

ZONING BOARD OF APPEALS
ADMINISTRATIVE MEETING
HAYES TOWNSHIP
9195 MAJOR DOUGLAS SLOAN ROAD
CHARLEVOIX, MICHIGAN 49720
OCTOBER 21st, 2025
5:00 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. Review and Approval of Agenda
5. Declaration of Conflict of Interest
6. Approval of October 8, 2025 meeting minutes
7. Public Comment
8. Zoning Board of Appeals Member Comment
9. 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
October 8th, 2025
09195 Major Douglas Sloan Road, Charlevoix, MI 49720

The October 8th, 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: Bruce Deckinga, Janice Vender-Whipple (Chair), Rex Greenslade, Doug Kuebler and Jessica Perry (Alternate).

Absent: Joni Hosler

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

Audience: Stephanie Baldwin, Zeze Jess, Bill Conklin, Darcy Phelps, Catherine Phelps, Kevin Willis, and Shelly VanWart.

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

REVIEWED AGENDA:

Add item 7a. Authorizing the Chair of the ZBA to work with the Township Attorney to amend By-Laws.

Mr. Greenslade made a motion, supported by Mr. Kuebler, to approve the agenda as amended.

Yeas: Jessica Perry, Bruce Deckinga, Doug Kuebler, Janice Vedder-Whipple and Rex Greenslade.

Nays: None Motion Carried

INTRODUCTION OF ZONING BOARD OF APPEALS (ZBA) MEMBERS:

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

Absent: Joni Hosler

DECLARATION OF CONFLICT OF INTEREST: NONE

APPROVAL OF DRAFT MINUTES FROM JULY 23, 2025:

Mr. Deckinga made a motion, supported by Mr. Greenslade, to approve the July 23rd 2025 meeting minutes as amended.

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

CHAIR OPENS PUBLIC HEARING:

Mr. Greenslade made a motion, supported by Mr. Kuebler to open the public hearing at 7:10pm.

Yeas: Jessica Perry, 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: Ryan and Lauren Bergstrom CASE #100825B

Publication date was September 18th 2025 in the Petoskey News Review. Notice was next to all property owners within 300 feet on September 15th 2025.

Charlevoix County Property Tax Identification Number 15-007-130-014-00, Zoning District R1 located on property commonly known as 07720 Indian Trails Dr. Charlevoix MI 49720. The applicant is seeking a variance to allow for construction of a structure to connect the principle structure to the detached garage. The original principle structure was constructed in 1974 prior to the Hayes Township Zoning Ordinance adoption, 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. A narrow 3.14 feet portion of proposed addition is within the 100 foot setback requirement. 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 variances:

- 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.

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- A variance from the non-conforming section 3.02.10 to allow for construction that will enlarge or alter the structure.

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

Mr. Bergstrom stated they are privileged to purchase the Darnton family home, they have no intention of changing anything within the Shoreland Protection strip. They plan for this home to be their full time residence after their children graduate.

Ms. Baldwin (President and Owner of Edgewater Design Group) stated the house was built in the seventies. The bridge connection between the house and garage was built in the nineties with no foundation under it and is experiencing some erosion issues. The new construction will be to provide a proper foundation and protect from erosion.

Ms. Perry requested if they plan to install gutters to help with run off.

Ms. Baldwin stated they will install a french drain to capture the runoff.

Mr. Greenslade asked if the applicant does not receive this variance what would be the applicants' plan.

Ms. Baldwin stated they will still need to somehow fix the foundation due to structural damage.

Mr. Greenslade stated the ordinance shall not prohibit the repair, improvement or modernization of a non-conforming structure to correct deterioration, obsolescence, depreciation and wear, provided the structures spatial envelope remains the same. Is there a way they can fix the issues without the section 3.14 variance?

Ms. Baldwin stated the 3.14 foot variance of section 3.14 is necessary to connect the structures.

BOARD MEMBERS REPORT ON THEIR SITE INSPECTIONS:

Ms. Vedder-Whipple stated she has visited the site and find the property owner is in a sticky situation.

Ms. Perry stated they have to raise the roof line in order to solve the structural issues. With the drainage design it will be better protection for the lake and garage structure.

Mr. Deckinga agreed it is a challenging situation.

Mr. Greenslade stated the applicant will have extra living space, however the structure is necessary and don't see it being obstructive to any neighboring property.

Ms. Baldwin presented a letter from the HOA, approving the proposed project.

Mr. Greenslade read the letter into the record, please see attachment.

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CHAIR OPENS PUBLIC COMMENT:

Opened at 7:32pm

Comments Included: none

CORRESPONDENCE ACKNOWLEDGED:

none

CHAIR CLOSES PUBLIC COMMENT:

Public Comment closed at 7:33pm.

REVIEW OF APPLICABLE SECTION OF HAYES TOWNSHIP ORDINANCE:

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

REVIEW AND DISCUSSION OF FINDING OF FACT:

A 3.14 feet 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. And a variance from the non-conforming section 3.02.10 to allow for construction that will enlarge or alter the structure.

SECTION 8.07 VARIANCES

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.
- The Board of Appeals find that yes the property was constructed in 1974, prior to the first Hayes Township Zoning Ordinance. Variance is needed due to unique foundation, water management and structural issues.
2. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

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- The Board of Appeals find that no, the erosion caused the structural issues.

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 for any permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

- The Board of Appeals find that yes compliance with the regulations is unnecessarily burdensome in this case.

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.

- The Board of Appeals find that granting the variance will give substantial justice to the applicant and neighboring property owners, and has already been approved by the HOA.

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.

- The Board of Appeals find that the requested variance will not cause an adverse impact on surrounding properties because it has been HOA approved.

MOTION AND ROLL CALL VOTE:

Mr. Greenslade made a motion, supported by Mr. Deckinga to approve the 3.14 foot variance from the setback requirement of section 3.14 to allow construction within 100 foot of Lake Charlevoix, and the enlargement and alteration of a non-conforming structure for property commonly known as 7720 Indian Trails Dr. contingent on the Shoreline Protection Strip staying in its existing state.

Yeas: Rex Greenslade, Doug Kuebler, Bruce Deckinga, Jessica Perry and Janice Vender-Whipple.

Nays: **Motion Carried**

CHAIR CLOSSES PUBLIC HEARING:

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Mr. Greenslade made a motion, supported by Ms. Vedder-Whipple to set a ZBA Administrative meeting at 5:00pm on October 21st 2025 to approve the minutes from tonight's meeting.
Yeas: Jessica Perry, Bruce Deckinga, Doug Kuebler, Rex Greenslade and Janice Vender-Whipple.

Nays: None **Motion Carried**

Mr. Kuebler made a motion, supported by Ms. Perry to close the Public Hearing at 8:00pm.
Yeas: Jessica Perry, Bruce Deckinga, Doug Kuebler, Rex Greenslade and Janice Vender-Whipple.

Nays: None **Motion Carried**

AUTHORIZING THE CHAIR OF THE ZBA TO WORK WITH THE TOWNSHIP ATTORNEY TO AMEND ZBA BY-LAWS:

Mr. Greenslade made a motion, supported by Mr. Kuebler to approve the ZBA Chair to work with the Township Attorney to amend the ZBA By-laws in regards to how the public can contact and share information with ZBA members to eliminate possible OMA violations.

Yeas: Jessica Perry, Bruce Deckinga, Doug Kuebler, Rex Greenslade and Janice Vender-Whipple.

Nays: None **Motion Carried**

PUBLIC COMMENT NON AGENDA ITEMS:

Public Comment Opened at 7:55pm

Comments Included:

- Requested clarification on the previous motion.

Public Comment Closed at 7:56 pm

ZONING BOARD OF APPEALS MEMBER COMMENT:

Ms. Vedder-Whipple apologized for her getting distracted at the previous meeting by public interruption and feels she missed what Bruce Deckinga was saying and will do a better job as chair controlling the meeting.

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194 Mr. VanZee thanked the applicant and Edgewater design for the complete and detailed
195 application and documents. Stated the public should be apologizing for being out of order at
196 the previous meeting and causing the distraction.

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198 **ADJOURNMENT:** Mr. Kuebler made a motion, supported by Mr. Greenslade, to adjourn at
199 7:59pm.

200 Yeas: Jessica Perry, Bruce Deckinga, Doug Kuebler, Rex Greenslade and Janice Vender-
201 Whipple.

202 Nays: None **Motion Carried**

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204 Respectfully Submitted,
205 April Hilton
206 Hayes Township Deputy Clerk/Recording Secretary

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