

SANDS TOWNSHIP PLANNING COMMISSION MEETING
SANDS TOWNSHIP OFFICE COMPLEX
September 17, 2024

1. **Call to Order and Pledge of Allegiance:** Shelley Brauer called the meeting to order at 6:30 p.m.
2. **Roll Call:**
 - Present:** Shelley Brauer, Cory Bushong, Suzanne Sundell, Pam Lajewski-Pearson,
 - Absent:** Justin Yelle (excused)
 - Employees in Attendance:** Randy Yelle (zoning administrator), Barb Kransi (recording secretary)
 - Public in Attendance:** David Janofski, Edward Brauer, Eric Brown, Barb Murringer, Amy Buck, Jeremy Johnson
3. **Agenda:** Commissioner Lajewski-Pearson moved; Commissioner Sundell seconded motion to approve the agenda
Ayes: 4 Nays: 0 Motion carried.
4. **Minutes:** Commissioner Sundell moved; Commissioner Lajewski-Pearson seconded motion to approve the minutes from the July 16, 2024 Planning Commission meeting as presented
Ayes: 4 Nays: 0 Motion carried.
5. **Public Comment:** Eric Brown and Barb Murringer reserved time
6. **Business:** Eric and Lynn Brown request to operate a short-term rental business at their property at 20 Timber Creek Road (parcel 52-14-112-052-20):
 - a. Public hearing SUP24-05
 - Commissioner Brauer turned the hearing over to Commissioner Bushong due to her conflict of interest as a neighboring resident
 - Commissioner Bushong opened the public hearing
 - Randy Yelle summarized request to operate a short-term rental business at property at 20 Timber Creek Road
 - ❖ Stated Township provided notification to surrounding property owners and received letters/emails both against and in support of the request
 - ❖ Mr. Yelle met with the township attorney who reminded him 1. a short-term rental is an approved use per the zoning and 2. use must meet with conditions outlined in Section 704 General Standards (A-H) and 3. Planning Commission may impose additional conditions, if approved
 - ❖ Commissioner Lajewski-Pearson mentioned subsection D, which requires the proposed use “will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection...” and noted that there might be an issue with fire department access

- Requestor input
 - ❖ Eric Brown handed out information about his rental and stated that the rental is an apartment that is part of the lower level of his house. The Browns are present (in their home) to monitor renters.
 - ❖ The apartment has operated as a rental since 2016, at which time he was unaware a permit was required.
 - ❖ He allows a maximum of two renters with one vehicle
 - ❖ No pets, children, parties, or events are allowed.
 - ❖ The rental has a five-star rating on VRBO and they have never received a complaint in the eight years.
 - ❖ The Browns carry liability insurance for the rental and they pay income and sales tax on the revenue.
 - ❖ Rentals are generally available June through October
- Public input
 - ❖ Ed Brauer: Stated the Browns are good neighbors, and there is no animosity between them. The Brauers moved to area for privacy and minimal road traffic. He said Timber Creek is a private road with a road association to which all the neighbors contribute for road maintenance. He mentioned that each property's deed indicates no business use is allowed and acknowledged that the township does not recognize those restrictions. He expressed concerns from a safety standpoint and noted that emergency equipment access is not guaranteed. He fears property owners, as a road association, would have liability in the event a renter was injured while using the road.
 - ❖ Barb Murringer: Introduced herself as another neighbor. Stated that she felt like members of the road association should have been notified of a business operating in their neighborhood. She's concerned about the possible added financial burden of additional traffic on the road and the possibility of liability if a renter was injured.
 - ❖ Mr. Brown noted again that he maintains a separate liability policy to protect renters in the event of injury.
- Commissioner Bushong closed public hearing.
- Planning Commission questions and comments
 - ❖ Commissioners Lajewski-Pearson and Bushong clarified with Mr. Brown and Mr. Brauer the type and scope of the road association.
 - ❖ Commissioner Lajewski-Pearson clarified that traffic generated by rental is limited to one vehicle per rental.
 - ❖ Commissioner Bushong confirmed that the Browns are always in residence when there is a rental.
 - ❖ Commissioners engaged Mr. Yelle with questions about possible conditions to be applied if the SUP is approved.
 - ❖ Mr. Yelle clarified that the township does not recognize covenants.
 - ❖ Commissioner Sundell asked how the rental operated for eight years without notice. Mr. Brown reiterated that when they started renting the space they did not know they needed a permit and that they have never had a complaint. Mr. Yelle confirmed the township had not received complaints in the past.

- ❖ Mr. Yelle clarified that an approval of this SUP would not set a precedent for other properties and that any future request would require a separate SUP and public hearing.
 - ❖ David Janofski stated that he has noticed traffic on the road for years.
 - ❖ Commissioners discussed possible conditions of approval, including ensuring the approval would terminate if the property was sold, review of SUP in one year, requiring that the road association be listed as an additional insured on the Brown's liability policy. Mr. Yelle further recommended that conditions include from Mr. Brown's document: two people and one vehicle maximum; no children, pets, events, or parties; rentals limited to the months of June through October; and maintenance of liability insurance.
 - ❖ There was a discussion about the actual costs of road maintenance. A question regarding rental extending during other times of the year would be addressed by condition of approval.
 - ❖ Ms. Buck initiated additional discussion about the Brown's liability insurance policy and adding the road association as an additional insured to protect the members of the association. Mr. Brown clarified that the road association has liability insurance, and that he has a separate, additional umbrella policy.
 - ❖ Ms. Buck also asked if, as a condition of approval, the Browns could be required to bear more of the cost of the road maintenance. Mr. Yelle said no.
- b. Following commissioner questions and discussion, Commissioner Lajewski-Pearson moved that a decision regarding SUP24-05 be tabled until the October 15, 2024 meeting in hopes that the full board (except Commissioner Brauer) can consider it.

Motion seconded by Commissioner Sundell

Ayes: 3 Nays: 0 Abstain: 1 Motion carried.

7. Zoning Department/MCSWMA Authority Activity Reports:

Board reviewed activity reports.

- 8. Public Comment:** Jeremy Johnson reminded commissioners that he will be seeking approval of an amendment to the access requirement of his existing SUP for Kona Hills Campground in the October 15 planning commission meeting. He stated that they have received approval from MDOT and the City of Marquette and construction has commenced. The entrance has been expanded from 40 feet to 300 feet wide. The Sands Township Fire Department is scheduled to come to the property on Wednesday, September 18 to look at the road access as well as the water retention area.

9. Pet Ordinance draft

Randy Yelle stated that the Sands Township Board declined to approve the recommended changes to the Dog Ordinance. They determined that changing “dog” to “pet” was too restrictive, and instead recommended changing “dog” to “dog and cat” as appropriate. Mr. Yelle handed out revised draft copies and stated that the Planning Commission would address the ordinance in the October 2024 meeting.

10. Commissioners Comment: None

11. Adjournment: Commissioner Shelley Brauer adjourned the meeting at 7:14 p.m.

Shelley Brauer
Chairman

Pam Lajewski-Pearson
Secretary

Barb Kransi
Recording Secretary

DRAFT