

ZONING BOARD OF APPEALS
PUBLIC HEARING
HAYES TOWNSHIP
9195 MAJOR DOUGLAS SLOAN ROAD
CHARLEVOIX, MICHIGAN 49720
OCTOBER 8TH, 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 July 23, 2025 meeting minutes
6. Chair Opens Public Hearing – 7720 Indian Trails Dr. (Ryan & Lauren Bergstrom)
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
7. Chair Closes Public Hearing
8. Public Comment
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.

DRAFT
Hayes Township
Zoning Board of Appeals
Public Hearing
July 23th, 2025
09195 Major Douglas Sloan Road, Charlevoix, MI 49720

The July 23th, 2025, Public Hearing meeting of the Hayes Township Zoning Board of Appeals was called to order by Chair Janice Vedder-Whipple at 7:00 pm. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix, MI 49720.

BOARD MEMBERS PRESENT: Joni Hosler, Bruce Deckinga, Janice Vender-Whipple, Rex Greenslade, Doug Kuebler and Jessica Perry (Alternate).

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

Audience: Micheal Branan, Ellis Boal, Jim Rudolph, LuAnne Kozma, Joellen Rudolph, Kevin Willis, Tim Boyko, William Conklin, Diane Conklin, Jennifer Schafer, Darcy Phelps, Mark Snyder, Shelly VanWart, and Catherine Phelps.

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

INTRODUCTION OF ZONING BOARD OF APPEALS (ZBA) MEMBERS:

BOARD MEMBERS PRESENT: Rex Greenslade, Bruce Deckinga, Janice Vedder-Whipple, Joni Hosler and Doug Kuebler.

REVIEWED AGENDA:

Move item #6 Public Comment – Non Agenda Items to item 8A. After the public hearing is held.

Ms. Vedder-Whipple made a motion, supported by Mr. Greenslade, to approve the agenda as amended.

Yeas: Joni Hosler, Bruce Deckinga, Doug Kuebler, Janice Vedder-Whipple and Rex Greenslade. **Nays: None** **Motion Carried**

DECLARATION OF CONFLICT OF INTEREST: NONE

APPROVAL OF DRAFT MINUTES FROM MARCH 26TH, 2025:

Mr. Greenslade made a motion, supported by Mr. Kuebler, to approve the March 26th 2025 meeting minutes as presented.

Yeas: Rex Greenslade, Bruce Deckinga, Doug Kuebler, Joni Hosler and Janice Vedder-Whipple. **Nays: None** **Motion Carried**

DRAFT
Hayes Township
Zoning Board of Appeals
Public Hearing
September 18th, 2024
09195 Old U.S. N, Charlevoix, MI 49720

CHAIR OPENS PUBLIC HEARING:

Mr. Deckinga made a motion, supported by Mr. Greenslade to open the public hearing at 7:04pm.

Yeas: Joni Hosler, Bruce Deckinga, Doug Kuebler, Rex Greenslade and Janice Vedder-Whipple.

Nays: None **Motion Carried**

ZONING ADMINISTRATOR INTRODUCES CASE AND PRESENTS EXHIBITS:

In the Matter of: Bill and Pamela Yates CASE #072325A

Publication date was June 21st 2025 in the Petoskey News Review. Notice was next to all property owners within 300 feet on June 18th 2025.

Charlevoix County Property Tax Identification Number 15-007-301-021-25, Zoning District R1 located on property commonly known as 6995 Birdland Dr. Charlevoix MI 49720. The applicant is seeking a variance to construct a new single family residence in replacement to an existing non-conforming single family residence. The proposed new single family residence meets to 100 foot front yard setback eliminating a 24 foot non-conformity from Lake Charlevoix. The parcel is unique with containing two shoreline protection strips, 50 foot from Lake Charlevoix and 50 foot from a Stream. The applicant has submitted a Shoreline Protection Strip Site Plan which will be reviewed by the Planning Commission if the variance is approved.

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

- A 15 foot variance from the 50 foot water feature (stream) setback requirement in section 3.14,3. to allow construction within 35 feet of the stream.

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

Mr. Branan stated it is a very unusual site. They've been working with the home owner and architects to conform and get 50 feet away from the stream. However, it becomes extremely difficult the further they get away from the stream. They could push the house back and in front of an adjacent property, however they would lose all the view of the lake, which would make no sense to tear down the existing building. The landowner however would like an opportunity to move the house back out of the 100 foot Lake Charlevoix Setback. The lot

DRAFT
Hayes Township
Zoning Board of Appeals
Public Hearing
September 18th, 2024
09195 Old U.S. N, Charlevoix, MI 49720

currently has a grass lawn all the way to Lake Charlevoix and the stream. With this project they have an opportunity the correct a couple of problems and establish a protection strip along the stream and Lake Charlevoix. The property is relatively flat, therefore with being 35 feet away from the steam and moving into conformity along Lake Charlevoix with Shoreline protection strips along the stream and the lake will help with any runoff. If the variance does not get approved tonight the landowners will be forced to keep the house as is and fix the foundation issues.

Mr. Collins (owners of Glennwood Custom Builders) stated he lives on Lake Charlevoix as well and have seen how improvements of a protection strip along the lake can create a nicer lake bottom. This variance request is an opportunity to correct the problem of run off into the lake and stream.

BOARD MEMBERS REPORT ON THEIR SITE INSPECTIONS:

Mr. Greenslade asked what is the difference in height of the slope from the driveway to the stream versus the slope from the house to Lake Charlevoix?

Mr. Branan stated the slope to Lake Charlevoix is greater than the slope to the stream.

Mr. Deckinga stated the variance request would be to eliminate the Lake Charlevoix non conformity.

Ms. Vedder-Whipple asked if poor soils was a concern on this lot and what the process would be for the foundation repair on the existing structure?

Mr. Collins stated the soils are very poor on the parcel. Which would most likely lead to driving helical piles on an angle and jack the footings up and clamp then to hold the piles in place.

Ms. Vedder-Whipple requested how long the repair is estimated to last?

Mr. Collins stated it would possibly last decades, however, with a new build they would spread the footings out so they have less bearing point loads, and the helical piles would be vertical versus on an angle. This would be the nicest long-term solution.

Ms. Vedder-Whipple requested if the mechanical HVAC equipment would be in a craw space or within the structure it self?

Mr. Collins stated with the new build it would be in the structure the soil conditions will only allow for a very small crawlspace.

DRAFT
Hayes Township
Zoning Board of Appeals
Public Hearing
September 18th, 2024
09195 Old U.S. N, Charlevoix, MI 49720

CHAIR OPENS PUBLIC COMMENT:

Opened at 7:28 pm

Comments Included:

- LuAnne Kozma stated they are the president of Protect Lake Charlevoix, would request the ZBA deny the variance request because the stream setback is just as important as the setback for Lake Charlevoix.

- Bill Conklin suggested the resident consider a berm or french drain within the variance request of the stream.

- Mr. Collins stated the applicants are open to any suggestions or requirements in order to eliminate any runoff into the stream and Lake Charlevoix.

CORRESPONDENCE ACKNOWLEDGED:

ZBA members reviewed all correspondence received by 4:00pm July 22nd, 2025 as stated on the Public Hearing Notice.

CHAIR CLOSES PUBLIC COMMENT:

Public Comment closed at 7:37pm.

REVIEW OF APPLICABLE SECTION OF HAYES TOWNSHIP ORDINANCE:

The ZBA reviewed and discussed sections 3.14 Waterfront Regulations and Section 3. Non-Conformity.

Discussion included:

Mr. Deckinga stated if the variance request is denied, then the building stays where it is with two legal Nonconformities. If the variance is approved they will be correcting the Lake Charlevoix setback as well as including plans for a shoreline protection strip on both the stream and the lake.

Ms. Vedder-Whipple stated this approving the variance gives the landowner a chance to improve the property. Waterfront properties have different constraints and challenges sometimes, and this seems to be a reasonable request with all considerations.

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DRAFT
Hayes Township
Zoning Board of Appeals
Public Hearing
September 18th, 2024
09195 Old U.S. N, Charlevoix, MI 49720

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

133 A 15 foot variance from the 50 foot water feature (stream) setback requirement in Section
134 3.14.3. To allow construction with in 35 feet of the stream.

135

136 **SECTION 8.07 VARIANCES**

- 137 1. The need for the requested variance is due to unique circumstances or physical
138 conditions of the property involved that do not generally apply to other properties in
139 the surrounding area and/or zoning district, such as narrowness, shallowness, shape,
140 water, or topography and is not due to the applicant's personal or economic hardship.
141 - The Board of Appeals find that yes the existing physical conditions of the parcel make
142 the property unique and very difficult to develop a new home without the requested
143 variance.
- 144 2. The need for the requested variance is not the result of action of the property owner or
145 previous property owners (self created).
146 - The Board of Appeals find that no, the parcel has poor soil which was not a result of
147 any action of the current or previous property owners.
- 148 3. That strict compliance with regulations governing area, setback, frontage, height, bulk,
149 density or other dimensional requirements will unreasonably prevent the property
150 owner from using the property for any for any permitted purpose, or will render
151 conformity with those regulations unnecessarily burdensome.
152 - The Board of Appeals find that yes the regulations are unnecessarily burdensome in
153 this case.
- 154 4. Whether granting the requested variance would do substantial justice to the applicant
155 as well as to other property owners in the district, or whether granting a lesser variance
156 than requested would give a substantial relief to the property owner and be more
157 consistent with justice to other property owners.
158 - The Board of Appeals find that granting the variance will give substantial justice to the
159 applicant and neighboring property owners by eliminating the non-conformity the Lake
160 Charlevoix, which is a primary consideration. It includes the creation of a shoreline
161 protection strip on the lake and stream with Shoreland Protection Strip Committee and
162 Planning Commission approval.

- 163 5. That the requested variance will not cause an adverse impact on surrounding property,
164 property values, or the use and enjoyment of property in the neighborhood or Zoning
165 District.
166 - The Board of Appeals find that the requested variance will not cause an adverse impact
167 on surrounding properties because currently there is not a shoreline protection strip on
168 the stream or Lake Charlevoix and the front (Lake Charlevoix) setback will become
169 conforming.

170
171 **MOTION AND ROLL CALL VOTE:**

172 Mr. Greenslade made a motion, supported by Mr. Kuebler to approve the 15 foot variance from
173 the 50 foot water feature (stream) setback requirement of section 3.14.3 to allow construction
174 within 35 feet of the stream, contingent on the Shoreline Protection Strip Site Plan is approved
175 by the Planning Commission.
176 Yeas: Rex Greenslade, Doug Kuebler, Bruce Deckinga, Joni Hosler and Janice Vender-
177 Whipple.
178 Nays: **Motion Carried**

179
180 **CHAIR CLOSSES PUBLIC HEARING:**

181 Mr. Greenslade made a motion, supported by Ms. Hosler to close the Public Hearing at 8:00pm.
182 Yeas: Joni Hosler, Bruce Deckinga, Doug Kuebler, Rex Greenslade and Janice Vender-
183 Whipple.
184 Nays: None **Motion Carried**

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186 **PUBLIC COMMENT NON AGENDA ITEMS:**

187 Public Comment Opened at 8:01pm
188 Comments Included:
189 - Ellis Boal stated they would like to return two checks to the Zoning Administrator in the
190 amount of \$935.00. Stated he is representing the appellants whom wish to appeal the Zoning
191 Permit issued to Pickle ball Storage LLC. Find it a conflict of interest for Todd to influence the
192 ZBA decision to hear this case. Also would like to remind the ZBA to only discuss a ZBA case in
193 the public setting.

DRAFT
Hayes Township
Zoning Board of Appeals
Public Hearing
September 18th, 2024
09195 Old U.S. N, Charlevoix, MI 49720

- LuAnne Kozma stated the signature requirement on an appeal application is not required. Would like the ZBA to schedule a meeting tonight to hear the appeal of the Zoning Permit issued to Pickle ball Storage LLC.

- Kevin Willis stated they have lived in Bay Shore for many years. Under MCL 125.3604, subsection 2 and 3 is the taking of a notice of appeal which kicks off in ZBA pursuit. The due date for a notice of appeal is 30 days according to the requirements in 8.05.

- Joellen Rudolph supports the previous comments and approve LuAnne Kozma and Ellis Boal as the appellants legal representatives. Feels they have done everything correctly as written in the Zoning Ordinance and Zoning enabling act for their case to be scheduled with the ZBA.

- Bill Conklin stated any resident within a township should have an opportunity to have their grievance heard. He was elected to represent the people not a legal opinion.

Mr. Greenslade made a motion, supported by Ms. Hosler, to close public comment at 8:16pm.

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

Nays: Bruce Deckinga **Motion Carried**

ZONING BOARD OF APPEALS MEMBER COMMENT:

Ms. Vedder-Whipple referred to the legal opinion of the Hayes Township attorney, "the applicant has failed to follow the rules adopted by the ZBA and filed an incomplete application for appeal by the deadline. Therefore it is my opinion that the ZBA lacks jurisdiction to hear the appeal and the appeal should be rejected as untimely."

ADJOURNMENT: Mr. Greenslade made a motion, supported by Ms. Hosler, to adjourn at 8:19pm.

Yeas: Joni Hosler, Bruce Deckinga, Doug Kuebler, Rex Greenslade and Janice Vender-Whipple.

Nays: None **Motion Carried**

Respectfully Submitted,

April Hilton

Hayes Township Deputy Clerk/Recording Secretary

Viewing Parcel Number: 007-130-014-00

Parcel Details

Assessing City/Township:	Hayes Township
Property Address:	7720 INDIAN TRAILS (PVT) CHARLEVOIX, MI 49720
Owner Information:	BERGSTROM RYAN & LAUREN TRUST 5420 DRAKE RD CINCINNATI, OH 45243
Property Class:	401 - Residential - Improved
Taxable Status:	TAXABLE
School District:	15050 - Charlevoix
P.R.E. Percentage:	100%
P.R.E. Filing Date:	2/19/2014
Current SEV:	\$1,196,100
Current Taxable Value:	\$459,150
Prior Year SEV:	\$943,100
Prior Year Taxable Value:	\$445,345

Sales Information

Date	Document Type	Liber/Page	Sales Price
06/06/2025	WD	1435/792	\$0
04/16/2021	QC	1303/403	\$0
12/11/2020	WD	1284/142	\$0
11/22/2014	QC	1080/979	\$0
11/22/2014	QC	1080/982	\$0
11/21/2014	QC	1080/976	\$0

Tax Description

LEGAL DESCRIPTION OF DARNTON PARCEL EXCLUDING RD AREA IN THE TWP OF HAYES CHX CNTY MI COM AT THE N 1/4 COR OF SEC 30 TWP 34 N R 7 W TH AL THE N LI OF SD SEC S 88°56'08" E (RECD AS E) 28.41 FT TO A SPIKE TH S 12°07'12" W (RECD AS S 11°03'20" W) 300 FT TH N 43°18'20" W (RECD AS N 44°22'12" W) 609.41 FT TH N 62°12'47" W (RECD AS N 63°16'39" W) 608.28 FT TH S 5°04'52" W (RECD AS S 4°01' W) 87.81 FT TH S 16°54'08" E (RECD AS S 17°58' E) 156.30 FT TH S 8°13'08" E (RECD AS S 9°17' E) 291.60 FT TH S 10°51'28" E (RECD AS S 11°55'20" E) 209.39 FT TH S 3°11'28" E (RECD AS S 4°15'20" E) 127.81 FT TH S 15°44'52" W (RECD AS S 14°41' W) 145.49 FT TH S 48°12'34" E (RECD AS S 49°16'29" E) 66.66 FT TO A CONCRETE MONUMENT ON THE EERLY LI OF INDIAN TRAILS BEING THE POB TH CONT S 48°12'34" E (RECD AS S 49°16'29" E) 972.18 FT TO A T-IR ON AN INTERMEDIATE TRAV LI OF OYSTER BAY (LAKE CHX) TH AL SD TRAV LI S 12°48'22" W 208.21 FT (RECD AS S 11°46'11" W 208.46 FT) TH CONT AL SD TRAV LI S 10°50'29" W 43.33 FT (RECD AS S 10°23'14" W 43.11 FT) TO A T-IR TH LEAVING SD TRAV LI N 49°02'46" W 408.00 FT (RECD AS N 50°06'05" W 407.75 FT) TO A I-IRON TH S 40°56'26" W 216.29 FT (RECD AS S 39°53'55" W 216.30 FT) TO A T-IR TH N 43°36'11" W (RECD AS N 44°38'42" W) 410.31 FT TO A T-IR ON THE SD EERLY RD LI TH AL SD EERLY RD LI THE FOLLOWING FOUR (4) COURSES N 3°48'29" E 138.07 FT N 1°21'15" W 160.43 FT N 23°49'57" E 139.77 FT N 0°22'56" E 66.30 FT TO THE POB BEING PART OF THE NW FRACTIONAL 1/4 OF SEC 30 TWP 34 N R 7 W AND CONTAINING 7.17 ACRES THE ABOVE-DESCRIBED PROPERTY EXTENDS TO THE WATER'S EDGE OF LAKE CHX SEERLY OF THE COURSE DESCRIBED AS BEING AL THE INTERMEDIATE TRAV LI SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN USED OR DEEDED FOR STREET ROA OR HIGHWAY PURPOSES. PREVIOUSLY DESCRIBED AS BEG AT A SPIKE AS BEING E ON N LI SEC 30 T34N R7W 28.41 FT S11DEG03'20"W 300 FT N44DEG22'12"W 609.41 FT N63DEG16'39"W 608.28 FT S04DEG01'W 87.81 FT S17DEG58' E 156.30 FT S09DEG17'E 291.60 FT S11DEG55'20"E 209.39 FT S04DEG15'20"E 127.81FT & S14DEG41'W 145.49FT FRM N1/4 COR SD SEC TH S49DEG16'26"E 1038.76 FT TO SH OF OYSTER BAY TH AL SD SH S11DEG44'29"W 208.21 FT TH CONT AL SD SH S10DEG19'01"W 43.11 FT TH LEAV SD SH N50DEG06'05"W 407.75 FT TH S39DEG53'55"W 216.3 FT TH N44DEG39'06"W 478.13 FT TH N2DEG48'45"E 89.69 FT TH N2DEG25'07"W 169.35 FT TH N22DEG46'05"E 140.56FT TH N0DEG40'54"W 99.88FT TO POB BEING PT OF NW FRL 1/4 SEC 30-34-7 7.746A EX:DESC OF A 100FT & 66FT WIDE PARC OF LAND DESC L262P169 & L355 P59 CX R/D & KNOWN AS INDIAN TRAILS



Feature Info

Parcel: 007-130-01
Address: 7720 INDIAN TRAIL (R 71)
Parcel link: <http://cms.charlevoixcountymn.gov/charlevoixcounty/pnuma/07-130-01-00>



CREATED WITH MANGO

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

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

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Zoning Administrator Report

To: Zoning Board of Appeals Hayes Township

From: Ron VanZee Zoning Administrator

Date: 10/8/2025

CASE NO: 100825B (for office use only)

APPLICATION DATE: August 20th 2025

NOTICE POSTING DATE: September 15th 2025

PUBLICATION DATE: September 18th 2025 (Petoskey News Review)

300ft NOTICE SENT DATE: September 15th 2025

APPLICANT(S)/OWNERS: Ryan and Lauren Bergstrom

SUBJECT ADDRESS: 07720 Indian Trails Dr. Charlevoix MI 49720

MAILING ADDRESS: 5420 Drake Road, Cincinnati, OH 45243

PARCEL NO: 15-007-130-014-00

ZONING: R1

PARCEL SIZE: Approximately 7.746 acres (legal lot of record), Average Width is 208 feet
Lake Front, Road 499.63 Feet, Average Length is 1038.84 feet.

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'

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

REQUESTS:

1. Owner is seeking a variance of 3.14 feet from Section 3.14 Waterfront regulations from the 100 foot front setback requirement to allow for construction of a structure to connect the principle structure to the detached garage.
2. The owner is also seeking a variance from the non-conforming section 3.02.10. to allow for construction that will enlarge or alter the structure.

NONCONFORMITIES:

Original principle structure constructed prior to the Hayes Township Zoning Ordinance adoption, 1974 and encroaches almost entirely in the current front setback requirement of 100 feet. Owner proposes to add an approximate 570 Square Foot addition to connect the principle structure to existing detached garage. Narrow portion (3.14 Feet) of proposed addition is within the 100 foot setback requirement.

Section 3.02,2 Nonconformities, "This ordinance shall not prohibit the repair, improvement or modernization of a nonconforming structure to correct deterioration, obsolescence, depreciation and wear, provided the structure's spatial envelope (the building footprint and vertical profile) remains the same."

SHORELAND PROTECTION STRIP:

Shoreline Protection Strip proposed Site Plan will need to be submitted to the Shoreland Protection Strip committee for review.

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.

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

**The Hayes Township Zoning Board of Appeals will
conduct a public hearing on Wednesday, October 8th, 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: Ryan and Lauren Bergstrom CASE #100825B

Charlevoix County Property Tax Identification Number 15-007-130-014-00, located on
property commonly known as 07720 Indian Trails Charlevoix MI 49720. The applicant is
seeking a 3.14 foot variance from Section 3.14 Waterfront Regulations from the 100 foot front
setback requirement to allow for construction of a structure to connect the principle structure
to the detached garage.

To accomplish this project the applicant is seeking a variance from the non-conforming
section 3.02.10 to allow for construction that will enlarge or alter construction.

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 October 7th, 2025.

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

Thank you for placing your order with us.

3 messages

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

Mon, Sep 15, 2025 at 2:14 PM

THANK YOU for your ad submission!

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

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

Deadlines vary by publication, changes and/or cancellations may not be honored due to deadline restrictions.

Job Details

Order Number: **LPET0371570**
Classification: **Govt Public Notices**
Package: **General Package**
Additional: **1 Affidavit \$10.00**
Options: Total payment: **\$160.40**

Schedule for ad number LPET03715700

Thu Sep 18, 2025
Petoskey News-Review All Zones

Account Details

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

Hayes Township
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING

The Hayes Township Zoning Board of Appeals will
conduct a public hearing on Wednesday, October 16, 2025
at
7:00 P.M.

The public hearing will be held in the Hayes Township Board Room
9195

Major Douglas Sloan Road, Charlevoix, MI 49720.
The purpose of the meeting is to hear the following application from the
requirements of the Hayes Township Zoning Ordinance
amended (April 9th, 2018).

In the Matter of: Ryan and Lauren Bergsma
#100825B

Charlevoix County Property Tax Identification Number
15-007-130-014-00, located on the property
property commonly known as 07720 Indian Trail Road
MI 49720. The applicant is

seeking a 3.14 foot variance from Section 3.02
Regulations from the 100 foot front setback
to allow for construction of a structure to be
principle structure to the detached

To accomplish this project the applicant is requesting a
variance from the non-conforming section 3.02
construction that will enlarge or alter the

Interested parties may comment in person
or comment in writing to:

Hayes Township Zoning Board of Appeals
Douglas Sloan Road,
Charlevoix, MI 49720 (269) 547-0001

LPET0371570

[illegible][illegible]

<https://mail.google.com/mail/u/0/?ik=ab95b9d3fa&view=pt&search=all&permthid=thread-f:1843354762480522951&simpl=msg-f:184335476248052295...> 3/4



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300^{ft} Notices sent via mail USPS
9-15-25



April Hilton <deputyclerkhayes@gmail.com>

corrections to draft ZBA minutes of 7-23-25

3 messages

Ellis Boal <ellisboal@voyager.net>

Wed, Oct 1, 2025 at 4:53 PM

To: Janice Whipple <jvwipple65@gmail.com>, Bruce Deckinga <bdeckinga@gmail.com>, Rex Greenslade <greensladerex@gmail.com>, Doug Kuebler <hayestrustee5@gmail.com>, Rod Slocum <rodslocum@gmail.com>

Cc: zoning@hayestownshipmi.gov, April Hilton <deputyclerkhayes@gmail.com>, kristin baranski <clerk@hayestownshipmi.gov>, Darcy Phelps <darcyp Phelps57@gmail.com>, LuAnne Kozma <luannekozma@gmail.com>, Hayes supervisor <supervisorhayestownshipmi@gmail.com>, kevin willis <kwillisc@yahoo.com>, JoEllen <jobee949@gmail.com>

Janice and Hayes ZBA members,

I write on behalf of on behalf of Bay Shore residents including Darcy Phelps et al, cc'd on this email. Also cc'd are the ZA, your recording secretary, and the Township clerk. (Darcy is asked to forward this to his co-appellants.)

I write to request correction of the draft minutes for the ZBA meeting of July 23, which I attach.

As you may know, Section 9 of the Open Meetings Act has this to say about minutes of open meetings:

Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public. . . . [Emphasis added]

I attach a copy of the draft minutes, prepared for ZBA approval at the next coming meeting, now scheduled for October 9. We also have the Township's recording of the July 23 meeting and have listened to it with care. We transcribed the last five minutes as seen below. You can verify the transcript by listening to the recording yourselves.

The penultimate item, "Public comment on Non-Agenda Items" notes several comments by myself, LuAnne, Kevin, JoEllen, and the Supervisor.

Related to LuAnne's comment is her email to the Clerk of the day before (which I also attach) concerning the Notices of Appeal of May 29 and June 24, that ended with this:

ZBA members, please make a motion at the July 23 meeting to add to your agenda the scheduling of these public hearings on the two Appeals.

This email was before you on July 23 as part of the final ZBA packet. It called for the ZBA Chair to schedule hearings for the Notices of Appeal of May 29 and June 24.

LuAnne's and my comment to you at the meeting on July 23, which we provided both verbally and in writing (also attached), likewise called for scheduling of ZBA hearings on the two Notices.

All other commenters also called for scheduling of hearings. The draft minutes make no note of any of those requests.

As an agenda item, the draft shows "Zoning Board of Appeals Member Comment" on page 7. But it is improperly abbreviated, showing only a single comment of one ZBA member, the Chair:

Ms. Vedder-Whipple referred to the legal opinion of the Hayes Township attorney, "the applicant has failed to follow the rules adopted by the ZBA and filed an incomplete application for appeal by the deadline. Therefore it is my opinion that the ZBA lacks jurisdiction to hear the appeal and the appeal should be rejected as untimely."

There was a second comment by ZBA Member Deckinga. But the draft omits it completely. The recording and transcript show the following occurred:

Chair Janice Vedder-Whipple [reading from a document]: Thank you. In this case, um, it is the opinion that the Applicant has failed to follow the rules adopted by the ZBA and file a completed Application for an appeal by the deadline. Therefore it is, um, my opinion that the ZBA lacks jurisdiction to hear this Appeal and the Appeal should be rejected as untimely.

[Colloquy from audience]

Vedder-Whipple: Ma'm it's absolutely correct. It is from the — our attorney. As individuals we have no rights to go out and set meetings. We don't have a staff report. And when we get a staff report, that's when we respond. So, this is the advice of counsel, um, and that's what has to be read. I'm sorry. [Emphasis added]

Ellis Boal: We have not seen that advice of counsel and I asked that it be produced earlier during my remarks and it was not.

Vedder-Whipple: We have not —

Boal: It does not exist unless you produce it here and now.

...

Vedder-Whipple: My motion is, do we close the Public Comment — yes — in those in favor say "aye." [Ayes] Motion carries. Thank you.

...

Vedder-Whipple: We have a motion to adjourn the meeting by —

ZBA Member Bruce Deckinga: Wait, wait, wait, wait. You didn't ask for the "Nays."

Vedder-Whipple: Nay — regarding Public Comment?

Deckinga: Regarding our ability to discuss this. I would be a "Nay."

...

Deckinga: [Pointing to each of the other four ZBA member and saying to each] "Yes, yes, yes, yes, [then pointing to himself] Nay.

Vedder-Whipple: Oh, okay. Motion to adjourn the meeting?

We recognize that as a general matter, minutes are not expected to be a verbatim transcript of everything said at a meeting.

But Deckinga as a ZBA member called to have discussion on "our ability to discuss this." He polled the other Members individually, with the decision being 4-1 against him.

Deckinga's "this" referred to the issue whether or not the May 29 Applicantd supposedly had "failed to follow the rules adopted by the ZBA and file a completed Application for an appeal by the deadline."

The Chair did not rule Deckinga out of order. She just said "okay."

The Open Meetings Act is mandatory on the point of the minutes having to record ZBA "decisions" accurately.

Please incorporate the 4-1 decision. alongside of Vedder-Whipple's comment, in your approved minutes for July 23. Thank you.

Ellis

3 attachments

 25-07-23_zbaMinutes-draft.pdf
113K

 25-07-23_statementToZba.pdf
1254K

 25-07-22_kozmaToClerk.pdf
1731K

Rex Greenslade <greensladerex@gmail.com>
To: Hilton April <deputyclerkhayes@gmail.com>, Kristin Baranski <kbaranski9333@gmail.com>
Cc: Janice Whipple <jvwhipple65@gmail.com>

Wed, Oct 1, 2025 at 5:02 PM

April, Kristin,
I have no problem in the draft minutes being amended to show the 4-1 decision on adjournment. It is what happened.
Let me know if I can assist in amending them.
Best regards,
Rex Greenslade

Begin forwarded message:
[Quoted text hidden]

3 attachments

 25-07-23_zbaMinutes-draft.pdf
113K

 25-07-23_statementToZba.pdf
1254K

 25-07-22_kozmaToClerk.pdf
1731K

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Wed, Oct 1, 2025 at 10:50 PM

All,

I believe the next ZBA meeting is October 8, not October 9. Sorry.

M_{owrey's} O_{yster} B_{ay} C_{lub}

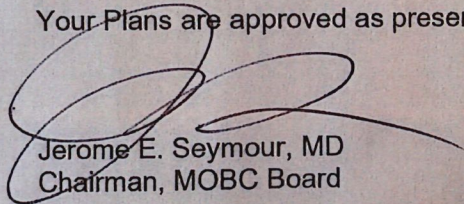
September 8, 2025

Ryan and Lauren Bergstrom
7720 Indian Trails
Charlevoix, MI 49720

Dear Ryan and Lauren,

The Architectural Committee has reviewed your plans and the only deviation noted is the driveway in front of the garage which is inside the 25 foot setback allowed by the MOBC Deed Restrictions. However we feel that this is preexisting and my predate the incorporation of MOBC.

Your Plans are approved as presented



Jerome E. Seymour, MD
Chairman, MOBC Board

CC: Ed Willis
Shelley Sgrazzutti

P. O. Box 241
Charlevoix, Michigan 49720

HAYES TOWNSHIP ZONING BOARD OF APPEALS

Meeting Date:	October 8, 2025
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Location:

Hayes Township Hall

[illegible]