

Hayes Township Planning Commission
July 21, 2026
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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

Members present: Roy Griffitts (Chair), Matt Cunningham, Rex Greenslade, CT Martin, Mark Snyder, and Carey Cuddeback.

Excused: Alexander Curley.

Also present: April Hilton (Recording Secretary) and Ron VanZee (Zoning Administrator).

Audience: Diane Conklin, Bill Conklin, Rick Tyner, Zeze Jess, Robert Jess, Andrew Schwartz, Pippa Spoehr, Rebecca Tashjian, Jeff Tashjian, Steve Hassell, Sue Hassell, Amanda Earl, and Don Barber.

REVIEW AGENDA:

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

Yeas: Roy Griffitts, Rex Greenslade, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

APPROVAL OF MINUTES JUNE 16, 2026 REGULAR MEETING

Mr. Greenslade made a motion, supported by Mr. Martin, to approve the June 16, 2026 Regular meeting minutes as presented.

Yeas: Roy Griffitts, Rex Greenslade, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

APPROVAL OF MINUTES JUNE 26, 2026 SPECIAL MEETING

Mr. Martin made a motion, supported by Ms. Cuddeback, to approve the June 26, 2026 Special Meeting minutes as corrected.

Yeas: Roy Griffitts, Rex Greenslade, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

PUBLIC COMMENTS- RELATED TO AGENDA ITEMS:

Public comments opened at 7:03 pm.

Comments included:

- Request to postpone the public hearing for proposed amendments to the PUD for Country Club Fairways due to not receiving a notice and having concerns regarding the site plan. Supports the proposed amendments to the PUD for Country Club Fairways. Rezone request for 10575 Burnett Road.

Public Comment closed at 7:08 pm.

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REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION: Mr. Cunningham gave a report on Board of Trustees activities. The board will hold a special meeting on July 27th 2026, to discuss a Fire Mileage for the November 2026 Ballot. The next regularly scheduled Board meeting is on August 10, 2026.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE TO THE PLANNING COMMISSION:

ZBA held a public hearing Meeting on July 1, 2026, at 7 pm. Variance Request case for 6995 Birdland Drive was approved, and the Variance Request case for 7345 Birdland Drive was approved.

ZONING ADMINISTRATOR REPORT: Ron VanZee presented a written report. The report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

REZONE REQUEST/PUBLIC HEARING – 10963 BOYNE CITY RD.

Mr. Griffiths opened the public hearing at 7:13 pm.

Mr. Jess stated the Township Future Land Use Map recommends his parcel be zoned Rural Residential, and he would like to rezone his property to match this recommendation.

The purpose of this hearing is to consider an application from Robert and Zeze Jess for rezoning Property Tax ID number 15-007-120-006-20 legally described as "2003SP102002 FROM 120-006-20 BEG AT W1/4 COR SEC 20 T34N R7W TH AL W LI SD SEC N01DEG43'06" W 658.65FT TH N89 DEG21'54" E 33.01FT TO E LI SEE RD TH CONT N89DEG21'54" E 631.79FT TH S01DEG43'06" E 599.59FT TO N LI BOYNE CITY RD TH CONT S01DEG43'06" E 59.78FT TO E&W1/4 LI SD SEC TH AL SD 1/4 LI S89DEG25'37" W 664.81FT TO POB BEING PT SW1/4 OF NW1/4 SEC 20-34-7 CONT 10.056A PARCEL 1 . Containing 10.056 acres and subject to easements and restrictions of record", commonly known as 10963 Boyne City Road, Hayes Township, Charlevoix, Michigan 49720, from Agricultural District (A) to Rural Residential District (RR).

Chair opened and closed Public Comment at 7:16 pm with no comment.

Chair closed Public Hearing at 7:17 pm.

Planning Commission deliberated and applied the standards and factors from Section 10.01 C5.

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

- a) Is the proposed rezoning consistent with the Hayes Township Master Plan?

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Planning Commission finds: Yes, it is consistent.

- b) Is the proposed rezoning reasonably consistent with surrounding uses?

Planning Commission finds: Yes, consistent with adjacent current uses.

- c) Will there be an adverse physical impact on surrounding properties?

Planning Commission finds: NO.

- d) Will there be an adverse effect on property values in the adjacent area?

Planning Commission finds: No adverse effect as Rural Residential.

- e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?

Planning Commission finds: NO.

- f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?

Planning Commission finds: It will not when used as Rural Residential.

- g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

Planning Commission finds: No special privilege; will not create spot zoning with RR zoning just east of this parcel.

- h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?

Planning Commission finds: Residential density is limited with AG Zoning.

- i) Is the rezoning in conflict with the planned use for the property as reflected in the Land Use Plan?

Planning Commission finds: No

- j) Is the site served by adequate public facilities or is the petitioner able to provide them?

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Planning Commission finds: Yes

- k) Are there sites nearby already properly zoned that can be used for the intended purposes?

Planning Commission finds: No

- l) Are other local remedies available?

Planning Commission finds: NO.

Upon finding that the proposed rezone complies with the criteria in the Zoning Ordinance and the Master Plan, Mr. Greenslade made the motion, supported by Mr. Cunningham, to rezone parcel 15-007-120-006-20 (10963 Boyne City Road) from Agricultural to Rural Residential as it is consistent with the Future Land Use Map, current Zoning Map, and surrounding parcels.

A roll call was taken.

Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder, Rex Greenslade, and Matt Cunningham.

Nays: none **Motion Carries**

REZONE REQUEST/PUBLIC HEARING – 10575 BURNETT RD.

Mr. Griffiths opened the public hearing at 7:21 pm.

Ms. Earl stated she would like to split and sell a portion of her parcel, which is not possible with her current zoning.

The purpose of this hearing is to consider an application from Amanda Earl for rezoning Property Tax ID number 15-007-111-009-10 legally described as "COM AT N1/4 COR SEC 11 T34N R7W TH S0DEG02'33" W AL N&S1/4 LI 2146.86FT FOR POB TH CONT S0DEG02'33" W AL SD 1/4 LI TO E&W1/4 LI TH W AL E&W1/4 LI TO W1/8 LI TH N0DEG0'01" W AL W1/8 LI TO PT WHICH IS N 89DEG58'49"W 1355.7FT FROM POB TH S89DEG58'49" E 1355.7FT TO POB BEING PT OF SEC 11-34-7, containing +/- 17 acres and subject to easements and restrictions of record, commonly known as 10575 Burnett Road, Hayes Township, Charlevoix, Michigan 49720, from Agricultural District (A) to Rural Residential District (RR).

Chair opened and closed Public Comment at 7:24 pm with no comment.

Chair closed Public Hearing at 7:24 pm.

Planning Commission deliberated and applied the standards and factors from Section 10.01 C5

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

- l) Is the proposed rezoning consistent with the Hayes Township Master

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Plan?

Planning Commission finds: YES

- m) Is the proposed rezoning reasonably consistent with surrounding uses?

Planning Commission finds: Yes

- n) Will there be an adverse physical impact on surrounding properties?

Planning Commission finds: NO

- o) Will there be an adverse effect on property values in the adjacent area?

Planning Commission finds: NO

- p) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?

Planning Commission finds: NO

- q) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?

Planning Commission finds: NO

- r) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

Planning Commission finds: NO

- s) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?

Planning Commission finds: Agricultural zone limits residential development.

- t) Is the rezoning in conflict with the planned use for the property as reflected in the Land Use Plan?

Planning Commission finds: NO

- u) Is the site served by adequate public facilities or is the petitioner able to provide them?

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Planning Commission finds: NO public utilities.

- v) Are there sites nearby already properly zoned that can be used for the intended purposes?

Planning Commission finds: NO.

- l) Are other local remedies available?

Planning Commission finds: NO.

Upon finding that the proposed rezone complies with the criteria in the Zoning Ordinance and the Master Plan, Mr. Greenslade made the motion, supported by Mr. Martin, to rezone parcel 15-007-111-009-10 (10575 Burnett Road) from Agricultural to Rural Residential as it is consistent with the Future Land Use Map, current Zoning Map, and surrounding parcels.

A roll call was taken.

Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder, Rex Greenslade, and Matt Cunningham.

Nays: none **Motion Carries**

PROPOSED AMENDMENTS TO PUD FOR COUNTRY CLUB FAIRWAYS PRE-PUBLIC HEARING

DISCUSSION:

Mr. Griffiths stated he has spoken with the developer and neighboring residents regarding concerns with the public notice distribution. The Hayes Township Zoning Ordinance is not consistent with the Michigan Zoning and Enabling Act, and without hearing back from the Township attorney on this matter, it is the Chair's recommendation to postpone the public hearing for the proposed amendments to the PUD for Country Club Fairways until the August 18th, 2026 Planning Commission meeting. Would like to have a pre-discussion regarding this development at tonight's meeting while the developer's team is present.

Mr. Martin made a motion, supported by Ms. Cuddeback, to set a public hearing for August 18th, 2026 at 7:00 pm to review a Planned Unit Development amendment for 007-118-003-15 Country Club Fairways.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, Rex Greenslade, and Matt Cunningham.

Nays: none **Motion Carries**

Zoning Administrator Ron VanZee stated the application to amend the Fairways PUD was received on June 8, 2026. Notice of Public Hearing was posted on June 17, 2026. Publication date in Petoskey News Review was June 20, 2026. 300' notice to adjacent parcels was mailed June 17, 2026. Original Fairways PUD was approved May 18, 1999 with designated R-4 Multiple

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Family Residential Zoning allowing a net density of 4 dwelling units per net acre, a minimum of fifty percent of gross area maintained as open space, and a minimum of 900 square feet of floor space for each unit. The approval included provision for 44 residential units (11 fourplex buildings). The property tax identification number for the property is 15-007-118-003-15. The owner of record is AT/CCF LLC. The original PUD approved was for 12.53 acres. October 26, 2021, the Hayes Township Planning Commission approved an application to exclude 2 acres from the PUD where existing condominiums (4 fourplex buildings) are located, leaving 10.525 acres remaining in the original PUD, recognizing an agreement between AT/CCF LLC and Country Club Fairways Association (CCFHOA) to divide the property. The applicant proposes, with this application, to develop 16 single-family residential units instead of the amended approval with 28 units available. Maximum allowed density in the R-4 zoning district is 4 dwelling units per net acre: allowed dwelling units $4 \times 10.525 = 42$. Proposed 16. Greenspace (open space) proposed is 6.17 acres or 59% of the parcel.

Mr. Tyner (principal, developer, and owner of subject property) stated their first project was in the mid- 1990's in Hayes Township, PA, Ba Shan Trails, a 10- lot waterfront development on Lake Michigan. Their second project in Hayes Township was Country Club Fairways, located on the North side of US 31. On May 18th 1999, Hayes Township approved a project to develop 44 residential units. Site Development was completed in the spring of 2001, and the construction of eight units (2 four-plex buildings) was completed in 2003. The Great Recession halted the remaining planned construction. In August 2021, AT/CCF LLC and the Country Club Fairways HOA agreed to divide the property, splitting off 10.5 acres from the original 12.5 acres, leaving the HOA with 2 acres. On November 29th 2021, Hayes Township approved the property division, and the legal lots of record at the Charlevoix County Register of Deeds reflect this division. They would like to amend the 1999 site plan with a new site plan showing 16 units rather than the remaining 36 of the 1999 plan.

Mr. Perkowitz stated he is a partner and Chief Operating Officer for the integrated real estate development firm for this project. They specialize in all aspects of the development process, including acquisition, entitlement, development, construction, sales, leasing, and financing. They are known for quality development execution and positive community impact. They have a diverse set of real estate holdings, including approximately 1000 apartment units that have been delivered over the past several years, with another 287 units that are in construction now. They have over 75,000 square feet of retail that's integrated predominantly through our various mixed-use projects, and ownership in two Detroit hotels. Development of single-family and multifamily condominium communities is their main focus; they have developed more than 1500 lots and delivered more than 1000 homes during the past 10 years. This is a unique opportunity to develop a single-family home community at the Charlevoix County Club in Hayes Township, and they hope to move forward with the planning and construction of this exciting development. The site plan includes 16 single-family homes with first-floor primary living, ranging in size from approximately 2,000 square feet up to 3,200 square feet. They will all include an

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additional 1,000-square-foot finished basement, with a two-car attached garage. They will present several plans and elevations to prevent design monotony. They have built similar housing projects with success and predict this project being just as successful, attracting the two primary demographics for the Charlevoix area: active adults and retirees. The site plan and development approach are designed to create harmony and synergy with the adjacent properties and uses, while preserving 6.17 acres of the parcel equaling 59% open space. The open space will include a vegetative buffer of native grasses. They believe their proposed project is consistent with the future land use map by incorporating the large open spaces for viewing and living within a natural environment, which will be desired among the future homeowners. The site plan includes two paved golf cart path access points, one to the Charlevoix County Club and the other to the Charlevoix Community Pool, providing a convenient mode of access to both recreational adjacent uses. The Site plan incorporates an emergency access drive that connects to the Charlevoix Community Pool parking lot with a gate opened by a Knox Box for the fire and EMS, which will be maintained by the association. Site plan includes specific building envelope details, including a combined 40-foot front and rear setback which will help preserve additional open space. They will provide a construction impact mitigation plan. The significant reduction in density from the originally approved PUD and the preservation of open space is what they are proposing.

Mr. VanZee requested the proposed timeline of completion of the project.

Mr. Perkowitz stated their goal is to start four homes immediately; sales will impact the ability to advance and the pace and velocity at which they move forward from there.

Mr. Griffiths stated, to clarify, the construction will be dependent on sales, not based on speculation of reselling them?

Mr. Perkowitz stated that for the first four homes, the intention is 100% regardless of whether they're sold or not sold. The volume of sales at that time will determine how they advance the construction drawings for the future homes.

Mr. Snyder requested who their target market is.

Mr. Perkowitz stated the target market for these homes would be active adults and retirees.

Mr. Snyder requested the expected starting price point for the developed homes.

Mr. Perkowitz stated the price point is likely to be \$950,000 or \$ 1.3 million plus.

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Ms. Cuddeback asked, with the combined setback that is not the current standard, would the development also have to go for a variance in front of the ZBA, or is that something the Planning Commission can approve within the PUD?

Mr. VanZee stated the Planning Commission can approve the setback change through the PUD process.

Mr. Griffiths stated, given the size of the building envelope, how much of the area do you anticipate inside the envelope being filled with the structure?

Mr. Perkowitz stated it will depend on the final floor plan for each home. These homes will have different elevation styles and architectural features. Typically, the foundation of the homes will be 45' by 62'. The envelopes do give them some flexibility to adjust those sizes.

Mr. Griffiths stated three ponds can be identified on the site plan; are these existing ponds or are they developed as retention basins?

Mr. Perkowitz stated all the ponds are existing from the original development as retention ponds.

Resident stated he lives at the Fairways Club in condo 9280; every unit is occupied, and it is a thriving community. The request to delay this hearing due to the neighbors not knowing is false; every one of our neighbors was aware of the project. The developer presented the project to all the homeowners in the HOA on June 17th, 2026, which we all had a chance to attend. Unfortunately, one homeowner was not able to attend; however, sufficient notice was given.

Mr. Conklin stated Diane and he have lived in their condo since 2015, and Mr. Tyner has been exemplary in attending to every concern that we may have. He is very professional and courteous.

Mr. Griffiths stated the postponement of the public hearing is at no fault of the applicant; there is a technical issue with the notice we did not create. Postponing it for one month will avoid a greater delay if we would be subject to a challenge in court.

Mr. Greenslade asked the Zoning Administrator to clarify if the applicant would need a variance from the shoreline protection strip of the ponds.

Mr. VanZee stated the Planning Commission can make it a condition for approval of the PUD.

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Mr. Griffiths stated when the Planning Commission approves the PUD, adjusting setbacks is allowed; however, waiving the 50-foot setback requirement from the Shoreline Protection strip is not. Therefore, they would need to seek a variance if the ponds are subject to the waterfront ordinance.

Mr. VanZee stated the Planning Commission has some flexibility; if they determine no adverse effect to the water, it's something they can consider conditioning.

Mr. Griffiths stated they will hold this public hearing at their August meeting.

SHORELAND LANDSCAPE PLAN – 7875 EAGLE NEST DR.

Mr. Snyder made a motion, supported by Mr. Cunningham, to approve the Shoreline Protection strip landscape plan for 7875 Eagle Nest Dr. as submitted.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, Rex Greenslade, and Matt Cunningham.

Nays: none **Motion Carries**

REQUEST BY PC MEMBERS FOR DISCUSSION ON OHWM AND OVERLAY DISTRICT FOR BIRDLAND:

Mr. Griffiths stated planning commission members have raised a couple of topics that are relative to the zoning ordinance rewrite and are the subject of discussion.

Mr. Martin stated, particularly through section 3.14, the ordinary high-water mark is 582.3 with no scientific facts supporting this number. The U.S Corps of Engineers says 581.5, and since 1980, 581.5 has only been hit six times. 582.3 has only been hit 2 times since 1908. When looking at the shoreline protection strip, essentially, we make 50 feet from someone's front yard to the lake unusable. This should be supported by science; the U.S. Corps of Engineers says 581.5, and EGLE says 580.5. When the Zoning Ordinance rewrite began, the stated goal was to have scientific support for the ordinance.

Mr. Griffiths stated the state government has an ordinance or local laws established the height of Lake Michigan. The issue with having a number that is higher is that, regardless of the width of the shoreline protection strip, what it's done is artificially move the start line for measuring inland. With a minimum 50-foot-wide strip, depending on the topography of the land, it may actually be a 55- to 60-foot strip.

Mr. Greenslade stated he is in favor of following the science; however, what science do we follow?

Mr. Snyder stated the Hayes Township Zoning ordinance also has a 200-foot minimum width size for the waterfront, and with a 50-foot protection strip, it's 10,000 square feet of property taken from the property owner without any scientific evidence.

Mr. Griffiths stated the starting point to measure is what the Planning Commission needs to determine first. The State statute versus our Township Zoning Ordinance does not conform with what we know are established standards by the state. If the state says 581.5 is the ordinary high-water mark, our ordinance should not be anything different.

Mr. Greenslade stated the state establishes the ordinary high-water mark for Lake Michigan, but how if the ordinary high-water mark is determined for Lake Charlevoix?

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Mr. Griffiths stated using the number that is written in the statute by a regulatory agency by the state would be the most legally defensible. MCL 324.325.02 states the ordinary high-water mark is defined as specific elevations above sea level referenced in the International Great Lakes Datum. The statute originally used the 1995 datum, which was updated to the 1985 datum. Current elevations for Lakes Michigan and Huron are 580.5, which is consistent with EGLE's.

Mr. Greenslade stated he agrees to use that for Lake Michigan; what about Lake Charlevoix?

Mr. Griffiths stated Lake Charlevoix is at the same level as Lake Michigan; it's all part of the same watershed.

The Planning Commission came to a consensus to ask Jen Neal to define the ordinary high-water mark as 580.5, consistent with the state statute.

Mr. Greenslade stated the ZBA has discovered three issues within the Zoning Ordinance they would like changed in the new rewrite.

1. Aggrieved status. Our ZO states in 8.03.2 that it "... may hear an appeal made by any person who alleges he or she has been aggrieved by a decision of the official or body..." This loosens the standard set by the controlling statute, MCL 125.3604, which is very specific in that the appellant must be "a person aggrieved." The ZBA recommends that we amend the sentence to "may hear an appeal made by any person aggrieved by a decision of the official or body..." so that we implement the same standard as the MZEA, thereby eliminating confusion and a major grey area for the ZBA to wrestle with in making its decisions.
2. Appeal Fee Payment Timing. Our ZO states that "The applicant shall submit seven (7) copies of a completed application, with associated fee, surveys, plans and data ... not less than thirty (30) days before the date of the hearing." It may be argued that it is more appropriate that the fee is payable at the time of the initial notice of appeal due within 30 days of the action, decision, etc. being appealed and, in fact, that is what the ZBA Rules of Procedure stated until the ZBA voted on April 1 to change those Rules to make them compatible with the ZO. Despite this change, the ZBA recommends that the Planning Commission consider rewording the ZO so that the fee is to be paid at the time of the notice of appeal (within 30 days of the appealed action). A notice of appeal immediately triggers actions by the Township staff, the cost of which should be borne in part by the appellant even if they withdraw: to use the analogy of retail business, a sort of restocking fee. Additionally, it may be a deterrent to those who file a frivolous notice of appeal and decide later to not proceed with the appeal itself. Were the PC to agree to this change, either by an amendment to the existing ZO or as part of the overall ZO revision, it would be the intent of the ZBA to change its Rules back to the original wording to ensure compatibility between the two documents.
3. Birdland setbacks. The ZBA has recently heard many cases on properties in Birdland concerning requests for variances on the setback restriction from Lake Charlevoix. All structures in these cases concern replacement of or revisions to structures that are non-conforming, as they were

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built before the enactment of our Zoning Ordinance. The ZBA has requested Ron VanZee to research whether this is an issue that pertains to a majority of structures in Birdland. If his research shows that this is the case, it may be appropriate for the PC to consider the enactment of an overlay district similar to those for Susan Shores and Michigan Shores, which were created for similar reasons.

Mr. VanZee stated 65 to 75% of the homes on Birdland are identified as non-conforming.

Mr. Griffiths stated the original dwellings on Birdland were built under different setback regulations. As new owners purchase these homes and want to rebuild them its difficult for them to move the house back 30 to 40 feet, imposing a hardship depending on soil conditions. This may be a situation for the township to apply overlay rationale for the Birdland lots, to avoid penalizing a property owner.

Ms. Cuddeback stated she reached out to Todd Millar, the Hayes Township Attorney, and received language from him for the ZBA section of the new zoning ordinance draft.

OLD BUSINESS:

SET/CONFIRM PUBLIC HEARING DATES:

Set a public hearing for August 18th, 2026 at 7:00 pm to review a Planned Unit Development amendment for 007-118-003-15 County Club Fairways.

SET/CONFIRM DATE OF NEXT PC MEETING –AUGUST 18, 2026.

Next Planning Commission regular meeting will take place on August 18, 2026, at 7:00 pm.

PUBLIC COMMENT: Public Comment opened at 8:58 pm.

No comments.

Public Comment closed at 8:58 pm.

PLANNING COMMISSION and STAFF COMMENT:

ADJOURNMENT: Ms. Cuddeback made a motion, supported by Mr. Snyder, to adjourn the meeting at 8:58 pm.

Yeas: Roy Griffiths, CT Martin, Rex Greenslade, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by: April Hilton, Deputy Clerk/Recording Secretary

