

Hayes Township  
Zoning Board of Appeals  
Public Hearing

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DRAFT

August 22, 2022 10:00 am  
Hayes Township Hall  
09195 Major Douglas Sloan Road  
Charlevoix, Michigan 49720

682 Mr. Greenslade made the motion, with support of Ms. Vedder-Whipple, the Hayes Township  
683 Zoning Ordinance Waterfront Regulations Section 3.14 Subsections (1) thru (4) and (8)  
684 protect and prohibit any excavation of the Shoreland Protection Strip for an artificial boat  
685 basin or channel. A roll call was taken.

686 Rod Slocum Yea

687 Rex Greenslade Yea

688 Tom Darnton Nay

689 Janice Vedder-Whipple Yea

690 Bruce Deckinga Yea

Motion Carried

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692 The next set of issues has to do with the OHWM.

693 Mr. Darnton asks if they need to consider.

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695 Mr. Greenslade states that yes.

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697 Mr. Darnton starts the discussion with, if there is excavation does the OHWM move in.

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699 Mr. Greenslade refers to the definition and states the previous Township Attorney's  
700 statement does not make sense to him. It shouldn't make difference what causes it but if a  
701 shoreline changes and the OHWM moves then the setback change and a structure still needs  
702 to be 100 feet back from the OHWM.

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704 Mr. Deckinga asks for the Attorney's opinion.

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706 Mr. Millar states there is case law (unpublished Court of Appeals Opinion) out there that  
707 court states that water flowing into a (smaller)boat basin and channel did not change the  
708 OHWM. It has been stated that a larger boat basin or channel may cause the OHWM may  
709 move in. Mr. Millar reminds the ZBA to consider what was the intent of the drafters of the  
710 Ordinance was when they stated the OHWM is 582.3 IGLD 1985.

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