

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION

February 18, 2025 7:00 pm

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

ZOOM

[https://us02web.zoom.us/j/83601481092?](https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09)
[pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09](https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09)

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

1. Call To Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Declaration of Conflict of Interest, if any
5. Review and Approval of Draft Minutes- January 21, 2025 and January 28, 2025
6. Public Comment
7. Report of Township Board Representative to the Planning Commission
8. Report of Zoning Board of Appeals Representative to the Planning Commission
9. Zoning Administrator Report
10. New Business

Public Hearing – Draft workable solar energy systems and workable battery energy storage system ordinances drafts

Public hearing- Rezone request, Tax ID# 15-007-111-007-30, 10436 Burnett Rd & 15-007-111-007-20, 10807 Murray Rd.

Special Use Permit request, 8222 Burgess Rd, dog boarding kennel

11. Old Business
Community host agreement, fee schedule, zoning application, escrow policy, decommissioning agreement
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next Regular PC Meeting- February 18, 2025
14. Public Comment
15. Planning Commission and Staff Comment
16. Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers an opportunity for the public to comment at its meetings. 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 question, 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. For the first Public Comment period, 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 Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker. For the second Public Comment session speakers are limited to two (2) minute each.
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.

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

Members present: Roy Griffiths (Chair), Carey Cuddeback, Matt Cunningham, Alexander Curley, and Mark Snyder.

Excused: Rex Greenslade and CT Martin

Also, present: April Hilton (Deputy Clerk/Recording Secretary)

Audience: Kyra Allen, Steve Hassell, LuAnne Kozma, Winnie Boal, Maureen Parker, CT Martin, Bill Conklin, Rex Greenslade, and Jack Turner.

REVIEW AGENDA:

Mr. Snyder made a motion, supported by Mr. Curley, to approve the agenda as presented.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, and Mark Snyder.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

APPROVAL OF MINUTES JANUARY 7TH, 2025 REGULAR MEETING

Mr. Cunningham made a motion, supported by Ms. Cuddeback to approve the January 7th, 2025, regular meeting minutes as corrected.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, and Mark Snyder.

Nays: none **Motion Carries**

PUBLIC COMMENTS: Public comments opened at 7:07pm.

- Stated the draft ordinance submitted to the consultant was useless and irresponsible. Feels the Beckett and Raeder ordinance contract is not valid. Requested to know if the new supervisor has seen the new drafted ordinance. Stated they received the draft ordinance today and after glancing at it found it to have many errors and find the draft to be crap.

Mr. Griffiths clarified the Draft was submitted last year under the existing contract with Beckett and Raeder. The Planning Commission did not submit the draft, they sent their recommendations to the Township Staff to send to Beckett and Raeder.

Public comments closed at 7:10pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave an oral report of Board of Trustees activities. Next regular scheduled Board meeting is February 10th 2025.

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REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE TO THE PLANNING COMMISSION:

N/A

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented a written report. Report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

SHORELAND LANDSCAPING REVIEW – 6670 PEACEFUL VALLEY LANE:

The property at 6670 Peaceful Valley Rd. is an existing home site with a landscaped yard to the water which includes lawn to the water's edge and a driveway that comes close to the water.

The existing structure is some 60 feet from the OHWM. The project involves demolition of the existing legal non-conforming structure and building of a new house that meets the setback Requirements. It also involves removing the existing driveway and sidewalk.

The applicant's landscape contractor met with the us for a SPS plan review and site visit. The structures to be removed were identified and the existing trees and small bushes were also identified. Their plan identifies the existing plantings and those to be removed. and it has been shared with the Tip of the Mitt. The area was examined, pictures taken which were also were sent to Tip of the Mitt for review and areas for replanting were confirmed.

The existing yard is a manicured lawn that runs to a rip rap seawall that is constructed at the OHWM. The area beyond the seawall is mostly rock and reflects the shoreline of the surrounding properties. There is an existing less than 200 square foot patio area comprised of Soil with a rock border and fire pit and flagpole. This is surrounded by a large expanse of grass. There are pine, cedar, hemlock and maple trees with some minimal underbrush running across the yard in the SPS area as indicated on the tree location diagram.

The original proposed plan of work entails removing the existing house, removing the grass that goes to the water and the creation of a 50' SPS, utilizing the existing trees and shrubs and planted with eco seed mix. The seed mix has been formulated to create a ground cover with dense fibrous roots and is highly drought tolerant. After review of the plantings the plan was sent back for further development including recommendations from Tip of the Mitt. The latest version has included additional bushes, ferns, junipers and sedges which bring the plan to an acceptable level of shoreland protection. The following recommendations on plants from T.O.M. should be incorporated.

From Noah Jansen,

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73
74 1. I'm not sure how ivory sedge will do in full sun, as it is usually more of a shade to
75 part-sun species. You can try it out, or you could consider something like June
76 grass (*Koeleria macrantha*), prairie drop seed (*Sporobolus heterolepis*), or a mix
77 of the two.

78 2. Swap out the Leather leaf wood fern (I am assuming this is *Rumohra*
79 *adiantiformis*, which is not native in Michigan and may not be hardy here either)
80 for something native. Alternatives include lady fern (*Athyrium filix-femina*),
81 marginal wood-fern (*Dryopteris marginalis*), evergreen wood fern (*Dryopteris*
82 *inter media*), or New York fern (*Thelypteris noveboracensis*). Ivory sedge will grow
83 well under the cedar clumps, too, but maybe not the pines or other conifers.”
84

85 The owner and the contractor have developed a plan which established and restores the SPS in
86 terms of area and density and have made a significant effort to comply with the intent of the
87 ordinance, and the shoreland protection subcommittee commends the applicant and his
88 contractor for their participation in the process.
89

90 Planning Commission received a letter from the landscape architect (Maureen Parker) stating
91 they found a conflict within the Hayes Township Ordinance.
92

93 Maureen Wrote:

94 “There seems to be several conflicts in the Hayes Township ordinance in
95 regards to the Shoreline Protection Strip. For the 66760 Peaceful Valley
96 Rd. shoreline review, Josh is telling us to disturb an already established
97 vegetated area that has been in existence for over 75 years. Your
98 ordinance says it is a violation to do such. Subjectively you are telling us
99 that the vegetation is non-native and to rip it out to replant the entire
100 SPS. This not only will open up the ground to erosion, which is contrary
101 to the intent of the ordinance, but will also be a significant financial
102 burden to the property owner. The 50’ area from OHWM has be
103 historically planted with mainly with low grasses that has been mowed
104 occasionally. This area has no irrigation and isn’t fertilized. Our plan is
105 to leave that established vegetation undisturbed. The only area we will
106 be re planting is where we will be removing asphalt from an old
107 driveway in the SPS. We were going to re-vegetate the area where the
108 removed asphalt is with eco-mix (fescue mix) which are native.”

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109

110 - Maureen Parker stated the owners of the parcel would like to leave the current Vegetation as
111 is and remove the existing Asphalt drive within the 50 foot Shoreline Strip and re-vegetate it
112 with an eco-mix. Anything that gets disturbed within the 50 foot strip would be re-vegetated
113 with the eco-mix. The existing vegetation has been there for over 75 years and feels ripping up
114 the existing vegetation will expose and disturb the soils in order to get the new vegetation
115 planted. Also will need to fertilize in order for the new vegetation to grow. Stated they have a
116 plan where all run off will be contained properly. The Owners of the Parcel would like to
117 request the Planning Commission to consider the original Site Plan showing the removal of the
118 existing asphalt drive and to keep the existing vegetation within the 50 foot Shoreline
119 protection strip.

120

121 - Mr. Snyder stated the Planning Commission only has the updated site plan in front of them
122 and cannot approve something they cannot see.

123

124 - Mr Griffiths stated the original plan has been modified to the plan presented at tonight's
125 meeting. He understands some of Maureen's frustration as the Ordinance has been in the
126 works for sometime now, and the current Ordinance has been stated by some as the perfect
127 ordinance. However, it is full of contradictions and the Planning Commission has been working
128 on correcting some of the confusing aspects of the Ordinance. It is the Planning Commissions
129 intent to protect the lakes and the Shoreline through the Shoreline Protection Strip. The plants
130 that are acceptable for the Shoreline Protection Strip are listed in the ordinance and the
131 Planning Commission does not have the ability to grant any exception to the criteria of the
132 Ordinance.

133

134 -Mr. Griffiths addressed the request to review the original site plan; the differences between the
135 original Site Plan and the updated Site Plan are significant and the original does not meet the
136 criteria of the ordinance.

137

138 - Applicant approved the Planning Commission proceed with the most recent site plan they
139 have in front of them at this meeting.

140

141 Ms. Cuddeback made a motion, supported by Mr. Cunningham to approve the shoreline
142 restoration plan for 6670 Peaceful Valley Lane as submitted.

143 Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder, Rex Greenslade and Marilyn

144 Morehead. Nays: none **Motion Carries**

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SET/CONFIRM PUBLIC HEARING DATES:

Set a public hearing for February 18th, 2025 to review a Rezone request on Burnett Road and a Special Use Permit for a Kennel and Dog Day Care center.

SET/CONFIRM DATE OF NEXT PC MEETING –FEBRUARY 18th, 2025.

Next Planning Commission regular meeting will take place on February 18th, 2025, at 7:00 pm. Special Meeting is scheduled for January 28th 2025 at 7:00pm.

PUBLIC COMMENT:

Public Comment Opened at 7:47pm

- On January 9th 2025 they submitted a letter to the Planning Commission regarding working on the new ordinance draft. Correspondence attached.
- Stated they are a resident on lake Charlevoix with a very natural protection strip. Property owners should know about rules. They have asked for interpretation on the Hayes Township Ordinance before. The point of the Ordinance is to bring parcels into compliance. The Michigan Planning and Enabling act has been updated by the state.
- Mr. Griffiths clarified when a challenge is made against the Ordinance it is made specific to a specific property and only that piece of property; it does not set a precedent across the Township.

Public Comment Closed at 7:52pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. VanZee stated this application brought up some good questions for the Planning Commission to consider and discuss while working on the Draft Zoning Ordinance. Also, suggested the Planning Commission consider performance or insecurity bonds for projects like this to guaranty the work will be done.

Mr. Greenslade stated he does not feel there is any lack of clarity in the Hayes Township ordinance regarding the parcel in discussion tonight. Glad to be back participating in the Planning Commission discussions, he has been undergoing some surgery and recovery the last couple months.

Mr. Martin stated the Shoreline Protection Strip section of the Ordinance as written maybe needs some revision, however finds it difficult in some of the cases that have been presented.

Mr. Griffiths stated ordinance is clearly written and the Township does its best to accommodate the contractors project time line as much as possible.

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181

182 **ADJOURNMENT:** Mr. Snyder made a motion, supported by Mr. Curley, to adjourn the meeting
183 at 7:57pm.

184 Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, and Mark Snyder.

185 Nays: none **Motion Carries**

186

Respectfully Submitted by:

187

April Hilton

188

Deputy Clerk/Recording Secretary

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

Members present: Roy Griffiths (Chair), Carey Cuddeback, Matt Cunningham, Alexander Curley, CT Martin, and Mark Snyder.

Excused: Rex Greenslade

Also, present: April Hilton (Deputy Clerk/Recording Secretary) and Todd Millar (Township Attorney).

Audience: Doug Kuebler, Maureen Parker, Kevin Willis, Andrew Wilson, LuAnne Kozma, William Conklin, Ellis Boal, Betty Henne, Tiffany George, Joellen Rudolph, Tim Boyko, and Sherry Baker-McCary.

REVIEW AGENDA:

Mr. Snyder made a motion, supported by Mr. Curley, to approve the agenda as presented.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

PUBLIC COMMENTS: Public comments opened at 7:01pm.

None

Public comments closed at 7:01pm

NEW BUSINESS

LEGAL REVIEW FEEDBACK WORKABLE RENEWABLE ENERGY ORDINANCES DRAFTS:

Todd Millar submitted suggestions on the Solar Energy System and Battery Energy Storage System Ordinance samples for the Planning Commission to review and discuss. Todd was present for legal counsel questions and recommendations.

Planning Commission discussed Todd Millars suggestions for the sample Solar Energy System Ordinance.

Discussion included:

- Mr. Griffiths asked Todd if the language from the state standards that states you can have numerous non-continuous parcels, however they must have a single connection to the grid.

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37 Does that mean they will need to develop a local area network in order to connect the different
38 parcels to the grid?

39 - Mr. Millar stated that is how he understands it as long as the development is by the same
40 entity.

41 - Mr. Millar responded to the question brought up on page 5, of what would happen if a land
42 owner were to build within the 300-foot setback after an energy farm was developed. Mr.
43 Millar stated the law sees it as the landowners discretion and does not create for a problem
44 within this ordinance. The ordinance is written with language for setbacks from existing non-
45 participating structures.

46 Planning Commission discussed Todd Millars suggestions for the sample Battery Energy Storage
47 System Ordinance.

48 - Mr. Millar stated the Planning Commission needs to be specific with this ordinance, in terms
49 of making the ordinance easy for people to understand what regulations their development will
50 falls under. Creating language within the workable ordinance that directs applicants to federal
51 guideline they must comply with will help make it specific. If a new federal and/or state
52 guideline is created in the future an amendment to the ordinance may be necessary in order to
53 enforce the specific compliance.

54 - Mr. Griffiths stated after speaking with the state fire marshall, they recommend using language
55 from NFPA Code 1 and NFPA 855 within the ordinance, however the state updates these every
56 3 to 5 years. Therefore within the Ordinance it will state "to comply with the most recent NFPA
57 code".

58 - Mr. Griffiths stated the last two pages include sections that should be addressed by the Board
59 of Trustees. The Host Community Agreement and the Fee Schedule would have to be
60 established by the Board of Trustees in order for the ordinance to be complete.

61 - Mr. Millar stated the Planning Commission may make a recommendation to the board.

62 - Mr. Griffiths asked the Supervisor, Mr. Conklin, if he would like the Planning Commission to
63 submit recommendations to the Board of Trustees for the Host Community Agreement and the
64 Fee Schedule sections of the Ordinance draft.

65 Mr. Conklin stated The Planning Commission is the most familiar with the CREO and it would
66 make sense for the Board to follow the Planning Commission's recommendations.

67 Discussion included:

68 - Page #3, Creating Language referencing the current version of NFPA Code 1 and NFPA 855 and
69 any future amendments.

70 - Page#3, Will reference 3.20 for Lighting.

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- 71 - Mr. Griffiths requested between the Solar Energy System and Battery Energy Storage System
72 which is the Accessory Use and which is the Primary Use? Also can there be an Accessory Use
73 on a property without a Primary Use?
74 - Todd Millar clarified an outside battery storage system that is intended to service the needs of
75 the consumer on site is considered an accessory use, which is why it is included in the
76 residential use section as an accessory use.
77 - Mr. Griffiths suggested to make the home size project for the battery storage system singular
78 to be different from the larger scale commercial developments.
79 - Mr. Millar agreed to change the language for this section to singular.
80 - Mr. Griffiths stated the building codes from the NFPA regarding fencing is implemented into
81 the ordinance specifically.
82 - Will reference 3.20 for Dark -Sky lighting.
83 - Mr. Griffiths stated depending on the size of the property the development may require more
84 than the 120sq ft cumulative limit for safety. The Planning Commission will need to be able to
85 amend this limit during the Special Use Permit hearing to be based on the NFPA requirements.
86 Mr. Millar stated the Planning Commission can make reasonable accommodations and
87 reasonable requirements through the Special Use Hearing process.
88 - Will include language for decibel modeling under item 16: Sound, The Planning Commission
89 may require the applicant to provide a sound study as part of the Special Land Use Review
90 process.
91 - Mr. Griffiths recommended to Supervisor, William Conklin the board discuss setting up a
92 system within the application for bonding to cover the decommissioning cost of each project.

94 The Planning Commission came to a consensus to send the Solar Energy Systems and Battery
95 Energy Storage System sample Ordinances with the amended language to the Charlevoix
96 County Planning Commission for review.

97
98 **SITE PLAN REVIEW- 6670 PEACEFUL VALLEY LANE:**

99 Mr. Snyder made a motion, supported by Mr. Cunningham to remove the following items from
100 the Shoreline Landscape plan review.

101 5.03.3 items G, H, K, M, N, O, P, I

102 5.03.4 items B, D, E, F

103 5.03.5 items A (4, 5, 6, 7, 8, 9, 10, 11) B

104 Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder, Alexander Curly and Matt
105 Cunningham.

106 Nays: none **Motion Carries**

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107

108 Ms. Cuddeback made a motion, supported by Mr. Curly to approve the site plan review for
109 6670 Peaceful Valley Lane as submitted.

110 Yeas: Roy Griffitts, CT Martin, Carey Cuddeback, Mark Snyder, Alexander Curly and Matt
111 Cunningham.

112 Nays: none **Motion Carries**

113

114 **SET/CONFIRM PUBLIC HEARING DATES:**

115 Set a public hearing for February 18th, 2025 to review a Rezone request on Burnett Road and a
116 Special Use Permit for a Kennel and Dog Day Care center.

117

118 **SET/CONFIRM DATE OF NEXT PC MEETING – FEBRUARY 18th, 2025.**

119 Next Planning Commission regular meeting will take place on February 18th, 2025, at 7:00 pm.

120

121

122 **PUBLIC COMMENT:**

123 Public Comment Opened at 8:04pm

124 - Thanked the Planning Commission for all their hard work.

125 Public Comment Closed at 8:05pm

126 **PLANNING COMMISSION and STAFF COMMENT:**

127

128 **ADJOURNMENT:** Mr. Snyder made a motion, supported by Mr. Martin, to adjourn the meeting
129 at 8:07pm.

130 Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffitts, CT Martin and Mark
131 Snyder.

132 Nays: none **Motion Carries**

133

134

135

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary



Zoning Administrator Report

February 2025

Zoning Administrator work in progress report for the month of January includes the following:

- Conducted several Inspections for Compliance.
- Zoning permit application for a new detached garage on Burns Road. Shoreline Review Committee conducted inspection. Waiting for Shoreline Landscaping Site Plan from Applicant.
- Variance application to reduce the 50' Shoreland setback from creek for a new single family dwelling at 6995 Birdland Drive. ZBA set public hearing date at for March 26th 2025 at 7pm.
- Variance application to reduce the 100' Shoreland setback for reconstruction of an existing non-conforming dwelling unit at 07115 Birdland Drive. ZBA set public hearing date at for March 26th 2025 at 7pm.
- Special use permit application for an Assisted Living and Memory care Facility on US 31 North. Planning Commission will set a Public Hearing date at their February 18th, 2025 meeting.
- Two special use permit amendment applications for the special use permit approved to Mark McCol & Dewitt Marine at May 6th 2024 Planning Commission Meeting. The Planning Commission will set a Public Hearing date at their February 18th, 2025 meeting.
- Zoning permit application for a Demo and rebuild of existing home on Quarterline road. Shoreline Review Committee conducted inspection and advised applicant to work with Tip of the Mitt to create shoreland restoration plan.
- Special use permit application for a Kennel and Dog Day Care Facility on Burgess Road. Planning Commission set Public Hearing date for their February 18th, 2025 meeting.
- Application for rezone from A1 to RR on Burnett Road PC set public hearing date for their February 18th, 2025 meeting.



- Received and reviewing zoning permit application for a 72"x60" Free Standing Sign on US 31. Consulting Legal Counsel for advise on enforcement within the road right away.
- Continuing to discuss a non-compliance nuisance complaint with landowner on Hyek Road.
- Received and reviewing zoning permit application for a 28x32 addition to garage at 6885 Birdland Drive.
- Received and reviewing zoning permit application for a 30x60 Accessory Building at 11724 North Star C Drive.
- Received and reviewing zoning permit application for a 30x60 Accessory Building at 11730 North Star C Drive.
- Received and reviewing parcel division application located at 9581 Burnett Road.
- Zoning Board of Appeals at the September 18th 2024 Public Hearing approved Zoning Variance Application from Little Traverse Conservancy for a parcel on Division Ave. Received Zoning Application for Shoreline Review waiting for survey and additional information from applicant.
- Progress received from Landowner on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint.
- Applicant withdrew Zoning permit application for a 12'x24' Storage Barn Structure on Burnett Road.
- Received Zoning permit application for a 20'X20' detached Garage on Nine Mile Point. Waiting for survey from applicant.
- Received a Site Plan Approved by Tip of the Mitt and pictures of new plantings to resolve a Zoning Ordinance Violation on Boyne City Road. Progress will continue once weather permits.
- First Notice Letter was sent to landowner on Shrigley Road for permitted use within the Small Lot Residential District compliant.
- First Notice letter was sent to land owner on Michigan Heights Drive for a non-compliance Lighting Compliant. Received pictures and email providing the violation was corrected. Second Notice Letter was sent to landowner and Michigan Heights Management after multiple nuisance complaints were received.



- Second Notice Letter was sent to landowner on Maple Grove Road for a Nuisance Ordinance compliant, Charlevoix County Fire Department Chief is monitoring parcel for fire hazards.
- Resolved Nuisance Ordinance compliant with landowner on Maple Grove Road.

15-01-01					
15-01-01	01-22-25	001-014-40	6670 Peachd Valley Rd	Steve & Melissa Devitt	New 24x60 Single Family Dwelling with one attached Garage, on porch and Lake Shore Renovation as approved by Shoreland Review Committee and Planning Commission



9195 Major Douglas Sloan Road, Charlevoix, MI 49720
(231)547-6961/Fax: (231)237-0046

SPECIAL USE PERMIT APPLICATION

- Contact Zoning Administrator Ron Van Zee with any questions: 231.547.6961,(cell) 231.497.4701 or zoning@hayestownshipmi.gov
- Answer all questions and include all attachments.
- Attach a check payable to "Hayes Township" for \$300.00
- Return completed application to: Hayes Township Zoning Administrator
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720

The applicant shall attach the following information with this Special Use Permit Application:

- ✓ Legal description and survey of the property
- ✓ Detailed property boundary map showing existing and planned uses and structures. Indicate any wetlands, lakes or streams on this property or adjacent property
- ✓ Eight copies of the proposed site plan (as per Hayes Township Zoning Ordinance Article VI)
- ✓ Completed Site Plan Review Checklist form, and a completed Environmental Impact Statement

GENERAL INFORMATION

PARCEL IDENTIFICATION NUMBER: 15-007- 122009-00

ZONING DISTRICT: Agricultural

PARCEL SIZE: 75 acres

PARCEL ADDRESS: 8222 Burgess Rd Charlevoix

APPLICANT'S NAME: Laura Nachazel

APPLICANT'S ADDRESS: 8222 Burgess Rd
Charlevoix, MI 49720

PHONE NO: (231) 675-1024 EMAIL: Lanachazel@gmail.com

LANDOWNER'S NAME: Laura Nachazel

LANDOWNER'S ADDRESS: _____

PHONE NO: () _____ EMAIL: _____

LANDOWNER'S AUTHORIZATION TO PROCEED (IF NOT APPLICANT): _____

Hayes Township

Charlevoix County

Notice of Public Hearing

The Hayes Township Planning Commission will hold a Public Hearing on Tuesday, February 18, 2025 at 7:00p.m. at the Hayes Township Hall to accept comments from the public regarding a request for a Special Use Permit for a Dog Boarding Kennel and Dog Day Care. Comments may be submitted in writing or verbally at the meeting or submitted prior to the meeting by mail to Hayes Township Planning Commission, 09195 Major Douglas Sloan Road, Charlevoix, Michigan, 49720, or by email to Zoning@hayestownshipmi.gov no later than 4:00 pm on Tuesday, February 18, 2025.

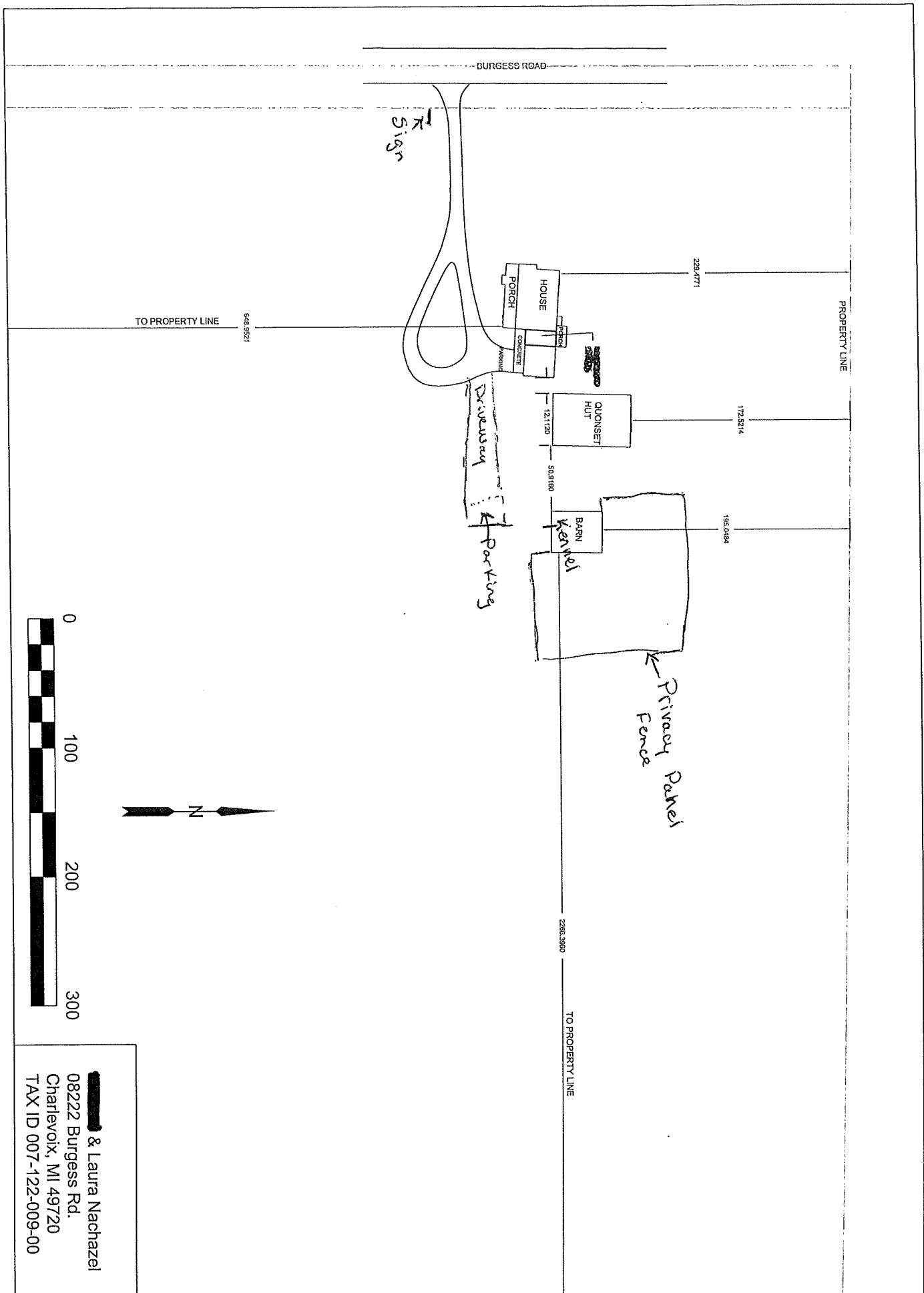
Tax Identification Number 007-122-009-00

Address: 8222 Burgess Road, Charlevoix MI 49720

Zoning District: Agricultural

Applicant: Laura Nachazel

The Hayes Township Zoning Ordinance under Section 4.03 Agricultural district Uses Subject to Special Use Permit allows for Kennels, Veterinary clinics and animal hospitals. Article VII: Supplemental Site Development Standards of the Hayes Township Ordinance outlines the specific regulations for Kennels or Veterinary Clinic/Hospitals within Hayes Township.



_____ & Laura Nachazel
08222 Burgess Rd.
Charlevoix, MI 49720
TAX ID 007-122-009-00

Laura Nachazel

8222 Burgess Rd

Charlevoix, MI 49720

Legal Description:

S ½ OF SW ¼ SEC 22 T34N R7W EX: BEG AT SW COR SEC 22 TH N AL W LI SD
SEC 400 FT TH E 610.3 FT TH S 400 FT TO S LI SD SEC TH W AL S LI 610.3 FT TO
POB PART OF SW ¼ OF SW ¼ SEC 22-34-7

Laura Naehazel

8222 Burgess Rd

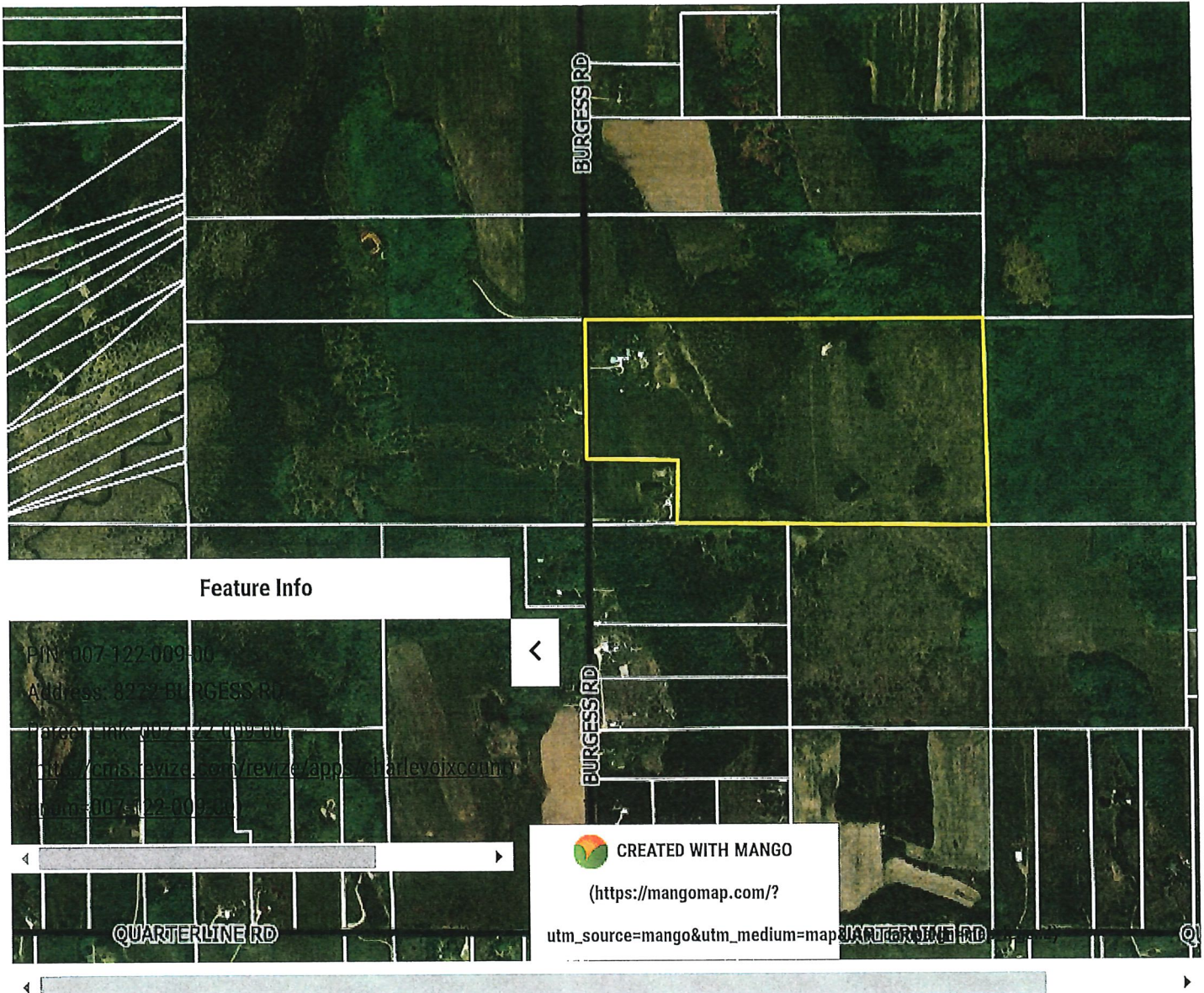
Charlevoix, MI 49720

231-675-1024

I respectfully submit this application for a Special Use Permit to establish a dog boarding kennel at 8222 Burgess Rd Charlevoix, MI 49720. The kennel building is an existing 30' by 40' pole barn that will have eleven (11) kennels with outdoor runs. The "play area/run" will have double fencing as required by Animal Control. The perimeter fencing is a 6 foot high wooden privacy panel that will buffer noise while keeping the dogs safe from strays and other animals, such as skunks, porcupines, and opossums. The proposed kennel is designed to provide a safe, clean, and professional environment for pets, offering high-quality care and positive experience for both the animals and their owners. The kennel will be managed in compliance with all relevant local ordinances, zoning laws, and health and safety regulations to ensure a minimal impact on the surrounding neighborhood. The parking area will be near the building and away from the road.

I have carefully considered the impact of the proposed dog boarding kennel on the surrounding community. The kennel will be situated in an agricultural area with no immediate neighbors, thereby minimizing potential disruption to residential areas. I will implement operational measures that prioritize noise control, including regulated outdoor playtimes, and scheduling boarding services to avoid peak noise hours. Drop off and pick-up times will be limited to 8 am to 10 am and 4 pm to 6 pm to minimize traffic and stress on the dogs. Furthermore, I will ensure that all waste management practices are environmentally friendly, with regular sanitation and disposal systems in place to prevent odor and debris from affecting the neighborhood. The Animal Control officer agreed that since I have a large parcel of land that I will be able to dispose of any waste far away from any neighbor. Plus, the kennel will be regularly cleaned with a veterinarian approved disinfectant and odor control solution.

I believe that the kennel will be a valuable addition by providing a trusted pet care option to the area. Many, including Animal Control, have stressed the need for a dog boarding kennel in our area.



Viewing Parcel Number: 007-122-009-00

Parcel Details

Assessing City/Township:	Hayes Township
Property Address:	8222 BURGESS RD CHARLEVOIX, MI 49720
Owner Information:	NACHAZEL LAURA A & MICHAEL 08222 BURGESS RD CHARLEVOIX, MI 49720
Property Class:	401 - Residential - Improved
Taxable Status:	TAXABLE
School District:	15050 - Charlevoix
P.R.E. Percentage:	100%
P.R.E. Filing Date:	1/31/2017
Current SEV:	\$308,800
Current Taxable Value:	\$167,025
Prior Year SEV:	\$288,000
Prior Year Taxable Value:	\$159,072

Sales Information

Date	Document Type	Liber/Page	Sales Price
12/21/2016	QC	1149/222	Confidential

Tax Description

S 1/2 OF SW 1/4 SEC 22 T34N R7W EX: BEG AT SW COR SEC 22 TH N AL W LI SD SEC 400 FT TH E 610.3 FT TH S 400 FT TO S LI SD SEC TH W AL S LI 610.3 FT TO POB PART OF SW 1/4 OF SW 1/4 SEC 22-34-7.

Article VI: Special Use Permit and Planned Unit Development

SECTION 6.01 PURPOSE

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics), which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

SECTION 6.02 USES SUBJECT TO SPECIAL USE PERMIT

Uses requiring special use permit shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the Zoning District where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

1. Application

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:

- A. Site plan prepared under the requirements of **Article V – Site Plan Review**.
- B. Name and address of applicant and owner of the premises.
- C. Anticipated description of proposed use, including parking facilities, if required, and any exceptional traffic situations.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. The application shall be accompanied by the fee established by the Township Board of Trustees.
- F. A detailed written statement, with supporting evidence, demonstrating how the proposed special land use will comply with the applicable general provisions, supplemental site development standards, and the standards for special use permit of this Ordinance.

2. Zoning Administrator's Review

- A. The Zoning Administrator shall review the application and information submitted under **Section 6.02.1** above to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the special use permit cannot proceed until all required information has been supplied.

- B. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Article.

3. Notice Requirements for Planning Commission Public Hearings

The notices for all public hearings before the Planning Commission concerning requests for special use permits and planned unit developments shall comply with all of the following:

- A. The content of the notice shall include all of the following information:
- 1) A description of the nature of the proposed special use or planned unit development request.
 - 2) A description of the property on which the proposed special use or planned unit development will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
 - 3) The time, date, and place the proposed special use or planned unit development request will be considered.
 - 4) The address where written comments will be received concerning the proposed special use or planned unit development request and the deadline by which such comments must be received.
- B. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
- C. The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed special use or planned unit development will be located not less than 15 days before the scheduled public hearing.
- D. The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed special use or planned unit development will be located and to the occupants of all structures within 300 feet of the property on which the proposed special use or planned unit development will be located not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- E. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

4. Standards for granting Special Use Permit

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:

- A. Allowed Special Land Use
The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.
- B. Compatibility with Adjacent Land Uses
- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
 - 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.
 - 3) If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.
- C. Public Services
- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
 - 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
- D. Economic Well-Being of the Community
The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.
- E. Compatibility with Natural Environment
The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.
- F. Compliance with Specific Standards
The proposed special land use complies with all applicable specific standards required under this Ordinance.
- G. Conditional Approvals
The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to **Section 9.03** of this Ordinance.
- H. Performance Guarantee Required
The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to **Section 9.06** of this Ordinance.

I. Amendment of Approved Special Use Permits

Amendment of an approved special use permit shall be permitted only under the following circumstances:

- 1) The owner of property for which a special use permit has been approved shall notify the Zoning Administrator of any desired change to the approved special use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a) Reduction of the size of any building and/or sign.
 - b) Movement of building and/or signs by no more than ten (10) feet.
 - c) Landscaping approved in the special use that is replaced by similar landscaping to an equal or greater extent.
 - d) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e) Internal re-arrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
 - f) Changes related to item a. through e. above, required or requested by Hayes Township, Charlevoix County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
 - g) All amendments to a special land use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- 2) An amendment to an approved special use permit that cannot be processed by the Zoning Administrator under subsection I.1 above shall be processed in the same manner as the original special land use application.

J. Expiration of Special Use Permit

- 1) An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the special use permit approval have not changed since the approval.
- 2) If the special use permit expires pursuant to subsection J.1 above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for a new special use permit.

- A. Docks and launch ramp
- B. Recreation Camps
- C. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
- D. Accessory buildings and uses customarily incidental to the above special uses

4. Dimensional Regulations

Structures and uses in the Conservation Reserve District are subject to the area, height, bulk and placement requirements in **Section 4.13 Schedule of Regulations**.

Section 4.03 Agricultural District (A)

The following provisions shall apply to the Agricultural District (A).

1. Intent

The Agricultural District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The primary intent of the District is to hold the rural Township areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands. Residential uses are considered secondary in this district.

2. Permitted Uses

- A. Single family dwellings.
- B. Agriculture, including both general and specialized farming, tree farms and forestry.
- C. Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and adequate off-street parking are available.
- D. Agricultural warehouses and non-animal agricultural processing plants.
- E. Plant nurseries and greenhouses.
- F. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of **Section 3.22 Antenna Co-location on an Existing Tower or Structure**.
- G. Home occupations conducted completely inside the residence, subject to the provisions of **Section 3.15 Home Businesses**.
- H. Accessory buildings and uses customarily incidental to the above permitted uses.

3. Uses Subject to Special Use Permit

- A. Bed and breakfast facilities.
- B. Clustered residential development (Open Space Preservation Option), subject to the provisions of **Section 7.01 Supplemental Site Development Standards**
- C. Public buildings and facilities.
- D. Places of worship and related religious buildings.
- E. Cemeteries.
- F. Golf courses and country clubs.
- G. Public and private campgrounds.

- H. Private airports and landing strips.
 - I. Fire control structures.
 - J. Kennels, veterinary clinics and animal hospitals.
 - K. Non-domestic furbearing animals when confined in cages not less than two hundred (200) feet from any property line.
 - L. Planned Unit Developments *5 acres*
 - M. Additional farm employee dwellings, provided the property is at least 20 acres in size. The additional dwellings must be sited such that the property could be split in the future with all setbacks met for all parcels created.
 - N. Migratory labor dwellings, provided the property is at least 20 acres in size and subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
 - O. Forest product processing and sales.
 - P. Sand and gravel excavation, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
 - Q. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
 - R. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section 3.15 Home Businesses**.
 - S. Accessory buildings and uses customarily incidental to the above special approval uses.
4. Dimensional Regulations
- Structures and uses in the Agricultural District are subject to the area, height, bulk and placement requirements in **Section 4.13 Schedule of Regulations**

Section 4.04 Rural Residential District (RR)

The following provisions shall apply to the Rural Residential District (RR).

1. Intent

It is the intent of the Rural Residential District to provide for a variety of comparatively low density residential lifestyles in a manner which preserves open spaces and natural resources of the Township and the Township's rural character. The expanses of open spaces and natural resources, including woodlands, wetlands, hillsides, fields, and farmland comprise the fundamental rural character of the Township which residents wish to protect for future generations. This District includes limited existing farms and it is not the intent of this District to encourage the conversion of these agricultural lands to more intensive land uses, but to provide opportunities for residential development in a manner more compatible with the continuation of agricultural activities than traditionally provided for. However, neither is it the intent of this District to encourage the establishment of more intensive agricultural uses, such as confined livestock operations, which are incompatible with residential use of adjoining lands. Permitted land uses within this District are established based upon, in part, the limited public services available and accompanying natural constraints. The Rural Residential District is intended to implement, in part, the Rural Residential portion of the Future Land Use Plan in the Hayes Township Master Plan.

2. Permitted Uses

- A. Single family dwellings

- C. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line, except for adjoining residential property line which shall require a fifty (50) foot setback, and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- D. When adjoining residential property, screening at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- E. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by natural screening at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- F. All exterior lighting shall comply with **Section 3.20 Outdoor Lighting** of this Ordinance.
- G. On a corner lot, both road frontage sides shall conform to all applicable front yard regulations of this ordinance.
- H. Parking and stacking spaces shall be provided in the rear of the property subject to the **Section 3.23 Parking and Loading Standards**.

6. **Junk and Salvage Material Storage:**

Junk storage and salvage materials shall be located within a completely enclosed building. Any open storage yards or areas shall be entirely enclosed by an obscuring eight (8) foot wall or fence and a vegetative screening, and no salvage yard facilities shall be nearer to the exterior boundary of the Industrial (I-1) District than one-hundred (100) feet.

7. **Kennels or Veterinary Clinic/Hospital:**

- A. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, which ever is greater.
- C. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence and a vegetated evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

- E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed main building.

8. **Manufactured Home Developments:**

Manufactured home developments shall be subject to the following conditions:

- A. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require all mobile homes in mobile home parks to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require the underside or chassis of all mobile homes in mobile home parks to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

9. **Mobile Homes and Trailers, Other Uses:**

Mobile homes, travel trailers and motor homes may be used as follows:

- A. Mobile homes may be used as temporary dwellings until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued, subject to the conditions of this Ordinance. The temporary dwelling shall be included on the Building Permit, and maintained as long as diligent progress is being made on the main property use, and shall be removed upon issuance of an Occupancy Permit for the main use.
- B. The unoccupied storage of a motor home or travel trailer, not a mobile home, on any residential property by the owner thereof shall be allowable as a permitted accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views are created for the adjoining property. The unoccupied storage of a motor home or travel trailer shall comply with the applicable district setbacks.

Feature Info

PIN: 007-122-009-00
Address: 3222 BURGESS RD
Parcel Link: 007-122-009-00
(<http://cms.charlevoixcounty.org/reviz/007-122-009-00>)

Measure

Measure distance: 300 feet
Click to start drawing

RESET

CREATED WITH MANGO
(https://mangomap.com/?utm_source=mango&utm_medium=map&utm_campaign=map-legend)

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300 Foot Notice Letters Sent 1-8-2025



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Compatible Renewable Energy, Public Hearing 2-18-2025: 55 Decibels

2 messages

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Thu, Feb 13, 2025 at 9:34 PM

To: Kristin Baranski <clerk@hayestownshipmi.gov>, Roy Griffiths <rwgriffitts3@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, "C. T. Martin" <ctmagnetics@aol.com>, Rex Greenslade <greensladerex@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, Alexander Curley <acurley.pc@gmail.com>, Carey Cuddeback <clcuddebackpc@gmail.com>

Kristin, please put this email into the information packet and on the table for the February 18, 2025, Public Hearing. Thank you.

Dear Planning Commission Members,

This email restates my conclusions previously discussed in the exchange of emails between PC chairman, Roy Griffiths, and me regarding sound measurement for battery storage, solar power, (and wind generation). Each PC member was included on these previous emails by CC.

I totally agree with measuring sound at the property line of adjacent, non-participating parcels. It's an absolute necessity for battery storage, solar power, (and wind generation) ordinances. Roy, thank you for providing the link to the sound measurement and conversion software:

acousticalengineer.com/a-weighting-calculator/

Two necessary changes must be made to the battery storage and solar power ordinances:

1. Do not use the dBA measurement scale; use the dB scale. A 55 dBA measurement permits sounds that are unacceptable: they are too loud for neighboring, occupied properties. The 55 dB measurement is more acceptable. Refer to some typical examples below using the provided acoustical calculator.
2. Do not permit averages to be used when measuring for the sound requirements. Averages, by their very nature, permit irregular loud sounds and noise, higher than 55 dB. These averages of irregular sounds, exceeding 55 dB, can be very troubling and bothersome. (I.E., some sounds could be much higher than 55 dB, at times, and still meet the "average" requirement specified in the ordinance.)

For me, the graph provided with the conversion software is "pictorially" meaningful. Using the (above) A-weighting acoustical calculator software, **dBA exactly equals dB at a frequency of 1,000 Hz.** Using this acoustical calculator, below are some examples that demonstrate the dBA measurement problems at frequencies lower than 1,000 Hz.

The frequency (Hz) plays the biggest key role in determining sound levels. Most sounds that humans hear are typically below 1,000 Hz.

Typical electrical frequency and sound ranges: 50-80 Hz and 50-60 dBA

Assume 80 Hz, then 55 dBA = 77.4 dB

Assume 70 Hz, then 55 dBA = 79.5 dB

Assume 60 Hz, then 55 dBA = 82.0 dB

Assume 50 Hz, then 55 dBA = 85.3 dB

Normal adult voice frequency and sound range: 100-250 Hz and 50-70 dBA
Assume 200 Hz, then 60 dBA = 70.8 dB

Typical crying child frequency and sound range: 400-650 Hz and 100-120 dBA
Assume 400 Hz, then 100 dBA = 104.8 dB

70 dB is equivalent to a vacuum cleaner sound
80 dB is equivalent to heavy traffic
90 dB is equivalent to shouted conversation, boom box
100 dB is equivalent to a high school dance

Link to noise level chart: decibelpro.app/blog/what-is-55-decibels/

For these typical examples, sound measurements using a dBA unit measurement scale actually results in higher dB levels. That's not good for people living nearby. **For lower frequencies (below 1,000 Hz), measurements performed in dBA units actually result in higher dB levels. We would be mistaken to believe that typical dBA measurements result in lower dB levels using typical frequencies (Hz) below 1,000.**

1. Again, measurements should be conditioned on the dB scale, which would be more acceptable to Hayes Township and neighboring residents.
2. Again, there is serious concern about using averages. By their very nature, most intermittent sounds above 55 dB are unacceptable.

Thank you for opening this important topic up for discussion.

Jim McMahon

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

Fri, Feb 14, 2025 at 8:19 AM

Sent from my iPhone

Begin forwarded message:

From: Jim McMahon <jim_mcmahon_iii@yahoo.com>
Date: February 13, 2025 at 9:36:52 PM EST
To: Kristin Baranski <clerk@hayestownshipmi.gov>, Roy Griffiths <rwgriffitts3@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, "C. T. Martin" <ctmagnetics@aol.com>, Rex Greenslade <greensladerex@gmail.com>, Mark Snyder <snyderhttp@outlook.com>, Alexander Curley <acurley.pc@gmail.com>, Carey Cuddeback <clcuddebackpc@gmail.com>
Subject: Compatible Renewable Energy, Public Hearing 2-18-2025: 55 Decibels

[Quoted text hidden]

HAYES TOWNSHIP PLANNING COMMISSION MEETING

Meeting Date: February 18th, 2025

Location:

Hayes Township Hall

Name	Would you like to be called on to speak during public comment?	
Judith Coy	YES	☒ NO
Laura Nachezel	YES	NO
Liz DeKorne	YES	NO
Lori Reynaert	YES	☒ NO
MARTY REYNAERT	YES	☒ NO
Shelly Maynard	YES	☒ NO
Bill Maynard	YES	☒ NO
Janet Simon	☒ YES	NO
Jim McMAHON	☒ YES	NO
Janet McCoury	YES	☒ NO
JESSICA BERTINELLI	YES	NO
Leslie Cunningham	☒ YES at end	NO
Craig Williams	☒ YES	NO
Steven Brecheisen	YES	☒ NO
Diane Conklin	YES	☒ NO
Bill Conklin	YES	NO
	YES	NO
	YES	NO
	YES	NO

HAYES TOWNSHIP PLANNING COMMISSION MEETING

Meeting Date:	February 18th, 2025
----------------------	---------------------

Location:

Hayes Township Hall

[illegible]