

## Zoning Administrator Report

February 2017

| Zoning Permits/Actions:        |                |                 |          |  |
|--------------------------------|----------------|-----------------|----------|--|
| Address                        | Parcel Number  | Owner Name      | Permit # | Improvement  |
| 07644 Indian Trails            | 007-130-012-00 | W. & M. Emerson | 17-02-01 | 4'*16'*Roof Extension and 4'*5' Building Addition  |
| 6300 Boyne City/Charlevoix Rd. | 007-001-010-40 | Wendy Alterman  | Denied   | Work in the Shoreline Protection Strip Area. Proposed work did not comply with Zoning Ordinance. Returned application and fee. |

### Land Divisions

No land division applications were received during February.

### Nuisance Complaints

One complaint was received regarding barking dogs. I spoke with the property owner. A series of comments were made in the past regarding materials located in the yard of a residential property. I informed one of the persons who had made comments that the Township has a cleanup event taking place in the spring and this would be a good opportunity for the neighboring property to be cleaned up and suggested that they mention this to the owner of the property in question.

### Zoning Violations

Letters were sent out to two property owners during the month of February regarding zoning issues. The first was sent to the owner of property located along US-31 having the identification number of 007-270-006-00 regarding the use of a pole building for auto repair. The property is zoned R-2 which does not allow for this type of use as a use by right. It could be allowed as a use under a special use permit as a cottage industry if operated by a resident of the property. The information I have been provided with indicate that a non-resident of property is conducting the business. No response have been received from the property owner during February. A certified letter will be sent to the property owner in March. The second letter was addressed to the owner of a property on US-31 upon which a mobile home was moved to under a zoning permit but the permit has since expired and the mobile home has not been properly placed with skirting installed. This letter was a certified letter which did result in the owner of the mobile home having contacted me. I requested information as to when the mobile home would be properly installed by March 1, 2017. If no response is received in March, I will recommend legal action to the Township Attorney.

A letter sent in late January to the owner of a property zoned Agricultural who was advertising for boat and RV storage resulted in a response from the property owner. She indicated that the previous property owner had rented out storage space which I indicated if it had occurred, would have been in violation of the ordinance. She indicated that the contracts she had with those who were storing items specified that they must be out of the building by April 1<sup>st</sup>. She provided me with a letter that indicated the building would be empty by April 1<sup>st</sup> and this would not occur in the future. Due to the short time until they are to be out of the building, I chose not to begin enforcement action, rather to seek compliance with the Ordinance requirements.

A series of letters have been sent to the owner of the Argonne Supper Club including a registered letter regarding the continued use of a portion of the property for the storage of fill material after the special use permit expired in 2015. The registered letter was received back to the Township as having been undeliverable. I spoke with a relative of the property owner who indicated the property owner winters in Florida. I asked her to have the owner contact me. If I have not received a response by mid-March I will refer this item to the Township Attorney.

#### Meetings Attended

I attended the Township Board, Planning Commission and Zoning Board of Appeals meetings during the month.

#### Other Items of Interest

The Quada family has taken Hayes Township to Circuit Court challenging the wording of the Zoning Ordinance in regard to whether or not the ZBA has the ability to hear variance requests within the 100 setback from the Lake Charlevoix Shoreline. The case was heard in December of 2016 but Judge Hayes has yet to release his written decision as of the end of February.

Since the 1<sup>st</sup> of the year, I have visited the sites for which I have issued zoning permits or violation notices during the 2016 calendar year.

I have spent a considerable amount of time working with the spreadsheets which contain potential violations of the Zoning Ordinance, specifically violations of the Shoreline Protection Strip. I have added fields which include the "Date of Purchase" of the property and dates of "Aerial Imagery". I would like to be certain that prior to entering into the lengthy and expensive proposition of beginning legal proceeding, that the Township has a great opportunity to prevail in the proceedings. I have populated the "Date of Purchase" field to the extent that I am able to do so. I plan on proceeding with enforcement actions against long term owners of property and recently acquired properties. Where we can accurately assert where the shoreline protection strip has been altered since the property was acquired by the current property owner should allow the Township to present a strong case. Where the property has changed hands a number of times over the years may not allow us to present as strong a case as it will be more difficult to determine which owner in the chain of title actually violated the Zoning Ordinance provisions.

Historical information and discussions with zoning administrators in other communities indicate that recently acquired properties, especially vacant parcels tend to have the Shoreline Protection Strip altered by the new owners.