

ZONING BOARD OF APPEALS
PUBLIC HEARING
HAYES TOWNSHIP
9195 MAJOR DOUGLAS SLOAN ROAD
CHARLEVOIX, MICHIGAN 49720
SEPTEMBER 18, 2024
7:00 PM
AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/83141540092?pwd=8B9u2ffX3izb5t85jekpgxyEjDjsre.1>

Meeting ID: 831 4154 0092

Passcode: 396667

1. Chair calls meeting to order
2. Pledge of Allegiance
3. Introduction of Zoning Board Members
4. Declaration of Conflict of Interest
5. Approval of August 27, 2024 meeting minutes
6. Public Comment- Non Agenda Items
7. Chair Opens Public Hearing
 - a) Zoning Administrator introduces case and presents exhibits
 - b) Petitioner is recognized (and/or Agent) and puts forth case
 - c) Board Members report on their site inspections, if any, and ask questions they may have of Petitioner (and/or Agent). At this time discussion may take place between Petitioner and Board Members
 - d) Chair opens Public Comment
 - e) Correspondence acknowledged
 - f) Chair closes Public Comment
 - g) Review of applicable Section of Hayes Township Ordinance
 - h) Review and discussion of Finding of Fact
 - i) Motion and Roll Call Vote
8. Chair Closes Public Hearing
9. Zoning Board of Appeals Member Comment
10. Adjournment

Public Comment at Meetings of Hayes Township Zoning Board of Appeals

The Hayes Township Zoning Board of Appeals values public input and offers two opportunities for public comment near the beginning and end of its meetings. If you speak, however, you should not expect to engage board members or staff in discussion or debate.

ZBA members will not respond to comments made during public comment except to ask a clarifying question, correct an error, or provide specific factual information.

Public comment is recognized by the Michigan Open Meetings Act. The Act allows public bodies to adopt rules for orderly comment. To that end, the following rules have been adopted by the Hayes Township Zoning Board of Appeals:

1. A person wishing to speak will so indicate on the sign in sheet. Zoom attendees can indicate they would like to speak by raising their hand icon. Individuals attending in person will be called on first.
2. The person will begin by stating their name, spelling it if requested.
3. The speaker addresses the Chairperson, or other person chairing the meeting, on behalf of the entire board. Public comment should not be addressed to individual ZBA members or township staff, 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 board. A person may only speak once during a comment period. Audience members may not 'donate' their time to another speaker.
5. A speaker will be out of order if s/he is disruptive, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a ZBA member or township employee that is unrelated to the performance of that person's duties.
6. A speaker ruled out of order will not be allowed to speak again at the same meeting except by special permission of the board.
7. The chair has the discretion to permit audience members to speak at times other than during public comment.

DRAFT
Hayes Township
Zoning Board of Appeals
Administrative Meeting Minutes
August 27th, 2024
09195 Old U.S. N, Charlevoix, MI 49720

The August 27th, 2024, organizational meeting of the Hayes Township Zoning Board of Appeals was called to order by Chairman Janice Vedder-Whipple at 10:00 am. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix, MI 49720.

BOARD MEMBERS PRESENT: Rod Slocum, Bruce Deckinga, Janice Vender-Whipple, Rex Greenslade and Doug Kuebler.

BOARD MEMBERS ABSENT: Joni Hosler (Alternate)

ALSO PRESENT: April Hilton (Recording Secretary/Deputy Clerk)

Audience:

PLEDGE OF ALLEGIANCE: Ms. Vedder-Whipple (Chair) opened the meeting at 10:00 am with the Pledge of Allegiance to the Flag.

PUBLIC COMMENT:

Public Comment Opened at 10:09am none.

Public Comment Closed at 10:09 am

INTRODUCTION OF ZONING BOARD OF APPEALS (ZBA) MEMBERS:

BOARD MEMBERS PRESENT: Rod Slocum, Bruce Deckinga, Janice Vender-Whipple, Rex Greenslade and Doug Kuebler.

BOARD MEMBERS ABSENT: Joni Hosler (Alternate)

REVIEWED AGENDA:

Mr. Kuebler made a motion, supported by Mr. Greenslade, to approve the agenda.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Rex Greenslade, Janice Vender-Whipple.

Nays: None **Motion Carried**

APPROVAL OF DRAFT MINUTES FROM JANUARY 24TH, 2024:

Mr. Slocum made a motion, supported by Mr. Deckinga, to approve the January 24th 2024 meeting minutes as amended.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, Rex Greenslade and Janice Vender-Whipple.

Nays: None **Motion Carried**

DRAFT
Hayes Township
Zoning Board of Appeals
Administrative Meeting Minutes
August 27th, 2024
09195 Old U.S. N, Charlevoix, MI 49720

NEW BUSINESS

AGENDA GUIDELINE DISCUSSION:

The ZBA came to a consensus to allow one pubic comment at the beginning of the meeting with a 3 minute limit.

The ZBA came to a consensus to accept the agenda guidelines as discussed for ZBA Meeting Guidelines found on the back of each meeting agenda.

SET PUBLIC HEARING FOR VARIANCE REQUEST:

Mr. Deckinga made a motion, supported by Mr. Greenslade to set a public hearing date for a variance request on September 18th 2024 at 7:00pm.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, Rex Greenslade, and Janice Vender-Whipple.

Nays: None **Motion Carried**

Mr. Greenslade made a motion, supported by Mr. Deckinga to hear cases either on the 2nd or 4th Wednesday of each month at 7:00pm.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, Rex Greenslade, and Janice Vender-Whipple.

Nays: None **Motion Carried**

PUBLIC COMMENT:

Public comments opened at 11:15am

none

Public Comments closed at 11:15am

ZBA COMMENT:

Mr. Greenslade stated he completed a very good 8 hour training session through the state of Michigan.

ADJOURNMENT: Mr. Deckinga made a motion, supported by Mr. Kuebler, to adjourn at 12:00 p.m.

Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, Rex Greenslade, and Janice Vender-Whipple.

Nays: None **Motion Carried**

Respectfully Submitted,

April Hilton

Hayes Township Deputy Clerk/Recording Secretary

Hayes Township
Zoning Variance Application
Zoning Administrator Phone (231) 497-9360

GENERAL INFORMATION

Name of Property _____

Owner(s) Little Traverse Conservancy

Mailing _____

Address 3264 Powell Rd

City Harbor Springs

State MI

Zip 49740

Telephone 231-347-0991

PROPERTY INFORMATION

Property Tax Code Number: 15- 007- 101 - 002 - 00

Legal _____

Address 6413 DIVISION AVE

Nearest Road _____

Intersection Division/Maple

Zone District agriculture

Please type or print; fill in all blanks and return with **\$700.00** fee payable to Hayes Township

VARIANCE OR INTERPRETATION REQUESTED

Relief from the following Zoning Ordinance Section(s)

Section: 3.14 Waterfront Regulations

Please review the online copy of the zoning ordinance for the exact section number.
charlevoixcounty.org/hayes.asp

Submit an exact scaled drawing on the reverse side of this document or on a separate sheet of paper showing

- lot location (road names, lakeshore, streams, easements, rights-of-ways, unusual topographic features),
- lot dimensions,
- location and dimensions (including height) of existing and proposed structure(s),
- distance between structure(s) and front, rear, and sides lot lines,
- location of driveway giving distance to nearest side lot line,
- locations of well, septic tank and drain field,
- other structures and uses within 100 feet of the property.

Note: Applicant must supply exact maps, drawings, etc. in order to inform the Zoning Board of Appeals of the type of building or activity, and how it will look when desired construction is completed.

Describe reason for requested variance, including exact size and type of variance needed:

The requested variance is to construct a 16ft x 20ft viewing platform with a stairway leading down to the Lake Michigan shoreline, along with associated signage and an 8ft wide crushed gravel turnpike path. The platform will be built within the wood line along the shoreline, starting at grade and extending 16ft towards the shoreline, with a maximum height of approximately 7ft above ground level. This variance is part of a larger project to build an accessible trail on the property. The project aims to replace an existing, highly eroded path with a safe and stable structure, enhancing shoreline access for people with mobility disabilities and effectively managing erosion. The new trail and platform will be open to the public.

Describe the practical difficulty that exists. What are the unique conditions of your situation?

The practical difficulty is that we are seeking to provide access to a view of Lake Michigan to anyone including people that use wheelchairs, strollers or other mobility assistance devices and we are limited in where we can build a viewing platform. The steep slope and natural terrain of the property, compounded by an existing eroded path that makes access to the shoreline difficult and hazardous. The unique condition is the likelihood for this trail and structure to become a popular destination and we want to be able to account for multiple groups of people at one time. We want to size the structure appropriately and we deem the existing ordinance limit for structures such as this as being too small for our needs. People will be congregating at this structure, possibly with bulky items like wheelchairs and strollers, we need a larger sized platform to account for this scenario.

Effect on applicant if variance is denied.

What specific problem(s) would be created for you, as applicant, if your request is not granted? What rights that others enjoy, will you be denied if this variance is denied?

If the variance is denied, it would prevent us from providing what we deem to be an adequate sized viewing platform. Our wonderful crushed gravel accessible pathway would end at undersized viewing platform. At this time we are not creating an Universally Accessible way down to the water, so this viewing platform is the final destination where guests will want to hang around for a little while. This would deny the public, as guests to the preserve, the same level of accessibility and recreational use that other property owners in the area enjoy. Without the platform, the erosion issue would remain unaddressed. Denial of the variance would also hinder the larger project to build an accessible trail on the property, limiting its overall benefits.

Effect of requested variance on other properties.

If your variance request is granted, what effect will it have on the area? Does your request represent a change in the types of uses permitted? Will it hamper access by emergency vehicles or personnel? Will it restrict light, air, or access to adjacent properties? Will it in any other way create problems or concerns to other properties in the area?

Describe reason for requested variance, including exact size and type of variance needed:

The requested variance is to construct a 16ft x 20ft viewing platform with a stairway leading down to the Lake Michigan shoreline, along with associated signage and an 8ft wide crushed gravel turnpike path. The platform will be built within the wood line along the shoreline, starting at grade and extending 16ft towards the shoreline, with a maximum height of approximately 7ft above ground level. This variance is part of a larger project to build an accessible trail on the property. The project aims to replace an existing, highly eroded path with a safe and stable structure, enhancing shoreline access for people with mobility disabilities and effectively managing erosion. The new trail and platform will be open to the public.

Impact on Property:

The platform will have a limited impact on the overall property, which spans 65 acres and includes 1,400 feet of shoreline. The careful placement and design of the platform and trail ensure minimal disruption to the natural landscape while providing essential accessibility improvements.

Describe the practical difficulty that exists. What are the unique conditions of your situation?

The practical difficulty is that we are seeking to provide access to a view of Lake Michigan to anyone including people that use wheelchairs, strollers or other mobility assistance devices and we are limited in where we can build a viewing platform. The steep slope and natural terrain of the property, compounded by an existing eroded path that makes access to the shoreline difficult and hazardous. The unique condition is the likelihood for this trail and structure to become a popular destination and we want to be able to account for multiple groups of people at one time. We want to size the structure appropriately and we deem the existing ordinance limit for structures such as this as being too small for our needs. People will be congregating at this structure, possibly with bulky items like wheelchairs and strollers, we need a larger sized platform to account for this scenario.

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Effect of requested variance on other properties.

Granting this variance will have minimal impact on the area. The proposed viewing platform, stairway, gravel trail, and signage will not change the types of uses permitted in the zoning district. It will not hamper access by emergency vehicles or personnel, nor will it restrict light, air, or access to adjacent properties. The structure and trail are designed to blend with the natural environment and will be built with materials that minimize visual and environmental impact, ensuring it does not create problems or concerns for neighboring properties. Moreover, by replacing the eroded path, the variance will help manage erosion and improve the overall safety and aesthetic quality of the area. It will also funnel visitors to a defined area so as to reduce the likelihood of people wonder off the preserve an onto neighboring properties. Making the platform and trail open to the public will enhance community access and enjoyment of the Lake Michigan shoreline. Additionally, this variance supports the larger project to build an accessible trail on the property, further benefiting the community.



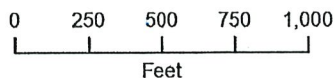


Prepared By

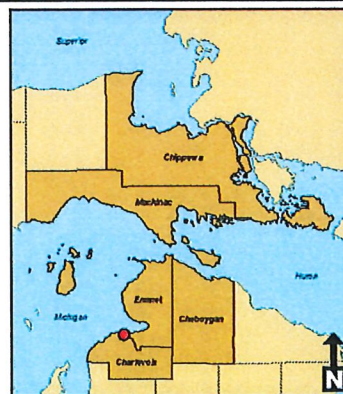


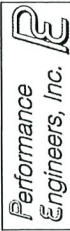
Little Traverse Conservancy
3264 Powell Rd - Harbor Springs, MI 49770
Telephone: 231.347.0991 - Fax: 231.347.1276
www.landtrust.org - LTC@landtrust.org

Enji-minozhiyaamigak Viewing Platform Location Charlevoix County, Michigan



NOTE:
This geographic product was developed by Little Traverse Conservancy (LTC).
Although efforts have been made to ensure information of this product is accurate and useful, LTC assumes no responsibility
for errors in the information and does not guarantee that data are free from errors or inaccuracies. Similarly, LTC assumes
no responsibility for consequences of misapplication or misinterpretation of the data. Accordingly, these digital data are
distributed in present condition and user assumes all risks as to their quality, to data obtained from this site, and performance
of the data. (LTC) bears no responsibility to return users of any changes made to this data. Anyone using this data is advised
that precision implied by the data may far exceed actual precision.





Civil / Structural Engineering

408 Potomac Avenue
Charlevoix, Michigan 49720
Phone: (231) 547-2112
Fax: (231) 547-0084
www.performanceeng.com

CONSULTANTS



SEAL

PROJECT TITLE

ENJI-MINOZHIIYAMIGAK
PLATFORM

PROJECT LOCATION

DIVISION STREET
BAY SHORE, MICHIGAN

OWNER

LITTLE TRAVERSE
CONSERVANCY[illegible]STRUCTURAL SECTION
AND DETAILS

24-6413
REFLECT NUMBER
AND DETAILS

PROJECT NUMBER	07-24-2024
DATE	

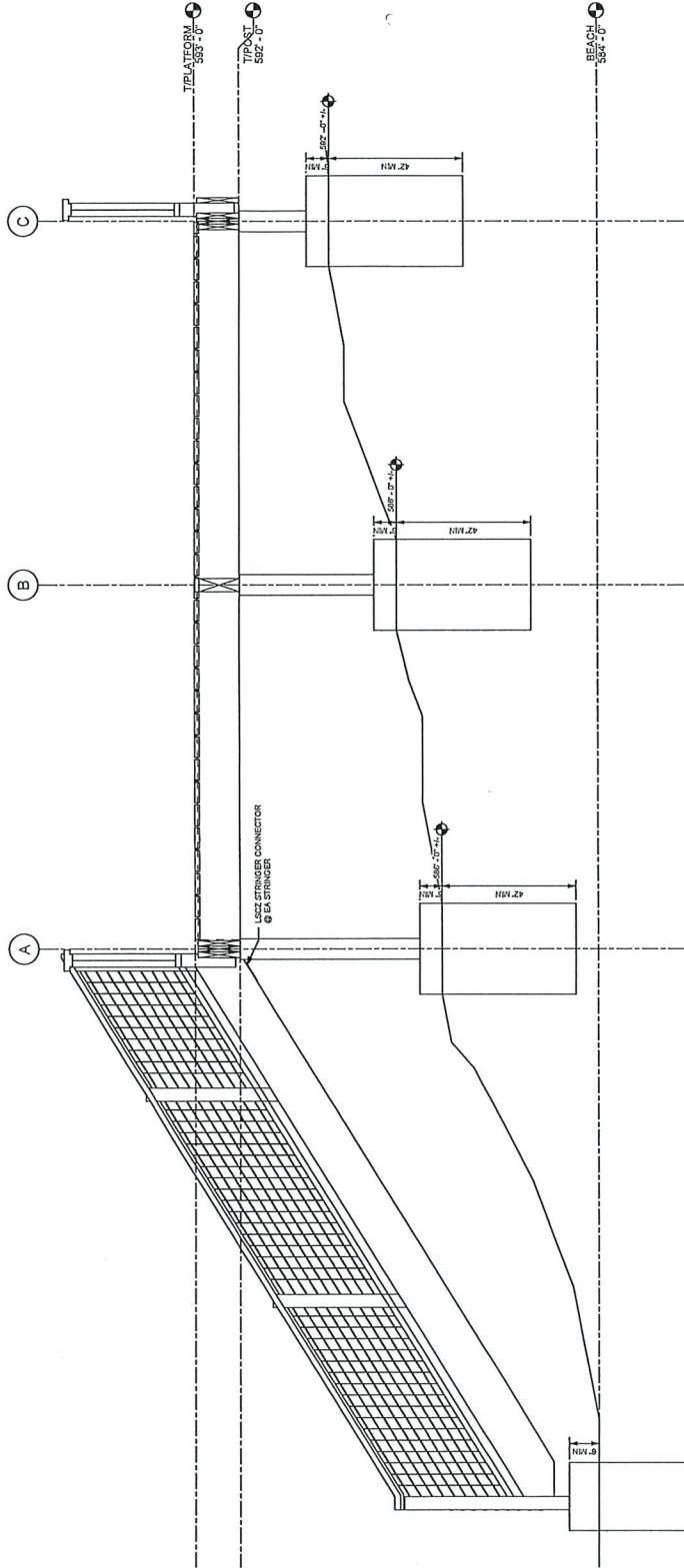
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DRAWN BY	PEI
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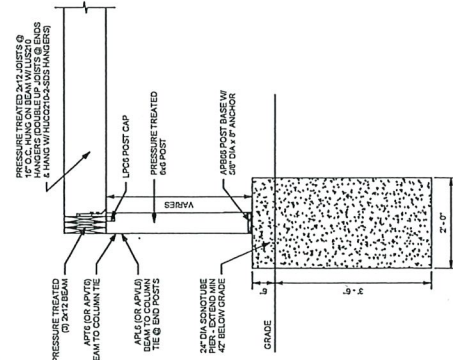
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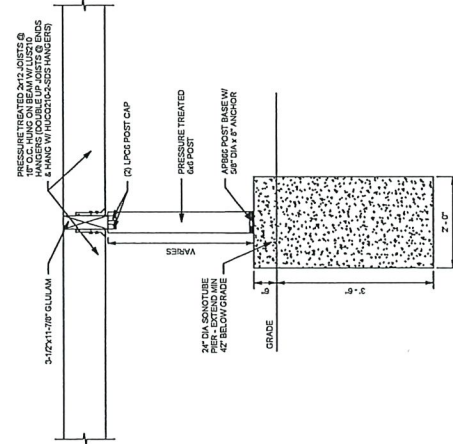
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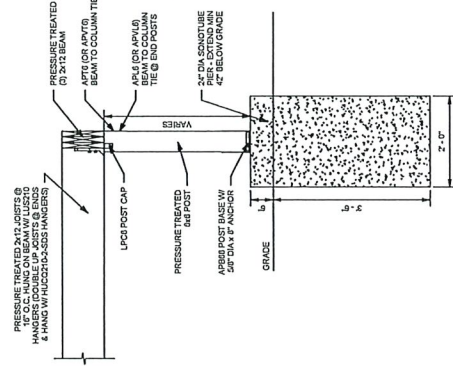
① STRUCTURAL SECTION
3/4" = 1'-0"



② STRUCTURAL DETAIL
3/4" = 1'-0"



③ STRUCTURAL DETAIL
3/4" = 1'-0"



④ STRUCTURAL DETAIL
3/4" = 1'-0"



PROJECT TITLE
 ENJ-MINOZHIYAMIGAKI
 PLATFORM

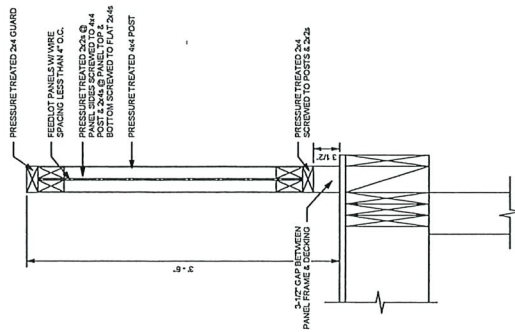
PROJECT LOCATION
 DIVISION STREET
 BAY SHORE, MICHIGAN

OWNER
 LITTLE TRAVERSE
 CONSERVANCY

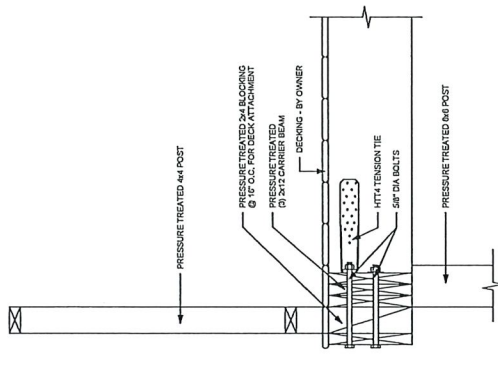
NO.	DATE	DESCRIPTION
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PROJECT NUMBER	24-4413
DATE	07-24-2024
DESIGNED BY	PEJ
DRAWN BY	PEJ
CHECKED BY	PEJ

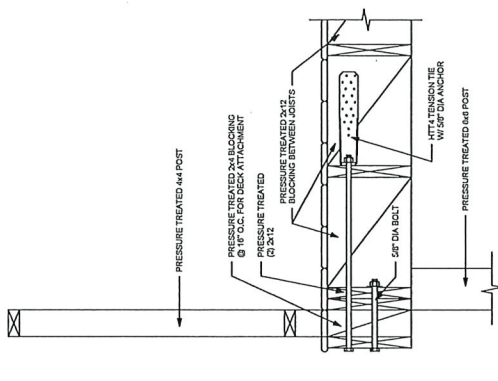
SCALE
 1 1/2" = 1'-0"



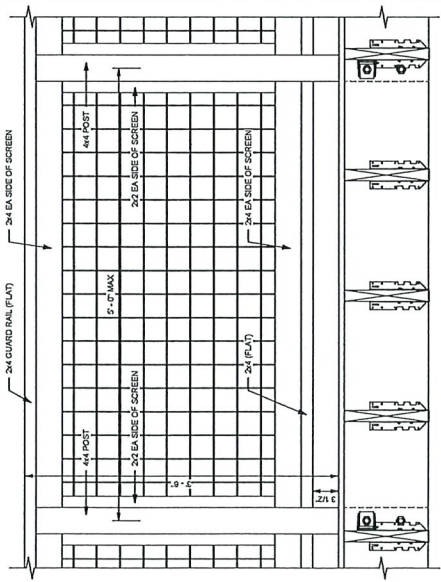
① GUARD RAIL SECTION
 1 1/2" = 1'-0"



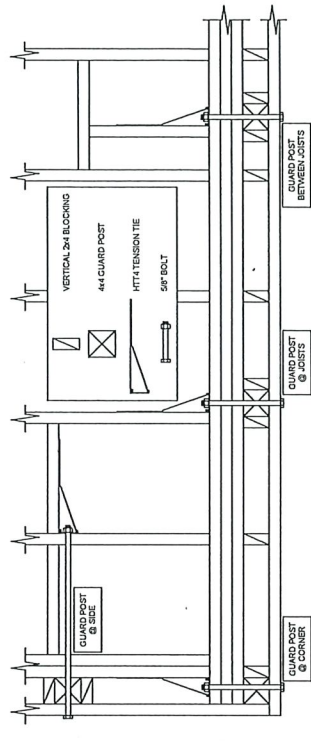
② GUARD POST CONNECTION
 1 1/2" = 1'-0"



③ GUARD POST CONNECTION
 1 1/2" = 1'-0"



④ GUARD RAIL SECTION (2)
 1 1/2" = 1'-0"



⑤ GUARD POST CONNECTION -
 PLAN VIEW
 1 1/2" = 1'-0"



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
GAYLORD DISTRICT OFFICE



PHILLIP D. ROOS
DIRECTOR

July 16, 2024

VIA EMAIL

Charles Dawley
Little Traverse Conservancy
3264 Powell Road
Harbor Springs, Michigan 49740

Dear Charles Dawley:

SUBJECT: No Permit Required
Submission Number: HQ3-Z226-Z0RGT
Site Name: 15-6413 Division Ave-Hayes Twp

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD) has completed the review of your application and plans submitted to this office for your proposed project. The review indicates that the proposed project does not require a permit under Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

This letter does not obviate the necessity of obtaining permits under the provisions of Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or permits from other governmental units.

If you have any questions, please feel free to contact me at 989-619-8519; EmingtonE@Michigan.gov; or EGLE, WRD, Gaylord District Office, 2100 West M-32, Gaylord, Michigan 49735-9282.

Sincerely,

Erin Emington

Digitally signed by: Erin Emington
DN: CN = Erin Emington email =
EmingtonE@michigan.gov C = US O = EGLE
OU = WRD
Date: 2024.07.16 13:57:30 -04'00'

Erin Emington
Gaylord District Office
Water Resources Division

cc: Alex Chumney, U.S. Army Corps of Engineers
Charlevoix County Clerk
Charlevoix CEA
Hayes Township Clerk



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

enji-minozhiiyaamigak Variance Application

2 messages

Charles Dawley <charles@landtrust.org>
To: zoning@hayestownshipmi.gov

Tue, Jul 23, 2024 at 9:12 AM

Hi Ron,

I am working on the variance application, and it is asking about the "relief from the following zoning ordinance section." Could you tell me which section number applies? I have been informed that it involves building within 100 feet of the OHWM and a structure larger than 200 square feet.

Thank you!

Charles Dawley
Little Traverse Conservancy

GIS Technician/Stewardship

direct: 231.344.1019

office: 231.347.0991

charles@landtrust.orgwww.landtrust.org

Charles Dawley <charles@landtrust.org>
To: zoning@hayestownshipmi.gov

Tue, Jul 23, 2024 at 9:43 AM

Here is a map of the plan if this helps.

[Quoted text hidden]



Enji-minozhiiyaamigak viewign platfrom.jpg
946K

- Construction and Safety Standards Act of 1974.
- C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
 - D. Mobile homes shall not be used as an accessory building.
2. Replacement of lawfully existing non-conforming mobile homes shall be allowed provided the site and age of replacement would be in greater compliance with the Zoning Ordinance, and is located in compliance with the applicable district setbacks. The replacement would not increase the non-conformity or would not be contrary to the intent of the Ordinance and shall comply with the additional standards A-D listed above in subsection 3.11.1.

Section 3.12 Recreational Vehicles

Temporary occupancy of travel trailers, motor homes and other similar vehicles shall not exceed ninety (90) days in any calendar year and shall not be connected to utility, water supply and sanitary sewer. No more than two (2) recreational vehicles shall be allowed on parcels with an existing dwelling unit. They are to be located in a side or rear yard and the placement must comply with district setbacks. In the event that two or more recreational vehicles occupy a parcel for longer than the ninety (90) day limit, they shall then be required to be stored within an enclosed structure.

Section 3.13 Animals

The keeping of poultry, pigs, horses or other such livestock is allowed in the Agricultural and Rural Residential Districts. In other districts, provided the parcels of land are five (5) acres or greater in size, the keeping of poultry, pigs, horses or other such livestock is allowed, as provided for under the Michigan Right to Farm Act.

Section 3.14 Waterfront Regulations

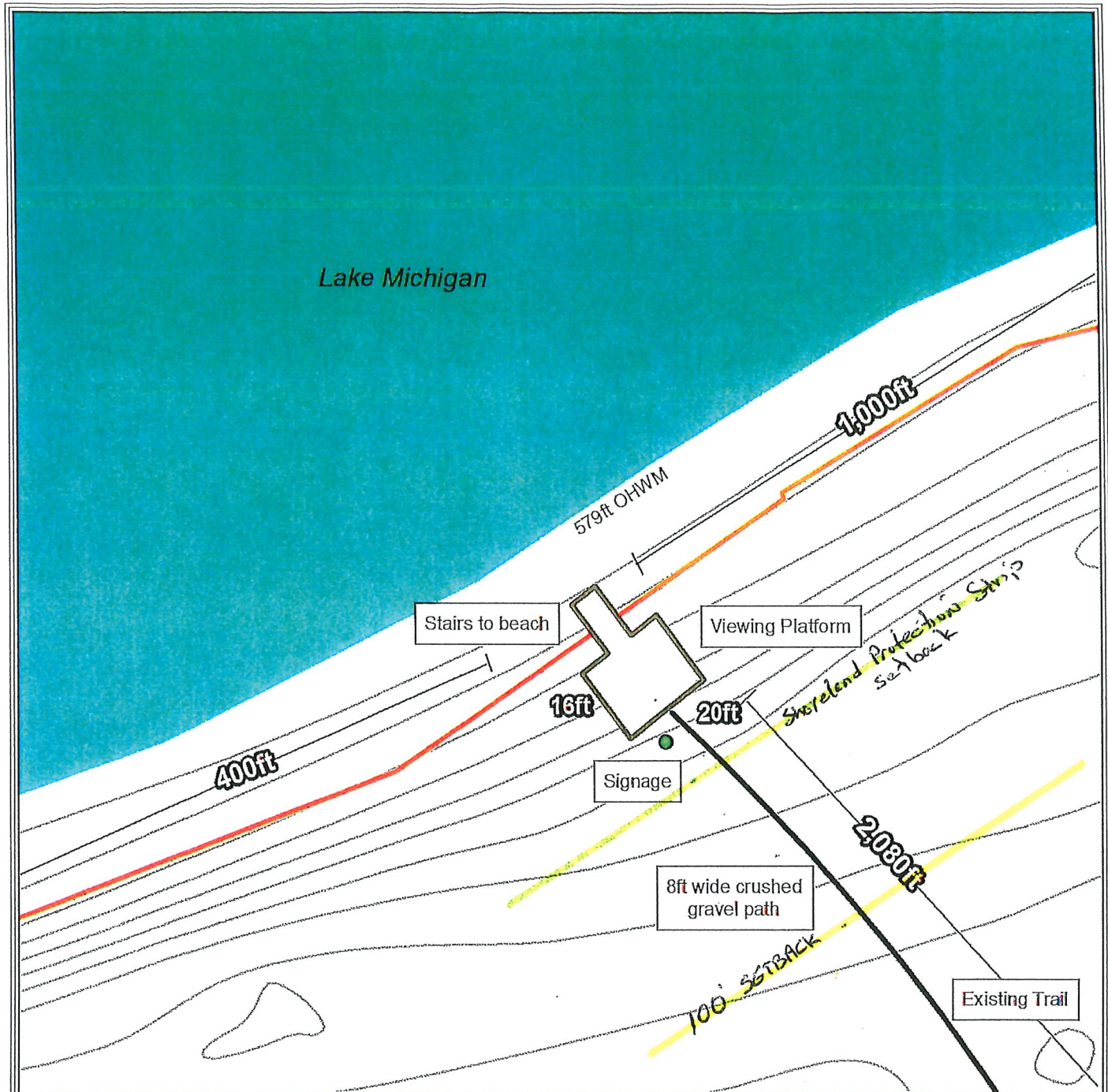
- 1. Intent
The waterways and lakes in and adjacent to the lands of Hayes Township are invaluable assets to the economy and quality of life, and therefore must be preserved in a natural fashion to maintain health of these waterways as well as the natural beauty of Northern Michigan. Thus, owners of waterfront lots have an added responsibility regarding the preservation and protection of these natural resources, water quality and community scenic and recreational values.
- 2. Setback Area Regulations
Except as provided herein, no structures (with the exception of a patio/deck, walkway, retaining wall, launching ramps and / or docking facilities including steps) shall be allowed within one hundred (100) feet of the Ordinary High Water Mark on Lake Michigan and Lake Charlevoix, and eighty (80) feet on Susan Lake, and such excepted facilities shall meet the side yard setbacks for the district in which they are located.
 - A. One at-grade patio/deck, not to exceed two hundred (200) square feet may be located within the 100-ft. setback following review and approval by the Zoning Administrator to ensure the structure will be installed in a manner which will cause the least negative environmental impact.
 - I. No portion of the patios/deck shall be located more than two feet above the natural grade.

- II. It is the desire of the Township to bring nonconforming patios/decks into conformance with provisions of this Ordinance as rapidly as is permitted by law.

3. Shoreland Protection Strip

A Shoreland Protection Strip shall be required on all waterfront lots. The shoreland protection strip shall include all of the land area located within fifty (50) feet of the Ordinary 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. Within the shoreland protection strip, the following development or use restrictions (A-L below) shall apply:

- A. **The Shoreland Protection Strip shall not be altered more than 20% under any condition, except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in 3.14.3I.**
- B. For any new construction or renovation of a structure located on a waterfront lot, the establishment, restoration and/or maintenance of a Shoreland Protection Strip shall be required. Refer to Section 3.14.8 for details on the waterfront development approval process.
- C. Shoreline retaining structures shall be permitted with appropriate agency approvals.
- D. **Walkways or stairs for water access shall be allowed, provided they:**
 - I. **Do not exceed six (6) feet in width;**
 - II. **Are constructed in such a way that stormwater is slowed;**
 - III. **Take the most environmentally sensitive route between each destination; and**
 - IV. **Are not constructed in such a way that they expand the deck beyond the two hundred (200) square foot maximum.**
- E. The use of pesticides, herbicides and fertilizers is prohibited.
- F. Leaves, grass clippings and similar yard/garden wastes may not be burned or stored. Composting of food waste is encouraged, but must be located a minimum of one hundred (100) feet from the Ordinary High Water Mark.
- G. No septic tanks or septic system filtration fields shall be located within the Shoreland Protection Strip.
- H. Natural vegetation cover, including trees, shrubs or herbaceous plants shall be maintained on at least eighty percent (80%) of the lake or stream frontage within the Shoreland Protection Strip. Please refer to the list of recommended species by Northwest Michigan Invasive Species Network. The list of recommended native species is available at the Township Hall and an electronic link is posted on the Township website. The vegetation on the remaining twenty percent (20%) may be cleared for a single view corridor; or selective trees removed to provide for a filtered view throughout the frontage, provided the cumulative total of the trees removed does not exceed the allowed twenty percent (20%) of the frontage. When trees are removed, root systems shall be left in place for shoreline stabilization. For purposes of this subsection, the natural vegetation coverage within the shoreland protection strip shall be determined by the sum of the area of the waterfront view blocked by all portions of each vegetation plant (trunk, limbs, and leaves) when viewed directly landward behind each plant.

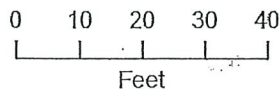


Prepared By

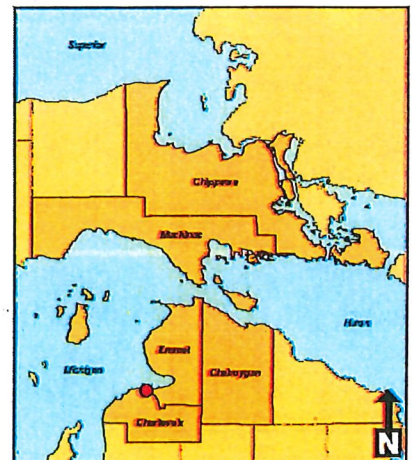


Little Traverse Conservancy
 3264 Powell Rd - Harbor Springs, MI 49770
 Telephone: 231.347.0991 - Fax: 231.347.1276
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Enji-minozhiyaamigak Viewing Platform Location Charlevoix County, Michigan



NOTE:
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clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

ZBA letter

tim boyko <tim@timboyko.com>

Fri, Sep 13, 2024 at 8:29 AM

To: clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>, April Hilton <deputyclerkhayes@gmail.com>

Please include the following in the ZBA packet for the September 18th hearing, thank you.

Dear Members,

The ZBA is being asked for a dimensional variance to allow the LTC to construct for the public their first universally accessible trail and viewing deck at the new 56 acre Lake Michigan nature preserve in Hayes Township.

In analyzing any zoning decision we should consider the impact if everyone applied it to their property. Good for one good for all. This approach is especially crucial when dealing with lakefront zoning when many parcels are involved because widespread adoption may have a disastrous effect on a sensitive public resource. This leads us to a very conservative and conservationists approach in our Zoning Ordinance.

In deciding a variance request we should consider the unique circumstances of the property, fairness to neighbors, impact on public safety and whether it follows the spirit of the Zoning Ordinance.

In this variance request we have a unique non-commercial public access parcel which are few and far between. I believe we can be more accommodating for public use versus the treatment of private parcels because of its very limited impact due to the low number of potential sites.

This variance is requesting a somewhat larger dimensions for decks and walkways and a smaller setback from the lake. A universally accessible trail with deck and ramps placed close enough to the shoreline will allow a safer and more intimate lake experience for those unable to scramble down to the beach. The preserve is 56 acres and there a no close by neighbors. The deck occupies a very small percentage of the 1320 feet of lakefront that is being preserved forever. This proposal overwhelmingly protects the lake and is in the spirit of our zoning.

In sum this request fulfills the requirements of a zoning variance:

- it is a unique property,
- it is fair to adjacent properties
- it will increase public safety and
- it is not in conflict with the spirit of our zoning ordinance.

The boat launch and pier at Camp Seagull was a similar accommodation to enhance the public's access. This is successful and I believe the deck and ramps requested for the new preserve (Enji-minozhiiyaamigak, The Place of Peacefullness) would likewise be a successful public access enhancement.

Since the 1970's when LTC was founded by a few citizens concerned with protecting what makes our area attractive. LTC has become the leading agency in Northern Michigan for preservation and a steadfast partner with our Township including the biggest investment in land to date in this 56 acre site. LTC currently provides over 1500 acres for public access in Hayes Township and many more acres protected forever by private conservation easements.

Be mindful that this preserve will serve hundreds if not thousands every year and will add a unique recreation opportunity for Hayes Township residents and visitors. I encourage you to allow the requested variance.

Respectfully,

Tim Boyko

To: Janice Vedder- Whipple, ZBA Chair and ZBA members
From: Roy Griffiths, Planning Commission Chair
Re: Little Traverse Conservancy Variance request
Date: 9/16/2024

AS you consider the requested variance for the project submitted by the Little Traverse Conservancy, I offer the following thoughts.

After reviewing the meeting packet, including a letter from a community member, the application shows that it creates the need for the Conservancy to develop a shoreline restoration plan for that area within 50 feet of the Ordinary Highwater Mark that will be disturbed by the construction activities.

I have no doubt that Conservancy will continue its strong commitment to protecting our natural resources. Our ordinance does require that the disturbed area be restored in accordance with a plan reviewed in this case by the Shoreline subcommittee, which will include input from Tip of the Mitt, and the Zoning Administrator. I recommend that this be included specifically as a condition if the ZBA decides to grant the Variance request.

As we know from our various training sessions that granting this permit affects only this property and does not create a standard by which all future projects are to be evaluated. It in my opinion does serve the greater good, not only for Hayes Township but for all who come to the area seeking to enjoy the beauty of Lake Michigan and Northern Michigan.

Thank you for your consideration of this as part of the deliberation the ZBA will undertake.

HAYES TOWNSHIP ZONING BOARD OF APPEALS MEETING			
Meeting Date:	September 18th, 2024	Location:	Hayes Township Hall

September 18th, 2024

Hayes Township Hall

[illegible]