

LELAND TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearing
Wednesday, May 3, 2023
Leland Public School
200 North Grand Avenue, Leland, MI 49654

I. Call Meeting to Order/Pledge of Allegiance

Chairman Korson called the meeting to order at 7:04 pm with the Pledge of Allegiance.

Present: Clint Mitchell, Township Board Rep; Ross Satterwhite, Vice Chairperson, ZBA Rep; and Skip Telgard, Secretary

Excused: Sam Simpson

Staff Present: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary

There were approximately 78 members from the public in attendance at various times throughout the meeting.

II. Motion to Approve Agenda (additions/subtractions)

Chairman Korson stated that items 5, 6 and 7 under the "Public Hearing" agenda item would be tabled.

Chairman Korson moved to approve the May agenda as amended; Telgard seconded. All present in favor; motion carried.

III. Declaration of Potential Conflicts of Interest - None

IV. Approval of Minutes from April 5, 2023

Chairman Korson asked for a motion to approve the April 5, 2023 minutes as presented. **Satterwhite moved to approve the April 5, 2023 minutes as presented; Mitchell seconded. All present in favor; motion carried.**

V. Correspondence

Cypher stated that he would address correspondence that was received regarding the proposed Residential Character Amendment during the Public Hearing portion of the agenda. No other correspondence was received.

VI. Public Comment (three minutes per person unless extended by Chairperson)

There was no public comment on non-Residential Character Amendment issues.

VII. Reports

Township Board Rep:

Mitchell reported that the Township Board approved the contract for Ms. Sara Kopriva who will serve as the new Contract Planner. The Board continues to work with Mr. Jim Tiffany on the seawall. An offer has been made to purchase a building that would serve as the new site for the Leland Township Office; the Board is waiting for a reply from the seller.

ZBA Rep:

Satterwhite did not have any information to report.

VIII. New Business - None

IX. PUBLIC HEARING – RESIDENTIAL CHARACTER AMENDMENT

1. Presentation by Leland Township Zoning Administrator

Cypher apologized for some errors that were discovered on the R-2 visual aid. Once these were discovered, corrections were made and a revised visual aid was posted to the website. In order to bring the public up to speed on this matter, Cypher discussed the timeline of events from when this matter was first brought to the PC by Mr. Chris Bunbury. This has been a matter before the PC since October of 2017.

2. PC Comments

Chairman Korson inquired as to the best process for handling questions and providing answers to the public. He proposed that Mitchell explain various things that the public has questions about and reiterated that the PC is not in a hurry to pass or not pass this Amendment. He informed the audience that there can be a second Public Hearing, if necessary.

Telgard stated that since this is a public hearing, the PC should listen to what everyone has to say tonight. He stated that staff do an awesome job but due to the fact that there was an error in material that was posted to the website, Telgard suggested that a second Public Hearing could be held when more people are back in town.

Mitchell suggested that people bring their questions down to the table. Satterwhite informed the audience that the PC wants to hear from them. He said that the PC is looking to find out if the public feels that they should make changes to the height that is allowed and should the PC further regulate this matter. Satterwhite added that members of the public may be surprised at how large a house can be built on a lot in the zoning districts in question. He added that the PC can shrink the footprint, shrink the house height, change the setbacks, etc. He stated that the PC is not attempting to convince people but stated that the PC desires to give the community what they want. Satterwhite suggested that questions be submitted in writing and the PC can respond at either the next meeting or tonight, if possible.

3. Review Correspondence regarding Residential Character Amendment

Cypher took the opportunity to briefly mention several letters that were received.

- Mr. Bischoff is present at tonight's meeting. He stated that he may have unintended consequences as a result of this Amendment.
- A letter from Brad Hanpeter states that he is against the proposed changes.
- Mr. Weston, who is a Professional Engineer, reviewed the documents and stated that reducing the building footprint is something that the military does.
- Mr. Charles Schroer had a conversation with Cypher. As a follow-up to that conversation, he stated that he is sympathetic but has concerns. He feels the Amendment is unfair to property owners in the Township.
- Mr. Chris Lund submitted two letters. He asked questions which the PC hopes to address at tonight's meeting.
- Ms. Michelle Brown submitted comments that were only intended for the PC; however, Cypher explained that all emails received become part of the public record once they are submitted.
- Mr. Westerman is concerned about the legal notice that was published and stated it lacked specific information. He acknowledged that the PC has more knowledge regarding this topic but expressed his concern for the community.
- Mr. Nick Laurent – stated he is opposed to the proposed Amendment.
- Ms. Joan Strassman – stated that she is opposed to the proposed Amendment.
- Heidi Weckwert, J.D. – stated that it is a problem that the website contained incorrect information. Cypher stated that the website is provided as a courtesy to Township residents. The PC is not required by law to change the date of a Public Hearing if there are errors with the materials posted to the website. It was reiterated that these errors were promptly corrected once they were discovered.
- Maude Babington – stated that she is concerned with the overlay.

- Tucker and Mary Hawkins – they are long-term homeowners in the Township and support the proposed Amendment.
- Ms. Susan Walters – stated she has an architectural and design business and is approximately halfway through a construction project. The proposed Amendment would affect this project.
- Mr. Steve Beeders – stated that he supports the proposed Amendment and added that it is about time that the Township looked at this issue.
- Warren and Ann Watkins – stated that they are in favor of the proposed Amendment.
- Mr. Walter Schmid (Letter #1)– stated that he is looking to have his questions answered; he believes the reduction for an R-2 lot seems excessive.
- Mr. Walter Schmid (Letter #2) – would like to see more detail. He believes that more of an eyesore could be created than what currently exists.
- Mark Nesbitt and Sarah McVay - stated that they are in favor of the proposed Amendment.
- Shep Burr – expressed concern that a Public Hearing is being held when snowbirds are not in the local area.

Cypher responded to 39 telephone calls on this matter and encouraged people to continue to write letters as this will eventually go before the Township Board. Some individuals asked Cypher to determine their lot size but he stated that he cannot do this work for people.

4. Public Comment (limited to three minutes per person unless extended by chair)

Mr. Scott Larigan stated that he understands that this is a Public Hearing and that the PC is not taking any questions; however, he stated that there are many questions yet to be answered. Mr. Larigan stressed that the public needs the answers to these questions before they can respond and added that many terms that the PC has mentioned need to be defined.

Mr. Tom Bischoff resides on Cedar Street in Leland. He owns three platted lots that he and his wife were planning to divide. Their project is based on the existing zoning ordinance and they have adhered to these rules. Mr. Bischoff believes that the proposed changes will affect their project.

Mr. Chris Lund stated that his family has lived in the Village of Leland for 85 years; Mr. Lund has worked as a builder for many years. As a builder, he indicated that he was required to have a deep understanding of zoning and knows that it is complicated. Adding additional overlays causes extra complication and confusion. He believes that the R-2 zoning district gets punished in three ways. First, he believes that a village is a place where people live and he is very opposed to the Residential Character Amendment. Second, Mr. Lund stated that he is concerned with the term “Character”.

Lastly, he stated that we should allow homeowners to build their dream home but their dreams will be crushed due to the new overlays being proposed.

Ms. Dawn Lund stated that she wanted to respond to the issue of house height. Ms. Lund stated that there is no way that restricting the height to 30 feet will work. Their home is 25-feet high and their neighbor on one side has a 20-foot-high home. The Lunds look at their neighbor's rooftop and this 20-foot-high home has blocked their view. Ms. Lund is very happy that her neighbors were able to build their dream home but the consequence was that the Lunds lost their view.

Mr. Drew Atkinson discussed the setbacks and stated that he is not sure why they were changed. The setback was changed from 10-feet from the property line to a combined 15-feet which includes both sides.

Mr. Walter Schmid does not reside in town but stated that he is very interested in Leland as it is a special place. The proposed changes may result in creating a situation that we will be unhappy with. He stated that we are making changes but do not know what the outcome will be. He commends the PC for their work on this project but stated that they should not flush the baby out with the bath water.

Mr. Jim Kletzien lives on Lake Leelanau. He asked for a clarification of the term "under roof". He would like to know what is and what is not included in this definition.

Ms. Karen Zemaitis does not feel that the public has enough knowledge to make a good decision regarding the proposed Amendment. She is concerned about property rights and does not believe it is right for a small group of men to make a decision on this matter. She added that this matter should be put to a vote of the residents.

Mr. Rick Jamieson stated that his family and step-family have been coming to this area since 1966. Mr. Jamieson and his wife are halfway through the architectural development process on a project and are ready to break ground. He stated that it looks as if something is trying to be fixed that is not actually broken.

Ms. Nelle Jamieson stated that they have a wonderful architect who is working on their project. They do not have an oversaturated lot and their roof is 32-feet high now. If they were to adjust this to 30-feet or have a 1&1/2 story house, this would be a problem. Ms. Jamieson added that a one-size fits all formula does not fit here.

Mr. Dave Hunter stated that there are a couple of ways to plan a township. Questions such as where to start and where to end up should be asked. The

public does not have a good understanding of where the PC is going with this project. Mr. Hunter believes that the term "Residential Character" must be defined. He added that the formula is interesting and stated that it may be fair or some tweaking may be required. The PC must make things easier for the public to understand where they are going with this proposed Amendment.

Mr. Gary Zemaitis discussed the rules and regulations for condos, duplexes and apartment buildings.

Mr. Kevin Morrow asked if the Peterson project on Main Street has been approved.

Ms. Kerry Satterwhite thanked the PC for doing this work.

Mr. Dan Lisuk concurred with Ms. Satterwhite. He appreciates the fact that the PC members have stepped forward to address this matter. Mr. Lisuk supports the proposed Amendment because it is an attempt to preserve residential character and added that the definition may be a good thing. The change of people who are coming into the area is making things very fluid. He again thanked the PC for their work.

Dave Couturier from Lake Leelanau inquired if this would apply to a rental, too, or does this only pertain to a residential house.

Ms. Gloria Garrett represents the Lake Leelanau Lake Association and thanked the PC members for tackling this complex issue. She stated that there were three individuals present at tonight's meeting from the Lake Association and they applaud the efforts of the PC as this will help to preserve water quality for our children and grandchildren.

Ms. Jamieson asked if a homeowner is grandfathered in, do others get to sell their homes for more money? She thanked the PC for their work on this matter but indicated that she is opposed to the proposed Amendment.

Following the public comments, Satterwhite stated that he wanted to make a few comments in response to some of the questions that were asked.

Satterwhite informed the public that the Peterson project has not been approved. A formal application has not yet been received in this matter.

Satterwhite explained that, as of today, one is limited to the size of their existing lot coverage. In the R-1A, R-2 and R-3 zoning districts, things are a little different. The term "under roof" refers to livable square footage. If a garage is connected, it is classified as being "under roof".

Satterwhite asked, "What are we trying to accomplish" and then answered his question by stating that the PC is trying to respond to the community. He noted that people are concerned that their neighbor may build a very large house; people believe this is a risk that exists. Satterwhite stated that questions often come before the PC and people ask what the PC is doing about it. For the R-1A, R-2 and R-3 zoning districts, the PC took the footprint and made it smaller. In terms of definitions, "footprint" means "lot coverage". Satterwhite noted that in some places, the footprint is now smaller, but added that it did not change at all in some areas. He acknowledged that all zoning ordinances are complicated. He stated that one can still build a large home in many areas.

Cypher addressed a question that was asked pertaining to the approval process of the proposed Amendment. He stated that the PC does not have the final say as they are a recommending body only. Cypher informed the public that Mr. Mitchell is the designated Township Board Representative and stated that the PC is trying to be fully transparent. The PC has held this Public Hearing tonight and the proposed Amendment would eventually go to the County Planning Commission for their review and comment. Ultimately, the PC, if it chooses to do so, will recommend sending this to the Township Board; this body also has the right to hold a Public Hearing on the matter.

Cypher stated that any individual who is aggrieved by this amendment can bring this to a vote and he proceeded to explain the referendum process. Cypher added that the PC makes recommendations, not final decisions. Final decisions are only made in some situations but any aggrieved party can pursue an administrative remedy. He explained how the PC is required to follow the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act requirements.

Chairman Korson asked if the Residential Character Amendment passes, may an individual go to the Zoning Board of Appeals. Cypher replied, "Yes".

Cypher explained the process for starting construction and further explained what it means to "commence". He stated that "hardship" can be difficult to define and noted that there are eight different criteria that must be met to show hardship.

Cypher informed the public that a decision from the Zoning Board of Appeals takes approximately five to six weeks. The fee to file a ZBA petition is \$300.00. The ZBA is comprised of a five-member Board and requires three votes for a quorum. The ZBA is an administrative remedy that is available to all members of the public. If there were to be a referendum, this matter would go on the next election ballot.

The question regarding the difference between a residence and a rental under the proposed Amendment was discussed. Per the Leland Township Zoning Ordinance, there is no difference here.

A member of the public asked for clarification regarding the term “footprint”. If a lot already has an existing structure, such as a pole barn, what does this mean for the footprint? Cypher explained that all existing buildings on the lot, including accessory buildings, will count when determining lot coverage.

Ms. Patty Croom asked how the proposed Amendment works when one has multiple lots. Cypher stated that, under normal circumstances, if there is a double lot, it has one tax parcel number; the lots were consolidated at one point. The entire double lot is the gross of what you have to begin with.

Mitchell stated that we are not talking about total square footage of the home; he reiterated that this pertains to lot coverage. He added that even though the PC is dialing this back, large homes are still permitted.

Mr. Schmid discussed how living space could be less than 1,500 square feet in some cases and asked if a distinction would be made between one and two-story homes. He is not trying to address homes that are on Lake Michigan but mentioned that there are certain things that people who live in the R-1, R-2 and R-3 zoning districts want, such as an office, a few bedrooms, etc. He believes that the footprint for those living in town should be reconsidered. It is important to look at this in a realistic fashion in terms of what the homeowner will end up with in terms of livable space. He asked the PC members to consider enlarging the footprint and stated that the formula, as presented, is not realistic in terms of what people want today.

Chairman Korson stated that there has been a lot of discussion regarding short-term rentals and how this makes things look in the Village. He added that we are looking at the collateral damage from this situation. Defining the word “character” is difficult and Chairman Korson added that the PC understands that short-term rentals are a real problem. He noted that the reduction here is to help solve the problem of short-term rentals.

Chairman Korson explained that the PC has been monitoring what is happening at the state level for a long time. The threat is to treat homes and short-term rentals the same and he added that we cannot control short-term rentals. Chairman Korson stated that the PC has to go through the process and explained that Mr. Bunbury initially asked the PC to look at this matter.

Ms. Lund asked who serves on the Zoning Board of Appeals. She listed the names of the members as identified on the Leland Township website: Susan Och, Kathy Dawkins, Nancy Smith and Brooks Bunbury. It was noted that Mr. Ross Satterwhite is also a member of the ZBA; however, he is not listed on

the website. Ms. Lund noted that this is a curious connection. Brooks Bunbury is the son of Mr. Chris Bunbury, the original applicant in this matter and Mr. Satterwhite is currently a member of the PC. It was noted that Mr. Brooks Bunbury would declare a conflict of interest should any matter pertaining to this Amendment come before the ZBA.

A member of the public stated that he previously had a conversation with Cypher and asked about the side setbacks. He also asked Cypher why the height has increased. Cypher replied that the height has not increased. The member of the public stated that the Fire Chief wanted it this way and inquired as to the reason. Cypher stated that, at the time, the Fire Chief did not object.

Satterwhite stated that the PC has received a lot of great information and questions at tonight's meeting, such as how one-story homes will be treated. Satterwhite stated that the PC must do a better job of explaining what they are putting out there for the public to consider.

Mr. Lund stated that all houses that he sees which are one-story in height are short-term rentals.

A member of the public inquired as to how individuals should submit their opinions on this matter. PC members stated that opinions and comments can be emailed to any PC member or to Zoning Administrator Cypher.

Telgard stated that he was amazed at how many people mentioned that they are ready to retire and indicated that they do not want two levels in their home.

A member of the public asked if short-term rentals are exempt from being commercial.

Mr. Jamieson stated that he concurred with Satterwhite's comments regarding short-term rentals. He added that the majority of the residents in attendance this evening do not have homes that are being used as short-term rentals.

5. PC Discussion with Staff - tabled
 6. Findings of Fact - tabled
 7. Discussion of text needed to accompany Residential Character Amendment – tabled
- X. OLD BUSINESS – tabled to June meeting
- XI. Other Business (as required) - None

APPROVED

XII. Zoning Administrator Comment

Cypher stated that, if another Public Hearing was going to be held next month, it must be set this evening. He stated that staff can work on preparing a "Question and Answer" sheet based on tonight's questions for the next meeting.

XIII. Planning Commission Comment

There were no comments from the PC members

XIV. Public Comment – (limited to three minutes per person unless extended by Chair) - None

XV. Adjournment

There being no objection, Chairman Korson adjourned the meeting at 9:15 p.m.

The next scheduled meeting will be held on Wednesday, June 7, 2023 at 7:00 pm at the Leland Township Library in the Munnecke Room.

Respectfully submitted,

Allison Hubley-Patterson
Recording Secretary

APPROVED

APPENDIX A – Leland Township ZA Report (April 2023)

Leland Township
Zoning Administrator's
APRIL 2023 REPORT

To: Leland Township Board & Leland Planning Commission

From: *Timothy A. Cypher* 5/6/2023

Land Use Permits Issued:	5	YEAR TO DATE 25
Signs / Home Occupation	0	
Single Family Residences (SFR)	2	
Additions to SFR	0	
Garages / or additions to	0	
Decks & Porches / MISC.	1	
Accessory Buildings	1	
Commercial Construction	1	
Stairs & Landings	0	
Agriculture construction	0	
Demolitions	0	
Boat houses	0	
Solar Panels	0	
Renewal of / Change of use	0	
Z.B.A. proceedings	0	1 INQUIRY
Special Land Use Permits	0	2 INQUIRY
Lot Consolidations	0	1 INQUIRY
Land Divisions	0	1 INQUIRY
Property Line Adjustments	0	1 INQUIRY
Private Roads / Driveways	0	1 INQUIRY
Zoning / Site Plan Reviews	0	
Construction Inspections	9	
Violations/Investigations	1 **VIOLATIONS**	
	0 INVESTIGATIONS PENDING	
	RV USE AS SINGLE FAMILY DWELLING	
	APPLYING FOR PERMIT TO BUILD DWELLING	

I supplied information via 59 phone calls & 46 emails to Township residents & others.
I attended the Planning Commission meeting and the Township Board was attended by staff
Please feel free to contact me with any questions.

staff@allpermits.com

Phone 231-360-2557

APPROVED

APPENDIX B – Leland Township ZA Monthly Summary (April 2023)

LELAND TOWNSHIP - ZA'S MONTHLY SUMMARY

Period: APRIL 2023

DATE	PERMIT #	NAME	USE	REC. #	CK.#	AMOUNT
4/17/2023 009-024-045-20 & 30	LUP 23-21 105 E. PHILIP STREET	GREEN MONKEY PROP	LAND USE	202321	2006	\$ 300.00
		DECK EXPANSION & PERGALO			1,344 S.F.	
4/23/2023 009-022-031-20	LUP 23-22 5935 E. RYANS WAY	KLIETHERMES	LAND USE	202322	2806	\$ 50.00
		ACCESSORY BUILDING - COVERED PAD ON GRADE			1,168 S.F.	
4/23/2023 009-770-204-00	LUP 23-23 225 W. MAIN STREET	PLAMONDON FAMILY	LAND USE	202323	PAID 3872	\$ 90.00
		CHG OF USE FROM STORAGE TO DWELLING			944 S.F.	
4/23/2023 009-552-009-00	LUP 23-24 4811 E. WATERVIEW DR.	FELEY	LAND USE	202324	253	\$ 50.00
		SPLIT RAIL FENCE PATION STAIRS ROCK WALL			184 S.F.	
4/23/2023 009-021-027-45	LUP 23-25 144 N. HIGHLAND DRIVE	SIMPSON	LAND USE	202325	688	\$ 150.00
		CHG OF USE FROM STORAGE TO DWELLING			456 S.F.	

TOTAL \$ 640.00

SIGNED:

TIMOTHY A. CYPHER

DATE: 5/6/2023

TIMOTHY A. CYPHER
LELAND TOWNSHIP ZONING ADMINISTRATOR
231-360-2557