

ZONING ADMINISTRATOR REPORT

PUBLIC COMMENT: *(Non-agenda matters) - (Limit to 3 minutes per person-Additional comments under item 11)*

Mike Cunningham (Heritage Bay Dr): The township board adopted a one-year gravel mining moratorium at a Special Meeting on April 3 to provide the Planning Commission time to amend the current gravel mining ordinance. The current ordinance seems to be deficient in many ways. One deficiency is that there is no good definition of what gravel mining is. The engineer said that the ordinance does not contain a quantity of materials extracted that indicate that mining is occurring versus normal site preparation work. This deficiency seems to be the main reason that gravel mining has been occurring for at least three years at the south end of Barlow Lake without any permit being requested or asked for. One comment during the past few years indicated that a nearby township considered anything over 1000 yards of material being the threshold of quantity. During the March Planning Commission meeting the developers' engineer stated that the proposal meets the current township rules. If this is the case the ordinance amendments should include wording that does not allow mining on any land with any kind of residential zoning or residential use even if not zoned residential. I would also suggest that land surrounded on at least three sides by land being used for residential use regardless of zoning be exempt from mining use.

The property in question is surrounded on all four sides by residential use. The Lindberg Park Plat to the east on Barlow Lake is all residential use and zoning. The land to the north, across Bass Road in Thornapple Township is all residential use and is zoned rural residential. The land to the west on the original farm and across Payne Lake Road, and to the south is currently zoned agricultural but the use is residential. I think that the properties to the west and south should be rezoned to rural residential since the use is residential. The future use proposed for the parcel in question is also residential. I have no objections to the proposed future residential use. The ordinance amendments that I have suggested would not allow mining on this parcel. Mining could be allowed on parcels in non-residential areas.

There are probably other amendments to the ordinance that should be made related to how mining should be done to properly fit into the township on land that is not in residential use. I encourage the Planning Commission to take enough time creating the ordinance amendments to protect the residents of the township. I believe that the significant number of residents directly impacted by this proposal and many others in the township will be watching this ordinance.

Robin Laansma (Payne Lake Rd): I enjoyed the PC meeting with the representatives of the Barry County DNR and Yankee Springs Recreation Area. When they reviewed the plans for the Yankee Springs Recreational area and the State Park, there wasn't any mention of plans to connect the State Park to the Yankee Springs Recreational area. Joe from the State Park mentioned that the State Park had approximately 1.2 million visitors last year. I am opposed to giving 1.2 million people, most of whom do not live in Yankee Springs township, access to the township park. We, the residents of Yankee Springs pay to maintain the township park, these visitors do not. This trail idea needs to be done away with. There are more important ways our tax money should be used. Please put it to rest and forget about connecting the two parks. David and I attend other meetings in the county and notice that all other meetings are live streamed or recorded and posted online for viewing. I would like Yankee Springs to look into purchasing new technology for meetings. Yankee Springs is way behind on this front. I am thankful for the moratorium on mining. We have had a negative experience with gravel mining in the past. Strict ordinances are necessary as well as the strict enforcement of the ordinances. The person who is doing the mining at the corner of Bowens Mill and Payne Lake Rd is destroying the road. Who will pay for that? He should be held accountable, and this is just one thing the Board should be looking at with a gravel mining ordinance.

APPROVAL OF MINUTES: Regular Meeting of March 20, 2025

*Motion by Knowles with support from Fiala to approve minutes of the Regular PC Meeting of March 20, 2025 as presented. All AYES. **MOTION CARRIED.***

MINUTES

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APPROVED: _____

Regular PC Mtg.

April 17, 2025

PUBLIC COMMENT

**APPROVAL OF
MINUTES**

INQUIRY ON CONFLICT OF INTEREST:

ROLL CALL: *F. Fiala asked the PC members present if there was any conflict of any PC member with the agenda of requests and as modified this evening.*

All PC members noted: NO conflicts. No: 6, Yes: 0.

NEW BUSINESS:

1. **Public Hearing: SEU 25-03-05; Parcel ID: 16-370-005-00, 2739 Sandon Circle, Wayland, MI 49348.** A request by Rich and Starr Adams, the property owners, for a special exception use permit to operate a commercial Short-term rental pursuant to the Yankee Springs Zoning Ordinance, Article X, Short Term Rentals.

Motion by Fiala with support from Knowles that we open the Public Hearing at 7:12 pm.

All AYES. MOTION CARRIED

Amy Garn (2747 Whispering Pines): I don't have a problem with it.

Starr Adams (property owner of this parcel): We would like to have this.

Motion by Fiala with support from Beukema to close the Public Hearing at 7:13 pm.

All AYES. MOTION CARRIED.

Discussion: None

Motion by Knowles with support from Beukema to approve SEU 25-03-05 as presented.

5 AYES, 1 NAY. MOTION CARRIED.

2. **Public Hearing: ZOC 25-03-01; Whispering Pines Condominiums, Whispering Pines Road, Wayland MI 49348. Parcel IDs:** 16-370-001-00, 16-370-002-00, 16-370-003-00, 16-370-004-00, 16-370-005-00, 16-370-006-00, 16-370-007-00, 16-370-008-00, 16-370-009-00, 16-370-010-00, 16-370-011-00, 16-370-012-00, 16-370-013-00, 16-370-014-00, 16-370-015-00, 16-370-016-00, 16-370-017-00, 16-370-018-00, 16-370-019-00, 16-370-020-00, 16-370-021-00, and all condominium common areas.

Public Hearing of a proposed rezoning of the property from "Resort and Recreation" to "Gun Lake Residential Lakefront" pursuant to the Yankee Springs Zoning Ordinance, Article XIX, Amendments to Zoning Ordinance and Official Zoning Map.

DISCUSSION:

Planning Commission members discussed several issues with rezoning and suggested a delay in the date the decision takes place to inform those affected.

Joe Shea notes that the subcommittee worked on this and is recommending Gun Lake Residential Lakefront zoning. There are similar situations to the north and south of Whispering Pines on Gun Lake.

Mr. Kooistra doesn't think this is appropriate as they have shared common access but they are not lakefront residential.

Motion from Fiala with support from Frigmanski to open the Public Hearing at 7:25 pm.

All AYES. MOTION CARRIED.

Starr Adams (2735, 2739 Sandon Circle): Thank you for letting me be heard. I am concerned that by putting us into the Gun Lake Residential Lakefront this would throw all but 4 units out of compliance. We have 21 units. Zoning for GLRLF (Gun Lake Residential Lakefront) does not allow for 4 plex's, duplexes or single units to be under 720 sq ft. Most of these small units are

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Regular PC Mtg.

April 17, 2025

INQUIRY ON CONFLICT OF INTEREST

NEW BUSINESS

Public Hearing

**Approval of SEU
25-03-05: Parcel ID:
16-370-005-00**

Public Hearing

**ZOC 25-03-01;
Whispering Pines
Condominiums,
Whispering Pines
Road, Wayland MI
49348.**

under 600 sq ft. The zoning should fit the property, not the desire to stop the owners from using their property as STR's. The grandfather clause should allow us to continue using the resort as a resort as long as it continues to be a resort, no matter of ownership or anything. These properties have been used for vacation homes since the 1950's. Our property will never be in compliance of this zoning. There would never be a way to separate the 4 plex or duplex to meet zoning nor can any of the smaller units meet the 720 sq ft because there is no room to add on to these properties - they are only a few feet apart and to go up would not work either as they are on blocks and the Michigan code requires footings to do this. In addition, there is only one well out of the 3 in the association that would allow year-round use per the Barry County Health Dept. That well supplies the back 4 units (12, 14, 15, 16). It has been a resort for so many years and the wells are not made for use all year round. The history of our zoning was addressed and confirmed that the best zoning for our property was to keep it in Resort Recreation under a PUD. The PUD allows for multiple ownership, this was the only way to make us compliant. I beg you to do more research and I can supply you with more dates of your minutes to prove the historical reasons why we are in Resort Recreation PUD. We are in compliance with the zoning of a Resort Recreation with the addition of the PUD. My understanding is a PUD can be in place for as long as it takes for the property to come into compliance with a new zoning. This was all determined from 2013-2017 and took a ton of work on the township's behalf. Some of you on this current board may have been involved in this. I hate to see all that work go to waste because of the STR. I just do not feel this is the right way to zone our property. In 2013 the Township had put the 4 plex, duplex and unit 17 into GLRLF only to be put back into RR (Resort Recreation) later that year. The reason it was denied was that the zoning does not allow for 4 plex's, duplexes or single-family homes under 720 sq ft. Not one of these units meets the requirements of GLRLF. Also the wells were not adequate per the Barry County Health Dept. to supply water to a year round residence. There is one well that 4 homes put in their own well so they wouldn't have to share with the others giving them more opportunity to use their property vs just weekends in the summer. The minutes of the Planning Commission from 11-7-2013 verify this. (the minutes show that this would be going against what the Health Dept. allows; not allowing it to be a seasonal home.) If you throw us into GLRLF, and if there was a fire or tornado, what zoning would we have to comply with (to rebuild)? Would that be different than what we already are? Thanks to the diligence of all the work the Township did from 2013 through 2017 we are now in compliance with the zoning ordinances. I don't believe Joe (Shea) had looked through our file before suggesting we be put in this. I was the one that emailed him letting him know we had been through a lawsuit that all of this was settled in 2017. Joe has tried to tell you we did not comply with those requirements 1-14, but this was all resolved and the only thing left outstanding was to pave the road. I can verify this with documents I have from this lawsuit that is signed by Mark Englerth (your Township supervisor at the time). The road needed a special assessment done by the township but they never did it. We would support having the assessment and the road. We have been putting crushed asphalt down and would like to have the assessment done so the road pavement wouldn't all be on the Whispering Pines Association. Joe may say we have changed over the years but the only thing I know has changed is that I believe one of our people is getting a homestead. He owns 3 properties in our association that I believe is allowed to use each one up to 180 days total. I believe I have seen in your minutes that you granted that homestead. But even in your minutes from 11-14-2013 the Township would not allow anyone to claim a homestead. But yet I believe this has been allowed. Per your minutes of 11-19-2015 we requested a Special Use Permit to continue as a resort with multiple ownership. This was later granted in 2017 along with the PUD that allowed us to be multiple owners. There is documentation of that. If you decide to change our zoning this would cause a hardship for us of redoing all of the bylaws, site plan and covenants that are now in place. This could cost thousands to redo, not to mention that if this does change, the possibility of retaining our attorney to follow through with him about what this does to us as owners of a resort.

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Thank you for allowing me to be heard and I hope you consider the outcome of changing this zoning short term and long term. I would love to keep the line of communication open which I have asked of Joe and the township supervisor but they have not reached out to me. Variances and special use permits have been in place to continue to operate as a resort.

Ryan Garn (2747 Whispering Pines Dr): We just want to get zoned something. We are unable to use the equity in our home because they can't tell the bank who we are. I think we're paying taxes like lakefront. I urge the board to make a decision as quickly as possible so we can use the equity in our property ASAP.

Motion Fiala with support from Knowles to close the Public Hearing at 7:45 pm.
All AYES. MOTION CARRIED.

Discussion:

The only real effect the change in zoning would have would be that no new STR's would be allowed. If current owners apply before the change takes effect, they would be grandfathered in. Joe Shea states that there was never final approval of the PUD. There was preliminary approval and conditions attached to it, but the conditions were never completed and the final approval was never granted. The township chose not to enforce the conditions in the 2017 Consent Agreement, and the current lawyer doesn't recommend doing so at this time. This issue came to a head because of STRs. STRs exclude resorts. They wanted to operate a resort without a permit, so this is trying to close that loophole.

Mr. Knowles recommends a delay for implementation of the decision so that people can get an STR permit if they want to. Making this change to the zoning won't change any of the use.

Motion by Knowles with support from Beukema to recommend the change in zoning for Whispering Pines Condominiums from Resort Recreation to Gun Lake Residential Lakefront with a 2 month delay and the requirement that the township give notice to all those owning properties affected.

Roll Call Vote: Kooistra No; Knowles Yes; Frigmanski Yes; Fiala, yes; Bush yes; Beukema yes.
MOTION CARRIED: 5 Yes, 1 No.

3. **Public Hearing: SEU 25-02-04; Parcel ID: 16-370-13-00, 2734 Sandon Circle #13, Wayland MI 49348.** A request by Christopher and Patricia Gonser, the property owners, for a special exception use permit to operate a commercial Short-term rental pursuant to the Yankee Springs Zoning Ordinance, Article X, Short Term Rentals.

Motion by Fiala with support from Knowles to open a Public Hearing re SEU 25-02-04 at 7:55 pm.
All AYES. MOTION CARRIED

Public Comment: none

Motion by Knowles with support from Fiala to close the Public Hearing at 7:55 pm.
All AYES. MOTION CARRIED

Motion by Knowles with support from Fiala to approve SEU 25-02-04.
5 AYES, 1 NAY. MOTION CARRIED.

4. **Public Hearing: SEU 25-02-05; Parcel ID: 16-215-014-20, Lot 22 Streeters Resort Plat, Middleville MI 49333.** A request by Robert and Patricia Albaugh, the property owners, for a special exception use permit to build an outbuilding pursuant to the zoning ordinance, Article XII, section 12.7 Outbuildings.

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APPROVED: _____

Regular PC Mtg.

April 17, 2025

**Approval of
rezoning of ZOC
25-03-01;
Whispering Pines
Condominiums,
Whispering Pines
Road, Wayland MI
49348.**

Public Hearing

**Approval of SEU
25-02-04:Parcel ID:
16-370-13-00**

Motion by Fiala with support from Knowles to open the Public Hearing at 7:57 pm.
ALL AYES. MOTION CARRIED

Stephanie Stalsonberg sent a written letter. She expressed several concerns that are not related to this SEU. She has no objection to the use of a garage and/or storage, which is the intended use of the outbuilding.

Motion by Knowles with support from Fiala to close the Public Hearing at 7:59 pm.
ALL AYES. MOTION CARRIED

Motion by Knowles with support from Beukema to approve SEU 25-02-05: Parcel ID: 16-215-014-20 as presented.
ALL AYES. MOTION CARRIED.

OLD BUSINESS:

- **Discussion of the Master Plan.**
 - Shana Bush will be sending members of the PC a redline version of section 1 and 2 for review before the next meeting.
 - Discussion on the question of hiring an official planner to assist the PC resulted in a decision to recommend to the BOT that the PC have access to a professional planner on an *as needed* basis.

Motion by Fiala with support from Frigmanski to recommend (to BOT) the Planning Commission have access to a professional planner on an as needed basis.
5 AYES, 1 NAY. MOTION CARRIED

Discussion on Mining and Pond Items

- **On Ponds:**

Document: A Zoning Ordinance - Private Residential Ponds, and Agricultural or Farm Ponds.
- **Discussion:**
 - Definition of a pond in this ordinance is 2500 sq ft or water depth of 4 ft, anything smaller doesn't come under this ordinance.
 - Does not allow any of the soil to be dug out without having the proper permit.
 - Nothing commercial.
 - There should be a limit to the size of a pond in relation to the size of the parcel- a percentage should be added.
 - Beukema suggests we limit the pond to 5 acres. Setbacks will set some guidelines.
 - Does not state a residence is required on this property.
 - Shana will add the following to the ordinance: Pond size not to exceed more than 25% of total property, capped at 5 acres.
 - Fines for illegal excavating when making a pond should be added to the Ordinance
- A Pond Permit Application was distributed - no comment.

Motion by Knowles with support from Beukema to hold a public hearing on May 15 for the pond ordinance.
ALL AYES. MOTION CARRIED.

On Mining:

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Public Hearing

**Approval of SEU
25-02-05; Parcel
ID: 16-215-014-20**

OLD BUSINESS

**Discussion of the
Master Plan**

**Discussion on
Mining and Pond
Items**

- Document: Ordinance to Amend the Barry County Zoning Ordinance to Adopt New Requirements for Planned Mineral Removal (prepared 3/25/24)
- Discussion:
 - Joe Shea notes that this is a very detailed ordinance and contains good standards for the PC to use. It is extensive.
 - We will get this to attorney Catherine Kaufman for input.
 - PC members will review and go over at the next meeting.
 - What constitutes a mine? If it's less than 5 acres, the ZA can authorize and give the permit. Mines greater than 5 acres need to go through a formal permit process.

OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

- The 2024 Survey: follow up needed. This will come up again in our discussion of the Master Plan.

PUBLIC COMMENT: (3 minute limit)

Starr Adams (2735, 2739 Sandon Circle): Starr Adams has questions and concerns regarding the zoning change voted on earlier in the meeting. It is recommended that she contact the Zoning Administrator for specific details regarding the decision.

Dave Laansma (Payne Lake Rd): I commend you for keeping the design of the Master Plan under local control. Having an expert for consultation makes sense, too, but we need to keep that authority local. On gravel mining, it needs to be very specific so that it can be enforced. The Payne Lake site started out small and grew incrementally.

Mike Cunningham (Heritage Bay Dr): Due to difficulty hearing the commissioners, Mike asks for clarification. Did you approve a Public Hearing on mining? No, just on the pond.

Robin Laansma (Payne Lake Rd): It is difficult to hear. Please speak into your mic. Thank you.

Public Comment closed at 8:43 pm.

Additional Comment: None

ADJOURNMENT:

Motion by Bush with support from Kooistra to adjourn the meeting at 8:43 pm.
All AYES. MOTION CARRIED.

Approved by: Frank Fiala 5/15/25
 Frank Fiala, Planning Commission Secretary Date

Respectfully submitted by
 Diane Dykgraaf, Recording Secretary
 April 17, 2025

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**Other Such
 Business As May
 Properly Come
 Before the
 Planning
 Commission**

**PUBLIC
 COMMENT**

**MEETING
 ADJOURNED**