

Algansee Township Planning Commission Minutes

September 28, 2021

1. On Tuesday, September 28, 2021 at 7:00 pm Chairman Rodney Carpenter called the regular meeting of the Algansee Township Planning Commission to order at the Algansee Township Hall, 378 South Ray-Quincy Rd., Quincy, MI.

Members present: Chairman Rodney Carpenter, Vice Chairman Glenn Preston, and Township Representative Jason Shilling. Alternate member present: Ann Strong.

Absent: Sharon Atkinson and Craig Fichtelberg.

Attendees: See attached sign-in sheet, page 3.

2. Agenda:

Glenn Preston moved to accept the agenda as written; supported by Jason Shilling. Motion carried.

3. Minutes:

Glenn Preston moved to accept the August 31, 2021 minutes; supported by Ann Strong. Motion carried.

4. Old Business:

A. Dawn A. Jones (Everline Trust) Land Split:

Ann Strong moved to open the August 24, 2021 tabled Special Use Application of Dawn A. Jones (Everline Trust); supported by Jason Shilling. Motion carried.

Opening Statement: Chris Everline as Trustee for the Everline Family Trust/Dawn Jones handed the Planning Committee a written statement which was read out loud to the public. The Opening Statement (2 pgs.), State of Michigan, In the Court for the County of Branch (2 pgs.), Property Sketch (2 pgs.) are attached, pages 4 thru 9.

Glenn Preston excuse himself from the Board due to a conflict of interest. Jason Shilling also excused himself from the Board explaining that he didn't realize at the previous meeting that his interest in the property was a conflict of interest for this Special Use Hearing.

With Glenn Preston and Jason Shilling excusing themselves from the Board, it did not leave a Quorum to vote. Ann Strong moved to Table the Special Use Hearing until it can rescheduled for as soon as possible; supported by Rodney Carpenter.

Rodney Carpenter asked Russ Jennings, Township Supervisor, to ask approval of the Township to hold another meeting and an Alternate Board member for Dawn Jones/Everline Family Trust, at no cost, as soon as possible.

Glenn Preston and Jason Shilling returned to the Table.

5. New Business:

A. Special Use Hearing For:

Property Owner: Donald & Lubov Fry

Applicant: Same

Applicant Address: E. Channel Dr.

Property Address: E. Channel Dr.

Property Code:

Requesting: Site Condominium Development Proposal; The proposed site is a 5.19 acre parcel zoned R-1. The parcel is located on the east side of E. Channel Dr. and has 750 ft. +/- of road frontage and is 300 ft. in depth.

Opening Statement: Donald Fry stated that he has two (2) documents that he is waiting on approval. He understands that the Hearing cannot proceed until all necessary forms are completed. As soon as the two (2) he is waiting on comes he will then call Matt Ashenfelter so that another meeting can be scheduled.

Glenn Preston moved to Table the Special Use Hearing for Donald Fry until all forms are completed; supported by Ann Strong.

Discussion: Chris Khorey of McKenna, suggested that restrictions be added to the Master Deed. Attorney Charles Lillis and Donald Fry agreed but requested a list before the next Hearing. Matt Ashenfelter and Chris Khorey will compose the restrictions for the Master Deed and communicate it with Attorney Lillis and Donald Fry.

6. Report from Township Representative, Jason Shilling:

Jason Shilling reported that there wasn't anything to report.

7. Report from Zoning Administrator, Matt Ashenfelter:

Zoning Administrator, Matt Ashenfelter, reported for September 2021.

See attached report, page 10: Zoning Permits Issued September 2021.

Algansee Township Zoning Permits submitted to the Branch County Building Dept. once a month.

8. Report from Zoning Board of Appeals Representative, Glenn Preston:

Glenn Preston reported that there was no ZBA meeting in September, 2021.

10. Public Comments:

Regarding Donald Fry:

Matt Bowers asked: will the homes on E. Channel Dr. be in the Home Owners Association?

Answer: No. Only the structures on the east side of E. Channel Dr.

Regarding Everline Family Trust:

Doug Everline stated that the Everline Family Trust was still in full litigation.

11. Meeting Adjourned:

Jason Shilling moved to adjourn meeting at 7:45 pm; supported by Ann Strong. Motion carried. Meeting adjourned at 7:45 pm.

Pricilla Dodd
Acting Recording Secretary

Attached:

1. *Sign-in sheet (page 3)*
2. *Opening Statement for Dawn Jones/Everline Family Trust (pages 4 & 5)*
3. *State of Michigan in the Probate Court for County of Branch for Dawn Jones/Everline Family Trust (page 6 & 7)*
4. *Property Sketch for Dawn Jones/Everline Family Trust (pages 8 & 9)*

Alganssee Planning Commission Meeting 28 September 2021
SIGN IN SHEET

Name	Address
Cory Bond	251 Ferguson Rd
Caion Jones	953 Lakesport Rd
Danny Tucker	1495 Ray Quincy Rd.
Christal Everline	146 S. Ray Quincy Rd.
Chris Everline	146 S. Ray Quincy Rd.
Daniel Boltz	740 E Channel Dr Coldwater
Bill & Barb Thayer	732 E Channel Dr Coldwater
Don FH	718 E Channel Dr.
Jackie Tubliss	728 E Channel Dr.
Kelly Ingersoll	264 S. Fremont Rd
Mark Griffin	711 West Channel Drive
Ed & Tami Sanders	734 E Channel Dr.
Chuck LLL	100 W Chicago C/A
Doug Evodia	885 E Central Rd
Priscilla Dodd	
MARGA & TERESA WASIC LEWSKI	757 Lakeshore Pt
Scott Fabian	716 E Channel Dr
Tonya Bowers	714 E Channel Dr
Matthew Bowers	714 E Channel Dr
KIRKA WAGNER	712 E Channel Drive C/A

To be submitted for public record:

Statement from Chris Everline as Trustee for the Everline Family Trust/Dawn Jones

We are again requesting the planning commission allow a land split of less than 40 acres for parcel number 120-004-200-010-00 more commonly known as 953/957 Lukesport Road Quincy, MI 49082

On the evening of August 24 the board was presented with survey # 04705-28925 form Mostrum & Assoc. Land Surveying.

Alganssee Township Zoning Administrator, Matt Ashenfelter has been involved from the beginning and he has prepared the layout of this property to satisfy the Zoning Board consistent with past land splits in Alganssee Township.

I also presented the board with a copy of the State of Michigan Probate Court for the county of Branch signed by Hon. Kirk A. Kashian, signed and so ordered on 7/1/2021 stating:

Doug Everline shall purchase Trust Property No. (ID# 120-004-200-010-00), less the acreage described in Survey No. 04705-28925 dated May 26, 2021 from the Trust for the purchase price of \$262,000.00

Please find on page 2 paragraph C of court order:

We are again requesting the court order signed by Judge Kirk A. Kashian be followed:

The board members had said at the first meeting that this issue should have been settled prior to this coming to the Township for approval. The court sign documents were presented to the board on the 24th of August but was dismissed by the board with a vote of 2 for and 2 against.

Glenn Preston removed himself from the vote due to his connection to the family since they are farming the property in question and purchasing other properties owned by the trust. Another board member has interest in the property in question and did make a purchase offer for the property in question yet did not remove himself and voted no at the August 24th meeting. This is a true conflict of interest and could be considered self-serving!

So if the Township paid Matt Ashenfelter to do his duty as Alganssee Township Zoning Administrator and this was done to the standards which the Township requires of him and this property is to be divided as so many in the township are with straight lines and as little farm ground removed as possible. I feel this needs to be approved by the board.

Chris Everline / Trustee

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF BRANCH

IN THE MATTER OF:

File No. 21-35790-TV

**THE WALLACE G. EVERLINE AND LOLITA
EVERLINE FAMILY LIVING TRUST
AGREEMENT U/A/D DECEMBER 15, 2004**

Hon. Kirk A. Kashian

PLUNKETT COONEY

By: Ryan P. Bourjaily (P79575)
Attorney for Respondent Chris Everline, as
Successor Trustee
38505 Woodward Avenue, Suite 100
Bloomfield Hills, Michigan 48304
Phone: (248) 897-3768
rbourjaily@plunkettcooney.com

SCHAEFFER LAW OFFICES

By: J. Thomas Schaeffer (P19950)
Aaron A. Bartell (P74907)
Attorney for Petitioners Lori Jones
and Wallace Everline
206 South Kalamazoo Avenue
Marshall, Michigan 49068
Phone: (261) 781-5193
schaefferlawoffices@gmail.com

ORDER REGARDING FAMILY REAL ESTATE AUCTION

At a session of said Court, held in the City of Coldwater,
County of Branch, State of Michigan
on June 15, 2021

HON. KIRK A. KASHIAN
PRESENT: Probate Court Judge

THIS MATTER, having come before this Honorable Court upon conclusion of the family auction of the real property owned by the Everline Family Living Trust Agreement, dated December 15, 2004 (the "Trust") that took place on June 15, 2021, all of the Trust's Beneficiaries and their counsel having appeared and granted the full opportunity to participate in the family auction, proper notice having been otherwise given to the Interested Persons or their counsel, and this Court having been fully advised in the premises:

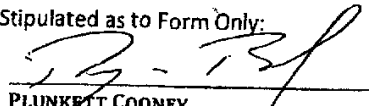
IT IS HEREBY ORDERED THAT:

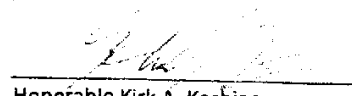
- A. Lori Jones shall purchase Trust Property No. 1 (I.D.# 120-003-100-020-00) from the Trust for the purchase price of \$147,000.00;
- B. Chris Everline shall purchase Trust Property No. 2 (I.D.# 120-004-200-005-00) and Trust Property No. 3 (I.D.# 120-004-400-005-00) from the Trust for a collective purchase price of \$350,000.00;
- C. Doug Everline shall purchase Trust Property No. 4 (I.D.# 120-004-200-010-00), less the acreage described in Survey No. 04705-28925, dated May 26, 2021, from the Trust for the purchase price of \$262,000.00;
- D. Doug Everline shall purchase Trust Property No. 5 (I.D.# 120-011-400-005-00) from the Trust for the purchase price of \$81,000.00;
- E. No bid from the Trust Beneficiaries was received for Trust Property No. 6 (I.D.# 120-011-400-010-01) and, therefore, Trust Property No. 6 shall be made available for sale to the public by way of a written real estate listing for sale by owner, private sale, or public auction;
- F. No bid from the Trust Beneficiaries was received for Trust Property No. 7 (I.D.# 120-011-400-005-00) and, therefore, Trust Property No. 7 shall be made available for sale to the public by way of a written real estate listing for sale by owner, private sale, or public auction; and
- G. Chris Everline, in his capacity as Trustee for the Everline Family Living Trust, dated December 15, 2004, shall deliver to each purchaser of the above-referenced real properties a Trustee's Deed upon liquidation of all other trust assets.

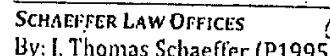
IT IS SO ORDERED.

Dated: 7-1-21

Stipulated as to Form Only:

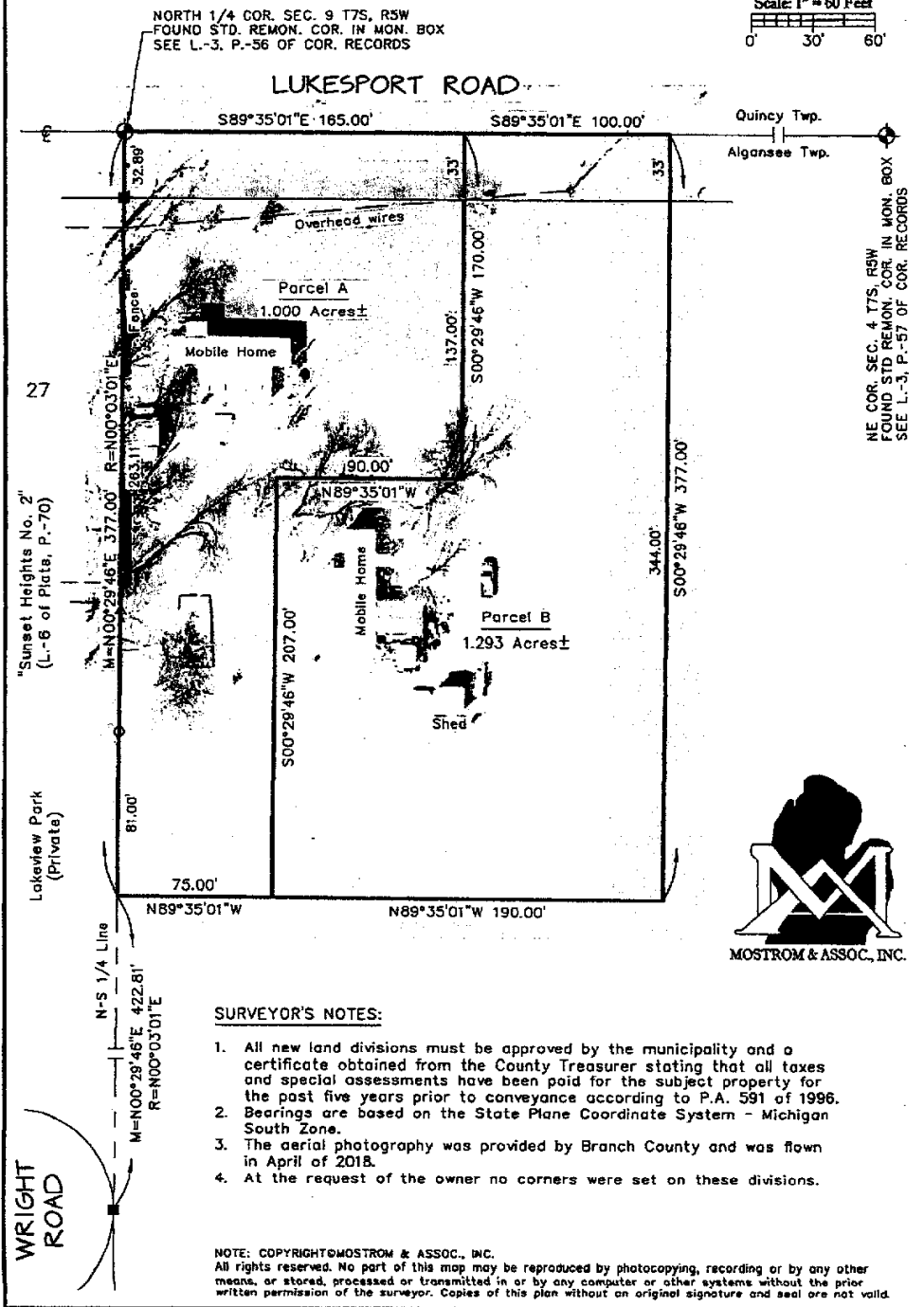
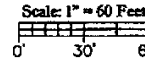

PLUNKETT COONEY
 By: Ryan P. Bourjaily (P79575)
 Attorney for Respondent-Trustee
 38505 Woodward Avenue, Suite 100
 Bloomfield Hills, Michigan 48304
 Phone: (248) 897-3768
rbourjaily@plunkettcooney.com


 Honorable Kirk A. Kashian


SCHAEFFER LAW OFFICES
 By: J. Thomas Schaeffer (P19950)
 Aaron A. Bartell (P74907)
 Attorney for Petitioners
 206 South Kalamazoo Avenue
 Marshall, Michigan 49068
 Phone: (261) 781-5193
schaefferlawoffices@gmail.com

PROPERTY SKETCH

RE: WALLACE G. & LOLITA LEE
 EVERLINE FAMILY TRUST
 SECTION 4, ALGANSEE TWP.
 BRANCH COUNTY, MI



SURVEYOR'S NOTES:

1. All new land divisions must be approved by the municipality and a certificate obtained from the County Treasurer stating that all taxes and special assessments have been paid for the subject property for the past five years prior to conveyance according to P.A. 591 of 1986.
2. Bearings are based on the State Plane Coordinate System - Michigan South Zone.
3. The aerial photography was provided by Branch County and was flown in April of 2018.
4. At the request of the owner no corners were set on these divisions.

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DATE: May 26, 2021

SURVEY NO.: 04705-28925

PROPERTY SKETCH

RE: WALLACE G. & LOLITA LEE
EVERLINE FAMILY TRUST
SECTION 4, ALGANSEE TWP.
BRANCH COUNTY, MI

DESCRIPTIONS:

PARCEL A

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 4, T7S, R5W, ALGANSEE TOWNSHIP, BRANCH COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 4 AND RUNNING THENCE S89°35'01"E, ALONG THE TOWNSHIP LINE, 165.00 FEET; THENCE S00°29'46"W 170.00 FEET; THENCE N89°35'01"W 90.00 FEET; THENCE S00°29'46"W 207.00 FEET; THENCE N89°35'01"W 75.00 FEET TO THE EAST LINE OF THE PLAT OF SUNSET HEIGHTS NO. 2 (LIBER 6 OF PLATS, PAGE 70) AND THE NORTH-SOUTH 1/4 LINE AS MONUMENTED; THENCE N00°29'46"E (RECORDED AS N00°03'01"E), ALONG SAID LINE, 377.00 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 1.000 ACRE, MORE OR LESS.
SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

PARCEL B

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 4, T7S, R5W, ALGANSEE TOWNSHIP, BRANCH COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 4 AND RUNNING THENCE S89°35'01"E, ALONG THE TOWNSHIP LINE, 165.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THE BOUNDARY RUNS THENCE S89°35'01"E, ALONG SAID LINE, 100.00 FEET; THENCE S00°29'46"W 377.00 FEET; THENCE N89°35'01"W 190.00 FEET; THENCE N00°29'46"E 207.00 FEET; THENCE S89°35'01"E 90.00 FEET; THENCE N00°29'46"E 170.00 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 1.293 ACRES, MORE OR LESS.
SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.



MOSTROM & ASSOC., INC.

DRAWN BY: MS, MCR

Prepared by:

David W. Mostrom, P.S.
Mostrom & Assoc., Inc.
610 W. Burr Oak Street
Centreville, MI 49032 (269) 467-6348
28 W. Chicago Street, Suite 3-1
Coldwater, MI 49036 (517) 279-9707
Email: info@mostromsurvey.com
Web: www.mostromsurvey.com

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SHEET 2 OF 2

Zoning Permits Issued Sept 2021 Alganssee Township Zoning Administrator - Matt Ashenfelter

Permit #	Property Owner	Address	Parcel Code #	Type	Structure	Date	Fees Paid
1134	Frezell Chris	227 Dons Dr	120-B20-000-002-00	R-1	10 x 20 addition to existing garage	9/1/2021	\$40.00 Cash
1135	Schmucker Paul	Potter Rd	120-023-200-015-03	Ag	New 2692 Sq Ft 2 story dwelling w/8 x 48 covered porch	9/3/2021	\$40.00 Cash
1136	Eicher William	850 Brown Rd	120-032-400-015-00	Ag	30 x 40 addition to existing barn	9/3/2021	\$40.00 ck # 1334
1137	Briner Dean	530 Kelly Rd	120-025-200-010-01	Ag	26 x 36 non-ag pole barn garage	9/10/2021	\$40.00 Cash
1138	Laskey John	211 Lake Shore Dr	120-120-000-018-00	R-1	Demo existing deck - New 12 x 54 raised deck (no roof)	9/10/2021	\$40.00 Cash
1139	Badders Brock	141 Crockett Dr	120-005-300-005-13	C-1	60 x 140 commercial boat storage buildings (2)	9/13/2021	\$1,000.00 ck #2695
1140	Schwartz Samuel	874 Warren Rd	120-020-400-005-03	Ag	12 x 24 single story addition & 18 x 24 2nd story addition	9/17/2021	\$40.00 ck #0501
1141	Seiler Charles	796 E Central Rd	120-007-400-010-01	R-2	Demo of fire damaged existing dwelling and garage	9/17/2021	\$40.00 ck #5938
1142	Leach Gerald	118 & 120 Crockett Dr	120-005-100-020-00	R-1	38 x 50 accessory building (pole barn)	9/21/2021	\$40.00 ck #7769
1143	Holloway Robert	246 Bickford Dr	120-B10-000-003-00	R-1	Complete demo of dwelling & all structures on parcel	9/22/2021	\$40.00 cash
Total							\$1,360.00
Planning Commission Hearings							
Oct 25th	Tom Brockway	909 Campbell Rd	120-021-100-025-00	Ag	P/C hearing - Land split of less than 40 acres	9/10/2021	\$120.00 ck # 10379
Land Splits Processed						Total	
ZBA Hearings							
None Scheduled							
Zoning Complaints							
None Reported							
Zoning Violations Issued							
None Issued							
Zoning Permits are Submitted to the Branch County Building Dept. Once a Month.							