

ZONING BOARD OF APPEALS ADMINISTRATIVE AGENDA

HAYES TOWNSHIP

9195 MAJOR DOUGLAS SLOAN ROAD

CHARLEVOIX, MICHIGAN 49720

MARCH 18TH, 2026 AT 6:00 PM

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 February 18, 2026 Administrative meeting minutes
7. Chair Opens Public Hearing – Appeal Case #022526A
8. Zoning Administrator introduces case and presents exhibits
9. Petitioner is recognized (and/or Agent) and puts forth case
10. 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
11. Chair opens Public Comment
12. Correspondence acknowledged
13. Chair closes Public Comment
14. Review of applicable Section of Hayes Township Ordinance
15. Review and discussion of Finding of Fact
16. Motion and Roll Call Vote
17. Chair Closes Public Hearing
18. Chair Opens Public Hearing – Appeals Case # 022526B
19. Zoning Administrator introduces case and presents exhibits
20. Petitioner is recognized (and/or Agent) and puts forth case

21. 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
22. Chair opens Public Comment
23. Correspondence acknowledged
24. Chair closes Public Comment
25. Review of applicable Section of Hayes Township Ordinance
26. Review and discussion of Finding of Fact
27. Motion and Roll Call Vote
28. Chair Closes Public Hearing
29. Public Comment
30. Zoning Board of Appeals Member Comment
31. 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.

You probably have a conflict of interest if:

- you are the applicant;
- a close relative is the applicant;
- a business associate, lender or renter is the applicant;
- the proposal could allow you or a business associate to receive a financial gain or benefit;
- you are a planning commission representative to the zoning board of appeals and the matter to be heard is an appeal from a previous planning commission decision in which you participated.

DRAFT
Hayes Township
Zoning Board of Appeals
Administrative Meeting Minutes
February 18th, 2026
09195 Old U.S. N, Charlevoix, MI 49720

The February 18th, 2026, administrative meeting of the Hayes Township Zoning Board of Appeals was called to order by Rex Greenslade at 7:00 pm. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix, MI 49720.

BOARD MEMBERS PRESENT: Janice Vedder, Rex Greenslade, Zeze Jess, Laura Ford (alternate), and Doug Kuebler.

BOARD MEMBERS ABSENT: Jessica Perry.

ALSO PRESENT: April Hilton (Recording Secretary/Deputy Clerk).

Audience: LuAnne Kozma and Sean Davis.

PLEDGE OF ALLEGIANCE: Rex Greenslade 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: Janice Vedder, Rex Greenslade, Zeze Jess, Laura Ford, and Doug Kuebler.

BOARD MEMBERS ABSENT: Jessica Perry.

REVIEWED AGENDA:

Add Item 6A Public Comment – Related to Agenda items.

Mr. Greenslade made a motion, supported by Ms. Ford, to approve the agenda as amended and to include two Public Comment periods in all meetings, per the Public Comment Rules of the Zoning Board of Appeals. In meetings which include a Public Hearing the Public Comment in the Public Hearing will count as one of the two Public Comment periods.

Yeas: Rex Greenslade, Laura Ford, Doug Kuebler, Zeze Jess, and Janice Vedder.

Nays: None Motion Carried

DECLARATION OF CONFLICT OF INTEREST:

NONE.

APPROVAL OF DRAFT ADMINISTRATIVE MINUTES FROM JANUARY 14th, 2026:

Ms. Ford made a motion, supported by Mr. Kuebler, to approve the January 14 2026 meeting administrative minutes as corrected.

Yeas: Rex Greenslade, Laura Ford, Doug Kuebler, Zeze Jess, and Janice Vedder.

DRAFT
Hayes Township
Zoning Board of Appeals
Administrative Meeting Minutes
February 18th, 2026
09195 Old U.S. N, Charlevoix, MI 49720

Nays: None **Motion Carried**

APPROVAL OF DRAFT PUBLIC HEARING MINUTES FROM JANUARY 14th, 2026:

Mr. Kuebler made a motion, supported by Ms. Ford, to approve the January 14 2026 Public Hearing meeting minutes as corrected.

Yeas: Rex Greenslade, Laura Ford, Doug Kuebler, Zeze Jess, and Janice Vedder.

Nays: None **Motion Carried**

PUBLIC COMMENT – RELATED TO AGENDA ITEMS:

Public comments opened at 7:06 pm

Comments included:

No Comments

Public Comments closed at 7:07 pm

ADOPTION OF THE PROPOSED HAYES TOWNSHIP ZONING BOARD OF APPEALS RULES & PROCEDURES:

Mr. Kuebler made a motion, supported by Ms. Jess to adopt the proposed Hayes Township Zoning Board of Appeals Rules & Procedures as amended.

Yeas: Rex Greenslade, Laura Ford, Doug Kuebler, Zeze Jess, and Janice Vedder.

Nays: None **Motion Carried**

ADOPTION OF ROBERT RULES OF ORDER:

The ZBA came to a consensus to use Robert Rules of Order as a guideline.

SET PUBLIC HEARING DATE (MARCH 18TH 2026):

Ms. Ford made a motion, supported by Ms. Jess to set a public hearing date for March 18th 2026 at 3:00pm to hear two Appeal Cases.

Yeas: Rex Greenslade, Laura Ford, Doug Kuebler, Zeze Jess, and Janice Vedder.

Nays: None **Motion Carried**

PUBLIC COMMENT:

Public Comment opened at 7:19pm

DRAFT
Hayes Township
Zoning Board of Appeals
Administrative Meeting Minutes
February 18th, 2026
09195 Old U.S. N, Charlevoix, MI 49720

Comments included:

- Appellant representative Ms. LuAnne Kozma objected to the time change for the appeals from 6pm to 3pm as 6pm had already been mutually agreed and appellants (of which there are many) had already been advised. Ms. Kozma requested the Board to reconsider its time change and revert to 6pm.

Mr. Greenslade said the time change had been discussed as a means of giving more time to the hearing of the appeals. But he would welcome a motion to reconsider.

Ms. Vedder made a motion, supported by Ms. Jess to reconsider the time for the public hearing date for March 18th 2026 at 6:00pm to hear two Appeal Cases.

Yeas: Rex Greenslade, Laura Ford, Doug Kuebler, Zeze Jess, and Janice Vedder.

Nays: None **Motion Carried**

Ms. Ford made a motion, supported by Mr. Kuebler to amend the time of the public hearing date for March 18th 2026 at 6:00pm to hear two Appeal Cases.

Yeas: Rex Greenslade, Laura Ford, Doug Kuebler, Zeze Jess, and Janice Vedder.

Nays: None **Motion Carried**

Public Comment closed at 7:24 pm

ZBA COMMENT:

ADJOURNMENT: Mr. Kuebler made a motion, supported by Ms. Vedder, to adjourn at 7:25pm

Yeas: Rex Greenslade, Laura Ford, Doug Kuebler, Zeze Jess, and Janice Vedder.

Nays: None **Motion Carried**

Respectfully Submitted,

April Hilton

Hayes Township Deputy Clerk/Recording Secretary

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

**The Hayes Township Zoning Board of Appeals will
conduct two public hearings on Wednesday, March 18th, 2026 at
6:00 P.M.**

The public hearings 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 applications for two appeals of an administrative decision.

**In the Matter of: Phelps, Taylor, Lavanway, Willis, Fary, Mills, Vanwart, Umlor and Rudolph
CASE #022526A & #022526B**

Charlevoix County Property Tax Identification Number 15-007-112-030-10, located on
property commonly known as 10855 Pincherry Road. Charlevoix MI 49720.

Appeals Case #022526A is an appeal of Zoning Permit # 25-04-06 issued to Pickleball
Storage LLC on April 30 2025. For an alleged violation of Hayes Township Zoning Ordinance
sections 3.05.8, 4.03, and 5.02.4

Packet for Case# 022526A can be viewed at the Hayes Township Hall or at
www.hayestownshipmi.gov

Appeals Case #022526B is an appeal of a letter from Zoning Administrator dated June 16
2025 to appellants and the failure to enforce an automatic STAY of Zoning Permit #25-04-06
and failure to transmit record of action for an alleged violation of Hayes Township Zoning
Ordinance sections 8.03.5, 8.03.6, 8.05 and 8.11.

Packet for Case # 022526B can be viewed at the Hayes Township Hall or at
www.hayestownshipmi.gov

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 clerk@hayestownshipmi.gov.
Written comments must be received by 4 p.m. on March 17th, 2026.
Kristin Baranski, Hayes Township Clerk (clerk@hayestownshipmi.gov)

Thank you for placing your order with us.

1 message

Petoskey Legals <PetoskeyNRLegals@usatodayco.com>
To: zoning@hayestownshipmi.gov

Thu, Feb 19, 2026 at 9:36 AM

THANK YOU for your ad submission!

This is your confirmation that your order has been submitted to publish in the Public Notice/Classified section of the paper. 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: **LPET0463825**
Classification: **Govt Public Notices**
Package: **General Package**
Additional: **1 Affidavit \$10.00**
Options: **Total payment: \$164.16**

Schedule for ad number LPET04638250

Sat Feb 21, 2026
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

Zoning Administrator Report

To: Zoning Board of Appeals Hayes Township

From: Ron VanZee Zoning Administrator

Date: 2/19/2026

CASE NO: 022526A (for office use only)

APPLICATION DATE: May 29th 2025

NOTICE POSTING DATE: February 19 2026

PUBLICATION DATE: February 21th 2026 (Petoskey News Review)

300ft NOTICE SENT DATE: February 19 2026

APPLICANT(S)/OWNERS: Phelps, Taylor, Lavanway, Willis, Fary, Mills, Vanwart, Umlor and Rudolph.

SUBJECT ADDRESS: 10855 Pincherry rd. Charlevoix MI 49720

PARCEL NO: 15-007-112-030-10

ZONING: Agricultural

PARCEL SIZE: Approximately 15.73 acres, Average Width is 700 feet,
Average Length is 1002 feet

Setback Requirements: (Section 4.13 schedule of regulations)

Front: 100' from Pincherry Rd, section 3.05.8 Accessory building as principle use.

Side: 25'

Rear: 100'

IMPERVIOUS SURFACE: Proposed construction is well below the allowed 30% impervious surface of the AG district.

REQUESTS: Case# 022526A is an appeal of Zoning Permit #25-04-06 issued to Pickleball Storage LLC on April 30 2025. For a violation of Hayes Township Zoning Ordinance section 3.05.8 Accessory Building as a Principal Use, section 4.03 Agricultural District, section 5.02.4 Plot Plan.

USE(S): INTENT: The Agricultural District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The primary intent of the District is to hold the rural Township areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands. Residential uses are considered secondary in this district.

2. Permitted Uses

- A. Single family dwellings.
- B. Agriculture, including both general and specialized farming, tree farms and forestry.
- C. Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and adequate off-street parking are available.
- D. Agricultural warehouses and non-animal agricultural processing plants.
- E. Plant nurseries and greenhouses.
- F. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of Section 3.22 Antenna Co location on an Existing Tower or Structure.
- G. Home occupations conducted completely inside the residence, subject to the provisions of Section 3. 15 Home Businesses.
- H. Accessory buildings and uses customarily incidental to the above permitted uses.

Case # 022526A Zoning Admin Finding of Facts:

Appeal of Zoning Permit #25-04-06 issued to Pickleball Storage LLC on April 30 2025

1. For a violation of Hayes Township Zoning Ordinance section 3.05.8 Accessory Building as a Principal Use:

Zoning Ordinance Section 3.05.8 reads:

Accessory Building as a Principal Use, except on small parcels

One (1) accessory building as a Principal Use shall be allowed per lot in all districts when all of the following are met:

- A. Parcel is at least one (1) acre in size.
- B. Parcel meets the lot area and width requirements specified Section 4.13, or is a nonconforming lot of record.
- C. Front and rear minimum setbacks shall be one hundred (100) feet; and side minimum setback shall be twenty-five (25).
- D. Accessory building maximum size and height shall comply with the provisions of the chart in Section 3.05.7.

ZA finds:

- Parcel size is 15.73 acres, minimum parcel size in Agricultural district is 10 acres, width average is 700 feet, required is 330 feet.
- As shown on site plan, all setbacks meet ordinance requirements, front and rear is 100 feet, side is 25 feet.
- Agricultural District has no maximum size limit.

2. For a violation of Hayes Township Zoning Ordinance section 4.03 Agricultural District:

Zoning Ordinance Section 4.03 reads:

INTENT: The Agricultural District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The primary intent of the District is to hold the rural Township areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands. Residential uses are considered secondary in this district.

2. Permitted Uses

- A. Single family dwellings.
- B. Agriculture, including both general and specialized farming, tree farms and forestry.
- C. Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and adequate off-street parking are available.
- D. Agricultural warehouses and non-animal agricultural processing plants.
- E. Plant nurseries and greenhouses.
- F. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of Section 3.22 Antenna Co location on an Existing Tower or Structure.
- G. Home occupations conducted completely inside the residence, subject to the provisions of Section 3. 15 Home Businesses.
- H. Accessory buildings and uses customarily incidental to the above permitted uses.

ZA finds:

- Storage buildings are considered accessory, several of the permitted uses in Agricultural District.

3. For a violation of Hayes Township Zoning Ordinance section 5.02.4 Plot Plan:

Zoning Ordinance Section 5.02.4 reads:

The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

ZA finds:

- Plot Plan submitted is very clear detailing proposed structure and use is personal storage.

Zoning Administrator Report

To: Zoning Board of Appeals Hayes Township

From: Ron VanZee Zoning Administrator

Date: 2/19/2026

CASE NO: 022526B (for office use only)

APPLICATION DATE: June 25th 2025

NOTICE POSTING DATE: February 19 2026

PUBLICATION DATE: February 21 2026 (Petoskey News Review)

300ft NOTICE SENT DATE: February 19 2026

APPLICANT(S)/OWNERS: Phelps, Taylor, Lavanway, Willis, Fary, Mills, Vanwart, Umlor and Rudolph.

SUBJECT ADDRESS: 10855 Pincherry rd. Charlevoix MI 49720

PARCEL NO: 15-007-112-030-10

ZONING: Agricultural

PARCEL SIZE: Approximately 15.73 acres, Average Width is 700 feet,
Average Length is 1002 feet

Setback Requirements: (Section 4.13 schedule of regulations)

Front: 100' from Pincherry Rd, section 3.05.8 Accessory building as principle use.

Side: 25'

Rear: 100'

IMPERVIOUS SURFACE: Proposed construction is well below the allowed 30% impervious surface of the AG district.

REQUESTS:

2. Case # 022526B is an appeal of the following three items:
 1. A letter from the Zoning Administrator dated June 16, 2025 to appellants
 2. The failure to enforce an automatic STAY of Zoning Permit #25-04-06 and construction.
 3. Failure to transmit Appeal dated May 29, 2025.
 4. violation of Hayes Township Zoning Ordinance sections 8.03.5 & 8.03.6 Jurisdiction, 8.05 Application Requirements, and section 8.11 STAY

USE(S):

INTENT: The Agricultural District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The primary intent of the District is to hold the rural Township areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands. Residential uses are considered secondary in this district.

2. Permitted Uses

- A. Single family dwellings.
- B. Agriculture, including both general and specialized farming, tree farms and forestry.
- C. Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and adequate off-street parking are available.
- D. Agricultural warehouses and non-animal agricultural processing plants.
- E. Plant nurseries and greenhouses.
- F. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of Section 3.22 Antenna Co location on an Existing Tower or Structure.
- G. Home occupations conducted completely inside the residence, subject to the provisions of Section 3. 15 Home Businesses.
- H. Accessory buildings and uses customarily incidental to the above permitted uses.

Case # 022526B Zoning Admin Findings of Facts:

1. A letter from the Zoning Administrator dated June 16, 2025 to appellants.
2. The failure to enforce an automatic STAY of Zoning Permit #25-04-06 and construction.
3. Failure to transmit Appeal dated May 29, 2025.

4. Violation of Hayes Township Zoning Ordinance sections 8.03.5 and 8.03.6 Jurisdiction,

Zoning Ordinance Section 8.03.5 and 8.03.6 reads:

5. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Zoning Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
6. The Zoning Administrator shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.

ZA Finds:

- Advised by Township Legal Counsel.
- Todd Millars email attached.

5. Violation of Hayes Township Zoning Ordinance section 8.05 Application Requirements

Zoning Ordinance Section 8.05 reads:

The applicant shall submit seven (7) copies of a completed application, with associated fee, surveys, plans and data as required in Article V: Site Plan Review, or other information deemed reasonably necessary for making any informed decision on his or her appeal, not less than thirty (30) days prior to the date of the hearing.

ZA Finds:

- Advised by Township Legal Counsel.
- Todd Millars email attached.

6. Violation of Hayes Township Zoning Ordinance section 8.11 STAY

Zoning Ordinance Section 8.11 reads:

An appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to Circuit Court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the Circuit Court.

ZA Finds:

- Advised by Township Legal Counsel.**
- Todd Millars email attached.**



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Appeal of Pickleball Storage LLC Permit

1 message

Todd Millar <tmillar@parkerharvey.com>

Thu, Jun 12, 2025 at 1:12 PM

To: Ron Vanzee - Zoning <zoning@hayestownshipmi.gov>

Ron,

You asked me to review the "appeal" document you received regarding this permit. It is my recommendation that you return the document to the sender indicating that the appeal is incomplete for the following reasons:

1. The document you received is a variance request form, not an appeal form. Section 8.03 of the Hayes Township Zoning Ordinance provides that "[t]he appellant shall file with the Zoning Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal." You have advised me that specific appeal forms are available upon request. The applicant chose to use the wrong form.
2. The proper appeal form needs to be signed by the appellant. Not only was the wrong form used, the appellant did not sign it.
3. Finally, the form appears to be submitted by an agent on behalf of 9 people. None of the 9 people signed the form. There is no evidence submitted with the form that the alleged agent has authority to act on behalf of the 9 people.

I would return the form to the person that delivered it indicating that proper forms need to be used and signed. In addition, we need to have authorization from the appellants that the agent has authority to act on their behalf.

Please let me know if you have any questions.

Todd

5. Violation of Hayes Township Zoning Ordinance section 8.05 Application Requirements

Zoning Ordinance Section 8.05 reads:

The applicant shall submit seven (7) copies of a completed application, with associated fee, surveys, plans and data as required in Article V: Site Plan Review, or other information deemed reasonably necessary for making any informed decision on his or her appeal, not less than thirty (30) days prior to the date of the hearing.

ZA Finds:

- Advised by Township Legal Counsel.
- Todd Millars email attached.

6. Violation of Hayes Township Zoning Ordinance section 8.11 STAY

Zoning Ordinance Section 8.11 reads:

An appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to Circuit Court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the Circuit Court.

ZA Finds:

- Advised by Township Legal Counsel.**
- Todd Millars email attached.**



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Timeliness of appeal to ZBA

1 message

Todd Millar <tmillar@parkerharvey.com>

Mon, Jun 30, 2025 at 10:39 AM

To: Ron Vanzee - Zoning <zoning@hayestownshipmi.gov>

Cc: "Kristin Baranski (clerkhayestownshipmi@gmail.com)" <clerkhayestownshipmi@gmail.com>

Ron,

You have asked me for my legal opinion on the timeliness of the appeal to the ZBA of your approval of the Pickleball Storage LLC zoning permit.

My understanding of the facts are that you issued a zoning permit to Pickleball Storage LLC on April 30, 2025. The deadline to file a claim of appeal to the ZBA, as established by the ZBA in its rules of procedure, is May 30, 2025. The ZBA rules of procedure, in section 3.1 provide:

Any appeal, variance, or interpretation request shall be filed in writing on an application form provided by the Zoning Administrator and shall be accompanied by the payment of a fee, establish from time to time by the Township Board. Such notice shall be filed with the Zoning Administrator not more than 30 days from the date of the decision being appealed.

On May 29, someone delivered to the township drop box a Zoning Variance Application with the word variance crossed out and appeal written in. The appeal was not on the proper appeal form as dictated by the ZBA rules of procedure. This form appears to have been emailed to the ZBA by Mr. Scheel on the same date. In addition to being on the wrong form, the appeal is allegedly being brought by Mr. Scheel as agent for a number of residents, not on behalf of himself. There is no indication in the supplied materials that Mr. Scheel has authority to act on behalf of anyone but himself. Finally, the application is not signed by anyone. On June 23, the township received a letter from Kim Fary that included the proper appeal form signed by Mr. Scheel and a document signed by 13 people authorizing Mr. Scheel to act as their agent for purposes of the appeal. In my opinion, the document filed on May 29 was incomplete and invalid. Filing the wrong incomplete form does not save your place in line when it comes to a limitations period. Furthermore, the proper form that was filed on June 23 is untimely as it falls outside of the limitations period. As such the ZBA lacks jurisdiction to hear this appeal. This conclusion is reached by reviewing similar cases that deal with the jurisdiction of the circuit court in appeals from the ZBA.

The Michigan Zoning Enabling Act (the "Act") and MCR 7.122 govern appeals from a zoning board of appeals to the circuit court. MCR 7.122(B) provides that "[a]n appeal under this rule must be filed by the statute applicable to the appeal." Importantly, the Act requires that an

appeal from a zoning board of appeals' decision be filed within "[t]wenty-one days after the zoning board of appeals approves the minutes of its decision." MCL 125.3606(3). "The time limit for filing an appeal in the circuit court is jurisdictional; a circuit court lacks

jurisdiction over an untimely filed claim of appeal.” *Quality Market v Detroit Board of Zoning Appeals*, 331 Mich App 388, 393; 952 NW2d 603 (2019); MCR 7.104(A). “Subject-matter jurisdiction may not be conferred on a court by the actions of the parties.” *Id* at 395; *Smith v Smith*,

218 Mich App 727, 733; 555 NW2d 271 (1996). Importantly, “[u]nambiguous statutory language must be enforced as written.” *Id*; MCR 7.104(A).

In *Quality Market v Detroit Board of Zoning Appeals*, 331 Mich App 388, 952 NW2d 603 (2019) (“*Quality Market*”), the court of appeals was tasked with determining whether the circuit court’s decision reversing the zoning board of appeals’ decision was proper. The aggrieved

property owner in *Quality Market* operated a convenience store and sought a zoning variance in order to be permitted to sell liquor near a school and residentially zoned area. *Id* at 390. The zoning board of appeals held a meeting on February 20, 2018 and ultimately denied the property owner’s request. *Id* at 391. The zoning board “issued a written decision and order reflecting this denial on March 15, 2018” which included various time constraints that the aggrieved property owner must follow, as well as the statutes that governed. *Id* at 392. The meeting minutes were approved on February 27, 2018. *Id*. The aggrieved property owner filed its claim of appeal on April 6, 2018. The zoning board of appeals “moved to dismiss on the basis that the appeal was untimely under MCL 125.3606(3).” *Id*.

The *Quality Market* court relied on MCL 125.3606(3), MCR 7.104(A)(1), and MCR 7.122(B) and determined that the aggrieved property owner’s claim of appeal was untimely, and the circuit court’s decision was improper because the circuit court lacked jurisdiction to hear the

case. *Quality Market*, 331 Mich App at 393-395. The *Quality Market* court disagreed with arguments raised by the aggrieved property owner that the doctrine of estoppel should apply to the zoning board of appeals’ written decision containing allegedly misleading information about

deadlines, since (a) the written decision made by the zoning board of appeals contained the applicable specific statutes that applied to the appeal, and (b) the court lacked jurisdiction. *Id* at 394-395.

I see no reason that the same logic would not apply to appeals to the ZBA. The Zoning Enabling Act, MCLA 125.3603(1) and 125.3604(2), specifically authorizes the ZBA to adopt rules governing procedure, including deadlines for filing appeals:

The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals.

An appeal under this section shall be taken within such time as prescribed by the zoning board of appeals by general rule,

by filing with the body or officer from whom the appeal is taken and with the zoning board of appeals a notice of appeal

specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the

zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.

In this case, the applicants failed to follow the rules adopted by the ZBA and file a completed application for appeal by the deadline. Therefore, it is my opinion that the ZBA lacks jurisdiction to hear this appeal, and the appeal should be rejected as untimely.

Please let me know if you have any questions.

Todd

Todd W. Millar

Attorney

DIRECT 231.486.4519 EMAIL tmillar@parkerharvey.com

PARKER HARVEY PLC

901 S. Garfield Ave, Suite 200, Traverse City, MI 49686

MAIN 231.929.4878 FAX 231.929.4182 www.parkerharvey.com



***** Parker Harvey PLC ***** Please note that this email message and any attachments may contain privileged or confidential information that is protected against use or disclosure under federal and state law. If you have received this in error, please advise by immediate reply. Any transmission to persons other than the intended recipient shall not constitute a waiver of any applicable privileges. Any unauthorized use, disclosure, copying or dissemination is strictly prohibited.

My understanding of the facts are that you issued a zoning permit to Pickleball Storage LLC on April 30, 2025. The deadline to file a claim of appeal to the ZBA, as established by the ZBA in its rules of procedure, is May 30, 2025. The ZBA rules of procedure, in section 3.1 provide:

Any appeal, variance, or interpretation request shall be filed in writing on an application form provided by the Zoning Administrator and shall be accompanied by the payment of a fee, establish from time to time by the Township Board. Such notice shall be filed with the Zoning Administrator not more than 30 days from the date of the decision being appealed.

On May 29, someone delivered to the township drop box a Zoning Variance Application with the word variance crossed out and appeal written in. The appeal was not on the proper appeal form as dictated by the ZBA rules of procedure. This form appears to have been emailed to the ZBA by Mr. Scheel on the same date. In addition to being on the wrong form, the appeal is allegedly being brought by Mr. Scheel as agent for a number of residents, not on behalf of himself. There is no indication in the supplied materials that Mr. Scheel has authority to act on behalf of anyone but himself. Finally, the application is not signed by anyone. On June 23, the township received a letter from Kim Fary that included the proper appeal form signed by Mr. Scheel and a document signed by 13 people authorizing Mr. Scheel to act as their agent for purposes of the appeal. In my opinion, the document filed on May 29 was incomplete and invalid. Filing the wrong incomplete form does not save your place in line when it comes to a limitations period. Furthermore, the proper form that was filed on June 23 is untimely as it falls outside of the limitations period. As such the ZBA lacks jurisdiction to hear this appeal. This conclusion is reached by reviewing similar cases that deal with the jurisdiction of the circuit court in appeals from the ZBA.

The Michigan Zoning Enabling Act (the "Act") and MCR 7.122 govern appeals from a zoning board of appeals to the circuit court. MCR 7.122(B) provides that "[a]n appeal under this rule must be filed by the statute applicable to the appeal." Importantly, the Act requires that an appeal from a zoning board of appeals' decision be filed within "[t]wenty-one days after the zoning board of appeals approves the minutes of its decision." MCL 125.3606(3). "The time limit for filing an appeal in the circuit court is jurisdictional; a circuit court lacks jurisdiction over an untimely filed claim of appeal." *Quality Market v Detroit Board of Zoning Appeals*, 331 Mich App 388, 393; 952 NW2d 603 (2019); MCR 7.104(A). "Subject-matter jurisdiction may not be conferred on a court by the actions of the parties." *Id* at 395; *Smith v Smith*, 218 Mich App 727, 733; 555 NW2d 271 (1996). Importantly, "[u]nambiguous statutory language must be enforced as written." *Id*; MCR 7.104(A).

In *Quality Market v Detroit Board of Zoning Appeals*, 331 Mich App 388, 952 NW2d 603 (2019) ("*Quality Market*"), the court of appeals was tasked with determining whether the circuit court's decision reversing the zoning board of appeals' decision was proper. The aggrieved property owner in *Quality Market* operated a convenience store and sought a zoning variance in order to be permitted to sell liquor near a school and residentially zoned area. *Id* at 390. The zoning board of appeals held a meeting on February 20, 2018 and ultimately denied the property owner's request. *Id* at 391. The zoning board "issued a written decision and order reflecting this denial on March 15, 2018" which included various time constraints that the aggrieved property owner must follow, as well as the statutes that governed. *Id* at 392. The meeting minutes were approved on February 27, 2018. *Id*. The aggrieved property owner filed its claim of appeal on April 6, 2018. The zoning board of appeals "moved to dismiss on the basis that the appeal was untimely under MCL 125.3606(3)." *Id*.

The *Quality Market* court relied on MCL 125.3606(3), MCR 7.104(A)(1), and MCR 7.122(B) and determined that the aggrieved property owner's claim of appeal was untimely, and the circuit court's decision was improper because the circuit court lacked jurisdiction to hear the case. *Quality Market*, 331 Mich App at 393-395. The *Quality Market* court disagreed with arguments raised by the aggrieved property owner that the doctrine of estoppel should apply to the zoning board of appeals' written decision containing allegedly misleading information about deadlines, since (a) the written decision made by the zoning board of appeals contained the applicable specific statutes that applied to the appeal, and (b) the court lacked jurisdiction. *Id* at 394-395.

I see no reason that the same logic would not apply to appeals to the ZBA. The Zoning Enabling Act, MCLA 125.3603(1) and 125.3604(2), specifically authorizes the ZBA to adopt rules governing procedure, including deadlines for filing appeals:

The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals.

An appeal under this section shall be taken within such time as prescribed by the zoning board of appeals by general rule,

by filing with the body or officer from whom the appeal is taken and with the zoning board of appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.

In this case, the applicants failed to follow the rules adopted by the ZBA and file a completed application for appeal by the deadline. Therefore, it is my opinion that the ZBA lacks jurisdiction to hear this appeal, and the appeal should be rejected as untimely.

Please let me know if you have any questions.

Todd

Todd W. Millar

Attorney

DIRECT 231.486.4519 EMAIL tmillar@parkerharvey.com

PARKER HARVEY PLC

901 S. Garfield Ave, Suite 200, Traverse City, MI 49686

MAIN 231.929.4878 FAX 231.929.4182 www.parkerharvey.com



***** Parker Harvey PLC ***** Please note that this email message and any attachments may contain privileged or confidential information that is protected against use or disclosure under federal and state law. If you have received this in error, please advise by immediate reply. Any transmission to persons other than the intended recipient shall not constitute a waiver of any applicable privileges. Any unauthorized use, disclosure, copying or dissemination is strictly prohibited.

Appeal of Pickleball Storage LLC Permit

1 message

Todd Millar <tmillar@parkerharvey.com>

Thu, Jun 12, 2025 at 1:12 PM

To: Ron Vanzee - Zoning <zoning@hayestownshipmi.gov>

Ron,

You asked me to review the "appeal" document you received regarding this permit. It is my recommendation that you return the document to the sender indicating that the appeal is incomplete for the following reasons:

1. The document you received is a variance request form, not an appeal form. Section 8.03 of the Hayes Township Zoning Ordinance provides that "[t]he appellant shall file with the Zoning Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal." You have advised me that specific appeal forms are available upon request. The applicant chose to use the wrong form.
2. The proper appeal form needs to be signed by the appellant. Not only was the wrong form used, the appellant did not sign it.
3. Finally, the form appears to be submitted by an agent on behalf of 9 people. None of the 9 people signed the form. There is no evidence submitted with the form that the alleged agent has authority to act on behalf of the 9 people.

I would return the form to the person that delivered it indicating that proper forms need to be used and signed. In addition, we need to have authorization from the appellants that the agent has authority to act on their behalf.

Please let me know if you have any questions.

Todd

HAYES TOWNSHIP

JOB DESCRIPTION

TITLE: Ordinance Officer (O.O.) / Zoning Administrator

LIAISON: Township Supervisor

OVERVIEW: The Hayes Township Board shall designate a person(s) to administer all Ordinances adopted by Hayes Township. The Board may determine that it is necessary to designate an Assistant to the O.O. If the Board determines that an Assistant to the O.O. is appropriate the O.O. will be the immediate supervisor of the Assistant. The O.O., and any Assistant, must administer all Ordinances precisely as they are written. There is no authority to deviate from the provisions of the Ordinances, or to modify the requirements.

QUALIFICATIONS: The Ordinance Officer and Assistant shall have:

1. Interpersonal communication and educational skills that allow for the people of Hayes Township to understand and comply with the spirit, intent, and written statements of all Ordinances.
2. Ability and desire to become familiar with the enforcement process.
3. Ability to communicate by telephone and typewritten letter, using English language skills correctly.
4. Ability to maintain consistent posted office hours.

JOB DESCRIPTION: The Ordinance Officer shall:

1. Attend all meetings called by the Board of Trustees, Planning Commission and Zoning Board of Appeals.
2. Administer the Ordinances, as provided for, uniformly and without prejudice.
3. Respond to all reports of alleged violations within seven (7) days of receipt.
 - A. Investigation will be in person, on site, and whenever possible, with the person responsible for the violation.
 - B. Written confirmation of the meeting / inspection will be made. It will contain a typewritten summary of the verbal communication and a deadline for the correction of any violation found. All written communication will have a copy sent to:

1. The person with the alleged violation
2. Liaison, who will forward a copy to the Township Board via the Clerk
3. The person reporting the alleged violation shall be notified in writing within seven (7) days that the alleged violation is being addressed
4. Assist citizens in determining what forms and procedures apply to proposed requests and land use changes.
5. Assist citizens in the proper completion of required permit application forms.
6. Review and investigate permit applications to determine compliance within provisions of Ordinances. Visit site to verify all setbacks and take photograph(s) to attach to permit application.
7. Issue the appropriate permit when all provisions of the Ordinance are in compliance. If the use is not in compliance with the Ordinance, the applicant is to be notified and assisted with an appropriate alternative procedure, if the applicant so chooses.
8. Ensure that land uses within the township are in compliance with all Ordinances.
9. Inspect new sites within thirty (30) days of the start of any construction, or use, to ensure compliance with whatever permit has been issued. A final inspection shall be made and documented by photograph(s) or videotape. This inspection shall include completed structure(s) and surrounding landscape.
10. Devise a clear and concise method to report status of each activity and violation to the Liaison and Planning Commission. This report will be provided to the Liaison at least seven (7) days prior to the monthly Board of Trustees meeting.
11. Identify and monitor nonconforming uses.
12. Investigate alleged violations of the ordinances and enforce corrective measures when required.
13. Defend decisions of office before the Zoning Board of Appeals.
14. Carry out directives of the Board of Trustees, Planning Commission and Zoning Board of Appeals.
15. Keep the zoning map, text, and office records up to date by recording all amendments and retaining all official zoning documents. Current Ordinances will be kept available for distribution to the public.

16. Propose solutions to any problems encountered in administering the Ordinances.
17. Establish and follow rules of procedure within the office.
18. Provide Ordinance(s) information to citizens and public agencies upon request.
19. Help develop and conduct, in conjunction with the Planning Commission, a continuing program of public education on all Ordinances.
20. The O.O. shall obtain a list of all lot splits that have been recorded during previous calendar year. The O.O. shall obtain a copy of all lot splits from the Assessor during the month of January and report all findings to the Liaison.

I have read the Hayes Township Ordinance Officer Job Description and agree to comply with all requirements.

Ron Janz

Employee Signature

10-6-14

Date

Mike Ch

Township Clerk Signature

2-24-14

Date

Ethel R Knepp

Liaison Signature

2-24-14

Date



Hayes Township Zoning Permit Application
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720
(231)547-6961

Zone District: A1 Permit Number: 25-04-06 Fee: \$490.00 PD Date: 3-19-25

GENERAL INFORMATION

Property Owner Name(s) Pickleball Storage LLC

Mailing Address W229W2512 Dylansville Rd. Waukesha, WI 53186-1001

Telephone: (414) 333-0000 Cell: [REDACTED] EMAIL: [REDACTED]

PROPERTY INFORMATION

Property Tax ID Number(s) 15-007- 112-030-10

Property Address 10855 Pincherry Rd. Charlevoix, MI 49720

Contractor Lynnmen Construction LLC Contractor Contact Information Keith Pinkelman
(517) 625-5550

PROPOSED USE OF PROPERTY

Type of Improvement(s) (describe) Recreational / Storage Barn

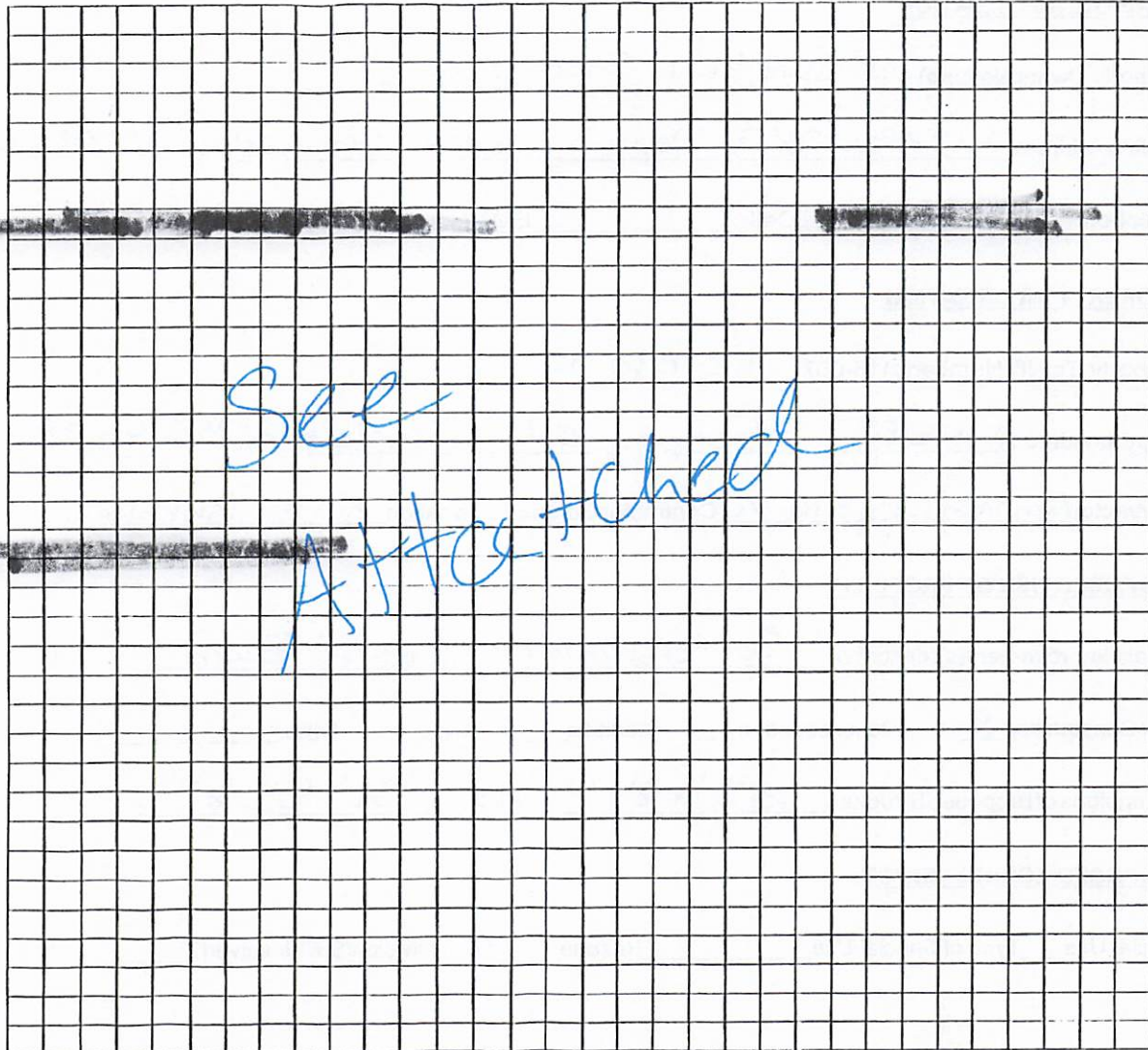
New Construction X Reconstruction Addition Sign Other

Dimensions of Proposed Structure 138' x 81' HEIGHT 31' 8-1/2"

PROPOSED ZONING PERMIT

Special Use Type of Special Use Rezone Land Division/Split Involved?

Prepare a drawing on the grid sheet or a separate sheet of paper showing lot location (road names, lakeshore, ordinary high water mark, streams, easements, rights-of-ways, unusual topographic features), lot dimensions, location and dimensions of all existing and proposed structure(s) including height, distance between structure(s) and front, rear and sides lot lines. Locate driveway, giving distance to nearest side lot line. Also show locations of well, septic tank and drain field. Please refer to Instruction page.



NOTE: The Township must inspect the layout of the building and verify all application information. The signature of the applicant on this application authorizes the inspection of this property. Please call the Zoning Administrator at 231-547-6961 when the site is staked, but before construction begins. Mail completed application to: Zoning Administrator, 09195 Major Douglas Sloan Road, Charlevoix, MI 49720. You may also contact the Zoning Administrator at zoning@hayestownshipmi.gov. For waterfront properties: a shoreline inspection is also required. A signed application authorizes the Township officials and consultants to visit and inspect property.

Whenever your property has an improvement added, it is added to the Hayes Township Assessment Roll. The Hayes Township Assessor is notified of new zoning permits & will visit your property to assess the improvements. If you prefer to have an appointment vs the assessor coming to your home unannounced, you should contact the assessor to schedule an appointment. Assessor, 231-497-9361.

PERMITS & REQUIRED DOCUMENTS

Site Plan Required _____ Survey Required _____ Health Dept. _____

Road Commission _____ Soil & Erosion _____ Corps of Engineers _____ D.N.R. _____ D.E.Q. _____

Owners Signature(s) Sam. P. Maity

Zoning Administrator Signature R. J. Z

SEE ADDITIONAL PAGES

HAYES TOWNSHIP FEE SCHEDULE

TYPE OF APPLICATION/PERMIT	Fee
ZONING PERMITS Applications shall be filed in writing with the Zoning Administrator, and shall be signed by the applicant, or by his or her authorized agent. Enclosed a check payable to Hayes Township in the appropriate amount. Zoning Permit Fee is as follows: Projects costing between \$20,000 and \$70,000 Projects costing between \$70,001 and \$100,000 Projects in excess of \$100,000 If a zoning Permit expires and needs to be re-issued, the Zoning Permit application fee will be 1/2 of the original zoning permit application fee, as long as no changes are made from the original zoning permit application. Zoning Permit After the Fact Replanting Shoreland Protection Additional inspections of replanting Shoreland Protection/Landscaping (each time)*	50.00 Minimum 70.00 90.00 90.00 plus 10.00 for each increment of 20,000 over 100,000 Double Original Fee 100.00 50.00
BOARD OF APPEALS Initial Application (Additional hours billed at \$20.00/hour) Subsequent meeting when tabled at the request of the applicant for more than 10 days	935.00 590.00
REZONING REQUEST Contiguous Parcels	200.00
SPECIAL LAND USE/SPECIAL APPROVAL REQUESTS (Residential) Cottage Industry Dog Kennels	100.00 100.00
SITE PLAN/DEVELOPMENT PLAN REVIEW, SPECIAL USE PERMIT PUD's, Commercial, Industrial Developments or Site Condominiums Single Family Subdivision Plat Application Review - Each Phase of Review	300.00 300.00
RE-PUBLISHING FEE	Actual Cost
LAND DIVISION APPLICATION or RECONFIGURATION	150.00
SIGN PERMIT	50.00
SPECIAL MEETING REQUEST Example: Each Planning Commission Member @85.00, Chairman @110.00, Secretary @150.00 and Zoning Administrator @\$110.00.	Actual Cost of members and staff present
SHORT TERM RENTAL LICENSE FEE Application Fee Rental License After the Fact Re-Application Fee	200.00 Double Original Fee 500.00
COPIES Zoning Ordinance - Resident/Non Resident Comprehensive Plan - Resident/Non Resident Freedom of Information Act (FOIA), mailing list, minutes etc Per Page Per Hour Per Month Copy of all documents provided in the packets prepared for and mailed to the Board of Trustees or Township Commissions (paid in advance)	20.00 20.00 .10 12.00 30.00
NON-SUFFICIENT FUNDS (NSF) Effective 07/13/09	Cost of Bank Charges
HALL RENTAL Resident Request for key day before date rented Funeral Dinner All Hall Rentals are subject to Hayes Township residency & deposit	100.00 50% of rental fee No Charge
SEE REVERSE SIDE FOR MORE FEES	

HAYES TOWNSHIP ZONING PERMIT PROCEDURES

House/Mobile Home Permit

- Health Department Permit for Septic & Well - (231) 547-6523
220 W. Garfield, Charlevoix, MI 49720
- If wetlands are Involved or property is within 500 feet from a lake or stream a permit is needed from:
 - Charlevoix Soil and Water Conservation District- (231) 547-7236
Wendy Armstrong, 301 State St., County Building, Charlevoix, MI 49720
 - Michigan Department of Environmental Quality (517) 732-3541
1732 M-32 West, P.O. Box 667, Gaylord, MI 49735
- Driveway permit if new driveway or pavement/blacktop if existing drive
Charlevoix County Road Commission - (231) 582-7330, 1251 Boyne Ave., P.O. Box 39, Boyne City, MI 49712
- House number for any new residence. Charlevoix County Equalization -
(231) 547-7230, 301 State St., County Building, Charlevoix, MI 49720
- After Health Department Permit has been obtained, and when required, Soil erosion/Wetlands permit, a Zoning permit can be issued.
- Building Permit- (231) 547-7236 (Building Construction, Plumbing & Heating)
County of Charlevoix Building Inspection, 301 State St., County Building, Charlevoix, MI 49720

Accessory Building - Non Agriculture use

- If wetlands are involved or property is within 500 feet from a lake or stream a Wetlands and Soil Erosion Permit is needed.
- Zoning Permit required if square footage is more than 200 square feet or on a permanent foundation
- Building Permit

Accessory Building -Agriculture Use

Zoning Permit required.

- Building Permit, may not be required

Addition to Residence/Accessory Building

- All Setback regulations must be met.
- Building Permit is required.
- " If bedrooms are being added all above permits must be obtained.

HAYES TOWNSHIP

Zoning Permit

The permit must be visible from the highway frontage

*Any person willfully destroying this permit before the completion of this building
will be punished to the full extent of the law.*

Date 04/30/2025

Permit No. 25-04-06

ISSUED FOR THE ERECTION OF A

New 138'x81' Personal Storage Accessory Building as the principle use on the parcel as allowed in section 3.05,8 of

the Hayes Township Zoning Ordinance

Special Conditions

Location 10855 Pincherry rd. Charlevoix MI 49720

PIN 15-007-112-030-10

Owner Pickleball Storage LLC

Contractor

Lynnman Construction LLC

Ron VanZee
Zoning Administrator



HEALTH DEPARTMENT of Northwest Michigan

Health Department of Northwest Michigan
220 West Garfield
Charlevoix, MI 49720
(231) 547-6523

Permit Issued To:
James Marriott
W229N2512 Duplainville Rd
Waukesha, WI 53186
(262) 549-5522

Mail Permit To:
Lynnman Construction LLC
2482 W Lansing Rd
Morrice, MI 48857

Permitted Location:			
Address:	10855 Pincherry Rd	Permit Number:	C25-041
County:	Charlevoix	Permit Type:	Septic and Well Permit
Township:	Hayes	Section:	12
Subdivision:	Lot:	Permit Issued For:	Conventional System
Tax ID #:	15-007-112-030-10	Replacement or Repair:	Yes
		Residential/Non-Residential:	Residential

Design Criteria			
Number of Bedrooms:	BASIS of DESIGN 450 gal.day	Soil Classification:	S (Sand)
Gallons Per Day:	N/A	Seasonal High Water Table:	>74 inches

System Design Specifications							
Septic Tank		Gallons	Proposed changes to permit must be approved prior to installation. Call our office at the number listed above if you have any questions regarding this permit.				
		1000					
Design Type	Absorption Area	Size of Pipe	Number of Trenches	Length of Trenches	Width of Trenches	Max. Depth of Trench Bottom	Pipe Spacing
Trench	450 Sq. Ft.	4"	4	35 Feet	3 Feet	24"	7.5 Feet

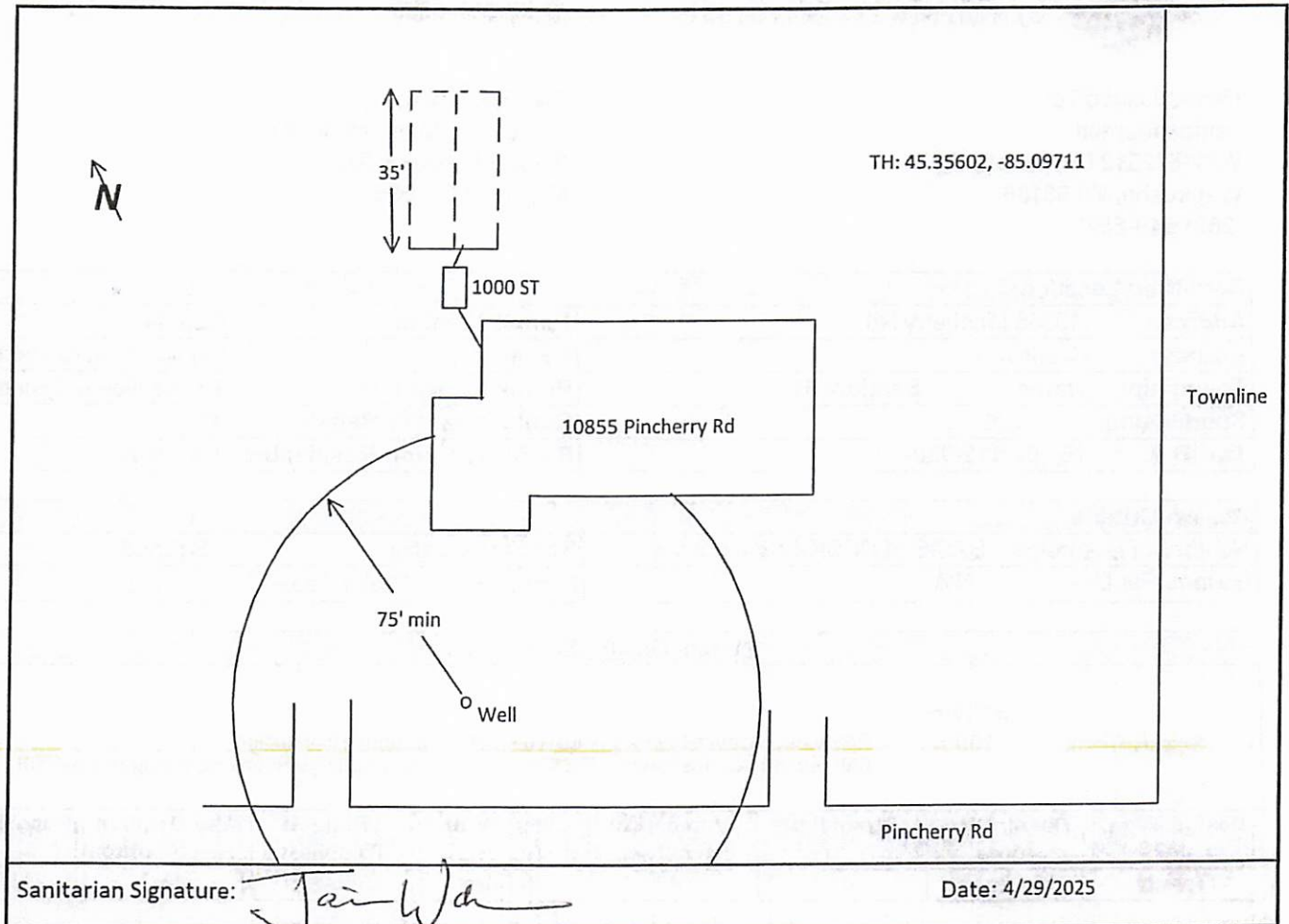
Permit Requirements/Conditions:

1. Isolate all portions of the system a minimum of 75' from all water well(s).
 2. It is strongly recommended that a sewage effluent filter be installed in the outlet baffle of the septic tank.
 3. All riser lids must be manufactured to weigh a minimum of 59# to prevent unauthorized access to septic tanks and pump chambers.
 4. Contractor responsible for maintaining 10' from all property lines with any portion of the wastewater system.
 5. Replacement drainfield area is identified directly NORTH of initial drainfield location. Drainfield replacement area should remain in a natural, undisturbed state, free of buildings, driveways, trees, etc.
 6. Remove any trees in drainfield area to avoid root intrusion. Strongly recommend 15'-20' perimeter around new drainfield.
 7. Provide level area for drainfield by cutting and grading as needed
 8. Wastewater system must remain uncovered for final inspection and approval.
 9. BASIS OF DESIGN: 1 toilet (150 GPD), 1 urinal (100 GPD), 4 sinks (50 GPD x 4) yields 450 gallons per day at application rate of 1.0 gal/sq ft requires 450 sq ft. of drainfield.
- ALL WELL PERMIT CONDITIONS**
1. Owner responsible to obtain a safe bacteriological water sample prior to use. Sample bottles available at health department offices.
 2. Well driller is required to submit a well record to the owner and the health department within 60 days of well completion.
 3. Isolate the new well a minimum of 75' from any potential sources of contamination, including all portions of the septic system.

Issued by: Jaimen Waha,
EH Sanitarian

Date Issued: April 30, 2025

Permit Expires 2 years from date issued



TH – Test Hole, ST – Septic Tank, PC – Pump Chamber, DF – Drainfield, BM – Benchmark, P/L – Property Line, FM - Forcemain

BENCHMARK LOCATION: _____

RELATIVE ELEVATION: BENCHMARK ELEVATION: _____ ft.
 BOTTOM OF STONE ELEVATION: _____ ft.

FINAL INSPECTIONS AND APPROVALS (Section 4-15): "...The owner or owner's agent shall notify the Health Officer when the wastewater system is installed and the project is ready for inspection. Notification must be provided a minimum of **TWO (2) WORKING DAYS** prior to anticipated system completion and desired final inspection by the Health Officer..."

BEFORE calling for final inspection: Make sure, at a minimum, the following that apply are **COMPLETED**:

- Septic tank, baffle, filters, solid outlet piping (sch40/SDR35), pump chamber and risers Installed
- Riser Lids comply with 59 pound weight standard (ASTM 1227 70-C).
- Pump installation is complete and ready for inspection
- Pump chamber is full of water and ready for pressure test, **if applicable**
- Alarm and floats are functional and energized
- All drainfield materials are installed and ready for inspection
- Filter Fabric is placed over stone

Fees may be charged for Incomplete Installations that require follow-up Inspections for system Approval

NON SUFFICIENT FUNDS (NSF) Effective 07/13/09	
CEMETERY FEES	Cost of Bank Charges
Single Burial Plot in Old Section (Cremation Only)	100.00
Single Burial Plot in New Section	300.00
Grave Open/Close	500.00
Cremains Burial Open/Close	75.00
Grave Marker Foundation Installation	125.00
Grave Marker Foundation	Township Cost+
All fees subject to Hayes Township Cemetery Ordinance #091018	Shipping
SEE REVERSE SIDE FOR MORE FEES	

The above list includes the initial fees only. If the Planning Commission or Zoning Board of Appeals determines that review of an application requires participation in the review process by qualified professional planners, engineers, attorneys, or other professionals is necessary they may require the applicant to deposit funds in an escrow account as regulated by Section 9.05.2 of the Zoning Ordinance.

*Charged to the developer or landowner if initial inspection is not passed due to failure to install plants and landscaping according to the requirements of the Hayes Township Ordinance and the approved site plan.

Fwd: Marriott Pincherry property

4 messages

Jim Marriott <jmarriott@marriottconstruction.com>
To: "zoning@hayestownshipmi.gov" <zoning@hayestownshipmi.gov>

Mon, Jun 2, 2025 at 11:54 AM

Sent from my iPhone

James Marriott
Marriott Construction
414-333-0012

Begin forwarded message:

From: Jim Marriott <jmarriott@marriottconstruction.com>
Date: May 31, 2025 at 7:02:04 AM CDT
To: zoning@hayestownshipmi.com
Subject: Marriott Pincherry property

Subject: Intended Use of Property

Hi Ron,

I wanted to reach out to share the intended use of our property.

We're planning to construct a storage building to house our boats, snowmobiles, and other personal items. Additionally, my wife, who is a competitive pickleball player, will be using part of the space for two indoor pickleball courts. These will allow her and her group of competitive players to practice and play, especially given the lack of indoor facilities in northern Michigan and the frequent inclement weather.

To clarify, this facility will be for personal use only. It will not be used for any commercial purposes.

If you have any questions or concerns, please don't hesitate to reach out to me directly at any time.

Thank You,,

James Marriott
Marriott Construction
414-333-0012

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>
To: Todd Millar <tmillar@parkerharvey.com>

Mon, Jun 2, 2025 at 11:57 AM

FROM Karl DATE _____
 OF Performance Engineers TIME _____ A.M. P.M.
 PHONE 231 373-9077 ☐ URGENT
 AREA CODE NUMBER EXT.
☐ TELEPHONED ☐ CAME TO SEE YOU ☐ RETURNED YOUR CALL
 MESSAGE: ☐ PLEASE CALL ☐ WANTS TO SEE YOU ☐ WILL CALL AGAIN
Site plan pin cherry

*Emailed
 Zoning Permit
 4-30-25
 TO Kieth*

RECEIPT

DATE 3-19-25 No. 241797
 RECEIVED FROM Performance Engineers \$ 480.00
four hundred eighty dollars ⁰⁰/₁₀₀ DOLLARS
☐ FOR RENT ☒ FOR Zoning Permit
 ACCOUNT ☐ CASH FROM _____ TO _____
 PAYMENT 480 00 ☒ CHECK BY apd HR
 BAL. DUE ☐ MONEY ORDER 1182

RECEIPT

DATE 3-19-25 No. 241798
 RECEIVED FROM Performance Engineers \$ 10.00
Ten dollars DOLLARS
☐ FOR RENT ☒ FOR Zoning Permit
 ACCOUNT ☐ CASH FROM _____ TO _____
 PAYMENT 10 00 ☒ CHECK BY apd HR
☐ MONEY ORDER 1182

To Hayes Township,

Ron Vanzee,

The building in question located at, 10855 Pincherry Rd. A personal Pickleball/Storage building. Before work can be halted, the building must be made safe, all bracing shall be installed, to prevent collapse and the building must be able to be secured to ensure the public can't enter and possibly be injured. All wood not weather resistance must be protected from the weather, to avoid mold and rot.

Kevin Schlickau

Building Official,



OFFICE OF ZONING ADMINISTRATOR
09195 MAJOR DOUGLAS SLOAN ROAD
CHARLEVOIX, MICHIGAN 49720
231.547.6961
WWW.HAYESTOWNSHIPMI.GOV

January 19, 2026

Jim Marriott
Pickleball Storage, LLC
W229N2512 Duplaiville Road
Waukesha, WI. 53186

Mr. Marriott,

On January 14, 2026, Honorable Judge Roy C. Hayes, Charlevoix County Circuit Court, ordered Hayes Township to consider an appeal to Permit Number 25-04-06, issued for a "New 138' x 81' Personal Storage Building as the principle use on the parcel as allowed in section 3.05,8" to be sent to the Hayes Township Zoning Board of Appeals.

Under section 8.11 Stay, of the Hayes Township Zoning Ordinance, an appeal to the Zoning Board of Appeals...stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued...

Therefore, as required by Hayes Township Zoning Ordinance, Section 8.11 Stay, I am ordering a stay on the personal storage building located at 10855 Pincherry Road, Charlevoix, MI 49720 associated with Hayes Township zoning permit number 25-04-06 that was finalized upon issuance of occupancy by the Charlevoix County Building Department on November 13, 2025.

Ron VanZee
Hayes Township Zoning Administrator

February 16, 2026

Hayes Township ZBA
c/o Clerk Kristen Baranski

From: LuAnne Kozma, representative for Bay Shore appellants

RE: March 18, 2026 ZBA public hearings on Pickleball Storage LLC
matters

Dear ZBA,

Attached please find some additional exhibits for the case you will hear on
March 18, 2026. I have submitted 7 hard copies.

Sincerely,

LuAnne Kozma

LuAnne Kozma 9330 Woods Road Charlevoix MI 49720

267-111-1111

Exhibits:

1. DeWitt Marine correspondence from 2024-2025
2. Bay Shore Steel from 2022

1/16/25, 11:40 AM

Gmail - Re: Dewitt Marine expansion



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Re: Dewitt Marine expansion

1 message

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Wed, Jan 3, 2024 at 1:58 PM

To: Mark McCool <[REDACTED]>

Mark,

As of right now, the only zoning district, what you are describing, will work in is our Industrial Zoning District, this property is zoned Neighborhood Commercial.

The planning commission is considering, in their update of the zoning ordinance, make a provision with special use permit in the NC district.

Ron

On Thu, Dec 21, 2023 at 3:13 PM Mark McCool <mark@dewittmarine.com> wrote:

Good afternoon Ron,

Again, thank you for taking my call earlier. We are considering making a purchase on a piece of property North of the Charlevoix city limits at the address of 11758 US 31 HWY (tax ID 007-118-015-50). We plan on starting out by preparing a sales lot with our tritoon inventory on display for the first phase of development and then would like to move towards the phase of building large storage buildings. For starters, I wanted to clarify a few things I am not sure of after reading the zoning rules.

1. Can we deliver a small (10'x24') mobile office that is powered by a generator and keep it on that site? Its use is to store cleaning supplies for the boats and miscellaneous sales supplies. In the zoning rules for temporary and accessory buildings, it appears we may be able to, but want to make sure I am reading it right.

2. I see that banners can only be allowed for display with approval for 15 days during certain events. Does that include teardrop banners that say "sale"? We would like to place a few by the road near our new boats, along US 31 if it was ok.

3. Lastly, I didn't read anywhere where it was not permitted to use the lot as a sales lot for tritoon boats and storage facilities, so I should make sure We can operate out of there as a dealership prior to purchasing.

Thank you for clarifying these questions for me. We look forward to an opportunity to be able to share your beautiful community with you in the future.

Regards,

Mark



Dewitt Marine Inc.
6509 Crystal Springs Road
Bellaire, MI 49615
[REDACTED]

Ask me about becoming a member of Boat Club!

LIKE US!
Facebook

CONFIDENTIALITY NOTICE: This message and any attachment contain confidential information



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Special Use Permit

2 messages

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Mon, Apr 8, 2024 at 10:39 AM

To: Mark McCool <[REDACTED]>

Mark,

The Hayes Township Planning Commission had scheduled your Special Use Permit Public Hearing for April 16, 2024 however, after site visits from several Planning Commission members, it appears that you have assumed the Planning Commission has already approved your request with the installation of concrete pads and display of boats.

This jeopardizes the entire decision making process and their ability to be fair and the Planning Commission Chair has removed this hearing from the agenda until such time we have some type of resolution. As of now, the work that has been done on the site is a violation of the Hayes Township Zoning Ordinance.

Please contact me as soon as possible.

Ron VanZee
Hayes Township Zoning Administrator

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Mon, Apr 8, 2024 at 12:24 PM

To: Roy Griffiths <rwgriffits3@gmail.com>

----- Forwarded message -----

From: Mark McCool <[REDACTED]>

Date: Mon, Apr 8, 2024 at 11:58 AM

Subject: Re: Special Use Permit

To: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Ron, first of all, my sincere apologies for any miscommunication. Just to be clear, there are no concrete pads anywhere. There is only gravel. I was under the assumption from the last time we talked, that I was allowed to display boats because there are other neighboring properties zoned the same way that are currently car dealers and that I needed sight plan approval for any temporary and/or fixed buildings/structures/signs that we may plan to build in the future. If they are an issue, I will remove them immediately. As far as the gravel, I may have misread the zoning ordinance, but understood that I was able to do site improvements such as gravel driveway, tree removal etc. I am very upset that I may have messed things up, so please tell me what you would like me to do immediately to make it right. Do you want me to remove the gravel? Remove the boats? I will do anything it takes to be back in compliance and again, my sincere apologies for my misunderstanding. I was truly trying to avoid these issues by meeting with you ahead of time and by submitting permits for future plans.

[Quoted text hidden]



Dewitt Marine Inc.
6509 Crystal Springs Road
Bellaire, MI 49615
[REDACTED]

Ask me about becoming a member of Boat Club!

LIKE US!

Exhibit 2
Bay Shore Steel at 06336 US 31-N



Special Use Permit public hearing for storage building held on May 31, 2022.

The approved minutes are not uploaded to the Township website, but in the June 2022 Planning Commission packet, but draft minutes are on pages 4-8 of the PDF.

On page 11 of the PDF is the June 2022 Zoning Administrator report, which states at the top: "Issued zoning permit for a 80' x 80' Storage Accessory Structure at 06336 US 31 N. SUP approved."

Hayes Township Planning Commission
May 31, 2022 7:00 pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
Public Hearing SUP Bayshore Steel

1 **CALL TO ORDER:** Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

2 Members present: Roy Griffiths (Chair), Matt Cunningham (Board of Trustee Representative),
3 Derek Burnett, Rex Greenslade, Marilyn Morehead

4 Excused absent: Ed Bajos and Steve Bulman

5 Also, present: Kristin Baranski (Clerk) and April Hilton (Deputy Clerk/Recording Secretary).

6 Audience:
7

8 **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Griffiths led the Pledge of Allegiance.
9

10 **REVIEW AGENDA:** Ms. Morehead made a motion, supported by Mr. Greenslade to approve the
11 agenda as amended.

12 Yeas: Derek Burnett, Roy Griffiths, Rex Greenslade, Marilyn Morehead and Matt Cunningham.

13 Nays: none **Motion Carries**
14

15 **DECLARATIONS OF CONFLICTS OF INTERESTS:** None
16

17 Public Hearing opened at 7:05 pm
18

19 Presentation by applicant:

- 20 • Bayshore steel is requesting an accessory building (80x80x28 metal building for storage)
21 for the property located at 06336 US 31 N, Charlevoix, Michigan 49720
22 • Building will be located in the Northwest corner to keep equipment/supplies inside and
23 out of the weather
24

25 Presentation by zoning administrator:

- 26 • Application was received on March 30, 2022
27 • Request can be allowed by a special use permit in the Zoning District Section 4.12.3.D
28 (Uses Subject to Special Use Permit) of the Hayes Township Zoning Ordinance of 2209 as
29 amended
30 • Properties within 330 feet were notified by mail as well as publication in Petoskey News
31 Review on May 5, 2022
32 • PC will review Section 4.12.3.D, Article 6 (Standards for granting SPU) and Article 7.01.19
33 •
34

Hayes Township Planning Commission
May 31, 2022 7:00 pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
Public Hearing SUP Bayshore Steel

35

36 **PUBLIC COMMENTS:**

37 Public comments opened and closed at 7:06 pm with no comment.

38

39 Public hearing closed at 7:06 pm.

40

41 **PLANNING COMMISSION FINDING OF FACT AND DELIBERATION:**

42

A. Allowed Special Land Use

43

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed. **MET**

44

45

46

B. Compatibility with Adjacent Land Uses

47

1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. **MET**

48

49

50

51

52

53

54

55

56

57

58

59

60

C. Public Services

61

1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity. **MET**

62

63

64

65

66

67

68

69

70

71

72

73

74

75

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. **MET**

Hayes Township Planning Commission
May 31, 2022 7:00 pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
Public Hearing SUP Bayshore Steel

- 76
77 F. Compliance with Specific Standards
78 The proposed special land use complies with all applicable specific standards
79 required under this Ordinance. **MET**
80
81 G. Conditional Approvals
82 The Planning Commission may impose reasonable conditions with the
83 approval of a special use permit, pursuant to **Section 9.03** of this Ordinance.
84 **TBD**
85
86 H. Performance Guarantee Required
87 The Planning Commission may require an applicant to provide a
88 performance guarantee in connection with the approval of a special use
89 permit, pursuant to **Section 9.06** of this Ordinance. **TBD**
90
91
92
93

94 1. Storage Facilities:
95

- 96 A. Storage uses as allowed in Industrial (I-1), including mini-storage, shall meet
97 the following regulations:
98
99 1) All proposed storage buildings nearest to the primary access road shall
100 be site planned to be perpendicular to the road; landscape
101 screening shall be required by the Planning Commission per
102 subparagraph 3) of this section. **MET**
103 2) Proposed storage buildings are positioned to the rear of other approved
104 non-storage or non-warehousing buildings, e.g., retail or office uses, or,
105 the storage buildings are set back at least one hundred (100) feet from
106 public road right-of-way lines. **MET**
107 3) Effective year-round landscape screening is required to shield storage
108 buildings from bordering public roads upon installation of proposed plant
109 materials. **CONDITION WILL BE IMPOSED BY ZA PER CONSENSUS**
110 **OF PLANNING COMMISSION AS A WHOLE AND APPLICANT**
111 **ACKNOWLEDGED**
112 4) Nothing in this section shall prohibit or inhibit storage space as a
113 necessary accessory use to any principal commercial use of the
114 property, and these standards do not apply to internal roads within a
115 planned industrial or commercial park. **MET**
116 5) Storage facilities for building materials, sand, gravel, stone, lumber,
117 storage of contractor's equipment and supplies, shall be within an
118 enclosed building or behind an obscuring wall or fence on those sides
119 abutting any Residential District and on any yard abutting a public
120 thoroughfare. **MET APPLICANT REPOSNDDED MATERIALS STORED**
121 **OUTSIDE WILL BE KEPT WITHIN PROPOSED STRUCTURE**

Hayes Township Planning Commission
May 31, 2022 7:00 pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
Public Hearing SUP Bayshore Steel

122

123 Rex Greenslade made a motion, supported by Marilyn Morehead, to approve the Special Use
124 Permit to allow Bayshore Steel to build an 80x80x28 steel storage building on the property
125 located at 06336 US 31 N, Charlevoix, Michigan 49720 with landscape approval from the zoning
126 administrator to provide for year-round coverage. A roll call was taken.

127

128 Yeas: Derek Burnett, Roy Griffitts, Rex Greenslade, Marilyn Morehead and Matt Cunningham.

129 Nays: none Motion Carries

130

131 PUBLIC COMMENT: Public comments open and closed at 7:16 pm with no comment.

132

133 PLANNING COMMISSION COMMENT: None

134

135 ADJOURNMENT: Mr. Cunningham made a motion, supported by Mr. Greenslade, to adjourn
136 the meeting at 7:16 pm.

137 Yeas: Derek Burnett, Marilyn Morehead, Roy Griffitts, Rex Greenslade and Matt Cunningham.

138 Nays: none Motion Carries

139

140

141

Respectfully Submitted by:

142

143

144

April Hilton

145

Deputy Clerk/Recording Secretary

146

147

148

149

150

HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
JUNE 2022

Issued zoning permit for a 80' x 80' Storage Accessory Structure at 06336 US 31 N. SUP approved.

Issued zoning permit for rear and side yard fencing at 10475 Boyne City Road.

Issued revised zoning permit for 60' long x 4' high chain link fence at 07295 Nine Mile Point.

Issued zoning permit for a 32' x 36' Agricultural Accessory Structure on vacant parcel adjacent to 09626 Major Douglas Sloan Road.

Issued zoning permit for a 12' x 16' accessory structure at 08074 Shrigley Road.

Denied zoning permit application on Boyne City Road. Working with applicant to prepare documents for Zoning Board of Appeals. Received application for variance and working with ZBA Chair and Clerk to schedule hearing. Hearing date May 25, 2022 at 7:00 pm. Attended ZBA Hearing on May 25, 2022.

Received and reviewing zoning permit application for a residential addition at 08400 Burns Road. Waiting for soil erosion and shoreland planting plan. Shoreland planting plan forwarded to Shoreland Review Committee.

Received and reviewing shoreland planting plan for vacant property on Boyne City Road.

Continue working with architects on a proposed family complex on Boyne City Road next to Hayes Township Park.

Received application for residential addition 06497 Woods Creek Drive. Waiting for Soil Erosion permit and Shoreland Review. Received and reviewing shoreland planting plan.

Received application for inground swimming pool at 06497 Woods Creek Drive. Received and reviewing shoreland planting plan.

Working on blight issue on See Road.

Working with contractors and architects for two additional future projects on Wood Creek Drive.

Working with Developer on proposed 80 unit Foster Care Facility. Developer has purchased the property at Boyne City road and US 31N.

Working with new property owners proposing rustic campground.

Working with Developer on proposed multi-family development.

Working with property owner on Pincherry Road for possible parcel division.

Received application for zoning permit for retail/residential use on US 31 N. Parcel reconfiguration approved waiting for ownership documents.

Received and reviewing parcel division application on Murray Road.