

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
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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>

Thu, Feb 19, 2026 at 9:36 AM

To: zoning@hayestownshipmi.gov

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.
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- D. Agricultural warehouses and non-animal agricultural processing plants.
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- 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



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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

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Appeal of Pickleball Storage LLC Permit1 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

Mch 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 DuPlainville Rd. Waukesha, WI 53186-1001
Telephone: (511) 355-1212 Cell: _____ EMAIL: j.pinkelman@lynnmenconstruction.com

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
(511) 625-5550

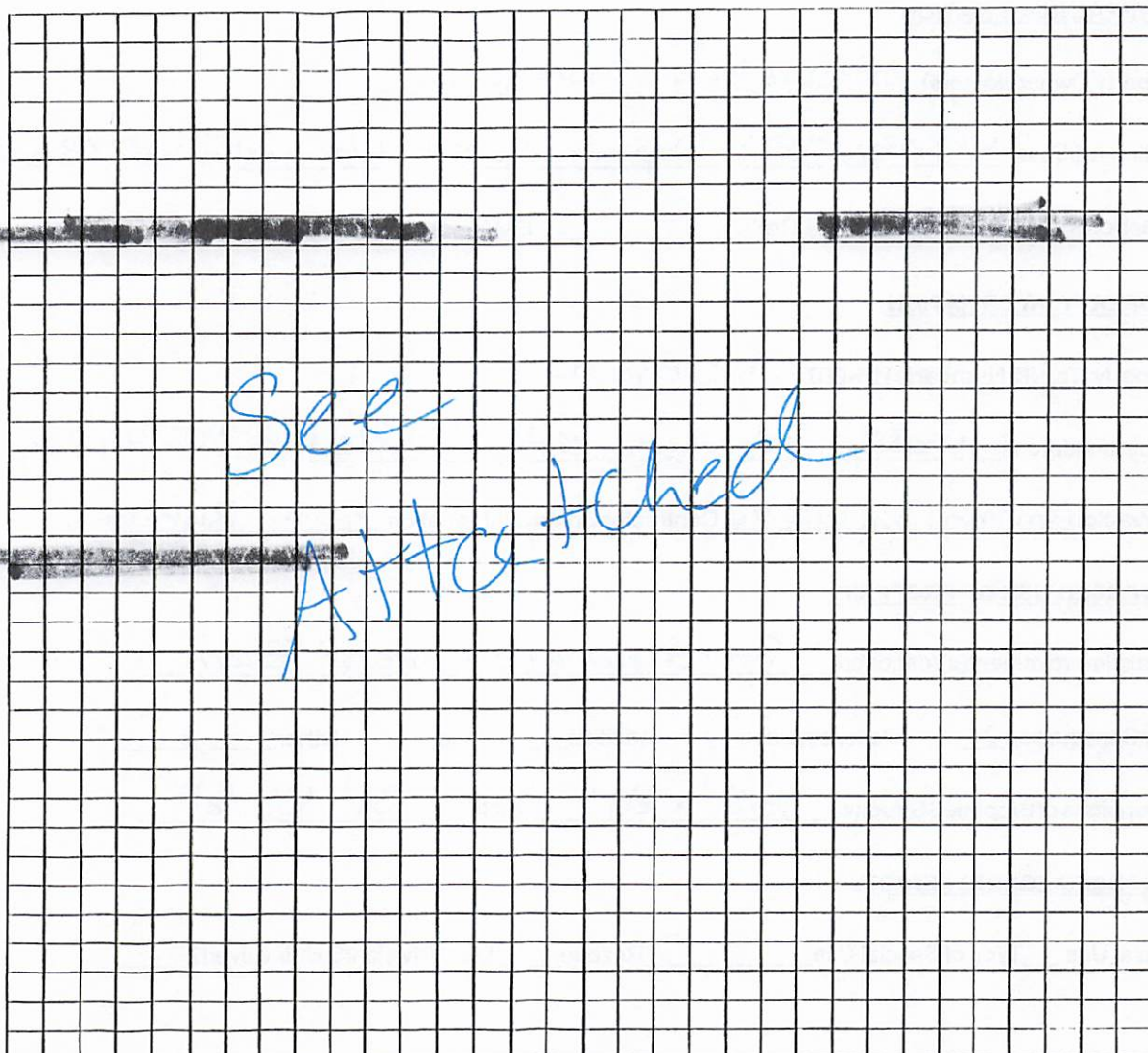
PROPOSED USE OF PROPERTY

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. Smith

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 1000	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.				
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.

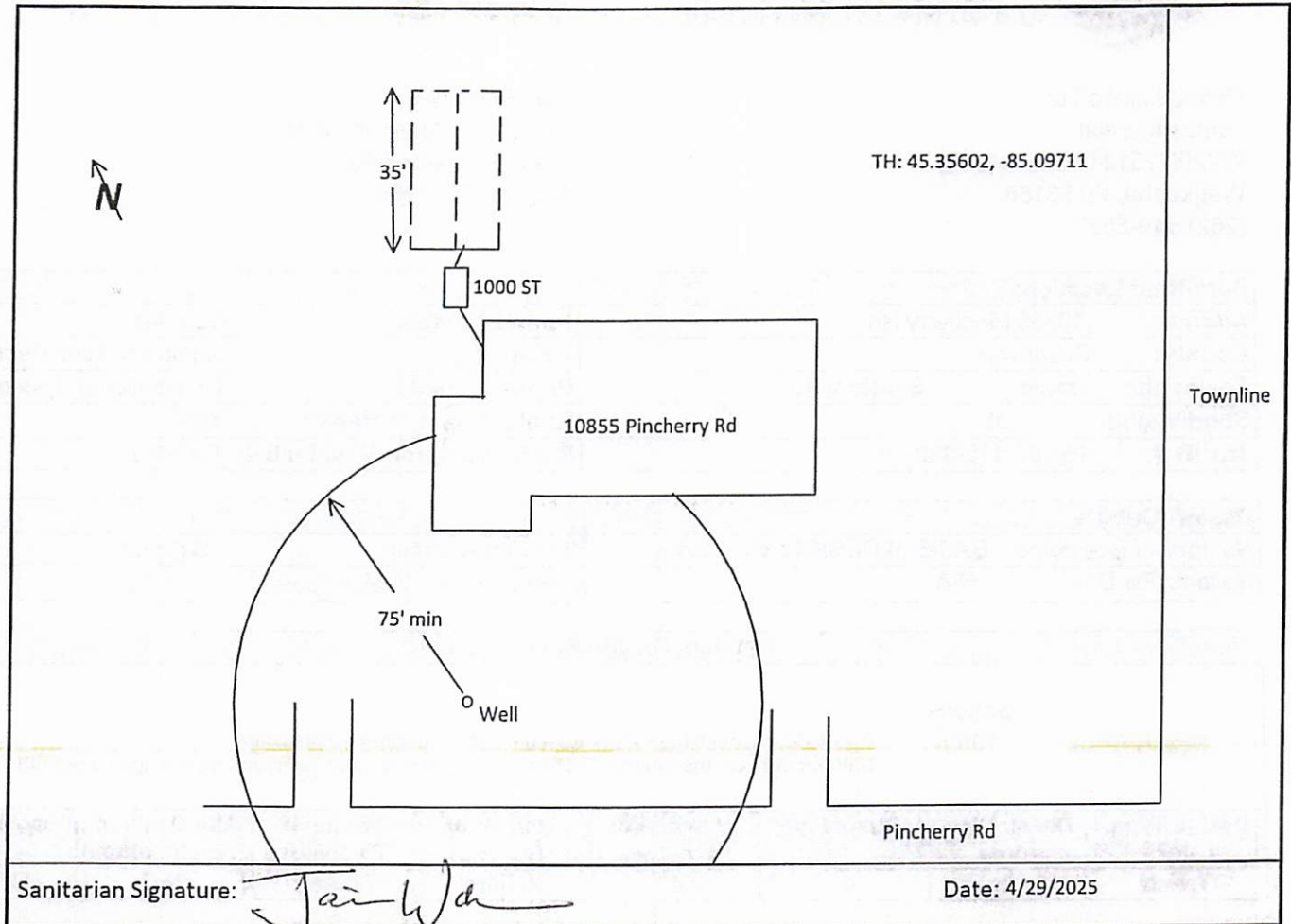
ALL WELL PERMIT CONDITIONS

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 the 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 Carl 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 Keith

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

PARCEL A
15.73 ACRES±
(VACANT)
007-112-030-10

A PARCEL ON LAND SITUATED IN THE TOWNSHIP OF HAVES, COUNTY OF CHARLEVOIX, STATE OF MICHIGAN AND DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF SECTION 12, T44N, R74E, DESCRIBED AS ALL THAT PART OF THE NORTHEAST 1/4 OF THE
SOUTHEAST 1/4 OF SAID SECTION 12 LYING NORTH OF BUNCHERRY ROAD AS NOW LOCATED.

EXCEPT A PARCEL OF LAND DESCRIBED AS BEGINNING AT THE EAST EIGHTH CORNER ON THE EAST-WEST QUARTER LINE OF SAID SECTION 12; THENCE SOUTH ON THE EAST EIGHTH LINE 520.00 FEET; THENCE EAST PARALLEL WITH SAID EAST-WEST QUARTER LINE 300.00 FEET; THENCE NORTH PARALLEL WITH SAID EAST EIGHTH LINE 520.00 FEET TO SAID EAST-WEST QUARTER LINE; THENCE WEST ON SAID EAST-WEST QUARTER LINE 300.00 FEET TO THE POINT OF BEGINNING MORE FULLY DESCRIBED AS

BEGINNINGS AT THE EAST 1/4 CORNER OF SECTION 16, T4N, 49E, THENCE SOUTHWEST 1/4 OF SAID
 1/4 ALONG THE EAST LINE OF SAID SECTION 12 TO THE NORTHERLY RIGHT OF WAY OF PINCHURCH
 ROAD, THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF PINCHURCH ROAD THE NEXT FIVE
 1/4 CORNERS, THENCE NORTH 80°05'58" WEST 185.80 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT
 HAVING AN ARC OF 110°00'00" AND A RADIUS OF 110.00 FEET, THENCE ALONG SAID CURVE TO A
 CHORD BEARING NORTH 70°34'18" WEST 271.64 FEET, THENCE NORTH 64°41'58" WEST 373.84 FEET TO
 THE BEGINNING OF A CURVE TO THE LEFT, THENCE SOUTHWESTERLY 63°43'18" ALONG THE ARC OF A
 CURVE HAVING AN ARC OF 110°00'00" AND A RADIUS OF 110.00 FEET, THENCE ALONG SAID CURVE
 TO A CHORD BEARING NORTH 70°34'18" WEST 271.64 FEET, THENCE SOUTH 64°41'58" WEST 373.84 FEET
 TO THE BEGINNING OF A CURVE TO THE RIGHT, THENCE SOUTHWESTERLY 63°43'18" ALONG THE ARC OF A
 CURVE HAVING AN ARC OF 110°00'00" AND A RADIUS OF 110.00 FEET, THENCE ALONG SAID CURVE
 TO A CHORD BEARING NORTH 70°34'18" WEST 271.64 FEET, THENCE SOUTH 64°41'58" WEST 373.84
 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THENCE SOUTHWESTERLY 63°43'18" ALONG THE
 ARC OF A CURVE HAVING AN ARC OF 110°00'00" AND A RADIUS OF 110.00 FEET, THENCE ALONG
 SAID CURVE TO A CHORD BEARING NORTH 70°34'18" WEST 271.64 FEET, THENCE SOUTH 64°41'58" WEST
 373.84 FEET, THENCE NORTH 60°05'58" EAST 50.00 FEET TO A POINT ON THE EAST 1/4 LINE OF
 SAID SECTION 12, THENCE ALONG SAID EAST 1/4 LINE OF SAID SECTION 12 TO THE POINT OF
 BEGINNING CONTAINING 18.75 ACRES MORE OR LESS.

PARCEL SPLIT ON 01/26/2015 FROM 002 112-030-01

ABBREVIATIONS

ASPHALT	IE	- INVERT ELEVATION
BARRIER FREE	LFH	- LINEAR FEET
BACK OF CURB	MH	- MANHOLE
BUILDING	PVC	- POLYVINYLCHLORIDE
BENCH MARK		PIPE
CUBIC FEET	R	- RADIUS
CENTER TO CENTER	RCP	- REINFORCED
CORRUGATED METAL		CONCRETE PIPE
PIPE	RR	- RAILROAD
CONCRETE	SAN	- SANITARY
DUCTILE IRON PIPE	STL	- STEEL
SOUTH		

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

28 [REDACTED]

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>
To: Mark McCool <[REDACTED]>

Wed, Jan 3, 2024 at 1:58 PM

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 boat slip. 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 Griffitts <rwgriffitts3@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

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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**

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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 REPOSNDENED 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

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

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

Nays: none Motion Carries

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

PLANNING COMMISSION COMMENT: None

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

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

Nays: none Motion Carries

Respectfully Submitted by:

April Hilton
Deputy Clerk/Recording Secretary

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.

From: **Christopher Mills** cncmills15@gmail.com
Subject: **Zoning Board of Appeals, Case #022526A and
#022526B**

Date: **Feb 24, 2026 at 10:50:05 AM**

To: **zoning@hayestownshipmi.gov,
supervisor@hayestownshipmi.gov,
clerk@hayestownshipmi.gov**

Cc: **LuAnne Kozma** luannekozma@gmail.com, **Ellis Boal**
ellisboal@voyager.net

Good Morning,

My wife and I received notice of the upcoming public hearing regarding Zoning Board of Appeals Case #022526A and #022526B. We would like to clarify our current position on these matters.

On February 8, 2026, we notified the attorney representing the group, Ellis Boal, that we are requesting our names be formally removed from both cases. Our original involvement was based on a desire to receive additional information and ensure the matter was discussed openly. We did not intend to participate in litigation or ongoing appeals.

Please accept this email as formal notice that Christopher and Chelsea Mills, of 10529 Townline Road, Charlevoix, are requesting removal from both of the above-referenced cases. This request applies only to Case #022526A and Case #022526B and should not be interpreted as a position on any other current or future matters.

If there are any documents we are required to complete to formalize this request, please let me know. We request written confirmation that we have been formally withdrawn as parties to these cases and will not be listed as participants in any future filings, hearings, or appeals related to Case #022526A and #022526B.

Thank you for your time and attention to this matter.

Sincerely,
Christopher Mills



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Fwd: Public comment for ZBA hearing

1 message

clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>
To: Ron Vanzee - Zoning <zoninghayestownshipmi@gmail.com>

Tue, Mar 17, 2026 at 6:11 PM

Sent from my iPhone

Begin forwarded message:

From: Roy Griffiths <rwgriffitts3@gmail.com>
Date: March 16, 2026 at 6:12:51 PM EDT
To: Kristin Baranski <clerkhayestownshipmi@gmail.com>
Subject: Public comment for ZBA hearing

Good Evening,

Please forward this email to the ZBA members as my comments for their consideration in the upcoming hearing.

Thank you.

Zoning Board of Appeals Members

I am offering these comments for your consideration as you work through the appeals on a permit and use for a storage barn on Pincherry rd.

While many issues may have been raised by the appellants, only a few rise to a level of import. These deal with the concept of exclusionary zoning and the use of the property.

As you seek to determine if the wording of current zoning ordinance unreasonably denies the property owner full use of their property or if the zoning ordinance remains unclear on the use and thus may or may not allow a use, I believe the following questions should be considered.

A. In short, the theory of exclusionary zoning works to tell us if a use of a property in a zoning district is not expressly listed in the zoning ordinance as allowed, it is not allowed. However, this is not totally correct: over time the system has come to recognize that zoning ordinances cannot keep up with the pace of changing land uses. Land use practices evolve and often, when sufficient practice has emerged, planning commissions are forced to play catch up and amend the ordinance accordingly.

B. The Michigan Planning Enabling Act requires the township to promote "public health, safety, morals, order, convenience, prosperity, and general welfare," which explicitly includes making adequate provision for **recreation**. In this case, our zoning ordinance does not

recognize private recreational pursuits in an agricultural district. However, the zoning ordinance does say (emphasis added):

- In section 1.02 A: "Promote the public health, safety and general welfare";
- And in 1.02 E: "Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties";

C. In our zoning ordinance, only in the Conservation Reserve district is recreation specifically mentioned in the context of the individual parcel. The ordinance in this district allows accessory buildings incidental to recreation on the parcel. In the Agricultural district the zoning ordinance allows enjoyment of the property by visitors and the community at large, and the Residential districts mention recreation in the context of public/private facilities such as parks and playgrounds. Clearly when this ordinance was drafted the issue of private recreation was assumed to be allowed and the focus was on the public use of recreation facilities.

In these sections of the zoning ordinance, it is declared that the health and general welfare of the township's citizens are to be cared for. Recreation is an important part of the people's health and welfare. It is not the role of the township to be the sole provider of opportunities to provide recreational facilities for the public.

Moreover, there is a long-established pattern of use in various zoning districts in the township in which recreation in all its many forms had been practiced. Examples range from hunting and fishing on both private and public property, hobbies that are conducted inside and outside structures, whether primary or accessory, and occasions wherein friends and neighbors visit each other and participate in these activities. When considering this concept think upon the extremely broad range of hobby activities that could be included in this. For example, a group of quilters may need to use a large table to practice their hobby, a table of such size that it might need to be set up in a garage or pole barn or other accessory structure. Or a person who has a detached garage wants to change the oil in his or her vehicle, a family may attach a basketball backboard to the garage or barn or if large enough inside the barn so that weather does not interfere with a game, or given the current popularity of man-caves and she-sheds, activities might occur like watching TV or surfing the internet (now that WIFI and internet are more widely available in the township).

NONE of these recreational activity examples are explicitly mentioned in the zoning districts as uses by right or allowed under a special use category, however they are incidental to the use of the structure.

The key concept in this is the idea of the *private*, Non-Commercial *use* of the property as different from the design of the structure. Commercial uses are treated in a separate context in the zoning ordinance which ranges from specific zoning districts to allowed special uses by permitting processes. However, just because a building has been designed by the architect and constructed to commercial grade building standards does not make it a commercial building use. To declare the Pickleball LLC building as being a

Commercial use because of the way it looks and the way it was constructed is pure supposition.

One must ask, does industry-specific language in fact determine use or does it merely facilitate the compliance with building codes, construction standards and the technical review of plans? Many industries and professions use a language that is specific to their work to convey ideas in their areas of specialty. Some common examples of these are; medicine, the legal profession, engineering, construction, IT, education and/or almost any field of work you can think of. In this case to take these design standards for construction and interpret that to declare the intended use is a leap beyond reasonable. Another example of this overreach is that your car may have the capacity to operate at speeds well in excess of 100 or 150 mph, that does not mean that you intend to use it to do so.

The fact that the property owner was upfront in the stated use of private recreation along with other uses for the structure should not be held against them. If anything, it should be applauded as a sign of transparency and neighborliness. The building itself is not permanently altered to accommodate pickleball courts which are merely lines painted on a floor. Nets could be moved and a tractor parked on the painted area and the structure and use remains the same. Is the main use of the building to be storage of the owners possessions with the incidental use of space for recreation? The fact that the owner was able to create sufficient space to use it on occasion for a recreational activity seems to be secondary to the purpose of storing their possessions. What is a reasonable determination of incidental?

If the strictest interpretation of the uses allowed in the Agricultural district standards causes an unnecessary burden on the property owner and does not allow an incidental use of the structure, then it would seem contrary to the long-established practices of the use of private property in the community. The focus on building design and spatial requirements are considerations for the ZBA in appeals on the design and siting of the structure but, in this case, it appears that the potential incidental use is the key question.



April Hilton <deputyclerkhayes@gmail.com>

Public Comment on Pickleball Cases--by L. Kozma

1 message

LuAnne Kozma <luannekozma@gmail.com>

Tue, Mar 17, 2026 at 3:20 PM

To: kristin baranski <clerk@hayestownshipmi.gov>, kristin baranski <deputyclerkhayes@gmail.com>

Clerk Baranski,

I submit this personal public comment for the two cases on the Pickleball Storage LLC to be heard by ZBA on March 18.

Township attorney Todd Millar has a conflict of interest in advising both the ZBA, and the Zoning Administrator, whose decisions and letters Millar wrote and directed. This is clear from the Zoning Administrator's staff reports blaming Mr. Millar for his findings. In other words, Van Zee is saying he made decisions that Millar told him to make.

Mr. Millar is also biased against these Appellants in another way. He tried to get rid of me as their agent before the ZBA.

He has not done this to any other non-lawyers such as Jonathan Scheel who represented the appellants, or Mr. Michael Branan or Ms. Stephanie Baldwin, both non-lawyers who represented applicants for variances before the Hayes Township ZBA in 5 separate cases last year.

Why did he target these Appellants and their non-attorney agent before the ZBA?

On the same day as a ZBA meeting, last July 23, where I was asking the ZBA to place the scheduling of these hearings on their agenda, Millar wrote an email to my husband Ellis Boal, who is an attorney who was representing the 9 Appellants in the first court case against the Township at the time, to get the Court to order the mandatory ZBA hearings. I attach Millar's email and Ellis' reply to him.

At that point, the Appellants had asked me to be one of their agents or representatives, before the ZBA.

Millar accused me of "unauthorized practice of law" and threatened that if I did not do the following, he would have "no choice but to file a complaint with the State Bar for the unauthorized practice of law" and file an ethics complaint against Ellis, threatening his law license.

He claimed:

"LuAnne needs to put in writing that she does not represent the appellants and send it to all, even the bcc, recipients of her July 22 email. She also needs to

state during public comment at the Planning Commission, and any other body to which she made the comment, that she does not represent the appellants."

As everyone involved in ZBA proceedings knows, the Zoning Enabling Act allows any person or party to "appear personally or by agent or attorney." (MCL 125.3604)

This bullying and threatening of the Appellants by trying to remove their agent is shocking, corrupt and unethical.

I ask the ZBA to keep Mr. Millar's actions in mind during these hearings.

Please download and give the attachment of the July 23 email by Mr. Millar and Ellis Boal's reply in the records of these two hearings.

LuAnne Kozma



Gmail - Re: LuAnne Kozma - Unauthorized Practice of Law.pdf

166K

Bay Shore residents Notice of Appeal to ZBA Filed June 24, 2025

Case # 022526B

Appealing:

- Zoning Administrator's determinations in June 16 letter
- Failure to enforce a Stay of permit and construction
- Failure to transmit ZA's own files to ZBA
- Citing violations of 8.03(5), 8.03(6), **8.05** and 8.11



ZA's files → ZBA

1

MAY 27, 2025



JUNE 19, 2025



March 12, 2026



**Pickleball Storage LLC built
the property in spite of ZBA
appeals and lawsuits**

2

What we're going to show

- Introduce Appellants
- How Zoning Administrator found fault with Application but not Notice of Appeal, and used it as ruse to block ZBA hearing
- How Notice of Appeal is governed by MZEA and § 8.03, **not 8.05**, what IS a Notice of Appeal. The Notice is the beginning point of the Appeal.
- How the Application, fee, other material is due later, § 8.05
- How § 8.05 cannot be ignored, will show how it's been ignored throughout this saga
- How Notice of Appeal triggers the automatic Stay, not the Application
- How the official or body "shall immediately transmit" to the ZBA, **their** files upon which they based their decision. Not the Appellants' Notice of Appeal.
- What facts ZBA should find and decisions to be made

3

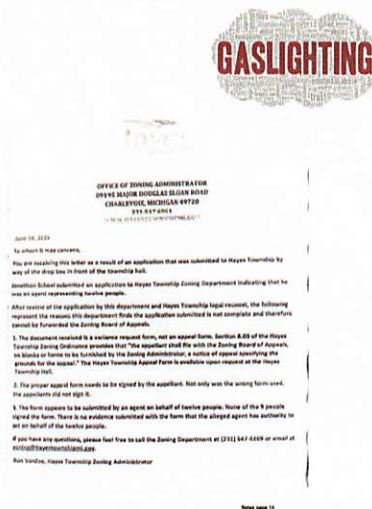
Aggrieved because

- Appellants are the only ones to receive the June 16 letter
- Personal right to challenge the June 16 letter, deprived appellants of due process of a public hearing that required to be held by law, when they filed the Notice of Appeal on May 29. **COURT AFFIRMED IN JANUARY, MANDATING THE ZBA HEARING.**
- The Township's Zoning Administrator and ZBA Chair's refusal to proceed with the hearing, and ZA's refusal to enforce the Stay of the permit including construction, while the ZBA appeal was pending, violated Zoning Ordinance, State law, and **resulted in the building being built**, which prejudices this proceeding today.
- **Conflict of Interest:** The June 16 letter was penned by Township Attorney Todd Millar, who is now both defending the Zoning Administrator whose actions were based on Millar's advice, and represented the ZBA in Appellants' two court cases (1-Mandamus and 2- Appeal & Due Process Claim) against the ZBA's inaction. Millar cannot both defend the Zoning Administrator and now advise the ZBA's decision-making on Millar's own directions to the Zoning Administrator.

4

Van Zee's June 16 letter to appellants

- Had problem with Application, not the Notice of Appeal, (erroneously referring to 8.03, not 8.05)
- Had problem with using Variance form not an Appeal form. Said form is available upon request at Township Hall.
- Claimed no signatures by appellants
- Claimed no proof of Scheel being agent



5

Van Zee report blames —> Todd Millar

- Van Zee's ZA report to the ZBA squarely pins all of his findings on what attorney Todd Millar told him to do.
- June 16 letter was penned by Township Attorney Todd Millar citing the wrong part of the Ordinance, ignoring § 8.05
- Millar writes Van Zee on **June 23**, determining that ZBA has no jurisdiction to hear the ZBA case, because Appellants "failed to follow ZBA Rules"—without citation to any rule. **Court order allows Appellants to return to Court if ZBA Rules of Procedure continue to violate the Zoning Ordinance**
- Millar cannot be both a witness for the Zoning Administrator and the ZBA's attorney/advisor

6

In response to June 16 letter, Appellants did two things:

#1—Filed June 23 supplement to May 29 filing

- Went in to the hall to pick up Appeal Form
- Appeal Form signed by all appellants
- Did not change the Notice of Appeal
- Memo explaining did not agree with June 16 letter (date stamped by Hilton and Baranski)
- Information on Appeal Form no different than on modified Variance Form
- Memo authorizing Scheel as agent signed by all appellants

7

In response to June 16 letter, Appellants did two things:

#2—Filed Second Notice of Appeal & Application on June 24

- Appellants state "a ZBA hearing on this Second Notice of Appeal is required immediately" but were ignored, ghosted
- Let's look at Notice and Application

8

[illegible]

-
- A photograph showing a yellow evidence bag with handwritten text in black ink. The bag is placed in front of a red sign that reads "HAYES TOWNSHIP DROP BOX". The handwritten text on the bag includes: "Hayes Township", "ADMINISTRATOR", "ATTN: Mr. & Mrs. [illegible]", "200 West of Highway", "04/11/15", "RECEIVED", and "MAY 11 2015".



- ZO § 8.03 Jurisdiction, subsection (1) says ZBA can set the timeframe for the when Notice is due. If not specified by ZBA, shall be filed within 30 days of decision being appealed.
- Subsection (2) states: **"The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the official or body, except for Zoning Administrator decisions regarding enforcement of this ordinance."**

- The Zoning Administrator enforces the ordinance regarding zoning permits and land use, but cannot make decisions for the ZBA who SHALL hear the case.
- The ZA's only administrative duties **regarding ZBA procedures** in Article 8 are to:
 - (1) **receive** a Notice of Appeal IF the appeal is of one of his decisions (and not if the appeal is of a different body such as the Planning Commission; and
 - (2) receive an Application, fees and other information submitted by Appellants under ZO § 8.05 Application Requirements, **30 days prior to the date of hearing**; and
 - (3) "shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken." § 8.03(6). (MZEa says body or official shall immediately transmit)

- **§ 8.03(5)** — Filing Notice of Appeal on blanks OR forms, specifying grounds
- **8.03(6)** —ZA to transmit to ZBA “all papers constituting the record upon which the action appealed from was taken”
- **§ 8.05 —Application Requirements: application, fee, other material due 30 days prior to ZBA hearing date. Zoning administrator ignores this.**
- **8.11** — Stay: an appeal to ZBA stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued

Some are same as the ZO sections being appealed EXCEPT there is no application requirement in MZEA (handout)

- MCL 125.3604 (1) — Filing Notice of Appeal specifying the grounds. **File with the ZBA and with “body or officer from whom the appeal is taken”**
- No clause for an application for appeals. Appeals are “taken.” Variances are “applied for”
- MCL 125.3604 (1) — ZA to transmit **immediately** to ZBA “all papers constituting the record upon which the action appealed from was taken”
- MCL 125.3604 (3) — UPON RECEIPT OF NOTICE—Stay: an appeal to ZBA stays all proceedings in furtherance of the action appealed

The Notice of Appeal is not the same as the Application

Article 8

- § 8.03(1) —is about the **timing** of Notice of Appeal: "...an appeal concerning the application of the provisions of this Ordinance may be taken to the Zoning Board of Appeals **within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals**. If such a timeframe is not specified, appeals shall be filed within **thirty (30) days** of the decision of the official or body from which the appellant seeks relief."
- § 8.03(5) —is about the **content** of the Notice of Appeal: "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."
- § 8.05— "Application Requirements—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.**"

13

Notice of Appeal

Due 30 days AFTER April 30, 2025

- ZO § 8.03(1)
- On Blanks or forms, § 8.03(5)
- Filed 18 pages explaining the Appeal, specifying the grounds
- "Notice" means same thing throughout Michigan Zoning Enabling Act. "Notification"
- Is filed with (1) ZBA, and (2) either the body or official whose decision is being appealed
- Triggers the Stay provision, § 8.11

Application, fee, etc

Not due until 30 days BEFORE date of ZBA hearing

- ZO § 8.05
- Clearly is a form
- Paid the \$935 fee, filed the form, Agent Jonathan Scheel signed it
- On June 23, provided supplemental info



14

"Notice" in the Mich Zoning Enabling Act

Appears 54 times in the following sections, and the word means the same thing each time: a NOTIFICATION by a person to an entity, or by the government to the public or a landowner

- MCL 125 Subsections: 3103, 3202, 3304, 3306, 3401, **3402**, 3502, 3503, 3508, 3509, 3513, 3514, **3604**, and 3607
- COMPARE 3604 "Notice of Appeal" filed with ZBA to 3402 "Notice of Intent to file petition" filed with Clerk. SEE HANDOUTS
- Upon receipt of the Notice, the stay goes into effect, the appeal is started.

15

Facts —pages 8 and 9 of Notice

1. Zoning permit issued April 30, 2025
2. Appellants' agent filed Notice of Appeal in person with ZBA Chair on May 29.
3. Appellants' agent filed Notice of Appeal and Application and 7 copies of everything plus a check for fee in Township Hall drop box outside on May 29 (**Correction:** everything was on May 29; nothing was filed on May 30). Scheel submitted appellants' check, evidence he was agent. Further proof on June 23 was sufficient to show Scheel as agent on May 29
- **ALSO: Agent Scheel emailed same to ZBA Chair, ZA, and Clerk on May 29**
4. Appellants used Variance Form and modified it for an Appeal, providing exactly same information as Appeal Form.
5. After receiving June 16 letter, Appellants filed supplemental Appeal Form containing same information, signed it, gave memo confirming Scheel

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Facts —pages 8 and 9

- 6. June 24 Second Notice appealing the letter
- 7. Jim Rudolph joined by email. He is a township appointed official.
- 8. Zoning Administrator did not take action under § 8.11 certifying to ZBA that stay would "cause imminent peril to life or property" to reverse automatic Stay.
- 9. June 16 letter outlined ZA's determinations only about Application, not Notice of Appeal
- 10. Section 8.03(1) deadline for filing Notices of Appeal is 30 days from decision.
- 11. Section 8.03(5) specifies Appellants "shall file" a Notice of Appeal on "blanks." "Or forms." Forms are only an option but not mandatory, because it says OR. **A notice is a notification.**
- 12. **Section 8.05 Application Requirements sets a different deadline for Application**, fee, and other materials which is 30 days prior to date of ZBA hearing. §8.03(1) is tied to date of the decision being appealed.

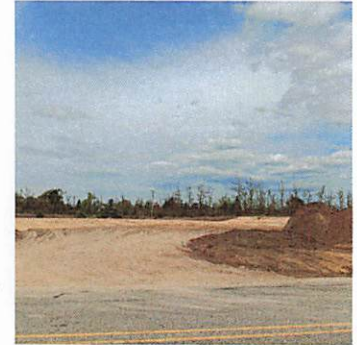
Facts to find about Stay & Transmitting ZA's files

May 29 filing of Notice of Appeal was done correctly by Appellants with Blanks and filed directly with:

- 1) ZBA
- 2) official from whom the appeal is taken

Stay is triggered by filing of Notice of Appeal. Not Application. Zoning Administrator failed to enforce Stay as of May 29, 2025. § 8.11 and MCL 125.3604(3)

Zoning Administrator did not immediately transmit his files to ZBA upon receipt of Appellants' Notice of Appeal on May 29. § 8.03(6) and MCL 125.3604(2)

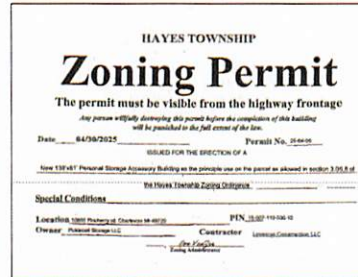


Bay Shore residents Notice of Appeal to ZBA Filed May 29, 2025

Case # 022526A

Appealing Zoning Administrator's issuance of a regular Zoning Permit No. 25-04-6 to Pickleball Storage LLC on April 30, 2025.

Notice of Appeal and Application filed May 29, supplemented with additional materials on June 23.



1

What we're going to show

- Introduce you to the Appellants
- How Zoning Administrator did not follow the Zoning Ordinance when the application came in, and after when he found out the use was pickleball.
- What a Notice of Appeal is and how it differs from the Application
- How this is a pickleball recreational facility which is not an accessory use in Agricultural zone
- What facts the ZBA should find
- Why ZBA must revoke the zoning permit, ZBA's role is to correct errors of ZA

2

Appellants live in Bay Shore

- Catherine and Darcy Phelps —adjacent to Pickleball Storage property
- JoEllen and Jim Rudolph —Intervenor in Consent Judgment regarding Pickleball Storage property (JoEllen) and current township official (Jim)
- Mike Taylor and Summer LaVanway—adjacent to Pickleball Storage property
- Shelly VanWart—1 block away
- Carol Umlor—kitty-corner to Pickleball property
- Kevin Willis—adjacent to Pickleball Storage property

3

MAY 27, 2025



JUNE 19, 2025



MARCH 12, 2026



**Pickleball Storage LLC
constructed the building in spite
of ZBA appeals and lawsuits,
prejudicing these proceedings**

4

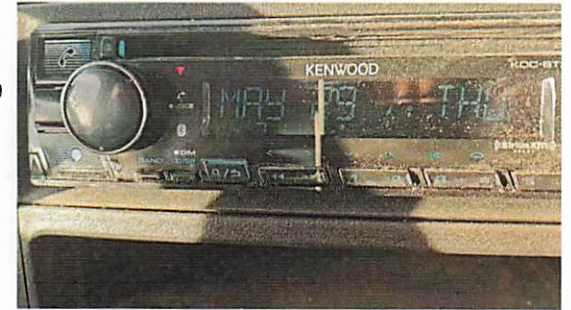


5

On May 29, 2025 agent filed everything

Last summer, the Township lied to the Circuit Court about the May 29 filing, that:

- "No one" signed the May 29 application
- Scheel's signature on the May 29 application was not located because it was in a "sealed envelope"
- An email provided by Scheel provided only an unsigned application and the Zoning Administrator and Attorney assumed all copies were also unsigned



6

What the record proved in Court was true:

- Scheel's signature was on the copies hand-delivered to Clerk, Supervisor, and ZBA Chair.
- No envelopes were used on May 29
- FOIA from Kristen Baranski to LuAnne Kozma on July 9 contained Scheel's signature on the May 29 application on multiple pages.
- The June 24 Appeal papers given to ZBA also had the May 29 Scheel signature.
- **SCHEEL EMAIL:** "Good evening. Attached is the ZBA application I delivered to the township hall drop box and personally to Janice this evening. There are 7 signed copies with a check in the drop box. I have a picture with a time stamp of putting them in the drop box so there is no confusion of when you received them. If you have any questions, please contact me."
- **Resulting in the Court awarding sanctions against the Township over \$3,000. This frivolous defense by the Township cost taxpayers over \$30,000**

7

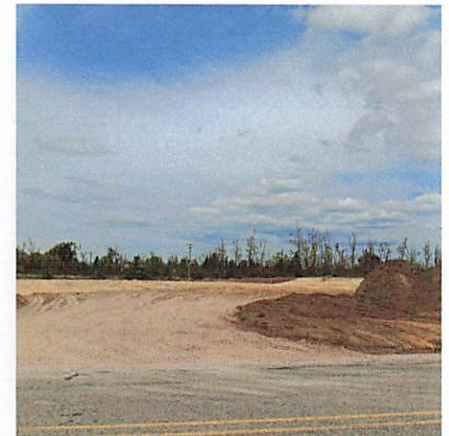
The May 29 filing was done correctly as was the June 24 filing

The Stay should have been enforced immediately.

No construction should have occurred after first Notice was filed.

The ZBA should have held a hearing back in July 2025.

Second ZBA case was unnecessary, costing Appellants more money.



8

Notice of Appeal

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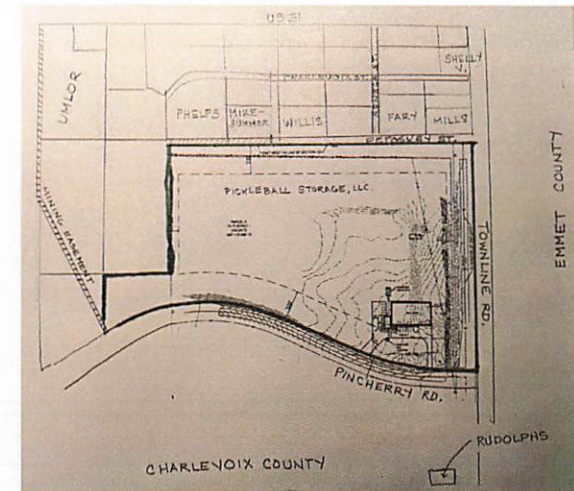
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- Upon receipt of the Notice, the stay goes into effect, the appeal is started.

10



11

Where
Appellants
live



12

Aggrieved persons

- Adjacent property owners: Just a 45' road in between properties. Willis (600 ft from building), Taylor and LaVanway (700 ft from building), Phelps (783 ft from building)
- One block away: VanWart (876 ft), Umlor (1185 ft)
- Consent judgment intervenors: JoEllen Rudolph, Willis
- Appointed township official: Jim Rudolph

13

Determining aggrievedness is premature

- ZO § 8.03(2) "The ZBA may hear appeals made by any person who **alleges** he or she has been aggrieved by a decision of the official..." Standard is "allege." ZBA cannot interpret the statute, only can interpret the ZO and cannot change the terms of the ZO. Cannot render a term "nugatory."
- ZBA does not need to determine aggrievedness; MSU Extension bulletin
- We rescind our request to determine aggrievedness.
- Forms do not require information about aggrievedness. **Not due process** if ZBA determines aggrievedness at the meeting based on what Appellants say.
- Premature for ZBA to make determinations, let court decide. ZBA lacks adopted standards, has not adopted procedures, and has no experience making these determinations.
- ZBA cases cited by Mr. Millar: aggrievedness determined by the Courts
- 8 months of Lack of Due Process: Had to go to court **twice** to preserve our right to be heard. Township pursued a frivolous defense. Township had to pay \$26,000 for 2 attorneys in Millar's firm. **Would have been twice that if Township had to pay for lead attorney who donated his time. Sanctions awarded to Appellants.**

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Aggrievedness

- The sequence of events leading up to this hearing started when the zoning administrator issued a permit and then refused to issue a stay when the appellants filed their appeal.
- This has meant that the building was completely built before the appellants ever had an opportunity to be heard about the application for the building permit.
- Appellants have a legally protected right to file an appeal and to be heard before the building was built. The decisions of the zoning administrator and the ZBA deprived them of that right.
- Appellants have been harmed by having been deprived of that right because the building has been built without a hearing and if they'd been afforded a hearing there's strong likelihood that the building couldn't have been built or would have been built under much different conditions.

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Aggrievedness about pickleball

- Legally protected interests that are pecuniary, personal or property rights likely to be affected by the zoning permit and uses for the building: Property rights to peaceful enjoyment of their property; "Healthier under a starry sky"
- **Special damages likely:**
 - Noise from pickleball play well known to be irritating and hazardous to health
 - Lights and commercial/recreational activity from groups gathering at facility
 - Large indoor facility when open will carry noise throughout neighborhood
 - Interference with groundwater from large impervious surfaces draining in unconfined aquifer (breach in aquifer in Emmet Co parcels) nearby Appellants' water wells

16

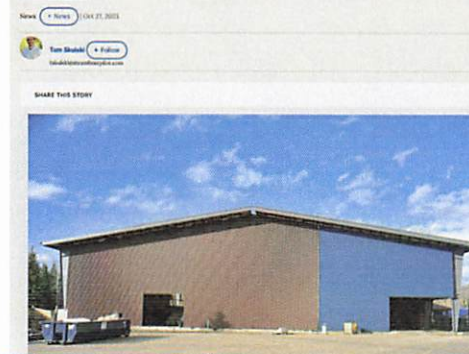
Pickleball courts are a recreational facility, not an accessory use or building “customarily incidental to” agricultural uses in ZO



17

Pickleball courts are a recreational facility, not an accessory use or building “customarily incidental to” agricultural uses in ZO

Pickleball Center exterior nears completion, interior work to begin in November



Go to article:

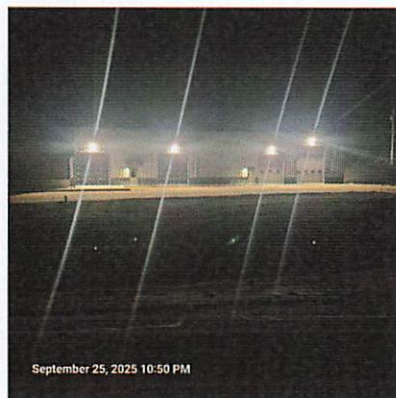
<https://www.arconational.com/pickleball-facility-design-construction/>

18

Multiple lawsuits and studies on Pickleball noise

NY Times article: **Shattered Nerves, Sleepless Nights: Pickleball Noise Is Driving Everyone Nuts:** https://www.nytimes.com/2023/06/30/sports/pickleball-noise-complaints-lawsuits.html?unlocked_article_code=1.T1A.PHnh.hoqdV5lMuzi&smid=ur-share

Kathleen M. Romito, Daniel Fink; Pickleball noise: *The physiological and psychological effects on nearby residents. Proc. Mtgs. Acoust.* 18 May 2025; 56 (1): 050001. <https://doi.org/10.1121/2.0002030>



19

How the Zoning Administrator violated Zoning Ordinance:

- § 3.05.8 — Accessory Building as Principal Use, except on small parcels
- § 4.03 — Agricultural District
- § 5.02.4 — Site Plan Review—Plot Plan

20

**“Proposed use of
property:
Recreational/
Storage Barn”**


Hayes
TOWNSHIP
NEW JERSEY

Hayes Township Zoning Permit Application

9105 Major Douglas Blaine Rd.
Charlottesville, NJ 08720
(201) 547-6961

Zone District: A1 Permit Number: 2004-01 Fee: \$400.00 Rate: 3.99%

GENERAL INFORMATION

Property Owner Name(s): Parktail Storage LLC

Mailing Address: 2224 W 55th Diplomatville Rd New Rochelle, NY 10801

Telephone: (914) 777-0022 Fax: _____ E-mail: joseph@parktailstorage.com

PROPERTY INFORMATION

Property Tax ID Number(s): 14-001, HT-830, 10

Property Address: 10955 Peachtree Rd. Charlotte, NC 28220

Construction Company: Charlotteville LLC Construction Contractors Inc. Keith Pickett
(517) 645-5558

PROPOSED USE OF PROPERTY

Type of Construction: Reconstruction / Storage Bays

New Construction ☒ Reconstruction ☒ Addition ☐ Expansion ☐

Description of Proposed Structure: 136' x 41' - 10' High 31' Gable

PROPOSED ZONING PERMIT

Special Use: _____ Type of Special Use: _____ Access: _____ Land (Disturbance Allowed): _____

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- The lawful purpose of which land or premises, or a building thereon, is **designed, arranged, or intended, or for which it is occupied**, or maintained, let, or leased, according to this Ordinance

HAYES TOWNSHIP

Zoning Permit

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

ISSUED FOR THE ERECTION OF A

the Hayes Township Zoning Ordinance

Location 10655 Pincherry rd. Charlevoix MI 49720 PIN 15-007-112-030-10
Owner Pickleball Storage LLC Contractor Lynnman Construction LLC

- Accessory building maximum size and height shall comply with the provisions of the chart in Section 3.05.7.

24

How the Zoning Administrator violated Zoning Ordinance:

- § 4.03 — Agricultural District (A)- The following provisions shall apply to the Agricultural District (A).

1.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.

25

How the Zoning Administrator violated Zoning Ordinance:

- § 4.03 — Agricultural District (A)- The following provisions shall apply to the Agricultural District (A). Permitted Uses:
 - Single family dwellings.
 - Agriculture, including both general and specialized farming, tree farms and forestry.
 - 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.
 - Agricultural warehouses and non-animal agricultural processing plants.

26

How the Zoning Administrator violated Zoning Ordinance:

- § 4.03 — Agricultural District (A)- The following provisions shall apply to the Agricultural District (A). Permitted Uses

continued

- Plant nurseries and greenhouses.
- 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**.
- Home occupations conducted completely inside the residence, subject to the provisions of **Section 3.15 Home Businesses**.
- Accessory buildings and uses **customarily incidental to** the above permitted uses.

27

How the Zoning Administrator violated Zoning Ordinance:

- § 4.03 — Agricultural District (A)- The following provisions shall apply to the Agricultural District
- Subsection (3) Uses Subject to Special Use Permit
- Uses listed A through S (See Zoning Ordinance)
- Accessory must be **“customarily incidental to”**

28

Pickleball courts are a recreational facility, not
“customarily incidental to” agricultural uses in ZO



29

Activity vs Land Use

Ping pong activity in home

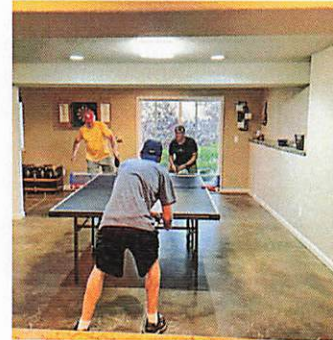
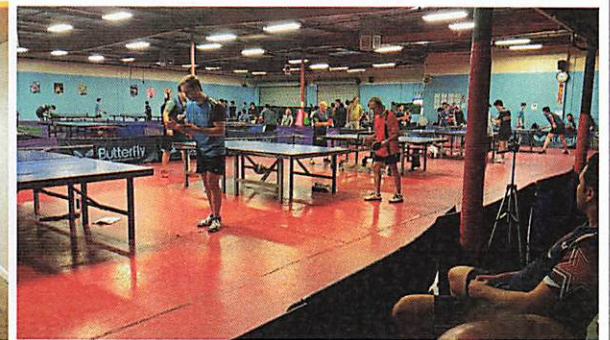


Table tennis recreational facility



30

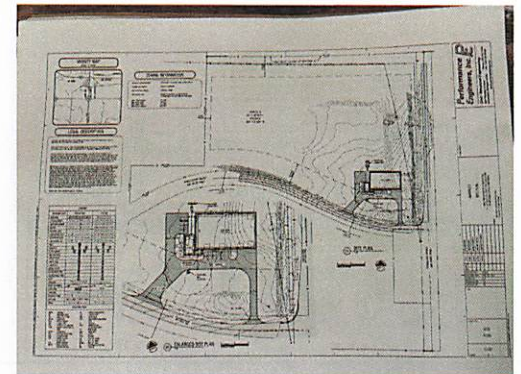
How the Zoning Administrator violated Zoning Ordinance:

- § 5.02 — Site Plan Review—Plot Plan: The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:
- Subsection (4) The existing and **intended use** of the lot and of all such structures upon it. . .
- Avoided § 5.03—by calling it accessory use as principal. Should have used 5.03 Site Plan review.

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Site/Plot Plan Performance Engineers

- “Pole barn” is description of 81' x 138' section
- “Office” is description of a 24' x 45' section that was not permitted by the permit
- Created while still owned by Rieth-Riley. Feb 6, 2025
- Submitted to ZA on March 6, Revisions by ZA on March 26



32

How the ZA violated the Zoning Enabling Act (MZEA)

- **MCL 125.3501 Submission and approval of site plan; procedures and requirements**

(2) If a zoning ordinance requires site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance is agreed to by the landowner and the body or official that initially approved the site plan.

(4) A decision rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.

- No “plot plan” in MZEA. “Plot plan” is a type of site plan in Hayes Zoning Ordinance

37

Definitions

Pages 6-8 of Notice of Appeal

- Accessory building or structure
- Accessory use
- Agriculture
- Club—only the General Commercial C-2 District in Section 4.11 allows “Civic, social and fraternal organization facilities” and no zoning district allows “clubs” by right or special uses. —page 11 of Notice
- Home business, Home occupations
- Principal Use, and Use
- Site Plan (no definition of Plot Plan; is a subsidiary/type of site plan)

38

Definitions

Pages 6-8 of Notice of Appeal

- Zoning Permit: A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration **or use** of a building or land in conformity with the provisions of this Ordinance.

Other ordinance sections - pages 10-12

- 1.02 Purposes
- 3.04 Principal uses
- 7.01.14 Recreational Areas and Facilities

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Nuisance *per se*

- Zoning Ordinance § 9.07 Violations and Penalties
- 9.07.1 Nuisance Per se: “Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.”
- 9.07.4 Stop Work Order—ZBA has power to issue.
- Michigan Zoning Enabling Act: MCL 125.3407—shall be abated

40

Facts as we find them: p. 3 of Notice

- Permit was issued, as stated
- Parcel No. 15-007-112-00-10 is zoned Agricultural, is 16 acres, owned by Pickleball Storage LLC
- Building permit facts: Commercial
- Floor plan shows interior layout of 2 courts, dimensions, 1 lounge room, extra square footage than allowed on the zoning permit
- Courts are A3 Occupancy, Assembly Group for "... indoor tennis courts without spectator seating" according to International Construction Code (ICC)
- Shop/storage is labeled S-2 Occupancy. Type of storage.

41

Facts as we find them: pages 3 - 5 of Notice

- Floor plan shows approximately 60% is for recreational activity of pickleball, not storage
- Lounge/office, not included in permit permitted, appears commercial in nature
- Club definition. Club not allowed in Ag zone.
- Three "Wings" in floor plan — Permit only allowed the wing that is 81' x 138'; the rest were unpermitted by the permit
- Site plan shows 11 parking spaces, indicating expectations of numerous visitors implying storage is not the intended main use.

42

In Conclusion

Ask you to:
Leave aggrievedness determination to the court.

Decide that "club" is a building owned in this case by a corporation, not a family, is not accessory use "**customarily incidental to**" any of the permitted principal uses or accessory uses in § 4.03 and is not a permitted use either. Clubhouse must be associated with golf course in Ag zone. If a "clubhouse" not a "club," the project was subject to the Special Use Permit requirements of Article 6 in the Zoning Ordinance.

The entire building was not permitted. Pickleball use, office were not permitted

Revoke the permit.

Declare the building a **nuisance per se**.

Issue a stop work order.

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In summary, we have shown:

- That Appellants are aggrieved, but ZBA lacks adopted procedure, standards, has no experience to decide this
- The Zoning Administrator did not follow the Zoning Ordinance
- The Notice of Appeal differs from the Application
- This is a pickleball recreational facility with an office or lounge, which is not an accessory use in Agricultural zone, that was not permitted
- The factual findings ZBA should base their decision on.
- That the building is a *nuisance per se*, and ZBA must revoke zoning permit

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MICHIGAN ZONING ENABLING ACT (EXCERPT)

Act 110 of 2006

125.3402 Notice of intent to file petition.

Sec. 402.

(1) Within 7 days after publication of a zoning ordinance under section 401, a registered elector residing in the zoning jurisdiction of a county or township may file with the clerk of the legislative body a notice of intent to file a petition under this section.

(2) If a notice of intent is filed under subsection (1), the petitioner shall have 30 days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction not less than 15% of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, with the clerk of the legislative body requesting the submission of a zoning ordinance or part of a zoning ordinance to the electors residing in the zoning jurisdiction for their approval.

(3) Upon the filing of a notice of intent under subsection (1), the zoning ordinance or part of the zoning ordinance adopted by the legislative body shall not take effect until 1 of the following occurs:

(a) The expiration of 30 days after publication of the ordinance, if a petition is not filed within that time.

(b) If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is inadequate.

(c) If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the zoning jurisdiction voting on the petition at the next regular election or at any special election called for that purpose. The legislative body shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval or rejection and determining the result of the election.

(4) A petition and an election under this section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: 2006, Act 110, Eff. July 1, 2006

Form 3.3
Notice of Intent to File Referendum Petition
for Zoning Ordinance Amendment (MCL 125.3402)

[Date]

[Name of township clerk], Clerk

[Name] Township

[Address]

Re: Notice of Intent to File Petition Under MCL 125.3402

Dear *[name of clerk]*:

The undersigned, a registered elector residing in *[name]* Township, hereby gives notice of intent to file a referendum petition, pursuant to MCL 125.3402, regarding the Zoning Ordinance amendment adopted by the Township Board on *[date]*, and published on *[date]*.

Very truly yours,

/s/ _____
[Typed name]

March 15, 2026

To: Hayes Township, Charlevoix - ZONING BOARD OF APPEALS
& Hayes Township, Charlevoix, Clerk

Re: 2 ZBA Appeals - Case #022526A & Case #022526B
being heard on March 18, 2026 @ Hayes Township Hall

Dear Hayes Township ZBA,

My husband and myself are removing ourselves from both ZBA Appeal cases.
We have too many other commitments going on.

Thank you,

Pat & Kim Fary
10516 Seneca Ave.
Charlevoix, Michigan 49720

Pat Fary

Kim Fary

ORIGINAL

HAYES TOWNSHIP ZBA MEETING

Meeting Date: March 18th, 2026

Location:

Hayes Township Hall

Name	Would you like to be called on to speak during public comment?	
LuAnne Kozma	YES	NO
Catherine Phelps	YES	NO
Darcy Phelps	YES	NO
Jo Ellen Rudolph *	YES	NO
Jim Rudolph	YES	NO
Shelly VanWort	YES	NO
Dave Zipp	YES	NO
Rick & Denise Daniel	YES	NO
Matt Cunningham	YES	NO
Jim Marriott	YES	NO
Kevin Willis	YES	NO
Ellis Kent	YES	NO
Jack Turner	YES	NO
Carol Umlo	YES	NO
	YES	NO
	YES	NO
	YES	NO
	YES	NO
	YES	NO