

Condominium Association Gets OK, First Ever in Les Cheneaux Islands

By Amy Polk

In 1948 there were approximately 50 resorts in the Les Cheneaux Islands, some still in the development phase.

Now there are 15, "some of them by name only," said Clark Township Zoning Administrator Frank Sims at a Planning Commission hearing on Les Cheneaux Landing resort's application to become a condominium association. Applicants Mark and Esther Engle, who have run the resort since 1982, said it's the best option for them to remain in the resort business.

The Cedarville resort received the special land use permit in a 7-1 vote to approve the Engle family's request to keep the resort intact, but sell individual cabins on small lots to buyers. The Engles will continue to manage the place as a vacation resort, and will continue to rent out the property's 11 cabins, according to each of the owners' wishes.

The development is the first of its kind in the Les Cheneaux Islands, where many cabin style, "housekeeping" resorts have gone the direction of ice cream parlors.

Cabin resorts and motels multiplied across the nation after World War II, with Americans' growing interest in driving destinations and family vacations in the car. Resorts here grew with the popularity of fishing in the "Snows," as many resorters call the area. They offered separate, rustic lodging nestled among the trees and on the shoreline, and resorters would bring their own linens, food, and supplies. Some resorts, like the former Torsky's, offered daily meals cooked by the owner herself. Spring Lodge down the street had a restaurant in its main lodge.

Les Cheneaux Landing is centered between those two resorts on Park Avenue in Cedarville, where four of the area's resorts remain. All are family owned and managed, like most of the resorts in the area, and at least three of them are more than 100 years old. Les Cheneaux Landing has a handful of century-old log cabins on it that the Engles want to maintain, but it is getting harder and more expensive to do so.

"In setting up this project, it has been our intent to preserve the use of the resort as it is," Mr. Engle

said to Planning Commissioners at the hearing Tuesday, August 8. "At the same time, shared ownership will be a means to keep up with maintenance and improvements and allow for continued rentals. We intend to attract owners who will improve the cabins and continue to cater to transient and seasonal renters."

Mr. Engle's sister, Laurie Engle, is also seeking to sell her interest in the resort, which was the impetus behind the family's consideration of condominiums. Mark and Esther Engle considered buying out his sister, selling the whole resort, and selling individual cabins to create a cabin association, as other area resorts have. Mr. Engle said a condominium association was the recommended route, for both legal reasons and property assessment benefits to Clark Township. The Engles were told resort associations are becoming an "antiquated" land use, mainly because it is becoming harder to get title insurance for resort associations.

"In looking ahead we realized it would be difficult to afford a buy-out and afford the cost of maintenance and improvements of the cabins that face us in the near future," he said. "We concluded that since we wanted to keep running the resort as a resort, and wanted to keep living there as well, our best option would be to look into forming an association."

Many of the resorts that have closed over the past 50 years have been demolished or sold the cabins off the property to make room for new homes. Others have formed associations of cabin owners, offering shared access to former resort amenities like docks and common areas. When a unit in an association is sold to a person, that person becomes the owner of the



The log cabins and main family house at Les Cheneaux Landing resort in Cedarville date back to 1905, said Mark Engle, and the entire resort was comprised of all log structures. At least two Clark Township Planning Commissioners cited preserving the historic structures among their reasons for granting a special land use that would let the Engle family continue running the resort as it is, but allow other people to buy the cabins and form a condominium association on the property.

unit and shares responsibility for the whole property's taxes, maintenance, or whatever association fees are assigned to the property.

With condominiums, people become owners of real property, which the Engles' attorney, Jim Wynn of Petoskey, described as a "cube." That unit or cube will have a warranty deed that will be recorded with the township and county, and owners will pay taxes on the unit, which can be bought and sold like a lot is. The unit owner will be subject to whatever association fees or dues are assigned, as well as any rules established by the association.

"Your cube sits inside this property as an association," Mr. Wynn said. "The owner has control of the building only, but the association can control the look of the place."

He explained further that unit owners will be responsible for their own unit, "so if it burns down, the owner's insurance covers and rebuilds the unit," rather than the association owner having to replace it. Units will be sold with a small area of land around the cabins, parking space, and a common interest in Les Cheneaux Landing's waterfront, volleyball court, and recreational lawn.

Planning Commission Chair Dave Dunning cast the lone no vote against the project, in part, because he fears that without stipulations to prevent expansion and building accessory structures in each unit, owners may put up storage sheds or build out closer to

another unit, possibly increasing the non-conformance of buildings in the resort.

One of the problems commissioners have had with the proposed development is the lack of adequate space between the units, which does not conform with the zoning ordinance. All of them were built before zoning, and some have as little as four feet between them, so the buildings do not conform to the current zoning ordinance for size or setbacks. Their non-conformance, however, has been protected by the so-called "grandfather clause," of being built prior to zoning laws enacted in 1975.

Mr. Dunning said the zoning ordinance states that "no structure may be enlarged or altered in a way which increases non-conformity," and he argues that dividing the resort into 12 properties will increase non-conformity. Since the project was first described nearly a year ago, commissioners have been apprehensive because of concerns about non-conformity, and because it is a major development and the first of its kind in Clark Township.

Clark Township Attorney Jim Murray recommended the Planning Commission use the intent of the zoning ordinance as a guide, however, the ordinance does not have any rules specifically governing existing, non-conforming resorts that want to become condominium associations.

Most of the commissioners Tuesday night, however, abandoned concerns about setbacks in favor of allowing the project because they said the use of the property isn't changing, only the ownership. A few also mentioned historic preservation among their reasons for approving the project.

"We have some real problems here with setbacks, but it is what it is, and I think we need to work with the Engles to make this work," Commissioner Mike Patrick said.

"Personally, I'd love to see this resort stay exactly the way it is," Commissioner Mike Miller said. "I think the way they're going with this, they're doing the best they can to preserve the place and make some more money for its livelihood."

Mr. Dunning is concerned that approving a condominium use at a resort that has non-conforming lots, would set a precedent in Clark Township to allow non-conforming lot sizes.

"Under current zoning, the setbacks wouldn't be allowable," Mr. Dunning argued, suggesting the project be sent to the Zoning Board of Appeals as well to obtain a variance. "We're creating all these little non-conforming lots. Once we divide these properties up, there's no chance to make it better."

Commissioners Miller, Patrick, and Dana Leach disagreed, and said there was no need for a variance because the use is not changing.

Delmer Porter, the surveyor who drew the units on the property, said the property isn't actually being divided, and that the association will own the resort property. The only thing that can be bought and sold is the unit. Answering another Planning Commission question about moving a cabin to create legal setbacks around it, he said cabins can't be moved around the property because they are "stuck in that envelope-- they must remain there."

Commissioner Dana Leach asked whether the developers have considered building a clubhouse. Mr. Porter said it has never been mentioned, but if one were, it would be subject to Clark Township zoning laws. He noted that any construction changes to the units will be subject to zoning laws, and that Clark Township will have the opportunity to enforce those laws every time an owner applies for a building permit.

The Engles have established a rental management company so they can continue to rent the owners' units.

Commissioners have expressed concern that the resort will become a non-conforming housing development if condominium owners decide to move into their units permanently. Zoning and Building Administrator Frank Sims said there are seasonal limitations on the property and units, including a well that must be shut off in the winter because it will freeze otherwise. Unit owners will not be allowed to install their own wells, according to association rules.

Mr. Miller moved to approve the project and the conditions of the master deed, bylaws, and site plan presented, based on the reason that "the land use will not change."

Mr. Dunning attempted to amend the motion to stipulate the resort units be closed for three

*Please turn to page 13

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2165 N. Co. Rd. 405, NEWBERRY
Estate of Joseph Klinzing, Deceased,
Former Owner of A to Z Automotive

DIRECTIONS: 2 miles west of Newberry, on M-28 to Co. Rd. 405. Go south 3-1/2 mil. to auction. From US-2 at Engadine take M-117 thirteen miles north to Red Camp Road, go 1 mi. east to Co. Rd. 405, go south 2 mi. to auction.

FIRE ARMS SOLD AT NOON: Springfield .30-06 M1 Grand & case of Ammo; Remington .32 rim fire single shot breech load octagon brrel; Black powder shot gun; Ruger .357 magnum stainless security six; Colt Cobra .38 Special; Iver Johnson .38 Revolver.

TOOLS: Many tools purchased new for Joe's retirement. Matco 2 pc. roll-a-way tool box; Craftsman 5HP 22 gal. upright air compressor; solar booster charger; 3 ton floor jack; jack stands; 4 in. vise; bench grinders; table saws; wood lathe; 16 in. Scroll saw; Pro-tech 10 in. compound miter; 4 in. angle grinders; lg. amt. good quality mechanic tools; **Air Tools**, 8 in. DA; 1/2 in. impact; air file; cut off and angle grinders; drill and sander; workmate; 24 ft., Werner ext. ladder; 18 v. cordless; Sioux angle drill; pipe wrenches; light reel; air pig.

IRRIGATION-GARDENING: 6 cyl. Ford powered 3 in. irrigation pump on trailer; 4 HP. 2 in. pump; 3 in. Homart pump; 36 in. 5 HP towable rototiller; Honda 2200 psi pressure washer; Echo pruning pole saw; Husqvarnia 61 chain saw; Toro key-electric Pow-R-Drive mower; 26 gal. 12 volt sprayer; dump lawn trailer; Honda bagger mower; garden cart; back pack sprayer.

SPORTING: 1974 Reinell 18 ft. 165 HP Mercruiser & easy Load trailer; 1980 Honda 70cc Motorcycle; Mercury 9.8 HP outboard; Jiffy gas ice auger; Browning Xcellerator plus compound bow; Rocky Mt. Big Horn Sheep shoulder mont; camping equipment.

FUNTOY CARNIVAL GLASS: 7 in. Mermaid planter, 7 in. hexagon planter; 9 in. covered dish; 11 1/2 & 13 in. vases; pedestal bowl; butterfly; 3 cowboy boots.

1950s TOY TRUCKS: Structo hyd. dump; Structo concrete; Structo camper; Lumar hi lift loader; Lumar fire truck; Tonka refuse; Minneapolis-moline Tractor.

ANTIQUES: Weidlich's German Concertina; Stewart warning signal; proc. top kitchen cabinet; Germany moustache cup; crocks, Peps ref.; berry picker, swan rocker; Griswold; lantern, blonde mah. curved glass China cab. table & chairs; Noratake dish set; 2 burner wood kitchen range.

MISC: Dell computer windows XP; printer; New Orleans porc. jester; propane turkey cooker; Sunbeam gas grill; (2) upright freezers; Sanyo under counter freezer; 10x20 storage barn; Pro Form programmable steeper; Hearthside portable loom; Kodak digital & pentax 35mm cameras; grader blades; lawn swing & bench; (4) walnut louvered swinging doors; Flag & 16 ft. pole; prints; waterbed; chest & long dresser; bakers rack; sm. book cases; cement horse & cart.

REAL ESTATE: 1-1/2 acres vacant land on M-123 just south of WNBV Radio Station. 160 ft. x400 ft. deep. Drilled well & electric. Just south of the city limits.

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