

**APPROVED**

EVELINE TOWNSHIP BOARD OF TRUSTEES  
SPECIAL MEETING MINUTES  
EVELINE TOWNSHIP HALL  
8525 FERRY ROAD  
EAST JORDAN, MI 49727  
CHARLEVOIX COUNTY  
TUESDAY SEPTEMBER 17, 2024  
7:00 P.M.

1. **CALL TO ORDER:** The special meeting of the Township Board of Trustees was opened at 7:00 p.m. by Clerk Sandi Whiteford with the Pledge of Allegiance. Clerk Whiteford then appointed Mr. Beishlag as meeting moderator in the absence of the Supervisor.

**ATTENDING:** Board members present Trustees Eric Beishlag and Janet Blossom, Clerk Sandi Whiteford and Treasurer Ron Chapman. Zoning Administrator Will Trute, Nancy Ferguson, Susan Parks, Daniel Murry, Prudence Kurtz, Aaron Nordman, John Fratrack, Adele Forbrig, Gary Forbrig, Ellis McQuillan and others were also present.

2. **AGENDA:** Ms. Blossom made a motion supported by Mr. Beishlag to accept the agenda with correction in the heading changed to Board of Trustees from Planning Commission. Motion Approved
3. Attorney Graham explained to the Board and attendees that by adopting all Planning Commission records from the May 8, 2024 public hearing and June 12, 2024 deliberations meeting the information does not need to be presented at the Board of Trustee public hearing.

Motion by Ms. Blossom, seconded by Mr. Chapman, that the Township Board hereby adopts the Planning Commission records from its May 8, 2024 public hearing and its June 12, 2024 deliberations meeting. Motion approved.

4. **PUBLIC HEARING SDP HOLDINGS REZONE REQUEST:**

**Open Public Hearing:** Public Hearing was opened by Mr. Beishlag at 7:02 p.m.

**Applicant Statement:** Attorney for SDP Holdings reviewed document provided entitled **First Amended and Fully Restated Response of Applicant Supporting Application for Rezoning.** (Document attached to official minutes).

**Correspondence:** No correspondence received.

**Public Comment Regarding Rezone:** Nancy Ferguson and John Fratrack presented the attached statement entitled September 17, 2024 Eveline Township Board Hearing. Susan Parks presented the attached statement entitled To Eveline Township Board 9/17/24. Gary Forbrig stated he is waiting for a site plan. "This is the first time we have heard 85 units. They expect you to change the zoning and trust what happens next." Unspecified resident stated this does not fit. This would ruin the atmosphere of the area. The property can be used for other purposes. Ellis McQuillan stated the Developer is wasting time, they should be looking at other options. Thank you, Board, for your time. Gary Forbrig stated "We are not the projects for the City of Charlevoix."

**Applicant rebuttal:** Dan Barron stated "Charlevoix Area Community relies on surrounding areas to assist with housing for the workforce. Since 2006 Marion Township to Ironton has zero for housing base of the entire community.

**Public Hearing Closed:** Mr. Beishlag closed the public hearing at 7:55 p.m.

**Deliberations regarding rezone:** Standards and Factors:

a) Is the proposed rezoning consistent with the Eveline Township Master Plan?

1. The Township Master Plan includes a Mission Statement that provides:

To retain and promote the rural and agricultural atmosphere of Eveline Township and to support the protection of surface water, groundwater, wetlands and the quality of ecological, natural, and recreational resources of the Township. To promote the establishment of residential, civic, recreational, cultural, and commercial uses, which will be concentrated in village centers and will develop at a pace that will not overburden public services and/or infrastructure, and to protect the health, safety, and general welfare of the populace. Master Plan, p. 59.

2. The Master Plan states as a goal:

Goal: Direct all non-rural and non-agricultural activities to high-density areas within the Township, especially the village centers of Ironton and Advance. Master Plan, p 63.

3. Under this goal the Master Plan states the following action plan:

Allow high-density residential in the areas of Ironton and Advance; limit them elsewhere in the Township. Master Plan, p 63.

4. The subject property is located in the Agricultural – 1 area of the Master Plan's Future Land Use Map. Master Plan, p 71.

5. The Master Plan describes the purpose of the Agricultural – 1 area on the Future Land Use Map as follows:

Agricultural - 1: This district is made up of the core agricultural and forest areas of the Township. This district is generally limited to the areas of the Township that have high concentrations of parcels currently in agricultural use, with prime agricultural or timberland soils, and where properties are currently being taxed as agricultural land or timber cutover. A maximum density of 1 unit per 10 acres is intended for the area. Master Plan, p. 70.

6. Because the requested rezoning would place the property in the Mobile Home Park Residential District, which would authorize a high-density residential development, and because the subject property is not located in the village areas of Ironton and Advance, the Township Board finds that the requested rezoning is not consistent with the Township Master Plan.
7. As a result, the Township Board finds that this standard and factor weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Trustee Blossom – Aye

Trustee Beishlag – Aye

Treasurer Chapman – Aye

Clerk Whiteford – Aye

Absent: Supervisor Vrondran

- b) Is the proposed rezoning reasonably consistent with surrounding uses.

1. The uses of the properties surrounding the subject property are two (2) vacant residential properties, two (2) improved residential properties, two (2) improved agricultural properties, one (1) vacant agricultural property, and one (1) improved commercial property.
2. Because the requested rezoning would place the property in the Mobile Home Park Residential District, which would authorize a high-density residential development, the Township Board finds that the requested rezoning is not consistent with surrounding land uses.
3. As a result, the Township Board finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Trustee Blossom – Aye  
Trustee Beishlag – Aye  
Treasurer Chapman – Aye  
Clerk Whiteford – Aye

Absent: Supervisor Vrondran

c) Will there be an adverse physical impact on surrounding properties?

1. The proposed development would create increased traffic noise and light.
2. The proposed development would create high density in an agricultural area.
3. M-66 is a scenic route and a wildlife area.
4. Curb cuts need to be limited.
5. As a result, the Township Board finds that this standard and factor Weighs against rezoning the property as requested.

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By Roll Call Vote the following voted:

Trustee Blossom – Aye  
Trustee Beishlag – Aye  
Treasurer Chapman – Aye  
Clerk Whiteford – Aye

Absent: Supervisor Vrondran

d) Will there be an adverse effect on property values in the adjacent area?

1. The proposed development will create a difficult time selling surrounding property.
2. The proposed development will create a possible adverse effect on surrounding property values.
3. As a result, the Township Board finds that this standard and factor weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Trustee Blossom – Aye  
Trustee Beishlag – Aye

Treasurer Chapman – Aye  
Clerk Whiteford – Aye

Absent: Supervisor Vrondran

e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?

1. Building regulations as dictated by the State and Federal Government have created the housing crises.
2. Changes are not a result of the Township regulations.
3. Affordable housing is subjective. Manufactured housing is not necessarily affordable.
4. This development in this location is not a fix to the housing crisis.
5. This development is not necessarily creating affordable housing.
6. As a result, the Township Board finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Trustee Blossom – Aye  
Trustee Beishlag – Aye  
Treasurer Chapman – Aye  
Clerk Whiteford – Aye

Absent: Supervisor Vrondran

f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?

1. Neighboring properties are zoned for single residential housing. This is less likely to occur with high density housing next door.
2. Master Plan does not allow for gas stations, stores, etc. which are likely to be requested for servicing a high-density development.
3. M- 66 is not intended to be a strip mall.

4. As a result, the Township Board finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Trustee Blossom – Aye  
Trustee Beishlag – Aye  
Treasurer Chapman – Aye  
Clerk Whiteford – Aye

Absent: Supervisor Vrondran

- g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

1. The proposed rezoning will result in spot zoning, since there will be an isolated area of land within the Mobile Home Park Residential District that is inconsistent with the Township Master Plan.
2. Because the area of the subject property is not appropriate for the requested rezoning to the Mobile Home Park Residential District, there is no legal exclusionary zoning.
3. Charlevoix County Circuit Cour Judge Richard M. Pajtas ruled in Dawson Way and Mark Way v Eveline Township and Susan L. Parks, et al, File NO. 03-1939-19-CZ, that the Eveline Township denial of a requested rezoning of certain land situated along Highway M-66 easterly of the present Premises, for mobile home park purposes, did not constitute exclusionary zoning.
4. As a result, the Township Board finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Trustee Blossom – Aye  
Trustee Beishlag – Aye  
Treasurer Chapman – Aye  
Clerk Whiteford – Aye

Absent: Supervisor Vrondran

h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?

1. The subject property is currently zoned Farm-Forest under the township zoning ordinance.
2. Section 2.2 of the zoning ordinance specifies numerous uses authorized on the subject property, both by right and by special use permit.
3. In fact, on December 8, 2021 planning commission granted a special use permit for an agricultural/forestry nursery on the property, as authorized by Section 2.2 of the zoning ordinance.
4. As a result, the Township Board finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Trustee Blossom – Aye

Trustee Beishlag – Aye

Treasurer Chapman – Aye

Clerk Whiteford – Aye

Absent: Supervisor Vrondran

i) Is the rezoning in conflict with the planned use for the property as reflected in the Master Plan?

1. The Township Board hereby adopts by reference its findings for standard and factor a) above.
2. As a result, the Township Board finds that this standard and factor weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Trustee Blossom – Aye

Trustee Beishlag – Aye

Treasurer Chapman – Aye

Clerk Whiteford – Aye

Absent: Supervisor Vrondran

j) Is the site served by adequate public facilities or is the petitioner able to provide them?

1. There are multiple soil types on the subject property, specifically Alpena gravelly sandy loam (AgB), Charlevoix - Mackinac loams (CmB), Epoufette sandy loam (Ep), Leelanau - Rubicon loamy sands (LrB), Mancelona loamy sand (McB), Roscommon sand (Rc), and Saugatuck sand (SaB).
2. The Mancelona loamy sand (McB) has no limitations for septic tank disposal fields where slopes are less than 12%. However, this type of sand comprises a very small portion of the subject property.
3. The Alpena gravelly sandy loam (AgB) and the Leelanau - Rubicon loamy sands (LrB) soil types have slight limitations for septic tank disposal fields. These soil types comprise about half of the subject property.
4. The remaining soil types, which comprise about half of the remaining subject property, exhibit severe limitations for septic tank disposal fields.
5. In addition, the applicant has had no conclusive conversations with the Charlevoix city 1manager concerning the possible extension of city water, or with Charlevoix Township regarding extension of sewer services for the property.
6. As a result, the Township Board finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Trustee Blossom – Aye

Trustee Beishlag – Aye

Treasurer Chapman – Aye

Clerk Whiteford – Aye

Absent: Supervisor Vrondran

k) Are there sites nearby already properly zoned that can be used for the intended purposes?

1. Because the area of the subject property is not appropriate for the requested rezoning to the Mobile Home Park Residential District, there is no legal exclusionary zoning.
2. As a result, the Township Board finds that this standard and factor Weighs against rezoning the property as requested.



By Roll Call Vote the following voted:

Trustee Blossom – Aye

Trustee Beishlag – Aye

Treasurer Chapman – Aye

Clerk Whiteford – Aye

Absent: Supervisor Vrondran

Motion By Trustee Blossom seconded by Clerk Whiteford, that the Township Board hereby adopts the findings concerning the standards and factors reviewed and the application of those standards and factors to SDP Holdings, LLC's rezoning request as specified earlier in these minutes.

By Roll Call Vote the following voted:

Trustee Blossom – Aye

Trustee Beishlag – Aye

Treasurer Chapman – Aye

Clerk Whiteford – Aye

Absent: Supervisor Vrondran

Motion Carried.

Motion by Treasurer Chapman, seconded by Trustee Blossom, that based on the Township Board's findings concerning the standards and factors reviewed and the application of those standards and factors to SDP Holdings, LLC's rezoning request, when considered as a whole, the Township Board hereby declines to enact a zoning ordinance amendment to rezone SDP Holdings, LLC'S property the parcel from Farm Forest District to the Mobile Home Park Residential District.

By Roll Call Vote the following voted:

Trustee Blossom – Aye

Trustee Beishlag – Aye

Treasurer Chapman – Aye

Clerk Whiteford – Aye

Absent: Supervisor Vrondran

Motion Carried.

5. **Public Comment:** Mr. Beishlag thanked everyone for being considerate through the process.
6. **Adjournment:** Mr. Beishlag declared the meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Sandi Whiteford, Clerk