

Hayes Township  
Zoning Board of Appeals  
Interpretation Hearing  
January 26, 2022  
Hayes Township Hall  
09195 Major Douglas Sloan Road  
Charlevoix, Michigan 49720  
ZOOM

The January 26, 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: Frank Shepherd, Bob Jess

Audience Members Signed In: Debbie Narten, Danelle Hutcheson, Mr. Narten, Mike Hutcheson, Anne Kantola, Fred Parsons, Joan Wagner, Paul Hoadley, Harry Golski, Bud Boris  
ZOOM Audience Named on Video: Cole Wright, Greg Denzinger, Jim McMahon, Rex Greenslade, Spencer McCormack, Tim Boyko, Winnie Boal, Lisa Hicklin, Deborah Graber, Kelly Preston, Frank Shepherd, Kacey Cook, Sam Williamson, Rod Slocom, Ayrie Moore, Bob Drost, Lucy Moore

**PLEDGE OF ALLEGIANCE:** Mr. Darnton led the Pledge of Allegiance

Mr. Darnton stated the purpose of tonight's meeting is to hear the petitioners' request for an interpretation of specific sections of the Hayes Township Zoning Ordinance. Mr. Darnton stated the meeting will adjourn at 9:00 pm whether or not the case is complete in order to ensure good public policy. Mr. Darnton read Article 4, Section 52 from the Michigan Constitution: "The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction." The constitution states it is possible to have both conservation and development. Also noted is 'the legislature shall provide'. In this case that is the ordinance.

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to the request (letter attached). Shepherd has also submitted a letter of resignation to the Board of Trustees that has not been acted on.

**RECUSAL REQUESTS:** Mr. Boal requested in a letter on January 11, 2022 the recusal of Roy Griffiths and Tom Darnton. Griffiths stated that since this is an interpretation of the ordinance there is no reason to recuse. Darnton stated he has avoided discussions on topic as well is prepared to listen to the presentation and answer the questions for interpretation without bias.

Mr. Kuebler made a motion, with support from Mr. Deckinga, to request that Roy Griffiths remain in his position on ZBA for this interpretation hearing. A roll call was taken.

Yeas: Doug Kuebler, Tom Darnton, Bruce Deckinga

Nays: None

Abstained: Griffiths

**Motion Carried**

Mr. Griffiths made a motion, with support from Mr. Kuebler. to request that Tom Darnton remain in his position on ZBA for this interpretation hearing. A roll call was taken.

Yeas: Doug Kuebler, Bruce Deckinga, Roy Griffiths

Nays: None

Abstained: Darnton

**Motion Carried**

**INTERPRETATION HEARING OPENED:** Chair Darnton opened interpretation hearing at 6:15 pm.

Petitioner is recognized and presents interpretation request.

Mr. Boal requests that the Zoning Board of Appeals recognize Lisa Hicklin as one of the petitioners as her name was inadvertently left off of the published public notice. The ZBA recognizes Lisa Hicklin as a co-petitioner represented by Ellis Boal.

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- Local governments have authority and responsibility to protect community character
- Once degraded, lakes are very difficult to repair/90% of all lake life is born/raised/fed where land and water meet
- Natural features setback requirements/undisturbed buffers/ natural features/native plants/vegetative buffers
- “undisturbed” means no construction
- Tree/shrub trimming/root systems remain intact
- Protection measures are crafted/supported by plan/applied consistently
- Ms. Kozma presented the Law proposed boat basin and canal and boathouse plan (permitted by EGLE and in review currently with Army Corps of Engineers)
- Ms. Kozma states the proposed project includes a commercial event center that is over the waters of Lake Charlevoix
- Shoreland Protection Strip definition
- Ordinary High Water Mark definition (Ordinance and State statute)
- Bottomland Definition
- Upland Definition
- Section 3.14 Waterfront Regulation (intent/master plan/shoreline protection strip/setbacks/no structures/patios/decks/walkways/damage/seasonal docks/definition of structure/limited vegetative removal/corrective measures if altered or disturbed/ root systems/stabilization/
- Hayes Zoning Ordinances 1973-2018 Exhibit 22
- Exhibit 24 artificial basin and channel move Ordinary High Water Mark
- Exhibit 34 proposed Law boat basin and channel
- Devos and Packer boat basins (exist within Hayes Township)
- Bringing the lake to a structure is same as putting a structure on the lake
- Local, State and Federal Ordinary High Water Mark definitions
- Army Corps and State of Michigan emails regarding the Ordinary High Water Mark moves in to artificial basin
- Joint application to EGLE and USACE
- Allowing boathouse would be arbitrary and capricious

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Petitioner requests a time to respond to the zoning administrator's comments.

Mr. Deckinga asks Mr. Van Zee if the Devos and other boat basins occurred under the same ordinance. Mr. Van Zee states the Packer boat basin was prior to current ordinance but Devos basin was under current ordinance.

Petitioner states the Devos project (refers to Exhibit 25) documents provided by the applicant to the township/state/army Corps that basin would be excavated to a level below the Ordinary High Water Mark. Petitioner believes that the Township at the time did not realize and was using the former Ordinary High Water Mark definition and project should not have gone forward.

Mr. Griffiths asks the petitioner if it is the belief that the zoning ordinance 3.14 as written needs to be enforced uniformly and the zoning ordinance as a whole needs to be enforced uniformly? Petitioner responds "it should be... that is what my point was".

Mr. Griffiths states that he has no argument with the Army Corps statement that creating a boat basin changes the shoreline of the lake. He then asks the petitioner "does the Army Corps has the authority to change the boundaries of a lake?" Petitioner responds 'Not on their own... If the Township does not allow it that's it.' Mr. Boal responds that the boundaries of a lake are determined by physical characteristics. Mr. Griffiths points out the channels between Lake Michigan and Lake Charlevoix into Round Lake changed the boundaries of the lakes. He states that the Township has the authority over the uplands as petitioner presented and questions the ability of the Army Corps to change the boundaries of the lakes. Petitioner responds the 'Township does have the authority to enforce their ordinance'; "it is the township who has control". The Army Corp does not preempt local law.

Mr. Griffiths states he is trying to, in his mind, keep the interpretation request separate from any specific case.

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interpretation- does the Ordinary High Water Move – ZA response: depends on township current and previous attorney opinions and zoning ordinance refers to Ordinary High Water Mark or property line; conflict between no disturbance of shoreline protection strip vs acceptable (as stated in ordinance) ZA response: have to take ordinance as a whole in decision making/any disturbance needs to be repaired such as retaining walls/permits issued by EGLE/etc.; petitioner responds that this is their case and not Van Zee's case; discussion setbacks/waterfront lot/ property line/definitions conflict within ordinance/legal purposes of a number for Ordinary High Water Mark vs visual; request for petitioner to state what happens to the Ordinary High Water Mark if inland yacht basin is created-petitioner answer excavation causes new bottomlands and everything above becomes uplands; reserve comments about Law permit until another date; ordinance be interpreted as intended

Correspondences read into record as requested; all correspondences received by 5:00 pm attached.

Public comment closed at 8:46 pm.

Mr. Griffiths suggests a motion to interpret the meaning of the ordinance as exactly written.

Zoning Board of Appeals discuss the motion to interpret the meaning of the ordinance as written. Mr. Kuebler agrees. Mr. Deckinga questions that Devos was approved under same ordinance and that this interpretation conflicts. Mr. Milar explains that this interpretation becomes record. Mr.Griffitts states the purpose of this hearing is to state that the ordinance means what is written. Mr. Darnton states that the whole ordinance needs to be enforced as written. The Township has been using a legal opinion from a previous township attorney regarding the Devos property as Ordinary High Water Mark guidance.

Mr. Milar states that simply stating that the ordinance is what it says, is not an interpretation.



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

231-547-6859



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

## Proposed Law Boathouse Project

message

**Arlene Westhoven** <arloon43@gmail.com>

Wed, Jan 26, 2022 at 5:16 PM

To: Clerk@hayestownshipmi.gov

To Whom It May Concern:

I am the President of the Michigan Loon Preservation Association. I am writing concerning the proposed development project in Hayes Township on Lake Charlevoix.

The mission of the Michigan Loon Preservation Association is to preserve and protect loons throughout the state. Common Loons are a threatened species in Michigan. Loons feed on inland lakes even if they do not nest there. Loons regularly visit Lake Charlevoix to feed after their chicks are more self-reliant.

DREDGING CAUSES WATER POLLUTION THROUGHOUT THE ENTIRE LAKE. THE EFFECTS THREATEN NOT ONLY LOONS, BUT FISH AND THE ENTIRE ECOSYSTEM.

1. Disturbance of sediments by dredging releases toxins, such as lead and pesticide residues, into the water and become part of the food chain. This poisons fish and loons and other birds and animals that eat the fish and invertebrates. This also includes humans.

2. Dredging introduces sediments into the water, Loons, Bald Eagles Osprey and Terns dive for their food. Murky water hinders their ability to see their prey.

3. It is likely that dredging will have to occur repeatedly, even yearly, to keep the channel clear. Repeated dredging introduces sediments and toxins into the water even if the sediment is removed.

Thank you for your cooperation.

Arlene Westhoven, President,  
Michigan Loon Preservation Association



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

## My comments for tonight

messages

tim boyko <tim@timboyko.com>  
To: clerkhayestownshipmi@gmail.com

Wed, Jan 26, 2022 at 5:55 PM

In case we have technical issue or limited tim below are my comments for the record and if possible read to the ZBA

Thanks!

Public Comment ZBA hearing Jan.26, 2022

I'm not going to address the facts, they are more than eloquently expressed by the petitioners.

I want to talk about the role we play as elected and appointed leaders at the township level.

We're entrusted with creating and enforcing a path of development that respects property owners rights and the vision of the whole community.

Since the creation of zoning and enabling act a major if not the keystone issue for us was protecting the waters that are our most valuable resource.

The waterfront properties that carry this responsibility are required by our ZO to protect this common resource not only for water quality but also for the aesthetics that we've upheld for decades.

The foundation of the waterfront zoning responsibility is based on the integrity of the whole of the shoreland protection strip and the 100 foot setback from the OHWM.

Responsible lakefront property owners understand their rights are limited to protect the commons. The Township leaders must be diligent in keeping them honest in this responsibility.

This is our task tonight.

Respectfully Submitted

Tim Boyko

clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>  
To: Julie Collard <treasurer@hayestownshipmi.gov>

Wed, Jan 26, 2022 at 6:40 PM

Sent from my iPhone

Begin forwarded message:

**From:** tim boyko <tim@timboyko.com>  
**Date:** January 26, 2022 at 5:55:45 PM EST  
**To:** clerkhayestownshipmi@gmail.com  
**Subject:** My comments for tonight



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>



## January 26th ZBA public hearing comment

message

**Jessica Catt** <cattjessica@gmail.com>

Wed, Jan 26, 2022 at 12:54 PM

To: clerk@hayestownshipmi.gov

I'm writing this email as a resident of Hayes Township. After reading through the Hayes Township Zoning Ordinance and the Waterfront Protections, including the Shoreland Protection Strip, the proposed project and already completed waterfront construction at 10034 Anglers Cove is in violation of our township's rules and regulations.

The artificial channel would remove a 30'x50' portion of the required Shoreland Protection strip, which is necessary to filter harmful pollutants into the lake. How and why would this property be exempt?

The zoning ordinances have not allowed the construction of boathouses since 1979. Why is this large (2 story, 90'x60') boathouse exempt?

Thank you for your time and consideration in this matter.

Best-

Jessica Catt

[cattjessica@gmail.com](mailto:cattjessica@gmail.com)

(PLEASE READ into Record)

Hand Delivered  
1-26-2022 WMC ✓

January 24, 2022

Dear Hayes Township Zoning Board of Appeals,

We ask that you carefully review the Hayes Township Ordinance as a whole, while justly interpreting The Shoreland Protection Strip, the Ordinary High Water Mark (OHWM) and the defined setbacks for all structures, in light of the potential for irreparable harm to the waters of Lake Charlevoix and the numerous lake-front residents located in multiple townships surrounding it.

We understand that Jim Anderson built a boathouse in/on Round Lake which was "approved". We also understand that Oyster Pointe built "a channel" for boat slips (limited number) with specific provisions to protect the waters of Lake Charlevoix, including "density" factors with green zones/buffers which must remain uninhabitable forever. We also know that the "channel" at Oyster Pointe continues to be free-flowing, clean and clear of harmful contaminants/byproducts from its use. We are not certain if these safeguards have been implemented and mandated in this process since there have been no public hearings with full disclosure of what is "actually" being contemplated, intended and promised. We are also not aware of the "studies conducted" to ensure compliance with the Ordinance. A 4000+ sq foot "boathouse" suggests more than a few boats and a few guests, which must be properly analyzed by the resident taxpayers in Hayes Township.

Since the Zoning Administrator/Township Supervisor made a decision in his capacity, we believe that "the decision" does not, in and of itself, either make that decision correct or lawful. It is a decision which will be required to pass careful review from a legal perspective and by a legal interpretation of the current law, to wit: the Hayes Township Zoning Ordinance, in effect at the time of "the decision", including the State of Michigan (perhaps Eagle, Tip of the Mitt Watershed, etc.) and the Army Corps of Engineers.

We ask that your decision be based on accurate information set forth in the Ordinance, not simply an opinion from a long-standing (ranking) member of the Township Administration.

We are alarmed that a channel or basin could be "approved" into the waters of Lake Charlevoix by Hayes Township elected officials. Will the channel or basin be a free flowing body of water with ingress and egress (meaning a flow of Lake Charlevoix water in and a flow of Lake Charlevoix water out)?

From reading the Ordinance, it appears that a 4,000+ sq foot "boathouse", under any interpretation of the Ordinance, would be unlawful and contrary to the spirit and intent of the Hayes Township Ordinance. Please be mindful, in these days of virtually no enforcement of laws, rules and local ordinances because the "cost of such enforcement" outweighs the benefit to be gained, this "boathouse" could easily turn into a commercial enterprise in a residential district, without passing necessary and sufficient legal review, with proper notice.

Was there an application of a Special Use Permit? If so, what was the decision? If not, then why not?

Since there is a provision in the Ordinance for a 50 foot Shoreland Protection Strip, defined as "all of the land area 50 feet landward from the Ordinary High Water Mark", how can an Application "approved" by the Zoning Administrator avoid that clear provision, unless "new definitions" are given historically used/accepted definitions?

Since there is a 100 foot setback for all structures, how can the application for a "boathouse" over and presumably in the waters of Lake Charlevoix, be approved without an application for a Variance of the Shoreland Protection Strip or from the 100 foot setback requirement?

Would not a channel or basin into the waters of Lake Charlevoix, with some form of walls (containment), be considered a structure under the Ordinance?

We trust that you will not be convinced that this boathouse structure could in any way be considered or interpreted as an "extension of their house/dwelling place/residence.

We trust that you will look very closely at the Site Plan which was or should have been submitted with the Application for a "boathouse" or in any of its Amendments.

We trust that you will look very closely at the Application for a Permit to build the requested "boathouse", with its final design, site plan and intended use. Further, we hope that the ZBA, ZA and Township official will implement mandated restrictions upon future use!!

Please take record notice that we strongly oppose the application for a channel/basin into the waters of Lake Charlevoix. We strongly oppose any building permit for a 4000 sq ft "boathouse" in, above or over the waters of Lake Charlevoix, located within Hayes Township.

Furthermore, we urge the Zoning Board of Appeals to enforce the 50 foot Shoreland Protection Strip and the 100 foot setback provisions of the Ordinance, in the spirit (with well-defined definitions historically recognized) in which the Ordinance was drafted; not by new definitions or new interpretations that might suggest that such provisions can be altered for any purpose beyond clearing vegetation to allow a view of the lake from one's own property.

Thank you for your consideration.

Respectfully,



William and Diane Conklin  
9290 Fairway View  
Charlevoix, Michigan 49720



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

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 **or January 26, 2022 ZBA Hearing - re: Interpretation Requests**

1 message

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**Margie Marks** <margie0058@gmail.com>

Tue, Jan 25, 2022 at 9:30 AM

To: clerk@hayestownshipmi.gov

**Please read my comments into the record at the hearing regarding Interpretation Requests. Thank you!**

To Hayes Township Clerk and Zoning Board,

I am writing regarding the zoning ordinance and interpretation requests on Lake Charlevoix which is being discussed at your meeting. I am unable to be in attendance and appreciate your reading and recording my comments.

At a time when preservation of our lakes and shorelines is at its most needed, I find it unsettling and irresponsible that a proposal to work against such preservation would even be considered. Hayes Township is one of many which is gifted with natural beauty. Ordinances were put into place in order that citizens of the state, visitors, wildlife, and ecological balance would be attended to.

It is clear that the purpose and language of the Shoreland Protection Strip disallows misinterpretation - its meaning is NOT to allow destruction. 20% of vegetation removal in the Shoreland Protection Strip is acceptable. 20%. Nothing more. Do not confuse 20% vegetation removal allowance with 20% destruction and removal of the land!

All waterfront owners are required to protect the lakes with setbacks. The Zoning Ordinance points to this fact. A building over the water of Lake Charlevoix violates a 100 foot setback! If you allow this setback violation and destruction of the Shoreland Protection Strip, why would anyone care about complying with the Zoning Ordinance? They wouldn't! A domino effect would be the destruction of more and more of our shorelines.

 Please act in accordance with the Zoning Ordinances and in concert with being responsible stewards for the Township and the State of Michigan.

Thank you,  
Marjorie Marks  
[818 Arbor Street](#)  
[Harbor Springs, MI 49740](#)

Date: January 24, 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

Subject: ZBA Hearing of January 25, 2022

Tom, Kristin and ZBA Members,

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

I am making these comments as a former chair of the ZBA. I am very concerned about recent decisions of Zoning Administrator, Ron VanZee, with regard to the Shoreline Protection Strip (SPS). I feel that the permit Ron issued to Scott and Debra Law for construction in the SPS of a channel, boat basin and large building violates the rules of the SPS. Those rules (Section 3.14, 2) are very specific that no construction shall be allowed within 100 feet of the Ordinary High Water Mark (OHWM) of Lake Charlevoix.

Ron has apparently made the determination that the OHWM would not move if a channel and boat basin were constructed in the shoreline. However, the US Army Corp of Engineers (USACE) and the Michigan Department of Environment, Great Lakes and Energy (EGLE) has determined that the OHWM would move into the channel and basin. The determination by Ron to the contrary is irresponsible and wrong.

These are grave and unacceptable errors on the part of the Zoning Administrator, and I request that the ZBA correct them tonight by finding that the SPS rules of the Zoning Ordinance must be interpreted as I have indicated above.

Bill Henne



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

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 **Shoreland Protection Strip**

1 message

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**Lin Larsen** <blueberrymom@gmail.com>

To: clerk@hayestownshipmi.gov

Sun, Jan 23, 2022 at 9:14 PM

Dear Zoning Board of Appeals:

We object to the development that Scott and Debra Law have proposed at Angler's Cove on Lake Charlevoix in Hayes Township. Building a commercial building in a residential zone is illegal. They propose a boathouse which has not been allowed by the zoning ordinance for over 40 years. The artificial channel and boat basin structures excavated into the shoreline and the boathouse over the lake all violate the 100-foot setback in the zoning ordinance. And a 30-foot by 50-foot section of the "Shoreland Protection Strip" which the ordinance states is "all of the land area 50 feet landward from the Ordinary High Water Mark" would be removed. The purpose of this Shoreland Protection Strip is to act as a filter and prevent pollution of the waters of Lake Charlevoix.

Please refuse to permit these illegal actions to harm our precious lake shore.

Sincerely,

Linda and Kent Larsen  
Hayes Township residents since 1984



*historic preservation. folklore. oral history.*

January 4, 2022

April Champion Project Manager  
Western Section Regulatory Branch U.S. Army Corps of Engineers Detroit District  
477 Michigan Avenue  
Detroit, Michigan 48226-2550

[April.R.Champion@usace.army.mil](mailto:April.R.Champion@usace.army.mil)

RE: USACE File: LRE-2020-01805-41-S20 submitted by Scott and Debra Law

Dear Ms. Champion:

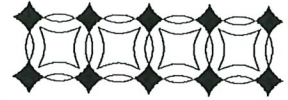
I am writing to express deep concern about the Law's proposed boathouse in Hayes Township, Charlevoix County. I am a Michigander and historic preservation professional based in Okemos, Michigan with a keen interest in sustainable growth and stewardship of the Great Lakes watershed. I am familiar with Charlevoix since beginning research on Beaver Island in 1989. Most recently I have worked in historic Fishtown and so am well aware of the careful oversight by the ACOE in granting permits for construction in the watershed. I also know what responsible private development looks like. This is not the case here.

I have received information from LuAnne Kozma regarding plans for the Laws' boathouse, both original and revised. I am concerned that this project will set a precedent for large developments under the guise of "boathouses" that will be detrimental to Lake Charlevoix and to lakeside developments across the state. The revised plan is no different in scale or impact than the original. It strikes me as similar to the "super garages" that are far more than simple garages. In use and function, this is clearly a "super boathouse." A project of this scale will negatively affect the shoreline and allow development of large buildings right on the lake. Although clearly in the private interests of the Laws, this development is contrary to the public interest and to the history of greenbelt protection along the Lake Charlevoix shoreline.

Please consider the impact and precedent-setting nature of this permit request and deny it.

Sincerely,

Laurie Kay Sommers Consulting, LLC  
4292 Tacoma Blvd.  
Okemos, MI 48864  
517-899-6964  
email: [folklaurie@gmail.com](mailto:folklaurie@gmail.com)



Long Island Traditions

382 Main Street

Port Washington, NY 11050

(516) 767-8803

E-Mail: [director@longislandtraditions.org](mailto:director@longislandtraditions.org)  
<https://longislandtraditions.org/>

January 3, 2022

Kristin Baranski  
Hayes Township  
Board of Zoning Appeals  
Charlevoix, MI 49720

Re: Application submitted by Scott and Debra Law

Dear Ms. Baranski:

I am a folklorist and architectural historian who specializes in maritime culture and architecture in New York State. I have worked with the NY State Historic Preservation Office on thematic context narratives and surveys relating to maritime culture including boat yards and boat houses (<https://cris.parks.ny.gov/>). In addition, we work with the NY Department of State's South Shore Estuary Reserve Council on historic preservation issues and surveys (<https://longislandtraditions.org/south-shore-portal/>).

I have received information from LuAnne Kozma regarding the proposed boat house by T. Scott Law in Charlevoix. As you may know, we have several historic boat houses on Long Island, dating from the 19<sup>th</sup> century to the present day. I have conducted surveys on Long Island's north and south shores, and the east end of Long Island including the Hamptons, where boat houses are numerous. From my research boat houses take two distinct forms:

1. Structures designed to house water-based transportation exclusively, including motorized vessels and non- motorized vessels. Historically these boat houses were of frame construction, modest in size accommodating 1-3 boats, typically with a gable front entrance and frame platform in the upper portion for storing sails, oars and boat equipment. The boat houses are generally several hundred feet away from living and recreational structures since they have been considered fire hazards, particularly if there are motorized vessels housed in the structure.
2. Boat houses with captains' quarters. In the late 19<sup>th</sup> century and to the present day, boat houses were constructed with a living quarter for the captain. These are usually found in estate settings. The boat houses were designed to accommodate approximately 5 vessels, those owned by the property owner and for visiting guests. The captain's quarters were added in case of fire, which happens occasionally even in the present day. The captain was also

responsible for assisting visitors in docking their vessels, or helping boaters caught in inclement weather. The living quarters are generally modest, and do not contain any living features beyond a bedroom, galley kitchen, and small living room. As in the case of traditional boat houses, there is a risk of fire when housing motorized vessels.

In reviewing the plans submitted by T. Scott Law to the Army Corps and the municipality, I was struck by the scale of the "boat house" proposed and that it included a host of features that are not traditionally considered part of boat house designs. These incompatible features include:

1. Event/storage area (based on the plans submitted they are of identical size) and are of such a scale that it does raise the question as to what is intended in this space
2. An elevator
3. Men's and women's rooms with double sinks
4. Table and chair storage area
5. A large kitchen
6. Several covered decks

What is perhaps most striking in the plans is the scale of the structure, and the absence of a bedroom for the captain, the primary feature for boat houses with living features. Having surveyed boat houses around Long Island, including those of 20<sup>th</sup> century industrial magnates such as Frederick G. Bourne (founder of the Singer Sewing Company) and writer/poet William Cullen Bryan, I have never seen any of the features mentioned above in a boat house, historic or contemporary. We therefore urge you to reject the application submitted by T. Scott Law.

Thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Solomon".

Executive Director  
Long Island Traditions