

# Village of Bear Lake Planning Commission

## Unapproved Meeting Minutes

### July 9, 2024

**Meeting called to order:** 6:03 PM by Chairperson Jeanne Walsh-Vission

**Present:** John Virga, Jeanne Walsh, Hannah Hodge, Barb Farfsing, Shelley Lynnes

**Guests:** in person- David Jarvi, Katie Mehl, Alex and Tiffany Mackey; on phone- none

**Motion** to table approval of May 30 and June 11 Meeting Minutes for August. **Motion** carried.

#### Old Business:

- DBO overlay Use Table inconsistencies, revisions and corrections:
  - Katie Mehl & David Jarvi from Manistee Planning Department here to advise
  - Correct text errors to **3** zoning districts and **2** overlays
  - Add a reference to the “Village of Bear Lake Blight, Junk and Dangerous Buildings Ordinance 2015-01” on Article 10 Section 106 page 50 of the Zoning Ordinance but do not add full Ordinance to the Zoning Ordinance.
  - Inconsistency concerning the WPO on pages 106 and 124 Section 7603 of the Ordinance: it says article 78, should say article 76. Reconcile inconsistencies between pg 124 7602-7603 and pg 106.g
  - Add a section on the procedure for Zoning Amendments similar to what is shown in the Arcadia Zoning Ordinance
  - Katie discussed changes to “after the fact” Use Fee Permits and suggested that Land Use permits be added to the Fee Permit Schedule
  - Katie recommends deleting article 84.E.c (pg 132-133)
  - Keep in mind with (S) Special Use designation on the Use Table that denying a request for a special use permit can only be done if there are outstanding circumstances between what the petitioner is requesting in their Special Use Permit (SUP) request for a Zoning District and what has been granted a Special Use permit in the past for that same Zoning District. She cautioned that the majority of requests for a SUP will have to be permitted.
  - Provision for site plan review is in place for new construction and new uses.
  - Dwelling not allowed on first floor in DBO 7004.F unless prior use as a dwelling.
  - Consider limiting the number of STRs by limiting the number of licenses for an STR in the DBO as determined by the STR Ordinance.
  - PC recommendations for corrections to the DBO Zone in the Use Table as compared with what is shown in M1 was completed by PC for referral to the Village Council. Special consideration was given to a supplied map showing the number and types of properties in both M1 versus the DBO and the overall goal of attracting needed and successful businesses to the Village downtown area.
  - There were a number of categories on the Use Table that are no longer valid and will be removed.
  
- STR Operating without Change of Ownership Deed Filed and Permit Secured
  - Business building in DBO zone
  - Basement level area that has been converted into an STR
  - Operating since April, have bookings through Sept

- New owners were told in March 2024 by Manistee Planning (Katie Mehl) that an STR was allowed in the DBO despite the Use Table and the prior Planning Director, Mike Szokola providing a document to the Village in 2021 that said STRs are not permitted in the DBO. Manistee Planning also told the new owner in March that they needed a permit and no notice of this information was provided to the Village on any monthly reports nor when the Village reported in April that an STR had opened on the lower level of business in the DBO along with providing the owners names. A copy of the current Use Table and the key points of Mike Szokola's letter provided to the Village indicating STRs were not permitted in the DBO was sent to Manistee Planning, Katie Mehl at that time (April).
- The Mackeys stated they did not know that they needed to file the change of Deed on a timely basis. They acknowledged that they had been informed that they needed a permit but Alex stated that what he received looked like a construction permit so he did not complete it, did not follow up with Manistee Planning and that he and his wife opened the STR without the required permit.
- At the Planning Commission meeting (7/9) the Mackeys stated that they had filed a change of Deed with the Recorder of Deeds and applied for a permit that morning. In addition, Katie Mehl stated that since the lower level of the building had been used as an apt since 2014, it was able to be converted to a STR and the permit that was required was a Change of Use Permit. This was the first notice that the Village received that an STR was permitted in that location.
- Both Manistee County Planning staff and the Mackey's were advised that the Planning Commission has been working on an STR Ordinance and by the time it is completed and approved by the Village Council, a Public Hearing held and it is posted in the newspaper, as required by law, it could take a couple of months at best. Manistee County Planning staff and the Mackey's were advised that their actions and inactions had created both liability and set a precedent that would need to be addressed by both the Planning Commission and the Village Council. They were told there would be no quick nor easy answer to what and when the next step would be.
- The following background information was also shared with the Planning Commission members:
  - New owners were told in March 2024 by Manistee Planning (Katie Mehl) that an STR was allowed in the DBO despite the Use Table and the prior Planning Director, Mike Szokola, providing a document to the Village in 2021 that said STRs are not permitted in the DBO. The new owners, despite not providing, nor being asked, the exact address, did provide a detailed location of the building they said they had purchased and were planning on opening a STR on the level below ground.
  - Manistee Planning also told the new owner in March that they needed a permit on two occasions yet no notice of this information was provided to the Village on any monthly reports nor when the Village reported in April

that an STR had opened on the lower level of business in the DBO along with providing the owners names.

- In April, when the Village reported an illegal STR in the lower level of a building in the DBO, a copy of the current Use Table and the key points of Mike Szokola's letter provided to the Village indicating STRs were not permitted in the DBO was sent to Manistee Planning, Katie Mehl. At that time Katie acknowledged that she was aware that the Use table and text regarding it were in error, inconsistent and needed to be corrected.
- At a meeting with Manistee Planning (Katie Mehl and David Jurvi) in May and in emails and phone calls with both throughout the month of June and early July, the Village was advised that by both Manistee County Planning Department employees that an STR was not permitted on the lower level and would be shut down.
- The new owners did not file the change of Deed with the County until 7/9/24, months after they told Manistee Planning that they had purchased the property. Consequently the notices sent by Manistee County were sent to the old owner (the mother/mother-in-law of the new owners). When advised by the Village who the new owners were, the Village was told by David Jurvi that Katie Mehl had advised him that Manistee County was prohibited from contacting anyone other than the registered owner of the property which at that point, was the old owner (the mother/mother-in-law of the new owners).
- At the Planning Commission meeting (7/9) the Mackeys stated that they had filed a change of Deed with the Recorder of Deeds and applied for a permit that very morning. In addition, Kattie Mehl stated that since the lower level of the building had been used as an apt since 2014, it was able to be converted to a STR and the permit that was required was a Change of Use Permit. The Mackey's made it known that they were aware of this change in position by the Manistee Planning Department prior the meeting. The Village's first knowledge of this change in position was when it was announced at tonight's Planning Commission by Katie Mehl.
- No mention was made of the multiple prior written and verbal communications between April and early July that Manistee County Planning Commission had with the Village stating that the STR was not permitted and would be shut down. Manistee County had sent a letter and ticket to this effect to the property owner of record who was the previous owner. They subsequently, without Village knowledge, waived the ticket once determining that the owner had changed and the permit had been applied for. This sounded as though it had been done prior to the deed and permit documents being submitted that morning by the Mackey's.
- A possible proposed solution was developed by the Planning Commission for discussion with the Village attorney, and if approved, presented to the Village Council.

## **New Business**

- Approval granted for 2 PC meetings in August
  - August 8, 2024 6PM (Thursday)
  - August 20, 2024 6 PM
- Community Market - Transferred to VC Community Enrichment Committee - Heather De Ridder
- Grant Match WishList Partnership Update
  - TriPromWater Return List of Supported Items by Partner - August 15
    - Expand Concept List to Priorities (Time and \$) Examples and Costs (Low/Moderate/High)

## **Old Business - Items Listed Below Were Not Addressed. They Were Added to the Planning Commission August Agendas**

- Short Term Rental Ordinance – All members to have reviewed Arcadia and Onekama sample Ordinances/Policies distributed. Be prepared to review and discuss a proposed Draft STR Ordinance for the Village
- Review Blight Ordinance Review - Discuss list of suggested changes
- Monthly Reports:
- Update on MCPD Monthly Blight and Zoning Reports – Shelly

## **Review of Items Due for Next Meeting:**

- Short Term Rental Ordinance – All members to have reviewed Arcadia and Onekama sample Ordinances/Policies distributed. Be prepared to review and discuss a proposed Draft STR Ordinance for the Village
- Review Blight Ordinance Review - Discuss list of suggested changes
- Monthly Reports:
  - Update on MCPD Monthly Blight and Zoning Reports – Shelly

## **Items Tabled for Future Meetings:**

Master Plan - August

PC Term Limits - August

John - Conference Update and RRC- August

Electronic Payment Option on Village website for water bills, taxes, swag - Hannah and John - 2025

Food Truck Permits and Fees - 2025

Beer Tent for BL Days - Krista Waterson - 2025

Chloe McGee Shed Update - Owner to check old phone box removal and septic access- TBD

**Motion to adjourn:** 9:53 PM. **Motion** carried.

**Next Meetings:** August 8, 2024 6PM (Thursday) and August 20, 2024 6 PM