Hayes Township, Charlevoix County, Planning Commission
Regular Meeting of the Planning Commission
June 20, 2023 7:oo pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09
+1 309 205 3325 US
Meeting ID: 836 0148 1092
Passcode: 068828

Call to Order

Pledge of Allegiance

Review of Agenda

Declarations of Conflict of Interest

Approval of May 16, 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 Report
- Shoreland Protection Subcommittee Report- 11667 Pa Ba Shan
- Accessory Dwelling Units

Old Business

Set/Confirm Public Hearing Dates

Set/Confirm Date of Next Planning Commission: July 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. To that end, the following rules have been established by the Planning Commission:

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.

Hayes Township Planning Commission
May 16th, 2023
Regular Meeting
Zoom ID 836 0148 1092

CALL TO ORDER: Chairperson Roy Griffitts called the meeting to order at 7:00 p.m.
Members present: Roy Griffitts (Chair), Steve Bulman, Matt Cunningham, and Marilyn Morehead.
Excused: Ed Bajos, Rex Greenslade, and Derek Burnett.
Also, present: April Hilton (Deputy Clerk/Recording Secretary) and Ron VanZee.
Audience: LuAnne Kozma, Ellis Boal, Danielle Hutchenson, Deb Narten, Tim Boyko, Kim Fary, Janet Simon, Mel Czechowski, Jim McMahon, Kevin Willis, Carol Umlor, Joel Robinson, Betty Henne and Bob Adams.

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

REVIEW AGENDA:
Ms. Morehead made a motion, supported by Mr. Bulman to approve the agenda as presented.
Yeas: Steve Bulman, Roy Griffitts, Matt Cunningham, and Marilyn Morehead
Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

APPROVAL OF MINUTES APRIL 18TH, 2023 REGULAR MEETING
Mr. Bulman made a motion, supported by Ms. Morehead to approve the April 18tH, 2023, regular meeting minutes as corrected.
Yeas: Steve Bulman, Roy Griffitts, Matt Cunningham, and Marilyn Morehead.
Nays: none **Motion Carries**

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:
Public comments opened at 7:01 pm.
Comments included:

- One of the current lawsuits against the Township regarding a ZBA decision has been dropped. Also feels the Zoning Ordinance draft ordinance will decrease the shoreland protection, specifically Lake Charlevoix
- Township has been granted a gift by the Lawsuit being dropped and hopes the Planning Commission uses this gift as a second chance to enforce protection of the shoreline
- Has checked Horton Creek for damaged since the Mineral Extraction from Reith Riley has started

Public comments closed at 7:07 pm

Hayes Township Planning Commission
May 16th, 2023
Regular Meeting
Zoom ID 836 0148 1092

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:
Next meeting June 12th, 2023, at 7:00 pm. Budget meeting scheduled for June 12th, 2023, at 6:00 pm.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:
Hearing Scheduled for May 24th, 2023 has been cancelled.

ZONING ADMINISTRATOR REPORT:
Written report available at Hayes Township Hall.

NEW BUSINESS-
REVIEW OF ADVISORY GROUP ACTIVITY:
Ms. Morehead presented the Planning Commission with a review of the Advisory Group's most recent meeting activity. The Advisory Group is complete with their discussions.

2023-2024 PLANNING COMMISSION BUDGET RECOMMENDATION:
Planning Commission came to a consensus for the recommended 2023-2024 Planning Commission budget.

OLD BUSINESS-

SET/CONFIRM PUBLIC HEARING DATES:
None

SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING:
Next Planning Commission meeting will take place on June 21st, 2023, at 7:00 pm.

PUBLIC COMMENT:
Public comments open 7:17 pm.
Comments included:

- First public comment to include agenda items.
- Would like to see a new Parks and Rec Master Plan complete by the end of 2023

Public comments closed 7:18pm.

PLANNING COMMISSION COMMENT:

ADJOURNMENT: Mr. Bulman made a motion, supported by Ms. Morehead, to adjourn the meeting at 7:19 pm.

Yeas: Matt Cunningham, Steve Bulman, Roy Griffitts, and Marilyn Morehead.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary

HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
JUNE 2023

Issued zoning permit for a 4' X 17.2' residential addition connecting house to garage at 10330 Boyne City Road.

Issued zoning permit for a new single family residence at 06310 Michigan Shores Drive.

Issued zoning permit for a road sign at 11399 Boyne City Road .

Issued zoning permit for a new single family residence at 07778 Pincherry Road.

Issued zoning permit for an attached deck at 06227 Brown Road.

Issued zoning permit for a 52' x 60' accessory structure as approved by special use permit at 07889 Boyne City Road

Received and reviewing application for zoning permit for removal of existing residence and construction of a new single family residence. Shoreland review committee scheduled for review.

Received and reviewing application for new single family residence at 11667 Pa Ba Shan Trail. Shoreland review committee has inspected site.

Wrote second letter of nuisance violations to owners of property located at 09888 Major Douglas Sloan Road.

Report of the Shoreland Protection Subcommittee on 11667 Pa Ba Shan, Charlevoix.

A project to build a new home on a vacant waterfront lot on the north end of Pa Ba Shan was submitted to the township zoning administrator. A site visit was conducted by VanZee, Griffitts and Morehead on May 26,2023 with a desk review by Noah Jansen (Tip of the Mitt). The submitted plans included a shoreland proposal and inventory of plants and trees.

The lot is some 440 feet deep and slopes gently towards the water until approximately 30 feet from the OHWM when it becomes a steep drop to the water level. There are wetlands upland between the building envelope and the shoreline. The lot in the past had some saplings cut as evidenced by the remaining stumps and root structures. The native ground cover remains intact.

The planned build some 125 feet back from the water and the landscape is to remain undisturbed all the way to the water except for one 200 square foot patio and attendant walkway not to exceed 6 feet wide. This deck is located more than 50' from the OHWM and is outside the proscribe shoreland protection strip.

As the native ground cover has not been disturbed, and the majority of trees remain in situ with the sapling stumps and root structure remaining, the plan to maintain the naturally occurring ground plants is acceptable. No further removal of trees or ground cover inn the 50-foot shoreline protection strip is to occur except for the creation of. Pathway to the water not to exceed 6 feet in width. Should the owners contemplate any landscaping or plantings in the SPS in the future they need to consult with Tip of the Mitt Watershed Council to ensure their plan is consistent with best practices for an SPS.

It is recommended that the Plan be approved.

Gmail

Hayes supervisor <supervisorhayestownshipmi@gmail.com>

11667 Pa Ba Shan, Charlevoix

10 messages

Hayes supervisor <supervisorhayestownshipmi@gmail.com>
To: noah@watershedcouncil.org

Fri, May 26, 2023 at 2:31 PM

Download full resolution images
Available until Jun 25, 2023

Click to Download
IMG_5317.MOV
0 bytes

Sent from my iPhone

7 attachments

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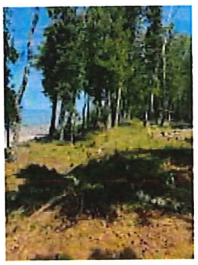
24K



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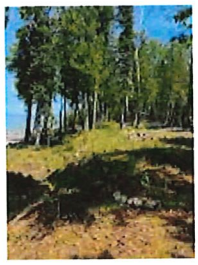

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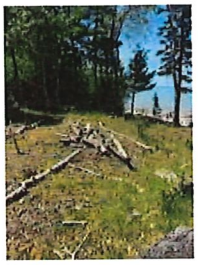

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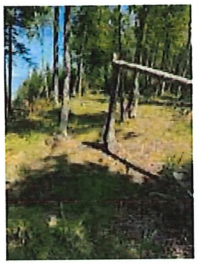

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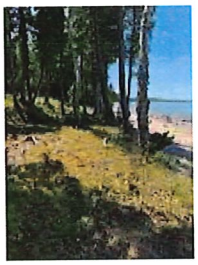

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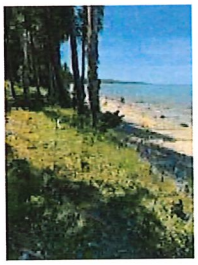

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Noah Jansen <Noah@watershedcouncil.org>
To: Hayes supervisor <supervisorhayestownshipmi@gmail.com>

Fri, May 26, 2023 at 2:56 PM

Thanks Ron. I will look over the info and try to get back to you early next week.

Noah Jansen

Restoration Coordinator

Tip of the Mitt Watershed Council

(231) 347-1181 x 1102

www.watershedcouncil.org

[Quoted text hidden]

Hayes supervisor <supervisorhayestownshipmi@gmail.com> Fri, Jun 2, 2023 at 9:04 AM
To: Marilyn Morehead <morehead.m@gmail.com>, Roy Griffitts <rwgriffitts3@gmail.com>

Sent from my iPhone

Begin forwarded message:

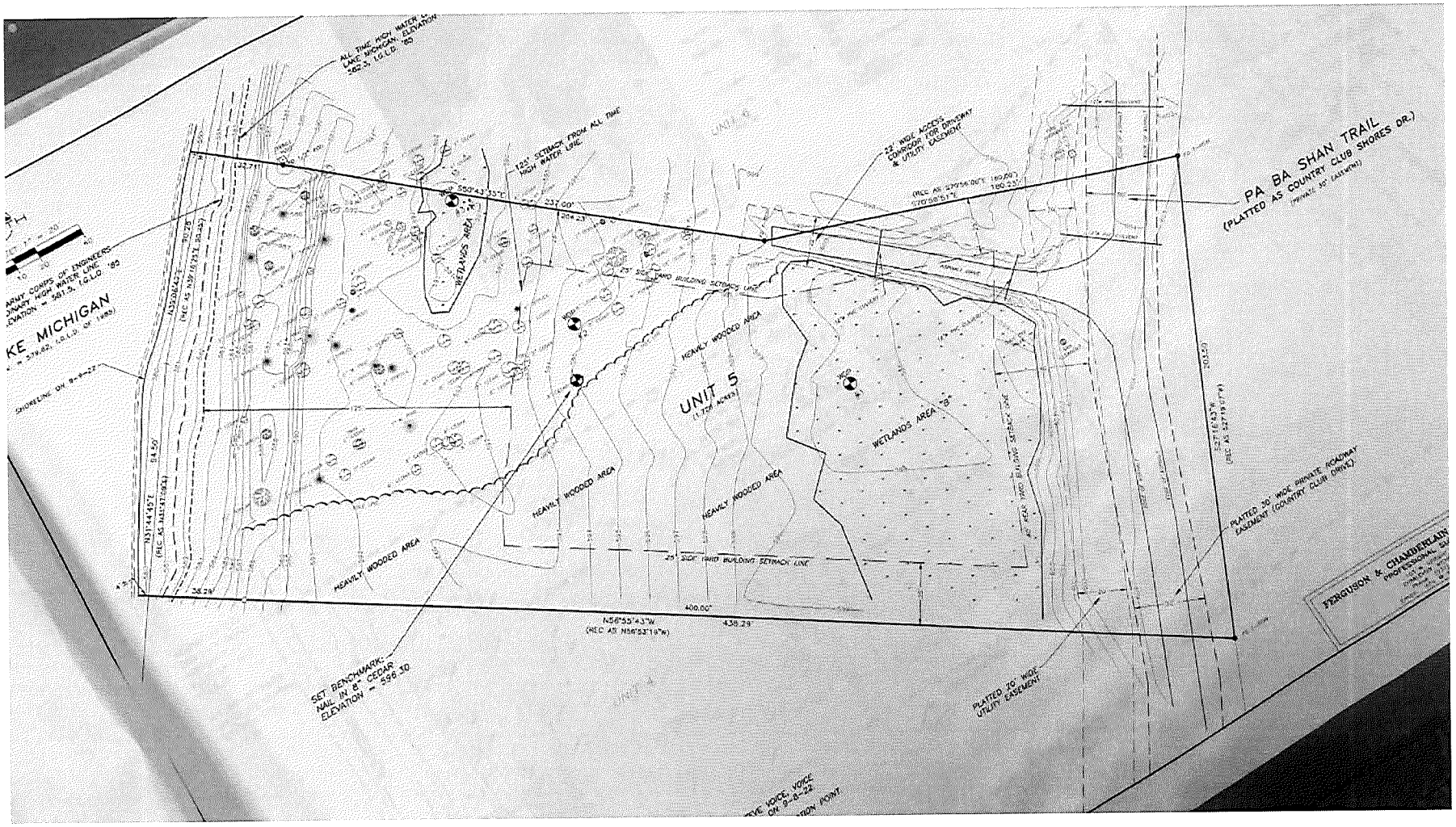
> **From:** Noah Jansen <Noah@watershedcouncil.org>
> **Date:** June 2, 2023 at 8:33:56 AM EDT
> **To:** Hayes supervisor <supervisorhayestownshipmi@gmail.com>
> **Subject: RE: 11667 Pa Ba Shan, Charlevoix**
>
> Sounds good Ron! Thanks for the clarifications. I concur with approving the plans.
>
> **Noah Jansen**
> Restoration Coordinator
> Tip of the Mitt Watershed Council
> (231) 347-1181 x 1102
> www.watershedcouncil.org
>
> [Quoted text hidden]

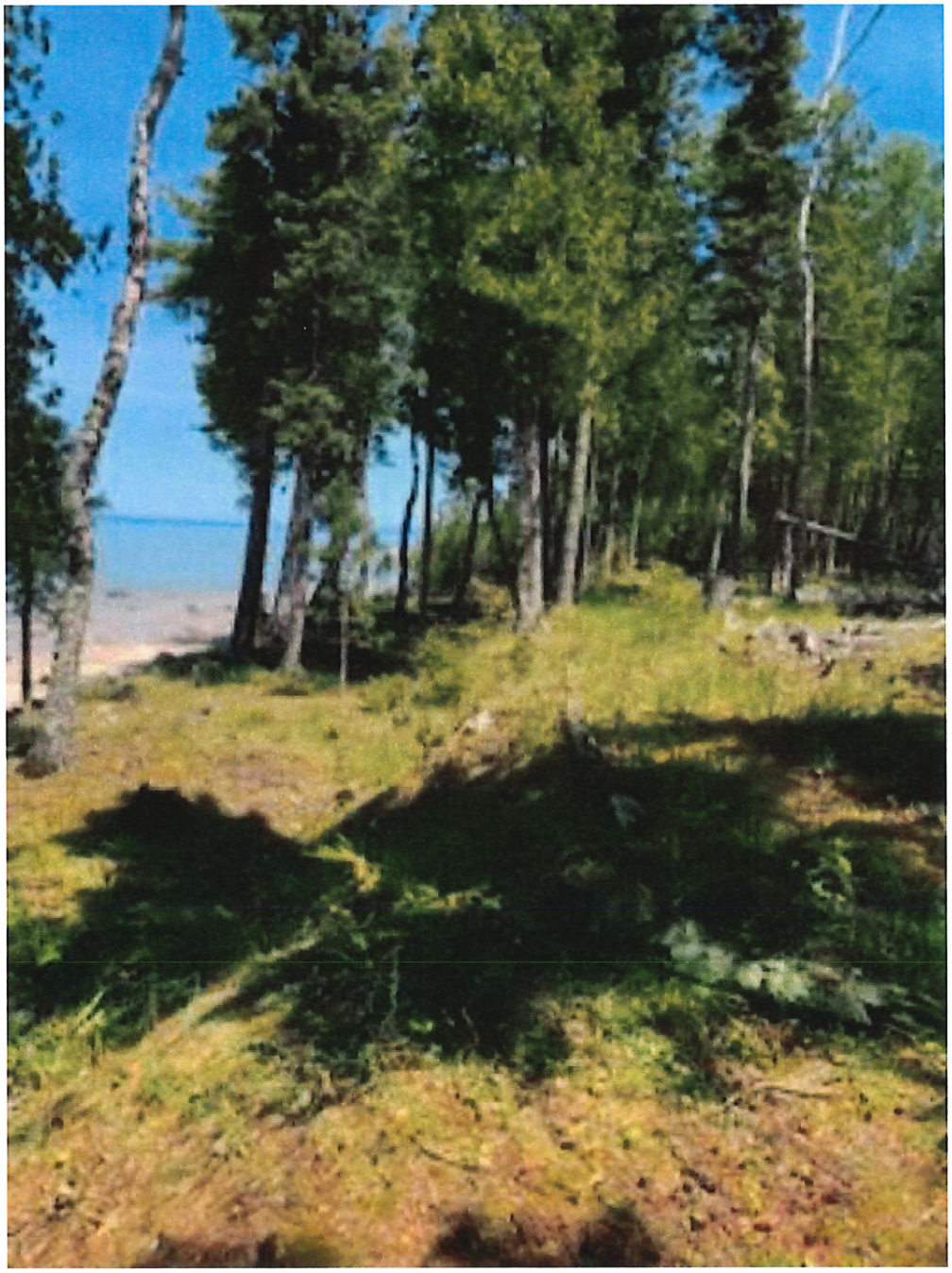
Hayes supervisor <supervisorhayestownshipmi@gmail.com> Fri, Jun 2, 2023 at 9:31 AM
To: Noah Jansen <Noah@watershedcouncil.org>

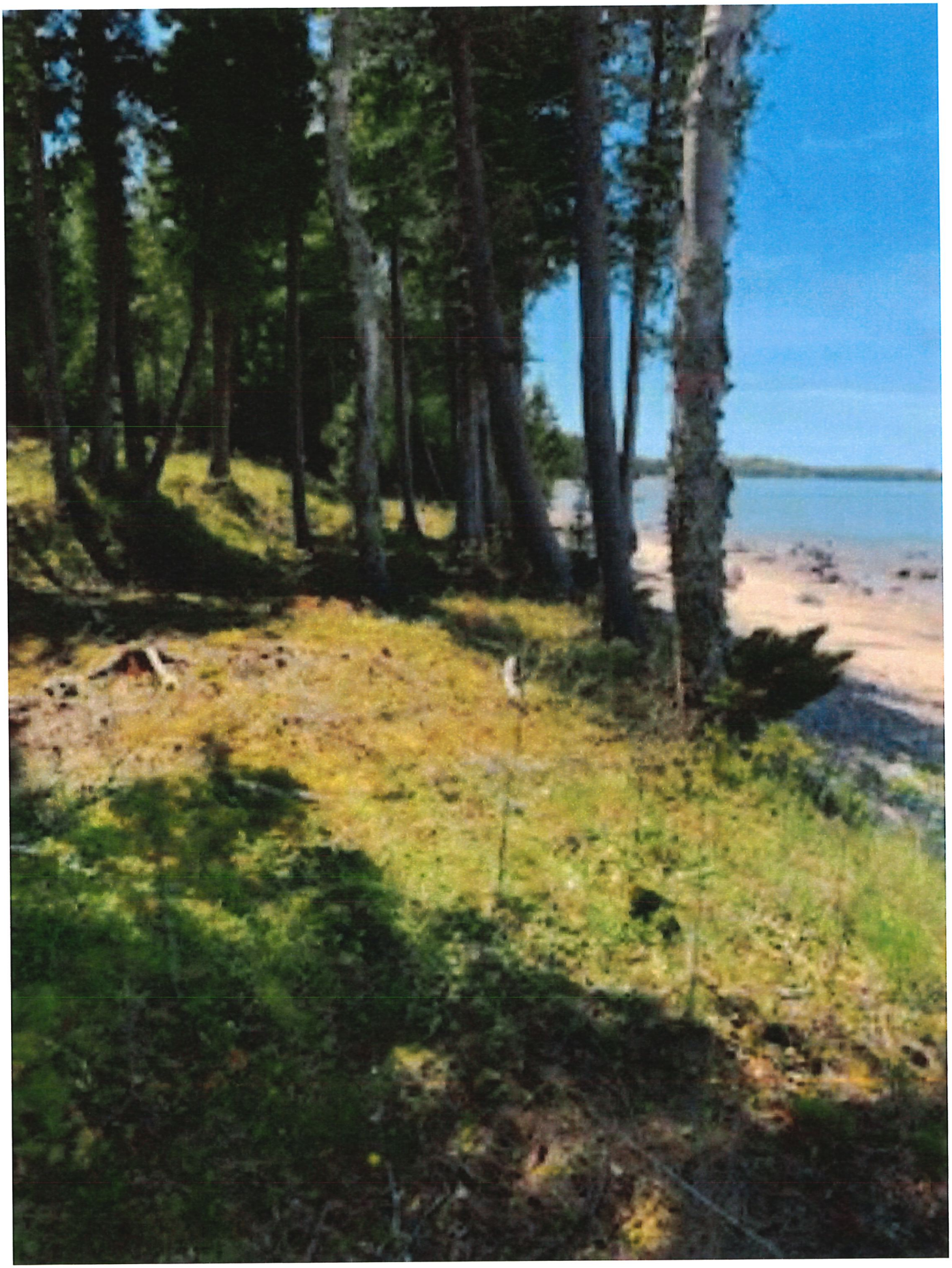
Thank you Noah for your quick response.
We will pass the site plan on to our Planning Commission for their approval.
Maintaining the greenbelt as it currently exists will be a condition of the zoning permit.
Ron

Sent from my iPhone

> On Jun 2, 2023, at 8:33 AM, Noah Jansen <Noah@watershedcouncil.org> wrote:
>
> Sounds good Ron! Thanks for the clarifications. I concur with approving the plans.
>
> <image001.jpg> **Noah Jansen**
> Restoration Coordinator


ALL TIME HIGH WATER LINE
LAKE MICHIGAN, ELEVATION
582.4 I.G.L.D. '85
125' SETBACK FROM ALL TIME
HIGH WATER LINE
25' WIDE ACCESS
CORRIDOR FOR DRIVEWAY
& UTILITY EASEMENT
PA BA SHAN TRAIL
(PLATTED AS COUNTRY CLUB SHORES DR.)
(PRIVATE 30' EASEMENT)
ARMY CORPS OF ENGINEERS
ORDINARY HIGH WATER LINE '85
ELEVATION = 581.5, I.G.L.D.
KE MICHIGAN
SHORELINE ON 8-8-27
WETLANDS AREA "A"
WETLANDS AREA "B"
UNIT 5
(1.739 ACRES)
HEAVILY WOODED AREA
HEAVILY WOODED AREA
HEAVILY WOODED AREA
HEAVILY WOODED AREA
75' SIDE YARD BUILDING SETBACK LINE
75' SIDE YARD BUILDING SETBACK LINE
N57°44'45"E
(REC AS N61°18'31"E)
84.50
N56°55'43"W
(REC AS N56°23'19"W)
400.00'
438.29
S71°18'37"W
(REC AS S71°19'07"W)
PLATTED 30' WIDE PRIVATE ROADWAY
EASEMENT (COUNTRY CLUB DRIVE)
PLATTED 20' WIDE
UTILITY EASEMENT
SET BENCHMARK:
NAIL IN 8" CEDAR
ELEVATION = 598.30
FERGUSON & CHAMBERLAIN
PROFESSIONAL SU





Hayes Township
Zoning Permit Application
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720
(231)547-6961

ZONE DISTRICT____PERMIT NUMBER____FEE___DATE RECIEVED_____

GENERAL INFORMATION

Property Owner Name(s) Jeffrey & Rebecca Tapick

Mailing Address 2519 Swift Blvd., Houston, TX, 77030

Telephone_____Cell: 713-252-5986 EMAIL:_____

PROPERTY INFORMATION

Property Tax ID Number(s)15-007-320-005-00

Property Address 11667 North Pa Ba Shan Trl. (Pvt), Charlevoix, MI, 49720

Contractor Matthews Construction, LLC Contractor Contact Information 5783 Charlevoix Rd.
Petoskey, MI 49770
231-439-3661
matthewsconstruction@matthewsconstructiongc.com

PROPOSED USE OF PROPERTY

Type of Improvement(s)(describe) New construction of 2 story residence w/ attached garage.

New Construction X Reconstruction_____Addition_____Sign_____Other_____

Dimensions of Proposed Structure 86'6" x 84' HEIGHT 26'4"

PROPOSED ZONING PERMIT

Special Use_____Type of Special Use_____Rezone___Land Division/Split Involved?_____

PERMITS & REQUIRED DOCUMENTS

Site Plan Required X Survey Required X Health Dept._____

Road Commission_____ Soil & Erosion X Corps of Engineers____ D.N.R._____ D.E.Q._____

Owners Signature(s) see attached authorization

Zoning Administrator Signature_____

SEE ADDITONAL PAGES

Prepare a drawing on the grid sheet or a separate sheet of paper showing lot location (road names, lakeshore, ordinary high water mark, streams, easements, rights-of-ways, unusual topographic features), lot dimensions, location and dimensions of all existing and proposed structure(s) including height, distance between structure(s) and front, rear and sides lot lines. Locate driveway, giving distance to nearest side lot line. Also show locations of well, septic tank and drain field. Please refer to Instruction page.

See attached site plan

NOTE: The Township must inspect the layout of the building and verify all application information. The signature of the applicant on this application authorizes the inspection of this property. Please call the Zoning Administrator at 231-547-6961 when the site is staked, but before construction begins. Mail completed application to: Zoning Administrator, 09195 Old US 31 N, Charlevoix, MI. 49720. You may also contact the Zoning Administrator at zoning@hayestownshipmi.gov.

Whenever your property has an improvement added, it is added to the Hayes Township Assessment Roll. The Hayes Township Assessor is notified of new zoning permits & will visit your property to assess the improvements. If you prefer to have an appointment vs the assessor coming to your home unannounced, you should contact the assessor to schedule an appointment. Assessor, 231-497-9361.

Matthews CONST.

GENERAL CONTRACTOR

Date:___May 8th____, 2023_

To Whom It May Concern:

I hereby authorize Jim Matthews, (or representative of) Matthews Construction, LLC (as agent) to apply for all permits as necessary, regarding my property located at 11667 N Pa Ba Shan Trail (PVT), Charlevoix, MI, 49720____; ID# _____007-320-005-0_____.

Sincerely,

_____ _____

Jeffrey Tapick _____

(Please print name)

HAYES TOWNSHIP FEE SCHEDULE

TYPE OFAPPLICATION/PERMIT	Fee
ZONING PERMITS	
Applications shall be filed in writing with the Zoning Administrator, and shall be signed by the applicant, or by his or her authorized agent. Enclosed a check payable to Hayes Township in the appropriate amount. Zoning Permit Fee is as follows:	
Projects costing between $20,000 and $70,000	50.00 Minimum
Projects costing between $70,001 and $100,000	70.00
Projects in excess of $100,000	90.00
	90.00 plus 10.00 for each increment of 20,000 over 100,000
If a zoning Permit expires and needs to be re-issued, the Zoning Permit application fee will be ½ of the original zoning permit application fee, as long as no changes are made from the original zoning permit application.	
Zoning Permit After the Fact	Double Original Fee
Replanting Shoreland Protection	100.00
Additional inspections of replanting Shoreland Protection/Landscaping (each time) *	50.00
BOARD OF APPEALS	
Initial Application (Additional hours billed at $20.00/hour)	935.00
Subsequent meeting when tabled at the request of the applicant for more than 10 days	590.00
REZONING REQUEST	
Contiguous Parcels	200.00
SPECIAL LAND USE/SPECIAL APPROVAL REQUESTS (Residential)	
Cottage Industry	100.00
Dog Kennels	100.00
SITE PLAN/DEVELOPMENT PLAN REVIEW, SPECIAL USE PERMIT	
PUD's, Commercial, Industrial Developments or Site Condominiums	300.00
Single Family Subdivision Plat Application Review - Each Phase ofReview	300.00
RE-PUBLISHING FEE	Actual Cost
LAND DIVISION APPLICATION or RECONFIGUATION	150.00
SIGN PERMIT	50.00
SPECIAL MEETING REQUEST	
Example: Each Planning Commission Member @85.00, Chairman @110.00, Secretary @150.00 and Zoninq Administrator @$110.00.	Actual Cost of members and staff present
SHORT TERM RENTAL LICENSE FEE	
Application Fee	200.00
Rental License After the Fact	Double Original Fee
Re-Application Fee	500.00
COPIES	
Zoning Ordinance - Resident/Non Resident	20.00
Comprehensive Plan - Resident/Non Resident	20.00
Freedom of Information Act (FOIA), mailing list, minutes etc	
Per Page	.10
Per Hour	12.00
Per Month Copy of all documents provided in the packets prepared for and mailed to the Board of Trustees or Township Commissions (paid in advance)	30.00
NON-SUFFICIENT FUNDS (NSF) Effective 07/13/09	Cost of Bank Charges
HALL RENTAL	
Resident	100.00
Request for key day before date rented	50% of rental fee
Funeral Dinner	No Charge
All Hall Rentals are subject to Hayes Township residency & deposit	
SEE REVERSE SIDE FOR MORE FEES	

NON-SUFFICIENT FUNDS (NSF) Effective 07/13/09	Cost of Bank Charges
CEMETERY FEES	
Single Burial Plot in Old Section (Cremation Only)	100.00
Single Burial Plot in New Section	300.00
Grave Open/Close	500.00
Cremains Burial Open/Close	75.00
Grave Marker Foundation Installation	125.00
Grave Marker Foundation	Township Cost + Shipping
All fees subject to Hayes Township Cemetery Ordinance #091018	
SEE REVERSE SIDE FOR MORE FEES	

The above list includes the initial fees only. If the Planning Commission or Zoning Board of Appeals determines that review of an application and/or participation in the review process by qualified professional planners, engineers, attorneys, or other professionals is necessary they may require the applicant to deposit funds in an escrow account as regulated by Section 9.05.2 of the Zoning Ordinance.
*Charged to the developer or landowner if initial inspection is not passed due to failure to install plants and landscaping according to the requirements of the Hayes Township Ordinance and the approved site plan.

$100K BASE = 90

(+20K EACH = +10)

x 45 = +450

+$900K

1ST 1MILL. = $540.-

+20K EA. = +10

x 50

2 MIL = + 5000

+20K EA = +10

x50

3 MIL = + 5000

+20K EA = +10

x 25

3.5 MIL = + 250

CHECK FOR $1790.-

TAPICK ZONING PERMIT

'HAYES TOWNSHIP'

= $1790.- TOTAL

HAYES TOWNSHIP ZONING
PERMIT APPLICATION
09195 Major Douglas Sloan Road
Charlevoix, MI 49720
Zoning Administrator (231) 547-6961

An application for a zoning permit shall be filed in writing with the Zoning Administrator, signed by the person, firm, co-partnership or corporation.

There shall be submitted with all applications for zoning permits one (1) copy of a plot plan, giving accurate dimensions on either a scale drawing or a rough sketch. Drawings shall be required on all structures and shall contain the following information:

1. Existing and intended use of the structure.
2. Dimensions: include proposed building with dimensions (including height); lot or parcel dimensions, front, side, and rear yard distances to lot line or other structures.
3. Location upon the lot of all existing and proposed structures; well and septic location; lakes, streams, easements, or other dedicated rights-of-way, and any streets (use name) bordering the property.
4. Application for zoning permits under the provision of the Ordinance shall be accompanied by evidence of ownership of all property affected by the coverage of the permit.
5. Evidence that all required federal, state, (wetland, if required), and county licenses or permits (well & septic) have been acquired or that applications have been filed for same.
6. Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator.

The written approval of the water supply and sewage disposal facilities, as obtained from the District Health Department, and as required by the zoning Ordinance, shall be accompanied by one copy of both plans and specifications, which shall be filed and retained by the office of the Zoning Administrator.

The Zoning Administrator may require a copy of the soil Erosion Permit and MDEQ Wetlands permit, if one is required, prior to the issuance of a Zoning Permit.

In cases of minor alteration, the Zoning Administrator may waive portions of the foregoing requirements obviously not necessary for determination of the compliance with the Zoning Ordinance.

The Zoning Administrator (ZA) is required to do onsite inspections to take measurements, pictures, etc. You will be required to mark, or stake, the location of all structures upon the parcel so the ZA may complete these tasks. If a Zoning Permit is issued and it is found the measurements on the application for the permit are not accurate the permit will be voided.

A copy of section 4.13 of the Zoning Ordinance has been provided to help you understand setbacks, minimum sq. footage and lot requirements.

All Commercial and Industrial properties require a development plan.

ALL PERMITS REQUIRED BY THE ZONING ORDINACE SHALL BE DISPLAYED FACEOUT, WITHIN 24 HOURS OF ITS ISSUANCE BY PLACING THE SAME IN A CONSPICUOUS PLACE ON THE PREMISES FACING TH NEAREST STREETS AND SHALL BE CONTINUOUSLY DISPLAYED UNTIL ALL WORK IS COMPLETED.

HAYES TOWNSHIP
ZONING PERMIT PROCEDURES

House/Mobile Home Permit

- Health Department Permit for Septic & Well – (231) 547-6523
  220 W. Garfield, Charlevoix, MI 49720

- If wetlands are involved or property is within 500 feet from a lake or stream a permit is needed from:

  - Charlevoix Soil and Water Conservation District – (231) 547-7236
    Wendy Armstrong, 301 State St., County Building, Charlevoix, MI 49720

  - Michigan Department of Environmental Quality – (517) 732-3541
    1732 M-32 West, P.O. Box 667, Gaylord, MI 49735

- Driveway permit if new driveway or pavement/blacktop if existing drive
  Charlevoix County Road Commission - (231) 582-7330, 1251 Boyne Ave., P.O. Box 39, Boyne City, MI 49712

- House number for any new residence. Charlevoix County Equalization -
  (231) 547-7230, 301 State St., County Building, Charlevoix, MI 49720

- After Health Department Permit has been obtained, and when required, Soil erosion/Wetlands permit, a Zoning permit can be issued.

- Building Permit – (231) 547-7236 (Building Construction, Plumbing & Heating)
  County of Charlevoix Building Inspection, 301 State St., County Building, Charlevoix, MI 49720

Accessory Building – Non Agriculture use

- If wetlands are involved or property is within 500 feet from a lake or stream a Wetlands and Soil Erosion Permit is needed.

- Zoning Permit required if square footage is more than 200 square feet or on a permanent foundation

- Building Permit

Accessory Building – Agriculture Use

- Zoning Permit required.

- Building Permit may not be required

Addition to Residence/Accessory Building

- All Setback regulations must be met.

- Building Permit is required.

- If bedrooms are being added all above permits must be obtained.

Section 4.13 Schedule of Regulations

Zoning District	District Name	Minimum Lot Area		Max. Ht. Structure	Minimum Yard Setbacks (h)			Minimum Square Footage	Max % of Impervious Surface
		Area	Width	Feet	Front	Side	Rear		
CR	Conservation Reserve	NA	NA	35 (d)	NA	NA	NA	NA	15
A-1	Agricultural	10 Ac	330 ft	35 (b) (d)	25	50 (g)	50	600	30
RR-1	Rural Residential	5 Ac	330 ft	35 (b)	25	25	25	900	15
R-1	Low Density Residential	2 ac	200 ft	35 (a)	25	15	25	900	15
R-2	Small lot Residential	¾ ac	120 ft	35 (a)	25	15	25	900	20
R-3	One and Two Family Residential	20,000 sf /unit	100 ft	35	25	15	25	900	30
R-4	Multiple Family Residential	(e)	200 ft	35	40	30	40	900 (f)	50
R-5	Mobile Home Park - Residential	5,000 sf/unit	50 ft	35	20	10	20	900	NA
C-1	Neighborhood commercial	1 Ac	100 ft	35 (c) (d)	35	15	35	NA	60
C-2	General Commercial	2 Ac	100 ft	35 (c) (d)	35	15	35	NA	60
I-1	General Industrial	2 Ac	200 ft	50 (c) (d)	50	25	50	NA	60

a. Maximum height shall be 30' for structures located within 1,000 feet of the ordinary high water mark of lakes, unless specifically waived by the Planning Commission upon finding the proposed structure is separated from the lake by an existing topographic feature so that the lake is not visible from a distance 1,000' from the ordinary high water mark.

b. Exceptions to height standards for Agricultural Uses. The maximum height of permitted agricultural accessory structures that are essential and customarily used in agricultural operations associated with a farm shall be forty-five (45) feet, except that the maximum height of silos shall be one hundred (100) feet, provided that all such accessory farm structures shall be located at least one hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory farm structures are located.

c. Telecommunication towers, alternative tower structures, transmission and communication towers, utility microwaves, and public utility T.V. or radio transmitting towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 7.01.20 of this ordinance.

d. Wind Turbine Generators or Anemometer Towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 3.10- Noncommercial Wind Turbine Generators or Section 7.01.21-Wind Turbine Generators of this ordinance.

e. Density regulations of this zone district –Not more than four (4) dwelling units per net acre shall be permitted in this zone district, except as otherwise herein provided. There shall be a minimum of fifty (50) percent of the gross area of the proposed "R-4" Zone District maintained as open space or non-profit recreational uses. In the process of determining the usable net acreage in a particular 'R-4" project, the developer shall not consider lands having a slope greater than 20% (20 feet of vertical fall in 100 lineal feet).

f. If the developer proposes a mixture of units having differing floor plans, a minimum floor space of eight hundred fifty (850) square feet shall be maintained.

g. The side yard setback for a single family dwelling shall be reduced to twenty-five (25) feet.

h. Any property located on water frontage is also subject to the requirements of Section 3.14 Waterfront Regulations.

CHARLEVOIX COUNTY - CURRENT ZONING ADMINISTRATORS

BAY TWP
Ron Van Zee
05045 Boyne City Rd.
Boyne City, MI 49712
(231) 497-4701 (cell)
(231) 582-7313 (fax)
zoning@baytownship.org

BOYNE CITY N
Scott McPherson
319 N. Lake St.
Boyne City, MI 49712
(231) 582-0343
smcpherson@boynecity.com

BOYNE FALLS (VILLAGE)
Call the Village Hall
(231) 549-2443

BOYNE VALLEY TWP
Sue Hobbs
PO Box 191, Boyne Falls, MI 49713
(231) 549-3130 (Twp Hall) or 582-9231 (home)
Twp Hall: Tues, Wed, Thurs 10-3

CHANDLER TWP
Dennis Howard
Supervisor/Interim Zoning Administrator
01425 Walton Rd.
Boyne Falls, MI 49713
(231) 675-3315
dhoward5599@yahoo.com

CITY OF CHARLEVOIX N
Jonathan Scheel
210 State St.
Charlevoix, MI 49720 (231)
547-3265
planner@cityofcharlevoixmi.
gov

CHARLEVOIX TWP Y
John Ferguson
14590 Park Ave. Charlevoix,
MI 49720 (231) 547-5364

EAST JORDAN (CITY)
Jonathan Scheel Y
201 Main St. / P.O. Box 499
East Jordan, MI 49727 (231)
536-3381
zoning@eastjordancity.org

EVANGELINE TWP
Patrick Kilkenny
319 N. Lake St.
Boyne City, MI 49712

(231) 582-0337 or cell (231) 675-7988
pkilkenny@boynecity.com

EVELINE TWP N
Nelson McDonald
8525 Ferry Rd. EJ 49727
Charlevoix, MI 49720
(231) 675-6125

HAYES TWP
Ron Van Zee N
09195 Old US 31 N. Charlevoix,
MI 49720

(231) 547-6961 (Twp Hall) or (231) 497-9360
zoning@hayestownshipmi.gov

HUDSON TWP
Frank D. Wasylewski (Interim)
08755 Huffman Lake Rd.
Elmira, MI 49730
(231) 549-3019

MARION TWP
John Ferguson
103 W. Upright St.
Charlevoix, MI 49720
(231) 547-6882 (office) or (231) 459-8141 (cell)
john@fcasurveying.com

MELROSE TWP Y
Randy Frykberg
(231) 330-1249

NORWOOD TWP
Steve Overton
873 Fourth Street
Charlevoix, MI 49720
(734) 777-2335
zoning@norwoodtwp.org

PEAINE & ST JAMES TWPS
Rick Speck
P.O. Box 29
Beaver Island, MI 49782
(231) 448-2000 (office) / (231) 448-2830
rickspeck@tds.net

SOUTH ARM TWP N
John Ferguson
103 W. Upright St.
Charlevoix, MI 49720
(231) 547-6882 (office) or (231) 459-8141 (cell)
john@fcasurveying.com

WILSON TWP N
Scott McPherson
319 N. Lake St.
Boyne City, MI 49712
(231) 582-0343
smcpherson@boynecity.com

Revised 03-09-2020

Accessory Dwelling Unit (ADU)

Definition:

An ADU is an incidental and subordinate dwelling unit which provides living quarters in a permanent structure for one individual or family that is on the same lot or parcel, but is separate from the primary or principal dwelling unit. An ADU may be incorporated in an existing dwelling or a new dwelling unit.

Scope and Purpose:

ADUs are a way to provide more housing choices for Township residents, increasing affordability and flexibility, and supporting multigenerational housing in single family neighborhoods and the rural areas of the Township, while still preserving the rural character of the Township and high-quality neighborhoods. Use by right versus Special Use Permit or both depending on district?

- ADUs may not be appropriate for every parcel or situation.
- Consider all zoning districts that single family residential is allowed by right
    - A1, R1, R2, R3, RR, R4, C1
    - A1, RR, R1 have sufficient area to allow an ADU
    - R2: ¾ acre- questionable
    - R3: 20,000 sq ft/unit-questionable
    - Neighborhood Commercial: 1 acre- questionable
    - Michigan Shores/Susan Lake overlay districts typically have small lots that may be questionable
    - Subject to all setback and number of structures allowed in zoning district
- ADU should only be permitted as an accessory use to a principal structure. One unit should be occupied by the owner of the property
- Should there be only one ADU allowed per parcel or should large parcels be allowed more?
- Should one accessory dwelling unit be allowed by right or SUP?
- Should ADU be a permanent structure? Or could it be a tiny home, RV, etc.?
- Can an ADU be attached to primary structure or detached?
- If built over garage not to exceed the footprint of the garage?
- ADU should meet all zoning requirements for setbacks, heights, impervious surface, etc.
- Should there be a maximum/minimum size, other than the building department requirements?
- ADU must have adequate ingress and egress
- Should ADUs be allowed on non-confirming lots or lots with non-conforming structures?
- Health Department/Building Department/etc. approvals
- Not allowed when association or subdivision governance disallows it

To amend the ordinance each district must edited to add the decisions above along with updating the definition and district chart.

City of Charlevoix

Accessory Dwelling Units

What is an Accessory Dwelling Unit?

An Accessory Dwelling Unit (ADU) is a small, additional residential structure that is located on a parcel with a primary dwelling structure. Accessory Dwelling Units can be detached from the primary structure or serve as an attached extension of the primary dwelling.

What do Accessory Dwelling Units bring to Charlevoix?

Accessory Dwelling Units can extend greater property usage to owners in higher-density residential districts. Accessory dwelling units can provide extra residential space for growing families, enable multi-generational homes, and support those in their pursuit of private, familial caretakiADUs can also help those seeking to diversify their income sources, as accessory units can serve as long-term rentals. While property owners may find interest in economically optimizing their land, the increase of housing stock can enhance the community at large. With accessory units being smaller in size than the principal dwelling, ADU rents can be more affordable and better suited for those working in Charlevoix than renting a traditional single-family house. Increased housing options broadly help to move the market to equilibrium, better matching prospective tenets with options that fit their desired square footage and rent costs. Properties with Accessory Dwelling Units are typically valued higher than those without.

Property owners may also be permitted to use their ADUs as short-term rentals, provided they live on site (either the principal dwelling or the accessory dwelling must be occupied year-round by the property owner), follow the proper short-term rental registration procedures, and the short-term rental cap has not been hit in their residential district. To learn more about short-term rental regulations, please click here.

Where are Accessory Dwelling Units Allowed in the City of Charlevoix?

Accessory Dwelling Units are exclusively permitted in R2-Medium Density Residential Zoning Districts. Click here to view the City of Charlevoix Zoning Map.

What permits do I need to build an Accessory Dwelling Unit?

Constructing an Accessory Dwelling Unit will require all the necessary zoning and building permits required for primary dwellings. It is highly recommended that those interested in building an ADU contact the City of Charlevoix Planning and Zoning Department to learn more information or schedule a pre-application meeting if already planning construction.

From the City of Charlevoix, a Zoning Permit will be required before construction begins. Zoning Permits ensure prospective structures are built to the standards contained within the City of Charlevoix Zoning Ordinance, are harmonious in design with the surrounding neighborhood, and have uses as permitted in the respective Zoning Districts. For more information about Zoning Permits, please click here.

All dwellings must comply with State Construction Code, and hold required building permits as necessary from Charlevoix County, including Building, Electrical, Mechanical, Plumbing, and more. To learn more about building permits required for construction in Charlevoix County, click here to visit their website.

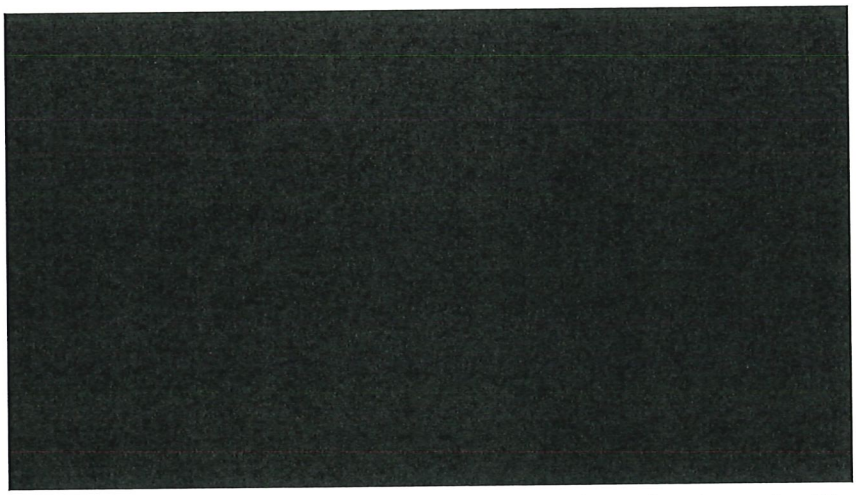
JUNE 16, 2023

ONE SMALL HOUSE FOR HUMANKIND, ONE GIANT LEAP FOR ATTAINABLE HOUSING

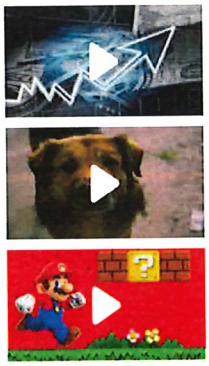
ACCESSORY DWELLING UNITS OFFER A UNIQUE APPROACH TO THE LOCAL HOUSING CRISIS

BY CRAIG MANNING (/NEWS/AUTHORS/CRAIG-MANNING-1/) | SEPT. 24, 2022

What if one solution to the housing woes of northern Michigan was as simple as letting homeowners build guest houses on their land?



NOW PLAYING



As local leaders look for ways to bring more abundant and affordable housing to the region—and to counteract challenges with strained housing inventory, robust real estate demand, skyrocketing property costs, and a sizable local population living at or

near poverty level—accessory dwelling units (ADUs) could be the ticket to a brighter future.

An ADU Primer

What exactly is an ADU? In essence, an accessory dwelling unit is just a separate residential living space that exists on the same property as a more traditional single-family home.

ADUs can be attached to the main house (such as a garage or basement that has been converted into an apartment) or detached (such as a tiny house in the backyard). A few commonalities that most ADUs share: They typically sit on the same lot as a larger single-family residence, have their own private entrances/exits, and are self-contained with their own living, sleeping, cooking, and bathroom amenities.

Yarrow Brown, the executive director of Housing North, calls ADUs "the low-hanging fruit" of housing reform. "They are a way that individuals and families can contribute [to solving the housing crisis] despite not being a developer, and they are a way to add density on an existing parcel where it doesn't require a lot of changes," she says. "We see ADUs as small square-footage homes that can help in small ways to increase housing density and housing opportunities in our communities."

Housing North is a nonprofit dedicated to helping northern Michigan communities tackle "the systemic problems embedded in zoning laws, development financing, and public-private partnerships" that act as barriers to housing solutions. That approach involves a lot of different strategies, many of which aim to support large-scale housing development.

However, because current market conditions have effectively made it "impossible to build affordable housing right now," per Brown, smaller and more incremental steps are necessary to make housing more abundant, affordable, and attainable in the region.

That's where ADUs come in.

Brown says there are a plethora of potential benefits to allowing ADUs in any given community. To start, ADUs can increase housing density, which can in turn help alleviate housing shortages. Since ADUs are typically smaller than traditional houses, they're often an easier way to bring affordable workforce housing to a region than through traditional housing development.

ADUs can have familial benefits, too: Brown gives the example of "an aging parent who wants their kids to move back here so they can age in place." Because housing is hard to find—and often expensive—it can be helpful in those types of situations if

there are multiple dwelling units on the aging parent's property.

The other big benefit ADU proponents often cite is income—specifically, the way that rental income from an ADU can supplement a struggling household's cashflow enough to help them afford their own home.

ADUs for the Homeowner

While the potential value of ADUs for the broader community is driving most of the conversation around this topic in northern Michigan, there is also the question of what ADUs can do for a homeowner and their property value.

For instance, could putting an ADU on a property potentially make resale more challenging by taking a home into a higher price bracket and pricing out a significant segment of buyers? And what about limiting resale potential to would-be buyers who just don't want to deal with having and managing an ADU?

According to Bart Ford, regional vice president of Coldwell Banker Schmidt, the appeal of properties with ADUs on the premises is actually broader than many people realize. From his experience, those properties tend to sell well, in part because the higher prices come with the possibility of offsetting those increases with rental income.

"Selling a house in downtown Traverse City with an ADU, I don't necessarily want to say it's a piece of cake, but there are so many buyers out there looking for that," Ford tells Northern Express. "I think just being able to live in a place where somebody can pay a portion of your mortgage, or a portion of your tax bill, that's attractive to a lot of buyers."

Most studies indicate that an ADU can add about 30 percent to a residential property's resale value, though the amount ultimately depends on the size, type, design, quality, and condition of the ADU, among other factors. Rental income from an ADU, similarly, can vary dramatically depending on location, size, amenities, and more.

For instance, one of the big conversations happening around ADUs in northern Michigan right now is whether ADUs should be restricted to owner-occupied properties. Owner occupancy requirements demand that the property owner live on any property that has an ADU. This type of zoning requirement is designed to ensure on-site landlords for ADUs, to deter real estate investors from scooping up ADU properties, and to preserve ADUs as a means for homeowners to earn extra income.

Critics of owner occupancy rules, meanwhile, argue that they deter rental activity by keeping the owner in too-close proximity to the renter and that they stack the deck against property renters who might wish to sublease an on-site ADU for extra cash.

The Village of Suttons Bay currently has an ordinance that allows ADUs up to 600 square feet in size, so long as the owner of the parcel lives on the premises. Recently, there have been several citizen requests for the village to allow non-owner-occupied ADUs, with proponents arguing that a more flexible ordinance would lead to more ADUs and more housing opportunities in the community. For his part, Ford sees how a non-owner-occupied ADU would be more attractive to a renter, whether for short-term or long-term rental purposes.

"ADUs completely help with the affordability of a property—as long as you are okay housing your guests where you live," Ford says. "But that's an odd concept for a lot of people; it certainly is for me. I own a short-term rental in Leelanau County, and I'm happy to do all the customer service: I'm happy to clean it, I'm happy to change the sheets, I'm happy to do all that stuff. But I don't necessarily want to be on top of guests, or even right next door to them. Because I might be annoyed with them—and they might be annoyed with me!"

ADUs in Northern Michigan

The barriers to ADUs tend to be related to zoning. Housing North keeps close track of which municipalities throughout its 10-county service region expressly allow ADUs, which ones prohibit ADUs, and which have no zoning language on the topic of ADUs at all.

Based on that spreadsheet, there is progress happening toward ADU adoption in northern Michigan. In Antrim County, for instance, ADUs are permitted in the majority of municipalities, including the villages of Bellaire, Central Lake, Elk Rapids, Ellsworth, and Mancelona. Similarly, most of the townships in Grand Traverse County allow some level of ADU permitting—including Acme, Blair, East Bay, Green Lake, Long Lake, and Paradise—as does the City of Traverse City itself.

The latest leap forward in northern Michigan's ADU landscape is a brand-new ADU program that Housing North is about to launch in Charlevoix County. There, ADUs are currently permitted in the City of Charlevoix and Boyne City, as well as in parts of East Jordan. Made possible through a grant from the Grand Traverse Regional Community Foundation, the new Housing North program will provide free architectural plans to Charlevoix County residents who are interested in building ADUs.

Additionally, Housing North will assist property owners in navigating the ADU permitting process and will even arrange training to help program participants learn the ropes of being landlords.

↑

With the new Charlevoix County program, Housing North is hoping to remove some of the cost and logistical barriers that might preclude property owners from considering ADUs in the first place.

Importantly, Brown notes that "by participating in the program, [a property owner] agrees to make their ADU a year-round rental, not a short-term rental," thus preserving those ADUs as housing stock for permanent residents.

If the Charlevoix program is successful, Housing North could eventually bring similar ADU assistance programs to other northern Michigan counties.

Assessing ADU Impact

The big question, of course, is how much of an impact ADUs can actually have for a community and its housing inventory.

To answer, Brown points to the success story of the City of Seattle, which started allowing the construction of "backyard cottages" in parts of the city in 2006 and expanded the opportunity to all single-family zones in 2009. The city has continued to remove regulatory barriers ever since, reducing minimum required lot sizes for ADUs, removing parking requirements, and more.

The result is a robust program that, in 2020 alone, led to the permitting of more than 500 new ADUs. As of last year, Seattle has 3,928 total ADU units. More than 80 percent of those "have been permitted in areas identified as high displacement risk on the City's Displacement Risk Index," indicating that the program is benefiting economically-strained households.

As for the key worry that detractors often cite about ADUs—that they'll simply be used as short-term rentals and won't solve housing shortages for year-round residents—Seattle offers a counterpoint. In a 2021 report, the city estimated that just 11 percent (418 units) of its nearly 4,000 ADUs were short-term rentals. Brown says there are ways for communities to "limit out" how many ADUs become short-term rentals, whether through zoning or through programs like the Charlevoix County initiative.

As more local ADU ordinances come into focus, "making sure that all the ADUs don't all get converted to short-term rentals is definitely really important," Brown says. "But I do think there's a way to create a balance [between short-term and year-round use]. And we might need that balance in order to provide support for both our tourist economy and our year-round residents. It just so happens that our communities are trying to navigate these questions simultaneously, of how to limit short-term rentals and whether to allow ADUs."

Photo by Scott Webb

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Accessory dwelling units – Coming to a neighborhood near you?

Brad Neumann, Michigan State University Extension - September 09, 2022

> With interest in urban living on the rise, more communities are considering amending local regulations to allow accessory dwelling units in traditional neighborhoods.

Accessory dwelling unit above a detached garage. Photo Credit: Radcliffe Dacanay

Nationwide, cities and small towns are experiencing housing affordability and attainability challenges. According to the Joint Center for Housing Studies of Harvard University's The State Of the Nation's Housing 2022 these challenges are driven by many factors such as rising costs and limited housing stock alongside increasing demand from homebuyers report. More communities are addressing the increased demand for housing in traditional neighborhoods by amending regulations to allow accessory dwelling units.

Accessory dwelling units (ADUs) are also known as granny flats, mother-in-law apartments or carriage houses. Regardless of the name, this definition from the Village of Beulah, Michigan zoning ordinance gets at the key concept – "An incidental and subordinate dwelling unit which provides living quarters for one (1) individual or a family that is on the same lot, but is separate from the primary dwelling unit...." Some communities include standard for accessory dwellings that requires one of the two dwelling units – either the principal dwelling or the accessory dwelling – to be occupied by the property owner in order to avoid an absentee landlord situation in which structures may sometimes

fall into disrepair. Accessory dwelling units might be in an accessory building, such as a converted garage or new construction, or the accessory dwelling might be attached or part of the principal dwelling, such as a converted living space, attached garage, or an addition. The later may be called something else, like in the Village of Beulah ordinance that refers to them as accessory apartments.

Accessory dwelling units have been touted as an affordable housing strategy in communities where a brisk real estate market is driving families and talented workers out of the community. The relatively smaller size of such units makes them more affordable. What's more, such dwellings also provide additional income for property owners, making the principal residence also more affordable. Although, it is important to note that accessory dwellings will not solve the affordable housing problem alone.

In addition to making housing more affordable, communities have looked to ADUs as a way to increase density in neighborhoods as a counter measure to changing household and family structures. In order to improve business for local establishments in and around traditional neighborhoods, ADUs not only subtly increase population density; they increase the customer base near a community business district.

Any community that has considered changes to zoning to allow accessory dwelling units knows the topic is not without objection. Resistance to accessory dwelling units often relate to concerns about overcrowding, declining structural conditions, and increasing traffic. In practice, communities can offset these concerns with reasonable regulations and a robust planning process that includes public participation.

For instance, accessory dwellings may not be appropriate on every residential parcel. Sometimes local regulations include a minimum parcel size to be permitted (although, if this minimum size is too big it may defeat the purpose of increasing density in a traditional neighborhood). Also, regulations may require provision of one additional off-street parking space accessible from the existing driveway or alley. To help preserve neighborhood character, entry doors may be required to be screened from the street or off the side of a structure. So, depending on the size of the parcel, the size and orientation of the existing, principal dwelling, the driveway or alley configuration, and other special circumstances, accessory dwellings may not be appropriate on every single-family residential lot in a community.

There are numerous resources on ADUs for communities considering this housing option, some of those include:

- ABCs of ADUs: A Guide to Accessory Dwelling Units and How They Expand Housing Options for People of All Ages by AARP
- Accessory Dwelling Units: A Step by Step Guide to Design and Development by AARP
- Accessory Dwelling Units: Model State Act and Local Ordinance by the AARP
- Accessory Dwelling Unit (ADUs) Case Study by the U.S. Department of Housing and Urban Development
- Accessory Dwelling Units – Knowledgebase Collection by the American Planning Association
- Accessory Dwelling Units – Quick Notes by the American Planning Association
- A Guide to Building a Backyard Cottage by the City of Seattle
- AccessoryDwellings.Org

Additionally, example zoning regulations from Michigan communities that allow ADUs include:

- Clark Township (Mackinac County) allows as a permitted use in any zoning district that permits single family dwellings
- Hamburg Township (Livingston County) allows as a permitted use across several districts (see Sec. 36.239)
- Village of Beulah (Benzie County) allows as a permitted use with special conditions across residential and some commercial
- City of Traverse City requires registration and allows up to 15 new per year in its Single-Family Dwelling Districts

- City of Niles allows as a special land use in its Low-Density and Medium-Density Residential districts
- City of Manistee allows as a special use in its Medium-Density and High-Density Residential districts and by right in the Central Business District
- City of Grand Rapids allows as a special land use in all residential districts

If interested in learning more about accessory dwelling units, contact a Michigan State University Extension land use educator.

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HAYES TOWNSHIP PLANNING COMMISSION MEETING

Meeting Date:	JUNE 20, 2023	**Location:**	Hayes Township Hall

Name	Would you like to be called on to speak during public comment?	
Jim McMahon	YES	NO
Chelsea Mills	YES	NO
Mel Czerkowski	YES ?	NO
Jennie Silva	YES	NO
Ellis	YES	NO
CT Martin	YES	NO
LuAnne Kozma	YES	NO
David Kemme	YES	NO
Jim Pembarton	YES	NO
Jane Sorrow	YES	NO
Doug McCombs	YES	NO
Judy Wilson	YES	NO
	YES	NO
	YES	NO
	YES	NO
	YES	NO
	YES	NO
	YES	NO
	YES	NO