

News-Review

NEWS

Fight against Hayes Township waterfront development persists



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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.

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"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.

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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

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.

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