

2011 Three Cedars County Christmas – Canceled

We are extremely sorry and saddened to have to cancel Three Cedars County Christmas. Many of you have been visiting Three Cedars Farm during the holidays and it has become a holiday tradition for your family. This year our eight grandchildren will not climb the barn stairs with their wish lists for Santa. It has been a highlight of the Christmas season for us to watch our grandchildren share their secrets with Santa and Mrs. Claus as we snap pictures. But this is not to be.

We have struggled with the decision to cancel Three Cedars County Christmas, but we feel that is our only option at this time. Some members of the Salem Township Board of Trustees appear to want to close down Three Cedars Farm. Each year we begin our Halloween season by hosting a dance for Salem Area Historical Society (a non-profit). We make no money from this event, but sponsor it to support the local historical society. It is somewhat ironic that one Salem trustee actually contacts us each year and requests that we host the event. All of Salem Township's current trustees have attended events at the farm.

On the day of the annual Salem Area Historical Society barn dance township representatives arrived with a letter demanding that we no longer operate Three Cedars Farm as we have done for the past nine years. Their timing is not coincidental. The township's actions were timed to create the greatest stress possible for our family. Rather than work with us during the eight months we are closed they waited until opening day to have a pre-typed letter delivered by their attorney.

During the nine years we have operated Three Cedars Farm, we have continuously allowed inspections from various local, county and state agencies. We have worked with other professionals including our insurance agent to create a safe, family friendly operation. Our safety record supports this claim. In our years of operation we have called 9-1-1 just once, for a visitor having a health issue.

We have been forced, due to the actions of Salem Township officials to hire an attorney to protect our right to continue to operate Three Cedars Farm, without harassment. Unfortunately, the legal process is a slow one that requires our involvement. The time and energy that we must invest in fighting to preserve our right to operate Three Cedars Farm has prevented us from being able to prepare the farm for Christmas.

Some of you are wondering what you can do to help. Please contact the township and express your displeasure with their actions. (You can email the board at townboard@salem-mi.org, remember to cc us at Threecedarsfarm@charter.net) Please also consider a special gift to Active Faith, 401 S. Washington, South Lyon, MI 48178. Three Cedars Christmas activities normally support this worthwhile charity. Help us ensure that Active Faith is not detrimentally impacted by the actions of Salem Township officials.

Thank you for caring. We hope to see you next year.
Merry Christmas,

Gary and Sherry Whittaker

For more information: www.ThreeCedarsFarm.org or call Gary at 248.909.3200

(~~CONFIDENTIAL~~)
COPY

JOHNSON ROSATI

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Holly S. Battersby
hbattersby@jrlaf.com

September 9, 2011

Mr. Gary Whittaker
7897 Six Mile Road
Northville, MI 48167

Dear Mr. Whittaker:

After meeting with you today at your property located at 7897 Six Mile Road in Salem Township, it has come to my attention that your use of this property is not in compliance with your current zoning designation of Agricultural Residential, pursuant to Article 12 of the Salem Township Zoning Ordinance. I have enclosed a copy of this Article of the Ordinance for your review.

Specifically, the commercial activities occurring at your property associated with the Three Cedars Farm do not comply with the Permitted or Conditional Uses for property that is zoned Agricultural Residential. More importantly to the health and welfare of the citizens of Salem Township, you have opened your property up to the public without obtaining certificates of occupancy for the various structures you allow non-residents to occupy on the premises.

Most concerning from a safety standpoint is the multi-level barn where you are currently advertising a Salem Area Historical Society Barn Dance to be held today, September 9, 2011. One serious problem is that you have never obtained a Certificate of Occupancy for the barn and, consequently, ~~therefore~~ the Township Building Inspector ~~and Fire Inspector~~ had the opportunity to determine whether the structure is safe for occupancy. *has not*

I am advising you to immediately cease public occupancy of all buildings and structures located at 7897 Six Mile Road until such time as the buildings and structures thereon have been thoroughly inspected by the appropriate Township Officials and you have obtained the necessary permits and Certificates of Occupancy. I am specifically advising you that no structure or building on your premises should be occupied by the public for purposes of the September 9th Historical Society Barn Dance.

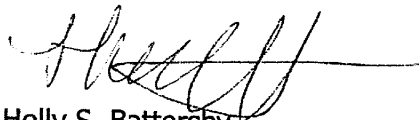
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Additionally, I am advising you to immediately cease all commercial activity and any activity that exceeds your Agricultural Residential zoning designation unless and until you have had your property rezoned or have obtained a special use permit, pursuant to the Salem Township Zoning Ordinance.

Sincerely,

JOHNSON, ROSATI, LABARGE,
ASELTINE & FIELD, P.C.



Holly S. Battersby
Assistant Township Attorney,
Salem Township

HSB/pmr

My Response to the Letter from Salem Township Assistant Attorney dated September 9, 2011

The writer of the letter implies that the letter was written after a visit to Three Cedars. The letter was handed to me as the attorney left the property on opening day. (It had been written prior to her visit.) As we have done for many years we begin the Halloween season with the Salem Area Historical Society dance. Imagine my frustration. The township attorney showed up opening day with a letter to cease operations. Three Cedars Farm is closed from Christmas until the beginning of September. Supervisor Heyl has my cell phone number. The township made no attempt to contact me prior to opening day. Supervisor Heyl stated in the October 2011 township newsletter, **“Ordinances are written for a reason and should be enforced to protect the Township and its residents. But I also believe that people should be given the opportunity to correct a problem before any formal action is taken.”** For some reason I was never notified of any potential concerns or given the opportunity to correct any alleged concerns before being served with attorney Battersby’s letter.

In 2003 and 2004 I worked with Salem Township to receive a letter of zoning compliance for Three Cedars Farm. I provided a narrative of what we were doing and hoped to do in the future. Zoning Administrator Bill DeGroot visited the farm and issued a letter of zoning compliance which covered not only the farm’s activities but also its buildings. In 2007 Salem Township Building Inspector David Herriman also visited the farm. He failed to provide any report of changes he wished to see at the farm. In addition to these visits the Fire Department’s Safety Inspectors have visited the farm, along with state and county employees, all doing some type of inspection. I have also worked closely with my insurance agent to make visits to Three Cedars Farm safe. Our safety record speaks for itself. In all our years of operation we have called 9-1-1 once for a visitor experiencing an asthma attack.

I have never advertised the Salem Area Historical Society Barn dance held annually at Three Cedars Farm. The Historical Society does advertise this event. I find it ironic that a Salem Township Trustee calls me each year and requests that I host the dance, which is a money making event for the Historical Society. Striving to be a good community citizen I do not charge the Historical Society anything for use of the farm. Even more ironic is that Supervisor Heyl advertises the dance in the township’s newsletter. All of the current trustees have been visitors to Three Cedars Farm.

Building Inspector Herriman visited Three Cedars Farm September 9, 2011 in the company of Zoning Administrator Bill DeGroot, Supervisor Heyl and attorney Battersby. No written report for this visit was provided during the Halloween season.

The activities at Three Cedars Farm are those allowed by Michigan’s Right to Farm Act. Many orchards and farms have “value added” activities like those at Three Cedars Farm. Unfortunately, the actions by Salem Township officials have forced me to hire legal counsel to protect the activities at Three Cedars. Not only is this a costly endeavor but it takes a great deal of time to work with my attorney. In addition, it adds a significant amount of stress to my life and that of my family. Not only is Three Cedars a farm open to the public, it is also our home.

I hope to work with my attorney to assure that Three Cedars Farm will continue to be open to the public in the coming years. Thank you for caring enough to read this letter.

Gary Whittaker
Owner Three Cedars Farm