

HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
December 31, 2012

NAME	LOCATION	PROP. #	DESCRIPTION	APPLICATION #
Lear		301-011-00	24' x 32' garage and 24' x 24' home addition	242916
Ager	11929 Boyne City Rd	119-008-00	SUP mining/fill application	242917

Enforcement/Complaints/Actions

11345 Boyne City Road Complaint of a family using an accessory building as a residence. *Have had two meetings with owner and one meeting with the building department Director. Owner is getting septic approval from health department.*

11906 US 31 N. I have received a Rezone Application for a 10 acre parcel owned by Bethany Lutheran Church. The parcel is zoned Agricultural and the request is to rezone it Neighborhood Commercial. The parcel is surrounded on three sides with Neighborhood Commercial zoned parcels. Most land in this area is overlaid with a PUD, either the Country Club or Lange PUD. A PC hearing is set for the 20th of November. The Planning Commission met and approved, with conditions the rezone request. The rezone request was sent to the County Planning Commission for their review. The County PC approved the rezone request. *Received a communication from the County Planner that stated the PC erred in approving the rezone with conditions. The BOT should not attach any conditions on the rezone as state law does not allow conditions on a regular rezone. There is a law that allows conditions called "Conditional Zoning". The conditions have to be volunteered by the applicant and not negotiated or suggested by the township. Hayes Township has not used this type of zoning in the past.*

119-016-40 I have been contacted by the owner of property zoned Neighborhood Commercial behind/adjacent to Vidosh Landscape. The property is part of the Lang PUD. He is suggesting developing individually owned storage buildings. The use is allowed in that zone district. I am researching what would be needed for an application. PUD amendment, site plan approval and site condo documents for preliminary approval. The Lang PUD never received final approval. Since the preliminary approval the owners have been foreclosed on and the PUD is under a new owner. Because the land was rezoned to neighborhood commercial during the PUD process, any future zoning requests will be looked at thru the zone district and not a PUD. The Supervisor and I met with the applicant and reviewed a preliminary site plan. *I have had additional meetings with the owner on zoning requirements such as setbacks, vegetative buffers and access. I suspect we will see a completed application this spring.*

I attended the Public Hearing of the DEQ on the Devos inland marina project on Lake Charlevoix and answered questions of the public. I was notified by the applicant that he had a verbal approval of the plan from the DEQ. The approval did not contain approval of the Héliport. The bay is also smaller by 60+- feet with pea stone on the bottom to diminish silting in Lake Charlevoix. I have received the final DEQ permit. I also

received a Social Use Permit application to place the spoils from the excavation for the marina. The request is to place 25,000 +/- yards of spoils in the old pit next to the Argonne Supper Club. ***The PC will review the SUP application at their January meeting.***

I have received numerous complaints regarding Eastern Avenue Beach. These complaints mainly revolve around the new owners of the Darton property (the eastern side of the Township property.) Most of the issues seem to be a misunderstanding of the changes of usage to the public property since the sale of the Darton property, both by the public, and the new owners. Some of the issues are; private docks and boats on the public property, trespass and vandalism by the public on private and public property. I have met the new owners multiple times, once with the supervisor to explain the townships stance on the issues. I have also spoken to and emailed two Pine Point residents. I will be requesting some help by the Board to solve some of these issues. I am bringing my request to the September 11, 2012 Board meeting. I have contacted two landscape contractors to supply a landscape plan and complete list of plants. My criteria were native plants only, not to exceed 48 inches high when full grown. The landscape companies are Hoffman landscape and Drost Landscape. In addition, I have contacted three local Hayes Township landscape contractors to submit plans for spring planting. I have contacted the owner of the dock stored on the public beach and asked for the dock to be removed by the 19th of November. If not removed, I advised him that the township will have it removed at that time and confiscate the dock. The township has received communication from the new owner of the Darton property and his attorney. I have had discussions with our attorney who advised the township not to remove the dock at this time. He is in contact with the opposing attorney and will be working with the Township Supervisor. ***I received communication from Arthur Ranger asking about progress on the removal of the dock and questions about the survey. I answered the questions on the survey but directed him to the Supervisor for future questions on the legal outcome of the ownership questions.***

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. I have gotten back into discussions with the owner on permitting the addition to his home. ***The owner continues to stand by his position that he is in compliance with zoning. I have had an initial meeting with the township enforcement attorney and am meeting with her again this Friday on the matter.***

01-012-06...aham 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 asked the township attorney to go to court and ask for contempt of court charges. A court date will be set. ***I am meeting with the township enforcement attorney on Friday the 18th to finalize our case before the court hearing.***