

Approved 10/18/2018

Casco Township Zoning Board of Appeals
August 16, 2018; 7 PM

Members Present: Chairman Dave Hughes, Vice Chair Matt Hamlin, Secretary Sam Craig, Paul Macyauski, and Matt Super

Absent: None

Also Present: Martin Detmer, applicant, and 3 interested citizens (sign-in sheet attachment #1)

The meeting was called to order by Chairman Hughes at 7:02 PM for the purpose of hearing a request from Martin Detmer, 501 Forest, Glen Ellyn, IL for a variance from Section 3.28B1d(1), which requires a minimum front yard setback of 25'. The applicant wishes to raise up the existing house to add a walk-out basement and a 286 sq. ft. addition on the main level. The setback requested is 9' 10 ¼" from the south side of the existing house and 13' 6 ½" from the north side. Therefore, the variance from Edgewater Terrace is 15' 1 ¾" on the south and 11' 5 ½" from the north. The parcel in question is located at 1118 Edgewater Terrace, South Haven, MI 49090 (Parcel #0302-180-151-00) in the Low Density Residential Zone. A previous variance was granted for a small addition on April 27, 2017, but the applicant decided to change the scope of the project.

Chairman Hughes invited the applicant, Martin Detmer, to speak about his request (Application attachment #2). Mr. Detmer said he had been granted a variance in April of 2017 to connect two sections of his cottage by filling in between them with an addition. Mr. Detmer referred to this as connecting the dots. After talking with the DEQ and telling them his cottage was on a slab, they suggested he have a movable structure with a basement or crawl space. He decided to raise his cottage, build a substructure and put the cottage back on top of it for a walk-out basement. The DEQ signed off on it if as a movable structure (DEQ correspondence attachment #3).

Macyauski said in his experience with the DEQ their concern is that no soils get over the edge into the river. Macyauski asked about the location of the septic system. Detmer said he will leave the septic where it is on the northwest side of the house. Mr. Detmer said his cottage was a registered STR this year and passed as an STR with the current septic system. His future plan is to move into the house and not use as an STR.

Macyauski asked if there would be a restroom in the basement. There would have to be a lift pump if there is a restroom in the basement.

Chairperson Hughes read a letter from Mark Mackinnon objecting to the variance due to its proximity to the platted road (attachment #5).

Mr. Detmer said he was aware of the opposition letter, but he said another neighbor, Jean Johnson, verbally supported him, but did not write a letter.

Macyauski noted the permitting process through the DEQ had been established.

Hamlin noted the corners of the existing footprint would not change. Detmer was filling in between existing portions of the house.

Ellingsen said, referring to Mackinnon's objection, the neighbor is under the impression that Detmer would be moving his home closer to the road, which was not the case.

Chairman Hughes went through the review standards as follows:

1. **Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.** If Everything goes according to plans with the DEQ
2. **The variance is being granted with a full understanding of the property history.** Detmer purchased the cottage 14 years ago.
3. **Granting the variance will not cause a substantial detriment to property or improvements in the vicinity or in the district in which the subject property is located.** This is not an issue.
4. **The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.** It is less than 25% of the property.
5. **That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same Zoning District. Exceptional or extraordinary circumstances or conditions include any of the following:**
It is an existing Lot of Record.
 - a. **Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance.**
 - b. **Exceptional topographic conditions**
 - c. **By reason of the use or development of the property immediately adjoining the property in question.**
 - d. **Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.**
Macyauski stated when they granted relief of variance from front yard setback in 2006 they added 25' off road. This was for safety of pulling out onto the road and being visible to road traffic. At the time or the original variance request it was determined Detmer would park well off the street on the south end of his property. Macyauski asked how many parking spaces there would be at the south side of the property. Detmer said there are 4 car spaces available at the south drive.

6. **That granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same Zoning District.** It is a lot of record.
 7. **That the variance is not necessitated as a result of any action or inaction of the applicant.**
Ok
 8. **The variance, if granted, would be the minimum departure necessary to afford relief.** It is close to the original granted request.
- A. **In addition to the above outlined standards for a dimensional variance, the Zoning Board of Appeals shall consider the following when deliberating upon a nonconforming lot in a Platted subdivision case (see also Section 3.28)**
1. **There is no practical possibility of obtaining more land.** No
 2. **The proposed use cannot reasonably be located on the lot such that the minimum requirements are met.** OK

Chairman Hughes invited public comment.

Sally Mackinnon said she was curious about building on a bluff and asked if the septic had been approved and if a back-up septic was required.

Ellingsen said a backup septic would be required for a new house, but not an existing house. Ellingsen said if the system fails, the septic tank would have to be pumped out. If the system was not viable, the building could not be occupied.

A motion was made by Craig, supported by Super to grant the variance. All in favor. Motion granted.

A motion by Super, supported by Hamlin to approve minutes of July 19, 2018.

Macyauski asked for three corrections:

- Matt Super's name be removed from Members Present, as he was not there.
- On page 10, 3rd line the following correction be made: you're not going take three 30 ft lots and create two ~~35's~~ **45's**.
- Page 10, 28th line the following change: And, to give these people, I guess an ~~equity~~ **equitable relief**,

Macyauski also expressed concern about highlights of attached minutes quoted by him not showing up as highlighted. Other attachments were in color. The attachment of July 26, 2006; June 15, 2006; and a memo from the planner, September 15, 2005 did not come through in color and Macyauski asked the reason for this. The Recording Secretary did not know why and will check into it.

All in favor of approval of minutes with the above 3 corrections. Minutes approved.

A motion by Super, supported by Hamlin to adjourn. All in favor. Meeting adjourned at 7:40 PM.

Minutes prepared by Janet Chambers, Recording Secretary

Attachment #1: Sign-in Sheet

Attachment #2: Notice of Public Hearing

Attachment #3: Application

Attachment #4: DEQ correspondence

Attachment #5: Letter of Opposition, Mackinnon, 08-13-2018

Dave Hughes
Dave Hughes, ZBA Chairman

Sam Craig
Sam Craig, ZBA Secretary

8-16-18
Date

8/16/18
Date

CASCO TOWNSHIP
NOTICE OF PUBLIC HEARING

The Casco Township Zoning Board of Appeals will hold a public hearing Thursday, 16 August 2018 at 7:00 pm at the Casco Township Hall at 7104 107th Ave., South Haven, MI 49090 to deliberate the following request for a variance from the requirements of the Casco Township Zoning Ordinance:

A request from Martin Detmer, 501 Forest, Glen Ellyn, Illinois 60137 for a variance from Section 3.28B1d(1) which requires a minimum front yard setback of 25 feet. The applicant wishes to jack up the existing house to add a walk-out finished basement and a 286 sq. ft. addition on the main level. The setback requested is 9'-10 1/4" from the south side of the existing house and 13'-6 1/2" from the north side. Therefore, the variance from Edgewater Terrace is 15'-1 3/4" on the south and 11'-5 1/2" from the north. The parcel in question is located at 1118 Edgewater Terrace, South Haven, MI 49090(Parcel #0302-180-151-00) in the Low Density Residential Zone. A previous variance was granted for a small addition on 27 April 2017, but the applicant decided to change the scope of the project.

The Zoning Board of Appeals may modify any of the variance requests to comply more fully with Section 20.08 and to make findings based upon competent, material and substantial evidence.

The applications and any pertinent information may be viewed at the Township Hall at 7104 107th Ave., South Haven, MI 49090 during regular office hours. Written or faxed comments may be made to the address above or numbers below and oral comments may be made in person at the hearing. Necessary and reasonable aids for disabled persons will be made available with sufficient notice to the Clerk.

Cheryl Brenner
Clerk
Phone-269/637-4441

Alfred J. Ellingsen
Zoning Administrator
Fax-269/639-1991

(Please place in the South Haven Tribune for publishing on 22 July 2018)

Casco Township Zoning Board of Appeals

Request for Variance

The Zoning Board of Appeals consists of 5 members who are residents of the Township, the first member of the Board of Appeals being a member of the Planning Commission, the second member may be a member of the Township Board, and the other three being selected and appointed by the Township Board from among the electors residing in the Township.

The Board of Appeals is empowered by Township ordinance and State law to grant a variance from the requirements of the Zoning Ordinance only when it finds, from reasonable evidence, that certain facts and conditions involved in complying with the requirements of the ordinance are met, all as outlined in the attached sheet, Page 3.

The Board shall have power to:

- ~~1. Hear applications where it is alleged that an error or misinterpretation of the Zoning Ordinance~~ by any official charged with the enforcement of the Ordinance.
2. Adjudicate applications for variances for property with exceptional narrowness, shallowness, or unusual shape or by reason of exceptional topographical conditions or non-dimensional characteristics, extraordinary conditions of land, buildings, or development of adjacent properties, where there are practical difficulties or unnecessary hardship in carrying out the literal enforcement of the Ordinance. (Section 20.08)

The Board cannot change zoning. This can only be done by appropriate ordinance passed by the Township Board. Before deciding upon an application, the ZBA must conduct a public hearing. Notice of such hearing is given to each property owner or occupant of property within 300 feet of the property in question. At this time of the hearing, the applicant or his representative is called upon to give reasons why his appeal or application should be granted. Any interested person who is present is then given an opportunity to be heard. The applicant or his representative will have the opportunity to speak in rebuttal or may be called upon to answer questions by the Board members relative to his/her case. Reference is again made to the information on the attached sheet. Each applicant must give evidence that there are practical difficulties or unnecessary hardships involved and that the five conditions do exist.

It is mandatory that the applicant:

1. Complete the application form.
2. Submit 7 copies of a site diagram showing positions of all existing and proposed structures with setbacks from all lot lines.
3. Provide substantiating statements for 1 thru 9 in the Additional Information supplement found on Page 3 to justify your request for a variance.
4. Payment of appropriate fee.

After the Hearing is closed, the Board takes each case under advisement. The applicant is then notified after a decision is made.

ZONING BOARD OF APPEALS - CASCO TOWNSHIP
7104 107th Ave., South Haven, MI 49090 (Ph.-269/637-4441; Fax- 269/639-1991)

Application to the Zoning Board of appeals to authorize a variance from the requirements of the Zoning Ordinance.

TO THE ZONING BOARD OF APPEALS:

Request is hereby made for permission to:

Extend X _____

Use _____

Erect _____

Convert _____

Alter _____

Parcel # 0302-100 - 151 - 00

3.28B1d (1)

Contrary to the requirements of Section (s) _____ of the Zoning Ordinance, upon the premises known as _____ and described as: _____

_____ (attach legal description)

The following is a description of the proposed use:

1. Name of applicant: Martin J. Detmer, JR.

Address: 1118 Edgewater Terrace Phone: 630-308-1835

City South Haven State MS Zip 39090

Fax: _____

2. Interest of Applicant in the premises: Owner

3. Name or Owner: Martin J. Detmer, JR.

Address: 501 Forest Ave, #604 Phone: 630-308-1835

City Glen Ellyn State IL Zip 60137

Fax: _____

4. Size of property to be effected by the variance: 10,914

5. Proposed use of building and/or premises: R-2 LO (residential)

6. Present use of building and/or premises: Home

7. Size of proposed building or addition to existing building, including

height: Existing Structure = 1408.4 sq. ft. Proposed Building Size = 1806.4
Existing Building Height = 15 ft Proposed Building Height = 15 ft.

8. Has the building official refused a permit? NO

9. If there has been any previous appeal involving the premises; state the date of filing, nature of appeal and disposition of same: (use separate sheet) 3/1/17 - Appeal was approved by Zoning Board.
The 12 month window passed, therefore this new Appeal.

Date: 6/9/18

[Signature] Signature of Applicant

Notes: Incomplete applications will be returned to the applicant.

This application must be accompanied with a fee of \$ 250.00 payable to Casco Township.

ADDITIONAL INFORMATION FOR APPLICATION TO BOARD OF APPEALS

Since a variance cannot be authorized by the Board of Appeals unless it finds reasonable evidence that all of the following conditions exist, it is imperative that you give information to show that these facts and conditions do exist.

(Reference Section 20.08 of the Zoning Ordinance for additional requirements).

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of the Ordinance is observed.

- Correct:
- 1) structure will remain $< 25\%$ of total lot coverage
 - 2) structure will not move closer to Edgewater Terrace
 - 3) roof height will remain at 15 feet

2. The variance is being granted with a full understanding of the property history.

Correct

3. Granting the variance will not cause a substantial detriment to property or improvements in the vicinity or in the district in which the subject property is located.

- Correct:
- 1) structure will remain $< 25\%$ of total lot coverage
current lot coverage = 13% / proposed lot coverage = 16.5%
 - 2) structure will not move closer to Edgewater Terrace
 - 3) Roof elevation will remain at 15 feet

4. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

Correct.

5. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same Zoning District. Exceptional or extraordinary circumstances include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the date of this Ordinance;
b. Exceptional topographical conditions; c. By reason of the use or development of the property immediately adjoining the property in question; d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.

Correct. The proposed addition will fill in a section of open area between 2 existing structural points.

6. That granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same Zoning District.

Correct. Adjacent properties have been granted variances. In some cases, the variances moves the structure much closer to the County Road than what is being proposed in this Appeal.

7. That the variance is not necessitated as a result of any action or inaction of the applicant.

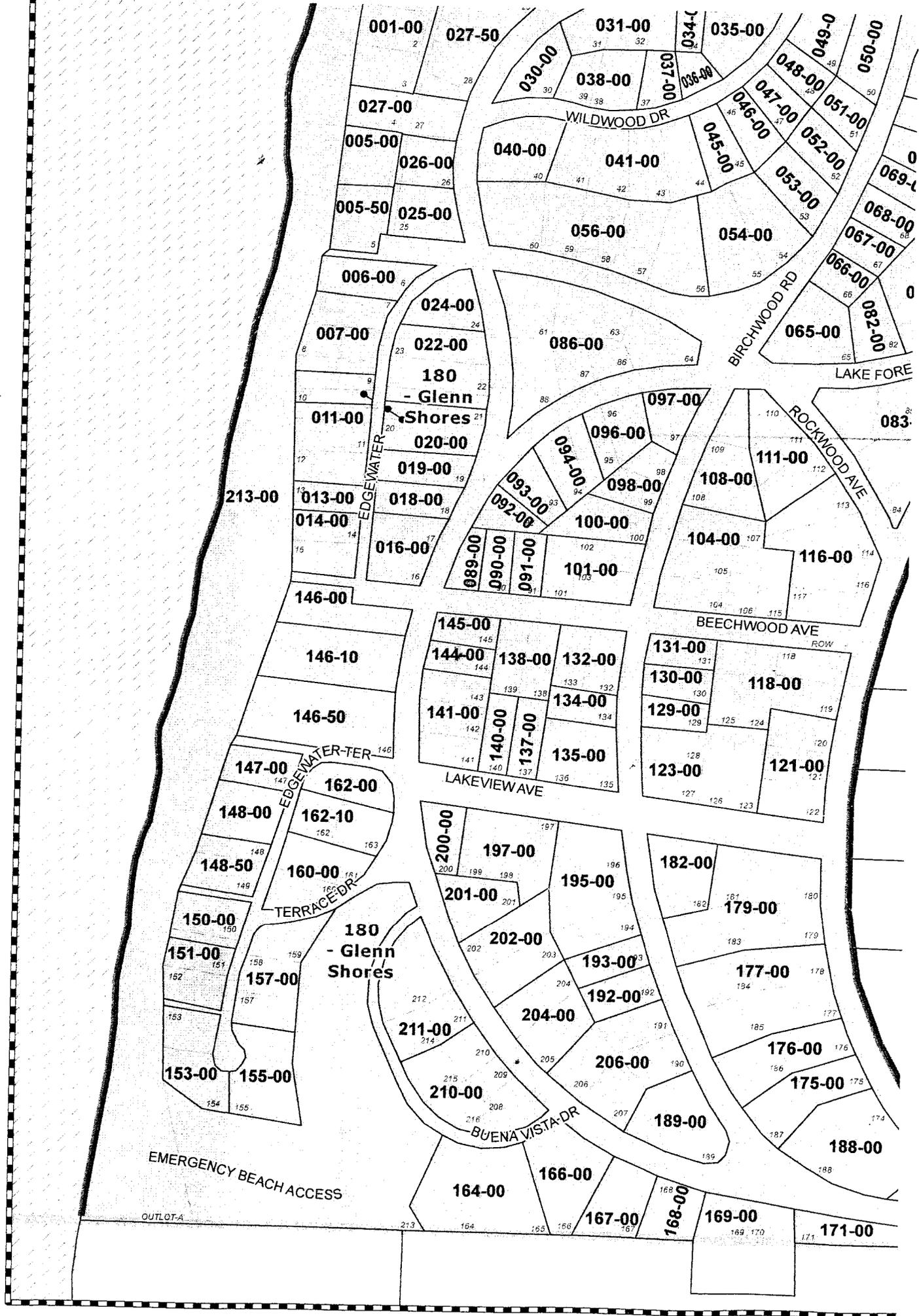
Correct

8. The variance, if granted, would be the minimum departure necessary to afford relief.

Correct

9. If involving a platted subdivision, that there is no practical possibility of obtaining more land and the proposed use cannot be located on the lot such that the minimum requirements are met.

Correct



Ruth's Email

From: skwirely <skwirely@frontier.com>
Sent: Monday, June 11, 2018 9:53 PM
To: Zoning Clerk - Casco Twp - Ruth Hewitt
Subject: Fw: Detmer Cottage - Variance
Attachments: Edgewater Variance Request.pdf; Casco Appeal Permit Form.pdf

Show original message

On Monday, June 11, 2018 11:04 AM, Detmer <mdetmer2@aol.com> wrote:

Al -

Thanks again for your great idea and hope that the mid-July date can work for you.

Attached please find:

- 1) Request for Variance
- 2) Site Plan

Marty Detmer
630-308-1835

LEGAL DESCRIPTION

LOT(S) 151, EXCEPT THE NORTHERLY 20 FEET AND LOT 152 OF GLENN SHORES SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 5 OF PLATS, PAGE 42 OF ALLEGAN COUNTY RECORDS.

PROPERTY INFORMATION

- ZONE IS LOW DENSITY RESIDENTIAL
- EXISTING LOT COVERAGE IS 13%
- LOT AREA IS 11,049.63
- EXISTING BUILDING FOOTPRINT IS 1,395.77
- LOT WIDTH IS $\pm 99 = 10'$
- LOT DEPTH IS $\pm 105 = 2'$

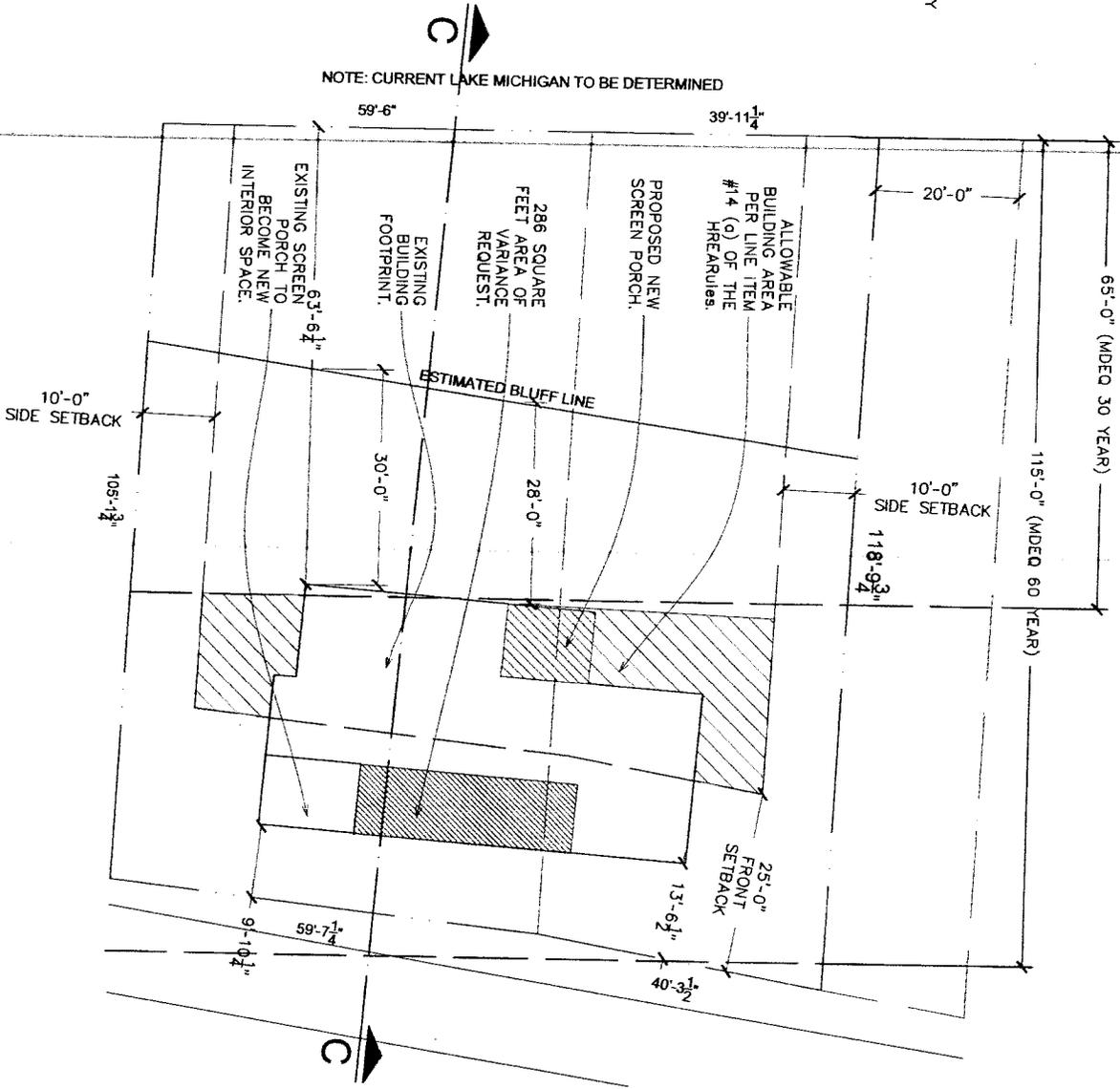
ZONING REQUIREMENTS

(PER SECTION 3.28 FOR NONCONFORMING STRUCTURES)

- MINIMUM LOT WIDTH SHALL BE FIFTY (50) FEET;
- MINIMUM LOT DEPTH SHALL BE ONE HUNDRED (100) FEET;
- MAXIMUM LOT COVERAGE FOR ALL BUILDINGS SHALL BE TWENTY-FIVE (25) PERCENT;
- SETBACK FOR THE MAIN BUILDING SHALL BE A MINIMUM OF:
 - TWENTY-FIVE (25) FEET FOR THE FRONT SETBACK;
 - TEN (10) FEET FOR EACH SIDE;
- LAKESIDE IS DETERMINED BY THE M.D.E.Q. (MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY)

SITE PLAN

SCALE: $\frac{1}{8}'' = 1'-0''$



NOTE: CURRENT LAKE MICHIGAN TO BE DETERMINED

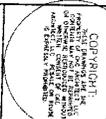
CKC

ARCHITECT LLC
P.O. Box 111
Douglas, MI
49626
616-866-1688

Delmer
Residence
1118 Edgewater
Tavica
Caledonia, MI
Project Number
0325-163-10100

Site Plan

Variance Request
NOT FOR CONSTRUCTION



DATE: 22 MAY 2018
SCALE: AS SHOWN
DRAWN BY: CKC
JOB NO: 1611
SHEET: One
OF ONE

Ruth's Email

From: skwirely <skwirely@frontier.com>
Sent: Wednesday, June 13, 2018 8:41 PM
To: Zoning Clerk - Casco Twp - Ruth Hewitt
Subject: Fw: Fwd: DEQ PERMIT NO. WRP011387 v1.0
Attachments: Placard (WORD).pdf; Minor Permit (WORD).pdf; 18-05-31 1611 MDEQ Permit Application.pdf; Notice of Completion Card_WRP011387.pdf

On Wednesday, June 13, 2018 11:20 AM, Detmer <mdetmer2@aol.com> wrote:

Hi Al -

FYI on the approved Permit below from the DEQ. I know I already sent you the paperwork in a previous email, but perhaps this additional detail will be of assistance.

Thanks, and I'll await the date for the meeting with your Board.
Marty

—Original Message—

From: Espinosa, Sharon (DEQ) (DEQ) <EspinosaS@michigan.gov>
To: mdetmer2 <mdetmer2@aol.com>
Cc: Bayha, John (DEQ) (DEQ) <BayhaJ@michigan.gov>; CharlesKCarlson <CharlesKCarlson@aol.com>; Casco Township Clerk (clerk@cascotownship.org) <clerk@cascotownship.org>; Allegan CEA (General Email) (allegananeh@alleganacounty.org) <allegananeh@alleganacounty.org>
Sent: Tue, Jun 12, 2018 12:48 pm
Subject: DEQ PERMIT NO. WRP011387 v1.0

Dear Sir/Madam:

DEQ PERMIT NO. WRP011387 v1.0 **SUBJECT:** Permittee: Mr. Martin Detmer
 Submission Number: HNC-RTQF-GB09X
 MiWaters Site Name: 03-1118 Edgewater Terrace-South Haven

Please see attached permit and its relevant attachments.

Upon the completion of the project, the permittee should complete the attached Notice of Completion Card and mail it to:

Department of Environmental Quality
 Kalamazoo District Office
 Water Resources Division
 7953 Adobe Road
 Kalamazoo, Michigan 49009

Should you have any questions or concerns regarding this permit, please contact Mr. John Bayha at 269-568-2680 or bayhaj@michigan.gov.

Sharon Mae Espinosa

Secretary
Michigan Department of Environmental Quality
Kalamazoo District Office
Water Resources Division
7953 Adobe Road, Kalamazoo, MI 49009
269-567-3560; espinosas@michigan.gov

Submit your Joint Permit Application thru MiWaters
<https://miwaters.deq.state.mi.us/miwaters/#/external/home>

To search WRD Files using MiWaters
<https://miwaters.deq.state.mi.us/nsite/Help/Public/webframe.html#MiWaters%20nSite%20Explorer.html>



NOTICE OF AUTHORIZATION

Permit Number: WRP011387 v1.0

Site Name: 03-1118 Edgewater Terrace-South Haven

Date Issued: June 12, 2018

Expiration Date: June 12, 2023

The Michigan Department of Environmental Quality, Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

Part 323, Shorelands Protection and Management.

Authorized activity:

This project is being issued as a Special Exception under Part 323 since it is physically impossible to meet the required setbacks on this lot.

Remove the roof structure of the existing house and jack-up the existing house to remove and replace the majority of the existing foundation with a walk-out basement. Replace the roof and portions of the existing walls and completely renovate the existing house.

To be conducted at property located in: Allegan County, Waterbody: Lake Michigan
Section 06, Town 01N, Range 16W, Casco Township

Permittee:

Mr. Martin Detmer
501 Forrest Avenue
Unit 604
Glenn Ellyn, IL 60137

John Bayha, P.E.
District Engineer
Kalamazoo District Office
Water Resources Division
269-568-2680

*This notice must be displayed at the site of work.
Laminating this notice or utilizing sheet protectors is recommended.*
Please refer to the above permit number with any questions or concerns.

DEQ-WRD
WRP011387 v1.0
Approved
Issued On:06/12/2018
Expires On:06/12/2023



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

Issued To:

Mr. Martin Detmer
501 Forrest Avenue, Unit 604
Glenn Ellyn, IL 60137

Permit No: WRP011387 v1.0
Submission No: HNC-RTQF-GB09X
Site Name: 03-1118 Edgewater Terrace-South Haven
Issued: June 12, 2018
Revised:
Expires: June 12, 2023

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

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

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

Authorized Activity:

This project is being issued as a Special Exception under Part 323 since it is physically impossible to meet the required setbacks on this lot.

Remove the roof structure of the existing house and jack-up the existing house to remove and replace the majority of the existing foundation with a walk-out basement. Replace the roof and portions of the existing walls and completely renovate the existing house.

All work shall be completed in accordance with the attached plans approved by the MDEQ on June 12, 2018 and the permit specifications listed herein.

Waterbody Affected: Lake Michigan
Property Location: Allegan County, Casco Township, Town/Range/Section: 01N16W06;
Property Tax No: 03-02-180-151-00

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

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify 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 of the NREPA, and wetlands).
- 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, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, 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 that includes all of 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 (CEA).
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications.

1. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit www.mi.gov/deqstormwater and select "Soil Erosion and Sedimentation Control Program" under "Related Links."
2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
3. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
5. The permit placard shall be kept posted at the work site, in a prominent location at all times for the duration of the project, or until permit expiration.
6. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.
7. This permit was issued after the review of the existing conditions at the project site. The Great Lakes shoreline is always changing. Erosion occurs with fluctuating water levels and storms. Soil types and the presence or absence of plants and trees may also impact the rate of erosion. The location of the landward edge of the zone of active erosion (erosion hazard line) used for this permit may change due to erosion. At the time of construction the permittee should review the location of the building site with

the erosion hazard line and the setbacks. More information is available online at www.mi.gov/shorelands.

8. No portion of the renovated house shall be constructed further landward than the existing structure.

Issued By: 
John Bayha, P.E.
District Engineer
Kalamazoo District Office
Water Resources Division
bayhaj@michigan.gov
269-568-2680

cc: Casco Township Clerk
Allegan County SESC Agent
Mr. Charles Carlson, Agent/Architect

LEGAL DESCRIPTION

LOT(S) 151, EXCEPT THE NORTHERLY 20 FEET AND LOT 152 OF GLENN SHORES SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 5 OF PLATS, PAGE 42 OF ALLEGAN COUNTY RECORDS.

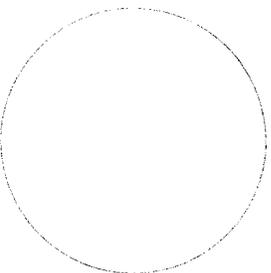
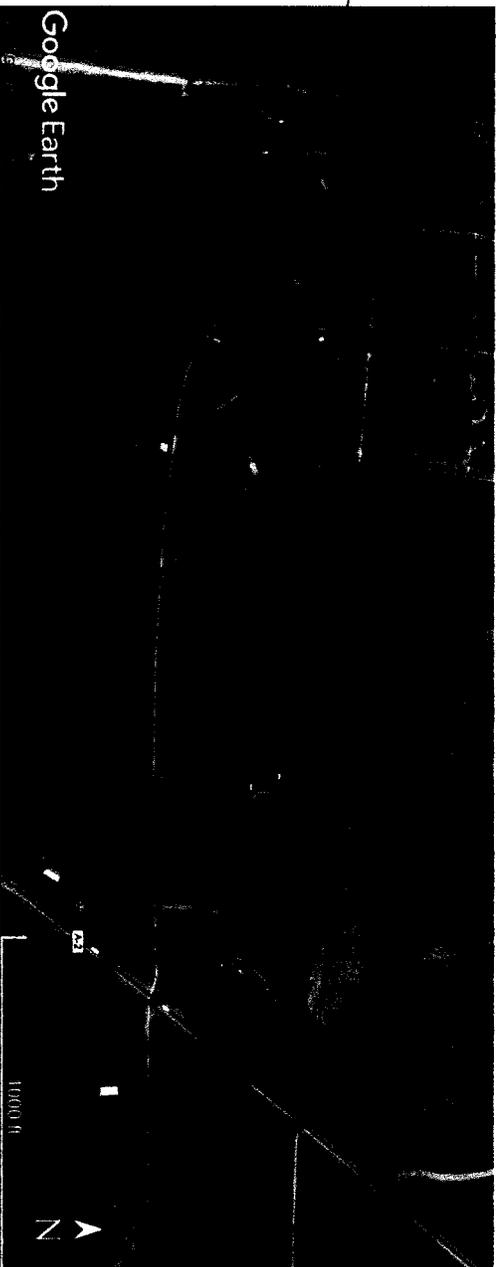
PARCEL NUMBER

03-02-180-151-00

DIRECTION TO SITE

1. BLUE STAR HIGHWAY TO 111TH AVENUE;
2. TO ORCHARD LAKE DRIVE;
3. TO TERRACE DRIVE;
4. TO EDGEWATER TERRACE;
5. SITE IS AT THE END OF THE ROAD ON THE RIGHT.

SITE
LOCATION



CKC

Architect, LLC
P.O. Box 111
Douglas, MI
49406
616-896-1688

Delmar
Residence
1118 Edgewater
Terrace
Cassio Twp, MI

Parcel Number
03-02-180-151-00
Proposed Addition
on Lake Michigan

Property
Information

Site Location

MDEQ PERMITTING
NOT FOR CONSTRUCTION

CONTRACT
NO. 1811
DATE: 31 MAY 2016
SCALE: AS NOTED
DRAWN BY: CKC
JOB NO: 1811

Sheet
One
of One

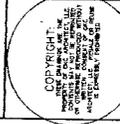
CKC

Architect, LLC
P.O. Box 111
Douglas, MI
49606
616-886-1868

Deimer
Residence
118 Edgewater
Ypsilanti
Caledonia Twp, MI
Parcel Number
03-02-180-151-00
Proposed Addition
on Lake Michigan

**Foundation
Plan**

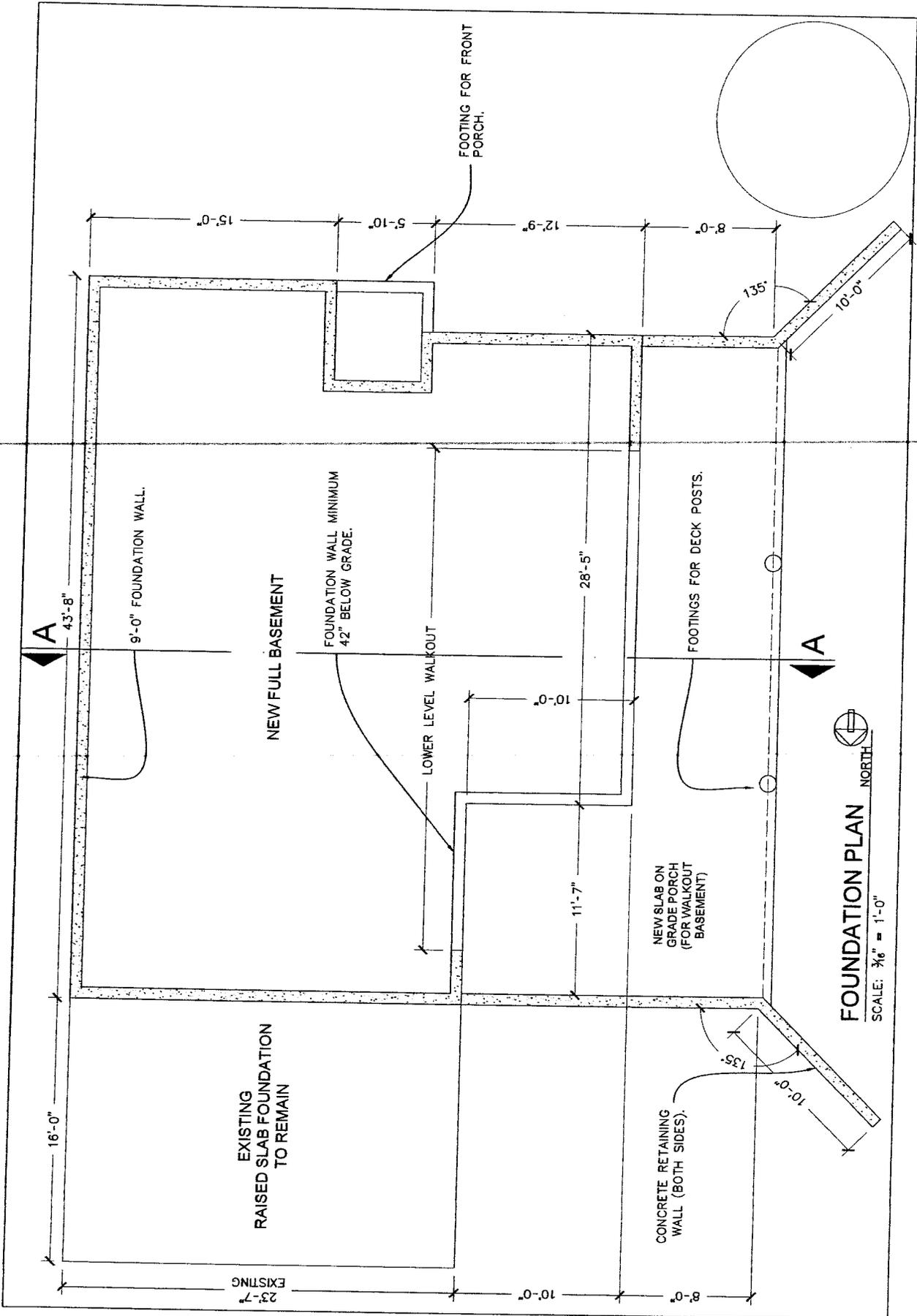
MDEQ PERMITTING
NOT FOR CONSTRUCTION



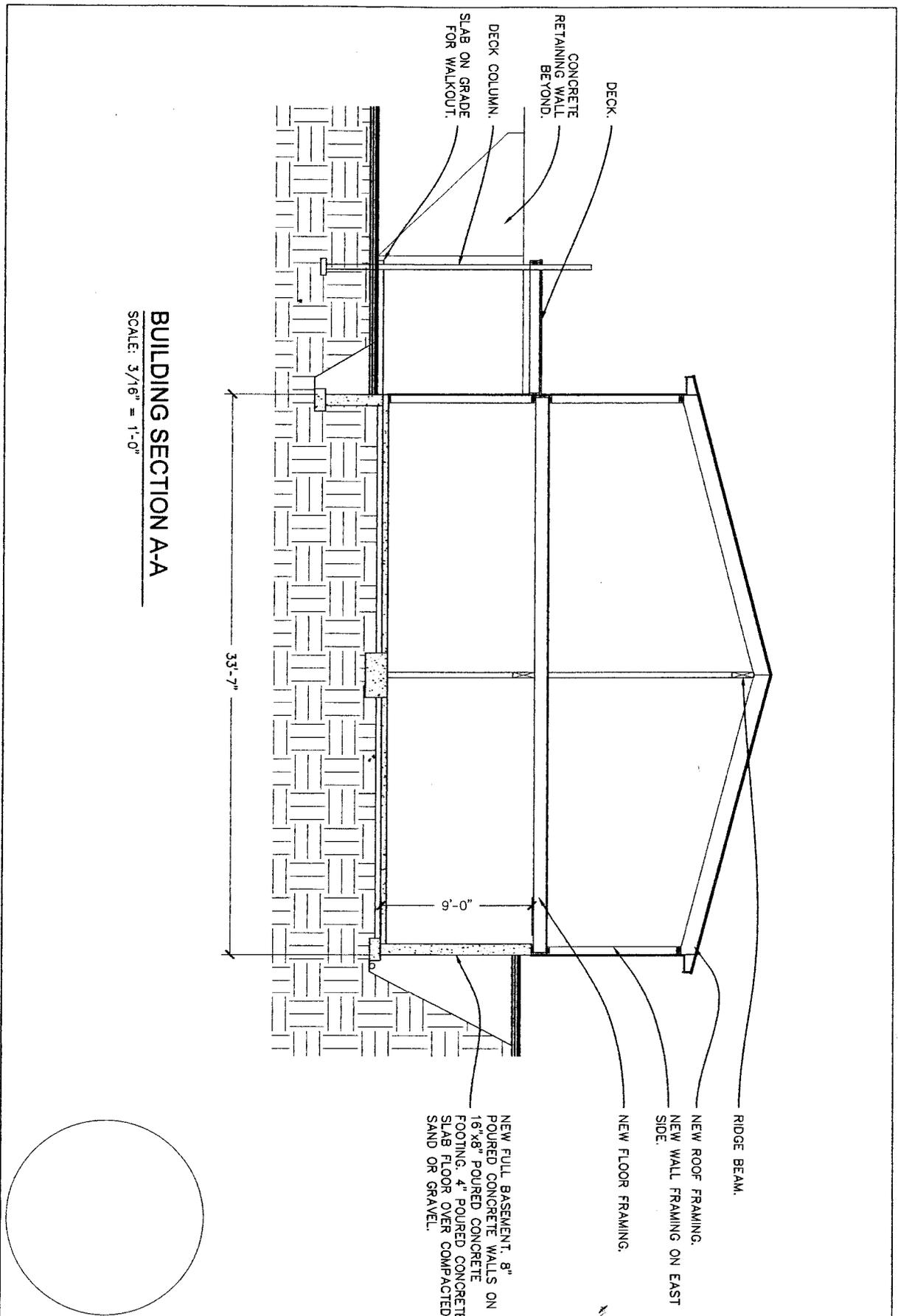
Date: 31 May 2018
Scale: As Noted
Drawn By: CKC
Job No. 1811
Sheet

Three
Approved
MDEQ-47HD
APR 13 2018

Issued On: 06/12/2018
Expires On: 06/12/2023



FOUNDATION PLAN
SCALE: 3/8" = 1'-0"



BUILDING SECTION A-A
 SCALE: 3/16" = 1'-0"

CKC
 Architect, LLC

P.O. Box 111
 Douglas, MI
 48008
 616-886-1688

Designer
 Residence
 1700 E. Englewood
 Tunaux
 Casso, Twp, MI
 Parcel Number
 03-02-100-151-00
 Proposed Addition
 on Lake Michigan

Building
 Sections B-B
 and C-C

MDEQ PERMITTING
 NOT FOR CONSTRUCTION

CONTRACT
 THIS PERMIT IS THE PROPERTY OF THE STATE OF MICHIGAN. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREON. IT IS VOID IF REPRODUCED OR COPIED FOR ANY OTHER PROJECT OR LOCATION.

DATE: 31 May 2018
 Scale: As Noted
 Drawn By: CKC
 Job No. 1611
 Sheet:
FIVE
 OF **FIVE**
DE-Q-VI-BD
REVISIONS v1.0

Approved _____
 Issued On: 06/12/2018
 Expires On: 06/12/2023



Michigan Department of Environmental Quality
Water Resources Division

NOTICE OF COMPLETION

I hereby give notice to the Michigan Department of Environmental Quality that the project, which was permitted under applicable statute provisions, has been completed.

PERMIT NUMBER DEQ PERMIT No. WRP011387 v1 Permittee: Mr. Martin Detmer	COUNTY
PROJECT COMPLETION DATE	AREA CODE AND TELEPHONE NUMBER
PERMITTEE'S SIGNATURE	

Noncompliance with reporting requirements may result in monetary penalty. Completion of this form is required under the authority of the applicable parts of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Rev. 3/2017

Please mail completed form to:

Michigan Department of Environmental Quality
Kalamazoo District Office
Water Resources Division
7953 Adobe Road
Kalamazoo, MI 49009

Attachment #5

FAX

TO: CASCO TOWNSHIP
ZONING Board of Appeals

FROM: MARK MACKINNON

FAX: 269-639-1991

FAX:

PHONE:

PHONE: 612-720-2208

SUBJECT: Aug 16th HEARING ON FRONTYARD
SETBACK FOR 1118 Edgewater Terrace

DATE: August 13, 2018

COMMENTS:

6 pages (includes 4 pictures) + cover sheet

Mark MacKinnon
10016 Irwin Rd
Bloomington, MN 55437

August 10th, 2018

Casco Township
Zoning Board of Appeals
7104 107th Avenue
South Haven, MI 49090

Re: Public Hearing scheduled for 16 Aug, 2018 to address a front yard setback variance at 1118 Edgewater Terrace, South Haven, MI 49090 (Parcel #302-180-151-00)

Dear Casco Township Zoning Board of Appeals:

Please find the contents of this letter as written comments to be considered in deliberation of the above variance request.

My family is the owner of the residences immediately to the east of 1118 Edgewater Terrace across Edgewater Terrace road and immediately to the south (across a 7ft association easement for lake access). The east residence is 1115 Edgewater Terrace and the south is 1110 Edgewater Terrace.

Based on my interpretation of the variance request, it appears there may be a misunderstanding of where the platted western edge of Edgewater Terrace (which would also be the eastern edge of the Detmer property) is and where it "appears" to be based on current usage.

Edgewater Terrace is a county road platted at 20ft wide as it passes between the properties at 1115 and 1118. Currently, only approx. 10ft of the road is used, comprising of what amounts to only the eastern half of the platted roadway, abutting directly against the western property line of 1115. I have included a picture from an old platt. Edgewater Terrace is identified as the Service Road on this platt.

I have also included three current pictures to help illustrate the issue. The direction of the pictures is approx. due north.

Picture #1 gives a general view of the road and location of the residences 1118 and 1115. Note the location of the railroad ties, installed by my family to keep users of the road off our property and keep the road from essentially migrating onto our property. Those ties are the eastern edge of the platted road.

Picture #2 is of the survey stake marking the southeast boundary of the Detmer property. As such it also marks the western edge of the platted road, though the road itself appears

to be 10ft to the east at that point. Pay particular attention to the location of the green house# marker in the background (on the other side of the car). It adds some perspective as to how wide the platted road actually is as one heads north from the survey stake.

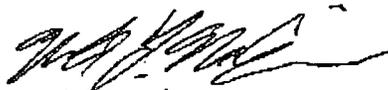
Picture #3 was taken within a few minutes of picture #2 (the car did not move). This picture was to show what the perceived location of the road is and contrast that to where it actually would be if all 20ft of the platted width was reserved for road use.

In summary I believe the current location of the house at 1118 Edgewater Terrace is currently within inches of the requested variance to the platted location of the Edgewater Terrace road.

I respectfully ask that the board not approve this variance request until the current setback of the house vs the platted position of the road can be determined to the satisfaction of all the parties involved.

Thank you for your consideration in this matter.

Sincerely,



Mark MacKinnon

(c)612-720-2208; Please note that I will available at this number during the hearing to provide verbal comments/clarification.

