

Hayes Township Planning Commission
Regular Meeting
April 21, 2015

The regular meeting of the Hayes Township Planning Commission was called to order at 7:03 p.m., at the Hayes Township Hall, 09195 Old US 31, Charlevoix.

Planning Commission members present were, Doug Kuebler, Pat Phillips, Marilyn Morehead, Steve Wilson, Cliff Biddick and Ed Bajos. Jim Rudolph was absent. Also present were Marlene Golovich, secretary, Ron VanZee, zoning administrator, Mary Campbell, Jim McMahon, Diane McMahon, Tom Darnton, Ben Cunningham, Matt Cunningham, Mike Cunningham, Carol Seymour, Bob Jess, Jerry Seymour, Alex Hollenbeck, Shirlene Tripp, Andy Poineau, Pam Johnson, Scott Philp, Bob Drost, Al Tousley Kurt Beuthin and Connie Saltonstall.

Vice-Chair Steve Wilson asked to be joined in the pledge of allegiance.

Public comments: None received.

The Planning Commission members reviewed the minutes from the March 17, 2015 regular meeting. Marilyn Morehead made a motion, supported by Doug Kuebler to accept the minutes as corrected. Motion carried unanimously.

Doug Kuebler reported on Township Board activities. Spring clean-up will be June 10, 11, 12 and items must be out by 7:00 a.m. June 10. The Eastern Ave. Beach court date has been set for May 6, 2015 in Grand Rapids. Mowing bids for the township hall are being accepted. Volunteer days at Camp Sea-Gull are May 9 and May 30. Michelle Biddick was appointed to the Parks and Recreation Committee.

Zoning Administrator, Ron VanZee presented a written report with an oral overview.

Rik Lobenherz is asking for an extension on his site plan for storage buildings on approximately ten acres of property with tax id number 15-007-119-006-40. The original plan was approved December 17, 2013 but construction has not started. Rik hopes to complete the project this summer. Rik was also granted a conditional rezone on this property on August 20, 2013, which took affect September 17, 2013 and was given two years to begin substantial construction. Doug Kuebler made a motion, supported by Cliff Biddick to extend the site plan approval expiration date to coincide with the expiration date of the conditional rezone September 17, 2015. Motion carried unanimously.

Vice-Chair Wilson turned the meeting over to Mary Campbell of M.C. Planning and Design.

Mary gave an overview of the process to update or make changes to the zoning ordinance. She explained that no final decisions have been made yet but docks have been discussed. She also stated that if any changes to the dock section are made all existing docks would be grandfathered in and not subject to any changes made to the ordinance unless changes to the dock were made in the future. New information has been reviewed regarding permanent and seasonal docks and their potential or lack thereof of harmful effects to the lake quality. Mary thanked everyone for being at the

meeting and stated that it was great to have public input. Mary suggested the PC take comments from the public before reviewing the proposed changes.

Ben Cunningham stated that with his sons Matt and Mike they installed most of the permanent docks in Hayes Township. They are concerned about why the township is considering banning permanent docks. He wrote a letter (see attached) with his concerns and also provided aerial photos of the area in question depicting all the docks currently installed. Ben stated that the DEQ and the Corp of Engineers already regulate permanent docks and does not understand why the township wants to take on that task. Ben stated that every property is different and that one size does not fit all regarding regulations. Mr Hollenbeck applied for and was approved to install a permanent dock in Lake Charlevoix. Ben stated that the PC wrote a letter to the Corp of Engineers stating the proposed dock for Mr. Hollenbeck did not meet current zoning standards. He is requesting that the PC rescind the letter.

Alex Hollenbeck handed out a letter to the PC (see attached) regarding his concerns about the township regulating permanent docks and their opposition to his dock. He also stated that he was never sent a copy of the letter the PC sent to the Corp regarding his dock. His dock is no longer than is necessary to reach deep water to accommodate his boat. He also feels the restriction of a 4' width is a safety concern for the elderly and handicapped.

Al Tousley stated he is always looking for property to buy and wondered if there was any truth to the rumors that the Township can rezone property without notifying the property owners and neighbors. That rumor is absolutely false.

Scott Philp from Landscape Logic stated he understood that the Township was considering allowing a 160 sq.ft. pervious surface patio in the 100 ft. setback in the waterfront district. He asked that the PC consider a 300-400 sq. ft. patio.

Jim McMahon stated that docks limit an individual's ability to walk the beach and he is not in favor of docks.

Cliff Biddick asked if there was a difference between seasonal and permanent docks in regard to impacting beach walking. Jim stated that permanent docks are usually higher and therefore harder to walk around.

Kurt Beuthin stated he has had a seasonal dock for 20 years and is considering a permanent dock. He stated he believed the DEQ and Corp are the experts and it should be left up to them to permit docks and that adding another layer to the process made no sense to him.

Ethel Knepp presented a letter (see attached) in opposition to the township regulating docks. She feels it would put an undue burden on the current enforcement staff and the township would be required to hire additional staff. She feels the DEQ & Corp are already regulating permanent docks.

Tom Darnton stated the summer season is very busy on Lake Charlevoix and the season from September until the ice comes in is the only open free period when the shoreline is not dotted with docks. This would not be true if everyone had permanent

docks. He also stated that permanent docks change the waterflow. While regulating permanent docks the Corp looks at navigation and the DEG looks at wetlands and water quality. Zoning is what is used to help determine what we want the shoreline to look like aesthetically.

Jerry Seymour stated he takes exception to the statement that the DEQ is not interested in aesthetics.

Carol Seymour stated that their neighbors seasonal docks blow apart and then impacts their docks.

Ethel Knepp stated that she wanted to remind everyone that the ordinance is not just for Oyster Bay but for all the lakes in Hayes Township.

Ben Cunningham stated the storage of seasonal docks on the shoreline in the off season makes the shoreline look terrible.

Jim McMahon asked if permanent docks were required to have lighting. No. If they do have lighting it can be turned off.

Andy Poineau asked how the township would enforce dock regulations.

Bob Drost stated that he wanted to let the township know what a great job Ron VanZee does for the township. Bob stated he has been gathering cutting of natural vegetation and potting it to use in planting shoreline protection strips. Pat Phillips asked if it was legal to dig up wild vegetation. Bob also stated he supported allowing patios in the 100 ft. waterfront setback and would also like to see the size allowed to be 300-400 sq. ft.

Jerry Seymour stated that illegally placed swim buoys inhibit the use of the lake more than docks do.

When asked if fluctuating water levels are considered when installing permanent docks Mike Cunningham responded that they are built to the all time high water mark but the dock heights are adjustable.

Mary Campbell asked if the PC wanted to have discussion before reviewing the proposed ordinance changes prepared for this meeting.

Marilyn Morehead stated she thought it was a mistake to ban permanent docks. She also thought our regulations should be allow for 6' width on docks but limit the access area to the dock thru the shoreland protection strip to 4'. The Township should be more concerned with what happens above the high watermark for the protection of the lake. She also stated that docks and shorestation should not be allowed to be stored within the shoreland protection strip. She believes that the township should regulate and number of docks allowed and the number of boats allowed at those docks.

Pat Phillips asked what the Lake Charlevoix Association feels about docks. Ben C. stated they are notified when a permit for a permanent dock has been applied for and they have not taken a stand against them.

Cliff Biddick stated that it would be expensive to enforce dock regulation and hard to police. Docks already have lots of oversight with little effect and the DEQ and Corp should not be the only oversight for docks and moorings. He feels permanent docks are less disruptive.

Doug Kuebler stated he agreed with Ethel, the township should not regulate docks.

Pat Phillips stated she with concerned about dock widths but is not opposed to permanent docks.

Ed Bajos agrees with Ethel, no regulation.

Steve Wilson agrees with Ethel, no regulation.

Jim Rudolph sent an email stating he was not opposed to permanent docks (see attached).

Marlene Golovich stated that we can't and don't enforce the dock regulations we have in place currently (no. of boats etc.) so lack of enforcement or the inability to enforce any new regulations is moot. The township enforcement of ordinance law is usually based on complaints not on the ZA seeking out violations. It would not be any different with additional dock regulations.

Ethel Knepp stated that the dock access strip thru the shoreland protection strip is what is important.

Mary Campbell took a straw poll asking;

Do you want to regulated docks – the consensus was no.

Do you want to regulate the number of docks allowed - the consensus was yes.

Do you want to regulate the number of boat parking spaces - the consensus was yes.

Do you want to regulated the number of fingers allowed - the consensus was no.

Do you want to regulate dock width - the consensus was no.

Do you want to regulate seasonal dock storage - the consensus was yes.

Do you want to regulate set back from riparian boundary line - the consensus was yes.

Do you want to regulate shared docks - the consensus was yes.

Mary will prepare a new version of the proposed ordinance changes.

Pat Phillips made a motion, supported by Cliff Biddick to schedule a special planning commission meeting to work on ordinance updates for Wednesday, May 14, 2015 at 7:00 p.m. Motion carried unanimously.

Marilyn Morehead made a motion, supported by Steve Wilson to schedule a special land use hearing for a home business for Tuesday, May 19, 2015 at 7:00 p.m. Motion carried unanimously.

Pam Johnson stated she was not informed of zoning changes made to her property. It was explained that no zoning changes were made to her property but changes to the ordinance were made for various zone districts. Public meetings were held and notices

in the Petoskey News Review were published according to law. The changes in the ordinance affect Pam's ability to construct an accessory building in her front yard without an expensive variance request. She is requesting that the PC reconsider the changes they approved to the ordinance regarding accessory buildings.

Ben Cunningham again requested that the zoning administrator write a letter to the Corp of Engineers rescinding the townships concern regarding Mr Hollenbecks permanent dock application. The Planning Commission agreed a letter should be written. Ron will write the letter.

The next regular meeting of the Planning Commission is May 19, 2015.

Ed Bajos made a motion, supported by Pat Phillips to adjourn at 9:05 p.m. Motion carried unanimously.

Respectfully submitted

Marlene Golovich, recording secretary

Steve Wilson Planning Commission Secretary

Minutes approved as written May 19, 2015