

Hayes Township Planning Commission  
Regular Meeting  
Tuesday, January 20, 2015

The regular meeting of the Hayes Township Planning Commission was called to order at 7:00 p.m., at the Hayes Township Hall, 09195 Old US 31, Charlevoix.

Planning Commission members present were: Doug Kuebler, Ed Bajos, Cliff Biddick, Pat Phillips, Steve Wilson, Marilyn Morehead and Jim Rudolph. Also present were Ron VanZee, Zoning Administrator, Ethel Knepp, Supervisor, Rob Moblo and Scott Philip from Landscape Logic. Marlene Golovich, Secretary was excused due to illness. Mary Campbell, Planner, was also present. Marilyn Morehead agreed to take the minutes.

No public comments unrelated to agenda items.

The agenda was amended to add Moblo and Chair Jim Rudolph said we would take his issue up first.

Original Special Use Permits were granted by the Planning Commission for two areas/parcels that were never legally split from original parcel number 15-007-118-004-65 for Moblo and Kamanski. Moblo has a lease with option to purchase the entire parcel, including the area Kamanski had a Special Use Permit for on the east side of the property. The owner of record Rick Lobenhertz has applied for parcel division into two parcels adding additional property to both areas previously approved for Special Use Permits.

Moblo was later granted, by the Planning Commission, a Special Use Permit for fill and drainage for the entire parcel.

The proposed west parcel that Moblo intends to maintain, although slightly increased in size, will be used as originally approved with Special Use Permit with minor proposed changes that can be approved by the Zoning Administrator.

After review of the proposed east parcel, the Planning Commission determined that the proposed change was significant enough to require applicant to re-apply for Special Use Permit to address proposed changes of use.

The issue seems to be that Moblo bought Kaminski out so that he now owns all three lots with the top of the center lot being added to the other two parcels, but the original special use permit only covered the original lot that Moblo owned. The sale is not final, there shouldn't be any problems. Supervisor Knepp says that this is an improvement and doesn't need a new special use permit. Member Pat Phillips stated that any amendment must be contingent on the sale. ZA Ron VanZee said that the amendment makes it more in keeping with the original use permit. The only decision that the PC needs to make is does Moblo need another special use permit. Moblo will return with a completed application to make a minor amendment on the special use permit on the western side and will be applying for another special use permit for the eastern side. ZA Ron Van Zee will approve the parcel division.

After the Planning Commission members viewed the November 18, 2014 minutes, Doug Kuebler made a motion seconded by Ed Bajos to approve the minutes as written. The motion passed unanimously.

Doug Kuebler made the Township Report: The schedule for the Board of Review meetings is as follows: Roll call on Wednesday, March 4 at 4:00 pm, scheduled meetings are on Monday, March 9, 9:00-12:00 noon and 1:00-4:00 pm, and on Tuesday March 10, 1:00-4:00 pm and 6:00-9:00 pm. People are supposed to make appointments with BOR Secretary Ethel Knepp, to meet with the Board of Review. Cliff Biddick and Jim Rudolph were appointed to 3 year terms on the Planning Commission. The Board signed a 5 year contract with Charlevoix Township for Fire protection; this is a savings of \$10,000.00.

ZA Ron VanZee made a verbal report to supplement his written reports for December and January.

New Business: Mary Campbell presented the Planning Commission members with suggested possible changes to section 3.14 in the zoning ordinance which discusses restrictions and specifications on docks on Lake Charlevoix. Currently we have one dock or mooring per 100 feet of frontage. Mary Campbell proposed the following: "A dock shall be a minimum length necessary to reach a depth of 4 feet with a maximum length of 150 feet, but in no case shall the dock, or any boat moored at the dock extend into the navigational channel." Discussion revolved around how many boats/100 feet of frontage should be allowed; and should dock appendages, fingers be included in the total length. Mary Campbell and others pointed out that we are not really regulating this at all today and that we need to have something in place that is enforceable. All agreed that the four feet width was right. One issue is that the length required to reach 4 feet can vary from year to year. Cliff Biddick stated that 5 feet was a more reasonable depth to reach than 4 feet. Mary Campbell's proposal also included a section allowing for a shared dock at the point that two properties meet. The Planning Commission members were in general agreement with that proposal, but no votes were taken. In further discussion on fingerling docks, there was a consensus of Planning Commission members that fingers on docks would be preferable to multiple docks on parcels of property with greater than 200 feet of shoreline.

There was also a brief discussion on permanent docks; currently there are 9 permanent docks. A permit from the Army Corps of Engineers and the Department of Environmental Quality is required for a permanent dock. The Army Corps of Engineers will not violate a local ordinance. No votes were taken; it was decided that further discussion was needed and that Mary Campbell would take the discussion into consideration and return the Planning Commission with a revised proposal.

ZA Ron Van Zee passed out a two sided sheet of zoning ordinance considerations where issues have arisen as he went about his duties as our Zoning Administrator. What follows are Ron's comments on each of these considerations. The first 5 (on pages II-13 through III-7) relate to "high water mark" issues; which determination do we use; this is very important because this is where we measure setbacks from. The issue on page III-9 relates to the dock question discussed above. The issue on III-1 refers to the issue of non-conforming structures and the need to define a spatial envelope. The issue on III-5 relates to Accessory Building as a principal use. It appears to be contradictory to everything else in the ordinance about accessory buildings. On page IV-11, what about antennas – do we want to encourage them (Ron asked "Is this the only use by right we want in Industrial District")? On page V-4, there appears to be a typo as to numbers of standards. On page III-13, also relate to a language issue.

On page V-5, do we want to add Township road standards. On page V-6, issue is whether ZA should be able to make minor changes to building envelope as long as square footage is the same or less and all other zoning ordinance requirements are met. On page V-12 issue is the same as V-6. Page VII-7, clarify the scale of changes to allow for small personal removal of fill as long as greenbelts, watercourses and wetlands are protected.

The next regular meeting of the Planning Commission will take place on Tuesday, February 17 at 7:00 pm at the Hayes Township Hall, 09195 Old US 31, Charlevoix. Cliff Biddick will not be able to attend.

Pat Phillips made a motion to adopt the regular meeting schedule of the third Tuesday of the month at 7:00 pm for the Planning Commission Meetings in 2015. Doug Kuebler seconded the motion and it passed unanimously.

January 20, 2015	7:00 p.m.
February 17, 2015	7:00 p.m.
March 17, 2015	7:00 p.m.
April 21, 2015	7:00 p.m.
May 19, 2015	7:00 p.m.
June 16, 2015	7:00 p.m.
July 21, 2015	7:00 p.m.
August 18, 2015	7:00 p.m.
September 15, 2015	7:00 p.m.
October 20, 2015	7:00 p.m.
November 17, 2015	7:00 p.m.
December 15, 2015	7:00 p.m.

Cliff Biddick made a motion to adjourn and Ed Bajos seconded the motion which passed unanimously. The meeting adjourned at 8:45 pm.

Respectfully submitted

Marilyn Morehead  
Planning Commission Member

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Steve Wilson Planning Commission Secretary

Minutes approved as written February 17, 2015

