

**CHARTER TOWNSHIP OF ELMWOOD
SPECIAL BOARD MEETING
MAY 19, 2021
ELECTRONIC REMOTE ACCESS**

Call to Order: Supervisor Shaw called the meeting to order at 6:00 PM.

Pledge of Allegiance: Supervisor Shaw led the Pledge of Allegiance

Roll Call

Present: Chris Mikowski, Terry Lautner, Deb Allen, Jeff Shaw, Jim O'Rourke, Dave Darga, and Connie Preston. All Board members were participating from Elmwood Township, Leelanau County, Michigan

Excused: None

Declaration of Conflict of Interest

Supervisor Shaw stated that he has never had a non owner occupied short term rental in Elmwood. The Airbnb category closest to his description was entire home, but when he rented the larger portion of his home, he was present in the original gristmill portion of his home.

Public Hearings

Proposed Zoning Ordinance Amendment 2021-3/Short Term Rentals

Supervisor Shaw opened the public hearing at 6:06 p.m.

87 letters were submitted supporting the short term rental amendment
65 letters were submitted against the short term rental amendment.

Jack Kelly-is against STR's because the proposed Zoning Ordinance text amendment is unsupported by the Township Zoning Ordinance, Master Plan, the ZBA's March 20, 2019 determination, and the Planning Commission September 22, 2020 recommendation, the Michigan Zoning Enabling Act, the Michigan Planning Enabling Act, recent Michigan court rulings, and more than 50 years of the Township Committee Planning and Zoning in Elmwood Township- **letter submitted**

Sue Jones-is against short term rentals because they are essentially a mini motel and not legal. -**letter submitted**

Mark Breederland is against STR's and urged the Board to follow their own rules-**letter submitted**

Jane Breederland 9483 E. Harbor Hills said the reasons given in support of STR's have nothing to do with preserving the residential community -**letter submitted**

Anna Breederland 9483 E. Harbor Hills-is against short term rentals because she believes they will change the closeness of the community.

Patty Kilbourn owns an STR in Elmwood Township and believes they are an asset to the community by bringing visitors who contribute to the economy-**letter submitted**

Gail Kelly-said decision needs to be based on what is allowed by the Zoning Ordinance and Master Plan and to follow the law.

David and Debra Majewski 9478 E. Harbor Hills are opposed to STR's after seeing the calamity in Florida and the lack of community.

Chris Creamer 10210 S. West Bay Shore Dr. sincerely feels STR's are great for the community from his experience in owning one-**letter submitted**

Todd Space said follow the survey results which confirm the majority support STR's in Elmwood-**letter submitted**

Lois Golightly-11900 S. West Bay Shore Dr. Disputed that M-22 cannot be a neighborhood. She called the township years ago because she was aware that people rented a room out of their home they lived in to bring in income, and asked if that was allowed. She was told if she was living in the home, it was allowed. Later she noticed a home with a sign that read vacation rental and realized the whole house was being rented out and said short term rentals have been happening for 40 years and she is against them.

Del Moore believes the vote on STR's should be delayed. He does not support STR's as he feels they do not fit in with our zoning and would change the neighborhood.

Tyler Barrett is for STR's, they own one but could not rent in 2020 due to the pandemic and does not think that should be held against them. He has heard a lot of technicalities against STR's, but said those can be changed-**letter submitted**

Karyl Moore rejects both amendments because less than 5 years ago their representatives reaffirmed their land uses, zoning districts, and the property limits within them in the 2017 Zoning Ordinance-**letter submitted**

James Beattie was told he could only live in an R1 subdivision to have a single family dwelling and he would like it to stay that way. He believes STR's should be allowed in other districts, but only according to the laws.

Christina Sanok commented that she and her husband own two properties on Cherry Bend Rd. and support STR's and count on them for their future financially -**letter submitted**

Ann Marie Wigton 10825 S. Orchard Way stated STR's can, do, and have had a place in the township supporting locals-**letter submitted**

Colleen Mulligan supports STR's and said they should be allowed in the residential district with the regulations imposed by the ordinance-**letter submitted**

Sally Boudot-12681 S. Cedar Ln. is amazed to hear of all the people who have had STR's for years breaking the zoning laws and is opposed to them.

Levi Meuwenberg-9789 E. Cherry Bend Rd. called in support of the Zoning and Licensing Ordinance changes to allow currently running STR's to continue operating-**letter submitted**

Nancy Colby 11800 S. West Bay Shore Dr. is a member of and agrees with the information provided by C.H.E.R. She believes the same rules should apply for short term and long term rentals.

Megan Luce-9203 S. West Bay Shore Dr. said this discussion has been going on for years, and short term rentals in Elmwood Township have been occurring for many years. The opposing side wants to preserve the neighborhood and think the community is going to change with STR's. They bring up what could happen, not what is actually happening. Also, ordinances constantly evolve and change because the world evolves and changes.

Kristen Page-8164 S. Lakeview Rd. said guests who stay in STR's add to the economy and diversity of the township.

Dennis Greenfelder 12855 S. Meadowbrook Dr. is not against STR's but does not want them next to his house, which is in a subdivision, all summer long.

Joe Testa 10271 S. Center Hwy. said when he thinks about being an STR owner, he is for STR's, he thinks about hospitality, caring for his neighbors, wanting to have a good relationship with the people around him, and serving the community- **letter submitted**

Beth Walters 10345 S. Center Hwy. called in support of STR's. They live on their property and their cabins are in their woods. The neighbors know they have STR's and are in favor of them. Change is inevitable.

Rod Jones lives in a 20 home subdivision with 2 STR's. What they have proposed in the Zoning Amendment is to allow STR's in all zoning districts which directly contradicts the Master Plan's goal to maintain the current housing stock and plan for new residential development to meet the needs of current and future residents -**letter submitted**

Jane Gorski said she and her husband Don have lived on Harbor Hills Dr. for 29 years and are highly concerned about the STR issue and asked the Board to please be careful with their decision.

Brad Purcell 10232 E. Grandview Rd. said non-owner occupied STR's should not be allowed in the single family residentially zoned neighborhoods.

Kelly Ignace 10500 E. Grandview Rd. lives in a residential neighborhood in the township and is also an Airbnb host. What if you had extenuating circumstances where you needed to extract income from your home but the only avenue was selling or using it as an STR. If you're successful at regulating STR's out of the township, you may end up with home share or home swapping. The world is a changing place and is changing at a rate faster than it ever has. There are no regulations that can stop the rate of change.

Lake McGuire recently moved back to the Traverse City area and is in support of STR's. He said from experience, long term rentals are a much bigger hassle than STR's.

Tammy Space 11100 S. West Bay Shore Dr. spoke in favor of STR's. Owning a STR has allowed her to stay home with her child while still generating an income. STR's are not a blight or hindrance in the township.

David Colby owns an STR on West Bay and has only had positive feedback. This is his retirement.

Meryl Marsh is a resident of Elmwood Township and supports STR's as well as preserving her property rights as a homeowner.

Kelsey Testa 10271 S. Center Hwy. owns an STR and has had no problems with the neighbors and only positive feedback from renters. She appreciates the consideration of being grandfathered in because they were not aware STR's were not allowed when they purchased their house.

Francetic 10951 S. West Bay Shore Dr. bought the house 9 years ago and has an STR as did the previous owner and has the resources for upkeep that he doesn't have at his own home. He does not want his freedom taken away.

SONIE spoke against STR's and asked the Township Board members to uphold their oath and make decisions that faithfully discharge their duties.

Tracy Sparks 12855 S. Meadowbrook Dr. spoke against STR's saying there are people that have lived here for a long time that take care of their homes and have always been under the impression that if they ever wanted to rent, that they could do so for thirty days.

Paul Walter 13301 S. Eitner called in support of STR's and believes it's a property rights issue.

Caller in support of STR's.

Supervisor Shaw closed the public hearing for item 5a at 7:58 PM
He suggested a short break and to reconvene at 8:05 PM.

Supervisor Shaw reconvened the meeting at 8:08 PM apologizing for going long but stating the attorney had some suggestions on how to proceed with item 5b.

Attorney Peter Wendling noted they have received a good amount of public comment, so there are obviously a lot of very interested people in the township who show a continued interest in the topic of STR's for a variety of reasons. His concern is there will be the same amount related to the Police Power Licensing Ordinance draft so his recommendation was do one thing at a time due to time constraints and discussion that will likely occur even on the current Zoning Ordinance Amendment so set that for another date. He had planned on talking about some suggested changes that may be necessary for the Police Power Licensing Ordinance based on the procedure they're currently conducting as far as potentially changing the Zoning Ordinance from its current configuration regarding STR's and having another Zoning Amendment coming up from the Planning Commission in relation to the same topic. It was his recommendation they reschedule the public hearing on the Licensing Ordinance on a date to be determined in the future because more than likely that ordinance will have some material changes in it to be discussed by the Board, they may even want to have a work session before they have a public hearing given some of the changes that may occur in that Licensing Ordinance.

Supervisor Shaw asked for input from the Board members.

Connie Preston said it sounded reasonable, if they have material changes, they'll have to repeat the public hearing anyway. The public needs a good draft to comment on.
The other Board members agreed.

MOTION BY TERRY LAUTNER, SECONDED BY JIM O'ROURKE TO AMEND THE AGENDA AND MOVE ITEM 5B TO A LATER DATE TO BE DETERMINED AND PROCEED WITH THE REST OF THE AGENDA.

ROLL CALL: AYE-CONNIE PRESTON, DAVE DARGA, JIM O'ROURKE, TERRY LAUTNER, DEB ALLEN, CHRIS MIKOWSKI, JEFF SHAW. MOTION PASSED UNANIMOUSLY.

6. Public Comment:

Supervisor Shaw said before they have public comment, technically if they go beyond 8:30, they have to have a motion to do that and asked if they wanted to make that motion before public comment in case it extends beyond that.

Jim O'Rourke stated after 2 hours of public comment, he would like a work session.

MOTION BY JIM O'ROURKE, SECOND BY DAVE DARGA TO ADJOURN UNTIL THURSDAY MAY 27TH AT 6:00 PM.

**ROLL CALL: AYE-CHRIS MIKOWSKI, TERRY LAUTNER, DEB ALLEN, JIM O'ROURKE, DAVE DARGA NAY-CONNIE PRESTON, JEFF SHAW
MOTION PASSED.**

The meeting adjourned at 8:20 p.m.