

WEST TRAVERSE TOWNSHIP
ZONING BOARD OF APPEALS
September 24, 2026 – 5:30 PM

1. Call to order

Chair Bartlett called the meeting to order at 5:30 PM.

2. Roll Call

Present: Jim Bartlett, Kristi Hollingsworth, John Dohan, David Berryman, Ed Taylor

Absent: None.

Visitors: Township Attorney Joel Wurster, Patrick Hickey, Glenn Remus, Mike Rauenhorst, Israel Hernandez, Ty Humpert, Stefan Scholl, Shannon Welsh, Kamron Bijeh-Apple, Shane Abe, Greg Cummings, Molly McCoy, David Barkhausen

Staff Present: Ken Lane, Planning & Zoning Administrator

3. Visitors—please sign in

Chair Bartlett requested that meeting attendees sign the sign in sheet.

4. Approve minutes of July 21, 2026

Motion by Berryman, second by Taylor, to approve the July 21, 2026, minutes as presented. The motion was approved 4-0 with Member Hollingsworth abstaining because she was not at the July 21, 2026, meeting.

5. Discussion of any Conflict of Interest

It was determined that no members had a conflict with Case #ZBA-3-2026.

6. Old Business

None.

7. New Business

a. Case #ZBA-3-2026: Zoning Board of Appeals determination--- whether the applicants are “aggrieved persons” with standing to appeal a decision of the Township Zoning Administrator.

Chair Bartlett introduced the agenda item and stated that the ZBA must initially determine whether the applicants are aggrieved persons as defined under the Township Zoning Administrator. He requested that the Zoning Administrator offer his report.

Zoning Administrator Lane stated that in his opinion, the ZBA must consider this initial agenda item before considering the appeal submitted by the applicants; whether the applicants are aggrieved persons with standing to appeal a decision of the Township Zoning Administrator.

Zoning Administrator Lane referred the ZBA to page 3 of his analysis memo included in the meeting packet that lists the sections of the Township Zoning Ordinance that are applicable to this appeal. He added that Section 805.1 of the Township Zoning Ordinance provides that appeals to the ZBA of decisions of the Township Zoning Administrator may be made by any person aggrieved or by an officer or board of the Township. He added that as noted in the

footnote in the analysis memo, Township Planning Commission members are not officers of the Township.

Zoning Administrator Lane stated that Section 202 of the Township Zoning Ordinance defines an aggrieved person, and requires that three criteria be met to meet that definition. He added that the third criteria provides that the appellant must provide some evidence of special damages arising from the challenged decision in the form of an actual or likely injury or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community. He added that as noted in the memo, the applicants in this case have not provided any such evidence as is required to be an aggrieved person and be eligible to submit an appeal. He added that as further provided in the memo, in my opinion, the applicants are not able to provide such evidence because it doesn't exist. Zoning Administrator Lane stated that the applicants have not suffered any injury or sustained any damages that are more significant in degree than the effects on their neighbors or other property owners that actually live in closer proximity to the Otis Harbor Springs and who are not part of this appeal.

Zoning Administrator Lane stated that as provided in the memo, the majority of the applicants do not live or own property that is adjacent to the property at 7291 South Lake Shore Drive. He added that the applicants are farther away from that property than other property owners and other residents of the Township that are not part of this appeal. He added that additionally, the same two tents at issue were erected and used by the Otis during the summers of 2024 and 2025 for weddings and other events without any limitations or restrictions. Zoning Administrator Lane stated that when the Otis was presenting on their application for special land use permit approval, it was stated as part of that presentation that an event was held in the tents last summer for the Little Traverse Conservancy that had close to 1,000 people in attendance. Zoning Administrator Lane stated that as mentioned in the analysis memo, he did not receive any complaints about the use of the tents during the two previous summers, including from the applicants in Case #ZBA-03-2026.

Zoning Administrator Lane stated that the definition of an aggrieved person under the Zoning Ordinance provides the standard to submit an appeal. He added that based on the lack of any evidence submitted by the applicants, and the other reasons provided in the analysis memo, the applicants are not aggrieved persons, and therefore they lack standing to bring this appeal, and the appeal should be dismissed. He added that sample motions for the ZBA's consideration are provided on page 5 of the analysis memo.

Chair Bartlett asked if the ZBA had any questions for the Zoning Administrator. Hearing none, he asked if anyone wished to comment on behalf of the applicants.

Patrick Hickey spoke on behalf of the applicants and stated that a claim of appeal has been filed in the Circuit Court of Emmet County with respect to the Township's issuance of a special land use permit to the Otis some time ago. He added that the claim of appeal to the circuit court included within it paragraph 33, which address standing and specifically addresses the criteria for an aggrieved party under the Zoning Ordinance. He added that the claim of appeal in circuit court is incorporated by reference to the appeal before the ZBA tonight. He added that what paragraph 33 shows is that the appellees: (1) opposed the special land use permit which this temporary permit was a derivative of, and (2) the appellees will suffer special

damages in the form of the loss of enjoyment of their properties and the diminution in the value of their properties, both of which make them aggrieved parties.

Patrick Hickey stated that evidence was presented during the hearing on the special land use permit regarding diminution of property value by a realtor, who is one of the residents abutting the Otis property, who spoke during the hearing. He added that the realtor undoubtedly believed that if the special use permit were to be approved, that the parties who own property surrounding or abutting the Otis property would be affected by noise and nuisance created by, in particular, the special event facility and the health club, and that would have a negative impact on the value of their properties. He added that there was no counter evidence presented to the Planning Commission or to the Township Board, and the Township did not hire an expert to do an evaluation on the property. He added that testimony can be given about the noise from music inside the tents that causes the applicants to have to retreat into their homes and close their windows at night. He added that the neighbors did call the Otis and the Harbor Springs Police to complain about the music. Mr. Hickey stated that to suggest that the applicants are not aggrieved parties to appeal the special use permit or the temporary permit means that no one is an aggrieved party.

Partick Hickey stated that the applicants complained to the Planning Commission and the Township Board about noise, loss of enjoyment, and diminution in property value relating to the proposed special land use permit. He added that this type of testimony was presented verbally and by way of letters to the Planning Commission and Township Board and were never rebutted. He added that he would respectfully disagree with the Zoning Administrator, and that the applicants are aggrieved parties.

Zoning Administrator Lane responded that the applicants are trying to confuse the issue before the ZBA tonight. He added the issue before the ZBA is whether or not the ZBA believes the Zoning Administrator had the authority under the Zoning Ordinance to issue a temporary permit for two tents. He added that the standing to bring an appeal of the Zoning Administrator's decision to issue a temporary permit is the only standing issue that needs to be discussed. Zoning Administrator Lane stated that no evidence has been submitted by the applicants to qualify them as aggrieved parties to submit an appeal.

Zoning Administrator Lane stated that the ZBA is not meeting tonight to discuss the issuance of a special land use permit. He added that as noted in the analysis memo, the ZBA doesn't have any jurisdiction under the Township Zoning Ordinance to consider decisions relating to special land use permits, and any statements made during public comment before the Planning Commission in relation to a special land use permit back in February cannot be used as evidence of special damages in the matter before the ZBA tonight. He added that public comments from a realtor who spoke in opposition to a special land use permit back in February, provides no evidence of special damages as part of the appeal before the ZBA. He added that the bottom line is: the applicants submitted no evidence to support their appeal of the Zoning Administrator's decision to issue a temporary zoning permit.

Chair Bartlett asked whether the noise concerns mentioned by Mr. Hickey related to noise produced from the tents this summer.

Patrick Hickey stated it was this summer, and last summer when the application for the special land use was considered.

Chair Bartlett stated that it is his understanding that the Township received no complaints about noise this summer from the tents on the Otis property.

Patrick Hickey stated that residents are in attendance that can present their experiences with respect to the noise created by the tents.

Chair Bartlett stated however those residents were not moved in the summers of 2024 or 2025 to complain about noise from the tents to the Township.

Patrick Hickey responded not in 2024 or in 2025, but the tents did not go up until after the special land use permit was issued.

Zoning Administrator Lane stated that is not accurate. He added that the same two tents held weddings and similar events during the summers of 2024 and 2025 without any conditions or limitations, and no complaints were received by him as the zoning enforcement officer for the Township. He added that a temporary zoning permit was issued this year subject to a number of conditions, including limitations on the number of event attendees and that amplified sound must stop at 9 PM. Zoning Administrator Lane stated that neighbors who live in close proximity to 7291 South Lake Shore Drive have let him know all summer that the music has stopped at 9 PM in complete compliance with the temporary zoning permit.

Patrick Hickey stated that his point is that Mr. Lane suggests that the special land use permit has nothing to do with the tent permit, but the tent permit states that it was issued because it was consistent with or in addition to the approved site plan. He added that the ZBA has to assume that the tents issued to the commercial event facility relate to and is part of the special land use permit.

Zoning Administrator Lane stated that the temporary zoning permit issued for the two tents is authorized by the Zoning Ordinance as a minor amendment to the site plan approved by the Township Board in March 2026, which was part of the special land use approval for the Otis. He added that the point he was trying to make is that comments or letters presented during the special land use hearing before the Planning Commission in February cannot be used as evidence to present special damages relating to the issuance of the temporary zoning permit in May. He added that he received zero complaints about the use of the tents, and he monitored the use, and the conditions imposed on noise, cars, parking, and attendance were adhered to completely. He added that comments that were made regarding generalized concerns about the issuance of a special land use permit back in February cannot be pulled forward and used to apply to the temporary permit at issue before the ZBA tonight.

Chair Bartlett asked Township Attorney Joel Wurster to comment.

Township Attorney Wurster stated that it is ultimately up to the ZBA to determine what information it will consider to determine standing. He added that this appeal before the ZBA is a different proceeding from the appeal in circuit court that is challenging the Township's approval of the special land use permit. He added the ZBA does not have the jurisdiction to consider whether the special land use permit was appropriately issued or not.

Chair Bartlett stated that it is clear that the ZBA has no authority to consider the special use permit issued to the Otis, and in his opinion, it is a stretch to use evidence presented during the special land use hearings as evidence that the applicants are aggrieved parties tonight because they are two different things.

Township Attorney Wurster stated that comments made during the special land use proceedings relate to the special land use proposal. He added that the matter before the ZBA tonight is narrower and has to do with the issuance of a permit for temporary tents.

Patrick Hickey stated that no one is challenging Mr. Lane's authority to do his job. He added that if his exercise of discretion exceeds the limitations imposed by the Zoning Ordinance or by law, then the applicants have grounds to challenge his decision. He added that if the ZBA and Mr. Lane agree that the temporary tent permit is unrelated to the special land use permit that was issued to a commercial event facility, then maybe the applicants don't have an issue. He added that it is his understanding that when the May 29 permit was issued, it was issued because of a similar permit issued to Pond Hill Farm based on an email sent to one of the applicants.

Zoning Administrator Lane stated that he provided copies of the email exchange to the ZBA members and he has a copy for Mr. Hickey.

Patrick Hickey responded that he has a copy.

Zoning Administrator Lane stated that Pond Hill Farm was never specifically mentioned in the email, and the email exchange was between himself and a member of the Township Planning Commission who later became one of the applicants in Case #ZBA-03-2026. He added that the email is being misconstrued; permits issued to other property owners in the Township provided no basis for the issuance of the temporary zoning permit to the Otis. He added the basis for the issuance of that permit is stated on the permit.

Patrick Hickey stated that the temporary permit issued is a derivative of the special land use permit, and if that permit is found to be invalid, then the temporary tent permit should not have been issued.

Zoning Administrator Lane stated that the Township Board approved a special land use permit and site plan for the Otis Harbor Springs to expand its hotel operation. He added the issuance of that permit is being challenged in circuit court. He added that the matter before the ZBA is separate from that circuit court case. Zoning Administrator Lane stated that from his perspective as the Zoning Administrator, and from the ZBAs perspective today, we have to consider the special land use permit issued to the Otis to be valid, and by virtue of the issuance of that valid special land use permit, the hotel operation at 7291 South Lake Shore Drive became a conforming use. He added therefore the temporary zoning permit for the tents was issued to a conforming hotel operation, not a commercial event facility. He added that under the Township Zoning Ordinance, once the special land use permit was approved by the Township Board in March 2026, the Otis Harbor Springs, and all of the proposed renovations and expansions, became a conforming use and the ZBA and the Zoning Administrator must treat it as a conforming use.

Chair Bartlett stated that the ZBA must determine whether the applicants are aggrieved persons under the Zoning Ordinance. He added that the ZBA has heard from the applicants, from the Zoning Administrator and has received written materials. He added that based on that information, it appears no complaints came to the Zoning Administrator for the use of the tents in the summers of 2024 or 2025, or during this summer.

Glenn Remus stated that he did complain to the Township Supervisor once this summer regarding the noise, and he believes the police were also contacted. He added that he emailed

with the Zoning Administrator regarding the tents. Mr. Remus read aloud an email exchange (a copy is attached hereto and incorporated).

Chair Bartlett asked the Zoning Administrator if he had received complaints regarding the use of the tents or noise from the tents.

Zoning Administrator Lane stated that he did not personally receive any complaints about the operation of the tents, this summer or the previous two summers. He added that he has been in communication with residents that live in the area surrounding the Otis this summer, and he was consistently informed by those residents that the music and noise from the tents stopped at 9 PM, in compliance with the temporary permit.

Member Berryman stated that he believes the applicants fall short of meeting the aggrieved party standard required to bring this appeal. He added it does not appear that any specific injury or damages have been provided.

Israel Hernandez, on behalf of the Otis Harbor Springs, stated that we did not receive any police complaints this year, or during the previous two summers. He added that there was a jazz band that performed on the patio adjacent to the hotel, and calls were received from neighbors about that. He added the jazz band stopped playing by 9 PM, and the band was not part of any event held in the tents. Mr. Hernandez stated that all events in the tents stopped by 9 PM, and that power was cut off to the tents at that time. He added the hotel has guests that would complain if the music and tent events continued past 9 PM, so the use of the tents is stopped by 9 PM.

Chair Bartlett asked if the Otis had live music this summer past 9 PM.

Israel Hernandez responded that they never had music past 9 PM this summer. He added the tents are shut down at that time, and people have to come indoors after that time.

Stefan Scholl, attorney on behalf of the Otis Harbor Springs, stated that one important thing to add to the Zoning Administrators presentation is that the location of the tents are much closer to the hotel buildings than in previous years. He added this year the tents are located within the hotel courtyard as depicted on the plan submitted for the temporary zoning permit. He added that he agrees that the applicants do not have standing. Mr. Scholl added that the Otis has a wedding scheduled for this weekend that has been scheduled for months and the Otis is using the tents in compliance with the zoning permit, and has acted in reliance on the temporary zoning permit.

Chair Bartlett thanked everyone for their comments. He added there has been a lot of discussion regarding music and noise, and we have heard from the Zoning Administrator and representatives of the Otis who state that the music is shut off at 9 PM. He asked what time does the Birchwood clubhouse turn off the music for a wedding or when they are hosting an event?

Glenn Remus responded he does not know, and those events are primarily indoors.

Chair Bartlett stated that he has been to numerous events at the Birchwood clubhouse, and the events were held outside, the band was outside, and the music went well past 9 PM.

Glenn Remus asked the Zoning Administrator if the tents were approved as part of the special use permit.

Zoning Administrator Lane stated that as provided in the memo in the meeting packet, the Township Board approved a special land use permit and site plan for the hotel operation of the Otis, and that approval included the event pavilion, the wellness center, the pool renovations, the new one-story hotel building, and the hotel operation and those components all became conforming uses at 7291 South Lake Shore Drive. He added the property is being used as a conforming hotel as that term is defined under the Township Zoning Ordinance. He added the Otis is constructing a new building that is going to house the events held in the tents this summer, and the previous two summers. He added a zoning permit was issued to allow for the tents to be used to host events while construction is underway as a minor amendment to the approved site plan. Zoning Administrator Lane added that he knows the special land use permit is the subject of a circuit court case, but for his purposes as Zoning Administrator, that is a valid special land use permit, and the Otis is a valid conforming hotel operation.

Chair Barlett stated that we are moving into the authority to issue the temporary tent permit, and the ZBA must first consider whether the applicants have standing. He added that the ZBA has received guidance from the Zoning Administrator and the Township Attorney, and it does not appear that specific injury or damages have been provided to make the applicants aggrieved parties. Chair Bartlett stated that he has heard some generalized concerns that were presented in relation the special land use permit concerning traffic, noise, and projected property value diminution, but nothing has been specific damages that are different from the impact on other residents in the Township.

Member Dohan stated that based on the analysis memo, of the pool of applicants, only one is truly adjacent to the Otis' property. He added that there are adjacent property owners that have not opposed the special land use permit or the temporary tent permit. He added that he can see that paragraph 33 in the circuit court brief provides allegations of special damages, but those are for that case, and the applicants will have their day in court on that case. Member Dohan stated that when he reads through the application for appeal to the ZBA, there is no mention or injury or damages whatsoever. He added that the applicants are presenting a rehash of the arguments they have made in the circuit court matter, and those allegations do not apply or provide special damages for the issuance of the temporary tent permit. He added that he tends to think the applicants lack standing to bring this appeal.

Member Hollingsworth stated that she agrees with Member Dohan, and that unfortunately no evidence as required to be an aggrieved person was presented until 5:36 PM tonight. She added and this information was verbal, generalized, and not related to the tent permit. She added she cannot agree that the applicants have standing to file an appeal.

Member Taylor asked what is meant by a protected personal or pecuniary interest in the second criteria of the definition of an aggrieved person under the Zoning Ordinance.

Township Attorney Wurster responded that a protected property right or financial interest needs to be presented along with evidence that such specific rights have been infringed upon. He added that the Michigan Supreme Court in the Saugatuck case determined that proximity itself is not enough to achieve standing, it is only a factor to be considered.

Zoning Administrator Lane stated that as provided in the memo, the applicants have not provided any evidence of damages. He added that the distances of the applicants' property from 7291 South Lake Shore Drive was included in the memo to show that because of those distances, there aren't really any damages that can be submitted because there are property

owners in much closer proximity to the Otis that are not part of this appeal to the ZBA or the circuit court case.

Patrick Hickey stated that based on the definition of nuisance under the Zoning Ordinance, which is defined very broadly, the applicants have presented the characteristics of a nuisance as defined, and the Planning Commission and Township Board did not deal with those nuisance factors. He added the realtors that spoke during the special land use permit hearings provided expert testimony, and are more qualified than anyone on the Planning Commission or Township Board to determine if property values have been diminished.

Zoning Administrator Lane stated that the appeal before the ZBA tonight is not for or based on any alleged nuisance, but whether or not the Zoning Administrator had the authority to issue a temporary permit. He added to be eligible to submit this appeal, you have to be an aggrieved person as defined under the Township Zoning Ordinance, and the applicants do not meet that definition.

Chair Barlett stated that he has not heard anything beyond generalized concerns about noise and activity that would cause him to believe the applicants are aggrieved persons.

Member Dohan made the following motion:

Based upon the analysis within the September 17, 2026, memo from the Township Planning & Zoning Administrator, as discussed and adopted by the West Traverse Township Zoning Board of Appeals, I move to dismiss Case #ZBA-3-2026, an appeal of the decision of the Township Zoning Administrator to issue Zoning Permit #26-2026 because the Applicants are not aggrieved persons and lack standing to bring the appeal.

Member Taylor seconded the motion. Chair Bartlett asked for discussion on the motion.

Township Attorney Wurster suggested that the motion include reference to how the applicants failed to meet the required aggrieved party standard under the Zoning Ordinance, and that a written decision signed by the Chair shall be provided to the applicants.

Member Dohan and Member Taylor agreed to the amendments. Without further discussion,

Member Dohan made the following amended motion:

Based upon the analysis within the September 17, 2026, memo from the Township Planning & Zoning Administrator, as discussed and adopted by the West Traverse Township Zoning Board of Appeals, and based upon a failure by the applicants to provide evidence of special damages arising from the challenged decision in the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community, I move to dismiss Case #ZBA-3-2026, an appeal of the decision of the Township Zoning Administrator to issue Zoning Permit #26-2026, because the Applicants are not aggrieved persons and lack standing to bring the appeal. I further move that a record of this decision be signed by the Chairperson and provided to the applicants.

Motion was seconded by Member Taylor, and approved unanimously by roll call vote.

Chair Barlett stated that the motion has been approved, and he thanked everyone for attending.

8. Set date for meeting to approve minutes of this meeting

Thursday, October 8, 2026, at 12:00 PM.

9. Public comments

None.

10. ZBA Comments

None.

11. Adjourn

Motion by Dohan, second by Berryman, to adjourn at 6:28 PM. The motion was unanimously approved.

Submitted by:

Ken Lane, Planning & Zoning Administrator