

HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
March 31, 2012

NAME	LOCATION	PROP. #	DESCRIPTION	PERMIT #
Devos	Indian Trails Road	130-010-20	Preliminary site plan approval for single family home, boathouse, and inland marina	242887
Hawkins	10498 Old US 31 N	120-014-30	36' x 32' x 20' attached garage	242888
Taylor/Horton Creek	Pincherry Rd	125-007-00	30" x 40" sign	242889

Enforcement/Complaints/Actions

Kelly 6675 Woods Creek Drive, 007-132-003-40, Complaint of a single family dwellings operating a short term rental business from the home. Recently purchased home being used exclusively as a short term rental property. I have written a letter asking to cease the rental of the property as this is a business in a single family residential zone district.

Henrietta Moore Trust Boyne City Rd I received a complaint of a second story addition built without a zoning permit. I researched the zoning file and found no permit and then researched the Charlevoix County Building Department's records. They also did not have permits for the second story addition. I have written an enforcement letter requesting information on approval or removal of the structure if no approval was given. I have received a response from Mr. Phil Moore stating he disagrees completely with my assertion that he has expanded his structure without the proper permits. I have also spoken to him on the phone with no movement to a solution. I am turning over the file to the township attorney asking him to do what is legally necessary to bring the property into compliance with the ordinance. I have spoken to Mr. Moore recently asking him for any additional information he can present for his position. ***While reviewing the Master Deed for this PUD I noticed the wording regarding Units 2, 4, and 5 was contradictory to the PC approval. I asked the attorney for the owner to amend the Master Deed with the conditions set by the township PC. I received a recorded copy of the changes requested.***

Toyboxes Inc. US 31 North 109-024-30 I have received a verbal request for information on change of use for the storage condominium project. The owner is proposing residential one bedroom units over the existing condominium units. This property is zoned General Commercial District C-2 and in Section 4.11 2. Permitted Uses N. allows "One residential dwelling unit, as an accessory use to an on-site commercial/business use." I am putting together a list of questions and concerns for the township attorney if I receive additional requests from the owner. John Ferguson represented the owner at the January 5, 2012 PC meeting. He informed the PC of the owner's intentions. The PC has told the owner of major concerns that they have with residential at that location. I have sent correspondence to the township attorney asking for an opinion on the property owner's proposal of multiple residential dwellings on a single parcel, but having been approved for fourteen site condominiums. ***The township attorney has responded in writing that the original PC approval was for a 14 unit condominium, not a site condominium. The difference being that a site condominium would need the minimum 2 acres per unit, a***

condominium building can have multiple owners but has one unit of residential density. Thus, only one residential unit could be allowed and only with PC approval. This also speaks to allowing multiple businesses on one parcel. This can be allowed with PC approval. All business types would have to be allowed by the ordinance.

01-012-00 Graham 7205 Birdland Dr, I have sent a new notice to the property owner demanding removal of a deck in the 50 foot Shoreline Protection Strip. I have been working on this case over the past year and have spoken with the township attorney. The owner had notified me of his intent to remove the structure but did not follow through. My goal is to have this violation resolved this fall. . I have sent the Township Attorney the property file asking them to issue an infraction ticket. I am asking them for injunctive relief. I am asking to have the deck removed and all to replant the shoreline protection strip. We have a court hearing in late December. There will be a settlement agreement approved by the court on the removal of the deck. The deck will be removed when the frost goes out. ***I have asked for the deck to be removed now that weather permits.***

I reviewed Building Department software by BS&A. The software allows an electronic file of all properties in the township. Included could be pictures, zoning applications, and other correspondence. It also provides enforcement tools with the capability of having pre-prepared violation notices. Also the software allows a follow up calendar to flag when second notices or other follow up responses need to happen. I have reviewed additional planning and zoning software. The software that most matches the needs of the township are based on developing land, and/or building department needs. There is very little strictly “zoning” software. I am trying out software based on Development over the next few weeks to see the differences from the BS&A software. ***I have reviewed a number of different software programs over the last month.(General Code/SCA, Basic Gov, BluePrince) All are very similar in operation and cost. Inspections, permits and data base info are in every package. After reviewing and trying some of these products, I believe that BS&A would be the best software package for the township for many reasons. 1. There are no major differences in the operation of most packages. 2. Costs do not vary by much. 3. We are familiar with BS&A and happy with their other products and support. Most importantly, 4. The assessor and I could transfer data which would be very time saving and potentially have less errors and better data.***

Recent legislation under Senate Bill 778 codifies court decisions on how citizens may use road ends. Road ends cannot be used for boat hoists or boat anchorage devices, mooring or docking of a vessel between midnight and sunrise or any other activity that obstructs access in or out of the lake or stream.