

# Memo

**To:** Planning Commission  
**From:** Bryan Myrkle, Community Development Director  
**Date:** February 25, 2021  
**Re:** UPDATED – Lot Split – 3498 Daryl's Way

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You will no doubt remember that the Planning Commission tabled an issue regarding a proposed boundary adjustment in Sanstone Estates at the February meeting. This was due to objections raised the day of the meeting by nearby neighbors, and a lack of clear information regarding the proposal that could provide confidence in the Planning Commission's decision.

The facts of the matter remain largely the same as last month, however the time between meetings has allowed us to verify the information that we learned that day; and to get clarity regarding the possibilities for the future.

I have included a copy of the final, approved development plat for that phase of Sanstone Estates. As stated at February's meeting, at one time, a preliminary plat designated this undeveloped portion of the property as a common area. However, the final approved plat does not. Now that we have verified this, the question of preserving this area for common use is moot.

We have included a communication received from one of the neighbors, Steve Weigel, regarding this issue. While it is his preference to preserve the 'common area,' rather than expand his property; the fact that this is not truly a common area makes this something the Planning Commission cannot enforce, and should not be taken into consideration when making your decision.

Again, it is very unfortunate that so much misinformation was given to these residents at the time they purchased their lots; but that is not a circumstance that the Planning Commission can remedy.

We have heard from a representative of the owners of the undeveloped property that, if so desired, these neighbors will have an opportunity to expand their lots in a similar way to create waterfront lots. Whether or not they pursue that, it should address any perceived issues related to equity or opportunity.

I have also included a communication from the Realtor, Nicole Giguere, who is involved in this property transaction. Please note that I have emailed with Ms. Giguere following to the receipt of this letter, and let her know that we have the information we need now to proceed.

Aside from these clarifications, I believe the information contained in last month's meeting packet regarding this request remains relevant. At this time, I think it is appropriate for the Planning Commission to complete its review of this matter and make a decision.

As always, if you have any questions about this prior to the meeting, please feel free to call me at (517) 543-8853.

# Memo

**To:** Planning Commission  
**From:** Bryan Myrkle, Community Development Director  
**Date:** November 6, 2020  
**Re:** Lot split request – 3498 E. Daryl’s Way

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The City of Charlotte has received a request to adjust the boundaries of a platted lot located in Sanstone Estates at 3498 E. Daryl’s Way. The purpose of this request is to expand the lot, southwest to the water line, to create a waterfront lot.

The Realtor representing the property told me that it has been for sale for quite some time, but is not selling. It is assumed that it will be more attractive to a buyer if it connects directly to the waterline.

It is a .39 acre parcel (no. 200-079-000-660-00) owned by the Hughes Family Trust. It is proposed to be enlarged through the purchase and attachment of a small part of the adjacent 154.31 acre parcel (no. 200-079-000-660-00) owned by Crandell Enterprises, a large segment of undeveloped property within Sanstone Estates.

I have included an image of the site with the boundaries as they are now, as well as two images supplied by the Realtor showing the dimensions of the proposed expanded lot. A formal boundary survey would be completed and new legal description would be created if this proposal is approved.

As you may remember from other similar actions you have been tasked with reviewing, the Planning Commission’s approval is required by the City’s zoning code, yet the code does not provide any guidance or standards for evaluation.

However, in order to help facilitate your decision-making, I have evaluated this proposal and did not identify any serious issues that would prohibit or recommend against its approval.

The parcel is undeveloped, so there is not much to evaluate in terms of its conformity to code, other than its size, which is adequate now and would continue to be if it is enlarged. I reviewed the existing development plat, and

this change would not affect any of the established plans for future development. Furthermore, it does not appear that this would have any significant negative effects on neighboring properties.

# CHARLOTTE

Date 1-8-2021

## 2011 LOT SPLIT REQUEST FORM

Applicant Name Nicole Gugliotta (REAL ESTATE AGENT)

Applicant Address 2370 Pine Hollow Dr. East Lansing, MI 48864 (owner of lands home address)

Applicant Telephone 517-242-0619

Property Address 3498 E DARYL'S WAY, CHARLOTTE, MI 48813

State Parcel Identification Description Numbers of all affected properties (may be obtained from the Assessor's Office) 200-079-000-660-00

Legal Description of Property (may be obtained from the Assessor's Office, attach if necessary)  
LOT 66, SANSTONE ESTATES NO. 3, PART OF N/4 SEC. 9, T2N, R4W, CITY OF CHARLOTTE 12-4-2001

Note: If legal description is not provided, the application will be considered incomplete.

Current Zoning RESIDENTIAL Rezoning Needed Yes  No

**A survey or drawing showing the dimensions and layout of the proposed split must be attached. The survey/drawing should indicate the distance of all buildings from the lot lines and should show the nearest streets.**

What is the reason for the lot split? A common space sits directly behind the current lot lines blocking the capability to be able to place a dock in the water for buyers usage. Also, common space below is not utilized among homeowners association.

Please have all parties involved sign below indicating their approval of the proposed lot split as described in this application:

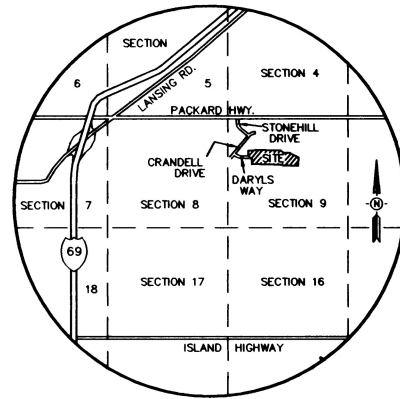
Matt Hughes Julie L. Hughes Troy Jamieson  
Trustees - Hughes Family Trust Troy Jamieson, Manager  
Grandell Enterprises

The Zoning Official will review this application and will then forward it to the Planning Commission for action. Planning Commission meets the first Tuesday of the month at 7:00 pm, unless otherwise noticed.

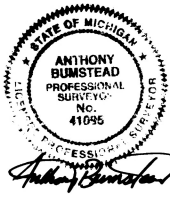
# SANSTONE ESTATES NO. 3

## A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 9, T2N, R4W, CITY OF CHARLOTTE, EATON COUNTY, MICHIGAN

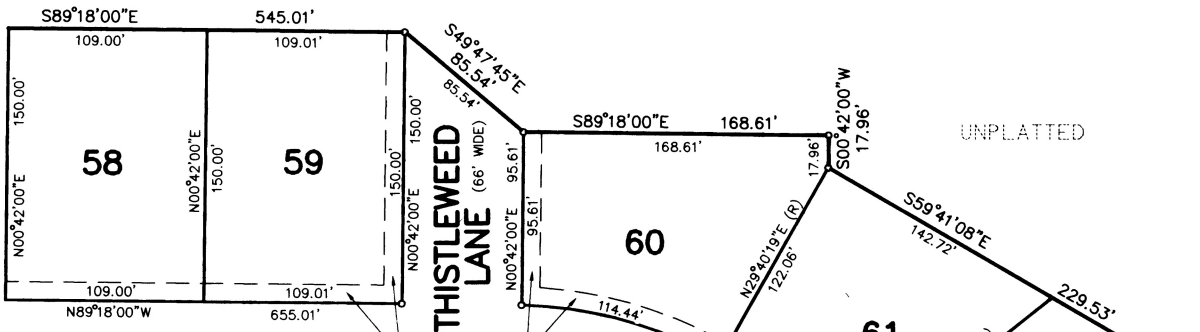
THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 288 OF 1967, AS AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY AND/OR THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH, WHICH ARE RECORDED IN LIBER /474. PAGE(S) ~~53~~ <sup>376</sup> OF RECORDS OF THIS COUNTY.



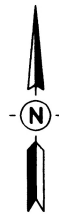
LOCATION MAP  
NO SCALE



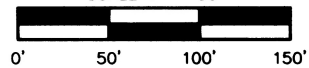
UNPLATTED



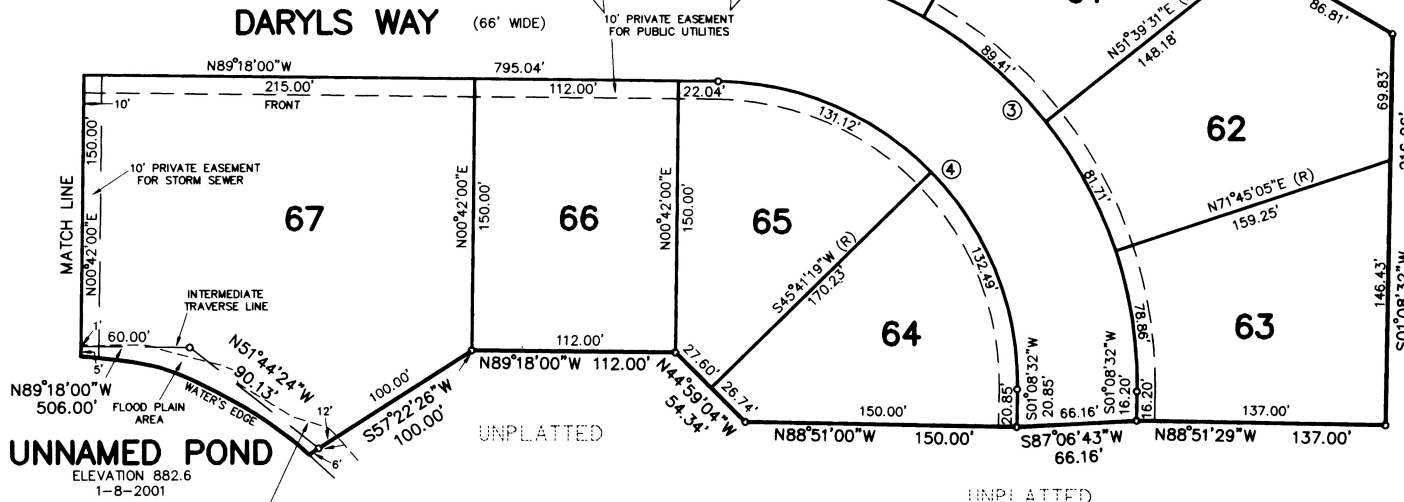
UNPLATTED



SCALE 1" = 50'



UNPLATTED



**UNNAMED POND**  
ELEVATION 882.6  
1-8-2001

FLOOD PLAIN CONTOUR AS ESTABLISHED BY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, ELEVATION 884.0, N.G.V. DATUM

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
3	233.00'	364.42'	328.40'	N43°39'51"W	89°36'46"
4	167.00'	263.61'	237.08'	N44°04'44"W	90°26'32"

LEGEND:

- 1.) ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2.) STEEL BARS 1/2" IN DIAMETER 36" LONG ENCASED IN CONCRETE 4" IN DIAMETER HAVE BEEN PLACED AT ALL CORNERS MARKED "O"
- 3.) STEEL BARS 1/2" IN DIAMETER 36" LONG ENCASED IN CONCRETE 4" IN DIAMETER HAVE BEEN FOUND AT ALL CORNERS MARKED "O"
- 4.) LOT CORNERS HAVE BEEN MARKED WITH STEEL BARS 18" IN LENGTH BY 1/2" IN DIAMETER WITH A PLASTIC CAP MARKED "KEBS 25832 31588 41095"
- 5.) ALL CURVE DIMENSIONS ARE ARC MEASUREMENTS
- 6.) ALL BEARINGS ARE DERIVED FROM THE NORTH LINE OF SECTION 9 WHICH IS RECORDED TO BEAR S89°50'00"E ON THE PLAT OF SANSTONE ESTATES, AS RECORDED IN LIBER 12 OF PLATS, PAGES 38 & 39, EATON COUNTY RECORDS
- 7.) "R" INDICATES RADIAL LOT LINE, "NR" INDICATES NON-RADIAL LOT LINE
- 8.) LOT LINES EXTEND TO THE WATER'S EDGE

**To whom this may concern,**

**At the Charlotte Planning Commission meeting held on February 2, 2021, the Commissioners were to speak on the matter of property at 3498 E. Daryl's Way, Charlotte, Lot 66 in Phase 3 of Sanstone Estates. The agenda was to review the back two lot lines of phase 3 to be readjusted to the water line edge.**

The owners of Lot 66 were under the understanding when purchasing the lot that it had waterfront access. Upon attempting to resell the property a lot survey was conducted, done by Keba Inc, who formally drew Sanstone Estates preliminary and final plat drawings. The drawings concluded that the property did not have the meet and bounds for waterfront access.

The purpose of getting the City of Charlotte planning commissioners involved was due to the fact that the planning commissioners initially approved the Sanstone Estates Phase 3 as is.

The owners of Lot 66 want to enhance their ability to sell or develop the property by gaining waterfront access from the developer, which is described as un-platted on the final development plat plan. A previous preliminary plat plan termed this space below the lot line as a "beach area" in the preliminary plat, confusing the association and current/new homeowners, believing it is "common space."

The developer has not formally approved any further plat sections with the City of Charlotte for Sanstone Estates. All un-platted land is owned by Crandell Enterprises and rightfully so, can privately sell any un-platted section of its private property.

Facts: The owners have rightfully attempted to have the matter reviewed by the Planning Commission to potentially enable a private transaction between the owners and the developer. I, Nicole Giguere (realtor), along with my sellers (Mr. & Mrs. Hughes, submitted this matter and paid the appropriate planning commission application fees required.

**Discussion:** Several adjacent owners expressed concerned that their rights were being supplanted by the owners of Lot 66 owners who desired waterfront access. These owners had exactly the same rights as the owners of Lot 66 owners to enter into this process AND discussions with the developer. The Lot 66 owners have proposed an addition of land that mirrors both the back lot line size and slants toward the water. This addition in no way impinges on the rights of Lot 65 and 64 owners.

These lot owners have exceptionally small back lot line sizes, but never-the-less have the ability to negotiate with the developer for waterfront access. The Lot 66 owners have stated no intent to buy more than the proposed lot addition in the developer's land.

Should the Planning Commission approve the use of non HOA controlled land, slated for Common Space, but never mentioned in the final approval development plans- for potential sale to the adjacent owners?

The Planning Commission by unanimous vote elected to table the matter until the next meeting pending additional information. ***The Lot 66 owners would like to specifically understand what additional information is required to make the decision on the Matter stated above.***

**This is within your jurisdiction (having reviewed and approved the site plans of the development in the past the Matter represents a minor change in condition that was never finalized in the approved site plans).**

**The Matter:**

It is part of a potential private transaction.

It does not encroach on the current rights of others near the property.

It does not affect the City Master Plan.

It does not require any new zoning actions.

A new survey would have to be conducted, no liability or results of the survey should be pertinent to the commissioners. IE if an unknown water pump was to be found (discussed on the 2nd by one of the Commissioners.)

Based on the evidence provided what exact information is needed prior to next month's meeting "that would allow the Commissioners to approve this action".

Best,

Nicole Giguere



From: **Steve Weigel** <[sweigel@deltadentalmi.com](mailto:sweigel@deltadentalmi.com)>  
Date: Wed, Feb 3, 2021 at 7:40 AM  
Subject: b.Lot Split – 3498 Daryl's Way  
To: [marmitage@charlottemi.org](mailto:marmitage@charlottemi.org) <[marmitage@charlottemi.org](mailto:marmitage@charlottemi.org)>

Good morning,

My name is Steve Weigel and I own lot 65, Sanstone Estates (3526 E Daryl's Way, Charlotte)

We (my wife and I) do **NOT** object to the sale of what has been deemed common property, said sale between Crandell and Hughes LLC, as long as the property sold extends directly to the lake from lot 66 and does not migrate east into the remainder of said "common" or "shared" property

Our one and only concern has been with what happens to the remainder of the property that has always been referred to as "common" or "shared"

We are **NOT** interested in the purchase of any of the remainder of "common" or "shared" property, that land is too low and the pump that maintains lake level is also right in the middle of the remainder of this "common" or "shared" property

We would like the remainder of that property to remain "common" or "shared" for all of the HOA, I understand that it is owned by the Crandells and that you do not technically have jurisdiction on what happens, but I wanted to make my opinion on the matter clear

Thank you