

April 27, 2026

Planning Commission
Golden Township
P.O. Box 26
Mears, MI 49436
zoning@goldentownship.gov

Sent via email only

**Re: Continued Objection to Application for Amendment to PUD 12.25
Breakaway Bay**

To the Golden Township Planning Commission:

Bloom Sluggett PC represents Dr. David Roseman, 4629 N. Ridge Drive. Mr. Roseman owns a lakeshore residence directly across Ridge Drive from the Woodland Shores RV Resort (“Woodland Shores”).

The land upon which Woodland Shores sits is subject to PUD zoning ordinance 12.25 “Breakaway Bay,” which was adopted in 2003. The PUD initially permitted up to 180 camp sites. The PUD was later amended to permit up to 237 sites. The owner of Woodland Shores has now requested a major modification of the PUD to permit 300 sites (including 3 additional cabins) at Woodland Shores.

This correspondence incorporates by reference the previous letter dated March 27, 2026 sent to the Planning Commission by the undersigned on behalf of Dr. Roseman. At the March 31 Planning Commission meeting, the PUD major modification request was tabled to permit the Planning Commission additional time to review the subject property and the application. Dr. Roseman continues to oppose the request.

1. Expansion of Woodland Shores would be inconsistent with zoning regardless of the campground’s existence prior to the adoption of zoning.

Prior to the adoption of the Breakaway Bay PUD in 2003, the Woodland Shores parcels were zoned Resort Residential (RR). Consequently, the underlying zoning for Woodland Shores is RR.

Pursuant to the Golden Township Zoning Ordinance, the RR district does **not** permit campgrounds, either as of right, as a special land use, or under a PUD. See Zoning Ordinance, §§7.1-7.3. The sections of the Zoning Ordinance describing the requirements for PUD districts states: “The establishment of incompatible business or industrial uses in zoning districts in which such uses are not permitted shall not be permitted under any circumstances.” Zoning Ordinance, §12.5. The underlying zoning for the PUD therefore does not permit campgrounds under any circumstances.

There was discussion at the March 31 Planning Commission meeting regarding the campground's existence prior to the adoption of zoning in Golden Township. The campground land use therefore possessed nonconforming use rights, and it is subject to Chapter 17 of the zoning ordinance (Nonconforming Uses). That chapter states in relevant part: "A nonconforming use of open land may not be extended to cover *more land than was occupied* by that use before the effective date of this ordinance." Zoning Ordinance, §17.2(4) (emphasis added).

The Township appears to have created the Breakaway Bay PUD 12.25 to acknowledge the property's nonconforming use rights and to provide additional control and flexibility over that use. But the underlying zoning district remains inconsistent with campground use, and the Township's zoning ordinance consequently forbids *expanding* that use. Stated differently, the owner of the campground cannot *gain* nonconforming use rights over time—the rights were set at the time zoning was first established.

2. Woodland Shores is already in violation of the PUD and the Township's keyholing ordinance because it incorporated a parcel of lake frontage and is allowing its customers to use it for lake access.

There appears to be no dispute that the applicant owns Parcel 006-005-200-04 (which contains approximately 200 feet of frontage on Lake Michigan) and uses it to funnel Lake Michigan access to its campers. The PUD strictly forbids this—it states: "The resort shall be limited, in its operational and physical entirety, to the east side of Ridge Road." Woodland Shores has been violating this prohibition for decades, to the detriment of the neighboring landowners. Even absent the clear prohibition contained in the PUD, the Township's zoning ordinance prohibits the use of only 200 feet of frontage to grant access to between 250 and 300 campsites and cabins. Section 4.31 states:

Any residential development ... that shares a common lake [] frontage is permitted to provide lake [] access to *one* dwelling, cottage, condominium unit, or site condominium unit for each segment of lake [] frontage that is equal to the minimum lot width requirement of the zoning district in which such development is located." [Zoning Ordinance §4.31(2) (emphasis added).]

Expanding the PUD without simultaneously prohibiting the illegal keyholing will only increase the burden on the lakeshore. This must be addressed.

3. It is still unclear how many campsites and cabins currently exist at Woodland Shores.

The site plan attached to the PUD major modification application differs significantly from the site plan marketed on Woodland Shores' website. Both site plans depict existing campsites and cabins far in excess of the current 237 limit imposed by the PUD. The Township cannot amend the PUD without first ascertaining the land use as it currently exists. The applicant cannot violate the PUD and then correct the violation by belatedly requesting an amendment. See *Johnson v Robinson Twp*, 420 Mich 115, 126 (1984). This is not a situation where it is 'better to ask forgiveness than permission.' If the applicant has not respected the PUD requirements in the past (and in this matter, it is obvious that it has not), there is absolutely no reason to believe that the applicant will respect any new restrictions or requirements. Before the township grants a landowner relief from current zoning requirements, the landowner must demonstrate that it can be trusted. This applicant has shown the Township that it does not take zoning obligations seriously.

4. How is the Applicant proposing to address stormwater, sewage, and other impacts on neighboring landowners?

The application includes a “site plan review checklist” that the applicant filled out itself. There is no supporting documentation. So the applicant is representing that it possesses sufficient utility systems, water wells, septic, and storm water retention, but there is no evidence whatsoever that these representations are true. There is no indication that the applicant has contacted EGLE, the health department, or the drain commissioner regarding this proposed expansion. It is the Planning Commission’s sole responsibility to verify that the checklist is actually complete and accurate. See Zoning Ordinance at §§12.4, 13.2(3). The Planning Commission may require an applicant to submit the site plan to the County’s Soil Erosion and Sedimentation Control Officer, Drain Commissioner, and the District #10 Health Department. Zoning Ordinance §13.8. These officials and agencies should be included in the site plan review here.

Sufficient information and input from governmental bodies is crucial for the Planning Commission to perform its required functions. Because this is a request for a major modification of a PUD, it must be reviewed as a request for an entirely new PUD. Zoning Ordinance, §12.17(2). This means that the Planning Commission must make written findings regarding each of the standards articulated in §12.11, including: whether the PUD modification will be consistent with the zoning ordinance and Master Plan; whether it will create a substantial benefit for the Township; and whether it will materially impact the use of surrounding property.

The applicant here has no “right” to expand its land use. The expansion can only be granted if all of the requirements of Chapter 12 are met (they are not for the reasons stated above) and if the Planning Commission and Township Board believe that the benefits to the Township outweigh the harms caused by the expanded use. The Planning Commission cannot make that assessment unless it knows what the potential harms will be.

In conclusion, Dr. Roseman requests that the Planning Commission recommend denial of the application and issue written findings that the requirements of Zoning Ordinance Chapter 12 (PUD) and Chapter 13 (Site Plan Review) are not met.

Sincerely,

/s/Patrick Sweeney
Bloom Sluggett, PC

Enclosures
cc. Dr. David Roseman