

**Hayes Township, Charlevoix County, Planning Commission
Regular Meeting of the Planning Commission**

March 28, 2023 7:00 pm

**Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720**

<https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09>

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

Call to Order

Pledge of Allegiance

Review of Agenda

Declarations of Conflict of Interest

Presentation by LIAA, Lake Charlevoix Association and Tip of the Mitt

Approval of January 17, 2023 Regular Meeting Minutes

Public Comment Unrelated to Agenda Items

Report of Township Board Representative to the Planning Commission

Report of Planning Commission Representative to the Zoning Board of Appeals

Zoning Administrator Report

New Business

Advisory Committee Update

Old Business

Set/Confirm Public Hearing Dates

Set/Confirm Date of Next Planning Commission: April 18, 2023 at 7:00 pm

Public Comment

Planning Commission Comment

Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers two opportunities for the public to comment at its meetings, once near the beginning and once near the end. This affords the Planning Commission the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Planning Commission members or any staff in discussion or debate.

Planning Commission Members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying questions, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public.

1. A person who wishes to speak during Public Comment will sign in and signify that they would like to speak on the form.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Planning Commission. Public comment is NOT to be addressed to individual Planning Commission members, to any township staff present, or to other members of the audience.
4. There is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Planning Commission members present. If a speaker uses less than three (3) minutes, they may not use the remaining time at that Public Comment. A speaker may speak only once at each Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker.
5. A speaker will be out of order if the speaker disrupts the meeting, fails to be germane, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Planning Commission member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Planning Commission. If the speaker continues to disrupt the meeting or is disorderly, law enforcement will be called to remove the speaker.
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

2023 Lake Charlevoix Shoreline Protection Visioning



Lake Charlevoix Association (LCA) – Promotes understanding of shared use of Lake Charlevoix and advocates for sensible and sustainable lakefront development practices.



Tip of the Mitt Watershed Council (TOMWC) – Dedicated to protecting northern Michigan lakes, streams, wetlands, and groundwater.



Land Information Access Association (LIAA) – Non-profit serving other non-profits and governments to support planning and technology needs to increase civic engagement and foster sustainable and resilient communities.

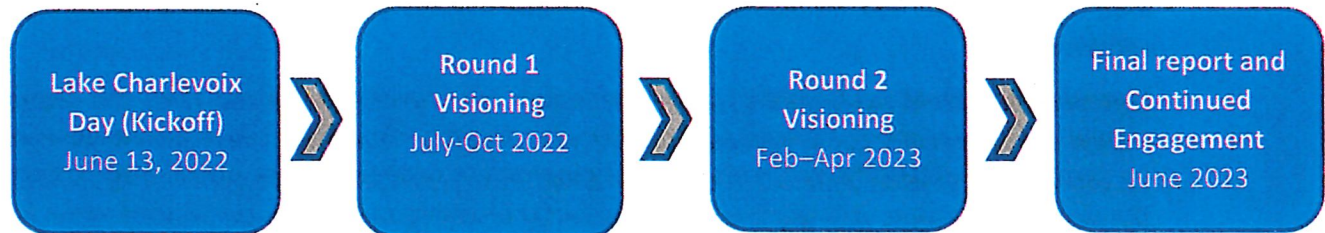
Project Background:

www.lakecharlevoixprotection.org

LCA has contracted with TOMWC and LIAA to accomplish two main objectives:

- 1) Revisit the 2016 efforts and discuss the status of lakeshore protection standards with each community.
- 2) Develop a shared vision of Lake Charlevoix with common goals and objectives shared by all of the communities around the lake as well as individual community visions.

Project Timeline:



Hayes Township's Vision for Shoreline Protection:

Greatest concerns

- Financial inability to litigate against lawsuits to uphold regulations.
- Enforcement – uniform and ubiquitous upholding of Township zoning ordinances. This concern was provided during public comment in Round 1 discussion. Does the Township planning commission also hold this as a concern?

Ideas

- Bio-engineered project test sites to replace seawalls to show their ability to withstand Lake Charlevoix's wave energy. (ie Camp Seagull)
- Education – dissemination of information to educate Township officials and property owners.

Needs/Wants

- Checklist for anyone looking to alter shoreline that outlines local and state regulations as well as best practices
- Progress – how do we measure progress over time? For example, do we know greenbelts work? How do we measure this to show future permit applicants.
- Data – felt the last shoreline survey was immensely helpful; more information like this would be helpful for decision makers.
- Ordinances that activate shoreline restoration requirements (such as a non-conforming use ordinance)

Lake-wide Recommendations

- **Overlay District** An overlay district is a common tool for establishing development restrictions, or extending development incentives, on land within a defined geographic area or characterized by specific physical features or site conditions. Adopted as part of a zoning bylaw, overlay districts are superimposed over one or more underlying conventional zoning districts in order to address areas of community interest that warrant special consideration, such as shoreline protection or to ensure new development fits the existing community character and needs. Common standards or regulations in an overlay zone may include building setbacks, density standards, lot sizes, impervious surface reduction, vegetation requirements, building floor height minimums, and flood-proofing to high water levels. Overlay districts can be useful for many of the jurisdictions around Charlevoix County.
- **Education**
 - Homeowners
 - Realtors
 - Contractors
 - Planners Forum
 - Watershed Plan Advisory Committee
- **Coordinated Permitting**
 - **Regulation** Local jurisdictions would coordinate regulations both through the use of lake-wide overlay zones/districts and through regulations that may impact the watershed and water-quality, such as impervious surfaces and alternatives to accommodate development while allowing natural processes to continue.
 - **Comment on permit applications** Local governments are provided notice and given the opportunity to review and comment on proposed public notice prior to action. In addition, local governments are copied on permits and violation letters. Local units of government need to take the opportunity to participate in the permitting process with the State of Michigan by providing comments, particularly when a proposed project will violate a local ordinance.
 - **EGLE to attend Planning Commission** District permitting staff from the Michigan Department of the Environment, Great Lakes, and Energy has agreed to attend Planning Commission/Board meetings to further understanding and coordination between the state and local units of government.
 - **Require all other relevant permits to be obtained prior.** Local communities may include provisions in their zoning ordinance that all other relevant permits are received prior to permit approval. Local units of government could also conditionally approve a permit, requiring submission of all other required permits prior to final approval. Once a sequence for permits has been established communities can create and use checklists to guide and document their workflow.

Next Steps

- Has anything been missed or mis-interpreted?
- Does Hayes Township plan to implement shoreline protection efforts?

**HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
MARCH 2023**

Received and reviewed application for an accessory structure at 06450 Boyne City Road. Site plan submitted indicated proposed structure to be located across property line.

Received and reviewing application for lot line adjustment to accommodate zoning permit application.

Received, reviewed and approved corrections on application for variance for property located at 07644 Indian Trails. Prepared public notice. Zoning Board of Appeals meeting that was scheduled for March 1, 2023 was canceled and waiting for new public notice date.

Reviewing application for reconstruction of a gazebo at 07000 Boyne City Road.

Site plan was submitted however proposed site does not meet zoning ordinance requirements for setback. Applicant has been notified.

Working with property owners of 11929 Boyne City Road inquiring about parcel divisions, density and other zoning requirements.

Met with interested potential buyers of a large parcel on Lake Michigan seeking density and other zoning requirements.

Still working with two potential buyers of vacant property on Red Pine Road about zoning requirements.

Working with owner of vacant property on Boyne City Road about zoning requirements for accessory structure.

Working with owners of vacant property on US 31 N in Neighborhood Commercial Zoning District about zoning requirements.

Received and reviewing application for zoning permit for new single family residence at 07615 Oyster Bay Drive.

Received and reviewing application for zoning permit for an accessory structure at 09025 Upper Bay Shore. Waiting for additional information.

Received and reviewing application for parcel reconfiguration at 08085 Mulberry Lane. Waiting for additional information.

Issued zoning permit for a 6' x 6' attached deck at 06140 US 31 N..

Hayes Township Planning Commission
January 17th, 2023
Regular Meeting
Zoom ID 822 8657 6345

1 **CALL TO ORDER:** Vice-Chairperson Derek Burnett called the meeting to order at 7:00 p.m.

2 Members present: Derek Burnett, Ed Bajos, Rex Greenslade, Marilyn Morehead, and Matt
3 Cunningham.

4 Excused: Roy Griffiths and Steve Bulman.

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

7 Audience: Doug Kuebler, LuAnne Kozma, Kim Fary, Kyle Ulrich, Janet Simon, Carl Harmon, CT
8 Martin, Danielle Hutcheson, Ellis Boal, Jim McMahon, Tim Boyko, Fred Parsons, Sheryl
9 Bergman, Spencer McCormick, Melvin Czechowski and John Neych.

10
11 **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Burnett led the Pledge of Allegiance.
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13

14 **REVIEW AGENDA:** Mr. Bajos made a motion, supported by Mr. Cunningham to approve the
15 agenda as presented.

16 Yeas: Derek Burnett, Ed Bajos, Rex Greenslade, Matt Cunningham, and Marilyn Morehead

17 Nays: none **Motion Carries**
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21 **DECLARATIONS OF CONFLICTS OF INTERESTS:** None
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23

24 **APPROVAL OF MINUTES DECEMBER 13TH, 2022 REGULAR MEETING**

25 Mr. Bajos made a motion, supported by Ms. Morehead, to approve the December 13th, 2022,
26 regular meeting minutes as corrected.

27 Yeas: Derek Burnett, Ed Bajos, Rex Greenslade, Matt Cunningham, and Marilyn Morehead.

28 Nays: none **Motion Carries**
29

30 **PRESENTATION BY KYLE ULRICH, NORTHWESTMIHABITAT.ORG:**

31 Kyle Ulrich presented to the Planning Commission a presentation regarding the need of
32 Affordable Housing in Hayes Township and Charlevoix area. Also explained what Northwest MI
33 Habitat is doing to help the community with Affordable Housing and their mission from their
34 future projects.
35
36

Hayes Township Planning Commission
January 17th, 2023
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Zoom ID 822 8657 6345

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 7:48 pm.

Comments Included:

- Resident is concerned the Zoning Ordinance may have been violated as well as the Open Meetings Act.
- Resident feels Bay Shore would be a great location for Affordable Housing. Also thanked Ron VanZee for all his help with understanding how his property was currently zoned.
- Resident asked if there has been a traffic study done and feels it is important to do before the Master Plan is complete.

Public comments closed at 7:59 pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION: By Matt Cunningham. Next meeting February 13th, 2023.

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.

REPORT ON HAYES TOWNSHIP MASTER PLAN ADVISORY:

Mr. Burnett presented an oral Master Plan Advisory Committee Report.

NEW BUSINESS-

ANNUAL REPORT TO BOARD OF TRUSTEES- DRAFT APPROVAL:

Mr. Bajos made a motion, supported by Mr. Greenslade to approve the annual report be submitted to the Board of Trustees as corrected.

Yeas: Derek Burnett, Ed Bajos, Rex Greenslade, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

SET PUBLIC HEARING DATES:

NONE

Hayes Township Planning Commission
January 17th, 2023
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Zoom ID 822 8657 6345

SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING:

Next Planning Commission meeting will take place on February 21st, 2023, at 7:00 pm.

PUBLIC COMMENT: Public comments open 8:09 pm.

Comments included:

- Resident does not like the Planning Commission Annual Report.
- Resident would like to see more residential zoning instead of industrial, see attached correspondence.

Public comments closed 8:17pm

PLANNING COMMISSION COMMENT:

NONE

ADJOURNMENT: Mr. Bajos made a motion, supported by Ms. Morehead, to adjourn the meeting at 8:18 pm.

Yeas: Derek Burnett, Ed Bajos, Rex Greenslade, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton
Deputy Clerk/Recording Secretary

