

**KASSON TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**Monday, March 18, 2024 7:00 p.m.**  
**Kasson Township Hall, 10988 S. Newman Road, Maple City, MI 49664**

**Minutes**

1. Call Meeting to Order/Pledge of Allegiance  
Chairman Lanham called the meeting to order at 7:00pm with the Pledge of Allegiance.
2. Roll Call of Commissioners and Staff/Recognition of Visitors
  - A. Present: Chairman – Mike Lanham; Vice Chairman- Jerry Roush; Secretary T Eftaxiadis; Township Board Rep- Tad Carter  
Absent: Zoning Board of Appeals- Dave Noonan
  - B. Staff: Tim Cypher, Zoning Administrator; Marsha Wolf, Recording Secretary
  - C. Visitors present: approximately 3 visitors
3. Consideration of Agenda: Additions or Corrections  
**Chairman Lanham asked for a motion to approve the agenda as presented. T Eftaxiadis moved to approve the agenda as presented; Carter seconded. All present in favor, motion carried.**
4. Declaration of Conflicts of Interest- None
5. Approval of Minutes – February 19, 2024  
**Chairman Lanham asked for a motion to approve the minutes as presented for February 19, 2024 meeting. T Eftaxiadis moved to approve the minutes as amended for January 15, 2024; Roush seconded. All remaining present in favor, motion carried.**
6. Correspondence Received -  
Tim Cypher advised an email (Attachment A) from Jen Aragon, of Sleeping Bear Storage, was received with clarifying questions on the afternoon of March 18, 2024. Commissioners advised the Zoning Administrator should respond to the questions presented in the email. If further action is needed from the Planning Commission in regards to the clarifications, the Zoning Administrator can request additions to the April 15, 2024 agenda.
7. General Public Comment –

Ed Wilbert – 2993 W. Gilbert Farm Lane, located behind Sleeping Bear Storage Facility. Wilbert requested clarification on final decisions for the timeframe for screening, type of screening and hours of operation for the Sleeping Bear Storage Public Hearing on February 19, 2024. Commissioner Lanham advised he will request the Zoning Administrator provide a letter to Wilbert addressing the questions. Lanham advised that the website includes the Findings of Fact that includes all the information requested. Tim Cypher provided a printed copy of the Findings of Fact to Mr. Wilbert during the meeting.

Mark Patterson- 3800 W. Empire Hwy. Requested clarification on the HVAC noise on the controlled storage unit that was proposed for the Sleeping Bear Storage Public Hearing on February 19, 2024. Commissioners advised to contact the Zoning Administrator for clarification.

8. Area Reports

- A. Chairperson – Commissioner Lanham – No Report
- B. Secretary – Commissioner Eftaxiadis – No Report
- C. Township Board – Commissioner Carter – No Report
- D. Zoning Board of Appeals – Commissioner Noonan - Absent
- E. Zoning Administrator’s Report – ZA Cypher – Tim Cypher advised the court case is moving forward, response expected by the end of this week. Cypher emailed out the February ZA Report and the Annual ZA Report. Commissioners advised they did not have any questions on the reports.

9. New Business

- A. The Red Barn- Mixed Use- Special Land Use & Site Plan Review  
Tim Cypher advised Mark Patterson is present representing The Red Barn. Patterson is requesting a zoning amendment from a few years back and have been working closely with the code office, their architect and the Zoning Administrator to find a fit for what they would like to do.

1. Presentation by Applicant

Mark Patterson distributed a packet (Attachment B) to the Commissioners regarding the renovation of The Red Barn. They would like to turn The Red Barn into an owner-occupied lodging facility. The Red Barn is currently zoned as a mixed-use property. The proposal will have the Patterson residence on the premise and include 2 lodging units. The current footprint will not be expanded. Their architect has reviewed the building and codes and advised they will comply with the Special Use Permit as seen in the packet presented. The residential and commercial areas will be separate to comply with the mixed-use zoning regulations. Storage seen on the prints is unfinished.

2. PC Questions/Discussion with Applicant

T Eftaxiadis asked for clarification on what The Red Barn currently does and what is currently part of the property. Patterson advised it is strictly for storage and there is no current operation running out of the building. Mark advised the structure, septic field/tank and the parking lot were already in place when the Pattersons purchased the property. The lower side of the building (South side), which was an addition to the original structure will house the new lodging proposed.

T Eftaxiadis asked about the drainage in the proposal and advised clarification from the architect will be needed for the public hearing. The applicant will need to collect the clarification for the public hearing.

T Eftaxiadis asked about the existing gravel parking lot and if it will be improved. Patterson advised the driveway will remain gravel and nothing will be done to the outside of the building except updating the handicap spaces so the building is accessible.

Lanham asked about the letter from the fire department and if the current driveway meets the requirements. Patterson received the letter and has reached out to the fire department for clarification on requirements and to discuss the room available on the property in case an emergency vehicle needed access. Cypher advised there was a setback issue for the driveway in the response and asked Patterson to clarify. Patterson advised there is room to potentially expand if needed and will have the final determination in the site plan.

3. Public Comment- None

4. Applicants Response to Public Comment - None

5. PC Discussion with Staff

Lanham asked if we had all information for us to set a public hearing. Cypher advised the applicant should have all letters from fire department, utilities, MDOT, soil erosion, building department to clarify the handicap parking and any other necessary paperwork presented to the Commissioners by the public hearing.

6. Deliberation/Motion to set Public Hearing for April 15, 2024

**Chairman Lanham asked for a motion to set a Public Hearing on April 15, 2024 for The Red Barn Mixed-Use Permit. Carter moved to set a Public Hearing for The Red Barn Mixed-Use Permit on April 15, 2024, T Eftaxiadis seconded. All present in favor, motion carried.**

B. By-Laws Review

Commissioners conducted a review of the current Kasson Township Planning Commission Bylaws.

T Eftaxiadis requested clarification on Section 2B: Special Meetings in regards to the 48-hour notice and the potential of conflict of 2H in regards to timing of communication received by the Commission. Lanham advised he does not recall any special meeting being called within 48 hours and it is rare that it would happen for the Planning Commission.

T Eftaxiadis asked about deadlines on information received from applicants and the public to the Zoning Administrator and then to the Commission to allow time for review prior to meetings. Cypher advised there cannot legally be a deadline on information received from the general public or applicant, although how the Commission addresses late information is up to the Commission. If information is sent at a reasonable time for review, it can be addressed in the current meeting, otherwise it can be tabled until the next regular meeting to allow time for review. Cypher will look at Special Meetings (2B) and Communications to the Commission (2H) to see what options are in regards to meeting state requirements on timing of communication received. Previous legal counsel review noted standards in may not match what is legally required in regards to the timing of accepting communication. Commissioners asked Cypher to review with legal counsel so that the bylaws and legal requirements match.

Regarding timing of information to present to the Commissioners for review, it was requested that public hearing information and applications be sent in a timely manner. Zoning ordinance states a timing to get information to Zoning Administrator. Zoning

Administrator needs time to review, and agreed with the Commission that a timeline of 3 business days prior to the regular meeting is acceptable to send final communication that will be included in the meeting. Anything that comes in after the 3 business days prior to the regular meeting is subject to be pushed to the following months meeting. Roush advised there has been no issues previously with receiving information for review, but it will be helpful to state it in the bylaws.

Regarding Section (2G) Agenda: Lanham asked if we need to modify this to say 'agenda will be in the order it is presented at the discretion of the chair'. Cypher advised that when 'old business' is before 'new business' it can potentially take time away from the applicant presenting in the meeting. It was agreed that G10 and G11 should be switched. Commission decided the Chair will be final approval for agenda set-up, the Chair has the authority to modify the agenda prior to the meeting, and the designee will be responsible for preparing the agenda with the Chair. G8 will have Public Hearing added after the Comments from Planning Commissioners and Zoning Administrator. Agenda will be updated to reflect bylaws.

Public Hearings- Section (14) Rules of Procedure, (d) and (e) should be merged to combined to all persons speaking to the application and not separated into support and opposition.

Commissioners asked Cypher to talk with legal counsel in accordance to incorporating Robert's Rules of Order.

Section (15) Rules for Speakers During Public Comment Agenda Items: Bullet point #5 'primary residents' needs to be taken out. Cypher will ask legal counsel as to what public needs to state in Bullet point #4 ex. Name, address, township etc. Bullet point #7, 'during the speaker's time limit' should be taken out.

Current presentation protocol on agenda, #4: Applicants' Response to Public Comment should have 'with commission' added to the end. Commissioners asked to have when to open and when to close the public hearing added to the presentation protocol. Cypher advised once the public hearing is closed, nothing can be added to the record. The window of opportunity should be available throughout the entire

meeting. Cypher will ask legal counsel to weigh in on requirements of where to add 'open public hearing' and 'close public hearing'.

Section 4: Duties of the Zoning Administrator (C3): Commissioners asked if we can add 'at Commissioners discretion' in place of 'at least one week'. Cypher will check with legal counsel to see if the statement 'at least one week' is permitted. Cypher will check with legal counsel to see if all information is not received, the public hearing can be taken off the agenda. Concerns on costs (ex. Letters, notices in paper etc.) to applicant and township are to be reviewed for decision.

Section 6: Conflict of Interest

Cypher will check if by-laws follow the Township Boards conflict of interest policy and review if they match.

Review in the April 15, 2024 meeting will include changes that will be red-lined with requested changes along with legal comments for Commissioners to review. Do not need a public hearing to amend, the Commissioners can approve.

**Chairman Lanham asked for a motion for by-laws to be put on agenda for old business on April 15, 2024 regular meeting. All present in favor, motion carried.**

10. Old Business

- A. Zoning Ordinance amendments for PC review – Lanham advised this will be tabled until next month. Carter has the master plan survey results. Cypher would like to add village commercial to get some continuity for the general public to understand. To be continued next month.

11. General Public Comment –Mark Patterson commented on the commendable amount of work the commission does.

12. Comments from the Commissioners – None

13. Next Meeting: Monday, April 15, 2024; Kasson Township Hall

14. Adjournment

**Chairman Lanham asked for a motion to adjourn the meeting. Carter moved to adjourn the meeting; Roush seconded. All present in favor, motion carried. The meeting was adjourned at 8:40 pm.**

Respectfully submitted,  
Marsha Wolf  
Kasson Township Recording Secretary



## Attachment A

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**From:** Jenny Aragon <jenny@aragon-properties.com>  
**Date:** Monday, March 18, 2024 at 2:40 PM  
**To:** Timothy Cypher (tim@allpermits.com) <tim@allpermits.com>  
**Cc:** AragonCrew@hotmail.com <aragoncrew@hotmail.com>  
**Subject:** Kasson Planning Commission Meeting - Clarifying Questions - 3722

Hi Tim,

We have reviewed the Meeting minutes from the January 2024 Planning Commission meeting and we have a couple clarifying questions. Page numbers reference Draft Meeting Minutes for the February 19, 2024 meeting.

1. Contradiction: Page 6 states 6' Conifer trees are required planted single row 12-15' apart or staggered 20' apart. Page 29 section 19 states, "The commission finds these features are noted on the site plan. Therefore, it is found that this requirement is met." Site plan shows 2" caliper trees, staggered 20' on North side. Clarification:
  1. We are required to plant 6' conifer trees on the W and S sides of the property planted single row 12-15' apart or staggered 20' apart. (Please see Item 5 below to confirm whether west side shielding is in fact required, consistent and necessary.)
  2. Trees on North side, as indicated on the site plan, remains 2" caliper trees, 4-5' staggered 20'
1. We are not required to plant the 10-12 maple trees on the south side of premises in addition to the now required conifer trees southern side of premises
2. Fence is not required for buffering
3. Contradiction: Page 6 says, "dusk till dawn," Page 28 Section 17 says, "The commission finds that there is exterior lighting proposed and will be controlled by photo-cells. Therefore, the commission finds that this requirement is met." Clarification:
  1. Exterior lights must be motion detected so as to abide by the dawn till dusk night sky lighting and to alleviate neighbors concerns; this allows us to operate consistent business hours year round, while also satisfying the night sky ordinance and neighbors.
1. Contradiction: Page 30 Section 4.9.3 C 1. "Unless peripheral areas abutting highways and arterials contain existing mature trees, a mixture of indigenous species trees shall be planted to provide visual and noise screening to the area. Trees must be 1.5" caliper minimum at the time of planting." Clarification:
  1. The Red Barn, which abuts Gilbert Rd, contains massive mature trees which buffer the commercial zone In the original approval these Western trees of the Red Barn were to serve as the western buffer. Is it not placing an undue financial and inconsistent burden to require us to shield between two commercial spaces when in fact Gilbert Road is already shielded from the commercial zones via the western mature trees on the Red Barn?
  2. View from Gilbert: The property to our East, towers over our development and can be seen from Gilbert road, yet no western screening between commercial properties was enforced. The mature trees west of our property almost completely screen our site, and in fact, it is the site to our east that is more visible. Trying to ensure consistency and zoning code is in fact driving the decisions emplaced on our site.



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Due to supply chain issue and contractor timing, we are proposing the amended schedule for the following two items:

1. Planting of trees changed from June 1, 2024 to September 30, 2024
2. Project will be 2-phase: 3-buildings will be erected in 2024 and the final 2-buildings will be erected in 2025.

**Jen Aragon** | JL Aragon Management Company

720-937-0354 | Principal

[Jenny@aragon-properties.com](mailto:Jenny@aragon-properties.com)



**Attachment B**



Design Group, Ltd.

—“Excellence is our Hallmark”

225 E. 16<sup>th</sup> Street, Suite B • Traverse City, MI 49684 • Phone: (231) 947-9019 • Fax: (231) 947-8738

November 9, 2023

Mr. Timothy Cypher  
Empire Township  
P.O. Box 226  
Lake Leelanau, Michigan 49653

**Re: The Red Barn- 3800 W. Empire Hwy.**

Dear Mr. Cypher:

Please review and accept the following documentation and accompanied attachments as our submission for a Special Use permit at the above referenced project located at 3800 W. Empire Hwy.

The owner would like to renovate the building to an owner-occupied lodging house. This use most closely aligns with a hotel/motel, which is not a use-by-right in the existing district. As a place of lodging, the building remains residential in nature and is required to conform to the Michigan Residential Code. We have reviewed the zoning ordinance and believe this project conforms to the intent of the Special Use permit.

Please review this application for completeness and inform us if any further information is required. Our client is eager to begin the project and if there is anything we can provide to facilitate the process we are happy to assist. If you feel it is necessary, please add us to the upcoming planning commission meeting agenda.

If there should be any questions, please contact me.

Sincerely,

C.F. Campbell

**A PROPOSED LODGING HOUSE  
at THE RED BARN**

**IMPACT ASSESSMENT STATEMENT**

**OWNER:**

Northern Retreat Properties LLC  
3800 W. Empire Hwy  
Empire, Michigan 49630

**PREPARED BY APPLICANT:**

JML Design Group, Ltd.  
225 E. 16<sup>th</sup> Street, Suite B  
Traverse City, Michigan 49684  
(231) 947-9019

November 9, 2023



**Proposed Project**

Northern Retreat Properties is proposing to renovate the “Red Barn” into a lodging house. This report contains the anticipated physical impacts of a proposed lodging house on the immediate project area.

The existing “Red Barn” sets on 3.02 acres. The property is currently zoned Commercial. The “Red Barn” is existing and faces onto W. Empire Highway. The width of the lot is 200 feet. The address is 3800 W. Empire Hwy.

Property Tax Number is 45-007-019-008-00. The legal description for the overall property is:

PT SW 1/4 SEC 19 COM SW COR SD SEC TH S 87 DEG 30'05" E 267.41 FT TO POB TH N 00 DEG 57'05" E 660 FT TH S 87 DEG 30'05" E 200 FT TH S 00 DEG 57'05" W 660 FT TH N 87 DEG 30'05" W 200 FT TO POB (A/K/A PARCEL A) SEC 19 T28N R13W 3.02 A M/L 2023 SPLIT FROM 007-019-008-00

The building site is owned by Northern Retreat Properties, LLC.

The Barn contains 3,479 SF on the first floor, 3,025 SF in the lower level and 2,049 SF in the loft. The building is a timber frame structure with wood floors on the first and loft, and concrete slab in the basement.

The building coverage of the site is .02% of the lot area. The building conforms to the setback requirements.

The building will be classified as a lodging house per the Michigan Building Code. The structure will be an owner-occupied house with five or fewer guest rooms. Hotels and motels are allowed in a commercial district with a Special Use Permit.

**Soils**

The soils of the site are sand and loamy sand. The existing soils are classified Kalkaska-Emmet, which are level to steep, well drained sands.

**Drainage**

A storm water management plan exists even though the parking lot is not paved. A retention basin is to be located at the east of the existing parking area.

**Sanitary Sewer**

The existing facility is serviced by a septic tank and field. The septic field will be reviewed with the Health Department to determine if modifications are necessary and to what degree.



### **Water Supply**

The existing building is serviced from an existing well. The addition will not change the water needs. The building will not be fire suppressed.

### **Waste Management**

Regular trash containers and recycle bins will be used for trash. Containers will be rolled to the road for weekly pickup.

### **Traffic Access**

The existing access to the site is off W. Empire Hwy. No alterations will be made to the existing curb cut.

### **Parking**

An existing gravel parking lot will remain. The required parking is (7) spaces, including (1) handicapped space. (1) space per guest room plus employees.

### **Signage**

An existing 4'x4' sign will be utilized. The existing signage on the wall is to remain. No modifications are planned.

### **Landscaping**

No significant landscaping alterations are planned at this time.

### **Miscellaneous**

Agency review letters have been sent to the following entities:

1. Leelanau County Soil Erosion
2. Benzie-Leelanau District Health Department
3. Kasson Township Fire Department

Hours of Operation are as follows: (24) hour

Number of employees: (1) full-time and (2) part-time employees are planned. Contract employees will be used as needed.

No hazardous materials are utilized or stored on site.

The project is to be constructed over a 6–8-month duration. Construction is anticipated to begin December 2023/January 2024. Upon completion of the lower level, the owner's residence will be completed in the next 6-8 months.



# PROPOSED RED BARN RENOVATION FOR NORTHERN RETREAT PROPERTIES EMPIRE, MICHIGAN

## ARCHITECT:

JML DESIGN GROUP LTD.  
225 E. 16TH STREET, SUITE B  
TRAVERSE CITY, MI, 49604  
PHONE: (231) 447-4019  
EMAIL: jml@gatt.net

## OWNER:

NORTHERN RETREAT PROPERTIES  
3800 N. EMPIRE HWY.  
EMPIRE, MICHIGAN  
49630

## CONTACT:

JENNIFER PATTERSON  
PHONE: (231) 409-6766  
EMAIL: EMAIL@ADDRESS.COM

## LIST OF DRAWINGS:

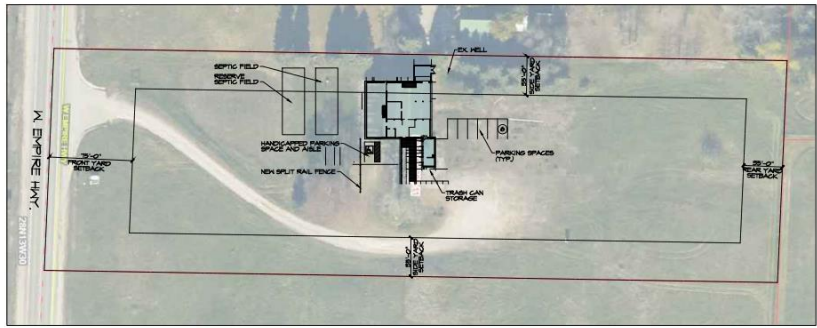
C1.0	COVER SHEET
A1.1	SITE PLAN
A1.2	MAIN LEVEL PLAN
A1.3	LOWER LEVEL PLAN
A1.4	UPPER LEVEL PLAN
A2.1	EXTERIOR ELEVATIONS
A2.2	EXTERIOR ELEVATIONS
A3.1	BUILDING SECTIONS
A6.1	SCHEDULES
S1.1	STRUCTURAL PLANS
S1.2	STRUCTURAL DETAILS

BUILDING PLANNING	
BUILDING CODE REQUIREMENTS	2018 MICHIGAN RESIDENTIAL BUILDING CODE
BUILDING USE GROUP	LOADING DOCK
CONSTRUCTION CLASSIFICATION	
FIRE SUPPRESSION SYSTEM	
BUILDING ALLOWED	TABULAR SP
ALLOWED SF	N/A
TOTAL ALLOWED SF	
STORIES ALLOWED	
HEIGHT ALLOWED	
BUILDING CONTROLS	
ACTUAL SF	
ACTUAL STORIES	
ACTUAL HEIGHT	
OCCUPANT LOAD	
FIRE RESISTANCE RATINGS	
PRIMARY STRUCTURE FRAME	
EXTERIOR BEARING WALL	
INTERIOR BEARING WALL	
NON-BEARING WALLS/PARTITIONS	
FLOOR CONSTRUCTION	
ROOF CONSTRUCTION	
TENANT SEPARATION WALLS	
GENERAL NOTES	

JML DESIGN GROUP, LTD. • 225 E. 16TH STREET, SUITE B • TRAVERSE CITY, MICHIGAN 49604 • (231) 447-4019



JML DESIGN GROUP LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY, MICHIGAN 49604  
 PROJECT NO. 2024-001  
 SHEET NO. C1.0  
 DATE: 08/20/24  
 DRAWN BY: JENNIFER PATTERSON  
 CHECKED BY: JENNIFER PATTERSON  
 APPROVED BY: JENNIFER PATTERSON  
 SCALE: AS SHOWN  
 PROJECT NAME: COVER SHEET RED BARN



**SITE PLAN**  
SCALE: 1/8\"/>

ZONING INFORMATION	
PROPERTY ADDRESS	3800 N. EMPIRE HWY., EMPIRE, MICHIGAN 49630
PROPERTY ID NUMBER	
PROPERTY ZONED	
DIMENSIONAL REQUIREMENTS	REQUIRED PROVIDED
MINIMUM LOT AREA	2 ACRES
MAXIMUM HEIGHT	35'-0\"/>
NUMBER OF STORIES	
MINIMUM YARD SETBACKS	
FRONT, STATE ROAD	15'-0\"/>
REAR YARD SETBACK	35'-0\"/>
SIDE YARD SETBACK	35'-0\"/>
MINIMUM SQUARE FOOTAGE	
MAX. IMPERVIOUS SURFACE	30%
MAX. BUILDING COVERAGE	25%
PARKING REQUIREMENTS	
PARKING SETBACK	N/A
REQUIRED PARKING SPACES	PER GUEST ROOM, SUITE OR OFFICE, OR SUITE YARD

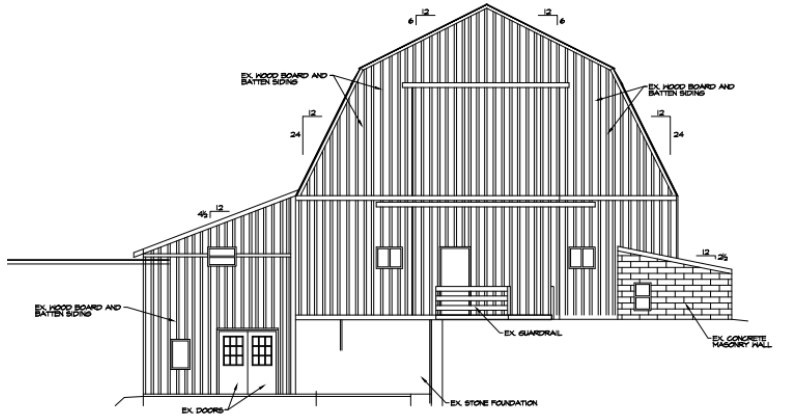


JML DESIGN GROUP LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY, MICHIGAN 49604  
 PROJECT NO. 2024-001  
 SHEET NO. C1.0  
 DATE: 08/20/24  
 DRAWN BY: JENNIFER PATTERSON  
 CHECKED BY: JENNIFER PATTERSON  
 APPROVED BY: JENNIFER PATTERSON  
 SCALE: AS SHOWN  
 PROJECT NAME: SITE PLAN RED BARN

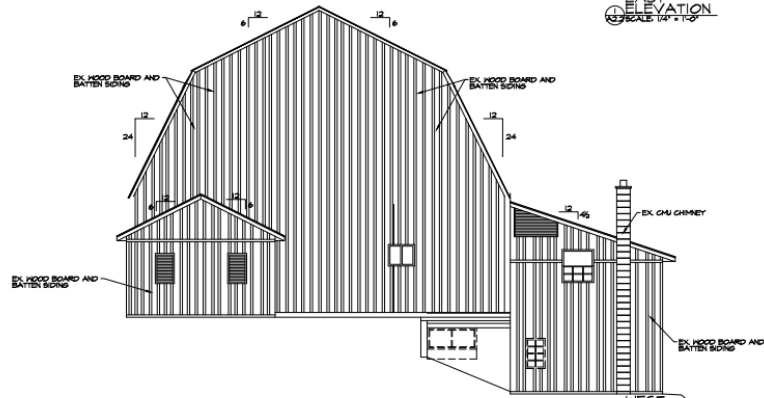








**EAST ELEVATION**  
SCALE 1/4" = 1'-0"



**WEST ELEVATION**  
SCALE 1/4" = 1'-0"

J.C. DESIGN GROUP LTD. 208 E. 9TH STREET, SUITE 8, TRAVLER'S CITY, MICHIGAN 49664

DATE: 08/24/25  
 DRAWN BY: J.C. DESIGN GROUP LTD.  
 CHECKED BY: J.C. DESIGN GROUP LTD.  
 PROJECT: EXTERIOR ELEVATIONS FOR RED BARN

DATE: 08/24/25  
 DRAWN BY: J.C. DESIGN GROUP LTD.  
 CHECKED BY: J.C. DESIGN GROUP LTD.  
 PROJECT: EXTERIOR ELEVATIONS FOR RED BARN

**EXTERIOR ELEVATIONS**  
**RED BARN**

DATE: 08/24/25  
 DRAWN BY: J.C. DESIGN GROUP LTD.  
 CHECKED BY: J.C. DESIGN GROUP LTD.  
 PROJECT: EXTERIOR ELEVATIONS FOR RED BARN



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