

# **Packet Addition**

**November 14, 2023,**

**Township Board Regular Meeting and Township Board  
and Planning Commission Special Meeting**

**Resolution 2023-11-14 #1,  
Signing Authority**

**Peninsula Township**  
**Resolution 2023-11-14 #1, Signing Authority for Grant Application**  
**Documents for the Purchase of Development Rights Program**  
**Tuesday, November 14, 2023**

Upon motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, the following resolution was adopted:

WHEREAS, Peninsula Township is authorized to seek and utilize supplemental or matching funds from other governmental agencies to pay a portion of the cost of acquiring Development Rights.

WHEREAS, Peninsula Township has contracted with the Grand Traverse Regional Land Conservancy to assist with the administration of its Purchase of Development Rights Program.

WHEREAS, Peninsula Township has determined it appropriate and within the scope of the Purchase of Development Rights Program administration contract to grant signing authority to Conservancy staff for the limited purpose of grant applications in support of the Program.

RESOLVED, that the Township Board hereby authorizes and empowers the following individual to execute, endorse, and deliver in the name of and on behalf of the Township, any and all documentation needed to submit grant applications for supplemental or matching funds to relevant funding sources, including but not limited to, the United States Department of Agriculture and the Michigan Department of Agricultural and Rural Development.

Name: Laura Rigan

Position/Title: Farmland Program Manager

Contact: 231-929-7911, lrigan@gtrlc.org

The following aye votes were recorded: \_\_\_\_\_

The following nay votes were recorded: \_\_\_\_\_

Absent: \_\_\_\_\_

**RESOLUTION # \_\_\_\_\_ WAS ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_**

STATE OF MICHIGAN            )

) ss

COUNTY OF \_\_\_\_\_ )

Dated: \_\_\_\_\_

By: \_\_\_\_\_

I, \_\_\_\_\_, \_\_\_\_\_ of the Peninsula Township, Grand Traverse County, Michigan, hereby certifies that the above is a true and complete copy of the Resolution duly adopted by the Peninsula Township Board of Trustees at a meeting held November 14, 2023 and that same has not been repealed or amended, and remains in full force and effect.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Peninsula Township

# **Additional Correspondence**

## Becky Chown

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**From:** louis santucci <santucci.louis@gmail.com>  
**Sent:** Wednesday, November 8, 2023 4:54 PM  
**To:** Becky Chown  
**Subject:** Public hearing on amendment 204

Please include in package or read at public hearing.

Amendment 204 should not be adopted. First of all the process does not allow for adequate discussion and consideration of the different viewpoints that would be raised at the meeting. In the past there were usually two hearings at the planning commission level, and then two more at the Town level. It seems that you have now undertaken to set up a system where the public has inadequate time to consider critical issues. You did it before with the processing amendment in order to rush it through and now are doing the same with this needless ordinance amendment.

It goes without saying that the vagueness of this amendment would not withstand due process challenge. It is vague and is subject to so many different interpretations, an application to a variety of situations.

Do we need more favoritism when it comes to applying an ordinance that is so vague. We already had the experience of the supervisors truck where the zoning officer went after someone who had put a very small sign with the permission of the landowner on that land owners property. It was only after the question was raised why this person was being treated differently than the supervisor that the town put a moratorium in place with regard to signs for farmstands.let's not create more havoc. Just leave things as they are. This is an unnecessary overreach and to my knowledge was not requested or discussed by the planning commission. so I can only assume this is another idea put forth by Jenn. This is just another bureaucratic idea that has not been given any serious thought. Mill this dumb idea.

Lou Santucci  
12602 center rd  
Traverse City 49686  
Sent from my iPhone

## Jennifer Cram

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**From:** Wendy OBrien <wendycomics@yahoo.com>  
**Sent:** Thursday, November 9, 2023 9:42 AM  
**To:** Planning & Zoning Administrator; Isaiah Wunsch; Jennifer Cram; Oliver; Jennifer Cram; Clerk PA  
**Subject:** 204

Attention, to be read at the Peninsula Township November 17 meeting regarding proposal, 204 Peninsula Township, I am 100% opposed to your upcoming proposal 204 in all of its respects and everything that encompasses!!! I am totally and absolutely against 204! I feel that it interferes with my constitutional rights to life, liberty, and the pursuit of happiness. I also strongly feel that interferes with the rights of others to pursue their happiness! Wendy O'Brien

Sent from my iPhone

November 10, 2023

Peninsula Township Board  
Peninsula Township Planning Commission  
13235 Center Road  
Traverse City, Michigan 49686

Re: Proposed Amendment 204 to Peninsula Township Zoning Ordinance

Good afternoon:

I am writing to express my strong opposition to Proposed Amendment 204 to the Peninsula Township Zoning Ordinance. Despite the characterization of this proposed amendment as simply designed to “clarify the status quo,” this amendment would dramatically change the existing Zoning Ordinance in a way that fundamentally alters its application. The proposed amendment would automatically classify any use that is not specifically set forth in the Zoning Ordinance as prohibited. Even uses that any reasonable person would believe are included within the scope of ancillary or permitted uses to those that may be identified in the Zoning Ordinance, and are entirely consistent with those uses, would arguably be prohibited under the broad language of the proposed amendment because they are not specifically included in the existing Zoning Ordinance language. Although one might believe that the Zoning Ordinance will be interpreted in a common-sense fashion, the language of the amendment will give the Zoning Administrator the power and authority to unilaterally determine that any use not specifically called out in the Zoning Ordinance is prohibited. Moreover, any resident might object to any such use, and the Township may then be forced to take enforcement action because the Township must apply the Zoning Ordinance consistently and in accordance with its plain language. There can be no doubt that adoption of this proposed amendment will lead to countless challenges, appeals, and litigation, all to the detriment of the Township staff, Township Board, and the citizens of the Township.

As only one example, there is no provision in the Zoning Ordinance that specifically permits construction activity. By the plain language of the proposed amendment, construction would never be permitted anywhere in Peninsula Township because it is not a specifically identified permitted use. It would be terrible policy to enact an ordinance amendment that would lead to such a patently absurd result. If the Township were to adopt this proposed amendment, it would be forced to expand the listing of specific permitted uses to include countless activities that should clearly be permitted under any rational interpretation of the Zoning Ordinance. There is simply no reason to go through that exercise, which will undoubtedly omit scores of reasonable and appropriate uses, and again will simply lead to more challenges, disputes, costs and acrimony.

Ultimately, adoption of this proposed amendment would deprive the citizens of Peninsula Township of established property rights in an arbitrary and capricious manner. Moreover, it will require the Township to micromanage the use of property in a manner that far exceeds what is legal, fair and appropriate, and I submit goes well beyond what the Township wants or intends. The proposed amendment should be rejected.

Michael Miller  
10270 Stoneybeach Pt.  
Traverse City, Michigan 49686

## Becky Chown

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**From:** Christopher Lutz <chrislutz@hotmail.com>  
**Sent:** Friday, November 10, 2023 10:24 AM  
**To:** Becky Chown; Isaiah Wunsch; Steve Tripp  
**Subject:** Amendment 204

My wife and I are contacting you, and would like our concerns shared with all trustees, heard and/or made part of the public record at your meeting on November 14 regarding the proposed amendment 204.

Living on the Peninsula for 30 years, I question how we have allowed our elected township officials to become adversaries to the tax paying citizens. The heavy handed elitist mentality of the township representatives has reached a level in this proposed amendment that can no longer be tolerated.

The track record of the last 10 years should have been a wake up call to our residents and the township officials, but clearly to propose an amendment that essentially says 'if we don't say it ok, it's not allowed' is an over reach of power that limits our rights and liberties to enjoy the use of our property.

I cannot believe I am saying this, but this township seems to look at themselves as a Monarchy without accountability. Do the taxpaying peasants now assume township officials will stop by our property on a periodic basis to collect the taxes and tell us what undefined activity is now a violation of the mighty and powerful elites on center road?

I object to amendment 204. I object to the entitled/elitist approach of the draftee. I object to the adversarial over-reach that I continuously see from this board. I object in the strongest way possible to 'we know what's best for you' assumption you are making. Frankly, its insulting to the people you represent.

I cannot attend this meeting, but I can no longer assume it's just going to get resolved in a sensible way because the track record says it won't.

I hope the board will reflect on these issues and stop the needless confusion and lawsuits that could result from amendment 204.

Christopher and Kristin Lutz  
12004 Peninsula Dr

Sent from my iPad

## Becky Chown

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**From:** Curt Peterson <curtpete@gmail.com>  
**Sent:** Friday, November 10, 2023 3:29 PM  
**To:** Becky Chown; Robin Noval  
**Subject:** Additional Packet Correspondence for Nov 14 joint meeting

From the packet information on 204/ 6.1.5 there are a number of incorrect or wrong statements made that need correction. The very first statement says as is generally understood, if a use is not specifically allowed then that use is not allowed. Really? Generally understood by who? Ask 10 random residents of OMP this question and what would be the responses? It is not generally understood. In fact approving this amendment goes against Michigan state zoning and enabling act of 2006 ( 125.3101 through 125.3702) which says a zoning governing body cannot legislate against a use that has demonstrated need. So State law anticipates new uses that are allowed if there is demonstrated use. This new proposed amendment goes against this overriding/controlling state law. Further the packet clarification mentions that incidental uses to a primary allowed use would be and are allowed. Where in our ordinance does our ordinance say that? Not in this draft amendment. There is not even a definition of incidental use. In the last sentence of the packet discussion there is mention that 6.1.5 is intended for discussion only. Really again? If that was the case then it would not have been attempted to be snuck in with a building height amendment. Make no mistake this was an attempt to believe that our citizens would be asleep at the wheel. The only reason that this is included in a joint meeting is that statutorily the planning commission has to pass on a recommendation to the twp board before an amendment is voted on by the Twp. board and becomes law. And this was not a normally scheduled Planning Commission meeting. Clearly it was not "for discussion only. If this was for discussion only it would have been listed under business of a Planning Commission meeting for a new topic discussion instead of a draft of a new amendment coupled with an amendment on building height. And you Planning Commission members did not direct or suggest to our Twp. Planner to do so. You were most likely caught off guard as were we residents. Squash this action as it deserves. Do not allow degradation of your responsibility and commission. Regards, Curt Peterson, 1356 Buchan Dr, Traverse City, Mi 49686

November 12, 2023

Dear Town Board,

I am out of town. Please read this letter into the public record at the next township public meeting.

I am writing to support the new zoning “amendment 204”, which I view as simply a codification of current Michigan zoning law. In other words, the amendment neither expands nor reduces zoning power on the Peninsula. It is a clarification, not a substantive change.

I would like to add a comment about fear-mongering in our township. This week, I received two inquiries from intelligent people who got fearful emails about the proposed amendment. The emails claimed the amendment would make it illegal to do routine activities at home – stuff like playing badminton and trimming bushes. Of course that is ridiculous, and I said so. I suggested my friends call the Peninsula Township Office to get truthful answers to their fears.

Fear-mongering has become a way of life for some people. I want to ask the fear-mongers, whose email compared Peninsula Township to North Korea, these questions: Before you set out to scare your neighbors, did you call the township and ask questions? Did you check out Michigan zoning law? Do you really think this township is equivalent to North Korea, or are you just trying to rile up trouble?

Questions for my scared neighbors: Do you know that some of these fear-mongers are the same people complaining that the township is spending money to defend us residents against the wineries’ lawsuit? Do you want the township to drop its defense and pay the wineries \$203,000,000? Do you want the township to give up and let wineries hold big events with outdoor amplified music and drinks until 2 a.m.? Or do you want to thank the township for doing the only thing it can do when it’s sued – defend us all?

Grant Parsons  
6936 Mission Ridge  
Traverse City, MI 49686

## Becky Chown

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**From:** Kim Morrison <kmorrison75@comcast.net>  
**Sent:** Monday, November 13, 2023 1:09 AM  
**To:** Isaiah Wunsch; Marge Achorn; rudy.peninsulatrustee@gmail.com; dave.peninsulatrustee@gmail.com; maura.peninsulatwptrustee@gmail.com; armen.peninsulatrustee@gmail.com; Jennifer Cram; Becky Chown  
**Subject:** Proposed Zoning Amendment 204  
**Attachments:** IMG\_1084.jpg; IMG\_1080.jpg; IMG\_1081.jpg

To: Peninsula Township Trustees, Peninsula Township Planning Commission

My name is Kim Morrison and I live at 13998 Bay View Avenue. Our cottage was built in 1898. My grandchildren are 6th generation summer residents on the peninsula in Neahtawanta. They plan to be here for many more generations and that is why I will be attending the meeting Nov. 14<sup>th</sup>.

We feel that the proposed amendment is a simplified "quick fix" to a problem that warrants much more discussion and consideration. It is not looking at the bigger picture regarding how residents live now or will live in the future. Furthermore, we feel the proposed zoning amendment will result in more land use and less building character.

I want to step away from the zoning specifics of the proposed 204 amendment and refer back to the Draft Master Plan which should GUIDE ALL OF US AND ZONING MOVING FORWARD.

Under Aging Population, residents plan to stay in their homes and nearly 2 in 5 indicated that they will need to make major modification to accommodate their needs as they age. The presence of accessory dwelling units is low but 8 in 10 said they would consider building one for a loved one who needs care. (pg. 45)

The two important takeaways reflected in the survey for the Master Plan were that the rural character and historic landscapes should be preserved. (pg. 39)

It is our opinion that the proposed and current zoning requirements, definitions, and restrictions do not successfully meet these needs, goals, and objectives. Yet, this is precisely the responsibility of the Township Board, to make sure that zoning reflects the needs of its residents.

I am going to give two examples 1. Our Multi-Generational Build for retirement and 2. Our Historic Cottage that we want to preserve.

We did not just pop up, buy a lot and want to build a home. We have been working on plans for a multi-generational home for years. And I mean years. Our original intent was to build a vintage shingle style home with a detached garage. In talking with Jen Cram, we learned that detached garages are not allowed to have bedroom living spaces or a 3-fixture bathroom. Nor would a walk out basement on a two story home be permitted.

We currently have 15 members of our immediate family and project about 20 in the next few years. We want to use our home like everyone else does: for Christmas, Thanksgiving and summer gatherings. Many of our 8 adult children now have the ability to work from home. This trend will continue as cited in the survey/Master Plan. The dwelling space over a detached garage was the most logical space to house our overflow. We feel current zoning is remiss and lacking in common sense in this area. Our options are now to build an attached garage, using more land, defeating the purpose of land preservation, and resulting in a home style with a loss of historic character.

The current Assisted Living Home care costs exceed \$125,000 a year per person; therefore, we plan to age in place in this home and hire care as needed. Where would that caregiver live? Certainly not on the Peninsula where housing is now unaffordable. Will they drive an hour or more twice a day in the dark of winter, on icy roads? No, we believe that is unrealistic, leaving "live-in" care as the alternative. Affordable housing is a significant problem everywhere in the greater Traverse City area. Finding any type of service workers to travel out to the Peninsula is a real problem for all residents. The ability to offer affordable housing to caregivers will be a real future need for many retirees on the Peninsula who wish to age and stay in place in their homes as reflected on the survey.

Now, imagine where they will live in our home. Can we provide independent housing over our detached garage? Not with the current and proposed zoning restraints.

Then we look to other alternatives. Can we have separate living quarters in the basement with a walk-out private entrance? Not with the current proposed zoning definitions if we want a full two story home.

On our sloping lot, we can either build:

1. A ranch with a walk out basement.
2. A 2-story home with an L shaped attached garage.

Not allowing homeowners to use the vertical spaces available encourages homeowners to build a home with a larger sprawling footprint. Or build auxiliary housing structures. This is the exact opposite of land preservation.

More and More, homes around the Peninsula look like that came straight out of suburban Chicago to comply with current zoning restrictions. The uber modern glass homes with flat roofs look like they belong in the Pacific Northwest. This is the opposite of maintaining the historical and rural character of the Peninsula. We wonder if the proposed definitions of building height, basement and story are driving this trend. A builder suggested this type of home as a "work around" for our needs based on the proposed zoning. Are we looking to add more homes of this Pacific Northwest genre? Vintage shingle style cottage homes historically built on the Old Mission Peninsula inherently have steep pitched roofs. Measuring grade from the lowest point on a sloping lot makes it less likely that this historic home style will be built. A picture of an original 1900 Sears Kit home in Neahtawanta is attached. Note 3 stories.

My second example is our historic cottage that we have painstakingly maintained. Our un-winterized cottage, built over 125 years ago, sits on tree stumps on a sloping bluff. They are deteriorating. We will need to lift the cottage and dig out a new foundation. 4 other cottages on Bay View in Neahtawanta have undertaken this project at significant expense. Two of their pictures are attached. They all now have cinderblock foundations and walk out basements. A full 3 stories, by current definition, in a historical district on the Peninsula. I don't believe they look out of place. Jen Cram's examples are the egregious extremes. There are plenty of 2 story homes on sloping lots with walk out basements with small footprints keeping the viewsapes. With the proposed definition amendments, and revised point of measurement on grade, a new foundation with a walk-out basement on our historic home would be denied.

People are going to build for their needs.

This proposed zoning amendment has unforeseen consequences, making most of the homes on the Peninsula non-conforming. We feel that re-defining the vertical grade from about the front of the house results in homes with a larger area footprint and encourages building homes out of character on the Peninsula. All which are at odds with the Master Plan and survey results. Regardless of the proposed amendment, a detached garage with living quarters above should be re-considered in zoning.

Again, it is our request, that the Township Board, the Planning Supervisor and Planning Commission slow down, pause on the "quick fix", refer back to the master plan, reflect on future life and give serious consideration and public discourse to all sides before moving forward. I am opposed to the proposed amendment 204.

Thank you, Kim Morrison