

Hayes Township Planning Commission
July 19th, 2022
Regular Meeting
Zoom ID 833 6209 8080

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Members present: Roy Griffiths (Chair), Steve Bulman, Derek Burnett, Rex Greenslade, Marilyn Morehead, and Ed Bajos.

Excused: Matt Cunningham.

Also, present: Kristin Baranski (Clerk) and April Hilton (Deputy Clerk/Recording Secretary).

Audience: Tim Boyko, Ellis Boal, LuAnne Kozma, Kim Fary, Ruth Augustine, Deb Narten, Winnie Boal, Danielle Hutcheson, Janice Whipple, Doug Urdan, Betty Henne and Tom Darnton.

PLEDGE OF ALLEGIANCE TO THE FLAG: Mr. Griffiths led the Pledge of Allegiance.

REVIEW AGENDA: Mr. Bajos made a motion, supported by Ms. Morehead to approve the agenda as Presented.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Rex Greenslade, Ed Bajos, and Marilyn Morehead

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

APPROVAL OF MINUTES JUNE 21TH, 2022 REGULAR MEETING

Mr. Bajos made a motion, supported by Ms. Morehead, to approve the June 21st, 2022, regular meeting minutes as amended.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Nays: none **Motion Carries**

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 7:04 pm.

Comments Included:

- Resident encourages township to consider resident's needs, while redrafting the Zoning Ordinance and not favor one resident over another.

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- Resident would like to thank the township for improving the communication between Hayes Township and Residents.
- Resident would like to see changes to the Planning Commissions agenda, such as, Public Comment in the beginning of the meeting to be for all items not items unrelated to the agenda.
- Residents supports the idea for an increase to 500 ft requirement for public hearing notices.

Public comments closed at 7:11 pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION: By Matt Cunningham. Next meeting August 8th, 2022.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

Mr. Greenslade presented an oral Zoning Board of Appeals report.

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented an oral Zoning Administrator Report.

NEW BUSINESS-

DISCUSSION ON ORDINANCE SECTIONS:

The Planning Commission reviewed and discussed the Preliminary Zoning Ordinance draft on articles concerning Zoning Board of Appeals, Administration and Enforcement of Ordinance, and Adoption and Amendments. The Planning Commission will continue work on articles.

SET PUBLIC HEARING DATES:

Mr. Bajos made a motion, supported by Mr. Bulman, to set a public hearing for August 16th, 2022, during the Planning Commissions Regular Meeting.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Rex Greenslade, Marilyn Morehead, and Ed Bajos.

Nays: none **Motion Carries**

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SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING:

Next Planning Commission meeting will take place on August 16th, 2022, at 7:00 pm.

PLANNING COMMISSION COMMENT:

PUBLIC COMMENT: Public comments open 8:09 pm.

Comments included:

- Resident supports short term rentals within the township; also stated they like to see the minutes and reports posted on the township's website.
- Resident supports the Hayes township's Attorney involvement with the rewrite of the Zoning Ordinance.
- Resident supported the previous comment for the Attorney to review the Zoning Administrator section of the ordinance.

Public comments closed 8:14pm

ADJOURNMENT: Mr. Bajos made a motion, supported by Mr. Greenslade, to adjourn the meeting at 8:16 pm.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Rex Greenslade, Marilyn Morehead, and Ed Bajos.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton
Deputy Clerk/Recording Secretary



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Great concerns regarding shoreline regulations.

2 messages

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

Tue, Jul 19, 2022 at 7:41 AM

This lake belongs to all of us. Changing parts of the shoreline is not in the best interest of the future of this lake . I do not support any changes that allow individuals to grossly modify the shoreline. I am part of a family partnership that has owned property for over 50 years. We have always kept the shoreline in its natural state. We are 2 properties south of the Law property.

We have already experienced Significant helicopter noise and gun shots heard from their property with our windows opened and closed. To continue to allow them to destroy the shoreline and build structures that will accommodate large groups of people will destroy the peace and quiet of our lake.

I stand in strong opposition to any changes to the contour of Lake Charlevoix.

MaryLee Pakieser MSN, RN, FNP-BC
123 Randall Court, Traverse City, MI
Sent from my iPhone

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

Tue, Jul 19, 2022 at 9:02 AM

Please send my letter to the planning commission for today's meeting. Thank you MaryLee Pakieser

Sent from my iPhone

Begin forwarded message:

From: marylee pakieser <mlpakieser@gmail.com>
Date: July 19, 2022 at 7:41:21 AM EDT
To: clerk@hayestownshipmi.gov
Cc: mlpakieser@gmail.com
Subject: Great concerns regarding shoreline regulations.

This lake belongs to all of us. Changing parts of the shoreline is not in the best interest of the future of this lake . I do not support any changes that allow individuals to grossly modify the shoreline. I am part of a family partnership that has owned property for over 50 years. We have always kept the shoreline in its natural state. We are 2 properties south of the Law property.

[Quoted text hidden]



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Shoreline Protection

1 message

Melvin Czechowski <mhczechow@aol.com>

Mon, Jul 18, 2022 at 10:21 PM

Reply-To: Melvin Czechowski <mhczechow@aol.com>

To: "CLERK@HAYESTOWNSHIPMI.GOV" <CLERK@hayestownshipmi.gov>

July 19, 2022

To: Hayes Township Planning Commission:

I am against any changes to the 50 ft shoreline protection. Shoreline protect should be kept, with no exceptions!

I have read the following and total agree with their statements.

- * Commercial building not allowed in residential zone.
- * "All of the land" of the Shoreland Protection Strip, 50 feet landward from the Ordinary High Water Mark of the lake is protected and must be in place to filter contaminants from reaching the lake.
- * Boathouses specifically not allowed since 1979.
- * Excavating into the shoreland to a depth of 570' (IGLD 1985) is by definition below the Ordinary High Water Mark, and converts uplands into bottomlands. Therefore, the proposed building would be placed below and straddling the OHWM, violating the ordinance that requires a 100 foot setback for buildings. The majority of the building would be over the waters of Lake Charlevoix after expanding the lake into an artificial basin.
- * Basins and canals are constructed and "erected" "structures" and are not allowable within 100 feet of the Ordinary High Water Mark, and certainly not allowed in the Shoreland Protection Strip.
- * Only 20% of vegetation is allowed to be removed from the 50 foot- Shoreland Protection Strip, not the land itself. This is repeated throughout the ordinance by requiring that if trees are removed, 'root systems shall remain in place for shoreline stabilization" and requiring repair of the shoreland if docks or stored boats damage it.

Again, no changes to the shore line protection act.

Regards,

Melvin H. Czechowski, Ph.D.
6717 9 Mile Point Dr.
Charlevoix, MI 49721



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

The Debra and Scott Law Boat Basin Project

1 message

Achali Hall <achalihall@yahoo.com>

Sun, Jul 17, 2022 at 7:16 PM

Reply-To: Achali Hall <achalihall@yahoo.com>

To: "clerk@hayestownshipmi.gov" <clerk@hayestownshipmi.gov>

To the Clerk at Hayes Township, Ms Baranski,

Please convey to the Hayes Township Commission my request to not grant a permit for the Scott and Debra Law Boat Basin Project. It is next to the Fowle/Boal/Moore extended family property that has been in my family for 100 years. The Laws have already broken the regulations with their constructions too near the water. This proposed project would seriously break other zoning laws, in particular it violates the Shoreline Projection Strip by removing the land itself with a channel and boat basin. A dining and event facility is clearly a commercial construction which is against residential use. It is like they are developing their own private Round Lake to attract tourist-like activity. Clearly this project does not fit into the spirit of residential use by property owners around the lake with quiet little piers and the spirit of respecting the woods.

Please do not allow this project or others like it. There is one near Oyster Bay, closer to Charlevoix where I was a guest for dinner. They had cleared the woods and had a lawn and open view down the lake to the east. I was shocked and hurt to see this, though I said nothing, wanting to be polite to my sister's good church friends.

We need to respect as best we can the spirit of the woods and lakes, to not disturb what nature has given us. Please reject the law project.

Thank you for your consideration,

Sincerely,

Susan Rankin (Fowle)

July 19, 2022

TO: Planning Commissioners

FROM: LuAnne Kozma, 9330 Woods Road, Charlevoix MI 49720

RE: PC review of Zoning Ordinance articles on ZBA, Zoning Administrator, and Adoption and Amendment

I have the following comments on the proposed changes in your packet for the July 19 PC meeting:

Article 8, ZBA

There are 2 versions of the ZBA section.

In the one with suggestions indicated with cross-outs and italics:

Most of the changes suggested are changing language that is taken right out of the Michigan Zoning Enabling Act and should not be changed.

I don't see why the term "justice done" should be taken out, because after all, that's the purpose of the ZBA.

Section 8.03, Jurisdiction: "and shoreland landscaping plans" should be removed. I don't believe the Michigan Zoning Enabling Act enables townships to exempt actions by the PC from ZBA appeal. The statute says at MCL 125.3603(1), in part:

"It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act. For special land use and planned unit development decisions, an appeal may be taken to the zoning board of appeals only if provided for in the zoning ordinance. "

Section 8.04, the existing language is in keeping with the Michigan Zoning Enabling Act, and the proposed change is not.

125.3604(6) "...The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit."

Section 8.07 Variances, subsection (4): removing the word "substantial" in from of "substantial justice" and "substantial relief" is not consistent with the Michigan Zoning Enabling Act, which states at 3604(7):

(7) If there are practical difficulties for nonuse variances as provided in subsection (8) or unnecessary hardship for use variances as provided in subsection (9) in the way of carrying out the strict letter of the zoning ordinance,