

.HAYES TOWNSHIP  
ZONING ADMINISTRATOR REPORT  
April 30, 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
Pierce	07955 Indian Trails Rd	515-001-00	Single family home w/attached garage 104' x 42' x 29'	242890
Ohlson	05237 Terrace Beach Ln	001-009-10	Single family home 62' x 50' x 28'	242891
Wilkenson	10528 Maple Grove Rd	111-012-30	Single family home 58' x 21' x 20	242892
Moore	Boyne City Rd	104-002-00	Addition to existing home	242893

**Enforcement/Complaints/Actions**

*American Waste US 31 North has applied for a Type A Transfer Station with DEQ. Their plan has to conform to Charlevoix County's Solid Waste Plan. The County Planning Commission had a hearing at their May 3<sup>rd</sup> meeting. I attended the hearing and spoke to the Commission on the township approved PUD and Special Use Permit. I wanted to make sure the County PC understood, and differentiated between the transfer station and the trucking terminal. The County PC conditionally approved the plan with additional fencing and vegetative screening.*

*6561 Nine Mile Point Drive During a follow up visit on an enforcement action and ZBA case I noticed the offending structure has not been removed. I have sent a letter to the owner asking for immediate removal of the shed.*

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. *After numerous discussions with the owner's attorney and with the complaint, I am not close to a resolution. I also received a letter of explanation from the owner's attorney that was insufficient. I have given this enforcement action to the township attorney.*

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. ***I conducted a site visit on the PUD property for a single family home permit I issued a couple of months ago. While I was there I noticed a large addition being constructed on an existing home on the property. I notified the builder there was no zoning permit and asked him to stop. I also notified the County Building Dept. The Building Dept put a stop work order on the addition and tagged the original second story addition for not having building permits. I received a zoning application and issued a permit for the most recent violation. I am continuing working to rectify the original violation by asking for a written explanation by the owner why he feels he has not enlarged the structure by enclosing the second story deck.***

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. ***I received a new complaint of boat work being done by a tenant at this property. I visited twice with no activity on one occasion and cleaning of a boat that was stored through the winter on the second occasion. I will continue to monitor the property.***

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 have given this back to the township attorney and have asked him to get to court with this matter as quick as possible.***

***I received three separate complaints of construction activity on Lake Charlevoix. Two were below the high water mark which is out of the township jurisdiction. The other was filling of wetlands. I reported all to the DEQ.***