

**ALLEGAN TOWNSHIP
PLANNING COMMISSION MINUTES
JULY 13, 2020**

- I. Call to Order
 - A. Chairman Heckman called the meeting to order at 7:30pm.
 - B. Those present were Ted Heckman, Jeremy Dutkiewicz, Marty Ruiter, Jim Connell, Chad Kruithoff, and Mike Buese. Absent was Keith Behm. Also present were Supervisor Steve Schulz and Keith Nagelkirk.

- II. Approve Minutes from the May 11, 2020 meeting and the May18, 2020 Special Meeting.
 - A. Connell made the motion to approve both minutes as presented, Second by Marty Ruiter. Motion passed unanimously.

- III. Discussion on Air B&B on Keith Nagelkirk's property at 1296 Little John Lake Rd (The cabin)
 - A. Mr. Nagelkirk stated that he had a letter from the Township about the Air B&B. He has had it going since July 2019 and has done quite well. He talked with Supervisor Schulz.
 - B. Heckman asked if Mr. Nagelkirk was booked ahead with Mr. Nagelkirk stating they were booked thru September and last year had some bookings in the winter for skiers.
 - C. Heckman stated that it appears that the cabin is on a separate piece of property and doesn't meet minimum square footage.
 - D. Mr. Nagelkirk stated he worked with Frank Tooker, building inspector back in 2012.
 - E. Heckman said the permit issued was for storage with Mr. Nagekirk stating that Mr. Tooker refused to have a good discussion. Connell stated that he has had many conversations with Mr. Tooker and had no problem.
 - F. Kruithoff stated as a builder you would need to meet requirements.
 - G. Mr. Nagelkirk said it was a dwelling about 30 years ago. They learned about an Air B&B and decided to try that. He has had approval in June 2020 from the Health Dept. and PCI.
 - H. Kruithoff said that with it not being up to current construction code the Planning Commission members need the Township Attorney to look this all over and help us in the decision.
 - I. Ruiter asked why Mr. Nagelkirk didn't get the permit changed if he was going to use it as a rental? Mr. Nagelkirk stated he didn't know the Supervisor at that time. Ruiter also stated it appears you knew this in error and Frank Tooker is a pretty straight shooter and you have an obligation to get this corrected.
 - J. Heckman asked if Mr. Nagelkirk had an occupancy permit with Mr. Nagelkirk stated he did not have one.
 - K. Ruiter said Mr. Nagelkirk had done a marvelous job on the place and it looks very nice but you didn't pull any permits.

- L. Connell said he observed from the road and lake and it is the nicest property on the lake. But shocked to find out that there were no permits pulled. Connell read from the Zoning Ordinance Book on Lake Residential and this would be a special land use for home occupation. We would have to determine if it is an accessory building or guest house. Connell was surprised that the County Health Dept. didn't request it to be dug up to see if it was to code.
- M. Heckman stated that in his opinion the Planning Commission needs to pass it by the Township Attorney.
- N. Connell asked If built in the 60's where did the septic go with Mr. Nagelkirk stating behind the cabin and he saw concrete and uncovered it and it was the septic. Now the septic is attached to Mr. Nagelkirk's home.
- O. Connell asked if there was a separate electric panel with Mr. Nagelkirk stating no it was in his home.
- P. Mr. Nagelkirk stated the septic was 2 – 1,000 gallon tanks and 700 square feet drainage well with a 700 sq. ft. reserve.
- Q. Mr. Nagelkirk brought in a paper from MSU about Grandfathering in the cabin.
- R. Connell and Heckman said they need to get this information to the Township Attorney and see what he says about grandfathering and uses.
- S. Supervisor Schulz said it would depend on what the attorney says if special use a site plan is also needed. Whatever the Attorney says is how the Planning Commission will proceed.
- T. Supervisor Schulz stated if special use the neighborhood needs to be talked to.
- U. Supervisor Schulz also stated that Mr. Nagelkirk had brought in a large amount of sand and asked if he had gotten approval from the EGLE/DEQ. Mr. Nagelkirk stated he had talked with them after the sand was brought in.
- V. Dutkiewicz asked if he allowed guests to bring boats and other watercrafts in? Mr. Nagelkirk said they have kayaks but a couple people had brought in fishing boats.
- W. Connell made the motion to table the decision until further information from the Attorney – second by Kruitoff . Motion passed unanimously.

IV. New Business

- A. Heckman stated that Todd had suggested that before a person starts building a home they should be required to have a survey done by a registered surveyor.
- B. Supervisor Schulz thought that would be a great idea to get the property lines established.
- C. Connell stated he would like to know what the Township Attorney thinks.
- D. Kruitoff stated it would be good to know exactly where the property lines are for the setbacks.

V. Adjourn

- A. Connell /Kruitoff made motion to adjourn with the meeting closing at 8:30 PM.