

# Zoning Administrator Report

June 2019

Zoning Permits/Actions for June 2019				
Permit #	Parcel #	Owner Name	Address	Improvement
19-06-01	113-002-20	Jim & JoEllen Rudolph	9799 Townline Road	Single Family Dwelling Addition 18'*20'

## Zoning Permits

One zoning permits was issued, as noted above. A considerable amount of time has been spent dealing with proposed changes to the site plan for the Elliot Falls property just east of the Americinn at which the Planning Commission approved a special use permit and gave site plan approval in 2018. Mr. Falls is interested in amending his site plan and was hoping that based upon the changes he was proposing, the changes could be approved administratively. My reading of the Zoning Ordinance indicated that the changes were beyond the scope of what the Zoning Administrator could review and approve.

## Land Divisions

A land division was approved for the Crown Enterprises property in May with the condition that the parcel of land being split off was to be joined with the Janet LaChance property to allow for a private driveway to the LaChance property. This 33 foot strip of land is located in the Petoskey School District while the LaChance property is located in the Charlevoix School District. Two options exist at this point. One option is to petition the two school districts to change their District boundary lines, with the second option being to allow the 33 foot wide parcel to exist as a separate parcel. I believe the second option is preferable due to the fact that upon the sale of the LaChance property or the demise of the property owners, the 33 foot parcel will revert to the ownership of the Crown Enterprises which would require another school boundary line adjustment if option one was to be chosen. Not a great pair of choices but it will solve a short term issue. This will be resolved in July.

I have been in touch with Ferguson and Chamberlain regarding a new legal description and survey map to allow a split for the Mary Wilson property on the corner of See Road and the Boyne City Road.

I am also working on a land division on Shrigley Road, waiting for a legal description since late last summer. That appears to be close to being resolved.

## Nuisance Complaints

No nuisance complaints were received during the month of June.

## Zoning Violations

Two complaints were received; one for beach sand being applied on a Lake Charlevoix parcel and the second was in regard to work taking place along the Lake Charlevoix water's edge on another parcel.

In regard to the first complaint, work was being conducted to install plantings within the shoreline protection strip on a parcel located on Lake Charlevoix. I met with the property owner and explained that the work which had been undertaken by the previous property owner was for the purpose of restoring the Shoreline Protection Strip which the sale of the property was predicated upon. I did inform the new property owner that there was not to be any sand placed into the shoreline protection strip as a condition of continuing compliance with the Hayes Township Zoning Ordinance. I am presuming that the party that submitted the complaint saw work occurring on the waterfront and assumed it was bringing in beach sand.

With regard to the second complaint, work had been undertaken along the shorefront based upon a permit from the DEQ/Army Corp. Additional work had been conducted over 60 feet from the ordinary high water mark. This consisted of removing vegetation and installing a sand volleyball court. I did not consider this to be a structure and therefore I did not find any violations of the Zoning Ordinance had been committed.

The sign for Frontier Classics in front of the Toy Boxes Inc. property on US-31 east of Burgess Road has been reappearing in violation of the approved site plan. The property owner has been cited in the past and is being cited again and the Township Attorney will be asked for his assistance in putting this matter to rest.

A cement business operating out of a residence in Bay Shore needs citing for being in violation of the Zoning Ordinance.

Research regarding Landscape Supply North LLC located on US-31 North is underway as to the permitted uses vs. the uses actually occurring on the property.

## Short Term Rental Licenses

One complaint regarding an unlicensed short term rental taking place within the Township was received in May. I have cited the property owner and am working to resolve the issue by having the property licensed and brought into compliance with the Township Ordinance. I inspected the property and received an after the fact application for licensing. The property did not meet the requirements of the ordinance and I am working with the property owner to resolve those issues.

## Secretarial Work on behalf of the Planning Commission

The Planning Commission packets were assembled; copies made and mailed out to the Planning Commission members for the June regular and special Planning Commission

meetings. A request was received for a special meeting for the month of July but the party requesting it withdrew his request and preferred to wait until the regular July meeting to have his request to amend his site plan considered by the Planning Commission.

I detected what I presumed was an error in the development of the zoning map that ended up being adopted with the current Zoning Ordinance in October of 2009. The property consisted of the North Charlevoix Shores Subdivision, located along US-31 North in Section 3, between Burgess and Villa Roads. This issue came up during my discussions with a property owner desiring to make improvements to an existing dwelling in that subdivision. A public hearing has been scheduled to rezone the property from RR Rural Residential back to R-2 Single Family Residential which is what the properties were zoned prior to the new Ordinance having been adopted in 2009. The RR district requires a five acre minimum lot area which none of these properties contain, as opposed to a  $\frac{3}{4}$  acres minimum lot size which is more in line with what exists in this subdivision. My discussions with Planning Commission and Township Board members from the 2009 time frame led me to believe that the error was a result of a coding error when the map was printed and that due to the conditions of the property, no one had ever requested information regarding the zoning requirements for this property, which resulted in the error not having been detected at an earlier date.

#### Zoning Board of Appeals

No ZBA meetings were held during the month of June.

#### Meetings Attended

I have attended the Township Board meeting, the regular and the special Planning Commission meetings in June.