

**HAYES TOWNSHIP BOARD  
SPECIAL MEETING MINUTES  
March 3, 2017**

The special meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 7:00 p.m. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix.

Board members present were Marlene Golovich, Robin Kraft, Paul Hoadley, and Ron VanZee. Matt Cunningham was absent. Audience members signed in were Lynn Robinson, Jim McMahan, Diane McMahan, and Clare Zitka

**PUBLIC COMMENTS** – No Comments

Supervisor VanZee stated the purpose of this meeting is to review and approve a mediated agreement between Hayes Township and a property located at 7969 Deerpath Drive, Charlevoix, Michigan. This lot is part of a 1990 PUD. A garage was built and permission to live in the garage was granted with the condition that after the primary residence was constructed the garage would be modified to remove the kitchen. This garage with the kitchen has existed for 26 years and has been taxed accordingly.

The Board of Trustees agreed to allow the Supervisor, Zoning Administrator, and Township Attorney Bryan Graham to meet with the owner and future buyer and their representatives to mediate an agreement that would allow the owner to keep the garage with kitchen intact as a guest house. Bryan Graham assured Ron that no precedent would be set in allowing this. The settlement and restrictive covenant will be recorded with the deed and follow the property.

Paul asked where paragraph 1c was as referred to in one of the paragraphs. It was determined that the original numbering of the paragraphs was dropped in transition from one computer to another. This will be corrected in the final document. Paul also asked why the proposed agreement was allowing the garage/guest house to be rented. Representative of the buyer stated that the buyer just wanted to be upfront about the rental as he may wish to rent it to his sister.

The Board discussed that there was no provision in the current ordinance that allowed for a rental of this nature but if the ordinance was changed in the future the owners would then be allowed to rent the guest house.

Public comment. As paragraph 2 reads now in the proposed settlement the owner could rent both the primary house and the garage/guest house.

A sale is pending and we need to close on Friday.

Ron suggested that the following changes be made to paragraph 2 (b) agrees not to rent the Guest House **except by other legal means and only in conformance with applicable law.**

Marlene suggested the following changes be made to paragraph 7 - This Agreement shall be recorded with the Charlevoix County Register of Deeds **within ten (10) days of the date of this document and proof of recording must be provided to Hayes Township.**

Lynn Robinson, representative of the owner, showed the Board a different version of the settlement document that had language that was similar to what is proposed by the Board.

Marlene Golovich made a motion, supported by Robbin Kraft to approve the settlement agreement as amended by the Board and authorize the Supervisor to sign the document. Motion carried.

Robbin Kraft made a motion, supported by Paul Hoadley to adjourn this meeting at 7:48 p.m.

Respectively submitted

Marlene Golovich  
Hayes Township Clerk

Minutes approved as written March 13, 2017