AGENDA

Grand Haven Charter Township Zoning Board of Appeals
Tuesday, November 26, 2019 – 7:00 pm

I. Call To Order

II. Roll Call

III. Approval of the June 25, 2019 ZBA Meeting Minutes

IV. Old Business
   A. ZBA Variance Application No. 19-01 - Rust

V. New Business
   A. Housekeeping:
      i. Appointment of Officers
      ii. Approve 2020 Meeting Date Schedule
   B. 2018 ZBA Report

VI. Reports

VII. Extended Public Comments (Limited To Four (4) Minutes Please).

VIII. Adjournment
I. CALL TO ORDER
The regular meeting of the Grand Haven Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. by Chair Voss.

II. ROLL CALL
Board of Appeals members present: Voss, Slater, Loftis, and Behm
Board of Appeals members absent: Hesselsweet, and Rycenga (alternate)

Also present: Assistant Zoning Administrator Hoisington, and Community Development Director Fedewa.

Without objection, Hoisington was instructed to record the minutes for the meeting.

III. APPROVAL OF MINUTES

Without objection, the minutes of the May 29, 2019 ZBA Meeting were approved.

IV. OLD BUSINESS

Motion by Voss, supported by Slater, to remove ZBA Case #19-04 from the table for reconsideration. Which motion carried.

1. ZBA Case #19-04 – Dimensional Variance – Martin

   Party Requesting Variance: John and Holly Martin
   Parcel Number: 70-03-26-380-008
   Location: 15297 Vintage Avenue

   John and Holly Martin are seeking a variance to construct a three-seasons room that would result in a rear yard setback violation of Section 21.02 of the Zoning Ordinance.

   Hoisington provided an overview of the application through a memorandum dated June 20th.

   Applicant John Martin provided additional information regarding the location of the septic system for the property.

   The Board discussed the application and noted the following:
   
   • Inquired about other possible locations for that addition.
     o Noted the encumbrance of the septic system in relation to building on the property.
• Questioned the location of the existing shed to ensure compliance.
• Verified the pool deck currently under construction will be connected to the attached deck in the future, meaning it would not be considered an accessory structure.
• Discussed the opinion from the Township Attorney that states the Martins offering to give up a right they already have under the zoning ordinance, to build an accessory building, in order to obtain a setback variance for a three-season room is a legitimate consideration
• Suggested the Planning Commission further discuss the potential issues that may arise in the R-2 district. Specifically, that some lots may build-out the allowable building envelope to comply with the basic ordinance requirements. However, that does not leave room for additional investment and improvement into the property.

Standard No. 1 – Exceptional or extraordinary circumstances:
• The ZBA deems the exceptional circumstance to be the relinquishment of a property right entitlement—480 square feet of accessory building—in exchange for enclosing a deck and converting it to a three-season room.
• The foregone accessory building could be setback only 5-10 feet from the side and rear lot lines. Whereas the three-season room is setback 42 feet from the rear lot line and over 25 feet from the side lot line to the south. This is a reduced impact to adjacent properties.
• Enclosing the deck to become a three-seasons room reduces maximum lot coverage. Up to 480 square feet of impervious surface could be added. The three-seasons room is not considered impervious because it is elevated.
• The suggested condition of approval would require an agreement to prohibit any additional accessory buildings, a right the Martins are currently entitled to under the zoning ordinance. Per the Township Attorney, this is a legitimate consideration.

Ayes: Slater, Loftis, Behm
Nays: Voss

Standard No. 2 – Substantial property right:
• Neighborhood has existing non-conforming additions.
• Lots in the neighborhood just meet the minimum setback standards, which limits the ability of a property owner to further invest in their properties.

Ayes: Slater, Loftis, Behm
Nays: Voss

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:
• One letter of opposition was received from an adjacent neighbor concerned about the impact of the structure on their property. The addition will be setback 42 feet from the
rear lot line compared to the 5-10 foot setback that would be possible with an accessory building.

- Two emails in support of the addition were received from neighbors.
- Will reduce overall lot coverage.

Ayes: Voss, Slater, Loftis, Behm
Nays: None

**Standard No. 4** – Request is not of such a recurrent nature as to make reasonably practical the formulation of a general regulation:

- The proposed exchange is the first of its kind to be received by the ZBA.
- Seems to be potential for this type of request again, but as of now this request is not recurrent in nature.

Ayes: Slater, Loftis, Behm
Nays: Voss

**Motion** by Slater, supported by Behm, to **conditionally approve** a dimensional variance from Section 21.02 for a 12’ x 16’ three-season room at 15297 Vintage Avenue that will result in a Rear Yard setback of 42-feet. Approval of this variance is based upon this Board’s findings that all four standards have been **affirmatively met**. Approval is conditioned upon the following:

1. The detached deck being attached to the main building, so the principal structure is compliant with the R-2 setbacks.
2. Direct staff to consult with legal staff to draft an agreement to be recorded with the property to prohibit any additional accessory buildings or enlarging the existing accessory building.

**Which motion passed**, as indicated by the following roll call vote:

Ayes: Slater, Loftis, Behm
Nays: Voss
Absent: Hesselsweet

V. REPORTS

➢ Hoisington provided an update on the status of tabled ZBA Case 19-01.

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

**Without objection**, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

[Signature]

Cassandra Hoisington
Cassandra Hoisington
Acting Recording Secretary
# ZONING BOARD OF APPEALS APPLICATION

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Fee</th>
<th>Escrow*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variance or Appeal</td>
<td>$250</td>
<td>$300</td>
</tr>
<tr>
<td>Special Meeting</td>
<td>$425</td>
<td>n/a</td>
</tr>
<tr>
<td>Interpretation</td>
<td>$125</td>
<td>n/a</td>
</tr>
</tbody>
</table>

*To cover cost of legal and consulting fees, may be increased as necessary*

## Applicant/Appellant Information

- **Name:** LANDTECH, LLC / WETIS B. HALL
- **Phone:** (616) 836-2281 (Mobile)
- **Fax:** (616) 928-0780
- **Address:** 7847 VETERANS DR., STE 500 ON LIBERTY ST. HOLLAND, MI 49423
- **Email Address:** wtb@landtechmi.com

## Owner Information (If different from applicant/appellant)

- **Name:** DALE BUST
- **Phone:** (312) 323-4975
- **Fax:**
- **Address:** 1938 KOEHLING RD NORTH BROOK, IL 60062
- **Email Address:** dr.koehling@gmail.com

## Property Information (Include a survey or scaled drawing)

- **Address:** 18165 SNAKE ACRES RD.
- **Parcel No.:** 70-03-32-331-017
- **Current Zoning:** Residential
- **Lot Width:** 43.5 x 72 feet
- **Lot Depth:** 157 x 2 feet
- **Parcel Size:** 49 acres
- **Lot Type:** Flat Lot
- **General Information:**
  - (X) Application for Variance
  - ( ) Request for Interpretation
  - ( ) Notice of Appeal

**NOTE:** Please provide a scaled drawing with details of your proposed work including the dimensions of any structure(s) (i.e. height, width & length), building materials, the setbacks to ALL property lines, and other existing structures on the parcel, and any other relevant information, as needed.

## VARIANCE REQUESTED (If applicable)

1. Attach a Narrative: Description of Request; Why it is needed; and Addresses each of the 4 Standards

2. Variance Requested From the Requirements of Section Number(s)

3. Relating to **Proximity of Site Improvements to Property Lines Within Setbacks**

4. **Structure/Land Use (After Variance)**

5. **Overall Building Size (After Variance)**

6. **Setbacks from lot lines (After Variance):**
   - a. Front Yard **5** feet
   - b. Rear Yard **22** feet
   - c. Side Yard #1 **1** feet
   - d. Side Yard #2 **19** feet

Last Revised 12/31/18
INTERPRETATION REQUEST (If applicable)
Description of requested interpretation(s) and relevant Section number(s):
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

APEALS AND OTHER APPLICATIONS (If applicable)
Description of action being appealed or other matter which is basis of application.

TO PERFORM REPAIRS TO ELEVATION, CONSTRUCT NEW AND REPLACE EXISTING
RETAINING WALLS, REMOVE EXISTING DUGS/PITS W/ OFF GROUND DUGS/REGRANULES,
CAPTURE ROOF DRAINAGE TO PREVENT EROSION TO THE SLOPE AND INSTALLATION
OF A FERROUS PIPE DELIVERY OVER THE SEPTIC FIELD.

GROUND FOR APPEAL OR OTHER APPLICATION (If applicable)
THE HOUSE AND AMENITIES WERE CONSTRUCTED IN VARIOUS AREAS BY
PREVIOUS OWNERS) WITHIN THE SETBACKS AND DECKS. BASEMENT
LINES. SO TUBE SEVERAL AREAS OF EXCEPTIONAL NARROWNESS,
TOPOGRAPHICAL CONDITIONS AND EXTRADIMENSIONAL SITUATIONS.

IF THE SPACE PROVIDED ON THIS APPLICATION IS INADEQUATE
PLEASE ATTACH ADDITIONAL SHEETS AS NEEDED

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

[Signature]
Signature of Applicant

3/6/19
Date

[Signature]
Signature of Zoning Administrator

[Date]
Date

For Office Use Only

Date Received

Fee Paid?
RELEASE FORM

The undersigned has applied to the Grand Haven Charter Township Construction Board of Appeals for an appeal. The undersigned hereby authorizes the members of the Construction Board of Appeals and appropriate Township staff members to inspect the property (address stated below) at reasonable times, in regards to the consideration of my request for an appeal.

Applicant's Signature ___________________________ Date 3/4/19

Owner's Signature (if different from applicant) × Dale S. Rust ___________________________ Date 3/4/19

Property Address 1815 S. Shore Acres Rd, Grand Haven, MI.

ACTION TAKEN BY TOWNSHIP BOARD OF APPEALS

( ) Application Approved

( ) Application Denied

Description of appeal granted or other action taken including conditions imposed, if any:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Signature of CBA Chairperson ___________________________ Date

Page | 2 Last Revised 3/8/2016
The granting of variances is outlined in Section 26.05 of the Grand Haven Charter Township Zoning Ordinance, as amended. It states, in order to grant a non-use variance the Zoning Board of Appeals (ZBA) shall find affirmatively for each of the following four standards:

1. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification. Exceptional or extraordinary circumstances or conditions include:
   a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance, or amendment thereto;
   b. Exceptional topographic conditions;
   c. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or
   d. By reason of the use or development of the property immediately adjoining the property in question.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

3. Authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

4. The condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

At the conclusion of the discussion the ZBA will vote on each of the four standards described above. If the majority of the members present find affirmatively for all four standards the variance will be approved.

Second, all motions for acting on requested variances are made in the positive; that is, they are worded so a YES vote grants the variance. This is not done to show personal preference of the motioner, but to prevent confusion when the ZBA votes on acceptance.
The Board has reviewed your requests for several private use structural changes and additions to the Trust Property that follows the West side of your property in Shore Acres Association, Cottage #28 as you are preparing your stabilization project. First, we will repeat our acknowledgement from our email of October 6, 2018 that your well, driveway and retaining wall exists on Trust Property. These structures were in place when you purchased the property. We stated then that we have no objection to the redo of the retaining wall in the same location as it is now. You have also asked us to approve the building of a stair structure on the Trust Property from your proposed “boardwalk” on the South side of your home, up the dune on Trust Property (drawing attached). We have no objection to the stairs as long as it does not cut off trafficking over the Trust Property by other Association members. We also have no objection to the placement of a dry well or rain water vault to be placed on the Trust Property, again as long properly installed and maintained and does not impede trafficking over the Trust Property. This letter being signed by both of you will acknowledge that you will modify or remove any of the private structures on Trust Property at your expense if required by the Board to allow for pedestrian traffic as required in the Court’s 1956 Order.

We ask that you provide us a copy of your MDEQ permit and any further building plans for our files.

This letter represents the position of the Shore Acres Board of Directors.

Bob DeBoer, President
Shore Acres Association

David Niewiek, Vice-President
Shore Acres Association

Dale Rust
Cottage #28
Shore Acres Association

Mary Jo Rust
Cottage #28
Shore Acres Association
Dale, after consideration, my family has agreed to allow your contractors to use the very western edge of our property for the removal of your debris. As you acknowledged in your previous message, the contractors will make sure that any damage done to the property will be fixed as soon as possible. May my families gesture be the beginning of a different culture in shore acres association.

Paul

Sent from my iPhone

[Quoted text hidden]
Your stabilization project

Joan Rietdyk <joanriet@gmail.com>  Sat, Oct 6, 2018 at 4:10 PM
To: Dale & Mary Jo Rust <drust.shoreacres@gmail.com>
Cc: Bob DeBoer <bobloisdeboer@gmail.com>, David & Wendy Niewiek <niewijk@msn.com>, Jennifer Brown <jennbrown.m@gmail.com>, Ron Whitwam <ron.whitwam@gmail.com>

Dale:

This email is to acknowledge that your well, driveway and retaining wall exists on Trust Property. The Board has no objection to the re-do of the retaining wall in the same location as it is now.

Joan Rietdyk
   Secretary, Shore Acres Association

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JOAN RIETDYK
Mobile: 616-638-5222
18091 Shore Acres Drive
Grand Haven, MI  49417
joanriet@gmail.com
The Great Lakes Group
Mr. Rust, we have received permission, in writing from the Ottawa County Health Department to place the turf blocks over the septic to create more stable parking. The letter arrived yesterday. Sorry I didn’t include this information in my previous email.

Michelle

Hi Mr. Rust:
Curt was planning to put the dry well to handle the water from the gutters and downspouts on trust property as well. Do you want to go back to those folks and ask if you can put the dry well on their property or would you rather that Curt move the proposed dry well location?

Michelle

Good morning.
I have attached the letters from my neighbors. Does this satisfy your request regarding the MDEQ?

Please let me know.

Dale Rust
This message is from the association board. Does this meet our needs?
Dale

--
Sent from myMail app for Android

-------- Forwarded message -------- From: Joan Rietdyk <joanriet@gmail.com> Cc: "Dale & Mary Jo Rust" 
<drust.shoreacres@gmail.com> Cc: "Bob DeBoer" <bobloyseboer@gmail.com>, "David & Wendy Niewiek" 
<niewijk@msn.com>, "Jennifer Brown" <jennbrown.m@gmail.com>, "Ron Whitwam" <ron.whitwam@gmail.com> Date: 
Saturday, 06 October 2018, 11:10PM +02:00 Subject: Your stabilization project

Dale:

This email is to acknowledge that your well, driveway and retaining wall exists on Trust Property. The Board has no 
objection to the re-do of the retaining wall in the same location as it is now.

Joan Rietdyk
Secretary, Shore Acres Association

--
JOAN RIETDYK
Mobile: 616-638-5222
18091 Shore Acres Drive
Grand Haven, MI 49417
joanriet@gmail.com
The Great Lakes Group
To Whom It May Concern;

I, We, the duly appointed authorized owner's representative hereby authorize LandTech Management of LandTech wi, Holland, MI to act as our authorized agent pertaining to the design / proposal, MDEQ, MDNR, County Vegetation Assurance, and/or SESC permit applications, the installation of erosion control structures / measures, site restoration, building permits and all associated work to be performed at located at:

18165 Shore Acres Road

Grand Haven, MI 49417

Project Property Tax ID # 70-03-32-331-017

LandTech Management is authorized to communicate directly with all vendors and government agencies on our behalf.

Sincerely,

Signature Dale L. Rust
Printed Name Dale L. Rust

Signature MARY JO RUST
Printed Name MARY JO RUST

Date 8/15/18
PROPERTY LINE ADJUSTMENT DESCRIPTIONS

P.P. #70-03-32-331-014 (Parcel "C")
Lots 70 and 71, Shore Acres Subdivision, as recorded in Liber 8 of Plots on Page 23, Ottawa County records, Grand Haven Township, Ottawa County, Michigan.

P.P. #70-03-32-331-012 (Parcel "A" & "B" combined)
Lots 4 and 5, also Lots 83-88, Shore Acres Subdivision, as recorded in Liber 8 of Plots on Page 23, Ottawa County records, Grand Haven Township, Ottawa County, Michigan.

Parcel "A"
Lots 4 and 5, also Lots 83-88, Shore Acres Subdivision, as recorded in Liber 8 of Plots on Page 23, Ottawa County records, Grand Haven Township, Ottawa County, Michigan.

Except:
Beginning at the Northeast corner of Lot 71, of said Shore Acres Subdivision, then along the East line of Lot 71 extended north, North 04 degrees 22 minutes 59 seconds West a distance of 12.83 feet to a point 100.00 feet south of a line between the Northeast corner of Lot 85 and the Northwest corner of Lot 87 measured perpendicularly; then parallel with said line between the Northeast corner of Lot 85 and the Northwest corner of Lot 87 North 89 degrees 58 minutes 56 seconds West a distance of 182.21 feet; then South 77 degrees 51 minutes 51 seconds West a distance of 195.95 feet to the West line of Lot 5, said point being North 15 degrees 22 minutes 18 seconds West a distance of 10.00 feet from the Southwest corner of Lot 5; then along the West line of Lot 5 South 15 degrees 22 minutes 18 seconds East a distance of 10.00 feet to the Southwest corner of Lot 5; then along the South line of Lot 5, North 88 degrees 23 minutes 55 seconds East a distance of 273.55 feet to the Southeast corner of Lot 5; then along the East line of Lot 5, North 00 degrees 22 minutes 42 seconds East a distance of 8.83 feet to the Southwest corner of Lot 88; then along the South line of Lot 88 and Lot 87, North 77 degrees 02 minutes 53 seconds East a distance of 100.94 feet to the point of beginning.

Containing 56,783 sq. ft.

Parcel "B" (To be transferred to Parcel "C")
That part of Lot 5, Lot 87 and Lot 88 of Shore Acres Subdivision, as recorded in Liber 8 of Plots on Page 23, Ottawa County records, Grand Haven Township, Ottawa County, Michigan, described as:
Beginning at the Northeast corner of Lot 71, of said Shore Acres Subdivision, then along the East line of Lot 71 extended north, North 04 degrees 22 minutes 29 seconds West a distance of 12.83 feet to a point 100.00 feet south of a line between the Northeast corner of Lot 85 and the Northwest corner of Lot 87 measured perpendicularly; then parallel with said line between the Northeast corner of Lot 85 and the Northwest corner of Lot 87 North 89 degrees 58 minutes 56 seconds West a distance of 182.21 feet; then South 77 degrees 51 minutes 51 seconds West a distance of 195.95 feet to the West line of Lot 5, said point being North 15 degrees 22 minutes 18 seconds West a distance of 10.00 feet from the Southwest corner of Lot 5; then along the West line of Lot 5 South 15 degrees 22 minutes 18 seconds East a distance of 10.00 feet to the Southwest corner of Lot 5; then along the South line of Lot 5, North 88 degrees 23 minutes 55 seconds East a distance of 273.55 feet to the Southeast corner of Lot 5; then along the East line of Lot 5, North 00 degrees 22 minutes 42 seconds East a distance of 8.83 feet to the Southwest corner of Lot 88; then along the South line of Lot 88 and Lot 87, North 77 degrees 02 minutes 53 seconds East a distance of 100.94 feet to the point of beginning.

Containing 11,605 sq. ft.

Parcel "B" and Parcel "C" combined
Lots 70 and 71 and also that part of Lot 5, Lot 87 and Lot 88 all in Shore Acres Subdivision, as recorded in Liber 8 of Plots on Page 23, Ottawa County records, Grand Haven Township, Ottawa County, Michigan, described as:
Beginning at the Northeast corner of Lot 71, of said Shore Acres Subdivision, then along the East line of Lot 71 extended north, North 04 degrees 22 minutes 29 seconds West a distance of 12.83 feet to a point 100.00 feet south of a line between the Northeast corner of Lot 85 and the Northwest corner of Lot 87 measured perpendicularly; then parallel with said line between the Northeast corner of Lot 85 and the Northwest corner of Lot 87 North 89 degrees 58 minutes 56 seconds West a distance of 182.21 feet; then South 77 degrees 51 minutes 51 seconds West a distance of 195.95 feet to the West line of Lot 5, said point being North 15 degrees 22 minutes 18 seconds West a distance of 10.00 feet from the Southwest corner of Lot 5; then along the West line of Lot 5 South 15 degrees 22 minutes 18 seconds East a distance of 10.00 feet to the Southwest corner of Lot 5; then along the South line of Lot 5, North 88 degrees 23 minutes 55 seconds East a distance of 273.55 feet to the Southeast corner of Lot 5; then along the East line of Lot 5, North 00 degrees 22 minutes 42 seconds East a distance of 8.83 feet to the Southwest corner of Lot 88; then along the South line of Lot 88 and Lot 87, North 77 degrees 02 minutes 57 seconds East a distance of 100.94 feet to the point of beginning.

Containing 9,940 sq. ft.
Construction Sequence for Rust application.

Install silt fences down slope from the area of site where work will take place.

Cut 3 trees, two at the top of the wall around the parking area which will be replaced and one on the south west corner of the two story deck. This tree is leaning over the deck. Note: 6 native shrubs will be planted to make up for the tree removal.

Replace the existing retaining wall on the north side of the house. This wall runs from the west edge of the house to the addition on the east end of the house. Wall is currently cement block will be replaced with vinyl sheet pile.

Place helical piers under the house on the south side of the main floor and inside the basement. The foundation is unstable and the house is collapsing.

Place two new retaining walls on the north side of the east addition on the house. The soil is against the house, so one wall at the foundation and another one about 3 feet up the dune. These walls will be vinyl sheet pile. Note: these are the only "new" walls, all others are replacements in the same location as the current walls.

Replace the block walls at the top of the stairs, east of the house. Currently block walls to be vinyl sheet pile.

Replace block wall next to the red basement door with vinyl sheet pile.

Replace the wood retaining wall under the upper deck and next to the gas meter. This wall will form part of the utility pit. This wall runs east/west.

Place another wall running north/south under the upper deck to form the last side of the utility pit.

Replace the block wall next to the parking with stacked sand stone.

Place a drywell in the parking area to accept the water from the downspouts and possibility the water filter discard water. The tubing running to the drywell will be run over the top of the ground to the top of the retaining wall around the parking lot. It then will be installed behind the stacked sand stone wall and run into the drywell. The portion behind the wall will be installed as the wall is being constructed.

Replace all decks (except one) all decks to be replaced in place and same size exception for the deck part way up the stairs to the house, on the south side of the house. This deck is newer and will not be replaced. The upper deck on the west side of the house will also have a new deck under it.

Replace all boardwalks with 3-4' wide boardwalks elevated above grade on hand dug posts.

Replace patio on the east side of the house. The cement will be broken up and removed from the site. A new deck on pilings will be constructed here. Deck will be the same size as the patio but will be on pilings.

Replace stairs, except for the main stairs which go from the parking to the new deck, all stairs will be replaced with 4-5 foot wide stairs, elevated above grade on hand dug posts.
Place turf block over the septic system. This action has been approved by the Ottawa County Health Department, see letter.

Repair the tram, just a new motor, no contour change expected.

Stabilize all disturbed areas with vegetation native to the dunes.
Summary of proposed activities at Dale Rust site, 18165 Shore Acres

Retaining walls:

To be replaced:

1) Block wall next to current parking will be replaced with stacked sandstone.
2) Walls at the top of the stairs east of the house to be replaced with vinyl sheet pile.
3) Wall under the upper deck to be replaced with vinyl sheet pile.
4) Wall next to the red basement door to be replaced with vinyl sheet pile.
5) Wall on the north side of the house. Runs from the west edge of the house to the addition on the east end of the house. Follows the west side of the addition.

New:

1) On the north side of the east addition on the house. The soil is against the house, so one wall at the foundation and another one about 3 feet up.

The retaining wall north of the patio will remain.

Helical house support, 11 helical supports planned under the south side of the house to lift and support the house. Some are likely to be placed inside the basement as well.

Turf block over the septic system. This action will require a letter or permit from the Health Department.

Tram system repair, no contour changes expected. Just putting in new motor.

Replace all decks (except one) all decks to be replaced in place and same size exception for the deck part way up the stairs to the house, on the south side of the house. This deck is newer and will not be replaced. The upper deck on the west side of the house will also have a new deck under it.

Replace all boardwalks with 3-4” wide boardwalks elevated above grade on hand dug posts.

Tree removal:

2 near the retaining wall by the parking, one large one south west of the house that is leaning on the deck. Six shrubs planted to replace the three trees.

New stairs, except for the main stairs which go from the parking to the new deck, all stairs will be replaced with 4-5 foot wide stairs, elevated above grade on hand dug posts.

Utility pit this area is under the upper deck, right now it is a unsecured pit, we are proposing to put retaining walls around (in) the pit to make it more stable.

Down spout and drywell system. The drywell will be in the area of the current parking. The tubing running to the drywell will be laid on top of the ground from the house to the top of the retaining wall. They will be run behind the retaining wall to the parking level and into the drywell.
Replace patio on the east side of the house. The cement will be broken up and removed from the site. A new deck on pilings will be constructed here. Deck will be the same size as the patio but will be on pilings.

Stabilize with native vegetation anything that is disturbed.
August 15, 2018

Subject property
18165 Shore Acres Road
Grand Haven, MI 49417

Surrounding Property Owners

Neighboring properties

Bob DeBoer
18217 Shore Acres Road

Glen Turek
18205 Shore Acres Road

Paul Kemink
18158 Shore Acres Road

Mike Rowan
18111 Shore Acres Road

Fordson Properties
18111 Ridge Drive
NOTE: NO SITE IMPROVEMENTS ARE PROPOSED FOR THIS SECTION
B

Remove concrete patio
Place deck

Concrete block wall to be removed
Place Vinyl Sheet Pile

soil and plants to remain
Remove concrete block wall, place vinyl sheet

flag stone to remain
Existing upper floor of house

New vinyl walls

Remove existing wall, replace with vinyl sheet pile

Existing house

3'}
Two new retaining walls one flush with the house and the other 3' up slope (sheet pile).

Retaining wall replaced same location.

Deck and stairs to remain.

House and decks #1

Helical piers to go under the house. House is collapsing.

Project name: Dale Rust
Project Address: 18165 Shore Acres
Grand Haven, MI

Scale: N

LandTechwmi
Geo-technical Site Work & Environmental Landscaping
Aesthetics Function Stewardship

76 Veterans Dr., Ste 500 Liberty Ct., Holland, MI 49423 Office: (616) 928-0786 Fax: (616) 928-0787 www.landtechwmi.net
Dune slope
no change proposed

Failing cement block wall to be replaced

Proposed stacked rock wall

Existing asphalt removed only under new wall

= 1 foot
- Failing retaining wall to be replaced - see x-section
- Sand area to be covered with turf block
- Dry well to handle downspout water from house
- Asphalt - no changes proposed
- Existing retaining walls to remain

Parking Area
Deck and boardwalk to be replaced. Same size and location.
Retaining wall and driveway to remain
Area where turf block will be placed, )
"Lower" deck and retaining to be replaced. Same size and location.
Board walk to be replaced. Deck to remain,
Staking of east property line.
Staking of community property.
Retaining wall to be replaced.
Retaining wall to be replaced.

This retaining wall to remain.

-helicals here
Retaining wall to be replaced.
North side of house from the west.

Area where new walls are proposed.
Area where helicals will be placed.

Board walk and stairs to be replaced.
Deck to be replaced. Same size and location.
Permit
Soil Erosion & Sedimentation Control Agency
County of Ottawa

Issued under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended

Permit No: 11576
Issued: 10/05/18
Expires: 06/01/20

Permittee: Dale Rust
Address: 1939 Koehling Rd
       Northbrook, IL 60062

Project Location: City/Village/Township: Grand Haven
Address/Property Location: 18165 Shore Acres Rd
On - Site Responsible Person: Curt Hall
Company: LandTech
Telephone Number: (616) 836-2286

Permitted Activity:
Excavate for new deck, retaining walls, and other site improvement construction.

Permit Conditions:

1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the attached general and specific conditions.

2. This permit does not waive the necessity for obtaining all other required federal, state or local permits.

3. Permittee shall notify the permitting agency before the start of and within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first. (616) 994-4528.

4. PERMITTEE IS RESPONSIBLE FOR PROVIDING A COPY OF PERMIT, APPROVED SESC PLAN, AND ALL RELATED INFORMATION TO THE CONTRACTOR AND ENGINEER.

THIS PERMIT MUST BE POSTED AT THE PROJECT SITE

Jon Braxmaier
Erosion Control Agent
Water Resources Commissioners Office
616-994-4528
GENERAL CONDITIONS

In accordance with Rule 1709 promulgated under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:

- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.
- Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at a non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. (“Stabilized” means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.) Permit will not be allowed to expire until site is stabilized.
- Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change. If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.
- Additional erosion control measures not shown on site plan may be necessary as site work progresses. Permittee is responsible for all measures necessary to prevent off-site sedimentation, failure to do so could subject permittee to the appropriate fines and civil penalties.
- Catch basins for all new development sites need to be cleaned out prior to certificate of completion if there is 6” or more of sediment accumulation. The enforcing agent will need proof of invoice from an environmental cleaning service or a signed statement from the contractor stating that the catch basins have been sufficiently cleaned. This requirement may also apply to new single family home construction based on site conditions.

SPECIFIC CONDITIONS

1. Silt fence shall be trenched in a minimum of six inches, backfilled and maintained throughout duration of project. Maintenance includes removing of built-up sediment, repairing any failed portions of fencing and/or reinstalling any portions damaged by construction machinery.

2. Erosion control blanket or equivalent BMP shall be installed on all disturbed slopes 1:3 (vert.:horiz.) or greater and in all areas of concentrated flow after final grading.

3. All tracking of mud, dirt and debris onto existing roads shall be promptly removed on a daily basis or more frequently as necessary.

4. A Michigan Department of Environmental Quality permit may be necessary for this site. Contact: (616) 356-0258 for more information.
5. All stock piles to be placed in an upland area and properly protected to prevent off site sedimentation. Stock piles left on site for more than 30 days are to be temporarily seeded.
October 16, 2018

Curt Hall / Land Tech
76 Veterans, Ste. 500
Holland, MI 49424

RE: Proposed installation of Turf Block over septic system area:
18165 Shore Acres Road, Grand Haven Township (PP# 70-03-32-331-017)

Dear Mr. Hall,

This notice is regarding the site visit performed on October 15, 2018 in regard to the installation of Turf Block over the septic system area to allow for additional packing area. The existing home has three bedrooms and approximately 1800 Sq. Ft. of living space. The property was evaluated with the following findings:

The existing sewage disposal system was installed May 12, 2015 and consists of two 1000g septic tanks with five precast block trench units. Contact with the installer, Ryan Lubbers of Busschers Septic verified the septic tanks and block trench units are “hard top” and are capable of supporting a vehicle load.

Based on the proposed installation of Turf Block, work may be completed without altering the sewage disposal system. The following requirements and considerations are to be followed:

- No alterations to the septic tanks or block trench units may be made. The area above the block trench units may only be covered with a permeable surface, such as Turf Block. If proposed product changes significantly, contact this department for review.

- Vehicle traffic over drainage area may negatively impact longevity of system due to compaction. It is recommended system not be used as parking area to prolong system functionality.

- Area in question appears to be in Critical Dunes, contact MDEQ (616) 356-0500 to inquire if permits are required for construction activities.

Please contact this office with any questions.

Sincerely,

[Signature]

Ryan McCarthy
Environmental Health Specialist
Ottawa County Environmental Health
616-393-5769
<table>
<thead>
<tr>
<th>AGENCY USE</th>
<th>Previous USACE File Number</th>
<th>Date Received</th>
<th>DEQ File Number</th>
<th>Fee received</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>USACE File Number</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Validate that all parts of this checklist are submitted with the application package. Fill out application and additional pages as needed.

- All items in Sections 1 through 9 are completed.
- Project-specific Sections 10 through 20 are completed.
- Dimensions, volumes, and calculations are provided for all impact areas.
- All information contained in the headings for the appropriate Sections (1-20) are addressed, and identified attachments (●) are included.
- Map, site plan(s), cross sections; one set must be black and white on 8 ½ by 11 inch paper; photographs.
- Application fee is attached.

1 Project Location Information For Latitude, Longitude, and TRS Info anywhere in Michigan see [www.mcgj.state.mi.us/wetlands/](http://www.mcgj.state.mi.us/wetlands/)

- **Project Address (road, if no street address):** 18165 Shore Acres Road
- **Zip Code:** 49417
- **Municipality (Township/Village/City):** Grand Haven Township
- **County:** Ottawa
- **Property Tax Identification Number(s):** 70-03-32-331-017
- **Latitude:** 43.03512 N
- **Township/Range/Section (TRS):** T 08N N or S; R 16W E or W;
- **Longitude:** - 86.23752 W
- **Subdivision/Plat and Lot Number:** Sec 32 OR Private Claim # ___

2 Applicant and Agent Information

- **Owner/Applicant (individual or corporate name):** Dale and Mary Jo Rust
- **Agent/Contractor (firm name and contact person):** Curt Hall/LandTech
- **Mailing Address:** 1939 Koehling Road
- **Mailing Address:** 76 Veterans, Ste 500
- **City:** Northbrook
- **State:** IL
- **Zip Code:** 60062
- **City:** Holland
- **State:** MI
- **Zip Code:** 49423
- **Contact Phone Number:** 847-323-4975
- **Fax:**
- **Contact Phone Number:** 616 928-0786
- **Fax:** 616 928-0787
- **Email:** dfk.koehling@gmail.com
- **Email:** Michelle@landtechwmi.com
- **No ☑ Yes Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project? ● If no, attach letter(s) of authorization from all property owners including the owner of the disposal site.**

- **Property Owner’s Name (If different from applicant):**
- **Mailing Address:**

3 Project Description

- **Project Name:** Rust site improvements
- **Preapplication File Number:** – – P
- **Name of Water body:** Lake Michigan
- **Date project staked/flagged:**
- **Project Use:**
  - ☑ private
  - ☑ commercial
  - ☑ public/government
  - ☑ project is receiving federal/state transportation funds
  - ☑ Wetland Restoration
  - ☑ other
- **Project Use:**

Indicate the type of permit being applied for: ☑ General Permit ☑ Minor Project ☑ Individual (All other projects.) ● See Appendix C.

Written Summary of All Proposed Activities Please see attached summary

Construction Sequence and Methods Please see attached construction sequence with methods.
4 Project Purpose, Use and Alternatives  Attach additional sheets as necessary.

Describe the purpose of the project and its intended use; include any new development or expansion of an existing land use. **Most of this project is updating and stabilizing a older house that has been in the family for generations. The foundation is unstable, the retaining walls are failing, the decks are unsafe. We are proposing to use helicals under the south side of the house to stabilize the house, put new retaining walls in the same location as the current walls, rebuild the deck, put in stairs that are stable and safe, put in two new retaining walls as the dune has shifted and is causing the north side of the house to buckle.**

Describe the alternatives considered to avoid or minimize resource impacts. Include factors such as, but to limited to, alternative locations, project layout and design, and construction technologies. For utility crossings include alternative routes and construction methods. **Do nothing was considered but the house would fall down the dune soon. This proposal is actually the lesser of what was considered, a new house was discussed, home additions were also discussed, this has been a difficult decision for the property owners.**

5 Locating Your Project Site  Attach a legible black and white map with a North arrow.

Names of roads of closest intersection  **178th and Shore Acres**

Directions from main intersection to the project site, with distances from the best and nearest visible landmark and water body **Please see attached map and directions**

Description of buildings on the site (color; 1 or 2 story; other)  **2 story house with many retaining walls, you need to park and walk up to the house.**

Description of adjacent landmarks or buildings (address; color; etc)  **One house is lakeward of this house, stay to the right up the ramp**

How can your site be identified if there is no visible address?  **Ramp up to large parking area, address is visible**

6 Easements and Other Permits

☐ No  ☑ Yes  Is there a conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property?

☐ If yes, attach a copy. Provide copies of court orders and legal lake levels if applicable.

List all other federal, interstate, state, or local agency authorizations including required assurances for Critical Dune Area projects.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Type of Approval</th>
<th>Number</th>
<th>Date Applied</th>
<th>Date approved / denied</th>
<th>Reason for denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ottawa Co</td>
<td>SESC</td>
<td>9/25/2018</td>
<td>10/5/2018</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ottawa Co HD</td>
<td>permit to put parking over the septic</td>
<td>9/24/2018</td>
<td>10/16/2018</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7 Compliance

☐ No  ☑ Yes  Has any construction activity commenced or been completed in a regulated area?

☐ If yes, identify the portion(s) underway or completed on drawings or attach project specifications and give completion date(s).

☐ No  ☑ Yes  Were the regulated activities conducted under a DEQ and/or USACE permit?

☐ If Yes, list the permit numbers

☐ No  ☑ Yes  Are you aware of any unresolved violations of environmental law or litigation involving the property?

☐ If Yes, attach explanation.

8 Adjoining Property Owners  Provide current mailing addresses. Attach additional sheets/labels for long lists.

☐ Established Lake Board  ☐ Contact Person  ☐ Mailing Address  ☐ City  ☐ State and Zip Code

☐ Lake Association

List all adjoining property owners.

If you own the adjoining lot, provide the requested information for the first adjoining parcel that is not owned by you.

Property Owner's Name  ☐ Mailing Address  ☐ City  ☐ State and Zip Code

**please see attached list**
<table>
<thead>
<tr>
<th>9 Applicant’s Certification</th>
<th>Read carefully before signing.</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am applying for a permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application; that it is true and accurate; and, to the best of my knowledge, that it is in compliance with the State Coastal Zone Management Program. I understand that there are penalties for submitting false information and that any permit issued pursuant to this application may be revoked if information on this application is untrue. I certify that I have the authority to undertake the activities proposed in this application. By signing this application, I agree to allow representatives of the DEQ, USACE, and/or their agents or contractors to enter upon said property in order to inspect the proposed activity site before and during construction and after the completion of the project. I understand that I must obtain all other necessary local, county, state, or federal permits and that the granting of other permits by local, county, state, or federal agencies does not release me from the requirements of obtaining the permit requested herein before commencing the activity. I understand that the payment of the application fee does not guarantee the issuance of a permit.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Agent/Contractor</th>
<th>Corp. or Public Agency / Title</th>
<th>Printed Name</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☑</td>
<td></td>
<td>Curt Hail</td>
<td>(Signature)</td>
<td>11/9/2018</td>
</tr>
</tbody>
</table>

Joint Permit Application  Page 3 of 14  EOP 2731 (Rev. 2/2017)
Critical Dune Areas and High Risk Erosion Areas (See Sample Drawings 19 and 20)

Critical Dune Areas (See Sample Drawing 20)
- Although not required, submitting PHOTOGRAPHS of the site may provide for a faster application review.
- For more information go to [www.mi.gov/jointpermit](http://www.mi.gov/jointpermit), select “Sand Dune Protection” under “Related Links.”
- All property boundaries and proposed structure corners, including decks, septic systems, water wells, driveways, grading, and terrain alteration locations must be staked before the WRD site inspection.
- Scaled overhead and cross-section plans must include all property boundaries, locations, and dimensions of all existing structures and impacted areas, and all proposed structures, terrain alterations, and construction access. Cross-sections must show existing and proposed grades, including foundations.
- Construction in critical dune areas on slopes greater than 33 percent (1 vertical: 3 horizontal) is prohibited without a special exception.
- Construction in critical dune areas on slopes that measure from 25 percent (1 vertical: 4 horizontal) to less than 33 percent requires sealed plans prepared by a registered architect or licensed professional engineer.

High Risk Erosion Areas (See Sample Drawing 19)
- For more information go to [www.mi.gov/jointpermit](http://www.mi.gov/jointpermit), select “HREA” under “Related Links.”
- All property boundaries, proposed structure corners, and septic system locations must be staked before the WRD site inspection.
- Scaled overhead plans must include all property boundaries, and the location and dimensions of all structures and septic systems must be included.
- Additional information, including the building construction plans, may be required to complete the application review.

<table>
<thead>
<tr>
<th>Parcel dimensions (ft²) width</th>
<th>Date project staked (M/DD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>125</td>
<td>pre 1989</td>
</tr>
</tbody>
</table>

Dune habitat present in Building Site and access route (check all that apply): ☑ Wooded ☑ Open Dune ☑ Shrubs
☐ Bare Sand ☐ Lakefront Lot ☐ MNFI Community if known: 

Type of construction activities
☐ addition ☑ driveway ☐ garage ☐ new home ☑ renovation ☑ septic ☑ deck(s) ☐ other retaining walls

If on-site show location and how the disposal site will be accessed on the plans. Indicate the depth of the disposal sand on the plans.

Provide the permit or letter from the County Enforcing Agent stating that the project complies with Part 91 (Soil Erosion and Sedimentation Control).

Critical Dune Areas

The proposed project will be serviced by ☑ public sewer ☑ private septic system.
☐ On the plans, show the location and dimensions of the private septic system.
☐ If a private septic system is proposed, has a permit been issued by the health department?
☑ No ☐ Yes
☐ If Yes, provide a copy of the permit for all Critical Dune Area projects.

Sand relocation: Very little sand will be moved. Any extra will be used behind the retaining walls.

☐ Provide a copy of the vegetation assurance letter.
☐ Provide a re-vegetation plan, including # of trees to be removed and # of trees to be replanted.

<table>
<thead>
<tr>
<th>Proposed Utility Installation</th>
<th>Proposed New Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ directional bore ☑ plowing in</td>
<td>☐ basement ☐ concrete slab ☑ pilings</td>
</tr>
<tr>
<td>☐ open trench ☑ other</td>
<td>☐ crawl space ☑ other helicals under the house</td>
</tr>
</tbody>
</table>

- Show utility locations and dimensions on the site plan.
- Show construction access route on the site plan.
- Show existing and proposed grades on the cross-section.
- Show locations of vegetation to be removed on the site plan.

Provide the following information for special use projects:
(a) Lot size, width, density, and front and side setbacks.
(b) Storm water drainage that provides for disposal of drainage water without serious erosion.
(c) Methods for controlling erosion from wind and water.
(d) Re-stabilization plan.
(e) Environmental Impact Statement.
<table>
<thead>
<tr>
<th>High Risk Erosion Areas</th>
<th>Existing Structure Information</th>
<th>Proposed New Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel dimensions (ft)</td>
<td>width 125 depth 400</td>
<td>Date project staked (M/D/Y)</td>
</tr>
<tr>
<td>Foundation type</td>
<td>□ basement</td>
<td>Foundation type</td>
</tr>
<tr>
<td></td>
<td>□ concrete slab</td>
<td>□ pilings</td>
</tr>
<tr>
<td></td>
<td>□ crawl space</td>
<td>□ pilings</td>
</tr>
<tr>
<td></td>
<td>□ other</td>
<td>□ crawl space</td>
</tr>
<tr>
<td>Material above foundation wall</td>
<td>□ block</td>
<td>Material above foundation wall</td>
</tr>
<tr>
<td></td>
<td>□ log</td>
<td>□ stud frame</td>
</tr>
<tr>
<td></td>
<td>□ stud frame</td>
<td>□ other</td>
</tr>
<tr>
<td>Siding material</td>
<td>□ block</td>
<td>Siding material</td>
</tr>
<tr>
<td></td>
<td>□ vinyl</td>
<td>□ vinyl</td>
</tr>
<tr>
<td></td>
<td>□ wood</td>
<td>□ wood</td>
</tr>
<tr>
<td></td>
<td>□ other</td>
<td>□ other</td>
</tr>
<tr>
<td>Area of the foundation, excluding attached garage (sq ft)</td>
<td></td>
<td>Area of the foundation, excluding attached garage (sq ft)</td>
</tr>
<tr>
<td>Area of the garage foundation (sq ft)</td>
<td></td>
<td>Area of the garage foundation (sq ft)</td>
</tr>
<tr>
<td>If renovating or restoring an existing structure, indicate the renovation or restoration cost</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Current structure replacement value</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Tax assessed value of existing structure excluding land value</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Provide the number of individual living units in the proposed building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessment Year</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Application for a Special Exception for a Use in a Critical Dune Area

Part 353, Sand Dunes Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended

Directions:

- Complete this form to provide the information required by MCL 324.35317. Attach additional sheets as needed to provide complete answers. This information was not requested in the permit application. Answers on the special exception application referring to the permit application will result in the special exception application being considered incomplete. See the [Frequently Asked Questions](#) for information about special exceptions.

- The definition section in Part 353 identifies the individual provisions that are part of the model zoning plan. Part 353 is available online at: [www.mi.gov/criticaldunes](http://www.mi.gov/criticaldunes).

- Provide a property survey showing those areas that are privately owned and publicly owned, including all easements and setbacks.

- Submit a site plan prepared by a registered professional architect or a licensed professional engineer if required by Part 353 and they have not yet been submitted.

- The application fee of $2,000 payable to the “State of Michigan.” This fee is in addition to the fee required for the permit application.

- Submit the completed form, survey, plans, and application fee through MiWaters or to the Department of Environmental Quality (DEQ) local district office identified at [www.mi.gov/wrd](http://www.mi.gov/wrd).

DEQ Submission Number (if known): Click here to enter text.

Applicant(s) Name: Dale and Mary Jo Rust

Property Address: 18165 Shore Acres, Grand Haven, MI

Property Owner(s) Name: Dale and Mary Jo Rust

1. Identify the conditions of the land that make it practically difficult for the owner to comply with the dimensional requirements of the model zoning plan (MCL 324.35304 to 324.35309 and 324.35311a to 324.35324). Identify all sections of the model zoning plan under which the property owner is requesting relief in the form of a special exception.

There will be two new retaining walls placed north of the east portion of the house. This area is sometimes called the addition but it’s existing, has been for years and will not be modified. The remainder of the decks and retaining walls will be replacement in place. There is a new dry well proposed but that is in the flat parking area. The drain lines to move water from the proposed gutters and down spouts will be run on top of the ground to avoid slope impacts. Helicyles will be placed under the house on flat areas next to the house and in the basement.
2. How will human health and safety be affected by the project as proposed with a special exception? Is human health and safety protected if the special exception is not granted? Please explain your answers.

Since the dune is shifting into the north side of the house where the proposed retaining walls will be placed, allowing the special exception will keep that portion of the house from failing and therefore will protect human safety. This is just a small portion of what is wrong with this house so, if the special exception is not granted it will just have the failure of this structure. May I respectfully suggest that some of the panel come and view this house? But please be careful!

3. Provide documentation that the proposal complies with applicable local zoning, state, and federal laws. Federal laws do not apply to this project. This house is grandfathered in under local zoning. We have obtained a soil erosion permit which is attached to the application packet. The Health Department has granted permission to place the turf blocks over the septic to provide more parking. A copy of that letter is attached to the application.

4. Describe other pertinent or additional information you would like DEQ to include in the review.

This house, decks and retaining walls are slowly failing. The proposed work is the minimum necessary to keep this structure from failing. This is not an expansion of use, just a maintainance of what's already there. LandTech would be willing to meet you on site if you have questions.

Certification

I am applying for a special exception pursuant to MCL 324.35317 to authorize the activities in a critical dune area described herein. I certify that I am familiar with the information contained in this application and that it is true and accurate. I understand that the payment of the application fee does not guarantee the issuance of a special exception.

<table>
<thead>
<tr>
<th>□ Property Owner</th>
<th>Agent/Contractor</th>
<th>Printed Name: Curt Hall</th>
<th>Signature: [Signature]</th>
<th>Date: 11/9/2018</th>
</tr>
</thead>
</table>
Community Development Memo

DATE: November 21, 2019
TO: Zoning Board of Appeals
FROM: Cassandra Hoisington, Assistant Zoning Administrator
RE: 18165 Shore Acres Rd – Dimensional Variance Application No. 19-01

| PARCEL INFORMATION |  |
|--------------------|-----------------|-----------------|
| Owner              | Dale & Mary Jo Rust | Required Setbacks for Retaining Wall that Measures 2 ft to 4 ft in Height |
| Applicant’s Representative | Curt Hall, LandTechwmi LLC | 2 ft from any property line |
| Property Address  | 18165 Shore Acres Rd |  |
| Parcel Number      | 70-03-32-331-017 |  |
| Lot Size           | 21,350 sqft (.49 ac) |  |
| Lot Type           | Legal Lot of Record |  |
|                    | Irregular Lot Shape |  |
|                    | Critical Dunes |  |
| Elevation          | ≈ 55 foot elevation change |  |
| Zoning             | R-1 Single Family Residential |  |
| Required Setbacks for an Attached Deck | Front – 50 feet |  |
|                    | Rear – 50 feet |  |
|                    | Side 1 – 15 feet |  |
|                    | Side 2 – 20 feet |  |
| Required Setbacks for Retaining Wall System | Front – 50 feet |  |
|                    | Rear – 50 feet |  |
|                    | Side 1 – 15 feet |  |
|                    | Side 2 – 20 feet |  |
| Maximum Height for a Retaining Wall | 8 ft, single or series |  |
Prior to beginning discussion, the application must be removed from the table, utilizing the following motion:

**Motion** to remove the Rust Dimensional Variance application from the table.

### ZBA APPLICATION UPDATE

Recall the dimensional variance application from May 2019, the application was tabled due to a lack of required information. The ZBA requested the following information before the application can be removed from the table:

1. **Site plan for all variance components only**—remove the other items within the scope of work that do not pertain to the variance application.  
   The most recent site plan shows the requested variance items and removed many details unrelated to the variance request.

2. **Height information for each retaining wall, including profiles.**  
   Information for retaining walls has been included in submitted plans.

3. **Issued EGLE permits**  
   EGLE Permit issued on October 2\textsuperscript{nd}, 2019.

4. **Direct staff to contact the Township Attorney to determine what is required or necessary to address the western deck on the adjacent parcel.**  
   Further discussion regarding the deck took place. It will not extend into the adjacent parcel and is no longer a concern because it will comply with EGLEs Part 353 Activities Not Constituting a Use policy and the Township’s elevated walkway regulations, thus making the deck an exempt structure.

### VARIANCE ITEMS

The updated plans have further clarified the scope of the necessary variance items. The vista deck has been relocated onto the Rust property and will meet EGLE standards as to not constitute a contour change, because of this the structure is exempt. Additionally, the applicant has confirmed that the proposed boardwalks and stairs will meet these standards and be exempt from zoning approval.
There are two proposed retaining walls and a deck that are allowed to extend into the abutting trust property (the paper walkway) to the west of the property. No work is proposed to extend into the adjacent property, all construction will remain within the Rust property and the paper walkway. Recall, the Township has historically allowed this type of work to occur within the paper easements when a letter from the Homeowners Association was provided granting permission. Such a letter has been received from the HOA Board.

There are five items identified as needing a variance:

1) A sheet pile retaining wall located north of the house measuring 2.9’ in height would be built to the side lot line, resulting in a 0’ side yard 1 setback where 2’ is required.
   a) Variance of 2’.

2) A series of sheet pile retaining walls located to the east of the house measuring 11’ in height when 8’ is permitted and having 14’ side yard 2 setback where 20’ is required.
   a) Height variance of 3’.
   b) Side yard setback variance of 6’.

3) A sandstone retaining wall located south of the house measuring 5.8’ in height located 31’ from the front lot line where 50’ is required and built to the side lot line, resulting in a 0’ side yard setback where 15’ is required.
   a) Front yard variance of 19’.
   b) Side yard setback of 15’.
4) A deck located on the west side of the house built to the side lot line, resulting in a 0’ side yard setback where 15’ is required. This will replace an existing deck in the same location and footprint.
   a) Side yard setback of 15’.

5) A deck located on the east side of the house to have a 14’ side yard setback where 20’ is required. This will replace an existing concrete patio in the same location and footprint.
   a) Side yard setback variance of 6’.

**VARIANCE STANDARDS**

To authorize a dimensional variance from the strict applications of the provisions of this Ordinance, the ZBA shall apply the following standards and make an affirmative finding as to each of the matters set forth in the standards.

**STANDARD 1**

There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.

The property is located within the Critical Dune Area and is encumbered by steep topographic changes (≈ 55 ft elevation change). The ZBA will need to determine as to whether this standard is met.

**STANDARD 2**

The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

The majority of homes along Lake Michigan have a series of decks that provide views. The retaining walls are needed to preserve and stabilize the aging house. The ZBA will need to make a determination as to whether this standard is met given the circumstances of this case.

**STANDARD 3**

Authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

No correspondence was received for this application (*as of November 21st or for the previous May 29th meeting*). The ZBA will need to make the determination as to whether this standard is met given the circumstances of this case and the findings on standards 1 and 2.
STANDARD 4

The condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

There are many houses in the Township that are legally non-conforming in location. The steep topographic changes and legally non-conforming location of the house create the need for the retaining walls in order to preserve the owners’ investment in their property. The ZBA will need to make the determination as to whether this standard is met.

SAMPLE MOTIONS

If the ZBA determines each standard has been affirmatively met, the following motion can be offered:

Motion to approve a dimensional variance from Sections 21.02, 20.22.1, and 20.22.2 of the Zoning Ordinance to construct a series of retaining walls and decks. The details are as follows:

1. Dimensional variance from Section 20.22.2 to allow a 4’ tall retaining wall to be built to the property line that will result in setback variance of 2’.
2. Dimensional variance from Section 20.22.1 and 20.22.2 to allow a series of retaining walls totaling 11’ in height that will result in a height variance of 3’ and a side yard 2 setback variance of 6’.
3. Dimensional variance from Section 20.22.2 to allow a retaining wall (not to exceed 8’ in height) to be built to the property line that will result in a front yard setback variance of 19’ and a side yard 1 setback variance of 15’.
4. Dimensional variance from Section 21.02 to allow a deck that will result in a side yard 1 setback variance of 15’.
5. Dimensional variance from Section 21.02 to allow a deck that will result in a side yard 2 setback variance of 6’.

Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met.

However, if the ZBA determines each standard as not been affirmatively met, the following motion can be offered:

Motion to deny a dimensional variance from Sections 21.02, 20.22.1, and 20.22.2 of the Zoning Ordinance to construct a series of retaining walls and decks. Denial of this variance
is based upon this Board’s findings that all four standards have not been affirmatively met. Further, staff is directed to draft a formal motion and report with those discussion points which will be reflected in the meeting minutes. This will be reviewed and considered for adoption at the next meeting.

If the ZBA determines that more information is needed to make an affirmative finding, the following motion can be offered:

**Motion to table** the dimensional variance application for 18165 Shore Acres Road until the December 10th meeting, or when the applicant has addressed the items below:

1. *List items.*

Please contact me with questions or concerns.
Community Development Memo

DATE: May 24, 2019
TO: Zoning Board of Appeals
FROM: Cassandra Hoisington, Assistant Zoning Administrator
RE: 18165 Shore Acres Rd – Dimensional Variance Application No. 19-01

<table>
<thead>
<tr>
<th>PARCEL INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Owner</strong></td>
<td>Dale &amp; Mary Jo Rust</td>
</tr>
</tbody>
</table>
| **Applicant** | Curt Hall  
LandTechwmi LLC |
| **Property Address** | 18165 Shore Acres Rd |
| **Parcel Number** | 70-03-32-331-017 |
| **Lot Size** | 21,350 sqft (.49 ac) |
| **Lot Type** | Legal Lot of Record  
Irregular Lot Shape  
Critical Dunes |
| **Elevation** | ≈ 55 foot elevation change |
| **Zoning** | R-1 Single Family Residential |
| **Required Setbacks for an Attached Deck** |  |
| Front | 50 feet |
| Rear | 50 feet |
| Side 1 | 15 feet |
| Side 2 | 20 feet |
| **Required Setbacks for Retaining Wall System** |  |
| Front | 50 feet |
| Rear | 50 feet |
| Side 1 | 15 feet |
| Height | 8 ft |

Site Location

Critical Dunes
The owners have previously requested and received two dimensional variances for this property. The first variance was received in 2014, to build stronger retaining walls after the septic system was replaced. A second variance was received in 2015. This variance allowed a series of stairs and landings along the retaining wall to gain access to the dwelling.

The applicant is pursuing an additional variance to construct more retaining wall series and a deck. This will be part of a larger project to improve the safety and accessibility of the property.

The boardwalks are exempt from the Zoning Ordinance as long as they comply with the EGLE policy of a maximum 5-foot width and installed with hand tools.

Staff visited the property and noted the failing conditions of the existing patio, boardwalk, and deck. Staff recommends ZBA members visit the property to understand the full impact of the deteriorating structures amongst the steep elevation changes.

Aside from the variance request, the applicant will perform additional improvements to the property, which are described below:

- Foundation repair.
- Capture of roof drainage to prevent further soil erosion.
- Installation of a porous paver driveway.
- Installation of new boardwalks.

Staff can confirm the applicant has submitted an application to EGLE, but as of now, when this memo is being drafted, the applicant continues to revise the scope of work.
Due to the fluidity of the scope of work, **staff recommends the ZBA table this application** until the details have been finalized, and an EGLE permit has been issued. In brief, the scope of work on the EGLE permit application is significant, but the scope for the variance is far narrower. To ensure preciseness, a site plan containing variance-only information is necessary.

Another outstanding issue, which may require staff to contact legal counsel, is the request to build a deck in the front yard on an adjacent property that is owned by a third-party. Section 20.03.2.A exempts elevated walkways (*and even allows them to cross lot lines*), so that portion does not need to be addressed by the Township. However, if the ZBA is willing to consider approving a deck at the western end of the walkway then we need guidance from the Township Attorney because the survey shows it is not located on the applicant’s property.

As you may notice from the packet materials, the Shore Acres Association gave permission to let the boardwalk cross over the platted walkway. Historically, these “paper walkways” do not exist and the Township has accepted written approval from the HOA to build structures on these areas.

### SAMPLE MOTIONS

**Motion to table** the dimensional variance application for 18165 Shore Acres Road until the June 25th meeting, or when the applicant has addressed the items below:

1. Site plan for all variance components only—remove the other items within the scope of work that do not pertain to the variance application.
2. Height information for each retaining wall, including profiles.
3. Issued EGLE permits
4. Direct staff to contact the Township Attorney to determine what is required or necessary to address the western deck on the adjacent parcel.

Please contact me with questions or concerns
I CERTIFY THAT THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO INCREASE EROSION OR DECREASE STABILITY.

DATE OF PLAN: 11-04-19
RELOCATED VISTA DECK

PROP. SHEET PILE RET. WALL TO REPLACE EX. RET. WALL.
SEE SHEET CD-5 X-SECTION NS-1

EX. ELEVATED DECK IN EASEMENT TO BE RECONSTRUCTED

PROP. SHEET PILE RET. WALL TO REPLACE EX. RET. WALL.
SEE SHEET CD-6 X-SECTION NS-2
SEE SHEET CD-8 X-SECTION EW 1

PROP. SHEET PILE RET. WALL TO REPLACE EX. RET. WALL.
SEE SHEET CD-7 X-SECTION NS-4

SANDSTONE WALL NOT TO EXCEED 8' HT.
SEE SHEET CD-5 X-SECTION NS-1

REPLACE EX. BOARDWALK PATH W/ NEW BOARDWALK

= APPROXIMATE HELICAL PIER LOCATION

WALLS TO EXCEED 8' HT AS A SYSTEM.
SEE SHEET CD-6, X-SECTION NS-3

PROP. SHEET PILE RET. WALL TO REPLACE EX. RET. WALL.
SEE SHEET CD-7 X-SECTION NS-5

0-FT SETBACK

PROP. SHEET PILE RET. WALL TO REPLACE EX. RET. WALL.
SEE SHEET CD-6 X-SECTION NS-3

BRUCE A. CALLEN, P.E.

I CERTIFY THAT THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO INCREASE EROSION OR DECREASE STABILITY.

DATE OF PLAN: 11-04-19

SHORE ACRES ROAD

CALLEN ENGINEERING, INC.
SPRING LAKE, MICHIGAN
Total disturbed area: 4,922 sft (0.11 Acres)

Additional erosion control measures not shown on the site plan may be necessary as site work progresses. Permittee is responsible for all measures necessary to prevent offsite sedimentation.

Geotextile silt fence and all catch basin protection measures shall be properly placed as shown on plans and as needed to retain soils onsite. Periodic maintenance and inspection of SESC measures is required for proper effectiveness.

Stabilize site as soon as possible.

Construction is anticipated to begin JULY 2019 with substantial sitework completion no later than SEPTEMBER 2019.

**EROSION CONTROL MEASURES**

<table>
<thead>
<tr>
<th>KEY</th>
<th>SESC MEASURE</th>
<th>SYMBOL</th>
<th>WHERE USED</th>
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<td>Trees, Shrubs, Vines and Ground Cover</td>
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<td>When bare soil or recently vegetated slopes are exposed to erosive forces from wind and/or water.</td>
</tr>
<tr>
<td>5</td>
<td>Perimeter Sediment Control Measures (Silt Fence, Straw Wattles, etc.)</td>
<td></td>
<td>As a temporary measure used to capture sediment from sheet flow. May also divert small volumes of sheet flow to protected outlets.</td>
</tr>
</tbody>
</table>

*SEE MICHIGAN ASSOCIATION OF COUNTY DRAIN COMMISSIONERS SESC MANUEL (VERSION 2018) FOR SPECIFICATIONS*
NOTE:
REPLACEMENT DECKS SHALL BE AT THE SAME LOCATION AND ELEVATION AS THE EXISTING DECKS.

27.4' DISTURBANCE LIMIT

EX. GROUND SURFACE PROFILE

SHEET PILE RETAINING WALL
T.O.W. = 655.40
B.O.W. = 657.40

REPLACEMENT DECK FTE = 863.50

CRITICAL SLOPE LIMITS

DECK FTE = 862.50

PROPOSED STACKED ROCK WALL
T.O.W. = 630.00
B.O.W. = 633.08

27.4' DISTURBANCE LIMIT

X-SECTION NS 1

CUT & FILL AREA

SHEET
CD-5
X-SECTIONS
DATE OF PLAN: 11-12-19

Callen Engineering, Inc.
Spring Lake, Michigan
CRITICAL SLOPE LIMITS

DISTURBANCE LIMIT

8.0'
2.0'
7'

DATE OF PLAN: 11-12-19
SHEET CD-6

NOTE:
REPLACEMENT DECKS SHALL BE AT THE SAME LOCATION AND ELEVATION AS THE EXISTING DECKS

HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=10'

CUT & FILL AREA

X-SECTION NS 2
X-SECTION NS 3

Callen Engineering, Inc.
Spring Lake, Michigan

SHEET X-SECTIONS
DATE OF PLAN: 11-12-19
NOTE:
REPLACEMENT DECKS SHALL BE AT THE SAME LOCATION AND ELEVATION AS THE EXISTING DECKS.

DATE OF PLAN: 11-12-19

CALLEN ENGINEERING, INC.
SPRING LAKE, MICHIGAN

HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 10'

CUT & FILL AREA

SHEET CD-7
X-SECTIONS
NOTE:
REPLACEMENT DECKS SHALL BE AT THE SAME LOCATION AND ELEVATION AS THE EXISTING DECKS
This permit is issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

- Part 301, Inland Lakes and Streams
- Part 315, Dam Safety
- Part 323, Shorelands Protection and Management
- Part 353, Sand Dunes Protection and Management

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

**Authorized Activity:**

This permit is issued as a Special Exception to Part 353 as this project impacts slopes greater than 1 on 3.

Remove 3 trees; install 11 helical piers underneath the existing house; construct two new, retaining walls, R-2 measuring 24 linear feet and R-3 measuring 18 linear feet; construct four replacement retaining walls, R-1 measuring 36 linear feet, R-4 measuring 39 linear feet, R-5 measuring 62 linear feet, and R-6 measuring 47 linear feet; remove the existing patio and construct a 408 square foot deck D-1 on pilings in its place; remove and replace existing decks D-2 and D-3, boardwalks and stairs only within the footprints of Lot 5 and 70 and the identified easement; remove existing deck D-4 and reconstruct it in place with an 150 square foot cantilevered expansion; install a dry well in the parking area and run approximately 35 linear feet of tubing over the south facing slope to connect to the house downspouts; and install approximately 1390 square feet of turf blocks over the existing drain field all within a Critical Dune Area. All work shall be completed in accordance with the attached plans and the terms and conditions of this permit.

**Waterbody Affected:** Lake Michigan

**Property Location:** Ottawa County, Grand Haven Township,
Town/Range/Section 08N/16W/32,
Property Tax No. 70-03-32-331-017
Authority granted by this permit is subject to the following limitations:
A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit.
J. This permit shall not be assigned or transferred without the written approval of EGLE.
K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee’s obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee’s participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.
Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all of the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.

S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.

T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).

U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.

V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.

X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.

Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit www.mi.gov/deqstormwater and select "Soil Erosion and Sedimentation Control Program" under "Related Links."

2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee’s obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.

3. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.

4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.

5. The permit placard shall be kept posted at the work site, in a prominent location at all times for the duration of the project, or until permit expiration.

6. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee’s acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.

7. Notification shall be provided to EGLE by telephone 72 hours prior to commencing construction, vegetation removal, or grading activity. Contact: Bonnie Broadwater at broadwaterb@michigan.gov; (616)591-8163.

8. Slopes steeper than one-on-three (33%) outside the permitted uses must not be disturbed. Impacting the dunes is not authorized outside of the permitted use including activities such as driving machinery on slopes steeper than one-on-three (33%), or storing (permanently or temporarily) machinery, materials, equipment, or removed vegetation, on any slopes steeper than one-on-four (25%).

9. Altering the crest and the area lakeward of the crest by placing retaining walls or other regulated structures, removing soil or vegetation, lowering or raising the elevation of the crest, placing materials or soils lakeward of the crest on the lakeward facing bluff is not permitted.
10. The construction of porches, decks, landscaping (with the exception of planting native dune vegetation), on-grade walkways, on-grade stairways, and retaining walls including the placement of boulders, are considered uses, and not permitted unless specified in the authorized activities of the permit and depicted on the approved plans.

11. All earth moving and contour changes must occur within disturbance limits noted on the plans.

12. Vegetation changes are not authorized more than outside of the permitted use. All disturbed areas shall be re-vegetated with native dune species and stabilized with temporary measures before or upon commencement of the permitted use and maintained until permanent measures are in place. The removal and re-establishment of vegetation must be in accordance with the submitted vegetation assurance.

13. The tree pest, hemlock woolly adelgid (HWA), is known to infest hemlock and tiger-tail spruce trees in this county. The Michigan Department of Agriculture and Rural Development (MDARD) has issued a quarantine on the movement of all branches, boughs, any tree part bearing twigs and needles and uncomposted, chipped/shredded/ground parts that include twigs and needles. Issuance of this permit does not obviate the need to obtain approval to move hemlock and tiger-tail spruce parts off the project site prior to commencement of construction activity as stated in the quarantine effective on July 5, 2017 by authority of Public Act 72 of 1945, as amended. In Allegan and Ottawa counties contact MDARD Region 2 Supervisor Mike Hansen, hansenmg@michigan.gov or 269-429-0669.

14. Oak wilt, a non-native tree killing fungus, is known to infect oak trees in this county. Damage to the trees from construction, such as cut or broken branches, during the growing season may result in the tree becoming infected and dying shortly thereafter. If possible, do not cut or trim oak trees during the growing season, especially April 15 through July 15. Open cuts on damaged trees should be immediately painted with pruning sealer or tree paint. Contact the local Cooperative Invasive Species Management Area (CISMA) staff for more information, info@michiganinvasives.org or www.michiganinvasives.org.

15. The permitted use and development shall provide for disposal of storm water without serious soil erosion and without sedimentation to any waterbody or wetland.

16. The transport of building materials/excavated sand and access to and from the site shall be via the existing or permitted stairs and walkways and the chute noted on the plans.

17. The temporary construction access as depicted on the attached plans shall not involve a contour change or vegetation removal that increases erosion or decreases stability, shall be maintained in stable condition, and temporary stabilization measures shall be installed before or upon commencement of construction, and shall be maintained until the site is permanently stabilized.

18. The restabilization and replanting of the temporary construction access shall follow the submitted stabilization and planting plan. Vegetation shall be monitored for a minimum of two growing seasons to ensure the vegetation is fully established in the disturbed area.

19. Excess excavated clean sand must be deposited in a critical dune area as noted on the site plan. Machinery is not permitted to be driven down the lakeward facing bluff, on slopes steeper than one-on-three (33%) or in the water of the lake for the purpose of depositing the excess sand. Sand shall not be left in piles.

20. All excess woody debris, concrete, building materials, or other types of soil must be deposited off site, outside of the critical dune area.

21. If it is not feasible to dispose of excess excavated sand or soil on-site, then it must be deposited off-site, outside of a floodplain, lake, river, stream, or wetland, and stabilized with temporary measures until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.

22. Stairway(s)/walkway(s) must be constructed elevated above grade, on a hand dug post foundation, a maximum of five (5) feet in width and shall not have a roof or walls.

23. Underground utility lines must be placed in areas with slopes less than one-on-four (25%) or the lines must be installed using the directional bore method or by hand digging. If the directional bore method is used, the bore pits must be located in areas with slopes less than one-on-four (25%). The disturbed areas must be stabilized and repaired with temporary measures before or upon commencement of the permitted use and shall be maintained until permanent measures are in place. Trenching areas with slopes steeper than one-on-four (25%) is not permitted.
24. The proposed structure is within 100 feet of the dune crest and therefore the following requirements must be met:

- The structure and access to the structure shall be in accordance with a site plan prepared for the site by a registered professional architect or a licensed professional engineer and the site plan shall provide for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water.
- Access to the structure shall be from the landward side of the dune.
- The dune shall be re-stabilized with indigenous vegetation.
- The crest of the dune shall not be reduced in elevation.

25. This permit does not authorize the completion of any work conducted without the required authorization needed by the Local Unit of Government, Grand Haven Township, including but not limited any required zoning variances.

Issued By:

[Signature]
Luis Saldivia
Grand Rapids District Office
Water Resources Division
616-710-2136

cc: Grand Haven Township Clerk
Ottawa County CEA
Land Tech, Agent
I CERTIFY THAT THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO INCREASE EROSION OR DECREASE STABILITY.

* ONLY NATIVE PLANT SPECIES SHALL BE USED TO STABILIZE THE SITE.

**PLANT MATERIAL LIST**

<table>
<thead>
<tr>
<th>QTY</th>
<th>KEY</th>
<th>BOTANICAL NAME / COMMON NAME</th>
<th>MIN ROD SIZE</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.b.</td>
<td>Culms/plugs</td>
<td>Ammophila breviligulata/ American Beach Grass</td>
<td>24&quot; SPACING, PLANT AFTER SEPTEMBER 1ST AT ALL DISTURBED AREAS</td>
<td></td>
</tr>
</tbody>
</table>

**SITE PLAN**

- PROP. SHEET PILE RET. WALL TO REPLACE EX. RET. WALL
- PROP. ELEVATED DECK TO MATCH EXISTING CONC. PATIO FOOTPRINT AT SAME ELEVATION
- RELOCATED STAIRS
- PROP. SHEET PILE RETAINING WALL
- REMOVE AND REPLACE EX. ELEVATED DECK
- PROP. ELEVATED DECK AND STAIRS, DECK EXPANSION AREA 150 SFT. ±
- PROP. PERVIOUS PAVERS. (APPROX. 1,390 SFT.)
- PROP. STACKED STONE RET. WALL TO REPLACE EX. RET. WALL
- DRY WELL FOR DOWNSPOUT RUNOFF
- PROP. ELEVATED DECK AND STAIRS. DECK EXPANSION AREA 150 SFT. ±
- RELOCATED VISTA DECK
- STAIRS
- PROP. SHEET PILE RET. WALL TO REPLACE EX. RET. WALL
- REMOVE AND REPLACE EX. ELEVATED DECK
- PROP. SHEET PILE RETAINING WALL
- RELOCATED STAIRS
- PROP. SHEET PILE RETAINING WALL
- TO REPLACE EX. RET. WALL.
- REMOVE STAIRS.
- STAIRS
- PROP. SHEET PILE RETAINING WALL
- TO REPLACE EX. RET. WALL.
- REPLACE STAIRS.
- STAIRS
- DRY WELL FOR DOWNSPOUT RUNOFF
- REPORTED CHANGES:
  - ELEVATED DECK AND STAIRS. DECK EXPANSION AREA 150 SFT. ±
  - DRY WELL FOR DOWNSPOUT RUNOFF
  - PROP. ELEVATED DECK AND STAIRS. DECK EXPANSION AREA 150 SFT. ±
  - RELOCATED VISTA DECK
  - STAIRS

* ONLY NATIVE PLANT SPECIES SHALL BE USED TO STABILIZE THE SITE.
Erosion Control Measures

<table>
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<tr>
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<tr>
<td>5</td>
<td>Perimeter Sediment Control Measures (Silt Fence, Straw Wattles, etc.)</td>
<td></td>
<td>As a temporary measure used to capture sediment from sheet flow. May also divert small volumes of sheet flow to protected outlets.</td>
</tr>
</tbody>
</table>

*SEE MICHIGAN ASSOCIATION OF COUNTY DRAIN COMMISSIONERS SESC MANUEL (VERSION 2018) FOR SPECIFICATIONS*
Callen Engineering, Inc.
Spring Lake, Michigan

TOPOGRAPHIC SURVEY PERFORMED
BY DRIESENGA & ASSOCIATES, INC.
DATED DECEMBER 05, 2018,
BASED ON NAVD '88 DATUM.

DATE OF PLAN: 08-14-19

SCALE IN FEET

0 40 80
NOTE:
REPLACEMENT DECKS SHALL BE AT THE SAME LOCATION AND ELEVATION AS THE EXISTING DECKS.
Critical Slope Limits

14.5' Disturbance Limit
8.0'
8.0'
2.0'

Callen Engineering, Inc.
Spring Lake, Michigan

X-Section NS 2

X-Section NS 3

NOTE:
Replacement decks shall be at the same location and elevation as the existing decks.

Scale:
Horizontal: 1" = 10'
Vertical: 1" = 10'

CUT & FILL AREA
X-SECTION NS 4

X-SECTION NS 5

NOTE:
REPLACEMENT DECKS SHALL BE AT THE SAME LOCATION AND ELEVATION AS THE EXISTING DECKS

Callen Engineering, Inc.
Spring Lake, Michigan

CD-7
X-SECTIONS
DATE OF PLAN: 06-13-19

CALL FOR BID
BID DATE: 07-01-2019
EXPIRES ON: 07-10-2019

SCALE IN FEET
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=10'

CUT & FILL AREA
X-SECTION EW

NOTE:
REPLACEMENT DECKS SHALL BE AT THE SAME LOCATION AND ELEVATION AS THE EXISTING DECKS

HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=10'

CUT AREA

Callen Engineering, Inc.
Spring Lake, Michigan

DATE OF PLAN: 06-13-19
Community Development Memo

DATE: November 21, 2019

TO: Zoning Board of Appeals

FROM: Cassandra Hoisington, Assistant Zoning Administrator

RE: 2020 Housekeeping Duties – Appointments & Meeting Schedule

**APPOINTMENT OF OFFICERS**

As required by the ZBA Bylaws the officers must be appointed annually. The current appointments are:

- Chairperson  
  Voss
- Vice Chairperson  
  Slater
- Secretary  
  Loftis

If the ZBA wants the appointments to remain the same, the following motion can be offered:

**Motion** to nominate and reappoint the existing officers for their current positions.

**2020 MEETING DATE SCHEDULE**

The 2020 Meeting Date Schedule must be approved as well. Meetings are held on the 4th Tuesday of each month and begin at 7pm, except for May where the meeting is held on the 4th Wednesday because of the Memorial Day and December where the meeting is held on the second Tuesday because of the holidays.

**Motion** to **approve** the 2020 Meeting Date Schedule as presented.
Community Development Memo

DATE: November 21, 2019

TO: Zoning Board of Appeals

FROM: Cassandra Hoisington, Assistant Zoning Administrator
Stacey Fedewa, Community Development Director

RE: 2018 Zoning Board of Appeals Report

The following annual report is submitted to the Zoning Board of Appeals:

ATTENDANCE

There were 5 meetings of the ZBA during 2018. Below is the attendance record of each member:

<table>
<thead>
<tr>
<th>Member</th>
<th>Excused Absence</th>
<th>Unexcused Absence</th>
<th>Meetings Attended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voss (Chair)</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Slater (Vice-Chair)</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Loftis (Secretary)</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Behm (Trustee)</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Hesselsweet</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Rycenga (Alternate)</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
</tbody>
</table>

TRAINING

It is noted the Township Board strongly encourages members of the Zoning Board of Appeals to avail themselves of training opportunities, which is a significant factor for reappointments (i.e., two training sessions during each appointment period. Training completed as part of a member’s professional career can be applied to this training requirement).
<table>
<thead>
<tr>
<th>Member</th>
<th>2018 Training Session(s)</th>
<th>2016 – 2018 Total Training</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voss (Chair)</td>
<td>Annual P&amp;Z</td>
<td>2</td>
</tr>
<tr>
<td>Slater (Vice-Chair)</td>
<td>Managing Risk</td>
<td>3</td>
</tr>
<tr>
<td>Loftis (Secretary)</td>
<td>Annual P&amp;Z</td>
<td>3</td>
</tr>
<tr>
<td>Behm (Trustee)</td>
<td>None</td>
<td>0</td>
</tr>
<tr>
<td>Hesselsweet</td>
<td>Annual P&amp;Z (x2), Managing Risk, CE’s</td>
<td>17 + # CE</td>
</tr>
<tr>
<td>Rycenga (Alternate)</td>
<td>None</td>
<td>0</td>
</tr>
</tbody>
</table>

**COMMITTEES & JOINT SESSIONS**

There was one committee during 2018—Zoning Ordinance Update Subcommittee, which met 6 times before the joint meetings with the Township Board and Planning Commission began.

**ACTIVITY**

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Project</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dimensional</td>
<td>Case 18-01: Deck (Urbytes)</td>
<td>Approved</td>
</tr>
<tr>
<td>Variance</td>
<td>Case 18-02: Solar Structure (VanOordt)</td>
<td>Denied</td>
</tr>
<tr>
<td></td>
<td>Case 18-03: Land Division (Fahndrich)</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>Case 18-04: Accessory Building (Gaasch)</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>Case 18-05: Accessory Building (Kobel)</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>Case 18-01: Deck (Urbytes) REVISION</td>
<td>Approved</td>
</tr>
</tbody>
</table>

**BUDGET**

<table>
<thead>
<tr>
<th>Line Item Account</th>
<th>Budget Item</th>
<th>Budgeted</th>
<th>Expenditures</th>
<th>Percent Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>702, 707, 715</td>
<td>Wages, FICA, Committee Pay</td>
<td>$3,070</td>
<td>$1,963</td>
<td>64%</td>
</tr>
<tr>
<td>801</td>
<td>Legal &amp; Consulting</td>
<td>$870</td>
<td>$494</td>
<td>57%</td>
</tr>
<tr>
<td>802</td>
<td>Training, Dues, Subscriptions</td>
<td>$700</td>
<td>$633</td>
<td>90%</td>
</tr>
<tr>
<td>861</td>
<td>Travel &amp; Mileage</td>
<td>$100</td>
<td>$40</td>
<td>40%</td>
</tr>
<tr>
<td>101-722</td>
<td>Total</td>
<td>$4,740</td>
<td>$3,130</td>
<td>66%</td>
</tr>
</tbody>
</table>