



Wexford Joint Planning Commission

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JULY / AUGUST 2023 STAFF REPORT

JULY-Wexford Joint Planning Commission

MDARD [Michigan Department of Agriculture and Rural Development] - regarding the 2023 RURAL READINESS GRANT opportunity: Staff has learned that this is on a pay-as-you-go / cost reimbursement grant. The plan would be to utilize the current planning consultant budget (*and other as required*) during the first 6 months of 2024 and then budget appropriately for the 2024-2025 for all costs to be reimbursed.

In January 2022, Governor Gretchen Whitmer established the Office of Rural Development within MDARD via [Executive Directive 2022-01](#) to focus on the strategic needs of rural Michigan, including economic and workforce development, infrastructure, public health, and environmental sustainability.

AUGUST-Wexford Joint Planning Commission

MDARD confirmed receipt of the WJPC application for the 2023 Rural Readiness Grant. We (the WJPC) received support letters from Housing North and Networks Northwest. Recipient announcements are expected the first week of September.

Participating Municipality Concern: Staff has gathered several Short-Term Rental ordinances as samples for Cherry Grove and Selma (and any other interested) Townships. They have been attached for reference. The most innovative in the opinion of staff is the one for Onekama Township. A personal conversation with their Supervisor indicated that the primary intent was health, safety, welfare, *and maintaining a sense of single-family community character*. The Wexford Joint Planning Commission must understand (as stated in the legal memo last month) that we have NO authority to adopt a ‘police power ordinance’ – however, we can advise and / or offer recommendations and guidance to a Township that may wish to adopt one.

“Police power ordinances avoid the non-conforming use problem inherent with the zoning approach, because they may regulate activities that are already underway regardless of their lawfulness under zoning.”¹

Master Plan – RESOLUTION letters were sent out to ALL participating municipalities asking for approval of the resolution recommending adoption of the Master Plan during their August meeting schedule.

Staff believes that acting in an advisory capacity for the benefit of the Townships in this manner would certainly be a wise use of our available resources.

¹ Legal memo from 06/26/2023 packet



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AUGUST-Participating Municipality Concern: The WJPC office has received emails regarding the enforcement of our Ordinances against alleged violators concerning the short-term rental of dwellings. These emails have threatened legal action against the WJPC and will be forwarded to the WJPC attorney for file retention. Most concerning to staff is that one of the emails was signed in an official capacity from a Township Trustee.



These concerns are very real and recognized. However, it appears that there's a concerted effort to monopolize WJPC staff time and resources.

In order to better understand how to approach any enforcement issues, staff proposes that the WJPC reach out to the most effected participating municipalities (Cherry Grove and Selma Townships) in an effort to determine what 'their'

definitive position is. Do they believe that STR's are an essential part of the community but should be regulated? Should they be banned altogether? Should 'they' (the Townships) do nothing and allow the WJPC resources in place to enforce and effectively shut all STR's down that cannot demonstrate they are lawfully operating in compliance with the WJZO?

Another quandary that we must contend with during the discussion is this²:

125.3207 Zoning ordinance or decision; effect as prohibiting establishment of land use.

Sec. 207. A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful.

IMPORTANT: Staff has been advised that Cherry Grove Township is giving serious consideration to withdrawal from the Wexford Joint Planning Commission. Staff has attempted, on multiple occasions, to determine the underlying or root cause of any concern(s) (Master Plan, Zoning Ordinance, STR's) that may be supporting this action by Cherry Grove Township with limited success. It may be prudent for the WJPC to form and assign a committee to reach out to Cherry Grove Township to ascertain whether it is within our abilities (working together) to resolve any issues of misunderstandings. Typically, issues are resolved through thorough communication and dedication to reaching sustainable and acceptable solutions; not through abandonment of a worthwhile project that serves the greater community. In the meantime, staff will provide direction to Cherry Grove Township regarding the minimum requirements for effectuating a withdrawal from the Wexford Joint Planning Commission.

Note – Cherry Grove Township has historically been our 'office of record' as initially agreed to in the first year. In particular, they have the available infrastructure and space from which to conduct business (internet, phone, heat, lights, power, etc.). Cherry Grove Township has been a most accommodating location to work from on behalf of the WJPC. While we may wish to think of a positive outcome, we should be prepared to plan for how a withdrawal of Cherry Grove Township would be handled operationally.

² Excerpt from Michigan Zoning Enabling Act



July-Land Use Permit Activity (since last report)

| Permit # | Parcel # | Applicant Information | Use Type | ZONE | TWP | Zoning Comments |
|----------|-----------------|---------------------------------------|------------|------|-----|---------------------------------|
| 2023-65 | 2112-23-1402 | Barringer, Paul | RA | RR | SOU | Residential Accessory |
| 2023-66 | 2110-17-4203 | Fauble, Mathew and Keisha | ND | RR | CHE | New Dwelling |
| 2023-67 | 2411-04-2102-05 | Runyan, Duane | ND | RR | HAN | New Dwelling |
| 2023-68 | 2411-07-2101 | Hills, Thomas and Diane | RA | RR | BOO | Residential Accessory |
| 2023-69 | 2312-07-4203 | Sharp, Ralph - LV Homes | ND | RR | SPR | New Dwelling - Remove old |
| 2023-70 | 2212-29-2402 | Marklevitz, Paul - Kevin Squire Const | ND | RR | SLA | New Dwelling - Remove old |
| 2023-71 | 2212-29-1303 | Grobbel, Gregory | ND | | | WILL SEND NEXT WEEK |
| 2023-72 | 2210-09-2204 | Plattenberger, Joe | DECK | RR | SEL | 12' x 18' Deck/Replace Existing |
| 2023-73 | 2212-CH1-19 | Stubbs, Richard and Mary | RA | R1 | SLA | Residential Accessory |
| 2023-74 | 2112-06-4306 | Angelier, Robert | STORAGE | RR | SOU | Storage Building |
| 2023-75 | 2412-14-1202 | Hansen, Trenton | STORAGE | RR | WEX | Storage Building |
| 2023-76 | 2311-23-1102 | Matthew, Diana | STORAGE | RR | ANT | Storage Building |
| 2023-77 | 2311-23-1102 | Matthew, Diana | TEMP DWELL | RR | ANT | Temporary Dwelling |
| 2023-78 | 2210-23-1103 | Pendrick, Tony | RA | RR | SEL | Residential Accessory |

August

| | | | | | | |
|-----------|-----------------|---------------------------------------|-----|----|-----|-----------------------|
| 2023-79 | 2210-11-2206 | Martinson, Scott - Whaley Const. | RA | RR | SEL | Residential Accessory |
| 2023-80 | 2312-MA1-20 | Shaver, Rebecca | ND | R1 | SPR | New Dwelling |
| 2023-81 | 2112-35-1101 | Chase, Gregory - Fehrenbach Const | ND | RR | SOU | New Dwelling |
| 2023-82 | 2312-10-1401 | Glezman, Levi | RA | RR | SPR | Residential Accessory |
| 2023-83 | 2110-20-2206 | Strom, Michael and Heather | RA | RR | CHE | Residential Accessory |
| 2023-84 | 2212-02-4302 | Adams, Trafford and Debra | ND | RR | SLA | New Dwelling |
| 2023-85 | 2210-TL-60 | Samenski, Chad | RA | R1 | SEL | Residential Accessory |
| 2023-86 | 2211-32-2201-01 | Cushman, Kristen | RA | RR | BOO | Residential Accessory |
| 2023-87 | 2312-17-3420 | CN & CN - Milarch Inc | RA | RR | SPR | Residential Accessory |
| 2023-88 | 2311-03-4202 | Hall, Amanda - Midstate Builders | RA | RR | ANT | Residential Accessory |
| 2023-89 | 2210-AK-01 | Mckernan, Carole - Lutzke's Building | RAD | R1 | SEL | Residential Addition |
| 2023-90 | 2411-33-2001 | Avink, James - USA Buildings Direct | RAD | RR | HAN | Residential Addition |
| 2023-91 | 2210-16-2103 | Gregory, Annette - priced Right Bldrs | RAD | RR | SEL | Residential Addition |
| 2023-92 | 2210-04-2201-01 | Monroe, Scott | RA | RR | SEL | Accessory Addition |
| 2023-93 | 2312-08-3304 | Timbs, Johnny | RAD | RR | SPR | Residential Addition |
| SPR-23-02 | 2112-07-4201 | Beyersdorf, Dan | SPR | RR | SOU | Site Plan Review |

ND = New Dwelling RAD = Residential Addition RA = Residential Accessory

Training / Items of interest:

See attached Township Planning & Zoning Team Retreat being sponsored by MTA. The Zoning Administrator is considering attendance for continuing education – funds are in the budget to cover this.



Staff recommends that any cloud based permitting consideration be placed on an indefinite hold until such time as the WJPC can better evaluate our current internal operating procedures.

For your review,

Robert (Bob) Hall

Planning and Zoning Director



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