

CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING

Wednesday, June 26, 2024 at 7:00 pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684
Ph: (231) 941-1620

A G E N D A

ORDER OF BUSINESS

Call meeting to order
Pledge of Allegiance
Roll call of Board Members

1. Public Comment

Public Comment Guidelines:

Any person shall be permitted to address a meeting of The Planning Commission, which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et.seq.) Public Comment shall be carried out in accordance with the following Commission Rules and Procedures: a.) any person wishing to address the Commission is requested to state his or her name and address. b.) No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioner's questions. Where constrained by available time the Chairperson may limit the amount of time each person will be allowed to speak to (3) minutes. 1.) The Chairperson may at his or her own discretion, extend the amount of time any person is allowed to speak. 2.) Whenever a Group wishes to address a Committee, the Chairperson may require that the Group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak when constrained by available time. Note: If you are here for a Public Hearing, please hold your comments until that Public Hearing time.

2. Review and Approval of the Agenda – Conflict of Interest

3. Minutes – June 12, 2024

4. Correspondence

5. Reports

- a. Township Board
- b. Planning Commissioners
 - i. Zoning Board of Appeals
 - ii. Parks and Recreation Commission
 - iii. Joint Planning Commission
- c. Staff Report

6. Unfinished Business

- a. PD 2024-44 – Zoning Ordinance Updates – R-3, Signs, and Vacation Home Rentals

7. New Business

8. Public Comment

9. Other Business

- a. PD 2024-42 – Potter's Home Retreat B&B Special Use Permit – Follow-Up
- b. PD 2024-43 – City of Traverse City Master Plan Review – Introduction

10. Items for Next Agenda – July 10, 2024

- a. Tower North Wireless Communication Facility Special Use Permit – Update

11. Adjournment

**Joe Robertson, Secretary
Garfield Township Planning Commission
3848 Veterans Drive
Traverse City, MI 49684**

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620.

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
June 12, 2024**

Call Meeting to Order: Chair McManus called the June 12, 2024 Planning Commission meeting to order at 7:00pm at the Garfield Township Hall.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

Present: Molly Agostinelli, Joe Robertson, Pat Cline, John Racine, Chris DeGood, Robert Fudge and Joe McManus

Staff Present: Planning Director John Sych and Deputy Planning Director Steve Hannon

1. Public Comment (7:01)

None

2. Review and Approval of the Agenda – Conflict of Interest (7:01)

Agostinelli moved and Fudge seconded to approve the agenda as presented.

Yeas: Agostinelli, Fudge, Cline, Racine, Robertson, DeGood, McManus

Nays: None

3. Minutes (7:02)

a. May 22, 2024 Regular Meeting with Township Board

Fudge moved and Robertson seconded to approve the May 22, 2024 Regular Meeting minutes as presented.

Yeas: Fudge, Robertson, Agostinelli, DeGood, Racine, Cline, McManus

Nays: None

4. Correspondence (7:02)

Sych noted correspondence regarding the City of Traverse City Master Plan. He said emails were received regarding the TJ Maxx sign application and the proposed dog park and café. Letters were also received regarding the proposed cell tower and the bed and breakfast proposal. Aerial photos of Cherryland Center were also shared with Planning Commissioners.

Township Board Report

Agostinelli stated that Carl Studzinski will remain as a part time building official. The Township is beginning to plan for the Iron Man in 2025 and is also beginning to install a booster pump station on McRae Road to support development to the south.

Planning Commissioners

i. Zoning Board of Appeals

Fudge had no report.

ii. Parks and Recreation Commission

Hannon reported that the Commission talked about the Copper Ridge Trailhead. The Township Engineer drafted a design for the trailhead which was then shared with Copper Ridge and the mountain bike committee.

iii. Joint Planning Commission

Racine had no report.

Staff Report

i. PD2024-32 – Planning Department Monthly Report – June 2024

The report was submitted in writing and Hannon added that administrative approval was given to the Wash-N-Go carwash for minor improvements on Garfield Road.

ii. Master Plan Announcement

Hannon reported that the public hearing would be held this evening.

6. Unfinished Business

a. PD 2024-36 - Master Plan Public Hearing, Adoption and Recommendation (7:09)

Staff recommended two minor adjustments. Maps will include a boundary change to the Township boundary south of South Airport Road and will show that the Cherryland Humane Society future land use designation was changed to Industrial from Low Density Residential. No comments were received during the 63-day period. McManus opened the public hearing at 7:14 pm. Seeing no one wishing to comment, the public hearing was closed.

DeGood moved and Robertson seconded THAT the resolution adopting the Charter Township of Garfield Master Plan in accordance with the procedures set forth in the Michigan Planning Enabling Act (Act 33 of the Public Acts of 2008, as amended), BE ADOPTED and RECOMMEND ADOPTION of the Master Plan to the Township Board.

*Yeas: DeGood, Robertson, Fudge, Agostinelli, Cline, Racine, McManus
Nays: None*

b. PD 2024-33 – Potter’s Home Retreat B&B Special Use Permit – Public Hearing (7:18)

This application is requesting a Special Use Permit (SUP) for use of an existing single-family residence at 492 West Potter Road as a Bed &

Breakfast Establishment. According to the applicant, the proposed bed and breakfast “is intended to serve anywhere from 1 to 6 guests per stay.” Bed & Breakfast Establishments are permitted via SUP in the A-Agricultural zoning district. Comments via email shared concerns with the application such as the owner not being on site, the property being unkempt, having a home business onsite and other possible violations. McManus opened the public hearing at 7:26pm. Seeing no one wishing to make comment, the public hearing was closed. It came to the attention of the commissioners that this application may have been applied for to resolve a current short term rental violation and that the property had been noticed for a violation by the Township Zoning Administrator. The Zoning Administrator stated in communications that she needed to obtain a special use permit to be in compliance with the zoning ordinance. Commissioners discussed the issues raised in the letter submitted and asked for time to research the issues. Applicant Brandy Waslawski spoke and said she received a violation last year. She also stated that she does live on the property but moves to another level when there are guests.

Racine moved and Robertson seconded to refer the application back to staff for analysis of the issues raised and bring any findings back to the study session in two weeks.

*Yeas: Racine, Robertson, DeGood, Agostinelli, Cline, Fudge, McManus
Nays: None*

7. New Business

a. **PD 2024-37 – Tower North Wireless Comm Facility Special Use Permit – Introduction (7:48)**

This application requests a Special Use Permit (SUP) for a wireless communication facility (cell tower) at 2767 Zimmerman Road. The applicants propose a 155-foot-tall monopole tower with associated antenna equipment within a 60' x 60' fenced compound. Wireless communication facilities are permitted via SUP in the A-Agricultural zoning district. Commissioners discussed a potential view from the road and shared concerns about what the tower would look like from the road. Questions were raised regarding placing it on a nearby water tower. Commissioners also asked for a rendering of the proposed tower. Commissioners also shared concerns about what appeared to be some mistakes in the application and the requirement to be 155 feet for any residential home.

DeGood moved and Racine seconded THAT application SUP-2024-02, submitted by Tower North Development, LLC for a Special Use Permit for a wireless communication facility at 2767 Zimmerman Road, on a portion of Parcel #05-019-001-00, BE TABLED until additional information could be provided by the applicant.

*Yeas: DeGood, Racine, Cline, Agostinelli, Fudge, Robertson, McManus
Nays: None*

b. PD 2024-35 – TJ Maxx – Planned Dev/Planned Shopping Center Sign Review (8:21)

The TJ Maxx retail store is relocating from the Grand Traverse Mall to the former site of the Bed Bath & Beyond store at 3301 N US 31 South, adjacent to the existing Michaels Arts and Crafts store. The subject parcel is in the Bison Hollow Planned Unit Development (PUD). Staff stated that there is an existing freestanding sign on US 31. A 100 square foot is permitted on the south side of the building and a 100 square foot sign is permitted on the front of building. TJ Maxx has requested to have a wall sign of 128.6 square feet sign on the front (east) building elevation. This proposed wall sign exceeds the permitted sign size by 28.6 square feet. The proposed wall sign on the side (south) building elevation is 98.9 square feet and meets Zoning Ordinance requirements. Staff drafted findings of fact for the proposed signage. Commissioners discussed recent approved and denied signage in the township.

Racine moved and Agostinelli seconded THAT the Findings of Fact for application SUP 2001-02-D, submitted by TJ Maxx for a modified wall sign, as presented in Planning Department Report 2024-35 and being made a part of this motion, BE ADOPTED.

*Yeas: Racine, Agostinelli, DeGood, Cline, Fudge, Robertson, McManus
Nays: None*

Racine moved and Agostinelli seconded THAT application SUP 2001-02-D, submitted by TJ Maxx for a modified wall sign, BE DENIED based on the adopted Findings of Fact presented in Planning Department Report 2024-35.

*Yeas: Racine, Agostinelli, DeGood, Cline, Fudge, Robertson, McManus
Nays: None*

c. PD 2024-34 – Two Brothers Dog Park Café and Taphouse – Conceptual Review

The applicant is seeking feedback on a proposed bar/restaurant and dog park at 1776 South Garfield Avenue in the Cherryland Center on parcel 05-014-049-08. The project is proposed for the rear of the former Younkers department store and west of the recently approved Traverse Symphony Orchestra school and rehearsal facility. The site is owned by Cherryland Center LLC and is about 3.57 acres. Approximately 5,400 square feet of the existing facility is proposed to be a restaurant/bar and indoor dog park with an adjoining outdoor dog park area proposed at

approximately 5,400 square feet. Use of the remainder of the facility remains undesignated. The proposed outdoor dog park will occupy what is currently a parking area and maneuvering lanes. While a dog park is not clearly defined in the Zoning Ordinance, Staff is considering that portion of the project to be defined as a recreational facility. Approximately 260 square feet of the indoor portion of the facility is proposed for kennel and grooming services. It is assumed that these uses are minor in nature and accessory to the proposed primary uses. Cherryland Center, including the subject site, is zoned C-P Planned Shopping Center. Bar and restaurant, without drive-through, and recreational facility are uses permitted by right. Applications for development within the C-P Planned Shopping Center shall be reviewed by the Planning Commission for compliance with Article 4, § 424 – Site Plans and Article 5 – Development Standards. Staff stated that repurposing the Cherryland Center is a work in progress and needs to be flexible. Applicant Eric Engel spoke regarding the application and said there would be some parking area taken by the proposed dog park. Sych said that an update to the Cherryland Center comprehensive development plan is needed before any new use applications for expanding or altering the footprint of the Cherryland Center are made to the Township. Commissioners shared concerns with noise, barking, waste from the dogs, hours of operation. Staff will contact owners of the Cherryland Center to determine the status of the comprehensive development plan update.

8. Public Comment (9:09)

None

9. Other Business (9:09)

Hannon stated that the new TJ Maxx is required to repair a section of the paved pathway along US 31. Kingsley Lumber is proposed at the southwest corner of Garfield and Hammond. The use is a use by right and will be done administratively.

10. Items for Next Agenda – June 26, 2024 (8:22)

- a. Zoning Ordinance Updates – R-3 District, Sign Ordinance, and Vacation Home Rentals
- c. Potter's Home Retreat B&B Special Use Permit - Update

11. Adjournment

Fudge moved to adjourn the meeting at 9:14pm.

Joe Robertson, Secretary
Garfield Township Planning
Commission
3848 Veterans Drive
Traverse City, MI 49684

From: MaryAnne MacIntosh <mackyint@gmail.com>
Sent: Wednesday, June 19, 2024 6:16 PM
To: John Sych; Steve Hannon
Subject: proposed development for Brookside Commons PUD
Attachments: Biggby Coffee.jpg

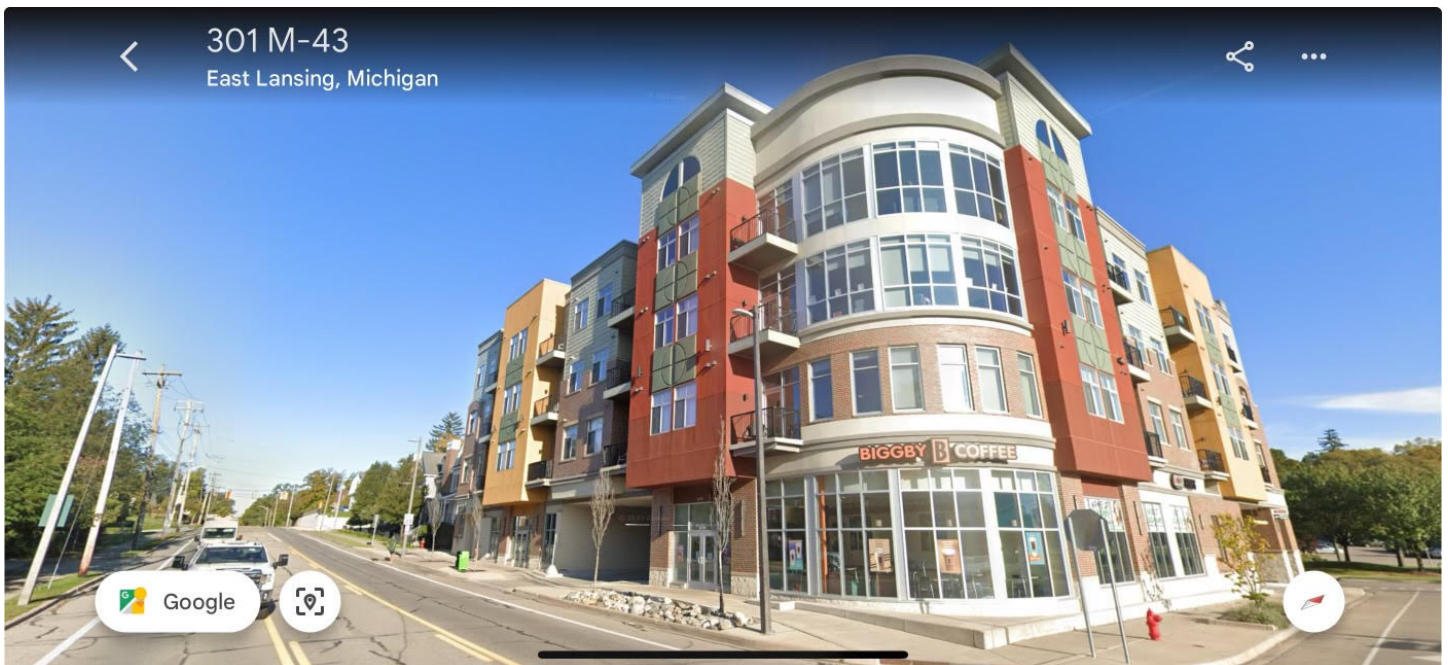
We propose a multi-level development that will cater to the local community by providing a sit-down meeting location with food and beverage and wifi capability. The lower level will contain a Biggby coffee shop with a drive thru as well as space for additional approved businesses. The drive thru component is essential to ensure sustainability. The upper levels will be residential apartment spaces and will provide additional housing for the township. This building will be aesthetically appealing to the area and will be harmonious with its immediate surroundings.


We have included a snapshot of an existing Biggby location with the same general design. Our design would be a smaller version with approved exterior colors.

If you have any questions or concerns, please contact MaryAnne MacIntosh at 517-802-9890.

Thank you,

MaryAnne MacIntosh



 Charter Township of Garfield Planning Department Report No. 2024-44			
Prepared:	June 19, 2024	Pages:	3
Meeting:	June 26, 2024 Planning Commission Study Session	Attachments:	<input checked="" type="checkbox"/>
Subject:	Zoning Ordinance Updates		

BACKGROUND:

At the last two study sessions, the Planning Commission discussed several potential future projects for implementing the Master Plan, especially updates to the Zoning Ordinance. Based on feedback from the Commissioners, Staff is providing follow-up to key changes to the Zoning Ordinance.

SECTION 315 – R-3 (MULTIPLE FAMILY RESIDENTIAL):

The goal for housing in the Master Plan is “Provide a balance of housing choices with a variety of housing types.” This goal also aligns with the Township’s Strategic Plan. To implement this goal, the following changes are being provided for review and discussion:

- Define “Dwelling, Triplex” (3 dwelling units) and allow by right in the R-3 district
- Define “Dwelling, Quadplex” (4 dwelling units) and allow by right in the R-3 district
- Redefine “Dwelling, Multiple Family” for anything requiring a Special Use Permit in R-3
- Require a Minimum Lot Size of 12,000 square feet for a Triplex and a Minimum Lot Size of 16,000 square feet for a Quadplex

Staff gave consideration on how the Planning Commission might allow for flexibility in density requirements in the R-3 district. After further thought, developing measurable standards as currently provided in the R-3 district may be difficult. However, there is value to allowing for increased density in key geographic areas of the Township, specifically areas with a future land use designation of Mixed-Use Center or Mixed-Use Neighborhood. Typically, these areas have water and sewer infrastructure, are walkable, and provide convenient access to services, parks, etc. This objective could be accomplished by either creating a specific multi-family district that allows an increased density or to allow increased density in the new Mixed-Use district that was previously discussed.

SECTION 630 – SIGNS:

Commissioners asked about amending the sign ordinance and obtaining legal review of the current regulations in the Ordinance. There have been several cases in the past 5-10 years reviewed by the United States Supreme Court which may impact how municipalities can regulate signs in their ordinances. Many of these court cases focus on ordinance regulations which cover the content of a sign rather than regulations covering the size, setback, or other aspects of a sign.

Staff suggests that Commissioners could consider reviewing the current sign ordinance, proposing amendments, and asking for legal review of the ordinance with the proposed changes. There are several resources available to communities looking to update their sign ordinances in the wake of these court cases.

As an example of content-based sign regulations and potential ways to resolve issues with such regulations, Staff offers the following example from the current Township sign ordinance regulations:

Current Regulation	Potential Content-Neutral Regulation
<p>Section 630.P. Prohibited Signs</p> <p>(1) Abandoned signs</p> <p>(a) Removal Required. Any sign that advertises, identifies, or pertains to an activity that no longer exists or that no longer refers to a business conducted or product sold on the lot shall be removed within sixty (60) days of written notice. The sign cabinet shall either be removed in its entirety, or the sign face shall be removed, painted a neutral color, or a blank sign face substituted.</p> <p>(b) Extension. Upon petition of the property owner, the Zoning Administrator may grant an extension of the requirement to remove the sign face or sign structure, subject to the owner submitting a statement of intent and a reasonable time line for the re-use of the sign face or sign structure.</p> <p>(2) Signs which do not relate to existing businesses or products</p> <p>(5) Non-Maintained Signs. Signs that are not clean and in good repair.</p>	<p>(1) Any sign which is abandoned, damaged, or not maintained in clean and good repair.</p>

VACATION HOME RENTAL:

Recently, House Bill (HB) 5438 of 2024 was introduced in the Michigan legislature. HB 5438 provides for the registry and regulation of short-term rentals and hosting platforms, specifically:

- It creates a statewide short-term rental database.
- It allows local units of government maintain authority to regulate short-term rentals.
- It creates a new short-term rental excise tax (the rate is 6% of the occupancy charge), with most of the funds collected going back to the local unit of government where the short-term rental is located. Currently, local units of government have no dedicated revenue source to assist with the public costs of tourism.
- It asserts that hosting platforms cannot facilitate a booking transaction for a short-term rental if the property is not registered with the state and in good standing with the applicable local unit of government.

Complimentary to HB 5438, HB 5437, 5439-5446 were also introduced and are convention tourism assessments and hotel-motel taxation legislation.

Two key points in HB 5438 to local governments is the definition of a short-term rental in Section 2(j) and Section 11:

Sec. 2. As used in this act:

(j) “Short-term rental” means the rental of a single-family residence, a dwelling unit in a 1-to-4-family house, or any unit or group of units in a condominium unit, for terms of not more than 30 consecutive days. Short-term rental does not include the rental of a hotel, motel, hotel condominium, home, or condominium unit that is located within a resort that offers amenities such as golf, a skiing restaurant facility, or group meeting accommodation.

Sec. 11. (1) A local unit of government may enact and enforce reasonable regulations and may uphold zoning decisions for short-term rentals that do any of the following:

- (a) Safeguard the public health, safety, and welfare, including, but not limited to, fire safety standards and blight mitigation.*
- (b) Determine the number of units allowed to be used as a short-term rental by any method of its choosing.*
- (c) Establish a process by which the local unit of government may reduce or expand the number of units allowed under subdivision (b).*
- (d) Establish a process by which the local unit of government may revoke a permit under this act, including the process to challenge the revocation.*

(2) A local unit of government may revoke the permit of a short-term rental and its owner for a violation of a local ordinance enacted under subsection (1) or a zoning ordinance.

(3) A local unit of government shall not enact or enforce any ordinance, rule, or regulation, including, but not limited to, a zoning ordinance, rule, or regulation, that has the effect of totally banning or prohibiting short-term rentals.

Of critical note is Section 11(3) which prohibits outright banning of short-term rentals by a local unit of government. To comply with this expected requirement should the legislation pass, the Township could allow for short-term rentals in specific areas. Staff has discussed allowing them in commercial zoned districts that currently allow dwelling units:

- Section 725 Commercial District Housing Developments are dwelling units permitted in the C-G (General Commercial) and C-H (Highway Commercial) districts by Special Use Permit and by right in the C-P (Planned Shopping Center) district.
- Section 615 Limited Residential Uses in Commercial Districts are dwelling units permitted in the C-L (Local Commercial), C-G (General Commercial), C-H (Highway Commercial) and C-P (Planned Shopping Center) districts with conditions.
- In comparison, Hotels and motels are permitted in the C-G (General Commercial) and C-H (Highway Commercial) districts with Special Conditions and by right in C-P (Planned Shopping Center) districts.

Currently, the Township Zoning Ordinance has a definition for Vacation Home Rental which is equivalent to a short-term rental. Vacation Home Rental is “a commercial use of a residential dwelling where the dwelling is rented or sold for any term less than thirty (30) consecutive days.” This use could be permitted in the commercial districts and should meet the requirements of HB 5438 as it’s currently being drafted.

In addition to Vacation Home Rentals, it may be appropriate for the Planning Commission to discuss “Bed and Breakfasts”. Bed and breakfasts are permitted in the R-3 (Multiple Family Residential), R-R (Rural Residential), and A-1 (Agricultural). As AirBnB, VRBO, and other rental platforms have become prevalent, consideration of Bed and Breakfasts as a use and its associated standards may need to be updated and or reevaluated.

ACTION REQUESTED:

These items are for discussion only. No action is requested.

Attachments: Suggested Changes to Section 201 – General Definitions, Section 312 – Dimensional Regulations and Use Chart and Section 315 – R-3 (Multiple Family Residential)

SECTION 201 GENERAL DEFINITIONS

For purposes of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

@@@

Dwelling: Any building or structure or part thereof which contains one (1) or more dwelling units. For the purposes of this Ordinance, "Mobile Home" and "Recreational Unit" are each defined separately.

Dwelling, Single-Family: A dwelling unit designed for exclusive occupancy by a single family that is not attached to any other dwelling by any means and is surrounded by open area or yards.

Dwelling, Multiple-Family: A dwelling or group of dwellings on one lot used or designed to contain separate living units for ~~three (3)~~ **five (5)** or more families, including ~~triplex units~~, apartment houses, cooperatives, garden apartments and condominiums.

Dwelling, Two-Family (Duplex): A building containing two single family dwelling units totally separated from each other by an un-pierced, above ground, wall or floor and occupied exclusively by two (2) families living independently of each other.

Dwelling, Three-Family (Triplex): A building containing three (3) single-family dwelling units totally separated from each other by an un-pierced, above ground, wall or floor and occupied exclusively by three (3) families living independently of each other.

Dwelling, Four-Family (Quadplex): A building containing four (4) single-family dwelling units totally separated from each other by an un-pierced, above ground, wall or floor and occupied exclusively by four (4) families living independently of each other.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy by one (1) family and having cooking facilities.

@@@

Table 3-4 Use Chart

Use Name	R-1	R-2	R-3	R-R	R-M	C-L	C-O	C-G	C-H	C-P	I-G	I-L	A	P-R	Conditions
Adult Foster Care, Family Home	R	R	R	R	R								R		
Adult Foster Care, Small Group Home	SUP	SUP	SUP	SUP									SUP		§ 708
Adult Foster Care, Large Group Home			SUP			R	R	R	R				SUP		§ 709
Adult Foster Care Facility			SUP			SUP	SUP	SC	SUP						§ 710
Airport or Airfield													SUP		
Auditorium or Assembly Hall								R	R	R					
Bar, Tavern, or Night Club								R	R	R					
Bed and Breakfast			SUP	SUP									SUP		§ 713
Boarding Residence			SUP												§ 714
Business College or Trade School								R			SC	SC			
Campground or Travel Trailer Park									SUP				SUP	SUP	§ 716
Car Wash								SUP			SUP	SUP			§ 717
Catering Establishment											R	R			
Cemetery	R	R	R	R									R		
Child Care, Family Home (<7)	SC	SC	SC	SC	R								SC		§ 718
Child Care, Small Group Home (7-12)	SC	SC	SC	SC									SC		§ 719
Child Care Center			SUP		SUP	SUP	SUP	SC	SUP				SUP		§ 720
Commercial District Housing Development								SUP	SUP	R					§ 725
Contractor's Establishment											R	R			
Crematorium											SUP	SUP			§ 727
Data Center and Computer Operations											R	R			
Drive-In Business								SUP	R	R					§ 730
Drive-Through Business								SUP	R	R					§ 730
Dry Cleaning Plant											SC	SC			
Dwelling, Single Family	R	R	R	R									R		
Dwelling, Two-Family (Duplex)		R	R												
Dwelling, Three-Family (Triplex)			R												
Dwelling, Four-Family (Quadplex)			R												
Dwelling, Multiple Family			SUP												
Essential Service Facility, Major	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	§ 737.B
Essential Service Facility, Minor	R	R	R	R	R	R	R	R	R	R	R	R	R	R	§ 737.A
Farm Employees House													SC		
Farm Market													R		
Farm Operation													R		

Use Name	R-1	R-2	R-3	R-R	R-M	C-L	C-O	C-G	C-H	C-P	I-G	I-L	A	P-R	Conditions
Mortuary or Funeral Home			SC			SUP		SC			SUP				§ 760
Office						R	R	R	R	R	SUP				
Off-Site Parking						R	SC	R			SUP	SUP			
Open Space Preservation	SC	SC	SC	SC											§ 428
Outdoor Entertainment Center, Major												SUP	SUP		§ 761
Outdoor Entertainment Center, Minor								R							
Outdoor Sales, Major								SC	SC		SUP				§ 762.A
Outdoor Sales, Minor								SC	SC						§ 762.B
Outdoor Sales, Temporary						SC		SC	SC						§ 762.C
Outdoor Storage, Accessory Use	SC	SC	SC	SC											§ 613.A (4)
Outdoor Storage, Primary Use											SC	SC			§ 763
Park, Mini	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Park, Neighborhood	R	R	R	R							R	R	R	R	
Park, Community - Low Intensity														R	
Park, Community - High Intensity														SUP	
Passenger Terminal								R	R		R	R			§ 764
Pet Grooming Establishment							R	R			R		R		
Pet Shop						SC		SC		R	SUP				§ 765
Printing or Publishing Enterprise											R	R			
Processing Operation											SUP	SUP			
Professional Showroom							R								
Professional Studio							R	R		R	SUP				
Recreational Facility								R	SC	R	R	R			
Recreational Field Complex	SC	SC	SC	SC									SUP		§ 766
Recycling Facility												SUP			
Rehabilitation Center							R								
Research and Design Facility							SC				SC	SC			§ 767
Restaurant, with Drive-Through								SUP	R	R					§ 768; § 730
Restaurant, without Drive-Through						SC		R	R	R					§ 768
Retail Fabricator								SUP							§ 769
Retail, Industrial Accessory											R	R			§ 611
Retail, Industrial Primary											SUP				§ 770
Retail, Low Volume						R		R	R	R					
Retail, Medium Volume								R	R	R					
Retail, High Volume								SUP	R	R					

Use Name	R-1	R-2	R-3	R-R	R-M	C-L	C-O	C-G	C-H	C-P	I-G	I-L	A	P-R	Conditions
Roadside Stand													R		
Sale of Prefabricated Structures								SUP							
Sand or Gravel Pit, Quarry												SUP	SUP		§ 771
Service Establishment, Business						SC		R	R	R					§ 772
Service Establishment, Personal						R	R	R	R	R					
Sexually Oriented Businesses								SC							§ 640
Shopping Center, General								SUP							
Shopping Center, Local						SUP		SC							
Small Warehousing Establishment											R	R			
Solar Energy System, Accessory	R	R	R	R	R	R	R	R	R	R	R	R	R	R	§ 773.A
Solar Energy System, Primary	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	§ 773.B
Stormwater Containment, Non-Agricultural													SC		§ 774
Swimming Pool, Private	SC	SC	SC	SC											§ 776
Transportation Dispatch Center											R	R			
Truck or Rail Freight Terminal											SUP	SUP			
Vehicle Dealership, with Outdoor Sales								SC	SC		SUP				§ 762
Vehicle Dealership, without Outdoor Sales								R	SC		SC				
Vehicle Service Center, Major								R	R		R	R			
Vehicle Service Center, Minor								R	R		SUP	SUP			
Veterinary Hospital						SC	SC	SC	R		R		SUP		
Warehouse or Distribution Center											R	R			
Warehouse or Distribution Center, Hazardous Materials												SUP			§ 777
Waterfront Stairways and Landings	SC	SC	SC	SC											§ 778
Wholesaler								SC			R	R			§ 779
Wind Energy Conversion System						SUP		SUP			SUP	SUP	SUP		§ 780
Wind Energy Conversion System, Personal	SUP	SUP	SUP	SUP	SUP								SC		§ 781
Wireless Communication Facilities								SUP	SUP		SUP	SUP	SUP		§ 792

SECTION 315 R-3 (MULTIPLE FAMILY RESIDENTIAL)

PURPOSE – The R-3 (Multiple Family Residential) districts provide areas for medium to high density one and two family residential dwelling units mixed with a variety of multiple family residential dwelling types, including apartments and group housing, where adequate public facilities and services exist with capacity to serve such development. The districts are composed mainly of areas containing an existing mix of these dwelling types as well as areas within which such development appears likely and desirable. They are intended to encourage more intensive development in and near the core areas of the township. The R-3 districts are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools, places of worship and parks that will promote a sense of community, urban vitality and the efficient provision of infrastructure. R-3 district regulations are designed to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development to preserve environmentally sensitive and natural land areas.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Family Home
- (2) Cemetery
- (3) Dwelling, Single Family
- (4) Dwelling, Two Family (Duplex)
- (5) Dwelling, Three-Family (Triplex)
- (6) Dwelling, Four-Family (Quadplex)
- (7) Essential Service Facility, Minor – § 737.A
- (8) Home Occupation
- (9) Park, Mini
- (10) Park, Neighborhood
- (11) Solar Energy System, Accessory – § 773.A
- (3) Adult Foster Care Facility – § 710
- (4) Bed and Breakfast – § 713
- (5) Boarding Residence – § 714
- (6) Child Care Center – § 720
- (7) Dwelling, Multiple Family
- (8) Essential Service Facility, Major – § 737.B
- (9) Institutional Uses and Structures – § 752
- (10) Solar Energy System, Primary – § 773.B
- (11) Wind Energy Conversion System, Personal – § 781

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Child Care, Family Home (<7) – § 718
- (2) Child Care, Small Group Home (7-12) – § 719
- (3) Golf Course or Country Club – § 749
- (4) Keeping of Chickens, Personal – § 754.A
- (5) Medical Marihuana Residential Cultivation – § 758
- (6) Mortuary or Funeral Home – § 760
- (7) Open Space Preservation – § 428
- (8) Outdoor Storage, Accessory Use – § 613.A (4)
- (9) Recreational Field Complex – § 766
- (10) Swimming Pool, Private – § 776
- (11) Waterfront Stairways and Landings – § 778

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care, Small Group Home – § 708
- (2) Adult Foster Care, Large Group Home – § 709

D. ADDITIONAL STANDARDS:

- (1) Driveways for single family residences shall comply with § 511.
- (2) Completion. Any single-family dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within two (2) years from date of issuance of a land use permit or one (1) year from the date of occupancy whichever occurs last.
- (3) Uses permitted by Special Use Permit in the R-3 District shall provide a minimum of 300-square feet of open space per dwelling unit. Required open space shall be consolidated and contiguous to the greatest extent reasonably possible to provide usable park-like areas. Structures shall be adjoined by open space areas on at least one side.

E. DIMENSIONAL STANDARDS:

Minimum Lot Area:

- One-Family: 10,000 sq. ft.
- Two-Family (Duplex): 10,000 sq. ft.
- Three-Family (Triplex): 12,000 sq. ft.
- Four-Family (Quadplex): 16,000 sq. ft.
- Multi-Family 4,000 sq. ft. per dwelling unit

Minimum Lot Width:

- 1- Family w/ Public Sewer 65 feet
- 1- Family w/o Public Sewer 100 feet
- 2-Family w/ Public Sewer 70 feet
- 2-Family w/o Public Sewer 100 feet
- Three-Family 100 feet
- Four-Family 100 feet
- Multi-Family 100 feet

Maximum Building Height:

- In Stories: 3 stories
- In Feet: 40 feet (See section 341)

Minimum Yard Setbacks (A):

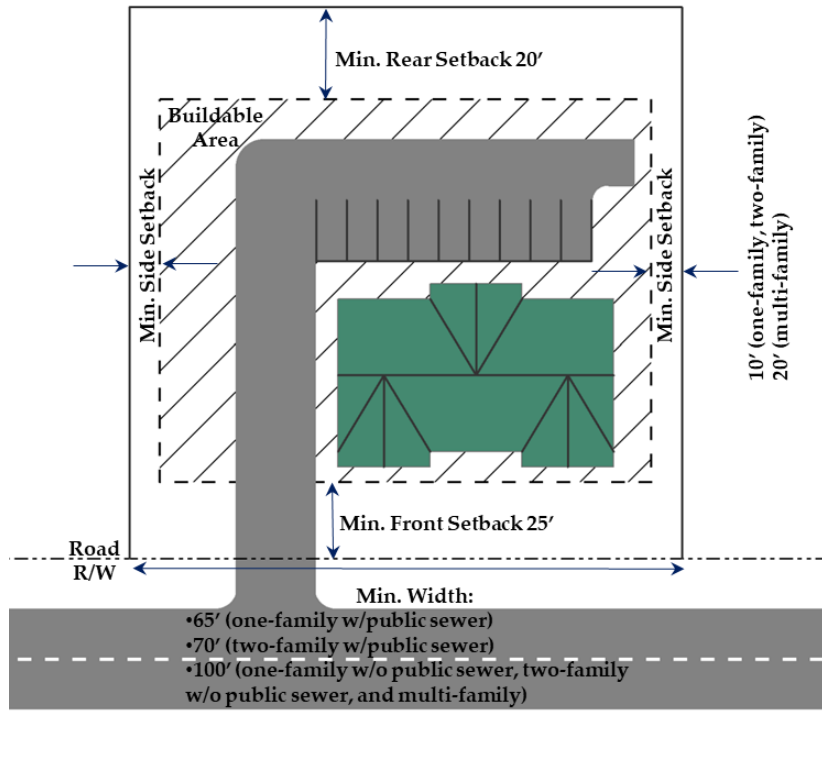
- Front: 25 feet
- Each Side: 10 feet
- Each Side (Multi-Family only): 20 feet
- Rear: 20 feet

Maximum Lot Coverage: 35 %


Minimum Bldg. Cross Section: 24 feet

Notes to Dimensional Standards:

(A) Setbacks shall be measured from the furthest protruding point of structure.



Not to scale. To be used for illustrative purposes only

 Charter Township of Garfield Planning Department Report No. 2024-42		
Prepared:	June 19, 2024	Pages: 6
Meeting:	June 26, 2024 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Potter’s Home Retreat Bed & Breakfast Special Use Permit – Follow-Up	
File No.	SUP-2024-01	Parcel No. 05-036-025-40
Applicant/Owner:	Brandy Christina Waslawski	

BRIEF OVERVIEW:

- 492 West Potter Road – north side of Potter Road west of Garfield Road
- Approximately 2 acres in area
- Existing single-family residence
- A-Agricultural zoning district

PURPOSE OF APPLICATION:

This application is requesting a Special Use Permit (SUP) for use of an existing single-family residence at 492 West Potter Road as a Bed & Breakfast Establishment. According to the applicant, the proposed bed and breakfast “is intended to serve anywhere from 1 to 6 guests per stay!” Bed & Breakfast Establishments are permitted via SUP in the A-Agricultural zoning district. Aerial images of the site are shown at the end of this report.

APPLICATION TIMELINE:

This application was introduced to the Planning Commission at their May 8, 2024 regular meeting, at which Commissioners asked questions of the applicant and scheduled a public hearing on the application for the June 12, 2024 regular meeting. At the public hearing, the Planning Commission received written public comments speaking against the applicant regarding this application. The Planning Commission asked Staff to review the history of this site and this application and address the relevant concerns raised in the public comment. The Planning Commission did not ask Staff to prepare Findings of Fact. Commissioners will review the information from Staff at the June 26, 2024 study session regarding the site history and concerns raised during public comment.

SITE TIMELINE:

The following is a timeline of information relating to the site and application:

- **April 15, 2019** – Warranty deed recorded at Grand Traverse County Register of Deeds conveying the property to the current applicant as the new owner.
- **August 21, 2023** – Letter sent to applicant from Township Assessor regarding the listing of the site on VRBO and Airbnb for short-term rentals.
- **August 22, 2023** – Letter of Information sent to applicant from Township Zoning Administrator describing the violation of the unauthorized vacation home rental.
- **October 11, 2023** – Second letter sent to applicant from Township Assessor regarding the listing of the site on VRBO and Airbnb for short-term rentals and explaining that this type of rental makes the property ineligible for the Principal Residence Exemption under state law.
- **October 19, 2023** – Notes from Township Assessor (from a phone conversation) indicate that the applicant is “working with planning / zoning to create B&B at this location.” Also notes that the applicant put “on hold” the online listings for renting the property until getting required approval. Township Assessor checked this by attempting to book the property through the listings to confirm if they were “on hold.”

- **March 26, 2024** – Date of application.
- **April 3, 2024** – Application processed, and application fee receipt sent to the applicant.
- **May 8, 2024** – Introduction of special use permit application to the Planning Commission.
- **May 24, 2024** – Notes from Township Assessor indicate receipt of complaint about a short-term rental, forwarded to Zoning Administrator.
- **May 28, 2024** – Notes from Township Assessor indicate a business being operated at this location, Love Clean MI LLC. According to LARA (Michigan Department of Licensing and Regulatory Affairs), this has been in business since 2016.
- **June 10, 2024** – Notes from Township Assessing Department indicating that Principal Residence Exemption (PRE) needs to be denied due to running of a B&B so she can reapply for the correct percentage of PRE.
- **June 12, 2024** – Letter sent to applicant from Township Assessing Department including a Notice of Denial of Principal Residence Exemption for the tax year 2024.
- **June 12, 2024** – Public hearing on special use permit application at Planning Commission meeting. Written comments were submitted to the Planning Commission from neighbors at 438 Potter Road West speaking out against the application and noting the business being run from this location.
- **June 13, 2024** – Second Notice of Violation letter sent to the applicant from the Township Zoning Administrator indicating receipt of complaints regarding use of the property for short-term rental.
- **June 17, 2024** – Township Staff (Deputy Planning Director, Zoning Administrator, and Building Official) made a site visit to the property. Staff noted the following observations:
 - As stated in the application, the applicant intends to rent out the upper level of the house and reside in the lower level. Staff were invited into the property and noted that the lower level does not currently meet the building code for residential dwellings. Issues needing to be addressed include the lack of smoke detectors and carbon monoxide detectors, and inadequate ingress / egress.
 - There is also no connection between the upper level and lower level of the house without going outside. Staff is of the understanding that this would be considered a duplex based on the definitions in the Zoning Ordinance and is not permitted within the A-Agricultural zoning district.
 - Regarding the business referenced in the May 28, 2024 notes from the Township Assessor, the applicant indicated that she uses a vehicle as a mobile office and drives to different job sites, that a manager occasionally stops at the house and may drop off materials, and that otherwise employees are not brought to the house. Staff indicated that any business that may qualify as a home occupation would need to meet the Zoning Ordinance standards for a home occupation. These standards are listed in Section 612 of the Zoning Ordinance and include a limit of 25% of the floor area of one story of the dwelling devoted to the home occupation, no outdoor activities in connection with the home occupation, and that the “essential character of a lot or structure in terms of use or appearance will not be changed to the slightest degree by the establishment of a home occupation or its activities.”

STAFF COMMENTS:

Staff have gathered the information indicated in the above timeline and made observations during the site visit on June 17, 2024. Staff are of the opinion that a bed and breakfast which complies with the standards in the Zoning Ordinance could potentially be operated on this site, but that some issues would need to be resolved to do so.

The Zoning Ordinance definition for Bed and Breakfast is listed as “A private residence that offers sleeping accommodations to transient tenants, is the innkeeper’s residence in which the innkeeper resides while renting the rooms to transient tenants and serves breakfast at no extra cost to its transient tenants.” Section 713 of the Zoning Ordinance describes the supplemental use regulations and conditions which apply to bed

and breakfast establishments. Regarding these standards and the above gathered information, Staff offers the following comments on standards for which some issues need to be resolved:

- ***(6) The establishment is located within a residence which is the principal dwelling unit on the property and shall be owner-occupied at all times.***

As stated in the application, the applicant intends to rent out the upper level of the house and reside in the lower level. Based on the observations of Staff, for the lower level to be counted as the area used for the main residence, it would need to meet building code requirements including adequate ingress and egress, smoke detectors, and carbon monoxide detectors. It would also need a direct connection between the lower level and upper level so that the entire house functions as a single-family home and not a duplex.

- ***(10) Special land use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.***

The site is within an agricultural area, surrounded by farmland and single-family homes on large lots. This character lends itself to a bed and breakfast establishment and is not expected to change provided all standards of the Zoning Ordinance can be met. Any home occupation would also need to meet all standards of the Zoning Ordinance as well, including that the “essential character of a lot or structure in terms of use or appearance will not be changed to the slightest degree by the establishment of a home occupation or its activities.”

This update is being brought before the Planning Commission to determine if the application is ready for a review of Findings of Fact at the July 10, 2024 meeting. Staff is of the opinion that, if the Commissioners believe that Findings of Fact could be made in favor of this application if certain conditions are met, that one condition shall be that the proposed living area for the applicant shall meet all building code standards and that no rentals of the bed and breakfast shall take place until all improvements are completed to bring the proposed living area up to building code standards.

Some of the observations described above concern the issue of a business being operated at this location. The operation of any business as a home occupation would be reviewed administratively, including any potential violations, and would not be included as part of this application.

REVIEW STANDARDS:

In reviewing this application for a special use permit, the Planning Commission may refer to the following language in Section 423 regarding additional reasonable standards, conditions, or requirements as deemed necessary, and the approval criteria for special use permits. The Findings of Fact for the application will be based on the approval criteria listed below.

Site Design and Zoning Compliance Overview

In approving any special use permit pursuant to Section 423, the Planning Commission may impose such reasonable standards, conditions, or requirements, in addition to or that supersede any standard specified in this ordinance, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:

- a) Financing
- b) Availability of adequate public facilities or services
- c) Dedication of land
- d) Reservation of land
- e) Creation of special assessment districts

- f) Creation of restrictive covenants or easements
- g) Special setbacks
- h) Yard requirements
- i) Increased screening or landscaping requirements
- j) Area requirements
- k) Development phasing; or
- l) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics.

Approval Criteria

Bed & Breakfast Establishments are permitted via special use permit in the A-Agricultural zoning district. If Commissioners direct Staff to prepare Findings of Fact on this application, the findings will be based on the Approval Criteria for special use permits in Section 423.E. According to this section, a special use is permitted only if the applicant demonstrates that:

- (1) The proposed use will be consistent with the purpose and intent of the master plan and this ordinance, including all regulations of the applicable zoning district;
- (2) The proposed use will be designed, constructed, operated and maintained so as to be compatible, harmonious and appropriate with the existing or planned character and uses of the neighborhood, adjacent properties and the natural environment;
- (3) The proposed use will not be detrimental, hazardous or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, dust, gas, smoke, vibration, odor, glare, visual clutter, electrical or electromagnetic interference;
- (4) Potential adverse effects arising from the proposed use on the neighborhood and adjacent properties will be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the provision and location of screening, fencing, landscaping, buffers or setbacks;
- (5) The proposed use will retain as many natural features of the property as practicable, particularly where the natural features assist in preserving the general character of the neighborhood;
- (6) Adequate public and private infrastructure and services such as streets, water and sewage facilities, drainage structures, police and fire protection, and schools, already exist or will be provided without excessive additional requirements at public cost;
- (7) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (8) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;
- (9) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;
- (10) Adequate measures shall be taken to provide vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks servicing the site in a safe and convenient manner; and
- (11) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

ACTION REQUESTED:

This application is being brought before the Planning Commission at tonight's meeting to provide an update and additional information following the public hearing from the previous meeting, and to determine if the Findings of Fact for the application are ready to be prepared. The Findings of Fact will support the ultimate decision of the Planning Commission whether that is to approve, to approve with conditions, or to deny the application.

As described above, the Planning Commission's consideration is for an application for a bed and breakfast at this location. The operation of any business as a home occupation would be reviewed administratively, including any potential violations, and would not be included as part of this application.

Following the presentation by the applicant and Commissioner discussion, if the Planning Commission is prepared to direct Staff to prepare Findings of Fact, then the following motion is offered for consideration:

MOTION TO direct staff to prepare Findings of Fact for application SUP-2024-01, submitted by Brandy Christina Waslawski for a Special Use Permit for a bed and breakfast establishment on Parcel #05-036-025-40 at 492 West Potter Road, for the Planning Commission Regular Meeting on July 10, 2024.

Any additional information the Planning Commission deems necessary should be added to this motion.

Attachments:

1. Cover Letter from Applicant dated April 24, 2024
2. Special Use Permit Application dated March 26, 2024
3. Supplemental Use Regulations for Bed and Breakfast
4. Floor Plan Sketches
5. Mortgage Survey dated April 25, 2024
6. Letter sent to applicant from Township Assessor dated August 21, 2023
7. Letter of Information sent to applicant from Township Zoning Administrator dated August 22, 2023
8. Second letter sent to applicant from Township Assessor dated October 11, 2023
9. Notes from Township Assessor and Assessing Department dated October 19, 2023; May 24, 2024; May 28, 2024; and June 10, 2024
10. Letter sent to applicant from Township Assessing Department dated June 12, 2024
11. Second Notice of Violation letter sent to the applicant from the Township Zoning Administrator dated June 13, 2024

Zoomed-in aerial image of the subject property (property lines highlighted in blue):



Zoomed-out aerial image of the subject property (property lines highlighted in blue):



To Whom It May Concern:

The Potter's Home Retreat Bed And Breakfast is intended to serve anywhere from 1 to 6 guests per stay! The main level of the home will include three bedrooms which will allow two occupants per bedroom totaling six guests. Separated to the lower level is where myself, my husband, and my child will reside in two separate bedrooms. Both living spaces include their own private restrooms and kitchen area. There is no common/ joining area for my family and the Bed and Breakfast guests.

The Potter's Home Retreat Bed And Breakfast will not be utilizing a wall sign at this time.

Thank you for your consideration.

Brandy Waslawski

4/24/24

The Potter's Home Bed and Breakfast



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

SPECIAL USE PERMIT (SUP) APPLICATION

ASSISTANCE

This application must be completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays. Before submitting an application, it is recommended that you contact the Planning and/or Zoning Department to arrange an appointment to discuss your proposed application. Time is often saved by these preliminary discussions. For additional information or assistance in completing this development application, please contact the Planning Department at (231) 941-1620.

ACTION REQUESTED

- New Special Use Permit
- Major Amendment
- Minor Amendment
- Administrative Amendment

PROJECT / DEVELOPMENT NAME

The Potter's Home Retreat Bed And Breakfast

APPLICANT INFORMATION

Name: Brandy Christina Waslawski
Address: 492 Potter Rd West Traverse City, MI 49696
Phone Number: 231-944-8983
Email: pottershomeretreat@gmail.com

AGENT INFORMATION

Name: _____
Address: _____
Phone Number: _____
Email: _____

OWNER INFORMATION

Name: 'Same as above'
Address: _____
Phone Number: _____
Email: _____

CONTACT PERSON

Please select one person to be contact person for all correspondence and questions:

Applicant:

Brandy Waslawski

Agent:

Owner:

PROPERTY INFORMATION

Property Address:

492 Potter Rd. W. TC MI 49696

Property Identification Number:

Legal Description:

Zoning District:

Master Plan Future Land Use Designation:

Area of Property (acres or square feet):

3.5 acres

Existing Use(s):

Proposed Use(s):

Bed And Breakfast

PROJECT TIMELINE

Estimated Start Date:

June 2024

Estimated Completion Date:

On going

REQUIRED SUBMITTAL ITEMS

A complete application for a Special Use Permit consists of the following:

Application Form:

- One original signed application
- One digital copy of the application (PDF only)

Application Fee:

Fees are established by resolution of the Garfield Township Board and are set out in the current Fee Schedule as listed on the Planning Department page of the Township website (<http://www.garfield-twp.com>). Please make check out to Charter Township of Garfield.

- Fee

Escrow Fee:

Additional fees may be required if a review by independent professional help is deemed necessary by the Township. If required, such additional fees must be placed in escrow by the applicant in accordance with the escrow policies of the Township and prior to any further processing of this application. Any unused escrow funds shall be returned to the applicant. Please complete an Escrow and Review (ER) Application form.

Site Development Plan:

- Ten complete stapled 11"x17" paper sets (Administrative Amendments require one copy)
- Two complete bound 24"x36" paper sets
- One digital set (PDF only)

Written Information:

- Ten paper copies of the Approval Criteria (Administrative Amendments require one copy)
- One digital copy of the Approval Criteria (PDF only)
- Ten paper copies of the Impact Assessment (Administrative Amendments require one copy)
- One digital copy of the Impact Assessment (PDF only)

Digital items to be delivered via email or USB flash drive

SUBMITTAL DEADLINE

Submittal deadlines are listed on the Planning Department page of the Township website (<http://www.garfield-twp.com>). Please note that the listed dates are the deadlines after which submittals will not be considered for the indicated meeting. Any errors or missing information on an application submitted at the deadline will result in a delay in the processing of the application. An earlier submittal is encouraged to avoid possible delays.

WAIVERS

Submittal Waiver:

At the discretion of the Director of Planning, a Site Development Plan may be waived in any of the following cases when it is determined that the submission would serve no useful purpose:

1. The erection or enlargement of an accessory structure;
2. The enlargement of a principal building by less than 20 percent of its existing gross floor area, provided such enlargement will not result in a requirement for additional off-street parking;
3. A change in principal use where such change would not result in an increase in impervious surface area, additional off-street parking, site access, other external site characteristics or a violation of this ordinance.

Data Waiver:

The Director of Planning may waive a particular element of information or data otherwise required for a Site Development Plan upon a finding that the information or data is not necessary to determine compliance with this ordinance or that such information or data would not bear on the decision of the approval authority.

SITE PLAN

Check that your site plan includes all required elements for a Site Development Plan (SDP). Please use the Required Site Plan Elements Checklist below.

APPROVAL CRITERIA

Indicate, on a separate sheet of paper, how the proposed special use will comply with, meet, or facilitate each of the following Approval Criteria from § 423.E of the Zoning Ordinance. The Planning Commission must determine that each of these criteria are satisfied in order to grant approval of a Special Use Permit. A special use is permitted only if the applicant demonstrates that: special use is permitted only if the applicant demonstrates that:

- The proposed use will be consistent with the purpose and intent of the master plan and this ordinance, including all regulations of the applicable zoning district;

- The proposed use will be designed, constructed, operated and maintained so as to be compatible, harmonious and appropriate with the existing or planned character and uses of the neighborhood, adjacent properties and the natural environment;
- The proposed use will not be detrimental, hazardous or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, dust, gas, smoke, vibration, odor, glare, visual clutter, electrical or electromagnetic interference;
- Potential adverse effects arising from the proposed use on the neighborhood and adjacent properties will be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the provision and location of screening, fencing, landscaping, buffers or setbacks;
- The proposed use will retain as many natural features of the property as practicable, particularly where the natural features assist in preserving the general character of the neighborhood;
- Adequate public and private infrastructure and services such as streets, water and sewage facilities, drainage structures, police and fire protection, and schools, already exist or will be provided without excessive additional requirements at public cost;
- The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;
- Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;
- Adequate measures shall be taken to provide vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks servicing the site in a safe and convenient manner; and
- The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

IMPACT ASSESSMENT

A written impact statement to include the following information:

- A written illustrative description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.
- Types of uses and other man-made facilities.
- The number of people to be housed, employed, visitors or patrons and vehicular and pedestrian traffic.
- Phasing of the project including ultimate development proposals.
- Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams wetlands, woodlands, wildlife and water. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.
- The method to be used to serve the development with water and sanitary sewer facilities.
- The method to be used to control drainage on the site and from the site. This shall include runoff control during periods of construction.
- If the public sewers are not available to the site, the Applicant shall submit a current approval from the Health Department or other responsible public agency indicating approval of plans for sewage treatment.

- The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes vibration, smoke or lights.
- An indication of how the proposed use conforms with existing and potential development patterns and any adverse effects.
- The proposed density in units per acre for residential developments.
- Name(s) and address(es) of person(s) responsible for preparation of statement.
- Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Erosion and Sedimentation office.
- Type, direction, and intensity of outside lighting.
- General description of deed restrictions, if any.

ADDITIONAL INFORMATION

If applicable, provide the following further information:

	<u>Yes</u>	<u>No</u>	<u>Not Applicable</u>
A. <u>Sanitary Sewer Service</u>			
1. Does project require extension of public sewer line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will a community wastewater system be installed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, provide construction plans and specifications			
3. Will on-site disposal be used?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, is it depicted on plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. <u>Water Service</u>			
1. Does project require extension of public water main?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will a community water supply be installed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, provide construction plans and specifications			
C. <u>Public utility easements required?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, show on plan.			
D. <u>Stormwater Review/Soil Erosion</u>			
1. Soil Erosion Plans approved by Soil Erosion Office?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If so, attach approval letter.			
If no, are alternate measures shown?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Stormwater Plans approved by Township Engineer?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If so, attach approval letter.			
If no, are alternate measures shown?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Note: Alternate measures must be designed and sealed by a registered Engineer.			

E. Roads and Circulation

- | | | | |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Are interior public streets proposed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If yes, has Road Commission approved (attach letter)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will public streets connect to adjoining properties or future streets? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Are private roads or interior drives proposed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will private drives connect to adjoining properties service roads? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Has the Road Commission or MDOT approved curb cuts? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If yes, attach approved permit. | | | |

OTHER INFORMATION


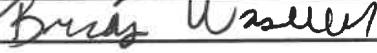
If there is any other information that you think may be useful in the review of this application, please attach it to this application or explain it on a separate page.

REVIEW PROCESS

- Upon submittal of this application, Staff will review the materials submitted and will, within ten (10) working days, forward a determination of completeness to the applicant. If the submission is incomplete or noncompliant with the Zoning Ordinance, it will be returned to the applicant for revision. Once the submission is revised, Staff will again review it for completeness and again forward a determination to the applicant within ten (10) working days. This procedure shall be repeated until a complete submission is received.
- Once the application is deemed to be complete and submitted according to the application deadlines, it will be forwarded to the Planning Commission for review. The Planning Commission will determine if the application is complete and schedule a public hearing.
- Upon holding a public hearing, the Planning Commission may approve, approve with conditions, or deny the proposed special use.
- If approved or approved with conditions, the decision of the Planning Commission shall be incorporated into a written report and decision order.

PERMISSION TO ENTER SUBJECT PROPERTY

Permission is hereby granted to Garfield Township staff and Planning Commissioners to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

Owner Signature:	
Applicant Signature:	
Agent Signature:	
Date:	3-26-24

OWNER'S AUTHORIZATION

If the applicant is not the registered owner of the lands that is the subject of this application, the owner(s) must complete the authorization set out below.

I/We Brandy Waslawski authorize to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.

Owner Signature:

<i>Brandy Waslawski</i>

Date:

3-26-24

AFFIDAVIT

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, involved in the application and all of the information submitted in this application, including any supplemental information, is in all respects true and correct. The undersigned further acknowledges that willful misrepresentation of information will terminate this permit application and any permit associated with this document.

Owner Signature:

<i>Brandy Waslawski</i>

Date:

3-26-24

Applicant Signature:

<i>Brandy Waslawski</i>

Date:

3-26-24

Required Site Plan Elements Checklist (See § 956 of the Zoning Ordinance) Site Diagram (SD) / Administrative Site Plan (ASP) / Site Development Plan (SDP)	SD	ASP/ SDP
A. Basic Information		
1. Applicant's name, address, telephone number and signature	<input type="checkbox"/>	<input type="checkbox"/>
2. Property owner's name, address, telephone number and signature	<input type="checkbox"/>	<input type="checkbox"/>
3. Proof of property ownership	<input type="checkbox"/>	<input type="checkbox"/>
4. Whether there are any options or liens on the property	<input type="checkbox"/>	<input type="checkbox"/>
5. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent	<input type="checkbox"/>	<input type="checkbox"/>
6. The address and/or parcel number of the property, complete legal description and dimensions of the property, setback lines, gross and net acreages and frontage	<input type="checkbox"/>	<input type="checkbox"/>
7. A vicinity map showing the area and road network surrounding the property		<input type="checkbox"/>
8. Name, address and phone number of the preparer of the site plan	<input type="checkbox"/>	<input type="checkbox"/>
9. Project title or name of the proposed development	<input type="checkbox"/>	<input type="checkbox"/>
10. Statement of proposed use of land, project completion schedule, any proposed development phasing	<input type="checkbox"/>	<input type="checkbox"/>
11. Land uses and zoning classification on the subject parcel and adjoining parcels	<input type="checkbox"/>	<input type="checkbox"/>
12. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan, as well as their name, address and telephone number		<input type="checkbox"/>
B. Site Plan Information		
1. North arrow, scale, and date of original submittal and last revision	<input type="checkbox"/>	<input type="checkbox"/>
2. Boundary dimensions of natural features		<input type="checkbox"/>
3. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over twenty-five percent (25%), beach, drainage, and similar features		<input type="checkbox"/>
4. Proposed alterations to topography and other natural features		<input type="checkbox"/>
5. Existing topographic elevations at two-foot intervals except shown at five-foot intervals where slopes exceed 18%		<input type="checkbox"/>
6. Soil erosion and sediment control measures as required by the Grand Traverse County Soil Erosion Department.	<input type="checkbox"/>	<input type="checkbox"/>
7. The location, height and square footage of existing and proposed main and accessory buildings, and other existing structures		<input type="checkbox"/>
8. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state or federal government authorities		<input type="checkbox"/>
9. Proposed finish floor and grade line elevations of any structures <i>*Required only for habitable construction within the floodplain on site diagrams and administrative site plans.</i>	<input type="checkbox"/> *	<input type="checkbox"/>
10. Existing and proposed driveways, including parking areas	<input type="checkbox"/>	<input type="checkbox"/>
11. Neighboring driveways and other vehicular circulation features adjacent to the site		<input type="checkbox"/>
12. A dimensional plan indicating the location, size and number of parking spaces of the on-site parking areas, and shared parking areas	<input type="checkbox"/>	<input type="checkbox"/>
13. Identification and dimensions of service lanes and service parking, snow storage areas, loading and unloading and docks		<input type="checkbox"/>
14. Proposed roads, access easements, sidewalks, bicycle paths, and other vehicular and pedestrian circulation features within and adjacent to the site		<input type="checkbox"/>
15. Location of and dimensions of curb cuts, acceleration, deceleration and passing lanes		<input type="checkbox"/>
16. Location of neighboring structures that are close to the parcel line or pertinent to the proposal		<input type="checkbox"/>
17. Location of water supply lines and/or wells	<input type="checkbox"/>	<input type="checkbox"/>
18. Location of sanitary sewer lines and/or sanitary sewer disposal systems	<input type="checkbox"/>	<input type="checkbox"/>
19. Location, specifications, and access to a water supply in the event of a fire emergency		<input type="checkbox"/>
20. Sealed (2) stormwater plans including the location and design of storm sewers, retention or detention ponds, swales, wastewater lines, clean out locations, connection points and treatment systems		<input type="checkbox"/>
21. A utility plan including the location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam		<input type="checkbox"/>
22. A sign plan indicating the location, size and specifications of all signs and advertising features, including cross sections		<input type="checkbox"/>
23. A lighting plan including exterior lighting locations with area of illumination illustrated by point values on a photometric plan, Kelvin rating, as well as the type of fixtures and shielding to be used		<input type="checkbox"/>
24. Proposed location of any open spaces, landscaping and buffering features such as buffer areas, vegetation belts, fences, walls, trash receptacle screening, and other screening features with cross sections shown		<input type="checkbox"/>
25. A Landscape plan and table identifying the species, size of landscape materials, and number proposed, compared to what is required by the Ordinance. All vegetation to be retained on site must also be indicated, as well as, its typical size by general location or range of sizes as appropriate		<input type="checkbox"/>
26. Statements regarding the project impacts on existing infrastructure (including traffic capacity, schools, and existing utilities, and on the natural environment on and adjacent to the site)		<input type="checkbox"/>
27. Changes or modifications required for any applicable regulatory agencies' approvals		<input type="checkbox"/>

ARTICLE 7

SUPPLEMENTAL USE REGULATIONS

SECTION 700 PURPOSE

This article establishes additional standards, specific standards, exceptions to standards, or alternative standards (e.g., screening, landscaping, and/or design standards) for certain uses, structures, and facilities which may be permitted by a zoning district. To the extent that there is a conflict between a standard in another article of this ordinance and a standard in this article, the standard in this article governs unless otherwise indicated.

The purpose of this article is to provide supplemental standards for individual uses in order to protect surrounding property values and uses, to protect the public health, safety, and general welfare, and to implement the master plan.

SECTION 701 GENERAL

Unless specifically exempted, in addition to the supplemental standards of this Ordinance all signs, parking areas, landscaping, lighting and buffering shall comply with the provisions of this Zoning Ordinance.

SECTION 708 ADULT FOSTER CARE, SMALL GROUP HOME

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses.
- (2) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

SECTION 709 ADULT FOSTER CARE, LARGE GROUP HOME

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses.
- (2) Facility need not be operated within the primary residence of the caregiver.
- (3) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

SECTION 710 ADULT FOSTER CARE FACILITY

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses.
- (2) Facility need not be operated within the primary residence of the caregiver.
- (3) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- (4) Easily accessible open space areas to encourage outdoor interaction and opportunity shall be provided.

SECTION 713 BED AND BREAKFAST

A. REGULATIONS AND CONDITIONS

- (1) The minimum lot size shall be as pursuant to the District minimum for Single Family Dwellings.
- (2) Bed & Breakfast establishments shall not be allowed on lots or parcels, including legal non-conforming lots or parcels, which do not meet the established lot size, requirements for the district in which they are allowed.
- (3) No bed and breakfast establishment shall be located closer than one thousand (1,000) feet from

another bed and breakfast establishment.

- (4) One (1) parking space per rental sleeping room plus one (1) per owner occupant shall be provided.
- (5) One (1) non-illuminated wall sign identifying the establishment not to exceed three (3) square feet in area shall be allowed.
- (6) The establishment is located within a residence which is the principal dwelling unit on the property and shall be owner-occupied at all times.
- (7) The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
- (8) No more than eight (8) occupants shall be accommodated in any single residence at any one time in the A Agriculture District and R-3 Multiple Family Districts and five (5) occupants in all other permitted Districts.
- (9) Use or rental of snowmobiles, all-terrain vehicles or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.
- (10) Special land use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
- (11) A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1" = 16' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.

SECTION 714 BOARDING RESIDENCE

A. REGULATIONS AND CONDITIONS

- (1) All residences shall meet all state and local health and safety codes.
- (2) No more than five (5) individuals shall be accommodated in any single residence.
- (3) Such uses shall be carried out in an inconspicuous manner so that the nature of activities related to the residence do not differ significantly from activities related to normal residential uses in the district.

SECTION 716 CAMPGROUND OR TRAVEL TRAILER PARK

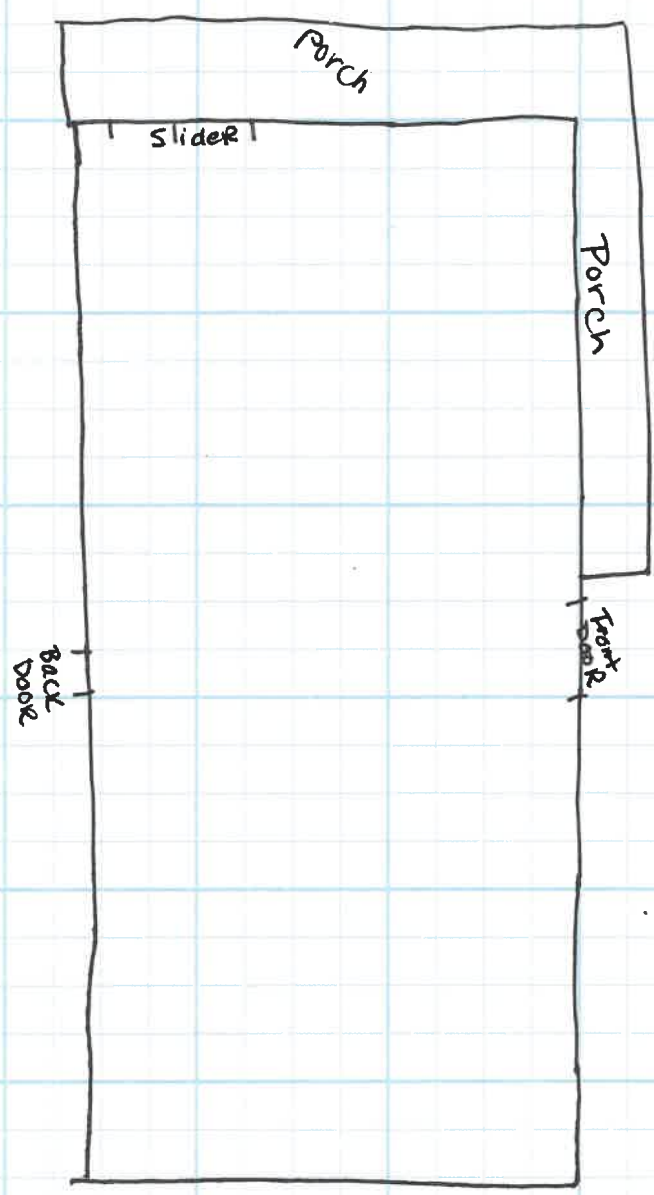
A. REGULATIONS AND CONDITIONS

Site design and development shall comply with the provisions of Act 368 of the Public Acts of 1978, as amended, and with the following requirements:

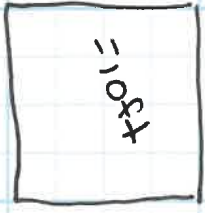
- (1) All state requirements regarding travel trailer parks shall be met.
- (2) No travel trailer park shall be located except with direct access to a major thoroughfare, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit.
- (3) No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.
- (4) The minimum lot area per park shall be ten (10) acres with a maximum of one hundred (100) acres.
- (5) Spaces in travel parks used by travel trailers and tents shall be rented by the day or week only. Under no circumstance shall an occupant remain in the same trailer park for a period of thirty (30) days or more in a calendar year.
- (6) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a travel trailer park may be permitted as accessory uses provided the following conditions can be met:
 - (a) Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
 - (b) Such establishments shall be restricted in their use to occupants of the park.

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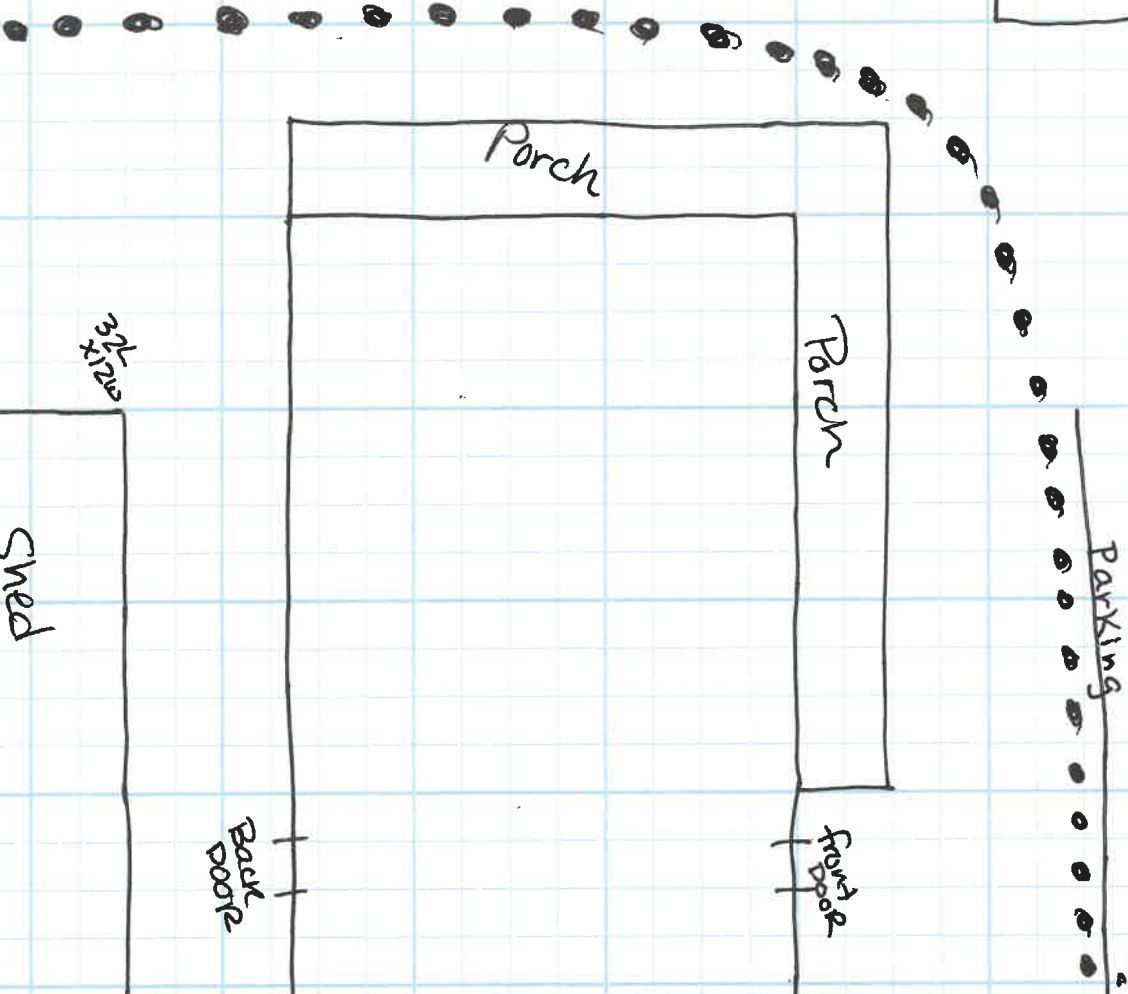
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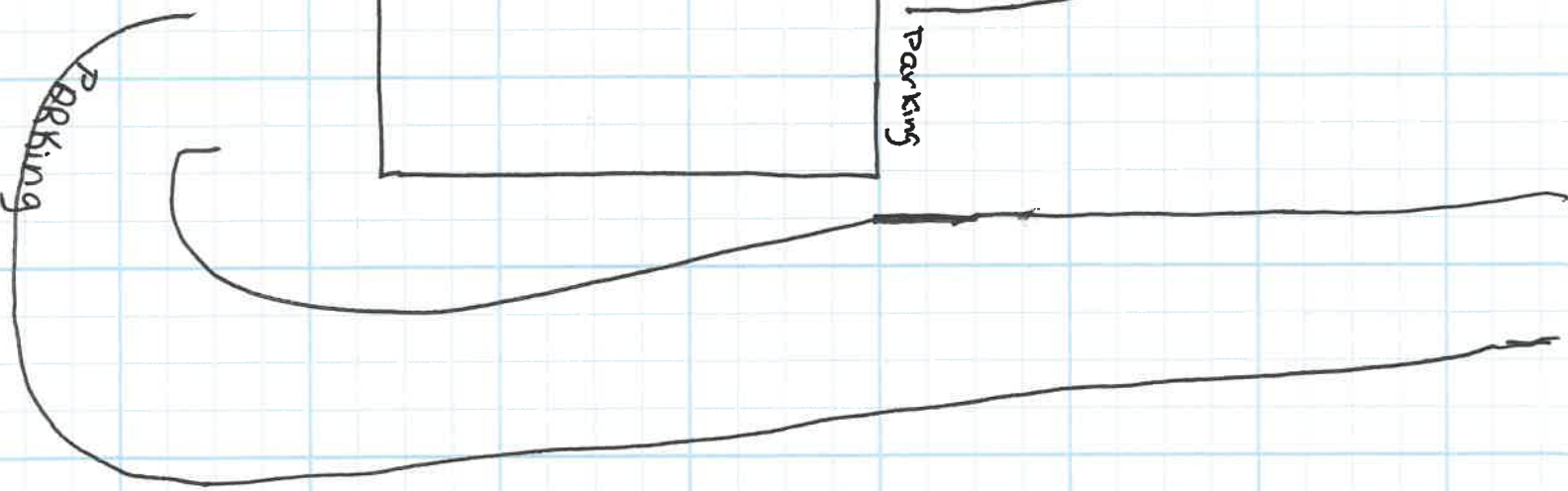
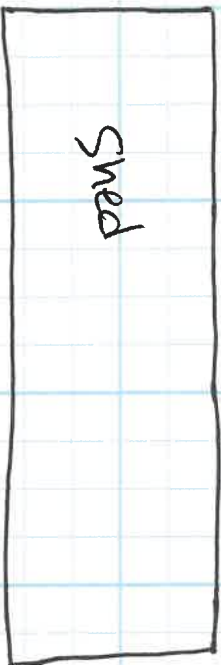
55L
27W
1485
142



Pine
Trees



3 1/2 x 2 1/2



Shed

Back
Door

Front
Door

Parking

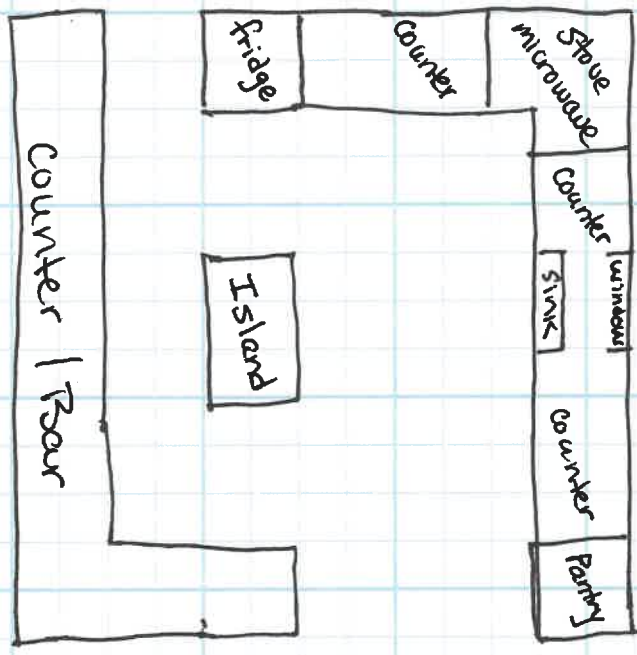
Parking

Porch

Porch

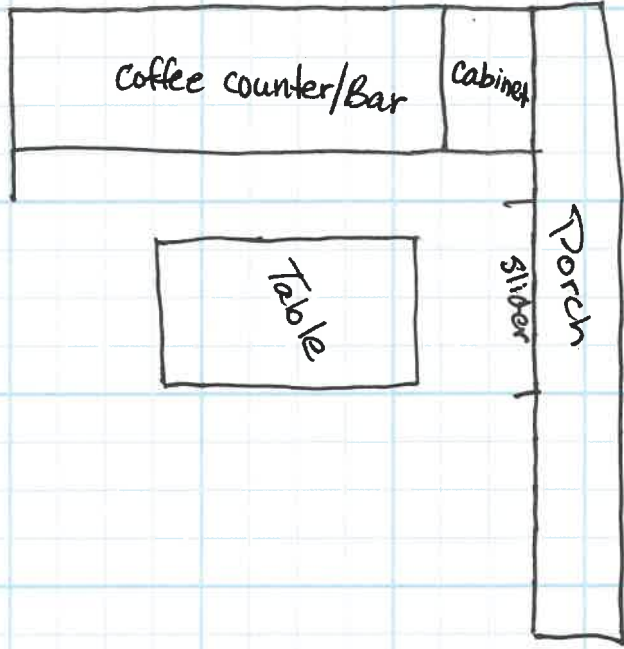
Parking

13L
x13L
169
17



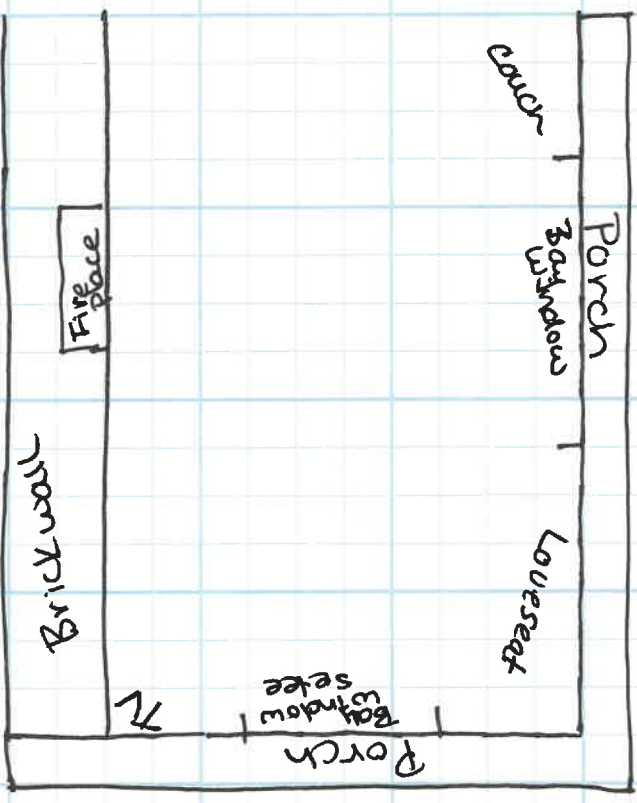
Kitchen

14W
15W
13L



Dining Room

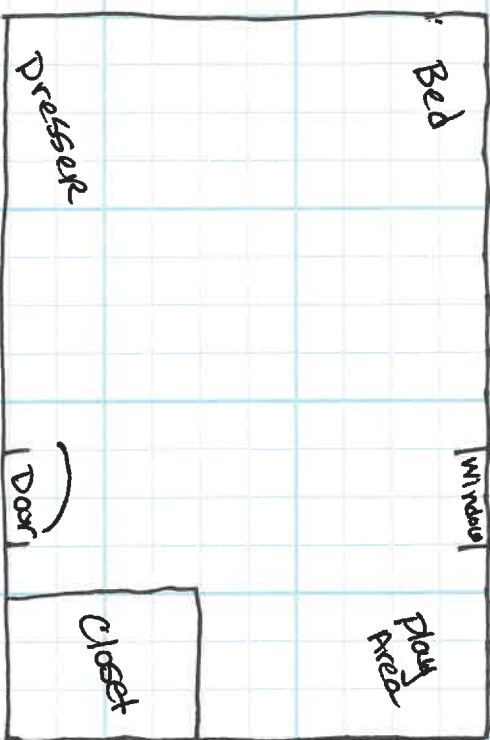
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15



Living Room

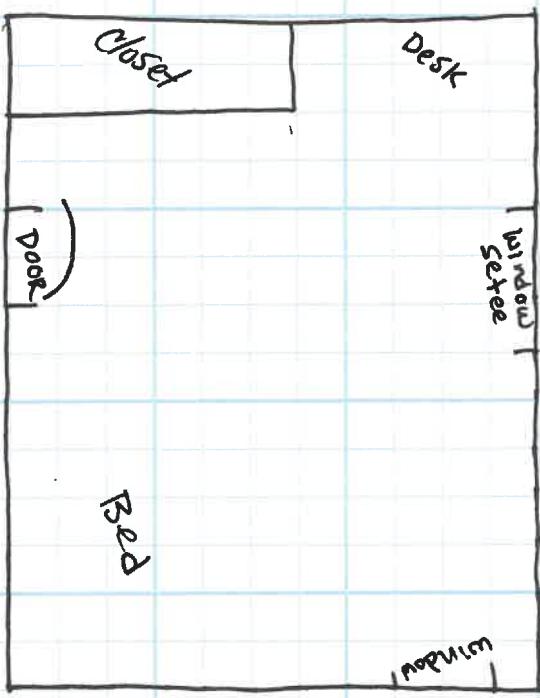
15/3

15/2



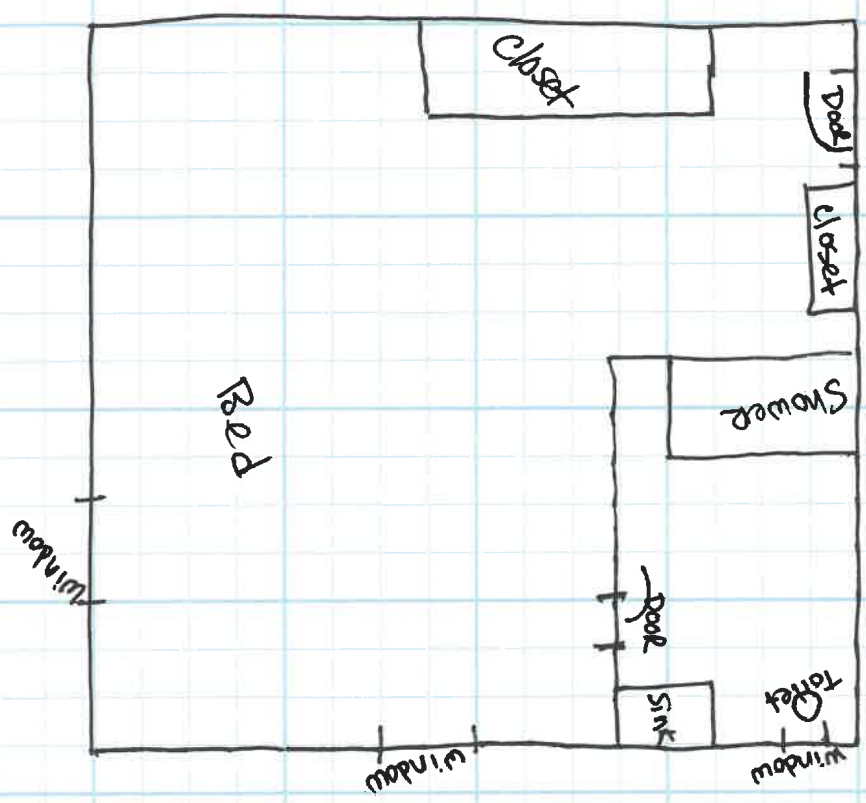
Bedroom 1

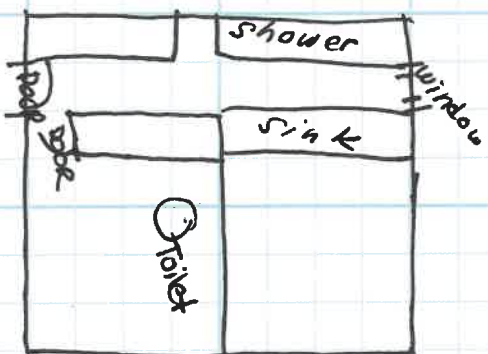
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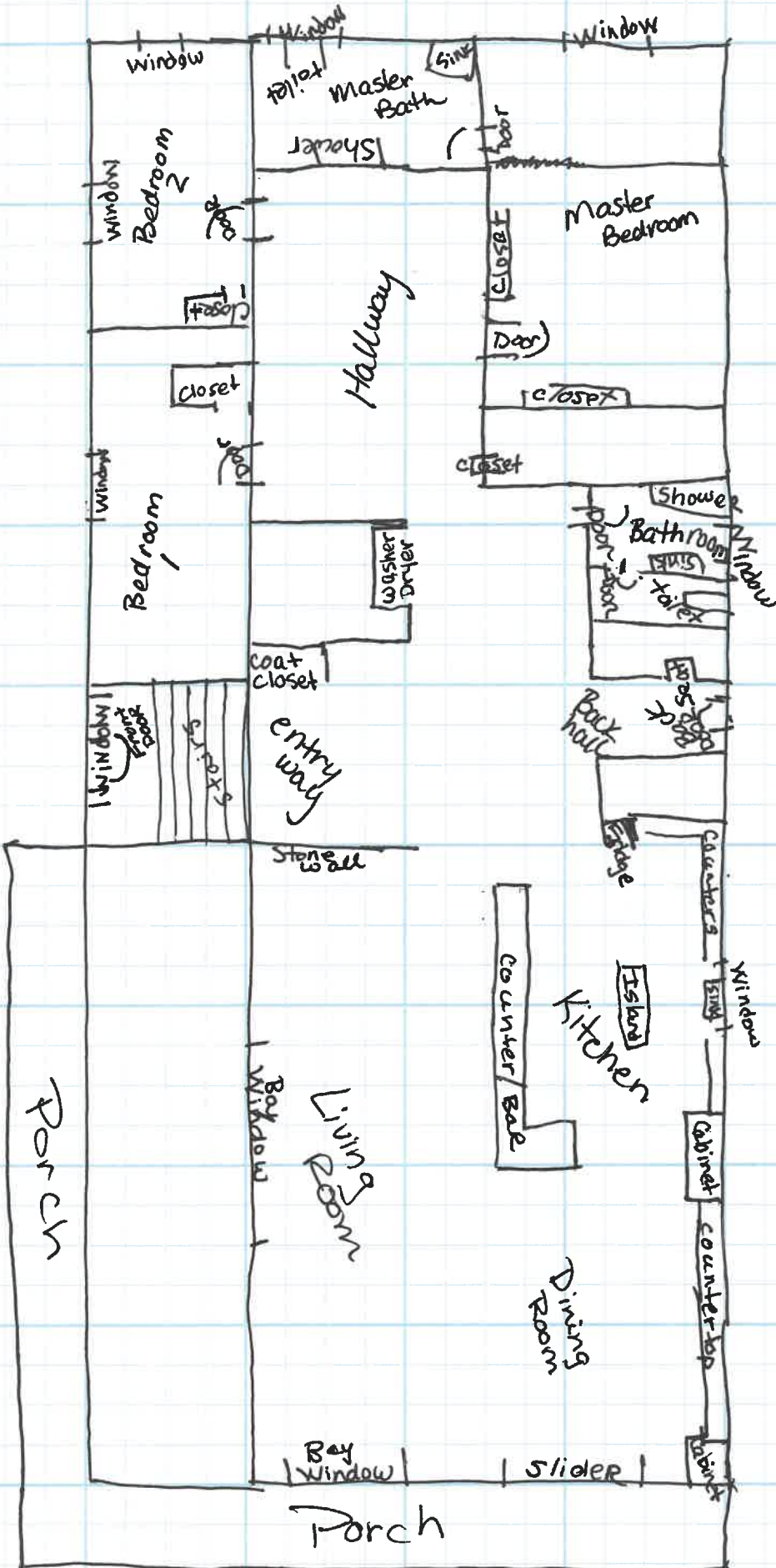
Bedroom 2

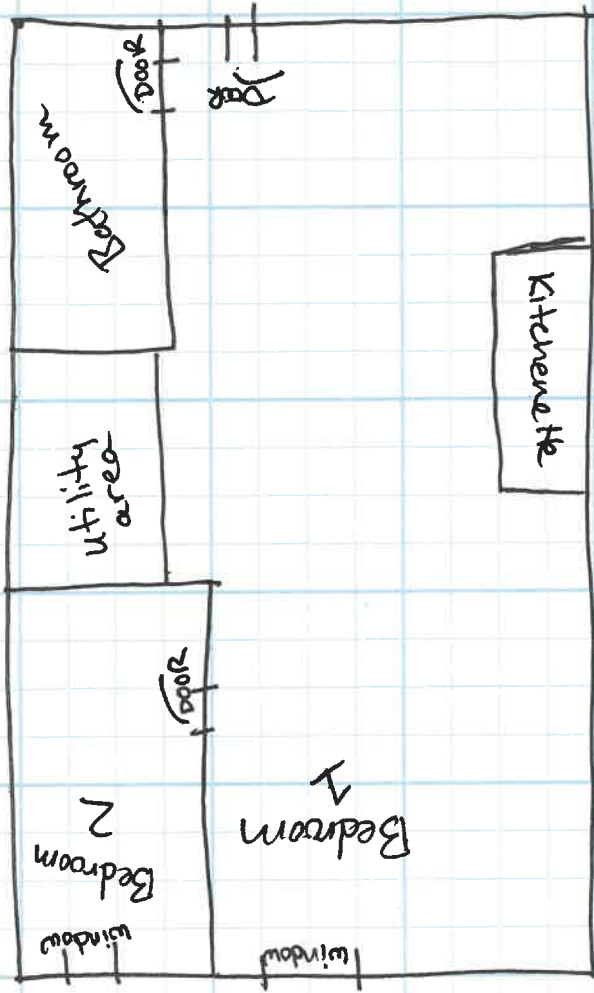
Master Bedroom | Bathroom





Bathroom

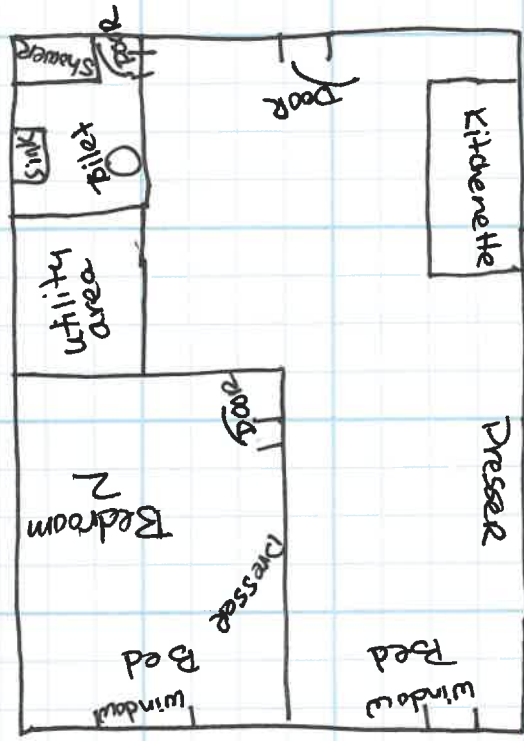




Basement

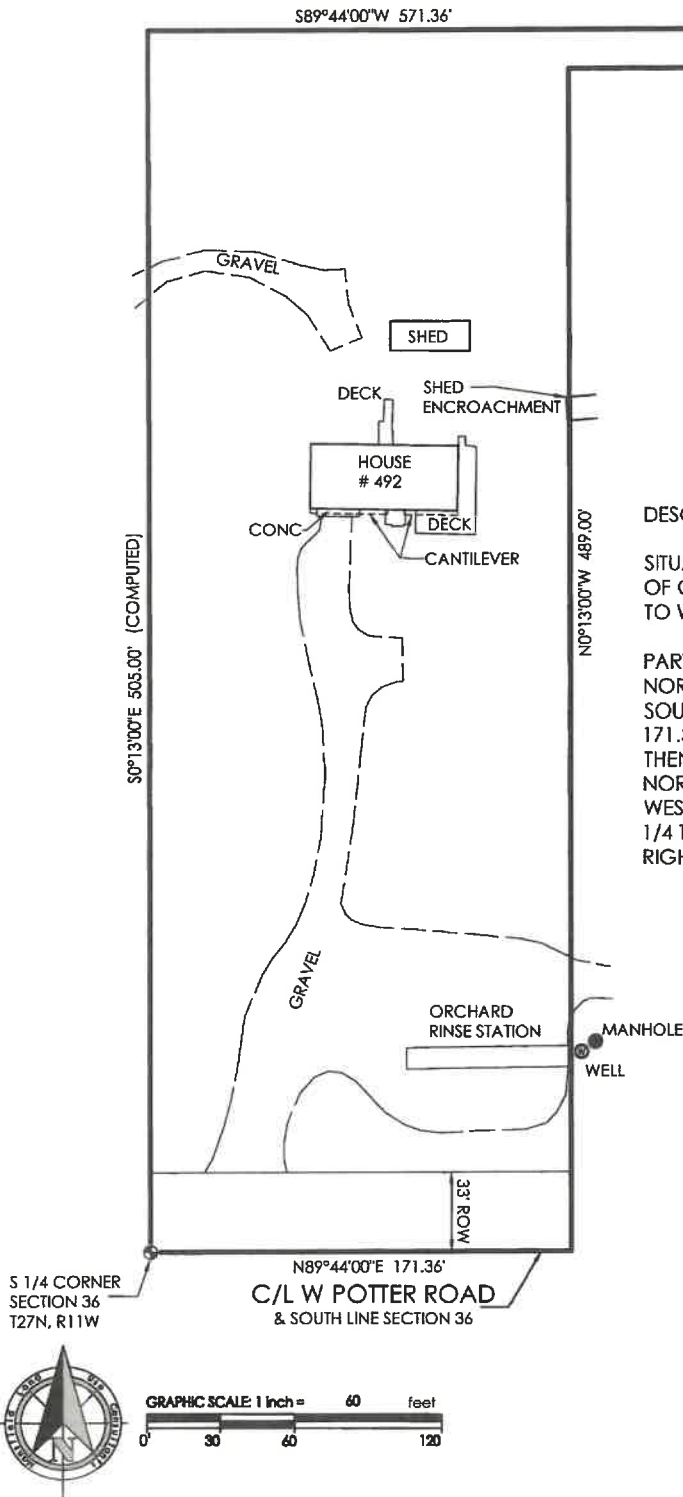
37/13

app
#2



Basement | Downstairs

MORTGAGE REPORT



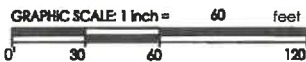
DESCRIPTION AS PROVIDED (DEED 2019R-05234):

SITUATED IN THE TOWNSHIP OF GARFIELD, COUNTY OF GRAND TRAVERSE AND STATE OF MICHIGAN, TO WIT:

PART OF THE SOUTHEAST 1/4, SECTION 36, TOWN 27 NORTH, RANGE 11 WEST COMMENCING AT THE SOUTH 1/4 CORNER; THENCE NORTH $89^{\circ}44'$ EAST 171.36 FEET; THENCE NORTH $0^{\circ}13'$ WEST 489 FEET; THENCE NORTH $89^{\circ}44'$ EAST 400 FEET; THENCE NORTH $0^{\circ}13'$ WEST 16 FEET; THENCE SOUTH $89^{\circ}44'$ WEST 571.36 FEET; THENCE SOUTH ALONG THE WEST 1/4 TO THE POINT OF BEGINNING EXCEPT ROAD RIGHT-OF-WAY



Michael Kenneth Geisert



We hereby certify that we have examined the premises herein described, that the buildings are located entirely as shown and that they do not encroach except as shown hereon. This report, prepared for mortgage purposes only, does not represent a boundary survey, and is not to be used for the establishment of any fence, building or other improvements. The location of fences, walls or other indications of occupancy along or near boundary lines are not shown. All utilities and easements may or may not be shown. This report was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

Brandy Waslawski

Mansfield
Land Use Consultants
Planners - Civil Engineers - Surveyors

PO Box 4015
830 Cottageview Dr., Suite 201
Traverse City, MI 49685
Ph: (231) 946-9310
Fax: (231) 946-8926
www.manscpa.com

Part of the SE 1/4
Section 36, T27N, R11W
Garfield Township, Grand Traverse County, Michigan

DRN: MKG	CKD: MKG
4/25/2024	
24072	
SHT 1 OF 1	



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

CHUCK KORN
SUPERVISOR

LANIE McMANUS
CLERK

CHLOE MACOMBER
TREASURER

MOLLY AGOSTINELLI, TRUSTEE
STEVE DUELL, TRUSTEE

CHRIS BARSCHEFF, TRUSTEE
DENISE SCHMUCKAL, TRUSTEE

August 21, 2023

Brandy Waslawski Perritt
492 W Potter Rd
Traverse City, MI 49696-8525

SUBJECT: Renting on VRBO/AirBnB

Dear Mrs Perritt,

I believe I found your home listed on VRBO and AirBnB. Renting for any term less than 30 consecutive days is not allowed in Garfield Township and is a violation of Zoning Ordinance, Section 201 and Article 3.

Additionally, renting for more than 14 days makes the property ineligible for the Principal Residence Exemption (aka Homestead or PRE). According to the Michigan Department of Treasury "*Guidelines for the Michigan Principal Residence Exemption Program*":

"An owner that would be required to declare rental income on their home is not entitled to a principal residence exemption on that property. Therefore, if an owner rents his property for more than 14 days a year, the property is not entitled to a principal residence exemption."

I have enclosed an affidavit that indicates you understand the Township's Ordinance. Please complete, sign, and return it to me no later than **September 4, 2023**, so we can ensure you are in compliance. Failure to respond may result in the denial of the Principal Residence Exemption and potential Civil Infractions due to the Zoning violations.

Sincerely,

Amy L DeHaan

c: Mike Green, Garfield Township Zoning Administrator

Amy L DeHaan, MMAO (4)
Assessor



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
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MOLLY AGOSTINELLI, TRUSTEE
STEVE DUELL, TRUSTEE

CHRIS BARSCHEFF, TRUSTEE
DENISE SCHMUCKAL, TRUSTEE

PROPERTY OWNER AFFIDAVIT AFFIRMING NO RENTING AREA(S) OF HOME

I/We, Brandy Perritt (Waslawski), owner(s) of
[insert owner's name(s)]

492 W Potter Rd, in Garfield Township, Michigan, agree to
[insert property address]

the following conditions to qualify for a 100% Principal Residence Exemption (aka Homestead or PRE):

- No use of home as a "Vacation Rental" for any term less than 30 days
- No rental of the area identified below [check one]:

- individual room(s)
- entire home
- lower portion
- upper portion
- guest/mother-in-law suite/apartment

of my/our home (address listed above) for more than 14 days in a calendar year to anyone, including family.

- That the area identified will be only used by me/us as part of my/our Homestead.

I/We also understand that renting this area of my/our home may result in not only the loss of our PRE, but also a violation of Township Ordinance Section 201 and Article 3 which may lead to a Civil Infraction.

Signed: _____

Date: _____

Date: _____

Amy L DeHaan, MMAO(4)
Assessor



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

LETTER OF INFORMATION

08/22/2023

WASLAWSKI BRANDY C
492 W POTTER RD
TRAVERSE CITY MI 49696-8525

RE: Activity at 492 W POTTER RD, Parcel Number 05-036-025-40

Dear Owner/Occupant,

This letter is to inform you of the following violation(s) at the location listed above:

Unauthorized vacation home rental. Current VRBO listing (as of 8-22-2023):

https://www.vrbo.com/3427569?dateless=true&x_pwa=1&rfr=HSR&pwa_ts=1692713847741&referrerUrl=aHR0cHM6Ly93d3cudnJiby5jb20vSG90ZWwtU2VhcmNo&useRewards=true&adults=1&children=®ionId=3577&destination=Traverse+City%2C+Michigan%2C+United+States+of+America&destType=BOUNDING_BOX&latLong=44.68423%2C-85.59717&searchId=cce755f5-a88c-4e04-bd0e-3bf60922c480&privacyTrackingState=CAN_NOT_TRACK&sort=RECOMMENDED&userIntent=&xpediaPropertyId=94851546

It is our procedure to first inform property owners or occupants of a violation as quite often they are not aware a violation has occurred. **Please remove the violation within 14 days of receipt of this letter to resolve this issue.**

Thank you in advance for your cooperation in this matter as it is our desire to attain voluntary compliance and avoid the need for further enforcement actions. Feel free to contact this office if you have any questions or concerns.

Sincerely,

Michael Green,
Zoning Administrator
Charter Township of Garfield
231.941.1620 x 230
mgreen@garfield-twp.com



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
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TREASURER

MOLLY AGOSTINELLI, TRUSTEE
STEVE DUELL, TRUSTEE

CHRIS BARSCHEFF, TRUSTEE
DENISE SCHMUCKAL, TRUSTEE

October 11, 2023

SECOND NOTICE

Brandy Waslawski Perritt
492 W Potter Rd
Traverse City, MI 49696-8525

SUBJECT: Renting on VRBO/AirBnB – 492 W Potter Rd

Dear Mrs Perritt,

In August, 2023, I sent you a letter about finding your home listed on VRBO. That letter informed you that renting for any term less than 30 consecutive days is not allowed in Garfield Township and is a violation of Zoning Ordinance, Section 201 and Article 3.

Additionally, renting for more than 14 days makes the property ineligible for the Principal Residence Exemption (aka Homestead or PRE). According to the Michigan Department of Treasury "*Guidelines for the Michigan Principal Residence Exemption Program*":

"An owner that would be required to declare rental income on their home is not entitled to a principal residence exemption on that property. Therefore, if an owner rents his property for more than 14 days a year, the property is not entitled to a principal residence exemption."

Enclosed is an affidavit indicating you understand the Township's Ordinance and will no longer use the property as a short-term rental. Please complete, sign, and return it to me no later than **October 30, 2023**, so we can ensure you are in compliance. Your failure to respond may put your Principal Residence Exemption at risk and continued rentals may result in potential Civil Infractions due to the Zoning violations.

Sincerely,

Amy L DeHaan

c: Mike Green, Garfield Township Zoning Administrator



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
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STEVE DUELL, TRUSTEE

CHRIS BARSCHEFF, TRUSTEE
DENISE SCHMUCKAL, TRUSTEE

PROPERTY OWNER AFFIDAVIT AFFIRMING NO RENTING AREA(S) OF HOME

I/We, Brandy Waslawski Perritt, owner(s) of
[insert owner's name(s)]

492 W Potter Rd, in Garfield Township, Michigan, agree to
[insert property address]

the following conditions to qualify for a 100% Principal Residence Exemption (aka Homestead or PRE):

- No use of home as a "Vacation Rental" for any term less than 30 days
- No rental of the area identified below [check one]:

- individual room(s)
- entire home
- lower portion
- upper portion
- guest/mother-in-law suite/apartment

of my/our home (address listed above) for more than 14 days in a calendar year to anyone, including family.

- That the area identified will be only used by me/us as part of my/our Homestead.

I/We also understand that renting this area of my/our home may result in not only the loss of our PRE, but also a violation of Township Ordinance Section 201 and Article 3 which may lead to a Civil Infraction.

Signed: _____

Date: _____

Date: _____

Amy L DeHaan, MMAO(4)
Assessor

8/23 AIRBNB.COM/H/THEPOTTERSHOMERETREAT/AFF SENT

6/10/24 OWNER IS RUNNING A B&B HERE, STATES SHE HAS TWO KITCHENS AND SIX BEDROOMS. AT ONE POINT SHE WAS RENTING OUT THE HOUSE AND STAYING IN A TRAILER ON THE PROPERTY. PRE NEEDS TO BE DENIED SO SHE CAN REAPPLY FOR THE CORRECT PERCENTAGE OF PRE. - JFB

5/28/24 OPERATING A BUSINESS AT THIS LOCATION (LOVE CLEAN MI LLC) ACCORDING TO LARA, HAS BEEN IN BUSINESS SINCE 2016. ALD

5/24/24 REC'D COMPLAINT RE: SHORT-TERM RENTAL. GROUP OF 5 GUYS THERE THIS WEEKEND (1ST OF THE SEASON), THEY RENTED NEARLY EVERY WEEKEND LAST SUMMER. FORWARDED TO MIKE GREEN, ZONING. ALD

10/19/23 BRANDY WASLAWSKI (231-944-8983) IS WORKING WITH PLANNING/ZONING TO CREATE B&B AT THIS LOCATION. SHE IS HOPING TO GET THE PROCESS COMPLETED THIS SUMMER, SHE WANTS TO DO THIS CORRECTLY & IS WORKING TO GET THE APPL COMPLETED FOR PC, ETC. GOT ON VRBO & FOUND LISTING BUT IT WOULD NOT ALLOW ME TO BOOK FOR 10 DAYS/AIRBNB SHOWED IT COULD NOT FIND LISTING - SHE SAYS SHE HAS PUT BOTH LISTINGS ON HOLD (WITHIN PAST 30 MINS) UNTIL SHE GETS THE REQUIRED APPROVAL. SHE DOES NOT WANT TO RISK LOSING HER HOME INS OR HER MTGE - SAYS THIS IS A BUSINESS. ALD

8/23 LISTED ON AIRBNB.COM/H/THEPOTTERSHOMERETREAT AND

[HTTPS://WWW.VRBO.COM/3427569?UNITID=4000697](https://www.vrbo.com/3427569?UNITID=4000697). ALSO INDICATES THEY'VE DONE EXTENSIVE REMODELLING (ATTACHED). ALD



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

CHUCK KORN
SUPERVISOR

LANIE McMANUS
CLERK

CHLOE MACOMBER
TREASURER

MOLLY AGOSTINELLI, *TRUSTEE*
STEVE DUELL, *TRUSTEE*

CHRIS BARSCHEFF, *TRUSTEE*
DENISE SCHMUCKAL, *TRUSTEE*

June 12, 2024

Brandy Waslawski
492 Potter Road
Traverse City, MI 49696

**SUBJECT: Denial of Principal Residence Exemption (2024)
Parcel #28-05-036-025-40**

Dear Ms Waslawski:

Enclosed you will find form 2742, Notice of Denial of Principal Residence Exemption (PRE) for the tax year 2024. It is being sent to you because we became aware that the home is being used as a rental/bed and breakfast.

The Principal Residence Exemption excludes the ability to use your home as a rental for a period greater than 14 days. If you are living in a portion of the home not being used for commercial purposes you may reapply for a percentage of the exemption relevant to the area you occupy.

Should you disagree with the denial, you are welcome to file an appeal with the Small Claims Division of the Michigan Tax Tribunal, as described at the bottom of the denial form.

If you have any questions, please feel free to contact me.

Sincerely,

Justin Bigbee

Justin Bigbee MAAO (3)
Appraiser

ASSESSOR'S DATE STAMP

Notice of Denial of Principal Residence Exemption

Issued under authority of Public Act 206 of 1893

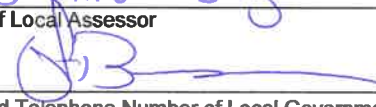
With this notice, you are notified that the Principal Residence Exemption on the property identified below has been denied. If you have questions about the denial, you may contact your local government or follow the appeal procedures specified below. For more information regarding the Principal Residence Exemption (PRE), please review the PRE guidelines at www.michigan.gov/pre.

Type or print in blue or black ink

PART 1: PROPERTY INFORMATION Type or print legibly. Use a separate form for each property number.

1. Property tax identification number 28-05-036-025-40		2. Name of Local Unit (Check Township or City) <input checked="" type="checkbox"/> Township Grandfield <input type="checkbox"/> City		3. County GRAND TRAVERSE
4. Street address of property (Provide a Complete Address) 492 W POTTER RD				
5. Name of Owner (First, Middle, Last) WASLAWSKI BRANDY C		6. Owner's Last Four Digits of Social Security Number XXX-XX-		7. Owner's Daytime Telephone Number
8. Name of Co-Owner (First, Middle, Last)		9. Co-Owner's Last Four Digits of Social Security Number XXX-XX-		10. Co-Owner's Daytime Telephone Number
11. Mailing address if different than property address (street or RR#, city, state, Zip code)				
12. Your exemption was denied/adjusted for the following reason: <input type="checkbox"/> a. The owner is not a Michigan resident. <input type="checkbox"/> b. The property claimed is not the owner's principal residence. <input type="checkbox"/> c. The person claiming the exemption is not the owner. <input type="checkbox"/> d. The person claiming the exemption, claimed or was granted, a substantially similar exemption in another state. <input checked="" type="checkbox"/> e. Other: Property used as a rental / Bed + Breakfast				
13. Claim Denied for Calendar Year(s): (see instructions) 2024			14. Percentage Adjusted to: 0%	

PART 2: CERTIFICATION

15. Name of the Local Assessor (Print or Type) Justin Bigbee	
16. Signature of Local Assessor 	17. Date 6/12/24
18. Address and Telephone Number of Local Government 3848 Veterans Dr. 49884 231-941-1620	

Homeowner's Right to Appeal

If you disagree with this denial, you may appeal to the Residential/Small Claims Division of the Michigan Tax Tribunal within 35 days of the denial. An appeal with the Michigan Tax Tribunal can be initiated by the timely filing of a petition. The petition must be a Michigan Tax Tribunal form or a form approved by the Michigan Tax Tribunal. Michigan Tax Tribunal forms are available at www.michigan.gov/taxtrib. You can print the Petition for Denial of Exemption for Principal Residence/Qualified Agricultural and mail the completed form to the Michigan Tax Tribunal at P.O.Box 30232, Lansing, Michigan 48909 or complete the form online and submit electronically, if provided for by the Michigan Tax Tribunal.



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2ND NOTICE OF VIOLATION

06/13/2024

WASLAWSKI BRANDY C
492 W POTTER RD
TRAVERSE CITY MI 49696-8525

RE: Unauthorized Land Use at 492 W POTTER RD, Parcel Number 05-036-025-40

Dear Property Owner,

This letter is to inform you that this office has received complaints on your property located at the above address due to the use of your residence as a short-term rental for periods of less than thirty (30) days. Short-term rentals are not allowed in the R-1 district.


This letter will serve both as a Letter of Violation and Notice of Civil Infraction, which if issued, will require your presence before the Grand Traverse County Magistrate office.

Please discontinue the use of your residence as a short-term rental within fourteen (14) days from receipt of this letter.

Thank you in advance for your cooperation in this matter as it is our desire to attain voluntary compliance and to avoid any further enforcement actions. Should you have any questions, comments or concerns, please do not hesitate to contact the planning department at the number above.

Thank you,

Michael Green, Zoning Administrator
Charter Township of Garfield

 Charter Township of Garfield Planning Department Report No. 2024-43			
Prepared:	June 19, 2024	Pages:	1
Meeting:	June 26, 2024 Planning Commission	Attachments:	<input type="checkbox"/>
Subject:	City of Traverse City Master Plan & Mobility Plan Review		

BACKGROUND:

In accordance with the Michigan Planning Enabling Act, local units of government considering adopting or amending a Master Plan are required to request comment from the planning commissions of all neighboring municipalities.

At this time, the Traverse City Planning Commission has prepared a draft Master Plan to replace the current plan adopted in 2009 and updated in 2017. On June 3, 2024, the City Commission voted to distribute the draft plan and begin the 63-day public review period. Pursuant to MCL 125.3841, you are receiving this notice to inform you of the opportunity to comment on the draft plan. The 63-day public review period will end on Tuesday, August 6, 2024. The Planning Commission will hold a public hearing later that month with a notice provided to this distribution list as well.

Please note that the City conducted a parallel planning process for a Mobility Action Plan congruently with the Master Plan. The Mobility Action Plan is proposed to be incorporated into the appendix of the Master Plan as a sub-topic/area plan and will be adopted with the Master Plan.

To access the documents, visit: <https://www.traversecitymi.gov/projects/master-plan-rewrite.html> or search for “traverse city master plan rewrite.” There you will find the following documents:

- Draft Master Plan Magazine
- Draft Master Plan Supplemental Report
- Draft Mobility Action Plan

ACTION REQUESTED:

No action is required. Review of the Traverse City Master Plan and Mobility Action Plan will be placed on the July 24th Study Session agenda for review and comment by the Township Planning Commission.