

Township sued over waterfront project

Lawsuit claims officials violated ordinance by approving development

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Neighbors of a potential waterfront development in Hayes Township have filed a second lawsuit in Charlevoix County's circuit court in a continued attempt to order township officials to hear an appeal on the project.

The lawsuit has been filed against Zoning Administrator and Township Supervisor Ron Van Zee, Chair of the Zoning Board of Appeals Tom Darn-ton, and Township Clerk and Record-

ing Secretary of the Zoning Board of Appeals Kristin Baranski.

Plaintiffs LuAnne Kozma and Irene Fowle are seeking a preliminary injunction requiring the defendants and the zoning board of appeals to "per-

form their clear legal duty" and sched-

ule a public zoning board of appeals

meeting to consider and decide their

appeal of certain project approvals

and permits, and their requests for in-

terpretation of the township zoning or-

inance.

This is the latest in a series of efforts

that have been made to stop Scott and Debra Law at 10034 Anglers Cove from

continuing with the development that

was given conditional approval from

the township 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. As well as the dredg-

ing out of a 73-foot-wide channel 130

feet out into the lakebed of Lake Char-

levoix to accommodate large boats.

According to Kozma, "The channel

would rip out a 30 foot wide by 50 foot

deep section of the land closest to the

shoreline, called the Shoreland Protec-

tion Strip, which is written into the

Hayes Township zoning ordinance as

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Charlevoix's water quality." The pur-

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Lawsuit

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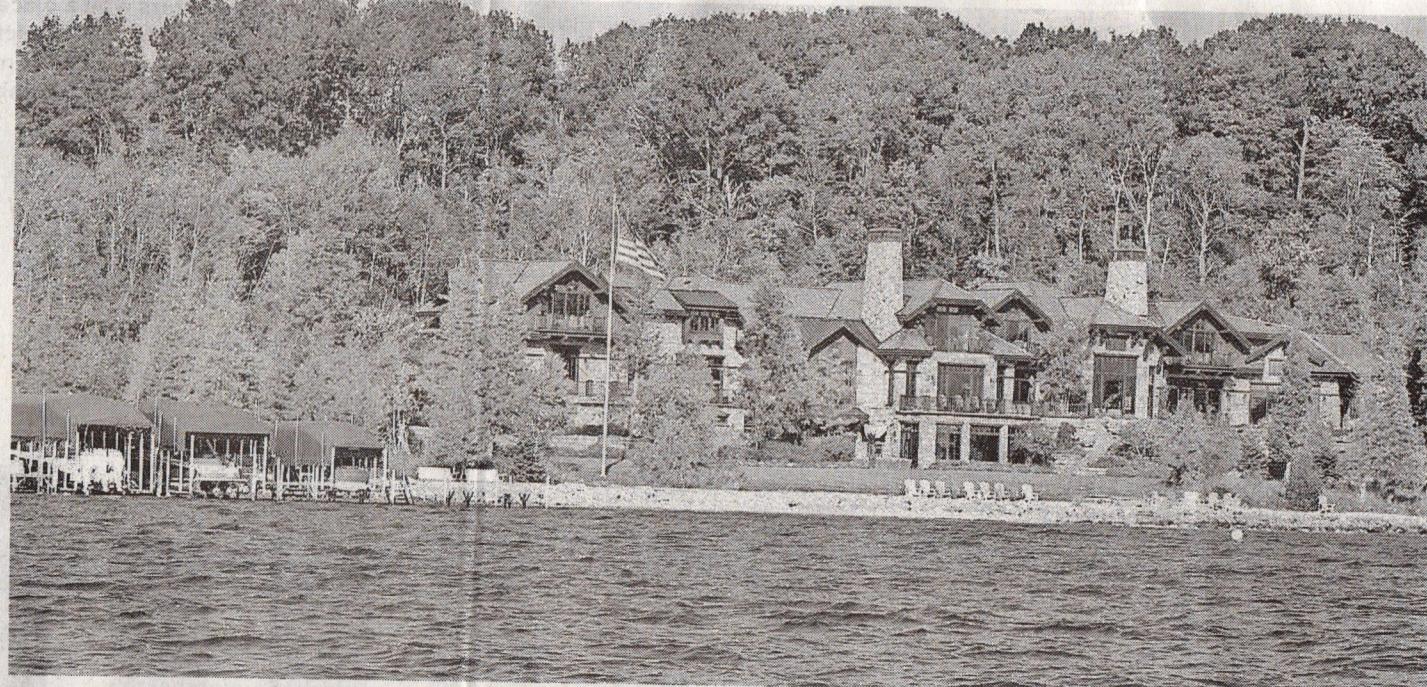
would rip out a 30 foot wide by 50 foot deep section of the land closest to the shoreline, called the Shoreland Protection Strip, which is written into the Hayes Township zoning ordinance as land that must be maintained in a vegetated state in order to protect Lake Charlevoix's water quality."

The purpose of the required strip of land, according to the zoning ordinance, is to prevent soil erosion, provide a filter for the removal of pesticides, fertilizers and other potential water pollutants, and to maintain a visual barrier.

"Hayes Township's zoning ordinance protects Lake Charlevoix's shoreland strip. Yet, Hayes Township officials violated the ordinance by approving a proposed boathouse-basin-channel project by waterfront property owners Scott and Debra Law on Anglers Cove," Kozma said.

This is the second lawsuit the residents have filed in Charlevoix County Circuit Court to compel Hayes Township officials to schedule and hold a zoning board of appeals hearing.

The first was dismissed once zoning administrator VanZee turned over the appeal documents to the zoning board of appeals.



Hayes Township has refused to consider an appeal and interpretation request submitted by residents LuAnne Kozma, Irene Fowle and Ellis Boal, challenging the township's decisions authorizing an inland boathouse and a channel and boat basin to be excavated out of the Lake Charlevoix shoreland at 10034 Anglers Cove. ANNIE DOYLE/CHARLEVOIX COURIER

The current lawsuit has been filed now asking the zoning board to formally review their appeal. However, according to Van Zee, it is being reviewed by the township attorney instead who has recommended the application not be accepted for review by the board be-

cause it was filed more than 30 days after the project's conditional permit was issued.

Local and statewide water protection organizations have also been involved, including Tip of the Mitt Watershed Council, asking township officials to re-

consider the project and limit the impact it will have on the Lake Charlevoix shoreline.

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