

# KORSON REZONING APPLICATION

SUTTONS BAY TOWNSHIP BOARD

APRIL 11, 2023

## APPLICATION TO REZONE PROPERTY FROM AGRICULTURAL TO RESIDENTIAL

Applicant/Owner: **Gloria Korson**

Subject Property: **Property No: Part of 45-011-023-002-00 and  
Part of 45-011-023-011-04**

**Address: No addresses assigned.**

**Legal Description is listed in Application packet.**

Existing Zoning: **Agricultural Zoning District**

Request: **Rezone 2.854 acres of the subject parcel from  
Agricultural Zoning District to Residential Zoning District.**

### Process:

- A rezoning is a Zoning Map Amendment to the Official Zoning Ordinance, and is covered in the Michigan Zoning Enabling Act and the Suttons Bay Township Zoning Ordinance.
- The Planning Commission reviews applications for Map and Text Amendments, conducts a Public Hearing, and makes a recommendation to the Township Board.
- By statute, the recommendation is also reviewed by the County Planning Commission.
- The Township Board then considers the formal amendment to the zoning ordinance.
- The Michigan Statute provides for the voluntary offering of conditions for a rezoning by an applicant. These must be voluntary and must be submitted in writing. ***There are no voluntary conditions included with this application.***

### Background:

- The Board is only reviewing the rezoning of the total described 2.854 Acres, not the individual one-acre lots (Parcel A and Parcel B) shown on the survey. Any future division of this land would be reviewed by the Land Division Committee (Assessor, Supervisor, Zoning Administrator)
- The Board is not reviewing the remainder of the Korson parcel or the Private Road.
- Approval of the rezoning does not infer or imply that the parcels shown on the survey would be approved by Suttons Bay Township, and does not infer or imply that the parcels are buildable.
- However, under current zoning, the rezoning would allow a one acre density compared to the two-acre density of the current Agricultural District.

- If the overall Suttons Bay Township Zoning Map is changed in the future, as is being discussed by the Planning Commission, that revised zoning map would supersede this zoning action.

### **Schedule:**

- Application received on January 18, 2023.
- Introduction to the Suttons Bay Township Planning Commission (PC) was held at the Regular February 7, 2023 PC meeting.
- A Public Hearing was held during the March 7, 2023 Regular PC Meeting, followed by a deliberation of the application by the PC.
- During the March 7, 2023 meeting, the PC, by a 5-3 vote, recommended denial of the Application to the Township Board.
- The Application, Reports, and Draft Minutes were sent to the Leelanau County Planning Commission (LCPC) for review.
- The Leelanau County Planning Staff prepared a Staff Report, and the Application was reviewed at the Regular LCPC Meeting on March 28, 2023.
- The LCPC discussed the Application at their March 28, 2023 meeting, and unanimously (with one abstention) recommended approval of the Application to the Suttons Bay Township Board.

**Updated Rezoning Considerations and a draft Ordinance are being prepared and will be transmitted separately to the Board prior to the meeting.**

### **Possible Action:**

***Motion to (approve/deny) Ordinance No. \_\_\_ of 2023 which would rezone 2.854 acres of parcel no. 45-011-023-002-00 and 45-011-023-011-04 from the Agricultural Zoning District to the Residential Zoning District, based upon the Boards review of the rezoning considerations contained in the Suttons Bay Township Zoning Ordinance, the General Findings of Fact, the Leelanau County Planning Commission recommendation and Staff Report, the Suttons Bay Township Planning Commission recommendation, and facts presented by the Public.***

# APPLICATION

SUTTONS BAY TOWNSHIP

APPLICATION FOR REZONING

OFFICE USE ONLY

DATE RECEIVED: 1/18/2023 FILE NUMBER:
DATE APPLICATION DETERMINED COMPLETE: 1/18/2023 FEE: 300 PAID
DATE(S) REVIEWED BY PLANNING COMMISSION:
DATE APPROVED: RECEIPT NO: #1096

Applicant Information:

Applicant: GIORIA KORSON
Address: 166 N Stony Pt Rd
Suttons Bay, MI 49682
Phone: 231-271-3816 cell 231-866-1580 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: -

Company:

Address:

Phone: Fax:

Location of Property:

Property (Tax) Number: 45-011-023-002-00 (PART OF)

Street Address of Parcel: N. STONY POINT RD (PER LEECLANAU COUNTY)

Current Zoning of Parcel: AGRICULTURAL

Proposed Zoning of Parcel: RESIDENTIAL

With Conditions Without Conditions

Acreeage of Parcel: 2.854 ACRES OF PARCEL


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 Suttons Bay Township to enter the property during the re-zoning process.

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

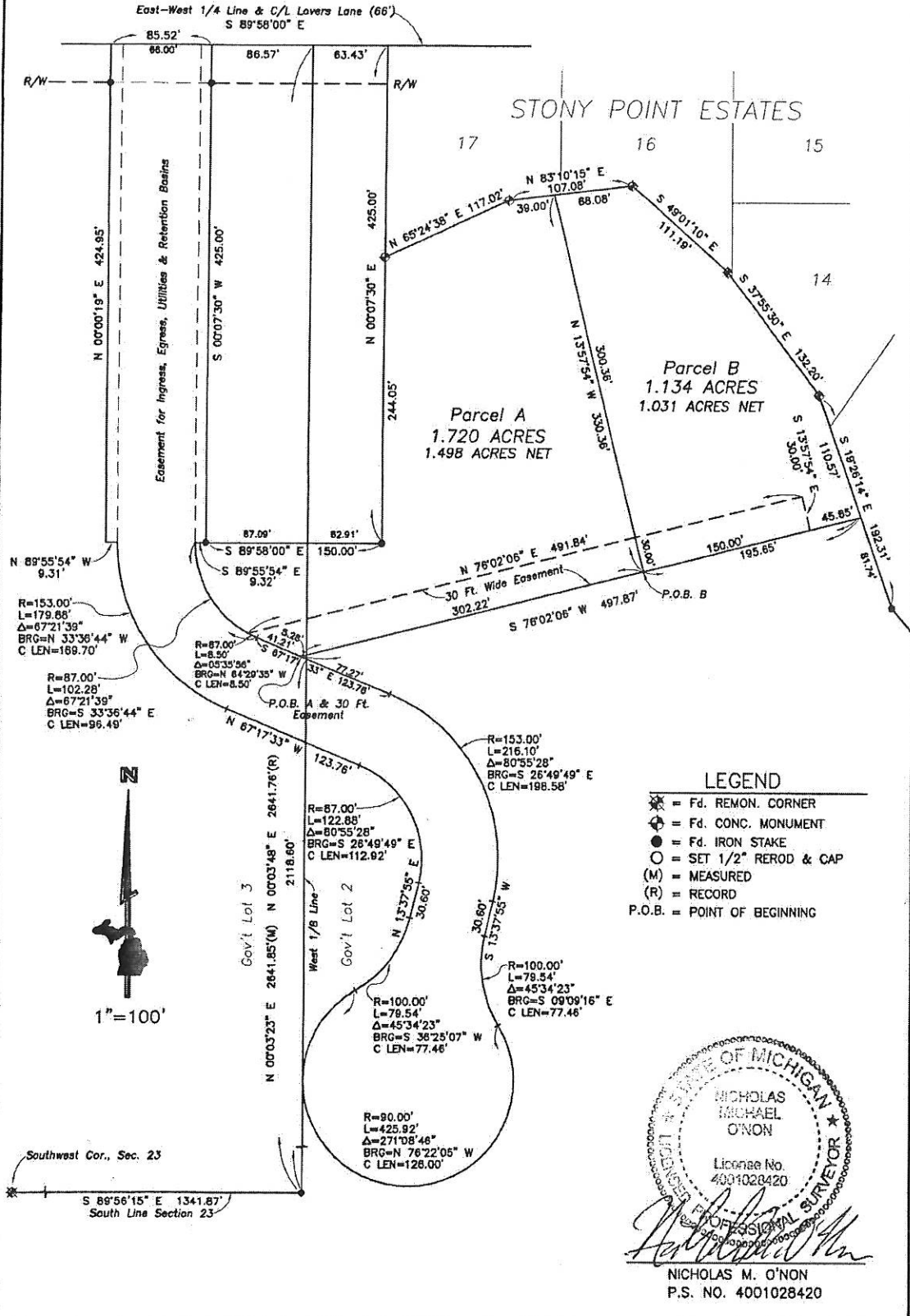
**Signature:** By:   
Name: GLORIA KORSON  
Title: DWARD

**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)

# PROPOSED PARCEL DIVISION



- LEGEND**
- ✱ = Fd. REMON. CORNER
  - ⊙ = Fd. CONC. MONUMENT
  - = Fd. IRON STAKE
  - = SET 1/2" REROD & CAP
  - (M) = MEASURED
  - (R) = RECORD
  - P.O.B. = POINT OF BEGINNING

NICHOLAS M. O'NON  
 P.S. NO. 4001028420

PROPOSED PARCEL DIVISIONS IN PART OF GOVERNMENT LOT 2 AND PART OF GOVERNMENT LOT 3, SECTION 23, TOWN 30 NORTH, RANGE 11 WEST, SUTTONS BAY TOWNSHIP, LEE LANAU COUNTY, MICHIGAN.

CLIENT: Gloria Korson  
166 N. Stony Point Road, Suttons Bay, MI 49682

FILE NO.: 2018046-23SB3011-RL      DATE: January 17, 2023

NICHOLAS M. O'NON  
O'NON LAND SURVEYING  
105 BROADWAY, P.O. BOX 277  
SUTTONS BAY, MI 49682  
(231) 271-3255  
ononsurveying@gmail.com

SHEET 1 OF 4

# PROPOSED PARCEL DIVISION

Parcel to be rezoned

Part of Government Lot 2 and part of Government Lot 3, Section 23, Town 30 North, Range 11 West, Suttons Bay Township, Leelanau County, Michigan, described more fully as follows: Commencing at the Southwest Corner of said Section 23; thence S89°56'15"E, along the South Line of said Section 23, 1341.87 feet to the West 1/8 Line of said Section 23; thence N00°03'23"E, along said west 1/8 line, 2118.60 feet to the Easterly right of way line of a 66.00 foot wide easement; thence N67°17'33"W, along said right of way line, 5.28 feet for the Point of Beginning; thence continuing N67°17'33"W, along said right of way line, 41.21 feet; thence Northwesterly, along said right of way line and the arc of a 87.00 foot radius curve to the right, 102.28 feet (having a delta of 67°21'39" and long chord of N33°36'44"W, 96.49 feet); thence S89°55'54"E, 9.32 feet; thence S89°58'00"E, parallel with the East-West 1/4 Line of said Section 23, 150.00 feet; thence N00°07'30"E, 244.05 feet to the Southwesterly Line of the Plat of Stony Point Estates (Liber 7 of Plats, Pages 26-28, Leelanau County Records); thence N65°24'38"E, along said plat line, 117.02 feet; thence N83°10'15"E, along said plat line, 107.08 feet; thence S49°01'10"E, along said plat line, 111.19 feet; thence S37°55'30"E, 132.20 feet; thence S19°26'14"E, along said plat line, 110.57 feet; thence S76°02'06"W, 497.87 feet to the Point of Beginning. The described parcel contains 2.854 acres of land.

Subject to and together with a non-exclusive easement for ingress, egress and the installation and maintenance of public and private utilities, over, across and under a 30.00 foot wide strip of land situated in part of Government Lot 2 and part of Government Lot 3, Section 23, Town 30 North, Range 11 West, Suttons Bay Township, Leelanau County, Michigan, said strip being described more fully as follows: Commencing at the Southwest Corner of said Section 23; thence S89°56'15"E, along the South Line of said Section 23, 1341.87 feet to the West 1/8 Line of said Section 23; thence N00°03'23"E, along said west 1/8 line, 2118.60 feet to the Easterly right of way line of a 66.00 foot wide easement; thence N67°17'33"W, along said right of way line, 5.28 feet for the Point of Beginning; thence continuing N67°17'33"W, along said right of way line, 41.21 feet; thence Northwesterly, along said right of way line and the arc of a 87.00 foot radius curve to the right, 8.50 feet (having a delta of 05°35'56" and chord of N64°29'35"W, 8.50 feet); thence N76°02'06"E, 491.84 feet; thence S13°57'54"E, 30.00 feet; thence S76°02'06"W, 452.22 feet to the Point of Beginning.

Subject to and together with other easements, restrictions and reservations of record, if any.



NICHOLAS  
 MICHAEL  
 O'NON  
 License No.  
 4001028420  
 PROFESSIONAL SURVEYOR  
 STATE OF MICHIGAN

*Nicholas M. O'Non*  
 NICHOLAS M. O'NON  
 P.S. NO. 4001028420

PROPOSED PARCEL DIVISIONS IN PART OF GOVERNMENT LOT 2 AND PART OF GOVERNMENT LOT 3, SECTION 23, TOWN 30 NORTH, RANGE 11 WEST, SUTTONS BAY TOWNSHIP, LEELANAU COUNTY, MICHIGAN.

NICHOLAS M. O'NON  
 O'NON LAND SURVEYING  
 105 BROADWAY, P.O. BOX 277  
 SUTTONS BAY, MI 49682  
 (231) 271-3255  
 ononsurveying@gmail.com

CLIENT: Gloria Korson  
 166 N. Stony Point Road, Suttons Bay, MI 49682

FILE NO.: 2018046-23SB3011-RL

DATE: January 17, 2023

SHEET 2 OF 4

# PROPOSED PARCEL DIVISION

Parcel A

Part of Government Lot 2 and part of Government Lot 3, Section 23, Town 30 North, Range 11 West, Suttons Bay Township, Leelanau County, Michigan, described more fully as follows: Commencing at the Southwest Corner of said Section 23; thence S89°56'15"E, along the South Line of said Section 23, 1341.87 feet to the West 1/8 Line of said Section 23; thence N00°03'23"E, along said west 1/8 line, 2118.60 feet to the Easterly right of way line of a 66.00 foot wide easement; thence N67°17'33"W, along said right of way line, 5.28 feet for the Point of Beginning; thence continuing N67°17'33"W, along said right of way line, 41.21 feet; thence Northwesterly, along said right of way line and the arc of a 87.00 foot radius curve to the right, 102.28 feet (having a delta of 67°21'39" and long chord of N33°36'44"W, 96.49 feet); thence S89°55'54"E, 9.32 feet; thence S89°58'00"E, parallel with the East-West ¼ Line of said Section 23, 150.00 feet; thence N00°07'30"E, 244.05 feet to the Southwesterly Line of the Plat of Stony Point Estates (Liber 7 of Plats, Pages 26-28, Leelanau County Records); thence N65°24'38"E, along said plat line, 117.02 feet; thence N83°10'15"E, along said plat line, 39.00 feet; thence S13°57'54"E, 330.36 feet; thence S76°02'06"W, 302.22 feet to the Point of Beginning. The described parcel contains 1.720 acres of land and has a net area, per township definition, of 1.498 acres.

Subject to and together with a non-exclusive easement for ingress, egress and the installation and maintenance of public and private utilities, over, across and under a 30.00 foot wide strip of land situated in part of Government Lot 2 and part of Government Lot 3, Section 23, Town 30 North, Range 11 West, Suttons Bay Township, Leelanau County, Michigan, said strip being described more fully as follows: Commencing at the Southwest Corner of said Section 23; thence S89°56'15"E, along the South Line of said Section 23, 1341.87 feet to the West 1/8 Line of said Section 23; thence N00°03'23"E, along said west 1/8 line, 2118.60 feet to the Easterly right of way line of a 66.00 foot wide easement; thence N67°17'33"W, along said right of way line, 5.28 feet for the Point of Beginning; thence continuing N67°17'33"W, along said right of way line, 41.21 feet; thence Northwesterly, along said right of way line and the arc of a 87.00 foot radius curve to the right, 8.50 feet (having a delta of 05°35'56" and chord of N64°29'35"W, 8.50 feet); thence N76°02'06"E, 491.84 feet; thence S13°57'54"E, 30.00 feet; thence S76°02'06"W, 452.22 feet to the Point of Beginning.

Subject to and together with other easements, restrictions and reservations of record, if any.

NICHOLAS M. O'NON  
P.S. NO. 4001028420

PROPOSED PARCEL DIVISIONS IN PART OF GOVERNMENT LOT 2 AND PART OF GOVERNMENT LOT 3, SECTION 23, TOWN 30 NORTH, RANGE 11 WEST, SUTTONS BAY TOWNSHIP, LEELANAU COUNTY, MICHIGAN.		NICHOLAS M. O'NON O'NON LAND SURVEYING 105 BROADWAY, P.O. BOX 277 SUTTONS BAY, MI 49682 (231) 271-3255 ononsurveying@gmail.com
CLIENT: Gloria Korson 166 N. Stony Point Road, Suttons Bay, MI 49682		
FILE NO.: 2018046-23SB3011-RL	DATE: January 17, 2023	SHEET 3 OF 4

# PROPOSED PARCEL DIVISION

Parcel B

Part of Government Lot 2 and part of Government Lot 3, Section 23, Town 30 North, Range 11 West, Suttons Bay Township, Leelanau County, Michigan, described more fully as follows: Commencing at the Southwest Corner of said Section 23; thence S89°56'15"E, along the South Line of said Section 23, 1341.87 feet to the West 1/8 Line of said Section 23; thence N00°03'23"E, along said west 1/8 line, 2118.60 feet to the Easterly right of way line of a 66.00 foot wide easement; thence N67°17'33"W, along said right of way line, 5.28 feet; thence N76°02'06"E, 302.22 feet for the Point of Beginning; thence N13°57'54"W, 330.36 feet to the Southwesterly Line of the Plat of Stony Point Estates (Liber 7 of Plats, Pages 26-28, Leelanau County Records); thence N83°10'15"E, along said plat line, 68.08 feet; thence S49°01'10"E, along said plat line, 111.19 feet; thence S37°55'30"E, along said plat line, 132.20 feet; thence S19°28'14"E, along said plat line, 110.57 feet; thence S76°02'06"W, 195.65 feet to the Point of Beginning. The described parcel contains 1.134 acres of land and has a net area, per township definition, of 1.031 acres.

Together with a non-exclusive easement for ingress, egress and the installation and maintenance of public and private utilities, over, across and under a 30.00 foot wide strip of land situated in part of Government Lot 2 and part of Government Lot 3, Section 23, Town 30 North, Range 11 West, Suttons Bay Township, Leelanau County, Michigan, said strip being described more fully as follows: Commencing at the Southwest Corner of said Section 23; thence S89°56'15"E, along the South Line of said Section 23, 1341.87 feet to the West 1/8 Line of said Section 23; thence N00°03'23"E, along said west 1/8 line, 2118.60 feet to the Easterly right of way line of a 66.00 foot wide easement; thence N67°17'33"W, along said right of way line, 5.28 feet for the Point of Beginning; thence continuing N67°17'33"W, along said right of way line, 41.21 feet; thence Northwesterly, along said right of way line and the arc of a 87.00 foot radius curve to the right, 8.50 feet (having a delta of 05°35'56" and chord of N64°29'35"W, 8.50 feet); thence N76°02'06"E, 491.84 feet; thence S13°57'54"E, 30.00 feet; thence S76°02'06"W, 452.22 feet to the Point of Beginning.

Subject to and together with other easements, restrictions and reservations of record, if any.

NICHOLAS M. O'NON  
P.S. NO. 4001028420

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CLIENT: Gloria Korson 166 N. Stony Point Road, Suttons Bay, MI 49682		
FILE NO.: 2018046-23SB3011-RL	DATE: January 17, 2023	SHEET 4 OF 4

# VICINITY MAPS

(Prepared by Staff)



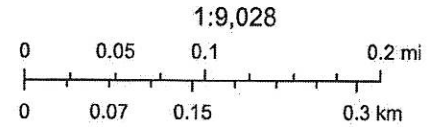
# Leelanau Parcel Viewer



1/30/2023, 10:11:27 AM

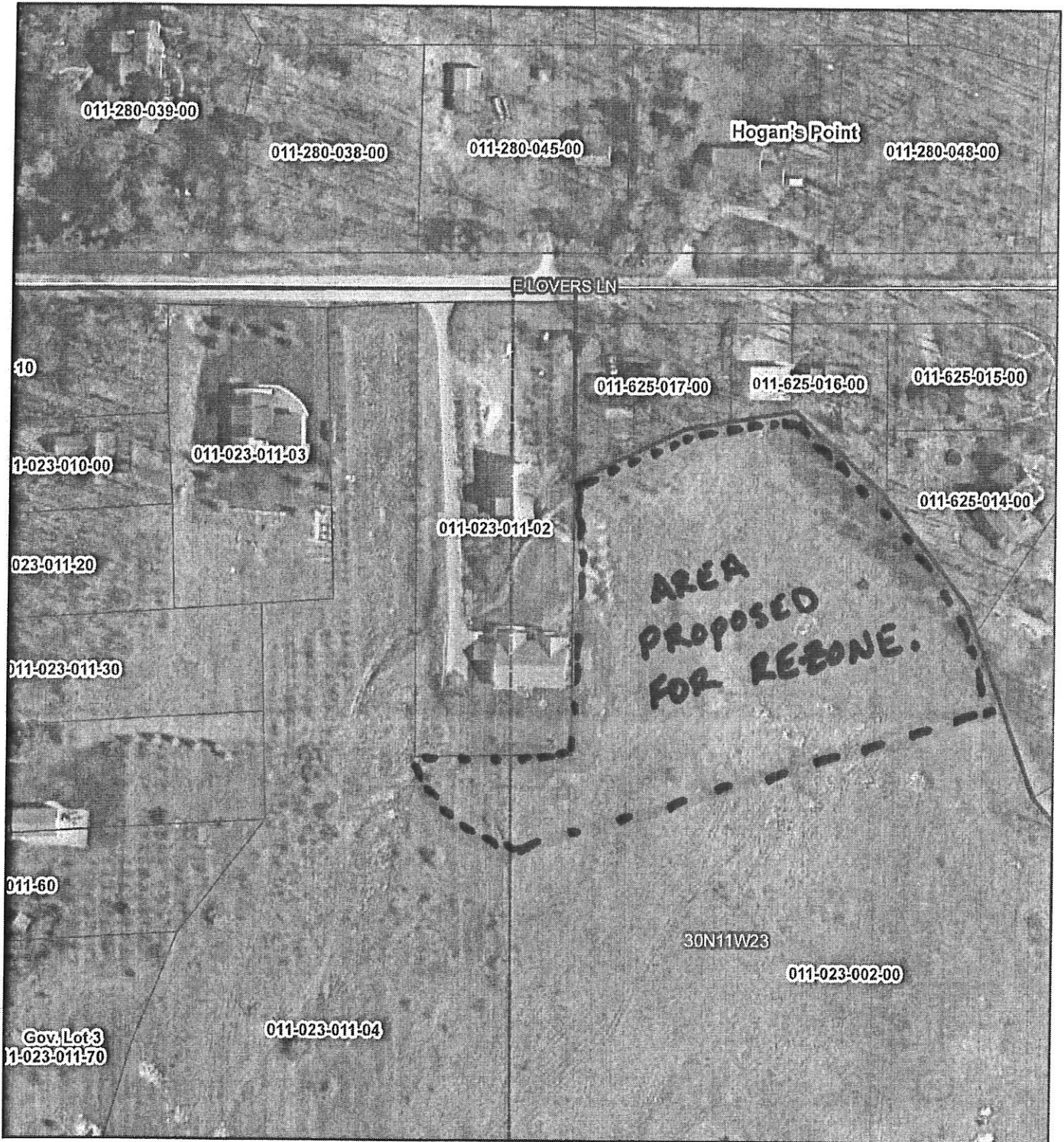
- Override 1  Subdivisions & Condos
- Roads  Government Lots
- Municipalities  Tax Parcels
- Sections

**SNP 1/30/23**









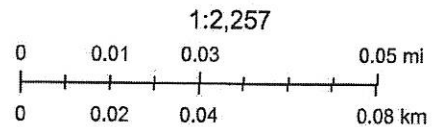
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# Leelanau Parcel Viewer



1/30/2023, 10:08:09 AM

-  Roads
-  Subdivisions & Condos
-  Municipalities
-  Government Lots
-  Sections
-  Tax Parcels



*SWP 1/30/23*

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WRITTEN  
PUBLIC COMMENT

February 28, 2023

Members of the Suttons Bay Township Planning Commission:

I am not in favor of granting the request to rezone 2.85 acres from agricultural to residential (parcel no. 45-011-023-002-00) for the following reasons:

\*The change of zoning would result in higher density housing that would increase traffic, impacting the safety of bikers and walkers on an already busy road.

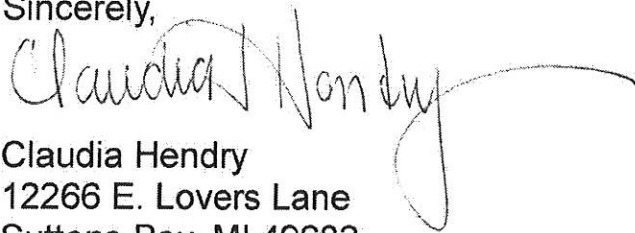
\*I bought my property because it bordered agricultural land. Losing farmland changes the character of the neighborhood and could negatively impact property values causing undue hardship for my neighbors and me.

\*I have concerns over the quality of the road presently under development adjacent to my property (water runoff, dust, mud). Are regulations and requirements being followed for development of this road?

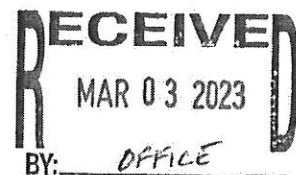
\*I have questions regarding the master plan and the possibility of requests for future zoning changes on the remaining Korson property. Is there a site plan?

Thank you for your consideration of my concerns.

Sincerely,



Claudia Hendry  
12266 E. Lovers Lane  
Suttons Bay, MI 49682  
hendrycj@gmail.com  
616-915-8100



**From:** Jerry Hjelle <jhjelle@hjelleadvisors.com>  
**Sent:** Saturday, March 4, 2023 2:52 PM  
**To:** zoningadmin@suttonsbaytwp.com; Jerry Hjelle  
**Subject:** Rezoning Request of Gloria Korson for Parcel No 45-011-023-002-00

To: Suttons Bay Township Planning Commission

Thank you for the opportunity to provide input regarding the rezoning of the 2.85 acres off of Lovers Lane in the North Stoney Point area of Suttons Bay Township. My wife and I own 274 N Stoney Point, in close proximity to the subject proposed rezoning and directly adjacent to the main property owned by Gloria Korson. We write to suggest that the Planning Commission deny the rezoning request.

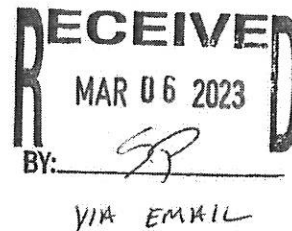
Based on conversations with Gloria (two), it is our understanding that she intends to develop a large part of her current land, with development planned in a stepwise manner as she obtains funding. So, we view the requested small project off Lovers Lane as a step toward this larger goal. We have read the limited available information regarding this small development and have sufficient concerns both regarding the **precedence** it may set for the eventual development of the entire property AND the **adverse effects** of inadequate road, septic, well and water run-off without proper planning. If Gloria and her partnered developer of these parcels could share their plans with the Planning Commission to ensure that building density and possible adverse effects are addressed, then we could better understand impacts and support this specific rezoning request and potentially the envisioned larger project.

We love Stoney Point and appreciate Gloria's position. However, we have serious concerns that without proper planning and oversight, that the approval of this specific rezoning request will create a precedence. We hope that the Planning Commission has been consulted regarding roads, septic, wells and water run-off for this specific project. Finally, we have general concerns regarding the degree of planning and professional qualifications of the development partners. We understand that Commission members are very busy people, and that it is not your role to solve development project engineering issues. However, it would be a great comfort to us to know that the Planning Commission, working together with the developers, can ensure that responsible plans for the development of Stoney Point are developed and implemented.

We sincerely thank you for your service.

Respectfully,

Jerry and Joan Hjelle  
274 N Stoney Point Rd  
joanhjelle@gmail.com  
jhjelle@hjelleadvisors.com



RESPONSE TO ITEM 2  
SUTTONS BAY TOWNSHIP PLANNING COMMISSION  
TUESDAY MARCH 7, 2023

Regarding Gloria Korson's request to rezone 2.85 acres from agricultural to residential:

We are adjacent property owners and object to approval without additional documentation. We are asking to see a 5-year plan for the property that addresses when development will be completed and how the development is in accordance with the township's master plan for development.

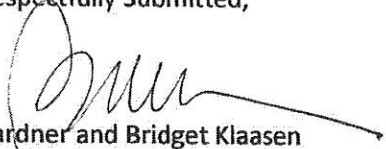
The current submission to the board lacks transparency. The request is for rezoning two parcels (1.72 and 1/13 acres) for a total of 2.85 acres. The road permit issued 12/4/22 is for *multiuse residential, between 5-14 lots, to be inspected upon completion*. We do not know when completion is anticipated nor, in typical cart before the horse manner, do we know why a road permit was issued on an agricultural designation before the zoning change to residential was approved. When will the planning commission see the site plan for the remaining lots?

Ms. Korson's representative, Eric Sawbitz, who represents himself as her contractor to township officials and provides expert opinion as such, does not hold a Michigan license as a licensed builder, residential contractor, electrician, plumber, or excavator. I would ask the board take advice of licensed professionals, not backyard hobbyists with inadequate equipment, staff and expertise to complete the job.

There is nothing neighbors or township officials can point to and say, "This is what you said you would do." Or "This is what you have approval to do." This project has no owner accountability. It is an unregulated development. It has not attempted to conform to a plan, nor will it unless the planning commission requires it. As neighbors, we have no reason to trust Ms. Korson's stewardship of her own land. She has multiple junk piles on her property, buries old television sets and chemical containers at whim, and has rotting lead ammunition boxes spilling into the roadway. She has an occupied accessory dwelling (rental apartments in a pole barn) on her property without corresponding well, septic, occupancy permits or inspections on file. She has open building code, health department and animal control complaints.

Ms. Korson has treated neither her neighbors nor her land well. She has a history of ignoring zoning and code requests and her lack of transparency with tonight's request confirms an intent to continue to ignore zoning. The board does not have adequate information to approve the rezoning request at this time and we ask for an initial denial.

Respectfully Submitted,

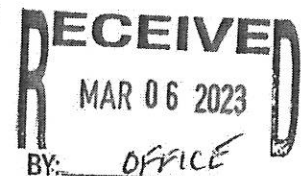


Gardner and Bridget Klaasen

12274 E Lovers Lane

Suttons Bay, MI 49682

231-620-7243 [gardnerklaasen@yahoo.com](mailto:gardnerklaasen@yahoo.com) [bridgetklaasen@yahoo.com](mailto:bridgetklaasen@yahoo.com)

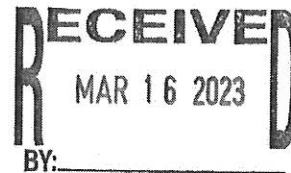


# RACHEL & JEREMY PEPLINSKI

465 N Lover's Lane Court, Suttons Bay, MI 49682 | (231) 271-4008 | rlaven77@hotmail.com

3/12/2023

Suttons Bay Township Board  
PO Box 457  
Suttons Bay, MI 49682



## Suttons Bay Township Board:

This letter is in regard to Gloria Korson's 1/18/2023 application to rezone a 2.854 acre portion of property tax numbers 40-011-023-002-00 and 045-023-011-04 from agricultural to residential, on Stony Point in Suttons Bay. This application to rezone was a focus in the SB Twp Planning Commission meeting, held on March 7, 2023. Ultimately the board voted 5-3 (with one member absent) to deny the rezone application after a public hearing with multiple neighbors present, some who voiced concerns and opinions.

I understand the next step of this process is that your board will have the final vote to either approve or deny this rezoning application. As such, I would like to share some insight into this situation on Stony Point.

My husband and I live adjacent to the parcel in question and we are in support of it being rezoned to residential. We built our home on parcel 011-625-014-00 in 2001 and we love living on quiet Stony Point. In fact, we are seeking to purchase part of this parcel from Gloria Korson if it is rezoned because it's Eastern side touches our lot line. A couple of our neighbors spoke up about keeping the agricultural zoning in place so that homes cannot be built on this land. We seek to accomplish the *same thing* by purchasing it so that it can remain a land buffer. I'd like to plant an organic vegetable garden and have space for our future grandkids to play. We aren't interested in building on it which we did articulate during the public hearing.

In 2010, parcel 011-023-011-03 (Lover's Lane) was rezoned from AG to residential. In 2014, parcel 011-023-011-02 (Lover's Lane) was rezoned from AG to residential. Both of these parcels were part of the same mother property that Gloria Korson is currently seeking to rezone (30N11W23). Both of the homeowners from those two properties were present at the March 7 Planning Commission meeting and both were opposed to this rezone, ironically.

I think it is important to note that two of the SB Twp Planning Commission board members live on Stony Point. Based on their comments during the meeting continually opposing this rezone and one in particular drawing negative attention to Gloria Korson's personal home property, I wonder if they should have recused themselves from the vote due to conflict of interest. My intention is not to cause trouble but it bears mentioning that these two members did not appear unbiased in their decision.

After the board voted and opened the floor again for public comment, one member stated that many of the "no" votes were because this rezone application was not submitted with conditions. When asked to elaborate what those conditions might be, he indicated that if Gloria Korson would clean up "some of the junk" on her personal home property, the votes could have been in her favor. At that point, it was very clear that some decision-making was not based on A – J factors in the Article 25.2 Rezoning Ordinance, but rather a desire to coerce and leverage the situation for reasons completely unrelated. Specifically, this goes against D in section 25.3.2 of the same document.

Lastly, another board member made valid points about how fruitless it would be to keep this small parcel zoned as agricultural land. As a person with substantial farming experience, they stated that it could not possibly be farmed due to spacial restrictions. Additionally, chemicals used in farming would runoff into lower residential lots which are present on three sides. As such, it makes more practical sense to rezone this parcel to residential land according to Factor G in Section 25.2 of the Rezoning Ordinance.

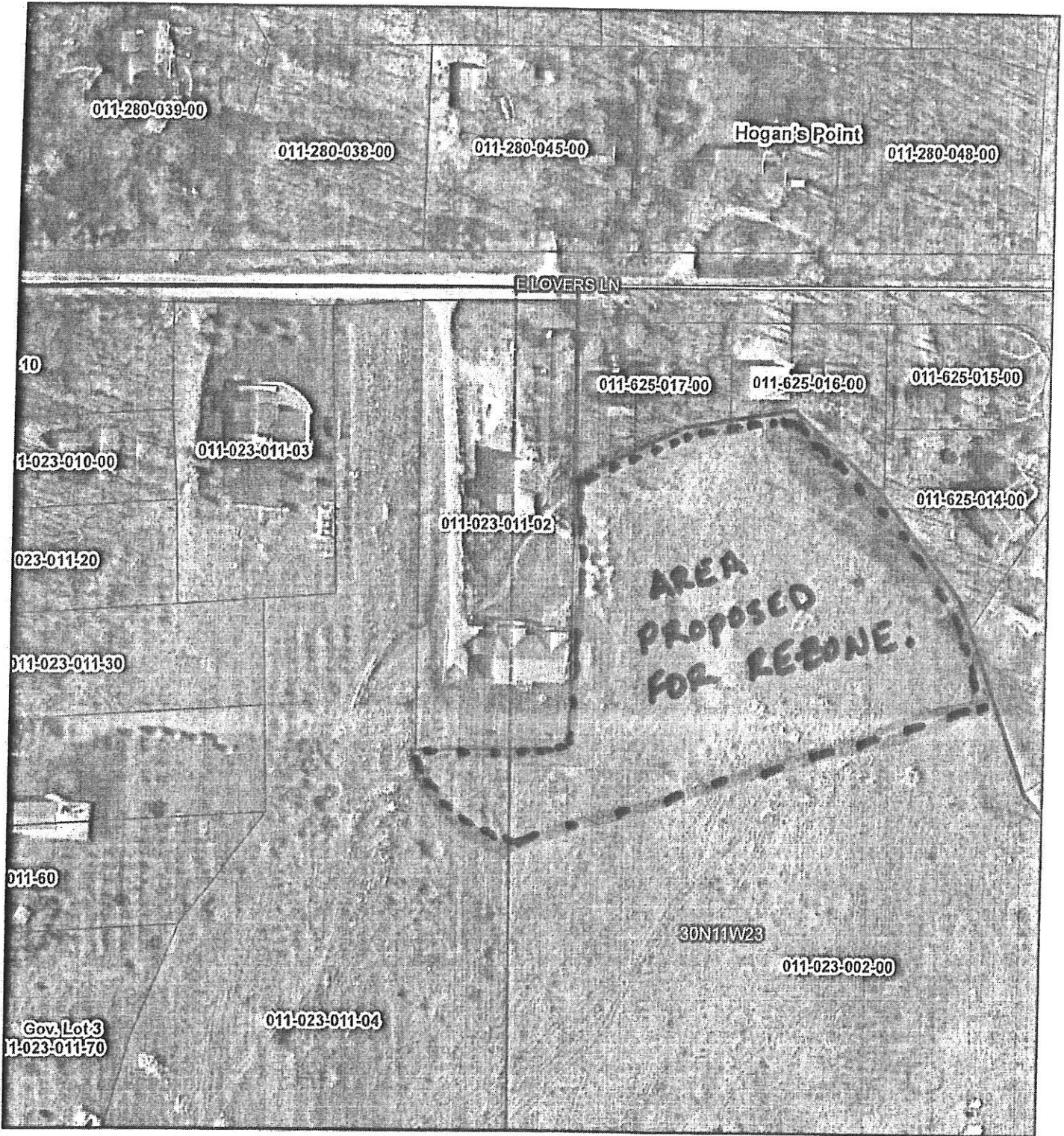
Please consider the above information in your formal decision. Thank you sincerely for taking time to read this letter. Leelanau County has been my home since 1990 and my husband was born and raised here. We've owned a business in downtown Suttons Bay since 2003 and have a vested interest in keeping the essence of this area true to its history. That allure is the very reason that locals cherish this area and visitors arrange their whole schedules to spend time vacationing here. We value the processes that our community has in place to keep Leelanau County friendly, fair and accountable.

Sincerely,







**Rachel Peplinski**

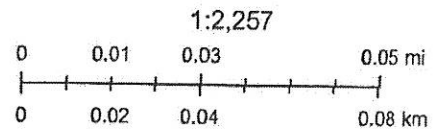


# Leelanau Parcel Viewer



1/30/2023, 10:08:09 AM

-  Roads
-  Municipalities
-  Sections
-  Subdivisions & Condos
-  Government Lots
-  Tax Parcels



*SUP 1/30/23*

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA,

# STAFF REPORTS



# KORSON REZONING APPLICATION

SUTTONS BAY TOWNSHIP PLANNING COMMISSION

MARCH 7, 2023

## PUBLIC HEARING - APPLICATION TO REZONE PROPERTY FROM AGRICULTURAL TO RESIDENTIAL

Applicant/Owner: **Gloria Korson**

Subject Property: **Property No: Part of 45-011-023-002-00 and Part of 45-011-023-011-04**

**Address: No addresses assigned.**

**Legal Description is listed in Application packet.**

Existing Zoning: **Agricultural**

Request: **Rezone 2.854 acres of the subject parcel from Agricultural Zoning District to Residential Zoning District.**

### Process:

- A rezoning is a Zoning Map Amendment to the Official Zoning Ordinance, and is covered in the Michigan Zoning Enabling Act and the Suttons Bay Township Zoning Ordinance.
- The Planning Commission reviews applications for Map and Text Amendments, conducts a Public Hearing, and makes a recommendation to the Township Board.
- By statute, the recommendation is also reviewed by the County Planning Commission.
- The Township Board then considers the formal amendment to the zoning ordinance.
- The Michigan Statute provides for the voluntary offering of conditions for a rezoning by an applicant. These must be voluntary and must be submitted in writing. ***There are no voluntary conditions included with this application.***

### Background:

- The Planning Commission is only reviewing the rezoning of the overall described 2.854 Acres.
- The Planning Commission is not reviewing the parcels shown on the Land Survey (Parcel A and Parcel B) or the Private Road. Any future division of this land would be reviewed by the Land Division Committee (Assessor, Supervisor, Zoning Administrator)
- Approval of the rezoning does not infer or imply that the parcels shown on the survey would be approved by Suttons Bay Township, and does not infer or imply that the parcels are buildable.
- However, under current zoning, the rezoning would allow a one acre density compared to the two-acre density of the current Agricultural District.

- If the overall Suttons Bay Township Zoning Map is changed in the future, as is being discussed by the Planning Commission, that revised zoning map would supersede this zoning action.

**Schedule:**

- Application received on January 18, 2023.
- Introduction was held on February 7, 2023.
- A Public Hearing has been published for March 7, 2023.

**Previous Activity on Parent Parcels:**

- Suttons Bay Township approved a rezoning of 2.24 acres on Lovers Lane from Agricultural to Residential to allow for two parcels on Lover’s Lane.
- Subsequently a Land Division was approved for two lots.
- In 2014, the township approved the rezoning of an additional 0.637 acres of adjacent land from Agricultural to Residential to allow one of the two previous lots to be shifted to the West.
- In 2017, the township approved the rezoning of an additional 0.344 acres of land adjacent to one of the two lots (parcel 45-011-023-011-02) from Agricultural to Residential, to enlarge this lot and expand the buildable area.
- This 0.344 acres was added to 45-011-023-011-02 as a boundary line adjustment.
- The subject property proposed for rezoning in this Application is adjacent to the land that was rezoned in 2010 and 2017.

**Attachments:**

- Application, Survey, and Legal Descriptions.
- Vicinity Map prepared by Staff.

**Master Plan:**

The 2011 Master Plan Future Land Use Map (page 56 – Map #11) lists the general area of the subject property as on the borderline between Shoreline Residential, Rural Residential, & Working Lands.

**General Findings of Fact:**

1. The subject property is part of property numbers 45-011-023-011-04 and 45-011-023-002-00 with the legal description as filed with the Township.
2. The subject property is currently zoned Agricultural.
3. The subject property is currently vacant.
4. According to the Application, the subject property contains 2.854 acres.
5. According to Township records, the Master Parcel / Parent Parcel contains a total of approximately 56 acres.
6. According to Township record, the subject parcels are owned by Gloria I. Korson.
7. Gloria Korson submitted an application to re-zone the subject property from Agricultural to Residential.
8. Properties Adjacent to subject property:

North:	Zoned: Residential	Use: Residential/Subdivided
West:	Zoned: Residential	Use: Residential
East:	Zoned Residential	Use: Residential/Subdivided
South/SW:	Zoned: Agricultural	Use: Vacant/Agricultural

**Rezoning Factors:**

Factors that should be considered by the Planning Commission and Township Board include, but are not limited to, the following: (Note: these are considerations – not all of these factors are required to be met to approve or deny the application)

- A. The proposed rezoning is consistent with the surrounding uses.
- B. There is no adverse physical impact on the surrounding properties.
- C. There is no adverse effect on property values in the adjacent area.
- D. There have been changes in land use or other conditions in the immediate area or in the community which justify the rezoning.
- E. Rezoning will not create a deterrent to the improvement or development of the adjacent properties in accordance with existing regulations.
- 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.
- G. There are substantial reasons why the property cannot be used in accordance with its present zoning classification.
- H. The rezoning is not in conflict with the planned use for the property as reflected in the master plan.
- I. If rezoned, the site will be served by adequate public facilities.
- J. There are no sites nearby that are already properly zoned and that can be used for the intended purposes.

***Motion to approve (as presented/as amended) the General Findings of Fact dated March 7, 2023 on the proposed Application submitted by Gloria Korson to re-zone 2.854 acres from Agricultural to Residential on Lovers Lane.***

***Motion to approve the Rezoning Factors as discussed tonight on the proposed Application submitted by Gloria Korson to re-zone 2.854 acres from Agricultural to Residential on Lovers Lane.***

***Motion to recommend to the Suttons Bay Township Board (approval / denial) of the Application for rezoning of 2.854 acres as described in the Application from Agricultural to Residential submitted by Gloria Korson. This recommendation is based upon the Application, Findings of Fact, Rezoning Factors, and Public Comment.***

# KORSON REZONING APPLICATION

SUTTONS BAY TOWNSHIP PLANNING COMMISSION  
MARCH 7, 2023

## SUPPLEMENT TO STAFF REPORT

Steve Patmore, Zoning Administrator

Request: **Rezone 2.854 acres of the subject parcel from  
Agricultural Zoning District to Residential Zoning District.**

### 1. How many “splits” are allowed on the property?

I was asked by the Planning Commission to find out how many “splits” are left on the Korson property. I researched the Land Division files and found the following:

- The Parent Tract, as defined in the Michigan Land Division Act, consisted of two parcels totaling approximately 63 acres.
- According to our records, there are four (4) remaining Divisions from the Parent Tract after previous divisions were made.
- It should be noted that the Michigan Land Division Act also contains provisions for Redivisions after ten years.

It should be noted that this answer applies to metes and bounds divisions, and that there are other methods to convey land, including condominiums and subdivisions, which are not limited to the divisions noted above.

As mentioned in the original report, the Planning Commission is not being asked to review lot layouts or private roads.

It should also be noted that the current Application for rezoning includes only 2.854 acres of the Parent Tract. That is what the PC is reviewing, not the remaining property.

### 2. Written Public Comment

Attached is written public comment received at this time.

# KORSON REZONING APPLICATION

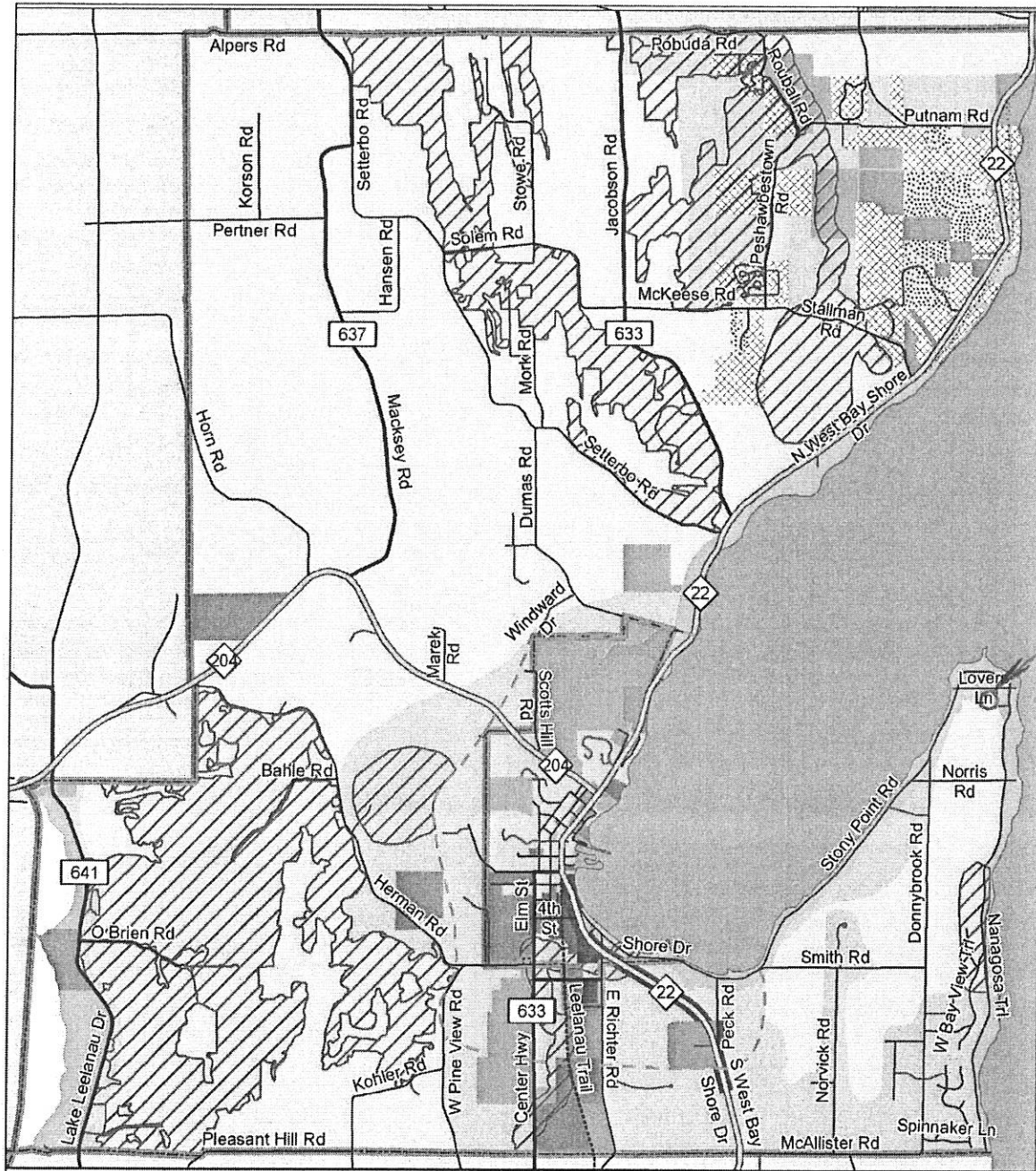
SUTTONS BAY TOWNSHIP PLANNING COMMISSION

MARCH 7, 2023

The following was presented by the Zoning Administrator and discussed at the March 7, 2023 Planning Commission Public Hearing:

1. Future Land Use Map from Master Plan (attached)
2. Prime Farmland Map from Master Plan. (attached)
3. Excerpt from Tart Cherry Inventory Maps (attached)
4. The Planning Commission also were presented with the current allowable uses in both the Agricultural (Article 4) and Residential (Article 5) Zoning Districts in the current zoning ordinance.





**Future Land Use - Township**

- |                                    |                                |
|------------------------------------|--------------------------------|
| --- Village Growth Management Area | Public/Quasipublic             |
| General Commercial                 | Recreation                     |
| Shoreline Residential              | Commercial Forest              |
| Neighborhood Residential           | G.T. Band Trust Properties     |
| Conservation (overlay)             | G.T. Band Non Trust Properties |
| Lake Leelanau Mixed Use            | Jurisdictions                  |
| Mixed Use Center                   | Heritage Route (M-22 & M-204)  |
| Mixed Use North                    | Primary Route                  |
| Mixed Use South                    | Private Roads                  |
| Mixed Use Waterfront               | Other Roads                    |
| Rural Residential                  | Leelanau Trail                 |
| Working Lands                      |                                |
| Business Park                      |                                |
| Rural Commercial                   |                                |

**Partnerships for CHANGE**  
Sustainable Communities

LIAA

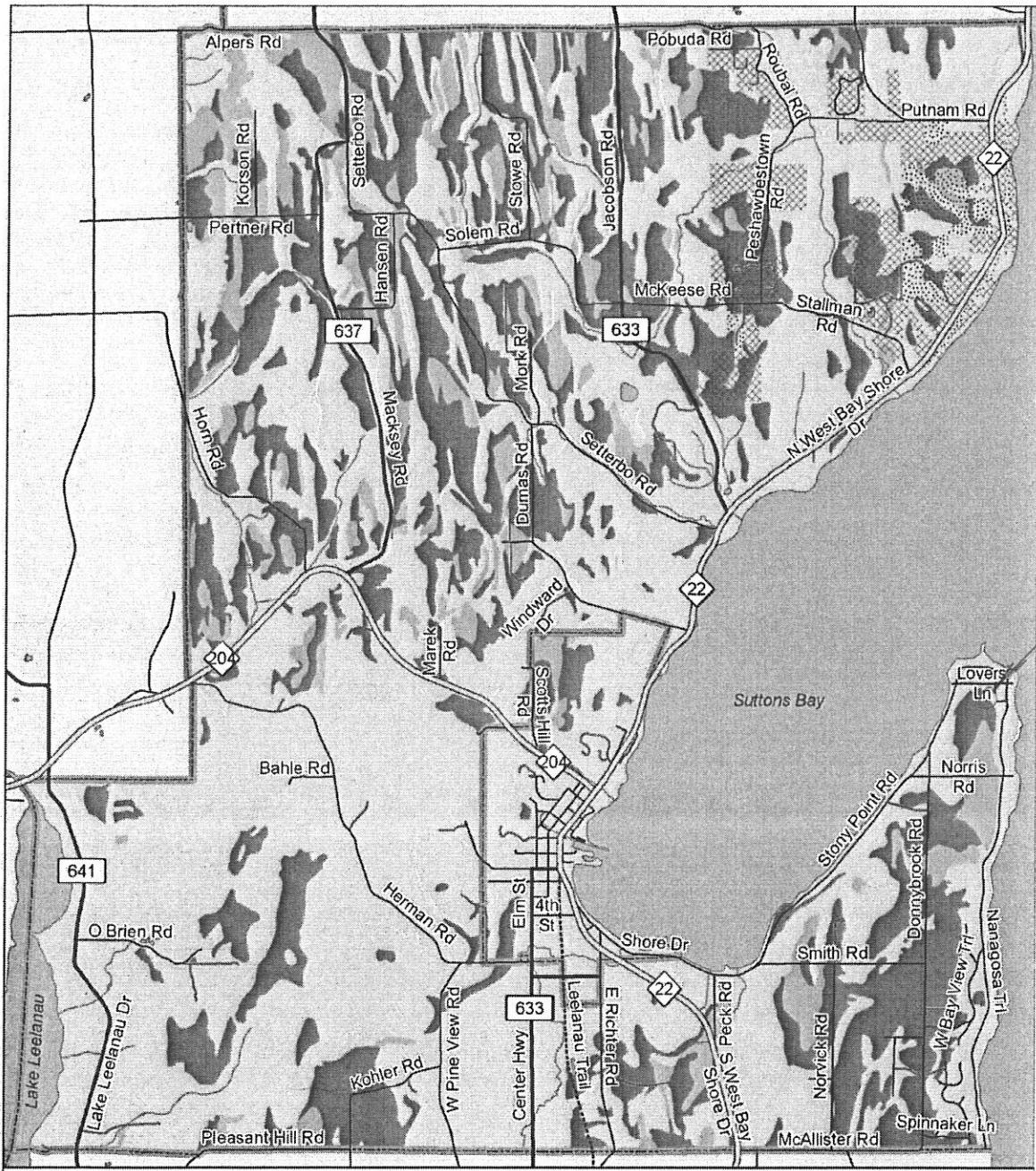
0 0.5 1 Miles

Sources:  
Leelanau County and Leelanau Conservancy  
Natural Resources and Conservation Services  
Michigan Center for Geographic Information,  
Department of Information Technology  
Grand Traverse Band of Ottawa and  
Chippewa Indians  
MSU RS&GIS and TART Trails

Map Produced June 2011 Map #11

This map is used for general planning purposes only. The map layers are compiled from a variety of sources and should not be used for site specific decision making. No liability is assumed for the accuracy of the data delineated herein either expressed or implied.

EXCERPT FROM SBT MASTER PLAN  
FOR STAFF REPORT - SWP 3/7/2023



SUBJECT PROPERTY (KORSON)

**Prime Farmland**

- All areas are prime farmland
- Farmland of local importance
- Prime farmland if drained
- Not prime farmland

- G.T. Band Trust Properties
- G.T. Band Non Trust Properties
- Jurisdictions
- Heritage Route (M-22 & M-204)
- Primary Road
- Private Roads
- Other Roads
- Leelanau Trail
- Lakes
- Streams

**Partnerships for CHANGE**  
Sustainable Communities  
LIAA

Sources:  
Leelanau County  
Michigan Center for Geographic Information,  
Department of Information Technology  
USDA - Natural Resources Conservation  
Service  
Map Produced June 2011  
Map #1

This map is used for general planning purposes only. The map layers are compiled from a variety of sources and should not be used for site specific decision making. No liability is assumed for the accuracy of the data delineated herein either expressed or implied.







Other features that may depress the rating are: areas needing random drainage; areas of nearly level land within dish-shaped terrain in which cold air is likely to stagnate; blockages that stop air movement; or small areas that are adversely affected because of very coarse or fine textured soil inclusions. Symbols are used to indicate these features on the map.

#### RED

Areas colored red have a range from 170 to 220. The severe limitations are difficult to overcome by management. All limitations should be considered carefully before planning to plant these areas to red tart cherries.

Where small areas of this range occur within areas with fewer limitations, it may be feasible to consider corrective measures. One limiting factor of sufficient severity which cannot be corrected will suffice to rate a site between 170 - 220. Adverse characteristics are:

1. Low available water capacity.
2. Low natural fertility.
3. Moderately slow permeability.
4. Slopes that cause difficulty in efficient machinery operation.
5. Elevations near or at the principal spring freeze line with a probability of a freeze of 4 to 5 years in 10 years or extreme low temperature of 4 to 5 years in 10 years.
6. Major obstruction to air flow.

#### UNCOLORED

Areas having a rating of 165 or below are uncolored on the map. The limitations are so severe that these areas are not considered as red tart cherry sites.

The principal limiting factors are:

1. Poorly drained soils.
2. Extremely droughty, infertile soils.
3. Slopes that are too steep for orchard equipment operation.
4. Large areas having little or no air drainage.
5. Location below the principal spring freeze line with a frequency of 6 or more of 10 years of spring freeze and the same probability of extreme low winter temperatures.
6. Areas subject to frequent occurrence of fog during blossom period.

PLANNING  
COMMISSION  
MINUTES  
OF MARCH 7<sup>th</sup>  
MEETING

**DRAFT MINUTES**  
**SUTTONS BAY TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**MARCH 7, 2023**

The public may participate in person or by remote access through Zoom by computer or smart phone.

**Call to Order and Notation of Quorum**

Tom Koernke, Chair, called the Suttons Bay Township Planning Commission Meeting to order on Tuesday, March 7, 2023, at 6:00 p.m. at the Township Offices, 95 W. 4th St., Suttons Bay, MI.

Present: Tom Koernke, Dee McClure, Rhoda Johnson, Patti Miller, Doug Periard,  
Don Gregory, Andy Brandt, John Clark

Absent and excused: Dennis Rathnaw

Staff Steve Patmore, Mathew Cooke, Marge Johnson

Chair Koernke declared a quorum of the Planning Commission present.

**Approval of the Agenda**

***Doug Periard/moved, Andy Brandt/supported, to approve the Agenda as submitted, motion carried.***

**Public Comment**

Lois Bahle, 376 N. Lincoln, on Housing Action Committee, community needs 650 units of affordable housing.

Peter Leabo, 8210 E. Duck Lake Rd., Suttons Bay, said the community is in favor of affordable housing in the master plan.

**Conflict of Interest - None.**

**Approval of Minutes - February 7, 2023 Meeting Minutes**

***Don Gregory/moved, Dee McClure/supported, to table approval of the February 7, 2023 Meeting Minutes .***

***Discussion - Clarify January Minutes re appointment of Tom Koernke as Chair.***

***Corrections to the Minutes stated by Rhoda Johnson. Motion carried.***

**Items of Discussion/Consideration:**

1. Public Hearing and Consideration of an Application of Richard & Michele Baldwin for re-approval of the Special Use Permit for multi-family housing at 1054 S. Herman Rd. - Parcel #022-032-005-00. a Special Use Permit for Multi-Family Housing at 1054 S. Herman Rd - Parcel #011-032-005-00.

Steve Patmore's Staff Report -

Steve Patmore said an introduction of the Application was held in February and scheduled for reapproval at a public hearing on March 7, 2023 because the special use permit granted in 2021 had expired.

Michele Baldwin commented on the reason why the site plan is being changed.

Richard & Michele Baldwin, Baldwin Homes & Land, are considering changes in their Application and Site Plan for re-approval. These possible Site Plan changes, shown on attached sketch, are the result of uncertainty over the sanitary extension shown on the previous plans. The revised plan shows less units, an on-site septic system, and a revised driveway and parking plan.

It is recommended that the Suttons Bay Township Planning Commission table the Application at this time to allow the Applicants to investigate and make potential revisions. The Public Hearing will be re-conducted once revised plans are received.

- At the time of the previous Site Plan Approval, there was an intergovernmental agreement between Suttons Bay Township and the Village of Suttons Bay that covered potential extensions of the Village Water and Sanitary Sewer Systems to serve properties in the township. Since that time, the Suttons Bay Village Council has rescinded this intergovernmental agreement.
- The Village of Suttons Bay is currently reviewing the condition and capacity of their sanitary sewer and water systems, and has stated that they are working on the new ordinance and possible policies and agreements to allow future water and sewer extensions.
- The Baldwin's previous Site Plan and Special Use Permit approval from the PC, and the current Application in front of the PC is based upon an extension of the village sewer system to serve the project. Therefore, the township needs some assurance from the Applicant that an on-site septic system is feasible.

Chair Koernke opened the public hearing.

Larry Mawby said he owns two properties on Herman Rd. and supports the Baldwin Project.

Peter Leabo, 8210 E. Duck Lake Rd. said he has property on Herman Road and supports the Baldwin project.

The public hearing was closed.

Steve Patmore said it is recommended that the current Application for Special Land Use Permit and Site Plan Review be tabled for up to nine (9) months to allow the

Applicant to investigate on-site sewer options and revised their Site Plan. The nine month period is based upon the anticipated time discussed by the PC for implementation of the revised zoning ordinance.

***Dee McClure/moved, Rhoda Johnson/supported, to table the Application for a Special Use Permit submitted by Richard and Michele Baldwin, Baldwin Homes and Land, for mult-family housing at 1054 S. Herman Road for up to nine (9) months from this date to allow the Applicant to investigate on-site septic disposal and revise their Site Plan. A Public Hearing will be conducted once the Application proceeds. Motion carried.***

2. Public Hearing and Consideration of an Application to Rezone Property off of Lover's Lane from Agricultural to Residential submitted by Gloria Korson, Part of 45-011-023-002-00.

Steve Patmore's Staff Report -

Applicant/Owner: Gloria Korson  
Subject Property: Property No.: Part of 45-011-023-002-00 and  
Part of 45-011-023-011-04  
No addresses assigned.  
Legal Description is lited in Application packet.  
Existing Zoning: Agricultural  
Request: Rezone 2.854 acres of the subject parcel from Agricultural Zoning District to Residential Zoning District

#### Process

- A rezonng is a Zoning Map Amendment in the Official Zoning Ordinance, and is covered in the Michigan Zoning Enabling Act and Suttons Bay Township Zoning Ordinance.
- The Planning Commission reviews applications for Map and Text Amendments, conducts a Public Hearing and makes a recommendation to the Township Board.
- By statute, the recommendation is also reviewed by the County Planning Commission.
- The Township Board then considers the formal amendment to the zoning ordinance.
- The Michigan Statute provides for the voluntary offering of conditions for a rezoning by an applicant. These must be voluntary offering of conditions for a rezoning by an applicant. These must be voluntary and must be submitted in writing. ***There are no voluntary conditions included with this application.***

#### Background

- The Planning Commission is only reviewing the rezoning of the overall described 2.854 acres.
- The Planning Commission is not reviewing the parcels shown on the Land Survey (Parcel A and Parcel B) or the private road. Any future division of this land would be reviewec by the Land Division Committee (Assessor, Supervisor, Zoning Administrator).

- Approval of the rezoning does not infer or imply that the parcels shown on the survey would be approved by Suttons Bay Township, and does not infer or imply that the parcels are buildable.
- However, under current zoning, the rezoning would allow a one acre density compared to the two-acre density of the current Agricultural District.
- If the overall Suttons Bay Township Zoning Map is changed in the future, as is being discussed by the Planning Commission, that revised zoning map would supersede this zoning action.

#### Schedule

- Application received on January 18, 2023.
- Introduction was held on February 7, 2023.
- A Public Hearing has been published for March 7, 2023.

#### Previous Activity on Parent Parcels:

- Suttons Bay Township approved a rezoning of 2.24 acres on Lovers Lane from Agricultural to Residential to allow for two parcels on Lover's Lane.
- Subsequently a Land Division was approved for two lots.
- In 2014, the township approved the rezoning of an additional 0.637 acres of adjacent land from Agricultural to Residential to allow one of the two previous lots to be shifted to the West.
- In 2017, the township approved the rezoning of an additional 0.344 acres of land adjacent to one of the two lots (parcel 45-022-023-011-02) from Agricultural to Residential, to enlarge this lot and expand the building area.
- This 0.344 acres was added to 45-011-023-011-02 as a boundary line adjustment.
- The subject property proposed for rezoning in this Application is adjacent to the land that was rezoned in 2016 and 2017.

#### Attachments:

- Application, Survey, and Legal Descriptions.
- Vicinity Map prepared by Staff.

#### Master Plan

The 2011 Master Plan Future Land Use Map (page 56-Map #11) lists the general area of the subject property as on the borderline between Shoreline Residential, Rural Residential & Working Lands.

#### Supplement to Staff Report - Steve Patmore

##### 1. How many "splits" are allowed on the property?

I was asked by the Planning Commission to find out how many "splits" are left on the Korson property. I researched the Land Division files and found the following:

- The Parent Tract, as defined in the Michigan Land Division Act, consisted of two parcels totaling approximately 63 acres.
- According to our records, there are four (4) remaining Divisions from the Parent Tract after previous divisions were made.

- It should be noted that the Michigan Land Division Act also contains provisions for Redivisions after ten years.

It should be noted that this answer applies to metes and bounds divisions, and that there are other methods to convey land, including condominiums and subdivisions, which are not limited to the divisions noted above.

As mentioned in the original report, the Planning Commission is not being asked to review lot layouts or private roads.

It should also be noted that the current Application for rezoning includes only 2.854 acres of the Parent Tract. This is what the PC is reviewing, not the remaining property.

Chairman Koernke opened the public hearing on the proposed rezoning -

- Jeremy Peplinski, 465 N. Lover's Lane Ct., looking to purchase one acre for a garden and have a buffer between any changes that may happen in the future, in favor of the rezoning, not looking to put dwelling out there.
- Bridget Klassen, Lover's Lane - concerns are lack of transparency with the application. Road application is for 5-14 lots, how can you split the 2.584 acres into 14 lots. Road Commission issued permit where no residential zoning exists. Lack of accountability when project will be completed. Not adequate information at this time to make a decision.
- Mr. Mikowski, Elm St., Suttons Bay - is helping Ms. Korson with this property. She is trying to utilize her property in a manner she sees fit. This is happening to other farms in the area.
- Gloria Korson, Stony Point Rd - Want to rezone the 2.584 acres to 2 lots and from there have 3 lots that are going to be put in there. Waiting for rezoning before can move forward with the road.
- Linda Schlot, 260 N. Nanagosa Trail - Finds there would be adverse impact on neighbors who have lived in the area with the understanding that was ag property when they bought it, no expectations was going to be turned into mini development in the future.
- Peter Leabo, 8210 E. Duck Lake Rd - has been approached by potential clients who have purchased property adjacent to subject property. Are alternatives to rezoning. Don't support the rezoning.
- No public comment on Zoom.
- Written comments from Claudia Hendry, Gardner and Bridget Klassen, and Jerry and Joan Hjelle.

The Chair closed the public hearing.

#### General Findings of Fact:

1. Parcel 45-011-023-002-00 with the legal description as filed with the Township.
2. The subject property is currently zoned Agricultural.
3. The subject property is currently vacant.
4. According to the Application, the subject property contains 2.854 acres.



5. According to Township records, the Master Parcel/Parent Parcel contains a total of approximately 56 acres.
6. According to Township record the subject parcels are owned by Gloria I. Korson.
7. Gloria Korson submitted an application to re-zone the subject property from Agricultural to Residential.
8. Properties Adjacent to subject property:
 

North:	Zoned: Residential	Use: Residential/Subdivided
West:	Zoned: Residential	Use: Residential
East:	Zoned: Residential	Use: Residential/Subdivided
South/SW: Zoned:	Agricultural	Use: Vacant/Agricultural

Incorporated in the General Findings of Fact  
 Agricultural Map, Master Plan Map, Split Lot Information.

Maps and Documents Reviewed by the Planning Commission  
 Proposed Parcel Division, Master Plan, Future Land Use Map, Zoning Ordinance, Tart Cherry Inventory Map, Three (3) Leelanau Parcel Viewer Maps.

Rezoning Factors:

Factors that should be considered by the Planning Commission and Township Board include but are not limited to the factors listed below. These are considerations, and not all of these factors are required to be met to approve or deny the application.

Listed after each consideration are the individual comments made by planning commission members, and not the consensus of the commission. The individual PC members will make their decision based upon their review of these considerations.

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

Individual PC Comments:

- The surrounding area is agricultural and residential, ½ and ½.
- There are residentially zoned parcels in this area and adjacent areas.
- The subdivision adjacent to this property is residential and was created prior to the Suttons Bay Township Zoning Ordinance.
- The parcel, with houses on three sides, is not an attractive piece of property to farm.

**B. There is no adverse physical impact on the surrounding properties.**

Individual PC Comments:

- It was mentioned that one of the new parcels would be used by an adjacent owner.
- During the Public Hearing, it was noted that adjacent neighbors bought their land with the idea that this land would remain agricultural.
- Surrounding properties are both residential and agricultural.
- Just because a property is zoned agricultural doesn't mean that there can't be a house on the property. Need to look at the difference – 1 acre lots vs. 2 acres.
- Do one acre lots create an adverse physical impact?
- Look at the topography – all of the subdivided lots are lower.



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

PC Comments:

- Same comments as B.
- There was no evidence presented that adjacent property values would be lower.

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

Individual PC Comments:

- It is harder to farm this property because of nearby development. There are houses on three sides of this property.
- This is too small of an area for intensive farming.
- Don't know anyone who would plant orchards on this small of a parcel with houses on three sides.
- There is a huge difference in topography between this land and the (neighboring) subdivisions that would provide a buffer.

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

PC Comments:

- By consensus, the PC found this not applicable to this case.

**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**

Staff Comments: When asked what this means, ZA Patmore explained that he believes that this factor is talking about spot zoning, that is, an isolated case of rezoning different than the neighboring area. You shouldn't create an island of residential in the middle of agricultural.

Individual PC Comments:

- The subject parcel is next to residential zoning, it is not spot zoning.
- Applicant owns most of the other agricultural property in the area.
- Rezoning of this property would be a special privilege for the owner when contrasted with the residential property owners in the area.
- Neighbors have already had their property rezoned.

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

Individual PC Comments:

- PC made referral to the farming comments made earlier (in Factor D).
- The property owner could still split this land with two acre parcels.

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

Staff Comments: The Future Land Use Map in the 2011 Master Plan was reviewed and distributed. The map does not show individual property lines on purpose. It delineates the area of the Subject Property as being on the border of lands being Shoreline Residential, Rural Residential, and Working Lands.

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

Staff Comments: This could be referring to roads, schools, police, water, sewer, etc. The access to the subject property would be a private road, and would be approved by the township prior to land use permits. The access to Lover's Lane would have to meet Road Commission standards.

Individual PC Comments:

- If the road doesn't get built would the subject property be landlocked?
- Prior to Land Division Approval, the road easement would be established. The PC is not approving any splits with this application.
- A rezoning is not a guarantee that the Land Division will be granted.
- There was no mention of any lack of public facilities associated with this request.

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

Individual PC Comments:

- The intended purpose is residential lots.
- Discussed the zoning of other houses under construction on Nanagosa Trail.
- Discussed a boundary line transfer as an alternative to allow the neighbor to have land for a garden. Staff noted that the adjacent parcels to the northwest are platted, and the Assessor does not allow metes and bounds land to be added to platted lots.
- Several property owners on Stony Point Road added property to their metes and bounds lots from the Korson property.
- Adding land to the parcel does not automatically change the zoning designation.
- Having splits on the NW portion of this property could actually preserve some of the farmland on the remainder of the property.
- When was the Korson property first divided? 2002 was first Land Division Act division.
- Some concern about potential re-division rights under the Land Division Act.

**Additional Individual PC Comments and Discussion:**

- To be clear, the PC is focused on a change of zoning on the 2.8 acres – not the split.
- If the property is rezoned, then the underlying density will change and the parcel could be split into two lots.
- The decision should be made by each commissioner's review of Factors A-J discussed above.
- The factors do not take into account that the Applicant has divided the property in 2010 and 2014 and set a precedence.
- Each individual rezoning request should be looked at independently.
- The PC is working on a new zoning map – what happens then? ZA Patmore noted that the draft zoning ordinance does not include the Residential Zoning District, there are new Shoreline Residential, Rural Residential, and Neighborhood Residential districts. The subject parcel will be subject to whatever zoning district that it is assigned on the new map. He admitted that the new designation should take into account this discussion.

**General Findings of Fact:**

ZA Patmore noted that the General Findings of Fact included items 1-8 included in the Staff Report and listed above, the supplemental information on number of divisions reviewed tonight, the Future Land Use Map reviewed tonight, the farmland maps reviewed tonight, and the list of currently allowed uses in

the Agricultural and Residential Zoning Districts that the ZA discussed tonight.

Chair Koernke asked if there was a motion:

***Dee McClure/moved, Rhoda Johnson/supported, to recommend to the Suttons Bay Township Board denial of the Application for rezoning of 2.854 acres as described in the Application from Agricultural to Residential submitted by Gloria Korson. This recommendation is based upon Application, Findings of Fact, Rezoning Factors, and Public Comment.***

***McClure noted that her decision was based upon Rezoning Factors A and B as demonstrated by the Public Comment and letters we received.***

***Roll call vote: Yes: 5. No: 3. Absent and excused: 1  
Motion carried.***

**Chair Koernke asked if there is any public comment.**

- Mary Leabo McManamey, owns the Leabo Farm, learning the procedure for zoning.
- Linda Schlot, Knorr Drive - difference between good and bad development. Knorrwood Subdivision used to be a farm.
- Jeremy Peplinski - lived on Lover's Lane for 42 years, some of that property has been rezoned and houses built there, had no adverse affects on his property.

Public comment was closed.

### **3. Zoning Ordinance Overhaul Project - Networks Northwest**

Mathew Cooke submitted proposed definitions for the new zoning ordinance. There was a brief discussion of some of the definitions. The Zoning Ordinance Overhaul Project will continue at a special meeting on March 21, 2023.

#### **Reports:**

Zoning Administrator - Steve Patmore submitted his Report.

Planner - Mathew Cooke - Housing Ready Checklist and Plann Comm Roster submitted.

Township Board - No report.

Chair - Affordable Housing Committee, March 16th, 9:30 a.m.

#### **Next Regular Meeting -**

**Adjournment -** The meeting was adjourned at 8:02 p.m.

Minutes by Marge Johnson, Recording Secretary

Dee McClure, Secretary

At the request of the Recording Secretary – Staff supplemented the Rezoning Factors section of these Minutes. Staff also adjusted page numbers.

LEELANAU COUNTY PLANNING  
COMMISSION STAFF REPORT AND  
EXCERPT OF MARCH 28<sup>th</sup>  
MEETING MINUTES

**A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, MARCH 28, 2023, AT THE LEELANAU COUNTY GOVERNMENT CENTER.**

Proceedings of the meeting were recorded and are not the official record of the meeting. The formally approved written copy of the minutes will be the official record of the meeting.

## **EXCERPT OF DRAFT MINUTES**

**CALL TO ORDER** Meeting was called to order at 5:30 p.m. by Chairman Yoder who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI.

### **ROLL CALL**

**Members Present:** S. Yoder, T. Nixon, C. Noonan, M. Black  
T. MacDonald (5:32) B. Fenlon, M. Lautner

**Members Absent:** R. Brush, A. Trumbull, R. Miller  
(prior notice)

**Staff Present:** G. Myer, Senior Planner

**Public Present:** S. Patmore

### **CONSIDERATION OF AGENDA**

(MacDonald present)

*Motion by Noonan, seconded by Lautner, to accept the agenda as presented. Motion carried 7-0.*

### **CONFLICT OF INTEREST**

Yoder noted he had a conflict of interest regarding "New Business Item #1".

Nixon said he had a conflict of interest regarding "New Business Item #2".

**PUBLIC COMMENT** – None.

### **STAFF COMMENTS**

Myer said staff is still working on the Annual Report and will have it ready for next month's meeting.

### **CONSIDERATION OF FEBRUARY 28, 2023 MEETING MINUTES**

*Motion by Nixon, seconded by Noonan, to accept the minutes as presented. Motion carried 7-0.*

### **NEW BUSINESS**

PC05-2023-11 Suttons Bay Twp. – Rezoning Ag. to Residential

Myer said this request was to review and comment on a rezoning request from Gloria Korson for approximately 2.854 acres from Agricultural to Residential. Myer reviewed the existing land use and

the adjacent land uses and zoning and stated this is part of a larger parcel which is approximately 12 acres total and is located on the south side of E. Lovers LN.

Myer continued, saying the Suttons Bay Future Land Use Map calls for Rural Residential and either Working Lands or Commercial Forest in this area. The colors on the map for Working Lands and Commercial Forest appear to be an identical light green. The Master Plan states the following: III. Goals, page 21, states “Uncontrolled growth into agricultural land also presents serious problems. Once agricultural land is developed, it is highly unlikely that it will ever be farmed again.” The Leelanau General Plan Future land Use Map 5-2a designates some of this area as orchards and vineyards. Community Types, Map 5-3a designates this area as Settlement.

Myer said a public hearing was held on March 7, at which time most of the public comments made were opposed to the rezoning. In addition, several of the surrounding neighbors submitted their disapproval of the rezoning request in writing. The planning commission passed a motion to deny the application for rezoning based upon application, Findings of Fact, rezoning factors, and public comment. Myer then reviewed the history saying previous action taken on this property included 71 acres entered in the Farmland and Open Space Preservation Agreement in 1988, per Act 116, PA 1974, and a rezoning request of 70 acres from Ag to Residential in 1997, which was denied. The subject property is no longer under the PA 116 Contract.

In June of 2010, a request was presented to the township to rezone approximately 2.24 acres from Agricultural to Residential (part of property number 45-011-023-011-00, and 45-011-023-002-00), to allow the owner to divide the property into two (2) parcels. The request was reviewed by the township planning commission and county planning commission, and then approved by the Township Board in July of 2010.

The rezoning of 2.24 acres in 2010 was approved for 2 residential lots, which also allowed an access to the farm property from Lover’s Lane. However, this access was changed from what the property owners submitted to the township with the rezoning request in 2010. The change resulted in the western portion of the property shifting and creating a zoning ‘void’, according to the township. In 2014, Gloria Korson received approval for a Land Division for the east lot. The west lot could not be approved because it was not entirely zoned residential. In 2014, Gloria Korson requested to rezone 85.52’ on the west side in order to make the 2<sup>nd</sup> proposed lot comply with zoning and correct an error that was made in the boundaries following the 2010 rezoning.

Myer continued, saying there were no voluntary conditions included with the application and that it is important when reviewing rezoning requests to look at the current uses, the uses allowed in the proposed zoning district, the Master Plan, and the surrounding uses and zoning districts. Myer then reviewed the current uses permitted by right in the Agricultural District:

- A. One single family detached dwelling per lot
- B. Farming, including but not limited to dairying, raising grain, mint, and seed crops, raising vegetables, orchards, silviculture, raising nuts and berries, floriculture, raising ornamental trees, shrubs, and nurse stock, greenhouses, sod farming, apiculture, and aquaculture.
- C. Family day care homes
- D. Wildlife management areas
- E. Adult foster care family care homes
- F. Veterinary clinics



Zoning Amendment 14-002 permits the following in the Agricultural District:

- A. Duplex on parcels two acres (or larger)
- B. Up to five duplexes on one parcel given certain conditions are met.
- C. Multi-family housing (3 or more dwelling units per building) given certain conditions are met.

And the permitted uses in the proposed Residential District include:

- A. One-Family detached or semi-detached dwellings.
- B. Churches, Temples.
- C. Recreation Facilities of non-commercial nature.
- D. Adult Foster Care Family Care Homes.
- E. Accessory Uses or Structures.

Myer said the subject parcel is approximately 12-acres in total and under the current Agricultural zoning, a 2-acre minimum lot size is required for development. The proposed parcel division the applicant submitted shows two lot splits, both under two acres. The Residential Zoning District requires a 1-acre minimum lot size for development which would allow the applicant to make two splits from the proposed 2.85 acres being requested for rezoning. It is important to review the area the applicant is requesting for rezoning, and not the proposed divisions or the proposed access. If this rezoning is approved, the applicant will need to submit a land division request to the township and also obtain the appropriate approvals for any access.

Myer pointed out that the motion passed by the township planning commission included that the recommendation was based on '*...public comment*' and said staff has included an excerpt from Michigan zoning, Planning, and Land Use, Chapter 11, Dos and Don'ts which pertains to this. The township should base its decision on the zoning ordinance regulations as well as the Master Plan, and the land use and development in the area proposed for rezoning. The minutes of the Public Hearing also include comments from the public on the information in the application, and neighbors not expecting development on this ag land when they purchased their property. An applicant has the right to propose a portion of their property be considered for rezoning, and the right to come back in the future to make further requests. Purchasing a piece of property next to ag land, or next to any district, does not mean the property will stay in that zoning district forever. There are many things that can alter the zoning of a property such as: land is sold and a new use is proposed, different owners have different ideas for the property, or the master plan and zoning ordinance get amended. If you don't own the land, you can't guarantee that it will never be proposed for a change in zoning and/or use. In some cases, opposition to many of the uses allowed in the proposed new zoning district would suggest that a 'conditional rezoning' might be an option. With a conditional rezoning, the applicant has to offer the conditions and the township makes the determination if they will accept the conditions and approve the rezoning, or not accept.

Myer concluded by saying in this rezoning case, it appears that opposition of the neighbors was not based on the residential use the applicant was proposing, but on the fact that the zoning would no longer be agricultural. The township needs to review the request on consistency with the master plan, surrounding zoning, and land uses, and appropriateness of the district. As currently zoned, the applicant could do 2-acre splits in the agricultural district for residential development. If the applicant is requesting a smaller lots size, is it to preserve as much of the agricultural land as possible?

Lautner commented that she sees no reason not to approve this request.



Patmore clarified that the vote at the township was not unanimous as stated in the staff report. It was a 5-3 vote on a motion to deny the request. Three board members who are farmers voted no. Lautner said that it boils down to uses and if housing is a use, and she'd like to split it, it seems logical to allow it.

Noonan stated that it is hard to balance public sentiment. Is the public upset because they just don't want to see a change or is their validity to their concerns? It seems the public just doesn't want change. You still want the public to be heard, but in this case, it doesn't seem to be a factor. Patmore said if you are going to a public meeting and you are opposed to something, you should give the reason based on a certain standard.

Black brought up a Glen Arbor rezoning from a few years ago and how some people were averse to change. When it went to a vote, the voters spoke entirely the opposite way of those few people. The reality is that change is inevitable, it's going to come. He'd hate to see a few people stop progress.

Patmore said single family homes are allowed in the Agricultural District, it's just a matter of what the density is. The adjacent properties are already subdivision with smaller lots. Patmore commented that he was surprised at how the vote went at the township. Black stated it could have been the makeup of the audience. Patmore said the motion included their reason, one of which was pointed out in the staff report, was "public comment". He appreciates the comments from staff pointing out the motion that was made.

MacDonald commented that the proposed rezoning is in keeping with the surrounding properties, there is nothing unusual about it and it's not likely to be farmed again.

Fenlon said there were a couple comments/letters in support. Generally, people that are opposed will show up, while people in support will not. Our obligation is to not get dragged into public comment. In his opinion it was a mistake to vote it down given the knowledge they have of the property and the surrounding area it seems to be a reasonable request. Fenlon mentioned rezoning with conditions. Yoder said a conditional rezoning is different. There were no conditions submitted with this application. Yoder doesn't have a problem with the rezoning request, as pointed out in the staff report, it fits in with the surrounding area. Yoder mentioned the motion that was made and said that it is important to let the public be heard, at the same time you have to have "teeth" behind your motion.

***Motion by Noonan, seconded by Lautner, to recommend approval, and to forward the staff report, minutes and all comments to the Suttons Bay Township Planning Commission. Motion carried 6-0. (Nixon abstained)***

**REZONING REQUEST**  
**PC05-2023-11 Sutton Bay Township**  
**Rezoning Request Agricultural to**  
**Residential**

**Reviewing Entity:** Leelanau County Planning Commission  
**Date of Review:** March 28-2023  
**Date Request Received:** March 8, 2023  
**Last Day of Review Period:** April 7, 2023 (30-day review period under the Michigan Zoning Enabling Act)  
**Requested Action:** Review and comment on a rezoning request in Suttons Bay Township for approximately 2.854 acres from Agricultural to Residential.

**Applicant/Owner:** Gloria Korson  
166 N. Stoney Pt. Rd.

A copy of the application is included in the Appendix.

**Existing Land Use:** Vacant.  
**Adjacent Land Use and Zoning<sup>1</sup>**

<b>NORTH</b>	Land Use:	Single family homes
	Zoning:	Residential
<b>SOUTH</b>	Land Use:	Vacant
	Zoning:	Agriculture
<b>EAST</b>	Land Use:	Single family homes
	Zoning:	Residential
<b>WEST</b>	Land Use:	Single family homes and Vacant
	Zoning:	Residential and Agriculture

**Property Description:**

The subject property is approximately 2.854 acres and part of property tax number 45-011-023-002-00 which is approximately 12 acres (total) in size according to county records and located on the south side of E. Lovers LN. Section 23, Town 30 North, Range 11 West, Suttons Bay Township.

**Significant Elements of the Master Plan:**

**The Suttons Bay Township Joint Master Plan (2011)** Future Land Use Map calls for Rural Residential and either Working Lands or Commercial Forest in this area. The colors on the map for Working Lands and Commercial Forest appear to be an identical light green.

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<sup>1</sup> 2021 Spring Aerials, Land Use Data, and Suttons Bay Township Maps.

The Plan states the following:

III. Goals, page 21, states “Uncontrolled growth into agricultural land also presents serious problems. Once agricultural land is developed, it is highly unlikely that it will ever be farmed again.”

**Leelanau General Plan:** The Leelanau General Plan (2019) Future land Use Map 5-2a designates some of this area as orchards and vineyards. Community Types, Map 5-3a designates this area as Settlement.

**Relevant Sections of the Zoning Ordinance:**

Current Zoning District – Link to the Township Zoning Ordinance at:  
<https://www.leelanau.gov/suttonsbaytwpord.asp>

**OTHER AGENCY INPUT**

**Township Planning Commission:**

A public hearing was held on March 7, 2023 at which time most of the public comments made were opposed to the rezoning. In addition, several of the surrounding neighbors submitted their disapproval of the rezoning request in writing. Following the public hearing, the planning commission unanimously passed the following motion:

*Dee McClure/moved, Rhoda Johnson/supported, to recommend to the Suttons Bay Township Board denial of the application for rezoning of 2.854 acres as described in the application from Agricultural to Residential submitted by Gloria Korson. This recommendation is based upon application, Findings of Fact, rezoning factors, and public comment. Roll call vote: Yes: 5. No: 3 Absent and excused: 1. Motion carried.*

**HISTORY:**

Previous action taken on this property included 71 acres entered in the Farmland and Open Space Preservation Agreement in 1988, per Act 116, PA 1974, and a rezoning request of 70 acres from Ag to Residential in 1997, which was denied. The subject property is no longer under the PA 116 Contract.

In June of 2010, a request was presented to the township to rezone approximately 2.24 acres from Agricultural to Residential (part of property number 45-011-023-011-00, and 45-011-023-002-00), to allow the owner to divide the property into two (2) parcels. The request was reviewed by the township planning commission and county planning commission, and then approved by the Township Board in July of 2010.

The rezoning of 2.24 acres in 2010 was approved for 2 residential lots, which also allowed an access to the farm property from Lover’s Lane. However, this access was changed from what the property owners submitted to the township with the rezoning request in 2010. The change resulted in the western portion of the property shifting and creating a zoning ‘void’, according to the township. In 2014, Gloria Korson received approval for a Land Division for the east lot. The west lot could not be approved because it was not entirely zoned residential. In 2014, Gloria Korson requested to rezone 85.52’ on the west side in order to make the 2<sup>nd</sup> proposed lot comply with zoning and correct an error that was made in the boundaries following the 2010 rezoning.

**STAFF ANALYSIS AND FINDINGS**

**Would rezoning be consistent with other zones and land uses in the area?** According to the Suttons Bay Township Zoning Map, parcels directly north and east of this parcel are zoned Residential as well as parcels further west.

**Would rezoning be consistent with development in the area?** Yes, there is residential development to the north, east and west of the proposed parcel.

**Will the proposed use be consistent with both the policies and uses proposed for the area in the Suttons Bay Community Joint Master Plan?** Yes.

**Are uses in the existing zone reasonable?** Yes.

**Do current regulations leave the applicant without economically beneficial or productive options?**  
No. The applicant can use the property as currently zoned.

**STAFF COMMENTS**

Suttons Bay Township received an application from the owner, Gloria Korson, to rezone her property located south of E. Lovers LN. from Agriculture to Residential. There were no voluntary conditions included with the application.

The attached application and report from the township spell out the reasons the applicant has requested rezoning, and includes the Findings of Fact from the township planning commission.

It is important when reviewing rezoning requests to look at the current uses, the uses allowed in the proposed zoning district, the Master Plan (noted above), and the surrounding uses and zoning districts.

The Current Agricultural District allows the following, Permitted Uses:

**SECTION 4.2 USES PERMITTED BY RIGHT**

- A. One single family detached dwelling per lot
- B. Farming, including but not limited to dairying, raising grain, mint, and seed crops, raising vegetables, orchards, silviculture, raising nuts and berries, floriculture, raising ornamental trees, shrubs, and nurse stock, greenhouses, sod farming, apiculture, and aquaculture.
- C. Family day care homes
- D. Wildlife management areas
- E. Adult foster care family care homes
- F. Veterinary clinics

Zoning Amendment 14-002 permits the following in the Agricultural District:

Duplex on parcels two acres (or larger)

Up to five duplexes on one parcel given certain conditions are met.

Multi-family housing (3 or more dwelling units per building) given certain conditions are met.

The Proposed Residential District allows the following Permitted Uses:

**SECTION 5.2 USES PERMITTED BY RIGHT**

- One-Family detached or semi-detached dwellings.
- Churches, Temples.
- Recreation Facilities of non-commercial nature.
- Adult Foster Care Family Care Homes.
- Accessory Uses or Structures.

**The Suttons Bay Zoning Ordinance, Article 4, Agricultural District, Section 4.1 INTENT states:**

The intent of the Agricultural District is to encourage and maintain agriculture as part of a balanced and diversified economy, and to protect viable farmland from encroachment by other uses. It is also intended to provide a low-density rural atmosphere which will accommodate the growing demand for residential development, while still protecting scenic and ecologically sensitive areas which make Suttons Bay Township attractive both to home ownership and to the tourism so important to Leelanau County. Large minimum frontage requirements are designed: to permit larger side setbacks to protect adjacent farmland, to discourage the long narrow lots which extend wastefully into agricultural land and which are used to get around platting and lot area requirements, and to avoid frequent driveway cuts which pose safety hazards and reduce the carrying capacity of public roads. Lot sizes will be large enough to provide for individual wells and septic systems.

Certain recreational uses are also appropriate in the Agricultural District. Recreational trails, day camps, conservation clubs, and county and/or township parks are uses that, in certain areas, could be compatible with the character of the district.

Parcel 45-011-023-002-00 is approximately 12-acres in total and under the current Agricultural zoning, a 2-acre minimum lot size is required for development. The adjoining parcel owned by the applicant, Parcel 45-011-023-011-04, is approximately 44 acres in size and is also in the Agricultural zoning district.

The proposed parcel division the applicant submitted shows two lot splits, both under two acres. The Residential Zoning District requires a 1-acre minimum lot size for development which would allow the applicant to make two splits from the proposed 2.85 acres being requested for rezoning. It is important to review the area the applicant is requesting for rezoning, and not the proposed divisions or the proposed access. If this rezoning is approved, the applicant will need to submit a land division request to the township and also obtain the appropriate approvals for any access.

The motion passed by the township planning commission included that the recommendation was based on '*...public comment*'. Below is an excerpt from Michigan zoning, Planning, and Land Use, Chapter 11, Dos and Don'ts:

**Dos and Don'ts for the Municipal Lawyer:**

**11.2 The following is a list (partial list from Chapter 11) of suggestions for practitioners representing municipal entities in land use matters:**

- As much as possible, make sure your community does not react to public sentiment. If public sentiment is a factor, you may need to explore resident positions for validity and accuracy – in other words, get to the facts underlying public opinion. Decisions based on political pressure or motivation become more difficult to support. Although neighbors may object to proposed developments, make sure your municipality attempts to base its land use decisions on the real issues and the valid facts presented.
- Make sure your municipality supports its decision by fully articulating the reasons for the decision on the record. Its decisions should be based on the standards contained in the ordinance

## NEW BUSINESS ITEM B

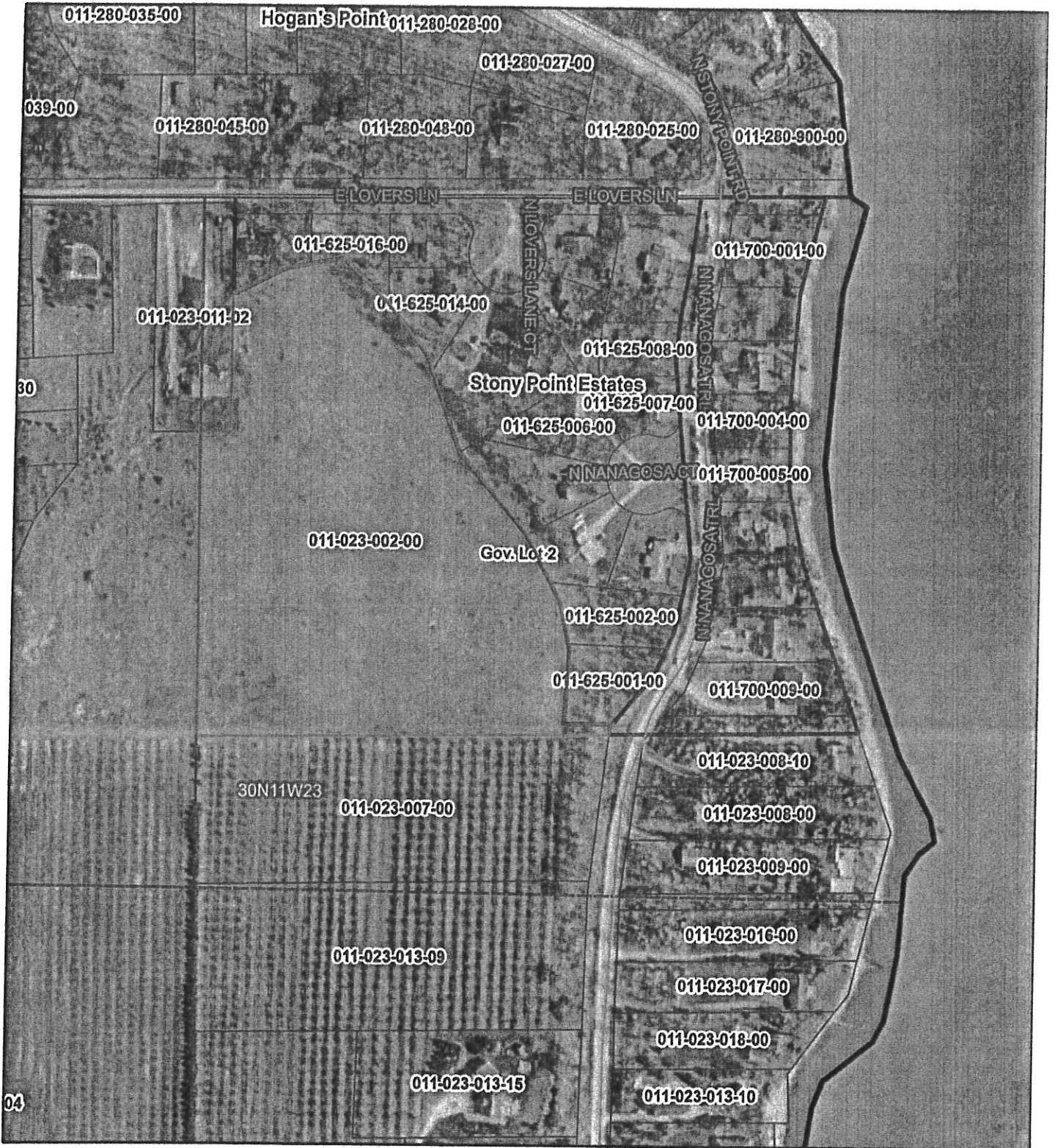
for review of the application. Keep detailed minutes of information presented during the public meetings, as the basis of the decision rendered must be found in the official record.

The Township should base its decision on the zoning ordinance regulations as well as the Master Plan, and the land use and development in the area proposed for rezoning. The minutes of the Public Hearing also include comments from the public on the information in the application, and neighbors not expecting development on this ag land when they purchased their property. An applicant has the right to propose a portion of their property be considered for rezoning, and the right to come back in the future to make further requests. Purchasing a piece of property next to ag land, or next to any district, does not mean the property will stay in that zoning district forever. There are many things that can alter the zoning of a property such as: land is sold and a new use is proposed, different owners have different ideas for the property, or the master plan and zoning ordinance get amended. If you don't own the land, you can't guarantee that it will never be proposed for a change in zoning and/or use. In some cases, opposition to many of the uses allowed in the proposed new zoning district would suggest that a 'conditional rezoning' might be an option. With a conditional rezoning, the applicant has to offer the conditions and the township makes the determination if they will accept the conditions and approve the rezoning, or not accept. As an example, if there were opposition to several uses allowed in a commercial district and the applicant only wanted to do an ice cream store, the applicant could 'offer' the condition that the rezoning be approved with only the allowable use of an ice cream store on the property. If approved by the township, that is the only use the owner would have for that property. However, in this rezoning case, it appears that opposition of the neighbors was not based on the residential use the applicant was proposing, but on the fact that the zoning would no longer be agricultural.

The township needs to review the request on consistency with the master plan, surrounding zoning, and land uses, and appropriateness of the district. As currently zoned, the applicant could do 2-acre splits in the agricultural district for residential development. If the applicant is requesting a smaller lots size, is it to preserve as much of the agricultural land as possible?



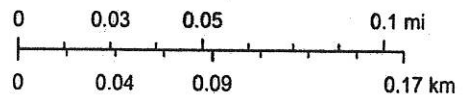
# Leelanau Parcel Viewer



3/22/2023, 3:57:03 PM

1:4,514

- Override 1
- Roads
- Municipalities
- Sections
- Subdivisions & Condos
- Government Lots
- Tax Parcels



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, GTC Equalization/GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Page 53 of 98