

APPROVED  
Eveline Township Planning Commission Meeting Minutes  
Regular Meeting  
8525 Ferry Road  
East Jordan, Charlevoix County  
Michigan 49727

June 5, 2024  
7:00 P.M.

- 1) Call to Order:** The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance at the Eveline Township Hall by Chairman Kelly McGinn.

Commissioners present: Chairman Kelly McGinn, Eric Beishlag, Corey Wells, Lorraine Sims and Prudence Kurtz. Also present: Recording Secretary Sandi Whiteford and Zoning Administrator Will Trute as well as Andrea Farrell, Mitchell Farrell, Janet Blossom, Joel LaFontaine and Mary and Tracy P.

- 2) Agenda:** Commissioner Kurtz made a motion to accept the agenda as presented. Motion supported by Commissioner Beishlag. Motion carried.

- 3) Minutes - May 8, 2024:** Commissioner Wells made a motion to approve the minutes as presented. Motion supported by Commissioner Sims.

**4) Public Hearing – Application for Class A Nonconformity - Lafontaine, 006-030-075-00**

- I. **Introduction of the case and main points by the Chairman** – Commissioner Beishlag explained that re-zoning from Non-conforming Class B to Non-Conforming Class A allows the property owner to repair or rebuild structures which may make the property more conforming.

- II. **Chairperson opens the public hearing:** Chairman McGinn opened the public hearing at 7:01 p.m.

- III. **Applicant states cause:** – Applicant stated that the building in question is a hazard.

- IV. **Hearing is open for public comment** – Please state your name for the record: No Comments Received.

- V. **Planning Commission acknowledges Correspondence:** No correspondence received.

- VI. **Applicant rebuttal:** No statement made.

VII. **Public Hearing is closed:** Chairman McGinn closed the public hearing at 7:06 p.m.

VIII. **Township staff or the Township Planner summarizes findings:** Commissioner Beishlag stated that the rezone can make the property more conforming.

IX. **Board publicly discusses and may ask questions of staff, the applicant or the audience:** No additional questions presented.

X. **Planning Commission deliberates and may or may not reach a decision at this time:** Commissioners reviewed the standards as designated in the ordinance.

1. **The non-confirming use, building, or structure was lawful at the time of its inception.** Following discussion, the Commissioners unanimously agreed the structure was lawful.
2. **The continuation of the non-confirming use, building or structure will not significantly and adversely affect surrounding properties and will not significantly depress property values on the immediate area.** Following discussion, the Commissioners unanimously agreed it will not.
3. **The non-confirming use, building or structure is not located within the Waterfront Greenbelt as regulated by Section 4.6, and is not located in a wetland regulated by the State of Michigan.** Following discussion, the Commissioners unanimously agreed it is not.
4. **The Nonconforming use, building, or structure is of economic benefit to the Township.** Following discussion, the Commissioners unanimously agreed it is a benefit to the Township if granted.

Having met all the standards required, Commissioner Beishlag made a motion to approve the re-zone Class B to Class A. Motion supported by Commissioner Sims. Upon roll call vote:

**Aye:** Commissioner Sims, Commissioner Wells, Commissioner Kurtz, Commissioner McGinn, Commissioner Beishlag.

**Nay:** None

**Absent:** None

Motion Approved

#### 5) **Public Hearing – R1 to Rural Residential - Mitchell and Andrea Farell 006-128-019-10**

I. **Introduction of the case and main points by the Chairman:** Single Home Residential does not allow improvements such as an accessory structure as a rezone to Rural Residential will allow for an accessory structure.

II. **Chairperson opens the public hearing:** Chairman McGinn opened the public hearing at 7:11 p.m.

- III. **Applicant states cause:** Applicant stated that they meet the requirements for a rezone to Rural Residential. Due to the circumstances that resulted in the zoning designation of Single Home Residential the applicant asked that the rezone fee be waved.
- IV. **Hearing is open for public comment – Please state your name for the record:** No public comment received.
- V. **Planning Commission acknowledges correspondence:** No correspondence received.
- VI. **Applicant rebuttal:** No statement received.
- VII. **Public Hearing is closed:** Chairman McGinn closed the public hearing at 7:14 p.m.
- VIII. **Township staff or the Township Planner summarizes finding:** Commissioner Beishlag made a motion to wave the rezone fee due to a previous board initiating a multi-property rezone to Single Home Residential without proper notice to land owners. Motion supported by Commissioner Kurtz. Motion approved.
- IX. **Board publicly discusses and may ask questions of staff, the applicant or the audience:** No additional questions presented.
- X. **Planning Commission deliberates and may or may not reach a decision at this time:**  
Commissioners reviewed standards as required by Michigan Courts that the decision not be arbitrary and capricious.
- a) **Is the proposed rezoning consistent with the Eveline Township Master Plan?**  
The Commissioners unanimously agreed the rezone is consistent with the Master Plan.
- b) **Is the proposed rezoning reasonably consistent with surrounding uses?** Following discussion, the Commissioners unanimously agreed the proposed rezone is reasonably consistent with surrounding uses.
- c) **Will there be an adverse physical impact on surrounding properties?** Following discussion, the Commissioners unanimously agreed the proposed rezone will not have an adverse physical impact on surrounding properties.
- d) **Will there be an adverse effect on property values in the adjacent area?** Following discussion, the Commissioners unanimously agreed the proposed rezone will not have an adverse effect on property values in the adjacent area.
- e) **Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?** Following discussion, the Commissioners unanimously agreed the proposed rezone is justified by conditions in the immediate area.

- f) **Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?** Following discussion, the Commissioners unanimously agreed the proposed rezone will not create a deterrent to the improvement of adjacent property.
- 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)?** Following discussion, the Commissioners unanimously agreed the proposed rezone will not grant a special privilege to an individual property owner.
- h) **Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?** Following discussion, the Commissioners unanimously agreed there are substantial reasons why the property cannot be used in accordance with its present zoning classification.
- i) **Is the rezoning in conflict with the planned use for the property as reflected in the master plan?** Following discussion, the Commissioners unanimously agreed the proposed rezone is not in conflict with the planned use for the property as reflected in the master plan.
- j) **Is the site served by adequate public facilities or is the petitioner able to provide them?** The Commissioners unanimously agreed the site is served by adequate facilities.
- k) **Are there sites nearby already properly zoned that can be used for the intended purposes?** The Commissioners unanimously agreed there are sites nearby already properly zoned that can be used for the intended purposes.

Having met all the standards required, Commissioner Kurtz made a motion to approve the re-zone to Rural Residential. Motion supported by Commissioner Wells.

Upon roll call vote:

**Aye:** Commissioner Sims, Commissioner Wells, Commissioner Kurtz, Commissioner McGinn, Commissioner Beishlag.

**Nay:** None

**Absent:** None

Motion Approved

- 6) **Short-Term Rental Ordinance:** Following discussion, Chairman McGinn will contact Planner to review the Short-Term Rental ordinance in terms of possible developments, numbers of Short-Term Rental allowed and verbiage.

- 7) **Granicus Letter for Short-Term Rental:** Mr. Trute reported that Granicus will send letters to out of compliance residents. The Township Attorney suggested changes in the letter that have been incorporated. Commissioner McGinn made a motion to recommend to the Board of Trustees to have Granicus use the letter for the stated purpose. Motion supported by Commissioner Kurtz. Motion approved.
- 8) **Michigan Association of Planning – Membership Renewal:** Commissioner Beishlag made a motion to renew the MAP membership. Motion Supported by Commissioner Wells. Motion approved
- 9) **Public Comment:** No comments presented.
- 10) **Commissioner Comments:** Commissioner McGinn distributed information from Attorney Graham for Commissioners to review prior to the June 12, 2024 Special meeting. Received ZA report. Commissioner Beishlag stated that funds have been budgeted to clean up the property across the street.
- 11) **Adjournment:** At 7:35 p.m. Chairman McGinn adjourned the meeting.

Respectfully submitted,

Sandi Whiteford  
Recording Secretary