

Hayes Township
Zoning Board of Appeals
Public Hearing Minutes
March 18th, 2026
09195 Major Douglas Sloan rd Charlevoix, MI 49720

The March 18, 2026, Public Hearing meeting of the Hayes Township Zoning Board of Appeals (ZBA) was called to order by Chair Rex Greenslade at 6:05 p.m. at Hayes Township Hall, 09195 Major Douglas Sloan rd., Charlevoix, MI 49720.

Board Members

Present: Laura Ford, Janice Vedder, Jessica Perry, Sean Davis, Rex Greenslade

Absent: Zeze Jess and Doug Kuebler.

Also Present

Jennifer Eads (Recording Secretary), Ron VanZee (Zoning Administrator), Todd Millar

Audience

LuAnne Kozma, Ellis Boal, Jack Turner, William Conklin, Jim and JoEllen Rudolph, Catherine and Darcy Phelps, Mike Taylor, Carol Umlor, Shelly VanWart, Kevin Willis, Jim Marriott, Dave Zipp, and others, including several attending online.

Pledge of Allegiance

Introduction of Zoning Board of Appeals (ZBA) Members

Board members present: Laura Ford, Janice Vedder, Jessica Perry, Sean Davis, and Rex Greenslade.

Board members absent: None

Approval of Agenda

Additions:

- Item 6a: Public Comment on Non-Agenda Items
- Adjournment time is set for 10:00 p.m.

Motion by Perry, supported by Vedder, to approve the agenda as amended.

Yeas: Ford, Vedder, Perry, Davis, Greenslade

Nays: None

Motion carried.

Declaration of Conflict of Interest

Janice Vedder stated she had no relationship with the appellants and could participate without bias.

Approval of Minutes

Motion by Ford, supported by Vedder, to approve the February 18, 2026, Administrative meeting minutes as presented.

Yeas: Ford, Vedder, Perry, Davis, Greenslade

Nays: None

Motion carried.

Public Comment (Non-Agenda Items)

Opened at 6:09 p.m.

No public comments.

Closed at 6:11 p.m.

Public Hearing – Appeal Case #022526A

Chair Greenslade opened the public hearing.

Staff Presentation

Zoning Administrator Ron VanZee presented the case, outlining the application and permit timeline:

- Initial application received March 19, 2025 (did not meet setback requirements)
- Revised site plan received March 26, 2025 (met requirements)
- Zoning Permit #25-04-06 issued April 30, 2025, for a 138' x 81' personal storage accessory building as a principal use
- Well and septic permits issued April 30, 2025
- Variance request dated May 29, 2025; received June 2, 2025
- Application reviewed and forwarded to township counsel due to deficiencies
- Appeal application received June 23, 2025

VanZee stated the permit was issued based on information provided and in accordance with the zoning ordinance.

Board Questions

Chair Greenslade clarified that Appeal Case A pertains specifically to the permitted use and directed that discussion remain focused on that issue.

Chair Greenslade asked what was listed on the permit application submitted by Mr. Marriott. Mr. VanZee responded that the application described the project as “recreation storage,” while the permit was issued for “storage.”

Ms. Perry noted that Mr. Marriott described the project on the building permit as a “personal storage/accessory building,” adding that the applicant was transparent in his description.

Mr. VanZee stated that the use complies with ordinance requirements as long as the storage is personal in nature.

Ms. Perry asked how the intended use of the building was verified, given that “pickleball” appears in the applicant’s LLC name. Mr. VanZee explained that use of LLC names is common and that he verified the entity name with the Board of Equalization to ensure it matched county records.

Ms. Perry also asked whether the application specified a need for eleven parking spaces. Mr. VanZee stated that no specific justification was provided; however, the number of spaces is not prohibited as long as impervious surface limits are met.

Appellants’ Presentation:

Appellants present:

Catherine Phelps, Darcy Phelps, Jim Rudolph, JoEllen Rudolph, Mike Taylor, Carol Umlor, Shelly VanWart, Kevin Willis

Appellants not present:

Summer LaVanway

Appellants withdrawn from appeal at their request:

Pat Fary, Kim Fary, Chelsea Mills, Christopher Mills

Appellants’ representatives:

LuAnne Kozma, Jack Turner, Ellis Boal

Chair Greenslade outlined the five appeal requests:

1. Schedule and hold a ZBA public hearing as required by law to make all decisions, as a body, on our case.
2. During the hearing, find appellants as “aggrieved persons”
3. Find the facts as we outlined in the appeal document
4. Conclude and decide that the zoning permit was issued in violation of the Zoning Ordinance because it did not comply with section 3.05.08, “Accessory Use as Principal Use”
5. Using the powers of the ZBA as the zoning official from whom the appeal is taken, take the following enforcement actions: Revoke the zoning permit wholly and notify the property owner in writing of the decision (section 8.04); declare the building a nuisance per se (section 9.07.01); and issue a stop work order to the property owner (section 9.07.04).

The Chair stated that the hearing would proceed with consideration of request number two regarding “aggrieved persons” and asked the appellants to provide supporting justification.

The appellants requested to proceed with a full presentation prior to addressing that specific issue. The Chair allowed the presentation to proceed.

The appellants introduced their presentation, including identification of parties and a map showing the proximity of neighboring properties to the subject parcel.

A point of order was raised regarding the need to address “aggrieved person” status. The appellants’ representative stated that the presentation should proceed in full and that all parties represented were considered aggrieved.

The Chair indicated a preference to address each appeal request individually and noted that presentation time may be limited in accordance with zoning procedures. The appellants disputed that time limitations applied.

The presentation continued and included the following key points:

- Alleged procedural deficiencies in the appeal and permitting process
- Timeline concerns regarding filing, notification, and hearing scheduling
- Interpretation of ZBA procedures and the Zoning Enabling Act
- Assertion that the appeal process was not properly followed
- Claim that the permit was issued without full disclosure of intended use
- Reference to supporting materials, including a Michigan State University Extension handout

The Chair noted that external materials may be informative but are not legally binding. The Board acknowledged that the process may not have been perfect.

Recess: 7:05 p.m. to 7:15 p.m.

Following the recess, the appellants continued their presentation, including:

- Reference to a prior consent judgment related to the property
- Reading of a joint statement from appellants expressing concerns about noise, lighting, and potential commercial use
- Assertion that the structure’s size and design suggest non-residential use
- Statement that the building was completed prior to the hearing
- Concerns regarding financial burden associated with filing appeals

Additional comments and materials presented included:

- Reference to a geology report previously submitted to the Township
- Audio example intended to demonstrate potential noise impacts
- Concerns regarding precedent, agricultural land use, and zoning interpretation

Board members asked clarifying questions regarding:

- Prior statements about the building’s intended use
- Whether supporting evidence such as photos or noise studies had been provided (none were presented)
- Ordinance provisions related to accessory buildings and permitted uses

The appellants reiterated that:

- The permit was issued for storage, not recreational use

- The use of the building for pickleball would be inconsistent with the permit
- A special use permit and public hearing should have been required
- The structure does not meet standards for an accessory use in the Agricultural District

Additional discussion included:

- Building design features (e.g., multiple doors)
- Definitions within the zoning ordinance
- Distinction between personal and commercial use
- Interpretation of applicable state statutes

The appellants concluded that they were adversely affected by both the permitting process and the resulting development.

Concerns were also raised regarding the tone of Board discussion, and a request was made to maintain focus on the case rather than personal matters.

The presentation concluded at 8:31 p.m.

Applicant Response

Jim Marriott, property owner, addressed the Board:

- Purchased property for personal storage use
 - Building includes space for personal recreational pickleball use by family and friends
 - No commercial activity or income is planned
 - Noise suppression and air conditioning installed
 - Lighting has been corrected to meet ordinance requirements
 - All permits and approvals were obtained prior to construction
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Board Questions and Discussion

Board members asked questions regarding:

- Intended use of the building – personal storage and recreation
- Duration and frequency of recreational use – 2-4 hours at a time
- Parking and lighting compliance – Lights have been replaced to meet code.
- Applicability of zoning ordinance provisions

Discussion included:

- Whether the appellants qualify as “aggrieved persons”
 - Interpretation of accessory use within the Agricultural District
 - Whether the permit process was properly followed
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Recess: 9:15 pm. to 9:17 pm.

Chair

Greenslade opened Public Comment at 9:18 p.m.

Jim Rudolph 9:18 pm What is allowed in agriculture use by right? If you say storage unit, anything can go in it. By right, a storage building can be built and anything can go in it.

Dave Zipp 9:20 pm Questioned if built a building and put ten pool tables in it for play, would that be allowed?

Kevin Willis 9:21 pm Echoed Jack Turner’s statement about process. The concern from that start is how things were done initially. Follow the process, ethics, morals, and values.

Ellis Boal 9:23 pm public statement, not as an advocate for the appellants. Appellants only need to allege grievance. Office space and Pickle ball courts are a nuisance per say because the permit is only for storage. Ms. Perry wanted to hear from the appellants, they submitted a written statement.

Carol Umlor 9:26 pm Concerned with the water runoff. It is all gravel out there. Also concerned with traffic becoming an issue.

JoEllen Rudolph 9:27 pm Not against Mr. Marriott. Wanted him to get a special use permit. Protect Bayshore.

Tim B 9:28 pm Is this a proper zoning permit? Did the zoning administrator issue it correctly with the proper information. Aggrieved parties is a moot point because Jim is a town official.

Jennifer Schaeffer 9:30 pm. Stated that there have been a lot of erroneous assumptions, insinuations, and misdirection. Look at facts in front of you. Noise is a perfect example. Sound dampening solves the issue. Nobody has heard any noise yet. Did not know the difference between professional versus competitive. Does not believe that someone is aggrieved because they feel aggrieved. Statute states they must be aggrieved. Use of pole barn as storage is incidental to single family residence, the residence is just on a different parcel.

Luann Kozma 9:36 pm Personal comment, not as representative of appellants. Read what Roy wrote to the ZBA, that this is exclusionary zoning. That is not correct. Exclusionary zoning is when it is excluded from the whole township. Storage buildings are not a catch all use.

Roy 9:38 pm Won’t say what should or should not be decided. How much is made on assumptions versus direct statement or fact.

Chair Greenslade Closed Public Comment at 9:39 pm

Board Deliberation and Findings of Fact

Chair Greenslade reviewed applicable statutes.

1. 2.02 Definition of Accessory Building.
2. 3.05, Especially 3.05.08 Accessory Building as a Principal Structure
3. 4.03 Agricultural District. Intent and Permitted Uses. There is no definition of recreation beyond community recreation. 100+ accessory buildings used as principal use, all sorts of recreational facilities. Wouldn't make sense to deny this use.

Ms. Ford – Ms. Ford noted the need to apply policy and law reasonably and consistently. She referred to agricultural district and personal property regulations, emphasizing that zoning is meant to support homeowners' reasonable use of their property.

She said Mr. Marriott listed "recreation/storage" on his original application and has been negatively affected by how the rules were applied. She suggested a special use permit might have been appropriate and asked Mr. Millar whether one could be issued now and if it would address concerns about setting a precedent.

Mr. Millar responded that simply going through the process for a special use permit does not guarantee the permit will be extended.

Ms. Ford would like follow up with interpretation of 4.03 agricultural. Questioned Mr. VanZee – did you do the right thing with issuing this permit?

Mr. VanZee – in areas other than industrial/commercial, a special use permit is almost always not for personal use.

Chair Greenslade stated that personal recreation takes place in all areas of the township and it is non-sensical to say recreation can't take place in this zone.

Chair Greenslade reviewed applicable ordinance provisions and summarized the findings of fact, including:

4. Zoning permit number 25-04-06 was issued by the zoning administrator Ron VanZee on April 30, 2025 to Pickleball Storage LLC on parcel #15-007-112-030-10 for the erection of a new 138' by 81' Personal Storage Accessory Building as the principal use on the parcel as allowed in section 3.05.8 of the Hayes Township Zoning Ordinance.
5. Parcel 15-007-112-030-10 is 16 acres and owned by Pickleball Storage LLC W229 N2512 Duplainville Rd. Waukesha WI 53186. Property address is 10855 Pincherry Rd. Charlevoix MI in Hayes Township.
6. Parcel 15-007-112-030-10 is zoned in the Agricultural District (A) in section 4.03 on the Zoning Map in the Zoning Ordinance. The accessory building is now complete but under a state of operation while this case proceeds.
7. Pickleball Storage LLC applied for a building permit from Charlevoix county building department and submitted detailed plans for the site and building construction, as well as soil permit and health department applications. The building permit was issued on May 14, 2025 for pickleball courts and storage. The permit indicates the building would be a 12,474 (square feet) total area.
8. Although the building was constructed to commercial building standards the owner has unequivocally stated that this use will be personal not commercial. The appellants have provided no evidence or facts to suggest it will be used commercially.
9. Recreation is a common use of personal property throughout Hayes Township and residential, agricultural and conservation reserve districts although not expressly permitted as a use in Hayes Township zoning ordinance.

Motions and Decisions

1. Accessory Structure Definition

Motion by Perry, supported by Vedder, that based on the findings of fact set forth above the structure proposed by the property owner meets the definition of an accessory building or structure as defined by the Hayes Township Zoning Ordinance Section 2.02.

Nays- None

Motion carried unanimously.

2. Compliance with Section 3.05(8)

Motion by Ford, supported by Vedder, that based upon the above findings of fact that the structure proposed by the applicant is an accessory building under Section 3.05(8) of the Hayes Township Zoning Ordinance.

Nays- None

Motion carried unanimously.

3. Appeal Decision

Motion by Perry, supported by Vedder, that based upon the above findings of fact And determinations that zoning permit No. 25-04-06 was properly issued by the Zoning Administrator and Appeal No. 022526A is hereby denied.

Yeas: Vedder, Perry, Davis, Greenslade

Nays: Ford

Motion carried.

4. Recreational Use Determination

Motion by Perry, supported by Ford, that based upon the above findings of fact that Indoor recreation, including pickleball, is a use naturally and normally incidental and subordinate to the main use of the land or building and is an allowable accessory use in the Ag District pursuant to section 4.03(2)(H).

Nays- None

Motion carried unanimously.

Reschedule Case #022526B

Motion by Ford to reschedule Public Hearing Case No. 022526B to April 8, 2026, to begin at 6:00 pm. (support not recorded).

Nays- None

Public Comment

Luanne Kozma would like to note that making pickleball allowable in Ag District is setting a precedent.

Adjournment

Motion by Vedder, supported by Perry, to adjourn the March 18th, 2026, administrative meeting of the Hayes Township Zoning Board of Appeals at 10:08 pm.

Motion carried.