

inCall to Order:

Chairperson Roy Griffitts called the meeting to order at 7:00 p.m.

Pledge of Allegiance to the flag: Mr. Griffitts asked everyone to join him the in Pledge of Allegiance.

Members present: Roy Griffitts (Chair), Matt Cunningham (Board of Trustee Representative), Ed Bajos, Cliff Biddick, Doug Kuebler and Omar Feliciano (Vice-Chair), Marilyn Morehead

Also present: Ron VanZee (Zoning Administrator) and Kristin Baranski (Recording Secretary/Deputy Clerk)

Audience members signed in: Leslie Cunningham, Carter Whitney, Gary Potter and Jody Potter

Review Agenda: Agenda Approved

Declaration of Conflicts of Interests: None

Public Hearing -Potter Rezoning Request:

Leroy Potter

8292 Pincherry Road, Charlevoix, MI 49720

Property Tax ID: 15-007-124-022-00

The Potter public hearing opened at 7:02 pm. Mr. VanZee presented a letter of support from Haggard's Plumbing and Heating, the applicates' permit application, a copy of public notice published on October 25th, 2019, a google map image of property and any additional owner information from Hayes Township zoning and assessing files. The Potter property is legally non-conforming (due to a previous zoning change), is just over two acres, currently zoned agricultural (Ag) and has been taxed residential for a long time and not taxed agricultural. The Hayes Township Future Land Use Map encourages this and surrounding properties to be zoned Rural Residential (RR). Mr. and Mrs. Potter are requesting the property be rezoned Rural Residential to alleviate Agricultural setbacks. The rezoning would allow them to build a pole barn on their property. The Planning Commission reviewed Article X; section 10.01 in the Hayes Township Zoning Ordinance.

Article X; section 10.01; C; 5:

- a.) Is the proposed rezoning consistent with the Hayes Township Master Plan? **YES**
- b.) Is the proposed rezoning reasonably consistent with surrounding uses? **YES**
- c.) Will there be an adverse physical impact on surrounding properties? **NO**
- d.) Will there be an adverse effect on property values in the adjacent area? **NO**

- e.) Have there been changes in land use or other conditions in the immediate area or in the community in general which justifies rezoning? **NO**
- f.) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations? **NO**
- g.) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)? **YES, BUT BRINGS PROPERTY MORE IN LINE WITH FUTURE LAND USE MAP.**
- h.) Are there substantial reasons why the property cannot be used as reflected in the Land Use Plan? **YES, PROPERTY IS ONLY JUST OVER TWO ACRES BUT ZONED AGRICULTURAL HAS GREATER SETBACKS THAT CURRENTLY CREATE ISSUE FOR PROPERTY OWNER.**
- i.) Is the rezoning in conflict with the planned use for the property as reflected in the Land Use Plan? **NO**
- j.) Is the site served by adequate public facilities or is the petitioner able to provide them? **YES**
- k.) Are there sites nearby already properly zoned that can be used for the intended purpose? **YES**
- l.) Are other local remedies available? **NO**

Doug Kuebler made a motion, supported by Ed Bajos, to rezone 08292 Pincherry Road, Charlevoix, Michigan 49720 from Agricultural to Rural Residential.

All supported by saying Yea. **Motion passed**

Shoreland Subcommittee Report and Recommendation- Law Property: Marilyn Morehead (member of Shoreland Protection Subcommittee) presented a report for an application for a zoning permit to allow construction of a private **boat** basin and boat house at the Law property, 10034 Anglers Cove, Charlevoix, Michigan 49720. The Zoning Administrator has determined that the project meets the requirements for granting a **zoning permit** with the exception of a review of a Shoreland Landscaping Plan, as the project will involve modifications to the shoreland protection strip. The subcommittee, Zoning Administrator and Bob Drost (Drost Landscaping is working as the designer and builder of the project) met on site and walked the property to review the proposed plan. The proposed plan restores native plantings to the majority of the waterfront as well as restoring the area abutting the new boat basin. The road end will be removed eliminating run-off and from the lake, the property will look natural as the intention of the Shoreland Subcommittee promotes. Mr. Drost has sought input from Tip of the Mitt and the subcommittee and has worked to meet the intent of ordinance. Upon approval of

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Planning Commission, Drost will submit for approval and permits from Army Corps of Engineers and the EGLE Department of the State. The Shoreland Protection Committee supports the approval of the proposed site plan.

Matt Cunningham made the motion, with support from Marilyn Morehead, to accept the report and recommendation from the Shoreland Protection Subcommittee and approve the plan, submitted by Drost Landscape with the revised date of 11-11-2019, for the Law Property at 10034 Angler's Cove, Charlevoix, Michigan with the following conditions:

The current natural areas of the shoreline will be maintained as natural shoreline and: this approval is contingent upon receipt of copies of approvals from all other appropriate agencies and, a performance guarantee bond in an amount sufficient to restore the shoreline should there be an interruption in the project completion; and the restored area shall be maintained in conformance with the zoning ordinance and the approved plan.

The amount of the bond is to be established by the zoning administrator who will monitor compliance with the special conditions required. The zoning permit will not be issued until the copies of the agency approvals are received and the performance bond is in place and the bond will be renewed as necessary for the duration of construction.

All supported by saying Yea. **Motion passed**

Public Comments: None

Approval of Minutes:

Marilyn Morehead made a motion, supported by Doug Kuebler, to approve, as presented, the regular meeting minutes for October 15, 2019.

All supported by saying Yea. **Motion passed**

Report of Township Board Representative: By Matt Cunningham

The Board of Trustees held the BOT monthly meeting on November 11, 2019. The board reviewed Ethics and Oath of Office for all committee members, reappointed Tom Darnton to the Zoning Board of Appeals, voted to appoint Ron VanZee to be interim Zoning Administrator and approved the contract with Beckett & Raeder. The Board of Review will meet on December 11, 2019 at 5:00 pm. The next monthly Board meeting is December 12, 2019 at 7:00 pm. at the Township Hall.

Report of Zoning Board of Appeals Representative: No activity to report

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Zoning Administrator report: Ron VanZee gave an oral report of all zoning activity in Hayes Township.

New Business: Edits were completed on the Master Plan and the Planning Commission has decided to send the Master Plan Draft to the Board for approval to distribute.

Marilyn Morehead made a motion, supported by Doug Kuebler, to request the Hayes Township Board of Trustees approval for distribution and review of the draft of the “Hayes Township Master Plan” pursuant to Section 41 (MCL 125.3841) of Public Act 33 of 2008: known as the Michigan Planning Enabling Act.

All supported by saying Yea. **Motion passed**

Public Comment: Great work by planning commission

Adjournment: Ed Bajos, supported by Marilyn Morehead, made the motion to adjourn the meeting at 7:46 pm.

All supported by saying Yea. **Motion passed**

Recorded by:

Respectfully Submitted by:

Kristin Baranski

Omar Feliciano/PC Vice-Chair