

HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
June 30, 2012

NAME	LOCATION	PROP. #	DESCRIPTION	PERMIT #
Kuebler	06312 Maple Grove Rd	134-017-45	Pole Barn 24' x 40' x 12' sidewalls	242895
Novotny	05759 Maple Grove Rd	003-001-20	16' x 20' deck	242896
Newkirk	06636 Peaceful Valley	001-014-35	14' x 30' addition, 10' x 30' porch, 28' high	242897
Williams	07540 Burgess Rd	127-006-50	15' x 15' dining room addition	242898

Enforcement/Complaints/Actions

Van Zee 06399 Boyne City Rd, I received a complaint of mining of sand. During the site visit I observed a borrow pit where a contractor was excavating sand. Trucks were replacing the sand with soils that were removed from under the Boyne City Road bed. I spoke with Jim Vanek, Road Commission Engineer, and the contractor. Both stated the work was well outside the road right of way. I then issued a Stop Work Order to the owner. I again spoke to the contractor who assured me that reclamation would start immediately. I revisited the site and reclamation has indeed started. ***I had communication with the Land Conservancy and have worked with them on a final solution. The reclamation is complete.***

Camp Sea Gull Boyne City Rd, I received a complaint on a possible change of land use to commercial. There was an article in the Petoskey News Review on a kayak business operating at Camp Sea Gull. I visited the camp and spoke to the owner about the business. The camp is still operating with different groups camping throughout the summer. The “kayak business” is something that existed before, renting kayaks and canoes to its visitors. They also sell and have sold t-shirts and other camp items. They have moved some of the products up closer to the top of the hill. ***There has no longer been any additional signage promoting this part of the business to the general public.***

I contacted the State of Michigan Department of Transportation about numerous signs in the road Right of Way. I was given permission by them to remove small stab in signs. I removed and continue to remove these small portable signs. I do contact the owner of the signs if possible and let them know I will be removing and disposing of their signs. There are two large signs at the entrance of the Charlevoix Country Club in the Road ROW. I asked if it would be possible for MDOT to get the owner to remove them. ***I continue to monitor and remove signs through out the township. I removed approximately 40 signs last month.***

The Michigan State Senate passed legislation that would eliminate a requirement for individuals to get a state permit to clear weeds from their beaches. The final version of SB1052 would allow property owners to clear vegetation in the area between the waters edge and the high water mark on Great lakes beaches. There is also language that states a state or local government cannot regulate the leveling of sand,

removal of vegetation, grooming of soil, or removal of debris located between the ordinary high water mark and the waters edge. The bill is now in the House for consideration. ***The bill was signed by the Governor and is now law. I am researching how it affects the township.***

Kelly 6675 Woods Creek Drive, 007-132-003-40, Complaint of a single family dwelling 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 complainant, 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. After meeting with the township attorney it was suggested that the township board discuss the issue of short term rentals to assure agreement that the township wants to eliminate all short term rentals in every zoning district. This discussion will happen at the July Board of Trustee meeting. ***I have received an additional complaint of trees being cut down on this property. I have inspected the property and***

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. I have contacted the owner informing him that any work on boats is an industrial use and needed to be stopped immediately. I have documented the issues and visit the property weekly. ***During my weekly visits I have noticed here is cleaning of boats but I have not noticed other industrial activity.***

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. An infraction ticket has been issued and a court date is eminent. ***The hearing has been set***

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. ***I am at an impasse with the owner on a resolution to the enlargement of the home. I am asking the township attorney for advice on how to proceed. The owner has communicated to me that he will be hiring an attorney to fight my determination.***