

**AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION**

May 20, 2025 7:00 pm

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

ZOOM

<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. Public Comment
6. Review and Approval of Draft Minutes- April 29, 2025
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 – Shoreland landscape plan – 11659 Pa Ba Shan
2025/26 Budget draft
11. Old Business – BRI proposal
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next Regular PC Meeting- June 17, 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.

Hayes Township Planning Commission
April 29th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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

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

Also, present: April Hilton (Deputy Clerk/Recording Secretary), and Ron VanZee (Zoning Administrator).

Audience: William Conklin, Diane Conklin, Kevin Willis, Doug Kuebler, Deb Narten, Danielle Hutchinson, Nathan Narten, Jim McMahon, and Diane McMahon.

REVIEW AGENDA:

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

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

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

SPECIAL USE PERMIT HEARINGS:

Dewitt Marine-Application Withdrawn. Mr. Griffiths stated the Township has been researching the jurisdiction of MDOT. He has spoken to the Township attorney and MDOT and has found that MDOT does not have the right to allow something within the ROW that is against the Hayes Township Ordinance. The Township is researching and awaiting more information from the attorney on how the Township can go forward with reviewing this Special Use Permit with the new finding of facts.

PUBLIC COMMENTS: Public comments opened at 7:04pm.

- Correspondence attached.

- Appreciates the update on the Dewitt Marine Application.

Public comments closed at 7:07pm

APPROVAL OF MINUTES MARCH 18TH, 2025 REGULAR MEETING

Mr. Greenslade made a motion, supported by Mr. Curley, to approve the March 18th, 2025, regular meeting minutes as corrected.

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

Nays: none **Motion Carries**

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REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave a report of Board of Trustees activities. Next regular scheduled Board meeting is May 12th 2025.

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

ZBA met on March 26th 2025 to review two variance requests. The ZBA approved a variance request for parcel located at 07115 Birdland Dr. Charlevoix MI 49720. The ZBA denied a variance request for parcel located at 6995 Birdland Dr. Charlevoix MI 49720. The ZBA does not have any scheduled meetings at this time.

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

DISCUSS SEASONAL DEFINITION AS IT APPLIES TO DIFFERENT USES:

Mr. Griffiths stated that after the Special Use Permit Hearing for Dewitt Marine it was determined the Seasonal Definition in the ordinance is very vague. The Current Definition in the Hayes Township for Seasonal Use is "Any use or activity that reasonably can or should only be conducted during certain months or seasons of a year. (Art. II-13)".

After researching seasonal definitions in other neighboring township ordinances and how the City of Charlevoix handles seasonal uses, he found there were several questions for the Planning Commission to consider.

- 1) Do we need to amend the definition of seasonal on the Zoning Ordinance?
- 2) Does this definition offer enough specificity to allow establishing time frames around permitted activities in a variety of uses?
- 3) Do we need to establish specific definitions of seasons and with specific dates?
- 4) Do we need to link these to specific businesses of uses?
- 5) Can we add to the Zoning Ordinance that when a seasonal use is being applied for, does the Planning Commission confirm the actual dates and accurate descriptions of that use or simply make it one of the conditions of the special use permit?
- 6) How do we differentiate uses that have peak seasonal activity from those that have only a specific seasonal use?

The Planning Commission discussed these questions.

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The Planning Commission members came to a consensus seasonal use should be handled on a case-by-case basis. Will research adding language to the definition to include three seasons and the impact of putting conditions on seasonal use within the Township Zoning Ordinance.

OLD BUSINESS:

MASTER PLAN DISCUSSION:

The Planning Commission members will finalize their recommendations and changes to their section of the Master Plan and send them to the Clerk, they will then go to Rex Greenslade who has volunteered to edit and compile everything into a formatted draft for the Planning Commission to review.

SET/CONFIRM PUBLIC HEARING DATES:

None

SET/CONFIRM DATE OF NEXT PC MEETING –MAY 20th, 2025.

Next Planning Commission regular meeting will take place on May 20th, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 7:53pm

- Stated they attended the County Commissioner meeting last week and they approved the engineering for the next two phases of the bike path.

Public Comment Closed at 7:54pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. Martin requested if there has been any response or timeline from BRI?

Mr. Griffiths stated the Planning Commission needs to finish the Master Plan and if they have not received anything from BRI they will ask the Board of Trustees look into alternatives.

ADJOURNMENT: Ms. Cuddeback made a motion, supported by Mr. Martin, to adjourn the meeting at 7:56pm.

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

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary



Zoning Administrator Report

May 2025

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

- Continuing to work with applicant at 6995 Birdland Drive. ZBA denied this variance request at the public hearing held on March 26th 2025 at 7pm.
- 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.
- Sent progress request letter to landowner for non-compliance nuisance complaint with landowner on Hyek Road.
- Sent progress request letter to Landowner on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint.
- Second Notice Letter was sent to landowner on Shrigley Road for permitted use within the Small Lot Residential District compliant have not received response, however it does not appear the violation is continuing.
- Application for a new single family dwelling at 11659 PA BA Shan Trail, Shoreland Review committee has visited the site and submitted their report as well as Tip of the Mitt representative Noah Jensen. PC will review this project at the May 20th 2025 Planning Commission meeting.
- Application for a new single family dwelling unit on Murray Road. Waiting for additional information from applicant.
- Working with property owner to resolve a lighting complaint on Maple Grove Road. Waiting to schedule Foot Candle Measurement site visit with property owner to complete compliance report.



- Application for a free standing sign on Nine Mile Point. Proposed size of the sign exceeds the allowed maximum within the Zoning Ordinance, continuing communication with applicant.
- Communicating with landowner regarding complaint of a Shoreline violation on Peaceful Valley Road.
- Sent progress request Letter to landowner on Maple Grove Road for a Nuisance Ordinance complaint, Charlevoix County Fire Department Chief is monitoring parcel for fire hazards.

25-04-03	04-23-2025	125-004-20	6412 Church Road	Vicki Riley	Install a new 6' high fence approx. 350 Linear feet.
25-04-04	4-23-2025	108-001-15	10269 US 31 N Charlevoix MI 49720	Hollec	Install a new 50" X 59.5" Sign as shown on Site Plan
25-04-05	4-23-25	270-036-00	6680 Bay Shore West Dr.	Kimberly & Charleena Crozier	New 24'X42' Single Family Dwelling with two decks as shown on construction plans.
25-04-06	4-30-2025	112-030-10	10855 Pincherry rd	Pickleball Storage LLC	New 128'x81' Personal Storage Accessory Building as the principle use on the parcel as allowed in section 3.05.B of the Hayes Township Zoning Ordinance
25-05-01	5-5-2025	301-018-10	7115 Birdland Dr.	Lake Living North	31'x69' addition to an existing non-conforming structure variance as approved by Zoning Board of Appeals with Shoreline Restoration plan approved by the Shoreland Review Committee

P R O P O S A L

DATE: 5.6.2025

TO: Bill Conklin, Supervisor, Hayes Township

FR: John Iacoangeli, FAICP, Partner Emeritus

Purpose: Review and revision of the Planning Commission's proposed Zoning Ordinance.

Professional Involvement: Jenn Cram, AICP, (Project Professional) and John Iacoangeli, FAICP

Professional Roles: Jenn Cram will conduct the review and attend meetings, and John Iacoangeli will assist as needed.

Scope of Work: The scope of work includes the following:

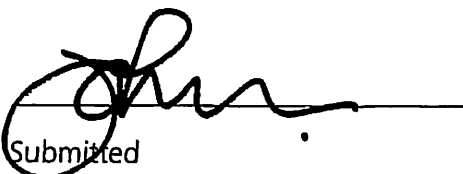
1. Review the proposed Hayes Township Zoning Ordinance, as provided by the Township.
2. Review and revisions to Articles 3, 4, 5, 6, 7, 8, 9, and 10, plus the battery storage and solar energy ordinances.
3. Estimation of work effort is 120-130 hours.

Proposed Process: Recommend the formation of a Zoning Ordinance Working Committee to work with the consultant on the articles until a final draft is ready for presentation and consideration by the Planning Commission. Zoning Ordinance Working Committee meetings would be conducted under the Open Meetings Act, with public comment limited after the end of the work session.

Meetings: Attendance at six (6) Zoning Ordinance Working Committee and two (2) Planning Commission meetings. Additional meetings are based on an hourly rate and mileage.

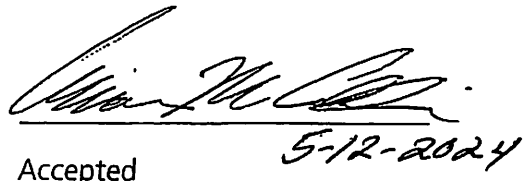
Professional Service Fee: \$ 16,500, which includes a \$4,500 client discount for services previously rendered. The net total professional service fee is \$16,500.00.

Timeframe: 6-8 Months



Submitted

John Iacoangeli, Vice-President



Accepted 5-12-2024

Bill Conklin, Supervisor

2025 Professional Service Fee and Structure

Beckett & Raeder, Inc. / BRI, Inc. is pleased to submit for consideration the following fees for professional services and time / material services:

AS REQUIRED BY CLIENT:

Partner	\$170.00 Hour
Principal	\$160.00 Hour
Senior Associate	\$150.00 Hour
Senior Project Manager	\$145.00 Hour
Senior Professional Engineer	\$145.00 Hour
Associate	\$140.00 Hour
Senior Project Professional/Landscape Architect/Planner	\$135.00 Hour
Project Manager	\$135.00 Hour
Professional Engineer	\$135.00 Hour
Senior GIS Specialist	\$125.00 Hour
Project Engineer (E.I.T.)	\$120.00 Hour
Senior Project Site Representative	\$115.00 Hour
Project Professional/Landscape Architect/Planner	\$115.00 Hour
GIS Technician	\$105.00 Hour
Resident Project Site Representative	\$ 95.00 Hour
Computer Technician /CAD Technician	\$ 95.00 Hour
Clerical	\$ 80.00 Hour
Interns (non-degreed)	\$ 70.00 Hour
Inspection Forms	At Cost
Printing and Duplicating	At Cost
Photography	At Cost
Postage / UPS / FedEx	At Cost
Permit Application Fees	At Cost
Site Plan Review Fees	At Cost
Travel Expenses (Airfare, Lodging, Meals, Fares, etc)	At Cost
Mileage	At Current Federal Rate

Note: Rates will be adjusted on the first of each year and billings will reflect the rates in effect at the time of services rendered

2025/2026 Draft Planning Commission Draft Budget

General assumptions:

It is assumed that there are two significant projects to complete this budget cycle. These topics include completing the review and update of the township zoning ordinance and finalizing the update of the Master Plan. To that end we are increasing the total number of meetings to 20 if needed.

Accomplishing these tasks will require additional administrative support and production, publishing and printing costs.

Recording Secretary. 20 @ \$200/session	\$4000
Per diem 16 x 6 x 90	\$8640
16 X 1 x \$135	\$2160
8 x 3 x 90	\$2160
Total	\$12960
Office Supplies	\$1000
Education*	\$2100
Publication/Printing	\$6000
Services **	\$20000
Total Budget submission	\$42060

*This includes one training session per member plus some additional for new member training and memberships/subscriptions.

**This is an estimate includes additional consulting work to complete the zoning ordinance, including diagrams and associated charts and artwork (if needed) per the proposal from BRI at \$14,500 plus some additional to cover any changes in the scope of work. This also includes activity on the required Master Plan update not based on any quotes or suggestions but is there as a place holder in case of unforeseen events.

Note: Some of these categories may be rolled up into the overall township budget and thus can be deleted from the PC budget to avoid double counting.

Viewing Parcel Number: 007-320-006-00

Parcel Details

Assessing City/Township:	Hayes Township
Property Address:	11659 NORTH PA BA SHAN TRL PVT CHARLEVOIX, MI 49720
Owner Information:	OLIVER KIRK R & MARY C 4631 VALLEY RIDGE RD DALLAS, TX 75220
Property Class:	402 - Residential - Vacant
Taxable Status:	TAXABLE
School District:	15050 - Charlevoix
P.R.E. Percentage:	0%
Current SEV:	\$314,000
Current Taxable Value:	\$242,585
Prior Year SEV:	\$314,000
Prior Year Taxable Value:	\$235,291

Sales Information

Date	Document Type	Liber/Page	Sales Price
12/06/2013	WD	1051/741	\$360,000
02/05/2007	QC	788/910	\$0
09/05/2001	WD	417/829	\$700,000
08/14/1998	WD	388/297	\$0

Tax Description

PA BE SHAN SHORES CONDO UNIT 6 AS RECD L371 P390-461 1ST AMEND L378 P961-972 2ND AMEND
CHANGING NAME 2003 L546 P420-422(FKA COUNTRY CLUB SHORES) 3RD AMEND L1012 P578-579 CX
CO R/D



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Report of the Shoreland Protection Subcommittee on 11659 Pa Ba Shan, Charlevoix.

A project to build a new home on a vacant waterfront lot on the north end of Pa Ba Shan was submitted to the township zoning administrator. A site visit was conducted by VanZee, Griffiths, Martin, and a desk review by Noah Jansen (Tip of the Mitt) on April 30, 2025. Submitted plans included a shoreland inventory of plants and trees.

The lot is an average of over 400 feet deep and slopes gently towards the water until approximately 30 feet from the OHWM when it becomes a steeper drop to the water level. The area between the proposed building and the shoreline buffer has been graded and the 50' area for the SPS is undisturbed and forested as is normal for an undeveloped parcel in the area. The lot in the past had some saplings cut as evidenced by the remaining stumps and root structures. The native ground cover remains intact currently. The existing plantings in what will be the shoreland protection strip are trees, a mix of pines, firs, and cedars of various ages and the typical ground cover that grows under them. The natural beach area has dune grass scattered throughout.

The planned build setback is approximately 105 to 125 feet from the ordinary high-water mark and the landscape plan is to leave the natural 50' shoreline protection strip (sps) as it exists. There is a planned 6' wide walkway for beach access, with a 200 square foot patio to be built upland of the drop to the water. There is no deck in the plan. A list of plants to be used to repair any areas damaged in the construction of the path and patio has been provided.

Noah Jansen has provided the applicant with feedback on the variety of the plants that are proposed to ensure that they are appropriate to the location.

As the native ground cover in the SPS is not to be disturbed, and the trees remain in situ in the SPS with any sapling stumps and root structure remaining, the plan to maintain the naturally occurring ground plants is acceptable. No further removal of trees or ground cover in the 50-foot shoreline protection strip is to occur except for the creation of the pathway to the water which is not to exceed 6 feet in width.

It is recommended that the Plan be approved.



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

11659 Pa Ba Shan Trail

Noah Jansen <noah@watershedcouncil.org>

Thu, May 1, 2025 at 4:34 PM

To: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Cc: Roy Griffiths <rwgriffits3@gmail.com>, "ctmagnetics@aol.com" <ctmagnetics@aol.com>

Hi Ron,

Here are my recommendations:

1. From the pictures and looking on Google Earth, it appears that quite a few trees were cut at some point in the last five years or so. The trees in the shoreland protection strip should be allowed to regrow and/or seedlings/saplings allowed to grow and replace them. To open some views as the trees get taller, they can be carefully pruned, and some can be removed, as long as this does not exceed the 20% allowed in the ordinance.
2. If "honeysuckle" means *Diervilla lonicera* (northern bush-honeysuckle) or a native *Lonicera* species (for example *Lonicera dioica*, *Lonicera canadensis*), I approve. However, if a non-native species is meant, please change it. Among others, non-native honeysuckles include *Lonicera x bella* (Bell's honeysuckle), *Lonicera xylosteum* (European fly honeysuckle), *Lonicera japonica* (Japanese honeysuckle), *Lonicera tatarica* (Tartarian honeysuckle), *Lonicera morrowii* (Morrow's honeysuckle), *Lonicera maackii* (Amur honeysuckle), or *Lonicera semperivrens* (trumpet honeysuckle). Some of these are known non-native invasive species.
3. If "wild indigo shrub" means *Baptisia australis*, I recommend substituting a species native to Michigan (this one is native to other parts of the country but not Michigan). There are native species of *Baptisia*, but these may be harder to come by. Other shrubby species that may do well here include soapberry/Canada buffaloberry (*Shepherdia canadensis*), snowberry (*Symphicarpus albus*), thimbleberry (*Rubus parviflorus*), and red osier dogwood (*Cornus sericea* - there is also a cultivar called 'Kelsey's' if a dwarf version is preferred).
4. I don't have a problem with witch hazel *per se*, but I usually see it growing in much drier, less humid settings, far inland. If the landscaper has had success with this plant in similar settings, go ahead. Otherwise, they may want to consider something like a smooth shadbush (*Amelanchier laevis*), striped maple (*Acer pensylvanicum*), mountain maple (*Acer spicatum*), round-leaved dogwood (*Cornus rugosa*), or showy mountain ash (*Sorbus decora*).

Let me know if there are any follow-up questions, and have a good evening.



Noah Jansen
 Restoration Manager
 231.347.1181 x1102
noah@watershedcouncil.org
watershedcouncil.org

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zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

11659 Pa Ba Shan Trail

3 messages

Dennis | BOYD Construction Company Inc. <dennis@boydconstructioncompany.com>Mon, Apr 28, 2025 at
12:10 PM

To: zoning@hayestownshipmi.gov, Craig | BOYD Construction Company Inc <craig@boydconstructioncompany.com>

The plan for the shoreline at the Oliver Residence is to leave all existing vegetation as is. We plan to add a small path to the lake with a 200 square foot patio adjacent to the path. The plan is to plant mixed plantings and native vegetation next to the path and patio where any earth will be disturbed. The overall plan is not to touch any existing trees or vegetation along the shoreline. If you have any further questions please reach out to Craig Boyd at (231) 373-4170.

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THANKS,
Dennis

BOYD Construction Company Inc.

Address 2010 M-119, Petoskey, MI 49770

Office 231-881-9900

Email dennis@boydconstructioncompany.comWebsite www.boydconstructioncompany.com

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Mon, Apr 28, 2025 at 12:18 PM

To: "Dennis | BOYD Construction Company Inc." <dennis@boydconstructioncompany.com>

Will you please provide me with a list of the exact plants you are proposing to use in the mixed planting and native vegetation next to the path and patio.

Thank you!
[Quoted text hidden]

--
Ron VanZee-Hayes Township Zoning Admin.
April Hilton - Hayes Township Zoning Admin. Assistant
Phone: 231-547-6961
Email: Zoning@hayestownshipmi.gov

Dennis | BOYD Construction Company Inc. <dennis@boydconstructioncompany.com>Mon, Apr 28, 2025 at 12:41
PMTo: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>, Craig | BOYD Construction Company Inc
<craig@boydconstructioncompany.com>

The plantings will be:
Sedges
Rush
Wild Indigo Shrub
Honeysuckle
Witch Hazel

[Quoted text hidden]

