

ZONING BOARD OF APPEALS
PUBLIC HEARING
HAYES TOWNSHIP
9195 MAJOR DOUGLAS SLOAN ROAD
CHARLEVOIX, MICHIGAN 49720
July 23, 2025
7:00 PM
AGENDA

Join Zoom Meeting

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

Meeting ID: 831 4154 0092

Passcode: 396667

1. Chair calls meeting to order
2. Pledge of Allegiance
3. Introduction of Zoning Board Members
4. Declaration of Conflict of Interest
5. Approval of March 26, 2025 meeting minutes
6. Public Comment- Non Agenda Items
7. Chair Opens Public Hearing – 6995 Birdland Dr. (Yates, Bill and Pamela)
Variance Request
 - a) Zoning Administrator introduces case and presents exhibits
 - b) Petitioner is recognized (and/or Agent) and puts forth case
 - c) Board Members report on their site inspections, if any, and ask questions they may have of Petitioner (and/or Agent). At this time discussion may take place between Petitioner and Board Members
 - d) Chair opens Public Comment
 - e) Correspondence acknowledged
 - f) Chair closes Public Comment
 - g) Review of applicable Section of Hayes Township Ordinance
 - h) Review and discussion of Finding of Fact
 - i) Motion and Roll Call Vote
8. Chair Closes Public Hearing
9. Zoning Board of Appeals Member Comment
10. Adjournment

Public Comment at Meetings of Hayes Township Zoning Board of Appeals

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

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

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

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

1 DRAFT
2 Hayes Township
3 Zoning Board of Appeals
4 Public Hearing
5 March 26th, 2025
6 09195 Major Douglas Sloan Road, Charlevoix, MI 49720

1
2 The March 26th, 2025, Public Hearing meeting of the Hayes Township Zoning Board of
3 Appeals was called to order by Chair Janice Vedder-Whipple at 7:00 pm. at the Hayes
4 Township Hall, 09195 Old US 31 N., Charlevoix, MI 49720.

5
6 BOARD MEMBERS PRESENT: Rod Slocum, Janice Vedder-Whipple, Doug Kuebler, Joni Hosler
7 and Rex Greenslade.

8
9 BOARD MEMBERS ABSENT: Bruce Deckinga and Jessica Perry (alternate)

10 ALSO PRESENT: April Hilton (Recording Secretary/Deputy Clerk) Ron VanZee (Zoning
11 Administrator)

12
13 Audience: Deb Narten, Danielle Hutchinson, Bill Conklin, Matt Cunningham, LuAnne Kozma,
14 Ellis Boal, Mark Snyder, CT Martin, Stephanie Baldwin, Michael Branan, Jeff Collins, Tim
15 Boyko, Roy Griffitts, Mel Czechowski, Betty Henne, Steve Hassell, and Howard Warner.

16
17 **PLEDGE OF ALLEGIANCE:** Ms. Vedder-Whipple (Chair) opened the meeting at 7:00 pm with
18 the Pledge of Allegiance to the Flag.

19
20 **INTRODUCTION OF ZONING BOARD OF APPEALS (ZBA) MEMBERS:**

21 BOARD MEMBERS PRESENT: Rod Slocum, Janice Vedder-Whipple, Doug Kuebler, Joni Hosler
22 and Rex Greenslade.

23
24 BOARD MEMBERS ABSENT: Bruce Deckinga and Jessica Perry (alternate)

25
26 **REVIEWED AGENDA:**

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

28 Yeas: Rod Slocum, Joni Hosler, Doug Kuebler, Janice Vedder-Whipple and Rex Greenslade.

29 **Nays: None** **Motion Carried**

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34 **APPROVAL OF DRAFT MINUTES FROM JANUARY 8TH, 2025:**
35 Mr. Slocum made a motion, supported by Mr. Kuebler, to approve the January 8th 2025
36 meeting minutes as amended.
37 Yeas: Rod Slocum, Doug Kuebler, and Janice Vedder-Whipple.
38 Abstained: Rex Greenslade and Joni Hosler.
39 Nays: None **Motion Carried**

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41 **PUBLIC COMMENT NON AGENDA ITEMS:**
42 Public Comment Opened at 7:08pm
43 None
44 Public Comment Closed at 7:08 pm

45
46 **CHAIR OPENS PUBLIC HEARING FOR 6995 BIRDLAND DR:**
47 Chair opened the public hearing at 7:09pm.

48
49 **IDENTIFICATION OF CONFLICT OF INTEREST:**
50 NONE

51
52 **ZONING ADMINISTRATOR INTRODUCES CASE AND PRESENTS EXHIBITS:**
53 In the Matter of: CASE #032625A, Application date of December 12th 2024, Notice
54 posting date of February 24th 2025, Publication date February 27th 2025 in the Petoskey
55 News Review. Notice was sent to all property owners within 300 feet on February 24th
56 2025.
57 Applicant and owner is Bill and Pamela Yates, Charlevoix County Property Tax
58 Identification Number 15-007-301-021-25, located on property commonly known as
59 6995 Birdland Drive Charlevoix MI 49720. Parcel is zoned R1 with approximately 3.47
60 acres, average width of the parcel is greater than 200 feet and the average length of the
61 parcel is greater than 700 feet. Proposed construction is well below the allowed 15%
62 impervious surface of the R1 district.
63 The applicant is seeking variances to construct a new conforming single family dwelling.
64 First variance request is a 35 foot variance from the 50 foot water feature (stream)
65 setback requirement in section 3.14,3. to allow construction within 15 feet of the stream.

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66 Second variance request is a 6 foot variance from the 50 foot water feature (pond)
67 setback requirement in section 3.14,3. to allow construction within 44 feet of the pond.
68 The existing single family residence is non-conforming for front yard setback. Proposed
69 new single family residence meets the 100 foot front yard setback from Lake
70 Charlevoix. Shoreline Protection Strip proposed Site Plan has been submitted to the
71 Shoreland Protection Strip Committee for review. Health Department of Northwest
72 Michigan Approval for well and septic letter dated October 3rd 2024. Charlevoix County
73 Soil Erosion Permit # PS2024-0111 issued 10/26/2024.

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76 **PETITIONER IS RECOGNIZED (AND/OR AGENT) AND PUTS FORTH CASE:**

77 Michael Branan from Glennwood Construction, presented the variance need to the ZBA.
78 - Mr. Branan stated they are requesting a variance, due to the lot being very difficult to build on
79 without one, due to the property having Lake Charlevoix 100 foot setback, as well as a stream
80 and pond set back. They applicants are staying outside of the 100 foot setback to Lake
81 Charlevoix which then causes it to be very difficult to meet the setbacks of the pond and
82 stream. The family that purchased the property is growing and they will need a home of
83 appropriate size. The soil on the lot is another battle for building for they cannot install a
84 basement due to the soil content. Therefore they are requesting a variance to allow for a large
85 enough footprint for the new family, while working with the building challenges. They will be
86 removing the existing home which is within the 100 foot setback of Lake Charlevoix, and the
87 new proposed dwelling is back away from the 100 foot setback of Lake Charlevoix. However it
88 encroaches then on both the pond and stream setbacks. They plan to put in a shoreline
89 protection strip along Lake Charlevoix and 15 feet for the stream as well.

90
91 **DISCUSSION BETWEEN PETITIONER AND ZBA MEMBERS:**

92 - Ms. Vedder-Whipple clarified it is the structure approaching the stream setback not the
93 protection strip.
94 - Mr. Branan stated it is lawn to the stream and lake Charlevoix, they plan to restore the
95 shoreland protection strip along the stream and lake Charlevoix.
96 - Ms. Vedder-Whipple requested information when the existing house was built?
97 - Mr. Branan stated they are not sure exactly when, however would assume sometime in the
98 1980's.

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- 99 - Ms. Vedder-Whipple requested information on whether or not the current owners created
100 any of the water features on the parcel.
- 101 - Mr. Branan stated they do not know when the pond was created, however, does appear to be
102 a man made pond. The current owner purchased the property with all the water features on
103 the parcel as they are.
- 104 - Ms. Vedder-Whipple asked if all the water features on the property are connected to each
105 other.
- 106 - Mr. Branan stated it is his understanding that all the water features including the pond are
107 connected to Lake Charlevoix.
- 108 - Ms. Vedder-Whipple stated the other side of the stream consist of wetlands.
- 109 - Ms. Vedder-Whipple requested information of when the current owners of the property
110 became aware of the foundation issues?
- 111 - Mr. Branan stated they were originally hired to remodel the existing home’s interior, when
112 assessing they came across the foundation issues with the home.
- 113 - Ms. Vedder-Whipple asked if they will need to do anything special or use any extra materials
114 when constructing the new home to avoid future foundation issues?
- 115 - Mr. Branan stated they will need to use special footers.
- 116 - Mr. Slocum requested if they plan to have the proposed vegetation for the protection
117 strips approved for proper erosion.
- 118 - Mr. Branan stated their landscape architect used deep rutted native plantings when
119 developing the site plan.
- 120 - Mr. Slocum requested more information on the retaining wall materials along Lake
121 Charlevoix and the stream.
- 122 - Mr. Branan stated they have removed that from their plans. They have found the retaining
123 wall is not needed.
- 124 - Mr. Slocum asked how they plan to stabilize the area with the wall removed.
- 125 - Mr. Branan stated it will be a gradual slope.
- 126 - Mr. Greenslade stated when he looks at the proposed plans, he would like to know why the
127 applicants decided to encroach on the stream setback versus the pond setback?
- 128 - Mr. Branan stated the property is an “L” shape. In order to build and still have a view of
129 Lake Charlevoix the house must be placed closer to the stream.

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130 - Mr. Greenslade stated it would be better if any kind of run off due to a smaller setback to
131 be into a man created water feature such as the pond, instead of the wetland stream that is
132 directly connected to Lake Charlevoix. Also, requested if the existing driveway and parking
133 areas are proposed to stay the same?
134 - Mr. Branan stated they will only be adjust slightly, staying very close to the same.
135

136 **CHAIR OPENS PUBLIC COMMENT:**

137 Opened at 7:27 pm

138 Comments Included:

139 - Stated they are familiar with the property. Appreciated Mr. Greenslade question for a
140 reason of the house being only 15 feet from the stream.
141 - Stated they are a part of Protect Lake Charlevoix Shoreland. They feel the applicants are
142 disregarding the set back regulations of the ordinance. Support the shoreland protection
143 plan however feel the applicants are ignoring the importance of the stream. Feel the house
144 should be smaller and set back from both the lake and the stream. Would like to see the
145 Variance request denied.
146

147 **CHAIR CLOSES PUBLIC COMMENT:**

148 Public Comment closed at 7:33pm.
149

150 **REVIEW OF APPLICABLE SECTION OF HAYES TOWNSHIP ORDINANCE:**

151 - Mr. Slocum stated the building envelope outside of the 50 foot setback is particularly small.
152 - Mr. Branan has tried splitting the difference the setback of the pond and stream however was
153 not practical, without decreasing the proposed size of the home.
154 -Ms. Vedder-Whipple requested information regarding the soils on the parcel within the
155 setbacks.
156 - Mr. Branan stated the soil testings that have been conducted at neighboring parcels have
157 shown the soils tend to be messy.
158 - Ms. Vedder-Whipple commends the applicant for the proposed house conforming to the Lake
159 Charlevoix 100 foot Setback.
160 - Mr. Branan stated they worked with a landscape architect to create a berm which that plan to
161 construct on the property that will prevent any run off from running into the stream.

162 - Mr. Greenslade requested clarification in the run off would be directed towards the pond.
163 - Mr. Branan stated the run off would be directed towards the 100 foot setback of Lake
164 Charlevoix to then be filtered by the 50 foot protection strip.
165 The ZBA members reviewed both section 3.14 Water Front Regulations.

166
167 **REVIEW AND DISCUSSION OF FINDING OF FACT:**

168 Discussed the need for the 35 foot variance from the 50 foot water feature setback
169 requirement variance to construct a new single family dwelling unit.
170 Ms. Vedder Whipple suggested putting the condition on the variance for the Shoreline
171 Subcommittee to review the project before approval.
172 Discussed the need for the 15 foot variance from the 50 foot water feature setback
173 requirement in section 3.14,3.

174
175 **SECTION 8.07 VARIANCES**

- 176 1. The need for the requested variance is due to unique circumstances or physical
177 conditions of the property involved that do not generally apply to other properties in
178 the surrounding area and/or zoning district, such as narrowness, shallowness, shape,
179 water, or topography and is not due to the applicant’s personal or economic hardship.
180 - Mr. Greenslade requested if any of the neighboring properties in the surrounding area
181 have similar issues for development.
182 - Mr. Branan stated he has not encountered another piece of property that proposes the
183 challenges for development as this particular parcel is highly unique and difficult.
184 The ZBA came to a consensus that the parcel is an unusual shape with poor soil and has
185 water surrounding four sides of the parcel. The proposed construction is similar to the
186 neighboring houses.
187 2. The need for the requested variance is not the result of action of the property owner or
188 previous property owners (self-created).
189 - Ms. Vedder-Whipple the current owners did not create the pond themselves.
190 - Mr. Greenslade stated it was created from a previous property owner, and the current
191 owner purchased the property knowing the pond and stream were located there.
192 Would prefer to see they encroach the pond setback more than the stream setback.

- 193 3. That strict compliance with regulations governing area, setback, frontage, height, bulk,
194 density or other dimensional requirements will unreasonably prevent the property
195 owner from using the property for any permitted purpose, or will render conformity
196 with those regulations unnecessarily burdensome.
197 - Mr. Greenslade stated again the current owner purchased the property knowing the
198 pond and stream were located there.
199
- 200 4. Whether granting the requested variance would do substantial justice to the applicant
201 as well as to other property owners in the district, or whether granting a lesser variance
202 than requested would give a substantial relief to the property owner and be more
203 consistent with justice to other property owners.
204 - Mr. Greenslade suggested altering the shape of the pond and perhaps move the house
205 closer to the pond setback versus the stream setback.
206 - Mr. Slocum asked Mr. VanZee if he knew the history of the pond and what the process
207 would be to alter the pond in any way.
208 - Mr. VanZee stated EGLE does not have any record of the pond being built and if the
209 applicant wanted to alter the pond an EGLE permit would be needed.
210 - Mr. Greenslade suggested granting a lesser variance than requested would give
211 substantial relief to the property owner and be more consistent with the justice to other
212 property owners.
213 - Ms. Vedder-Whipple stated they are moving the house back so that it is outside of the
214 100 foot setback from Lake Charlevoix and planting integrating a substantial about of
215 plantings in the greenbelt as requested.
216 - Mr. Branan requested the ZBA to consider a variance of perhaps 25 feet of the stream,
217 due to the 50 foot setback makes it near impossible for the applicant to build and still
218 enjoy the views of Lake Charlevoix from their home.
219 - Mr. Greenslade stated it is not the Zoning Board of Appeal's purpose to trade variances
220 with the applicant. The Zoning Board of Appeals must make a decision on the variance
221 requested by the applicant. After reviewing the Site Plan, the shape of the house
222 submitted does not appear to be constructed to consider the stream setback at all.
223 - Mr. Slocum stated he agrees with Mr. Greenslade and feels the house was not
224 designed to best fit into the building envelope of the property.

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- Mr. VanZee requested information from the applicant regarding the soil testing they had performed on the parcel and whether or not the placement of the house was determined based on the soil results.

- Mr. Branan stated the soils results did not factor into the development of the proposed house location and design for the soils are poor everywhere on the parcel.

5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or Zoning District.

- Mr. Slocum stated allowing the variance that close to the creek could negatively impact the water quality of the surrounding property.

ZBA members discussed the request for a 6 foot variance from the 50 foot water feature (pond) setback requirement in section 3.14,3. To allow construction within 44 feet of the pond.

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not generally apply to other properties in the surrounding area and/or zoning district, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant’s personal or economic hardship.

2. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for any permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

4. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.

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255 5.That the requested variance will not cause an adverse impact on surrounding
256 property, property values, or the use and enjoyment of property in the neighborhood or
257 Zoning District.

261 **MOTION AND ROLL CALL VOTE:**

262 Mr. Greenslade made a motion, Supported by Mr. Slocum to deny a 35 foot variance from the
263 50 foot water feature (stream) setback requirement in section 3.14,3. to allow construction
264 within 15 feet of the stream.

265 Yeas: Rod Slocum, Doug Kuebler, Joni Hosler, Rex Greenslade and Janice Vender-Whipple.

266 Nays: **Motion Carried**

268 Mr. Greenslade made a motion, supported by Mr. Slocum to deny a 6 foot variance from the 50
269 foot water feature (pond) setback requirement in section 3.14,3. To allow construction within
270 44 feet of the pond.

271 Yeas: Rod Slocum, Doug Kuebler, Rex Greenslade, Joni Hosler, and Janice Vender-Whipple.

272 Nays: **Motion Carried**

274 **CHAIR CLOSES PUBLIC HEARING:**

275 Mr. Greenslade made a motion, supported by Mr. Slocum to close the Public Hearing at
276 8:21pm.

277 Yeas: Rod Slocum, Doug Kuebler, Rex Greenslade, Joni Hosler, and Janice Vender-Whipple.

278 Nays: **Motion Carried**

280 **CHAIR OPENS PUBLIC HEARING for 07115 BIRDLAND DR:**

281 Chair opened the public hearing at 8:22pm.

284 **IDENTIFICATION OF CONFLICT OF INTEREST:**

285 None.

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287 **ZONING ADMINISTRATOR INTRODUCES CASE AND PRESENTS EXHIBITS:**

288 In the Matter of: CASE #032625B, Application date of January 8th 2025, Notice posting
289 date of February 26th 2025, Publication date March 1th 2025 in the Petoskey News
290 Review. Notice was sent to all property owners within 300 feet on February 26th 2025.
291 Applicant and owner is Lake Living North, Charlevoix County Property Tax Identification
292 Number 15-007-301-018-10, located on property commonly known as 07115 Birdland
293 Drive Charlevoix MI 49720. Parcel is zoned R1 with approximately 1.7 acres it is a legal
294 lot of record, average width of the parcel is greater than 200 feet and the average length
295 of the parcel is greater than 400 feet. Proposed construction is well below the allowed
296 15% impervious surface of the R1 district.
297 The applicant is seeking variances to construct a new conforming single family dwelling.
298 First variance request is a 20 foot variance from the 100 foot Lake Charlevoix setback
299 requirement in section 3.14,3. to allow construction within 80 feet of the Lake. Second
300 variance request is a 10 foot by 14 foot rear addition, that meets the current Hayes
301 Township Zoning Ordinance setback requirements, however adds to the spatial
302 dimensions of the nonconforming structure.
303 Original Structure built prior to the Hayes Township Zoning Ordinance. Zoning permits
304 were issued for three additions to the existing structure in 1984 by Hayes Township that
305 the current ordinance does not allow in the front yard setback. The ordinance effective
306 in 1984 had a front and rear yard setback of 25' and greenbelt requirement of 50'.
307 Section 3.02,2 Nonconformities, "This ordinance shall not prohibit the repair,
308 improvement or moderation of a nonconforming structure to correct deterioration,
309 obsolescence, depreciation and wear, provided the structure's spatial envelope (the
310 building footprint and vertical profile) remains the same."
311 Shoreline Protection Strip proposed Site Plan will need to be submitted to the Shoreland
312 Protection Strip Committee for review.
313 -Mr. Greenslade requested clarification on the front yard set-backs in 1984 when the additions
314 were built.
315 -Mr. VanZee stated the Front yard setback, which is the lake side setback, in 1984 was 25 feet.
316 - Ms. Vedder-Whipple requested clarification from which point of the house is the setback
317 measured.
318 -Mr. VanZee clarified the set back is measured from the eve of the house.

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321 **PETITIONER IS RECOGNIZED (AND/OR AGENT) AND PUTS FORTH CASE:**

322 Stephanie Baldwin presented the variance need to the ZBA.
323 Ms. Baldwin stated she is the owner and operator of Edge-water Design Group and has been
324 working with the property owner on the design for the new roof. She presented pictures to the
325 ZBA showing the water damage to the current roof. The current owners purchased the property
326 in 2020, the home was originally built in the 1950's and was designed with very shallow pitches
327 in the roof and is located approximately 80 feet from Lake Charlevoix. They plan to keep the
328 existing footprint of the home, however, due to the roof damage, the owners would like to
329 repair the roof and increase the roofs pitch to prevent future leaks and rotting from Northern
330 Michigan winter snow. Due to the home being a legal non-conforming placed within the now
331 100 foot setback of Lake Charlevoix they are requesting a variance to replace the damage roof
332 with a steeper pitched roof, which will increase the spatial dimensions within the home
333 however not the actual footprint of the home. The low pitch is not ideal for the Northern
334 Michigan area and the owners would like to replace it with a design that will last. The second
335 Variance is a small addition inside the existing building envelope on the road side of the house
336 outside of the 100 foot Lake Charlevoix setback.

337

338 **DISCUSSION BETWEEN PETITIONER AND ZBA MEMBERS:**

339 Mr. Greenslade requested information regarding the second floor addition.
340 Ms. Baldwin stated the second floor addition will be within the roof pitch. They owners would
341 like to move the bedroom from downstairs, up into the loft space which is the reason for the
342 requested dormer addition. The number of bedrooms will not increase, just requesting to
343 change the location of the bedroom within the house.
344 Mr. Greenslade requested clarification is the bedroom addition is within the 100 foot setback of
345 Lake Charlevoix.
346 Ms. Baldwin stated one third of the house sits within the 100 foot setback from Lake
347 Charlevoix. And part of that third does include the requested roof repair, however the request
348 for the increase footprint dormer addition is not within the 100 foot setback from Lake
349 Charlevoix.

350 Ms. Vedder-Whipple requested if the eaves would be changing at all.

351 Ms. Baldwin stated they will remain the same.

352 **CHAIR OPENS PUBLIC COMMENT:**

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Opened at 8:40 pm
Comments Included:
- Requested if they are adding bedrooms.
- Applicant stated they are moving the bedroom up not adding an additional bedroom.
- Stated they feel the ZBA did not go through the Finding of facts correctly. Stated they feel the current zoning ordinance protects the shoreline. Feel not all materials were available to the public. Referenced the non-conformity section of the Hayes Township Ordinance. Feels the second story should not be allowed on the non-conformity.
- Stated they feel the repair on the roof isn't a big deal on a non-conformity even with a slight pitch. However adding room for a bedroom and bathroom is too much to ask on a non-conformity.
- Mr. VanZee clarified any repair to the roof including a pitch to the roof would need a variance request.
- Request if the applicant is adding an additional bedroom or moving a bedroom. Also suggested the ZBA consider the situation the applicants are in.
- The applicant clarified they are not adding additional bedrooms. It would cost a large amount of additional funds to move the house completely.
- Stated they understand there are different size pitches and the applicant could consider a smaller pitch.

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CHAIR CLOSES PUBLIC COMMENT:

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Public Comment closed at 8:55pm.

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REVIEW OF APPLICABLE SECTION OF HAYES TOWNSHIP ORDINANCE:

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ZBA members reviewed section 3.14 Waterfront Regulation of the Hayes Township Zoning Ordinance. ZBA members reviewed section 3.02 Nonconformities of the Hayes Township Zoning Ordinance.

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385 **REVIEW AND DISCUSSION OF FINDING OF FACT:**

386 Discussed the need for the 20 foot variance from the 100 foot Lake Charlevoix setback
387 requirement in section 3.14,3 variance to increase the spatial envelope of the dwelling within
388 80 feet of Lake Charlevoix.

389 Ms. Vedder Whipple suggested putting the condition on the variance for the Shoreline
390 Subcommittee to review the project before approval.

391 Discussed the need for the 15 foot variance from the 50 foot water feature setback
392 requirement in section 3.14,3.

393

394 **SECTION 8.07 VARIANCES**

395 1.The need for the requested variance is due to unique circumstances or physical
396 conditions of the property involved that do not generally apply to other properties in
397 the surrounding area and/or zoning district, such as narrowness, shallowness, shape,
398 water, or topography and is not due to the applicant’s personal or economic hardship.

399 **NO**

400 2.The need for the requested variance is not the result of action of the property owner
401 or previous property owners (self-created).

402 **YES**

403 3.That strict compliance with regulations governing area, setback, frontage, height, bulk,
404 density or other dimensional requirements will unreasonably prevent the property
405 owner from using the property for any permitted purpose, or will render conformity
406 with those regulations unnecessarily burdensome.

407 **YES**

408 4.Whether granting the requested variance would do substantial justice to the applicant
409 as well as to other property owners in the district, or whether granting a lesser variance
410 than requested would give a substantial relief to the property owner and be more
411 consistent with justice to other property owners.

412 **YES**

413 5.That the requested variance will not cause an adverse impact on surrounding
414 property, property values, or the use and enjoyment of property in the neighborhood or
415 Zoning District.

416 **YES**

91 DRAFT
92 Hayes Township
93 Zoning Board of Appeals
94 Public Hearing
95 September 18th, 2024
96 09195 Old U.S. N, Charlevoix, MI 49720

417
418 Discussed the need for the proposed 10’x14’ rear addition, that meets the current Hayes
419 Township Zoning Ordinance setback requirements, however, adds to the spatial dimensions of
420 the nonconforming structure.
421

422 SECTION 8.07 VARIANCES

423 1.The need for the requested variance is due to unique circumstances or physical
424 conditions of the property involved that do not generally apply to other properties in
425 the surrounding area and/or zoning district, such as narrowness, shallowness, shape,
426 water, or topography and is not due to the applicant’s personal or economic hardship.

427 NO

428 2.The need for the requested variance is not the result of action of the property owner
429 or previous property owners (self-created).

430 NO

431 3.That strict compliance with regulations governing area, setback, frontage, height, bulk,
432 density or other dimensional requirements will unreasonably prevent the property
433 owner from using the property for any permitted purpose, or will render conformity
434 with those regulations unnecessarily burdensome.

435 NO

436 4.Whether granting the requested variance would do substantial justice to the applicant
437 as well as to other property owners in the district, or whether granting a lesser variance
438 than requested would give a substantial relief to the property owner and be more
439 consistent with justice to other property owners.

440 NO

441 5.That the requested variance will not cause an adverse impact on surrounding
442 property, property values, or the use and enjoyment of property in the neighborhood or
443 Zoning District.

444 YES

445

446

447

98 DRAFT
99 Hayes Township
100 Zoning Board of Appeals
101 Public Hearing
102 September 18th, 2024
103 09195 Old U.S. N, Charlevoix, MI 49720

448

449

450 **MOTION AND ROLL CALL VOTE:**

451 Mr. Greenslade made a motion, Supported by Ms, Vedder-Whipple to approve a 20 foot
452 variance from the 100 foot Lake Charlevoix setback requirement in section 3.14,3. to allow
453 construction within 80 feet of the Lake Charlevoix.

454 Yeas: Rod Slocum, Doug Kuebler, Joni Hosler, Rex Greenslade and Janice Vender-Whipple.

455 Nays: **Motion Carried**

456

457 Mr. Kuebler made a motion, supported by Mr. Greenslade to approve the proposed rear
458 addition equaling 70 square foot that meets the current Hayes Township Zoning Ordinance
459 setback requirements, however, adds to the spatial dimensions of the nonconforming
460 structure.

461 Yeas: Rod Slocum, Doug Kuebler, Rex Greenslade, Joni Hosler, and Janice Vender-Whipple.

462 Nays: **Motion Carried**

463

464

465 **CHAIR CLOSES PUBLIC HEARING:**

466 Mr. Kuebler made a motion, supported by Ms. Hosler to close the Public Hearing at 9:40pm.

467 Yeas: Rod Slocum, Doug Kuebler, Rex Greenslade, Joni Hosler, and Janice Vender-Whipple.

468 Nays: **Motion Carried**

469

470 **PUBLIC COMMENT:**

471 Comments included:

472 - Stated they support this proposed project as long as the septic field allows for the additional
473 bathroom.

474 - Stated they feel the second story addition is not needed to fix the roof. Feel the ZBA is
475 allowing a bigger structure too close to Lake Charlevoix. Feels the bathroom addition is a big
476 deal that close to Lake Charlevoix. Disappointed in the decision made by the ZBA. Feels the
477 notice for the meeting was not correct.

478 - Mr. Greenslade stated the staff stated the notice was correctly posted.

479 - Thanked the ZBA for clearly looking at the property and the need of the property owner.

104

105 DRAFT
106 Hayes Township
107 Zoning Board of Appeals
108 Public Hearing
109 September 18th, 2024
110 09195 Old U.S. N, Charlevoix, MI 49720

480
481
482 **ADJOURNMENT:** Mr. Kuebler made a motion, supported by Ms. Hosler, to adjourn at
483 9:49pm.
484 Yeas: Rod Slocum, Bruce Deckinga, Doug Kuebler, and Janice Vender-Whipple.
485 Nays: None **Motion Carried**
486
487 Respectfully Submitted,
488 April Hilton
489 Hayes Township Deputy Clerk/Recording Secretary
490
491

Zoning Administrator Report

To: Zoning Board of Appeals Hayes Township
From: Ron VanZee Zoning Administrator
Date: 7/23/2025

CASE NO: 072325A (for office use only)

APPLICATION DATE: May 26th 2025

NOTICE POSTING DATE: June 18th 2025

PUBLICATION DATE: June 21st 2025 (Petoskey News Review)

300ft NOTICE SENT DATE: June 18th 2025

APPLICANT(S)/OWNERS: Bill and Pamela Yates

SUBJECT ADDRESS: 6995 Birdland Dr. Charlevoix MI 49720

MAILING ADDRESS: 23050 Industrial Dr. E. Saint Clair Shores, MI 48080.

PARCEL NO: 15-007-301-021-25

ZONING: R1

PARCEL SIZE: Approximatly 3.47 acre, Average Width is <200ft, Average Length is <700ft

Setback Requirements: (Section 4.13 schedule of regulations)
Front: 100' from Ordinary High-Water Mark of Lake Charlevoix
Side: 15'
Rear: 25'

Shoreline Protection Strip: (Section 3.14 Waterfront Regulations)
Lake Charlevoix: 50'
Stream/Creek: 50'
Water Feature: 50'

IMPERVIOUS SURFACE: Proposed construction is well below the allowed 15% impervious surface of the R1 district.

REQUEST: 1. a 15 foot variance from the 50 foot water feature (stream) setback requirement in section 3.14,3. To allow construction within 35feet of the stream.

ELIMINATION OF NON-CONFORMITY:

Existing single family residence is non-conforming for front yard setback. Proposed new single family residence meets the 100 foot front yard setback eliminating a 24 foot non-conformity from Lake Charlevoix.

SHORELAND PROTECTION STRIP:

Shoreline Protection Strip proposed Site Plan has been submitted to the Shoreland Protection Strip committee for review.

ADDITIONAL APPROVALS FOR PROPOSED CONSTRUCTION:

-Health Department of Northwest Michigan Approval for well and septic letter date October 3rd 2024.
-Charlevoix County Soil Erosion Permit# PS2024-0111 Issued 10/26/24

USE(S): INTENT: The residential district is designed to accommodate and encourage single family residential development and associated uses, in keeping with the residential goals and policies specified in the Hayes Township Master Plan. The permitted uses are intended to provide for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

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 Order Number: LPET0319827 Order Status: Submitted Classification: Govt Public Notices Package: General Package Total payment: 175.44 Payment Type: Account Billed User ID: L0039546 External User ID: 549778	PREVIEW FOR AD NUMBER LPET03198270 Hayes Township ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING The Hayes Township Zoning Board of Appeals will conduct a public hearing on Wednesday, July 23rd, 2025 at 7:00 P.M. The public hearing will be held in the Hayes Township Hall, 9195 Major Douglas Sloan Road, Charlevoix, MI 49720. The purpose of the meeting is to hear the following application for a variance from the requirements of the Hayes Township Zoning Ordinance, as amended (April 9th, 2018). In the Matter of: Bill and Pamela Yates CASE #072325A Charlevoix County Property Tax Identification Number 15-007-301-021-25, located on property commonly known as 6995 Birdland Dr. Charlevoix MI 49720. The applicant is seeking a variance to construct a new single family dwelling within thirty five feet (35') of a creek. To accomplish this project the applicant is seeking a following variance :fifteen feet (15') foot variance from the 50 foot creek setback requirement in Section 3.14,3. Section 3.14.3. states that "The Shoreland Protection Strip shall include all of the land located within fifty (50) feet of the Ordinary High Water Mark landward of a lake or a stream abutting or traversing the property in question. Interested parties may comment in person at the meeting or comment in writing to: Hayes Township Zoning Board of Appeals, 9195 Major Douglas Sloan Road, Charlevoix, MI 49720, (231) 547-6961, or zoning@hayestownshipmi.gov. Written comments must be received by 4 p.m. on July 22nd, 2025. April Hilton, Hayes Township Zoning Administrator assistant (zoning@hayestownshipmi.gov) Publication Dates LPET0319827 << Click here to print a printer friendly version >>
ACCOUNT INFORMATION Hayes Township 9195 Major Douglas Sloan RD Charlevoix, MI 49720-9053 231-547-6961 clerkhayestownshipmi@gmail.com Hayes Township Contract ID:	
TRANSACTION REPORT Date June 18, 2025 2:06:55 PM EDT Amount: 175.44	
ADDITIONAL OPTIONS 1 Affidavit	
SCHEDULE FOR AD NUMBER LPET03198270 June 21, 2025 Petoskey News-Review	

**Hayes Township
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING**

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

300 Foot Notices Sent Via mail on 6-18-24

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

Section 3.12 Recreational Vehicles

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

Section 3.13 Animals

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

Section 3.14 Waterfront Regulations

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

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

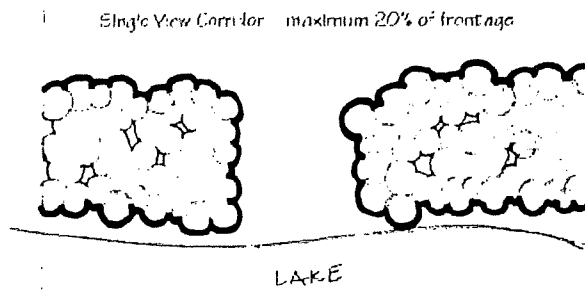
3. Shoreland Protection Strip

This is part of zoning permit application

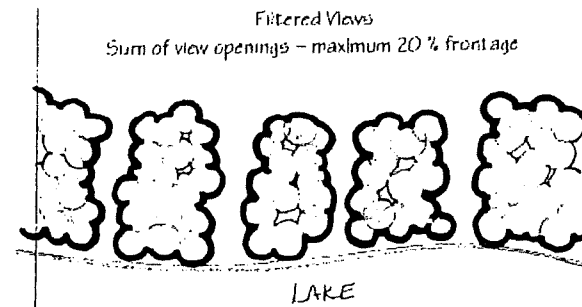
A Shoreland Protection Strip shall be required on all waterfront lots. The shoreland protection strip shall include all of the land area located within fifty (50) feet of the Ordinary High Water Mark of a lake or a stream abutting or traversing the property in question. The purpose of the strip is to protect the lake by preventing soil erosion, providing a filter for the removal of pesticides, fertilizers and other potential water pollutants, and to maintain a visual barrier. Within the shoreland protection strip, the following development or use restrictions (A-L below) shall apply:

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

Single View Corridor



Filtered Views - Multiple Narrow View Corridors



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

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

5. Limitation of Funnel Development

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

6. Marine Sewage Pump-out Facility

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

7. Public Access Sites

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

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

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

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

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

8. Waterfront Development Review

A. Intent

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

- i. To ensure compliance with the waterfront regulations described in 3.14 (1-5), an added layer of review is required for all residential waterfront development and any modifications to the Shoreland Protection Strip. This added layer of review requires a Shoreland Landscaping Plan (3.14.8B) in most instances for the area within one hundred (100) feet of the Ordinary High Water Mark and Site Plan Review for all new residential waterfront dwelling units.
- ii. For the area of land waterward of the Ordinary High Water Mark, MDEQ and/or Army Corps of Engineers permits must be obtained for any construction or changes since the alternation of the shoreline will have significant effect on the Shoreland Protection Strip, and thus the health of the water body.
- iii. An advisory Subcommittee of the Planning Commission has been created to review waterfront developments and facilitate compliance with the waterfront provisions in this section. The requirements placed on property owners will be in proportion to the proposed activity.

B. Shoreland Landscaping Plan

The purpose of the Shoreland Landscaping Plan is to ensure that waterfront development will not negatively impact water quality.

- i. The Landscaping Plan shall address the conditions set forth in Section 3.14 (1-5).
- ii. The Landscaping Plan shall address the elements set forth in Section 3.24 Landscaping.

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

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

C. Shoreland Protection Subcommittee

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

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

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

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



Hayes Township
Zoning Variance Application
Zoning Administrator Phone (231) 647-6961

GENERAL INFORMATION

Name of Property Owner(s) Bill & Pamela Yates

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

City Saint Clair Shores State Mi Zip 48080

Telephone 586-292-6558

PROPERTY INFORMATION

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

Legal Address 6995 Birdland Drive, Charlevoix, Mi 49720

Nearest Road Intersection Quarterline Road

Zone District R-1 Low Density Residential

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

VARIANCE OR INTERPRETATION REQUESTED

Relief from the following Zoning Ordinance Section(s):

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

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

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

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

APPLICANT'S STATEMENT AND AUTHORIZATION

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

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

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

Owner(s) Signature: [Signature] Date: May 26, 2015

Applicant(s) Signature: Jeff Coen Date: 5/26/15

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

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

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

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

Application and fee can be sent to:

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

231-549-6961

Zoning Administrator's Signature _____

DATE RECEIVED _____ CASE NO. 072325A

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

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

We are seeking a variance to reduce the existing 50' setback along the south property line to a 35' setback which will allow for construction of a new conforming home to replace an existing non-conforming home. The 50' setback from the South property line exists due to a creek along this side. The existing home sits substantially beyond the 100' Lake Charlevoix setback (approximately 24' into the setback) and includes nearly 1500 square feet of living/impervious space in the lakeshore setback. (SEE EXHIBIT "A" – EXISTING HOME). The existing home also sits approximately 15' into the 50' stream setback. The proposed new construction will pull the home completely out of the 100' setback from Lake Charlevoix while keeping the current home setback from the stream of 35 feet. (SEE EXHIBIT "B" PROPOSED HOME").

DESCRIBE THE PRACTICAL DIFFICULTY THAT EXISTS

What are the unique conditions of the situation?

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

EFFECT ON APPLICANT IF VARIANCE IS DENIED

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

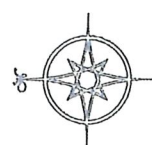
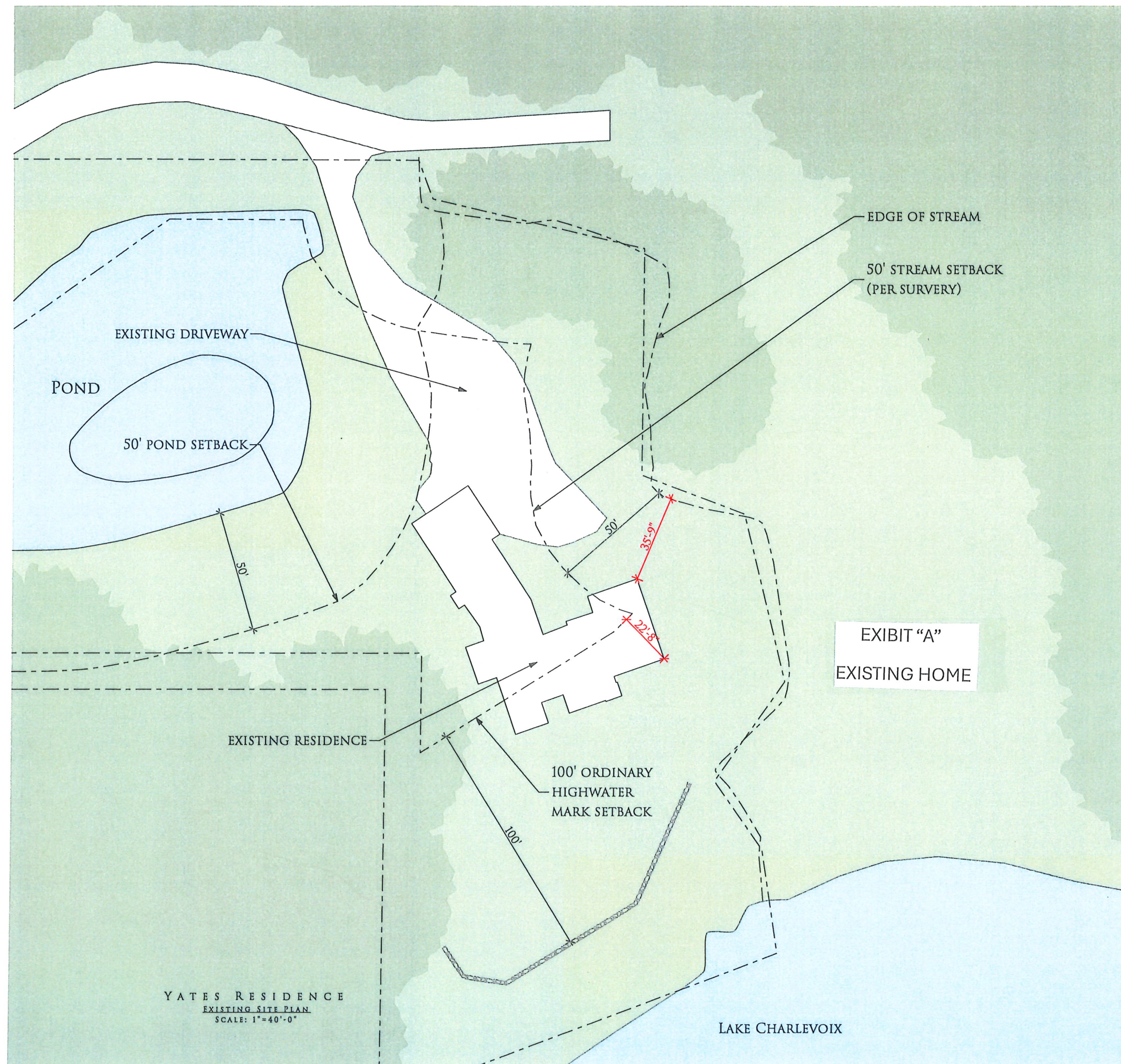
If this variance is denied the owner will be forced to keep the existing non-conforming structure and will be unable to construct a home that is conforming and suitable to the site-conditions and their growing families' needs. The current structure is approximately 24' into the 100' Lake Charlevoix setback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

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

EFFECT OF REQUESTED VARIANCE ON OTHER PROPERTIES

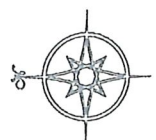
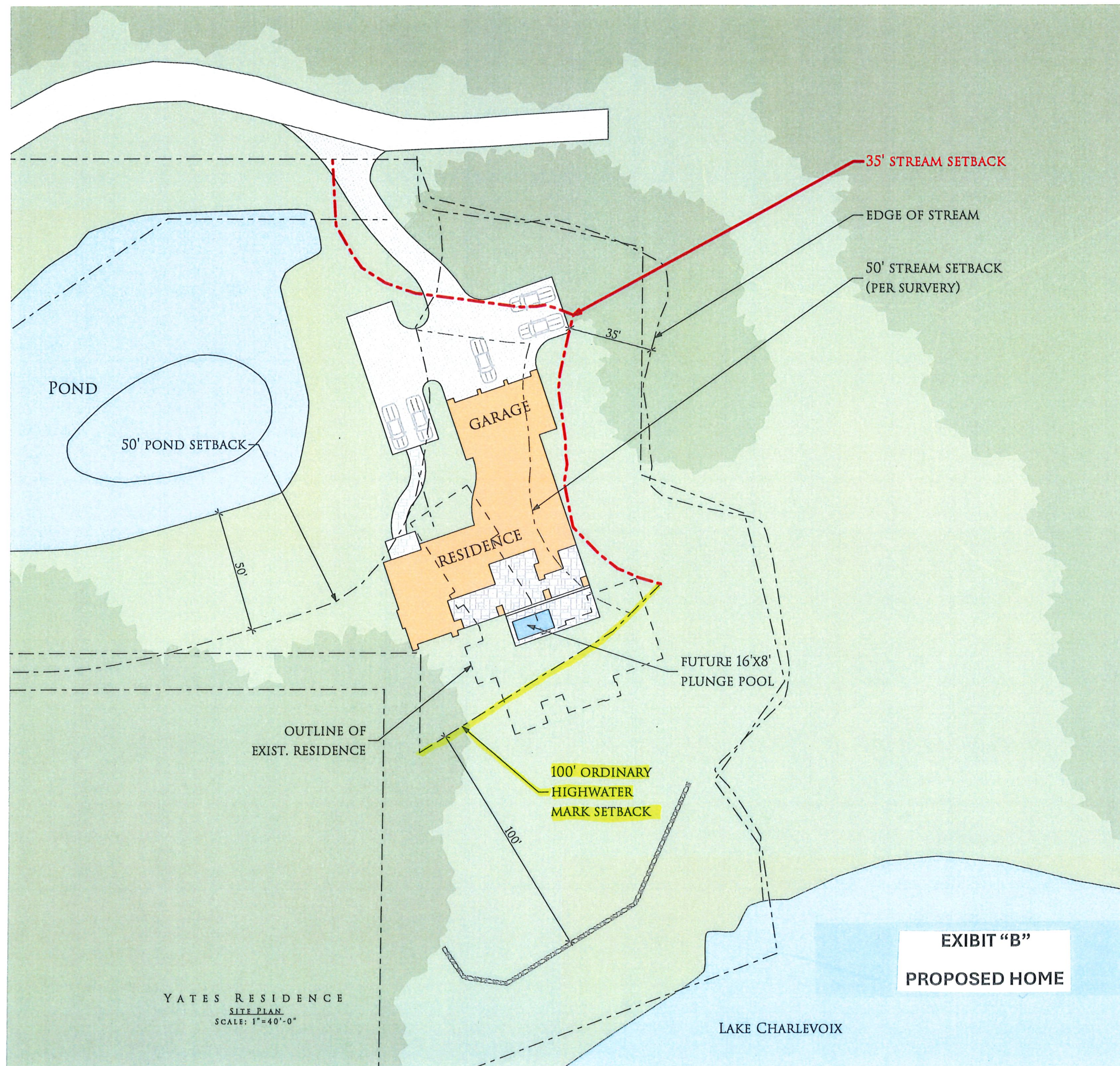
If your variance request is granted, what effect will it have on the area? Does your request represent a change in the types of uses permitted? Will it hamper access by emergency vehicles or personnel? Will it restrict light, air, or access to adjacent properties? Will it in any other way create problems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

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

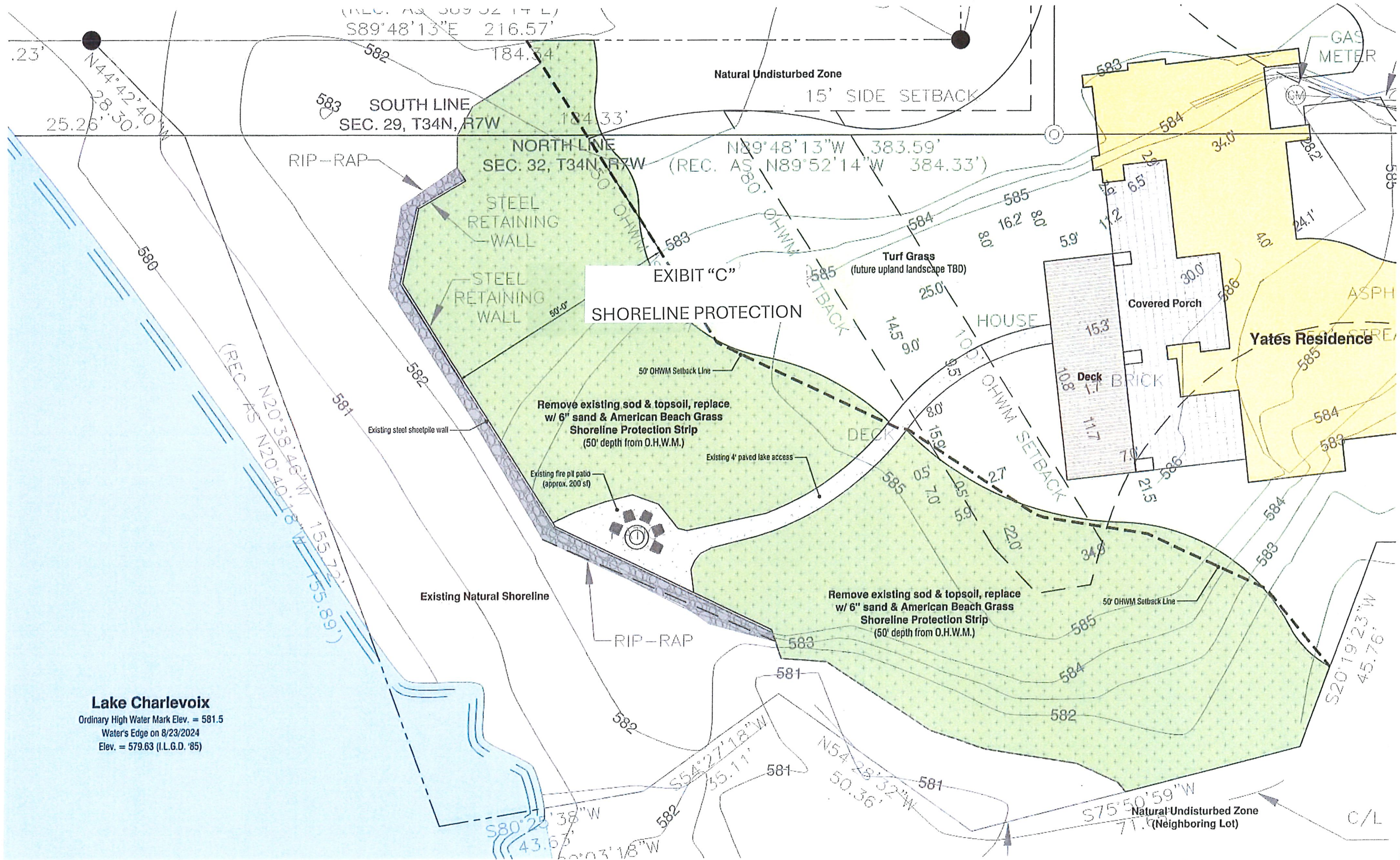


CHARLEVOIX
MICHIGAN

YATES RESIDENCE
EXISTING SITE PLAN
SCALE: 1"=40'-0"



CHARLEVOIX
MICHIGAN



Lake Charlevoix

Ordinary High Water Mark Elev. = 581.5
 Water's Edge on 8/23/2024
 Elev. = 579.63 (I.L.G.D. '85)

American Beach Grass (*Ammophila breviligulata*)
Shoreline Protection Strip
 (50' depth from O.H.W.M.)

Yates Residence

6995 Birdland Drive
 Charlevoix, MI 49720

No.	Description	Date
01	Shoreline Concept Plan	8/26/2024
02	Revised per Hayes Top During preliminary review	9/18/2024

Northern Ground LLC (Civil Engineers & Landscapers) 12835 Nivinsky Road, Charlevoix, MI 49720 PH: (231) 352-2167	
Project No.	24006
Landscape Architect	DG
L2 Shoreline Plan	

