

Fight against Hayes Township waterfront development persists

Kozma claims the township has intentionally held back information to the public and made access difficult, in addition to misinterpreting the zoning ordinance.

Annie Doyle

Charlevoix Courier

USA TODAY NETWORK

Hayes Township residents LuAnne Kozma and Ellis Boal are continuing in their effort to stop a large waterfront project proposed by neighbors Scott and Debra Law, owners of Zotec Partners, a medical billing company in Carmel, Indiana.

The Laws have purchased over 400 congruent acres of land around 10034 Anglers Cove in Hayes Township and received conditional approval from the township for the development in 2019.

The project proposes to build a two-story boathouse, excavate for a 120x90 foot boat basin and a 30x55 foot boat channel leading from Lake Charlevoix to the boat basin. The plan also calls for the dredging out of a 73-foot-wide channel 130 feet out into the lakebed of Lake Charlevoix to accommodate large boats.

'This is a commercial, corporate retreat being secretly planned and built — in a residential zone — nearby my home along Boyne City Road, in Hayes Township,' Kozma claimed.

'My neighbors and family and I have been actively trying to stop the project since last July when I first found out about it from the county, quite inadvertently,' she added.

Kozma contends township officials have been unwittingly approving a much larger project than they realize.

'Local Hayes officials have been approving various portions of it to be built piecemeal, despite knowing about the overall plan,' said Kozma.

'They want to build something akin to Disneyland,' she said, describing a pavilion and golf course also in the planned development.

Speaking about the potential for a 'highly overdeveloped waterfront,' Kozma said she is concerned about the precedent it will set for Lake Charlevoix.

Local and statewide water protection organizations have also been involved, including Tip of the Mitt Watershed Council, asking township officials to reconsider the project and limit the impact it will have on the Lake Charlevoix shoreline.

Kozma claims the township has intentionally held back information to the public and made access difficult, in addition to misinterpreting the zoning ordinance.

Township supervisor Ron Van Zee said the township is trying to keep up with modern development demands and still keep in line with the intent of the ordinance.

'Do I like these projects? No, I don't like them,' Van Zee said in a previous interview. 'But I know that it is really really tough to stop this type of development when we have such little resources.'

After taking the township to court, Kozma's request for a reinterpretation of the ordinance — specifically the placement of the ordinary high-water mark, the shoreline protection strip and the waterfront regulations — seems to be making its way to the township's zoning board of appeals.

Although, according to ZBA chair Tom Darnton, the date has not been set, township officials are preparing to hold a ZBA meeting regarding Kozma's request.

If the township maintains its previous interpretation, Kozma will have the option of appealing the decision in court.

Recent public meetings have grown contentious. Last week, the township board banned Kozma's use of a microphone from the audience. However, Darnton, who has been the ZBA chair for two years, feels the zoning board has the ability to act objectively regarding a request for reinterpretation from Kozma.

Darnton said he has had ample time to study Kozma's request.

'It was filed in late September of 2021; I have had it since shortly after it was filed. I reviewed the materials extensively prior to beginning the hearing and did other research as well,' he wrote in an email to the Courier.

To date, the project has received approval from EGLE and the application is under review by the U.S. Army Corps of Engineers.

At the time of publication, the Law family had not responded to a request for comment.



Scott and Debra Law's proposed shoreline project has caused concern for Hayes Township residents advocating to protect Lake Charlevoix. Annie Doyle/Charlevoix Courier

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Waterfront project draws neighborhood concerns

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Neighbors are concerned about a waterfront development in Hayes Township that incorporates a boathouse and a private marina into a residential property off of Anglers Cove.

Several attended a township meeting on the evening of Monday, Sept. 13, to express their misgivings about the scope of the project.

Hayes resident Debbie Narten said, "I am opposed to this. When do we stop

these projects? You are setting a precedent for future developments in other townships along the lake. Someone else is going to come in with a zillion dollars and want another project like this. So for our future, how do we stop this?"

In November 2019 an application for a zoning permit to allow construction of a private basin and boathouse at the Law Property, 10034 Anglers Cove, Charlevoix, MI was received by Hayes Township officials and reviewed by the Zoning Administrator at the time, Larry Sullivan. Sullivan reported that applicable permits had been granted for the

project by the Army Corps of Engineers and the EGLE department of the state. He determined that the project met the requirements for granting a permit with the exception of a review of a shoreland landscaping plan, as the project planned to involve modifications to the shoreland protections strip — a required 50-foot strip of land from the shoreline.

Drost Landscape — a Charlevoix company — worked as the designer and builder of this project and providing the township with drawings — including the dredged out basin area big enough

for several boats including a 50-foot yacht — an inventory of the existing plants on the property and list of the proposed changes to the shore. According to the report, the subcommittee and the zoning administrator met with the owner Bob Drost at the property site to review the proposed plan. According to the township's zoning ordinance, a member from the Tip of the Mitt Watershed Council was supposed to be involved in this process but they were excluded.

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Hayes

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Watershed Council representatives attended the meeting on Monday and attested to not having been involved in the process and to also opposing the project.

However, Sullivan's report did say that Drost reportedly sought input from the watershed council and that the subcommittee had worked to meet the intent of the ordinance.

At that time, Sullivan recommended approval of the proposed site plan for the project with the requirement that a performance bond equal to the project cost be obtained in the event that circumstances arise in which the project might be delayed or left incomplete.

Township Supervisor Ron Van Zee said the township is trying to keep up with modern development demands and still keep in line with the intent of the ordinance.

Van Zee described the numerous public meetings held to construct the current zoning ordinance language that allows leeway for a development of this nature.

"Think back just fifteen or twenty years ago when there were all little cabins along the lakeshore. All that has changed, our ordinance was so out of date. There was no way that we could enforce what we had. There was no way that the township had the

financial ability to enforce the ordinance the way it was written.

"We now have a little give and take in our ordinance. It is amazing that if we are willing to give a little bit, the property owners are too," said Van Zee.

"When did we stop caring about the lake? I find it hard to believe that you can sit here, knowing what these plans are and think that this is ok," said Narten. "We look to you as board members not just for decisions for today but for the future."

Supervisor Van Zee said, "Do I like these projects? No, I don't like them. But I know that it is really really tough to stop this type of development when we have such little resources."

Neighbors LuAnne Kozma and Ellis Boal - whose family has owned a cottage on the lake since 1912 - are actively trying to stop the project. They complain that the township has intentionally held back information to the public and made access difficult.

Kozma wrote recently in a letter to township officials, "As both township supervisor and the township zoning administrator for Hayes Township, making the decision on the boathouse permit, you need to come clean and tell Hayes township residents what decisions you have made and be specific."

Kozma has also pointed out that the permit issued for the boathouse has expired and needs to be renewed.

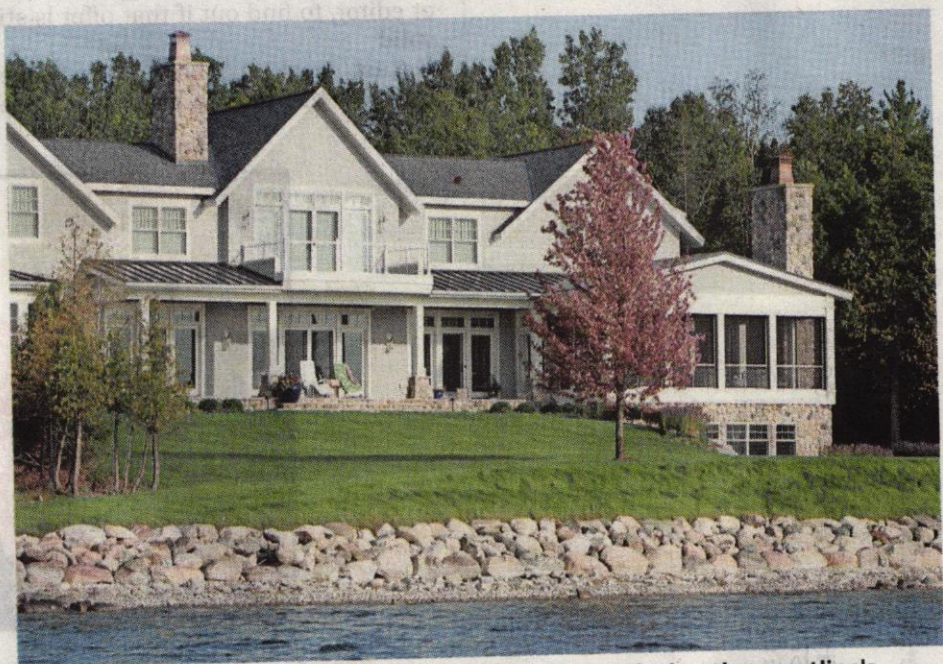
For information on the project's opposition standpoints, visit www.ProtectLakeCharlevoixShoreland.org.



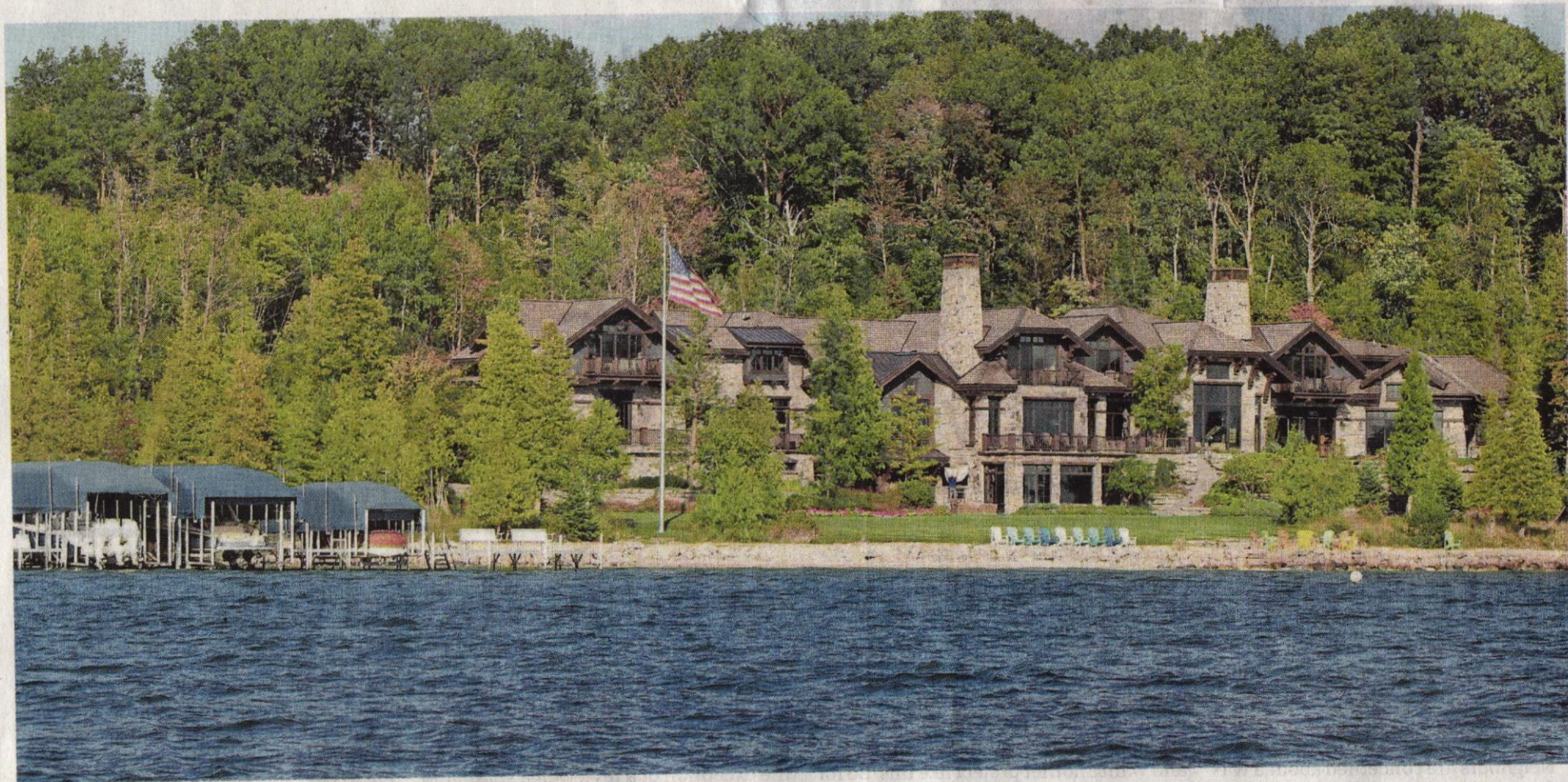
The DeVos' summer home on Lake Charlevoix. The Army Corps of Engineers approved dredging of the shoreline to create private boat access. The bridge connects the mainland with the island created by the excavated land. ANNIE DOYLE



A waterfront home under construction on Lake Charlevoix. ANNIE DOYLE



A waterfront home on Lake Charlevoix with grass replacing the coastline's natural vegetation. Many townships around the lake require a buffer of the original vegetation left intact. ANNIE DOYLE



The Law family has proposed one of the largest private waterfront developments on Lake Charlevoix in recent history. ANNIE DOYLE