

# **WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS**

## **Agenda for Regular Meeting**

**Thursday, August 24, 2023 at 7:00 p.m.**

**at the Whitewater Township Hall**

**5777 Vinton Road, Williamsburg, MI 49690**

**Phone 231-267-5141/Fax 231-267-9020**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Set/Adjust Agenda
5. Declaration of Conflict of Interest
6. Approval of Minutes of May 25, 2023
7. Scheduled Public Hearing: Case #ZBA-2023-ZA.  
Applicant: Baggs Partners, LLC, 53 Easthampton Ct. NE, Grand Rapids, Michigan  
Owners: Derek Van Solkema, Ryan Sheffer  
Agent: Gary Van Solkema  
Parcel ID: 28-13-136-001-02, 6631 Baggs Road, Williamsburg, Michigan  
Zoning District: A1-Agriculture  
Requesting an appeal of the May 3, 2023 administrative decision of the Whitewater Township Board and seeking a variance from the 4:1 depth to width ration stated in section 7.D of Ordinance No. 26 (Land Division Ordinance)
  - a. Open Public Hearing
  - b. Zoning Administrator Presentation
  - c. Petitioner Presentation
  - d. Report on Site Visit
  - e. Correspondence
  - f. Public Speaking in Favor of Appeal
  - g. Public Speaking in Opposition to Appeal
  - h. Anyone Wishing to Speak on the Appeal Who Has Not Already Commented
  - i. Close Public Hearing
  - j. Discussion of Appeal
  - k. Findings of Fact
  - l. Conclusion
  - m. Reasons for Conclusion
  - n. Decision
  - o. Motion
8. Other Matters to be Reviewed by the Zoning Board of Appeals
  - a. Correspondence Received
  - b. Zoning Board of Appeals Members
9. Report of Planning Commission Representative

10. Report of Township Board Representative – no Board Representative is assigned
11. Report of Zoning Administrator
12. Training and Training Opportunities
13. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township supervisor at 231-267-5141.

**DRAFT**  
**WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS**  
**Minutes for Regular Meeting on Thursday, May 25, 2023**  
**7:00 p.m. at the Whitewater Township Hall**  
**5777 Vinton Road, Williamsburg, MI 49690**  
**Phone 231-267-5141/Fax 231-267-9020**

Call to Order by Chair at 7:00 p.m.

Roll Call: Bowen, Lake, Garza, Wroubel

No alternate to the ZBA, Board Representative-unassigned

Set/Adjust Agenda - Set

Declaration of Conflict of Interest - None

Public Comment - None

Approval of Minutes:

MOTION by Lake, second by Bowen, to approve minutes of January 26, 2023.

Roll call: Lake-yes; Garza-yes; Wroubel-yes; Bowen-yes.

Scheduled Public Hearings:

Appeal #ZBA-2023-02. Parcel id: 28-13-031-005-03, parcel address: 780 Starflower Lane, Traverse City, Michigan.

a. Open Public Hearing on Appeal #ZBA-2023-02 at 7:04 p.m.

Owner/Applicant, Steve Gwinn, is requesting a dimensional variance of 80' from the 150' setback requirement as stated in the Whitewater Township Zoning Ordinance, Article XII, Section 12.11.

Public hearing notice was posted in the Record Eagle on May 7, 2023, and notices were sent to property owners within 300' of the property subject to this public hearing at least 15 days prior to the public hearing.

b. Zoning Administrator Presentation: In addition to the report in packet Hall notes. There is nothing unusual about the lot that makes it exceptional. An environmental ordinance was removed but parts of it still have implications in other ordinances / sections, resulting in ancillary ramifications. The ZA investigation finds that apparently the 150' setback has more to do with an environmental aspect. The ZA recommends independent findings and conclusions that would support a decision to approve a minimum setback encroachment into the required 150' setback from Supply Road.

c. Petitioner Presentation: Steve Gwinn is currently residing in Kansas, retiring and moving to Michigan. Has been speaking with the ZA since he discovered the 150' setback from Supply Road. The variance is for the accessory structure 42'x40' (barn), not the dwelling. He would like the barn close to the road as part of the noise barrier and for ease in use of the structure and minimal tree removal. Wroubel notes that he does not see a practical difficulty, it can be put somewhere else. Gwinn notes that there would be a lot of trees that would have to come down.

d. Report on Site Visits: Bowen checked it out. It is close to Supply Road. Lake notes that he can see why he would want to keep the garage close to the entry.

Hall notes that there are no notes or any verbiage in the ordinance that explains the support of the 150' setback. Front road setbacks everywhere else in the township are all the same at 40'.

Garza notes that the property was purchased with this setback.

Gwinn notes that he would not want to clear as many trees as would be required to put in the structure 150' from the road. Gwinn notes that he could change the location, clear more trees, and look into doing a drive through drive with another drive on Supply Road. Gwinn notes that he would like to keep it as wooded as possible as the township has indicated they prefer.

Gwinn purchased the property over a year ago, found out about the setback just a couple months ago.

The developer indicates that he did not know about the 150' setback along Supply Road. The structure would make for a nice divider in a nice wooded area. Trying to leave as many trees as possible. Will put trees on the berm and have already been planting / transplanting as many trees as possible. There is some flexibility to move it some south but not the whole 150'. Have looked at many options. This is the best option to keep as many trees as possible.

e. Correspondence: None.

f. Public Speaking in Favor of Appeal: None.

g. Public Speaking in Opposition to Appeal: None.

h. Anyone Wishing to Speak on the Appeal Who Has Not Already Commented: None.

i. Close Public Hearing on Appeal #ZBA-2023-02 at 7:32 p.m.

j. Discussion: Lake can understand why he wants it there. In a different area he would have to take out a lot more trees, creating a berm and transplanting trees.

Bowen questions why do we have a 150' setback? Can he use the property? Is it in the township's best interest to hold firm to it? Is the request the minimum to make it usable?

Garza says it is a shame he bought the property with the ordinance the way it is. It is a very large setback. It seems there is enough room to make adjustments.

Gwinn notes that he would have to clear so much that it would not be a nice wooded lot. It would not benefit the township to add another drive or to clear so much of the land. Gwinn questions the verbiage of the ordinance. Guideline vs ordinance – what is the difference?

Wroubel notes that this is a situation where the ordinance is what it is. Gwinn can build on the property just not where he wants it.

Lake, it is a considerable chunk of the land, when the rest of the township has 40' setbacks.

k. Findings of Fact:

1. Granting the variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.

2. Granting the variance shall not permit the establishment within a zoning district of any use, which is not permitted by right within the district. This is not a Use Variance as dwellings and accessory structures are permitted by right. Discussion indicates - Yes

3. Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township. Discussion indicates - Yes

4. There are practical difficulties on the site which unreasonably prevent the owner from using the property for a permitted purpose without presenting an excessive burden and the practical difficulty is not resulting from any act of the applicant. Discussion indicates - No

5. The variance will do substantial justice to the applicant, but the decision shall not bestow the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity which may endanger the public health, safety and welfare.

6. The requested variance is the minimum necessary to permit reasonable use of the land. No

7. The practical difficulty is not self-created. No

The Zoning Administrator notes that the difficulty was created by Whitewater Township when establishing an excessive setback determined to be associated with a previously deleted article in the zoning ordinance related to environmentally sensitive areas.

Bowen recommends to not approve the request.

Gwinn notes that the excavation alone will be \$30,000 and seems extraordinary. The developer did not know or share.

Wroubel notes that cost is not something the ZBA can take into consideration. The building can be built on another section of the property and meet regulation.

Gwinn, can I ask for something less than the 80' variance? Gwinn then asked for a 50' variance to work with a 100' setback, which is still a significant setback.

Bowen notes that the Planning Commission needs to look at, possibly address the why it is set the way it is currently. This is what we have to go by to make our judgement.

Need to find out why the 150' is established.

Wroubel is not willing to let it go at a 50' variance to a 100' setback.

l. Conclusion: Deny the request

m. Reasons for Conclusion: Based on the findings of facts as presented.

n. Decision: Deny the request.

o. MOTION by Bowen, second by Wroubel to deny Appeal #ZBA-2023-02, by not granting the request for a dimensional variance of 80' from the 150' setback requirement as stated in the Whitewater Township Zoning Ordinance, Article XII, Section 12.11., based on the issues with the stated findings of fact, noting #7, 6 and 1.

Roll call vote: Garza-yes; Wroubel-yes; Lake-yes; Bowen-yes; Motion carried to deny the variance.

Appeal #ZBA-2023-03. Parcel id: 28-13-127-001-02, part of The Pines Cottages, LTD, parcel address: 7882 Cook Road, Williamsburg, Michigan.

a. Open Public Hearing on Appeal #ZBA-2023-03 at 7:59 p.m.

Owners/Applicants, Don and Winnie Warner dimensional variance is requesting an extension of nonconforming use/structure to restore the existing structure within the same footprint by reinforcing the roofline, add a roof between the dwelling and existing accessory structure and by constructing a roof over the existing/remaining deck area. This request is applicable to the Whitewater Township Zoning Ordinance, Article IV, Section 4.12 and 4.15.

Public hearing notice was posted in the Record Eagle on May 7, 2023, and notices were sent to property owners within 300' of the property subject to this public hearing, at least 15 days prior to the public hearing.

b. Zoning Administrator Presentation: Petitioner is requesting the ability to connect an existing accessory structure and the dwelling on the same footprint as is currently established. They are also requesting the ability to extend the nonconforming "use" of the structure through the rebuilding, replacement and continuation of the nonconforming structure.

To deny a non-conforming use you have to practically find a malicious intent.

c. Petitioner Presentation: Don Warner, we have looked at a lot of different options. Have had the cottage for over 20 years. The roof is sagging, creating a problem with wetness, aesthetics and safety. Removing the chimney will help to make the roof stronger. We are just trying to address the issues that have been getting worse and worse over the years. Working with the DEQ to address the drainage around the cabin because it is low lying. Even something simple to redirect drainage. Being the first cabin on the road it will help with the look of the whole block.

The footprint will remain the same even though some of the foundations will have to be removed and recreated. There is rot in various areas on the house. The deck will become more like a breezeway.

Lake asked about the roof. All the roof sections will tie in to each other. All of the deck will be covered. It will be a covered porch over the current deck only.

d. Report on Site Visit: Wroubel notes that it is not increasing the footprint, not increasing the non-conformity. Fixing the walls and the roof. We have approved the other cabin updates in the area. Bowen notes that there is some rot. There are a lot of problems with the cabin. Chimney is not safe. Lake notes that the corners will be held up by poles, the front is 20' and the width is 27' including the decks / porches. It is a roof over the existing deck.

Discussion ensued regarding the drawn plans and the verbal descriptions.

Bowen notes that the roof on the back deck is new. The decks/porches will be open.

e. Correspondence: None.

f. Public Speaking in Opposition of Appeal: Wallace Weir, has been there longer than the Pines. Not in favor. A few years ago they did a less ambitious version of this but had to remove it because there was no land use permit. Do not believe it is a good plan.

The Warners use the cabin eight months of the year. Would like to put up the porch to enjoy the area.

g. Public Speaking in Favor to Appeal: Dustin Jones – new guy on the block. The most important aspect of living in a community like this is being neighborly. Here to support the neighbor in the ability to upgrade and maintain their present cabin making it livable and desirable.

h. Anyone Wishing to Speak on the Appeal Who Has Not Already Commented: None.

i. Close Public Hearing on Appeal #ZBA-2023-03 at 8:39 p.m.

j. Discussion: Bowen: Cabin is in disrepair. Work requesting is understandable. They are concerned with the safety and health.

Garza is in agreement with the requested improvements.

Lake indicates that they want to improve it – let them have it.

Wroubel notes that it is repairs, not making it any larger, adding eaves troughs is good. It is going over the existing foot print and it still all open.

Bowen doesn't want to see the back area be turned into an additional living space.

k. Findings of Fact:

1. Granting the extension of nonconformity will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance. Consensus - yes

2. Granting the extension of nonconformity shall not permit the establishment within a zoning district of any use, which is not permitted by right within the district. Consensus - yes

3. Granting the extension of nonconformity will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township. Consensus - yes

4. There are practical difficulties on the site which unreasonably prevent the owner from using the property for a permitted purpose without presenting an excessive burden and the practical difficulty is not resulting from any act of the applicant. Consensus – yes

5. The extension of the nonconformity will do substantial justice to the applicant, but the decision shall not bestow the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity which may endanger the public health, safety and welfare. Consensus – yes because.

6. The extension request is required as the current structure is nonconforming and the Whitewater Township Ordinance requires the ZBA to approve any changes to nonconforming uses/structures.

Consensus-yes

7. The practical difficulty is not self-created. Consensus – yes.

l. Conclusion: Approve the request.

m. Reasons for Conclusion: Based on the findings of facts as presented.

n. Decision: Approve as requested.

o. MOTION by Bowen, second by Lake, to approve Appeal #ZBA-2023-03, to restore the existing structure within the same footprint by reinforcing the roofline, add a roof between the dwelling and existing accessory structure and by constructing a roof over the existing/remaining deck area, removing the chimney and extending the roof across the front of the cabin. This request is applicable to the Whitewater Township Zoning Ordinance, Article IV, Section 4.12 and 4.15.

Roll call vote: Bowen-yes; Lake-yes; Garza-yes; Wroubel-yes. Motion carried to grant the variance.

Signing of the Variance Decision Certification Forms.

Other Matters to be reviewed by the Zoning Board of Appeals

a. Correspondence Received - None

b. Zoning Board of Appeals Members – Glad everyone is taking their job seriously.

Report of Planning Commission Representative, Wroubel: The PC is doing a lot of work. Had a joint meeting with the Board. It was an excellent meeting. Everyone is working together. Working on the community survey for the master plan. We have a planner, Randy Mielnik with North Place Planning, working with the PC on the master plan and the zoning ordinance. The survey will go out May 31.

Can take the question of the 150' setback on Supply Road to the Planning Commission.

All nonconformities have to come to the ZBA, the ZA cannot approve anything that is related to nonconformities. Wroubel does not think the ordinance regarding nonconformities needs to be addressed at this time.

Lake notes that this township survived for years with the taxes of the old people who have been here.

Lake would like to see the township do something to help the old people paying their taxes.

Report of Township Board Representative, Unassigned: Not available

Report of Zoning Administrator, Hall: Good things happening with the Planning Commission and working with the Board members.

There is an MSU Extension ZBA 6 module course available for \$75. The township will pay or reimburse.

There is nothing in the works for a June meeting.

Public Comment: None.

Adjournment: 9:10 p.m.

Respectfully submitted,  
Recording Secretary  
Lois MacLean



# WHITEWATER TOWNSHIP

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5777 Vinton Road • P.O. Box 159 • Williamsburg, MI 49690 (231)  
267-5141 • FAX (231) 267-9020

July 27, 2023

Re: August 24, 2023 | Case #ZBA-2023-ZA

Dear Zoning Board of Appeals members -

This packet is divided into 3 (three) primary sections – in an effort to facilitate your review of all applicable documents submitted which are relevant to this case.

- The first section is the Zoning Administrator staff report and supporting documents
- The second section is devoted to the applicant's submittal and supporting documents
- The third section is devoted to the Whitewater Township LEGAL TEAM

Respectfully,

Robert (Bob) Hall  
Whitewater Township – Zoning Administrator

Cc: Property file | 28-13-136-001-02



# WHITEWATER TOWNSHIP



5777 Vinton Road, PO Box 159 • Williamsburg, MI 49690 • PH (231) 267-5141 Fax (231) 267-9020

Case No. \_\_\_\_\_ Date Rec. 6/20/23 Fee: \$250

*Cash*

*Rec# 024728*

## Property Information

Date Filed: 06/19/2023

Tax ID #: 28-13-136-001-02 Subdivision: \_\_\_\_\_ Lot #: \_\_\_\_\_ Zoning District: A-1 Agricultural \_\_\_\_\_

Flood Plain: No \_\_\_\_\_ Property Address: 6631 Baggs Rd \_\_\_\_\_ Year Property was Acquired: 2021 \_\_\_\_\_

Size of Lot: Front 306.26 \_\_\_\_\_ Rear: 743.60 \_\_\_\_\_ Side 1: 2623.34 (south) \_\_\_\_\_ Side 2: 2619.60 (north) 30 acres \_\_\_\_\_

Present Use of Property: vacant \_\_\_\_\_ Past Variances on Property in Question (Y (N))

If So State Case No. and Resolution of Appeal: \_\_\_\_\_

## Request Information

Request: ☒ Dimensional Variance #1 ☒ Use Variance ☐ Ordinance Interpretation ☐ Appeal Zoning Administrator Decision

Description of Request: We are appealing the May 3, 2023 administrative decision of the Whitewater Township Board that declared parcel 28-13-136-001-02 was non-compliant with Whitewater Township general ordinance #26 Amendment 3, effective 3/19/2011, specifically; section 7 (d) and is not eligible for any building permits or zoning approvals such as special land use approval or site plan approvals and reconsider, reinstate and uphold the original land division approval of zoning administrator #2 seek a variance from the 4:1 depth to width ratio stated in section 7.D of Ordinance No.26 (Land Division Ordinance)

Square Feet of Existing Structure to be demolished (if any): N/A \_\_\_\_\_

New Structure (Y (N) If So, Size of Proposed Structure (Square Feet): \_\_\_\_\_

New Addition to Existing Structure (Y (N) If So,

Size of Addition: \_\_\_\_\_ Size of Existing Structure \_\_\_\_\_ Size of Existing Structure + Addition: \_\_\_\_\_

Ordinance in Question (if any): \_\_\_\_\_

## Owner/Applicant Information

Owner Name: Baggs Partners, LLC \_\_\_\_\_

Mailing Address: 53 Easthampton Ct NE \_\_\_\_\_ City: Grand Rapids \_\_\_\_\_ State: MI \_\_\_\_\_ Zip: 49546 \_\_\_\_\_

Phone: (616) 914-3629 \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-Mail: derek.vansolkema@gmail.com

Applicant (if different from owner): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-Mail: \_\_\_\_\_



**1Whitewater Township**  
5777 Vinton Road  
P.O. Box 159  
Williamsburg, Michigan 49690

231-267-5141  
[www.whitewatertownship.org](http://www.whitewatertownship.org)

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**STAFF REPORT/Zoning Board of Appeals**  
**Case # ZBA-2023-ZA**

**1. Applicant(s) / Owner(s)**

Applicant(s)	Baggs Partners, LLC 53 Easthampton Ct NE Grand Rapids, Michigan 49546
Owner(s):	Derek Van Solkema 53 Easthampton Ct NE Grand Rapids, Michigan 49546  Ryan Sheffer 9239 28 <sup>th</sup> St. SE Ada, Michigan 49301
Agent:	Gary Van Solkema 7278 Periwinkle Avenue Grand Rapids, Michigan 49508
Site Address:	6631 Baggs Road, Williamsburg, Michigan 49690 Parcel ID# 28-13-136-001-02 Whitewater Township – Grand Traverse County, Michigan
Zoning District:	A1-Agriculture

Property Description – PARCEL B: PART OF NE 1/4 SEC 36 T28N R9W COM AT NE CNR SEC 36 TH S 00 DEG 00'02" E 1662.89' TO POB TH S 00 DEG 00'02" E 306.26' TH S 89 DEG 27'16" W 600.01' TH S 00 DEG 00'02" E 100' TH S 89 DEG 27'16" W 143.20' TH S 00 DEG 00'02" E 20.31' TH N 89 DEG 08'07" W 1881.13' TH N 00 DEG 21'14" E 743.60' TH N 89 DEG 28'52" E 841.36' TH S 00 DEG 00'02" E 362.09' TH N 89 DEG 28'52" E 1778.24' TO POB SPLIT/COMBINED ON 05/11/2020 FROM 13-136-001-00, 13-136-001-10

## **ACTION BEING REQUESTED OF THE ZONING BOARD OF APPEALS**

**Action being requested by the applicant:** *(from application)*

Description of Request: *We are appealing the May 3, 2023 administrative decision of the Whitewater Township Board that declared parcel 28-13-136-001-02 was non-compliant with Whitewater Township general ordinance #26 Amendment 3, effective 3/19/2011, specifically; section 7 (d) and is not eligible for any building permits or zoning approvals such as special land use approval or site plan approvals and reconsider, reinstate and uphold the original land division approval of zoning administrator #2 seek a variance from the 4:1 depth to width ratio stated in section 7.D of Ordinance No. 26 (Land Division Ordinance)*

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**Note:** The Whitewater Township Board at a special meeting conducted on June 20, 2023 authorized the subject property owner(s) to seek ‘only’ a variance under the provisions of Section VIII of Ordinance No. 26, being the Whitewater Township Land Division Ordinance.

This report only addresses the variance authorized by the Whitewater Township Board

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Section VIII of the Whitewater Township Land Division Ordinance is inserted below for the convenience of applying each applicable condition and commenting on the same.

Section 4.C.4 of the Whitewater Township Zoning Board of Appeals Bylaws reads as follows:

### **Duties of the Zoning Administrator**

4. Prepare written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Zoning Board of Appeals.

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### **Section VIII**

#### **Variances**

Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance the Township Board, or its designee, shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance is observed, public safety secured and substantial justice done. The Township Board, or its designee, may attach reasonable conditions in approving any variance from any provision.

The breach of any condition or the failure of any applicant to comply with conditions shall void the variance.

- In order for a variance to be granted, evidence must be presented at a public hearing that all of the following conditions exist:
  - Staff Comments: **NONE – see narrative addressing conditions provided by the applicant**

- Exceptional or extraordinary circumstances exist such as exceptional topographical *or* physical conditions; *or* that the greater ratio would be reasonably compatible with the surrounding lands. (*emphasis added*)

○ Staff Comments: *Staff points out that the language in ‘this condition’ is remarkably similar to the permissive language (in the second paragraph) of Section VII.D of Ordinance No. 26:*

▪ *“The Governing Body or other board or person designated by the Governing Body may approve a land division that creates a resulting parcel with a depth to width ratio greater than four to one if the applicant demonstrates that there are exceptional topographic or physical conditions with respect to the parcel and that the greater ratio would be reasonably compatible with the surrounding lands”<sup>1</sup>.*

○ *Staff (when reviewing Land Divisions) relies heavily on not only Ordinance No. 26, but also the Zoning Ordinance, including the definitions. Staff further points out that the word ‘or’ in this ‘condition’ is a conjunction used to allow either alternative to be applied. Article II, Section 2.13(6) of the Whitewater Township Zoning Ordinance (excerpt):*

6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions or events, the terms “and,” “or,”

“either ... or,” such conjunction shall be interpreted as follows:

A. “And” denotes that all the items, conditions, provisions or events apply in combination.

B. “Or” indicates that the items, conditions, provisions or events may apply individually or in any combination.

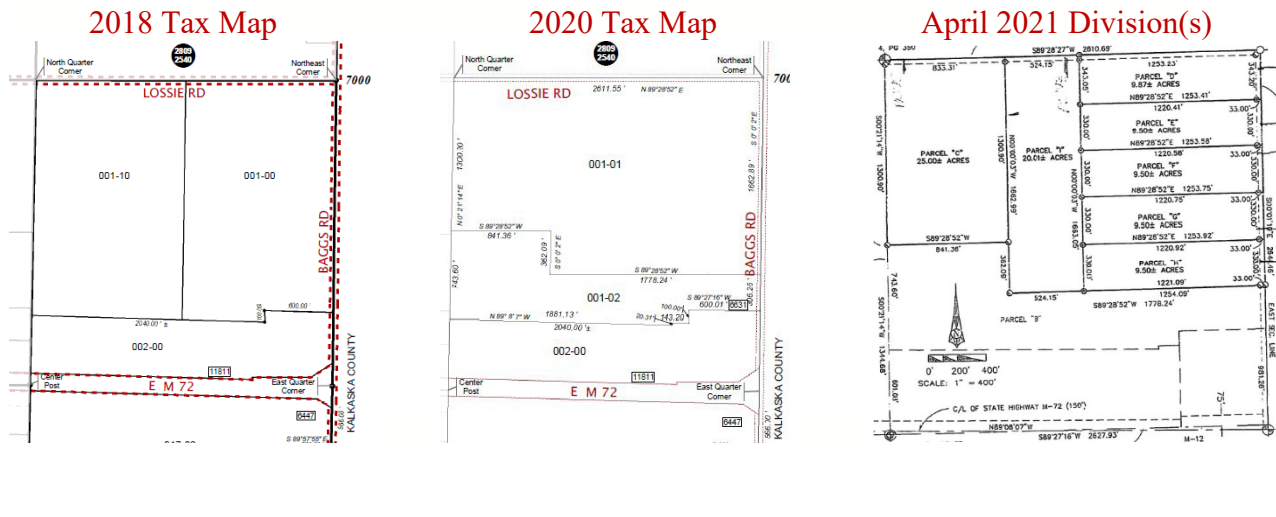
▪ *The original review of the application and decision to create the subject parcel (Parcel #28-13-136-001-02) in May of 2020 was made based upon the ZA’s interpretation that the applicant did demonstrate that there were exceptional topographic or physical conditions with respect to the parcel. There was a purposeful intent by the applicant to separate the forested area at the southwestern corner of the subject (parent) property and to include the most unsuitable portion (soils and topography) of the parent parcel into a single parcel and to ‘divide’ it from the more suitable property to the north, historically used for agricultural crops. In addition to a personal site visit, research utilizing the Grand Traverse County GIS tax mapping and soils viewer, as well as Michigan Department of Environment, Great Lakes, and*

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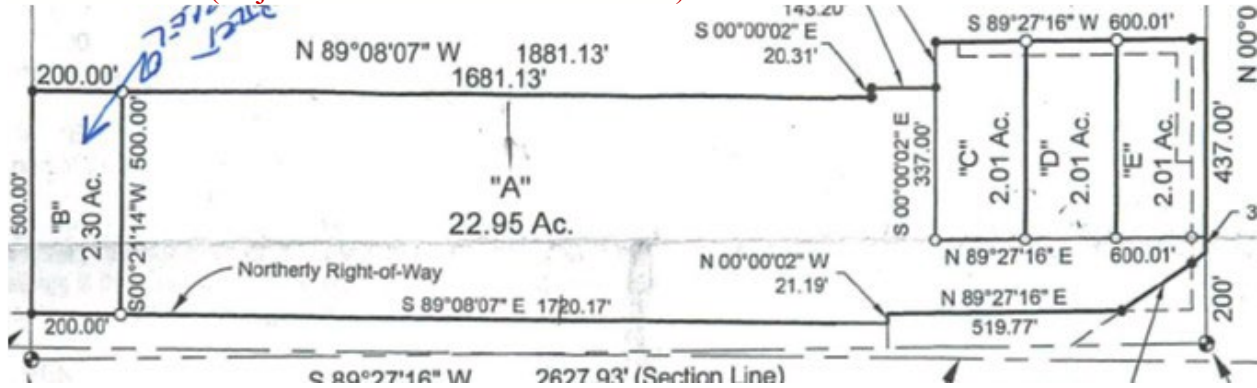
<sup>1</sup> Whitewater Township Land Division Ordinance – Ordinance No. 26

*Energy (“EGLE”)Wetland Inventory Maps was also performed.*

- Strict compliance with the regulations of this Ordinance will unreasonably prevent the applicant from developing the property or will render conformity with the regulations of this Ordinance unreasonably burdensome.
  - Staff Comments: *A 6:1 depth-to width ratio is the most reasonable ratio for the parcel due to the nature of the soil and forest topography. The conformance to a 4:1 depth-to-width ratio would likely have resulted in a small land locked and forested area. The greater depth-to-width ratio allowed for access to the forested rear area of the parcel from a public road, preventing the unreasonable creation of a small landlocked parcel.*
- The requested variance will not cause an adverse impact on the development of surrounding property, property values or the use and enjoyment of property in the immediate area.
  - Staff Comments: *The subject property (created in May of 2020) was the first of multiple divisions that have been approved in the immediate vicinity. Land Use Permits have been issued for the development of 4 (four) new dwellings and a horse barn on 5 (five) of the additional 10 (ten) new parcels that have been subsequently approved as part of the former Morrison Orchards property. Additionally, at least 4 (four) new parcels have been created, and two Land Use Permits issued for property similarly situated and adjacent (south) of the subject property, being parcel #28-13-136-002-00. (see image top of page #5)*



Parcel #002-00 (Adjacent Land Division Illustration)

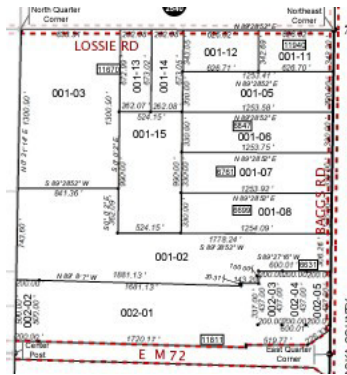


Current Grand Traverse County GIS Imagery



*Staff notes that the original division evidenced the intent to locate the “problematic” forested area, wetland, and poorer soils into one parcel, maintaining the remainder for efficient division. This was a positive development for the surrounding area as it permitted additional divisions. At this point in time, development of the surrounding property, property values and the use and enjoyment of property in the immediate area has progressed according to that vision and at a rapid pace since May of 2020. Staff has observed no adverse impacts to the surrounding area. Rather it appears to have proceeded forward as envisioned consistent with the initial division.*

2022 March Board of Review Tax Map



- Health, safety and welfare will not be compromised.
  - Staff Comments: *A 6:1 depth-to-width ratio promotes the public welfare by creating access to the parcel, especially the portion of the parcel at the rear. Access to this portion of the property prevents additional unusable, landlocked parcels in this area. It furthers the viable use of property for current and future uses by ensuring accessibility. Public health and safety are not compromised by the division of the parcel.*
- The requested variance is the minimum variance necessary to permit reasonable use of the land.

Staff Comments: *If the parcel had a 4:1 depth-to-width ratio, it would have a high proportion of inaccessible and unusable land due to the presence of wetlands and a forested area. A 6:1 ratio allows for the parcel to be available for productive access and use. It further benefitted the surrounding area by permitting additional conforming divisions and is a reasonable division for this parcel.*

(Section VIII continued)

Further, in the event that a variance is granted under this Section, said variance and any conditions, if applicable, shall be recorded with the Grand Traverse County Register of Deeds by the seller and/or proprietor.

Respectfully submitted for review by the Whitewater Township Zoning Board of Appeals,

*Robert (Bob) Hall*

Robert (Bob) Hall  
Whitewater Township  
Zoning Administrator

<sup>3</sup> Act 246 of 1945 | MCL 41.181

Whitewater Township  
PO Box 159  
Williamsburg, MI 49690  
231-267-5141

[www.whitewatertownship.org](http://www.whitewatertownship.org)

Application for Land Combination/Divisions  
And Boundary Adjustments

NOTICE: No Land division/combination will be completed until all taxes billed are paid in full.

Application is hereby made for the following:

**Metes and Bounds Parcels**

- ☐ Combination  
☐ Division into 2 parcels  
☐ Boundary Adjustment

**Platted Lots of Record**

- ☐ Combination of entire lots  
☐ Separation of entire lots  
☐ Division/combination of portions of lots  
☐ Boundary Adjustment

**Property Information**

Tax Identification Number(s):

28-13-136-001-00  
28-13-136-001-10

Street Address: BAGGS RD + LASSIERO  
Zoning District: \_\_\_\_\_

Is/Are the parcel(s) in a Special Assessment District?

- ☒ No  
☐ Yes for ☐ Road ☐ Sewer

Road/Driveway Information:

EXISTING DRIVE

Structures currently on the parcel(s)/lot(s):

- ☒ Vacant  
☐ House  
☐ Accessory Building  
☐ Commercial/Industrial

Describe the nature of the request:

SPLIT FOR SALE OF SOUTH  
30 ACRES

**Survey Information:**

A sealed survey shall be required for all land divisions/combinations and redescrptions except for combinations involving platted lots of record.

Name: DEAN FARRIER

Survey Company: FARRIER SURVEYING

Date of Survey: 04/21/2020

Survey Number: 3920

**Owner Information:**

Name: MORRISON ORCHARDS LLC

Name: PETE MORRISON

Address: PO BOX 148

WILLIAMSBURG MI 49690

Phone Number: 231 590 2757

I am the legal owner of record of the above listed parcel(s)/lot(s) and hereby request that it be divided/combined as presented.

Pete Morrison 04/29/2020  
Owner Signature Date

Owner Signature

Date

Fees Due:

\$50.00 per parcel/lot. No charge for combination of existing metes & bounds parcels/platted lots of record.

\$ 50.00 Total Date Paid 05-05-2020

For Office Use Only

TREASURER

As of 5th May, 2020, Township Records show that all taxes, Special Assessments, fees and/or penalties billed to date on the above referenced parcel(s) have been paid.

Ornella M. Benez  
Treasurer Signature

**ZONING**

The proposal meets all Township Zoning and Land Use Requirements.

Scott A. Hall 05-07-2020  
Zoning Administrator Signature

**ASSESSOR**

The proposal is eligible for split, combination or re-description; all ownership records are in order; accurate survey and description have been provided

Dean M. Kuhn  
Assessor Signature

- ☒ Approved  
☐ Denied

✓ CK# 53578 = 50<sup>00</sup>  
5/5/20 amb  
Rec# 023123

2021 Parcel numbers  
Parcel A: 2813-136-001-01  
Parcel B: 2813-136-001-02

From: Steven Bye [SBye@gtcrc.org](mailto:SBye@gtcrc.org)  
Subject: Land Division - Whitewater Twp.  
Date: Apr 28, 2020 at 16:10:15  
To: Dawn Kuhns [assessordawn@gmail.com](mailto:assessordawn@gmail.com)  
Cc: [petmo@charter.net](mailto:petmo@charter.net)

---

Hello Dawn:

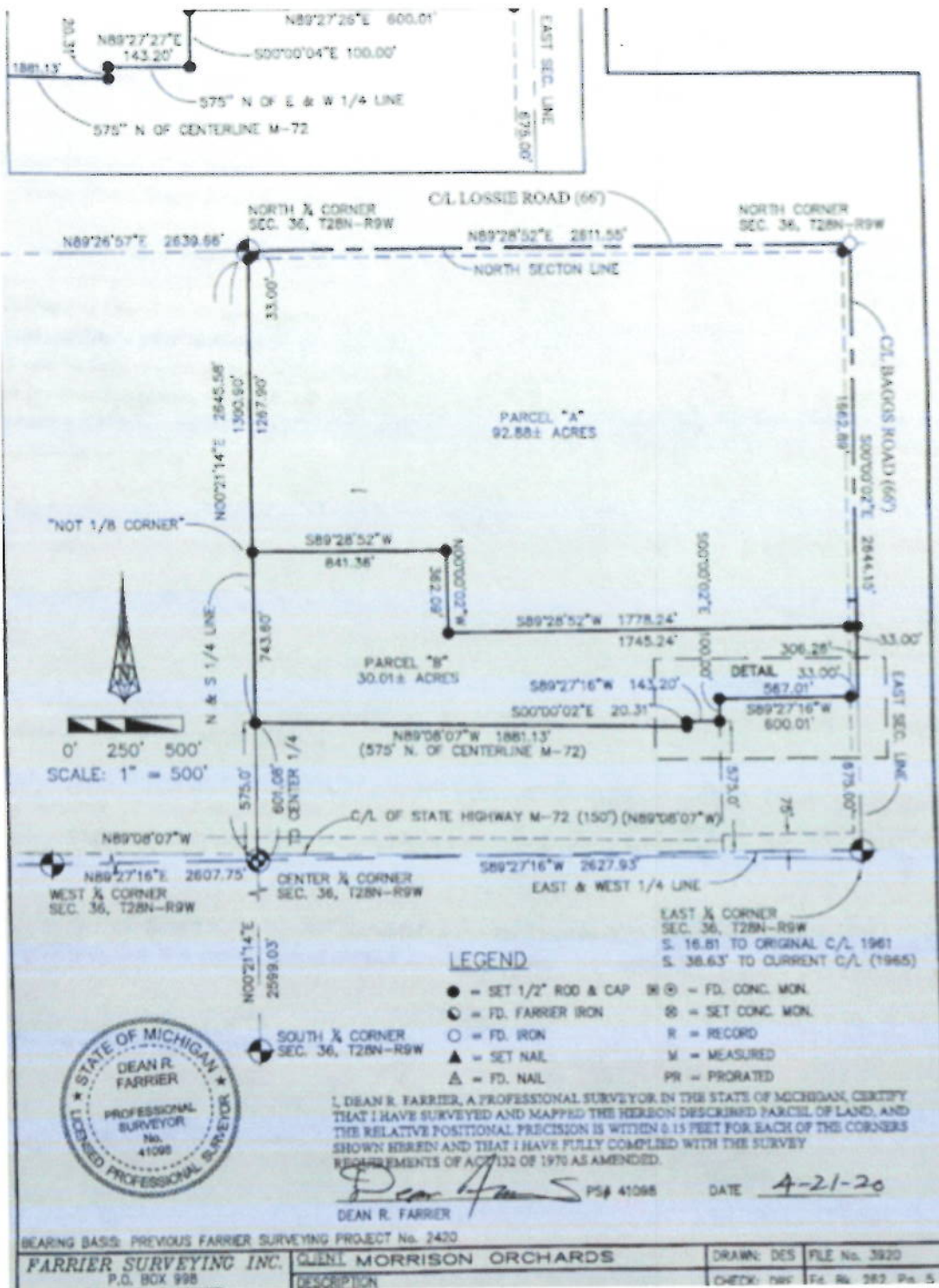
Attached is a Land Division Review letter. A hardcopy is being sent via post.  
Please let me know if you have any questions or concerns.

Thank you,

Steve Bye  
GTCRC

Steven P. Bye, PS  
Grand Traverse County Road Commission  
1881 LaFranier Road  
Traverse City, MI 49696-8911  
(231) 922-4848 – office  
(231) 922-4849, ext. 206 – direct  
(231) 645-6655 – mobile  
[www.gtcrc.org](http://www.gtcrc.org)





244 S. CEDAR STREET KALKASKA, MI 49648 TEL(231)258-8162 FAX(231)258-3249 office@harrisurveying.com	PART OF THE NE 1/4, SECTION 36, T28N-R9W, WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN	REVISED:	DATE: 4/21/2020 SHEET: 1 of 2
C:\DATA DRIVE\Carlson Projects\2020\3920 MORRISON\3920 MORRISON.dwg 4/21/2020 1:14:16 PM			



"Our mission is to upgrade and maintain  
a safe and efficient road system"

DATE: April 28, 2020

LD# 20-17

TO: Whitewater Township Assessor  
P.O. Box 159  
Williamsburg, MI 49690

APPLICANT: Morrison Orchards  
P.O. Box 148  
Williamsburg, MI 49690

Re: Parent Parcel ID Number: 28-13-136-001-00

Road Name: Baggs Road & Lossie Road

Public/Private: Public

The above named applicant requested we review the aforementioned parcel for (02) proposed parcels, to determine if access is available in accordance with Section 102 (j) of Act 288 of 1967, as amended, Public Act 200 of 1969, Public Act 591 of 1996, as amended and the current Grand Traverse County Road Commission Standards And Specifications For Subdivisions And Other Development Project With Public and Private Roads. This determination is based upon a field review of the parcels as shown on the attached certificate of survey with respect to connections between proposed driveway locations directly onto the public road system, new private road connection locations directly onto the public road system and the impact of additional private driveways on an existing private road/public road connection location.

☒ Yes. The Grand Traverse County Road Commission would recommend approval for the proposed parcel(s) as adequate location and sight distance is available.

☐ Yes with conditions. The Grand Traverse County Road Commission would recommend approval for the proposed parcel(s). The conditions the GTCRC require are noted on page 2 and must be met prior to GTCRC driveway approval in order to provide for adequate location and sight distance for roadway connections.

☐ No. The Grand Traverse County Road Commission would not recommend approval for the proposed parcel(s) due to an inadequate location or sight distance.

**This letter is not intended as an approval for any driveway permits to this site, which is a separate application process.** Items may be noted on page 2 that the applicant should be prepared to address as the time a Driveway Permit application is submitted. Driveway Permit applications are available at the Grand Traverse County Road Commission office or on-line.

Thank you for the opportunity to review and comment on this proposed land division. Should you have any comments or questions concerning this matter, please contact us at your earliest convenience.

Reviewed By: Steven P. Bye, PS GICRC Engineering Department Date: 4/28/2020

<sup>a</sup>Logan Engineering Ltd and Thomas Appleton. © Crown Copyright 2016. All rights reserved. ISBN 978-1-78136-25-1 and ISBN 978-1-78136-25-2.



\* *Chrysomelidae* is the largest family of beetles in the world.

Public Access Policy

### CONDITIONS AFFECTING THE PROPOSED LAND DIVISION APPROVAL

Referenced Certificate of Survey by Parrier Surveying, Inc. File No. 3929 dated 04/21/20

1. Parcel "A" sufficient sight distance on Hays Road & Lennie Road
2. Parcel "B" existing driveway

### POSSIBLE CONDITIONS AFFECTING FUTURE DRIVEWAY PERMIT APPROVAL

The Grand Traverse County Road Commission observed the following conditions the applicant should be prepared to address at the time of a driveway permit application:

- 1.
- 2.
- 3.

There may be additional concerns or permits required depending on the application for proposed changes to the Grant

# Land Division Tax Payment Certification Form

GRAND TRAVERSE COUNTY TREASURER  
HEIDI SCHEPPE  
400 BOARDMAN AVENUE STE 104  
TRAVERSE CITY MI 49684  
Monday-Friday 8:00AM - 5:00PM  
(231) 922-4735

Property Number: 13-136-001-10  
WHITEWATER TOWNSHIP

Property Address: LOSSIE RD  
WILLIAMSBURG MI 49690

## TAX HISTORY

Current year taxes are not turned over to the county until March 1 of the following year. You may need to contact the local unit treasurer for current year tax payment information.

TAX YEAR	TAX. VALUE	BASE TAX	BASE TAX DUE	INTEREST/FEES DUE	TOTAL DUE	LAST PMT
2019	37,173	901.15	0.00	0.00	0.00	12/05/19
2018	36,302	884.48	0.00	0.00	0.00	12/05/18
2017	35,556	860.15	0.00	0.00	0.00	12/04/17
2016	35,239	862.76	0.00	0.00	0.00	12/07/16
2015	35,134	862.65	0.00	0.00	0.00	12/11/15

### DESCRIPTION OF PROPERTY:

. W 1/2 OF NE 1/4 EXC S 500 FT LYING N OF HWY R/W EXC RD R/W. SEC 36 T28N R9W

☐ CERTIFICATION DENIED

The GRAND TRAVERSE County Treasurer's Office has found delinquent taxes on the parcel listed above and cannot issue a certification of tax payment.

TOTAL DUE AS OF: 04/23/2020 0.00

PRE Denial Amt: 0.00

☐ CERTIFICATION APPROVED

Pursuant to PA 23 of 2019, the GRAND TRAVERSE County Treasurer's Office certifies that all property taxes and special assessments due on the above referenced parcel subject to the proposed division for five years preceding the date of the application have been paid. This certification does not include taxes or special assessments, if any, now in the process of collection by the City, Village or Township Treasurer.

Certified by:

*Sarah*

Date Certified:

4/23/2020

PROPERTY OWNER: MORRISON ORCHARDS  
PO BOX 148  
WILLIAMSBURG MI 49690

Certification Fee of \$5 collected: Check ☒

Cash ☐

Other ☐

Land Division Tax Payment Certification Form

GRAND TRAVERSE COUNTY TREASURER  
HEIDI SCHEPPE  
400 BOARDMAN AVENUE STE 104  
TRAVERSE CITY MI 49684  
Monday-Friday 8:00AM - 5:00PM  
(231) 922-4735

Property Number: 13-136-001-00  
WHITEWATER TOWNSHIP

Property Address: 6653 BAGGS RD  
WILLIAMSBURG MI 49690

TAX HISTORY

Current year taxes are not turned over to the county until March 1 of the following year. You may need to contact the local unit treasurer for current year tax payment information.

TAX YEAR	TAX. VALUE	BASE TAX	BASE TAX DUE	INTEREST/FEES DUE	TOTAL DUE	LAST PMT
2019	52,322	1,268.43	0.00	0.00	0.00	12/05/19
2018	51,096	1,244.92	0.00	0.00	0.00	12/05/18
2017	50,046	1,210.72	0.00	0.00	0.00	12/04/17
2016	49,600	1,214.40	0.00	0.00	0.00	12/07/16
2015	49,452	1,214.24	0.00	0.00	0.00	12/11/15

DESCRIPTION OF PROPERTY:

6653 BAGGS RD E 1/2 OF NE 1/4 EXC S 500 FT LYING N OF HWY R/W ALSO EXC N 100 FT OF E 600 FT OF S 600 FT LYING N OF HWY R/W & EXC RD R/W. SEC 36 T28N R9W

[ ] CERTIFICATION DENIED

The GRAND TRAVERSE County Treasurer's Office has found delinquent taxes on the parcel listed above and cannot issue a certification of tax payment.

TOTAL DUE AS OF: 04/23/2020 0.00  
PRE Denial Amt: 0.00

[ ] CERTIFICATION APPROVED

Pursuant to PA 23 of 2019, the GRAND TRAVERSE County Treasurer's Office certifies that all property taxes and special assessments due on the above referenced parcel subject to the proposed division for five years preceding the date of the application have been paid. This certification does not include taxes or special assessments, if any, now in the process of collection by the City, Village or Township Treasurer.

Certified by: Sarah Tan Date Certified: 4/23/2020

PROPERTY OWNER: MORRISON ORCHARDS  
PO BOX 148  
WILLIAMSBURG MI 49690

Certification Fee of \$5 collected: Check ☒ Cash ☐ Other ☐

## WARRANTY DEED

For the sum of \$165,000.00 WALTER U. COX and ANDREA L. COX, husband and wife, of 7421 Baggs Road, Williamsburg, Michigan 49690, hereby convey and warrant to MORRISON ORCHARDS, a Michigan general partnership, whose address is Route #2, 10107 U.S. 31 North, Williamsburg, Michigan 49690, the following lands and premises in Whitewater Township, Grand Traverse County, Michigan:

The Northeast quarter of Section 36, Township 28 North, Range 9 West, excepting the following described parcel: Commencing at a point which point is the intersection of the North and South one-quarter line and the North right-of-way line of Highway M-72; thence Easterly along said right-of-way line to the Westerly right-of-way line of Baggs Road; thence Northerly along said Westerly right-of-way line of Baggs Road 600 feet; thence Westerly parallel with the North right-of-way line of M-72 600 feet; thence Southerly parallel with the Westerly right-of-way line of Baggs Road 100 feet; thence Westerly parallel with the Northerly right-of-way line of M-72 to the North and South quarter line of said Section; thence Southerly on said North and South quarter line to the point of commencement.

Subject to restrictions and easements of record, subject to a right-of-way in favor of Cherryland Rural Electric Cooperative recorded in Liber 432, Page 292; subject to Farmland Development Rights Agreements as recorded in Liber 575, Pages 915 and 917, and subject to the rights of the public in that part of the premises taken, used, or deeded for street, road, or highway purposes.

This Deed is given in fulfillment of a certain Land Contract between the parties dated September 1, 1988. There are excepted from the warranties hereof any defects or other matters which have arisen, or may hereafter arise, out of the acts or omissions of persons other than the grantors herein after September 1, 1988, the date of the aforesaid Land Contract.

Transfer Tax: \$181.50

Signed at Traverse City, Michigan on December 9, 1992.

In the Presence of:

Robert H. Witkop  
ROBERT H. WITKOP  
Patricia L. Bell  
PATRICIA L. BELL

Walter U. Cox  
Walter U. Cox  
Andrea L. Cox  
Andrea L. Cox

STATE OF MICHIGAN, County of Grand Traverse, ss, Traverse City, 11-2 1992. I hereby certify that there are no Tax liens or Taxes held by the State or any individual against the within description, and all Taxes on same are paid for five years previous to the date of this instrument as shown by the records in my office. This does not apply taxes in the presence of witnesses by Township, City or Village. B. J. [Signature]  
Grand Traverse County Treasurer

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE

)  
) SS.  
)

The foregoing instrument was signed and acknowledged before me on December 9, 1992, by WALTER U. COX and ANDREA L. COX.

*Patricia L. Bell*

PATRICIA L. BELL

Notary Public

Grand Traverse County, Michigan

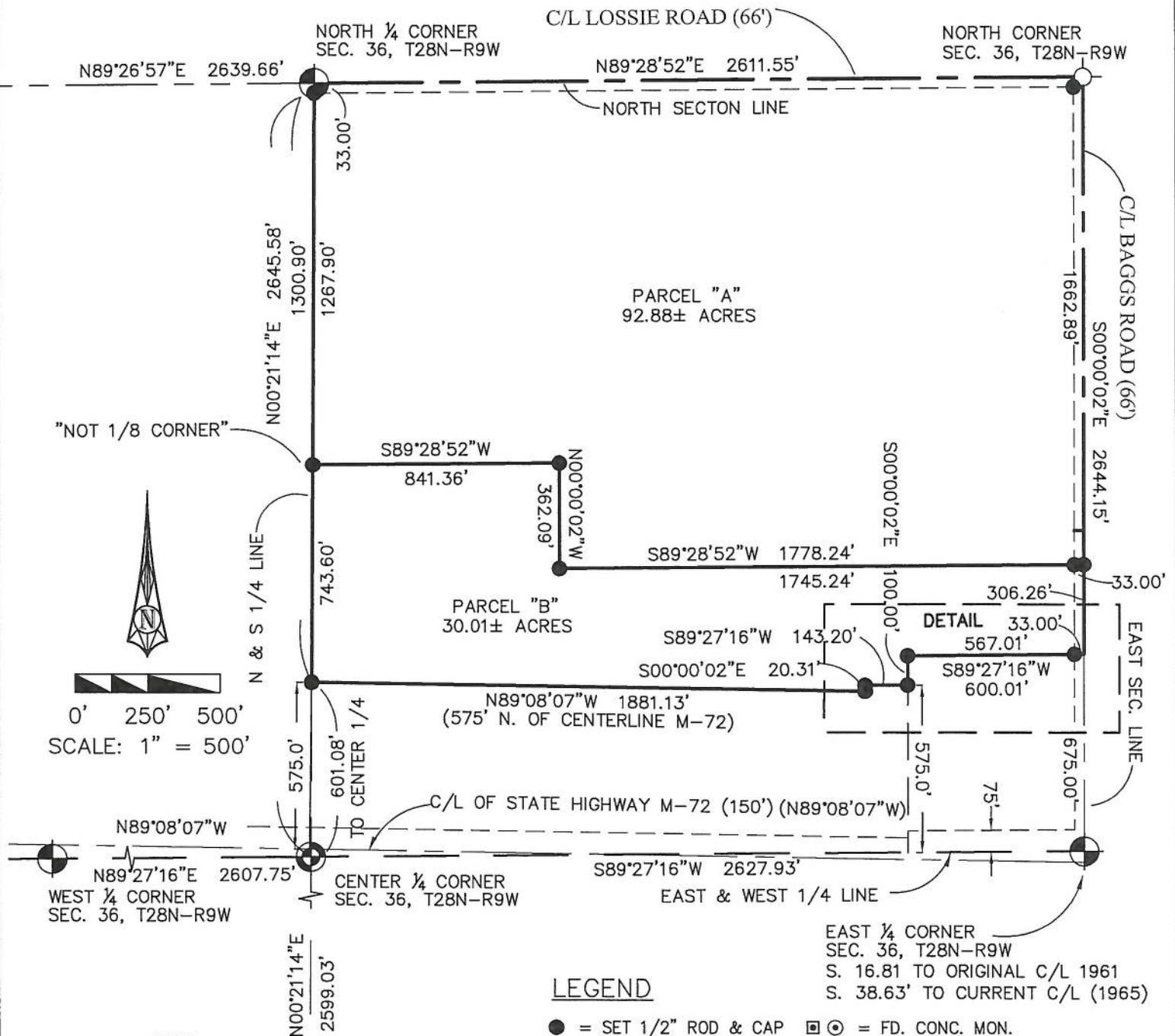
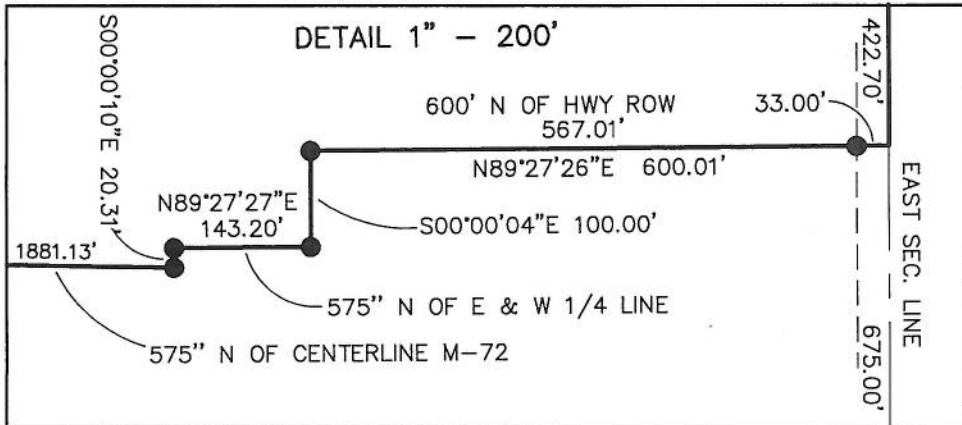
My commission expires: 2/13/96

Drafted by:  
James Stephen, II, Esq.  
Menmuir, Zimmerman, Kuhn,  
Stephen and Anderson  
122 West State Street  
Post Office Box 987  
Traverse City, MI 49685-0987  
Telephone: (616) 947-7900

*Patricia L. Bell*  
REGISTER OF DEEDS  
STATE OF MICHIGAN  
GRAND TRAVERSE CO.  
RECEIVED FOR RECORD  
JAN 13 PM 1:52

# CERTIFICATE OF SURVEY

... A CERTIFIED COPY ... SHALL BE RECORDED AT THE  
TIME OF RECORDING THE CONVEYANCE OF TITLE ... THE  
PART OF (SEC. 1(2), ACT 132 OF 1970 AS AMENDED.)



## LEGEND

- = SET 1/2" ROD & CAP
- = FD. FARRIER IRON
- = FD. IRON
- ▲ = SET NAIL
- △ = FD. NAIL
- ⊗ = FD. CONC. MON.
- ⊗ = SET CONC. MON.
- R = RECORD
- M = MEASURED
- PR = PRORATED

I, DEAN R. FARRIER, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, CERTIFY THAT I HAVE SURVEYED AND MAPPED THE HEREON DESCRIBED PARCEL OF LAND, AND THE RELATIVE POSITIONAL PRECISION IS WITHIN 0.15 FEET FOR EACH OF THE CORNERS SHOWN HEREIN AND THAT I HAVE FULLY COMPLIED WITH THE SURVEY REQUIREMENTS OF ACT 132 OF 1970 AS AMENDED.

DEAN R. FARRIER

PS# 41098

DATE 4-21-20

BEARING BASIS: PREVIOUS FARRIER SURVEYING PROJECT No. 2420

**FARRIER SURVEYING INC.**  
P.O. BOX 998  
244 S. CEDAR STREET  
KALKASKA, MI 49646  
TEL(231)258-8162 FAX(231)258-3249  
office@farriersurveying.com

**CLIENT MORRISON ORCHARDS**

**DESCRIPTION**

PART OF THE NE 1/4,  
SECTION 36, T28N-R9W, WHITEWATER TOWNSHIP,  
GRAND TRAVERSE COUNTY, MICHIGAN

**DRAWN: DES**

**FILE No. 3920**

**CHECK: DRF**

**Fd. Bk. 262, Pg. 5**

**REVISED:**

**DATE: 4/21/2020**

**SHEET: 1 of 2**

DESCRIPTION

PARCELS OF LAND SITUATED IN THE TOWNSHIP OF WHITEWATER, COUNTY OF GRAND TRAVERSE, STATE OF MICHIGAN DESCRIBED AS FOLLOWS TO-WIT:

DESCRIPTIONS AS FURNISHED  
TAX ID NO. 13-136-001-10

THE WEST ½ OF THE NORTHEAST ¼, EXCEPTING THE SOUTH 500 FEET LYING NORTH OF THE HIGHWAY RIGHT-OF-WAY AND EXCEPT ROAD RIGHT-OF-WAY, SECTION 36, T28N-R9W.

TAX ID NO. 13-136-001-00

THE EAST ½ OF THE NORTHEAST ¼, EXCEPTING THE SOUTH 500 FEET LYING NORTH OF HIGHWAY RIGHT-OF-WAY AND ALSO EXCEPT THE NORTH 100 FEET OF THE EAST 600 FEET OF SOUTH 600 FEET LYING NORTH OF HIGHWAY RIGHT OF WAY AND EXCEPT RIGHT-OF-WAY, SECTION 36, T28N-R9W.

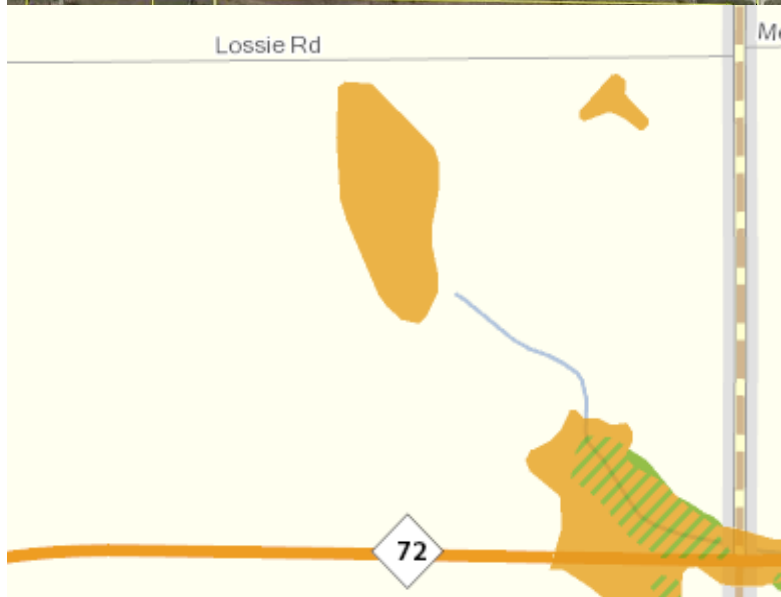
DIVISION PARCEL DESCRIPTIONS  
PARCEL "A"

PART OF THE NORTHEAST ¼ OF SECTION 36, T28N-R9W DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE S00°00'02"E, 1662.89 FEET ALONG THE EAST LINE OF SAID SECTION 36; THENCE S89°28'52"W, 1778.24 FEET; THENCE N00°00'02"W, 362.09 FEET; THENCE S89°28'52"W, 841.36 FEET TO A POINT ON THE NORTH AND SOUTH ¼ LINE OF SAID SECTION 36; THENCE N00°21'14"E, 1300.90 FEET ALONG SAID NORTH AND SOUTH ¼ LINE TO A POINT ON THE NORTH LINE OF SAID SECTION 36; THENCE N89°28'52"E, 2611.55 FEET ALONG SAID NORTH SECTION LINE TO THE POINT OF BEGINNING. CONTAINING 92.88 ACRES MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY FOR LOSSIE ROAD AND BAGGS ROAD, AND ALSO SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

PARCEL "B"

PART OF THE NORTHEAST ¼ OF SECTION 36, T28N-R9W, EXCEPTING THE SOUTH 500 FEET LYING NORTH OF THE HIGHWAY RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE S00°00'02"E, 1662.89 FEET ALONG THE EAST LINE OF SAID SECTION 36 TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST SECTION LINE, S00°00'02"E, 306.26 FEET TO POINT ON THE NORTH LINE OF THE SOUTH 600 FEET LYING NORTH OF THE NORTH RIGHT-OF-WAY AND ; THENCE S89°27'16"W, 600.01 FEET PARALLEL TO THE EAST AND WEST ¼ LINE OF SAID SECTION 36 AND PARALLEL WITH AND 600.00 FEET NORTH OF THE NORTH RIGHT-OF-WAY STATE HIGHWAY M-72; THENCE S00°00'02"E, 100 FEET PARALLEL TO SAID EAST SECTION LINE; THENCE S89°27'16"W, 143.20 FEET PARALLEL TO SAID EAST SECTION LINE; THENCE S00°00'02"E, 20.31 FEET TO A POINT 575.00 FEET NORTHERLY OF THE CENTERLINE OF STATE HIGHWAY M – 72; THENCE N89°08'07"W, 1881.13 FEET PARALLEL TO SAID CENTERLINE OF M – 72 TO A POINT ON THE NORTH AND SOUTH ¼ LINE OF SAID SECTION 36; THENCE N00°21'14"E, 743.60 FEET ALONG SAID NORTH AND SOUTH ¼ LINE; THENCE N89°28'52"E, 841.36 FEET; THENCE S00°00'02"E, 362.09 FEET; THENCE N89°28'52"E, 1778.24 FEET TO THE POINT OF BEGINNING. CONTAINING 30.01 ACRES MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY FOR BAGGS ROAD, AND ALSO SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

FARRIER SURVEYING INC. P.O. BOX 998 244 S.CEDAR STREET KALKASKA, MI 49646 TEL(231)258-8162 FAX(231)258-3249 office@farriersurveying.com	CLIENT MORRISON ORCHARDS	DRAWN: DES	FILE No. 3920
	DESCRIPTION  PART OF THE NE 1/4, SECTION 36, T28N-R9W, WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN.	CHECK: DRF	Fd. Bk. 262, Pg. 5
		REVISED:	DATE: 4/21/2020
			SHEET: 2 of 2
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**OWNER’S REPORT for Zoning Board of Appeals**

**Case # ZBA-2023-ZA**

**1. Applicant(s) / Owner(s)**

Applicant(s)                Baggs Partners, LLC  
                                     53 Easthampton Ct NE  
                                     Grand Rapids, Michigan 49546

Owner(s):                    Derek Van Solkema  
                                     53 Easthampton Ct NE  
                                     Grand Rapids, Michigan 49546

Ryan Sheffer  
9239 28<sup>th</sup> St. SE  
Ada, Michigan 49301

Agent(s):                    Michael Herring (attorney)  
                                     2029 Celadon Dr.  
                                     Grand Rapids, MI 49525  
                                     Gary Van Solkema (builder)  
                                     XXXXX  
                                     XXXXX

Site Address:                6631 Baggs Road, Williamsburg, Michigan 49690  
                                     Parcel ID# 28-13-136-001-02  
                                     Whitewater Township – Grand Traverse County, Michigan

Zoning District:            A1-Agriculture

## 2. Owner's Statement of Fact.

We would like to thank the ZBA for hearing our appeal. We are requesting the ZBA review our variance application.

### **Statements from Derek Van Solkema & Ryan Sheffer, Landowners of 6631 Baggs Rd.**

LAND ACQUISITION FACT(S): Due diligence on parcel 28-13-136-001-02 started in September 2021, 4 (four) months prior to purchase. We engaged Whitewater Township officials, studied 40 years of easements, deed restrictions as well as deed transfers. Nothing concerning was uncovered. On January 14th 2022, we personally closed on parcel 28-13-136-001-02 via Warranty Deed through Searchlight Title in Traverse City Michigan. Subsequently, we transferred the parcel to Baggs Partners LLC, fully owned, using a Quit Claim Deed. We completed our dream of acquiring a large, rural, northern Michigan property and were excited to get to work.

Mansfield Land Use Consultants in Traverse City surveyed the land after purchase and prepared a site plan. Zoning Administrator Robert Hall was confident in Mansfield's project plans and assured us that our property met all requirements for the site condominium project.

After our plan was submitted to the township for land division approval, our site plan was approved. However, 3 direct neighbors and Ron Popp, the Township Supervisor, weaponized the township board against us. A compliant was filed and the board took it upon themselves to review our site plan. Ordinarily, a site plan under review of the board is, according to the Township ordinance, to take 45 days. After 17 months of delays and arbitrary moratoriums parcel 28-13-136-001-02 was deemed unbuildable by the board. Working with the board to date has yielded a very concerning overreach of their power. Now, without a variance our property rights will be stripped of any value overnight in an unconstitutional fashion.

On May 3rd, 2023, more than a year after we purchased the property, the board retroactively revoked a prior split approval. The Whitewater township board deemed our property unbuildable, and the minutes approved on June 13, 2023.

***Motion by Popp to uphold the elements of general ordinance 26, amendment 3, as written. "Based on the findings of fact, we find parcel 28-13-136-001-02 noncompliant with Whitewater Township general ordinance number 26, amendment 3, effective 03/19/2011, specifically section 7(d), and is not eligible for any building permits or zoning approvals such as special land use approval or site plan approval."***

***Popp stated he will make that motion.***

***Glenn seconded.***

***Roll call vote: Goss, no; Vollmuth, yes; Glenn, yes; Popp, yes; Benak, absent. Motion Carried.***

### 3. Refuting the Board's Statement of Fact.

The Boards finding of fact from the May 3 meeting<sup>1</sup> are as follows:

#### 1. Request for variance is nonexistent.

RESPONSE: Put simply, the land was split in 2020. The company that split the land was Morrison Orchard. Morrison Orchard went through the process of getting the split approved in 2020. On 5/7/2020 Robert Hall signed off on the Application for Land Combination/Divisions And Boundary Adjustments on the Morrison Orchard Split attesting that the Zoning proposal meets all Township and Land Use Requirements with knowledge that the parcel exceeded a traditional 4:1 depth to width ratio. Based on this fact, we did not believe a variance request was needed. The property had been split on April 29, 2020. The land division was approved in 2020. <sup>2</sup>

#### 2. Parcel B could have been divided in a manner to make it comply with the ordinance, moving the north line.

RESPONSE: The Zoning Administrator did review and approve a Land Division that created Parcel #28-13-136-001-02 on May 5<sup>th</sup> and signed on May 7th, 2020 that exceeded a traditional 4:1 depth to width ratio after establishing that the applicant had met the requirements in accordance with the provisions of General Ordinance No. 26, Section VII.D (second paragraph) provided to the Zoning Administrator in August of 2019, which reads as follows:

***"The Governing Body or other board or person designated by the Governing Body may approve a land division that creates a resulting parcel with a depth to width ratio greater than four to one" if there are "exceptional topographic or physical conditions" on the parcel and the "greater ratio would be reasonably compatible with the surrounding lands."***

Section 109(b) of the Land Division Act specifically excludes the 4:1 depth to width ratio requirements to a parcel larger than 10 acres unless a(n) ordinance provides otherwise.

Ordinance No. 26 (Whitewater Township Land Division Ordinance) makes no mention of being applicable to parcels larger than 10 acres in size.

This parcel has been on the assessment role since May of 2020 and was never challenged through prior review process.

The property has been sold twice since 2020 with no changes to the tax assessment role nor have the property rights being challenged.

#### 3. No record of topographical or environmental adverse circumstances.

RESPONSE: When originally approved the original applicant, Morrison Orchard, did demonstrate that there were exceptional topographic or physical conditions with respect to the parcel #28-13-136-001-02 and as observed during a personal site visit. Robert Hall's research utilizing the Grand Traverse County

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<sup>1</sup> 05/03/2023 Whitewater Township Board Special Meeting Minutes (excerpt)

<sup>2</sup> See Exhibit B

GIS tax mapping and soils viewer, as well as Michigan Department of Environment, Great Lakes, and Energy (EGLE) Wetland Inventory Maps was also performed.

Exceptional or extraordinary circumstances do exist such as exceptional topographical or physical conditions; or that the greater ratio would be reasonably compatible with the surrounding lands.

The land division was also approved by the Grand Traverse County Road Commission.<sup>3</sup>

#### **4. The ordinance is a local law, flawed or unflawed.**

RESPONSE: The board has not given any reason or evidence that would support revoking or overturning the original approval.

We exhausted all due diligence before this bona fide purchase was made and could not have anticipated the bizarre and rogue actions of the Whitewater Township Board.

We remain confused how local ordinance 26 is being used to deem our land unbuildable. We feel that strict compliance with Ordinance 26 would allow our parcel to exist without restrictions as it has since May of 2020.

We also relied on LDA 560.109 (b) “The standards may include, but need not be limited to, exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands. The depth to width ratio requirements of this subdivision do not apply to a parcel larger than 10 acres, unless an ordinance referred to in subsection.”

We have yet to see how the local ordinance precludes this exemption.

If the Whitewater Township’s Board decision on this local Ordinance is upheld for the direct neighbors of Parcel #28-13-136-001-02, we will carry the unreasonable burden of owning impaired property.

If the variance is not approved, a beautiful 30-acre parcel is unbuildable and a substantial financial burden is levied upon us.

#### **5. Following township ordinance is important to the greater good.**

RESPONSE: The Township has given no citation in the ordinance giving it the authority to overturn a prior approved split. No notices or hearing have been delivered to the effected parties.

No list of the conditions of approval were given to us to help bring the parcel into conformity. The township is applying an all or nothing approach to the ordinance.

The requested variance will not cause an adverse impact on the development of surrounding property, property values or the use and enjoyment of property in the immediate area.

We have always wanted to enhance the beauty of the subject parcel by keeping topography and tree coverage in-tact. The rural characteristics of Whitewater Township are a focus to us.

Our parcel shares characteristics of neighboring parcels which have received Land Use Permits. Our site-condo project is moving with the momentum of the development of the surrounding area which has not created an adverse impact on the enjoyment of the property in the immediate area.

---

<sup>3</sup> Attached Exhibit B also.

## 4. Evidence in favor of the Variance

In order for a variance to be granted, evidence must be presented at a public hearing that all of the following conditions exist:

- **Exceptional or extraordinary circumstances exist such as exceptional topographical or physical conditions; or that the greater ratio would be reasonably compatible with the surrounding lands.**
  - The Zoning Administrator did review and approve a Land Division that created Parcel #28-13-136-001-02 on May 5<sup>th</sup> and signed on May 7<sup>th</sup>, 2020 that exceeded a traditional 4:1 depth to width ratio after establishing that the applicant had met the requirements in accordance with the provisions of General Ordinance No. 26, Section VII.D (second paragraph) provided to the Zoning Administrator in August of 2019, which reads as follows:
    - ***"The Governing Body or other board or person designated by the Governing Body may approve a land division that creates a resulting parcel with a depth to width ratio greater than four to one" if there are "exceptional topographic or physical conditions" on the parcel and the "greater ratio would be reasonably compatible with the surrounding lands."***
  - Section 109(b) of the Land Division Act specifically excludes the 4:1 depth to width ratio requirements to a parcel larger than 10 acres unless a(n) ordinance provides otherwise.
  - Ordinance No. 26 (Whitewater Township Land Division Ordinance) makes no mention of being applicable to parcels larger than 10 acres in size.
  - This parcel has been on the assessment role since May of 2020 and was never challenged through prior review process.
  - The property has been sold twice since 2020 with no changes to the tax assessment role nor have the property rights being challenged.
  - Robert Hall, the ZA, originally based our property's exception on the NWI (National Wetlands Inventory) mapping overlay, and the fact that the intent was to separate the 'farmable' from the 'non- farmable' land from the original orchard. This was also based upon the steep ravines and the wooded area that was included as part of the division

application.



- **Strict compliance with the regulations of this Ordinance will unreasonably prevent the applicant from developing the property or will render conformity with the regulations of this Ordinance unreasonably burdensome.**
  - If the variance is not approved, the land is unbuildable. The Ordinance will be unreasonably burdensome because it will cause our property value to plummet to nearly zero.
  - No list of the conditions of approval were given to us to help bring the parcel into conformity. The township is applying an all or nothing approach to the ordinance.

- If the Whitewater Township’s Board decision on this local Ordinance is upheld for the benefit of our direct neighbors, we will carry the unreasonable burden of owning impaired property.
  - We remain confused how local ordinance 26 is being used to deem our land unbuildable. We feel that strict compliance with Ordinance 26 would allow our parcel to exist without restrictions as it has since May of 2020.
  - We’ve exhausted all due diligence before this bona fide purchase was made and could not have anticipated the bizarre and rogue actions of the Whitewater Township Board.
  - The Township has given no citation in the Ordinance giving it the authority to overturn a prior approved split. No notices or hearing have been delivered to the effected parties.
  - We relied on LDA 560.109 (b) “The standards may include, but need not be limited to, exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands. The depth to width ratio requirements of this subdivision do not apply to a parcel larger than 10 acres, unless an ordinance referred to in subsection.” We have yet to see local Ordinance precluding this exemption.
- **The requested variance will not cause an adverse impact on the development of surrounding property, property values or the use and enjoyment of property in the immediate area.**
    - The requested variance should enhance the property values of surrounding properties. New dwelling construction of high caliber homes is our intent. Neighboring parcels have had no issues receiving Land Use Permits and now have dwelling structures. We are moving with the momentum of the development of the surrounding area which has not created an adverse impact on the enjoyment of the property in the immediate area.
    - We have always wanted to enhance the beauty of the subject parcel by keeping topography and tree coverage in-tact. The rural characteristics of Whitewater Township are a focus to us.
- **Health, safety and welfare will not be compromised.**
    - We will not create a health, safety, or welfare risk to the community at large. Our only intent is to construct high quality residential structures. Again, health, safety, and welfare will not be compromised.
    - Any construction will be in accordance with the Building Code.
- **The requested variance is the minimum variance necessary to permit reasonable use of the land.**
    - Without the variance, our 30-acre parcel will be unbuildable.
    - This is the minimum variance necessary to enforce the prior approval of our parcel. All parties relied on the May 2020 Land Division. Any other change or

modification would substantially impact our property rights given at the original approved land division.

- We are simply asking that our land's value not be confiscated. This is the minimum request to promote the use of our land.

**Whitewater Township Board  
Minutes of Special Meeting held May 3, 2023**

**Call to Order**

Supervisor Popp called the meeting to order at 9:00 a.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

**Roll Call of Board Members**

Board Members present in person: Clerk Goss, Treasurer Benak, Trustee Glenn, Trustee Vollmuth, Popp

Board Members absent: None

Others present in person: Zoom Facilitator Lois MacLean and 4 others

Others present via Zoom: Attorney Matt Kuschel and 6 others

**Set/Adjust Meeting Agenda**

There were no adjustments.

**Declaration of Conflict of Interest**

None

**Public Comment**

Public comment began at 9:01 a.m.

Vicki Beam

Tom McElwee

Karin Boyd

Connie Hymore (read statement of Frank Hymore)

Public comment ended at 9:13 a.m.

**Agenda Items as Listed in Special Meeting Notice**

**HYMORE COMPLAINT – CLOSED SESSION**

*Motion by Goss to enter closed session pursuant to MCL 15.268(1)(h) and MCL 15.243(1)(g) to discuss a confidential written legal opinion from the Township Attorney regarding township land divisions and specifically parcel 13-136-001-02; second by Benak.*

*Roll call vote: Vollmuth (did not vote); Benak, yes; Popp, no; Glenn, no; Goss, yes. Motion failed.*

Benak stated she is going to exercise her right to leave the meeting.

Kuschel confirmed the motion to go into closed session failed.

At 9:16 a.m., Benak left the meeting in protest of the closed session vote.

At 9:17 a.m., Popp left the meeting to take a phone call.

At 9:19 a.m., Popp returned to the meeting.

Kuschel provided several options to discuss the legal opinion.

Lengthy discussion followed.

***Motion by Popp to uphold the elements of general ordinance 26, amendment 3, as written.***

Findings of fact:

1. Request for variance is nonexistent.
2. Parcel B could have been divided in a manner to make it comply with the ordinance, moving the north line.
3. No record of topographical or environmental adverse circumstances.
4. The ordinance is a local law, flawed or unflawed.
5. Following township ordinance is important to the greater good.

***Based on the findings of fact, we find parcel 28-13-136-001-02 noncompliant with Whitewater Township general ordinance number 26, amendment 3, effective 03/19/2011, specifically section 7(d), and is not eligible for any building permits or zoning approvals such as special land use approval or site plan approval.***

***Popp stated he will make that motion.***

***Glenn seconded.***

***Roll call vote: Goss, no; Vollmuth, yes; Glenn, yes; Popp, yes; Benak, absent. Motion carried.***

#### **FINAL SIGNATURES – WHITEWATER TOWNSHIP PARK IMPROVEMENTS PROJECT**

***Motion by Popp to award Molon Excavating the bid dated 01/30/2023 for phase one (items 1 through 19) at a cost of \$461,034.71, plus the correction letter dated 02/13/2023 in the amount of \$23,900, as well as Alternate Price Bids A, B, D and E at a cost of \$39,562.64, of the Whitewater Township Park Improvement Project, for a total cost of \$524,497.35, based on the recommendations of Fleis & VandenBrink engineering firm; second by Glenn.***

***Roll call vote: Benak, absent; Glenn, yes; Goss, yes; Vollmuth, yes; Popp, yes. Motion carried.***

Various contract provisions were discussed.

Popp will accept designated representative duties, per policy. He confirmed if he needs help, he will ask for it.

***Motion by Glenn to authorize Supervisor Popp to sign the Molon contract with an effective date of 03/10/2023 for the Whitewater Township Park Improvement Project, contract number 842850, in the amount of \$484,934.71; second by Vollmuth.***

***Roll call vote: Popp, yes; Goss, yes; Vollmuth, yes; Benak, absent; Glenn, yes. Motion carried.***

Various contract provisions were reviewed.

Popp withdrew his name as project representative.

At 12:50 p.m., Popp left the meeting.

***Motion by Vollmuth to nominate Goss to take over the meeting; second by Glenn.***

***Roll call vote: Glenn, yes; Popp, absent; Benak, absent; Goss, yes; Vollmuth, yes. Motion carried.***

***Motion by Glenn to table review of the Whitewater Township boat ramp expansion contract; second by Vollmuth.***

***Roll call vote: Benak, absent; Vollmuth, yes; Popp, absent; Glenn, yes; Goss, yes. Motion carried.***

#### **APPROVE PARK RANGERS**

***Motion by Glenn to approve the three (3) park ranger pay rates as presented for the 2023 park season and to approve 05/01/2023 as the effective date of employment for Andrew Butler Parks & Recreation Manager; second by Goss.***

***Glenn revised the motion to add the names of David (Tripp) Wagner, Vickie Emerson, and Mike Dwyer for park rangers.***

***Goss re-seconded the motion.***

***Roll call vote: Popp, absent; Benak, absent; Vollmuth, yes; Goss, yes; Glenn, yes. Motion carried.***

#### **OTHER CAMPING PARK OPENING ITEMS NEEDING BOARD INPUT/ACTION**

Glenn thanked the following volunteers who have helped out at the park, Vickie Emerson, Lorie North, Carol Wakely, Hilary Modica, Rod Rebant, Al Keaton, Randy Mielnik, Denise Peltonen, Jay Holden, Andrew Butler, and commented on free camping weekend and credit card processing.

#### **Board Comments/Discussion**

Vollmuth wants a copy of the tribe's boat wash.

**Public Comment**

Public comment began at 1:13 p.m.

Rachel Steelman  
Connie Hymore  
Vicki Beam

Public comment ended at 1:19 p.m.

**Adjournment**

***Motion by Vollmuth to adjourn; second by Glenn. Roll call vote: Vollmuth, yes; Goss, yes; Glenn, yes; Benak, absent; Popp, absent.***

Meeting adjourned at 1:19 p.m.

Cheryl A. Goss  
Whitewater Township Clerk

Whitewater Township  
PO Box 159  
Williamsburg, MI 49690  
231-267-5141

[www.whitewatertownship.org](http://www.whitewatertownship.org)

Application for Land Combination/Divisions  
And Boundary Adjustments

NOTICE: No Land division/combination will be completed until all taxes billed are paid in full.

Application is hereby made for the following:

**Metes and Bounds Parcels**

- ☐ Combination  
☐ Division into 2 parcels  
☐ Boundary Adjustment

**Platted Lots of Record**

- ☐ Combination of entire lots  
☐ Separation of entire lots  
☐ Division/combination of portions of lots  
☐ Boundary Adjustment

**Property Information**

Tax Identification Number(s):

28-13-136-001-00  
28-13-136-001-10

Street Address: BAGGS RD + LASSIERO  
Zoning District: \_\_\_\_\_

Is/Are the parcel(s) in a Special Assessment District?

- ☒ No  
☐ Yes for ☐ Road ☐ Sewer

Road/Driveway Information:

EXISTING DRIVE

Structures currently on the parcel(s)/lot(s):

- ☒ Vacant  
☐ House  
☐ Accessory Building  
☐ Commercial/Industrial

Describe the nature of the request:

SPLIT FOR SALE OF SOUTH  
30 ACRES

**Survey Information:**

A sealed survey shall be required for all land divisions/combinations and redescrptions except for combinations involving platted lots of record.

Name: DEAN FARRIER

Survey Company: FARRIER SURVEYING

Date of Survey: 04/21/2020

Survey Number: 3920

**Owner Information:**

Name: MORRISON ORCHARDS LLC

Name: PETE MORRISON

Address: PO BOX 148

WILLIAMSBURG MI 49690

Phone Number: 231 590 2757

I am the legal owner of record of the above listed parcel(s)/lot(s) and hereby request that it be divided/combined as presented.

Pete Morrison 04/29/2020  
Owner Signature Date

Owner Signature

Date

Fees Due:

\$50.00 per parcel/lot. No charge for combination of existing metes & bounds parcels/platted lots of record.

\$ 50.00 Total Date Paid 05-05-2020

For Office Use Only

TREASURER

As of 5th May, 2020, Township Records show that all taxes, Special Assessments, fees and/or penalties billed to date on the above referenced parcel(s) have been paid.

Ornella M. Benez  
Treasurer Signature

**ZONING**

The proposal meets all Township Zoning and Land Use Requirements.

Scott A. Hall 05-07-2020  
Zoning Administrator Signature

**ASSESSOR**

The proposal is eligible for split, combination or re-description; all ownership records are in order; accurate survey and description have been provided

Dean M. Kuhn  
Assessor Signature

- ☒ Approved  
☐ Denied

✓ CK# 53578 = 50<sup>00</sup>  
5/5/20 amb  
Rec# 023123

2021 Parcel numbers  
Parcel A: 2813-136-001-01  
Parcel B: 2813-136-001-02

From: Steven Bye [SBye@gtcrc.org](mailto:SBye@gtcrc.org)  
Subject: Land Division - Whitewater Twp.  
Date: Apr 28, 2020 at 16:10:15  
To: Dawn Kuhns [assessordawn@gmail.com](mailto:assessordawn@gmail.com)  
Cc: [petmo@charter.net](mailto:petmo@charter.net)

---

Hello Dawn:

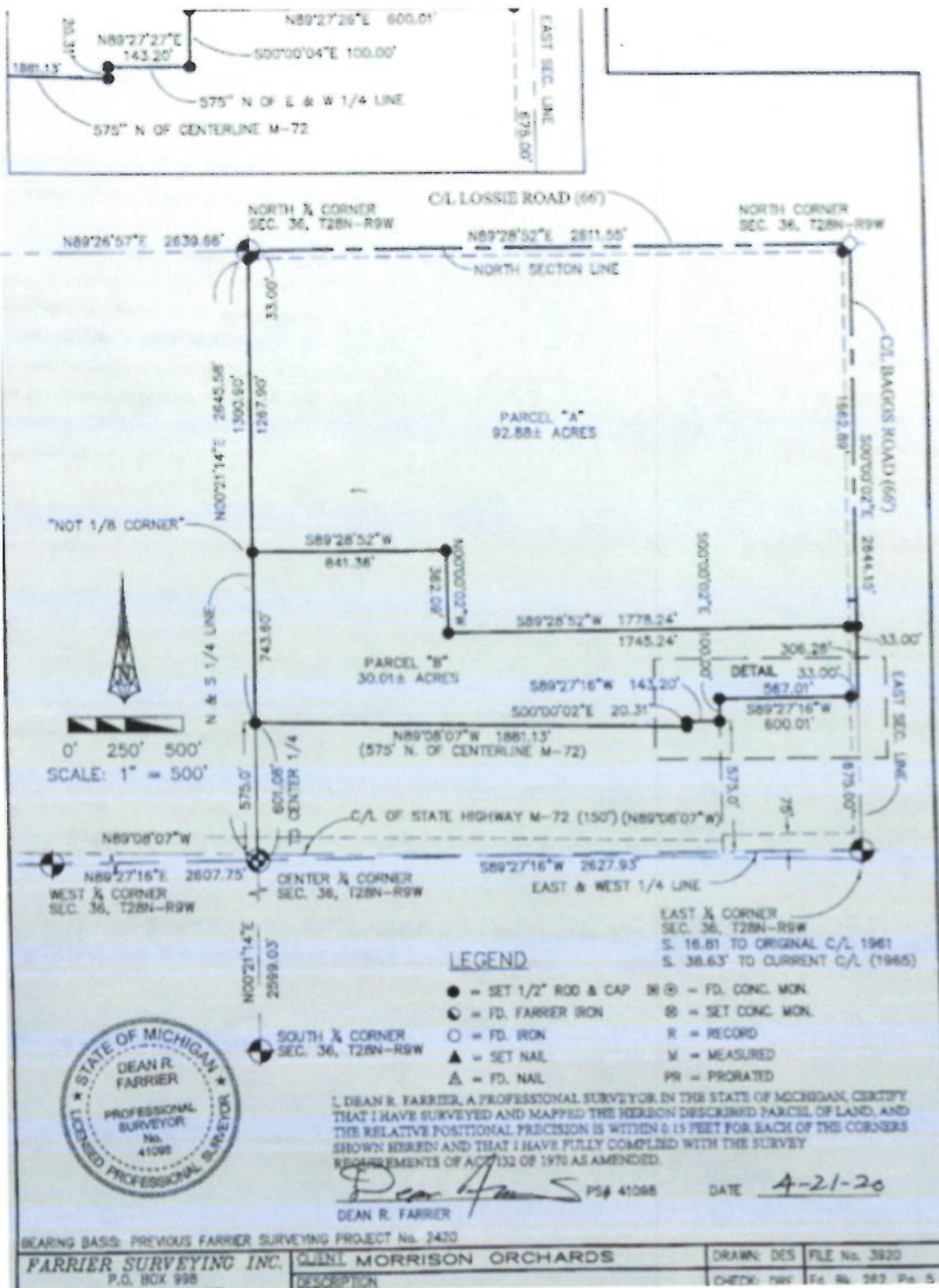
Attached is a Land Division Review letter. A hardcopy is being sent via post.  
Please let me know if you have any questions or concerns.

Thank you,

Steve Bye  
GTCRC

Steven P. Bye, PS  
Grand Traverse County Road Commission  
1881 LaFranier Road  
Traverse City, MI 49696-8911  
(231) 922-4848 – office  
(231) 922-4849, ext. 206 – direct  
(231) 645-6655 – mobile  
[www.gtcrc.org](http://www.gtcrc.org)





244 S. CEDAR STREET KALKASKA, MI 49648 TEL(231)258-8162 FAX(231)258-3249 office@harrisurveying.com	PART OF THE NE 1/4, SECTION 36, T28N-R9W, WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN	REVISED:	DATE: 4/21/2020 SHEET: 1 of 2
C:\DATA DRIVE\Carlson Projects\2020\3920 MORRISON\3920 MORRISON.dwg 4/21/2020 1:14:16 PM			



"Our mission is to upgrade and maintain  
a safe and efficient road system"

DATE: April 28, 2020

LD# 20-17

TO: Whitewater Township Assessor  
P.O. Box 159  
Williamsburg, MI 49690

APPLICANT: Morrison Orchards  
P.O. Box 148  
Williamsburg, MI 49690

Re: Parent Parcel ID Number: 28-13-136-001-00

Road Name: Baggs Road & Lossie Road

Public/Private: Public

The above named applicant requested we review the aforementioned parcel for (02) proposed parcels, to determine if access is available in accordance with Section 102 (j) of Act 288 of 1967, as amended, Public Act 200 of 1969, Public Act 591 of 1996, as amended and the current Grand Traverse County Road Commission Standards And Specifications For Subdivisions And Other Development Project With Public and Private Roads. This determination is based upon a field review of the parcels as shown on the attached certificate of survey with respect to connections between proposed driveway locations directly onto the public road system, new private road connection locations directly onto the public road system and the impact of additional private driveways on an existing private road/public road connection location.

☒ Yes. The Grand Traverse County Road Commission would recommend approval for the proposed parcel(s) as adequate location and sight distance is available.

☐ Yes with conditions. The Grand Traverse County Road Commission would recommend approval for the proposed parcel(s). The conditions the GTCRC require are noted on page 2 and must be met prior to GTCRC driveway approval in order to provide for adequate location and sight distance for roadway connections.

☐ No. The Grand Traverse County Road Commission would not recommend approval for the proposed parcel(s) due to an inadequate location or sight distance.

**This letter is not intended as an approval for any driveway permits to this site, which is a separate application process.** Items may be noted on page 2 that the applicant should be prepared to address as the time a Driveway Permit application is submitted. Driveway Permit applications are available at the Grand Traverse County Road Commission office or on-line.

Thank you for the opportunity to review and comment on this proposed land division. Should you have any comments or questions concerning this matter, please contact us at your earliest convenience.

Respectfully,  
Grand Traverse County Road Commission

Reviewed By: Steven P. Bye, PS GICRC Engineering Department Date: 4/28/2020

**Keywords:** Engineering Education; Design Thinking; Problem Solving; Creativity; Innovation; Entrepreneurship



\**These two sentences are the only ones in the text that contain the word "because".*

April 28, 2009

Parent Project ID Number: 28-13-149-001-00

LD Applications: 24-17

Road Name: Bacon Road &amp; Lenoir Road

**Public Access Policy**

### CONDITIONS AFFECTING THE PROPOSED LAND DIVISION APPROVAL

Referenced to Certificate of Survey by Parrier Surveying, Inc. File No. 3929 dated 04-21-20

1. Parcel "A" sufficient sight distance on Hays Road & Lennie Road
2. Parcel "B" existing driveway

### POSSIBLE CONDITIONS AFFECTING FUTURE DRIVEWAY PERMIT APPROVAL

The Grand Traverse County Road Commission observed the following conditions the applicant should be prepared to address at the time of a driveway permit application:

- 1.
- 2.
- 3.

There may be additional concerns or permits required depending on the application for proposed changes to the Grant

# Land Division Tax Payment Certification Form

GRAND TRAVERSE COUNTY TREASURER  
HEIDI SCHELPE  
400 BOARDMAN AVENUE STE 104  
TRAVERSE CITY MI 49684  
Monday-Friday 8:00AM - 5:00PM  
(231) 922-4735

Property Number: 13-136-001-10  
WHITEWATER TOWNSHIP

Property Address: LOSSIE RD  
WILLIAMSBURG MI 49690

## TAX HISTORY

Current year taxes are not turned over to the county until March 1 of the following year. You may need to contact the local unit treasurer for current year tax payment information.

TAX YEAR	TAX. VALUE	BASE TAX	BASE TAX DUE	INTEREST/FEES DUE	TOTAL DUE	LAST PMT
2019	37,173	901.15	0.00	0.00	0.00	12/05/19
2018	36,302	884.48	0.00	0.00	0.00	12/05/18
2017	35,556	860.15	0.00	0.00	0.00	12/04/17
2016	35,239	862.76	0.00	0.00	0.00	12/07/16
2015	35,134	862.65	0.00	0.00	0.00	12/11/15

### DESCRIPTION OF PROPERTY:

. W 1/2 OF NE 1/4 EXC S 500 FT LYING N OF HWY R/W EXC RD R/W. SEC 36 T28N R9W

☐ CERTIFICATION DENIED

The GRAND TRAVERSE County Treasurer's Office has found delinquent taxes on the parcel listed above and cannot issue a certification of tax payment.

TOTAL DUE AS OF: 04/23/2020 0.00

PRE Denial Amt: 0.00

☐ CERTIFICATION APPROVED

Pursuant to PA 23 of 2019, the GRAND TRAVERSE County Treasurer's Office certifies that all property taxes and special assessments due on the above referenced parcel subject to the proposed division for five years preceding the date of the application have been paid. This certification does not include taxes or special assessments, if any, now in the process of collection by the City, Village or Township Treasurer.

Certified by: Saunders Date Certified: 4/23/2020

PROPERTY OWNER: MORRISON ORCHARDS  
PO BOX 148  
WILLIAMSBURG MI 49690

Certification Fee of \$5 collected: Check ☒ Cash ☐ Other ☐

Land Division Tax Payment Certification Form

GRAND TRAVERSE COUNTY TREASURER  
HEIDI SCHEPPE  
400 BOARDMAN AVENUE STE 104  
TRAVERSE CITY MI 49684  
Monday-Friday 8:00AM - 5:00PM  
(231) 922-4735

Property Number: 13-136-001-00  
WHITEWATER TOWNSHIP

Property Address: 6653 BAGGS RD  
WILLIAMSBURG MI 49690

TAX HISTORY

Current year taxes are not turned over to the county until March 1 of the following year. You may need to contact the local unit treasurer for current year tax payment information.

TAX YEAR	TAX. VALUE	BASE TAX	BASE TAX DUE	INTEREST/FEES DUE	TOTAL DUE	LAST PMT
2019	52,322	1,268.43	0.00	0.00	0.00	12/05/19
2018	51,096	1,244.92	0.00	0.00	0.00	12/05/18
2017	50,046	1,210.72	0.00	0.00	0.00	12/04/17
2016	49,600	1,214.40	0.00	0.00	0.00	12/07/16
2015	49,452	1,214.24	0.00	0.00	0.00	12/11/15

DESCRIPTION OF PROPERTY:

6653 BAGGS RD E 1/2 OF NE 1/4 EXC S 500 FT LYING N OF HWY R/W ALSO EXC N 100 FT OF E 600 FT OF S 600 FT LYING N OF HWY R/W & EXC RD R/W. SEC 36 T28N R9W

[ ] CERTIFICATION DENIED

The GRAND TRAVERSE County Treasurer's Office has found delinquent taxes on the parcel listed above and cannot issue a certification of tax payment.

TOTAL DUE AS OF: 04/23/2020 0.00  
PRE Denial Amt: 0.00

[ ] CERTIFICATION APPROVED

Pursuant to PA 23 of 2019, the GRAND TRAVERSE County Treasurer's Office certifies that all property taxes and special assessments due on the above referenced parcel subject to the proposed division for five years preceding the date of the application have been paid. This certification does not include taxes or special assessments, if any, now in the process of collection by the City, Village or Township Treasurer.

Certified by: Sarah Tan Date Certified: 4/23/2020

PROPERTY OWNER: MORRISON ORCHARDS  
PO BOX 148  
WILLIAMSBURG MI 49690

Certification Fee of \$5 collected: Check ☒ Cash ☐ Other ☐

28-413-134-221-16  
-221-17WARRANTY DEED

For the sum of \$165,000.00 WALTER U. COX and ANDREA L. COX, husband and wife, of 7421 Baggs Road, Williamsburg, Michigan 49690, hereby convey and warrant to MORRISON ORCHARDS, a Michigan general partnership, whose address is Route #2, 10107 U.S. 31 North, Williamsburg, Michigan 49690, the following lands and premises in Whitewater Township, Grand Traverse County, Michigan:

The Northeast quarter of Section 36, Township 28 North, Range 9 West, excepting the following described parcel: Commencing at a point which point is the intersection of the North and South one-quarter line and the North right-of-way line of Highway M-72; thence Easterly along said right-of-way line to the Westerly right-of-way line of Baggs Road; thence Northerly along said Westerly right-of-way line of Baggs Road 600 feet; thence Westerly parallel with the North right-of-way line of M-72 600 feet; thence Southerly parallel with the Westerly right-of-way line of Baggs Road 100 feet; thence Westerly parallel with the Northerly right-of-way line of M-72 to the North and South quarter line of said Section; thence Southerly on said North and South quarter line to the point of commencement.

Subject to restrictions and easements of record, subject to a right-of-way in favor of Cherryland Rural Electric Cooperative recorded in Liber 432, Page 292; subject to Farmland Development Rights Agreements as recorded in Liber 575, Pages 915 and 917, and subject to the rights of the public in that part of the premises taken, used, or deeded for street, road, or highway purposes.

This Deed is given in fulfillment of a certain Land Contract between the parties dated September 1, 1988. There are excepted from the warranties hereof any defects or other matters which have arisen, or may hereafter arise, out of the acts or omissions of persons other than the grantors herein after September 1, 1988, the date of the aforesaid Land Contract.

Transfer Tax: \$181.50

Signed at Traverse City, Michigan on December 9, 1992.

In the Presence of:

Robert H. Witkop  
ROBERT H. WITKOP  
Patricia L. Bell  
PATRICIA L. BELL

Walter U. Cox  
Walter U. Cox  
Andrea L. Cox  
Andrea L. Cox

STATE OF MICHIGAN, County of Grand Traverse, ss, Traverse City 11-2 1992. I hereby certify that there are no Tax liens or Taxes held by the State or any individual against the within description, and all Taxes on same are paid for five years previous to the date of this instrument as shown by the records in my office. This does not apply taxes in the presence of witnesses by Township, City or Village. B. J. Jankowski  
Grand Traverse County Treasurer

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE

)  
) SS.  
)

The foregoing instrument was signed and acknowledged before me on December 9, 1992, by WALTER U. COX and ANDREA L. COX.

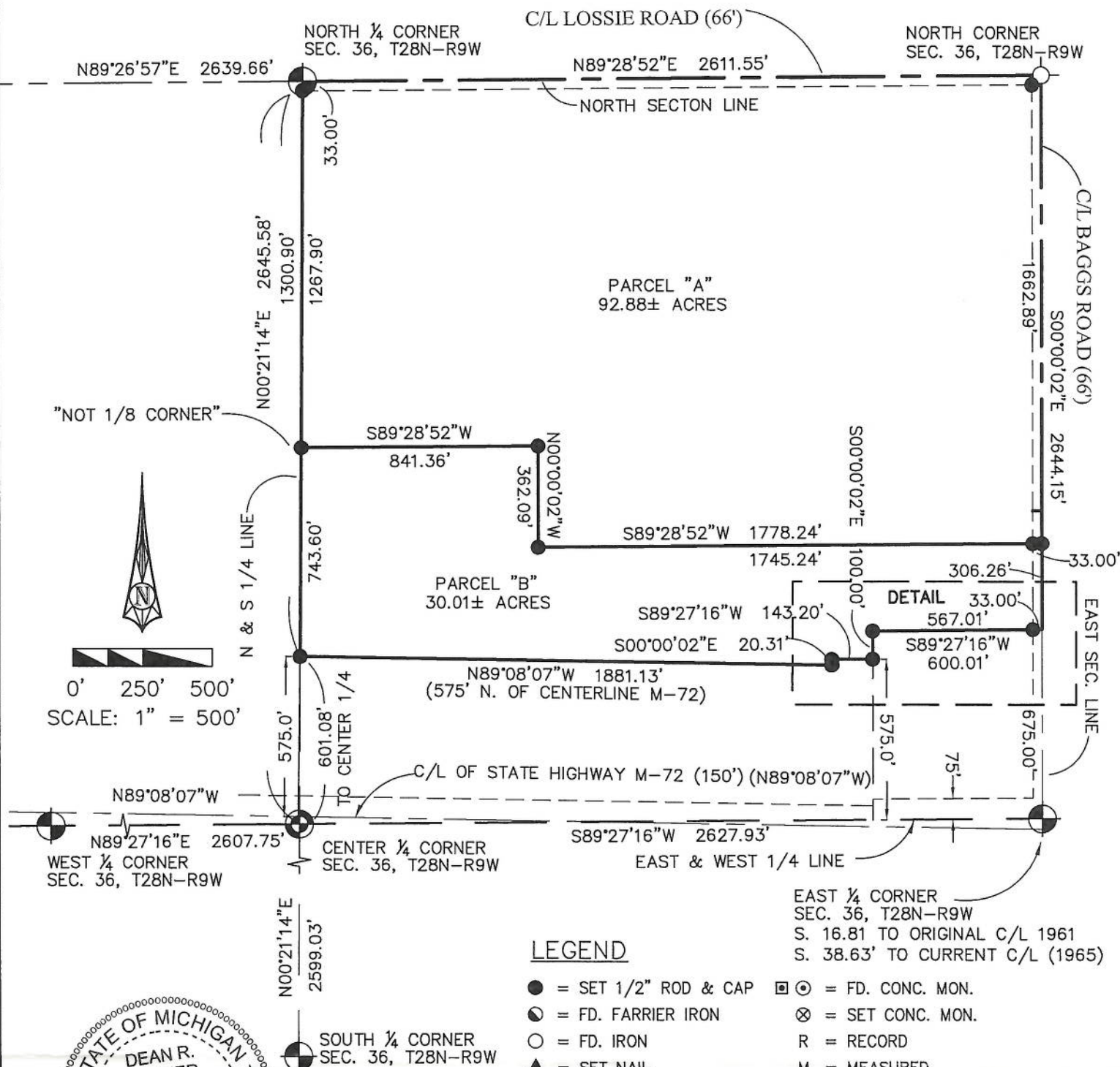
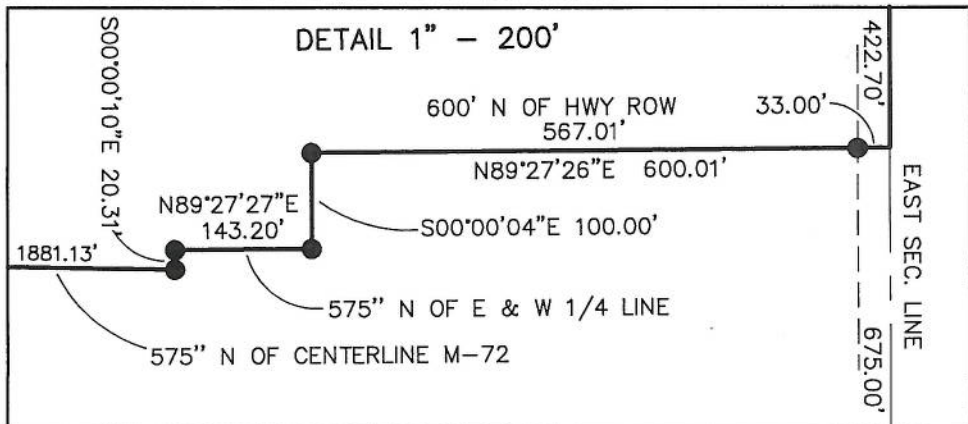
*Patricia L. Bell*  
PATRICIA L. BELL

Notary Public  
Grand Traverse County, Michigan  
My commission expires: 2/13/96

Drafted by:  
James Stephen, II, Esq.  
Menmuir, Zimmerman, Kuhn,  
Stephen and Anderson  
122 West State Street  
Post Office Box 987  
Traverse City, MI 49685-0987  
Telephone: (616) 947-7900

*James Stephen, II*  
REGISTER OF DEEDS  
638 JAN 13 PM 1:52  
STATE OF MICHIGAN  
GRAND TRAVERSE CO.  
RECEIVED FOR RECORD

... A CERTIFIED COPY ... SHALL BE RECORDED AT THE  
TIME OF RECORDING THE CONVEYANCE OF TITLE ... THE  
PART OF (SEC. 1.(2), ACT 132 OF 1970 AS AMENDED.)



### LEGEND

- = SET 1/2" ROD & CAP      ◻ ⊙ = FD. CONC. MON.  
 ◐ = FD. FARRIER IRON      ⊗ = SET CONC. MON.  
 ○ = FD. IRON      R = RECORD  
 ▲ = SET NAIL      M = MEASURED  
 △ = FD. NAIL      PR = PRORATED

I, DEAN R. FARRIER, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, CERTIFY THAT I HAVE SURVEYED AND MAPPED THE HEREON DESCRIBED PARCEL OF LAND, AND THE RELATIVE POSITIONAL PRECISION IS WITHIN 0.15 FEET FOR EACH OF THE CORNERS SHOWN HEREIN AND THAT I HAVE FULLY COMPLIED WITH THE SURVEY REQUIREMENTS OF ACT 132 OF 1970 AS AMENDED.

DEAN R. FARRIER

PS# 41098

DATE 4-21-20

BEARING BASIS: PREVIOUS FARRIER SURVEYING PROJECT No. 2420

**FARRIER SURVEYING INC.**  
P.O. BOX 998  
244 S.CEDAR STREET  
KALKASKA, MI 49646  
TEL(231)258-8162 FAX(231)258-3249  
office@farriersurveying.com

CLIENT MORRISON ORCHARDS

DESCRIPTION

PART OF THE NE 1/4,  
SECTION 36, T28N-R9W, WHITEWATER TOWNSHIP,  
GRAND TRAVERSE COUNTY, MICHIGAN

DRAWN: DES

FILE No. 3920

CHECK: DRF

Fd. Bk. 262, Pg. 5

REVISÉ:

DATE: 4/21/2020

SHEET: 1 of 2

DESCRIPTION

PARCELS OF LAND SITUATED IN THE TOWNSHIP OF WHITEWATER, COUNTY OF GRAND TRAVERSE, STATE OF MICHIGAN DESCRIBED AS FOLLOWS TO-WIT:

DESCRIPTIONS AS FURNISHED  
TAX ID NO. 13-136-001-10

THE WEST ½ OF THE NORTHEAST ¼, EXCEPTING THE SOUTH 500 FEET LYING NORTH OF THE HIGHWAY RIGHT-OF-WAY AND EXCEPT ROAD RIGHT-OF-WAY, SECTION 36, T28N-R9W.

TAX ID NO. 13-136-001-00

THE EAST ½ OF THE NORTHEAST ¼, EXCEPTING THE SOUTH 500 FEET LYING NORTH OF HIGHWAY RIGHT-OF-WAY AND ALSO EXCEPT THE NORTH 100 FEET OF THE EAST 600 FEET OF SOUTH 600 FEET LYING NORTH OF HIGHWAY RIGHT OF WAY AND EXCEPT RIGHT-OF-WAY, SECTION 36, T28N-R9W.

DIVISION PARCEL DESCRIPTIONS  
PARCEL "A"

PART OF THE NORTHEAST ¼ OF SECTION 36, T28N-R9W DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE S00°00'02"E, 1662.89 FEET ALONG THE EAST LINE OF SAID SECTION 36; THENCE S89°28'52"W, 1778.24 FEET; THENCE N00°00'02"W, 362.09 FEET; THENCE S89°28'52"W, 841.36 FEET TO A POINT ON THE NORTH AND SOUTH ¼ LINE OF SAID SECTION 36; THENCE N00°21'14"E, 1300.90 FEET ALONG SAID NORTH AND SOUTH ¼ LINE TO A POINT ON THE NORTH LINE OF SAID SECTION 36; THENCE N89°28'52"E, 2611.55 FEET ALONG SAID NORTH SECTION LINE TO THE POINT OF BEGINNING. CONTAINING 92.88 ACRES MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY FOR LOSSIE ROAD AND BAGGS ROAD, AND ALSO SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

PARCEL "B"

PART OF THE NORTHEAST ¼ OF SECTION 36, T28N-R9W, EXCEPTING THE SOUTH 500 FEET LYING NORTH OF THE HIGHWAY RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE S00°00'02"E, 1662.89 FEET ALONG THE EAST LINE OF SAID SECTION 36 TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST SECTION LINE, S00°00'02"E, 306.26 FEET TO POINT ON THE NORTH LINE OF THE SOUTH 600 FEET LYING NORTH OF THE NORTH RIGHT-OF-WAY AND ; THENCE S89°27'16"W, 600.01 FEET PARALLEL TO THE EAST AND WEST ¼ LINE OF SAID SECTION 36 AND PARALLEL WITH AND 600.00 FEET NORTH OF THE NORTH RIGHT-OF-WAY STATE HIGHWAY M-72; THENCE S00°00'02"E, 100 FEET PARALLEL TO SAID EAST SECTION LINE; THENCE S89°27'16"W, 143.20 FEET PARALLEL TO SAID EAST SECTION LINE; THENCE S00°00'02"E, 20.31 FEET TO A POINT 575.00 FEET NORTHERLY OF THE CENTERLINE OF STATE HIGHWAY M – 72; THENCE N89°08'07"W, 1881.13 FEET PARALLEL TO SAID CENTERLINE OF M – 72 TO A POINT ON THE NORTH AND SOUTH ¼ LINE OF SAID SECTION 36; THENCE N00°21'14"E, 743.60 FEET ALONG SAID NORTH AND SOUTH ¼ LINE; THENCE N89°28'52"E, 841.36 FEET; THENCE S00°00'02"E, 362.09 FEET; THENCE N89°28'52"E, 1778.24 FEET TO THE POINT OF BEGINNING. CONTAINING 30.01 ACRES MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY FOR BAGGS ROAD, AND ALSO SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

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		REVISED:	DATE: 4/21/2020
			SHEET: 2 of 2
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