

BINGHAM TOWNSHIP

APPLICATION FOR REZONING

OFFICE USE ONLY

DATE RECEIVED: _____ FILE NUMBER _____
DATE APPLICATION DETERMINED COMPLETE: _____ FEE: _____
DATE(S) REVIEWED BY PLANNING COMMISSION: _____ RECEIPT NO: _____
DATE APPROVED: _____

Applicant Information:

Applicant: Eric Harding Trust
Address: 6845 E Birch Point Rd.
Traverse City, MI 49684
Phone: 231-883-2321 Fax: _____

Applicant's Interest / Relationship in the property (circle one): OWNER PURCHASER AGENT

Owner (If other than the Applicant)

Name: _____
Address: _____

Authorized Agent or Representative:

Name: Sarah Keever
Company: Northview 22, LLC
Address: 9908 E Walters Dr.
Traverse City, MI 49684
Phone: 231-342-4016 Fax: _____

Location of Property:

Property (Tax) Number: 45-001- 030-021-06
Street Address of Parcel: n/a
Current Zoning of Parcel: Rural Residential
Proposed Zoning of Parcel: Commercial

With Conditions Without Conditions

Acreage of Parcel: 7 ac.
Existing Structures on Parcel: None

Attach copy of Legal Description of Property or list here: Attached.

I certify that the above information is true and authorize officials of Bingham Township to enter the property during the re-zoning process.

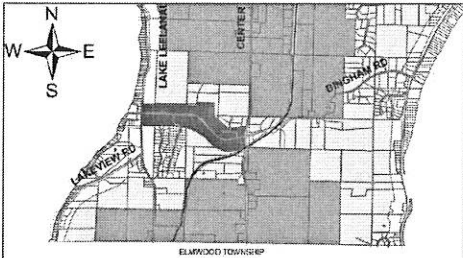
I also certify that I have the authority to make this request.

Signature: By: Eric Harding
Name: Eric Harding
Title: Trustee

Note: If the Signatory is not the Owner of the subject property, then a letter of authorization from the Owner will be required.

Attachments Required:

- Legal Description of Property
- Application Fee –
- Owner's Authorization Letter (if applicable)



- Rural Residential Zoning District
- Agricultural Zoning District
- Commercial Zoning District
- Industrial Zoning District
- Residential Zoning District



Northview
22

RD Box 3342, Traverse City, MI 49684 / 231.742.4616

ISSUE DATE: 10/15/2021

REVISIONS:

NO.	DATE	DESCRIPTION

HARDING REZONE REQUEST

PROJECT: PART OF SECTION 30, TOWN 29 NORTH, RANGE 11 WEST, BINGHAM TOWNSHIP, LEELENAU COUNTY, MICHIGAN.

JOB NO.: **2021-128**

C1

Parcel No. 001-030-021-06

Leelanau County Property Information (Assessment Year - 2021)

Jurisdiction: BINGHAM 45-01
Owner Name: HARDING ERIC G TRUST
Other Owners: HARDING ERIC G TTEE
Property Address: E BINGHAM RD
TRAVERSE CITY, MI 49684
Mailing Address: 6845 E BIRCH POINT RD
TRAVERSE CITY, MI 49684

Property Information

Period	Taxable Value	Assessment	S.E.V.
Current Year	\$27,800	\$27,800	\$27,800
Last Year	\$27,492	\$27,800	\$27,800

School District: 45050

Current P.R.E.: 0%

Current Property Class: 401

Current Year Tax Information

Tax Period	Tax Amount	Tax Owed
Summer	\$894.54	\$0.00

Prior Years Tax Information

Tax Period	Tax Amount
Summer 2020	\$887.62
Winter 2020	\$150.02
Summer 2019	\$845.97
Winter 2019	\$136.07
Summer 2018	\$848.48
Winter 2018	\$140.03

Delinquent Tax Information

For current delinquent tax information or to pay your delinquent taxes online, [CLICK HERE](#) and you will be redirected to a third party site.

Property Sale Information

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
-----------	------------	------------	---------	---------	---------------	------------

9/17/2010	\$76,000.00	WD	SPEERS THOMAS E & LINDA	HARDING ERIC G TRUST	03-ARM'S LENGTH	1061:390
8/30/2005	\$70,000.00	WD	VARLEY KELLY PROPERTIES LLC	SPEERS THOMAS E & WALKER LINDA	03-ARM'S LENGTH	869:139

Legal Description

COM S 1/4 COR SEC 30 T29N R11W TH N 0 DEG 01'59" W 1334.34 FT TH S 89 DEG 47'36" E 668.91 FT TO POB TH CONT S 89 DEG 47' 36" E 662.40 FT TH S 0 DEG 08'58" E 400.22 FT TH N 89 DEG 47'36" W 865.32 FT TH N 26 DEG 48'36" E 447.60 FT TO POB. 7.01 A M/L. SUBJ TO & TOG W/ 30 FT W ING/EGR/UTILITY ESMT OF RECD & OTHER ESMTS & RESTS OF RECD IF ANY.

Steve Patmore

From: Sarah Keever <sarah@northview22.com>
Sent: Thursday, October 14, 2021 12:23 PM
To: zoningadmin@suttonsbaytwp.com
Cc: Zone Admin; Sara Harding
Subject: Bingham Township Rezoning Request
Attachments: Harding_rezone 2021.pdf; Harding tax id.pdf

Steve,

Please accept our application for the Rezoning of the Harding parcel, attached. We anticipate being on the November agenda and have provided our submittal in time for public notice. However, if you need anything else, please let me know immediately so we can get it to you in time. If you need hard copies, I can provide those as well. I can mail the fee or drop it off if you can let me know the total fee and what works best for you.

Sincerely,
Sarah Keever

Northview 22, LLC
p 231.342.4016
www.northview22.com

Confidentiality Notice

This Email transmission is intended for the use of the individual(s) to which it is addressed. It may contain information that is privileged. This information is confidential and exempt from disclosure under applicable law. If the reader of the message is not the intended recipient or the employee or agent responsible for delivering the message to the recipient, you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited and may be a violation of Federal or State Law. If you have received this communication in error, please notify the sender immediately and permanently delete the message.

Harding Rezoning Request
Request: Commercial
Parcel: 45-01-030-021-06
Date: 10/13/2021

A. The proposed rezoning is consistent with the surrounding uses:

YES. The parcel is adjacent to the Commercial Corridor of Bingham Township:
Kelly parcel 001-030-021-13 Zoned COMMERCIAL
Nobel Distributing parcel 001-030-021-12 Zoned COMMERCIAL
AB&E parcel 001-030-021-10 and -00 Zoned COMMERCIAL, with expanded SUP use
Consumers Energy Co. parcel 001-030-021-05 Used as public utility, future sub-station

See Attachment (Map, Sheet C1)

B. There is no adverse physical impact on the surrounding area:

No adverse physical impacts on the surrounding parcels will occur. The rezoning of this parcel will, in fact, be more harmonious with the surrounding area, as most parcels are already zoned or used as Commercial.

The other rural residential and agricultural parcels adjacent are buffered by vacant land and forest/vegetation, significantly screened from anything that may be developed on this parcel.

C. There is no adverse effect on property values in the adjacent area:

NO. As it stands right now, as this is only one of the two Rural Residentially zoned parcels on this drive, the property value to this parcel is detrimentally affected. To rezone to Commercial, fitting in with the adjacent uses, will bring the value of this parcel and the others equally and consistent for this commercial corridor.

D. There have been changes in land use or other conditions in the immediate area or in the community which justify the rezoning:

YES. This commercial corridor has expanded within the recent years. Directly to the west, the Consumers Energy Company parcel has been utilized for high-voltage power lines and has indicated the proposed use of the land as a sub-station and/or other electrical transmission infrastructure.

Parcel 001-030-021-07 was rezoned Commercial zoning in 2019.

The remaining parcels along E. Bingham Road, already zoned commercial, have expanded their commercial uses in the recent years, with further expansion of uses proposed (AB& E parcel)

E. Rezoning will not create a deterrent to the improvement or development of the adjacent properties in accordance with existing regulations:

NO. On the contrary, as most parcels on this road area already of Commercial use, it would be more of a deterrent to use this parcel as it's currently zoned, Rural Residential. Proposed commercial uses will be subject to Site Plan Review and the Zoning Ordinance regulations for the Commercial District, in order to keep any improvements within zoning compliance.

F. Rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public:

NO, most adjacent properties are being used for or are zoned as commercial; this area is part of the Bingham Commercial Zone Corridor

G. There are substantial reasons why the property cannot be used in accordance with its present zoning classification:

YES. Surrounding parcels are being used or are zoned Commercial. The ability to use this parcel in it's present zoning classification (residential) is completely unnatural and unreasonable for the area.

H. The rezoning is not in conflict with the planned use for the property as reflected in the master plan.

NO, the property directly abuts several properties that are zoned as commercial. See note below regarding Master Plan.

I. If rezoned, the site will be served by adequate public facilities.

YES. Public facilities should not be impacted by this rezoning request. Utilities (phone, electric, etc) are already installed. The site will be responsible for its own sewer and water. The parcels are already accessed by private road easement.

J. There are no sites nearby that are already properly zoned and that can be used for the intended purposes.

NO.

Notes:

This area has been contemplated to be rezoned Commercial in the past. In the letter from Running Wise and Ford, dated August 17, 2017, it states: "In my view, it would be preferable if the landowners initiated the rezoning. That way the application would be more focused, but I am not aware of a reason why the

Planning Commission could not initiate a reasoning, particularly where multiple parcels are involved”.

Also “...”Michigan courts have further clarified that the Master Plan may be disregarded where conditions have developed on the ground that are inconsistent with the Master Plan. See *Kremers v Alpine Township, 355 Mich 563, 570 (1959)*.” Certainly, it is evident that conditions on the ground are quite inconsistent with the current zoning and Master Plan for this area.

This same letter notes several times that due to the current existence of uses on this stretch (North side of Bingham Road), consideration should be given to rezoning to Commercial.