

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

July 15, 2025 7:00 pm

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

ZOOM

**[https://us02web.zoom.us/j/83601481092?
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. Public Hearing – Correcting errors in the DeWitt Marine Special Use Permit.
6. Public Comment
7. Review and Approval of Draft Minutes- June 17, 2025
8. Report of Township Board Representative to the Planning Commission
9. Report of Zoning Board of Appeals Representative to the Planning Commission
10. Zoning Administrator Report
11. New Business – Master plan - discussion of future land use and zoning districts report
12. Old Business
13. Set/Confirm Public Hearing Dates
14. Set/Confirm Date of Next Regular PC Meeting- August 19, 2025
15. Public Comment
16. Planning Commission and Staff Comment
17. 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
June 17th, 2025
Regular Meeting
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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, Mark Snyder, Matt Cunningham, and Carey Cuddeback.

Also, present: Ron VanZee (Zoning Administrator), Todd Millar (Township Attorney).
Audience: Bill Conklin, Doug Kuebler, David Zipp, LuAnne Kozma, Ellis Boal, Kevin Willis, Jonathan Scheel, Diane Conklin, Mark McCol, Bob Jess, Tim Boyko, Jim McMahon, Diane McMahon, David Kemme, Betty Henne, Kathy Simon, Carol Umlor, and Rick Lobenherz.

REVIEW AGENDA:

Township Attorney Todd Millar suggested the Planning Commission postpone the agenda item Public Hearing – Correcting errors in the DeWitt Marine Special Use Permit until the July Planning Commission meeting following request from newly appointed attorney for DeWitt Marine.

Remove item# 5 Public Hearing – Correcting errors in the DeWitt Marine Special Use Permit with intent to schedule it for the July Planning Commission meeting.

Mr. Snyder made a motion, supported by Mr. Cunningham, to approve the agenda as amended.
Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

PUBLIC COMMENTS: Public comments opened at 7:06pm.

Comments included:

- Stated they have 20 years in Planning and Zoning, 8 years spent as Hayes Township Zoning Administrator. Stated the national level news has been covering court cases involving processes. Stated they do not have a problem with the Planning Commissions business however, have a problem with the process that granted DeWitt a permit. Recommends transparency.

- Stated he is a member of Northern Lakes Economic Lines and they talk about and support the blue economy. The blue economy is everything that has to do with the lakes, and improving the economy around the northern lakes. Supports the boat display on US 31.

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- Stated they feel the process was not followed correctly which led to tonight's reschedule, and feel the same thing happened last year when the permit was originally passed with the lack surveys that were to scale.
 - Stated after reading the Township Attorney's letter, they are unsure why the Planning Commission approved the Special Use Permit in the first place. Would like to know exactly what was wrong with the notice.
 - Stated they are detailed oriented. Correspondence attached.
 - Stated they share the concern for the North side of Charlevoix being too developed, which is why they placed a portion of their land into conservancy. However, in the portion along US 31 that is zoned Commercial the Township should consider allowing business development.
 - The Planning Commission will not be addressing the Public Hearing tonight. However during the Public comment period the public can speak freely.
- Public comments closed at 7:21pm

APPROVAL OF MINUTES MAY 20TH, 2025 REGULAR MEETING

Mr. Curley made a motion, supported by Ms. Cuddeback, to approve the May 20th, 2025, regular meeting minutes as corrected.

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

Nays: none **Motion Carries**

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave a report on Board of Trustees activities. Board of Trustees will be holding a Budget Hearing on June 23rd, 2025. Next regular scheduled Board meeting is July 14th 2025.

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

The ZBA next scheduled meeting is July 23rd 2025 at 7pm to review a variance request.

ZONING ADMINISTRATOR REPORT:

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

Mr. VanZee clarified there are two applications that have been received for consideration by the ZBA. Upon receipt of these applications the ZBA chairperson was notified of the applications and asked to reach out to ZBA members including alternates, to confirm when a quorum could be available. ZBA has set a meeting date for July 23rd 2025. At this time only one

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application for a variance request is on the agenda. The second application has not been completed by the applicant.

NEW BUSINESS

ZONING ORDINANCE WORK GROUP UPDATE – CAREY CUDDEBACK:

Ms. Cuddeback stated the Work group has their first meeting tomorrow. They will be discussing the scope of the process and begin their work with the consultant.

MASTER PLAN EDITING PROCESS UPDATES – REX GREENSLADE:

Mr. Greenslade stated he has been working on reformatting the text of the Master Plan text to facilitate easy editing. He is awaiting feedback from the other planning commission members and will be working on implementing their suggestions into the new format.

OLD BUSINESS:

SET/CONFIRM PUBLIC HEARING DATES:

Mr. Snyder made a motion, supported by Mr. Cunningham to reschedule the Public Hearing for correcting errors in the DeWitt Marine Special Use Permit for July 15th 2025.

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

Nays: none Motion Carries

SET/CONFIRM DATE OF NEXT PC MEETING –JULY 15th, 2025.

Next Planning Commission regular meeting will take place on July 15th, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 7:35pm

Comments included:

- Stated they were the Zoning Administrator when the stretch along US 31 was changed to Commercial zoning. He would like to see the area as a thriving and developed business area.
- Stated they would like the appeal to be heard before July 23rd 2025. Would like the Planning Commission to direct the Zoning Administrator.
- Roy Griffiths stated the Planning Commission does not oversee the Zoning Administrator and cannot direct as requested.

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- Stated they have respect for Mr. Lobenherz, however have a difference in opinion from him. Would like to see a survey presented by DeWitt Marine as well as a wetland study. Suggested DeWitt request a variance.
 - Stated they have listened to several compliments regarding DeWitt Marine. However, they find DeWitt attorney's request for postponement as a way to stall.
 - Would like to know what was incorrect in the posting of the notice.
- Public Comment Closed at 7:42pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. Snyder stated it would be nice if there was more appreciation for the Planning Commission efforts to do the best they can for the Township.

Ms. Cuddeback stated this is a volunteer board and every member puts in many hours of training and additional work outside meetings. She feels offended by the negative comments towards the planning commission members at every meeting.

Mr. Griffiths stated it is fair to say being a Planning Commission member puts you in the position to take negative comments from the public.

Mr. Snyder stated he would like to see citizens as a whole working together more.

ADJOURNMENT: Ms. Cuddeback made a motion, supported by Mr. Curley, to adjourn the meeting at 7:46pm.

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

July 2025

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

- Received new Variance application for 6995 Birdland Drive. ZBA meeting scheduled for July 23rd 2025 at 7:00 pm.
- Communicating with landowner regarding violation for a non permitted patio on Oyster Bay Drive.
- Received communication from landowner for a Nuisance Ordinance Violation on Maple Grove Road they have a plan to be in compliance by the end of July.
- Application for two new decks on an existing single family dwelling on Mulberry Lane. Waiting for additional information from landowner.
- 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.
- Awaiting response from landowner from progress request letter sent to landowner for non-compliance nuisance complaint with landowner on Hyek Road.
- Awaiting response from landowner from progress request letter sent to Landowner on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint.
- Application for a new single family dwelling unit on Murray Road. Waiting for additional information from landowner.
- Spoke with Holtec Representative, sign permitted to Holtec on 4/23/2025 was placed incorrectly, they will be correcting the placement.
- Sent first notice letter to landowner on Stonebridge drive for a non-compliance complaint.
- Sent first notice letter to landowner on Shrigley Road for a violation of the Hayes Township Zoning Ordinance.
- Met with Landowner regarding complaint of a Shoreline violation on Peaceful Valley Road, they will be submitting a Shoreline Restoration plan.



- Public Hearing has been scheduled for July 15th 2025, to re-hear Dewitt Marine's Special Use Permit.
- Rejected incomplete appeal application.
- Rejected untimely appeal application.
- Sent progress request Letter to landowner on Maple Grove Road for a Nuisance Ordinance compliant, Charlevoix County Fire Department Chief is monitoring parcel for fire hazards.

25-06-01	6-9-2025	113-019-40	9280 Pincherry Rd	Robert Crandell	40'X80' New Accessory Building
25-06-02	6-18-2025	111-021-30	10346 Burnett Road	James & Sheila Melke	12'X28 New Accessory Building
25-06-03	06/30/25	003-019-60	08740 Boyne City Rd	David VanElslander	113'-6 3/4'X67' New Single Family Dwelling with one three car garage and 2 covered porches subject to Shoreland Protection Strip as approved by Planning Commission.
25-07-01	07/07/25	125-001-10	6738 N Horton Creek rd.	Joseph McHugh	24'X56' New Accessory Building
25-07-02	07/07/25	110-008-40	8115 Major Douglas Sloan Rd.	Benjamin Speigl	New 3300 square Foot Single Family Dwelling Unit with 32'X48' detached Accessory Building as show on site plan



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Planning Commission: DeWitt Special Use Permit, July 2025

1 message

Jim McMahon <jim_mcmahon_jii@yahoo.com>

Tue, Jul 8, 2025 at 9:53 PM

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

Cc: Ron VanZee <zoning@hayestownshipmi.gov>

Dear Planning Commission members,

Have you recently studied the two south entrances coming into Charlevoix? What visual impressions do these drive-by views create? With only a few exceptions, the southern entrances into town look like commercial wastelands, void of trees and natural landscapes, unwelcoming, and visually unpleasant.

You have an opportunity to help preserve our scenic, rural beauty along US-31 when entering Charlevoix from the north (east). Commercial enterprises can thrive without intruding into Hayes Township's scenic rural beauty and character. **With good planning and a desire to preserve the natural beauty, both businesses and natural landscape preservation can co-exist.**

It's a "red herring" to hear that product displays and signage must extend beyond the township's setback requirements for successful sales. A business doesn't have to be "in your face" to sell products and services. **Customers will find out where to get the best products and service for the best price.** It doesn't require clear cutting all of the trees and natural landscapes.

Please enforce the requirements of Hayes Township's Zoning Ordinance. DeWitt Marine's intrusion into the setbacks, the lack of required planning documentation, and a perceived disregard for the township's zoning ordinance and master plan need to be addressed. **This situation is unacceptable.**

Below is my June 11, 2025, email to you, the Planning Commission, regarding specific issues related to their Special Use Permit. Please consider these required elements and the development of the **"Findings of Fact"**.

June 11, 2025, email: There are very serious failures, issues, and apparent zoning ordinance violation(s) with DeWitt Marine's current land development.

As the Planning Commission develops its **"Findings of Fact"**, I ask you to specifically consider **all elements** contained in the following sections of the Hayes Township Zoning Ordinance:

Section 3.19 Access Management

Section 3.20 Outdoor Lighting

Section 3.21 Signs

Section 5.03 Site Plan Review (All Districts), especially 5.03.3 and 5.03.5

Section 6.02.4.E Compatibility with Natural Environment

Below are some specific failures, issues, and apparent violations.

1. There is **no "certified survey** of the property prepared and sealed by a professional licensed surveyor" **specific to this site development**. Please reference Section 5.03.3.C.
2. The Site Plan Data **does not include** the following items in the documentation:
 - a. dimensions of abutting rights-of-way
 - b. required setbacks with dimensions
 - c. watercourses and water run-off paths
 - d. wetlands, including those on abutting properties
 - e. man-made drains including the mechanically dug trench located parallel to both US-31 and the service drive
 - f. remaining items within Section 5.03.3 that are too numerous to list here.
3. The MDOT right-of-way for US-31 is 75 feet (on the road's south side) from the actual road centerline. The MDOT "temporary use permit" **does not** supersede Hayes Township's Zoning Ordinance per Mr. Andy Perkette of MDOT's Gaylord TSC.
4. Section 3.19.1 specifically states that "Development of highway corridor property, regardless of zoning district, shall have a minimum front yard setback of fifty (50) feet from the road right-of-way." Therefore, the setback for development is 125 feet from the road centerline (i.e., 75 feet + 50 feet = 125 feet total setback).
5. The newly constructed **four (4) pontoon boat display pads are clearly in non-compliance with this 125 feet total setback**. These four boat display pads with their higher elevation, fill, gravel, and landscaping railroad ties are development of highway corridor.
6. **No professional wetlands information has been provided**. Michigan EGLE mapping charts show many wetland areas scattered throughout this general commercial development area. Professionally-certified information must be provided. Specifically, there is no wetlands information provided for the following abutting properties, Sections 5.03.3.F and 5.03.3.N:
 - a. directly south of the DeWitt property
 - b. directly east of the DeWitt property
 - c. northeast of the DeWitt property where the pooled water resides (see **question** below)
 - d. between the service drive and the mechanically dug (water) trench where the boat display pads were constructed.

Question: In item 6(c) above, water had been retained (pooled) for many months until some time after June 1st, 2025. From a US-31 vantage point, it now appears the wetland water has been

drained away. What caused this wetland water drainage? Was it a modification to the mechanically dug trench? Where did the water go?

Wetland observations:

a. From a US-31 vantage point, I have personally and easily witnessed the wetland pooled water.

b. Both prior to and during the construction of the four pontoon boat display pads in 2024, I observed standing water in the pontoon boat display pad areas.

c. The presumed mechanically dug trench can be easily seen from US-31 and it is certainly within the combined 125 feet right-of-way/setback area. Could it be that this trench drains the pooled water away from the wetland? Have the proper EGLE permits been obtained to drain wetlands? **Rather than saying, "It's not our job to enforce EGLE regulations", Hayes Township should ask EGLE for an official ruling at the applicant's expense.**

7. It appears that "existing trees and site vegetation" were removed at some time and the ground was filled-in and elevated when the boat pads were constructed **contrary** to the preservation guidelines in Sections 3.19.5.D, 5.03.5.A.2, and 5.03.5.A.3.

8. There are **no specific** Outdoor Lighting and Signs information provided. Sections 3.20 and 3.21.

9. **Master Plan Surveys:** The Hayes Township Master Plan surveys conducted during the latter part of 2024 and prepared during the early part of 2025, **as well as prior surveys**, provide very detailed feedback from Hayes Township property owners about how they want to see and experience Hayes Township and its development. The last paragraph in the executive summary states **"The survey results indicate a strong community desire to preserve the scenic and rural character of Hayes Township while accommodating managed growth and development."** The DeWitt Marine commercial development appears to be in direct non-conformance with this strong community desire, as well as the **Compatibility with Natural Environment** standard, Section 6.02.4.E.

Conclusion: All aspects of DeWitt Marine's commercial site development and ongoing proposed operation must be thoroughly investigated and the **Findings of Fact** well documented, prior to the careful and prudent review by the Hayes Township Planning Commission. **This Special Use Permit application is unacceptable!!!** Significant project development **failures in many areas must be satisfactorily addressed.** Thank you.

Jim McMahon

phone: 231-347-9829

THANK YOU for your submission!

Your notice has been submitted for publication. Below is a confirmation of your order. You will also receive an email confirmation.

ORDER DETAILS**PREVIEW FOR AD NUMBER LPET03215080**

Order Number:
LPET0321508
Order Status:
Submitted
Classification:
Govt Public Notices
Package:
General Package
Total payment:
111.52
Payment Type:
Account Billed
User ID:
L0039546
External User ID:
549778

Hayes Township
Charlevoix County
Notice of Public Hearing
The Hayes Township Planning Commission will hold a Public Rehearing on Tuesday, July 15, 2025 at 7:00p.m. at the Hayes Township Hall 09195 Major Douglas Sloan Road, Charlevoix, Michigan, 49720 to accept comments from the public regarding a rehearing to correct an error(s) due to new findings of facts regarding the jurisdiction of the Township to regulate activities within the Road Right of Way on a previously approved Special Use Permit issued to DeWitt Marine on May 6, 2024. Said permit authorized the creation of four display pads for the display of boats in the Road Right of Way. The rehearing is being held pursuant to the rehearing process under Section 9.04 Hayes Township Zoning Ordinance. 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 Monday, July 14th, 2025.
Tax Identification Number 15-007-118-015-50 & 60
Located on 11758 US 31 North, Charlevoix MI 49720
Zoning District: Neighborhood Commercial
Applicant: Dewitt Marine
June 25 2025
LPET0321508

ACCOUNT INFORMATION

Hayes Township
9195 Major Douglas Sloan RD
Charlevoix, MI 49720-9053
231-547-6961
clerkhayestownshipmi@gmail.com
Hayes Township
Contract ID:

[<< Click here to print a printer friendly version >>](#)

TRANSACTION REPORT

Date
June 23, 2025 10:07:29 AM EDT
Amount:
111.52

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LPET03215080

June 25, 2025
Petoskey News-Review

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Hayes Township

Charlevoix County

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Tax Identification Number 15-007-118-015-50 & 60

Located on 11758 US 31 North, Charlevoix MI 49720

Zoning District: Neighborhood Commercial

Applicant: Dewitt Marine

The image shows a screenshot of a web-based map application. The main map area displays an aerial view with a yellow polygon and several blue lines. Labels on the map include 'FAIRWAY WAY', 'US 31 N', and 'WALLER RD'. Below the map, there are two panels: 'Feature Info' on the left and 'Measure' on the right. The 'Measure' panel shows a 'TOTAL DISTANCE 306' and a 'Reset' button. A watermark 'CREATED WITH MANGO' is visible in the center, along with a URL: '(https://mangomap.com/?utm_source=mango&utm_medium=map)'. Navigation arrows and a search icon are also present.

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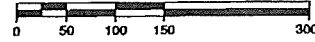
Marked 6-23-25
Including 1 TO Applicant
Dawitt marine

CERTIFICATE OF BOUNDARY SURVEY

PREPARED FOR: RIK LOBENHERZ



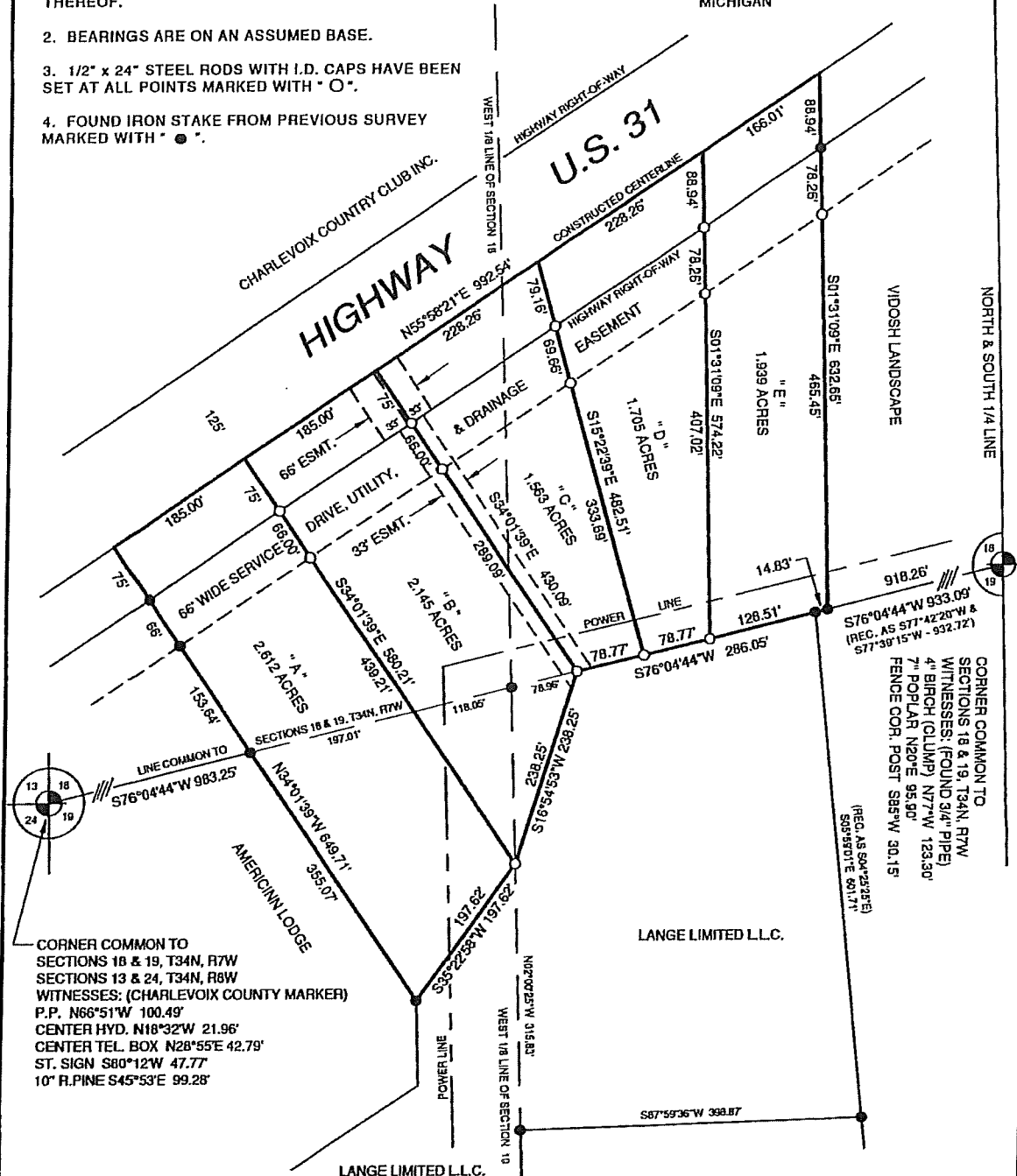
SCALE 1" = 150'



PART OF SECTIONS 18 & 19,
TOWN 34 NORTH, RANGE 7 WEST
CENTRAL LAKE TOWNSHIP, ANTRIM COUNTY,
MICHIGAN

LEGEND:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE ON AN ASSUMED BASE.
3. 1/2" x 24" STEEL RODS WITH I.D. CAPS HAVE BEEN SET AT ALL POINTS MARKED WITH "O".
4. FOUND IRON STAKE FROM PREVIOUS SURVEY MARKED WITH "●".



JOHN E. FERGUSON

P.S. 24595

I HEREBY CERTIFY that I have surveyed and mapped the property hereon delineated and that the ratio of position closure of the unadjusted field data exceeds 1:5000; and that it complies with P.A. 132, 1970.

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
PROFESSIONAL SURVEYORS

103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720
(231) 547-6882 - FAX (231) 547-0021
EMAIL: info @ fcassurveying.com

FIELD: SP, MW	STAKED: SP, MW	DRAWN: DOH
JOB: SB-23569c.10	DATE: APRIL 19, 2011	

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

1

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

3 Members present: CT Martin, Mark Snyder, Matt Cunningham, Roy Griffiths (Chair), and Marilyn
4 Morehead.

5 Excused: Derek Burnett and Rex Greenslade.

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

7 Audience: Luanne Kozma, Ellis Boal, Kevin Willis, Tim Boyko, Elliot Falls, Theresa Love, Jackson Love,
8 Mark McCarol, Andrew Wilson, and Bill Conklin.

9

10 **PLEDGE OF ALLEGIANCE:**

11

12 **REVIEW AGENDA:**

13 Ms. Morehead made a motion, supported by Mr. Snyder, to approve the agenda as presented.

14 Yeas: Matt Cunningham, Roy Griffiths, Mark Snyder, CT Martin, and Marilyn Morehead.

15

16 **DECLARATIONS OF CONFLICTS OF INTERESTS:**

17 None

18

19 **PUBLIC COMMENTS:**

20 Public comments opened at 7:01 pm.

21 Comments included:

- 22 - Stated following the Zoning Ordinance is important and is there to avoid lawsuits. Made
23 comments on last months Planning Commission meeting, and the decision made on the Site
24 Plan Review.

25 Public comments closed at 7:06 pm

26

27 **New Business:**

28

29 PUBLIC HEARING:

30 Application by Dewitt Marine for a Special Use Permit to allow development and operation of
31 a boat sales and service operation located at US 31 North, Tax ID 15-007-118-015-50 and 15-
32 007-118-015-60.

33 Public Hearing opened at 7:06pm

34 Applicant presented the proposed plan for the three stages of the Special Use Permit. With a
35 brief background of Dewitt Marine as a company.

36

37 Zoning Administrator presented the sections of the Zoning Ordinance that should be
38 considered when looking at granting this Special Use Permit.

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

Public Comment Open at 7:16pm

Comments included:

- Stated they support comments attached. Asked why display for boats have already been placed on parcel without a permit. Stated a large sign should not be allowed because the Rod and Gun Club was not allowed a larger sign.
- Support Dewitt Marine having a show room, only concerned about the land between the easement and road being used for display and is interested in hearing the discussion tonight.

Public Comment Closed at 7:21 pm

Planning Commission review the correspondence submitted before the meeting.

Correspondences are attached.

Public Hearing Closed at 7:29pm

Planning Commission discussed the proposed plan for the Special Use Permit.

Discussion included:

- Whether or not signs and/or display pads can be placed in the area between the Easement and road in the road right away zone.

Planning Commission reviewed the Standards for granting a Special Use permit.

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.

YES

Compatibility with Adjacent Land Uses

- B. 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.

YES

- 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.

YES

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- 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.

YES

- 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.

YES

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.

YES

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.

YES

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

YES

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.

NO

Planning Commission performed a Plot Plan Review.

Section 5.02 - Plot Plan

The Zoning Administrator shall require that all applications for Zoning Permits, which do not

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require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

1. The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.

YES

2. The location, shape and size of all buildings or other structures to be erected, altered, or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to confirm the height of the proposed structures.

FIRST OF SEVERAL PHASES, ALL PHASES MUST CONFORM TO THE ZONING ORDINANCE.

3. The location and configuration of the lot access and driveway, drawn to scale.

YES

4. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

N/A

5. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

YES

Planning Commission reviewed all documents that were submitted for review.

1. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

A. The name and address of the property owner. **YES**

B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more. **YES**

C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description. **YES**

D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height. **YES**

E. The location and width of all abutting rights-of-way, easements, and utility lines

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within or bordering the subject project. **YES**

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- F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features. **YES, WETLANDS WILL BE DETERMINED BY STATE.**
- G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names. **YES**
- H. The existing zoning district in which the site is located and the zoning of adjacent parcels. **YES**
- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls. **N/A**
- J. The location, size and slope of all surface and subsurface drainage facilities. **YES**
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information: **YES**
- 1) The number of units proposed, by type, including a typical floor plan for each unit.
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3) Typical elevation drawings of the front and rear of each building.
- L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less. **YES**
- M. Generalized soil analysis data, which may include data prepared by the Charlevoix County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils. **NOT REQUIRED.**
- N. All site plans shall comply with the terms of any applicable soil erosion sedimentation and stormwater runoff control ordinance. It shall be the applicant's responsibility to provide documentation of compliance with any applicable ordinance. **YES**
- O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses. **YES**
- P. The impact statement shall address the following as applicable to the type of use:
- 1) A complete description of the proposed development including areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable. **YES**
 - 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development. **YES**
 - 3) ~~Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution~~

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(ground and surface), noise and the scale of development in terms of the surrounding environment. **YES**

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- O. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall review the application and information submitted 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 site plan approval shall not proceed until all required information has been supplied. Once a complete application meeting the requirements of this ordinance has been submitted, the Zoning Administrator shall introduce the application at the next meeting and place on the agenda for the following regular meeting. **YES**
- P. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval. **YES**
- 1) The Charlevoix County Planning Department
 - 2) The Charlevoix County Soil Erosion and Sedimentation Control Officer
 - 3) The Charlevoix County Drain Commissioner
 - 4) The Charlevoix County Road Commission and, if appropriate, the Michigan Department of Transportation
 - 5) District Health Department
 - 6) Local fire and ambulance service providers
- Q. For all waterfront development requiring a Shoreland Landscaping Plan, the Shoreland Protection Subcommittee of the Planning Commission will review the Shoreland Landscaping Plan in accordance with Section 3.14 prior to review by the planning commission. **N/A**
- R. Application fees as determined pursuant to **Section 9.05** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
- S. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals. **N/A**
- T. The applicant or his/her representative shall be present at each scheduled review or the matter may be tabled for a maximum of two consecutive meetings due to lack of representation, the application shall be designated as inactive and all fees forfeited.

Planning Commission performed a Site Plan Review.

1. Standards for Granting Site Plan Approval:

- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.

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- 280 1) All elements of the site plan shall be designed so that there is a
281 limited amount of change in the overall natural contours of the site
282 and shall minimize reshaping in favor of designing the project to
283 respect existing features of the site in relation to topography, the size
284 and type of the lot, the character of adjoining property and the type
285 and size of buildings. The site shall be so developed as not to
286 impede the normal and orderly development of surrounding property
287 for uses permitted in this Ordinance. **YES**
- 288 2) The landscape shall be preserved in its natural state, insofar as
289 practical, by minimizing tree and soil removal, and by topographic
290 modifications which result in smooth natural appearing slopes as
291 opposed to abrupt changes in grade between the project and
292 adjacent areas. **YES**
- 293 3) Special attention shall be given to proper site drainage so that
294 removal of storm waters will not adversely affect neighboring
295 properties. **YES**
- 296 4) The site plan shall provide reasonable, visual, and sound privacy for
297 all dwelling units located therein. Fences, walls, barriers, and
298 landscaping shall be used, as appropriate, for the protection and
299 enhancement of property and for the privacy of its occupants. **N/A**
- 300 5) All buildings or groups of buildings shall be so arranged as to permit
301 emergency access by some practical means to all sides. **YES**
- 302 6) Every structure or dwelling unit shall have access to a public street,
303 private road, walkway or other area dedicated to common use. **YES**
- 304 7) All loading and unloading areas and outside storage areas, including
305 areas for the storage of trash, which face or are visible from
306 residential districts or public thoroughfares, shall be screened, by a
307 vertical screen consisting of structural or plant materials no less than
308 six feet in height. **YES**
- 309 8) Exterior lighting shall be arranged as follows:
310 a) It is deflected away from adjacent properties.
311 b) It does not impede the vision of traffic along adjacent streets.
312 c) It does not unnecessarily illuminate night skies. **YES**
- 313 9) The arrangement of public or common ways for vehicular and
314 pedestrian circulation shall respect the pattern of existing or planned
315 streets and pedestrian or bicycle pathways in the area. Streets and
316 drives which are part of an existing or planned street pattern which
317 serves adjacent development shall be of a width appropriate to the
318 traffic volume they will carry and shall have a dedicated right-of-way.
319 **YES**
- 320 10) All streets shall be developed in accordance with any adopted
321 Township private road standards, or if a public road, the County
322 Road Commission specifications. **N/A**
- 323 11) Site plans shall conform to all applicable requirements of state and
324 federal statutes and the Hayes Township Master Plan, and approval
325 may be conditioned on the applicant receiving necessary state and
326 federal permits before the actual zoning permit authorizing the

Hayes Township Planning Commission

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special land use is granted. **PHASE 2 AND 3 YES**

- B. The Planning Commission shall seek the recommendations of the Fire Chief, the Charlevoix County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable. **YES**

Planning Commission set the following special conditions for the Special Use Permit:

- Signage must comply with the requirements of the Zoning Ordinance.
- Approval from all agencies required throughout the progression of each phase.

Mr. Snyder made a motion, supported by Mr. Martin to approve the application for Special Use Permit with the special contingency that all necessary permits needed with each phase are granted by the necessary agency to be compliant with the Zoning Ordinance. A roll call was taken.

Yeas: Mark Snyder, CT Martin, Roy Griffiths, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

SET/CONFIRM DATE OF NEXT PC MEETING –MAY 21st, 2024.

Next Planning Commission regular meeting will take place on May 21st, 2024, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 8:43

Comments Included:

- Stated they feel the display of the boats is considered a use.
- Applicant stated they are hoping they improved the look and use of the property.
- Recommended the Planning Commission list agencies that will need to grant permit.
- Stated they feel confused between the right of way and easement set back differences.

Public Comment Closed at 8:51

PLANNING COMMISSION COMMENT:

Mr. Martin supports Dewitt Marine at this location.

Mr. Griffiths stated last Planning Commission meeting received a correspondence requesting packets be available to the public sooner in order to formulate their comments. He stated the public receives the packet information at the same time as the planning commission members.

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The public has the same amount of time as the planning commission members to research and study the packet materials.

ADJOURNMENT: Ms. Morehead made a motion, supported by Mr. Snyder, to adjourn the meeting at 8:51 pm.

Yeas: Mark Snyder, CT Martin, Roy Griffiths, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary



INDIVIDUAL CONSTRUCTION PERMIT

For Operations within State Highway Right-of-Way

Issued To:
Forward Inking

3691 Cass Rd
Traverse City MI 49684

Contact:
Byron Pettigrew
231-343-0302(O) 231-343-0302(Cell)
byron@forwardinking.com

Permit Number: 15012-106959-24-120224
Permit Type: Individual Application
Permit Fee: \$.00
Effective Date: Dec 02, 2024 to Dec 02, 2025
Bond Numbers:
Liability Insurance Expiration Date:

Contractor:
Forward Inking

3691 Cass Rd
Traverse City MI 49684

Contact:
Byron Pettigrew

231-343-0302(O) 231-343-0302(Cell)
byron@forwardinking.com

THIS PERMIT IS VALID ONLY FOR THE FOLLOWING PROPOSED OPERATIONS:

PURPOSE:

We are working on a road sign project for Mark at DeWitt Marine in Charlevoix. Because of the expanded ROW on that section of 31, Hayes Township has indicated we need to reach out to you for permission from MDOT to place the sign within the ROW. There's no practical placement for the sign outside of the ROW and we have noticed that the adjacent property has a newer sign that is placed with be within the ROW and we are hoping you'll grant written permission for the same for DeWitt.

The sign we will be installing is a basic post and panel setup constructed of two 4x4 posts. There will be no electrical needed at the sign or any type of permanent mounting that would make this difficult to move in the future.

We are ideally hoping to place the sign 24' back from the white line, which is the same placement as the existing storage unit sign on the adjacent property.

I've attached a couple of pictures to this email for reference. You'll see the existing sign for the storage units that I'm referencing, as well as one photo of DeWitt's property that had an existing 4x4 post still in the ground (likely from a previous sign of some sort?). Our intent is to put the new sign for DeWitt where that 4X4 post currently is.

STATE ROUTE: US-31 TOWNSHIP OF: Hayes COUNTY: Charlevoix County

NEAREST INTERSECTION:	SIDE OF ROAD:	DISTANCE TO NEAREST INTERSECTION:	(in feet)		DIRECTION TO NEAREST INTERSECTION:
North Star Dr	E	100.00			South
CONTROL SECTION:	MILE POINT FROM:	MILE POINT TO:	LOCATION:		
15012	3.050	3.050	LEFT	MEDIAN	RIGHT TRANSVERSE
			☐	☐	☒ ☐
REQUISITION NUMBER:	WORK ORDER NUMBER:	MDOT JOB NUMBER:	ORG JOB NUMBER:		

15012-106959-24-120224 Issued To:Forward Inking

This permit is incomplete without "General Conditions and Supplemental Specifications"

I certify that I accept the following:

1. I am the legal owner of this property or facility, the owner's authorized representative, or have statutory authority to work within state highway Right-of-Way.
 2. Commencement of work set forth in the permit application constitutes acceptance of the permit as issued.
 3. Failure to object, within ten (10) days to the permit as issued constitutes acceptance of the permit as issued.
 4. If this permit is accepted by either of the above methods, I will comply with the provisions of the permit.
 5. I agree that Advance Notice for Permitted Activities for shall be submitted 5 days prior to the commencement of the proposed work.
- I agree that Advance Notice for Permitted Utility Tree Trimming and Tree Removal Activities shall be submitted 15 days prior to the commencement of the proposed work for an annual permit.

CAUTION

Work shall NOT begin until the Advance Notice has been approved.
Failure to submit the advance notice may result in a Stop Work Order.

Forward InkingChristopher Young
MDOTDecember 02, 2024
Approved Date

TSC Contact Info

Gaylord TSC

(989) 731-5090

THE STANDARD ATTACHMENTS, ATTACHMENTS AND SPECIAL CONDITIONS MARKED BELOW ARE A PART OF THIS PERMIT.

STANDARD ATTACHMENTS:

- 1 ENVIRONMENTAL REQUIREMENTS FOR ACTIVITIES WITHIN MDOT RIGHT-OF-WAY (2486)
- 2 Historical and Archaeological Discoveries During Construction Operations Updated 03/22 (Const. Advisory H
- 3 General Conditions (General Conditions)

ADDITIONAL ATTACHMENTS:

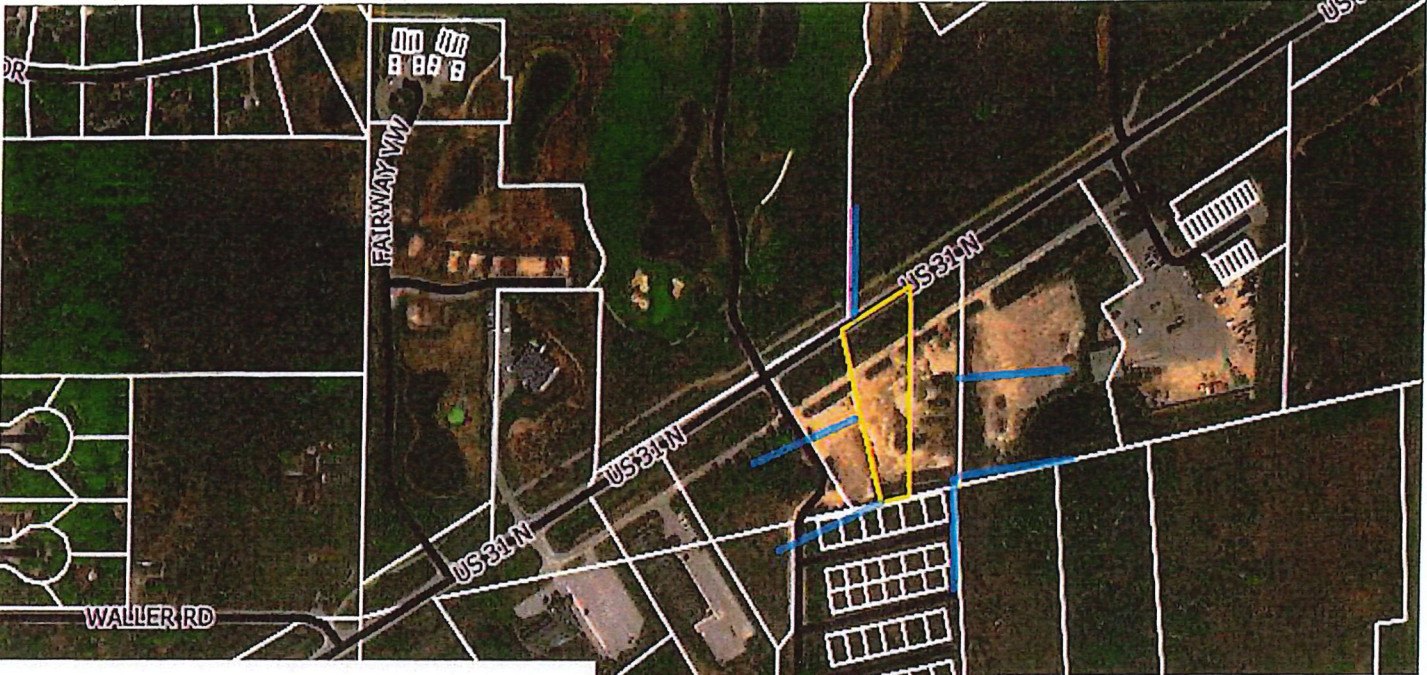
- 1 NOTICE TO PERMIT HOLDER.pdf
- 2 SPECIAL CONDITIONS FOR UTILITY WORK IN MDOT RIGHT-OF-WAY.pdf
- 3 Shoulder Closure 2 Lane.pdf
- 4 106959 Dewitt Marine Sign Permit Application rev 1.pdf

AMENDMENT ATTACHMENTS:

15012-106959-24-120224 Issued To:Forward Inking

SPECIAL CONDITIONS:

- 1 The Department of Transportation does not, by issuance of this permit, assume any liability claims or maintenance costs resulting from the Activity or facility placed by this permit. The Department reserves the right to require removal of all or any portion of this facility as needed for highway maintenance or construction purposes without replacement or reimbursement of any costs incurred by the permitted or other party. The permitted will defend, indemnify and hold harmless the Department for any claims whatsoever resulting from the construction or the removal of the authorized by this permit.
- 2 MDOT does not allow work in adverse weather conditions. MDOT will allow winter work if the pavement is dry and there is no precipitation currently or forecasted for the work period. Work is not allowed if snow or slush is in between the wheel tracks, making it a hazard for vehicles to change lanes.



Feature Info

Pin: 007-118-015-50

Address: 1044 North Star Dr

Parcel Link: <https://www.charlevoixcounty.com/apps/charlevoixcounty/viewparcel.php?pnun=007-118-015-50>

Measure

Measure distances

Click to start drawing line

TOTAL DISTANCE 306

Reset

CREATED WITH MANGO

(https://mangomap.com/?utm_source=mango&utm_medium=map&utm_campaign=map)

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Mailed on May 2nd 2025



OFFICE OF ZONING ADMINISTRATOR
09195 MAJOR DOUGLAS SLOAN ROAD
CHARLEVOIX, MICHIGAN 49720
231.547.6961
WWW.HAYESTOWNSHIPMI.GOV

January 8th, 2025

Mark McCool
Dewitt Marine
6509 Crystal Springs road
Bellaire, MI 49615
Parcel # 007-118-015-50 & 007-118-015-60

It has come to our attention that watercraft has been relocated back to the display pads along US 31.

In your presentation to the Planning Commission for Special Use Permit on May 6th, 2024, you indicated the request was to display the boats seasonally. Typically, in this area, and in our zoning ordinance, seasonally refers to the summer season.

Later in the meeting, the Zoning Administrator ask specifically if the request was for year around. Your response was that the request was for seasonal display.

This was the information the Planning Commission based their decision on approving the Special Use Permit.

Having the boats on display during non-seasonal periods violates the terms of the Special Use Permit.

To address this violation we request that you re-locate all watercraft in the off season.

Please call or email a response to this letter within 10 days of this letter date and If you have any questions please call 231-547-6961 or email zoning@hayestownshipmi.gov.

Best Regards ,

April Hilton
Hayes Township Zoning Administrator Assistant

1/22/25, 11:29 AM

Gmail - Seasonal display



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Seasonal display

1 message

Mark McCool <mark@dewittmarine.com>
To: zoning@hayestownshipmi.gov

Mon, Jan 20, 2025 at 1:31 PM

Good morning,

I have received your letter advising about the seasonal display for our inventory located along US 31, across from the golf course. At the time of this letter, I was currently out of the country, however I did make a phone call back and discussed with your secretary about the misunderstanding.

I did advise in the zoning meeting and agreed that these display pads would be used for "seasonal display". However, I do not recall any dates that were set as the definition of a season and the time frame it exists in and when boats were not allowed to be there. It was also not explained to me that Hayes township's "seasonally" refers to the summer season only. This would be the first I am hearing what your definition of a season would be. There may have been an interpretation on your end as to a season being just the summer on my end because I am in the marine industry, but my business has several seasons in it. For example, we displayed boats during the summer months, which is our "selling season". Then we removed them in the fall and they remained empty for a short period of time. Later in the year, we brought four boats back that were shrink wrapped. That is because as a marina, we have a "storage and shrink wrap season". Soon in February, our "boat show season" begins and then the summer selling season resumes again. This is what I meant when saying the display pads will only be used seasonally. I am sorry that I didn't explain to you that "seasonally" to me, is expanded beyond just summer use.

Another point I would like to discuss is I also thought that I was not in violation, for I was approved for boat storage there. These shrink wrapped boats are boats in storage for us too. To my understanding, It wasn't discussed in the meeting that I could not store boats for storage purposes on those pads during our boat storage season. Our boat storage season typically goes from late November, to the end of March.

My first and main goal is to be respectful and compliant of all agreed upon rules. I do not like to be in the practice of doing now and asking for forgiveness later and I am extremely thankful to you guys and the efforts you put forth on assisting me through these processes and learning curves I've encountered. If I truly am in violation of the agreed upon discussions in our meeting, I will certainly make it right. However, with this communication and explanation of our operation, the pads not being used year round, but just during these seasons, along with our lessee and MDOT not having an issue, can we continue to conduct business as we have been doing thus far? I am now back in the country and available to meet if this would be more helpful. I can be flexible to your schedule if you would like to discuss this further. Please let me know what it is you would like me to do.

Regards,

Mark McCool



Dewitt Marine Inc.
6509 Crystal Springs Road
Bellaire, MI 49615
231.377.6611

Ask me about becoming a member of [Boat Club!](#)

LIKE US!
[Facebook](#)

1/22/25, 11:29 AM

Gmail - Seasonal display

CONFIDENTIALITY NOTICE: This message and any attachment contain confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this message in error, please notify us immediately by return e-mail and delete this message and any attachment from your system.

1/22/25, 12:39 PM

Gmail - Seasonal display



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Seasonal display

Mark McCool <mark@dewittmarine.com>

Wed, Jan 22, 2025 at 12:44 PM

To: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

That makes perfect sense and I will absolutely comply with your decisions. Can I ask if you would consider allowing the winter season months to use the pads? Our storage and shrink wrap season makes up a large part of our business income. I am just trying to get the best use out of that location and advertisement is crucial and those pads help me with that. We have received many calls from the Charlevoix area in regards to our shrink wrapping and storage program and are now considering doing shrink wrap on sight this coming late fall and storing new Charlevoix customer boats there. It's been great meeting new excited customers who are interested in using our services. These pads with the currently displayed shrink wrapped boats have absolutely helped with this growth. It would be great if I could continue to use that property and what it offers to its fullest potential.

[Quoted text hidden]

1/22/25, 12:40 PM

Gmail - Seasonal display



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Seasonal display

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>
To: Mark McCool <mark@dewittmarine.com>

Wed, Jan 22, 2025 at 12:27 PM

Hello,

The only concern at this time are the boats on the parking pads this time of year versus what the Planning Commission interprets as seasonal. The sales and storage of boats on the site as the Planning Commission approved are considered year round as long as they are located behind the service road.

Again our only concern are the boats located on the pads during the off season.

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

12/11/24, 11:15 AM

Gmail - Fwd: Phases



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Fwd: Phases

1 message

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>
To: April Hilton <deputyclerkhayes@gmail.com>

Mon, Apr 15, 2024 at 6:44 AM

Sent from my iPhone

Begin forwarded message:

From: Mark McCool <mark@dewittmarine.com>
Date: April 12, 2024 at 10:27:57 AM EDT
To: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>
Subject: Phases

Good afternoon Ron,

I wanted to send these over to you to see if they are efficient enough for the meeting on May 6th. I tried to include all of the requested info that you had in the three laid out phases, however I am more than happy to change anything to make them better. Please let me know your thoughts.

Phase One-

1. Four established 12'x30' pads, in between the easement and HWY. These pads will not interrupt the MDOT easement. These pads are 20' from the property line and 40' from the front property line. These four spaces will be used for the display of boats.
2. Gravel parking lot that is approximately 45'x170', including two driveway entrances off of the easement road. This space will be used for the display of boats.
3. A 12'x26' utility shed will be placed on the eastern side of the parking lot. This shed will be used to store miscellaneous items for boat cleaning and sales equipment. Staff will also utilize this space as a temporary office space to conduct their work. There will be no power hook up to this building, but instead powered by a generator. The northern edge of the property to the building is 140' and the eastern (backside of the shed) to the backside of the property is 160'.
4. An outhouse will be placed on sight for employee use only.
5. A permanent sign will be established at some time during phase one, along the US31 roadway, outside of the MDOT easement. The location and size at this time. Forward Inking is the contractor hired for this project and will resume responsibility for permits and compliance during this phase.
(Please refer to "Phase One" for property layout and dimensions)

Phase Two-

1. An indoor sales room, service shop and parts store will be built. The building size is proposed to be 60'x80', but may be subject to change in size to larger I.E. 80'x100'. This building will be occupied by about 6-10 employees, year round.
2. A black top parking lot will be established to the North and East of the new building. The parking lot size will be 120'x210' (less the space of the building). The parking lot edges will be within compliance for the distances from the edges of the property lines. This parking lot will be used for customer/employee parking, in addition to sales boats on display.
3. Utility hookups such as water, sewer, and electrical will be conducted.
4. Storage of shrink wrapped boats will be placed in vacant areas in the parking lot and on the property during winter times
(please refer to attachment "Phase Two" for property line dimensions)

Phase Three-

12/11/24, 11:15 AM

Gmail - Fwd: Phases

1. Construction of a large storage barn, uninsulated and not to exceed the height of 35', will be done. The proposed dimensions will be approximately 100'x160'. Inside the building will be rack storage for boats. (please refer to "Phase Three" attachment for dimensions)

Regards,

Mark

--



Dewitt Marine Inc.
6509 Crystal Springs Road
Bellaire, MI 49615
231.377.6611

Ask me about becoming a member of [Boat Club!](#)

LIKE US!
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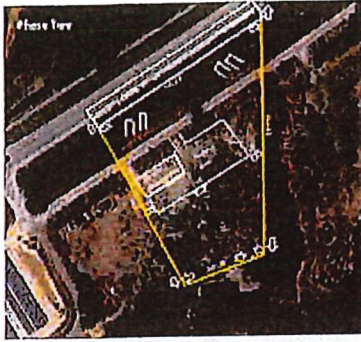
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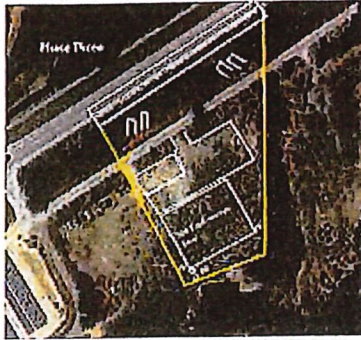
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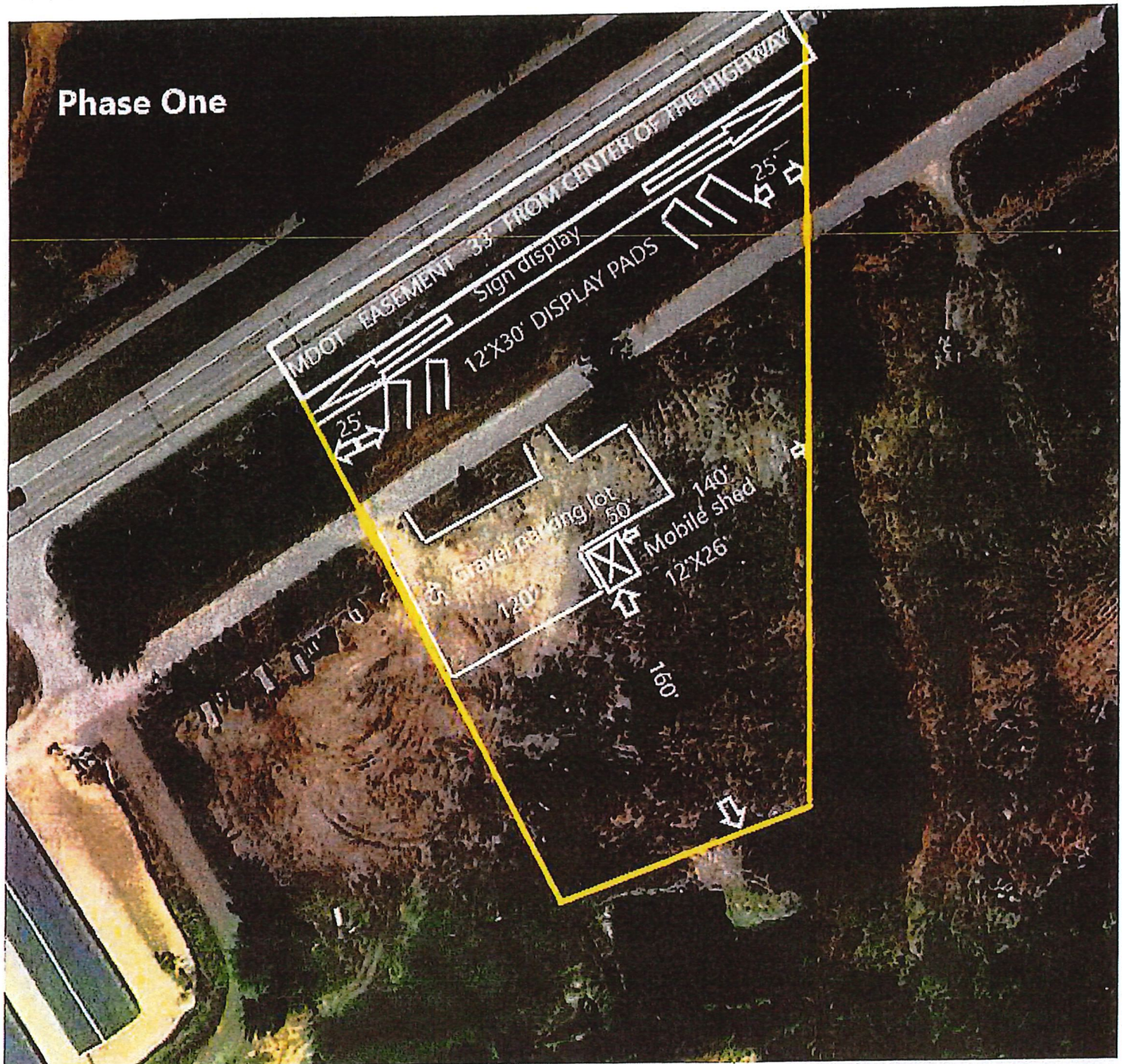


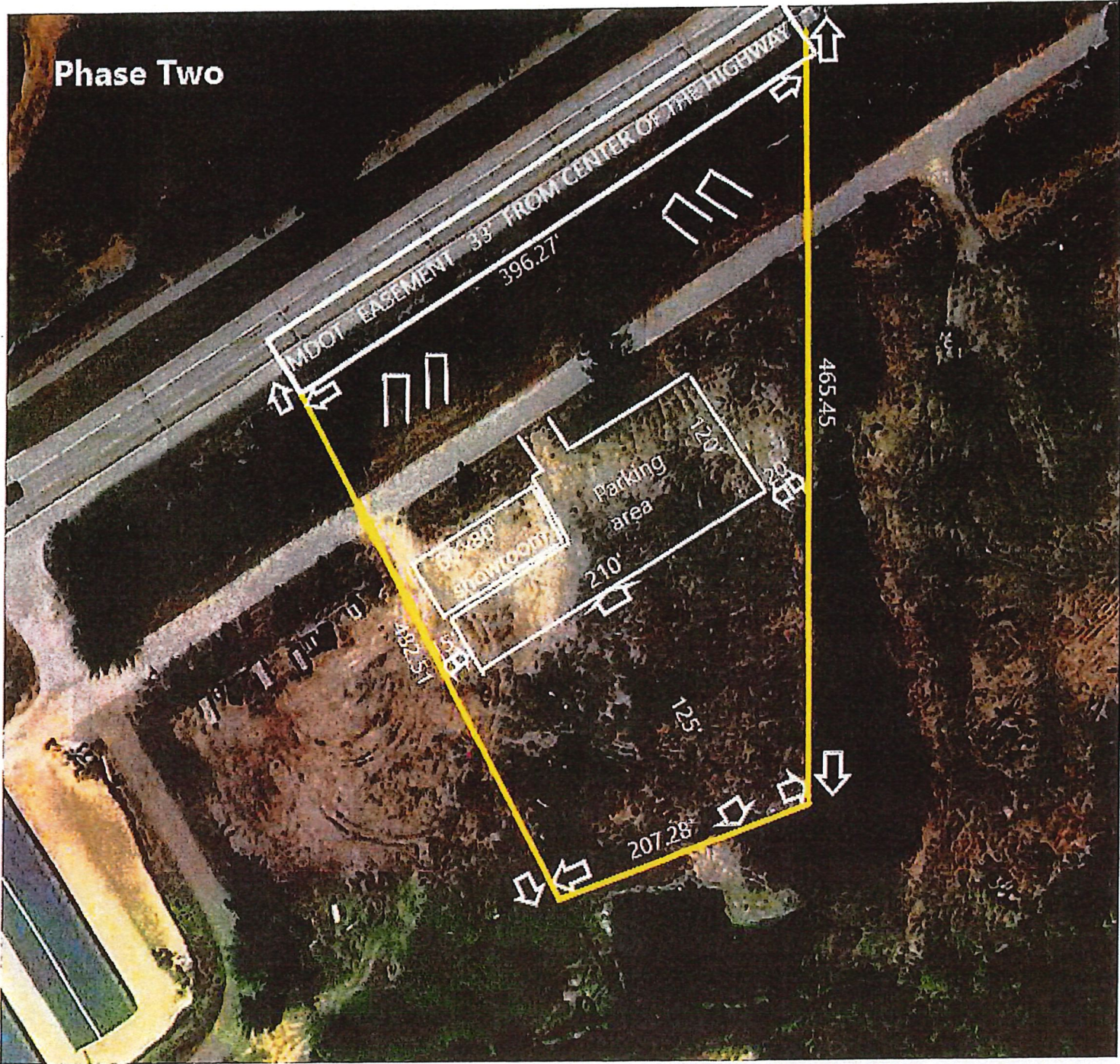
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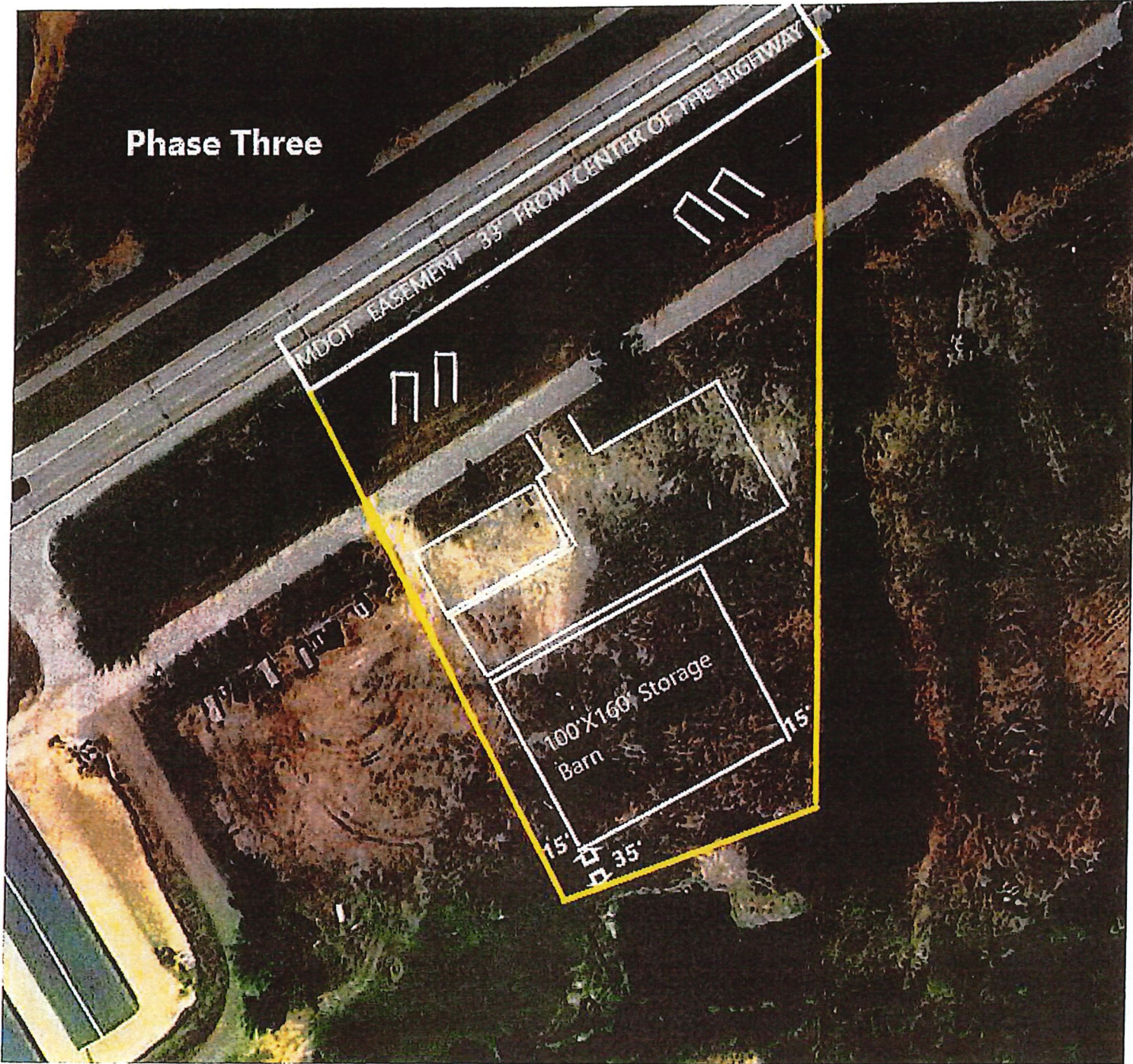


Phase Three.png
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 CHARLEVOIX (2) Survey.pdf
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2. Property Access Requirements. The access drive shall comply with either subsection (a) or (b) below, whichever results in the least number of possible access drives, and with both subsections (c) and (d).
 - A. Not more than one driveway shall be allowed access to U.S. 31 within a lot of record, as the parcel exists on the effective date of this Ordinance, regardless of the number of future divisions of that parcel; and
 - 1) The access drive and its right-of-way shall be designed and shown on a site plan to accommodate all possible future divisions of the lot of record, as it exists on the effective date of this Ordinance; and
 - 2) The access drive and its right-of-way shall be designed and shown on a site plan to provide access to any adjoining parcel of land which would otherwise become, or is, landlocked.
 - B. The location of a driveway with access to U.S. 31 shall comply with all of the following:
 - 1) The location shall be at least seventy (70) feet from the intersection of any two roads.
 - 2) The location shall be at least two hundred (200) feet from another access drive on the same side of the road.
 - 3) The location shall be either directly across from or a minimum of fifty (50) feet from any access drive on the opposite side of the road.
 - 4) Two access drives on adjacent parcels may share the same driveway entrance, and thereby have zero space between them, but shall comply with other driveway separation distances noted above.
 - C. Where there is a choice, driveways shall access adjacent local or minor streets in preference to U.S. 31, and/or provide a rear service drive to access such local or minor street.
 - D. Access drive width shall be between twenty (20) and thirty-five (35) feet.
3. Prior to review by the Planning Commission. Any site plan for a commercial use proposing new or altered access drives onto U.S. 31 shall be accompanied by written documentation of consultation with the Michigan Department of Transportation.
4. Special Use Review for High-Traffic Uses. In addition to other provisions of this ordinance, when a high-traffic commercial use in the highway corridor adjoins an existing residential use or a residentially zoned parcel, the high-traffic use shall be subject to review as a Special Use. The designation of a proposed use as a high-traffic use shall be determined by the Planning Commission. The designation may include, but is not limited to, gasoline stations, convenience stores and businesses with drive-through service windows.
5. Landscape requirements for Commercial Uses.
 - A. Parking areas. In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking area shall be used for interior landscaping. Parking lot landscape areas shall be no less than five (5) feet in any dimension and at least one hundred fifty (150) square feet in any single area. A minimum of one (1) tree at least two and one-half (2.5) inches caliper (diameter at 6 inches above grade) shall be planted in each area.
 - B. Residential buffer area. Where commercial, office, or industrial uses abut an existing residence or residentially zoned property, the intervening side or rear yard of the non-residential use shall provide a completely obscuring wall, fence or landscape screen at least six (6) feet in height, measured from the surface of the ground of the abutting residential district.
 - C. General landscaping. All developed portions of a site not occupied by buildings or

pavement shall be planted with grass, ground cover, shrubs or other suitable plant material. A mixture of evergreen and deciduous trees of species native to northwestern Michigan shall be planted at a rate of one (1) tree per three thousand (3,000) square feet of landscaped open space on-site.

- D. Landscape preservation. Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement listed above.
- E. Landscape maintenance. All vegetation used to meet the landscaping requirements listed above shall be maintained in a healthy, living condition and any damaged, dead or dying materials shall be replaced within one (1) year of damage or death or the next appropriate planning period, which ever comes first.

Section 3.20 Outdoor Lighting

In order to minimize light pollution, and promote the dark sky principles, all outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all neighboring properties and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.21 Signs

The purpose of this section is to preserve the desirable character of Hayes Township, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes right of residents to be free of advertising that could affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

1. Signs Not Requiring a Sign Permit. The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
 - A. One (1) non-illuminated identification sign per use, not exceeding two (2) square feet of sign surface.
 - B. Street name signs, route markers and other traffic control signs erected or approved by state, county or village agencies when necessary to give proper directions or to otherwise safeguard the public.
 - C. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
 - D. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and

similar instructional messages), provided the sign surface does not exceed the maximum size limitations of subsection 2. below.

- E. Non-advertising signs marking an historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
- F. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
- G. Temporary real estate signs, not exceeding ten (10) square feet per side, on individual lots advertising a premise for sale or rent.
- H. Signs advertising sales such as garage, estate, auction, moving, and yard sales, which last no more than seven (7) consecutive days, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
- I. Political and noncommercial signs, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.

2. Size Restrictions.

The size of any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business there transacted, to express non-commercial political views, or directing to some other locale, shall be regulated as follows:

<u>Use District.</u>	<u>Maximum Size of Sign per Side.</u>
Residential Districts (R-1, R-2, R-3, R-4, R-5)	Six (6) square feet
Rural Res, Agric., Cons. Reserve Districts (RR, A, CR)	Twenty-four (24) square feet
Commercial and Industrial Districts (C-1, C-2, I-1)	Thirty-two (32) square feet

3. General Sign Regulations.

In addition to the size limitations stated in Subsection 3.21.2, the following conditions shall apply to all signs and billboards erected in any use district:

- A. No sign, except non-illuminated residential name plates and signs specifically identified in subsection 1 above, shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by a Planning Commission (PC) approved site development plan. After the ZA or PC approval, the required sign permit shall be issued.
- B. No signs or billboards shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
- C. Illumination of signs shall be directed, shaded or designed so as not to interfere with the vision of persons on the adjacent highway, streets or properties. The projected light shall not emanate beyond the sign and unnecessarily illuminate the night sky. Illuminated signs shall not be of the flashing, moving or intermittent type.
- D. In those instances where a business use or tourist service facility is not located directly on a major route, but is dependent upon passer-by traffic for support, not more than two (2) signs per business may be permitted in C-1, C-2 or I-1 Districts subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per six hundred sixty (660) feet of road frontage or per

lot, may be allowed, EXCEPT if the signs are directional signs as provided by the Michigan Department of Transportation or part of a local Township approved directional sign program and approved by the Zoning Administrator. No off-premise signs shall be permitted in the Residential Districts (R-1, R-2, R-3, R-4, R-5) or the Conservation Reserve District (CR).

- E. All directional signs located along the highway, to direct traffic to a business off the highway, must conform to the standards used by the Michigan Department of Transportation for such signs. Wherever possible such directional signs will be clustered.
- F. Freestanding signs, pole signs or advertising pylons may be permitted in a required front yard for uses set ten (10) feet or more behind the front property line. No freestanding sign shall exceed a maximum of twenty (20) feet height, measured from the ground to the top of the sign, regardless of the zoning district.
- G. Both sides of any freestanding or overhanging sign may be used for display.
- H. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way (county or state).
- I. Roof position signs or billboards are specifically prohibited.
- J. The number of signs allowed will be decided by the Planning and Zoning Commission at the time of development plan review. Factors considered will include building size, location and length of street frontage, and lot size.
- K. In no case shall a sign or signs exceed a total of ten percent (10%) of the building face to which they are attached.
- L. Portable signs shall be prohibited, except where allowed for in this section or such signs have been approved by the Planning Commission as meeting a special purpose need and/or being appropriate for the particular need. Approved sandwich board portable signs shall not exceed twenty four (24) inches in width by forty eight (48) inches in height.
- M. Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics are prohibited, except when used temporarily for period not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
- N. In the case of Commercial Special Events, which occur no more than once every six (6) months, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, are permitted with Planning Commission approval, for a period of not more than seven (7) days prior to the event and shall be removed within one (1) day of the completion of the event.
- O. In the case of seasonal recurring events, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, are permitted with seasonal Planning Commission approval, such advertising devices shall not be used for a period of more than twenty-four (24) hours prior to the event and shall be removed immediately following the event.
- P. Political signs: Political signs shall be removed within five (5) days after the election.
- Q. The use of any outdoor business or informational sign erected and in use at the date this amendment is enacted, may be continued. Such signs shall be designated as "Nonconforming Signs". The maintenance, reconstruction, alteration, discontinuation, and change in the nonconforming nature of a Nonconforming Sign shall be governed by Article III, Section 3.02 – Nonconformities of this ordinance the same as for other nonconforming uses under this ordinance.

4. Off-premise signs and billboards regulated by the Michigan Department of Transportation under the Highway Advertising Act, P.A. 106 of 1972 and amendments, shall not exceed Thirty two (32) square feet in size. All other off-premise signs shall be subject to the limitations of Subsections 3.21 2 and 3.

Section 3.22 Antenna Co-location on an Existing Tower or Structure

1. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 3.24 Landscaping

All plans requiring Planning Commission review and approval shall be required to provide landscaping, according to the following standards. Wherever in this Ordinance planting is required, it shall be planted prior to obtaining a Certificate of Occupancy (through the County Building Department) if possible and no later than six (6) months from date of issuance. All landscaping thereafter shall be reasonably maintained, including permanence and health of plant materials to provide a screen to adjacent properties and be free of weeds and foreign debris. Spacing and plant sizes, as required by this section shall be provided in any landscape buffer or designated planting.

1. Landscape Elements

The following minimum standards shall apply:

- A. Effective the date this subsection was amended by Ordinance No. 040918b of 2018 (April 25, 2018), Hayes Township will use the "Recommended Planting Guidelines for Municipalities," as published by the Northwest Michigan Invasive Species Network, as periodically revised, to determine what constitutes a "native species" versus an "invasive species." The list of invasive and recommended native species is available at the Township Hall and an electronic link is posted on the Township website.
- B. Only "native species" shall be used as plant materials for any type of landscaping on properties applying for a Land Use Permit after the effective date noted above.
- C. "Invasive" species shall not be allowed as plant materials. Failure to follow the "Recommended Planting Guidelines for Municipalities" may result in enforcement pursuant to Article IX: Administration and Enforcement.
- D. A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
- E. Berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected by sod, seed, shrubs or other form of natural ground cover.
- F. Existing Trees:
 - 1) If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Planning Commission, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Planning Commission.
 - 2) In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled "to remain" are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Zoning Administrator, the owner shall replace them with trees of similar size and type.

2. Plant Material - size and spacing

- A. Plant material shall not be closer than four (4) feet from the fence line or property line, except for vines intended to grow on fence structures.
- B. Where plant materials are installed in two or more rows, planting shall be staggered to provide for maximum screening and shall consist of a mixture of evergreen and deciduous plants to provide effective year round screening.
- C. Maximum plant spacing and minimum allowable sizes shall be as follows:

General Plant Type	Maximum Spacing Center to Center (feet)		Minimum Allowable Size	
	Single Row	Grouping	Height	Caliper
Trees				
Large Deciduous (Canopy)	30	40		2 1/2"
Large Evergreen	15	20	7'	
Medium-Small Deciduous	10	15		1 1/2"
Columnar Deciduous	8	10	10'	
Narrow Evergreen	5	8	8'	

General Plant Type	Maximum Spacing Center to Center (feet)		Minimum Allowable Size	
	Single Row	Grouping	Height	Spread
Shrubs				
Large: Upright Spreader	4 6	6 8	4'	3'
Medium: Upright Spreader	3 4	4 6	3'	2'
Small: Upright Spreader	1 1/2 1 1/2	2 2 1/2	18"	15"
Conical	2	3	2'	

3. Site Landscaping

- A. In addition to any landscape buffer and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding thoroughfare right-of-way, shall be landscaped in grass, groundcover, shrub and/or other natural, living landscape materials.
- B. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required

landscaped area, but may not exceed five (5%) percent of the site area or one half (1/2) of the required site landscaping area.

4. Landscape Buffer

- A. A strip of land with a minimum width of fifteen (15) feet, shall be located between the buildable area and the abutting road right-of-way, and shall be landscaped with a minimum of one (1) canopy or large evergreen tree for each thirty linear feet. The remainder of the landscape buffer shall be landscaped in grass, groundcover, shrub and/or other natural, living landscape materials.
- B. Access ways from public rights-of-way through the required landscape strips shall be permitted, but such access ways shall not be subtracted from the linear dimension used to determine the minimum number of trees required unless such calculation would result in a violation of the spacing requirement set forth in this section.

5. Parking Lot Landscaping

- A. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, with a minimum landscaped space within a designated parking area of fifty (50) square feet.
- B. A minimum distance of three (3) feet shall be established between proposed shrub plantings and the backside of the curb or edge of pavement, and five (5) feet between tree trunk and backside of curb and edge of pavement.
- C. Plant materials sizes shall meet or exceed the sizes specified in subsection 3.24.2.C. above.

6. Installation and Maintenance

- A. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.
- B. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

Section 3.25 Medical Use of Marihuana

- 1. The medical use of marihuana by both qualifying patients and primary caregivers, as those terms are defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, shall be a use by right in all zoning districts. Because of the confidential nature of the medical use of marihuana, no zoning permit shall be required.
- 2. A property at which a primary caregiver is providing medical marihuana services shall have no sign related to the use as a primary caregiver visible from outside the dwelling.

Section 3.26 Short Term Rentals

Short term rentals are permitted in all zoning districts as regulated by the Hayes Township Short Term Rental Ordinance.

To: Hayes Township Planning Commission
From: LuAnne Kozma, 9330 Woods Road, Charlevoix MI 49720
June 17, 2025

Re: Comments for Public Hearing on DeWitt Marine

In May 2024 the Planning Commission approved DeWitt Marine's Special Use Permit for phases 1, 2 and 3 with the express condition: **"provided that all phases comply with the Hayes Township zoning ordinance."**

Today's Rehearing process must comply with our Zoning Ordinance in Section 9.04 that says the PC "may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:"

Subsection A —the applicant made misrepresentations concerning a material issue, that PC relied on.

Subsection B — there have a material change in circumstances... which occurred after the public hearing

Subsection C — the Township attorney by written opinion states that PC decision was "clearly erroneous."

So under which of these subsections are you proceeding today?
Where is the written Township attorney opinion?

Going back to your decision of last May:

Your conditional approval requiring that all phases 1, 2 and 3 comply with the ordinance, means that:

1. Should an element of the approved plan not comply, approval for the Special Use Permit does not exist.
2. Lack of a landscaping plan, for example, as required by Sections 5.03(3)(I) and importantly, 3.24, means the project does not comply.
3. No impact statement as required by Section 5.03(3)(P).
4. No identification of wetlands or other environmental features, as required by Section 5.03(3)(F).

5. Lack of a certified survey, required by Section 5.03(3)(C), means the project does not comply.

6. And totally inaccurate scale drawings and “site plans” as required in Section 5.03(3)(D) are un-approvable.

The PC **did not waive the requirement of a certified survey in May 2024.** Instead you accepted the shoddy Phase 1, 2 and 3 images as the “survey.” This was a completely erroneous thing to do.

This is what was said at your meeting on May 6, 2024:

Roy Griffiths: Site Plan Review, [proceeds to recite section 5.03, paraphrasing. Goes over 1.D.] Any special use permit being a reason for full site plan review. Under “site plan data required,” subsection 3], Name, address and property owner? Done. The date, north arrow, scale, and name of the individual or firm responsible for preparing said plan? The scale must be at least one inch for 50 feet for parcels under 3 acres and not less than 1 inch equals 100 feet for parcels 3 acres or more.

And I believe that, go ahead—I believe that the drawings that we have are at that scale. A certified survey of the property prepared and sealed by a professional licensed surveyor showing a minimum boundary lines of the property, to include all the legal dimensions and legal description. I think this, well it's not signed, but I think this is the survey. (VanZee: I think so.) And the lots are surveyed on the equalization map. It would be better if we had a licensed surveyor showing it, but, did you get this from—who did you get this drawing from? Is that from—

Van Zee: I think from Equalization.

Griffitts: This one with the lines colored in, number 14, it shows that markers in the—

Van Zee: Yes, that actually came from Equalization. And part of the application that came in. That is correct.

Griffitts: But it's got everything on it except for who performed it.

Van Zee: Who performed it. We'll have to go to larger drawings to get that information—

Griffitts: Okay.

Planning Commissioners, get out your rulers.

The phase maps show quite a few different scales, inaccurate building sizes, erroneously calculated setbacks depicted, and erroneous parcel boundary measurements. Nothing about these “drawings” comply with the ordinance in Section 5.03(3)(B) requiring “a scale of at least one inch = fifty (50) feet for parcels under three (3) acres and not less than one(1) inch = one hundred (100) feet for parcels three (3) acres or more.”

DeWitt is using 2 parcels that are each about 2 acres in size. If the PC

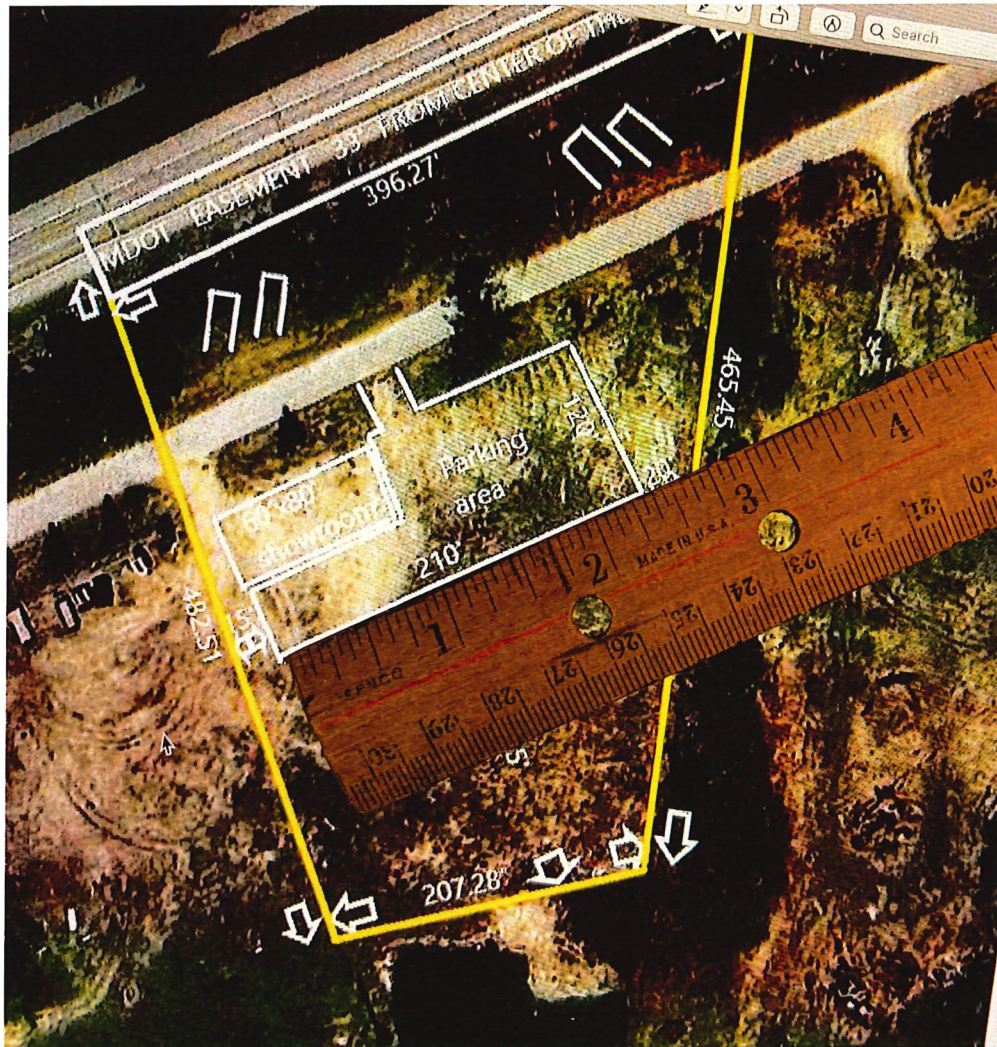
considers this project one “parcel” the scale 1 inch = 100 feet applies.

First, the two parcels’ boundary measurements are completely false and inaccurate.

Blowing up the Phase 2 map so that one measurements equals 1 inch, we see that the 120 foot width of the parking lot equals 1 inch. However the 80 foot side of the proposed showroom **also** = 1 inch.

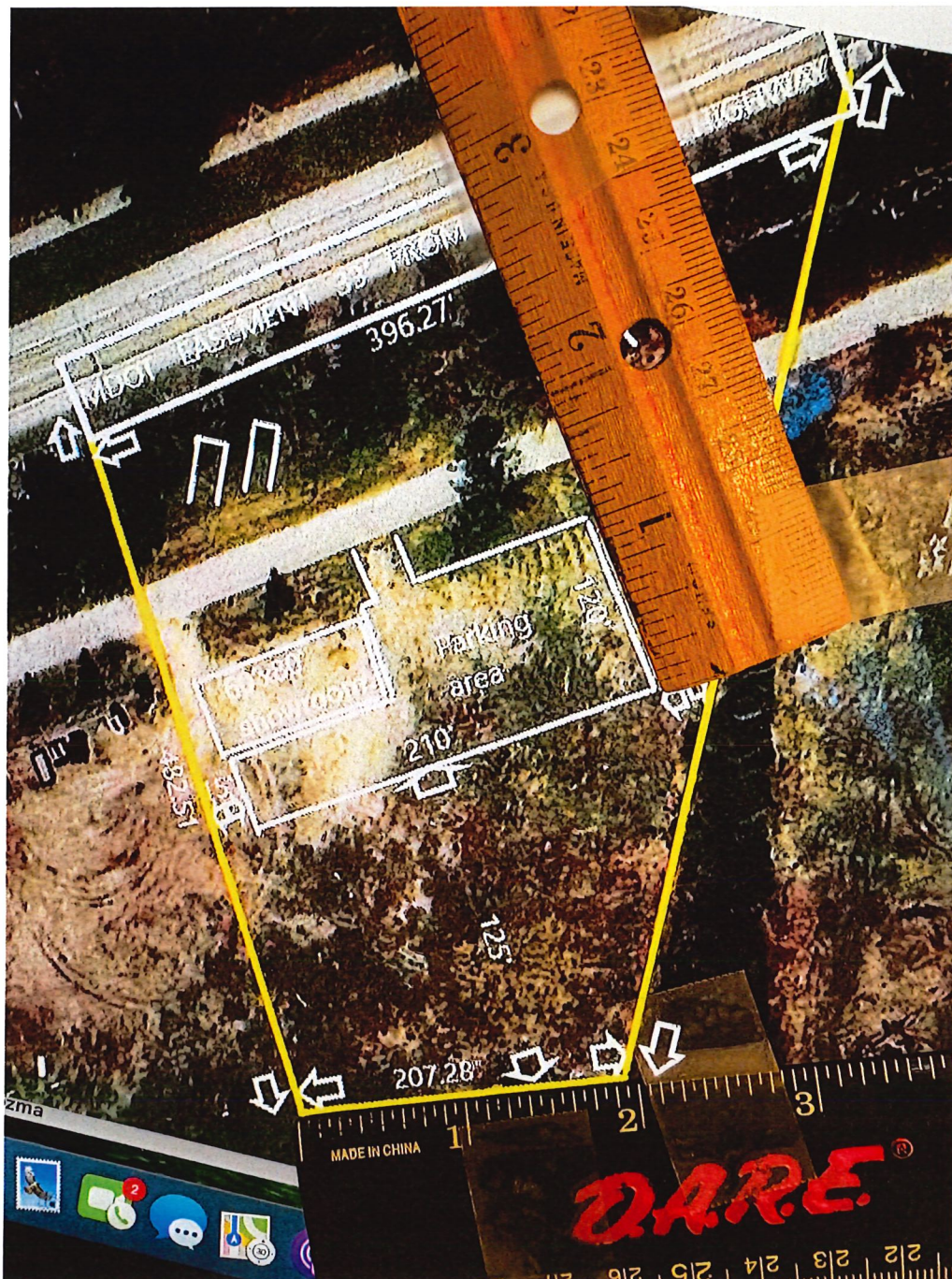


On the same Phase 2 map at the same size, the 210 foot length of the parking lot is a little over 2 inches, at a scale of about 1 inch = 92.3 feet:



Now look at the lot sizes.

The bottom lot measurement is a little less than 2 inches, to represent a lot line supposedly a little over 207 feet. (Actually it says 207.28" that is, INCHES. This is just totally incompetent and unreliable.)



Another example: The Phase 2 map indicates there would be 125' between the parking lot and the back end of the parcel. (At a scale of 2 inches = 125 feet, or 1 inch = 62.5 feet.



Yet the Phase 3 map indicates that a 100' x 160' storage building could be built in that location, with a required 35' rear setback to spare! No, that math does not add up. You cannot fit a 100 foot or 160 foot side of a building plus a 35 foot setback in a space that is just 125 feet. And just look at these not-to-scale of 1 inch = 100 feet the Phase 3 maps shows that building.



No measurements are accurate.

This is why surveys by certified surveyors are required by our Ordinance. These erroneous plans and buildings are not approvable by the PC.

In addition, the PC's decision in May that the project SHALL COMPLY with the Zoning Ordinance rules out any variances by ZBA. A dimensional variance, which can only be given by the ZBA—not the Planning Commission—is an express permission to NOT comply with a dimensional requirements of the ordinance. The exact opposite of complying. DeWitt cannot *comply* with the ordinance by getting future variances that would allow them to *not comply*!

I ask the PC rescind or declare the earlier approval of the Special Use Permit approved in May 2024 as no longer in effect. Phases 2 and 3 are un-approvable as submitted.

Thank you.

LuAnne Kozma
9330 Woods Road

wd: Please share my email response (DeWitt) with PC members

1 message

Roy Griffiths <rwgriffits3@gmail.com>
To: April Hilton <deputyclerkhayes@gmail.com>

Tue, Jun 17, 2025 at 2:29 PM

Begin forwarded message:

From: Jim McMahon <jim_mcmahon_iii@yahoo.com>
Subject: Please share my email response (DeWitt) with PC members
Date: June 17, 2025 at 5:37:44 AM EDT
To: "C. T. Martin" <ctmagnetics@aol.com>
Cc: Roy Griffiths <rwgriffits3@gmail.com>

Good morning, C.T.,

Please share my DeWitt email response to you with other members of the planning commission. I think it contains some worthwhile planning insights. Many people living throughout the nearby Charlevoix area want attractive entrances to the city - it says something about us as a community. The content of my email is below. Thank you.

Jim McMahon

Email response:

Thank you, C.T., for your investigation and measurements of the property and for your question.

About 10 years ago, a group of citizens came together to "fix up" the entrances of the south side of Charlevoix town. The entrances to Charlevoix looked very commercial, clear-cut, and dull. This group raised lots of money for the project, worked with willing businesses, made professional suggestions for improvement, and planted many large trees.

So, after that project, Krist came in and clear-cut all the trees (even the newly planted trees) at the north and south ends of Charlevoix. Dry Harbor has no trees, just lots of boats and more boats. About 20 years ago, the Lutheran Church (now the evangelical church) built their church and clear-cut their trees. After lots of negative feedback, they planted six (6) sticks. The AmericInn clear-cut their trees. DeWitt or the property owner of that site cut most of their trees. Well, that's so much for trying to maintain a beautiful entrance to Charlevoix (my sarcastic view of commercial use of Charlevoix's entrances).

I believe everybody can get what they want if everyone is willing to work together and meet in the middle. A business doesn't have to be "in your face" to sell products. People will find out where to get the best products and service for the best price. It doesn't require clear cutting all of the trees and native landscaping.

Regarding dry marinas, Charlevoix already has six (6) retail sales and service dealers within its general geography. What I'm concerned about is maintaining our pleasant, natural landscaping without all the signage and displays. I'm concerned about the wetlands and run-off that surround this whole development starting from DeWitt to the new nursing home.

I thought the new nursing home was a welcome addition - they seemed to want to maintain the scenic natural character view from US-31. They also made every effort to maintain the surrounding wetlands in good health. Also, their night-sky lighting was very well done as depicted in their photo of their Midland facility.

Is this DeWitt Marine business the best use of this site, considering the wetlands and their insistence to put in all of these buildings, blacktop, and large boat displays?

This entire development area is very fragile. Care must be taken and it's probably not the best use of this space.

My goodness, I'm not against commercial businesses. But good and diligent planning, managed development, and concern for the natural environment must be strongly considered. Both can co-exist, but only if everyone agrees to work together and to be transparent.

Again, thank you for asking.

Jim McMahon

Planning Commission: DeWitt Marine Development on US-31

1 message

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Wed, Jun 11, 2025 at 8:03 PM

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

Re: Reconsideration (Rehearing) of DeWitt Marine Special Use Permit

Dear Planning Commission Members:

I am unable to attend the planning commission meeting on June 17 due to a scheduled medical procedure I'm having on that same day at Munson Hospital in Traverse City. There are very serious failures, issues, and apparent zoning ordinance violation(s) with DeWitt Marine's current land development.

As the Planning Commission develops its **"Findings of Fact"**, I ask you to specifically consider **all elements** contained in the following sections of the Hayes Township Zoning Ordinance:

Section 3.19 Access Management

Section 3.20 Outdoor Lighting

Section 3.21 Signs

Section 5.03 Site Plan Review (All Districts), especially 5.03.3 and 5.03.5

Section 6.02.4.E Compatibility with Natural Environment

Below are some specific failures, issues, and apparent violations.

1. There is **no "certified survey"** of the property prepared and sealed by a professional licensed surveyor" **specific to this site development**. Please reference Section 5.03.3.C.
2. The Site Plan Data **does not include** the following items in the documentation:
 - a. dimensions of abutting rights-of-way
 - b. required setbacks with dimensions
 - c. watercourses and water run-off paths
 - d. wetlands, including those on abutting properties
 - e. man-made drains including the mechanically dug trench located parallel to both US-31 and the service drive
 - f. remaining items within Section 5.03.3 that are too numerous to list here.
3. The MDOT right-of-way for US-31 is 75 feet (on the road's south side) from the actual road centerline. The MDOT "temporary use permit" **does not** supersede Hayes Township's Zoning Ordinance per Mr. Andy Perkette of MDOT's Gaylord TSC.
4. Section 3.19.1 specifically states that "Development of highway corridor property, regardless of zoning district, shall have a minimum front yard setback of fifty (50) feet from the road right-of-way." Therefore, the setback for development is 125 feet from the road centerline (i.e., 75 feet + 50 feet = 125 feet total setback).

5. The newly constructed four (4) pontoon boat display pads are clearly in non-compliance with this 125 feet total setback. These four boat display pads with their higher elevation, fill, gravel, and landscaping railroad ties are development of highway corridor.

6. **No professional wetlands information has been provided.** Michigan EGLE mapping charts show many wetland areas scattered throughout this general commercial development area. Professionally-certified information must be provided. Specifically, there is no wetlands information provided for the following abutting properties, Sections 5.03.3.F and 5.03.3.N:

- a. directly south of the DeWitt property
- b. directly east of the DeWitt property
- c. northeast of the DeWitt property where the pooled water resides (see **question** below)
- d. between the service drive and the mechanically dug (water) trench where the boat display pads were constructed.

Question: In item 6(c) above, water had been retained (pooled) for many months until some time after June 1st, 2025. From a US-31 vantage point, it now appears the wetland water has been drained away. What caused this wetland water drainage? Was it a modification to the mechanically dug trench? Where did the water go?

Wetland observations:

- a. From a US-31 vantage point, I have personally and easily witnessed the wetland pooled water.
- b. Both prior to and during the construction of the four pontoon boat display pads in 2024, I observed standing water in the pontoon boat display pad areas.
- c. The presumed mechanically dug trench can be easily seen from US-31 and it is certainly within the combined 125 feet right-of-way/setback area. Could it be that this trench drains the pooled water away from the wetland? Have the proper EGLE permits been obtained to drain wetlands? **Rather than saying, "It's not our job to enforce EGLE regulations", Hayes Township should ask EGLE for an official ruling at the applicant's expense.**

7. It appears that "existing trees and site vegetation" were removed at some time and the ground was filled-in and elevated when the boat pads were constructed **contrary** to the preservation guidelines in Sections 3.19.5.D, 5.03.5.A.2, and 5.03.5.A.3.

8. There are **no specific** Outdoor Lighting and Signs information provided. Sections 3.20 and 3.21.

9. **Master Plan Surveys:** The Hayes Township Master Plan surveys conducted during the latter part of 2024 and prepared during the early part of 2025, **as well as prior surveys**, provide very detailed feedback from Hayes Township property owners about how they want to see and experience Hayes Township and its development. The last paragraph in the executive summary states **"The survey results indicate a strong community desire to preserve the scenic and rural character of Hayes Township while accommodating managed growth and development."** The DeWitt Marine commercial development appears to be in direct non-conformance with this strong community desire, as well as the **Compatibility with Natural Environment** standard, Section 6.02.4.E.

Conclusion: All aspects of DeWitt Marine's commercial site development and ongoing proposed operation must be thoroughly investigated and the **Findings of Fact** well documented, prior to the careful and prudent review by the Hayes Township Planning Commission. **This Special Use Permit application is unacceptable!!!** Significant project development **failures in many areas must be satisfactorily addressed.** Thank you.

HAYES TOWNSHIP PLANNING COMMISSION MEETING

Meeting Date: July 15th, 2025

Location:

Hayes Township Hall

[illegible]