

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD
WEDNESDAY, OCTOBER 20, 2021

A meeting of the Cooper Charter Township's Planning Commission was held on Wednesday, October 20, 2021 pursuant to the Open Meetings Act.

Members Present: Asselmeier, Corke, Fooy, Frederick, Feil, and Wiersma.

Members Absent: Boekhoven.

Also Present: Anne Seuryneck, of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Julie Johnston, Township Planner and Zoning Administrator. Additional attendees; Applicants, Robert and Kathleen Kovacevich.

Chairperson Asselmeier called the meeting to order at 7:00 p.m.

Approval of Agenda

A motion was made by Comm. Wiersma, supported by Comm. Corke, to approve the agenda. Motion carried 6-0-1.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the August 18, 2021 meeting. Comm. Frederick stated that the minutes should be corrected to reflect the fact that Comm. Wiersma was absent at the last meeting. Comm. Frederick also stated that when he spoke at the end of the last meeting, he wasn't implying that the ordinance enforcement officer wasn't doing his job. Instead, Mr. Frederick was trying to convey that additional training for the Township Board may be helpful when addressing ordinance violations.

A motion was made by Comm. Frederick, supported by Comm. Corke, to approve the minutes as corrected. Motion carried 6-0-1.

Citizen Comments

None.

Ordinance Amendment Application of Robert and Kathleen Kovacevich, to consider allowing bed and breakfast establishments in the A: Agricultural District.

Chairperson Asselmeier acknowledged that the applicants had spoken with the Commission on two other occasions and asked if they would like to make any comments prior to the commissioners discussing their application.

Applicant Robert Kovacevich stated that he and his wife own a barn-house bed and breakfast that they were operating without knowing that their property wasn't properly zoned for that purpose. Receiving a cease-and-desist letter from the Township started the process that brought them before the Commission in the hope that a text amendment is adopted so that they may once again rent their barn-house as a bed and breakfast. Mr. Kovacevich stated that while operating their Bed and Breakfast they had been successful with guests while being sensitive to the neighbors. Mr. Kovacevich reiterated that he and his wife reside on the property while guests are present and do not allow events on the property. During their time running the rental, guests have left amazing reviews regarding the wildlife, ponds, and beautiful surroundings. Mr. Kovacevich added that he desires to operate in a manner that is acceptable to the community and in compliance with the zoning laws. Mr. Kovacevich apologized for not recognizing that they had not been in compliance with the zoning ordinance while running the bed and breakfast.

Chairman Asselmeier stated that the issue before the Planning Commission is if they would like to recommend a zoning text amendment to the Township Board allowing bed and breakfasts in the agricultural district and recommend a public hearing at their next meeting.

Comm. Corke asked if the Planning Commission were to allow bed and breakfasts in the agricultural district, would they be able to regulate the use, and control the environment.

Township Planner Johnston remarked that in many rural communities there are buildings that lend themselves to becoming bed and breakfasts due to their size and historic nature. If the Township allowed bed and breakfasts as a permitted use in the agricultural district than anyone would be allowed to open one. Instead, Ms. Johnston proposed allowing bed and breakfasts as a special exemption use which would require residents to apply and seek Planning Commission approval prior to operating a bed and breakfast.

Chairman Asselmeier stated that the Commission is not voting to approve anything this evening, but instead is there to decide if a public hearing should be held. If the commission thinks that bed and breakfasts are an appropriate special exception use, then the public hearing would be held at the next meeting.

All of the Commissioners supported moving forward with the zoning text amendment allowing bed and breakfasts as a special exception use.

Comm. Frederick asked if they had to have the public hearing on allowing bed and breakfasts as a right as well as a special exception use, or can they move forward with a public hearing the special exception use only. Ms. Johnston responded that if the Commission recommended scheduling a public hearing, it would be on allowing bed and breakfasts as a special exception, not as a right. At the public hearing, the Planning Commission could then vote to recommend the zoning text amendment to the Township Board, who would then have to approve it.

Township Attorney Anne Seurnyck stated that in reviewing the text she would suggest that a sentence be added to the definition of a Bed and Breakfast\Inn. The sentence would define an "Innkeeper" as the real property owner and operator of the establishment. Then for consistency,

Attorney Seurnyck suggested the Township use the term Innkeeper when referring to the owner/operator of a bed and breakfast.

Comm. Frederick asked what the difference was between an AirBnb and a Bed and Breakfast. Julie Johnston responded that owners of Bed and Breakfasts reside on the property and operate it while guests are visiting.

Chairperson Asselmeier stated that since the Commission agrees, they will have a public hearing on the zoning text amendment at their next meeting.

The applicants inquired if they needed to attend the public hearing. Julie Johnston responded that the applicants may want to attend in case a township resident had any questions about the application. Commissioner Frederick added that the text amendment would apply to the entire township and not just to the applicants. The Kovacevich's would still need to apply for a special use permit if the zoning text amendment is approved by the Township Board.

Julie Johnston stated that since the Planning Commission was moving forward with the public hearing on the zoning text amendment for bed and breakfasts, she thought it was prudent to review the language in the current zoning ordinance that allows bed and breakfasts in the CBD district and update it to resemble the language for the agricultural district. Ms. Johnston explained that within the CBD district there are not as many zoning regulations as in the agricultural district. Ms. Johnston stated that some of the regulations regarding screening and setbacks weren't necessary in the CBD district since they are trying to encourage business in that location of the Township. Ms. Johnston asked the board if they had any concerns about having a public hearing on the zoning text amendment to the CBD district.

Comm. Fooy asked how parking would be handled in the CBD district. Ms. Johnston stated that in both the agricultural district and in the CBD district, bed and breakfasts would have to maintain a parking lot with one parking space per guest staying overnight as well as one spot for the innkeeper.

Review of Zoning Ordinance Amendments to Section 120.14: Definitions.

Township Planner, Johnston stated that since the Commission was already reviewing a zoning text amendment, she thought it may be a good time to make a few updates to the definitions section of the zoning ordinance. Ms. Johnston suggested the following definitions be amended:

“Building height” due to the way the definition building height was written it was confusing and difficult to apply. Some structures in the Township do not have a roof making enforcement of height difficult, therefore Ms. Johnston recommended changing the definition by removing the word “building” and using “structure” instead.

“Dwelling” Ms. Johnston stated that the current definition is of a “dwelling unit” and she would recommend the word “unit” be removed so that a dwelling is a place that one family sleeps in order to make it clear that the Township does not allow short term rentals.

“Family” Ms. Johnston suggested that the definition to the term family be amended. In essence there would be 3 definitions under family. The first definition would allow an unrelated individual like a nanny to reside with a family, the second would prevent more than 4 unrelated people from occupying a dwelling, and the third shores up language preventing seasonal, transitional, resort, types of living situations from being allowed within the single-family residential district.

“Garage Sale” Ms. Johnston stated that the Township does not have a definition for garage sales which has created enforcement issues when faced with people having ongoing sales. The definition would allow residents to have a 3-day long garage sale once every three months. Comm. Frederick stated that he was aware of a second garage sale issue with a property located in the Spartan neighborhood in which the resident had been operating a garage sale all summer long.

Chairperson Asselmeier asked if there were any additional comments on the updated language Ms. Johnston presented, to which there were none. Ms. Johnston stated that she would like to include the definition amendments to the public hearing next month.

Commissioner Comments

Comm. Frederick stated that the County Board of Commissioners is proposing the elimination of 2 seats on the Board, which he believes would impact the representation for the Township. Comm. Wiersma stated that the elimination was already a done deal and that the wheels to do so have been in motion. Ms. Johnston stated that from her understanding each seat on the County Board represented an area within the County. The commission discussed the removal of the two seats.

Adjournment

A motion was made by Comm. Frederick, supported by Comm. Corke, to adjourn the meeting. Motion carried 6-0-1.