

Hayes Township
Zoning Board of Appeals
Public Hearing
November 19th, 2025
09195 Major Douglas Sloan Road, Charlevoix, MI 49720

The November 19th, 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, Zeze Jess (alternate), Jessica Perry (Alternate), and Joni Hosler
ALSO PRESENT: April Hilton (Recording Secretary/Deputy Clerk), Ron VanZee (Zoning Administrator)

Audience: Stephanie Baldwin, Matt Cunningham, Bill Conklin, Darcy Phelps, Catherine Phelps, LuAnne Kozma, Ellis Boal, Jim Rudolph, Shelly VanWart, and Tim Boyko.

PLEDGE OF ALLEGIANCE: Ms. Vedder-Whipple (Chair) opened the meeting at 7:00 pm 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, Jessica Perry (alternate), Zeze Jess (alternate), Doug Kuebler, and Joni Hosler

DECLARATION OF CONFLICT OF INTEREST: NONE

REVIEWED AGENDA:

Mr. Greenslade made a motion, supported by Mr. Deckinga, to approve the agenda as presented.

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

Nays: None **Motion Carried**

APPROVAL OF DRAFT MINUTES FROM OCTOBER 21, 2025:

Mr. Deckinga made a motion, supported by Mr. Greenslade, to approve the October 21st 2025 meeting minutes as presented.

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

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CHAIR OPENS PUBLIC HEARING:

Mr. Kuebler made a motion, supported by Mr. Greenslade to open the public hearing at 7:05pm.

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: Douglas Quada and Katherine Keljo CASE #100825A

Publication date was November 1st 2025 in the Petoskey News Review. Notice was sent to all property owners within 300 feet on October 29th 2025.

Charlevoix County Property Tax Identification Number 15-007-400-013-00, Zoning District R1 located on property commonly known as 7125 Nine Mile Point Dr. Charlevoix MI 49720. The applicant is seeking a variance of 12ft 7 5/16in from section 4.13 amendment Michigan Shores District Regulations 50 foot front setback requirement to allow for construction and replacement of the current roof structure with a steeper pitched roof including an energy heel to the trusses to meet current energy code requirements for insulation. The second variance they are requesting is from the non-conforming section 3.02.10 to allow for construction that will enlarge or alter the structure with a proposed 444 square foot rear addition, that meets the current Hayes Township Zoning Ordinance setback requirements. This addition, however, adds to the spatial dimensions of the non-conforming structure. The principle structure was constructed in 1973 prior to the Hayes Township Zoning Ordinance adoption, 1974 and encroaches in the current front setback requirement of 50 feet at the northeast corner of the house. The proposed addition encloses an area between the existing principal structure and existing attached garage. The applicant has submitted a Shoreline Protection Strip Site Plan which has been reviewed and approved by the Planning Commission (if the variance is approved).

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

Ms. Baldwin (President and Owner of Edgewater Design Group) stated the applicants purchased the cottage in 1973 and have owned it ever since. They are now having some structural issues with the roof. They are looking to raise the pitch to help with snow and must add an R49 and energy heel in order to meet new coding. The roof is the only part of the project within the 50 foot setback: the addition is in the building envelope outside of the 50 foot set back. The house will remain a one story home and will not increase the number of bedrooms within the home. The height increase of the home with the pitch will be about 10 feet. If they are not granted the variance, structural damage will continue to worsen. The applicant has worked with the Shoreland Protection Subcommittee and will be adding more planting as recommended by Tipp of the Mitt and shown on the Site Plan approved by Planning Commission last night at their meeting.

BOARD MEMBERS REPORT ON THEIR SITE INSPECTIONS:

Ms. Vedder-Whipple stated many houses in the neighborhood have the flat roof and many of them are starting to increase the pitch of their roof because of the winter snow damage.

CHAIR OPENS PUBLIC COMMENT:

Opened at 7:22pm

Comments Included:

- LuAnne Kozma Woods Creek Dr. Not sure if the repair of a roof should require a variance. Agrees the addition of the home makes sense for the variance request. Referenced a training session they attended recently. Feel the house may be at risk of ice damage. Does not support granting this variance.
- Jim Rudolph stated granting a variance request is breaking the law of the Zoning Ordinance.

CORRESPONDENCE ACKNOWLEDGED:

Zoning Board of Appeal members acknowledged correspondence received.

CHAIR CLOSES PUBLIC COMMENT:

Mr. Greenslade made a motion, supported by Mr. Deckinga to close Public Comment at 7:27pm.

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

Nays: **Motion Carried**

REVIEW OF APPLICABLE SECTION OF HAYES TOWNSHIP ORDINANCE:

The ZBA reviewed and discussed sections 4.13 amendment Michigan Shores District regulations, Section 3.14 Waterfront Regulations and Section 3.02.2 Non-Conformity.

REVIEW AND DISCUSSION OF FINDING OF FACT:

A 12ft 7 5/16in variance from section 4.13 amendment Michigan Shores District regulations from the 50 foot front setback requirement to allow for the replacement of the current roof structure with a steeper pitched roof and include an energy heel to the trusses to meet current energy code requirements for insulation. And a variance from the non-conforming section 3.02.10 to allow for construction that will enlarge or alter the structure.

Mr. Greenslade stated the following Findings of Fact:

- The home was built prior to the Hayes Township Zoning Ordinance. The non-conformity was created when the 50 ft setback was introduced in the Zoning Ordinance. The variance request relates to that non-conformity which consists of about 125 sq ft of the 1600 sq ft total existing.
- The building proposal rectifies leaking and addresses energy efficiency issues but continues the non-conformity. It does increase the size of the spatial envelope.
- The proposed design is similar architecturally to adjacent homes in the neighborhood and otherwise conforms with all setback and zoning requirements.
- Owners have committed to a shoreland landscaping restoration plan which was approved by Hayes Township Planning Commission on 11/18/2025.

Ms. Vedder-Whipple stated she finds it important for residents to be able to improve their homes when needed due to structure issues. And this proposed project does not increase the non-conformity.

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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 1973, prior to the first Hayes Township Zoning Ordinance. Variance is needed due to unique topography of the subdivision, 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).
 - The Board of Appeals find that no, the structural issues are not a result of an action by the Property owner.
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 conforming with the required setback will be 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.
 - The Board of Appeals find that yes granting the variance will give substantial justice to the applicant and neighboring property owners, and the proposed addition matches other improved homes within the neighborhood.
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 yes the requested variance will not cause an adverse impact on surrounding properties.

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MOTION AND ROLL CALL VOTE:

Mr. Greenslade made a motion, supported by Mr. Kuebler to approve the request for the continuation of a 12 7 5/16 foot variance from the 50 foot setback from Lake Michigan requirement of section 4.13 amendment Michigan Shores District regulations to allow improvements and an addition to the non-conforming structure at property commonly known as 7125 Nine Mile Point Dr, contingent on the applicant completing the Shoreline Protection Strip approved site plan requirements.

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

Nays: **Motion Carried**

CHAIR CLOSSES PUBLIC HEARING:

Mr. Deckinga made a motion, supported by Mr. Greenslade to close the Public Hearing at 7:43pm.

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

Nays: None **Motion Carried**

PUBLIC COMMENT NON AGENDA ITEMS:

Public Comment Opened at 7:43pm

Comments Included:

- Finding of Facts, ZBA Rules and Procedures, separate an improvement from an addition request, Allow improvements.

Public Comment Closed at 7:49 pm

ZONING BOARD OF APPEALS MEMBER COMMENT:

Mr. Greenslade finds the public input very helpful, but would like people to remember that in this case the improvement to the Shoreland Protection strip the applicant is willing to do in trade for the variance is important and conforms with the many requests made at Public Comment and in the survey that we should take action to protect the lakes. Regarding process, this remains a challenge for the ZBA as it only meets a few times a year. He has

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taken many Michigan State Extension ZBA courses, including the one on the ZBA, and finds them very helpful. He encourages others on the ZBA, if they haven't already done so to enroll and complete the ZBA course. The Township will reimburse and associated enrollment costs.

Mr. Greenslade made a motion, supported by Mr. Deckinga to set a ZBA Meeting on December 3rd 2025 at 7:00 pm to approve the minutes from tonight's meeting.

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

Nays: None

Motion Carried

ADJOURNMENT: Mr. Greenslade made a motion, supported by Mr. Kuebler to adjourn at 7:53pm.

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