

FOR IMMEDIATE RELEASE

March 29, 2022

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**HAYES TOWNSHIP SUED FOR FAILURE TO REMOVE ILLEGAL
PLANNING COMMISSIONER AND ZONING BOARD OF APPEALS
MEMBER WHO SABOTAGED ZBA HEARINGS**

Charlevoix—A resident sued Hayes Township Board of Trustees in Charlevoix County Circuit Court today for the Board’s failure to remove Roy Griffitts, who since being employed in early 2021 as the township’s Deputy Supervisor illegally serves as the township’s Planning Commission Chair and on the Zoning Board of Appeals, violating two state statutes. The lawsuit asks the Court to declare Griffitts removed as of the date of his hire, and order the Township to hold a public hearing on written charges of malfeasance by ZBA members.

The resident, LuAnne Kozma, is one of three waterfront property owners who last fall filed a case with the township’s Zoning Board of Appeals to interpret the waterfront regulations of the township zoning ordinance that protect the Shoreland Protection Strip on the lakes in Hayes Township, including Lake Charlevoix and Lake Michigan, and require structures to be 100 feet away from the water. In December she separately filed a case appealing determinations made by the Township Zoning Administrator regarding a large waterfront development for which he determined he would issue a permit.

The lawsuit describes how Kozma’s two hearings scheduled a month ago were sabotaged by Griffitts serving on the ZBA and Planning Commission (he is the required Planning Commissioner on the ZBA). The first hearing has been nullified due to Griffitts’ participation in it, and requires a new hearing, and the second hearing could not be held. Both cases have been delayed for months due to repeated malfeasance by the ZBA and the refusal of the Township Board to remove Griffitts.

The ZBA cases concern Hayes Township zoning ordinance provisions that prohibit a waterfront development on Lake Charlevoix's north shore. A corporate resort planned on more than 400 acres owned by Scott and Debra Law, of Zionsville, Indiana, has been proposed in separate projects for what the Laws have said will be for their company employees (Zotec Partners) and charitable foundation.¹ One resort amenity proposed at 10034 Anglers Cove would be a "boathouse" that on the main floor would be a dining and event facility with capacity for 350 people dining at tables, kitchen, public restrooms, fireplace and elevator, that would be built over the waters of Lake Charlevoix after a large excavation of the shoreland creating an artificial channel and boat basin.

Hayes Township elected officials Supervisor Ron Van Zee, Clerk Kristin Baranski, Treasurer Julie Collard, and Trustees Matt Cunningham and Doug Kuebler, appointed Griffiths to the Planning Commission and to the ZBA in March and February 2019, respectively. The Board had previously hired Supervisor Van Zee as the township's Zoning Administrator, an incompatible office with Supervisor, and who serves the Planning Commission. In February 2021, however, Van Zee hired Griffiths as his Deputy Supervisor, which by state law is a paid position who serves at the pleasure of the Supervisor. Two state laws, the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act, require that an employee cannot serve on a planning commission or a zoning board of appeals.

According to Township records, Griffiths apparently was assigned by Van Zee to represent Hayes Township on the Lake Charlevoix EMS Authority as his deputy supervisor and was paid for that work. There are no Township records that show Griffiths was appointed by the Board of Trustees on the EMS Authority.

"The minute Griffiths was hired as Deputy, his two planning and zoning appointments giving him legislative and judicial powers effectively ended. Yet, the Township kept him in all these positions, paying him a salary as Deputy and paying him for meeting attendance for the two appointments, delegating to him powers he was no longer eligible to exercise," said Ellis Boal, attorney for Kozma.

The lawsuit filed today asks the Court to declare that Griffiths lost both positions on Planning Commission and Zoning Board of Appeals automatically when the Township Supervisor

¹ Email exchange between Supervisor Ron Van Zee and T. Scott Law in 2019 is available upon request. Also is Exhibit 29 in Kozma's Interpretation case on the website www.protectlakecharlevoixshoreland.org

employed him as Deputy Supervisor. It also asks the Court to order and mandate that the Township schedule a public hearing to consider the removal of certain members of the ZBA prior to it convening hearings involving Kozma, and order and mandate that the Township populate a full 5-member ZBA, one of whom is required to be a legally-appointed Planning Commission member, plus an alternate.

Illegal Participation on the ZBA

At the January 26 hearing for the first case, Kozma gave a 40-minute presentation with 38 exhibits explaining the many provisions in the ordinance that protect the lake and prohibit shoreland from being excavated.

But soon the meeting was sabotaged. Griffiths suggested at the start of the ZBA's deliberations he would make a motion that the ordinance "means what it means," "if that were an acceptable way to end this," without any required findings of fact. He also had stated he refused to acknowledge that the hearing involved the Laws' property and the Laws' proposed plans, even though the public notice referenced the property and notified the Laws and their neighbors, as required by both the statute and the zoning ordinance.

After the hearing ended, Griffiths was recorded indicating his disregard for abiding by the zoning ordinance, stating to another ZBA member that the Laws "are freaking multi-millionaires. . . they can do whatever they damn well want, it's private property." The *ex parte* conversation was also not allowed by the ZBA rules, as all business and deliberation of the case must be done in a public hearing in front of the public, not privately.

Soon after, Kozma learned that Griffiths was a township employee for the Supervisor/Zoning Administrator Van Zee, while serving on the Zoning Board hearing her case, and notified the ZBA and Township attorney. Griffiths resigned as Van Zee's deputy supervisor but not from the Planning Commission or ZBA.

Illegal Acts as Planning Commissioner

Adding to the illegalities the Board created, the Planning Commission elected Griffiths as its Chair for the past three years, giving him the power to chair public hearings and meetings, sign Planning Commission decisions, set agendas, and appoint subcommittees.

As Planning chair, while he was ineligible to serve, Griffiths withheld the township's paid planning consultant's 194-page draft zoning ordinance from the legitimate planning commissioners, sharing it only with his supervisor Ron Van Zee and the township clerk. The consultant's work cost Hayes township taxpayers \$20,000. Instead Griffiths has been drafting the ordinance without the authority to do so, giving only his own drafts a few chapters at a time to the planning commissioners.

Statement by LuAnne Kozma:

“Hayes Township has concentrated power in two people—with Roy Griffiths’ multiple appointments and employment and Ron Van Zee’s dual jobs as Zoning Administrator and Supervisor—to push through their easily-observable collusion to green-light the Laws’ massive corporate resort waterfront project that’s prohibited by our zoning ordinance,” said Kozma. She added, “On the Zoning Board, Griffiths sabotaged our ZBA hearings and on the Planning Commission he has been rewriting the ordinance to remove protections for Lake Charlevoix and Lake Michigan. The Board empowered a 2-man wrecking crew who has said out loud that the zoning ordinance is a negotiating tool, and multi-millionaires can do whatever they want.”

More Background

Kozma created the website: **www.ProtectLakeCharlevoixShoreland.org** where she has posted:

- the briefs and exhibits in the two zoning cases
- A recording of the sabotaged January 26, 2022 ZBA public hearing is also on the website. Roy Griffiths’ remarks during the hearing, and his remarks to another ZBA member after it adjourned, that the Laws are “freaking multi-millionaires” who could build a big building, they can “do whatever they damn well want” are at the end of the recording.
- Kozma’s slide presentation to the ZBA at the January 26 hearing

Hayes Township Zoning Ordinance: **<https://www.hayestownshipmi.gov/zoning-ordinance/>**

The Laws’ property is zoned R-1, low-density residential, where commercial uses are prohibited.

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