

AGENDA

Grand Haven Charter Township Zoning Board of Appeals
Tuesday, January 26, 2016 – 7:00 pm

- I. Call To Order
- II. Roll Call
- III. Approval of the November 24, 2015 ZBA Meeting Minutes
- IV. Old Business
 - A. ZBA Variance Application No. 15-09 – Hope Reformed Church
- V. New Business
 - A. ZBA Variance Application No. 15-12 – Berry
 - B. Approval of the 2016 ZBA Meeting Dates
 - C. Election of Officers
 - i. Chairperson
 - ii. Vice-Chairperson
 - iii. Secretary
- VI. Reports
- VII. Extended Public Comments/Questions on Non-Agenda Items Only (*Limited To Four (4) Minutes Please*).
- VIII. Adjournment

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
TUESDAY, NOVEMBER 24, 2015 – 7:00 P.M.

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 Robertson.

The Chair explained both the purpose and procedures of the ZBA.

II. ROLL CALL

Board of Appeals members present: Robertson, Loftis, Behm, Voss, Slater, and Rycenga (alternate)

Board of Appeals members absent: None

Also present: Planning & Zoning Official Fedewa

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

Without objection, Robertson reordered the agenda to hear ZBA Case #15-10 first.

III. APPROVAL OF MINUTES

Without objection, the minutes of the November 4, 2015 special meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #15-10 – Dimensional Variance – Williams

Party Requesting Variance:	Scott and Kristine Williams
Address:	16155 Birchwood Drive, Leroy MI 49655
Parcel Number:	70-07-15-300-001
Location:	16776 Warner Street

Scott and Kristine Williams are seeking a renewal of a variance approved on 4/22/2014. The variance requests are from Sections 21.02 and 20.20.4 of the Zoning Ordinance in order to construct an attached garage and front porch on an existing legally nonconforming parcel, building, and use. The conversion and expansion of the building will encroach into the required setbacks.

Fedewa provided an overview of the application through a memorandum dated November 19th.

Following the initial discussions the Chair invited the applicant to speak:

Scott Williams – 16776 Warner Street:

- Ottawa County Environmental Health Department denied additional living space because the existing septic system and drain field cannot support the expansion.
- Existing footings on the structure are a secondary reason the loft was not approved. Does have the option of repairing/replacing the footings if the living space is expanded in the future.

Standard No. 1 – Exceptional or extraordinary circumstances:

- Property already contains a legally nonconforming parcel size, use, and building.
- If approved, the variance will decrease the use nonconformity by converting it from a commercial office space to a residential dwelling.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Standard No. 2 – Substantial property right:

- Board has determined a garage is a substantial property right.
- Dwelling must be habitable to sustain the property right.
- The drain field limits the size of the dwelling, and an operational drain field is a substantial property right.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:

- No correspondence was received from neighbors.
- All surrounding properties are zoned, and used, as residential dwellings.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

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

- This is a unique situation due to the age of the building, its location, change of use, and the limitations of the drain field and existing footings.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Motion by Slater, supported by Voss, to **approve** dimensional variances from Section 21.02 of the Grand Haven Charter Township Zoning Ordinance for a Front Yard setback of 15 feet, a Rear Yard setback of 4 feet, a Side Yard 1 setback of 9’6”, a Side Yard 2 setback of 15’6”, and floor area of 396 square feet in order to erect an attached garage, front porch, and convert the use from commercial office to residential. Additionally, a 101 square foot dimensional variance is being granted from Section 20.20.4 to allow the construction of a front porch at 16776 Warner Street. Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met. **Which motion carried**, as indicated by the following roll call vote:

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

B. ZBA Case #15-09 – Sign Variance & Text Interpretation – Hope Reformed Church

Party Requesting Variance:	Hope Reformed Church
Applicants Representative:	Jim VanTol, Postema Signs & Graphics
Address:	14932 Mercury Drive, Grand Haven
Parcel Number:	70-07-01-102-068
Location:	14932 Mercury Drive

Hope Reformed Church is seeking a text interpretation of Section 24.11 for the units of measurement for an electronic message board. Furthermore, the applicant is requesting a sign variance to increase the size of a ground sign and electronic message board, which is in violation of Section 24.13 of the Zoning Ordinance.

Section 2a of Public Act 196, of 1973 [MCL15.342a(3)] states a public officer may vote on, or participate in, a governmental decision despite a personal interest if all of the following occur:

1. A quorum necessary for the governmental decision to be made is not available if the public officer cannot participate because of Section 2(7).
2. The public officer is not paid for working more than 25 hours per week by the governmental entity involved.
3. The public officer promptly discloses the personal or other interest the person may have in the decision to be made.

Therefore, Slater, Loftis, and Rycenga promptly disclosed that each is an active member of the Hope Reformed Church, and Voss disclosed a former membership to the Hope Reformed Church.

Fedewa provided an overview of the application through a memorandum dated November 19th.

Following the initial discussions the Chair invited the applicant to speak:

Jim VanTol – 15749 Kitchel Lane:

- Many sign ordinances intend to only regulate the lit area of an electronic message board, and does not intend to include the cabinet.
- Indicated that federal agencies have found electronic message boards to be just as safe as a typical sign.
- If only one line of text is permitted on the electronic message board it inherently requires the text to change more frequently, which could create more safety concerns.
- Other municipalities allow a greater electronic message board size in order to reduce “sign clutter.”
- Typical that places of worship require a variance because many sign ordinances are not written with that land use in mind. However, is not aware of any variances within Grand Haven Township.

The Board discussed the four standards and noted the following:

- The Planning Commission intended to strictly limit the dimensions of the electronic message board because it can be distracting.
- The Mercury Drive and Groesbeck Street intersection is perceived as unsafe due to the traffic volumes, rate of speed, and angle of the roads. These items lend concern to allowing a larger electronic message board, which would add more safety concerns to this corridor.
- The Board is divided on whether the cabinet of the electronic message board should be excluded from the size measurement, like the support frame is for a typical sign.
- Questioned if the existing stone feature, which includes signage, would be removed or allowed to remain.
- Based on the applicants statement, if most places of worship need a sign variance then there will likely be an issue meeting the fourth standard.
- Several concerns surrounding the recent Reed v. Town of Gilbert U.S. Supreme Court ruling, which involves content regulation.
- Based on the U.S. Supreme Court ruling, and the question regarding the fourth standard, the Board recommended staff request an opinion from the Township Attorney before a decision is rendered.

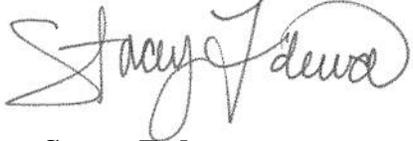
Motion by Slater, supported by Loftis, to **table** ZBA Case #15-09 until an opinion has been provided by the Township Attorney. This item will be discussed again on, or before, the next regularly scheduled Zoning Board

of Appeals meeting. **Which motion carried**, as indicated by the following roll call vote:

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

- V. REPORTS – None
- VI. EXTENDED PUBLIC COMMENTS – None
- VII. ADJOURNMENT
Without objection, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stacey Fedewa". The signature is written in black ink and is positioned above the printed name.

Stacey Fedewa
Acting Recording Secretary



GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: January 22, 2016

TO: Zoning Board of Appeals

FROM: Stacey Fedewa, Planning & Zoning Official

RE: 14932 Mercury Drive – Sign Variance & Interpretation Application No. 15-09

PARCEL INFORMATION

Owner/Applicant	Hope Reformed Church	
Property Address	14932 Mercury Drive	
Parcel Number	70-07-01-102-068	
Lot Size	7.8 Acres	
Lot Type	Legal Lot of Record	
	Irregular Shape	
Zoning	R-2 Single Family Residential	
Interpretation Request	Units of Measurement for Electronic Message Board (EMB)	
	Number	1 per street frontage
R-2 Ground Sign Non-Residential Regulations	Size	18 square feet
	Height	Not Specified
	Front Setback	25 feet
	Side/Rear Setback	15 feet
Electronic Message Board Regulations	Number	1 per lot
	Size	25% of sign area, but cannot exceed 12 square feet



LEGAL INFORMATION

As requested, staff discussed this matter with the Attorney to receive clarification on a few items of interest from the November 2015 meeting (*the full attorney opinion is a confidential document, and is only included as a hardcopy in the packets, please do not share this document with the public*). In summary, the information provided is:

- Applicant parcel is not considered a corner lot. Therefore, only permitted one EMB.
 - However, it is appropriate for the ZBA to consider that but for the rather technical nature of the corner lot definition the applicant would ordinarily be allowed to have two EMB's.



- Does not recommend amending the Sign Ordinance to specifically address churches. It would be contrary to the holding of the US Supreme Court in the Reed v. Town of Gilbert case.
- The existing structure on Mercury Drive does constitute a ground sign.
 - If the applicant removes the sign face it would no longer be considered a ground sign (*remainder of structure can stay in place*).
 - If the applicant does not remove the sign face, the property would only be eligible for one ground sign on Groesbeck Street.
 - If the ZBA grants a variance, removal of any signage from this structure should be a condition of the variance.
- It is legitimate for the ZBA to consider a variance for a larger ground sign with an EMB on Mercury Drive, in return for no ground sign on Groesbeck Street. In doing so, it would reduce the maximum signage otherwise allowed by Township Ordinance.

ZBA APPLICATION

The applicant is requesting two items:

1. An interpretation on the units of measurement for the electronic message board (EMB).
2. A variance to increase the size of one ground sign and EMB, and eliminate the option of a second ground sign.

Text Interpretation

Section 24.11.1 states, “the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.”

Staff interprets this to include the cabinet that encloses an EMB because it is not the structure used to support the sign rather it is part of the frame. An example is the Flagstar Bank sign:

- Staff utilizes the 2.42’ x 4.92’ (11.9 square feet) measurements to calculate the area.
- The applicant interprets the calculation to only include 1’8” x 4’4” (7.2 square feet) to determine the area.



Section 24.12.12.A states, “a manual or electronic message board may comprise up to 25% of the sign area, but not exceeding 12 square feet, of a wall, ground or freestanding sign within any non-residential zoning district or any wall, ground or freestanding sign identifying a governmental or institutional use in any zoning district.”

Because an EMB has greater size/area restrictions than a typical sign—does the ZBA find that a cabinet should, or should not, be included in the measurements used to calculate the area of the EMB sign? Another way to ask this question, does the ZBA find the cabinet of an EMB to be the structure necessary to support the sign (*which 24.11.1 excludes from the calculation*)? Both methods of interpretation hold merit, so staff and the applicant are requesting the ZBA make a determination on how the area of an EMB should be calculated moving forward.

Units of Measurement in Other Municipalities

Municipality	Sign Area Measurement – Same as GHT?	Maximum EMB Size and/or Percent of Sign Area	Maximum Size for Ground Sign for R-2 Non-Residential Use
Grand Haven City	Yes	50%	32 square feet
Spring Lake Township	Yes	10 square feet	32 square feet
Spring Lake Village	Yes	Not Permitted	32 square feet
Ferrysburg City	Yes	40%	32 Square feet

Variance

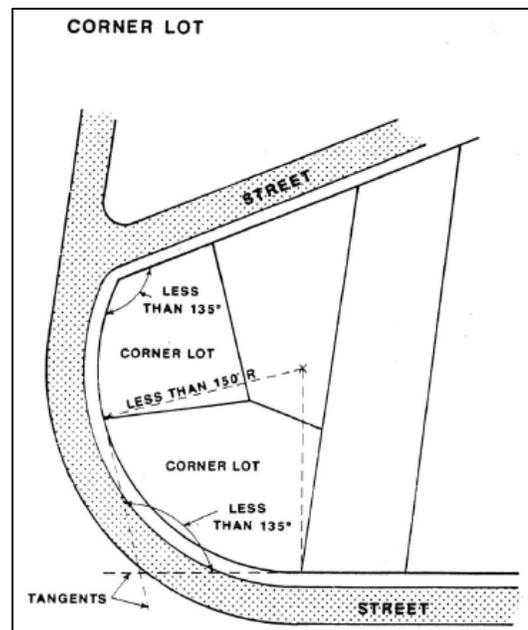
Section 24.13 permits various signs for the AG, RP, RR, LDR, R-1, R-2, and R-3 zoning districts. The applicant is a Non-Residential Use in the R-2 district, and therefore is permitted:

Ground Signs For Residential Subdivisions, Schools, or Other Non-Residential Uses	
Number	1 per street frontage
Total Size	No greater than 18 square feet
EMB Size	4.5 square feet (25% of total size)
Location	Minimum of ½ of the front setback required for main buildings and a minimum of 15 feet from any side or rear property line
Height	Not specified, but other sign types in residential zoning districts allow a height of 5 or 6 feet (<i>also consistent with the sign ordinances of the four municipalities noted above</i>)

The applicants property has frontage on two streets—Mercury Drive and Groesbeck Street. Therefore, the applicant would be permitted to have an 18 square foot ground sign on each street. Although the property does not meet the exact conditions of a corner lot (*see definition below*) the applicant could argue the definitions intent is to address properties that have frontage on two road. Therefore is allowed an EMB on both signs because Section 24.12.12.B allows for “only 1 manual or EMB shall be permitted on a lot or parcel; provided that a corner lot or parcel may have one EMB facing each street.”

The definition of a corner lot is, “a lot where the two interior angel of two adjacent sides at the intersection of two stress is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if tangents to the curve, at the two points where the lot lines meet the curve, form an interior angle of 135 degrees or less.” The other municipalities listed above have an identical, or very similar, definition of corner lot (*see Spring Lake Village graphic*).

The applicant is requesting a variance to combine the two permitted signs into one, and eliminate the possibility of a second ground sign on the parcel. The resulting sign requested by the applicant would be:



Sign Requested by Applicant	
Number	1, and eliminate the ability to install a second sign
Location	Mercury Drive, and meet applicable setbacks
Total Size	30.7 square feet, including the EMB
EMB Size	15.1 square feet, including the cabinet 12.0 square feet, excluding the cabinet
Height	6 feet

Below are two versions of the proposed signage. Sign 1 is almost compliant (*EMB size including the cabinet is 1.5 square feet larger than then 4.5 square feet permitted*); and Sign 2 is the proposed sign if a variance is granted:

Option	Proposed Signs	Total Size (sq ft)	EMB Size (sq ft) excluding cabinet	EMB Size (sq ft) including cabinet
1 Compliant		18	4	6
2 Variance Requested		30.7	12	15.1

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 has frontage on two streets permitting two ground signs up to 18 square feet. Is allowed at least one electronic message board, perhaps two if the ZBA finds that but for the technical definition of a corner lot the applicant would ordinarily be permitted two EMBs. The ZBA will need to determination as to whether or not 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.

Two ground signs are permitted by right. The existing site has a nonconforming structure that contains signage, but it appears the applicant is willing to remove the signage if a variance is granted. The ZBA will need to make a determination as to whether or not 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.

Legitimate for the ZBA to consider that Mercury Drive is the busier street, and perhaps a larger sign (*ground and/or EMB*) could be easier to read while motorists pass by, and therefore, would be safer than a smaller sign. Also legitimate for the ZBA to consider that approving a larger ground sign would reduce the maximum signage otherwise allowed by the Township Ordinances. The ZBA will need to make the determination as to whether or not 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.

Per the Attorney, it is ill-advised to prepare particular sign provisions relative to churches because it would be contrary to the holding of the US Supreme Court in the Reed v. Town of Gilbert case, which generally states sign regulations should be uniformed and not differ based on the type of message being conveyed. The ZBA will need to make the determination as to whether or not this standard is met.

SAMPLE MOTIONS

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

Motion to conditionally approve a sign variance from Section 24.13 of the Grand Haven Charter Township Zoning Ordinance to allow one *(insert number)* square foot ground sign on Mercury Drive at a maximum of *(insert number)* feet, with a *(insert number)* square foot electronic message board, which *(includes/excludes)* the cabinet from size calculations. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met. This approval is conditioned upon:

1. Prohibits 14932 Mercury Drive from installing a second ground sign on Groesbeck Street.
2. Applicant must remove the sign face on the existing structure facing Mercury Drive prior to issuance of a sign permit.

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

Motion to deny a sign variance from Section 24.13 of the Grand Haven Charter Township Zoning Ordinance in order to construct a larger ground sign. Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

Please contact me prior to the meeting with questions or concerns.



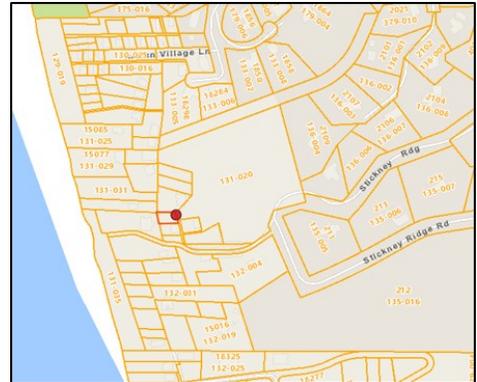
GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: January 22, 2016
 TO: Zoning Board of Appeals
 FROM: Stacey Fedewa, Planning & Zoning Official
 RE: 15058 Stickney Ridge – Dimensional Variance Application No. 15-12

PARCEL INFORMATION

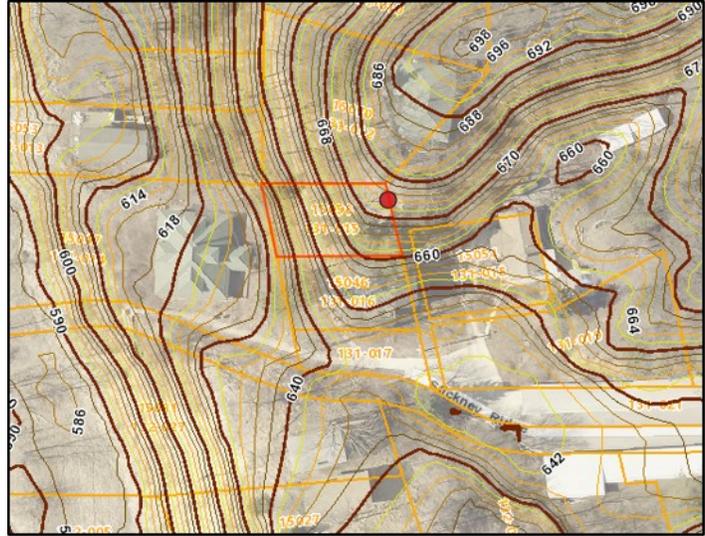
Owner/Applicant	Tim and Sherie Berry
Agent	David Pollock
Property Address	15058 Stickney Ridge (Cottage No. 24)
Parcel Number	70-03-32-131-015
Lot Size	0.08 Acres 3,375 square feet
Lot Type	Legal Lot of Record
	Exceptionally Small Lot Area
	Critical Dunes
Elevation	Slopes greater than 1:3 20 feet (660' – 680')
Zoning	R-1 Single Family Residential
Required Setbacks for Retaining Wall	Front – 50 feet
	Rear – 50 feet
	Side – 15 feet
	Height – 4 feet
Requested Setbacks for Retaining Wall	Front – 27 feet
	Rear – 21 feet
	Side 1 – 3 feet
	Height – 6 feet



PROPOSED CONSTRUCTION

The overall construction project proposed by the applicants:

- Abandon, remove, and dispose of the existing septic system.
- Install compliant septic system.
- Relocate retaining wall to stabilize the steep slopes adjacent to the location the septic system will be installed.
- Place new pilings and supports under the dwelling.



As of now, the applicants possess the following permits:

- Special Exception DEQ Permit for Impact to Slopes Steeper than One on Three.
- Sewage Disposal System, including a variance for decreased isolation distances to the foundation and property lines.
- Soil Erosion and Sedimentation Control.

ZBA APPLICATION

Due to the sale/purchase of the subject property the Ottawa County Environmental Health Department conducted a site evaluation and determined the existing system presents a health hazard and continued use is not permitted. Furthermore, replacement of the system must meet current codes, which include isolation distances from building foundations and lot line.



The location of the existing and proposed septic system fall within the Critical Dune Area, and an area where slopes are greater than 1:3. Therefore, a Special Exception Permit from the DEQ was required along with an isolation distance variance from the Environmental Health Department, and a Soil Erosion and Sedimentation Control Permit—all of which have been received.

The existing site includes a single retaining wall, which needs to be relocated in order to accommodate the larger system, isolation distances, and stabilize the steep slopes. In order to accomplish the stabilization the single retaining wall must be greater than four feet in height.

Per Section 20.22.2.B, “for any portion of a retaining wall which exceeds four (4) feet in height, such portion must meet the applicable front setback, rear setback and side setbacks for the lot in the designated zoning district.”

The applicant is proposing a 6 foot single retaining wall with the following setbacks:

- Front – 27 feet (*variance of 23 feet*)
- Rear – 21 feet (*variance of 29 feet*)
- Side 1 – 3 feet (*variance of 12 feet*)



Staff notes the following:

- Unless/until the new septic system is installed the dwelling has been deemed uninhabitable by the Ottawa County Environmental Health Department.
- Email correspondence was received from an adjacent neighbor. The neighbor had concerns about damage to his property during the construction. Said neighbor contacted the applicant, and is now satisfied that a “solid plan” for the construction and concerns have been alleviated.
- Telephone correspondence was received from an adjacent neighbor. The application information was provided, the caller was satisfied with the information, no longer has concerns, and believes the variance should be granted to allow the dwelling to become habitable.

A detailed site plan diagram for a property at Address #10050. The plan shows a 50' back yard setback, a 27' front setback, and a 3' side yard setback. It includes a proposed septic tank, a proposed septic filter, and a proposed retaining wall. The plan also shows a gas meter to be relocated, a wood retaining wall to be relocated and repaired, and a wood retaining wall to be relocated and repaired. The plan is annotated with red arrows pointing to specific features and setbacks. Surrounding the plan are four photographs showing different views of the property and the proposed retaining wall.

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 subject property is within the Critical Dune Area; has exceptionally small lot area (*3,375 sq ft where 15,000 sq ft is required; or 77% smaller than required by the current Ordinance*); and the proposed construction activity will impact slopes steeper than one on three. The ZBA will need to determine as to whether or not 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.

In order for the dwelling to be habitable the septic system must be replaced. Without a sewage disposal method the property owner loses their permitted use of the structure. Henceforth, the septic system cannot be installed unless the retaining wall is relocated in order to stabilize the steep slopes. The ZBA will need to make a determination as to whether or not 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.

Staff notes that email, and telephone, correspondence was received from the two adjacent neighbors. Both received an explanation of the project, and proposed

variance, and are supportive of the request. Furthermore, the variance will ensure the hazardous system will be replaced and the public will no longer be at risk of septic effluent leaching out of the ground. The ZBA will need to make the determination as to whether or not 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.

The failure and/or end-of-life of a septic system is not predictable, nor is the correction because of the changing conditions of the Critical Dune Areas. Therefore, it would likely be difficult to identify ordinance amendments to accommodate such a condition. The ZBA will need to make the determination as to whether or not 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 dimensional variances from Section 20.22.2.B of the Grand Haven Charter Township Zoning Ordinance for a single retaining wall for a Front Yard setback of 23 feet, a Rear Yard setback of 29 feet, a Side Yard 1 setback of 12 feet, and a maximum retaining wall height of 6 feet to allow the replacement of a failed septic system and installation of the retaining wall to stabilize the steep slopes at 15058 Stickney Ridge (*Cottage No. 24*). 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 dimensional variances from Section 20.22.2.B of the Grand Haven Charter Township Zoning Ordinance to install a single retaining wall over 4 feet in height that does not meet the R-1 Single Family zoning district setback requirements at 15058 Stickney Ridge (*Cottage No. 24*). Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

Please contact me prior to the meeting with questions or concerns.

December 30, 2015

Attn: Zoning Board of Appeals
Grand Haven Township Community Development
13300 168th Ave
Grand Haven, MI 49417

Re: Request for Variance Berry Property, 15058 Stickney Ridge (Cottage #24), PIN 70-03-32-131-015, T8N, R16W, Section 32, Grand Haven Township, Ottawa County, Michigan

Dear ZBA Members,

Enclosed you will find a Request for Variance Application for the property located at the above-referenced location. This application is for proposed construction activities in a designated critical dune area. Variance is being sought from requirements of section 20.22.2B. A detailed description of the variance being requested and why it is needed are outlined in the enclosed application form, site plan and narrative which addresses the four standards.

As a result of the sale/purchase of the subject property, the Ottawa County Environmental Health Department conducted a site evaluation in accordance with their regulations. Through this evaluation, it was determined that the existing "system presents a health hazard and continued use is not permitted. Correction required." (see enclosed Real Estate Transfer Evaluation Report and Correction Order). In their efforts to comply with the Correction Order, the Berry's have obtained a septic permit, and required variance from the Ottawa County Environmental Health Department, a permit from the Ottawa County Soil Erosion and Sedimentation Control Agency, and a Special Exception Permit from the Michigan Department of Environmental Quality (MDEQ), copies of each are enclosed. A Special Exception, similar to a variance under local zoning, was required from the MDEQ due to the fact that the installation of the new septic system and retaining wall will require impacts to slopes that have greater than one foot vertical rise in a three foot horizontal plane, such slopes are protected under the critical dune law. The last step prior to commencing activities will be to obtain required Township approvals for the requested variance and building permit.

An application for a building permit shall be submitted at a later date but still prior to the commencement of any construction activities on site.

Thank you for your time in reviewing this application package. Please call 616.405.0349 or email me at dnpol@yahoo.com with any questions concerning the package or if any additional information could assist you in your review.

Sincerely,



David Pollock, agent

July 13, 2015

Re: Agent Authorization

To whom it may concern,

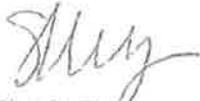
This letter serves as authorization for Mr. David Pollock to act as our agent in obtaining any required local or state permits, necessary for the proposed construction work to be conducted at our property at 15058 Stickney Ridge Dr. (cottage #24), Grand Haven Township, Ottawa County, Michigan.

If there are any questions regarding this application, or to arrange an on-site inspection, please contact Mr. David Pollock at 616-405-0349, or email at dnpol@yahoo.com, or send mail to 2733 Havenwood Ct, Muskegon, MI 49444.

Sincerely,



Timothy Berry

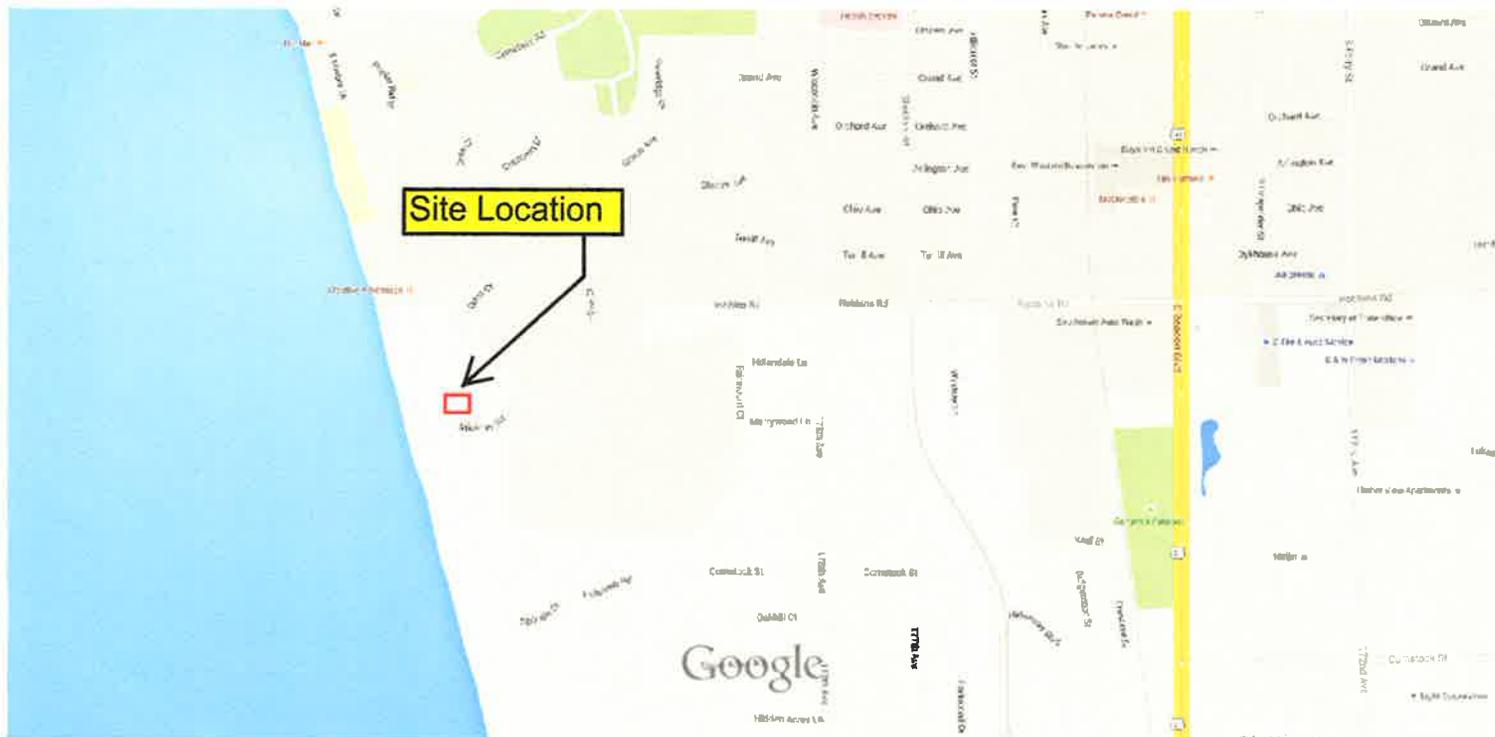


Sherie Berry

Timothy & Sherie Berry
2165 Onekama Dr SE
Grand Rapids, MI 49506
Home – 616-272-3626
Cell – 616-581-3284 & 616-581-3294



Google Google Maps



Map data ©2015 Google 500 ft



GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Fees

Request for Variance or Appeal - \$125.00
Special Meeting - \$250.00
Request for Interpretation - No Charge

Applicant/Appellant information

Name David Pollock, agent
Phone 616-405-0349 Fax
Address 2733 Havenwood Ct, Muskegon MI 49444

Owner information (If different from applicant/appellant)

Name Timothy Berry
Phone 616-272-3626 Fax
Address 2165 Onekama Dr SE, Grand Rapids MI 49508

Property information

Address/Location 15058 Stickney Ridge (Cottage #24)
Parcel # 70-03-32-131-015
Subdivision Name (if any) Borck's Supervisor's Plat No. 2
Lot Width 45 feet Lot Depth 75 feet
Subject Property size (acres and square feet) 0.08 acres 3375 square feet
Lot Type Typical Lot X Corner Lot Interior Lot (Include a survey or scaled drawing)
Current Zoning R-1

General Information

This is a(n) (check one)
(X) Application for Variance
() Request for Interpretation
() Notice of Appeal

VARIANCE REQUESTED (If applicable)

Variance Requested From the Requirements of Section Number(s) 20.22.2B
Relating to Construction of retaining wall, with portions exceeding a height of 4', within required setbacks.
Description of Variance Sought and Why Needed (attach narrative which addresses the four standards)
Structure Use (after Variance)
Overall Building Size (after Variance)
Setbacks from lot lines (after Variance)
Front Yard 27 feet
Rear Yard 24 feet
Side Yard #1 3 feet
Side Yard #2

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.

INTERPRETATION REQUEST (If applicable)

Description of requested interpretation(s) and relevant Section number(s)

APPEALS AND OTHER APPLICATIONS (If applicable)

Description of action being appealed or other matter which is basis of application.

Grounds for appeal or other application

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

David Pollock
Signature of Applicant

12/30/15
Date

Signature of Zoning Administrator

Date

For Office Use Only

Date Received _____

Fee Paid? _____

IF THE SPACES PROVIDED ON THIS APPLICATION ARE INADEQUATE, PLEASE ATTACH ADDITIONAL SHEETS AS REQUIRED

RELEASE FORM

The undersigned has applied to the Grand Haven Charter Township Zoning Board of Appeals for a variance. The undersigned hereby authorizes the members of the Zoning 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 a variance.

David Pollock
Applicant's Signature

12/30/15
Date

M
Owner's Signature

12/30/15
Date

15058 Stickney Ridge (Cottage #24); PIN#70-03-32-131-015
Property Address

ACTION TAKEN BY TOWNSHIP BOARD OF APPEALS

() Application approved

() Application Denied

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

Grounds for Board action including findings as to standards and requirements prerequisite to imposition of conditions under ordinance:

Signature of Chairman, Z.B.A.

Date

Request for Variance – Berry, 15058 Stickney Ridge (Cottage #24)
PIN#70-03-32-131-015

The Berry's are requesting a variance from zoning section 20.22.2B in order to construct a retaining wall, which will have portions that exceed 4' in height, within the yard setbacks required in the R-1 zoning district. A variance should be available to the Berry's as their request meets the Township's four required standards for a variance as follows:

1. That 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 lot, which was platted in 1930, is exceptionally small (45' x 75'). In addition, it is within a designated critical dune area and has exceptional topographic conditions.

2. That 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.

The variance is necessary in order for the cottage to be inhabitable. The Ottawa County Environmental Health Department has required that a new septic system be installed. Without a functioning septic system the Berry's will not be allowed to enjoy the primary use-by-right of the R-1 zoning district, a single-family dwelling. The retaining wall is necessary to stabilize the exceptionally steep slopes adjacent to the location where the septic system is to be installed and to protect the public health, safety, and general welfare of the community.

3. That 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.

Authorization of this variance will be a benefit to adjacent property, not a detriment. The retaining wall will stabilize the exceptionally steep slopes adjacent to the location that the septic system is to be installed. Further, authorization of this variance will protect the public health, safety, and welfare of the community by minimizing the likelihood of septic effluent leaching out through the exceptionally steep slopes present.

4. That 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.

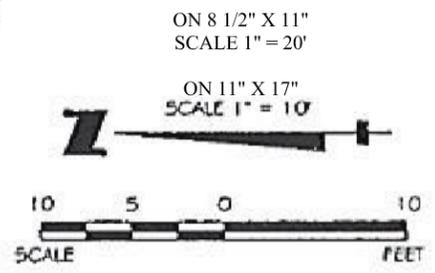
The conditions of the specific piece of property are not so general or recurrent in nature as to make formulation of a general regulation reasonably practical. This specific piece of property is an exceptionally small lot of record, with boundaries that were created prior to the enactment of this Ordinance, and is located within a designated critical dune area. The vast majority of properties within the R-1 district do not have these same conditions.

BERRY RESIDENCE
15058 STICKNEY RIDGE (COTTAGE #24)

NOTES:

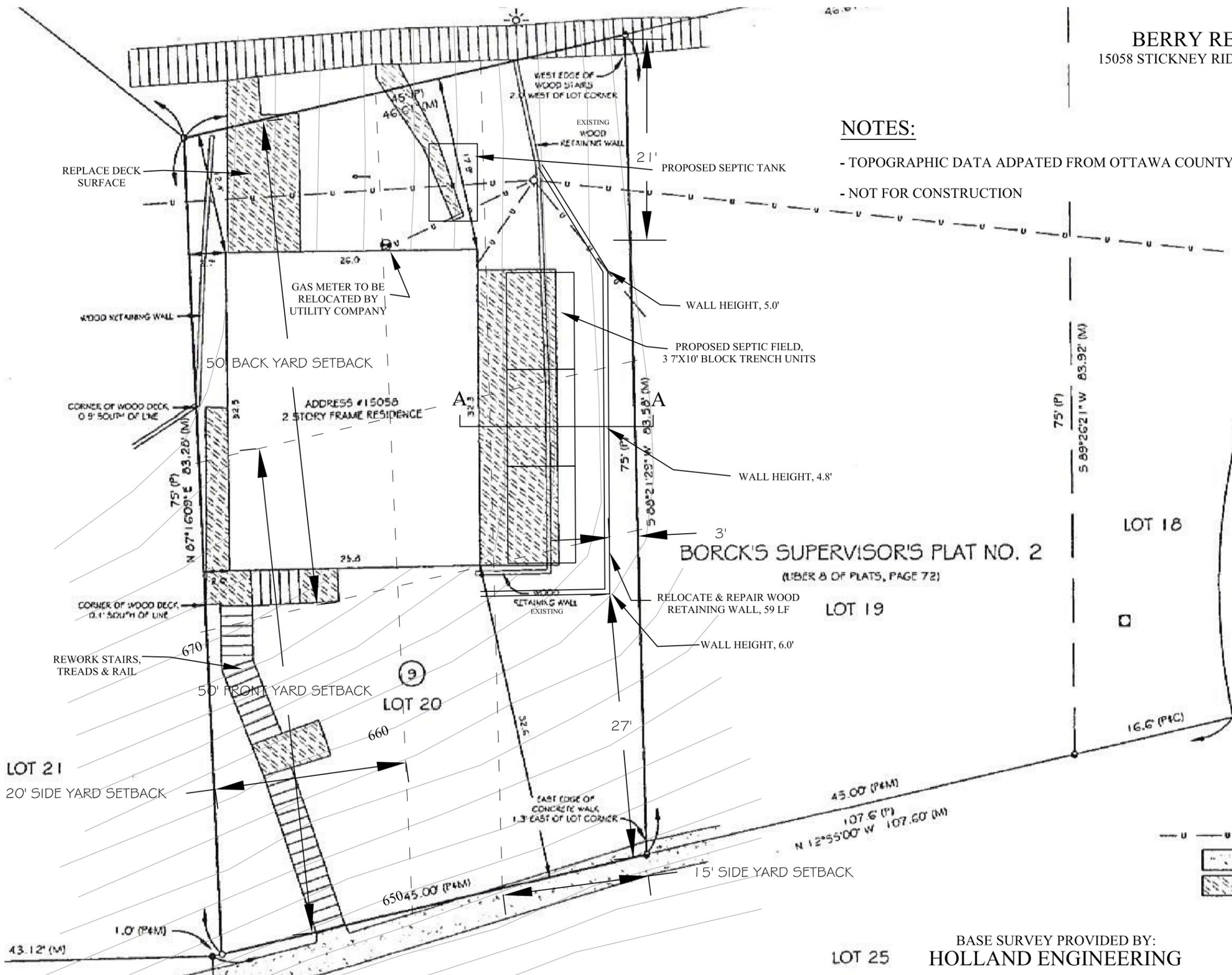
- TOPOGRAPHIC DATA ADPATED FROM OTTAWA COUNTY GIS
- NOT FOR CONSTRUCTION

STICKNEY ROAD
(11' WIDE RIGHT-OF-WAY)

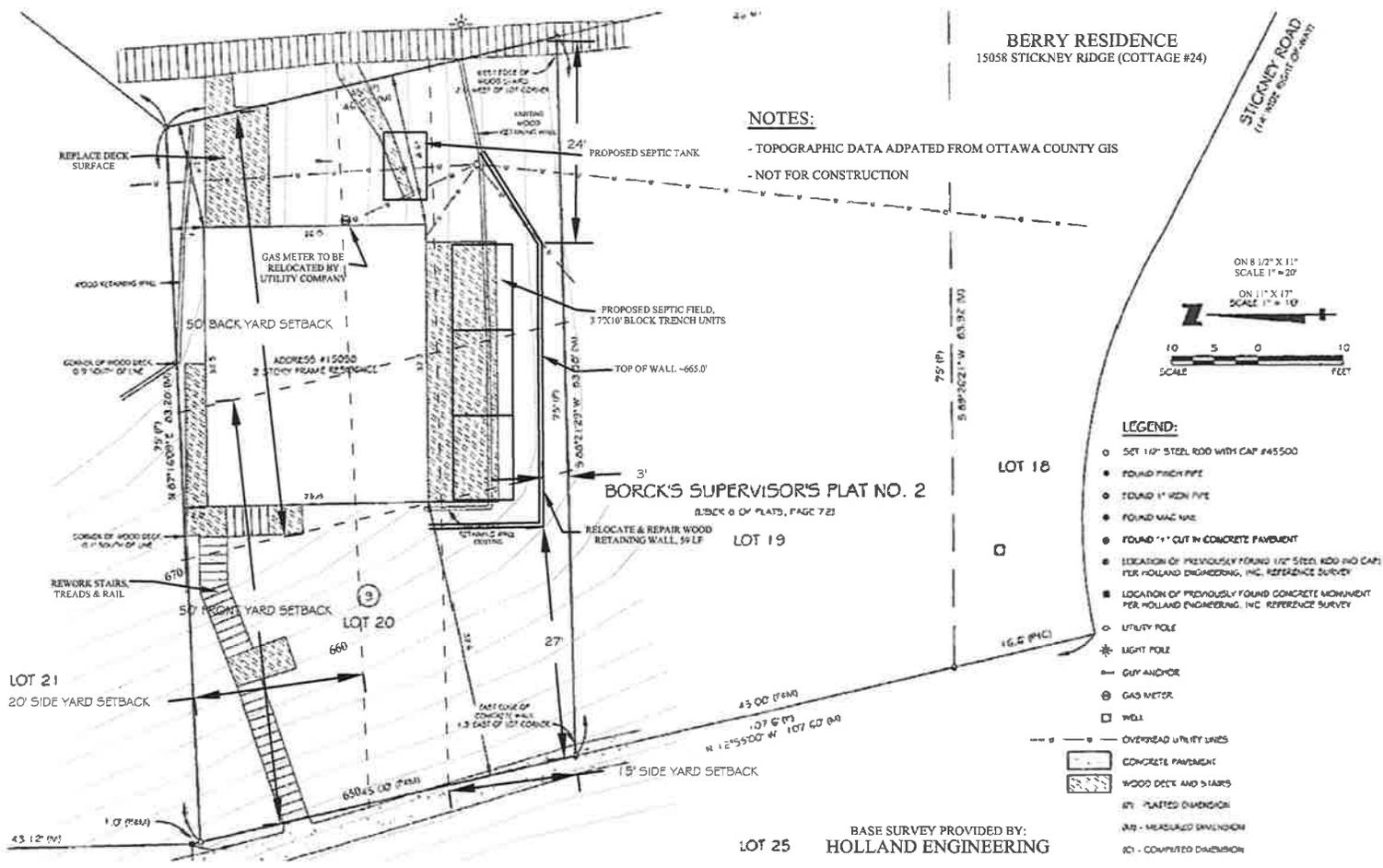


LEGEND:

- SET 1/2" STEEL ROD WITH CAP #45500
- FOUND FINCH PIPE
- FOUND 1" IRON PIPE
- FOUND MAG NAIL
- FOUND 4" CUT IN CONCRETE PAVEMENT
- LOCATION OF PREVIOUSLY FOUND 1/2" STEEL ROD (NO CAP) PER HOLLAND ENGINEERING, INC. REFERENCE SURVEY
- LOCATION OF PREVIOUSLY FOUND CONCRETE MONUMENT PER HOLLAND ENGINEERING, INC. REFERENCE SURVEY
- UTILITY POLE
- ⊛ LIGHT POLE
- ⊙ GUY ANCHOR
- ⊕ GAS METER
- WELL
- u — u — OVERHEAD UTILITY LINES
- ▭ CONCRETE PAVEMENT
- ▨ WOOD DECK AND STAIRS
- (P) - PLATTED DIMENSION
- (M) - MEASURED DIMENSION
- (C) - COMPUTED DIMENSION

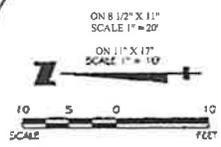


BASE SURVEY PROVIDED BY:
HOLLAND ENGINEERING



BERRY RESIDENCE
15058 STICKNEY RIDGE (COTTAGE #24)

NOTES:
- TOPOGRAPHIC DATA ADPATED FROM OTTAWA COUNTY GIS
- NOT FOR CONSTRUCTION



- LEGEND:**
- SET 1/2" STEEL ROD WITH CAP #45500
 - FOUND FRIGH PIPE
 - FOUND 1" WDN PIPE
 - FOUND WAC WAC
 - FOUND 1" CUT IN CONCRETE PAVEMENT
 - LOCATION OF PREVIOUSLY FOUND 1/2" STEEL ROD (NO CAP) PER HOLLAND ENGINEERING, INC. REFERENCE SURVEY
 - LOCATION OF PREVIOUSLY FOUND CONCRETE MONUMENT PER HOLLAND ENGINEERING, INC. REFERENCE SURVEY
 - UTILITY POLE
 - ✦ LIGHT POLE
 - GUY ANCHOR
 - ⊗ GAS METER
 - WELL
 - OVERHEAD UTILITY LINES
 - ▭ CONCRETE PAVEMENT
 - ▨ WOOD DECK AND STAIRS
 - ST - PLATTED DIMENSION
 - MT - MEASURED DIMENSION
 - CT - COMPUTED DIMENSION

BASE SURVEY PROVIDED BY:
HOLLAND ENGINEERING



REAL ESTATE TRANSFER EVALUATION REPORT

Permanent Parcel # 70-03-32-131-015
15058 Stickney Ridge, Grand Haven Township

Submit Report To:

Carini & Assoc. Realtors
Attn: Curt Carini
587 – E 8th St.
Holland, MI 49423

Dear Curt:

On 4/27/15, the undersigned representative of the Ottawa County Health Department conducted an evaluation of the water supply and/or wastewater disposal systems of the above listed property. The evaluation was conducted in accordance with the Ottawa County Environmental Health Regulations. Portions of the facilities referenced in this report are not readily accessible for observation and evaluation. Water tests were conducted for limited types of contamination. While every effort has been made by the Ottawa County Health Department to provide a careful disclosure of available facts and observations, this report does not signify “approval” or non-approval” and does not constitute a guarantee concerning future performance. This report is valid for twelve months.

Inspection Findings:

Wastewater Disposal System

- The dwelling has been vacant.
- It is required that a new system be installed. See attached Correction Order dated 4/30/15.
- No records on file.
- See attached GIS sketch dated 4/27/15 for site plan.

Water Supply System

- Dwelling is connected to municipal water.

Conclusion:

Wastewater Disposal System - Unacceptable –Non-Conformance/Failure – System presents a health hazard and continued use is not permitted. Correction required.

Water Supply System – Dwelling is connected to municipal water.

INSPECTED BY Ryan McCarthy

5/4/15
DATE



CORRECTION ORDER

April 30th, 2015

Wayne & Sally Baldwin
3091 Baker Park Drive
Grand Rapids, MI 49508

RE: Nuisance Condition(s) at 15058 Stickney Ridge (parcel 70-03-32-131-015)

Dear Sir / Madam:

This notice is in regard to the nuisance which exists on your property identified above. This nuisance constitutes a violation of Article XIV of the Ottawa County Environmental Health Regulations, it is a potential health hazard and must be corrected.

Description of nuisance and required course of action:

Nuisance 1: Unable to locate an acceptable drained area servicing the home.



In order to correct:

1. **Within 10 days**, apply for a sewage disposal system repair permit from this office.

Due to limited space, an engineered sewage disposal system may be required. The cost for an engineered septic permit is \$735. If an engineered system is not required the permit cost is \$280.

2. **Within 30 days**, install the new system according to permit requirements. Contact this office to schedule a final inspection prior to backfilling.

Nuisance 2: The kitchen sink drains to an unknown location separate from the septic tank.



In order to correct: Route all household waste water to the replacement sewage disposal system.

The previously mentioned nuisance must be corrected as outlined above within 30 days of the date of this notice or prior to occupancy.

Failure to correct this nuisance as required and/or continuing this practice in the future may necessitate that further legal action is taken. It would be appreciated if you would attend to this matter as quickly as possible. After corrections have been made, please notify the health department at the contact information listed below. If there are questions, please do not hesitate to contact me at the telephone number indicated below.

Sincerely,

Ryan McCarthy

CONSTRUCTION PERMIT AND PLAN OF SEWAGE DISPOSAL SYSTEM



Ottawa County Health Department
 Environmental Health Division
 12251 James Street, Suite 200
 Holland, MI 49424

Parcel # 70-03-32-131-015

Water Supply: Private Septic: New
 Municipal Repair

NOTICE: Commercial/Industrial floor drains shall not be connected to this sewage disposal system. Residential floor drains must receive prior approval.

Phone: (616) 393-5645 Fax: (616) 393-5643

House Duplex Apartment Commercial Industrial Other

of Bedrooms 4 Living Area 1800 Sq. Ft. Garbage Disposal Whirl Pool Basement Plumbing

of Apt. Units _____ (Max.) # Persons/Employees _____ (Max.) Discharge/Day _____ Gals.

Township Grand Haven Lot # 20 Plat Borck's Supervisors Plat No 2 Location 15058 Stickney Ridge

Owner/Bldr Busscher's Septic Tank Address 11305 E Lakewood Blvd

City Holland Zip 49424 Telephone# (616) 836-2016

SOIL EVALUATION 0-60" Medium Sand, Brown; Seasonal High Water Table Not Observed

(Should soil or site conditions differ from those indicated on this permit, contact this department immediately.)

GRADE ELEVATIONS USED BELOW ARE IDENTIFIED FROM: Soil Boring

SEASONAL HIGH WATER TABLE ELEVATION 5+ FT. CONSTRUCT BOTTOM OF ABSORPTION SYSTEM NO LOWER THAN
 BELOW GRADE: 3.0 FT. Below EXISTING GRADE

CONSTRUCTION REQUIREMENTS:

SEPTIC TANK(S): 2 Compartment
 # OF TANKS 1 1st Tank 1060 Gals. 2nd Tank _____ Gals.

Note: For repairs, existing tank(s) may be utilized if structurally sound and has a capacity of 800 gals.

DOSING TANK/SCREENED PUMP VAULT
 Capacity _____ Gals. Dose Volume _____ Gals.

Note: Audio/Visual Alarm Required.

VERIFY ALL ISOLATION REQUIREMENTS FOR TANK & ABSORPTION SYSTEM:

- | | |
|--|--|
| <input type="checkbox"/> 10 Ft - Property Line | <input type="checkbox"/> 25 Ft - Footing & Tile Drains |
| <input type="checkbox"/> 10 Ft - Basement Wall | <input type="checkbox"/> 10 Ft - Potable Water Line |
| <input type="checkbox"/> 5 Ft - Foundation/Support Wall | <input type="checkbox"/> 15 Ft - Footing & Tile Drains (a) |
| <input type="checkbox"/> 5 Ft - Waterproof Retaining Wall | <input type="checkbox"/> 10 Ft - Slopes & Drop Offs |
| <input type="checkbox"/> 5 Ft - Other Waste Disposal Systems | <input type="checkbox"/> 25 Ft - Drainage Ditch (b) |
| <input type="checkbox"/> 50 Ft - Private Water Well | <input type="checkbox"/> 10 Ft - Swimming Pools |
| <input type="checkbox"/> 75 Ft - Semi-Public Water Well | <input type="checkbox"/> 50 Ft - Surface Water |

(a) 10 Ft for Tanks (b) 15 Ft for Tanks

ABSORPTION SYSTEMS: PLEASE REFER TO THE ENVIRONMENTAL HEALTH CONSTRUCTION CRITERIA FOR ADDITIONAL REQUIREMENTS.

- | | |
|--|---|
| <input type="checkbox"/> DRAIN BED: Total Bottom Area _____ sq. ft. | Amount of 4" Conduit _____ ft. |
| <input type="checkbox"/> ABSORPTION TRENCH: Total Bottom Area _____ sq. ft. | Amount of 4" Conduit _____ ft. |
| <input checked="" type="checkbox"/> BLOCK TRENCH: Total Bottom Area <u>210</u> sq. ft. | Specs: <u>3 Block Trench Units (7x10' Units) Hand Built In Place.</u> |

- REMOVE TOPSOIL AND FROM UNDER ABSORPTION SYSTEM & BERM AREA.
- USE CLEAN, coarse SAND FOR ALL FILL.
- PLACE _____ FT. OF SAND BERM AROUND DRAINFIELD AT 1.5 SLOPE.
- INSTALL AN EFFLUENT FILTER.
- INSTALL AN ALTERNATING VALVE.
- ABANDON EXISTING WASTE DISPOSAL SYSTEM

Pump and remove old septic tank.

THIS PROJECT IS/MAY BE LOCATED IN A CRITICAL DUNE OR HIGH RISK EROSION AREA. A PERMIT IS REQUIRED FROM THE DEQ PRIOR TO STARTING THE PROJECT. CONTACT DEQ AT 616-356-0500 OR WWW.MICHIGAN.GOV/JOINTPERMIT

INSPECTION IS REQUIRED BEFORE BACKFILLING. PLEASE REFER TO THE PARCEL # WHEN REQUESTING INSPECTION.

SEE FIGURE DATED 08/11/2015.

- Verify and maintain all isolation distances.
- Variance for decreased isolation distances to the foundation and property lines must be submitted and approved by this office prior to the final approval of the sewage disposal system.
- This system was designed to utilize all available area for a sewage disposal system.
- A garbage disposal cannot be installed.
- The septic tank must be a 2 compartment tank.
- Installation of an effluent filter is required.
- Contact this office 24 to 48 hours prior to the final inspection. More than one inspection may be required due to the way the block trench units will be constructed.
- Call this office with any questions or changes to the permit.

Sanitarian: [Signature]

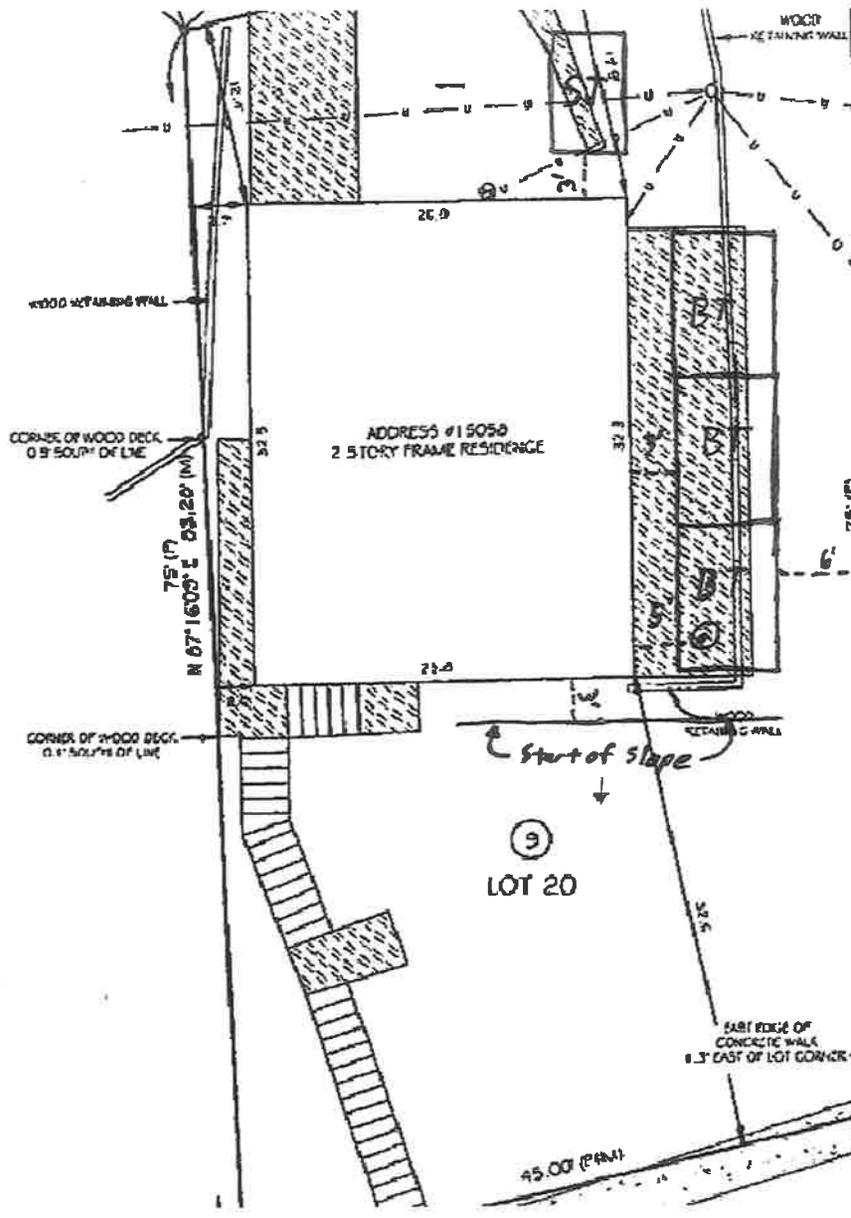
Date Issued 08/13/2015

THIS PERMIT EXPIRES TWO (2) YEARS FROM THE DATE OF ISSUANCE

NOTE: Since many factors contribute to the failure of a sewage disposal system, this department cannot guarantee any length of service from the sewage disposal system required by this permit.

15-705

5
 4
 3
 2
 1
 0
 1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100



8/11/2015
 Drew Shaw
 Ottawa County Environmental Health
 Septic Repair Permit
 70-03-32-131-015
 BT = Block Tranch
 ST = Septic Tank
 ⊙ = Soil Boring

BORCK'S SUPERVISOR'S PLAT NO. 2
 (NUMBER 8 OF PLATS, PAGE 72)



LOT 18

LOT 19

LOT 20

LOT 21

- LEG**
- SET 1
 - FOUN
 - ⊙ FOUN
 - FOUN
 - FOUN
 - FOUN
 - LOCA PER 11
 - LOCA PER 11
 - UTILITY
 - * LIGHT
 - GUY
 - ⊙ GAS
 - WELL
 - OVER
 - ▨ CONC
 - ▨ WOOD
 - ⊙ P

75' (75'
 56' 21' 29" W 63.92' (M)

16.6' (P4C)

45.00' (P4M)
 107.6' (P)
 N 12° 55' 00" W 107.60' (M)

45.00' (P4M)

EAST EDGE OF
 CONCRETE WALK
 1.3' EAST OF LOT CORNER

WOOD
RETAINING WALL

WOOD RETAINING WALL

CORNER OF WOOD DECK
0.9' SOUTH OF LINE

CORNER OF WOOD DECK
0.9' SOUTH OF LINE

ADDRESS #15050
 2.5 STORY FRAME RESIDENCE

Start of Slope



WATER SUPPLY/WASTEWATER DISPOSAL VARIANCE APPLICATION

Permanent Parcel #: 70-03-32-131-015

Address: 15058 Strickney Ridge Grand Haven, MI 49417

Applicant: Timothy Berry

Mailing Address: 2165 Onekama Dr, SE, Grand Rapids MI 49508

Telephone: 616-272-3626

Variance Description: Install the sewage disposal system less than 10 feet from the property lines and less than 5 feet from the building foundation.

Reason for Request: The lot has very limited space for a sewage disposal system and has very steep slopes.

David Pollock, Agent August 20, 2015 Applicant's Signature Date

For Official Ottawa County Use Only

Result of Variance Application Review, Variance: [X] Granted [] Denied

Reason for Decision: lot topography & size

Conditions: Maximize space available

Math All 8/24/15 Environmental Health Supervisor/Manager Date



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

Permittee: Timothy & Sherie Berry
Address: 2165 Onekama Dr SE
Grand Rapids MI 49506

Permit No:	9122
Issued:	08-05-15
Expires:	05-01-16

Project Location: City/Village/Township: Grand Haven **Section:** 32
Address/Property Location: 15058 Stickney Ridge
On - Site Responsible Person: Glen Selle
Company: Selle Builders LLC **Telephone Number:** 231-578-9770

Permitted Activity:

Excavate for footing foundation, septic system & deck 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 within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.
4. **PERMITTEE IS RESPONSIBLE FOR PROVIDING A COPY OF PERMIT, APPROVED SESC PLAN, AND ALL RELATED INFORMATION TO THE CONTRACTOR AND ENGINEER.**



Jon Brahmaier
Erosion Control Agent
Water Resources Commissioners Office
616-994-4528

**THIS PERMIT MUST BE POSTED AT
THE PROJECT SITE**

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:

T Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.

T Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.

T 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.

T 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.

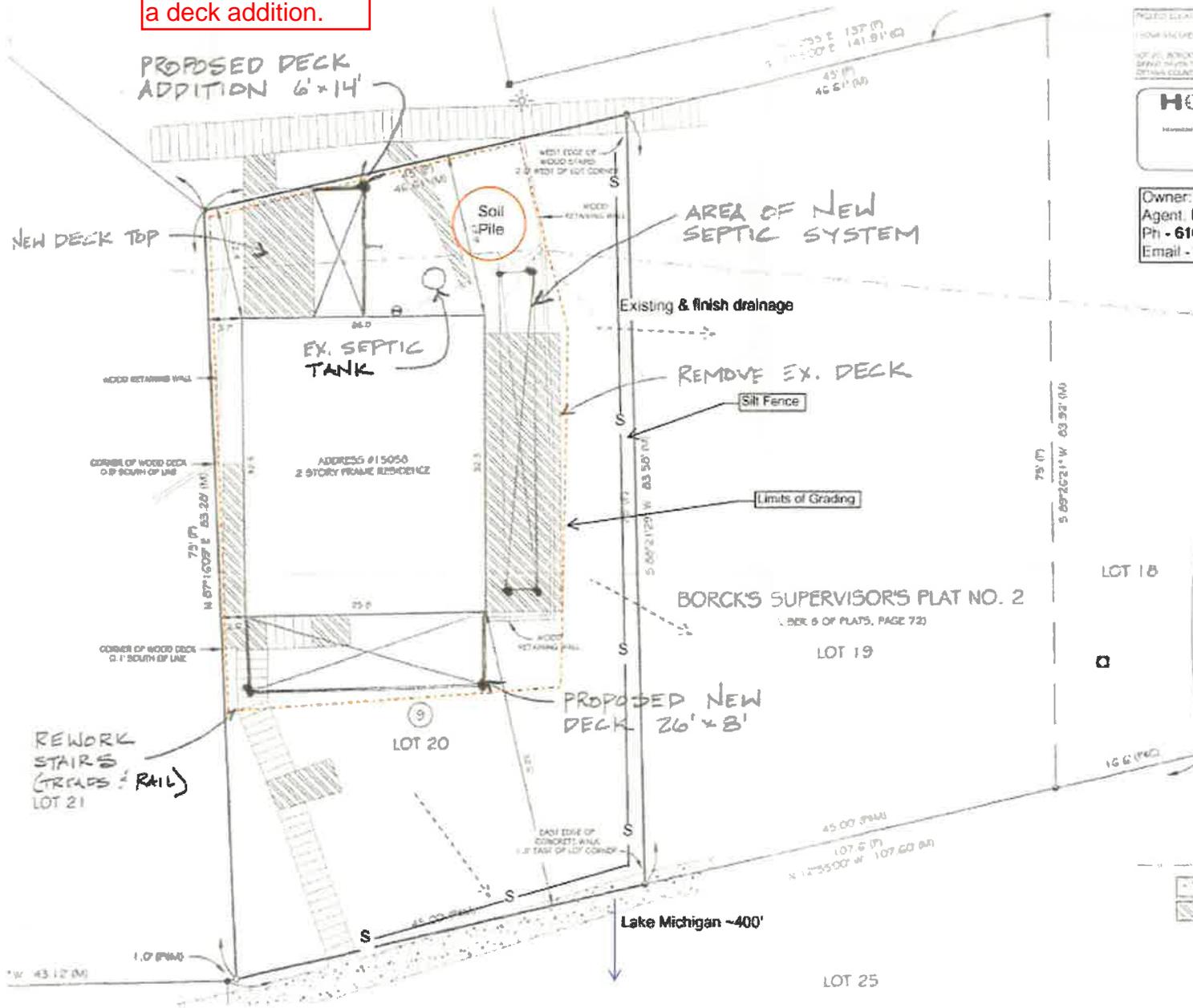
T Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change. If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

T 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.

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

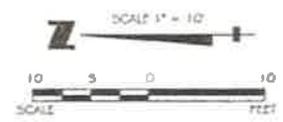
Note: Application no longer proposes a deck addition.



PROJECT LOCATION:
 15056 WOODLAND ROAD, GRAND HAVEN, MI 48424
 40° 45' 00" N 137° 00' 00" E
 45' (M)
 46 51' (M)

HOLLAND ENGINEERING
 12770 Woodland Road, Suite 2
 Grand Haven, Michigan 49424-9900
 www.hollandengineering.com
 1 616 892 8888 F 616 892 8281

Owner: Tim Berry
 Agent: David Pollock
 Ph - 616-405-0349
 Email - dnpol@yahoo.com



- LEGEND:**
- SET 1/2" STEEL ROD WITH CAP #45900
 - FOUND PINCH PIPE
 - FOUND 1" IRON PIPE
 - FOUND MAG NAIL
 - FOUND 4" CUT IN CONCRETE PAVEMENT
 - LOCATION OF PREVIOUSLY FOUND 1/2" STEEL ROD AND CAP PER HOLLAND ENGINEERING, INC. REFERENCE SURVEY
 - LOCATION OF PREVIOUSLY FOUND CONCRETE MONUMENT PER HOLLAND ENGINEERING, INC. REFERENCE SURVEY
 - UTILITY POLE
 - ✱ LIGHT POLE
 - GUY ANCHOR
 - ⊙ GAS METER
 - WELL
 - OVERHEAD UTILITY LINES
 - ▨ CONCRETE PAVEMENT
 - ▨ WOOD DECK AND STAIRS
 - (P) - PLATTED DIMENSION
 - (M) - MEASURED DIMENSION
 - (C) - COMPUTED DIMENSION

STICKNEY ROAD
 (1/4" WIDE RIGHT OF WAY)

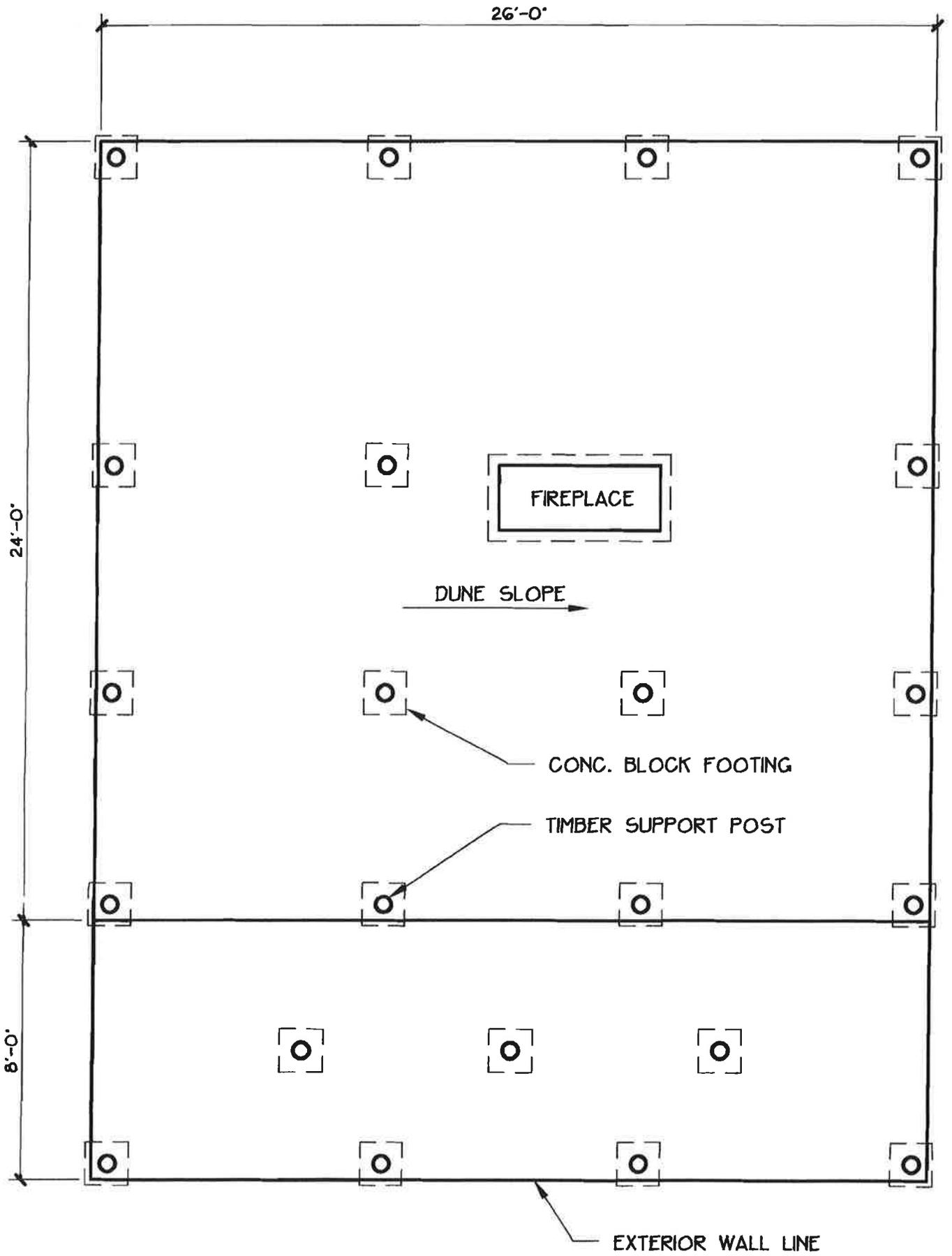
LOT 18

BORCK'S SUPERVISOR'S PLAT NO. 2
 (SEE 6 OF PLATS, PAGE 72)
 LOT 19

LOT 20

LOT 25

Lake Michigan ~400'





**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT**

ISSUED TO:

Tim & Sherry Berry
2165 Onekama Dr. SE
Grand Rapids, MI 49506

Permit No.	WRP 001112
Issued	12/11/2015
Extended	
Revised	
Expires	12/11/2020

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

- | | |
|---|--|
| <input type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 315, Dam Safety |
| <input type="checkbox"/> Part 325, Great Lakes Submerged Lands | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input type="checkbox"/> Part 303, Wetlands Protection | <input checked="" type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input type="checkbox"/> Part 31, Floodplain/Water Resources Protection | |

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

Permitted Activity: THIS PERMIT IS A SPECIAL EXCEPTION UNDER PART 353 ALLOWING IMPACT TO SLOPES STEEPER THAN ONE ON THREE. Place a new retaining wall south and east of the home existing at 15058 Stickney Ridge (Cottage #24). Remove the old septic system and dispose of it appropriately. Place a new septic system in compliance with the Ottawa County Health Department Permit. All work shall be completed in accordance with attached plans and conditions.

DEQ File # 15-70-0107-P

Property Location: Ottawa County, Grand Haven Township, Borck's Supervisor Plat No. 2
Lot 20, Property Tax No. 70-03-32-131-015

Authority granted by this permit is subject to the following limitations:

- 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.
- The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31, Water Resources Protection, of the NREPA.
- 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.
- 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.
- 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.
- It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that Act.

- 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 the MDEQ within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the MDEQ.
- 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, and wetland).
- M. In issuing this permit, the MDEQ 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, the MDEQ 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 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, the MDEQ 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 the MDEQ. 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 the MDEQ prior to being implemented.

- Q. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ 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.
- 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 waterbody 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 MDNR, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
1. Notification shall be provided to the MDEQ by telephone 72 hours prior to commencing construction, vegetation removal, or grading activity. Contact: Michelle Hohn at hohnm@michigan.gov; 616 204-1752.
 2. This permit does not authorize or sanction work which has been completed in violation of applicable federal, state, or local statutes.
 3. All slopes steeper than one-on-three (33%) must not be disturbed except within the footprint of the septic system and retaining walls.
 4. All earth moving and contour changes must occur within the footprint of the septic system and retaining walls.

5. Vegetation changes are not permitted outside of the project footprint. All disturbed areas shall be re-vegetated with native dune vegetation and stabilized with temporary measures before or upon commencement of the permitted activity, and maintained until permanent measures are in place. The removal and re-establishment of vegetation must be in accordance with the submitted vegetation assurance.
6. The transport of building materials/excavated sand and access to and from the site shall be via the existing parking area and boardwalks.
7. A separate temporary driveway or access road is not permitted for construction activities.
8. Impacting the dunes is not permitted outside of the approved disturbance area including activities such as driving machinery on any slopes steeper than one-on-three (33%), or storing (permanently or temporarily) machinery, soil, materials, equipment, or removed vegetation, on any slopes steeper than one-on-four (25%).
9. The construction of porches, decks, landscaping (with the exception of planting native dune vegetation), on-grade walkways, on-grade stairways, and retaining walls which also includes the placement of boulders, are considered uses, and not permitted unless specified in the permit conditions.
10. The underground utility lines must be placed in areas with slopes less than one-on-four or the lines must be installed using the directional bore method or by hand digging. If the directional bore method is utilized, the bore pits must be located in areas with slopes less than one-on-four. The disturbed areas must be stabilized and repaired with temporary measures before or upon commencement of the permitted activity, and shall be maintained until permanent measures are in place. Trenching areas with slopes steeper than one-on-four is not permitted.
11. Only clean sand shall be placed in areas depicted on the site plan. Where mature trees are present, sand shall not be placed greater than 2 inches deep. Where shrubs are present, sand shall not be placed greater than 3 inches deep. In areas of open sand or dune grass, sand shall not be placed greater than 18 inches deep.
12. All excess woody debris, concrete, building materials, or other types of soil must be deposited off site, outside of the Critical Dunes Area.
13. 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 regulated critical dune area, 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.
14. 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.

15. This permit is being issued for the maximum time allowed under Part 353, Sand Dunes Protection and Management, of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended. Therefore, 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 the MDEQ, will be for a five-year period beginning at the date of issuance.

By:



Luis A. Saldivia
District Supervisor
Water Resources Division

cc: Ottawa County Clerk
Ottawa CEA
Ottawa County Health Department
Grand Haven Township
Mr. Pollock, agent

CONSTRUCTION PERMIT AND PLAN OF SEWAGE DISPOSAL SYSTEM

DEQ File # 15-700107 - P



Ottawa County Health Department
Environmental Health Division
12251 James Street, Suite 200
Holland, MI 49424

Parcel # 70-03-32-131-015

Water Supply: Private () Septic: New (X)
Municipal (X) Repair ()

Attachment 2 of mgfH

NOTICE: Commercial/Industrial floor drains shall not be connected to this sewage disposal system. Residential floor drains must receive prior approval.

Phone: (616) 393-5645 Fax: (616) 393-5643

House (X) Duplex () Apartment () Commercial () Industrial () Other ()

of Bedrooms 4 Living Area 1800 Sq. Ft. Garbage Disposal () Whirl Pool () Basement Plumbing ()

of Apt. Units () (Max.) # Persons/Employees () (Max.) Discharge/Day () Gals.

Township Grand Haven Lot # 20 Plat Bork's Supervisors Plat No 2 Location 15058 Stickney Ridge

Owner/Bldr Busscher's Septic Tank Address 11305 E Lakewood Blvd

City Holland Zip 49424 Telephone# (616) 838-2016

SOIL EVALUATION 0-60" Medium Sand, Brown; Seasonal High Water Table Not Observed

(Should soil or site conditions differ from those indicated on this permit, contact this department immediately.)

GRADE ELEVATIONS USED BELOW ARE IDENTIFIED FROM: Soil Boring

SEASONAL HIGH WATER TABLE ELEVATION 5+ FT. CONSTRUCT BOTTOM OF ABSORPTION SYSTEM NO LOWER THAN 3.0 FT. BELOW EXISTING GRADE

AUG 31 2015

CONSTRUCTION REQUIREMENTS:

VERIFY ALL ISOLATION REQUIREMENTS FOR TANK & ABSORPTION SYSTEM

SEPTIC TANK(S): 2 Compartment
OF TANKS 1 1st Tank 1060 Gals. 2nd Tank

Note: For repairs, existing tank(s) may be utilized if structurally sound and has a capacity of 800 gals.

DOSING TANK/SCREENED PUMP VAULT
Capacity Gals. Dose Volume Gals.

Note: Audio/Visual Alarm Required.

- 10 Ft - Property Line
10 Ft - Basement Wall
5 Ft - Foundation/Support Wall
5 Ft - Waterproof Retaining Wall
5 Ft - Other Waste Disposal Systems
50 Ft - Private Water Well
75 Ft - Semi-Public Water Well
25 Ft - Footing & Tile Drains
10 Ft - Potable Water Line
15 Ft - Footing & Tile Drains (a)
10 Ft - Slopes & Drop Offs
25 Ft - Drainage Ditch (b)
10 Ft - Swimming Pools
50 Ft - Surface Water

ABSORPTION SYSTEMS: PLEASE REFER TO THE ENVIRONMENTAL HEALTH CONSTRUCTION CRITERIA FOR ADDITIONAL REQUIREMENTS.

- DRAIN BED: Total Bottom Area sq. ft. Amount of 4" Conduit ft.
ABSORPTION TRENCH: Total Bottom Area sq. ft. Amount of 4" Conduit ft.
BLOCK TRENCH: Total Bottom Area 210 sq. ft. Specs: 3 Block Trench Units (7x10' Units) Hand Built In Place.

- REMOVE TOPSOIL AND FROM UNDER ABSORPTION SYSTEM & BERM AREA.
USE CLEAN coarse SAND FOR ALL FILL.
PLACE FT. OF SAND BERM AROUND DRAINFIELD AT 1:3 SLOPE.
INSTALL AN EFFLUENT FILTER.
INSTALL AN ALTERNATING VALVE.
ABANDON EXISTING WASTE DISPOSAL SYSTEM
Pump and remove old septic tank.
THIS PROJECT IS/MAY BE LOCATED IN A CRITICAL DUNE OR HIGH RISK EROSION AREA. A PERMIT IS REQUIRED FROM THE DEQ PRIOR TO STARTING THE PROJECT. CONTACT DEQ AT 616-356-0500 OR WWW.MICHIGAN.GOV/JOINTPERMIT

INSPECTION IS REQUIRED BEFORE BACKFILLING. PLEASE REFER TO THE PARCEL # WHEN REQUESTING INSPECTION.

SEE FIGURE DATED 08/11/2015.
- Verify and maintain all isolation distances.
- Variance for decreased isolation distances to the foundation and property lines must be submitted and approved by this office prior to the final approval of the sewage disposal system.
- This system was designed to utilize all available area for a sewage disposal system.
- A garbage disposal cannot be installed.
- The septic tank must be a 2 compartment tank.
- Installation of an effluent filter is required.
- Contact this office 24 to 48 hours prior to the final inspection. More than one inspection may be required due to the way the block trench units will be constructed.
- Call this office with any questions or changes to the permit.

Sanitarian: [Signature]

Date Issued 08/13/2015

THIS PERMIT EXPIRES TWO (2) YEARS FROM THE DATE OF ISSUANCE

NOTE: Since many factors contribute to the failure of a sewage disposal system, this department cannot guarantee any length of service from the sewage disposal system required by this permit.

15-705



miOttawa Department of
Public Health

DEQ Permit # WRP001112
DEQ File # 15-70-0107-P
Attachment 4 of 5
mg#

Lisa Stefanovsky, M.Ed.
Health Officer

Paul Heidel, M.D., M.P.H.
Medical Director

WATER SUPPLY/WASTEWATER DISPOSAL VARIANCE APPLICATION

Permanent Parcel #: 70-03-32-131-015

Address: 15058 Stickney Ridge
Grand Haven, MI 49417

Applicant: Timothy Berry

Mailing Address: 2165 Onckama Dr. SE.
Grand Rapids MI 49508

Telephone: 616-272-3626

RECEIVED
AUG 20 2015
WATER RESOURCES DIVISION
GRAND RAPIDS

Variance Description: Install the sewage disposal system less than 10 feet from the property lines and less than 5 feet from the building foundation.

Reason for Request: The lot has very limited space for a sewage disposal system and has very steep slopes.

David Pollock Agent
Applicant's Signature

August 20, 2015
Date

For Official Ottawa County Use Only

Result of Variance Application Review, Variance: Granted Denied

Reason for Decision: lot topography & size

Conditions: Maximize space available

Math All
Environmental Health Supervisor/Manager

8/24/15
Date



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
GRAND RAPIDS DISTRICT OFFICE



DAN WYANT
DIRECTOR

December 14, 2015

Tim and Sherry Berry
2165 Onekama Dr. SE
Grand Rapids, MI 49506

File Number: 15-70-0107-P
Permit Number: WRP001112
County: Ottawa

Dear Mr. and Mrs. Berry:

SUBJECT: Minor Permit Modification

The Michigan Department of Environmental Quality's (MDEQ), Water Resources Division (WRD), has reviewed your request for a minor permit modification to allow placement of new pilings and supports under the house existing at 15058 Stickney Ridge (Cottage #24) and to allow moving the gas meter at the same location. The placement of the new pilings and supports are only allowed under the existing house. These actions do not require a special exception because they are covered under Section 6 of Part 353. The plans for the new support posts are attached.

You are reminded that all conditions as set forth in the original permit remain in full force. This letter must be attached to your permit, kept at the site of the work, and be available for inspection at all times during the duration of the project or until the date of expiration. This revision does not obviate the need for other Federal, State, and/or local permits as may be required by law.

If you have any questions regarding this letter, please contact me at 616 204-1752 or hohnm@michigan.gov. Send the requested information to: MDEQ, WRD, Grand Rapids District Office, at 350 Ottawa NW, Grand Rapids, Michigan 49503. Please include your file number in your response.

Sincerely,

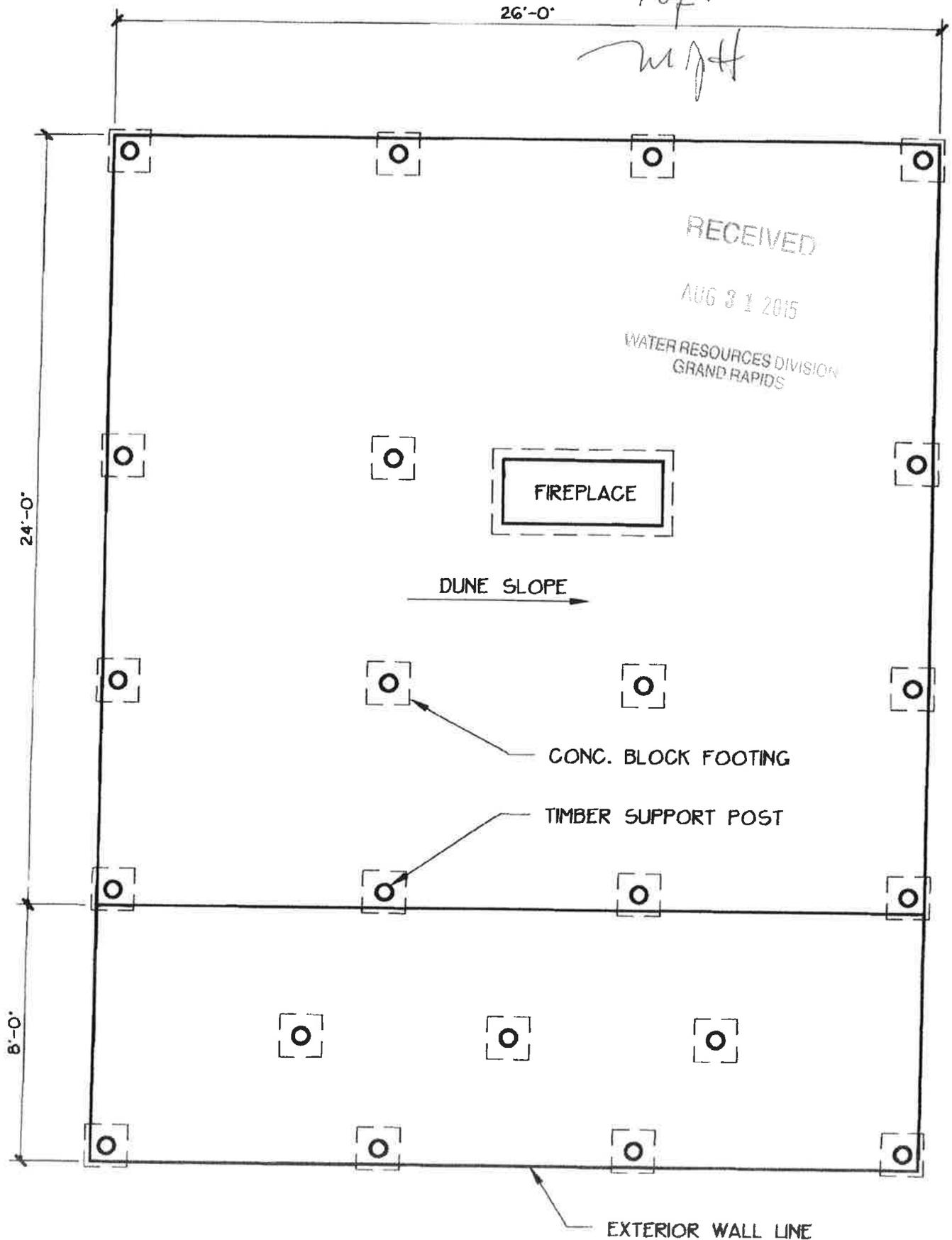
Michelle J. Hohn
Water Resources Division

Attachment

cc: Ottawa County Clerk
Ottawa CEA
Ottawa County Health Department
Grand Haven Township Clerk
Mr. Dave Pollock, agent

DEQ Permit # WRP001112
DEQ File # 15-70-0107-P
Modification Attachment
1 of 1

WPH

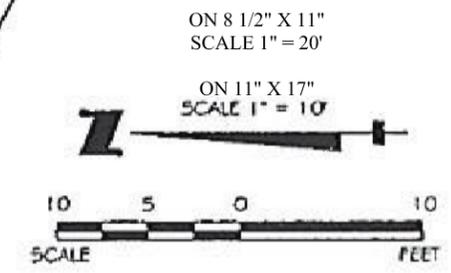


BERRY RESIDENCE
15058 STICKNEY RIDGE (COTTAGE #24)

NOTES:

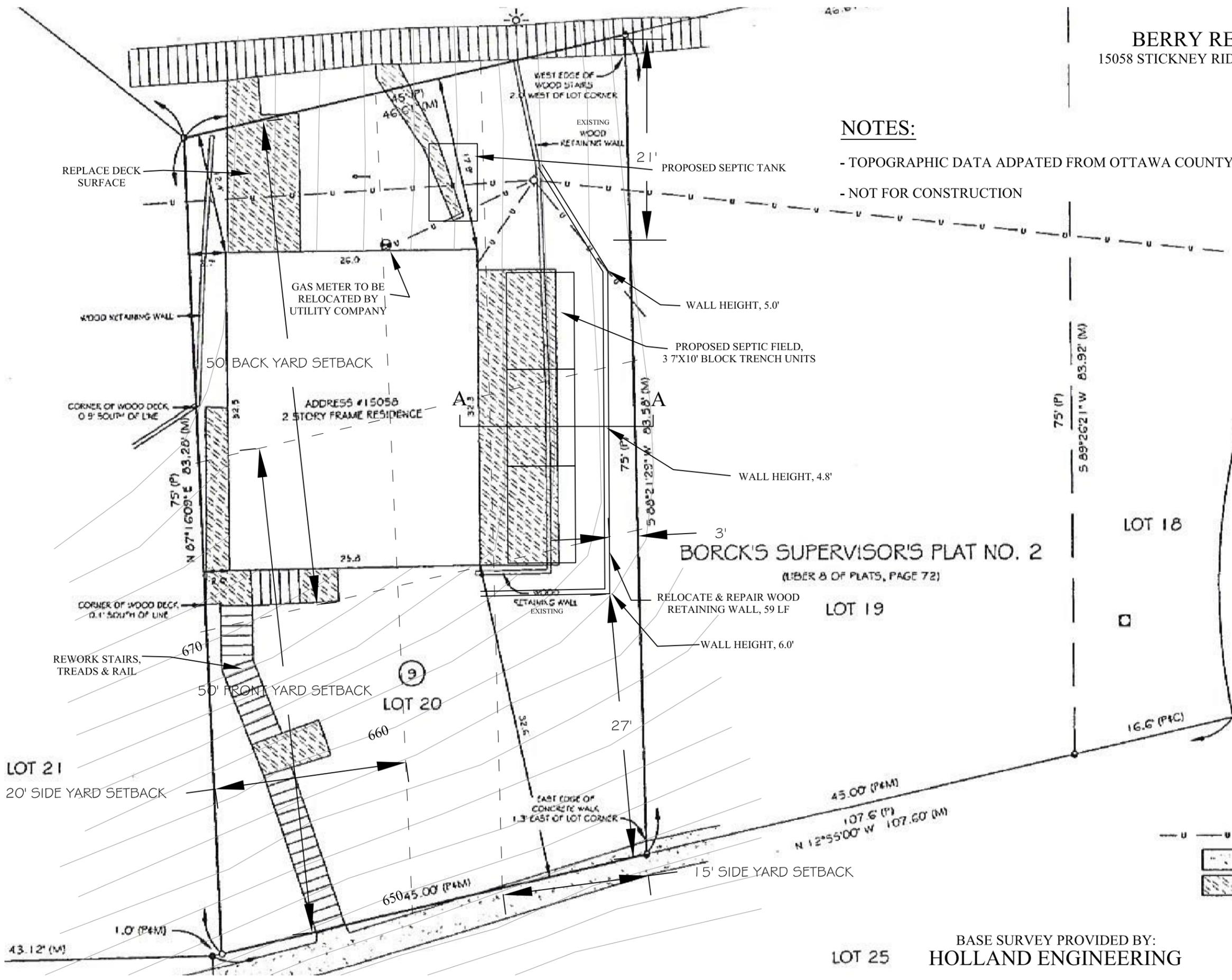
- TOPOGRAPHIC DATA ADPATED FROM OTTAWA COUNTY GIS
- NOT FOR CONSTRUCTION

STICKNEY ROAD
(11' WIDE RIGHT-OF-WAY)



LEGEND:

- SET 1/2" STEEL ROD WITH CAP #45500
- FOUND FINCH PIPE
- FOUND 1" IRON PIPE
- FOUND MAG NAIL
- FOUND 4" CUT IN CONCRETE PAVEMENT
- LOCATION OF PREVIOUSLY FOUND 1/2" STEEL ROD (NO CAP) PER HOLLAND ENGINEERING, INC. REFERENCE SURVEY
- LOCATION OF PREVIOUSLY FOUND CONCRETE MONUMENT PER HOLLAND ENGINEERING, INC. REFERENCE SURVEY
- UTILITY POLE
- ⊛ LIGHT POLE
- ⊙ GUY ANCHOR
- ⊙ GAS METER
- WELL
- u — OVERHEAD UTILITY LINES
- ▭ CONCRETE PAVEMENT
- ▨ WOOD DECK AND STAIRS
- (P) - PLATTED DIMENSION
- (M) - MEASURED DIMENSION
- (C) - COMPUTED DIMENSION



BASE SURVEY PROVIDED BY:
HOLLAND ENGINEERING

From: [Stacey Fedewa](#)
To: "[Dave Pollock](#)"
Subject: RE: Request for Variance, ZBA Application, Berry, 15058 Stickney Ridge
Date: Wednesday, January 06, 2016 3:03:10 PM

David,

Thank you for the additional information. I will schedule the public hearing using the heights depicted on the revised site plan. I will also amend the application, so it reflects the new setbacks. Please note, if the approved heights of the retaining wall are insufficient when it comes time to construct you will need to apply for a new variance.

Absolutely yes—youself and/or the applicant must attend the hearing to answer questions the ZBA may have.

Best regards,

Stacey Fedewa
Planning & Zoning Official
Grand Haven Charter Township
(616) 604-6326
sfedewa@ght.org

From: Dave Pollock [mailto:dnpol@yahoo.com]
Sent: Wednesday, January 06, 2016 2:32 PM
To: Stacey Fedewa <SFedewa@ght.org>
Subject: Re: Request for Variance, ZBA Application, Berry, 15058 Stickney Ridge

Stacey,

Sorry for the confusion. I measured the degree of the slope to the south of the existing retaining wall in the field using a clinometer. This allowed me to produce the section that I sent earlier, and determine that portions of the wall will be greater than 4' in height. Since I am unable to provide a precise top of wall elevation, I have attached a plan drawing that indicates the relative height of the proposed wall in 3 locations based on my field measurements. Hopefully this will be sufficient for your needs.

Please note that the setback from the rear lot line will need to be reduced from the 24' previously specified to 21'.

Again, I apologize for the inconveniences that my unfamiliarity with the Township's variance request requirements has caused.

Do you recommend that the property owner, or a representative of theirs, attend the

ZBA meeting at which the request for variance will be reviewed?

David

From: Stacey Fedewa <SFedewa@ght.org>
To: 'Dave Pollock' <dnpol@yahoo.com>
Sent: Wednesday, January 6, 2016 12:43 PM
Subject: RE: Request for Variance, ZBA Application, Berry, 15058 Stickney Ridge

David,

I am having trouble understanding how portions of the retaining wall are under 4 feet and others are over 4 feet if the heights are unknown because a topographical survey has not been completed. Can you please clarify?

A "top of wall not to exceed" is not an option. The ZBA needs to know the exact height of the wall in order to grant a variance. The purpose of a variance is to grant specific departure from the ordinance and not allow for a sliding scale situation. For example, once a topo has been done you may find a 5 foot wall is sufficient, but if the ZBA were to grant a variance that says the wall shall not exceed 8 feet, then the property owner has the option of constructing an 8 foot wall when only 5 is needed.

Stacey

From: Dave Pollock [<mailto:dnpol@yahoo.com>]
Sent: Wednesday, January 06, 2016 11:42 AM
To: Stacey Fedewa <SFedewa@ght.org>
Subject: Re: Request for Variance, ZBA Application, Berry, 15058 Stickney Ridge

Hi Stacey,

Sorry for the delay in my response. I will do my best to provide the clarification that you are seeking.

1a. The dimensions that you have listed are correct. The eastern most portion of the proposed wall, from the point of deflection at the 24' dimension to where it meets the existing wall, will all be under 4' in height. Thus It is my understanding that that portion does not need to be included in the variance request.

1b. It is a single wall that is being proposed. I am not able to provide an exact top of wall elevation at this time as there has not been a topographic survey done for the site and a contractor has not been chosen to construct the wall at this point. I have attached a typical section that was provided to the DEQ for their permit review. Location of the section is shown on the attached site plan. If this information is still not sufficient, can a "top of wall not to exceed" elevation be given for the variance review with a specific top of wall elevation to be provided at the time of building permit application?

1c. The existing retaining wall west of where the proposed wall joins it has to be removed in order to accommodate the installation of the new septic system. The portion of the existing retaining wall east of where the proposed wall joins it will remain.

2. There are no deck expansions proposed. The proposed deck expansion that shows on the SESC permit plan is from early on in the process. During the process of obtaining the DEQ permit it became evident that it would not be permissible so it was removed from the list of proposed activities. The DEQ requires that all applicable county level permits, SESC & septic/well, be obtained prior to submitting a critical dune application to them. That is why the deck expansion is shown on the SESC permit plan but not the critical dune permit plan or plan submitted with the request for variance application.

The property owners want to start construction as soon as weather permits and Township variance and building permit approvals are obtained.

Thank you,
David

From: Stacey Fedewa <SFedewa@ght.org>
To: 'Dave Pollock' <dnpol@yahoo.com>
Sent: Wednesday, January 6, 2016 11:21 AM
Subject: RE: Request for Variance, ZBA Application, Berry, 15058 Stickney Ridge

David,

Please let me know if you're able to provide the additional information on the retaining walls by 3pm today. If not, I am unable to schedule the public hearing because I do not have enough information to create the public notice. Should this be the case the item will be moved to the February agenda to provide more time to compile the information.

Best regards,

Stacey Fedewa
Planning & Zoning Official
Grand Haven Charter Township
(616) 604-6326
sfedewa@ght.org

From: Stacey Fedewa
Sent: Tuesday, January 05, 2016 11:17 AM
To: 'Dave Pollock' <dnpol@yahoo.com>
Subject: RE: Request for Variance, ZBA Application, Berry, 15058 Stickney Ridge

Hi David,

Thank you for the thorough package of submission documents. I've had a chance to quickly review them to ensure it's a complete application, and I have a couple of questions:

1. Are you able to provide additional information on the retaining wall?
 - a. It appears the setbacks for the retaining wall is identified on the plan now (*see attached, highlighted in green*), which is 24' from the rear lot line, 3' from side lot line, and 27' from the front lot line—is that correct?
 - b. The "top of wall ~665.0" does not provide enough information on the height of the retaining wall (*see attached, highlighted in yellow*). Furthermore, is this one wall? A series of walls? If more than one wall, what is the proposed spacing? This information is typically shown by way of a cross section drawing.
 - c. It is unclear if you intend to remove the existing retaining wall (*see attached, highlighted in pink*), or if it will remain in place. Please clarify.
2. Do you still propose to expand the deck? There is a drawing that appears to be connected to the SESC Permit No. 9122 that shows an 6' x 14' addition to the deck.

Lastly, do you know when the property owners anticipate to start construction?

Best regards,

Stacey Fedewa
Planning & Zoning Official
Grand Haven Charter Township
(616) 604-6326
sfedewa@ght.org

From: Dave Pollock [<mailto:dnpol@yahoo.com>]
Sent: Monday, January 04, 2016 3:47 PM
To: Stacey Fedewa <SFedewa@ght.org>
Subject: Request for Variance, ZBA Application, Berry, 15058 Stickney Ridge

Hi Stacey,

I wanted to follow up on the submittal of this application package last Thursday, in order to confirm that it contained all the information that the ZBA requires to complete the review.

In the case of a variance request, do you generally recommend that the property owner, or representative there of, attend the ZBA meeting at which the request is being reviewed?

Thank you,
David

From: [Thomas Van Dam](#)
To: [Stacey Fedewa](#)
Subject: Re: Public notice question
Date: Wednesday, January 20, 2016 11:45:27 AM

Stacey,

Thanks again for the feedback. I had a good discussion this morning with the owner (Tim Berry) who filled me in on more detail. At this point I'm satisfied that he has a solid plan to move forward and therefore won't be attending the session next Tuesday. Hopefully everything will move forward as planned without incident. Please keep me in the loop if anything else comes up.

best,
Tom Van Dam

On Jan 20, 2016, at 10:19 AM, Stacey Fedewa <SFedewa@ght.org> wrote:

Tom,

The applicant has received permits for the septic system and retaining wall from the County and DEQ. The Township doesn't have any jurisdiction over the septic system, so theoretically he could install it right now. However, because of the slopes it is necessary to install the retaining wall, which requires a variance from the Township ZBA. Therefore, unless/until a variance is received from the ZBA I doubt any construction would occur. That said, it appears this case is straight forward and I anticipate a variance will be granted.

Lastly, a variance is valid for 1 year, and if building permits from the Township are not issued by that time the variance expires. I certainly anticipate the applicant would perform the construction within that 1 year time, but it is not typical for the ZBA to discuss contractor schedules. It is unknown if a contractor has even been selected. Perhaps for discussion sake the ZBA would discuss the contractor and a schedule, but it is unlikely that would be factored into the decision-making process.

In the event the ZBA and applicant do not discuss the items you have interest in, I suggest speaking with the applicant after the meeting to open-up dialogue and discuss your concerns before construction begins.

Thank you again for contacting me, and please let me know if you have further questions.

Best regards,

Stacey

From: Thomas Van Dam [<mailto:tjvd@me.com>]
Sent: Tuesday, January 19, 2016 4:25 PM

To: Stacey Fedewa <SFedewa@ght.org>

Subject: Re: Public notice question

Thanks much Stacey,

This is very helpful. I'm assuming given the approvals outlined here they have essentially been given the go ahead on this project. I will try to ensure representation at the public hearing next Tuesday to understand the contractor schedule and any other implications. I understand your point about homeowner protection and will follow up on that as well. Thanks again for your prompt response on this.

best,

Tom Van Dam

847 687 3973

On Jan 19, 2016, at 2:57 PM, Stacey Fedewa <SFedewa@ght.org> wrote:

Tom,

The drain/septic field will almost be in the same location. However, the original field abutted the house and the County now requires a minimum 5 foot setback from building foundations and 10 feet from property lines (*applicant received a variance for a 3 foot foundation setback and 6 foot property line setback*). I have attached the full ZBA application, which includes all the permits and their supporting documentation, for your review. Page 14 of the attachment does a nice job of showing the proposed locations of the septic system in relation to the original.

Therefore, the applicant had to request a series of variances to meet the applicable codes. The septic tank would be in a new location near the SE corner of the lot in the rear yard. They propose a single retaining wall along the eastern lot line to stabilize the soil. Additionally, the applicant has received the following permits: Ottawa County Environmental Health Dept (OCEH) Septic permit, OCEH dimensional variance (*see above: 3' & 6'*), Ottawa County Water Resources Soil Erosion & Sedimentation Control permit, and a DEQ Special Exception Permit allowing impact to slopes steeper than 1:3.

As for your concerns about the actual construction the Township cannot make any predictions on how the contractor will perform the work, nor can a variance be denied in anticipation of property damage to adjacent lots. In short—homeowner's insurance is your primary remedy should any damage occur during the construction process. Hopefully that won't be needed, but that would be your primary recourse in the event there is damage.

Stacey

-----Original Message-----

From: Thomas Van Dam [<mailto:tjvd@me.com>]

Sent: Tuesday, January 19, 2016 1:43 PM

To: Stacey Fedewa <SFedewa@ght.org>

Subject: Re: Public notice question

Thanks Stacey,

Not sure if you can answer these questions but I have two immediate concerns; 1) is this just a replacement of an existing septic field or a new location 2) unclear to me how the work could be performed given there is no real access to the location of the proposed septic field between my cottage and the Berry cottage (fairly steep dune hill with substantial erosion risk down to my cottage). I understand the need to get the work done if the system has been declared unsafe but am concerned about the risk of damage to my lot (19) and cottage given the variance request.

best,

Tom Van Dam

847 687 3973

> On Jan 19, 2016, at 12:15 PM, Stacey Fedewa <sfedewa@ght.org>
> wrote:

>

> Tom,

>

> Attached, please find the revised site plan submitted by the applicant. Per the plans, no construction would encroach onto an adjacent parcel. Rather the variance is required because a retaining wall over 4 feet in height is proposed to be located 3 feet from the property line (where 15 feet) is required.

>

> It is my understanding the new owner of the home had an inspection of the septic system performed by the Ottawa County Health Department, and their office is requiring an updated system. However, because of the topography the owner had to request a special exception permit from the DEQ and a variance from the Township. In summary, the owner desires to make the home habitable and in order to do so must replace the septic system prior to occupancy.

>

> Please contact me if this raises additional questions.

>

> Best regards,

>

> Stacey Fedewa
> Planning & Zoning Official
> Grand Haven Charter Township
> (616) 604-6326
> sfedewa@ght.org

>
>
>

> -----Original Message-----

> From: Thomas Van Dam [<mailto:tjvd@me.com>]
> Sent: Thursday, January 14, 2016 1:46 PM
> To: Stacey Fedewa <SFedewa@ght.org>
> Subject: Public notice question

>

> Stacey,

> I just received a public notice from the township regarding a hearing for a variance request for cottage #24 at 15058 Stickney Ridge Road. It appears to be related to a proposed septic wall that may encroach on nearby properties. I own cottage #23 (lot just south of #24) and would like to better understand the request if possible. I won't be able to attend the hearing as we have a permanent residence in Wilmette, IL and our cottage is shut down for the winter. Please advise on how we could best get more detail on what is proposed here.

>

> thanks much,
> Tom Van Dam

>

> 847 687 3973
> <Berry Site Plan - revised.pdf>

<ZBA Application - Berry_12302015.pdf>

**GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
2016 MEETING DATES**

Tuesday, January 26, 2016
Tuesday, February 23, 2016
Tuesday, March 22, 2016
Tuesday, April 26, 2016
Tuesday, May 24, 2016
Tuesday, June 28, 2016

Tuesday, July 26, 2016
Tuesday, August 23, 2016
Tuesday, September 27, 2016
Tuesday, October 25, 2016
Tuesday, November 22, 2016
Tuesday, December 13, 2016

All meetings will be held at the Township Hall, 13300 168th Avenue, Grand Haven and will begin at 7:00 p.m.

The Charter Township of Grand Haven will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) business days notice to the Charter Township of Grand Haven. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Grand Haven by writing or calling the following:

Director of Administrative Services
13300 168th Avenue
Grand Haven, MI 49417
(616) 842-5988