

September 22, 2025

To: Mansfield Planning Commissioners

Dear Commissioner:

Re: Waterfront Property Width in Lake 1 District

I ask you to approve the proposed change to L-1 property widths to require a 300 foot width at the waterfront **and** at the building setback.

The Problem

With confusing wording in the existing zoning ordinance, a developer could double up on selected waterfront properties by carefully designing new sites so 90,000 sq. ft. backlots own narrow deeded pathways to the water frontage. This could be accomplished today as a permitted form of quasi- keyhole-like access which is not forbidden by the ordinance's definition of keyholing, shown at the bottom of this page.

The Language

The recently proposed property width language is needed to clarify and replace the current confusing width statement that invites unwanted interpretations.

The current ordinance states "...Water frontage lots **may** also be measured at the water frontage..." The word "may" allows Township decisions about a very narrow waterfront property design to be arbitrarily approved or disapproved. The ordinance has no guideline as to how wide or narrow waterfront widths **must** be. This directly impacts decisions that could be made for future building permits, parcel divisions and re-zonings.

What Could Happen

With the current ordinance, a property owner or petitioner could request approval for an unconventional shaped lot with a very long narrow waterfront path of say 50 ft. wide that connects to the property's much wider area farther inland. In fact, a petitioner could design two or more separate lots each with 50 foot wide paths from the waterfront back to the larger portion of each separate site, where the width is 300 ft at the building line. These petitions would likely be approved at the township's first decision point such as the Zoning Administrator or the Planning Commission because the ordinance is silent about mandated waterfront widths. This approval could be supported or reversed at higher township levels. Regardless, a very determined petitioner with a talented lawyer could bring the matter to court for resolution. This could result in dense groupings of docks and beachfronts harming lake quality. It could also result in significant legal costs to the township.

Please vote to approve the requirement for 300 ft. widths at the waterfront **and** at the building setback.

Sincerely,

Bill Fleming
228 Davis. Rd.
Crystal Falls, MI

Zoning Ordinance, page 7

KEYHOLE DEVELOPMENT – Keyhole or funnel development is the use of a waterfront lot as common open space for waterfront access for a larger number of users than are typical for a single-family lake front lot. These users could reside or temporarily stay in dwellings, tents, or travel trailers away from the waterfront (on a beach lot or adjoining parcel) or could park and launch a boat as at a public access site.

Zoning Ordinance, page 17

SECTION 206 - DISTRICT: LAKE-1 (L-1)

A.) INTENT: This district is to preserve the scenic character of the designated lakes and its bordering lands, the natural quality of the water itself while providing controlled recreational opportunities and low-density residential use. Keyhole development or funnel development will absolutely not be a permitted use.

MARK GODWIN & KRISTIN WHITE

218 LAKE ELLEN ROAD, CRYSTAL FALLS, MICHIGAN 49920

Date: September 9, 2025

Mansfield Township Board
964 Way Dam Road
Crystal Falls, Michigan 49920

Attn: Brock Van Oss, John Lutz, Lynnette Fende, Rose Pointer, Linda Smith, Mike Carey, George Minerick

RE: Interpretation of 1983 Mansfield Township Zoning Ordinance

Dear Board Members,

An issue was raised at the most recent Planning Commission Meeting on August 14th, 2025 (and further discussed at the Mansfield Township Board Meeting on August 20th, 2025) which we believe requires your immediate attention. The issue concerns an ambiguity in the 1983 Mansfield Township Zoning Ordinance (with Amendments) (the "Zoning Ordinance") that could conceivably allow approval of future building lots on Lake Ellen that have significantly less than 300 feet of Lake frontage. We believe that if this were to occur it would be a gross misinterpretation of the Intent of the Ordinance. While the Zoning Ordinance clearly states that L1 zoned lakefront properties should have a minimum width of 300 feet (page 21, District L1, Minimum Lot Size 90,000 square feet, Minimum Lot Width 300 feet), it becomes ambiguous when interpreting the illustrations in Section 101, Definitions, Section D, Lot Lines (top of page 9) which show several properties with non-parallel side lot lines that designate the Minimum Lot Width of 300 feet to occur at some point back from the lake (the "Set Back Point") while appearing to have slightly less than that at the Lake front.

There are numerous practical and legal reasons why the Town Board should clarify what the minimum Lake Front footage for all L1 properties, including those with non-parallel side lot lines ("Non-Conforming Properties") is, as soon as possible. Some of these include:

- (i) Preventing *Legal Disputes* due to conflicting interpretations by developers, residents, or government officials which in turn can result in lawsuits, appeals, or administrative hearings that waste time and money;
- (ii) Ensuring *Consistent Enforcement* that requires zoning officials to enforce regulations fairly and uniformly, reducing the risk of arbitrary or biased decisions;
- (iii) Promoting *Predictable Development* so that developers and property owners understand the rules before investing in land;
- (iv) Protecting *Public Interests* including health, safety, environment, and community character. Vague rules can lead to uses that harm its residents and environment;
- (v) Supporting *Community Planning Goals* such as environmental sustainability and preservation;
- (vi) Reducing *Administrative Burdens* minimizing the need for frequent clarifications, interpretations, or variances and saving time and money for the zoning board, planners, and the public.

We contend that the Intent of the Zoning Ordinance is that new building lots have a minimum of 300 feet of Lake Front Footage, with Non-Conforming Properties *not significantly less than that*. Therefore, for consistent interpretation, we request that the Zoning Ordinance be amended to state that the Minimum Lot Width of 300 feet apply to both the 100-foot Set Back Point and Lake Front Frontage for all future lake front building lots. Please note that in multiple legal cases where ambiguity in zoning ordinances occurred, the courts cited the intent of the ordinance as the determining factor in their decision (see footnotes below). In addition to paragraph 1 above, other sections of the Zoning Ordinance that support our contention include:

1. SECTION 101 DEFINITIONS Section D LOT Lines (pg. 8): Lot width with parallel side lot lines have a minimum lot width of 300 feet *(This indicates the Zoning Ordinance's overall intent of maintaining a 300 feet width at the lake front, albeit in a perfect world)*.
2. SECTION 206 - DISTRICT: LAKE-1 (L-1) (pg. 17): A.) INTENT: This district is to preserve the scenic character of the designated lakes and its bordering lands, the natural quality of the water itself while providing controlled recreational opportunities and low-density residential use.
3. SECTION 206 - DISTRICT: LAKE-1 (L-1) A.) (pg. 17): INTENT....Keyhole development or funnel development will absolutely not be a permitted use.
4. SECTION 107 - SUBSTANDARD LOTS (pg. 13): In district R-1, AR-3, R-10, RR, **L-1**, A-20, A-40, MUF, and C the minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as lot in a recorded plat, or described in a notarized deed or land contract executed and delivered prior to the effective date of this Ordinance.
(This section 'grandfathers in' properties built prior to the Zoning Ordinance that do not meet the 300 foot minimum lot width requirements while simultaneously, as noted within other sections of the Zoning Ordinance, requires future building lots to meet said requirements.)

1. Town of Eagle v. Christensen, 733 N.W.2d 859 (Wis. 2007) The Wisconsin Supreme Court held that when a zoning ordinance is ambiguous, courts should interpret it in accordance with the intent of the legislative body that enacted it.

2. City of Chicago v. Siben, 682 N.E.2d 16 (Ill. App. Ct. 1997) When interpreting zoning ordinances, courts look to the purpose and intent of the ordinance and construe provisions to give effect to that intent, particularly where the language is not perfectly clear.

3. State ex rel. Zumbar v. City of Akron, 848 N.E.2d 846 (Ohio Ct. App. 2006). Courts considered the stated purpose of the zoning ordinance to interpret ambiguous provisions regarding permitted land uses.

In the event the Town Board votes not to amend the Zoning Ordinance to specify a Minimum Lot Width of 300 feet Lake Frontage and 300-foot lot at the 100-foot setback for all future L1 building properties, for the reasons noted above, it clearly would be in the Town's best interest to indicate a specific Minimum Lot Width of Lake Frontage for Non-Conforming Properties and not leave it ambiguous. In this regard, as previously mentioned, we request that **all** new building lots have a minimum of 300 feet of Lake Frontage.

Very Truly Yours,

Mark Godwin and Kristin White
218 Lake Ellen Road
Crystal Falls, Michigan, 49920

Ron and Barbara Osborne
218 Lake Ellen Road
Crystal Falls, Michigan 49920

cc: Marsha Shasteen, Esq.
Russel Bouwens
John Gilner
Jeff Tushoski
George McCumber
Pam Minerick
Senator Ed McBroom, Michigan State Senate
Jack Bergman, US House of Representatives
Elissa Slotkin, US Senate

September 23, 2025

Dear Mansfield Township Planning Commission and Mansfield Township Board:

As more and more properties on Lake Ellen become subdivided it has become clear that the wording of the current L-1 zoning ordinance needs to be clarified. There has been confusion according to Pam Minerick, Zoning Administrator, as to where the 300 foot lot requirement should be measured. Thank you to the Mansfield Township Planning Commission for proposing to update the wording to read ***“Waterfront lots for the L-1 and RR Zoning Districts to specify a minimum of 300 feet of lake frontage from a straight line distance between the points where the side lot lines intersect with the high water mark on the lake and also 300 feet of lot width at the 100- foot setback from the lake. Both measurements must be met.”*** This will clarify how land in L-1 and RR districts may be subdivided in the future.

It is crucial to have this type of zoning to help protect the water quality of Lake Ellen (L-1) and RR districts. Shoreland zoning establishes rules for building setbacks and lot widths, vegetation preservation, and land use to balance community needs with the environmental health of lakes and rivers. This helps ensure clearer water, healthier shorelines, and sustained aquatic ecosystems for future generations. Waterfront development needs to be regulated to safeguard water quality, prevent erosion, preserve fish and wildlife habitats, and manage stormwater runoff. Lot widths of 300 feet help to keep residential density in check with maintaining water quality.

Lake Ellen has been registered with Michigan Clean Water Corps (MiCorps) which is a network of volunteer water quality monitoring programs in Michigan. It was created through Michigan Executive Order #2003-15 to assist the [Department of Environment, Great Lakes, and Energy \(EGLE\)](#) in collecting and sharing water quality data for use in water resources management and protection programs. Several people, who own property on the Lake Ellen have trained to test and collect water samples for Cooperative Lake Monitoring Program (CLMP) which is administered by MiCorps.

In 2015, Eurasian Water Milfoil (EWM) was discovered in Lake Ellen. Currently the surveying work is done by volunteers and hand pulling removal of EWM is paid for through donations to the Lake Ellen Association, Inc, a 501(c)3 non-profit. Thousands of dollars are spent every year removing this recreational limiting invasive aquatic species that is also affected by water quality.

Please help to protect L-1 and RR districts and therefore water quality by keeping residential density low by voting for the clarified description of a 300 foot wide lots.

Sincerely,

Laurie Zen Netzow

165 Ellen-Wood Lane

September 23, 2025

To: Mansfield Planning Commissioners

Dear Commissioner:

Re: Waterfront Property Width in Lake 1 District

I ask you to approve the proposed change to L-1 property widths, to require 300 foot widths at both the waterfront **and** at the building setback.

Eurasian watermilfoil (EWM), a highly invasive aquatic plant, was found in Lake Ellen in 2015. The residents have been working hard at removing individual plants for the past 10 years with the assistance of Many Waters, LLC. This year there was an unexpected explosion of EWM plant growth in both the North End and the South Bay. Close to 650 plants were pulled. The Lake Ellen residents have put time and money into keeping Lake Ellen, a jewel in Mansfield Township, healthy for the many people who come here to fish and enjoy the peaceful wild beauty. We need your help. We can't protect Lake Ellen alone as a small community of lake residents.

The reason why I want you to vote in favor of changing the ordinance to specifically state that waterfront property widths must be 300 feet at both the setback **and** on the waterfront is because of the **impact** population density makes on lake quality. If back lots on the many large properties in the L-1 District are allowed to be configured so that they have narrow pathways to the shoreline, more docks, more boats and motors, more septic systems will surround the lake. More trees that filter pollution will be cut. Shoreline habitats necessary to maintain fish and wildlife habitats will be reduced and there will be a greater possibility of harmful invasive species entering the lake, degrading the water quality and destroying the wild serene beauty of Lake Ellen.

The Michigamme Reservoir is loaded with EWM and many boaters travel between the reservoir and Lake Ellen without following the necessary Clean/Drain/Dry protocols required by the State of Michigan. State law requires that all aquatic plants be removed from watercraft, trailers, and associated equipment before launching them.

My request is in keeping with the intent of our Mansfield Zoning Ordinance for the L-1 District: "Intent: This district is to preserve the scenic character of the designated lakes and its bordering lands, the natural quality of the water itself while providing controlled recreational opportunities and **low density residential use**. Keyhole development or funnel development will absolutely not be a permitted use."

Our Master Plan as well specifically states our commitment to "keeping the township's wild north-woods character" and to slow the spread of aquatic invasive species. There are few places left like Lake Ellen and we must all work together to protect it for the future, for the children.

Keep residential density low on Lake Ellen by voting to require 300 foot widths in the L-1 District at both the setback **and** the waterfront.

With concern and gratitude,

Lynn Fleming
228 Davis Road
Crystal Falls, MI 49920

----- Forwarded Message -----

From: JAMES KALTINGER <jameskaltinger@sbcglobal.net>
To: "russellbauwens@yahoo.com" <russellbauwens@yahoo.com>
Sent: Tuesday, September 23, 2025 at 11:57:13 AM CDT
Subject: Mansfield Zoning

James R Kaltinger
142 Fende Dr
Crystal Falls, MI 49920
(630) 501-7686

August 19, 2025

Mansfield Township Board

Dear Mansfield Township Board Members,

My name is Jim Kaltinger and I am a third generation property owner on Lake Ellen. I am writing to you to express my disagreement with the way the Mansfield Township zoning regulations are being interpreted in regards to lot size required for building in the L1 zoning district. It has always been my understanding that 300 feet of lake frontage is required in order to build, however the way the zoning is currently being interpreted, is that 300 feet is only required at the 100 foot setback line. I strongly disagree with this interpretation. Within the Mansfield Township Zoning Book it states under definition of lot width:

“Water frontage lots may also be measured at the water frontage ordinary high water mark where these points are a straight line intersecting the side lot lines at the ordinary high water mark.”

The current manner in which the zoning is being interpreted could lead to some odd lots, more homes than this small lake can handle, and degradation of this resource. The L1 District was created to protect this resource and zoning decisions should be made with this in mind.

The Mansfield Zoning Book states in Section 206:

“This district is to preserve the scenic character of the designated lakes and its bordering lands, the natural quality of the water itself while providing controlled recreational opportunities and low density residential use.”

This intent would be best served by measuring the required 300 foot lot width for building at the water frontage ordinary high water mark.

I urge the Township Board to take action and clarify the Mansfield Township Zoning Regulations by adopting an amendment which will make this clear.

Thank you for your attention to this matter.

Sincerely,

James R Kaltinger

Sent from my iPhone
September 23, 2025

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With concern and gratitude,

Lynn Fleming

228 Davis Road

Crystal Falls, MI 49920

Dear Board Members,

Attached is a letter representing the 218 Lake Ellen Road Household regarding the current issue on appropriate lake front footage for new building lots on Lake Ellen (and other nearby lakes).

The letter is also being mailed to you via hard copy for your convenience.

Respectfully,

Mark Godwin
218 Lake Ellen Road
Crystal Falls, MI 49920

Cell: 917 496-9360
E: godwinmsg@yahoo.com