

HAYES TOWNSHIP
Zoning Board of Appeals Public Hearing
Hayes Township Hall
March 26, 2025 7:00 pm
<https://us02web.zoom.us/j/83141540092?pwd=8B9u2ffX3izb5t85jekpgxyEjDjsre.1>

Meeting ID: 831 4154 0092
Passcode: 396667

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Introduction of Zoning Board of Appeals Members
4. Review and Approval March 26, 2025 Agenda
5. Review and Approval January 8, 2025 Draft Minutes
6. Public Comment regarding non-agenda items
7. 6995 Birdland Dr (Yates, Bill and Pamela) Variance Request
 - Declare Hearing Open
 - Identification of Conflicts of Interested
 - Zoning Administrator presents request/case
 - Petitioner presents case
 - ZBA members report on site visits
 - Discussion between petitioner and ZBA members
 - Public Hearing Pubic Comment
 - Chair closes public comment portion of the hearing. (At this point, all public participation on the request ends)
 - ZBA reviews applicable Sections of Hayes Township Ordinance
 - ZBA reviews Finding of Fact
 - Motion and Role call
 - Hearing Closed
8. 07115 Birdland Dr (Lake Living North) Variance Request
 - Declare Hearing Open
 - Identification of Conflicts of Interested
 - Zoning Administrator presents request/case
 - Petitioner presents case
 - ZBA members report on site visits
 - Discussion between petitioner and ZBA members
 - Public Hearing Public Comment
 - Chair closes public comment portion of the hearing. (At this point, all public participation on the request ends)

- ZBA reviews applicable Sections of Hayes Township Ordinance
 - ZBA reviews Finding of Fact
 - Motion and Role call
 - Hearing Closed
9. Board of Trustees Report
 10. Planning Commission Report
 11. Public Comment
 12. Adjourn

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DRAFT
Hayes Township
Zoning Board of Appeals
Administrative Meeting Minutes
January 8th, 2025
09195 Old U.S. N, Charlevoix, MI 49720

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The January 8th, 2025, Administrative meeting of the Hayes Township Zoning Board of Appeals was called to order by Chair Janice Vedder-Whipple at 11:00 am. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix, MI 49720.
BOARD MEMBERS PRESENT: Rod Slocum, Bruce Deckinga, Janice Vender-Whipple, and Doug Kuebler.
BOARD MEMBERS ABSENT: Joni Hosler (Alternate), Rex Greenslade
ALSO PRESENT: April Hilton (Recording Secretary/Deputy Clerk) Ron VanZee, and Todd Millar.

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Audience: Bill Conklin, LuAnne Kozma, and Ellis Boal.

12 **PLEDGE OF ALLEGIANCE:** Ms. Vedder-Whipple (Chair) opened the meeting at 10:00 am with
13 the Pledge of Allegiance to the Flag.
14

15 **INTRODUCTION OF ZONING BOARD OF APPEALS (ZBA) MEMBERS:**

16 BOARD MEMBERS PRESENT: Rod Slocum, Bruce Deckinga, Janice Vender-Whipple, and
17 Doug Kuebler.
18 BOARD MEMBERS ABSENT: Joni Hosler (Alternate), Rex Greenslade
19

20 **DECLARATION OF CONFLICT OF INTEREST:**

21 NONE.
22

23 **REVIEWED AGENDA:**

24 Mr. Kuebler made a motion, supported by Mr. Deckinga, to approve the agenda as
25 corrected.

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

27 Nays: None **Motion Carried**
28

29 **APPROVAL OF DRAFT MINUTES FROM SEPTEMBER 18TH, 2024:**

30 Mr. Kuebler made a motion, supported by Mr. Deckinga, to approve the September 18th 2024
31 meeting minutes as amended.

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

33 Nays: None **Motion Carried**

34 **PUBLIC COMMENT:**

35 Public Comment Opened at 11:04am
36 - Stated they were present for the training a couple years ago and felt Todd did a great job.
37 Suggested someone go through the ZBA decisions made in the past years and post them on
38 the website.
39 - Stated all the previous ZBA minutes are located at the hall and they have reviewed them
40 many times. Encourages the members of the ZBA also read through them. Would like to see
41 the records of the township have more information. Requested information of when the
42 terms of the members of the ZBA expire.
43 Public Comment Closed at 11:09 am
44

45 **NEW BUSINESS**

46
47 **ELECTION OF OFFICERS:**

48 Ms. Vedder-Whipple made a motion to open nominations for Vice Chair of the ZBA.

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

50 Nays: None **Motion Carried**

51

52 Mr. Kuebler made a motion, supported by Mr. Deckinga to nominate Rod Slocum as Vice Chair
53 of the ZBA.

54 Yeas: Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

55 Sustained: Rod Slocum

56 Nays: None **Motion Carried**

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58 Mr. Kuebler made a motion, supported by Mr. Deckinga to close nominations for Vice Chair.

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

60 Nays: None **Motion Carried**

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62 Mr. Kuebler Made a motion, supported by Mr. Deckinga to appoint Rod Slocum as Vice Chair of
63 the ZBA.

64 Yeas: Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.

65 Sustained: Rod Slocum

66 Nays: None **Motion Carried**

Ms. Vedder-Whipple made a motion to open nominations for chair of the ZBA.
Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.
Nays: None **Motion Carried**

Mr. Kuebler made a motion, supported by Mr. Deckinga to nominate Janice Vedder-Whipple as Chair of the ZBA.
Yeas: Rod Slocum, Bruce Deckinga, and Doug Kuebler.
Sustained: Janice Vender-Whipple.
Nays: None **Motion Carried**

Mr. Kuebler made a motion, supported by Mr. Deckinga to close nominations for Chair.
Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.
Nays: None **Motion Carried**

Mr. Kuebler made a motion, supported by Mr. Deckinga to appoint Janice Vedder-Whipple as Chair of the ZBA.
Yeas: Rod Slocum, Bruce Deckinga, and Doug Kuebler.
Sustained: Janice Vender-Whipple.
Nays: None **Motion Carried**

TRAINING PRESENTATION BY TODD MILLAR:

Hayes Township Attorney, Todd Millar, presented a training session with the ZBA.
Training included:
- The mechanics of findings of fact.
- The ZBA members are the judges for answering questions and solving disputes with the township.
- The minutes of ZBA meetings are very important, for they are the written record to determine what the ZBA decided and why they decided per case.
- The Circuit Court reviews the minutes of a ZBA Meeting as well as any materials the ZBA reviewed to come to the discussion.

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- 98 - Section 8.03 sets the three things that may be acted on. One: an appeal concerning the
99 administration of the ordinance; Two: granting Variances; Three: interpreting the boundaries
100 of Zoning Districts and provisions of the Ordinance.
101 - The Zoning Ordinance and the Zoning Enabling Act tells you what you can/should do. The
102 adopted Rules and procedures tell you how to do it.
103 - Todd Millar reviewed three different real life cases from other townships noting the
104 process each case followed to determine their findings of facts.
105 - All Training Material attached.
106

107 **SET PUBLIC HEARING DATES:**

108 Mr. Deckinga made a motion, supported by Mr. Kuebler to set a Public meeting date for
109 February 28th 2025 at 7:00pm.
110

111 **ZBA COMMENT:**

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114 **ADJOURNMENT:** Mr. Kuebler made a motion, supported by Mr. Deckinga, to adjourn at
115 12:19pm

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

117 Nays: None **Motion Carried**

118
119 Respectfully Submitted,

120 April Hilton

121 Hayes Township Deputy Clerk/Recording Secretary

122
123

Hayes Township

ZONING BOARD OF APPEALS

NOTICE OF MEETING

The Hayes Township Zoning Board of Appeals will conduct a public hearing on Wednesday, **March 26th, 2025** at **7:00 P.M.** The meeting will be held in the Hayes Township Hall, 9195 Major Douglas Sloan Road, Charlevoix, MI 49720. The purpose of the meeting is to hear the following application for variances from the requirements of the Hayes Township Zoning Ordinance, as amended (April 9th, 2018).

In the Matter of: Bill and Pamela Yates CASE #032625A

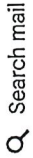
Charlevoix County Property Tax Identification Number 15-007-301-021-25, located on property commonly known as 6995 Birdland Dr. Charlevoix MI 49720. The applicant is seeking variances to remove an existing non-conforming residence and propose to construct a new single Family dwelling unit.

To accomplish this project the applicant is seeking the following variances:

- A. A 35 foot variance from the 50 foot water feature (stream) setback requirement in Section 3.14.3.
- B. A 44 foot variance from the 50 foot water feature (pond) setback requirement in Section 3.14.3.
- Section 3.14.3. states that “The Shoreland Protection Strip shall include all of the land located within fifty (50) feet of the Ordinary High Water Mark landward of a lake or a stream abutting or traversing the property in question.

Interested parties may comment in person at the meeting or comment in writing to: Hayes Township Zoning Board of Appeals, 9195 Major Douglas Sloan Road, Charlevoix, MI 49720, (231) 547-6961, or zoning@hayestownshipmi.gov. Written comments must be received by 4 p.m. on March 25th, 2025.

April Hilton, Hayes Township Zoning Administrator assistant (zoning@hayestownshipmi.gov)



For appropriate guidance and information, visit our website at www.irs.gov.
Classifieds [HERE](#) to place your legal notices in the future.

Changes and/or cancellations may not be honored up to 2 business days prior to your first publication date.

Schedule for ad number LPET02468770

Thu Feb 27, 2025

Job Details

Order Number: LPET0246877
Classification: Govt Public Notices
Package: General Package
Additional Options: 1 Affidavit \$10.00
Total payment: \$152.88

Account Details

Hayes Township
9195 Major Douglas Sloan RD
Charlevoix, MI ♦ 49720-9053
231-347-2899
clerk@hayestownshipmi.com
Hayes Township

One attachment • Scanned by Gmail

[illegible]

Viewing Parcel Number: 007-301-021-25

Parcel Details

Assessing City/Township:	Hayes Township
Property Address:	6995 BIRDLAND DR (PVT) CHARLEVOIX, MI 49720
Owner Information:	YATES WILLIAM H III & PAMELA 95% & YATES WILLIAM HENRY IV 5% 23050 INDUSTRIAL DR E SAINT CLAIR SHORES, MI 48080
Property Class:	401 - Residential - Improved
Taxable Status:	TAXABLE
School District:	15050 - Charlevoix
P.R.E. Percentage:	100%
P.R.E. Filing Date:	5/2/2023
Current SEV:	\$944,100
Current Taxable Value:	\$944,100
Prior Year SEV:	\$845,200
Prior Year Taxable Value:	\$596,372

Sales Information

Date	Document Type	Liber/Page	Sales Price
05/02/2023	WD	1376/668	Confidential
11/17/2016	WD	1143/906	\$1,270,000
07/19/2016	QC	1141/281	\$0
07/30/2004	QC	638/096	\$0

Tax Description

BEG AT NE COR OF LOT 21 OF BIRDLAND ESTATES ACCORD TO PLAT RECD AT R/D TH AL E LI SD LOT 21 S0DEG05'28"E(RECD AS S)250.25FT TO NELY LI OF PVT RD ESMT AS RECD L176 P281 CHX CO R/D TH CONT AL SD LOT LI S0DEG05'28"E(RECD AS S)115.18FT TO SWLY LI SD ESMT TH CONT AL SD LOT LI S0DEG05'28"E(RECD AS S)111.77FT TO THREADS OF WOODS CREEK TH AL THE THREAD OF WOODS CREEK THE FOLL 9 CRSES:S70DEG05'12"W 16.91FT(RECD AS 17.25FT)S13DEG04'29"W 2.14FT TO LINE COMM TO SD LOT 21& LOT 22 FIRST ADD TO BIRDLAND ESTATES TH CONT S13DEG04'29"W 88.46FT N89DEG39'50"W 94.02FT S20DEG19'23"W 45.76FT S75DEG50'59"W 71.65FT N54DEG28'32"W 50.36FT S54DEG27'18"W 35.11FT & S80DEG03'18"W 44.62FT TO INTER TRAVERSE LI AL ELY SH LK CHX TH AL SD TRAV LI N20DEG40'18"W 155.89FT TH CONT AL SD TRAV LI N44DEG52'44"W 28.29FT TH S89DEG52'14"E 184.34FT TH N0DEG04'26"E 462.88FT TO N LI LOT 21 BIRDLAND ESTATES TH AL SD LOT LI S89DEG41'09"E(RECD AS S89DEG51'E)19.76FT TO WLY LI SD ESMT TH CONT AL SD LOT LI S89DEG41'09"E(RECD AS S89DEG51'E)0.24FT TH CONT AL SD LOT LI N89DEG30'58"E(RECD AS S89DEG51'E)67.85FT TO ELY LI SD ESMT TH CONT AL SD LOT LI N89DEG30'58"E(RECD AS S89DEG51'E)130.74FT TO POB BEING PT LOT 21 BIRDLAND ESTATES & PT LOT 22 FIRST ADD TO BIRDLAND ESTATES CONT 3.422A SPLIT ON 07/30/2004 FROM 007-301-021-50, 007-129-017-00, 007-301-021-00



Feature Info

>

PIN: 007-301-021-25

Address: 6995 BIRDLAND DR (PVT)

Parcel Link: http://bms.revize.com/revize/apps/charlevoixcounty/?utm_source=mango&utm_medium=map&utm_campaign=map&utm_term=007-301-021-25

CREATED WITH MANGO

(https://mangomap.com/?utm_source=mango&utm_medium=map&utm_campaign=map&utm_term=007-301-021-25)

BIRDLAND DR

BIRDLAND DR

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HAYES



Notices sent 2-24-25



Hayes Township
Zoning Variance Application
Zoning Administrator Phone (231) 547-6961

GENERAL INFORMATION

Name of Property Owner(s) Bill & Pamela Yates

Mailing Address 23050 Industrial Dr. E., Saint Clair Shores, MI 48080

City Saint Clair Shores State MI Zip 48080

Telephone 586-292-6558

PROPERTY INFORMATION

Property Tax Code Number: 15- 007- 301-021-25

Legal Address 6995 Birdland Drive, Charlevoix, MI 49720

Nearest Road

Intersection Quarterline Road

Zone District R-1 Low Density Residential

Please type or print; fill in all blanks and return with \$935.00 fee payable to Hayes Township

VARIANCE OR INTERPRETATION REQUESTED

Relief from the following Zoning Ordinance Section(s):

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.

APPLICANT'S STATEMENT AND AUTHORIZATION

I understand that if the requested variance is granted, I am in no way relieved from all other applicable requirements of the Hayes Township Zoning Ordinance. It is also understood that any approval by the Zoning Board of Appeals involving site improvements, use, and/or construction does not relieve the applicant from obtaining other applicable authorizations (for example, site plan, building, health department, soil erosion, and engineering approval, etc.).

I authorize Hayes Township staff and Zoning Board of Appeals members to enter upon the subject property for purposes of making site inspections related to the project and request identified in this application.

I believe that all the above information in this Zoning Variance Application is accurate to my fullest knowledge.

Owner(s) Signature: Wm. Paul G. [Signature] Date: 12/10/24

Applicant(s) Signature: Michael Beaman Date: 2/21/25

Applicant must supply seven (7) copies of all required documents (1 original & 6 copies)

Property owners within 300 feet of this property will be notified by US mail of this variance request

The general public will be notified of this variance request by publication in a local newspaper.

Application must be submitted by the first of the month to have the request heard the following month.

Application and fee can be sent to:

Zoning Administrator
Hayes Township
09195 Old US 31 N.
Charlevoix, MI 49720

231-549-6961

Zoning Administrators Signature [Signature]

DATE RECEIVED 02-24-25 CASE NO. 032625 a.

NOTE: The Township may need to inspect the layout of the building(s) and property to verify all application information. The signature of the applicant on this application authorizes the inspection of this property.

**DESCRIBE REASON FOR REQUESTED VARIANCE,
INCLUDING EXACT SIZE AND TYPE OF VARIANCE NEEDED.**

We are seeking a variance to reduce the existing 50' setback along the south property line to a Hayes Township standard 15' setback which will allow for construction of a new conforming home to replace an existing non-conforming home. The 50' setback from the South property line exists due to a creek along this side. The existing home sits substantially beyond both the 100' Lake Charlevoix setback (approximately 24' into the setback) and the 50' creek setback. A small portion of the proposed home also sits approximately 6 feet into a 50 setback from the pond shown on the plan. It should be noted the "Pond" is a man-made landscaping feature. The proposed new construction will pull the home out of the 100' Setback from Lake Charlevoix, and will keep the home located within the 15' side setback. See attached exhibits.

DESCRIBE THE PRACTICAL DIFFICULTY THAT EXISTS

What are the unique conditions of the situation?

The practical difficulty that exists is contending with a creek on the South side of the property. This creek has been identified with a 50' setback along with the 100' setback from Lake Charlevoix on the West side. These two setbacks create a practical difficulty to construct a new conforming home to replace the existing non-conforming home. Furthermore, the bearing capacity of the soils on this site dictate a more expanded foundation design versus a more vertical structure. An expanded foundation design will allow bearing loads to be more evenly distributed over a larger area rather than a more vertical structure which would create increased and possibly unacceptable point loads on poor soils. This is critically important on this particular site. Additionally, we are unable to create basement living space due to a high water table on the site, requiring all living space to be above ground. Further compounding the difficulty with a narrow construction envelope is locating a well and septic system which must be no closer than 50' of one another.

EFFECT ON APPLICANT IF VARIANCE IS DENIED

What specific problem(s) would be created to you, as applicant, if your request is not granted?

What rights that others enjoy, will you be denied if this variance is denied?

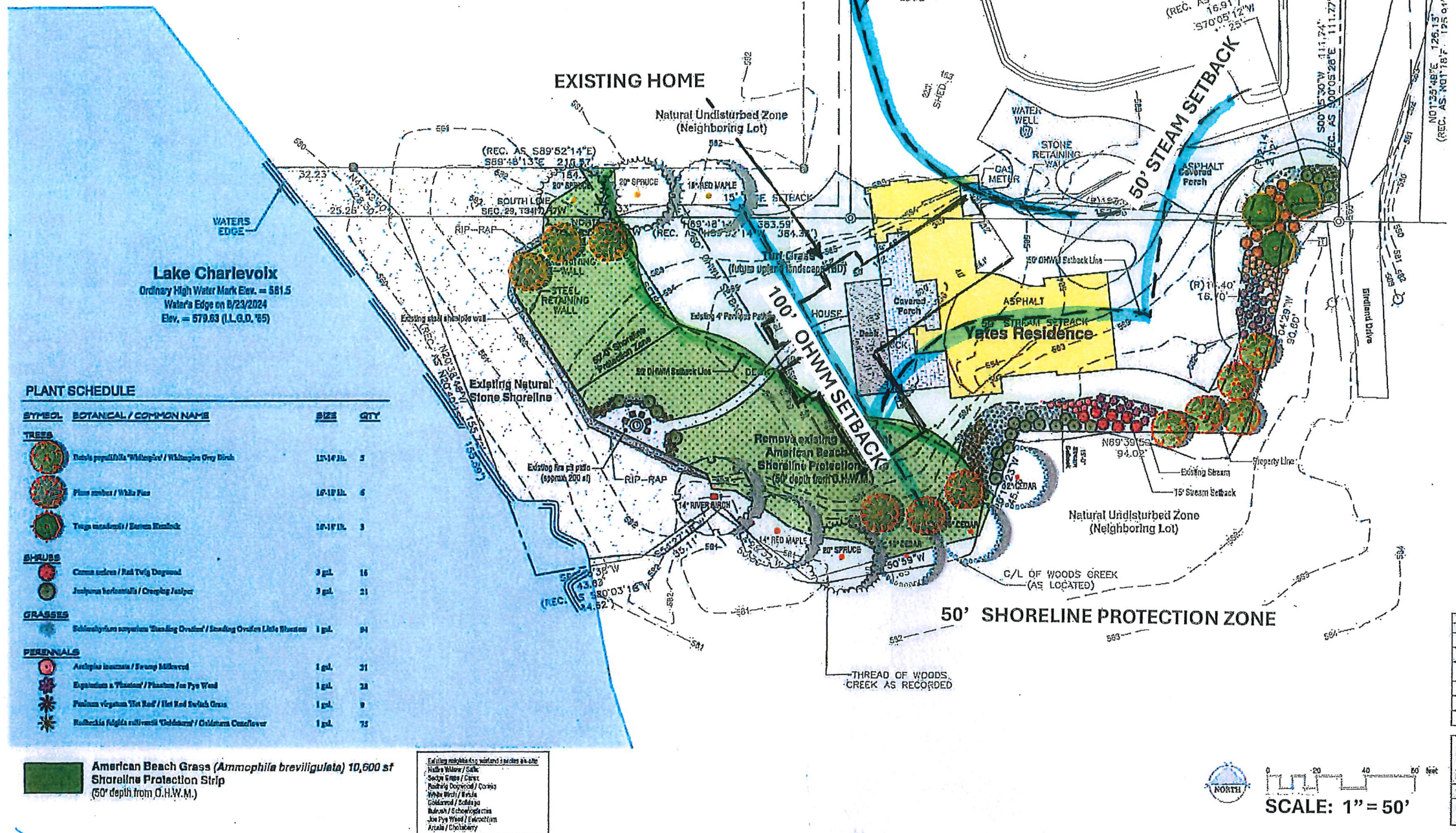
If this variance is denied, the owner will be forced to keep the existing non-conforming structure and will be unable to construct a home that is conforming and suitable to the site-conditions and their growing families' needs. The current structure is approximately 24' into the 100' Lake Charlevoix setback and 15 feet into the 50' creek setback. Additionally, there is currently fertilized

lawn all the way to the lake with no shoreline protection and lawn all the way to the creek. The homeowner will not be able to correct the current non-conforming house location, and the community will miss the opportunity to re-establish a natural shoreline protection buffer and to remove lawn from along the creek, replacing that with natural deep-rooted plantings. The current non-conformity would remain and contaminants would continue to more easily flow into Lake Charlevoix.

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?

If this variance is granted, it will have an extremely positive effect on the surrounding area. The Applicant will improve the site by adhering to the 100' Lake Charlevoix setback thus removing 1222 square feet of non-permeable structure from within the setback and developing a 50' shoreline protection strip at the water's edge as well as shoreline protection vegetation along the creek. This will avoid lawn fertilizer and other contaminants from directly draining into the lake, improving water quality for everyone in our community. The restoration process includes removal of the current turf grass lawn within the 50' shoreline protection strip and re-vegetating with native deep-rooted plantings. This restoration works to improve the quality of Lake Charlevoix shoreline and brings back the natural features and character of the Lake Charlevoix shoreline. The requested variance will not affect access for emergency vehicles or personnel in any way. It will not restrict light, air or access to adjacent properties. In no way will this variance negatively impact other properties.





Hayes Township
Zoning Variance Application
Zoning Administrator Phone (231) 547-6961

GENERAL INFORMATION

Name of Property Owner(s) Lake Living North
Mailing Address 12 Clermont Lane
City St. Louis State MO Zip 63124
Telephone _____

PROPERTY INFORMATION

Property Tax Code Number: 15-007- 301-018-10
Legal Address 07115 Birdland Drive
Nearest Road Intersection Quarterline
Zone District _____

Please type or print; fill in all blanks and return with \$935.00 fee payable to Hayes Township

VARIANCE OR INTERPRETATION REQUESTED

Relief from the following Zoning Ordinance Section(s):

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.

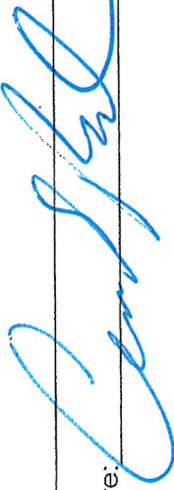
Note: Applicant must supply exact maps, drawings, etc. in order to inform the Zoning Board of Appeals of the type of building or activity, and how it will look when desired construction is completed.

APPLICANT'S STATEMENT AND AUTHORIZATION

I understand that if the requested variance is granted, I am in no way relieved from all other applicable requirements of the Hayes Township Zoning Ordinance. It is also understood that any approval by the Zoning Board of Appeals involving site improvements, use, and/or construction does not relieve the applicant from obtaining other applicable authorizations (for example, site plan, building, health department, soil erosion, and engineering approval, etc.).

I authorize Hayes Township staff and Zoning Board of Appeals members to enter upon the subject property for purposes of making site inspections related to the project and request identified in this application.

I believe that all the above information in this Zoning Variance Application is accurate to my fullest knowledge.

Owner(s) Signature:  Date: _____
Applicant(s) Signature: _____ Date: 1-8-25

Applicant must supply seven (7) copies of all required documents (1 original & 6 copies)

Property owners within 300 feet of this property will be notified by US mail of this variance request

The general public will be notified of this variance request by publication in a local newspaper.

Application must be submitted by the first of the month to have the request heard the following month.

Application and fee can be sent to:

Zoning Administrator
Hayes Township
09195 Old US 31 N.
Charlevoix, MI 49720

231-549-6961

Zoning Administrators Signature _____

DATE RECEIVED _____ CASE NO. 032625B

NOTE: The Township may need to inspect the layout of the building(s) and property to verify all application information. The signature of the applicant on this application authorizes the inspection of this property.

Hayes Township

ZONING BOARD OF APPEALS

NOTICE OF MEETING

The Hayes Township Zoning Board of Appeals will conduct a public hearing on Wednesday, **March 26th, 2025 at 7:00 P.M.** The meeting will be held in the Hayes Township Hall, 9195 Major Douglas Sloan Road, Charlevoix, MI 49720. The purpose of the meeting is to hear the following application for variances from the requirements of the Hayes Township Zoning Ordinance, as amended (April 9th, 2018).

In the Matter of: Lake Living North CASE #032625B

Charlevoix County Property Tax Identification Number 15-007-301-018-10, located on property commonly known as 07115 Birdland Dr. Charlevoix MI 49720. The applicant is seeking variances to remove an existing roof on a legal non-conforming residence and propose to construct a new roof with higher pitch and shed dormer due to sagging and water issues.

To accomplish this project the applicant is seeking the following variances:

A. A 20 foot variance from the 100 foot Lake Charlevoix setback requirement in Section 3.14.2.

Section 3.14.2. states that "No Structures shall be allowed within 100 foot of the Ordinary High Water Mark on Lake Charlevoix.

Interested parties may comment in person at the meeting or comment in writing to: Hayes Township Zoning Board of Appeals, 9195 Major Douglas Sloan Road, Charlevoix, MI 49720, (231) 547-6961, or zoning@hayestownshipmi.gov.

Written comments must be received by 4 p.m. on March 25th, 2025.

April Hilton, Hayes Township Zoning Administrator assistant (zoning@hayestownshipmi.gov)

Viewing Parcel Number: 007-301-018-10

Parcel Details

Assessing City/Township:	Hayes Township
Property Address:	7115 BIRDLAND DR (PVT) CHARLEVOIX, MI 49720
Owner Information:	LAKE LIVING NORTH LLC 12 CLERMONT LN SAINT LOUIS, MO 63124
Property Class:	401 - Residential - Improved
Taxable Status:	TAXABLE
School District:	15050 - Charlevoix
P.R.E. Percentage:	0%
Current SEV:	\$1,101,500
Current Taxable Value:	\$978,755
Prior Year SEV:	\$1,014,800
Prior Year Taxable Value:	\$932,148

Sales Information

Date	Document Type	Liber/Page	Sales Price
09/03/2020	WD	1272/189	\$2,375,000
07/01/2008	WD	854/262	\$1,700,000
07/01/2008	QC	854/168	\$1,700,000
08/01/1997	WD	378/526	Confidential

Tax Description

BEG NE COR LOT 18 OF BIRDLAND ESTATES TH AL W LI BIRDLAND DR SD PLAT S03DEG11'34"E 72.05FT (RECD AS S02DEG07'E 72.4FT) TH S35DEG21'16"W 72.77FT (RECD AS S35DEG17'34"W 72.89FT) TO LI COMM TO SD LOT 18 & LOT 19 OF SD PLAT TH S28DEG21'49"E 29.99FT (RECD AS 28DEG08'E 30.00FT) TH



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Thank you for placing your order with us.

2 messages

Petoskey Legals <PetoskeyNRLegals@gannett.com>
To: clerkhayestownshipmi@gmail.com

Wed, Feb 26, 2025 at 12:36 PM

THANK YOU for your ad submission!

This is your confirmation that your order has been submitted. Below are the details of your transaction. Please save this confirmation for your records.

We appreciate you using our online self-service ads portal, available 24/7. Please continue to visit Petoskey News-Review's online Classifieds HERE to place your legal notices in the future.

Changes and/or cancellations may not be honored up to 2 business days prior to your first publication date.

Job Details

Order Number: LPET0248747
Classification: Govt Public Notices
Package: General Package
Additional Options: 1 Affidavit \$10.00
Total payment: \$152.88

Account Details

Hayes Township
9195 Major Douglas Sloan RD
Charlevoix, MI 49720-9053
231-347-2899
clerkhayestownshipmi@gmail.com
Hayes Township

Schedule for ad number LPET02487470

Sat Mar 1, 2025
Petoskey News-Review All Zones

Hayes Township ZONING BOARD OF APPEAL NOTICE OF MEETING

The Hayes Township Zoning Board of Appeals will hold a public hearing on Wednesday, March 26, 2025, at 7:00 P.M. The meeting will be held in the Hayes Township Board Room, 9195 Major Douglas Sloan Road, Charlevoix, MI 49720. The purpose of the meeting is to hear the following applications for variances from the requirements of the Hayes Township Zoning Ordinance, as amended (April 9th, 2020). In the Matter of: Lake Living North CASE # 25-007-301-018-10, located on property owned by Charlevoix County Property Tax Identifier 15-007-301-018-10, located on property owned by 07115 Birdland Dr. Charlevoix MI 49720. The applicant is seeking variances to remove an existing roof and propose to construct a new residence conforming to the requirements of the ordinance with higher pitch and shed dormer due to structural issues.

To accomplish this project the applicant is seeking the following variances:

A. A 20 foot variance from the 100 foot L setback requirement in Section 3.14.2.
Section 3.14.2. states that "No Structures shall be located within 100 foot of the Ordinary High Water Mark on Lake Charlevoix."
Interested parties may comment in person or submit a written comment in writing.

to: Hayes Township Zoning Board of Appeals
Douglas Sloan Road, Charlevoix, MI 49720, (231) 547-6100
zoning@hayestownshipmi.gov.

Written comments must be received by 4:00 PM

2/26/25, 12:38 PM

Gmail - Thank you for placing your order with us.

2025.

April Hilton, Hayes Township Zoning Administrator
(zoning@hayestownshipmi.gov)
March 1 2025
LPET0248747

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Petoskey Legals <PetoskeyNRLegals@gannett.com>
To: clerk@hayestownshipmi.gov

Wed, Feb 26, 2025 at 12:36 PM

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Hayes Township ZONING BOARD OF APPEALS NOTICE OF MEETING

The Hayes Township Zoning Board of Appeals will conduct a public hearing on Wednesday, March 26th, 2025 at 7:00 P.M. The meeting will be held in the Hayes Township Hall 9195 Major Douglas Sloan Road, Charlevoix, MI 49720. The purpose of the meeting is to hear the following applications for variances from the requirements of the Hayes Township Zoning Ordinance, as amended (April 9th, 2018).

In the Matter of: Lake Living North CASE #032625B
Charlevoix County Property Tax Identification Number 15-007-301-018-10, located on property commonly known as 07115 Birdland Dr. Charlevoix MI 49720. The applicant is seeking variances to remove an existing roof on a legal non-conforming residence and propose to construct a new roof with higher pitch and shed dormer due to sagging and water issues.

To accomplish this project the applicant is seeking the following variances:

A. A 20 foot variance from the 100 foot Lake Charlevoix setback requirement in Section 3.14.2.

Section 3.14.2. states that "No Structures shall be allowed within 100 foot of the Ordinary High Water Mark on Lake Charlevoix.

Interested parties may comment in person at the meeting or comment in writing

to: Hayes Township Zoning Board of Appeals, 9195 Major Douglas

Sloan Road, Charlevoix, MI 49720, (231) 547-6961, or zoning@hayestownshipmi.gov.

Written comments must be received by 4 p.m. on March 25th 2025.

April Hilton, Hayes Township Zoning Administrator assistant
(zoning@hayestownshipmi.gov)

March 1 2025
LPET0248747

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

The owner is looking to obtain a variance on a legal nonconforming home on Lake Charlevoix. This variance does not increase the footprint of the home or the home's impervious surface coverage. The home was originally built in the 1950's. A portion of the home sits 20' into the current 100' lake setback when measured from the home's lakeside eave overhang. The owner purchased the home as it is currently constructed along with its location on the lot.

The owner is having structural and performance issues with the current roof system due to the pitch and design of the existing roof. The existing roof system is a 1" to 12" pitch and a 2.75" to 12" pitch. The weight of the snow is causing sagging and water issues. They would like to remove the existing roof and replace it with a much higher pitch. This would allow them to properly engineer the roof and get a better performance with insulation and water infiltration. This increase in pitch would allow them to add a partial second level to a small part of the home for another bedroom. This roof pitch change would allow the main home to match the pitch to the adjacent detached garage. The new roof pitch would be a combination of 10" to 12" and 6" to 12" with a shed dormer using a 3" to 12" pitch. The new roof system will be under the 30' height restriction. The new roof height will be 28'-2 3/4" tall.

Describe the practical difficulty that exists:

The unique condition is the fact that the existing home sits within the 100' setback to Lake Charlevoix. Any change that the owner would like to make to the home requires a variance to do so. As mentioned above the home's roof system is undersized for the structure, has poor insulation and the pitch is too shallow.

Owner is not making the living space any larger toward the lake. They simply would like to replace the roof system with one that better serves our area's weather conditions and meet today's code standards.

Effect on the applicant if the variance is denied:

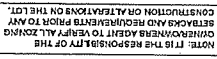
If this request is denied, the client will continue to experience the low performance of the insulation value, potentially more water infiltration and potentially roof failure.

They would be denied the right to make improvements that ensure value is maintained or increased. They would be denied the right to improve the

architectural aesthetics of their home like others can do as well. They are looking to provide an architectural style that fits in with northern Michigan and Lake Charlevoix.

Effect of requested variance on the other properties:

If the request is granted it will not have any effect on emergency vehicle access to the property or around the house. It will not hinder neighboring properties in any way. It will only aid in improving the value of the owner's property and adjacent properties will benefit as well. The architecture is in keeping with a traditional northern Michigan cottage.



ADJUNCT PAGE OF SHEET FILE

ORDINARY HIGH WATER LINE FALLS

REVERSE FACE OF SHEET PILE

SCALE IN FEET 1"=20'



EXISTING SITE PLAN

FOR

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
PROFESSIONAL SURVEYORS

யாழ்ப்பாணம் (தமிழகம்) இல் உள்ள இடம்
2007-2008 (12) ஆம் ஆண்டு

JBH NO: BB-26307A.21

MATTHEW R. WYNBA P.8, NO. 4001040390

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ND:

BIRDLAND DR.

PARCEL ADDRESS:
7116 BIRLAND DR.
CHARLEVILLE, MI 49720
TAXID #007-001-018-10
PARCEL CONTAINS 1.720 ACRES
(74 808.1 SFT)

PROJECT EXCLUSIVELY DESIGNED FOR:
LAKE LIVING NORTH, LLC

EDGEWATER
DESIGN GROUP

301 E. MITCHELL STREET
PETOSKEY, MICHIGAN 49770
(231) 348-0497

THE FOLLOWING IS CONDENSED
A PRELIMINARY REPORT OF
-SOCIETY FOR THE PROTECTION OF
THE RIGHT TO LIFE AND LIBERTY
IN A NATION

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.

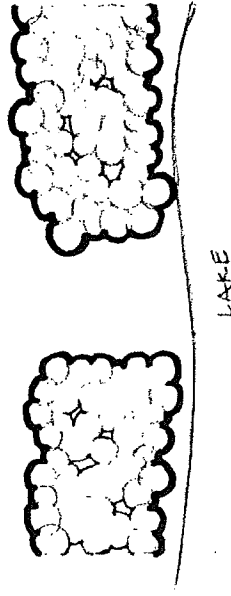
3. Shoreland Protection Strip

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 3.14.31.**
- 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.

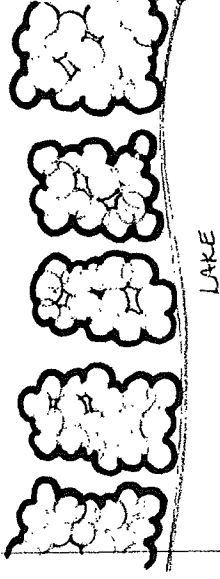
Single View Corridor

Single View Corridor maximum 20% of frontage



Filtered Views - Multiple Narrow View Corridors

Filtered Views
Sum of view openings - maximum 20 % frontage



- I. Selective trimming of trees to allow for filtered views is permitted within the Shoreland Protection Strip so long as the overall health of the tree is not compromised and is not included in the allotted 20% removal.
- J. The removal of invasive species is both allowed and encouraged. Please refer to the list of invasive species by Northwest Michigan Invasive Species Network. The list of recommended invasive species is available at the Township Hall and an electronic link is posted on the Township website.
- K. It is in violation of the zoning ordinance to alter or disturb the Shoreland Protection Strip except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in 3.14.3l. If altered or disturbed, the following corrective measures are required:
 - I. Any and all fill material placed within the Shoreland Protection Strip shall be removed. Only soils or rocks, consistent with the composition of the pre-existing on-site soil and rocks, shall be allowed when necessary for growth of new vegetation. Placement of beach sand is prohibited.
 - II. The Shoreland Protection Strip shall be replanted. The replanted area shall consist solely of native vegetation and any replacement trees, similar in size and species to those removed. Any tree greater than 8 inches in diameter (8 inch in diameter measured at 4.5 feet above the ground) which was removed, shall be replaced at a rate of two trees for the first 8 inches in diameter, and one additional tree for each additional 4 inches in diameter of the original tree removed (*i.e. if a 20" tree is removed—5 replacement trees would be required, 2 for the first 8" and 3 for the other [20"-8"] 12 inches of diameter of the removed tree.*)
 - III. All required replanting shall be replanted with native species as recommended by the Northwest Michigan Invasive Species Network and installed and maintained in accordance with the requirements of Section 3.24.
 - IV. Where native shoreline vegetation does not exist, a combination of native vegetation shall be introduced in a naturalized planting pattern as exemplified by neighboring shorelands that have not been disturbed.
4. Docks and Boat Parking on Lake Charlevoix and Susan Lake
 - A. A maximum of one dock shall be permitted for each waterfront lot, except for properties upon which a marina is permitted by all of the following: the Hayes Township Zoning Ordinance, the Michigan Department of Environmental Quality (MDEQ), and the U.S. Army Corps of Engineers (USACE).

- B. One shared dock serving two (2) adjacent waterfront parcels owned by separate individuals, may be placed on the common shared property line upon filing with Hayes Township a letter of agreement signed by both property owners.
- C. A shared dock for a multiple family development, such as Planned Unit Development or Condominium project, may be allowed as part of a site plan approval with Planning Commission approval and subject to the requirements of Section 3.14.5 Limitation of Funnel Development.
- D. Any boat moored at or stored on a lot within any residential district shall be owned by and registered to an individual living at said property.
- E. Undocked boats may be stored on a residential lot so long as the Shoreland Protection Strip is not disturbed and is in conformance with the requirements of this ordinance.
- F. Each dock, mooring anchor, or other means of non-temporary anchorage shall be located at least fifteen (15) feet from the riparian boundary and moored boats shall not cross the riparian boundary. The one exception to this provision is for shared docks as described in 3.14.4B and 3.14.4C.
- G. Dock lighting for safety and navigational purposes are allowed. All lighting shall comply with Section 3.20; flashing lights are not allowed and require that the maximum height does not exceed four (4) feet, above the dock surface.
- H. Any damage caused to the Shoreland Protection Strip during the process of installing or removing seasonal docks, shall be repaired within 30 days from the date that the property owner is notified by first class mail.
- I. All permits required by the MDEQ, USACE, Hayes Township, and other applicable entities must be obtained prior to the construction or modification of docks or marinas.

5. Limitation of Funnel Development

Not more than one (1) single family home or cottage or one (1) condominium unit or one (1) apartment unit, including any dwelling unit located on the waterfront lot, shall use or be permitted to use each one hundred (100) feet of lake or stream frontage as measured along the Ordinary High Water Mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational uses of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to a "Public Access Site" as hereafter described.

6. Marine Sewage Pump-out Facility

Any commercial dock facility providing dockage for boats with marine sewage holding tanks on board shall provide a marine sewage pump-out facility which shall be capable of providing pump-out service to a local health department approved sewage disposal facility, or have a written service agreement in place by a licensed or permitted pump-out facility.

7. Public Access Sites

Land abutting a lake or stream, which land is under the possession and control of a governmental agency including Hayes Township, the County of Charlevoix, the Charlevoix County Road Commission, the State of Michigan, or other governmental agency, and which governmental agency allows public access across the site to the lake or stream abutting the site, is herein described as a "Public Access Site." Such Public Access Sites may be owned or leased by the public agency, or dedicated to the use of the public, but shall, in any case,

be under the exclusive control of one or more public agencies which have the authority to impose regulations and restrictions upon the use of the site and upon access to the abutting lake or stream.

The restrictions of this Section 3.14(1-3, and 8) shall not apply to a "Public Access Site", as above described, provided that such sites are subject to governmental control enabling the controlling governmental agency to limit boat docking, moorage and boat launching, prohibit overnight mooring, camping, vehicle parking, and other controls upon use of the site.

The governmental agency shall have the authority to impose such controls and restrictions upon the use of Public Access Sites and the abutting waters as are deemed necessary to protect the lake or stream and adjoining properties from pollution, congestion, other damage, or unreasonable impositions upon the use and enjoyment of others using the site, using other private property in the proximity of the site, or the waters which the site abuts.

If not otherwise prohibited by law, the Hayes Township board shall also have the authority to pass ordinances and adopt rules restricting the use of such Public Access Sites and the use of the abutting lake or stream in such manner as is deemed necessary in the future to protect the lake or stream, the users thereof, and properties in the proximity thereof from pollution, congestion, other damage or unreasonable imposition upon the use and enjoyment of others. Such ordinances may designate different rules, regulations and restrictions for each individual Public Access Site as shall be deemed appropriate for the protection of the particular site, the waters, or private property in the proximity of the particular site.

8. Waterfront Development Review

A. Intent

It is the intent of the Waterfront Development Review process described below to promote the gradual, systematic, and long-term restoration of the Shoreland Protection Strip.

- i. To ensure compliance with the waterfront regulations described in 3.14 (1-5), an added layer of review is required for all residential waterfront development and any modifications to the Shoreland Protection Strip. This added layer of review requires a Shoreland Landscaping Plan (3.14.8B) in most instances for the area within one hundred (100) feet of the Ordinary High Water Mark and Site Plan Review for all new residential waterfront dwelling units.
 - ii. For the area of land waterward of the Ordinary High Water Mark, MDEQ and/or Army Corps of Engineers permits must be obtained for any construction or changes since the alternation of the shoreline will have significant effect on the Shoreland Protection Strip, and thus the health of the water body.
 - iii. An advisory Subcommittee of the Planning Commission has been created to review waterfront developments and facilitate compliance with the waterfront provisions in this section. The requirements placed on property owners will be in proportion to the proposed activity.
- B. Shoreland Landscaping Plan
- The purpose of the Shoreland Landscaping Plan is to ensure that waterfront development will not negatively impact water quality.
- i. The Landscaping Plan shall address the conditions set forth in Section 3.14 (1-5).
 - ii. The Landscaping Plan shall address the elements set forth in Section 3.24 Landscaping.

iii. Prior to receiving a zoning permit to build or increase the footprint of a waterfront structure, a Shoreland Landscaping Plan with the following information is required:

1. A detailed inventory of the existing 50-foot Shoreland Protection Strip area, including the locations of trees, shrubs, and ground cover, with notes as to the locations of native and non-native species.
2. A detailed inventory of all structures within one hundred (100) feet of the Ordinary High Water Mark.
3. A detailed inventory of planned changes to the 50-foot Shoreland Protection Strip area, including tree removals and/or plantings, vegetation removal and/or plantings (if applicable).

C. Shoreland Protection Subcommittee

To ensure the compliance with the waterfront provisions in this section, a Subcommittee of the Planning Commission will meet to review waterfront development proposals to provide input and recommendations to the zoning administrator and/or planning commission.

- i. Members of the Subcommittee shall include two (2) members of the Planning Commission and a representative from Tip of the Mitt Watershed Council, the Lake Charlevoix Association, or a similar organization with technical expertise on aquatic ecosystem management.
- ii. Each member of the Subcommittee shall be appointed by the Planning Commission chairperson to a term that coincides with their regular planning commission term.
- iii. The Subcommittee is advisory only, reports directly to the Planning Commission, and does not have the authority to make final decisions.
- iv. Section 3.14.8D summarizes what actions trigger review by the Subcommittee.

D. The following table summarizes the information required and the review process for residential development on waterfront properties:

Location	Triggering Actions	Review Process	Data Required
Any Conforming Waterfront Lot	Modification of an existing structure without changing the building footprint.	Administrative Review by the Zoning Administrator	Plot Plan as described in Section 5.02.
	Modification of the spatial dimensions of an existing structure (less than 50%) or the addition of an accessory structure.	Administrative Review by the Zoning Administrator with input from the Shoreland Protection Subcommittee	Plot Plan as described in Section 5.02. and a Shoreland Landscaping Plan as described in Section 3.14.8A.
	A new residential home construction or a major reconstruction (over 50%).	Planning Commission Site Plan Review with input from the Shoreland Protection Subcommittee	Shoreland Landscaping Plan as described in Section 3.14.8A. and Site Plan Data required in 5.03.3.
Within the 100-foot shoreline setback	The addition or modification of a walkway, retaining wall, or patio/deck.	Administrative Review by the Zoning Administrator with input from the Shoreland Protection Subcommittee	Plot Plan as described in Section 5.02. and a Shoreland Landscaping Plan as described in Section 3.14.8(A).