

Exhibit 1  
Transcript Portion of Planning Commission Meeting  
9-14-21  
(transcribed by Appellants)

Planning Commission Meeting transcript 9/14/21  
Transcribed by LuAnne Kozma

Document IMG 6786.mov (2 seconds length)

Roy Griffiths:

“...the Law Property.”

Document IMG 6787.mov (15.33 minutes in length)

Roy Griffiths:

So bear with me people.

Any people who have been contacted by LuAnne Kozma or Ellis Boal, asking them to contact the Planning Commission regarding the proposed project on the Law property on Lake Charlevoix. And some of the people have done so. LuAnne and Ellis have created a Facebook page, and a website on this issue and have sent communications and emails demanding that the Planning Commission take action to rescind the conditional permit granted for this project. I'm going to address this further.

I'm going to start with what the Planning Commission can and cannot do in situations like this. The Planning Commission does not issue zoning permits. We DO review and approve, or conditionally approve, or deny shoreline restoration plans that are required on permits for projects like this. We make decisions based on the information available to us at the time, and once then commission makes a required decision, it does not have the ability to go back and change that decision absent a compelling reason like incorrect information, or, due to a specific request from the zoning administrator.

The sequence of steps for approval for a project like this starts with the request for a zoning permit. Determination is made by the zoning administrator of whether or not a permit could be granted or what additional steps may be required. After that, the next step is the development of a shoreline restoration plan to be reviewed by the Shoreline Subcommittee of the Planning Commission. Upon review by the Subcommittee, the plan is either amended based on feedback from the review, or recommended to the planning commission for approval or denial by the Planning Commission as a whole. This approval may include additional conditions to be met as part of the Zoning Permit. The Zoning Administrator includes these conditions as part of the approval overall which is always contingent, and only becomes effective if all other regulatory agencies approve the plan.

At each step there is an opportunity for public to comment by attending meetings or responding to the other agencies's request for feedback.

In the Law Property boathouse, the issue was first raised in October 2019. The Zoning Administrator reviewed the proposal and researched like projects. He discussed his research efforts at the Planning Commission meeting in August 2019 and subsequently decided that the project was sufficiently acceptable [toward?] a shoreline restoration plan review by the Planning Commission.

The Subcommittee members reviewed the plan and discussed the outcome of the process to be achieved for this project.

In October 2019, the Planning Commission members of the Subcommittee, the Zoning Administrator and the landscape architect met onsite and walked the property with the initial plans in hand. Locations in the proposed project review and the project as a whole was discussed. The list of plantings and suggested plants were sent to the Tip of the Mitt for review.

Tip of the Mitt provided feedback on the plan. They did not approve or deny plans, instead limiting their feedback to the choice of plants and appropriateness for the intended use. On that point, I have an email from Jen Buchanan who was filling in for Grenetta Thomassey who was the member of the Subcommittee appointed by Tip of the Mitt. She says “thanks for sharing the Drost plans for the Law residence. Bob did share the plan with us. For clarification the notation that native vegetation ground cover is approved by Tip of the Mitt does not reflect any sort of approval but rather a recommendation. We asked that he consider including additional vegetation along the shoreline, to increase the area and function of the greenbelt and he obliged.”

In November the Subcommittee made their recommendation to the Planning Commission that the plan as amended be approved at the November 2019 regular meeting.

The Planning Commission unanimously approved the plan, adding certain conditions and returned the proposed project to the Zoning Administrator for his decision.

The decision of the Planning Commission dealt only with the Shoreline Subcommittee process of examining the proposed restoration plan.

Quoting from the minutes: “this approval is contingent upon receipt of copies of approvals from all other appropriate agencies and, a performance guarantee bond in an amount sufficient to restore the shoreline should there be an interruption in the project completion; and the restored area shall be maintained in conformance with the zoning ordinance and the approved plan. The amount of bond is to be established by the zoning administrator who will monitor compliance with the special conditions required. The zoning permit will not be issued until copies of the agency approvals are received and the performance bond is in place and the bond will be renewed as necessary for the duration of construction.”

The conditional permit issued by Hayes Township expires 12 months from the date all conditions are satisfied, required agency approvals are received, and the bond has been posted.

And then we talk about the Shoreline Subcommittee report. I can read that:

“Marilyn Morehead, member of the Shoreline Subcommittee, presented a report for application for a zoning permit, to allow construction of a private basin and boathouse, the Law Property, 10034 Anglers Cove, Charlevoix, Michigan. The zoning administrator’s determined the project meets the requirements for granting a permit with the exception of a review by the Shoreland Subcommittee of the Shoreline Landscaping Plan. The project will involve modifications to the Shoreline Protection Strip. The subcommittee, zoning administrator and Bob Drost of Drost Landscaping who is working as the designer and builder of the project, met on site, walked the property, reviewed the proposed plan. The proposed plan restores native plantings to the majority of waterfront, as well as restoring the area abutting the new boat basin. The road end will be removed eliminating runoff to the lake, the property will look natural as the intention of the Shoreline Subcommittee promotes. Mr. Drost has sought input from Tip of the Mitt, and the Subcommittee has worked to meet the intent of the ordinance.”

Those are from the minutes. On the township's decision to grant conditional approval, the application then went to the State Department of Environment, Great Lakes and Energy, hereafter called EGLE, for its review and processing. After a series of reviews and discussions resulting in additional conditions being imposed, the plan was granted approval by EGLE, and forwarded to the US Army Corps of Engineers for its review.

The Army Corps has been reviewing the application and has asked the applicant for additional information and amendments. It has not yet granted approval.

Therefore the township zoning permit has not become activated. Since it has not acted it cannot have been expired. Once the Planning Commission made its decision the process moved beyond us. If all the agency approvals result in changes which materially change the project in such a manner that the Zoning Administrator feels the need to amend the zoning permit, it may trigger the need an updated review by the shoreline restoration process. This isn't known until the final agency approvals are issued.

And remember this process has been going on for over two years now. And only recently has the issue caused concern by neighbors of the Laws. In December 2019 Mr. Boal appeared before the Planning Commission. The issue is noise and the issue of the boathouse and basin was not mentioned at that point. This was after our recommendation was approved in November. There have been multiple communications including at least 10 emails from the Boals complaining about activities at the Law property. Each complaint includes a request that the Planning Commission create new ordinances to prevent the Laws from doing something.

There is also a group of neighbors who came to a Planning Commission meeting to complain about a shooting range. While I understand that those who complained have the right to do so, the pattern of these complaints suggests that, in my opinion, the motivation for this most recent effort is based on these ongoing disputes.

The Shoreline Restoration Committee was formed as an amendment to the Zoning Ordinance, Section 3.14, which had not been successful in promoting the preservation and restoration of the shoreline of the lakes in our township. The Planning Commission realized that cooperation of the property owners was best achieved by a process in which consultation and compromise was possible, rather than the strict mandates of the earlier ordinance. To best achieve that the Subcommittee process was created to allow property owners and their landscapers to work towards a restoration plan that promotes water quality and protects the lake while still allowing owners to enjoy the use of their property. Inevitably this process creates incremental positive change rather than an absolute mandate and has been very successful in bringing increased compliance with the goal of shoreline protection.

In the Law situation it works like this: The Laws own approximately 1200 feet of waterfront. There exists a stretch of some 200 feet which is currently beach sand and landscape. There is also a roadway and a parking area which directs water runoff directly into the water. The plan submitted to us in 2019 restores some approximately 150 feet of the waterfront and eliminates the roadway and the parking area. The few trees which would need to be removed that are adjacent to the existing roadway would be replaced as part of the final restoration.

The alternative in this case is that nothing would be done to the shoreline as the triggering action as the activation of a building permit. Applying the 20% rule, the area that could be altered far exceeds the area of shoreline strip affected in this case. The ordinance adds requirements for replanting trees and roots that are removed and the approved plan accomplishes this.



The concern about the walls of the boat basin which is part of the discussion between the US Army Corps and the applicant is permitted by Section 3.14(c) of our ordinance, quoting: “the shoreline retaining structure shall be permitted by the appropriate agency approvals.

Regarding the issues raised around noticing and posting, all meetings of the Planning Commission are and were posted as required by the state. There is no requirement that individuals be notified or treated specifically or differently from the rest of the township residents. The township website was and is maintained as a convenience for residents and it is not the location for the publication or storage of official documents in an official manner nor is it the official location for public access to those documents. Posting happens here on the door and all files are kept here and people can come in here access them through an appointment with the clerk.

The Tip of the Mitt was a valuable resource and partner in our efforts to improve the quality of the lakeshore. Grenetta Thomassey, PhD, was our primary contact, and Jennifer Buchanan worked as her alternate and worked with the Subcommittee to facilitate our efforts to increase planting and enhance compliance with the intent of the ordinance. Their creativity and knowledge will be sorely missed now that Jennifer McKay has declared in her memo of August 30, 2021, that the agency will no longer participate in the subcommittee.

To summarize these are the facts: Actions were taken by the Planning Commission two years ago and followed the normal posting and review process. The Planning Commission does not issue permits; it does review shoreline restoration plans and accepts them with contingencies or deny them. If the plan is accepted then the Zoning Administrator determines whether the rest of the proposed project meets the requirements for a zoning permit. The Shoreline Subcommittee was established to further the acceptance of the intent to protect the shoreline and work with property owners so they may create plans which increase compliance with the ordinance. To date this approach has been very successfully received by those properties who have gone through it. The Planning Commission's decision to accept the shoreline restoration plan based on the work of the Subcommittee which included input from Tip of the Mitt, contained contingencies. At this time there has been no decision by all the required agencies so the permit has not gone into effect. The Planning Commission works on behalf of all the residents of the township and does not take sides in what in my opinion is a dispute between neighbors. The Tip of the Mitt has chosen no longer to participate in this process thus depriving the township of a valuable resource to the community. Should the project be approved by all the appropriate agencies with the result that significant changes to the project result in the need that to amend the shoreline restoration plan, the matter may be taken up again. The Planning Commission members understand that people have different opinions on issues and support the right of public feedback. However the tone of communications by certain members of the public who have taken to chastising and ridiculing members of the Planning Commission and the township staff have resulted in damage to all parties involved and should cease immediately. As in all complex projects impacted by complicated zoning ordinances with multiple agency approvals required, people can selectively pull pieces of information in an attempt to substantiate their claims. The township works to benefit the entirety of its citizens and does not intend to have its rules and procedures used to take sides in any dispute. If the parties wish to seek a remedy to a particular decision there are avenues available to them other than public smear campaigns and bullying accusations against Hayes Township representatives. This behavior is absolutely unacceptable and counter-productive to our community. And that's that.

Do any of the other Planning Commission members have any comments?

[Unknown member]: Strongly agree.

Else? [No other member speaks].

All right then we will close Planning Commission comments and open public comments. I'll remind you that you have 3 minutes each.

\*END OF THIS RECORDING\*

Exhibit 2  
Scott and Debra Law boat basin permit application  
To Hayes Township  
8-13-19



clerk hayestownshipmi &lt;clerkhayestownshipmi@gmail.com&gt;

**Fwd: FOIA request: Scott a& Debra Law boathouse documents**

3 messages

LuAnne Kozma &lt;luannekozma@gmail.com&gt;

Sun, Aug 1, 2021 at 7:20 PM

To: Hayes supervisor &lt;supervisorhayestownshipmi@gmail.com&gt;, clerk@hayestownshipmi.gov

Dear Supervisor Van Zee and Hayes Township Clerk,  
Sorry, I accidentally sent this FOIA request to Ron's personal email yesterday. I'm correcting that now.

----- Forwarded message -----

From: LuAnne Kozma &lt;luannekozma@gmail.com&gt;

Date: Sat, Jul 31, 2021 at 7:55 PM

Subject: FOIA request: Scott a&amp; Debra Law boathouse documents

To: Ron Vanzee &lt;vanzeerj39@gmail.com&gt;

Cc: Ellis Boal &lt;ellisboal@voyager.net&gt;

Hello Ron,

I am writing requesting information about residents Scott and Debra Law's plans for a boathouse, artificial boat basin and artificial channel that cuts into Lake Charlevoix shoreline and the 50 foot shoreline protection zone.

I understand Hayes Township approved their proposal. From perusing the minutes and agendas, I cannot tell when or by which bodies of Hayes Township made these approvals.

I request, under the Freedom of Information Act, an electronic copy of all documents in possession of Hayes Township for this project, including: committee or commission or township board decisions, packets provided to Hayes Township, site review notes of planning commissioners and zoning board commissioners or any other committee that reviewed or deliberated on the plans, correspondence and emails between the applicants Scott and Debra Law or their representatives and the township officials, and any photographs or other visuals (drawings, plans) taken or provided by the laws or township officials in deciding this project.

Please also tell me under which parts of the township's ordinances this project or projects were applied under.

Please let me know if you have any questions about what documents I am requesting and I can clarify.

Thank you very much,

LuAnne Kozma  
9330 Woods Road  
Charlevoix MI 49720  
231-547-2828

Hayes supervisor &lt;supervisorhayestownshipmi@gmail.com&gt;

Mon, Aug 2, 2021 at 6:04 AM

To: Kristin Baranski &lt;clerk@hayestownshipmi.gov&gt;

Sent from my iPhone

Begin forwarded message:

From: LuAnne Kozma &lt;luannekozma@gmail.com&gt;

Date: August 1, 2021 at 7:21:02 PM EDT

To: Hayes supervisor &lt;supervisorhayestownshipmi@gmail.com&gt;, clerk@hayestownshipmi.gov

Subject: Fwd: FOIA request: Scott a&amp; Debra Law boathouse documents

[Quoted text hidden]

Forwarded to Bob Drost  
11-4-19 RK



Hayes supervisor <supervisorhayestownshipmi@gmail.com>

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## Draft memo to Drost

1 message

Roy Griffitts <rwgriffitts3@gmail.com>

Thu, Oct 31, 2019 at 2:31 PM

To: Ron VanZee <supervisor@hayestownshipmi.gov>, Marilyn Morehead <morehead.m@gmail.com>

Marilyn and I have agreed on the following. Hopefully you can just cut and paste if you agree with it. If not feel free to change as necessary .

Bob, thanks for meeting with us and walking the shoreline at the the Law property. We appreciate the revised draft of the plan. It is obvious that you have worked to bringing this plan into greater compliance with the township ordinance. In order for the township's shoreline subcommittee to be able to complete it's review of the plan and make recommendations to the planning commission some additional information is required. As noted in ordinance 3.14 the following applies:

### Shoreland Landscaping Plan

The purpose of the Shoreland Landscaping Plan is to ensure that waterfront development will not negatively impact water quality.

- i. The Landscaping Plan shall address the conditions set forth in Section 3.14 (1-5).
- ii. The Landscaping Plan shall address the elements set forth in Section 3.24 Landscaping.
- iii. Prior to receiving a zoning permit to build or increase the footprint of a waterfront structure, a Shoreland Landscaping Plan with the following information is required:
  1. A detailed inventory of the existing 50-foot Shoreland Protection Strip area, including the locations of trees, shrubs, and ground cover, with notes as to the locations of native and non-native species.
  2. A detailed inventory of all structures within one hundred (100) feet of the Ordinary High Water Mark.
  3. A detailed inventory of planned changes to the 50-foot Shoreland Protection Strip area, including tree removals and/or plantings, vegetation removal and/or plantings (if applicable).

The latest plan accomplishes much of the above but it does not tell us those plants or grasses that need to be removed and which plants are to be used in which locations. We would appreciate it if you would provide us a list of plantings and their locations on the plan. As a practical matter in item #3 above, we have agreed to accept plants that are listed in the Northwest Michigan Invasive Species Network and/or the list of plants from the Tip of the Mitt's Homeowner Guide to watershed protection.

Thanks for your help in moving this project forward. ... RVZ

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

ZONING PERMIT APPLICATION

ZONE DISTRICT \_\_\_\_\_ PERMIT NUMBER \_\_\_\_\_ FEE 100<sup>00</sup> <sup>paid</sup> DATE RECEIVED \_\_\_\_\_

**GENERAL INFORMATION**

Property Owner Name(s) Scott Law  
Mailing Address 11460 N. Meridian St. Carmel Indiana 46032  
Telephone 317-805-4100 <sup>WK</sup> Cell: 317-691-0289 EMAIL: slaw@zotecpartners.com

**PROPERTY INFORMATION**

Property Tax ID Number(s) 15-007- 132 - 005 - 25  
Property Address 10034 Anglers Cove, Charlevoix Mi. 49720  
Contractor Drost Contractor Contact Information 231-348-2624

**PROPOSED USE OF PROPERTY**

Type of Improvement(s)(describe) boat basin  
New Construction X Reconstruction \_\_\_\_\_ Addition \_\_\_\_\_ Sign \_\_\_\_\_ Other \_\_\_\_\_  
Dimensions of Proposed Structure \_\_\_\_\_ HEIGHT \_\_\_\_\_

**PROPOSED ZONING PERMIT**

Special Use \_\_\_\_\_ Type of Special Use boat basin

P.U.D. \_\_\_\_\_ Rezone \_\_\_\_\_ Land Division/Split Involved? \_\_\_\_\_

**PERMITS & REQUIRED DOCUMENTS**

Site Plan Required ✓ Survey Required ✓ Health Dept. \_\_\_\_\_  
Road Commission \_\_\_\_\_ Soil & Erosion ✓ Corps of Engineers ✓ D.N.R. \_\_\_\_\_ D.E.Q. ✓

Owners Signature(s) \_\_\_\_\_

Zoning Administrator Signature [Signature]

SEE REVERSE SIDE

Invoice No	Date	Notes	Amount	Discount	Previous	Net
20190813	08/13		100.00			100.00



P.O. Box 696  
 Petoskey, MI 49770  
 P: (231) 348-2624  
 F: (231) 348-3852

CHASE  
 JPMORGAN CHASE BANK, N.A.  
 DETROIT, MI 48226

09-32/720

CHECK NO.

15838

\*\*\* ONE HUNDRED AND NO/100\*\*\*

DATE

8/13/2019

AMOUNT

\*\*\*\$100.00\*\*\*

PAY  
 TO THE  
 ORDER  
 OF

Hayes Township  
 09195 Old US-31 N

Charlevoix MI 49720



*Robert A. Drost*

VOID AFTER 90 DAYS

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

⑈015838⑈ ⑆072000326⑆

840614705⑈

CRB 120-3

Hayes Township  
 09195 Old US 31 N  
 Charlevoix, MI 49720  
 231-547-9961

# CASH RECEIPT

Date

8-26-19 P.Y. 19 004623

Received From Drost Landscape

Address PO Box 696 Petoskey, MI 49770

one hundred dollars and 00/100 Dollars \$ 100.00  
 For Shoreline Protection Committee Review for Low Pop.

## ACCOUNT

## HOW PAID

AMT. OF  
 ACCOUNT

AMT. PAID

BALANCE  
 DUE

CASH

CHECK

MONEY ORDER ☐  
 CREDIT CARD ☐

By

*[Signature]*

**HAYES TOWNSHIP ZONING PERMIT APPLICATION**  
**09195 Old US 31 N. - Charlevoix, MI 49720**  
**Zoning Administrator (231) 497-9360**  
**FAX (231) 237-0046**

An application for a zoning permit shall be filed in writing with the Zoning Administrator, signed by the person, firm, co-partnership or corporation.

There shall be submitted with all applications for zoning permits one (1) copy of a plot plan, giving accurate dimensions on either a scale drawing or a rough sketch. Drawings shall be required on all structures and shall contain the following information:

1. Existing and intended use of the structure;
2. Dimensions: include proposed building with dimensions (including height); lot or parcel dimensions, front, side, and rear yard distances to lot line or other structures;
3. Location upon the lot of all existing and proposed structures; well and septic location; lakes, streams, easements, or other dedicated rights-of-way, and any streets (use name) bordering the property;
4. Application for zoning permits under the provision of the Ordinance shall be accompanied by evidence of ownership of all property affected by the coverage of the permit;
5. Evidence that all required federal, state, (wetland, if required), and county licenses or permits (well & septic) have been acquired or that applications have been filed for same;
6. Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator.

The written approval of the water supply and sewage disposal facilities, as obtained from the District Health Department, and as required by the zoning Ordinance, shall be accompanied by one copy of both plans and specifications, which shall be filed and retained by the office of the Zoning Administrator.

The Zoning Administrator may require a copy of the soil Erosion Permit and MDEQ Wetlands permit, if one is required, prior to the issuance of a Zoning Permit.

In cases of minor alteration, the Zoning Administrator may waive portions of the foregoing requirements obviously not necessary for determination of the compliance with the Zoning Ordinance.

The Zoning Administrator (ZA) is required to do onsite inspections to take measurements, pictures, etc. You will be required to mark, or stake, the location of all structures upon the parcel so the ZA may complete these tasks. If a Zoning Permit is issued and it is found the measurements on the application for the permit are not accurate the permit will be voided.

A copy of section 4.13 of the Zoning Ordinance has been provided to help you understand setbacks, minimum sq. footage and lot requirements.

All Commercial and Industrial properties require a development plan.

ALL PERMITS REQUIRED BY THE ZONING ORDINANCE SHALL BE DISPLAYED FACEOUT, WITHIN 24 HOURS OF ITS ISSUANCE BY PLACING THE SAME IN A CONSPICUOUS PLACE ON THE PREMISES FACING THE NEAREST STREETS AND SHALL BE CONTINUOUSLY DISPLAYED UNTIL ALL WORK IS COMPLETED.





2010 Cedar Valley Road  
P.O. Box 696  
Petoskey, MI 49770  
(231) 348-2624  
FAX (231) 348-3852  
DrostLandscape.com

Date: 11/21/2019

To Whom It May Concern:

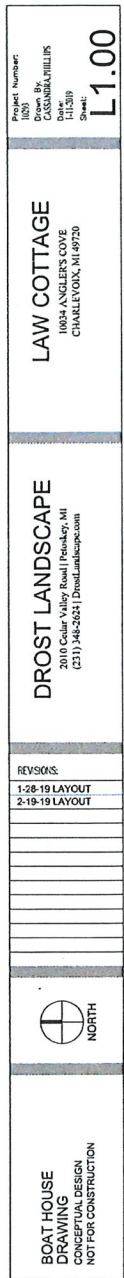
I hereby authorize Bob Drost to apply for and sign (as the agent) the necessary Soil Erosion, Joint DEQ/Army Corp. of Engineers permits, and any required township permits for this project.

Any question should be directed to Drost Landscape Inc.

Sincerely,

Signature (please print name below)

Bob,  
Sorry About Delay, I thought  
I signed this in August when  
you sent it to me! THANKS



**BOAT HOUSE  
DRAWING  
CONCEPTUAL DESIGN  
NOT FOR CONSTRUCTION**



Exhibit 3  
Scott and Debra Law Boathouse  
Zoning Permit Application and Submitted Materials  
7-6-20  
Zoning Permit issued for boathouse and covered walkway  
7-8-20

HAYES TOWNSHIP

# Zoning Permit

The permit must be visible from the highway frontage

*Any person willfully destroying this permit before the completion of this building  
will be punished to the full extent of the law.*

Date 7-8-20

Permit No. 20-07-01

ISSUED FOR THE ERECTION OF A

Attached boathouse with covered walkway

Special Conditions Maintain and restore greenbelt area as approved by Planning Commission. Contingent on all appropriate agencies.

Location 10034 Anglers Cove PIN 15-007-132-005-25

Owner Scott & Debra Law Contractor MPN

Ra Ju 2

Zoning Administrator

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

ZONING PERMIT APPLICATION

ZONE DISTRICT R-1 PERMIT NUMBER 20-07-01 FEE \_\_\_\_\_ DATE RECIEVED 7-6-20

**GENERAL INFORMATION**

Property Owner Name(s) Scott + Debra Law  
Mailing Address 11460 N. Meridian St. Carmel Indiana 46032  
Telephone 317-805-4100wk Cell: 317-691-0289 EMAIL: slaw@zotecpartners.com

**PROPERTY INFORMATION**

Property Tax ID Number(s) 15-007-132 - 005 - 25  
Property Address 10034 Anglers Cove Charlevoix Mi. 49720  
Contractor MPN Contractor Contact Information Chris @ ~~MPN~~ mpnbuild.com  
231-384-0388

**PROPOSED USE OF PROPERTY**

Type of Improvement(s)(describe) boat house attached  
New Construction X Reconstruction \_\_\_\_\_ Addition \_\_\_\_\_ Sign \_\_\_\_\_ Other \_\_\_\_\_  
Dimensions of Proposed Structure 80'6" x 93' HEIGHT 30'

**PROPOSED ZONING PERMIT**

Special Use \_\_\_\_\_ Type of Special Use \_\_\_\_\_

P.U.D. \_\_\_\_\_ Rezone \_\_\_\_\_ Land Division/Split Involved? \_\_\_\_\_

**PERMITS & REQUIRED DOCUMENTS**

Site Plan Required ✓ Survey Required \_\_\_\_\_ Health Dept. \_\_\_\_\_  
Road Commission \_\_\_\_\_ Soil & Erosion ✓ Corps of Engineers ✓ D.N.R. ✓ D.E.Q. ✓

Owners Signature(s) Robert A. Orst

Zoning Administrator Signature Rm Va 2

SEE REVERSE SIDE



P. O. Box 696  
Petoskey, MI 49770  
P: (231) 348-2624  
F: (231) 348-3852

CITIZENS NATIONAL BANK Member FDIC  
Cheboygan • Onaway • Mackinaw City • Pellston  
Indian River • Alanson • Petoskey, MI

16811  
CHECK NO.

16811  
74-221/724  
09  
CHECK ARMOR  
74255 • PROTECTION

\*\*\* THREE HUNDRED SIXTY-FOUR AND FIFTY /100\*\*\*

DATE  
7/8/2020

AMOUNT  
\*\*\*\$364.50\*\*\*

PAY  
TO THE  
ORDER  
OF

Hayes Township  
09195 Old US-31 N

Charlevoix MI 49720

VOID AFTER 90 DAYS

*Robert A. Drost*  
AUTHORIZED SIGNATURE

⑈016811⑈ ⑆072402212⑆ 26068924⑈

CRB 120-3

Hayes Township  
09195 Old US 31 N  
Charlevoix, MI 49720  
231-547-6961

CASH  
RECEIPT

Date 7-15-20

004680

Received From Drost

Address

Three hundred sixty four & 50/100 — Dollars \$ 364.50

For zoning permit 20-07-01 15-007-132-005-25

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	364.50	
BALANCE DUE			MONEY ORDER <input type="checkbox"/>		
			CREDIT CARD <input type="checkbox"/>		

CK # 16811

By Rm Va Z

Invoice No	Date	Notes	Amount	Discount	Previous	Net
20190813	08/13		100.00			100.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

15838



P.O. Box 696  
 Petoskey, MI 49770  
 P: (231) 348-2624  
 F: (231) 348-3852

CHASE  
 JPMORGAN CHASE BANK, N.A.  
 DETROIT, MI 48226

15838

09-32/720

CHECK NO.

\*\*\* ONE HUNDRED AND NO/100\*\*\*

DATE

8/13/2019

AMOUNT

\*\*\*\$100.00\*\*\*

PAY  
 TO THE  
 ORDER  
 OF

Hayes Township  
 09195 Old US-31 N

Charlevoix MI 49720



*Robert A. Drost*

VOID AFTER 90 DAYS

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

⑈015838⑈ ⑆072000326⑆

840614705⑈

CRB 120-3

Hayes Township  
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 Charlevoix, MI 49720  
 231-547-9961

## CASH RECEIPT

Date

8-26-19 P.Y. 19 004623

Received From *Drost Landscape*Address *PO Box 696 Petoskey, MI 49770*

*one hundred dollars and 00/100* Dollars \$ *100.00*  
 For *Shoreline Protection Committee Review for Low Pop.*

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH <i>15838</i>	
AMT. PAID		CHECK <i>100.00</i>	
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By

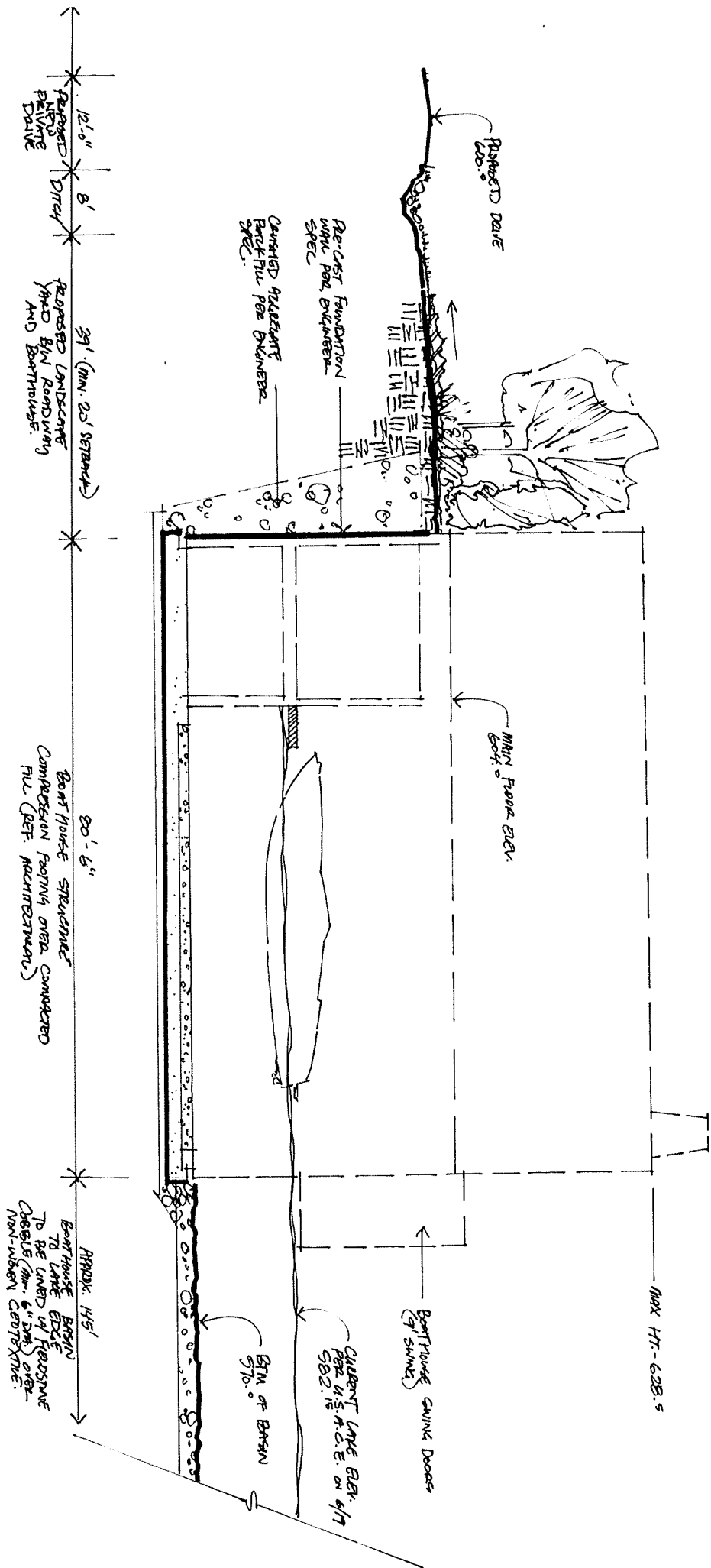
*L. Sullivan*



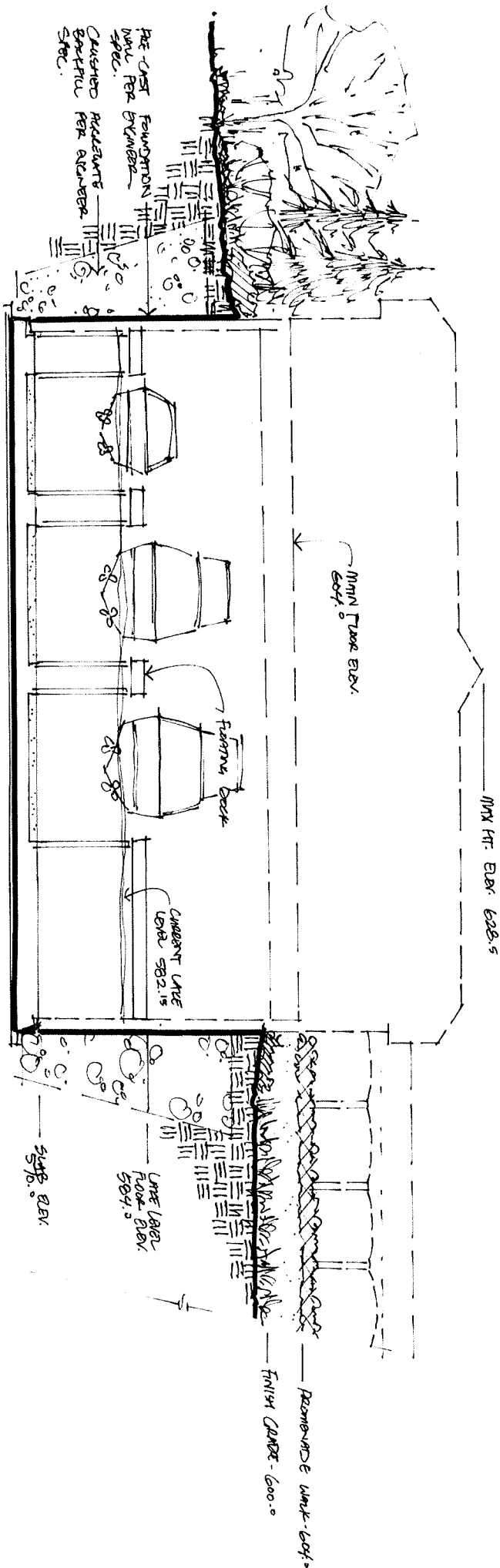
Law Property - Boathouse & Basin  
10034 Anglers Cove, Charlevoix, MI 49720  
28 June 2020

SECTION 'A'

Scale 1/8" = 1'-0"







PER CAST FOUNDATION  
WALL PER EXISTING  
SPEC.  
CAULKED JOINTS PER  
EXISTING SPEC.

93'-0"

Boat House Structure  
Foundation Over Compacted Fill  
(Per Arch Records)

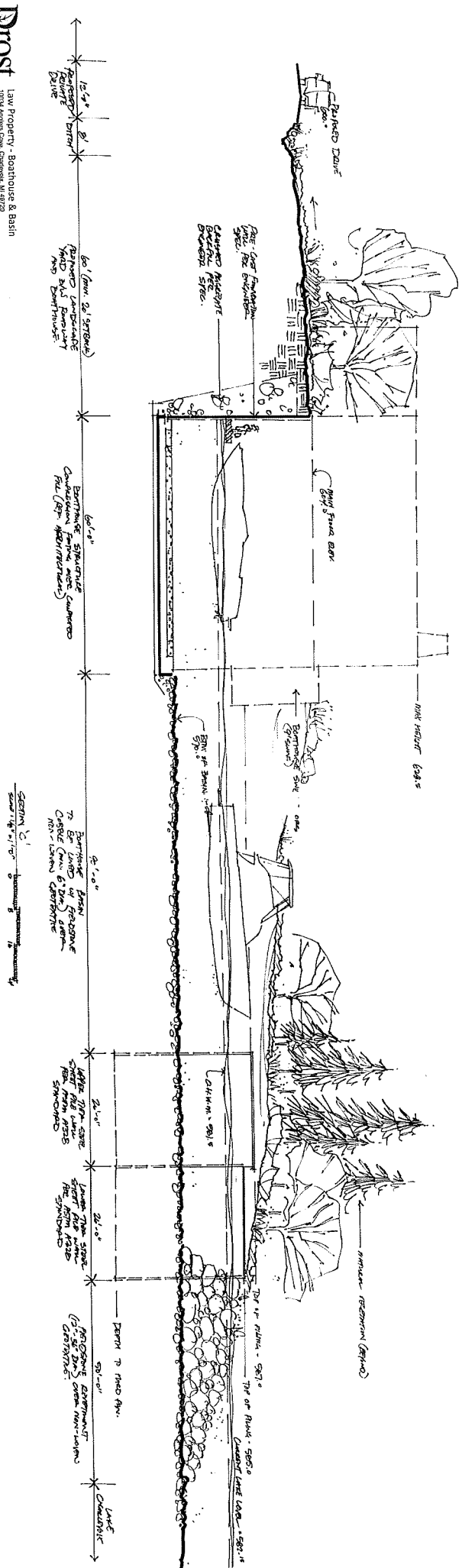
Section 'B'

Scale: 1/8" = 1'-0"



**Drost**

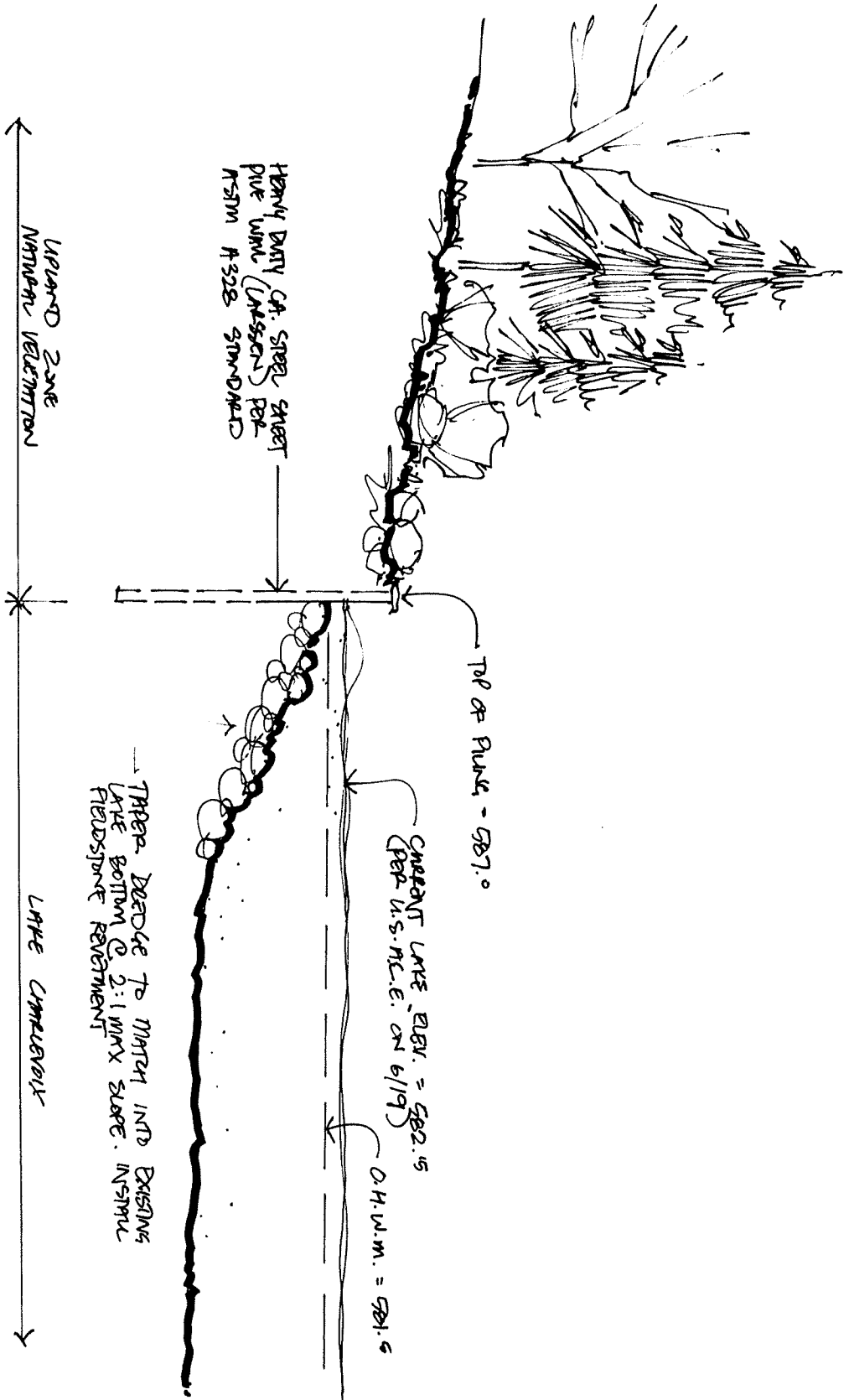
Law Property - Boathouse & Basin  
10034 Anglers Cove, Charlevoix, MI 49720  
28 June 2020

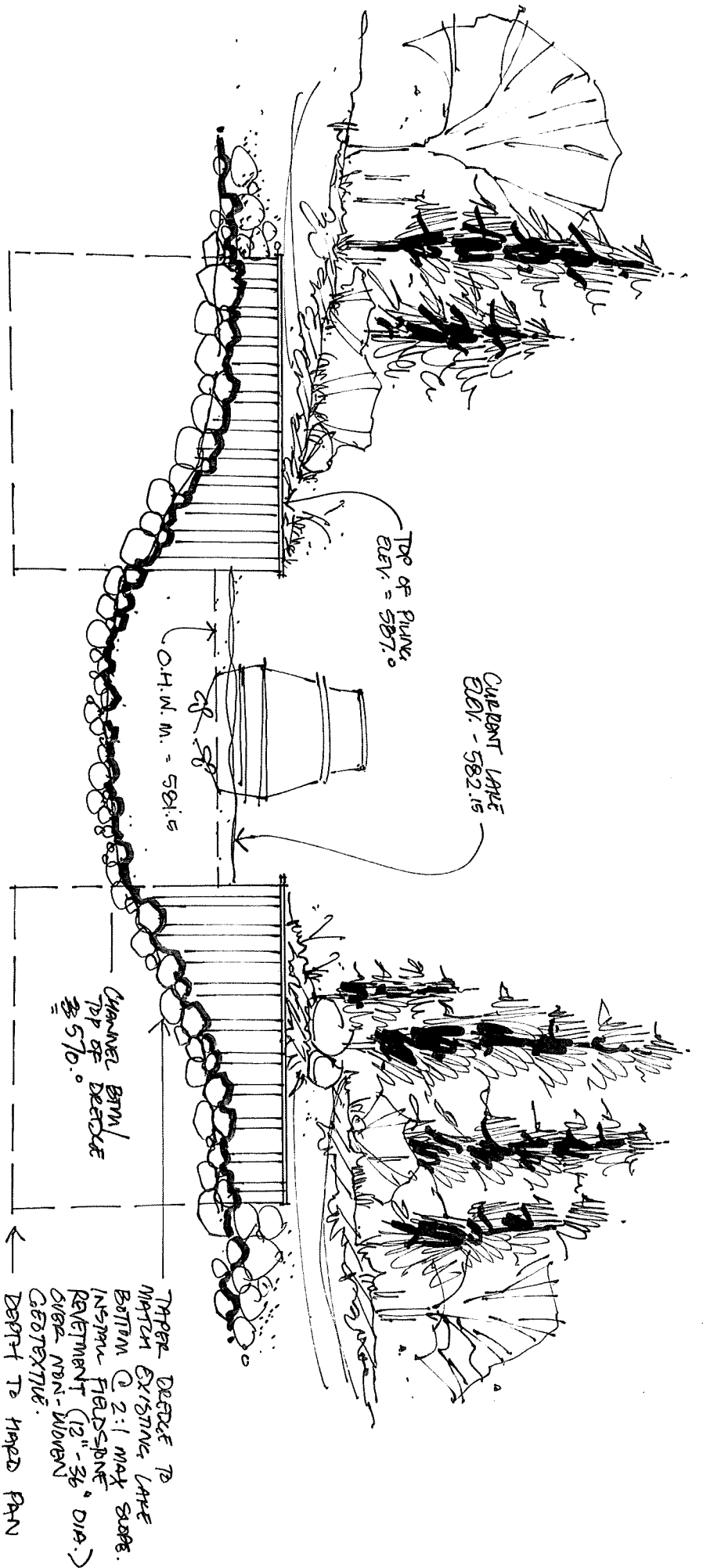


**Drost**  
Law Property - Boathouse & Basin  
10034 Anglers Cove, Charleston, MI 48720  
26 Area 5550

Section 'D'

Scale: 1/8" = 1'-0"





PROPOSED HEAVY GA.  
STEEL SHEET PILE WALL  
(LARSSEN) DRIVE 50%  
BELOW DEBRIS ELEV. /  
50% ABOVE PER  
ASTM A328 STANDARD

CHANNEL FROM  
LAKE CHANNEL TO  
BOATHOUSE BASIN  
TO BE LINED W/ FLADSPONE  
GEOTEXTILE (MIN. 6" DIA.) OVER  
NON-WOVEN GEOTEXTILE

PROPOSED HEAVY GA.  
STEEL SHEET PILE WALL  
(LARSSEN) DRIVE 50%  
BELOW DEBRIS ELEV. /  
50% ABOVE PER  
ASTM A328 STANDARD

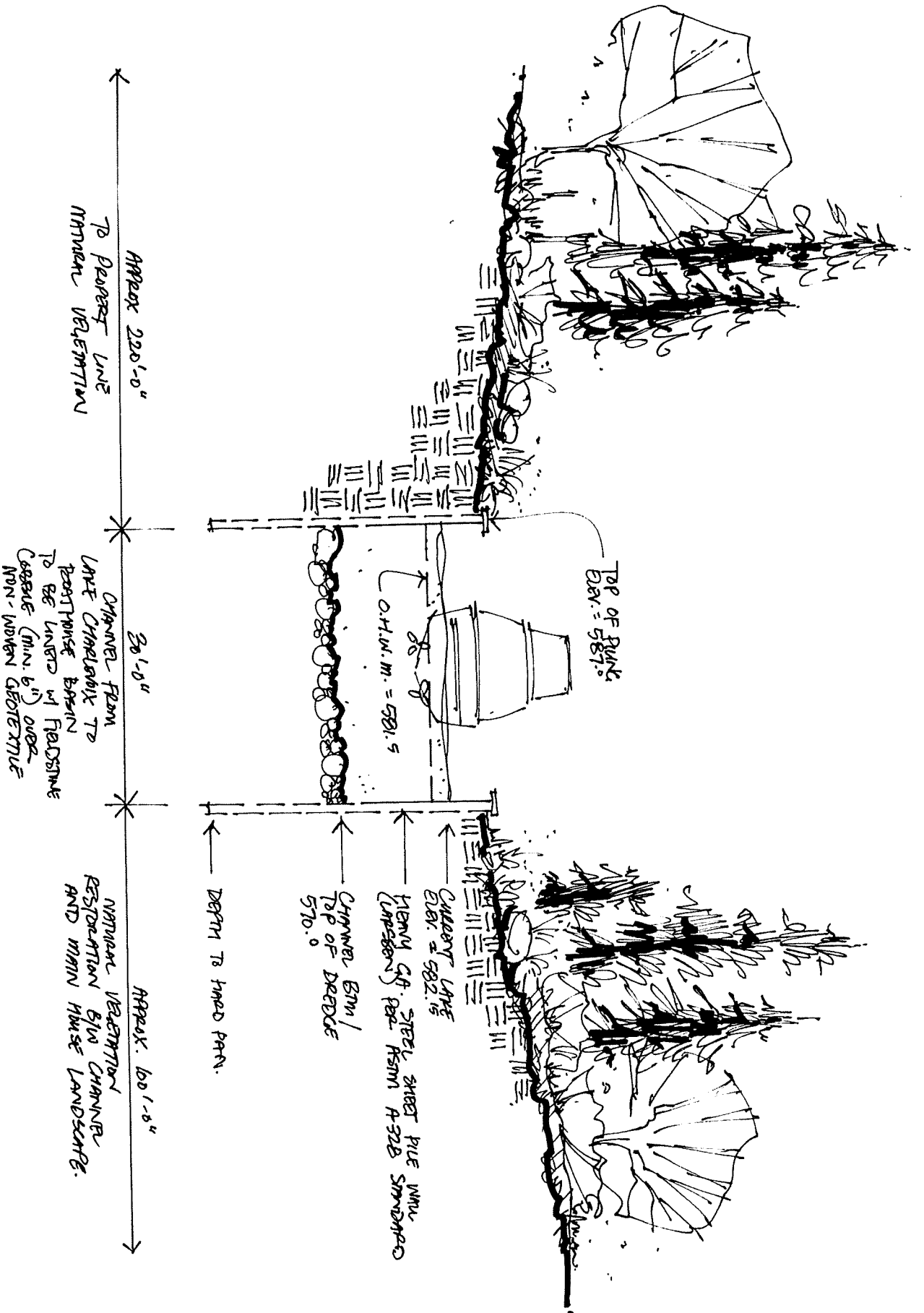
SECTION 'C'

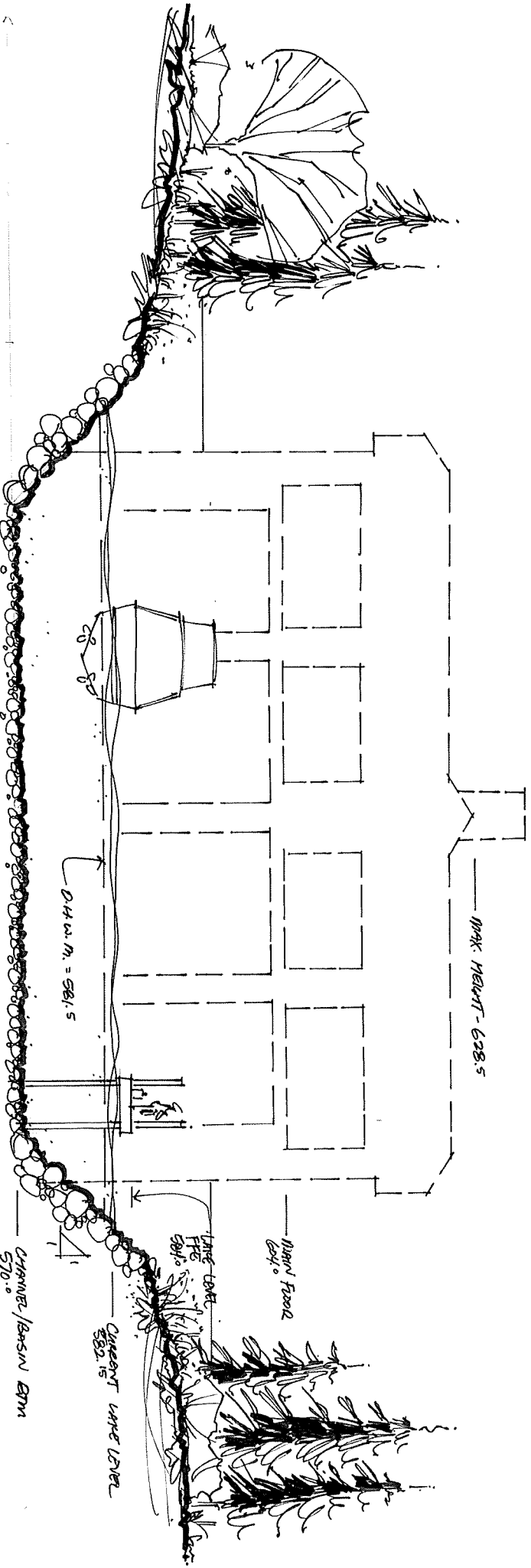
SCALE: 1/8" = 1'-0"

8

16

24





APPROX. 240' TO PROPERTY LINE NATURAL VEGETATION.  
 20' TRAP BASIN @ SIDE SLOPE w/ 1:1 MAX SLOPE w/ FIELDSTONE RETAINMENT.  
 80' 0" BOAT HOUSE BASIN TO BE LINED w/ FIELDSTONE GEOLITE (MIN 6" DIA.) OVER NON-WOVEN GEOTEXTILE  
 20' TRAP BASIN @ SIDE SLOPE w/ 1:1 MAX SLOPE w/ FIELDSTONE RETAINMENT  
 APPROX. 75' REPAIRED LANDSCAPE YARD BY BOATHOUSE AND MAIN HOUSE.

**Drost**  
 Law Property - Boathouse & Basin  
 10034 Anglers Cove, Charlevoix, MI 49720  
 26 June 2009

SECTION 'G'  
 SCALE: 1/8" = 1'-0"  
 0 8 16 24











BOAT HOUSE LAKE LEVEL FLOOR PLAN  
SCALE 1"=1'-0"

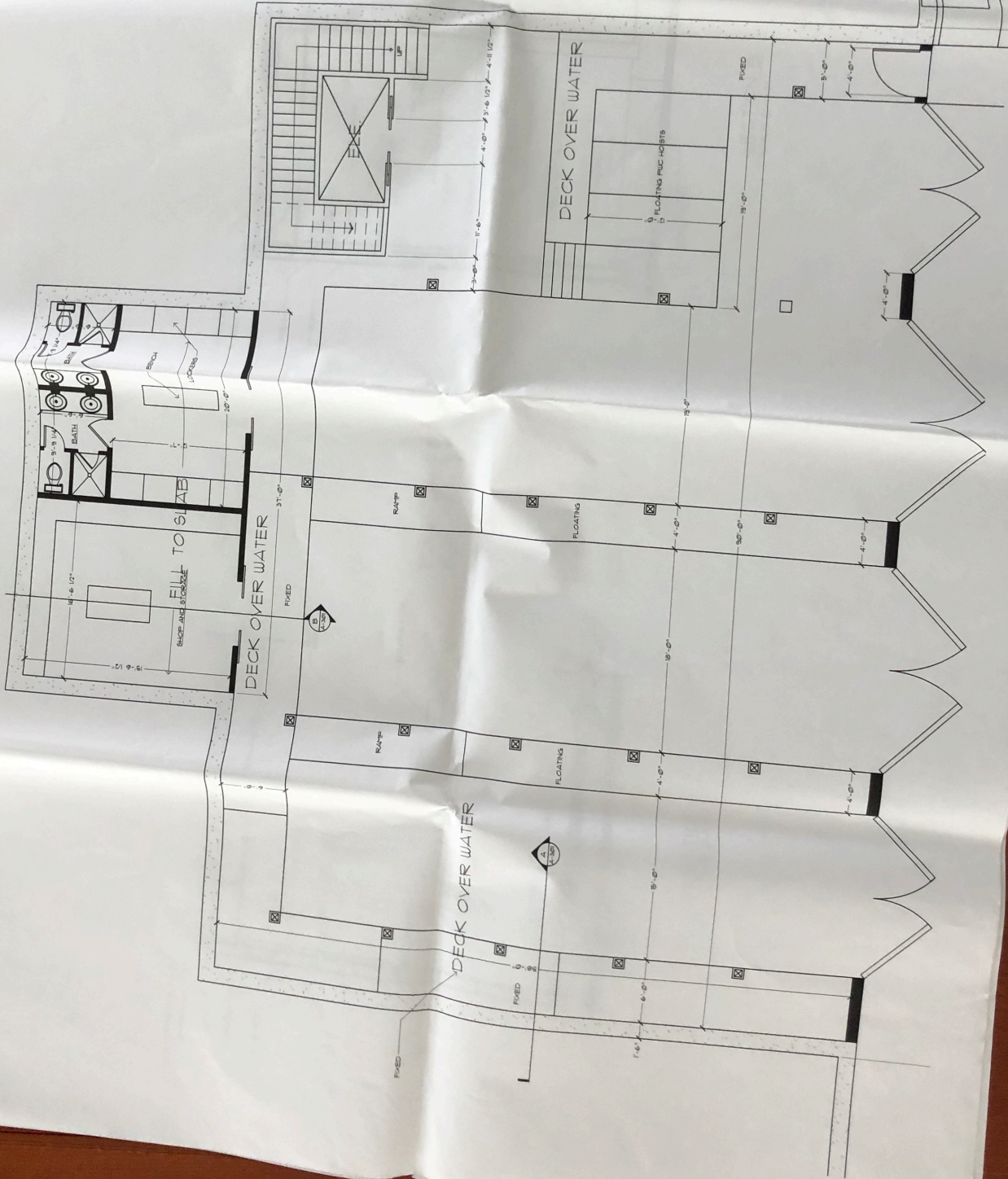
SCALE: 1/2" = 1'-0"

REVISED							
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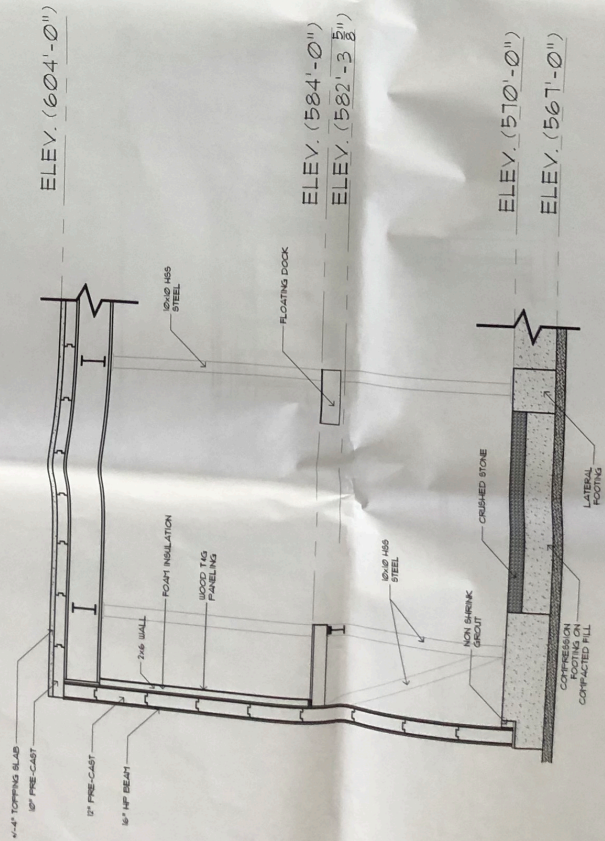
**ANDRE M. POINEAU**  
WOODWORKER, Inc.  
06075 M-32  
East Jordan, MI 49727

# A-100

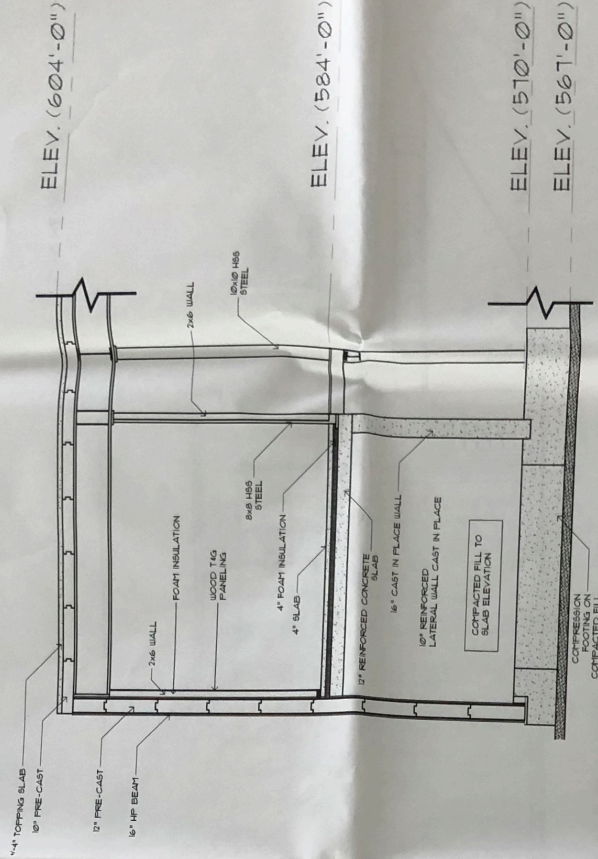
04-15-2020








SECTION A  
SCALE: 3/8"=1'-0"

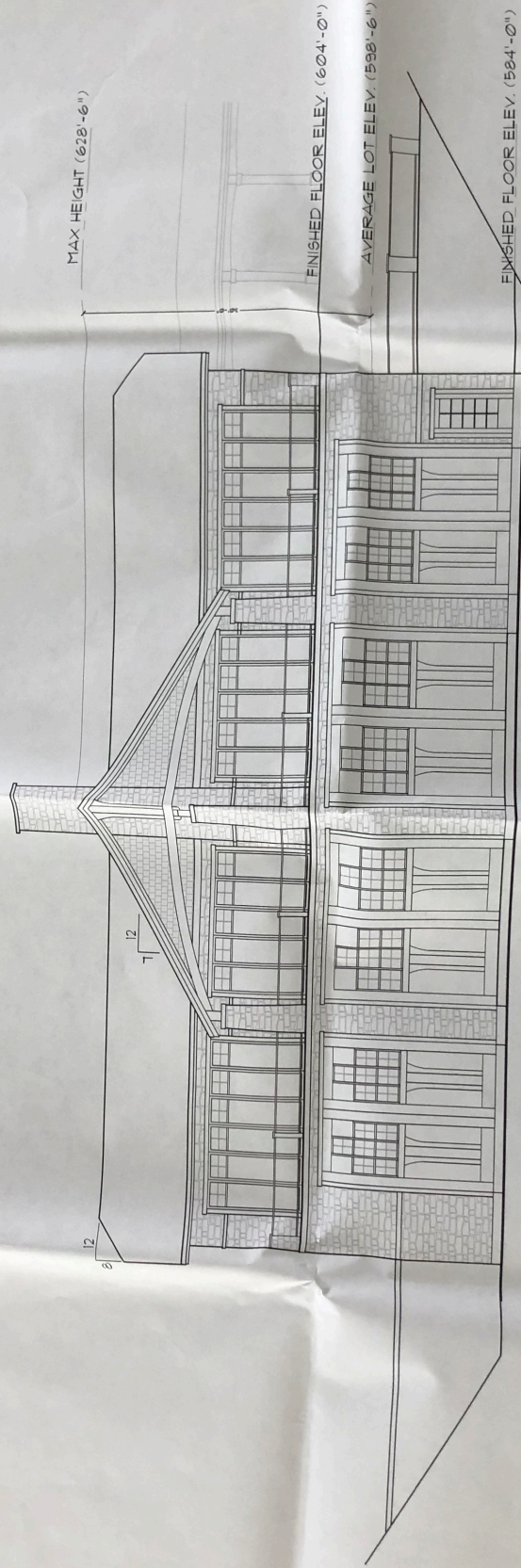


SECTION B  
SCALE: 3/8"=1'-0"

REVISED


**ANDRE M. POINEAU**  
 WOODWORKER, Inc.  
 06075 MI-32  
 East Jordan, MI 49727  
**A-301**  
 04-15-2020





BOATHOUSE LAKE SIDE ELEVATION  
SCALE 1/4" = 1'-0"

REVISED

ANDRE M. POINEAU  
WOODWORKER, Inc.  
06075 MI 32  
East Jordan, MI 49727



A-201  
A U U  
04-5-2020

Exhibit 4  
Larry Sullivan letter to Scott Law  
8-26-19



**Hayes Township  
Zoning Administrator**

09195 Old US 31 North

Charlevoix, MI 49720

Phone (231) 497-9360 Fax (231) 237-0046

Email [zoning@hayestownshipmi.com](mailto:zoning@hayestownshipmi.com) Web page – [www.hayestownshipmi.gov](http://www.hayestownshipmi.gov)

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August 26, 2019

Scott Law  
C/O Robert Drost  
Drost Landscape  
P.O. Box 696  
Petoskey, Michigan 49770

Dear Mr. Law,

I have reviewed the Zoning Permit Application that has been submitted on your behalf for the construction of a Boat House and an inland boat basin for your property having the tax identification number 007-132-005-25.

Prior to my being able to consider the issuance of a Zoning Permit, a number of items must be addressed, some by myself and some by the Hayes Township Shoreline Protection Subcommittee, while others will need to be addressed by the Hayes Township Zoning Board of Appeals.

The questions that this application has raised that I will be addressing shortly in this letter are:

1. Where is the current Ordinary High Water Mark and where will the Ordinary High Water Mark be upon the creation of the Boat Basin for the purposes of the Hayes Township Zoning Ordinance.
2. Is the Boat Basin or its walls considered as being a "Structure" for zoning purposes and must it meet the setback requirements of the Zoning Ordinance.
3. Is the Boat House considered as being a structure and must it also meet the setback requirements of the Zoning Ordinance.
4. Are the number of docks proposed, in compliance with the numbers allowed by the Zoning Ordinance.

My response to these questions are based in part upon my research of the files as to similar projects that have taken place. In some instances, I may agree with previous positions taken while in other cases my final determination may differ from decisions made in the past. In any case, all decisions made by the Zoning Administrator may be appealed to the Hayes Township Zoning Board of Appeals.

The review of the this project by the Shoreline Protection Subcommittee may be necessary and the area of the property subject to their review will in all likelihood be determined by the responses to some or all of the questions listed above, that I have addressed below in my capacity as Zoning Administrator.

Should you have any additional questions that you believe will need to be addressed and resolved, feel free to contact the Zoning Administrator.

My responses to the questions identified above are as follows:

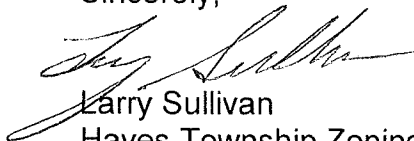
1. Current and future location of the Ordinary High Water Mark prior to and following the creation of the "Boat Basin". The Ordinary High Water Mark is an elevation that has been determined by the State of Michigan. Based on conversations that I have had with the Township Attorney in regard to a similar parcel of property that currently contains a boat basin resulted in the following position having been taken. The specific property that I am referring to is the parcel owned by the Packer Family which contains a breakwall extending into Lake Charlevoix with an excavated area on the upland portion of the property. With regard to this property, the Township Attorney opined that the construction of a breakwall and an upland excavation to create a boat basin would not change the location of the Ordinary High Water Mark (OHWM) as determined by the State of Michigan for the purposes of the Zoning Ordinance. In effect, for purposes of the Hayes Township Zoning Ordinance, the OHWM would continue to be at the same location following the creation of the boat basin as it is (was) prior to the creation of the boat basin.
2. The Boat Basin itself (the area containing water) is not considered to be a structure, rather it is a manmade depression into which water has filled the depression. As such, the area containing the water would not be considered to be a structure, unless there was some type of material that would be used to line the bottom of the basin that would meet the definition of a structure as defined by the Hayes Township Zoning Ordinance. The Lake Charlevoix surface water is considered to be held in the public trust so the public could not be barred from entering into the basin. Any rip rap or sheet piling that is put in place inland of the OHWM for the purposes of the zoning ordinance would be considered to be a structure and could only be put in place within 100 feet of the OHWM following the property owner obtaining a variance from the Zoning Board of Appeals.

3. The Boat House is also considered as being a structure and necessary zoning permits will have to be obtained prior to its construction. Since the boat house will be located a distance greater than 100 feet from the OHWM, it would not be necessary to obtain a variance from the ZBA in order to construct the boat house.
4. The number of docks being proposed within the boat house exceeds the number allowed by Section 3.14 4. A. of the zoning ordinance. The language contained within this Section states that one dock is allowed per waterfront parcel. The language does contain an exception for properties upon which a marina is permitted by Hayes Township as well as the DEQ and U.S. Army Corp. of Engineers. I have not addressed in this letter as to what it would take for Hayes Township to permit a marina. Should you desire information on the issue of having a marina permitted, please advise us as to that fact.

If you should have any questions regarding my findings, please feel free to contact the Hayes Township Zoning Administrator at the email and/or telephone number listed in the letterhead.

I have taken the liberty of forwarding this issue to the Shoreline Protection Subcommittee for them to consider at their next meeting. Their meetings typically tend to be scheduled as needed as opposed to having a set meeting schedule. You will be contacted as to when the meeting will occur to consider this issue.

Sincerely,



Larry Sullivan  
Hayes Township Zoning Administrator

Cc: Roy Griffiths, Planning Commission Chair

Exhibit 5  
Larry Sullivan ZA Report  
August 2019



## Zoning Administrator Report

August 2019

Zoning Permits/Actions for August 2019				
Permit #	Parcel #	Owner Name	Address	Improvement
19-08-01	107-002-85	Art & Susan Kleinpell	11875 Pa Ba Shan Trail	Attach 2 decks to existing single family residence
19-08-02	118-015-30 & 119-065-45	Falls Enterprises LLC	09045 North Star Drive Pvt.	Construct 40' * 290" Storage Building
19-08-03	121-018-00	Matt Henninger	08025 Mulberry Lane	Construct addition to existing deck

### Zoning Permits

Three zoning permits were issued, as noted above. The notable permit which has been consuming time over the past year and a half has been the Falls Enterprise LLC Rental Storage Facility located adjacent to the Americinn property on US-31. The properties were rezoned in 2018 and a Special Use Permit was approved in 2018 to allow for rental storage units. A site plan was approved at that time but came back this summer with revisions due to the lending institution having concerns over the marketability of the project as proposed. The Planning Commission approved revisions subject to the approval of the Fire Chief who did approve the site plan with some further revisions by the applicant to improve traffic flow around the end of one of the buildings. This revision was of a nature that the Zoning Administrator could approve it as it resulted in a reduction of the size of one building with no other changes. I approved the revision and issued a zoning permit for building number 2 of a total of 4 buildings contained on the Site Plan. Building number 1 will be permitted next year and the remaining 2 buildings as the market warrants the need for them.

There has been no news in regard to the Elmer's property on the corner of Maple Grove Road and the Boyne City Road. Rumors continue to fly but nothing which can be backed up with facts.

### Other Zoning Related Activities

A number of parcels of property have been purchased by Scott and Debra Law. They have applied for a permit to construct a boat basin and a boat house. In August, I began the process of researching a number of issues relative to this request. The specific issues are outlined below.

1. Where is the current Ordinary High Water Mark and where will the Ordinary High Water Mark be considered to be located upon the creation of the Boat Basin for the purposes of the Hayes Township Zoning Ordinance.
2. Is the Boat Basin or its walls considered as being a "Structure" or not for zoning purposes and must it meet the setback requirements of the Zoning Ordinance.

3. Is the Boat House considered as being a structure and must it also meet the setback requirements of the Zoning Ordinance.
4. Are the number of docks proposed, in compliance with the numbers allowed by the Zoning Ordinance.

My research will be based upon past decisions of the current and past Hayes Township Zoning Administrators regarding similar issues, my interpretation Zoning Ordinance as well as the potential input from the Township Attorney.

#### Land Divisions

One land division which was approved a few years ago but that was not recorded was brought into the office. Following the recommendation of Supervisor VanZee, I issued a letter extending the time period to register the land reconfiguration.

#### Nuisance Complaints

I met with three board members of the Northern Michigan Shores Board of Directors regarding issues that are facing the Association. I am working on the particular issue of paramount concern to the Association at the current time.

#### Zoning Violations

No complaints were received during the month of August.

#### Short Term Rental Licenses

No short term rental licenses have been received during the month of August.

#### Secretarial Work on behalf of the Planning Commission

The copying, assembling and mailing of the Planning Commission packets has been shifted to Kristin Baranski.

#### Zoning Board of Appeals

No ZBA meetings were held during the month of August. The party that requested an appeal of the my administrative decision regarding Concrete Batch Plants being allowable with a Special Use Permit has requested the ZBA delay consideration of this request until late September or early October.

A number of persons have discussed the possibility of seeking a variance but nothing has become of those discussions during the month of August

#### Meetings Attended

I have attended the Township Board and the regular Planning Commission meetings in August.

Exhibit 6  
Larry Sullivan ZA Report  
September 2019

## Zoning Administrator Report

September 2019

Zoning Permits/Actions for September 2019				
Permit #	Parcel #	Owner Name	Address	Improvement
19-09-01	520-003-10	Richie Sweet	08292 Shrigley Road	Attached Garage
19-09-02	004-001-90	William Peifer	5800 Parsons Road	Shoreline Protection Device
19-09-03	124-012-00	Eddie Louch	8285 Pincherry Road	Construct 40' * 60' Pole Barn
19-09-04	113-021-01	John & Betsy Hicks	09030 Sugar Tree Land	Construct 40' * 50' Pole Barn
19-09-05	200-004-00	Frank Dufon	11182 Spring Street	Construct Deck attached to Dwelling

### Zoning Permits

Five zoning permits were issued, as noted above. The Elmer's property on the corner of Maple Grove Road and the Boyne City Road has been sold and deed restrictions have been attached which state that Industrial Use of the property is not permitted. Deed restrictions that limit the use of property are not enforced by the Township but rather, by the party that places the deed restrictions on the property. I have not been contacted regarding future uses of the property. Based upon the sale of the property, Elmer's has withdrawn their request for a Special Use Permit to locate and operate a concrete batch plant on the property.

### Other Zoning Related Activities

One request to rezone a parcel of property located at 08292 Pincherry Road was received and a public hearing date was set for the October Planning Commission meeting. The parcel is currently zoned Agricultural and does not meet the minimum land area requirements for the Agricultural District. The property owner is requesting a rezone to Rural Residential which will still result in the parcel being non-conforming but it will be much closer and will allow the owner to construct a pole barn where he desires to construct it on the property due to the setbacks differing from those required in the Agricultural District.

As a result of a brief lull in zoning activity, I took the opportunity to organize my desk and put a number of files that had been closed out into their respective files in the filing cabinets.

### Land Divisions

No land division applications have been received during the month of September.

### Nuisance Complaints

A complaint was filed regarding a property on Nine Mile Point Drive. I met with the property owner and gave him until mid- October to correct the violation or be cited for being in violation of the Nuisance Ordinance. He indicated that he would correct the problems.

### Zoning Violations

No complaints were received during the month of September.

### Short Term Rental Licenses

No short term rental licenses have been received during the month of September; however a few inquiries were made regarding the process the Township uses to consider approving or denying Short Term Rentals. I reviewed the AirBnB website and have determined that a number of rentals are listed in Hayes Township that do not currently have Short Term Rental Licenses. Following a review of other rental websites, time will need to be spent over the course of the winter contacting those property owners who are operating short term rentals and bring them into compliance with all applicable Township ordinances.

### Zoning Board of Appeals

No ZBA meetings were held during the month of September. The party that requested an appeal of the my administrative decision regarding Concrete Batch Plants being allowable with a Special Use Permit has withdrawn as a result of the Elmer's property having been sold and their request for a special use permit having been withdrawn.

### Meetings Attended

I have attended the Township Board and the regular Planning Commission meetings in September.

Exhibit 7  
Ron Van Zee ZA Report  
11-21-19 to 12-2-19

## Hayes Township

Office of Zoning Administrator

09195 Old US 31 N

Charlevoix, Michigan 49720

[zoning@hayestownshipmi.gov](mailto:zoning@hayestownshipmi.gov) (231) 497-4701

### **Zoning Administrator Report November 21, 2019 - December 2, 2019**

Prepared packets, public notice, mailings and presented rezoning request to Planning Commission on November 21, 2019 for property located at 08292 Pincherry Road.

Presented request for shoreline alterations to Planning Commission on November 21, 2019 for property located at 10043 Anglers Cove.

Reviewed three shoreline projects with Shoreland Review Committee.

Issued zoning permit for a single family residence at 06455e Lawview Private.

Issued zoning permit for a single family residence at 06381 Lawview Private.

Issued zoning permit for a new single family residence with attached screen porch at 06585 Nine Mile Point with condition of maintaining green belt in its natural state.

Issued zoning permit for Verizon Wireless Communication Tower Upgrade at 06917 US 31 N.

Issued zoning permit for residential alterations and additions at 08015 Deerpath Drive.

Issued zoning permit for a 6.5' x 16' attached deck at 07745-20 Michigan Heights Drive.

Resolved blight issue at 10989 Townline Road. —

Resolved blight issue at 10965 Burnett Road.

Working with property owners at 06885 Nine Mile Point Drive on shoreline restoration.

Resolved shoreline violation notice at 07145 Birdland Drive.

Owners of 07245 Birdland will furnish shoreline restoration plan in spring of 2020.

Resolved shoreline violation notice at 07215 Birdland Drive.

Owners of 07275 Birdland will furnish shoreline restoration plan in spring of 2020.

Sincerely,

Ron Van Zee

Hayes Township Zoning Administrator

Exhibit 8  
Screen shot of Hayes Township website  
8-13-21



+ 2021

+ 2020

- 2019

PC AGENDA

- January 15, 2019
- February 19, 2019
- April 16, 2019
- April 30, 2019
- May 21, 2019
- September 17, 2019
- November 19, 2019

PC PACKET

- January 15, 2019
- July 16, 2019

PC MINUTES

- January 3, 2019
- January 15, 2019
- February 19, 2019
- March 13, 2019
- March 19, 2019
- April 16, 2019
- April 30, 2019
- May 21, 2019
- June 18, 2019
- June 25, 2019
- July 9, 2019
- July 16, 2019
- August 20, 2019
- September 17, 2019
- December 17, 2019

Exhibit 9  
Jennifer McKay letter to Hayes Township  
8-30-21



August 30, 2021

Hayes Township Planning Commission  
9195 Old US 31 Highway North  
Charlevoix, Michigan 49720

Re: Zoning Permit 20-07-01

Dear Chair Griffiths and Planning Commissioners:

I am writing on behalf of the Tip of the Mitt Watershed Council and its 2,300-plus members regarding Zoning Permit 20-07-01 for the Law property, issued on 07/08/2020, to construct an attached boathouse with a covered walkway, with special conditions of maintaining and restoring the greenbelt area as approved by the Planning Commission.

Tip of the Mitt Watershed Council is a nonprofit organization founded in 1979. We speak on behalf of our members including full-time and seasonal residents, lake associations, and businesses. We work to maintain the environmental integrity and economic and aesthetic values of lakes, streams, wetlands, and groundwater in Northern Michigan, as well as statewide and throughout the Great Lakes Basin. As a lead organization for water resources protection in Antrim, Charlevoix, Cheboygan, and Emmet Counties, the Watershed Council is working to preserve the heritage of Northern Michigan – a tradition built around our magnificent waters.

A matter of concern has been raised to the Watershed Council regarding the plans submitted for the Law property. The plans note “Native Vegetation Groundcover as Approved by Tip of the Mitt Watershed Council.” Drost did have a preliminary meeting with Tip of the Mitt Watershed Council to discuss the proposal for the Law property. He could have also included native vegetation from a list of plants provided by the Watershed Council. However, the Watershed Council did not approve, nor sign-off on any of the plans provided by Drost. In fact, the Watershed Council submitted comments to both the Michigan Department of Environment, Great Lakes, and Energy (EGLE), and U.S. Army Corps of Engineers (USACE) recommending denial due to the significant adverse impacts that will be caused by the proposed project, the fact that feasible and prudent alternatives exist, and the fact that the private benefits do not outweigh the public detriment to the environment and public trust. Our comments to EGLE and USACE are included with this letter.

Due to recent confusion among some community members within Hayes Township, we wished to clarify for the Planning Commission, as well as the public, our involvement and approval, or lack thereof.

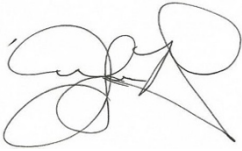
Lastly, the Watershed Council is currently in the midst of staff transition. Grenetta Thomassey, our watershed policy director, who briefly served on the Shoreline Protection Subcommittee (Subcommittee), has retired. We have hired Kacey Cook, policy and advocacy specialist as her replacement. As Ms. Cook is in the process of

Tip of the Mitt Watershed Council  
426 Bay Street  
Petoskey, Michigan 49770

gaining knowledge and experience, the Watershed Council would recommend a representative of the Lake Charlevoix Association or Little Traverse Bay Bands of Odawa Indians be appointed to the Subcommittee at this time. We would be willing to be considered for appointment during the next term. However, we would be welcome to review and provide advice on any waterfront development proposals that come before the Subcommittee.

If you have any questions regarding the content of this letter, please feel free to contact me at [jenniferm@watershedcouncil.org](mailto:jenniferm@watershedcouncil.org) or 231-347-1181.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer McKay', with a stylized, cursive script.

Jennifer McKay  
Policy Director

Exhibit 10  
Hayes Township Waterfront Development  
Review Subcommittee  
Applicant Site Report  
Blank - no date  
Arrigo/Culp - 1-11-19



**Hayes Township Planning Commission  
Waterfront Development Review Subcommittee  
Applicant Site Report and Recommendation**

**Applicant Name(s):**

**Contact information:**

**Property location and address:**

**Date of application:**

**Date of initial and any subsequent applicant meetings:**

**List of subcommittee members involved:**

**Landscaper/ consultant used (if any):**

**Initial site survey and description of existing conditions:**

The checklist of requirements for what can and can't be included in the SPS:

1. Deep-rooted plantings within the SPS
2. Walkway of permeable material 4ft or less
3. Deck or platform 200 sq ft or less
4. No other structures within the SPS
5. View Corridor of 20% or filtered view
6. No storage of leaves or other debris
7. No septic drainfield
8. No fertilizers or herbicide

**List of existing plants and trees:**

**Proposed Plan key actions: (attach copy of plan)**

**List of proposed plantings:**

**Discussion summary**

Requirement	Compliance(Y/N)	Remedy
-------------	-----------------	--------

**Subcommittee response to applicant**

**Subcommittee recommendation to the Planning Commission**

**Hayes Township Planning Commission  
Waterfront Development Review Subcommittee  
Applicant Site Report and Recommendation**

**Applicant Name(s):** Brad Arrigo and Kathleen Culp

**Contact information:** email addresses: [barrigo@ba-development.com](mailto:barrigo@ba-development.com), [kculp@ba-development.com](mailto:kculp@ba-development.com)

**Property location and address:** Lake Charlevoix, 07914 Boyne City/Charlevoix Rd, Charlevoix, MI 49720, Parcel # 002-017-50

**Date of application:** November 2018

**Date of initial and any subsequent applicant meetings:** January 11, 2019, Site visit, January 9, 2019

**List of subcommittee members involved:** Roy Griffiths, Marilyn Morehead, Grenetta Thomassey.. Note, Larry Sullivan, Zoning Administrator attended the meeting and site visit.

**Landscaper/ consultant used (if any):** Yes, need to add name

**Initial site survey and description of existing conditions:**

The checklist of requirements for what can and can't be included in the SPS:

1. Deep-rooted plantings within the SPS
2. Walkway of permeable material 4ft or less
3. Deck of platform 200 sq ft or less
4. No other structures within the SPS
5. View Corridor of 20% or filtered view
6. No storage of leaves or other debris
7. No septic drain field
8. No fertilizers or herbicide

**List of existing plants and trees (Including description of existing property):** The SPS is approximately 50% natural wooded shoreline (primarily Cedar trees) and 50% lawn with a 4 ft walkway of pavers originating at approximately the 100 ft setback and continuing to the rocky beach. There is also a 16 ft by 20 ft (310 sq. ft.) platform deck in the SPS, a four ft in diameter fire pit. There are no other structures within the 100ft.setback. The new construction will be outside the 100 ft setback/

**Proposed Plan key actions: (attach copy of plan)** The property owners agreed to removing approximately 60% of the lawn, including all of the lawn within 20-30ft of the shoreline in the first year. They are open to more replanting in the following years. All plantings will be selected from the Lake Charlevoix Watershed Homeowners Guide produced by the Tip of the Mitt Watershed Council. The plantings will be deep rooted and native to the area.

**List of proposed plantings:** At the time of this report, I do not have the specific list of plantings, but will fill it in later. Please see the attached plan.

### Discussion summary

<u>Requirement</u>	<u>Compliance(Y/N)</u>	<u>Remedy</u>
Deep Rooted plantings	N for 50%	Replant 60% in Year 1, more to follow.
Walkway	Y	
Deck =/ < 200 Sq. Ft.	N (> 200ft)	Allow
No other structures	N (firepit)	Allow
View Corridor or filtered	Y, filtered, no trees to be removed	
No storage of leaves, etc.	Y	
No septic drain field	Y	
No fertilizers or herbicides	Y	

**Subcommittee response to applicant:** Unanimous approval by Roy Griffiths, Marilyn Morehead, Grenetta Thomassey. The applicants were anxious to comply with the SPS regulations in the ZO and asked for some extra time to completely replant the lawn area in the SPS. Our consensus was that the significant replanting including all within 20 to 30 ft of the water, and the commitment to do more, were significant improvements to the SPS and would adequately protect the lake from destruction, erosion and pollution.

**Subcommittee recommendation to the Planning Commission** We recommend approval of the attached plan.