

July 14, 2016

To Members of the Zoning Board Of Appeals

I am unable to attend the meeting tonight and ask that this letter be read out loud into the record and not just filed away.

I am writing about your resolution with regard to section 8.7.3 (10) (u) 1.d.

I am totally against the recommended change on several grounds.

Rush to push through amendments ahead of total package of zoning changes

Once again the zoning administrator is pushing forward her own ideas asking for changes to things that do not need to be changed. There is no actual or perceived harm being done to anyone by leaving the current situation in place. I find it troubling that the board of appeals seems to be led by the administrator rather than the board leading and the board doing so only when needed by a problem that impacts the safety health or welfare of the citizens.

This haphazard way of dealing with the long range plan of changing the entire zoning ordinance set out some time ago strikes me as an attempt by the administrator to rush through amendments she favors before the next election.

What's the hurry? What's the rush? What's the identified problem?

Leave well enough alone.

This also strikes me as an attempt by the administrator to expand her job. Can you imagine the policing of for example the requirement that a group that comes in to your winery must not be isolated from the public. So if I want to celebrate my birthday with a group of friends and we are standing off in a corner does that mean Michelle will be coming to the winery and insisting that I not stand off in a corner unless I had the winery get a guest permit? Come on folks these changes are nothing more than a blatant attempt to expand the power of the administrator and hassle the wineries.

Do you really want the wineries to have to request a guest activity permit every time they want to have a music activity say on their deck or does this mean I need a permit if I want to use a room for a private celebration of my birthday. Why Why Why why do you want to complicate life. do you really want me to have to request the winery to get a permit to offer a different menu item than is on the regular menu. Why Why Why where is the health safety or welfare impacted by my wanting something different. I can not think of any reason why you would want to create more red tape and tie the hands of the wineries in such a fashion.

A permit must be requested 30 days in advance. What if I decide I want to take some friends there on a spur of the moment celebration so much for spontaneity.

Again do you really want to burden the wineries to have to go and request a permit every time they want to do an activity that you are trying to restrict. And that they should know about it 30 days in advance.

The statement that these amendments have been fully discussed is untrue

Some of these proposals as written were not fully discussed at the last meeting. They were put in writing only yesterday for the public to see and comment. The impact of these is well beyond what was discussed at the meeting as far as I can tell from the minutes.

These proposals are draconian and are a blatant attempt to prohibit the wineries from offering many options for residents and visitors alike to enjoy the winery experience.

Why should I not enjoy a glass of wine on the deck or outside sitting area of the winery. What's the problem? Of course there isn't one since most wineries do it. These rules belie common sense. What is wrong with me having an event in the winery and wanting to stand or sit in a separate area. What is accomplished with this! Why should music not be allowed outside of the tasting room? Again what's the problem why are you being so restrictive.

I could go on and on the point is there is no problem it seems you are just making up rules on a whim.

Look if you don't want wineries to succeed and people to enjoy them why not just put a sign at the end of the peninsula that says we don't want the wineries to succeed so please don't visit them and don't expect to sit outside and enjoy the scenery with a glass of wine. And please do not even think of having a party with your friends you needed to notify us 30 days in advance and we would most likely say no!

All these hurried changes should await the outcome of the next election.

I think that these changes are so restrictive and foolish that everything should be put on hold until after the next election. There is no overriding problem that has been identified and this rush to pass things as quickly as possible seems very mean spirited.


Louis Santucci

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8175 Center Rd.
Traverse City, MI 49686
Telephone: (231)938-6166

August 8, 2016

Dear Ms. Reardon,

We are writing on behalf of Villa Mari LLC (DBA Mari Vineyards). We have recently obtained an SUP to operate as a winery-chateau pursuant to the current Peninsula Township Zoning Ordinance. We have become aware that the ZBA has been asked to "interpret" a certain section of the Peninsula Township Zoning Ordinance. Specifically, the interpretation is of section 8.7.3(10)(u)1.(d) of the Ordinance. We have attached a copy of the ZBA's proposed interpretation of that section.

We object to this "interpretation." The referenced section of the ordinance doesn't say anything like the conclusions reached in the attached document. Rather, this so-called interpretation is an attempt to insert additional ordinance provisions and standards without going through the proper procedure to amend the zoning ordinance.

Additionally, 8.7.3(10)(u)1.(d) is literally one sentence. It is inconceivable that an interpretation of one sentence would require a full page and a half of new language. The interpretation is essentially an attempt to enact many new standards, procedures, and requirements for winery-chateaus. Furthermore, the interpretation itself is extremely confusing, using a permissive preamble to somehow forbid all kinds of activities. To reiterate, this is an amendment to the zoning ordinance. To attempt to achieve such an amendment in this way, by "interpretation," is simply wrong. There is a clear procedure for amending the zoning ordinance, and this interpretation is an improper attempt to circumvent it.

The proper procedure for making such changes has been established. We respectfully request that you do not continue with this attempt to bypass it. Furthermore, our SUP (under which we operate) provides us certain vested rights according to the existing language of the ordinance. We will not acquiesce to this attempt on the part of the ZBA to amend the zoning ordinance without going through proper procedure.

If the people of Peninsula Township wish to enact new standards for operations of new winery-chateaus then the township board, after proper notice, hearings, and procedure, may enact said measures. What the ZBA is trying to do here is not in accord with the Zoning Enabling Act. Please refrain from doing this. If necessary, we intend to take whatever legal action necessary to protect our rights, and to stop this improper manipulation of zoning.

We object to this resolution entirely, however, we have been informed that it will not affect us at all. At the minimum, if this resolution passes, we would like it clearly stated that it does not apply to our SUP in any way, directly or indirectly.

Sincerely,

Martin G. Lagina

Alexander H. Lagina

**PENINSULA TOWNSHIP ZONING BOARD OF APPEALS
RESOLUTION FOR ZBA INTERPRETATION**

Resolution No. ____ of 2016

At a regular meeting of the Peninsula Township Zoning Board of Appeals, Grand Traverse County, Michigan held in the Peninsula Township Hall, located in Peninsula Township, Michigan on _____, 2016.

PRESENT: _____

ABSENT: _____

The following resolution was made by _____ and seconded by _____, to-wit:

Recitals

WHEREAS, the Zoning Administrator has requested that this Board review and interpret the language contained in Section 8.7.3(10)(u)1.(d) regarding what activities a winery-chateau can engage in with respect to groups, guests and members of the public without a Guest Activity Permit; and

WHEREAS, the Zoning Board of Appeals has fully discussed this matter at a meeting held on June 23, 2016 and the Zoning Board of Appeals having reviewed the language of the Peninsula Township Zoning Ordinance and having held a public hearing on the matter.

Resolution

NOW, THEREFORE, BE IT RESOLVED that:

1. Section 8.7.3(10)(u)1.(d) of the Peninsula Township Zoning Ordinance states that a winery-chateau may, without a Guest Activity Permit, do the following:
 - A. Have wine tasting either free of charge or for a fee, including food pairings with the wine tasting, whether such food is free of charge or for a fee, but only within the tasting room.
 - B. May engage in promotional activities, including the ability to have groups on site in the tasting room only, such as political rallies or

other groups, so long as the group activity specifically promotes and focuses on the winery and agriculture with the township.

- C. Groups, guests and general members of the public visiting the winery cannot consume wine or food outside of the tasting room and no fee for any group may be charged on premises or by the winery with respect to the visit by any group to the winery. No advertisement stating that such a fee will be charged by the group or by the winery for attendance at the winery is permitted.
- D. Whether it be a group, guests or members of the public visiting the winery during the hours that it is open, any charges for wine or food consumed on the premises in the tasting room must be based upon prices on the item or on the menu with no up charge for the same related to any event. Further, the winery-chateau cannot have a special menu item, whether it be for wine or food which is strictly offered to any group that is different or priced differently than what is available for other guests or members of public who visit the winery.
- E. Any items sold by the winery-chateau outside of food and wine must also be sold only within the tasting room.
- F. Entertainment may be provided by the winery-chateau, but shall only be allowed in the tasting room and no charge will be levied by any group or the winery-chateau such that guests or members of the public visiting the winery-chateau do not pay for the entertainment.
- G. All groups visiting the winery-chateau must congregate in the tasting room only and no group may be isolated either in the tasting room or anywhere else at the winery-chateau such that would prevent other guests and members of the public from having full and free access to the same area in the tasting room where the group may be congregating.

YES: _____

NO: _____

RESOLUTION DECLARED ADOPTED.

PENINSULA TOWNSHIP

By: _____
Pete Correia, Supervisor

I, the undersigned, the Clerk of the Township of Peninsula, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality at its regular meeting held on _____, 201, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: _____

Monica A. Hoffman, Clerk

August 10, 2016

Peninsula Township
13235 Center Rd.
Traverse City, MI 49686

Dear Ms. Reardon,

This letter is in response to the final issuance of the proposed ZBA interpretation regarding allowable activities in a winery-chateau tasting room without a Guest Activity Permit.

While Chateau Chantal does have a valid Guest Activity Permit and performs many pre-approved activities throughout the year, the proposed interpretation regarding activities in our tasting room is concerning.

Specifically, items that add additional restrictions that are not ordinance based and difficult to enforce include:

1. Attempts to regulate item pricing. As a business, our items fluctuate on what can be a daily basis and are dependent on the labor model needed to build different offerings.
2. Language that could be misinterpreted as contrary to the ability of a tasting room to offer reserved tours of their winery. While the tour offerings at Chateau Chantal are available to the public for reservation at any time, these reserved tours of the winery could be misconstrued to be in offense of the proposed language in item C, "no fee for any group may be charged on premises."
3. Enforcement of where guests can and cannot stand in our tasting room as discussed in G. On a busy day, the demand in the tasting room often means people are in line to taste wine. There may be several groups of public guests using various sections of the tasting room seating. Those people have the right to sit there until they leave, in effect making it inaccessible to other members of the public.

It is clear to me the intent of this interpretation. A winery-chateau without a guest use permit should not be hosting paid events until they meet the requirements. What is not clear to me are the virtually unenforceable additional restrictions being introduced above via interpretation rather than the ordinance process.

We have built our business model to meet the guest use permit requirements for sourcing 1.25 tons/person at an activity from other OMP vineyards than those dedicated to our own SUP. While onerous, this has accomplished tying these additional privileges to ag on the Peninsula and should be properly enforced.

Sincerely,



Marie-Chantal Dalese, President & CEO

mcdalese@chateauchantal.com

231-223-4110 ext. 140

Michelle Reardon

From: C. Anne Coulter <cacoulter@charter.net>
Sent: Thursday, August 11, 2016 9:20 AM
To: Planner@peninsulatownship.com
Subject: support for the Casey's, 7002 Peninsula Drive

Please pass the requested variance for the Casey's for a detached two car garage. The standard set back from all property lines is 15 feet, so I am especially in favor of the variance of 9 feet for the back property line.

Edgewood Resort, which the property sits in was previously a summer cottage area and it is unreasonable to think that now that the homes are year round that there would not be a need for garages. Also in the late 1860's there would have been horse stall as the car was not invented by Henry Ford until some 40 years later. It is likely there was already an out building on the property years ago. A garage or barn should be grandfathered in.

Cathryn Anne Coulter Trust
6972 Peninsula Drive Traverse City, MI 49686

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