asked the Planning Commission to do something to protect their neighborhood from this happening again.
- **Ryan Klootwyk (jr?) of 25 Delany in Grand Rapids:** Mr. Kootwyk explained the man who just spoke is his father and that he had been raised here in Laketon Twp. He stated there was recently a thief in their neighborhood attracted to this neighborhood to steal guns from the gun store next door. He stated he doesn't feel this is a secure location and it isn't safe to have this kind of business in the community as it brings violence and now a man has died 500 feet from the yard he played in as a child.
- **Rhonda Klootwyk of 1973 Sugaridge Dr:** Mrs. Klootwyk stated she no longer feels safe in her home because of what happened last week. She talked about the heavy amounts of delivery trucks and unmarked cars that are there for 10 or 20 minutes then leave, also of packages left on the porch that could be guns that anyone could steal. She added she is scared to be home alone, doesn't want this in her neighborhood and now probably can't even sell their home as the gun store and the police shooting is in the news. She begged the PC to do something about this situation.
- **Tim Johnson of 2086 Scenic Dr:** Mr. Johnson stated he came home around 5pm the day of the incident with State Police investigators all over his yard. Stated the man that broke in to the home on Sugaridge Dr parked the car on his property and hid it with pieces of fence. He added this shows it was a pre-planned attack on this neighborhood. He stated he doesn't mind home businesses, but a man was killed by police coming back to his car with an armload of rifles. He stated this is a dire situation that needs to be addressed.
- **Chris Simpson of 2002 Sugaridge Dr:** Mr. Simpson stated he is the owner of the home that was attacked and asked for everyone to remember that he and his family were the victims of this crime. He stated a violent criminal entered his home when his teenage daughter was home alone. He stated he trained her well and she called 911 but was terrorized by this man in their home. He stated it was the poor choices and actions of this criminal that caused the situation that day. Mr. Simpson stated he is a retired law enforcement officer and discussed rural break-ins happening every day. He stated all his inventory and firearms were secured and he has a security system in place. He stated he has been in business for 13 years and contacted the Laketon Twp Zoning department in 2016 prior to buying and moving in to his home on Sugaridge to make sure he was compliant with the rules and regulations. He added that in recent years he has been harassed by complaints against him for the business, his accessory building, his trailer, his boat and his daughter making tik tok videos riding scooters with friends in the road. He stated he and his wife do a lot of online shopping and has even scaled back his online sporting goods business recently because he has another job. He spoke about it being a public road and even with the deliveries is still a quiet road, which is one of the reasons he chose to purchase the home here. He stated it is unfortunate that a man was killed due to his poor choices. He added nothing was stolen from his home, he lost nothing. He added this was the first incident that has ever happened to him and his business and called it an anomaly. He thanked the PC for allowing him to speak and excused himself to leave for an appointment.
- **Tim Johnson of 2086 Scenic Dr:** Mr. Johnson said guns are fired at Mr. Simpson's address.
- **Ryan Klootwyk of 1973 Sugaridge Dr:** Mr. Klootwyk stated he doesn't know why Mr. Simpson thinks there is a campaign against him because he doesn't know anything about tik tok videos, he only

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complained about the business and shed and items stored outdoors based on township newsletters about ordinance rules. He added he doesn't want to have to hope to be safe, he wants to be safe.

- **Josefa Chaplow of 688 Scenic Dr:** Ms. Chaplow stated she believes in guns, but now that pot has been made legal, would a pot store be allowed? Can other online gun businesses in homes be prevented?
 - Zoning Administrator Heidi Tice noted Laketon Township opted out of recreational marijuana which effectively prohibits any legal/licensed recreational marijuana businesses within the Township. She added that ordinances can be set up to dis-allow certain activities.
 - Eric Anderson explained that this business (belonging to Mr. Chris Simpson) came in to existence legally. He briefly touched on the process to change the rules but that even if the rules are changed, this business would be a legal non-conforming business as it was legal when established. He added the township cannot legislate Mr. Simpson out of business with an ordinance. He added State and/or Federal laws may be different. Eric Anderson also added that home occupations and home based businesses are allowed as long as they follow all applicable ordinances.
 - Ryan Klootwyk stated that weapons should be looked at differently, that this business in a residential neighborhood is wrong. He added he has contacted his state legislators and the ATF (Dept. of Alcohol, Tobacco and Firearms) and they told him local zoning has the authority to prevent this business. He expressed frustration that no one told him when this business went in next door to him.

BOARD REPORTS:

- **Board of Trustees:** No report.
- **Zoning Board of Appeals:** No meetings/no report – a meeting coming up soon.
- **2021 Annual Summary of Planning Commission Activity:** Zoning Administrator Heidi Tice noted that in addition to this summary of activity; she did send a reminder to an applicant from last summer that is required to put up a privacy fence and that property owner has been in and secured the permit to install the fence – they have until August 2022.

ADJOURNMENT:

- Eric Anderson moved to adjourn. June Earhart supported the motion. The motion carried and the adjournment occurred at 7:45 pm.

Respectfully Submitted:

Veronica West
Recording Secretary