

Hayes Township
Zoning Board of Appeals
Public Hearing
January 14th, 2026
09195 Major Douglas Sloan Road, Charlevoix, MI 49720

The January 14th, 2026, Public Hearing meeting of the Hayes Township Zoning Board of Appeals was called to order by Chair Rex Greenslade at 7:00 pm. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix, MI 49720.

BOARD MEMBERS PRESENT: Zeze Jess, Rex Greenslade, Doug Kuebler Jessica Perry, and Laura Ford (Alternate).

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

Audience: Vickie Laskey and Matt Cunningham.

PLEDGE OF ALLEGIANCE: Mr. Greenslade (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: Zeze Jess, Rex Greenslade, Doug Kuebler Jessica Perry, and Laura Ford (Alternate).

REVIEWED AGENDA:

Remove item #8 Review of learning gained from training on ZBA and Planning.

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

Yeas: Jessica Perry, Zeze Jess, Doug Kuebler, Laura Ford and Rex Greenslade.

Nays: None **Motion Carried**

DECLARATION OF CONFLICT OF INTEREST: NONE

CHAIR OPENS PUBLIC HEARING:

Mr. Greenslade made a motion, supported by Mr. Kuebler to open the public hearing at 7:03pm.

Yeas: Jessica Perry, Zeze Jess, Doug Kuebler, Laura Ford and Rex Greenslade.

Nays: None **Motion Carried**

ZONING ADMINISTRATOR INTRODUCES CASE AND PRESENTS EXHIBITS:

In the Matter of: Vickie Laskey CASE #011426

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Publication date was December 16th 2025 in the Petoskey News Review. Notice was sent to all property owners within 300 feet on December 11th 2025.

Charlevoix County Property Tax Identification Number 15-007-200-003-00, Zoning District R3 located on property commonly known as 11190 Spring St. Charlevoix MI 49720. The applicant is seeking a variance of 5ft from section 4.13 Schedule of Regulations 15 foot side setback requirement to allow for construction of a new single family dwelling with attached garage within 10 feet of the side (west) property line. 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).

PETITIONER IS RECOGNIZED (AND/OR AGENT) AND PUTS FORTH CASE/ BOARD MEMBERS ASK PETITIONER QUESTIONS:

Ms. Laskey stated she is requesting a variance because of the bluffs located on the property limit the building space on the lot. Additionally the neighboring properties well and septic field had been placed on her lot and, although now removed, presents a challenge by limiting the placement of her septic, well and house location. She would like to avoid cutting any trees. With these factors considered, she determined the placement of the proposed new single family dwelling which requires a variance on the west side setback.

Ms. Perry asked when the applicant purchased the property.

Mr. Laskey stated she purchased the home in July 2022 and discovered the neighbors septic in July 2025.

Ms. Perry clarified: the applicant did not know of the septic was on her property before purchasing?

Ms. Laskey stated she nor the neighbor was not aware of the septic being there until July of 2025 when the neighbor approached her after the property was staked after her purchase. The septic field is longer in use. However, the health department has labeled this space as a no build space.

Ms. Perry stated at no fault of the applicant, due to this determined no build space by the Health Department and due to the neighbors septic prior placement on the applicant's property is causing her need for the variance.

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CHAIR OPENS PUBLIC COMMENT:

Opened at 7:25 pm with No Comments

CORRESPONDENCE ACKNOWLEDGED:

ZBA members reviewed all correspondence received by 4:00pm January 13, 2026 as stated on the Public Hearing Notice.

CHAIR CLOSSES PUBLIC COMMENT:

Public Comment closed at 7:26pm.

REVIEW OF APPLICABLE SECTION OF HAYES TOWNSHIP ORDINANCE:

The ZBA reviewed and discussed sections 4.13 schedule of Regulations.

REVIEW AND DISCUSSION OF FINDING OF FACT:

A 5 foot variance from the 15 foot side property line requirement in Section 4.13. To allow construction within 10 feet of the west side property line.

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 due to the following facts yes there are unique circumstances or physical conditions of the property involved;
 - Size area 25,756 sq ft; district minimum 20,000.
 - Width average is 150; district minimum 100.
 - Shape is irregular, topography is square with substantial bluff.
 - lot has water feature increasing setback (front).
 - Platted subdivision so not applicants personal or economic hardship.
 - two other parcels in area have been granted similar variances.
 - The neighbor's prior existing 2100 sq ft drain field located on the applicants property incorrectly constrains the building envelope.

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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 the parcel is part of platted subdivision and has not been altered by any action of 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 permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 - The Board of Appeals find that due to the narrowness and the general terrain of the parcel restricts placement of building envelope when considering required locations of proposed well and septic, and to avoid tree removal on the parcel it is unnecessarily burdensome at no fault of the applicant.
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 variance would provide substantial justice due to property on east side that is legally non-conforming with structures located within the side setback on the property line. Additionally, the West side adjacent property is conservancy (open space) property with no-build restrictions.
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 it does not appear that this would have adverse impact on the property to the West as that is conservancy (open space) property with no build restrictions while relieving an adverse condition on property to the east.

MOTION AND ROLL CALL VOTE:

Mr. Greenslade made a motion, supported by Mr. Kuebler to approve based on exhibits and facts identified by the ZBA and included in the record, the 5 foot variance from the 15 foot side yard setback requirement of section 4.13 to allow construction within 10 feet of the side

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(west) property line, contingent on the Shoreline Protection Strip Site Plan being approved by the Planning Commission.

Yeas: Jessica Perry, Zeze Jess, Doug Kuebler, Laura Ford and Rex Greenslade.

Nays: None **Motion Carried**

CHAIR CLOSES PUBLIC HEARING:

Mr. Greenslade to closed the Public Hearing at 7:48pm.

Yeas: Jessica Perry, Zeze Jess, Doug Kuebler, Laura Ford and Rex Greenslade.

Nays: None **Motion Carried**

PUBLIC COMMENT NON AGENDA ITEMS:

Public Comment Opened at 7:48pm

No Comments

Public Comments Closed at 7:48pm

ZONING BOARD OF APPEALS MEMBER COMMENT:

Mr. Kuebler stated the Training was extremely helpful earlier today, and believes the new process to sign a notice of variance form at the meeting is much more efficient.

Mr. Greenslade supports Mr. Kuebler comments and supports this new process.

ADJOURNMENT: Ms. Perry made a motion, supported by Ms. Kuebler, to adjourn at 7:49 pm.

Yeas: Jessica Perry, Zeze Jess, Doug Kuebler, Laura Ford and Rex Greenslade.

Nays: None **Motion Carried**

Respectfully Submitted,

April Hilton

Hayes Township Deputy Clerk/Recording Secretary