

**AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION**

August 18, 2026 7:00 pm

**Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720**

ZOOM

<https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09>

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

1. Call To Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Declaration of Conflict of Interest, if any
5. Review and Approval of Draft Minutes- July 21, 2026
6. Public Comment Related to Agenda Items
7. Report of Township Board Representative to the Planning Commission
8. Report of Zoning Board of Appeals Representative to the Planning Commission
9. Zoning Administrator Report
10. New Business a. Shoreland landscape plan – 7345 Birdland
b. Public Hearing – Proposed amendments to PUD for Country Club Fairways
11. Old Business
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next Regular PC Meeting- September 15, 2026
14. Public Comment
15. Planning Commission and Staff Comment
16. Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers an opportunity for the public to comment at its meetings. This affords the Planning Commission the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Planning Commission members or any staff in discussion or debate.

Planning Commission Members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying question, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Planning Commission:

1. A person who wishes to speak during Public Comment will sign in and signify that they would like to speak on the form.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Planning Commission. Public comment is NOT to be addressed to individual Planning Commission members, to any township staff present, or to other members of the audience.
4. For the first Public Comment period, there is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Planning Commission members present. If a speaker uses less than three (3) minutes, they may not use the remaining time at that Public Comment. A speaker may speak only once at Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker. For the second Public Comment session speakers are limited to two (2) minute each.
5. A speaker will be out of order if the speaker disrupts the meeting, fails to be germane, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Planning Commission member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Planning Commission. If the speaker continues to disrupt the meeting or is disorderly, law enforcement will be called to remove the speaker.
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

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 Griffiths called the meeting to order at 7:00 p.m.

Members present: Roy Griffiths (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 Griffiths, 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 Griffiths, 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 Griffiths, 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.

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

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. Next regular scheduled Board meeting is 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?

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

74

Planning Commission finds: Yes, it is consistent.

75

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

76

77

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

78

79

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

80

Planning Commission finds: NO.

81

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

82

83

Planning Commission finds: No adverse effect as Rural Residential.

84

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

85

86

Planning Commission finds: NO.

87

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

88

89

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

90

- 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)?

91

92

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

93

94

95

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

96

97

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

98

99

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

100

101

Planning Commission finds: No

102

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

103

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

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

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

138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166

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?

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

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

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

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

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

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.

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

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.

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

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 1980. 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?

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

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

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

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



Zoning Administrator Report

August 2026

Zoning Administrator work-in-progress report for July includes the following:

- Variance for setback from Lake Charlevoix granted on July 1st 2026, for 6995 Birdland Drive. Waiting for Health Department permit.
- Communicating with the landowner regarding a violation for a non-permitted patio on Oyster Bay Drive. The landowner is submitting a plan to reduce the size of the patio.
- Variance Application for setback from Lake Charlevoix, for 7345 Birdland Drive, was approved by the ZBA on July 1st 2026. Shoreline Subcommittee conducted a site visit. Planning Commission will review the Shoreline Landscaping plan at the August 18th 2026 Planning Commission Meeting.
- Working with EGLE regarding a Jet Ski business testing their Jet Skis on Susan Lake.
- Working with EGLE regarding a driveway that appears to be in a wetlands area on Major Douglas Sloan Road. EGLE has determined a wetlands violation.
- Sent the second notice of a violation letter to the property owner on Hemlock Ave for junk accumulation on the property.
- Received Zoning permit application for 5767 Undine Rd for new construction for a single-family dwelling. Waiting for health department permit.
- County Club Fairways Planned Unit Development amendment request submitted. Planning Commission will hold a Public Hearing on August 18, 2026.
- Zoning permit application for a Demo and rebuild of the existing home on Quarter Line Road. Shoreline Review Committee conducted an inspection and advised the applicant to work with Tip of the Mitt to create a shoreland restoration plan. The shoreline plan from the applicant.
- Sent final letter before issuing a civil infraction to property owner on Villa Road for Violation of the Nuisance Ordinance and a non-compliance complaint.
- The information regarding the Falls Storage sign violation at their parcel on US 31 has been turned over to the Township Attorney.
- Rezone application for 10963 Boyne City Road from AG to RR. The Planning Commission held a public hearing at its July 21, 2026, Planning Commission Meeting. County Planning Commission will review the rezone request at its meeting on August 6th 2026.



- Resolved violation on Pincherry Rd for a recreational vehicle that is being lived in and connected to utilities.
- Rezone application for 10575 Burnett Road from AG to RR. The Planning Commission held a public hearing at its July 21, 2026, Planning Commission Meeting. County Planning Commission will review the rezone request at its meeting on August 6th 2026.
- Zoning application for an accessory building on 8240 Susan Shores Dr. Waiting for additional information from applicant.
- Received and reviewing Zoning permit application for a new single-family residence on Deer Path Drive. A Stop Work Order has been issued for this project until the shoreline protection strip is restored. The property has also been cited for wetland violations by EGLE. EGLE issued a letter to restore.
- Sent a violation notice letter to the property owner on East Susan Shore Drive for short-term rental uses not allowed in the Residential Zoning District.

26-07-01	07/20/26	007-127-006-50	7540 Burgess Rd	Craig Williams	New 12'X24' Accessory Building
26-07-02	07/22/26	007-129-009-40	7875 Eagle Nest Circle	Ryan Wilkins	New 3659 sq ft single family dwelling with 1546 sqft attached garage. Shoreline restoration plan as recommended by Shoreline Review Committee and approved by the Planning Commission on July 21st 2026.
26-07-03	07/27/26	007-102-007-25	7245 Lot 93 Upper Kelsey Dr.	Angela Schmidt	New 8'X16' Deck
26-07-04	07/29/26	007-270-036-00	6680 Bay Shore W Dr	Robert Stahl	New 24'X36' Accessory Building
26-08-01	08/03/26	007-110-024-10	8864 Major Douglas Sloan Rd	Jacob & Elizabeth Coats	New 24'X30' Accessory Structure

Zoning Administrator Report

To: Planning Commission
From: Ron VanZee, Zoning Administrator
Date: 08/12/2026

APPLICATION DATE: June 8 2026
NOTICE POSTING DATE: July 27th 2026
PUBLICATION DATE: July 29th 2026 (Petoskey News Review)
300ft NOTICE SENT DATE: July 27th 2026
APPLICANT(S)/OWNERS: A.T. / C.C.F, LLC Contact Richard F. Tyner
SUBJECT ADDRESS: Fairway View Charlevoix MI 49720
PARCEL NO: 15-007-118-003-15
ZONING: R-4 Multiple Family Residential
PARCEL SIZE: Approximately 11 acres (legal lot of record), Average Width is <630ft, Average Length is <1265ft

Setback Requirements: (Section 4.13 schedule of regulations)

Front: 35' from Boyne City Rd,
Side: 15'
Rear: 35'

REQUESTS: 1. Applicant proposes to amend the PUD, reducing the total number of units from 44 to 24 and constructing 16 new single-family units instead of the originally approved four-plexes.
The original Planned Unit Development (PUD) was approved on May 18th 1999, consisting of 44 residential units (11 four-plex buildings). 8 residential units (2 fourplex buildings) have been constructed.

ZONING ADMINISTRATOR COMMENTS/REVIEW:

The proposed amendment to the County Club Fairways PUD generally conforms to the original PUD approval and zoning ordinance requirements, except for proposed building envelopes reflecting smaller setbacks. The planning commission under these standards for approval, 3) Waiver of Standards: may consider or waive any of the standards for a PUD with documented rationale. Consideration should be considered for the reduction in the previous approval of 44 condo-type units to 24 single-family units when considering these standards.

H. *Standards for PUD Approval; Conditions; Waiver of PUD Standards.*

- 1) *General Standards.* The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets the standards of **Article V** and **Section 6.02.4** and all of the following:

- a) The planned unit development shall be consistent with the Hayes Township Master Plan.

Zoning Administrator finds: Yes, page 23, Master Plan (goal)

- b) The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy, living condition, and any dead vegetation shall be replaced.

Zoning Administrator finds: Consistent with the originally approved PUD, adjacent buffering and vegetation are provided.

- c) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township's current master plan.

Zoning Administrator finds: It does not change the essential

character by maintaining a residential community.

- d) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.

Zoning Administrator finds: The character will not change from the original PUD approval.

- e) The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.

Zoning Administrator finds: NO Changes

- f) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.

Zoning Administrator finds: Circulation systems have been improved to provide access and emergency services.

- g) The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.

Zoning Administrator finds: Changes to the original approval of PUD decrease stormwater management.

- h) The design of the planned unit development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall

be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.

Zoning Administrator finds: Character is improved with proposed changes.

- i) The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.

Zoning Administrator finds: Proposing only one phase.

- j) The planned unit development shall provide for underground installation of all utilities.

Zoning Administrator finds: All utilities are underground.

- 2) *Conditions.* The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.03** of this Ordinance.
- 3) *Waiver of PUD Standards.* The Planning Commission may waive any of the standards for a PUD contained in subsection H. above where all of the following findings are documented along with the rationale for the decision:
 - a) No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
 - b) The spirit and intent of the PUD provisions will still be achieved.
 - c) No nuisance will be created.

From: Dan Thorp <fire@charlevoixtownship.gov>
Sent: Monday, August 10, 2026 6:31 PM
To: Dave Hendershott
Subject: Re: C.C. Fairways PUD Project

Good evening

Everything looks good on my end.

On Thu, Aug 6, 2026 at 1:16 PM Dave Hendershott <daveh@performanceeng.com> wrote:

Hello Dan,

Thanks for the reply. I am attaching the letter the Fairways Developer send the Community Pool. Item 4 is request for the Pool people that there is sufficient room to get a fire truck through there parking lot. There parking lot was designed for buses and fire trucks, so I don't think it should be an issue unless you see something. Item 6 indicates that the Fairways development will be responsible for maintaining the fire apparatus road including snow plowing, etc.

Let me know if you have any questions. I can give you a ring on Monday.

Dave Hendershott, P.E.

Senior Civil Engineer

Performance Engineers, Inc.

6972 US 31 South

Charlevoix, MI 49720

(231) 547-2121 office

(616) 706 - 7192 cell

From: Dan Thorp <fire@charlevoixtownship.gov>
Sent: Wednesday, August 5, 2026 9:32 PM
To: Dave Hendershott <daveh@performanceeng.com>
Subject: Re: C.C. Fairways PUD Project

Good evening Dave

The changes look compliant with the codes. I just want to ensure the Fire Department has clear access 365 days a year.

I will be back in the office Monday, 8/10/2026 or feel free to reach me by phone if you have any further questions.

Thank you

On Tue, Aug 4, 2026 at 10:34 AM Dave Hendershott <daveh@performanceeng.com> wrote:

Hi Dan,

It looks like the C.C. Fairways developer has been able to work out an agreement with the Community Pool to provide a fire apparatus connection to their parking lot (see attached plan). Let me know if you see any issues with this plan.

Based on this, could we get a preliminary review letter as we spoke about previously?

Thanks,

Dave Hendershott, P.E.

Senior Civil Engineer

Performance Engineers, Inc.

6972 US 31 South

Charlevoix, MI 49720

(231) 547-2121 office

(616) 706 - 7192 cell

--

Dan Thorp
Chief, Charlevoix Township Fire

8977 Martin Rd.
Charlevoix, MI 49720
231-675-0416

https://link.edgepilot.com/x/dJ3uTm_8SE9UkSiVk7VjMAI?u=http://www.charlevoixtownship.gov/

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

--



Dan Thorp
Chief, Charlevoix Township Fire
8977 Martin Rd.
Charlevoix, MI 49720
231-675-0416

<https://link.edgepilot.com/x/wV96QNyhCRMMJqhAXjeFbqg?u=http://www.charlevoixtownship.gov/>

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



July 16, 2026

Mr. Hendershott:

The City of Charlevoix Department of Public Works has reviewed the proposed development at the Charlevoix Country Club Fairways for available sewer service. The City sewer service is able to accommodate the 24 proposed units.

Please be aware any modifications required to the current sanitary and sewer system to accommodate the development shall be paid for by the owner, including all permitting and design costs. Sewer tap fees must be paid to City of Charlevoix prior to any physical connection into the City of Charlevoix's sewer system. No exceptions. Final construction documents shall be reviewed by city staff prior to any construction activities commencing. Please reach out to me with any questions.

Thank you-

Pat Elliott
Superintendent, City of Charlevoix
Department of Public Works
231-547-3276
pate@charlevoixmi.gov

Hayes Township

Charlevoix County

Notice of Public Hearing

The Hayes Township Planning Commission will hold a Public Hearing on Tuesday, August 18, 2026 at 7:00p.m. at the Hayes Township Hall 09195 Major Douglas Sloan Road, Charlevoix, Michigan, 49720 to accept comments from the public regarding a proposed amendment to a previously approved of a Planned Unit Development to allow for new residential construction to develop single family homes.

The original Planned Unit Development (PUD) was approved May 18th 1999 consisting of 44 residential units (11 four plex buildings). 8 Residential units (2 four plex buildings) have been constructed.

Applicant proposes to amend the PUD reducing the total number of units from 44 to 24 and constructing 16 new single-family units instead of originally approved four plexes.

Comments may be submitted in writing or verbally at the meeting or submitted prior to the meeting by mail to Hayes Township Planning Commission, 09195 Major Douglas Sloan Road, Charlevoix, Michigan, 49720, or by email to Zoning@hayestownshipmi.gov no later than 4:00 pm on Monday, August 17, 2026.

Tax Identification Number 15-007-118-003-15

Located on 8000 Fairway View Charlevoix MI 49720

Zoning District: Multiple Family Residential

Applicant: A.T./ C.C.F, LLC

Viewing Parcel Number: 007-118-003-15

Parcel Details

Assessing City/Township:	Hayes Township
Property Address:	FAIRWAY VW (PVT) CHARLEVOIX, MI 49720
Owner Information:	AT/CCF LLC 29600 NORTHWESTERN HWY STE 101 SOUTHFIELD, MI 48034
Property Class:	402 - Residential - Vacant
Taxable Status:	TAXABLE
School District:	15050 - Charlevoix
P.R.E. Percentage:	0%
Current SEV:	\$108,600
Current Taxable Value:	\$82,270
Prior Year SEV:	\$89,100
Prior Year Taxable Value:	\$80,108

Sales Information

Date	Document Type	Liber/Page	Sales Price
12/14/2021	QC	1331/889	\$0

Tax Description

IN THE TWP OF HAYES CHX CNTY MI COM AT THE SW COR OF SEC 18 T34N R7W TH AL THE W LI OF SD SEC N00°37'11"W 96.93 FT (REC AS N00°06'27"W 96.95 FT) TO A CONCRETE MON ON THE N LI OF HWY US-31 AS MON BEING THE POB TH CON AL SD W LI N00°03'46"W 1207.01 FT (REC AS N00°06'27"W 1205.24 FT) TO A 2" IR PIPE TH CON AL SD W LI N00°10'16"W (REC AS N00°06'27"W) 65.45 FT TH N89°50'54"E 350.83 FT TH S00°04'31"E (REC AS S00°07'22"E) 22.75 FT TO A CONCRETE MON TH S89°46'11"W 21.05 FT (REC AS S89°52'38"W 21.00 FT) TO A CONCRETE MON TH S00°04'15"E 176.17 FT (REC AS S00°06'27"E 176.04) TO A CONCRETE MON TH N89°56'13"E 224.92 FT (REC AS N89°53'33"E 224.85 FT) TO A CONCRETE MON TH AL THE ARC OF A CRVE TO THE LFT 138.61 FT (REC AS 138.63 FT) SD

ARC HAVING A RAD OF 252.91 FT AND A LONG CHR D THAT BEARS S12°33'07"E 136.89 FT (REC AS S12°36'05"E 136.90 FT) TO A CONCRETE MON TH S62°03'50"W 4.33 FT (REC AS S61°41'44"W 4.40 FT) TO A CONCRETE MON TH S36°07'53"E 23.18 FT (REC AS 36°19'22"E 23.29 FT) TO A CON MON TH AL THE ARC OF A CRVE TO THE RIGHT 117.43 FT (REC AS 117.35 FT) SD ARC HAVING A RAD OF 82.64 FT AND A LONG CHR D THAT BEARS S00°46'33"E 107.80 FT (REC AS S00°48'25"E 107.74 FT) TO A CONCRETE MON TH S39°47'53"W 31.58 FT (REC AS S39°42'27"W 31.75 FT) TO A CONCRETE MON TH S89°54'39"W 245.31 FT (REC AS S89°53'33"W 245.20 FT) TO A CONCRETE MON TH S00°08'02"E 576.64 FT (REC AS S00°09'27"E 576.67 FT) TO A CONCRETE MON ON SD N HWY LI TH AL SD N HWY LI S57°24'24"W 392.05 FT (REC AS S57°19'12"W 391.59 FT) TO THE POB BEING A PT OF THE W 1/2 OF THE SW 1/4 OF SEC 18 T34N R7W AND CON 10.525 A SPLIT ON 01/12/2022 FROM 007-118-003-10;



© 2026 Charlevoix County

HAYES TOWNSHIP
09195 OLD US 31 N, CHARLEVOIX, MI. 49720

ZONING PERMIT APPLICATION

ZONE DISTRICT C-1 PERMIT NUMBER _____ FEE \$300.00 DATE RECEIVED 6-8-26

GENERAL INFORMATION

Property Owner Name(s) A.T. / C.C.F, LLC contact F. Richard Tyner
Mailing Address 29600 Northwestern Highway, Suite 101, Southfield, MI 48034
Telephone 248 670 2080 Cell: _____ EMAIL: rttyner@tyneredquities.com

PROPERTY INFORMATION

Property Tax ID Number(s) 118 003 15
Property Address Approx 8000 Fairway View, Charlevoix, MI (Final Addresses to be assigned)
Contractor HP Homes Holding Co. Contractor Contact Information Seth Herkowitz 248 539 5511

PROPOSED USE OF PROPERTY

Type of Improvement(s)(describe) Residential New Construction development and single family homes
New Construction Yes Reconstruction No Addition No Sign No Other residential development
Dimensions of Proposed Structure _____ HEIGHT _____

PROPOSED ZONING PERMIT

Special Use No Type of Special Use _____

P.U.D. Yes Rezone _____ Land Division/Split Involved? Yes

PERMITS & REQUIRED DOCUMENTS

Site Plan Required yes Survey Required yes Health Dept. no
Road Commission no Soil & Erosion yes Corps of Engineers no D.N.R. no D.E.Q. no

Owners Signature(s) F. Richard Tyner managing member 6-3-2026

Zoning Administrator Signature _____

SEE REVERSE SIDE

ARC HAVING A RAD OF 252.91 FT AND A LONG CHRD THAT BEARS S12°33'07"E 136.89 FT (REC AS S12°36'05"E 136.90 FT) TO A CONCRETE MON TH S62°03'50"W 4.33 FT (REC AS S61°41'44"W 4.40 FT) TO A CONCRETE MON TH S36°07'53"E 23.18 FT (REC AS S36°19'22"E 23.29 FT) TO A CON MON TH AL THE ARC OF A CRVE TO THE RIGHT 117.43 FT (REC AS 117.35 FT) SD ARC HAVING A RAD OF 82.64 FT AND A LONG CHRD THAT BEARS S00°46'33"E 107.80 FT (REC AS S00°48'25"E 107.74 FT) TO A CONCRETE MON TH S39°47'53"W 31.58 FT (REC AS S39°42'27"W 31.75 FT) TO A CONCRETE MON TH S89°54'39"W 245.31 FT (REC AS S89°53'33"W 245.20 FT) TO A CONCRETE MON TH S00°08'02"E 576.64 FT (REC AS S00°09'27"E 576.67 FT) TO A CONCRETE MON ON SD N HWY LI TH AL SD N HWY LI S57°24'24"W 392.05 FT (REC AS S57°19'12"W 391.59 FT) TO THE POB BEING A PT OF THE W 1/2 OF THE SW 1/4 OF SEC 18 T34N R7W AND CON 10.525 A SPLIT ON 01/12/2022 FROM 007-118-003-10;



300 ft Notices Sent on 7-27-26



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Country Club Fairways - Property ID 15-007-118-003-15

1 message

Frtyner <frtyner@ccf.com>

Tue, Nov 28, 2023 at 6:12 PM

To: "supervisor@hayestownshipmi.gov" <supervisor@hayestownshipmi.gov>, "zoning@hayestownshipmi.gov"

<zoning@hayestownshipmi.gov>, Zoning Hayestownshipmi <zoninghayestownshipmi@gmail.com>

Cc: f richard Tyner <frtyner@ccf.com>

Hi Ron,

This is Rick Tyner. As you may recall, you helped me with our, AT/CCF LLC, request, to Hayes Township, to amend the Country Club Fairways Planned Unit Development to exclude two acres with 2-4 units condominiums from the original 12.53 acres. The request was approved by the Planning Commission on October 26, 2021.

The original development was approved by Hayes Township on May 18, 1999. More specifically, the development was approved as a PUD with the underlying R-4 zoning. I have several questions for you regarding our future plans for the 10.53 acres.

I reviewed Section 6.03 Planned Unit Development, Subsection 2L - Amendment of an Approved Planned Unit Development. When considering our future building plans, will we have to go through a process of receiving any new approvals from the Planning Commission or the Planning Commission and the Township Board or can you, as the Zoning Administrator, approve the prospective modifications stated below? The a, b and d lettering below follows the "minor changes" list that can be approved by the Zoning Administrator.

- a. Reduce the sq. footage size of future units to no less than 900 square feet (R4 minimum square footage), but most likely they will be larger.
- b. Reduce the side yard set back, which as a result of the amendment to the Country Club Fairway PUD is now the set back between the property splits of the 10.53 acre piece and the 2.00 acre piece that has the 2-4 units condominiums built on it and a future building on the 10.53 acre piece. If you look at the original approved PUD site plan, Building 8 (future building on the 10.53 acre piece) and Building 9 (already built and occupied on the 2.00 acre piece) are adjacent to each other. We would like to leave the building locations "as is" or somehow reduce the separate property setback requirements between buildings 8 and 9.
- d. Change in floor plans.

After your review, please contact me to discuss. **Please confirm receipt of this email.**

Thank you,
Rick

F. Richard Tyner

Tyner Equities / A.T./C.C.F., LLC

11700 West 13 Mile Road, Suite 100

Farmington Hills, Michigan 48334

(248) 639-3233 cell

(248) 639-3261 fax

(248) 670-2080 cell

frtyner@ccf.com

Parcel # 007-301-
005-00



Property Information Portal
Equalization Department
County Treasurer
charlevoixcounty.pivotpoint.us

8/12/2026

MOST RECENT PHOTO



PROPERTY

OWNER STAYMAN ANTHONY H & SALLY J
PROPERTY ADDRESS 7345 BIRDLAND DR (PVT) CHARLEVOIX MI 49720
OWNER ADDRESS 601 WOODS RD OAKWOOD OH 45419
CITY/TOWNSHIP HAYES TOWNSHIP
SCHOOL DIST CHARLEVOIX PUBLIC SCHOOLS
TAX DIST HAYES TOWNSHIP

2026 VALUATION

ASSESSED \$951,400.00
STATE EQ VALUE \$951,400.00
TAXABLE VALUE \$542,312.00

TAX DESCRIPTION

PLAT OF BIRDLAND ESTATES LOTS 5-6.

MOST RECENT SALE

DATE	SELLER	BUYER	INSTRUMENT	Liber/Page	AMOUNT
8/26/2022	STAYMAN A TR 50%/STAYMAN S TR 50%	STAYMAN ANTHONY H & SALLY J	QC	1357/719	\$0

RESIDENTIAL

Occupancy	Single Family	Est. True Cash Value	\$435,857	Style	Frame 1 - 1+	Total Floor Area	2432 sqft
Occupancy	Single Family	Est. True Cash Value	\$29,888	Style	Frame 1.25-1.5	Total Floor Area	400 sqft

TAXES

TAX DELINQUENCY

2026 SUMMER

No tax delinquency to report

Interest Accrues After 9/16/2026 With Additional Penalty After 9/16/2026

Amount	\$16,417.66	Paid	\$16,417.66	Due	\$0.00
--------	-------------	------	-------------	-----	--------

Stayman Revised Site Plan - Shoreline

Noah Jansen <noah@watershedcouncil.org>

Fri, Jul 24, 2026 at 2:55 PM

To: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Hi Ron and April,

I believe this meets the ordinance requirements for native plants in the shoreland protection strip. Many of these species I might have selected myself! I would encourage them to install shrubs in the swath at the top of the riprap and not to rely on Canada anemone alone to hold the soil in place there. I see a trend to keeping plants low, so I'll suggest Gro-Low sumac (*Rhus aromatica* 'Gro-Low'), Kelsey red twig dogwood (*Cornus sericea* 'Kelseyi', a dwarf variety), shrubby cinquefoil (*Dasiphora fruticosa*), Shrubby St.-John's-wort (*Hypericum prolificum*), Kalm's St.-John's-wort (*Hypericum kalmianum*), meadowsweet (*Spiraea alba*), and steeplebush (*Spiraea tomentosa*), and northern bush honeysuckle (*Diervilla lonicera*).

Have a great weekend!



Noah Jansen
Restoration Manager
231.489.7288
noah@watershedcouncil.org
watershedcouncil.org

Donate Today!

[Quoted text hidden]

From: Roy Griffiths, CT Martin

Re: shoreland protection subcommittee review, 7345 Birdland.

Date: 07/15/26

The property at 6579 Woods Creek. is an existing home site leading to the water which has trees near the house and then lawn to the water's edge. The existing structure is less than 100 feet from the OHWM. The project involves removal of the existing structure and construction of a new house. A variance has been granted for the project. A shoreland landscape plan approval is required in order to receive a permit. The zoning staff have determined that the proposed project meets all the site plan criteria for the addition except for the Shoreland Landscape.

The township staff and subcommittee members met on July 15, 2026 for a SPS plan review and site visit. The few existing trees were identified as indicated on the survey. The area was examined, pictures taken for review.

Upon review the initial plan was determined to be not sufficient in that the proposed plantings were not sufficiently identified. A recently updated plan (072026) was submitted with additional identification of the plantings and it has been shared with Noah Jansen from the Tip of the Mitt.

The existing yard is a moderate slope that runs to approximately the OHWM at which point it steepens to a rock covered shoreline. The area from near the OHWM is rock covered exposed lakebed and reflects the shoreline of the surrounding properties. The plan contains a 4' walkway to a dock a 200 sq. ft. patio and a mown area for water access, and significant replanting of the SPS area.

The proposed Shoreline landscape plan contains plantings of a variety of native plants, trees and shrubs. Noah Jansen from tip of the Mitt offered this feedback, "I believe this meets the ordinance requirements for native plants in the shoreland protection strip. Many of these species I might have selected myself! I would encourage them to install shrubs in the swath at the top of the riprap and not to rely on Canada anemone alone to hold the soil in place there. I see a trend to keeping plants low, so I'll suggest Gro-Low sumac (*Rhus aromatica* 'Gro-Low'), Kelsey red twig dogwood (*Cornus sericea* 'Kelsey'), a dwarf variety), shrubby cinquefoil (*Dasiphora fruticosa*), Shrubby St.-John's-wort (*Hypericum prolificum*), Kalm's St.-John's-wort (*Hypericum kalmianum*), meadowsweet (*Spiraea alba*), and steeplebush (*Spiraea tomentosa*), and northern bush honeysuckle (*Diervilla lonicera*)."

The owner and the contractor's revised plan in creating the SPS consistent with the recommendations of the subcommittee, significantly meets the criteria in the ordinance.

Implementing the above recommendations and committing to the plantings as described would comply with the intent of the ordinance, and the shoreland protection subcommittee commends the applicant and his contractor for their participation in the process. It is the recommendation of the subcommittee that the plan as most recently amended be approved.



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Re: 7345 Birdland Draft SPS draft report

1 message

Noah Jansen <noah@watershedcouncil.org>

Fri, Aug 7, 2026 at 8:50 AM

To: Roy Griffiths <rwgriffits3@gmail.com>

Cc: "C. T. Martin" <ctmartin55@gmail.com>, zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Looks good. Thanks, Roy!



Noah Jansen
Restoration Manager
231.489.7288
noah@watershedcouncil.org
watershedcouncil.org

Donate Today!

On Wed, Aug 5, 2026 at 9:00 AM Roy Griffiths <rwgriffits3@gmail.com> wrote:

Good Morning All,

Attached please find the first draft of the report on the project at 7345 Birdland. Please feel free to send me any feedback.

Thanks,

Roy





zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Written comments from Country Club Fairways Community Association and Country Club Fairways Condominium Homeowners Association regarding August 18th, 2026 planning commission public hearing

1 message

Andrew Schwartz <ams@amslegalteam.com>

Mon, Aug 17, 2026 at 12:43 PM

To: "zoning@hayestownshipmi.gov" <zoning@hayestownshipmi.gov>, "rwgriffitts@gmail.com" <rwgriffitts@gmail.com>

Cc: "zoninghayestownshipmi@gmail.com" <zoninghayestownshipmi@gmail.com>, Andrew Schwartz <ams@amslegalteam.com>, Diane Conklin <twindmc58@gmail.com>, Dorothy Sandoval <bnds@att.net>, James Massaway <mr.massaway54@gmail.com>, Marty Sutton <marthasutton13@gmail.com>, Seth Herkowitz <seth@hunterpasteurhomes.com>, Rick Tyner <rtyner@tynerequities.com>, Stuart Arkin <sarkin@thearkinagency.com>

Mr. Griffiths:

Please accept this written submission as the reply/response from both the Country Club Fairways Community Association and the Country Club Fairways Condominium Homeowners Association. On behalf of the respective Associations, I request that this submission be acknowledged by the planning commission and incorporated into the record of the August 18th, 2026 upcoming public meeting to address the pending zoning permit application (and related applications) from A.T./C.C.F., LLC (the "developer"). For ease of communication, Mr. VanZee, representatives from the developer, and applicable respective association board members have been copied.

Recently, after the 7/21/26 planning commission meeting, I was elected as a Board member and the President of the Country Club Fairways Community Association (the "CA"). Also, I was recently elected as a Board member and the President of the Country Club Fairways Condominium Homeowners Association (for clarification and identification the "HOA"). The CA controls the common areas of the HOA and the applicant Developer's parcel. Please again note that newly elected Board members and officers of both associations are copied on this communication.

During the 7/21/26 meeting, the planning/zoning committee suggested that any objections and conditions to the developer's plan be addressed in good faith before the 8/18/26 meeting. A good faith effort was commenced to resolve certain objections and conditions but unfortunately resulted in no formal agreement between the developer, the CA and the HOA.

This email is designed to highlight the most important and significant objections and conditions from the perspective of the CA and the HOA. Notably, the planning commission has a duty to protect the health, safety and welfare of the residents of the HOA and to

correspondingly impose reasonable conditions upon the developer based upon the changes that the developer is seeking in its pending application.

Please understand that the CA and the HOA are looking forward to a smooth prospective development process; we fully expect to engage in significant cooperation with the developer going forward. However, the presentation by the builder/developer on 7/21/26 caused great concern for several reasons.

For example, when questioned by the planning commission in the prior public 7/21/26 meeting, builder representative Seth Herkovitz admitted that developer would initially only commit to build four of the sixteen planned homes. In order to protect the CA and the HOA, we suggest the following reasonable conditions be imposed by the planning commission:

- 1) That the initial four homes be constructed on the Fairway Lane lots (e.g. Lots # 8 through #12). Fairway Lane is the short extension road immediately behind the Charlevoix Public Pool Building. This condition will protect the CA and HOA from a situation where the project is left in an incomplete state. Moreover, this will initially

cause the least amount of disruption to the HOA and the CA owners from the ongoing construction activity.

2) That the developer/builder shall be required to furnish to the CA satisfactory proof of liability and property damage insurance. And, that the policy of insurance have limits of a minimum of \$5 million dollars.

3) That the developer shall be required to furnish a letter of credit, performance bond and/or escrow deposit in the amount of \$250,000.00 to guarantee the maintenance of and/or repairs to the roads.

4) That the developer shall contribute \$25,000.00 annually to the CA during the course of construction for the increased common area maintenance costs.

5) That the developer, at its own expense, amend the plan to construct a landscaping buffer between the HOA building #9 garage area and Lot #1 of the projected development with the cooperation and express approval of the CA.

6) That the developer, at its own expense, amend the plan and commit to repave the

pedestrian walkway that cuts through the HOA property.

Please note that the CA and the HOA reserve their respective rights to seek additional conditions as the construction proceeds. The individual owners of the HOA may raise their own concerns and/or join in this communication.

Please note that I am not acting as an attorney and am not licensed to practice law in Michigan.

If you need to communicate with me, you may reach me on my mobile phone 561-866-6767.

Best to all,

Andrew

Andrew M. Schwartz, Esq.

ams@amslegalteam.com | www.amslegalteam.com



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Written comments from Country Club Fairways Community Association and Country Club Fairways Condominium Homeowners Association regarding August 18th, 2026 planning commission public hearing

1 message

James Massaway <mr.massaway54@gmail.com>

Mon, Aug 17, 2026 at 3:40 PM

To: zoning@hayestownshipmi.gov, rwgriffitts@gmail.com

Cc: Andrew Schwartz <ams@amslegalteam.com>

To whom concerned,

We are homeowners in the associations noted above. We have read our president's letter to you, support it and ask that you impose these conditions.

Regards, Jim & Jeannie Massaway



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

pending zoning permit application (and related applications) from A.T./C.C.F., LLC

1 message

Martha Sutton <marthasutton13@gmail.com>

Mon, Aug 17, 2026 at 5:16 PM

To: zoning@hayestownshipmi.gov, rwgriffitts@gmail.com, zoninghayestownshipmi@gmail.com, Andrew Schwartz - CCF Unit 4 <ams@amslegalteam.com>, Jim Massaway <mr.massaway54@gmail.com>, Bill/Diane Conklin <twindmc58@gmail.com>, Norwood & Leslee Pearson <woodypearson5@gmail.com>, Joe/Pippa Spohr <joespohr@telkomsa.net>, Dorothy Sandoval <bnds@att.net>, Jeff T <zoomjeff1@gmail.com>

Mr. Griffiths,

We are in strong agreement with the issues raised and addressed by Mr. Andrew Schwartz, the President of both the Country club Fairways Homeowners Association and the Country Club Fairways, Community Associations. He correctly outlined some of the major concerns that we are facing with the proposal by A.T./C.C.F., LLC (the "developer").

In addition to the items mentioned by Mr. Schwartz, we are particularly concerned about a few issues related to the newly planned development.

- 1.) We walk with our dogs every morning and again every late afternoon. The beauty of our extended property is a highlight of those walks and the construction of new homes on that property threatens that beauty. We want to be sure that the proposed construction is done with attention to maintaining that beauty. That is, the construction site should be maintained on a daily basis to control trash, dirt, construction materials and to maintain the cleanliness of the site with the addition, for example, of appropriately covered trash receptacles, a fence around the construction site, etc.
- 2.) Our friends and family often comment on the beauty of the property and we want to maintain that integrity and beauty for the future. To do that, we feel the initial four units (including the "model") should be constructed on the spur, (Fairway Lane) across from the municipal pool and down from where the mailboxes are currently located. This will reduce the unsightliness of construction for the current homeowners and the attendant stress that the construction is likely to cause in our daily lives for the foreseeable future.

We appreciate your attention to these issues.

Sincerely,

Martha Sutton & Donald Barber, 205-999-9790; [9280 Fairway View, #2, Charlevoix, MI 48720](#)

Martha J Sutton, Ph.D.
Organizational Psychologist



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Country Club Fairways Community Association and Country Club Fairways Condominium Homeowners Association regarding August 18th, 2026 planning commission public hearing. PUD A.T/C.C.F

5 messages

Jeff T <zoomjeff1@gmail.com>

Mon, Aug 17, 2026 at 5:49 PM

To: zoning@hayestownshipmi.gov, zoninghayestownshipmi@gmail.com, rwgriffitts@gmail.com

Cc: Andrew Schwartz - CCF Unit 4 - Code 1996 <ams@amslegalteam.com>, Bill/Diane Conklin <twindmc58@gmail.com>, Dina Schwartz Unit 10-4 CCF - Code 1996 <dinajoy224@gmail.com>, Bill Conklin - CCF <wmmconklin@gmail.com>, Jim Massaway - 3861 <mr.massaway54@gmail.com>, Dorothy Sandoval <bnds@att.net>, Marty Sutton <marthasutton13@gmail.com>, Joe spohr <spohr.joe@gmail.com>, Woody Pearson <woodypearson5@gmail.com>, Don Barber <dbarber505@gmail.com>, Jeff T <zoomjeff1@gmail.com>

Mr Griffiths and fellow Hayes Twp Planning Commission members.

As a homeowner of the Country Club Fairways Community at 9280 Fairway View, Unit 3, who may not be able to attend the upcoming August 18, 2026 meeting as expected due to a family death. I would like to official go on record in full support of the written concerns and conditions submitted below from Andrew Schwartz on behalf of the Country Club Fairways Community Association and Country Club Fairways Condominium Homeowners Association regarding August 18th, 2026 planning commission public hearing for the proposed amended PUD A.T/C.C.F. Tyner noted below. And that the submission be addressed, incorporated and recorded as requested by Mr Schwartz.

Regards, Jeff Tashjian
9280 Fairway View - Unit 3
Charlevoix, Michigan 49720

Mr. Griffiths:

Please accept this written submission as the reply/response from both the Country Club Fairways Community Association and the Country Club Fairways Condominium Homeowners Association. On behalf of the respective Associations, I request that this submission be acknowledged by the planning commission and incorporated into the record of the August 18th, 2026 upcoming public meeting to address the pending zoning permit application (and related applications) from A.T/C.C.F., LLC (the "developer"). For ease of communication, Mr. VanZee, representatives from the developer, and applicable respective association board members have been copied.

Recently, after the 7/21/26 planning commission meeting, I was elected as a Board member and the President of the Country Club Fairways Community Association (the "CA"). Also, I was recently elected as a Board member and the President of the Country Club Fairways Condominium Homeowners Association (for clarification and identification the "HOA"). The CA controls the common areas of the HOA and the applicant Developer's parcel. Please again note that newly elected Board members and officers of both associations are copied on this communication.

During the 7/21/26 meeting, the planning/zoning committee suggested that any objections and conditions to the developer's plan be addressed in good faith before the 8/18/26 meeting. A good faith effort was commenced to resolve certain objections and conditions but unfortunately resulted in no formal agreement between the developer, the CA and the HOA.

This email is designed to highlight the most important and significant objections and conditions from the perspective of the CA and the HOA. Notably, the planning commission has a duty to protect the health, safety and welfare of the residents of the HOA and to correspondingly impose reasonable conditions upon the developer based upon the changes that the developer is seeking in its pending application.

Please understand that the CA and the HOA are looking forward to a smooth prospective development process; we fully expect to engage in significant cooperation with the developer going forward. However, the presentation by the builder/developer on 7/21/26 caused great concern for several reasons.

For example, when questioned by the planning commission in the prior public 7/21/26 meeting, builder representative Seth Herkovitz admitted that developer would initially only commit to build four of the sixteen planned homes. In order to protect the CA and the HOA, we suggest the following reasonable conditions be imposed by the planning commission:

- 1) That the initial four homes be constructed on the Fairway Lane lots (e.g. Lots # 8 through #12). Fairway Lane is the short extension road immediately behind the Charlevoix Public Pool Building. This condition will protect the CA and HOA from a situation where the project is left in an incomplete state. Moreover, this will initially cause the least amount of disruption to the HOA and the CA owners from the ongoing construction activity.

- 2) That the developer/builder shall be required to furnish to the CA satisfactory proof of liability and property damage insurance. And, that the policy of insurance have limits of a minimum of \$5 million dollars.

- 3) That the developer shall be required to furnish a letter of credit, performance bond and/or escrow deposit in the amount of \$250,000.00 to guarantee the maintenance of and/or repairs to the roads.

- 4) That the developer shall contribute \$25,000.00 annually to the CA during the course of construction for the increased common area maintenance costs.

- 5) That the developer, at its own expense, amend the plan to construct a landscaping buffer between the HOA building #9 garage area and Lot #1 of the projected development with the cooperation and express approval of the CA.

- 6) That the developer, at its own expense, amend the plan and commit to repave the pedestrian walkway that cuts through the HOA property.

Please note that the CA and the HOA reserve their respective rights to seek additional conditions as the construction proceeds. The individual owners of the HOA may raise their own concerns and/or join in this communication.

Please note that I am not acting as an attorney and am not licensed to practice law in Michigan.

If you need to communicate with me, you may reach me on my mobile phone 561-866-6767.

Best to all,

Andrew

Andrew M. Schwartz, Esq.

ams@amslegalteam.com | www.amslegalteam.com

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>
To: seth@hunterpasteurhomes.com

Tue, Aug 18, 2026 at 7:04 AM

Sent from my iPhone

Begin forwarded message:

From: Jeff T <zoomjeff1@gmail.com>

Date: August 17, 2026 at 5:50:09 PM EDT

To: zoning@hayestownshipmi.gov, zoninghayestownshipmi@gmail.com, rwgriffitts@gmail.com

Cc: Andrew Schwartz - CCF Unit 4 - Code 1996 <ams@amslegalteam.com>, Bill/Diane Conklin <twindmc58@gmail.com>, Dina Schwartz Unit 10-4 CCF - Code 1996 <dinajoy224@gmail.com>, Bill Conklin - CCF <wmmconklin@gmail.com>, Jim Massaway - 3861 <mr.massaway54@gmail.com>, Dorothy Sandoval <bnds@att.net>, Marty Sutton <marthasutton13@gmail.com>, Joe spohr <spohr.joe@gmail.com>, Woody Pearson <woodypearson5@gmail.com>, Don Barber <dbarber505@gmail.com>, Jeff T <zoomjeff1@gmail.com>

Subject: Country Club Fairways Community Association and Country Club Fairways Condominium Homeowners Association regarding August 18th, 2026 planning commission public hearing. PUD A.T/C.C.F

[Quoted text hidden]

Joe Spohr <spohr.joe@gmail.com>

Tue, Aug 18, 2026 at 7:56 AM

To: zoning@hayestownshipmi.gov, zoninghayestownshipmi@gmail.com, rwgriffitts@gmail.com

Cc: Andrew Schwartz - CCF Unit 4 - Code 1996 <ams@amslegalteam.com>, Bill/Diane Conklin <twindmc58@gmail.com>, Dina Schwartz Unit 10-4 CCF - Code 1996 <dinajoy224@gmail.com>, Bill Conklin - CCF <wmmconklin@gmail.com>, Jim Massaway - 3861 <mr.massaway54@gmail.com>, Dorothy Sandoval <bnds@att.net>, Marty Sutton <marthasutton13@gmail.com>, Woody Pearson <woodypearson5@gmail.com>, Don Barber <dbarber505@gmail.com>, Jeff T <zoomjeff1@gmail.com>

Dear Mr. Griffiths, and members of the Hayes Twp Planning Commission,

We are homeowners since 2011 at 9280 Fairway View, #4. We will try to attend the important meeting tonight – but may not be able to do so as we have bathroom contractors at work in our unit today. They estimate their work could go into the evening – possibly preventing us from attending.

So at this stage we are stating in writing our full support to the written concerns and conditions below, as submitted by Andrew Schwartz, President of the Fairways Community and Home owners association, in response to the proposed PUD A.T/CCF amendment by the Tyner developer group.

As long term home owners, we trust the Commission will agree and request the developer to implement these points prior to approving their application.

Respectfully,

Joe & Pippa Spohr

Building 9, Unit 4

[Quoted text hidden]

Dorothy Sandoval <bnds@att.net>

Tue, Aug 18, 2026 at 8:39 AM

To: "zoning@hayestownshipmi.gov" <zoning@hayestownshipmi.gov>, "zoninghayestownshipmi@gmail.com"

<zoninghayestownshipmi@gmail.com>, "rwgriffitts@gmail.com" <rwgriffitts@gmail.com>

Cc: Andrew Schwartz - CCF Unit 4 - Code 1996 <ams@amslegalteam.com>, Bill/Diane Conklin <twindmc58@gmail.com>, Dina Schwartz Unit 10-4 CCF - Code 1996 <dinajoy224@gmail.com>, Bill Conklin - CCF <wmmconklin@gmail.com>, Jim Massaway - 3861 <mr.massaway54@gmail.com>, Marty Sutton <marthasutton13@gmail.com>, Woody Pearson <woodypearson5@gmail.com>, Don Barber <dbarber505@gmail.com>, Jeff T <zoomjeff1@gmail.com>, Jeannie Massaway <jmassaway57@gmail.com>, Joe spohr <spohr.joe@gmail.com>, pippa Spohr <pippaspohr@gmail.com>

Dear Mr. Griffiths, and members of the Hayes Twp Planning Commission,

I own a condo at 09280 Fairway View Unit 1 and have been here since 2017. I serve as President and District Director for Michigan Garden Clubs where our members serve our communities to enhance the beauty of our environments. Our monthly meeting always falls on the same day and time as your township meetings. I am not able to be present in person for tonight's meeting as I hold a leadership position at my own meeting.

I wanted to express my concerns via the letter below and my hopes for resolution for the new development that is being discussed at Fairway View.

Dorothy Sandoval

Mr. Griffiths:

Please accept this written submission as the reply/response from both the Country Club Fairways Community Association and the Country Club Fairways Condominium Homeowners Association. On behalf of the respective Associations, I request that this submission be acknowledged by the planning commission and incorporated into the record of the August 18th, 2026 upcoming public meeting to address the pending zoning permit application (and related applications) from A.T./C.C.F., LLC (the "developer"). For ease of communication, Mr. VanZee, representatives from the developer, and applicable respective association board members have been copied.

Recently, after the 7/21/26 planning commission meeting, I was elected as a Board member and the President of the Country Club Fairways Community Association (the "CA"). Also, I was recently elected as a Board member and the President of the Country Club Fairways Condominium Homeowners Association (for clarification and identification the "HOA"). The CA controls the common areas of the HOA and the applicant Developer's parcel. Please again note that newly elected Board members and officers of both associations are copied on this communication.

During the 7/21/26 meeting, the planning/zoning committee suggested that any objections and conditions to the developer's plan be addressed in good faith before the 8/18/26 meeting. A good faith effort was commenced to resolve certain objections and conditions but unfortunately resulted in no formal agreement between the developer, the CA and the HOA.

This email is designed to highlight the most important and significant objections and conditions from the perspective of the CA and the HOA. Notably, the planning commission has a duty to protect the health, safety and welfare of the residents of the HOA and to correspondingly impose reasonable conditions upon the developer based upon the changes that the developer is seeking in its pending application.

Please understand that the CA and the HOA are looking forward to a smooth prospective development process; we fully expect to engage in significant

cooperation with the developer going forward. However, the presentation by the builder/developer on 7/21/26 caused great concern for several reasons.

For example, when questioned by the planning commission in the prior public 7/21/26 meeting, builder representative Seth Herkovitz admitted that developer would initially only commit to build four of the sixteen planned homes. In order to protect the CA and the HOA, we suggest the following reasonable conditions be imposed by the planning commission:

- 1) That the initial four homes be constructed on the Fairway Lane lots (e.g. Lots # 8 through #12). Fairway Lane is the short extension road immediately behind the Charlevoix Public Pool Building. This condition will protect the CA and HOA from a situation where the project is left in an incomplete state. Moreover, this will initially cause the least amount of disruption to the HOA and the CA owners from the ongoing construction activity.
- 2) That the developer/builder shall be required to furnish to the CA satisfactory proof of liability and property damage insurance. And, that the policy of insurance have limits of a minimum of \$5 million dollars.
- 3) That the developer shall be required to furnish a letter of credit, performance bond and/or escrow deposit in the amount of \$250,000.00 to guarantee the maintenance of and/or repairs to the roads.
- 4) That the developer shall contribute \$25,000.00 annually to the CA during the course of construction for the increased common area maintenance costs.
- 5) That the developer, at its own expense, amend the plan to construct a landscaping buffer between the HOA building #9 garage area and Lot #1 of the projected development with the cooperation and express approval of the CA.
- 6) That the developer, at its own expense, amend the plan and commit to repave the pedestrian walkway that cuts through the HOA property.

Please note that the CA and the HOA reserve their respective rights to seek additional conditions as the construction proceeds. The individual owners of the HOA may raise their own concerns and/or join in this communication.

Please note that I am not acting as an attorney and am not licensed to practice law in Michigan.

If you need to communicate with me, you may reach me on my mobile phone 561-866-6767.

Best to all,

Andrew

Andrew M. Schwartz, Esq.

ams@amslegalteam.com | www.amslegalteam.com

From: Joe Spohr <spohr.joe@gmail.com>

Sent: Tuesday, August 18, 2026 4:56 AM

To: zoning@hayestownshipmi.gov <zoning@hayestownshipmi.gov>; zoninghayestownshipmi@gmail.com <zoninghayestownshipmi@gmail.com>; rwgriffitts@gmail.com <rwgriffitts@gmail.com>

Cc: 'Andrew Schwartz - CCF Unit 4 - Code 1996' <ams@amslegalteam.com>; 'Bill/Diane Conklin' <twindmc58@gmail.com>; 'Dina Schwartz Unit 10-4 CCF - Code 1996' <dinajoy224@gmail.com>; 'Bill Conklin - CCF' <wmmconklin@gmail.com>; 'Jim Massaway - 3861' <mr.massaway54@gmail.com>; 'Dorothy Sandoval' <bnds@att.net>; 'Marty Sutton' <marthasutton13@gmail.com>; 'Woody Pearson' <woodypearson5@gmail.com>; 'Don Barber' <dbarber505@gmail.com>; 'Jeff T' <zoomjeff1@gmail.com>

Subject: RE: Country Club Fairways Community Association and Country Club Fairways Condominium Homeowners Association regarding August 18th, 2026 planning commission public hearing. PUD A.T/C.C.F

[Quoted text hidden]

Woody Pearson <woodypearson5@gmail.com>

Tue, Aug 18, 2026 at 9:23 AM

To: Jeff T <zoomjeff1@gmail.com>

Cc: zoning@hayestownshipmi.gov, zoninghayestownshipmi@gmail.com, rwgriffitts@gmail.com, Bill Diane Conklin <twindmc58@gmail.com>, Dina Schwartz Unit CCF Code <dinajoy224@gmail.com>, Bill Conklin CCF <wmmconklin@gmail.com>, Jim Massaway <mr.massaway54@gmail.com>, Dorothy Sandoval <bnds@att.net>, Marty Sutton <marthasutton13@gmail.com>, Joe spohr <spohr.joe@gmail.com>, Don Barber <dbarber505@gmail.com>, Jeff T <zoomjeff1@gmail.com>, rwgriffitts3@gmail.com, Leslee Pearson <lesleep97@gmail.com>

Mr. Griffiths and Hayes Township Planning Commission members,

I am a homeowner within the CCFC, [9290 Fairway View, Unit 1](#) specifically. I will not attend the 8/18/26 planning commission public meeting regarding the PUD A.T./ C.C.F. permit modification, however, I wish it to be on record that my position is in parallel and identical with my community's Board of Directors overseeing this matter.

Sincerely,

Woody Pearson

Sent from my iPhone

On Aug 17, 2026, at 5:50 PM, Jeff T <zoomjeff1@gmail.com> wrote:

[Quoted text hidden]



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Country Club Fairways - Planning Commission Meeting 8/18/20265 messages

bill dwconklin.com <bill@dwconklin.com>

Mon, Aug 17, 2026 at 6:08 PM

To: "rwgriffitts3@gmail.com" <rwgriffitts3@gmail.com>, zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Cc: "C. T. Martin" <ctmartin55@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, Rex Greenslade <greensladerex@gmail.com>, Matthew Cunningham <trustee2@hayestownshipmi.gov>, Carey Cuddeback <clcuddebackpc@gmail.com>, Alexander Curley <amcforchange@gmail.com>, Andrew Schwartz <ams@amslegalteam.com>

Hello Mr. Griffiths and Planning Commission members,

I am submitting my thoughts as a homeowner (since 2016) who resides at Country Club Fairways.

Mr. Schwartz, who accurately outlined the defect in the Notice of the prior hearing, requiring this hearing, has sent an email to you and the Zoning Department. His email reflects the sentiments of all 8 homeowners who reside at Country Club Fairways. We have a common interest in safeguarding our tranquility while also cheering for the best development to enhance our community.

Specifically, I would like you to know that all 8 homeowners are requesting that "as a condition" of approving the application of Mr. Tyner, et al that you require the initial building phase be limited to Fairway Lane or the spur east of the current mailboxes for the health, safety and general welfare of the existing homeowners:

1. If the construction is limited to Fairway Lane (spur E of the mailboxes) for the first 4 homes, the present homeowners would not be subjected to as much of the construction traffic, noise, saws, delivery trucks over a one to two-year period, as it would be if the construction was allowed in Lots 1 thru 4. In the early phase, if the construction is further to the south, the better for the welfare of we the homeowners.
2. Their expressed plan is to start the single-family home project by "building four homes". Two of those homes will be "models" which will be open to the public. As you know, the vehicular traffic will be substantially increased by members of the public to view the "models". If the traffic is limited to the models which are built on Fairway Lane or the "spur" east of the current mailboxes, the homeowners will not be subjected to as much of the "model" traffic, noise and associated activity.

I will not go on with further reasons.

Mr. Schwartz submitted a lengthy construction mitigation plan to the Developer and Builder but they have not been able to discuss any of our concerns due to the surgery of Mr. Tyner and the fact that "the project is just in the development stages". We ask that you review the mitigation plan and consider our concerns just as if you were living here, given the history here at Country Club Fairways and their expressed plan for "four homes to start" - two being models.

This is a concern, because once the application is approved, we homeowners will have no recourse for relief other than the Courts should our concerns be ignored or determined to be "not germane" to the interests of the developer/builder. We believe that the Planning Commission can grant conditional or temporary approval and reserve a final approval until more details are submitted by the Developer such as mailboxes,

irrigation from the ponds, construction debris, construction vehicles, trailers, equipment and materials left on site for months, driveway expansion, etc.

Please refer to the construction mitigation plan which we submitted to the Developer and Builder.

Others will be submitting their concerns to you as well and I join with their sentiments.

Respectfully submitted,

William M. Conklin

bill dwconklin.com <bill@dwconklin.com>

Mon, Aug 17, 2026 at 6:23 PM

To: "rwgriffitts3@gmail.com" <rwgriffitts3@gmail.com>, zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Cc: "C. T. Martin" <ctmartin55@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, Rex Greenslade <greensladerex@gmail.com>, Matthew Cunningham <trustee2@hayestownshipmi.gov>, Carey Cuddeback <clcuddebackpc@gmail.com>, Alexander Curley <amcforchange@gmail.com>, Andrew Schwartz <ams@amslegalteam.com>

Please see attached Mitigation Inquiries submitted to the Developer. I wanted to make sure that you had received this.

Bill Conklin

From: bill dwconklin.com <bill@dwconklin.com>

Sent: Monday, August 17, 2026 5:08 PM

To: rwgriffitts3@gmail.com <rwgriffitts3@gmail.com>; zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Cc: C. T. Martin <ctmartin55@gmail.com>; Mark Snyder <snyderhpt@outlook.com>; Rex Greenslade <greensladerex@gmail.com>; Matthew Cunningham <trustee2@hayestownshipmi.gov>; Carey Cuddeback <clcuddebackpc@gmail.com>; Alexander Curley <amcforchange@gmail.com>; 'Andrew Schwartz' <ams@amslegalteam.com>

Subject: Country Club Fairways - Planning Commission Meeting 8/18/2026

[Quoted text hidden]



Construction Mitigation_ Inquiries.pdf
123K

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Mon, Aug 17, 2026 at 9:19 PM

To: Julie Collard <treasurer@hayestownshipmi.gov>

Sent from my iPhone

Begin forwarded message:

From: "bill dwconklin.com" <bill@dwconklin.com>

Date: August 17, 2026 at 6:23:05 PM EDT

To: rwgriffitts3@gmail.com, zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Cc: "C. T. Martin" <ctmartin55@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, Rex Greenslade <greensladerex@gmail.com>, Matthew Cunningham <trustee2@hayestownshipmi.gov>, Carey Cuddeback <clcuddebackpc@gmail.com>, Alexander Curley <amcforchange@gmail.com>, Andrew Schwartz <ams@amslegalteam.com>

Subject: Re: Country Club Fairways - Planning Commission Meeting 8/18/2026



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

FW: August 18th, 2026 Public Hearing on proposed amendments to PUD Country Club Fairways--item #10 on 8/18/26 agenda--effort to agree upon certain conditions and objections before public hearing--SCHWARTZ reply

1 message

Seth Herkowitz <seth@hunterpasteurhomes.com>

Tue, Aug 18, 2026 at 10:04 AM

To: "zoning@hayestownshipmi.gov" <zoning@hayestownshipmi.gov>

Ron. Good morning. I thought it would be helpful context, to see my response letter to Mr. Schwartz from last Friday, outlining next steps and how we see meaningful engagement with the Fairways HOA and Community Association. Feel free to share with the Planning Commission chair as you see appropriate.



Seth Herkowitz
Hunter Pasteur

248-539-5511
seth@hunterpasteurhomes.com
www.hunterpasteur.com

From: Seth Herkowitz**Sent:** Friday, August 14, 2026 6:00 PM**To:** Andrew Schwartz <ams@amslegalteam.com>; 'Rick Tyner' <rtyner@tynerequities.com>

Cc: James Massaway <mr.massaway54@gmail.com>; Dorothy Sandoval <bnds@att.net>; Diane Conklin <twindmc58@gmail.com>; Marty Sutton <marthasutton13@gmail.com>; Stuart Arkin <sarkin@thearkinagency.com>; Seth Herkowitz <seth@hunterpasteurhomes.com>

Subject: RE: August 18th, 2026 Public Hearing on proposed amendments to PUD Country Club Fairways--item #10 on 8/18/26 agenda--effort to agree upon certain conditions and objections before public hearing--SCHWARTZ reply

Dear Andrew and fellow Board Members:

Good evening. As I noted in my email last night, I want to reiterate our intention to have a positive and mutually respectful relationship. I spent time last evening and earlier today, reviewing your very detailed outline of issues and questions. I recognize the inherent concerns/issues/questions that arise from adjacent new development.

At this point in the project, we are still in the early stages of the development lifecycle. To date, our efforts have focused on macro level planning including overall site plan design, program, unit count, and utility coordination... as required for site plan review. Again, our site plan provides a significant reduction in density compared to the originally approved PUD, which permitted a total of 44 residential units. Once we receive approval of our site plan amendment from Hayes Township, we will then allocate significant resources toward advancement of the Project. Consistent with our extensive development experience and 25+ year Company history, I would strongly recommend, given the nature of your inquiries, a series of meetings with members of the CA + HOA Boards over the coming months as we advance our engineering,

architecture, condominium formation, property management planning, sales program, construction plan... such an approach will result in meaningful neighborly engagement.

Regarding several of the financial related requests set forth in your letter, we agree that there was a mutually executed agreement between AT/CCF LLC and the HOA, 'Agreement for Removal of Land from the Country Club Fairways Condominium.' Your letter accurately outlined the mutually agreed upon commitments that are set forth in that agreement. We have and will continue to honor the terms set forth in the Agreement and expect that the HOA will do the same. From our perspective, it is premature to demand additional financial support to the CA without a detailed financial analysis and forecasted budget of future CA revenue and expenses, resulting from the proposed new development.

Related, let me provide some important context and direction, using specific examples noted in the attached document:

- After site plan approval, we will begin advancing our engineering drawings so that they can be bid out for contract (earthwork, utility modification...). Once we have engaged a contractor(s) for the horizontal development scope, which we intend to start land development activities in the Spring of 2027, we will formulate a detailed construction impact mitigation plan ('Impact Plan'). That impact plan will identify measures specific to construction hours of operation, signage, security, logistics, maintenance, site cleanliness, noise, and repair. The impact plan will be shared with the HOA along with a construction related point of contact including an email address and telephone number. As necessary, we are happy to facilitate an onsite meeting in advance of construction with the selected contractors.
- While we have provided precedent architectural elevations with our initial site plan application, and have established a typical building footprint, we have not advanced architectural design or related construction drawings. As noted, we intend to start 4 homes after the land development scope is complete, which we expect will be early summer 2027. After site plan approval, we will engage our architect to advance drawings on the first four homes. We are happy to share elevations of the homes with you once they are designed. The architectural process will also include exterior lighting design, which was referenced in your inquiry.
 - Ancillary to architecture, we will also be engaging with local realtors to establish a sales program. Part of the program will include decisions related to which lots we will first commence construction. Currently, a decision on which lots will start first has not been made and I don't expect such a decision will be made until later this year. We are willing to solicit and take into strong consideration feedback from the HOA, but ultimately, we will sequence construction starts based on the best interests of the sales and development process. We understand the sensitivity.
 - Our architectural design process will also include an evaluation of individual unit landscaping requirements, for example, how many trees need to be planted on each lot and the species/caliber of such trees, as well as potential common area landscape enhancements, including the front entrance.
- Another important next step after site plan approval, will be the formation of our condominium association and alignment with the existing condominium documents/overall structure. During this time, we will draft HOA bylaws outlining rules/regulations for our future homeowners along with governance structures. Specific to any rules and regulations, Township ordinance will help govern such requirements. We will evaluate and assess operational issues such as trash service, snowplow, and landscape maintenance. As we advance our operational planning, we will be sure to engage with the Community Association for coordination, efficiency, and hopeful shared economies of scale. Further, we will assess and draft operating budgets and establish annual HOA dues.

I hope this overview of select key tasks, illustrates the level of thoughtful planning ahead, along with the significant scope of work that is necessary to properly address all the inquiries mentioned in your letter and in the attached document.

This is not an exercise that can be resolved in a matter of days, but rather in a matter of months and frankly there will be important ongoing dialogue between our entities and the HOA + CA before, during and after construction is complete, for the betterment of all community residents.

The most productive approach, from our perspective, is to engage in meaningful planning meetings between the CA, HOA and HP/A.T. CCF, LLC), throughout this fall and winter as we advance the development process, post site plan approval, and prepare for construction commencement during Spring 2027. From my perspective, it is important that our meetings include at least several members of both the CA and HOA at each meeting. In my experience, participation from numerous board members helps achieve better outcomes for the association + developer and more efficiency in the overall process, for all sides.

I look forward to working collaboratively and productively.

Sincerely,

Seth Herkowitz



Seth Herkowitz
Hunter Pasteur

248-539-5511
seth@hunterpasteurhomes.com
www.hunterpasteur.com

From: Andrew Schwartz <ams@amslegalteam.com>

Sent: Thursday, August 13, 2026 4:59 PM

To: 'Rick Tyner' <rtyner@tynerequities.com>; Seth Herkowitz <seth@hunterpasteurhomes.com>

Cc: James Massaway <mr.massaway54@gmail.com>; Dorothy Sandoval <bnbs@att.net>; Diane Conklin <twindmc58@gmail.com>; Marty Sutton <marthasutton13@gmail.com>; Seth Herkowitz <seth@hunterpasteurhomes.com>; Stuart Arkin <sarkin@thearkinagency.com>; Andrew Schwartz <ams@amslegalteam.com>

Subject: RE: August 18th, 2026 Public Hearing on proposed amendments to PUD Country Club Fairways--item #10 on 8/18/26 agenda--effort to agree upon certain conditions and objections before public hearing--SCHWARTZ reply

Importance: High

Rick & Seth:

First, Rick--good luck with your recovery. If you need follow up in Boca over the winter, let me know. I am friends with Rob Norton and Nate Lowen—two outstanding local spinal surgeons with extensive resources for post-op recovery.

Second, I replied to all. Seth—please call me on my mobile at 561-866-6767 to discuss the issues. I have your telephone number as 248-539-5511. Rick has anointed you with authority to discuss and resolve the issues. Stuart—if you want to join the call, just let me know.

Let me know your availability tomorrow 8/14/26 or over the weekend for a thoughtful call.

Please reply to all.

Best,

Andrew

Andrew M. Schwartz, Esq.

Andrew M. Schwartz Legal Team

[4755 Technology Way, Suite 103](#)

[Boca Raton, Florida 33431](#)

Tel: 561-347-6767

Fax: 561-347-6768

ams@amslegalteam.com | www.amslegalteam.com



ANDREW M. SCHWARTZ
LEGAL TEAM

From: Rick Tyner <rtyner@tynerequities.com>

Sent: Thursday, August 13, 2026 1:17 PM

To: Andrew Schwartz <ams@amslegalteam.com>

Cc: James Massaway <mr.massaway54@gmail.com>; Dorothy Sandoval <bnbs@att.net>; Diane Conklin <twindmc58@gmail.com>; Marty Sutton <marthasutton13@gmail.com>; Andrew Schwartz <ams@amslegalteam.com>; Seth Herkowitz <seth@hunterpasteurhomes.com>; Stuart Arkin <sarkin@thearkinagency.com>

Subject: Re: August 18th, 2026 Public Hearing on proposed amendments to PUD Country Club Fairways--item #10 on 8/18/26 agenda--effort to agree upon certain conditions and objections before public hearing

Andrew,

I am in receipt of your email. Currently, I am in Los Angeles. I am recovering from a 3 level lumbar spine surgery procedure that took place on Tuesday, August 11. In my stead, Seth Herkowitz has full authority to discuss and act on all matters pertaining to AT/CCF.

Please confirm receipt of this email.

Thank you,

Rick

F. Richard Tyner

Tyner Equities

29600 Northwestern Highway Suite 101

Southfield, MI 48034

(248) 539-3238 office

(248) 670-2080 cell

(248) 539-3261 fax

rtyner@tynerequities.com

On Aug 13, 2026, at 7:39 AM, Andrew Schwartz <ams@amslegalteam.com> wrote:

Mr. Tyner:

We briefly met in person prior to the July 21st, 2026 Hayes Township meeting. At that time, your limited liability company (A.T./CCF, LLC) as owner sought to advance a 6/3/26 (received by the township on 6/8/26) zoning permit application and proposed amendment(s) to the Country Club Fairways PUD.

Public notice for the 7/21/26 meeting was determined to be deficient. Even though the notice was deficient, a presentation from you was delivered to the committee. The Township clerk issued a subsequent (corrected) notice to all the necessary adjacent owners re-setting the matter/public hearing for August 18th, 2026.

Recently, after the 7/21/26 meeting, I was elected as a Board member and the President of the Country Club Fairways Community Association (the "CA"). Also, I was recently elected as a Board member and the President of the Country Club Fairways Condominium Homeowners Association (for clarification and identification the "HOA"). Please note that newly elected Board members and officers of

both associations are copied on this communication.

During the 7/21/26 meeting, the planning/zoning committee suggested that any objections and conditions to your company's plan be addressed in good faith before the 8/18/26 meeting. This email is designed to accomplish that goal. First, let me present my understanding of the background of these issues. Second, I will identify the concerns of both the CA and HOA. Third, I believe a substantive discussion should be had to seek to resolve many of these issues to allow your company to develop the project without further objections and/or conditions from the HOA and/or CA.

THE BACKGROUND:

On or about August of 2021, a written "AGREEMENT FOR REMOVAL OF LAND FROM COUNTRY CLUB FAIRWAYS CONDOMINIUM" was executed between your company and the HOA.

This agreement was notable in that:

1. It specifically acknowledged that your company could not construct more than 36 dwelling units (paragraph 1).
2. It removed certain land from the HOA for future development, authorized and created the CA, and set an annual \$2,500.00 annual contribution from your company to the CA (see generally paragraph 4).

At the same time, a related document was created entitled "DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COUNTRY CLUB FAIRWAYS COMMUNITY."

This agreement/declaration was notable in that:

1. Your company is required to, prior to commencing construction, secure "a letter of credit, performance bond, escrow deposit in the amount of Twenty-five Thousand (\$25,000.00)Dollars to

guarantee the maintenance of and/or repair to the roads.”

2. The same paragraph specifically details your company’s obligations during construction to “keep the roads free of mud, dirt and debris...” and that your company is further “responsible for repairing any damage to the roads...”. (see generally Article III, Section 1(b)).

3. Article III, Section 2 (b) effectively restates your company’s annual \$2,500.00 contribution to the CA and the future contributions subject to the completion of certain units.

4. Article III, Section 2(d) imposes an insurance requirement on the CA to keep in full force and effect “...a commercial general liability policy...for not less than One Million Dollars per occurrence.” Critically, “...The Developer (your company) shall pay the annual insurance premium on behalf of the (CA)...”. And, further, “any builder performing work shall maintain liability and property damage insurance...on an occurrence basis...” and shall provide proof of same upon request by the CA.

OBJECTIONS, CONDITIONS AND THE RESOLUTION OF SAME THROUGH GOOD FAITH DISCUSSIONS:

There are several key critical issues that need to be immediately addressed before the 8/18/26 meeting:

1. Your company's annual contribution to the CA must be increased from \$2,500.00 to \$25,000.00 to cover the anticipated future costs of the increase in the size of the impact to the common elements. For example, the costs of trash removal, snow removal, road maintenance, landscaping, irrigation, (related water issues), pond renourishment, etc. shall substantially accelerate both during and after your development.
2. As you can imagine, the Boards of the CA and the HOA are greatly concerned because the only genuine commitment made by Seth Herkowitz of HP Homes Holding Co. -when pressed by the

committee members during the 7/21/26 hearing- was that he (you) effectively only committed to build four homes. We need immediate clarification and commitment as to where the homes and on what lots the homes will be built.

3. Correspondingly, as mentioned during the hearing, your Lot #1 is too close to the garage of the HOA's building #9 garage(s). An adjustment to your plan including a set back and landscape mitigation plan must be made. For example, we suggest a beautifully manicured berm to be created between Lot#1 and the HOA building #9 garage area.

4. The security bond requirement addressed above must be increased from \$25,000.00 to \$250,000.00.

5. This email shall serve as a demand from the CA to participate in securing insurance coverage as referenced above and transmitting payment for the same. The limits of coverage shall be increased to 5 million dollars from 1 million dollars.

6. I have attached a list of other concerns set forth by the HOA members

that need to be discussed and addressed. Please review the attachment so that we can cogently address as many items as possible.

You may reach me at the email address listed below and call me on my cell phone at 561-866-6767 to address these issues. Please note that this communication is solely transmitted in my capacity as a member of the CA and HOA boards. I am not licensed to practice law in Michigan and am not acting in a legal professional capacity in serving these comments.

And, once again, please extend my condolences to Stuart and his family regarding the recent passing of your longtime partner Irwin.

Best regards,

Andrew

Andrew M. Schwartz, Esq.

Andrew M. Schwartz Legal Team

4755 Technology Way, Suite 103

**Country Club Fairways
Inquiries & Proposed Mitigation Checklist
Updated 8/7/2026**

Construction

The pond as a water source? We currently use this for necessary watering and irrigation. What is the irrigation plan for the new development? What is best for both Associations based on age/complications & cost? Expense to Developer.

- A) Irrigation: Developer responsibility
- Repairs/Relocation of any elements of the system
 - Installation of any new irrigation required for fully functioning system servicing all common areas.
 - Replacement of the existing pump for benefit of community.

2) **Visual integrity:** Which lots will initially be built on? The visual integrity of the community needs to be considered throughout the building process. Our recommendation is to commence construction on Fairway Lane. This allows for both an aesthetic and strategic development plan benefiting both the existing community and new community.

3) **Road(Fairway View, Fairway Lane)/Walking-Cart Path/Landscape**

- A) Requesting a bond for damages & reconstruction to the road at expense of developer.
- B) Is there a plan to widen the roads at the expense of the developer? Currently, two vehicles often cannot pass each other at the lower portions of the road. Additional density will enhance this.
- C) What is the daily plan for the maintenance & cleanliness of the roads during & post partial construction? The mitigation of loose nails, screws, & repairs needed caused by employees, contractors, and vehicles need timely attention. Fixing of current homeowner tires to be at the expense of Developer.
- D) What is the parking plan for the new development. ie: Guest Parking, Daily parking, Overnight parking. Type/size of vehicles permitted on property?

E) What construction equipment and/or vehicles will be stored & where on the property?

F) Repair of any damage to roads is responsibility solely of the Developer. Crack & Seal Coating of the road to be done at the end of each home completion phase with a gap of an agreed amount of months between phases as well as at the completion of the Final phase of construction based on the amount of **approved** homes in the entire project.

G) Repair and replacement of any damage to landscape/turf in Common areas. ie: mailbox landscaping

H) Install approved common area "barrier landscape" along East/West (HA & CA) property line directly adjacent and buffering existing #9 garage and building. Distance of development from garages TBD.

I) Snow plowing: Snow removal. This changes with construction Where will snow need to be plowed and additional removal From property . Expense to be covered by developer.

4) **Security & Cleanliness:** What is the plan for dumpsters & security? ie: fence & windscreen to establish no trespass zone, mitigation of dirt, dust, & flying debris?

5) **Noise:** What is the plan for hours of work performed in consideration of existing ordinance /homeowners?

6) **Lighting:** What is the proposed lighting plan for the roads if any, for the new development? And, for the new homes- coach lights? Roof line lighting? Landscape?

7) **Utilities:** Requesting bond for underground utilities & services for Buildings 9/10 and Common Areas including irrigation. Repair of any damage done to existing utilities is responsibility of Developer.

8) **Signage:**

- A) Front Main entrance - Recondition/Replace "County Club Fairways"
- B) Refresh & update landscape at main entrance.
- C) Refresh & update lighting at main entrance.
- D) Enhance lighting for evening visibility from Hwy 31

E) Buildings 9 & 10: Recondition or Replace "CCF" signage on face of buildings at front porches

F) Will the new development be named something other than Charlevoix Country Club Fairways? If so, what & where will that signage be?

9) **Conformity**: Any and all plans including lighting need to be in conformity with Hayes Township.

Miscellaneous inquiries:

1) What are the details of Rick Tyner's payment to the CCFCA ? When does it reduce and ultimately end? This amount and timeline needs re-negotiation especially as it pertains to road maintenance and SNOW PLOWING. A concession that Developer maintains the road inclusive of snowplowing, in perpetuity.

2) What is considered common area maintenance within the new development? Define existing common area maintenance & the joint responsibility.

3) How will the costs of common area maintenance be divided with the existing HOA and the four new homes? And, as additional homes have a certificate of occupancy and/or sold?

4) Who will be responsible for new landscaping surrounding the new homes and responsible for the new driveways? Will there be a landscape package the new owner can purchase and be installed by developer?

5) What is the plan for the new development regarding individual garbage cans vs. use of shared dumpster with HOA. Construction of garbage privacy walls needed or additional common area dumpster & privacy walls.

6) What is the plan for snow plowing logistics including location of plowed snow & snow removal ? Currently snow is place on vacant land and snow removal was required this past winter.

7) Copies of any & all written or oral agreements made with Rick Tyner or AT/CCF,LLC need to be furnished to all individual homeowners.

8) New bylaws by Developer need to be reviewed and evaluated to ensure community alignment and agreement.

9) Further architectural elevations, exterior color palettes, landscape plans and understanding of which models are built on which lots would be appreciated.

10) Where are mailboxes, landscape & lighting being relocated to?

11) Signs to be posted prohibiting truck traffic beyond South EAST/WEST line of HOA Property and off of Main circle.

12) "Outside the community" pedestrian traffic on foot as well as vehicles. Currently Mr. Tyner provides and pays for the liability policy to cover outsiders as agreed to in the separation agreement. Need to ensure that the policy provides adequate coverage to ALL persons that are within our community who will be on property during construction.

13) Compensation for remediation of "air flow " issues associated with roof since original construction.

14) Lump sum financial contribution to HOA as we have had to build a reserve and repair items that were not kept during Tyner's time attached to the HOA.



Correspondence Received

zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

fairways PUD amendment

1 message

Richard Lobenherz <riktherealtor@gmail.com>

Mon, Jul 13, 2026 at 10:37 AM

To: Larry Sullivan - Zoning <zoning@hayestownshipmi.gov>

I have reviewed the proposed revision of the Fairways PUD as proposed by Richard Tyner and would like to give my support to the amendment. It is consistent with the surrounding uses and is supported with the appropriate infrastructure.

--

Richard E. Lobenherz, CCIM

Associate Broker

Cell -231-675-6285

Office- 231-547-9905

Fax- 231-547-2936

203 Bridge Street, Charlevoix, MI 49720

LobenherzRealEstate.com



**BERKSHIRE
HATHAWAY**

HomeServices

Michigan Real Estate

HAYES TOWNSHIP PC REGULAR MEETING

Meeting Date: August 18, 2026

Location:

Hayes Township Hall

[illegible]