

Hayes Township
Zoning Board of Appeals
Interpretation Hearing Continuation
Appeal Hearing
February 2, 2022
Hayes Township Hall
09195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM

The February 2, 2022 meeting of the Hayes Township Zoning Board of Appeals was called to order by Chair Thomas Darnton at 6:04 pm.

BOARD MEMBERS PRESENT: Thomas Darnton (Chair), Doug Kuebler (Board of Trustee Rep), Roy Griffiths (Planning Commission Representative) and Bruce Deckinga (Alternate)

ALSO PRESENT: Kristin Baranski (Recording Secretary/ Clerk) April Hilton (Deputy Clerk), Ron Van Zee (Zoning Administrator) and Todd Milar (Township Attorney)

EXCUSED ABSENT: Bob Jess

AUDIENCE MEMBERS SIGNED IN: Shirlene Tripp, David Zipp, Debbie Narten, Danella Hutcheson, Bud Borus, LuAnne Kozma, Bruce Deckinga, Mike Hutcheson, Harry Golski, Ellis Boal, A. Paul Hoadley

AUDIENCE NAMED ON ZOOM: Cole Wright, Jean Smith, Roger Smith, Tim Boyko, Winnie Boal, Spencer McCormack, Dean Burger, Kacey Cook, Bob Jess

Chair Tom Darnton called the meeting to order at 6:00 pm.

Mr. Darnton stated per Zoning Board of Appeals Rules of Procedures, the Zoning Board of Appeals shall not conduct business unless a quorum of members is present at the meeting. Roy Griffiths has recused himself. Mr. Griffiths was appointed Deputy Supervisor to facilitate the set up of the Lake Charlevoix EMS Authority, a multi-township organization. As Deputy Supervisor, Mr. Griffiths is considered a Township employee. Township employees are not permitted to sit on a board. Thus Mr. Griffiths has recused.

Mr. Darnton explains the ZBA will need to adjourn the Interpretation Hearing until the Township can fill empty seats on the ZBA.

Mr. Darnton then moved on to the Appeal Hearing. The ZBA will not be able to conduct any business tonight. Member Bob Jess is excused absent due to illness. The Appeal case will be

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able to be heard in a timelier fashion as the ZBA will have the ability to have a quorum between 3 members (Jess, Kuebler and Darnton).

Mr. Kuebler made a motion, with support from Mr. Deckinga, to adjourn the meeting at 6:04 pm. A roll call was taken.

Yays: Doug Kuebler, Bruce Deckinga, Tom Darnton

Nays: none

Abstain: none

Motion Passed

Respectfully Submitted,

Kristin Baranski

Hayes Township Clerk/Recording Secretary



To: Hayes Township Zoning Board of Appeals
From: Jennifer McKay, Policy Director, Tip of the Mitt Watershed Council

Date: February 1, 2022

Subject: Determination of Ordinary High Water Mark

Per the Hayes Township Ordinance, Article II, adopted January 11, 2016, the Ordinary High Water Mark (OHWM) is defined as "The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On Lake Charlevoix the ordinary high water mark shall be the legally established lake level of 582.3 feet IGLD 1985, and on Lake Michigan the ordinary high water mark shall be the legally established lake level of 581.5 feet IGLD 1885."

First, it is important to note that the definition Hayes Township adopted for the OHWM is based upon both the U.S. Army Corps of Engineers (USACE) and Michigan Department of Environment, Great Lakes, and Environment (EGLE) definitions of OHWM.

The U.S. Army Corps of Engineers Ordinary High Water Mark (OHWM) is a jurisdictional benchmark for administering its regulatory program in navigable waterways under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Federal regulations (33 CFR 328.3(e)) define the Ordinary High Water Mark as

"...that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas."

EGLE's definition of OHWM comes from Part 325, Great Lakes Submerged Lands Act, of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, as well as Part 325 administrative rules.

"Ordinary high water mark" means the elevations set by the act. When the soil, configuration of the surface, or vegetation has been altered by man's activity, the ordinary high water mark shall be located where it would have been if this alteration had not occurred. For purposes of this part, the ordinary high-water mark shall be at the following elevations above sea level,

international Great Lakes datum of 1955: Lake Superior, 601.5 feet; Lakes Michigan and Huron, 579.8 feet; Lake St. Clair, 574.7 feet; and Lake Erie, 571.6 feet.

While an elevation is provided in the definition of OHWM by EGLE, both agencies have historically regulated activity based upon the distinct mark in the land that separates upland from bottomland. They do so because of water level fluctuations. Water levels in Lake Michigan and Lake Charlevoix fluctuate on a daily, seasonal, and yearly basis. It is highly difficult for a regulatory body to demarcate the OHWM based on an elevation when water levels are consistently changing. In addition, regulating solely based on elevation would allow for projects to occur within inland lakes and streams and the Great Lakes without a permit during high water levels, if water levels exceed the regulatory elevation in statute.

If relying exclusively on elevation, the excavation and creation of the channel and basin could alter the elevation of the lake for regulated purposes. Excavation may move the OHWM inland if the dredging/excavation results in an elevation of 582.3 feet within the new basin. In order to determine the OHWM based upon elevation, the township would need to hire an engineer to delineate the OHWM within the new basin, taking into account the excavation.

Furthermore, as noted while the legally established lake level represents the ordinary high water mark, the federal and state agencies determine the actual OHWM by the definition – the line at a site in which physical characteristics along the shore are distinctly different based upon changes in water levels.

The OHWM and shoreline jurisdiction can move as the shoreline changes over time. The OHWM is not a static location, but rather a mark upon the land that may change over time in response to a number of factors including, but not limited to: accretion, consistency of pool elevations, erosion, groundwater, stormwater runoff, tributary inflows, waves, and wind. Most importantly, the OHWM can also change because of land use changes, such as excavation of a channel and/or basin. It is because of these factors that OHWM elevations may vary along the shoreline of the same lake.

When locating or determining the OHWM, one looks for obvious indicators of water along the shore. These indicators may include: stains on rocks or other shoreline structures, bare dirt, marks on trees, exposed roots running along the shore, changes in vegetation from water plants to upland plants. When the location of the shoreline changes, such as in the case of creation of a basin, one must look for the indicators of water along the newly created shoreline. The newly created shoreline will be subject to the presence and action of the water so common or recurrent that the character of the land will become marked distinctly from the upland and will be apparent in the soil itself, the configuration of the surface of the soil, and the vegetation, unless the new shoreline is blocked from water via artificial structures. In that case, the artificial structure will show indicators of presence of water such as stains. This will identify the OHWM.

Conclusion

Based upon the information provided above, it is the formal opinion of the Tip of the Mitt Watershed Council that elevation is not the appropriate way to determine the Ordinary High Water Mark, as federal and state agencies use the actual definition similar to the definition provided in the Hayes Township Ordinance to determine jurisdiction - "The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation."

It is the formal opinion of Tip of the Mitt Watershed Council that the OHWM changes with land use and will follow the contour of the new shoreline, which will exhibit the characteristics of water presence.

Furthermore, it is the formal opinion of Tip of the Mitt Watershed Council that when the OHWM has changed location due to land use or other reason, the setback must occur from the new OHWM. Per Section 3.14 Waterfront Regulations, "no structures (with the exception of a patio/deck, walkway, retaining wall, launching ramps and / or docking facilities including steps) shall be allowed within one hundred (100) feet of the Ordinary High Water Mark on Lake Michigan and Lake Charlevoix." Changing an OHWM can also impact setbacks and other measurements. For example, if a house is built 75 feet from the OHWM (or what is believed to be the OHWM) and then the OHWM is moved 15 feet inland, the home is now only 60 feet from the OHWM. When the OHWM changes, the hundred foot setback must apply from the new OHWM.

Date: January 31, 2022

To: Tom Darnton, Chair, Hayes Township Zoning Board of Appeals, Kristin Baranski, Secretary for the ZBA and all members of the ZBA

From: Bill Henne, Hayes Township Resident and former ZBA Chair

Subject: ZBA Hearing of February 2, 2022

Tom, Kristin and ZBA Members,

I request that Kristin read the following comments into the minutes of this meeting.

I feel that the hearing of January 26, 2022, could have been much more simple if the ZBA had focused on the two requests that they were asked to interpret, which was, essentially, whether the Zoning Administrator (ZA), Ron VanZee had erred in his determinations on construction in the Shoreline Protection Strip (SPS) and the location of the Ordinary High Water Mark (OHWM).

It seems to me that the appeals hearing is essentially about the conduct of the Zoning Administrator and the Chair of the Hayes Township Planning Commission, Roy Griffiths. Ron has violated the zoning ordinance by making unacceptable errors in judgement, and Roy has publicly supported those errors/violations. At the first hearing, some ZBA members did not seem to understand what interpretations mean. It simply means that Ron and Roy are interpreting the Zoning Ordinance wrongly or they are not, and if they are wrong, their errors need to be corrected by the ZBA with lawful interpretations of the zoning ordinance. I think they are wrong.

In addition to Ron's violations that I have indicated in my previous comments, he has committed the following violations:

1. He said that the zoning permit that he issued in apparent violation of the zoning ordinance to Scott and Debra Law did not expire after one year.
2. He said that nothing in the zoning ordinance prohibits boat basins or canals
3. He said that only the Michigan Department of Environment, Great Lakes and Energy (EGLE) and the US Army Corps of Engineers (USACE) regulate structures or excavations in the SPS.
4. He indicated that 20% of the SPS can be destroyed, whereas that regulation, in fact, talks about how much of the SPS can be altered under certain conditions.
5. On an application by Scott and Debra Law for a very large "boathouse" in their SPS, he erroneously determined that that structure was part of the existing house and that there was no need for a site plan.

In my opinion, the ZBA must interpret the zoning ordinance to find Ron and Roy to be wrong in their application of the zoning ordinance, which means they are in violation of the zoning ordinance. They need to be held accountable by the Hayes Township Board of Trustees, some or all of whom are in attendance tonight, and by the citizens of Hayes Township.

Bill Henne



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Opposing the Laws' Request to change Lake Charlevoix

1 message

William Fowle <fowlewilliam@gmail.com>
To: clerk@hayestownshipmi.gov
Cc: William Fowle <fowlewilliam@gmail.com>

Mon, Jan 31, 2022 at 10:54 AM

Dear Kristin Baranski and ZBA members:

Please read my comments aloud during both ZBA hearings on 2 Feb 2022:

My parents bought a home and land on Lake Charlevoix in 1951. I spent the majority of my childhood summers up north along with my many cousins who own land next to our place . We are 1/4 of a mile south of the Laws' land . We have been disturbed by their helicopter flying over our land , raucous music from a wedding on June 21 2021 , and semi automatic gunfire this past summer. And now they want to ruin a part of Lake Charlevoix . These are only a few of my concerns :

- *The 100-foot setback for structures from the lake is also to protect the Shoreland Protection Strip, which is 50 feet landward from the lake. The buffer zone itself needs a buffer zone from structures.*
- *The whole purpose of a setback of structures is to keep the structure away from the water.*
- *A building over the water of Lake Charlevoix violates a 100-foot setback.*
- *The Army Corps and State of Michigan emails about Ordinary High Water Mark are convincing evidence and in keeping with definitions of Hayes Township ordinance.*

Thank you.

William C.Fowle II

*1230 Randall Court , Traverse City , MI 49686
9370 Boyne City Road , Charlevoix ,MI*



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Concerns about Lake Charlevoix

message

marylee pakieser <mlpakieser@gmail.com>
To: clerk@hayestownshipmi.gov
Cc: marylee pakieser <mlpakieser@gmail.com>

Mon, Jan 31, 2022 at 10:40 AM

Dear Kristin Baranski and ZBA members:

Please read my comments aloud during both ZBA hearings on 2 Feb 2022:

I have been coming to Lake Charlevoix since 1972 . I married Bill Fowle whose family has had a vacation home on the lake since 1951. This lake is fragile and needs care to stay beautiful . I oppose the changes the Laws are requesting for the following reasons :

- ***The 100-foot setback for structures from the lake is also to protect the Shoreland Protection Strip, which is 50 feet landward from the lake. The buffer zone itself needs a buffer zone from structures.***
- ***The whole purpose of a setback of structures is to keep the structure away from the water.***
- ***A building over the water of Lake Charlevoix violates a 100-foot setback.***
- ***The Army Corps and State of Michigan emails about Ordinary High Water Mark are convincing evidence and in keeping with definitions of Hayes Township ordinance.***

Thank you,
MaryLee Pakieser MSN,RN,FNP-BC
1230 Randall Court Traverse City MI 49686
9370 Boyne City Road ,Charlevoix MI
cell :231-313-3817



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Please read into the record of Hayes Zoning Board of Appeals meeting on Wed Feb 2, 2022

1 message

Noah Fowle <noahfowle@gmail.com>
To: clerk@hayestownshipmi.gov

Mon, Jan 31, 2022 at 10:26 AM

Ms. Baranski,

thank you for your efforts and service to Hayes Township. I know the jobs of your and your colleagues cannot be easy in the best of times, and the challenges must only be compounded when issues arise that cause strong view from opposing positions.

Please read the following statement into this Wednesday's meeting record.

Noah Fowle
9370 Boyne City Road
Charlevoix MI 49720

"I encourage the members of this board to keep in mind their duty and obligation, whatever their final determination on Scott and Debra Law's project, remains to keep their deliberations and final decision open, transparent and accessible to the public. We, who oppose this project, make up a part of your community and whether you agree or disagree with us, we seek to know why.

If you think this project is justified and respects the letter and spirit of the law, then stand up, and say so. If you believe that the large financial expenditure produced by the project justifies the risks it poses to the natural habitat of Lake Charlevoix, then stand up and say so. If you find the scope and breadth of the project are appropriate and are in-keeping with the ordinance at issue, then stand up and say so. If you think our concerns are overblown, inconsequential, misguided, or wrong, then stand up and say so. While you may not owe those of us who disagree with this project your vote against, you do owe us an explanation as to why this project gets your vote.

In reviewing the plans for this project, it does not appear that the structures confirm to the required 100-foot setback. Why does this project get a pass on that requirement?

In reviewing the plans of this project, the proposed structures appear to be within 100 feet from the Ordinary High Water Mark (OHWM). Why are you prepared to offer special consideration and ignore this requirement?

The Army Corps and State of Michigan emails about OHWM are convincing evidence and in keeping with the definitions of Hayes Township Ordinance. If you disagree with this interpretation, explain why.

In reviewing the plans for this project, it appears that contrary to the ordinance, this project would allow a structure on or over the water. Why does this project warrant a special dispensation from this requirement?

In reviewing the plans of this project, it allows for the destruction and excavation of land within the 50-foot strip above the OHWM. Why are you willing to give your ascent to a project that flouts an ordinance this governmental body is designed to protect and enforce?

In reviewing the plans of this project, it exceeds the limit of removing vegetation ONLY along the 50-foot shoreland strip and it calls for, contrary to ordinance, the further removal of roots and soil. How can you claim that this project conforms with ordinance?

In reviewing the plans of this project, it defies the ordinance's requirement that a boathouse is for residential use ONLY and instead includes a large-commercial scale building designed for commercial, non-residential use. Why do you believe such a structure won't risk creating a nuisances per se?

This project is simply too large and too invasive. The process which we, the public are due, in evaluating it and commenting on it has become too cumbersome and amorphous. At every turn, the approval process is shrouded in unjustified exceptions, poorly explained special treatment, and arbitrary short-cuts. If you disagree with my conclusion fine, but as public officials you must subject your disagreement and an explanation of your conclusions to our scrutiny. Any disagreement over what is best for the public trust, or in this case a public waterway, belongs out into the open and amongst the public. Your vote is yours, but you cannot cast it secret silence from us - your neighbors and fellow township members."



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Zoning Comments

1 message

Megan Schmelzenbach <meganschmelzenbach@gmail.com>

Mon, Jan 31, 2022 at 9:30 AM

To: clerk@hayestownshipmi.gov

Hello Ms. Baranski,

Sometime during the past few weeks I was mailed a flyer regarding the Law property and the boathouse and event center they appear to be building. How is this event center being authorized by the township? Why are we allowing these people to mutilate our lake shore and how does this event center benefit the lakeshore and the township? Can the township promise that we will not be inconvenienced by noise and additional traffic? What about guaranteeing our safety from drunk drivers leaving the event center? What value does this event center bring to our township and it's citizens?

And furthermore, why is the township allowing this family to be above the law and ordinances not only in the township plan but state laws as well? How is it acceptable for construction to continue when they do not have valid permits? This feels very corrupt and like we, the people have to fight again similar to the Elmer plant fiasco. This situation, so soon after the Elmer fiasco is making me quickly lose faith and confidence in the township government.

I don't need a response but I do ask that my comments be presented at the February 2nd meeting. Thank you.

Megan Schmelzenbach

Sent from my iPhone

DATE: January 30, 2022

TO: Tom Darnton, Hayes Township ZBA
Ron VanZee, Hayes Township Supervisor & Zoning Administrator
✓ Kristin Baranski, Hayes Township Clerk

FROM: A. Paul Hoadley, a resident of Hayes Township, Charlevoix County, MI.

REFERENCE: Appeal of Determinations by the Hayes Township Zoning Administrator 11/29/2021
LuAnne Kozma, Appellant

There are four (4) interpretations of the Hayes Township Zoning Ordinance that the ZBA must rule on to satisfy the appeal. They are as follows:

1. Shall the boat house and boat basin/canal be considered one zoning permit?
2. Is the boat basin/canal a structure, therefore falling under the jurisdiction of the Hayes Township Zoning Ordinance?
3. Does creating a boat basin/canal change the Shoreland Protection Strip to bottom land and is this considered the destruction of the Shoreland Protection Strip?
4. Does the creation of a boat basin/canal move the OHWM (Ordinary High Water Mark) upland, thus moving the Shoreland Protection Strip beyond the boat basin 25 feet as well as 25 feet to each side of the boat canal?

The above four (4) interpretations do not present themselves clearly in the written text of the Hayes Township Zoning Ordinance. Therefore, the ZBA will need to make an interpretation much as courts of law consider the intent of various laws and constitutions when they make their judgments.

In making the interpretations of the Hayes Township Zoning Ordinance, consider that the Zoning Ordinance does clearly state that one of its major intents is to preserve the water quality of Lake Charlevoix and surrounding lakes and streams. The loss of the Shoreland Protection Strip due to the dredging of a boat basin/canal will be harmful to the quality of Lake Charlevoix.

Thank You,

A. Paul Hoadley

A. Paul Hoadley
08166 Quarterline Road
Charlevoix, MI. 49720



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Protect the Shoreland strip

1 message

Ayrie Moore <ayrie.moore@gmail.com>

Sun, Jan 30, 2022 at 8:12 PM

To: clerk@hayestownshipmi.gov

Dear Kristin Baranski and ZBA members

Please read my comments out loud and during both ZBA hearings on February 2:

The purpose of the zoning ordinance is to protect the Shoreland of Lake Charlevoix from harm and accordingly it created the Shoreland Protection strip, defined as all land 50 feet upwards from the ordinary high water mark (OHWM).

The ordinance protects the 50 foot Shoreland strip in a number of ways:

- 1) by providing for a 100 foot setback for all structures;
- 2) by keeping structures away from the water of Lake Charlevoix;
- 3) by prohibiting any structure on or over its water;
- 3) by precluding commercial use of structures in a residential zone;
- 4) by prohibiting, since 1979, any structure, including boathouses, within 100 feet from the OHWM of Lake Charlevoix;
- 5) by defining the OHWM in a way that has been supported by the Army Corps and State of Michigan as evidenced in their emails:
- 6) by prohibiting destruction, including excavation, of any of the land within the 50 foot strip above the OHWM, including boat basins and canals;
- 7) in providing that 20% of the 50 foot Shoreland strip can be used for removing vegetation only, it affirmatively prohibits the removal of root systems, and thus excludes all other forms of removal, including excavation of land and soil.

The proposed Law boathouse expansion violates both the letter and spirit of the zoning ordinance. Please do your jobs and protect Lake Charlevoix and its shoreland from harm. Enforce the existing zoning ordinance and reject the Law application.

Thank you,
Ayrie Moore
9190 Woods Road
Charlevoix MI 49720

Sent from my iPad



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Hayes Township - Please add to minutes - both ZBA hearings, Feb 2, 2022

1 message

Frank Fowle <fowle10@gmail.com>

Sat, Jan 29, 2022 at 12:07 PM

To: clerk@hayestownshipmi.gov

To: Hayes Township, ZBA Secretary, Kristin Baranski

Dear Ms Baranski,

I am a resident a mere 1/4 mile from the proposed Law boathouse expansion. Please include this statement in the minutes to be read with the other statements that are in opposition of this project:

This proposal not only violates the zoning ordinance, it violates the very spirit of the community itself. Please consider the intangibles as you vote on this.

Would you vote for a privately owned business center to open in the middle of a small residential neighborhood? As they remove 3-4 plots in order to put in a parking lot and swimming pool? And now families, who go for walks and ride their bikes now have to avoid - the new private business center?

This is the precise reason why zoning ordinances are put in place to begin with. To protect the balance of the ecosystem, both for the people and the wildlife. This proposal is in direct violation of the spirit of this community.

Thank you,
Frank Fuller Fowle IV
[3370 Boyne City Road](#)

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Frank Fowle
[944 W Hubbard St, #1](#)
[Chicago, IL 60642](#)
323.514.4620



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>



Comments for Hayes Township ZBA Hearings on 1/26/2022 and 2/2/2022

message

wlboal@gmail.com <wlboal@gmail.com>

Wed, Jan 26, 2022 at 4:21 PM

To: clerk@hayestownshipmi.gov

Please provide these comments to the Hayes Township Zoning Board of Appeals Kozma/Hicklen/Fowle Interpretation Hearing on 1/26/2022 and the Hayes Township Zoning Board of Appeals Public Hearing Kozma Appeal on 2/2/2022.

The Hayes Township Zoning Ordinance dated 3/24/2012 states on pages III-7 and III-8, Section 3.14 Waterfront Regulations:

- "The shoreland protection strip shall include all of the land area located within fifty (50) feet of the high water mark of a lake or a stream abutting or traversing the property in question. The purpose of the strip is to protect the lake by preventing soil erosion, providing a filter for the removal of pesticides, fertilizers and other potential water pollutants, and to maintain a visual barrier."
- "No structures, except for launching ramps and docking facilities including steps and retaining walls, shall be allowed within one hundred (100) feet of the shoreline on Lake Michigan and Lake Charlevoix..."
- "The shoreland protection strip shall not be altered under any condition, except to remove dead trees or shrubs or to remove invasive species."
- "The waterways and lakes in and adjacent to the lands of Hayes Township are invaluable assets to the economy and quality of life, and therefore must be preserved in a natural fashion to maintain health of these waterways as well as the natural beauty of Northern Michigan."

It is clear to me that the proposed shoreline development by Scott and Debra Law at [10034 Anglers Cove, Hayes Township](#) (15-007-132-005-25 and 15-007-133-005-30), to dredge an artificial channel 130 feet into Lake Charlevoix, and dredge an artificial 30 ft by 50 ft channel in the shoreland protection strip, excavate and construct a boat basin in the shoreland protection strip, and build an enormous 4,500 square foot structure over the lake that they call a "boathouse" (but with separate toilets for men and women, an elevator, and a kitchen, is obviously more of a commercial event space than a simple boathouse) flagrantly violates the Hayes Township Zoning Ordinance Waterfront Regulations. The Laws have described the project as a corporate retreat center. This "boathouse" event/retreat space is not appropriate for property zoned residential. I'm sure this project violates other provisions of the Zoning Ordinance, and it should not be permitted. The welfare of Lake Charlevoix and of Hayes Township residents is threatened by this project. This proposed project violates the language of the Ordinance to preserve the lake in a natural fashion and to maintain the natural beauty of Northern Michigan.

Sincerely,

Winnie Boal

wlboal@gmail.com

-547-6859



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Law Property Plans are inconsistent with Zoning uses

1 message

Scott Boal <smbdenver@gmail.com>

Sun, Jan 30, 2022 at 10:32 PM

To: clerk@hayestownshipmi.gov

Cc: LuAnne Kozma <luannekozma@gmail.com>, Lisa Hicklen <lisahicklen@charter.net>, Irene Fowle <izfowle@gmail.com>, Ellis Boal <ellisboal@voyager.net>

Dear Kristin Baranski and ZBA members:

Please read my comments aloud during both ZBA hearings on 2 Feb 2022:

- The 100-foot setback for structures from the lake is also to protect the Shoreland Protection Strip, which is 50 feet landward from the lake. The buffer zone itself needs a buffer zone from structures.
- The whole purpose of a setback of structures is to keep the structure away from the water.
- A building over the water of Lake Charlevoix violates a 100-foot setback.
- The Army Corps and State of Michigan emails about Ordinary High Water Mark are convincing evidence and in keeping with definitions of Hayes Township ordinance.
- Further, the Laws and their representatives have publicly expressed their intentions to create an uncoordinated arrangement of buildings and structures of several functions, uses and occupancies (aviation, assembly, target shooting, hunting, public/private events, large boat occupancy, many homes, event center, etc). A larger overlay district should be considered, similar to the Bay Harbor Community in Petoskey. Sewer, water, power, gas, traffic/roadways, lake, schools and environmental impact studies should be required before all these uses are approved for construction. If not, is this setting up precedent for the next one and the next one, etc?. And at what point will this Board actually consider the impact to the lake and the residents for the long term betterment of the area..
- Please reject the application by the Laws until more detailed and robust impact studies are completed by appropriate professional engineers, not landscape contractors.

Thank you,

Scott Boal

09290 Boyne City Road

Charlevoix, MI 49720



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Comments for Hayes Township ZBA Hearings on 1/26/2022 and 2/2/2022

message

wlboal@gmail.com <wlboal@gmail.com>

Wed, Jan 26, 2022 at 4:21 PM

To: clerk@hayestownshipmi.gov

Please provide these comments to the Hayes Township Zoning Board of Appeals Kozma/Hicklen/Fowle Interpretation Hearing on 1/26/2022 and the Hayes Township Zoning Board of Appeals Public Hearing Kozma Appeal on 2/2/2022.

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- "The shoreland protection strip shall include all of the land area located within fifty (50) feet of the high water mark of a lake or a stream abutting or traversing the property in question. The purpose of the strip is to protect the lake by preventing soil erosion, providing a filter for the removal of pesticides, fertilizers and other potential water pollutants, and to maintain a visual barrier."
- "No structures, except for launching ramps and docking facilities including steps and retaining walls, shall be allowed within one hundred (100) feet of the shoreline on Lake Michigan and Lake Charlevoix..."
- "The shoreland protection strip shall not be altered under any condition, except to remove dead trees or shrubs or to remove invasive species."
- "The waterways and lakes in and adjacent to the lands of Hayes Township are invaluable assets to the economy and quality of life, and therefore must be preserved in a natural fashion to maintain health of these waterways as well as the natural beauty of Northern Michigan."

It is clear to me that the proposed shoreline development by Scott and Debra Law at [10034 Anglers Cove, Hayes Township](#) (15-007-132-005-25 and 15-007-133-005-30), to dredge an artificial channel 130 feet into Lake Charlevoix, and dredge an artificial 30 ft by 50 ft channel in the shoreland protection strip, excavate and construct a boat basin in the shoreland protection strip, and build an enormous 4,500 square foot structure over the lake that they call a "boathouse" (but with separate toilets for men and women, an elevator, and a kitchen, is obviously more of a commercial event space than a simple boathouse) flagrantly violates the Hayes Township Zoning Ordinance Waterfront Regulations. The Laws have described the project as a corporate retreat center. This "boathouse" event/retreat space is not appropriate for property zoned residential. I'm sure this project violates other provisions of the Zoning Ordinance, and it should not be permitted. The welfare of Lake Charlevoix and of Hayes Township residents is threatened by this project. This proposed project violates the language of the Ordinance to preserve the lake in a natural fashion and to maintain the natural beauty of Northern Michigan.

Sincerely,

Winnie Boal

wlboal@gmail.com

547-6859