

**LELAND TOWNSHIP PLANNING COMMISSION**  
**Special Meeting**  
**Thursday, July 6, 2023**  
**Leland Township Library, Munnecke Room**  
**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; Sam Simpson; and Skip Telgard, Secretary

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

There were approximately 7 members from the public in attendance at various times throughout the meeting.

II. Motion to Approve Agenda (additions/subtractions)

Chairman Korson asked for a motion to approve the July agenda as presented. **SATTERWHITE MOVED TO APPROVE THE JULY AGENDA AS PRESENTED; SIMPSON SECONDED. ALL PRESENT IN FAVOR; MOTION CARRIED.**

III. Declaration of Potential Conflicts of Interest - None

IV. Approval of Minutes from June 7, 2023

Chairman Korson asked for a motion to approve the June 7, 2023 minutes as presented. **SATTERWHITE MOVED TO APPROVE THE JUNE 7, 2023 MINUTES AS PRESENTED; SIMPSON SECONDED. ALL PRESENT IN FAVOR; MOTION CARRIED.**

V. Correspondence

Cypher stated that he received a few letters regarding the Residential Lot Coverage Amendment; he will comment on these during that portion of the agenda.

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

Ms. Maude Babington resides at 409 S. Main Street for one-half of the year. From the motion language on the agenda, stated that it looks as if the PC is ready to vote on the Residential Lot Coverage Amendment at tonight's meeting. In reviewing the Q&A sheet, she believes there are still many questions to be answered. Ms. Babington read a prepared statement and concluded by stating, "I know it is complicated, but I urge you to find a way to address excessive bulk while leaving in place the current rules (40% lot coverage) for normal sized houses in R-2 Village Medium Density".

Ms. Amy Garrett spoke on behalf of her and her husband, Greg Garrett. Their home is in the R-2 district and they do not rent their home out to other people. Ms. Garrett read her prepared statement and also discussed some of the unintended consequences that may come about as a result of this Amendment. She offered several suggestions regarding the proposed zoning changes. She addressed building homes to allow individuals to "age in place", the restriction of short-term rentals and concluded by suggesting that the PC consider working with the Township planning consultant who could conduct some additional research on this topic prior to the PC voting on the matter.

Ms. Heidi Weckwert stated that when they purchased their property, they relied on the language in the 2016 zoning ordinance. They have applied for permits and are moving through the planning stage for their single-story home. She is concerned that the PC will vote on this matter at tonight's meeting. Lastly, she questioned whether this Amendment constitutes a legal "taking". As an attorney, she believes this is a taking considering that their lot coverage will be reduced from 40% to 26.6%.

A member of the public commented that her daughter has property in Leland but is currently down state. She stated that we cannot make up for what past zoning did not recognize.

VII. Reports

Township Board Rep:

Mitchell did not have any information to report.

ZBA Rep:

Satterwhite did not have any information to report.

VIII. New Business – None

IX. Public Hearing – None

X. Old Business

A. Residential Lot Coverage Amendment

Chairman Korson proposed tabling this topic indefinitely. He stated that this Amendment is getting more complicated by the minute and he believes that additional meetings and more input is needed. He added that the PC has given Mr. Bunbury sufficient time in addressing this matter but stated that the percentage of change to the zoning ordinance is small compared to the amount of time that has been invested in this project thus far. Chairman Korson stated that he does not believe the PC is at a critical stage where this project needs to be taken care of at this time. He further added that Mr. Bunbury did not point out specific buildings that he was concerned about. Chairman Korson added that he is concerned about a Board that is charged with making changes regarding the future character of the Leland when they allowed other things to take place in another village.

Cypher asked if Chairman Korson was making a motion to table this topic. Mitchell stated that he is not ready to throw the baby out with the bath water. Simpson suggested that the PC hear from Mr. Bunbury.

Telgard stated that he would like to address Chairman Korson's comments. Since the May 3<sup>rd</sup> Public Hearing, Telgard expressed that he has been uncomfortable with what is happening in the R-2 district. He stated that we are not talking about monster homes, but these are people who want to build homes in the village. He added that we have heard from quite a few people on this matter. Telgard stated that this Amendment came about due to concern regarding the lots around Lake Michigan as the larger parcels are found around the lake. He commented that he does not want to see Ms. Weckwert, Ms. Babington, Mr. Bischoff and others penalized and reiterated that he is not comfortable with what has been proposed for the R-2 district.

Satterwhite explained that the PC is reacting to the public and added that zoning restricts things by nature. Many people have stated that the zoning ordinance allows one to build anything of any size and the question is whether there is some way to modify this. Satterwhite stated that when we fix one problem, it creates another problem for someone else. He stated that the PC can monkey with the square footage but this gets complicated. Alternatively, the PC can limit the overall size of the house. Personally, Satterwhite stated that he is indifferent as to the approach but he wants to address what the public wants. Satterwhite believes the Residential Lot Coverage Amendment is heading to a vote in the community but it must first go through the normal process.

In response to Chairman Korson's comments, Satterwhite stated that perhaps there should be a discussion about the board members; however, he believes that the board works well.

Mr. Chris Bunbury stated that he works in the environmental field and he often presents information that people have not heard before. In the beginning, he noted that Mitchell worked to develop the formulas for this Amendment. Mr. Bunbury stated that he wanted to preserve the character of the area so it would not turn into Bay Harbor, Charlevoix or other areas. He added that people from around the country want to live in places like Leland.

Mr. Bunbury stated that he has been approached by approximately 100 people; 80% of those people indicated that they did not know that they could do this. He understands that this Amendment will not work for everyone and appreciates the concerns. He thanked everyone for the time they have invested in this project and added that he believes the PC is close to a vote on this matter.

Mitchell stated that he is not hearing much about the R-1 district; he suggested the lot coverage reduction for this district but no other changes are necessary. In R-2, the issues focus on setbacks. Mitchell believes that the 10-foot setbacks have had more of an impact on livable square footage than what the PC intended; he proposed changing the setbacks to 8 feet on each side, as opposed to 10 feet on each side. Mitchell does not feel that people like the five-foot setbacks. He also proposed going with a height of 30 feet. When people inquire about the 24-foot height that has been proposed, he stated that they do not understand even after it is explained. He recommends that 30 feet be used. Lastly, Mitchell recommended moving the effective date out one year to give people time to commence their project.

Simpson asked Telgard if the changes proposed by Mitchell address his concerns. Telgard feels Mitchell's suggestions are more reasonable and that they are a step in the right direction based on comments the PC has heard from the public. Mitchell stated that he was looking to the future; Telgard stated that the trend to single level living spreads the house out more.

Chairman Korson asked Mitchell if what the PC is doing is making a difference and also inquired if this project is worth it. The Amendment will need to go to the County and the PC will make changes based on their comments. Mitchell reiterated that people have told him that they do not like five-foot setbacks or three-story homes in town. Simpson commented that the time invested so far on this project is a sunk cost.

Simpson asked Ms. Weckwert and Ms. Babington if the proposed changes would help them. They responded that their issue is with the overhangs on the house. They explained that their neighbor is 30 feet from their property

line. Cypher commented that the Fire Chief is concerned with long eaves; setbacks help fires from spreading.

Satterwhite stated that he knew after the Public Hearing concluded that some of these issues would need to be addressed. He noted that he is fine with the changes Mitchell proposed. Simpson concurred. Satterwhite asked Cypher what the next step would be. Cypher replied that the Amendment will go to the County; however, there is language that needs to be developed for the zoning ordinance.

Cypher explained that another Public Hearing may be needed but it depends on whether this constitutes a “substantial change”. According to statute, the County is permitted to review any amendment that is proposed; however, Cypher explained that it is not mandatory that their comments be incorporated. Following a review by the County, the Amendment will go to the Township Board. Cypher stated that there have not been any amendments since 2016 or 2017. The process takes time and there are several steps.

Chairman Korson inquired as to who does the work of creating the additional text that is needed. Cypher replied that he would ask the new Planner to work on this project to ensure that Cypher has not overlooked anything.

Mitchell asked if the definition of “commence” is in the zoning ordinance. Cypher replied that this text should be added. Mitchell asked if obtaining a permit means that the property owner has “commenced”. Discussion ensued regarding having a renewal period. Cypher stated that in a two-year period, things should be completed. Mitchell feels that the “effective date” is important and believes people will want to see this in the Amendment.

Satterwhite asked Cypher if he would mark up the language, redline it, and then bring the proposed language to the next meeting. Cypher stated that the Planner is on call. Legal counsel will also be able to assist prior to the next meeting. The PC could then approve everything and the package would go to the County for review. The PC is only a recommending body. Cypher explained that the decision of the Township Board is challengeable. An individual could appeal to the ZBA or have a referendum. The Township could go to Circuit Court if the ZBA sided with an applicant; eventually, this could go to the state Supreme Court as well.

Chairman Korson asked about the definition of “commence”. Cypher stated that he believes there are approximately seven projects that are in process. Discussion ensued that there are still issues with supply chain and finding an available contractor. Mitchell stated that, after two years, if the project has not been completed, this would be acceptable if the property owner was making a good faith effort towards completion. One year could be allowed to obtain a permit followed by one year to start the project. A renewal could be granted

for up to one year, too. Mitchell stated that he does not want to be too restrictive, but he also does not want to see projects linger into perpetuity. Satterwhite added that the PC could give the Zoning Administrator the authority to go through the normal process when evaluating projects.

Mr. Bunbury stated that we have given the public an opportunity to provide comment and the word is out regarding the Amendment. He noted that there are not many people in attendance at tonight's PC meeting.

Cypher asked if there are any other unintended consequences that the PC wishes to discuss. Satterwhite replied that the PC will have another opportunity to comment once Cypher provides the PC with the proposed language.

Chairman Korson asked for a motion to authorize staff to develop and present at the August 2, 2023 PC Meeting the necessary text to accompany the Residential Lot Coverage Amendment with adjustments from tonight's meeting prior to sending it to the Leelanau County Planning Commission (LCPC) for their review and comment. **MITCHELL MOVED TO AUTHORIZE STAFF TO DEVELOP AND PRESENT AT THE AUGUST 2, 2023 PC MEETING THE NECESSARY TEXT TO ACCOMPANY THE RESIDENTIAL LOT COVERAGE AMENDMENT WITH ADJUSTMENTS FROM TONIGHT'S MEETING PRIOR TO SENDING IT TO THE LEELANAU COUNTY PLANNING COMMISSION (LCPC) FOR THEIR REVIEW AND COMMENT; SATTERWHITE SECONDED. ALL PRESENT IN FAVOR; MOTION CARRIED.**

B. Master Plan – continue with Chapter 6

The PC turned their attention to Chapter 6 of the Master Plan which was prepared by Mr. Larry Sullivan. Minor changes were suggested to this chapter and minor typographical errors will also be corrected.

The PC then reviewed Section 7.3.5 to the end of Chapter 8. Chapter 9 will only involve updating dates as this chapter focuses on implementation strategies. Cypher requested that the PC be prepared to discuss the Future Land Use Map at the August PC meeting.

- XI. Other Business (as required) - None
- XII. Zoning Administrator Comment – no comment

Cypher stated that he received a PUD application from Joel Peterson for the project on Main Street; this may be an agenda item for the August PC meeting.

XIII. Planning Commission Comment – no comment

Telgard shared information from the Traverse City Ticker regarding the fact that Leelanau County has an unusually small number of multifamily dwellings. He suggested that this be discussed when the PC is working on planning for the future. The R-3 district is multifamily and Telgard suggested that the PC look at possibly expanding this district.

XIV. Public Comment – (limited to three minutes per person unless extended by Chair)

A member of the public inquired about a 15-acre parcel that will be coming up for sale. A PUD is being considered for this area. These 15 acres are east of the Price Farm.

XV. Adjournment

There being no objection, Chairman Korson adjourned the meeting at 9:17 p.m.

The next scheduled meeting will be held on Wednesday, August 2, 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 (June 2023)

### Leland Township Zoning Administrator's JUNE 2023 REPORT

To: Leland Township Board & Leland Planning Commission

From: *Timothy A. Cypher* 7/8/2023

<b>Land Use Permits Issued:</b>	<b>13</b>	<b>YEAR TO DATE 43</b>
Signs / Home Occupation	0	
Single Family Residences (SFR)	2	
Additions to SFR	4	
Garages / or additions to	0	
Decks & Porches / MISC.	2	
Accessory Buildings	2	
Commercial Construction	2	
Stairs & Landings	0	
Agriculture construction	1	
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
<b>Zoning / Site Plan Reviews</b>	<b>1 FIDDLEHEADS</b>	
<b>Construction Inspections</b>	<b>17</b>	
<b>Violations/Investigations</b>	<b>1 **VIOLATIONS**</b>	
	1 INVESTIGATIONS PENDING	
	1 RV USE AS SINGLE FAMILY DWELLING	

I supplied information via 46 phone calls & 27 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](mailto:staff@allpermits.com)

Phone 231-360-2557



## APPENDIX B – Leland Township ZA Monthly Summary (June 2023)

### LELAND TOWNSHIP - ZA'S MONTHLY SUMMARY

		Period: JUNE		2023			
DATE	PERMIT #	NAME	USE	REC. #	CK.#	AMOUNT	
6/11/2023	LUP 23-31	CARLSON	LAND USE	202331	1492	\$ 130.00	
009-750-002-00	123 WILLIAMS STREET	NEW DWELLING ATT.GARAGE COVERED PORCH			3,422 S.F.		
6/11/2023	LUP 23-32	BEHRMANN	LAND USE	202332	15834	\$ 40.00	
009-730-101-00	509 S. WEST STREET	DWELLING & DECK ADDITION			388 S.F.		
6/11/2023	LUP 23-33	FENLON	LAND USE	202333	1003	\$ 40.00	
009-034-005-31	5094 E. KIRT ROAD	ACCESSORY BUILDING - SHED			160 S.F.		
6/19/2023	LUP 23-34	SCHOMBERG STORAGE	LAND USE	202334	1512	\$ 100.00	TREAS. HAS
009-033-006-20	950 S. SCHOMBERG RD.	ACCESSORY BUILDING - BOAT STORAGE			10,880 S.F.		
6/20/2023	LUP 23-35	CRANE	LAND USE	202335	5814	\$ 50.00	TREAS. HAS
009-023-043-00	6445 E. BAXTER ROAD	DWELLING ADDITIONS			141 S.F.		
6/21/2023	LUP 23-36	TELGARD	LAND USE	202336	29045	\$ 100.00	
009-750-111-50 & 120-00	101 & 102 E. RIVER ST.	STAIRS & HEAD DOCK ALONG WATERFRONT			768 S.F.		
6/23/2023	LUP 23-37	MAMPHE	LAND USE	202337	SENT	\$ 50.00	
009-135-022-20	6727 E. ALPERS ROAD	AG STORAGE BUILDING			4,800 S.F.		
6/24/2023	LUP 23-38	ACOSTA	LAND USE	202338	1742	\$ 80.00	
009-029-017-00	862 S. MANITOU TRAIL	DWELLING ADDITIONS			504 S.F.		
6/27/2023	LUP 23-39	SCHLUETER	LAND USE	202339	81666	\$ 40.00	TREAS. HAS
009-580-001-16	212 S. FOURTH ST.	COVERED PORCH & PERGOLA			413 S.F.		
6/27/2023	LUP 23-40	GARRET	LAND USE	202340	81667	\$ 40.00	TREAS. HAS
009-020-003-50	543 BRDSONG ROAD	NEW DECK			625 S.F.		
6/27/2023	LUP 23-41	CROOM	LAND USE	202341	81677	\$ 50.00	TREAS. HAS
009-009-014-00	101 S. CHANDLER ST.	THREE DWELLING ADDITIONS			867 S.F.		
6/29/2023	LUP 23-42	STANDER	LAND USE	202342	3272	\$ 50.00	
009-023-058-00	6055 E. RYANS WAY	ACCESSORY BUILDING			960 S.F.		
6/30/2023	LUP 23-43	LAURENT	LAND USE	202343	PENDING	\$ 130.00	
009-550-801-00	403 S. FIFTH STREET	NEW DWELLING ATT.GARAGE SCREENED/COV. PORCHS			2,510 S.F.		
<b>TOTAL</b>						<b>\$ 900.00</b>	

SIGNED:

*TIMOTHY A. CYPHER*

DATE: 7/8/2023

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