

Little Traverse Township Planning Commission

Tuesday, April 4, 2023

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Minutes

Chairman Van Berlo called the meeting to order at 7:00 PM.

Roll Call: Present: Martin Van Berlo - Tom Fairbairn - Chip Radle - Shirley Snyder & Joe Chattaway

Absent: None

Also present: Bill Dohm, Ken Lane & Steve Olmsted

Agenda: Chairman Van Berlo asked if there were any additions or deletions to the agenda. There were none offered. Upon a **motion** by Mr. Radle, with support by Mr. Chattaway, the agenda was unanimously approved by voice vote. (*see attachment page 3*)

Minutes: Upon review of the minutes of the regular meeting of March 7, 2023, a **motion** was offered by Mr. Fairbairn to approve as presented. A second was offered by Mr. Radle, and the motion was unanimously approved by voice vote.

Public Comment: Chairman Van Berlo then opened the meeting to public comment for items not specifically listed on the agenda. There were no public comments.

Election of Officers: Agenda item #8 called for the election of officers. Following a poll of the current officers, a motion was offered by Mr. Chattaway to Nominate Marty Van Berlo as Chairperson, Chip Radle as Vice Chairperson and Mr. Fairbairn as Secretary, that the nominations be closed, and a unanimous ballot be cast for the slate. Upon support by Mrs. Snyder, the motion was carried by a unanimous voice vote.

Case #B-1-2023

Chairman Van Berlo introduced the case as an application for Site Plan Review for 33 condominium storage units at 1215 West Conway Rd. by Steve Olmsted, dba Deer Park Drive LLC.

Planning consultant Ken Lane outlined the case by presenting his factfinding report dated 03.28.2023, (*copy on file*). He indicated site plan criteria has been sufficiently been met.

Supervisor Dohm asked if all units would be heated and provided with water and public sewer. Mr. Olmsted advised they would. Supervisor Dohm advised sewer hook up equivalents would be worked out based on engineering confirmation on estimated flow. He advised the HSASDA is evaluating those estimates.

The question was raised about the use being strictly commercial storage. Mr. Olmsted assured that they would be restricted to that use by the condominium documents. Mr. Dohm requested a copy of those documents when they becomes available.

Following discussion, Mr. Radle made a **motion** to approve the site plan, (Case #B-1-2023), for Steve Olmsted, for commercial storage units only, at 1215 West Conway Road in Little Traverse Township, tax parcel 08-16-14-100-022, as shown on the site plan dated January 23, 2023, because the applicable standards of the Little Traverse Zoning Ordinance have been met. Upon support by Mr. Fairbairn, the motion was approved by a unanimous voice vote.

Agenda item #8

Planning consultant Ken Lane explained a residential project in West Wequetonsing by Lawrence Wiethorn. A development agreement was produced, (*copy attached page 4-5*),) to assure that the addition was not going to be used in the future for anything other than a one-family dwelling as permitted in the RR District.

Following discussion, it was moved by Mr. Chattaway and supported by Mr. Fairbairn that the Supervisor be authorized to sign the agreement on behalf of the Township. The motion was approved by a unanimous voice vote.

Open Discussion for issues not on the agenda:

- a. Correspondence: B&R April 2023 Planning Report.
- b. Consultant: None.
- c. Planning Commission Members: None.
- d. Township Board Members: None

The next meeting will be held May 2, 2023 at 7:00 pm.

Adjourn: There being no further business to be brought before the commission, Chairman Van Berlo adjourned the meeting at 7:55 pm.

Respectfully Submitted,

William P.Dohm
Supervisor

Date Approved 6-6-23

Secretary Tom Fairbairn
Tom Fairbairn

Little Traverse Township Planning Commission

LITTLE TRAVERSE TOWNSHIP EMMET COUNTY, MICH.

Regular Meeting of the Township Planning Commission
Tuesday – April 4, 2023
7:00 P.M.

AGENDA

1. Call to Order.
2. Roll Call.
3. Approve the agenda.
4. Approve the Minutes of March 7, 2023.
5. Public Comment.
6. Election of officers, (Chairperson, Vice Chairperson, Secretary).
7. Case #B-1-2023
Site Plan Review for Steve Olmsted – Deer Park Drive LLC, (revised from former Walstrom project), storage units at 1215 West Conway Rd.
8. Lawrence Wiethorn Development Agreement.
9. Open Discussion for issues not on the agenda.
 - a. Correspondence.
 - b. Consultant.
 - c. Planning Commission Members.
 - d. Township Board Members.
10. Adjourn.

(Note – If a Board member is not able to attend this meeting, please call the office, 526-0351.)
*Indicates additions to agenda from the Draft that was circulated.

DEVELOPMENT AGREEMENT

This Agreement is between Little Traverse Township, a Michigan municipality in Emmet County, Michigan, whose address is 8288 Pleasantview Road, Harbor Springs, Michigan 49740 ("TOWNSHIP") and Lawrence Wiethorn and Rolene Schroeder Life Estate, whose address is 19075 Hillcrest, Beverly Hills, MI 48025 (collectively, "OWNER") regarding the OWNER's property located at 1749 Sylvan Avenue, Harbor Springs, MI 49740 ("PROPERTY").

Recitals

1. PROPERTY is located in Little Traverse Township, Emmet County, Michigan, and described as: ROARING BROOK RESORT, COM AT NE COR OF LOT 17, MALOTT HIGHLANDS, TH S81°14'30"E 131.20 FT, TH S86°40'30"E 94 FT TO POB, TH S86°40'30"E 35.1 FT, TH S28°32'E 92.5 FT, TH S06°42'W 192.9 FT, TH N86°W 114.22 FT, TH N06°42'E 205 FT, TH N27°14'E 73.05 FT TO POB. SECTION 17, T35N, R5W, commonly described as 1749 Sylvan Avenue, Harbor Springs, MI 49740, Tax ID#08-16-17-176-020.
2. PROPERTY is zoned RR Recreation Residential District pursuant to Article IV (Section 600, et seq) of the Little Traverse Township Zoning Ordinance, as amended.
3. OWNER has submitted a plan to remodel the interior of the attached garage on the PROPERTY to create a shared living area within the upper level of the garage, with a bathroom, kitchen and bedroom, that may be used exclusively by OWNER to accommodate guests and family.
4. The proposed shared living area within the garage will be accessible by OWNER from the interior of the attached garage and the interior of the principal residence, to ensure it will not constitute a separate apartment or dwelling unit as defined by the Little Traverse Township Zoning Ordinance.
5. OWNER's intent is to preserve the single-family characteristic of PROPERTY while adding living space.

Agreement

Because the Little Traverse Township Zoning Ordinance, as amended, does not permit OWNER to construct a separate apartment or dwelling unit within the garage on PROPERTY, TOWNSHIP and OWNER hereby agree to the following relating to the use and occupancy of PROPERTY.

1. OWNER will construct the proposed shared living area within the attached garage on PROPERTY as specified in the plans approved in conjunction with Zoning Permit # _____, as approved by TOWNSHIP on 4-4-_____, 2023. Zoning Permit # _____ is attached to this agreement and incorporated herein.
2. OWNER will maintain access to the shared living area from an interior door between the attached garage and principal residence, as specified in the plans approved in conjunction with Zoning Permit # _____, as approved by TOWNSHIP on _____, 2023.
3. OWNER agrees that the shared living area will not be rented to any third party or otherwise used as a separate apartment or dwelling unit.
4. This Agreement shall be recorded at the Emmet County Register of Deeds.
5. If the Little Traverse Township Zoning Ordinance is amended by TOWNSHIP in a manner that is less restrictive than this Agreement with regard to the shared working and living area, then the less restrictive provision(s) shall be applicable.

Little Traverse Township Planning Commission

The OWNER hereby acknowledges receipt of this Agreement. The OWNER has read and understands all of the terms and conditions of the Agreement. The OWNER agrees to comply with all of the terms and conditions of this Agreement. The OWNER further agrees that all of the terms and conditions of this Agreement shall be binding upon all other owners, occupants, assigns and successors of the subject property.

“OWNER”

Lawrence Wiethorn, trustee
Lawrence Wiethorn, Trustee

Subscribed and sworn to before me on this 22nd day of March 2023.

Stacy Sukockas Buatti, Notary Public (expires 04/15, 2028)
Stacy Sukockas Buatti, (name of notary)
Oakland County
Acting in the County of Franklin

“OWNER”

Rolene Schroeder, Trustee
Rolene Schroeder, Trustee

Subscribed and sworn to before me on this 22nd day of March 2023.

Stacy Sukockas Buatti, Notary Public (expires 04/15, 2028)
Stacy Sukockas Buatti, (name of notary)
Oakland County
Acting in the County of Franklin

Zoning permits authorized, the necessary plans and documents have been filed with the Little Traverse Township Planning & Zoning Department and are attached to Agreement.

“TOWNSHIP”

William Dohm, Planning & Zoning Administrator (on behalf of TOWNSHIP)

William Dohm

Subscribed and sworn to before me on this 27th day of March 2023.

Sarah Krupa, Notary Public (expires 11-07, 2025)

Sarah Krupa, (name of notary)
SARAH KRUPA
NOTARY PUBLIC, MICHIGAN
COUNTY OF EMMET
My Commission Expires 11/07/2025
Acting in the County of Emmet

Prepared by:
Kenneth Lane; Beckett & Raeder, Inc.
113 Howard St, Fl 1; Petoskey, MI 49770