



**HELENA TOWNSHIP
ADVOCACY GROUP, NFP**
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Helena Township Planning Commission
REGULAR MEETING
September 4, 2025 @ 5:00 pm
MEETING RECAP

(The content contained herein was extracted directly from recordings of the above-referenced event and prepared as accurately as possible based on the room's conditions including number of people simultaneously conversing. At such times, comments are unrecognizable, it is so noted as such as being "(inaudible)".

Present:

David Hunstad
Jim Gurr – Chair
Fay VandenBerg - Secretary
Jim Schilling – Board Liaison
Mike Robinson – Vice-Chair
Darren Whipple
Butch Peebles - Supervisor
Bob Logee – Zoning

Absent

Gordy Schafer
Butch Peebles

CALL TO ORDER:

Gurr called the meeting to order at 5:00 pm.

PLEDGE OF ALLEGIANCE:

Attendees said the Pledge of Allegiance.

ROLL CALL

Each HT Planning Commission member present (listed above) said their name.

AGENDA:

Gurr asked someone to make a motion to approve the Agenda as presented. Schilling made a motion. Whipple seconded the motion – Motion carried.

CONFLICT OF INTEREST:

Gurr asked the Planning Commission if anyone had a Conflict of Interest on anything on the Agenda and then mentioned the Minutes from “August 8, 2025 were on the back of the document.

Resident (L. Sak) mentioned the date on the Minutes attached to the Agenda should reflect August 7, 2025, 2025 not August 8, 2025.

Gurr indicated the date would be corrected and asked for a motion to approve it with the amended date.

Hunstad: Made a motion to approve; Robinson seconded. Motion carried.

Gurr was about to ask for a motion to approve the June 19, 2025, Minutes but Vandenberg indicated the Minutes of the June 19, 2025 meeting (which was a Public Hearing on Boats & Docks but without proper notice) were not on this meeting’s Agenda. ***Note*: Minutes of the June 19, 2025 Planning Commission meeting were not approved.**

COMMUNICATIONS:

Gurr mentioned a letter the Planning Commission received from Albert Cash. He indicated it was the same letter, which was read during the June 19, 2025 Public Hearing by Resident Lori Sak.

Vandenberg asked if he would like her to read it. Gurr accepted saying “it’s a great letter.”

Whipple read the letter received from Albert Cash to all in attendance.

***Note*: A copy of the referenced letter has been embedded into this RECAP.**

My name is Albert D. Cash Jr. With the exception of 2 years during World War II, I have been coming to Torch Lake for 86 years. I remember when there were 3 gas stations in Alden and a Chevrolet Dealership. When there were clams in Clam Lake. I remember when Torch Lake's water was clean and you could see the clear bottom and the dark plume from Clam River stopped at the river and did not extend to Lone Tree Point . When there were about 4 Chris Crafts and we used a 2 - 5 or much later a 25 HP Johnsen outboard. Real estate was \$10 for 15 feet and the entire shoreline was green and full of trees.

Now with the population growth you see what we have - tree clearing, water front development, boat parking lot and storage.

Naturally merchants want to sell more boats, more food, more drink and the more buyers the better. We advertise for people to come to the South beach which creates a Coney Island each summer break. This results in many boats, more food and drink, more urination, more diaper changes and more waste. This results in required policing, post beach clean-up, pollution and questionable behaviors.

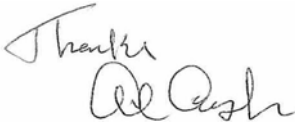
Today we are concerned about the number of boats in front of each 100' of property. Each boat is about 10' wide and a dock along side, adds about 4' or at least 15' per boat or 60' (15x4) per 100' of property. Then add hoists and canopies and the footprint only grows.

You know what that would look like if each driveway had 4 or more cars, trucks or SUV's in front of each home. What about houseboats? Property is so expensive, I'm sure houseboats are already being considered.

What about rental boats that are docked on leased frontage?

I am now 90 years old and I pointed out a few of the lake changes in my lifetime . What will the future lake be like? I'm afraid Torch Lake will look like a commercial warehouse without a green shore line, deprived of the past beauty. What will happen if 25' shorefronts are approved?

Let's go to 2 boats per 100' for the lakeshore property owners and no rentals on backlot properties.

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Gurr then stated he wasn't sure the minutes from the Public Hearing could be amended "without accreditation" but requested the Minutes reflect that Albert Cash's letter was read and he should rest easy that his opinion was heard and considered."

ZONING REPORT:

Logee asked the Planning Commission to confirm their receipt of a letter received from Mr. Ed Malaski and to read the letter, in its entirety, into the record. VandenBerg stated the letter made the following statements:

1. Enforce the current R1 ordinance that's written – campers and Accessory Structures are not permitted on vacant parcels without a principal dwelling.
2. That he be provided a written status update on outstanding violations on the specific lots he has outlined in his letter AND notices that were issued, next formal steps, and a timeline to achieve compliance. (VandenBerg noted Bob Logee has been working on this); and
3. When the RV/Camper Ordinance language is being drafted, he be provided with any draft language and scheduled meetings/hearings so he can review and participate.

***Note*: The above statements made by VandenBerg do not accurately represent the scope and intent of the letter or the requests/statements made within it. A copy of the letter, received by the PC, in its entirety is attached to this recap.**

Planning Commission training:

Gurr then shared the importance of the Planning Commission member and those of the public interested in doing so, to go through in-depth training sessions to get familiar with proper process and procedure and the next one which is in Missaukee County (Lake City).

PUBLIC COMMENT:

Resident (Gary Mayes) reiterated his concern over the Planning Commission, once again, disregarding the Open Meetings Act (OMA) by holding “closed meetings”. He encouraged the Planning Commission to become familiar with The Little Red Book and reminded them of the requirement for them to discuss ALL business in an open, public meeting. He indicated there were consequences (i.e., fines...sometimes up to \$2,000) Attorney General complaints, Attorney Prosecutors civil and circuit court – that there is personal liability.

This includes the Planning Commission members staying back at the end of a meeting and continuing to talk or giving the impression they are conducting business outside an open, public meeting.

Gurr reminded the attendees **“We only have a single public comment during the meeting anymore, so this is your chance to be heard.”**

Resident Wilcox asked for a correction in the August 25, 2025 Minutes to clarify that she did not “feel” the Open Meetings Act requirements weren’t being followed; rather, they were not and presented the Planning Commission with Michigan Compiled Law language supporting the concerns she voiced prior to the commencement of the Public Hearing.

Resident Wilcox voiced her confusion about the fact she address the Commission before the start of the August 25, 2025 Public Hearing, announced it should not proceed due to improper notice, but the Planning Commission proceeded with the meeting, passed ordinance language that night but is now rescheduling the Public Hearing to October 2, 2025.

VandenBerg concurred as the Planning Commission didn’t meet the requirements for a Public Hearing by not giving enough advance notice, she took the blame and stated the Public Hearing was being rescheduled.

Wilcox asked the Commission when the decision to re-do the 8/25/25 Public Hearing was done as it was NOT made during an open, public meeting.

Wilcox then asked what the Planning Commission’s plans were to re-do the Boats & Docks Ordinance (Section 5.02.02) as the public was also not given proper notice.

VandenBerg: “I’ll go back and see what dates that was published in...we had more than enough days...”

Gurr: "I'm hoping that, you know...obviously, this is a concern that, you know, the public has brought to our attention, and it's on our minds all the time, and, you know, I'm doing my best, personally, to come up with language that...or processes that will satisfy the criticisms and allow everybody the chance to see things in action, Laura, I'm with you...Every decision that's made should be made right now, right here, in the presence of the public. And, you know, again, there's plenty of room for people to learn and improve, and, you know, as to my understanding, we're all about trying.... yourself included, very obvious and very much appreciated.

NEW BUSINESS

Bob Logee provided his monthly report – "There were three permits issued in August. There was a residence with an attached garage on Crystal Springs Road, a deck at Thayer Lake, and a shed. I had 12 calls or contacts with the public, plus or minus. There is also another issue between neighbors on Cedar Street which he hoped doesn't boil over and will keep an eye on it.

Permit for Spa (Alden)

Logee mentioned on September 19, 2024, the Planning Commission approved a Special Use Permit for the spa next to the tennis court. The owners haven't made any moves, so they should apply for an extension. He said he would contact them.

VandenBerg (looking at the attendees) then asked everyone for their input as it related to rescheduling the Public Hearing for "Funneling" (Section 5.02.01) 5.02.01 and wanted to confirm everyone was in agreement with date, timelines and notices for a Public Hearing to be held on October 2, 2025. She then outlined her timeline for the Public Hearing.

Wilcox asked the Commission to confirm when they would hold their REGULAR October meeting as they required to meet monthly but have now scheduled a Public Hearing on their regularly scheduled meeting date.

Gurr replied "Our Bylaws and the Planning and Zoning Enabling Act say you have to have four meetings a year." That's the mandatory amount."

***Note*: The Bylaws for the Planning Commission state as follows:**

- #2. The Planning Commission shall meet the first Thursday of every month at 5:00 pm in the Helena Township Community Center, governmental room.

Whipple mentioned the benefit of having a matrix of some sort to help with knowing the step-by-step process which needs to be followed in the development of an ordinance. Vandenberg stated she was in the process of creating one so the public could be informed.

Resident (Lori Mayes) liked the idea and asked if there could be a flowchart, available to the public to clearly indicate where the Planning Commission was in the process so residents could see where we are in the process. She went on to say “Well...the whole thing is about being transparent, so those of us who are concerned about this community and want to participate appropriately and help out, we can be where we are at and be prepared to ask questions or provide...whatever you feel...so we can work together.”

Gurr stated “We're trying to come up with a template that gives the earliest opportunity to meet ALL of the requirements, to open a window to make sure that we meet ALL of the requirements. If we ever get it figured out to where we can do that adequately, I might say we can put it in the Bylaws if we want. This is the process by which we'll finalize our documents. We'll make sure that we meet all of the requirements by doing this and that the secretary does all that scheduling is instructed to find the earliest opportunity. In previous discussions, a lot of our zoning ordinances are pertinent to effective parties. We never wanted to finalize language with respect to shoreline issues and so historically, we avoided doing that. And we made sure that it all happened in some time but because of a lot of structural difficulties, a lot of new interested parties, it's become more difficult to do. So, we're going to find the smoothest path through...”We're a planning commission and we have a legal responsibility to consider all of that stuff and find the language that is the closest thing to a compromise that's going to satisfy the interested parties. And we stretch ourselves to do it.”

Gurr then recognized David Hunstad recently completed the Citizen Planning Training and encouraged people to take it as well. He stated he will tell the Township Board next Thursday they should consider paying for any Planning Commission member to attend.

Next Meeting:

Gurr stated – “We know what we’re doing, right? He moved on to the announcement that the next Township Planning Commission Public Hearing will be October 2nd. It’s a Thursday, 5:00pm.”

Vandenberg made a motion to adjourn.

Meeting adjourned at 5:39 pm

Provided by,

Helena Township Advocacy Group (HTAG)

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From: Edmond Malaski <ed@1woodfloors.com>

Date: August 25, 2025 at 7:22:01 PM EDT

To: Logee ROBERT <rjlogee@hotmail.com>

Subject: Re: Indian Woods Shores

Hi Robert,

Please provide me details on the time and location of the commission meeting. Let me know as well if I can be present. In the absence of my presence I ask this letter to be entered introduced at the meeting.

Dear Members of the Planning Commission,

I am writing as a property owner in the Indian Woods Shores subdivision to address the ongoing matter of campers and accessory structures placed on vacant parcels within areas zoned R-1 Residential.

Current Ordinance

Section 4.04.01 of the Helena Township Zoning Ordinance (R-1 Residential District) permits:

- Single-family dwellings.
- Certain licensed residential facilities.
- Family child care homes.
- Accessory buildings and structures, only when appurtenant to a dwelling.

By law, campers on vacant lots and outbuildings without a dwelling are not permitted uses.

The “Enjoyment” Standard

I understand there has been discussion that such uses allow property owners to “enjoy their property.” With respect, enjoyment is not the legal standard. Compliance is.

If “enjoyment” becomes the Township’s enforcement test, then almost any use could be justified — multiple campers, seasonal housing, or storage yards — so long as the owner claims it gives them enjoyment. This interpretation erodes the integrity of R-1 zoning.

Erosion of R-1 and Violation of Deed Covenants

Indian Woods Shores properties are not only governed by Township zoning but also by binding deeds and covenants, which prohibit structures or campers without a dwelling. By failing to enforce existing ordinances, the Township risks enabling uses that directly conflict with private deed restrictions, creating long-term legal conflict and weakening both Township authority and community standards.

If R-1 protections are not enforced, neighborhoods will be incrementally converted into campground-like environments that neither the zoning ordinance nor the covenants allow. This undermines the very purpose of R-1 zoning.

Taxation and Economic Scenario

There is also a fiscal consequence to non-enforcement. If vacant lot owners are permitted to place campers and sheds instead of building homes:

- Property owners may be discouraged from building permanent dwellings altogether.
- Existing homeowners might even consider demolishing their residences to replace them with RVs or campers, which lower taxable value while maintaining “use” of the property.
- Over time, this could significantly erode the Township’s tax base, especially along waterfront lots, where the incentive to avoid building and simply use campers is high.

In effect, instead of residential neighborhoods that contribute strongly to Township revenues, Helena risks incentivizing a shift toward vacant-lot “camping” properties with substantially reduced tax valuations.

Requested Action

I respectfully request that the Planning Commission:

1. Reaffirm that current R-1 zoning prohibits campers and accessory structures on vacant lots.
2. Recommend consistent enforcement of the ordinance as written.
3. Ensure that any proposed ordinance changes do not conflict with binding deed restrictions.
4. Consider the long-term tax and community impact of weakening R-1 zoning through non-enforcement.

Closing

This matter is not about denying property owners enjoyment, but ensuring that enjoyment occurs within the rules that apply equally to all. Zoning ordinances exist to protect neighborhood character, property values, and Township stability. Deed covenants add another layer of protection, and the Township must not undermine them.

I respectfully urge the Planning Commission to uphold the ordinance as written, enforce it consistently, and prevent the erosion of R-1 neighborhoods into de facto campgrounds.

Sincerely,

Edmond Malaski

President of 1 Wood Floors and First Class Floor Covering Inc.

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Hrs: M-F, [12-5 Thu](#), 12-7 Sat, 12-5

by appointment - Anytime