

**CHARTER TOWNSHIP OF GARFIELD
ZONING BOARD OF APPEALS MEETING**

Thursday, September 19, 2024 @ 6:00 p.m.
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

A G E N D A

ORDER OF BUSINESS

Call meeting to order
Pledge of Allegiance
Roll call of Board Members

1. Review and approval of the Agenda and declaration of a Conflict of Interest
2. Minutes – July 18, 2024
3. Public Hearings:
 - a. A request made by Kathy Boyd, a resident at 1669 Lake Drive, to appeal the issuance of a Land Use Permit for grading and drainage activities on an adjacent parcel. The subject property is located at 1661 Lake Drive with the property number of 05-295-035-00.
4. Unfinished Business
5. Other Business
6. Items for next agenda
7. Public Comment
8. Adjournment

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with Disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620.

**CHARTER TOWNSHIP OF GARFIELD
ZONING BOARD OF APPEALS
MEETING MINUTES
July 18, 2024**

Call to Order: Chair Smith called the meeting to order at 6:00pm.

Pledge of Allegiance: Recited by everyone in attendance.

Roll Call of Board Members:

Members Present: Robert Fudge, Fern Spence, Steve Duell, and Rick Smith

Also in Attendance: Zoning Administrator Mike Green

1. Review and Approval of the Agenda – Conflicts of Interest (6:01)

Duell moved and Fudge seconded to approve the agenda as presented.

Yeas: Duell, Fudge, Spence, Smith

Nays: None

2. Review and Approval of Meeting Minutes – May 16, 2024 (6:02)

Fudge moved and Smith seconded to approve the minutes of May 16, 2024 as presented.

Yeas: Fudge, Smith, Spence, Duell

Nays: None

3. Public Hearings (6:02)

- a. A request made by Grand Traverse Engineering on behalf of Maury Dennis for a variance from the wetland buffer requirement in Section 534.B of the Garfield Township Zoning Ordinance. The applicant is requesting relief from the twenty-five (25) foot wetland buffer requirement. The property is zoned I-L Limited Industrial and is located on the north side of Miller Creek Drive and with a property number of 05-022-012-50.**

The applicant is seeking a variance from Article 5, Section 534.B of the Garfield Township Zoning Ordinance, which states no structure or parking lot shall be constructed within twenty-five (25) feet of a regulated or unregulated wetland. According to the application, the current and proposed access drive off Miller Creek Drive provides sole access to the property. Section 454.A of the Zoning Ordinance states that “the Zoning Board of Appeals may authorize a non-use variance relating to the construction, structural changes, or alterations of buildings or structures related to dimensional requirements of this ordinance, or to any other non-use related standard of this ordinance, that comply with the requirements of this section.”

The request, as presented above, is identical to a prior request for the same property back in 2018. Although the request for a variance was granted, the approval became null and void due to lack of action within one (1) year of it being granted per Section 454.F of the Zoning Ordinance. The applicant, Jeff Cockfield stated that the required 25 foot buffer overlaps the only access to the site. All other required setbacks would be met. He provided board members with a wetland delineation from a couple years ago as well as a new wetland delineation done by Grand Traverse Engineering. The wetland delineations are almost identical. Cockfield stated that having to have an EGLE wetland delineation would waste more time. Green spoke with Planning Director John Sych and the approval for this application could be conditioned upon an EGLE delineation. Chair Smith opened the public hearing at 6:29pm and seeing no public in attendance, closed the public hearing.

E. Approval Criteria

(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficulty” by demonstrating compliance with all the following criteria (The ZBA made findings in favor of each standard listed below in 2018):

(a) Special conditions or circumstances exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in § 454.E.(3);

The existence of wetlands that wrap around the property and choke off access could be considered a “special condition or circumstance” and would not establish precedence for similar variance requests.

Board members found that this standard has been **MET**.

(b) The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands;

The request for a variance is a result of natural features that appear to have existed prior to the request.

Board members found that this standard has been **MET**.

(c) The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance;

The property could not be developed as proposed without the variance, due to the fact that the required access road could not be built at least 25 feet from a wetland unless the applicant was able to obtain permits to fill in part of the wetland.

Board members found that this standard has been **MET**.

(d) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance;

The applicant has demonstrated that the property could not be developed as proposed without the variance, due to the fact that the required access road providing sole access to the site could not be built at least 25 feet from a wetland.

Board members found that this standard has been **MET**.

(e) For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.

This hasn't been brought up by the applicants as a factor in their decision.

(2) General Criteria

Where the applicant is able to demonstrate "practical difficulty" by satisfying all of the criteria of § 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

(a) The requested variance shall relate only to property that is under the control of the applicant;

The applicant owns the property, so this would be **MET**.

(b) No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance;

No reference was made by the applicant to any previously approved variances.

(c) The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare;

A wetland setback variance for an access drive would not be detrimental to the public health, safety and welfare provided that measures are put into place that would prevent direct runoff of storm water into the wetlands;

Board members have found that this standard has been **MET**.

- (d) The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located;**

The proposed location of an industrial building would be of similar character with the two other businesses located at the end of Miller Creek Drive.

Board members have found that this standard has been **MET**.

- (e) The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.**

There does not appear to be an alternative location for an access drive that would eliminate the need for the requested variance. The MDEQ recommends against filling wetlands as a means to meet the 25 ft. wetland setback.

Board members have found that this standard has been **MET**.

- (3) Special Conditions or Circumstances Special conditions or circumstances to be considered for the purposes of § 454.E. (1) shall include, but not be limited to, the circumstances as described below:**

(a) Physical Conditions The proposed project site contains physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district.

(b) Significant Vegetation or Natural Features The proposed project site contains significant vegetation or other natural features identified as Stream Environment/Wetland by the Garfield Township Master Plan.

(c) Substandard Lot(s) The proposed project involves the utilization of an existing legal nonconforming lot(s).

(d) Historic Resources The proposed project site contains historical significance.

(e) Neighborhood Character The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and other dimensional requirements.

The Board finds that these special conditions have been **MET**.

Board members discussed the culvert in place on the property and decided that the Township Engineer will look at the culvert to ensure adequate water flow.

*Duell moved and Spence seconded to: **GRANT** the request for variance from Section 534.B of the Garfield Township Zoning Ordinance to allow a required access drive to be constructed within the twenty-five (25) feet wetland setback area based on the Practical Difficulty standards and General Criteria for granting such request being met and also basing the decision to grant the variance on the new GTE Report included.*

Approval is contingent on storm water features to prevent the direct discharge of storm water from the proposed access drive into the surrounding wetlands; and

Approval is contingent on Township Engineer and/or County Drain Commissioner review of the current culvert located under the current access drive and any recommended or required improvements or replace and at applicant discretion may include EGLE.

Yeas: Duell, Spence, Fudge, Smith

Nays: None

4. **Unfinished Business**
None
5. **Other Business (6:44)**
None
6. **Items for Next Agenda (6:44)**
None
7. **Public Comment (6:44)**
None
8. **Adjournment:** *Fudge moved to adjourn the meeting at 6:44pm.*

Lynn Fricke, Secretary



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

ZONING BOARD OF APPEALS STAFF REPORT

Meeting Date: Thursday, September 19, 2024
Case #: 2024-04 Appeal of Zoning Administrator issuance of Land Use Permit
 Owner: Bill Waggener & Donna Wytaske
 Appellant: Kathy Boyd, resident and owner of 1669 Lake Drive
 Property ID #: 05-295-035-00
 Property Location: 1661 Lake Drive
 Zoning District: R-1 One Family Residential

Parcel Overview and History

The parcel is described as Lot 35 and the North 10 feet of Lot 34 of Silver Pines Resort subdivision. The property is zoned R-1 One Family Residential, and is located at 1661 Lake Drive, with a property number of 05-295-035-00. Adjacent properties within the subdivision and surrounding areas are also zoned R-1 One Family Residential. According to Township records and information supplied by the application, the property contains a dwelling with an attached garage.

Request for Reversal of a Land Use Permit

The basis of this appeal, as stated in the application, is twofold. The first basis of the appeal is what is believed to be an unresolved violation of Section 511.A due to a portion of the concrete driveway located in the ten (10) foot side yard setback area, of which the ZBA ruled on a prior appeal was not a legal-nonconforming use and a faulty stormwater system causing concentrated flows onto the appellants property. The second basis of the appeal is what the applicant believes is an improper approval of walls and fences in the riparian and side yard setback areas along with construction taking place outside of the permit specifications. A copy of the Appeal is provided as an attachment to this report. Staff review of the appeal has been provided in the following pages of this report.

Authority of the ZBA to Consider Appeals (Section 453)

A. Applicability

The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in a previously granted written order, requirement, decision, interpretation, or determination made by the Zoning Administrator or the Director of Planning in the enforcement of this zoning ordinance that specifically provides for appeal to the Zoning Board of Appeals. Appeals may be filed by any person aggrieved, by the Zoning Administrator, or by an officer of the Township.

B. Initiation

An appeal and supporting documents shall be filed with the Zoning Administrator. The application shall state fully and in detail the basis of the appeal, the variance requested and the special conditions and circumstances applying to the building, other structure or land for which such variance is sought.

The Zoning Administrator may reject an application that does not meet the requirements of this ordinance.

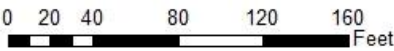
C. Stay of Proceedings

When an appeal is filed to the Zoning Board of Appeals, all proceedings in furtherance of the action affected by the decision being appealed shall be stayed unless a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property.

D. Decision

- (1) The Zoning Board of Appeals shall give public notice of the hearing in accordance with State Law, shall hold the hearing, and shall decide the appeal within a reasonable time.
- (2) Any person may appear before the Zoning Board of Appeals at any hearing, in person, or by agent or attorney.
- (3) The Zoning Board of Appeals may:
 - (a) Reverse or affirm, wholly or partly, or may modify a previously granted order, requirement, decision, or determination appealed;
 - (b) Make such order, requirement, decision, or determination as ought to be made; and
 - (c) Exercise all the powers of the officer or agency from whom the appeal is taken.

Aerial view of subject parcel and adjacent properties
(subject property is highlighted in light blue)



- 2023 Parcels
- Addresses
- Roads
- Public Right-of-Way

This map is based on digital databases prepared by Garfield Township. The Township does not warrant, expressly or impliedly, that the information on this map is current or proportionally accurate. Always contact a surveyor to be sure of where your property lines are located.

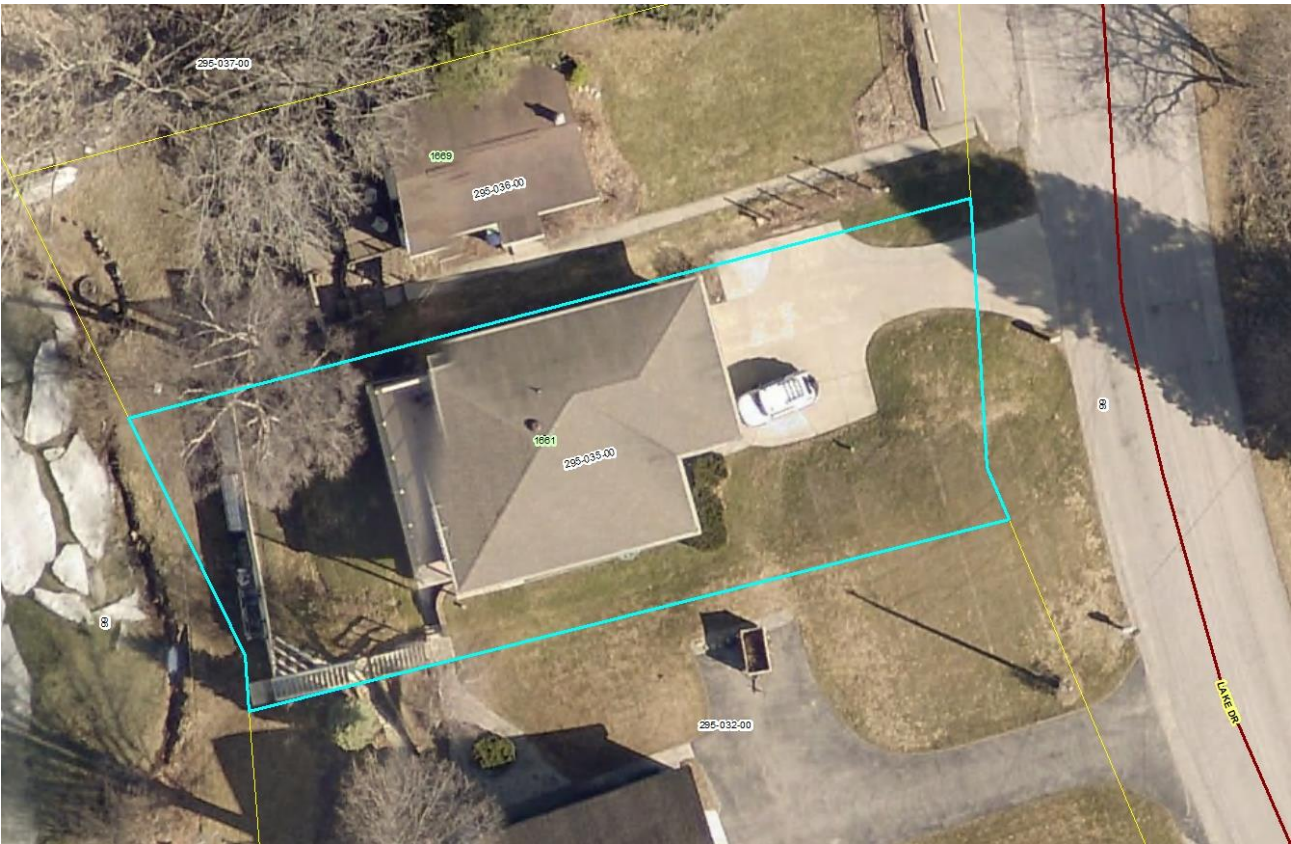
Garfield Charter Township
3848 Veterans Drive
Traverse City, MI 49684
Phone: 231.941.1620
Fax: 231.941.1688
www.garfield-twp.com



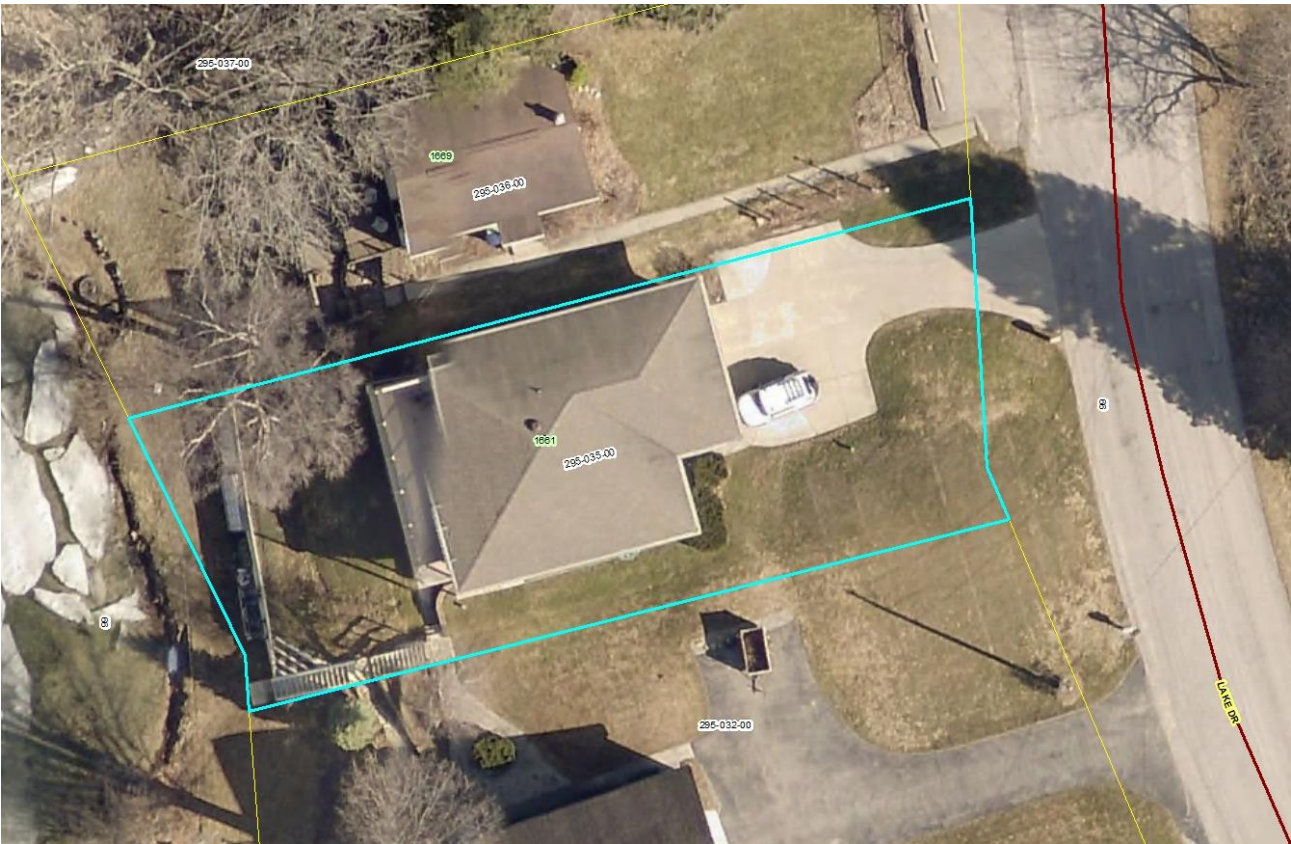
NOT A LEGAL SURVEY

Garfield Township Zoning Dept. - Printed on: 5/8/2024

2022 Aerial View of the subject property



2014 Aerial View of the subject property



Staff Comments

While I disagree with the appellants position that walls and fences are not permitted in side yard and riparian buffer setback areas based on the plain language of Sections 515 and 535 and also stand behind the issuance of permits that I believe otherwise meet the requirements of the Zoning and Stormwater Ordinance, I share concerns regarding the performance of the installed stormwater systems due to work done prior to approvals and the seeming unwillingness to remove the nonconforming concrete. I have provided documentation as part of this report to document enforcement actions and other correspondence taking place since the last appeal was heard on May 16, 2024. As pointed out by the appellant, the subject property owner has repeatedly performed work prior to approval and has also performed work outside of the permit limits. While we have tried to work with Mr. Waggener to obtain compliance, this office issued stop work orders on June 26 and August 14, 2024 and issued a citation on July 14, 2024 for violating a stop work order. Unfortunately, the citation was appealed on August 8, 2024 preventing us from enforcing the stop work order and otherwise enforcing our Ordinances. In addition, the Grand Traverse County Health Department issued a compliance order on August 26, 2024 requiring Mr. Waggener to complete work started and to place erosion control blankets to prevent erosion caused by work he had started. As a result, Mr. Waggener has been able to complete work on his project without Township oversight. Subsequently, I contacted our Engineer and asked what we can require ensuring the completed work complies with our Stormwater Ordinance. The Engineer responded that the Township should require Mr. Waggener to provide a performance guarantee and maintenance agreement as a condition of permit approval and to require him to submit to periodic inspections as authorized by the Stormwater Ordinance to ensure proper maintenance. I have included the Township Engineer's response as an attachment. The performance guarantee could be tapped by the Township in accordance with Section 405 of the Zoning Ordinance to do repairs if determined by the Township Board to be necessary.

Recommended Motion

After consulting with our Engineer about the issues raised by the appellant, I am recommending that the permit that was issued on June 12, 2024 and amended on August 1, 2024 be suspended or revoked until the following issues are addressed by the property owner:

1. Grading and wall construction has been commenced that was not previously reviewed by the Township Engineer, particularly the lower wall near the lake and the grading work along the south side of the property.
2. Lack of progress toward removing the nonconforming driveway pad located within ten (10) feet of the north property line.
3. Performance and maintenance issues allowing concentrated flows through the retaining wall located along the north property line as evidenced by photos and video supplied by Kathy Boyd as part of her appeal.

The Board may also want to consider giving a deadline for completion of the activities listed above. Doing so would allow staff to take enforcement action if the work is not completed by the deadline.

I would also recommend that the following conditions be added to the permit to address past and present performance issues and to account for work being done prior to issuance of any permits and the resulting questions as to whether the systems were built according to the plans provided and reviewed by the Township Engineer:

1. Requiring the submittal of a Performance Guarantee per Section 6 of the Stormwater Ordinance to the Township in an amount recommended by the Township Engineer to ensure completion and proper maintenance of the stormwater system.
2. Require the submittal and review of a stormwater maintenance agreement by the Township Engineer prior to reissuing or reactivating the permit.
3. Require the applicant to submit to Maintenance Inspections per the Stormwater Ordinance.

Please feel free to contact me if you have any questions before the meeting.

Sincerely,

Michael Green, Zoning Administrator

Attachments:

1. ZBA Appeal filed by Kathy Boyd, Resident and owner of 1669 Lake Drive, including the supplemental packet provided in bound copies.
2. Land Use Permit application and drawings for site grading and drainage structures filed by Bill Waggener that is subject of appeal by Kathy Boyd.
3. Gourdie Fraser and Associates (GFA) Stormwater reviews dated 5-28-2024 and 7-30-2024 along with a recommendation the Zoning Board of Appeals to deal with performance issues dated
4. Various correspondence regarding enforcement actions taken.
5. Various Zoning Ordinance excerpts, including:
 - a. Section 515 – Fences and Walls,
 - b. Section 535 – Supplemental Shoreline Regulations, and
 - c. Section 405 – Performance Guarantee.



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PHONE: 231-941-1620 * FAX: 231-941-1588

Case # _____

ZONING BOARD OF APPEALS APPLICATION

Applications and fees shall be submitted 30 days prior to the regular scheduled ZBA hearing date.

1. Owner Name:

KATHY BOYD

Address:

1669 Lake Drive

City, State, Zip Code:

TRAVERSE City, MI 49685

Owner Phone Number:

615-400-8342

Applicant Name:

KATHY BOYD

Address:

1669 Lake Drive

City, State, Zip Code:

TRAVERSE City MI 49685

Applicant Phone Number:

615-400-8342

2. Property Information:

a. Property Address: 1661 Lake Drive TRAVERSE City, MI 49685

b. Property Location: Silver Pines Resort (Silver Lake) MI

c. Lot # 35 + NORTH 10ft of Lot 34 Subdivision Name: SILVER PINES RESORT

d. Parcel ID# 28-05- 295 - 035 - 00

e. Current Zoning: R-1

f. Current Use: R-1

3. Purpose For Request:

Variance _____ Appeal ☒ Interpretation _____ Review _____


Other _____ Please explain request / list section(s) related to request: _____

① Appeal for issuance of Land Use Permit at 1661 Lake Drive by Zoning Administrator before correction of prior

Garfield Township Zoning Ordinance violations. (cement within side yard setback 511.A AND STORMWATER ORDINANCE 49) see prior ZBA Ruling meeting may 16, 2024. ② Appeal approval of permanent structure within riparian and side yard setback. 06/2015

Affidavit:

The undersigned affirms that he/she or they is/are the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is/are authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding the request.



Owner Signature

07 AUG 24

Date



Applicant Signature

07 AUG 24

Date

Any party aggrieved by the decision of the Zoning Board of Appeals may appeal the decision to circuit court. An Appeal of the decision shall be filed in accordance with PA 110 of 2006, as amended.



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
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www.garfield-twp.com

3.a. 2.

LAND USE PERMIT APPLICATION

1) Owner / Applicant Information

William Waggener

Owner

Same

Applicant

1661 Lake Dr.

Address

Same

Address 2

Traverse City, MI 49685

City, State, Zip Code

Same

City, State, Zip Code 2

231-883-9321

Phone Number

Same

Phone Number 2

billwaggs@gmail.com

Email

Same

Email 2

An applicant who is acting as the authorized agent for the owner of the property listed above shall provide a date of birth and Drivers License number.

11/08/1949

Date of Birth

W256887297858

Drivers License #

2) Property Information

Property Address: 1661 Lake Dr.

Parcel ID #: 28-05- 295-035-00

Subdivision Name: Silver Lake Lot#: 35

Proposed Use: Residential Current Use: Same

Setbacks: F _____ LS 10' RS 10' R 50' Bldg Height: < 18'

3) Request

Single Family Home: ☒ Duplex: _____ Multi-Family: _____ Change of Use: ☐ No

Commercial Bldg: _____ Industrial Bldg: _____ Grading: _____ Road: _____

Accessory Structure: _____ Addition: _____ Deck: _____ Other: _____

Description: Increase runoff capacity to address erosion concern and
continuation of retaining wall construction west elevation.

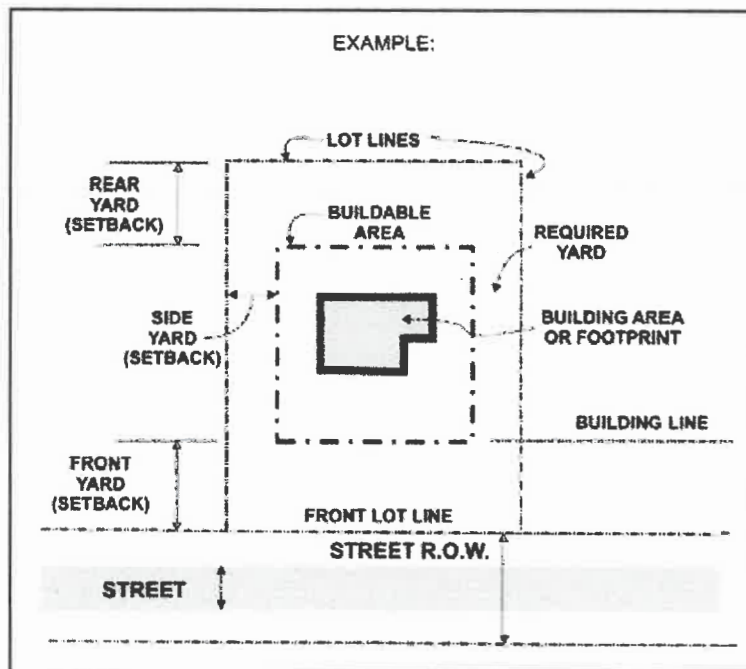
4) Permits:

The following agency permits are required (if applicable) prior to the issuance of a Land Use Permit and at the time of submittal of the application:

- Soil Erosion Permit
- Health Department (well/septic) or DPW Permit (water/sewer)
- Driveway Permit (Road Commission or M-DOT)
- MDEQ & Great Lakes Energy Permits
- METRO Fire Site Plan Review

5) Dimensional Site Plan:

Please provide a detailed sketch is required, which includes all structures on the property, proposed structures with dimensions, parcel dimensions, setbacks, Road Right of Way, and height. See example below.



SEE ATTACHED

6) Affidavit:

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, involved in the application and all of the information submitted in this application, including any supplemental information, is in all respects true and correct. The undersigned further acknowledges that willful misrepresentation of information will terminate this permit application and any permit associated with this document.

Owner Signature

William Waggener 6/6/24

Print Name

Date

Applicant Signature

William Waggener 6/6/24

Print Name

Date

GARFIELD TOWNSHIP
3848 VETERANS DR
TRAVERSE CITY, MI 49684

3. a. (2)
cont.
Permit Type: LAND USE
Permit No: PZ2024-076

ZONING DEPARTMENT Phone:(231)941-1620 Fax: (231) 941-1588
Hours: Monday-Thursday 7:30am - 6:00pm

1661 LAKE DR Location
05-295-035-00

Issued: 06/12/2024
Expires: 06/12/2025

**PLEASE CALL (231)941-1620
FOR AN INSPECTION 24 HOURS IN ADVANCE**

WYTRASKE DONNA MAE & WAGGENER Owner
1661 LAKE DR
TRAVERSE CITY MI 49685-8918

WYTRASKE DONNA MAE & WAGGENER Applicant
1661 LAKE DR
TRAVERSE CITY MI 49685-8918

Work Description: PERMIT FOR GRADING AND DRAINAGE IMPROVEMENTS AS REVIEWED BY GOURDIE FRASER ON MAY 28, 2024 AND REVISED DRAWINGS REVIEWED ON AUGUST 1, 2024. THE APPLICANT IS REQUIRED TO HAVE THE WORK INSPECTED BY A LICENSED ENGINEER WITH AN INSPECTION REPORT PROVIDED TO GOURDIE FRASER FOR THEIR REVIEW AND APPROVAL WITH THE REPORT SIGNED AND SEALED BY A LICENSED ENGINEER. RETAINING WALLS ARE SUBJECT TO SECTION 515 & 535 REQUIREMENTS.

Permit Item	Work Type	No. of Items	Item Total
EARTH CHANGE/MASS GRADING	STANDARD ITEM	50.00	50.00


Zoning Official

Fee Total: \$50.00

LAND USE PERMIT

Zoning District: R-1

THIS PERMIT IS ONLY FOR THE WORK DESCRIBED AND DOES NOT GRANT PERMISSION TO THE OWNER, APPLICANT OR CONTRACTOR FOR ADDITIONAL OR RELATED WORK FOR WHICH OTHER PERMITS ARE REQUIRED. THIS PERMIT WILL EXPIRE AND BECOME NULL AND VOID IF THE PERMITTED WORK IS NOT STARTED WITHIN 365 DAYS OF THE ISSUANCE OF THIS PERMIT. IT IS ASSUMED THAT THE PROPOSED WORK HAS BEEN AUTHORIZED BY THE OWNER AND THAT THE APPLICANT OR CONTRACTOR HAS BEEN GIVEN THE AUTHORITY TO APPLY FOR SAID PERMIT. THE PERMIT, OWNER, CONTRACTOR AND APPLICANT AGREE TO CONFORM TO ALL APPLICABLE TOWNSHIP ORDINANCES AND LAWS OF THE STATE OF MICHIGAN.

parcels and condominiums units with access to the alley. A copy of the recorded easement agreement and maintenance agreement shall be submitted to the Township prior to the issuance of a land use permit.

H. Setback standards shall not apply from the limits of the alley easement.

SECTION 515 FENCES AND WALLS

The intent of this section is to regulate the location, placement, materials, type, and height of fences to ensure safe sight lines at intersections and to minimize any potential negative visual impacts of unsightly fences and storage areas. For screening of outdoor storage areas, also see § 613, Outdoor Storage.

A. Design

(1) Articulation

No fence or wall facing and visible from a public street shall exceed fifty (50) horizontal feet in length unless one of the following architectural features visible from the paved surface of the street is provided as part of the fence:

- (a) A column or pillar; or
- (b) Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least six (6) inches and extending a horizontal distance of at least three (3) feet and less than twenty (20) feet.
- (c) Landscaping may be substituted for (a) or (b) above.

Landscaping such as climbing vines, shrubs, or trees planted along the base of that portion of the wall or fence that fronts a public street may be substituted for (a) or (b) above. The remaining setback area between the fence and property line shall be landscaped with grass or other low ground cover. All plants shall be irrigated and maintained consistent with the provisions of this article. Only living vegetation may be used to meet these landscaping requirements.

(2) Exception For Articulation

- (a) Articulation of this article does not apply to a fence or wall constructed of brick, masonry, or decorative iron fencing.
- (b) Individual single family and two family lots are exempt from meeting the articulation requirement except where such lot is located along the perimeter of a tract, parcel, plat, site condominium, or planned unit development approved for residential purposes and abutting a collector or arterial street.

(3) Integration

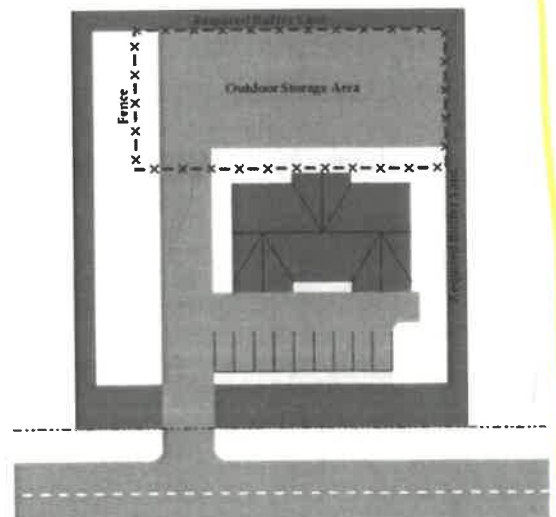
All fencing (in any district) shall be constructed so as to conceal or integrate into the architecture of the fence structural members. In stockade type fencing construction the finished side shall face outward.

(4) Placement

Where fencing is used to screen and/or secure approved outdoor storage areas, the fencing shall be placed interior to any required landscaping buffer (i.e. between the required buffer and the outdoor storage area). See illustration at right.

B. Material

- (1) Residential single family and two family lots may use the following material for fencing:



- (a) Chain link, wood, stone, rock, decorative concrete block, masonry brick, brick, decorative wrought iron, or other materials similar in durability.
- (2) Uses other than residential single family and two family lots are limited to the following types fencing material:
 - (a) Wood, stone, rock, decorative concrete block, masonry brick, brick, decorative wrought iron, or other materials that are similar in durability.
 - (b) Chain link may be acceptable when not in prominent view from a public street and provided a vegetative screen of living plant material is incorporated to provide screening and vegetative enhancement. Chain link fencing shall not incorporate "slats" for screening purposes.
 - (c) Where fencing is to be used for screening purposes, the Zoning Administrator upon review of a site plan or the Planning Commission upon review of a special use may require additional landscaping or allow an alternative fencing material or combination of plantings and materials to adequately screen a use. Also see § 613, Outdoor Storage.
- (3) The following materials shall not be used for fencing or screening in any district:
 - (a) Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence;
 - (b) Plywood, particle board, paper, and visqueen plastic, plastic tarp, or similar material; and
 - (c) Razor wire and other similar fencing materials capable of inflicting significant physical injury.
- (4) The following materials shall not be used for fencing or screening except for the use or within the district specified unless otherwise approved by the Planning Director:
 - (a) Barbed wire may be used only for livestock enclosures in the A District, for public service installations, or for security purposes in the I-L or I-G Districts.
 - (b) Permanent electrified fencing may be used only for livestock enclosures in the A District and shall be appropriately signed to indicate that the fence is electrified.

C. Height

(1) Front Yard

No fence, vegetative screening or wall shall exceed a height of four (4) feet in the front yard. No fence, vegetative screening or wall shall obscure vision or interfere with safe site lines at street and/or alley intersections.

(2) Side or Rear Yard

Unless specifically permitted in this Ordinance for screening or security purposes, no fence or wall, shall be erected or altered in any side or rear yard to exceed a height of seven (7) feet.

(3) Industrial Districts

Fence height restrictions do not apply in the I-G or I-L district unless:

- (a) The lot abuts a residential or commercial district; or
- (b) The fence height and location adversely affect safe site lines at street and/or alley intersections.

D. Maintenance

All fences and walls shall be maintained in good condition so as not to create a hazard, public nuisance, or blight in the surrounding neighborhood. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or wall, or other forms of deterioration shall be immediately repaired or replaced.

C. Wetland Setbacks

No structure, parking lot area, or snow storage area shall be located within twenty-five (25) feet of such wetland. However, recognized wetlands may be incorporated into a stormwater management strategy provided that the wetland values will not be impaired and provided further that incorporation of the wetland will provide a net ecological benefit to groundwater and surface water.

SECTION 535 SUPPLEMENTAL SHORELINE REGULATIONS

Purpose. The intent of this Section is to preserve and protect the water quality of the lakes and streams of our region. These regulations seek to balance the protection of the ecosystem while allowing development where appropriate. Methods to accomplish this purpose include, but are not limited to, preservation and/or enhancement of vegetation along lake-stream banks, maintaining lake-stream bank stabilization, preventing sediment from entering the water bodies, allowing for nutrient absorption, providing wildlife habitat and corridors, screening man-made structures, and providing shade, wood or wooden fiber material along the shoreline.

A. Setbacks from Lakes, Rivers, and Streams

- (1) Every commercial, industrial or multi-family residential building hereafter erected having frontage on any body of water, with the exception of Silver and Boardman Lakes, and with the exception of on-site storm water ponds and artificial water bodies created as part of the site's landscape treatment, shall be set back at least seventy-five (75) feet from the watermark or normal stream bank. Single family residential uses shall observe a setback of fifty (50) feet. Along those sections of the Boardman River controlled under the Natural River Act, PA 231 of 1970, as amended, setbacks shall be as required by the Act.
- (2) Every building hereafter erected having frontage on Silver and Boardman Lakes shall set back at least fifty (50) feet from the water mark.
- (3) Storm water retention or detention ponds, with the exception of customary release structures including pipe, swales and ditches shall be set back fifty (50) feet from a natural lake or normal stream bank.
- (4) Streets and access drives other than where they intersect lakes or streams and for such a distance as is required to cross a lake or stream shall be set back fifty (50) feet from a watermark or normal stream bank.

B. Minimum Construction Elevations - Silver Lake

Within five hundred (500) feet of Silver Lake, the lowest grade for any building construction or accessory building construction shall be elevation 866.N.V.G.D. (NOTE- SILVER LAKE WATER MARK - 862.32 feet above sea level USGSD.

C. Riparian Vegetative Buffers

- (1) Required. A vegetated buffer strip shall parallel and extend thirty-five (35) feet inland from all points along the water mark of a lake-stream shoreline or normal stream bank, with the exception of on-site storm water ponds and artificial water bodies created as a part of site landscape treatment which does not flow or overflow into a natural lake-stream. The general standards for the buffer strip are as follows:
 - (a) The buffer strip shall consist of native trees, shrubs and other vegetation. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, may be removed. Trees and shrubs shall not be removed but may be pruned for a filtered view of the lake-stream, however, clear cutting shall be prohibited.

- (b) Subject to (1) above; ground cover vegetation shall be left in a natural state and shall not be removed. Chemical control and/or fertilization of vegetation shall be prohibited.
- (c) Footpaths, bicycle paths and hiking paths as well as fences, walls and stairways may be constructed under the following conditions:
 - (i) All paths and stairways must be constructed in a location and manner to avoid soil and slope failure.
 - (ii) Construction shall avoid removal of existing trees, shrubs and any other vegetation whenever feasible.
- (2) Reduction. In the event that the application of the vegetated buffer strip standards of this Section, together with any other dimensional restrictions applicable under this Ordinance, results in a legal parcel that cannot be reasonably developed for permitted land uses in the district within which the property is located, the Planning Commission may approve a reduction of the buffer area upon a finding that the proposed site plan provides the maximum possible buffer strip, while permitting a reasonable use of the property.

D. Filling and Grading within 200 Feet of the Water Mark or Stream Bank

The following rules shall apply to any filling, grading or any other earth movement within 200 feet of the water mark or normal stream bank of any lake, river, stream, or other body of water to prevent harmful erosion and related sedimentation:

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover such as mulch must be used as soon as possible and permanent cover such as sod be planted.
- (3) Diversions, silting basins, terraces and other methods must be used to trap any sediment.
- (4) Fill must be stabilized according to accepted engineering practices.

DIVISION 3: IMPROVEMENTS - OPERATION AND MAINTENANCE

SECTION 540 PURPOSE

All improvements required by this article shall be operated and maintained as required by this Division. The instruments creating the dedication, easement, transfer, homeowners' association (HOA), or condominium association, shall be provided to and approved by the Township as part of any development application.

The Township may, but is not obligated to, accept or agree to another form of operation and maintenance of any improvement required by this article provided that such is consistent with the intent of this article.

SECTION 541 DEDICATION OF LAND OR EASEMENT

The Township may, but is not required to, accept a dedication of land in the form of fee simple ownership or an easement for public use of any portion or portions of undivided improvement land, the title of which is to remain in ownership by the condominium or HOA, provided that:

- A. Such land is accessible to the residents of the Township;
- B. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- C. The improvement conforms to the applicable standards of this article.

Land dedicated as a natural area, greenway, greenbelt, or trail corridor shall be subject to a duly executed and recorded easement meeting the requirements of and enforceable in accordance with State statute,

Crain Engineering, LLC
SCALE: 1" = 10 FEET

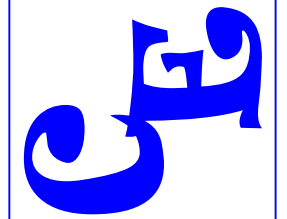
LEGEND
— PROPERTY LINE
- - - EX BUILDING EVE
--- EXISTING CONTOUR
--- DRAINAGE DIRECTION ARROW

SITE DATA

PROPERTY OWNER & APPLICANT:

BILL WAGGENER
1661 LAKE DRIVE
TRAVERSE CITY, MI 49685
PH: 231-883-9321
PARCEL ADDRESS - 1661 LAKE DRIVE TRAVERSE CITY
PARCEL-NUMBER - 05-295-035-00

Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620



DRWN BY: WLC
DSGN BY: WLC
DATE: 11-1-2023
REV DATE: 5-23-2024
SITE MODIFICATIONS
7-21-2024 SITE MODIFICATIONS

SITEPLAN
BILL WAGGENER

GARFIELD TWP, GRAND TRAVERSE COUNTY, MICHIGAN

JOB NUMBER:
202223
SHEET C-1

Cell: (231) 632-4207
email: crainengineeringllc@gmail.com

2' Deep per photos,
OK as was
intended to provide
supplemental outelt
route. Not
necessarily capcity.

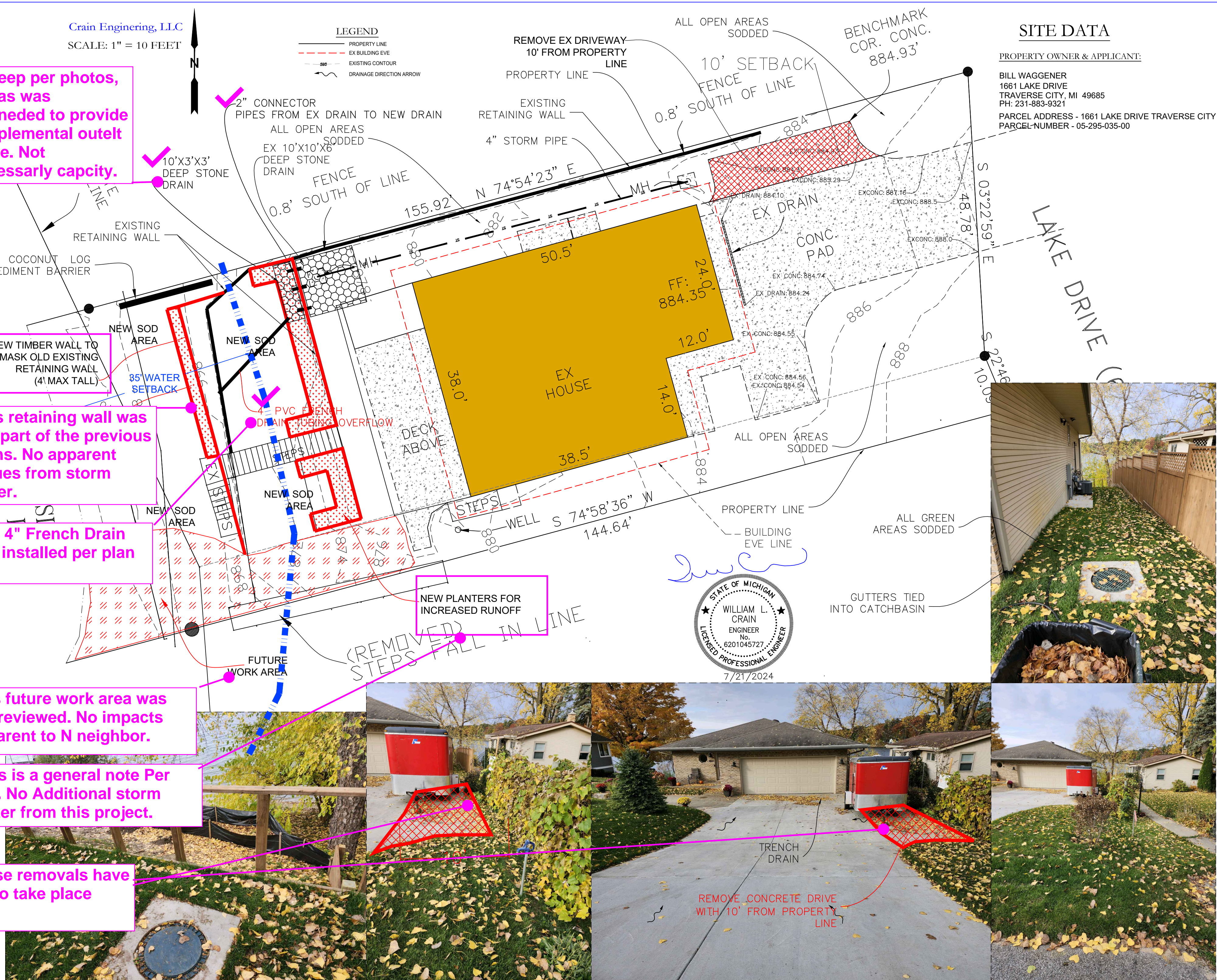
This retaining wall was
not part of the previous
plans. No apparent
issues from storm
water.

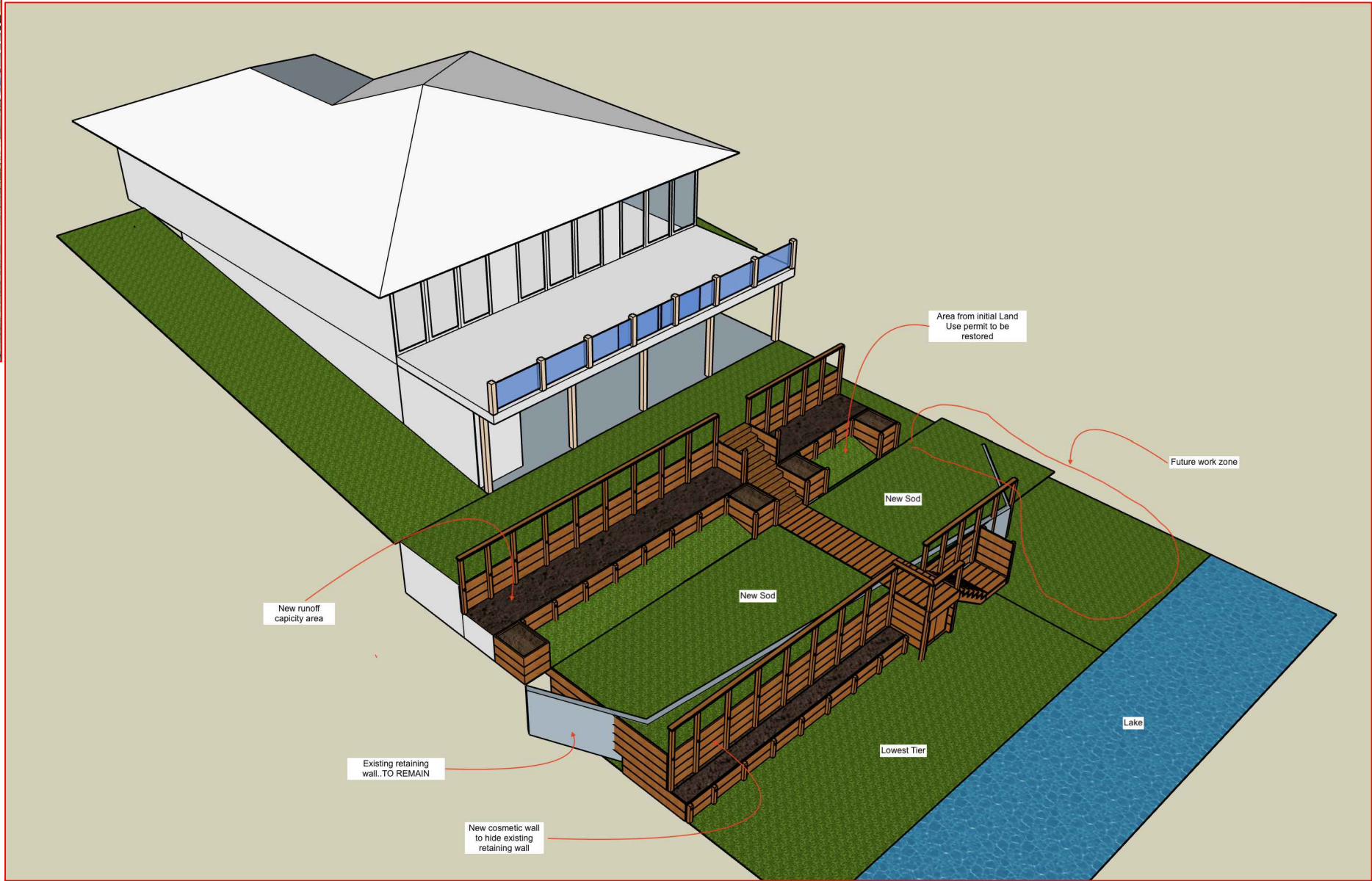
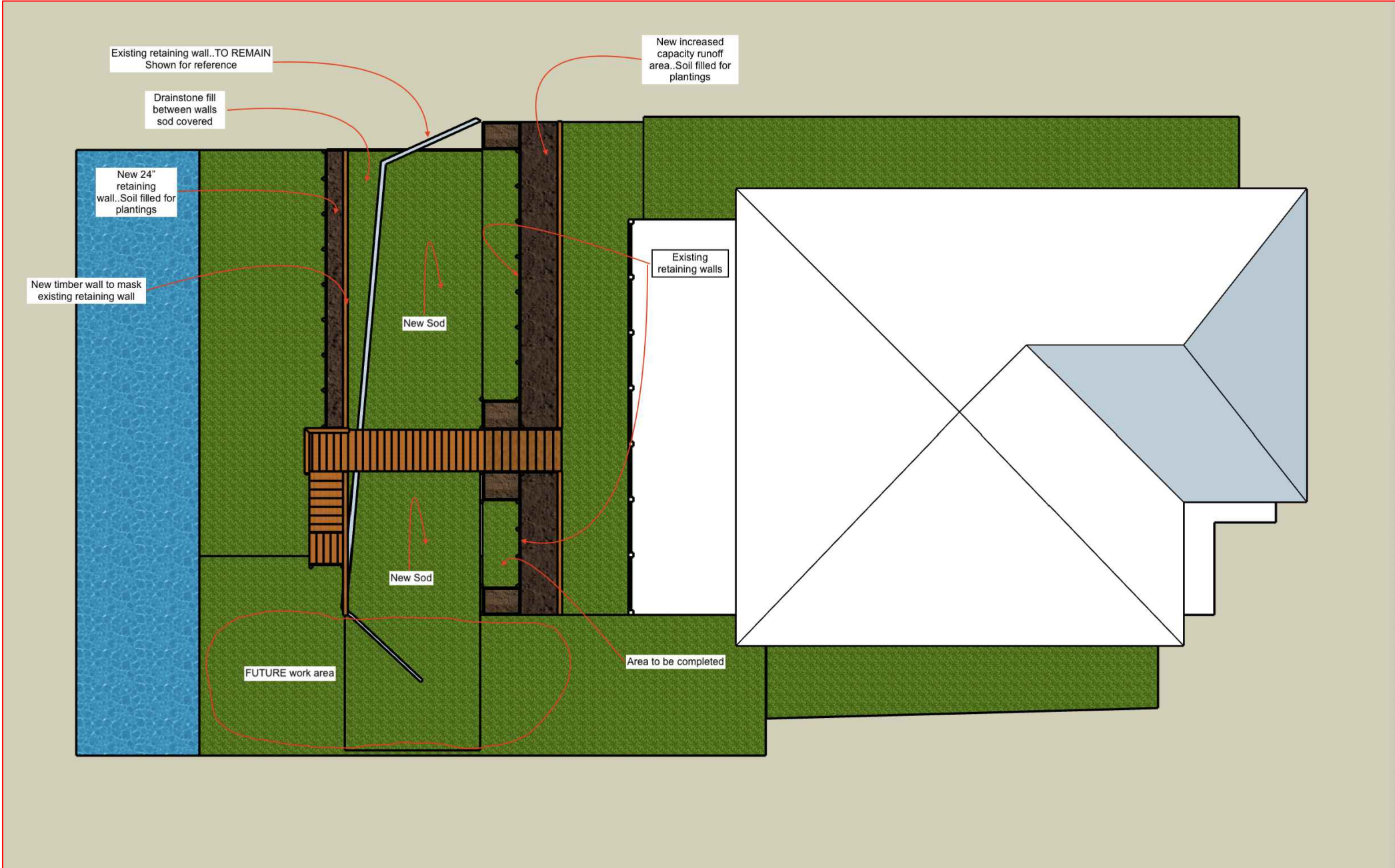
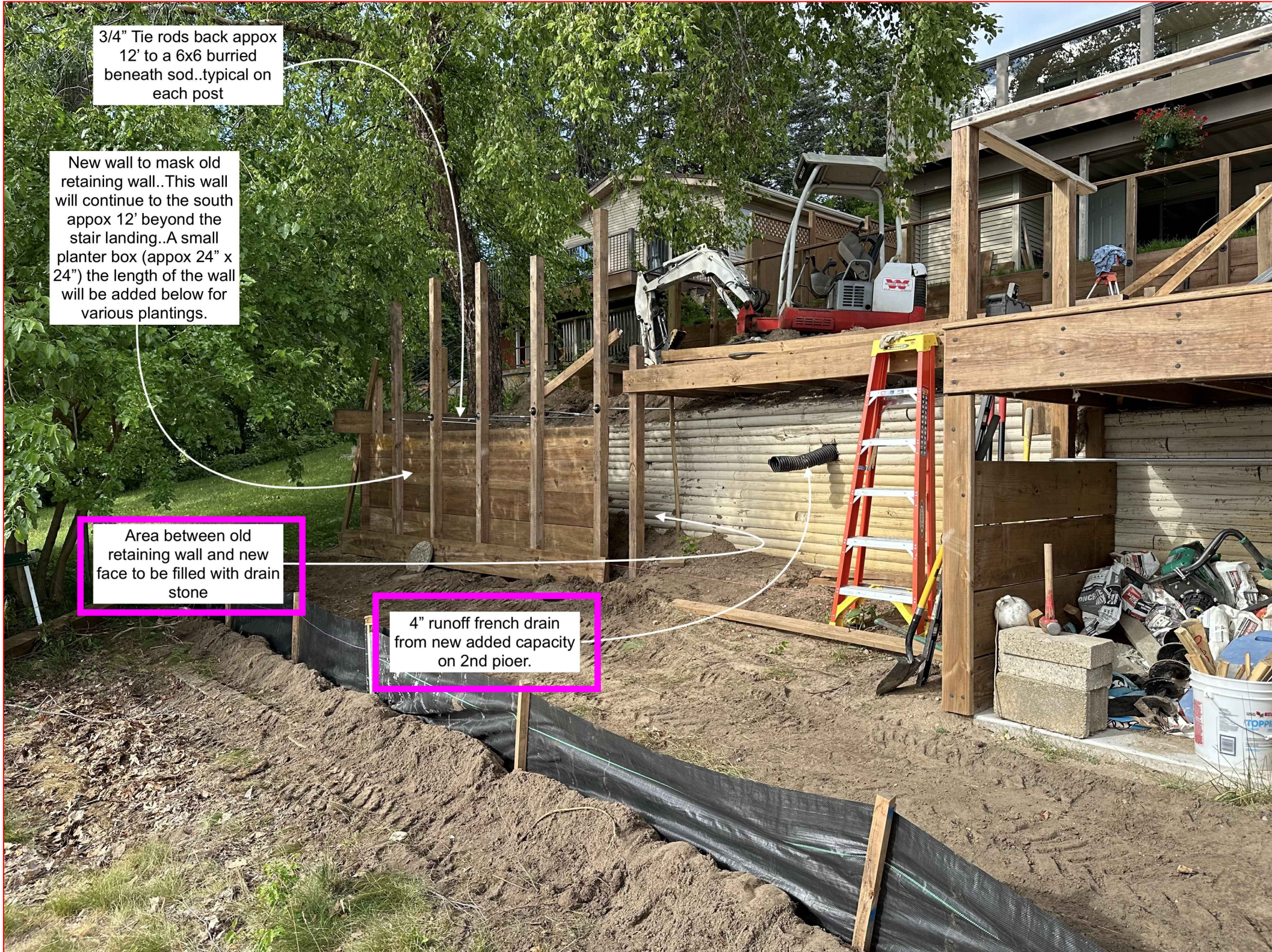
This 4" French Drain
was installed per plan

This future work area was
not reviewed. No impacts
apparent to N neighbor.

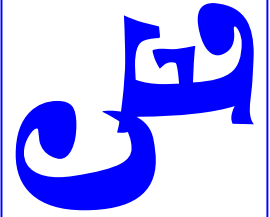
This is a general note Per
BC. No Additional storm
water from this project.

These removals have
yet to take place





Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620
Cell: (231) 632-4207
email:crainengineeringllc@gmail.com



DRWN BY: WLC
DSGN BY: WLC
DATE: 11-1-2023
REV DATE:
5-23-2024 SITE MODIFICATIONS
7-16-2024 SITE MODIFICATIONS
7-21-2024 SITE MODIFICATIONS

SITEPLAN
BILL WAGGONER
GARFIELD TWP, GRAND TRAVERSE COUNTY, MICHIGAN

JOB NUMBER:
202223
SHEET **C-2**

**1) Excavation of Outlet Fix.
Detail of Outlet Pipe flowing SW.
Looking W**



**2) Overflow Pipe flowing SW,
Looking NE**



**3) Outlet Fix Terrace
Excavation, Add Wing Wall,
Looking N.**



**4) Outlet Fix Terrace Excavation,
Add Wing Wall, Looking N.**



**5) Overflow Pipe,
Looking NE**



**6) Overflow Pipe,
Looking NE**



7) Overflow connected to outlet pipe



8) Backfill over outlet pipe



9) Outlet fix. Clean stone over nonwoven geotextile,



10) Outlet Fix, 10% Drain Stone, Over nonwoven geotextile, Below grade of upper system



11) Outlet Fix 50% Drain stone, Note Weep Hole Pipes .



12) Outlet Fix. 70% Drain Stone



13) Outlet Fix Terrace Extension 0% backfill, Note Riser for Overflow Looking N.



14) Outlet Fix Terrace Extension 90% backfill, Note Riser for Overflow set below wing wall. Looking N.



15 & 16) Outlet Fix Terrace Extension 90% backfill, Looking NE.



**17) Outlet Fix Terrace Backfilled 100%,
Looking S.**



**18) 90% restored New Terrace down
grade of Outlet Fix.
Looking NW.**



**19) 90% restored New Terrace down
grade of Outlet Fix.
Looking NW.**



**20) Restored Outlet Fix Add Wing Wall,
Looking N.**





Crain Engineering, LLC
Engineering, Consulting & Design

7622 Bott Road
Buckley, MI 49620
Cell: (231) 632-4207
crainengineeringllc@gmail.com

July 1, 2024

Jennifer Graham
Gourdie Fraser & Associates
123 W Front Street
Traverse City, MI 49684

RE: 1661 Lake Drive, Garfield Twp

Dear Jennifer:

Upon reviewing site and overseeing construction, the proposed modifications from approved plan of 5-23-2024 have been installed including:

1. removal of existing driveway within 10 feet of property line
2. additional stone drain with connector pipes and overflow along waterside of home
3. yard/disturbed areas sodded

pictures attached for reference.

The above items have been completed and fulfill the approved plan requirements as designed.

Crain Engineering, LLC.

William Crain, P.E.
Project Manager



Cc: Mike Green, Garfield Twp



Engineering
Surveying
Testing &
Operations

123 West Front Street
Traverse City, Michigan 49684
231.946.5874 
231.946.3703 

May 28, 2024

Mr. Michael Green, Zoning Administrator
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684

RE: 1661 Lake Drive
Storm Water Review – Driveway and Drainage Improvements Paving
Parcel #: 05-295-035-00
Garfield Township, Grand Traverse County

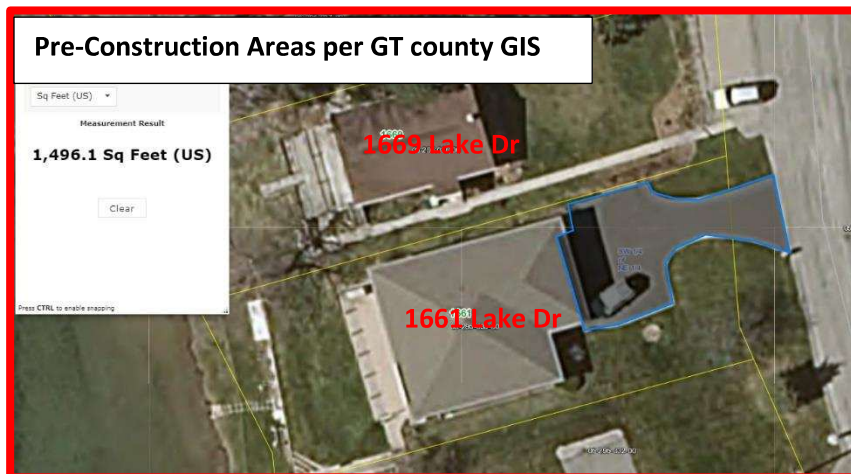
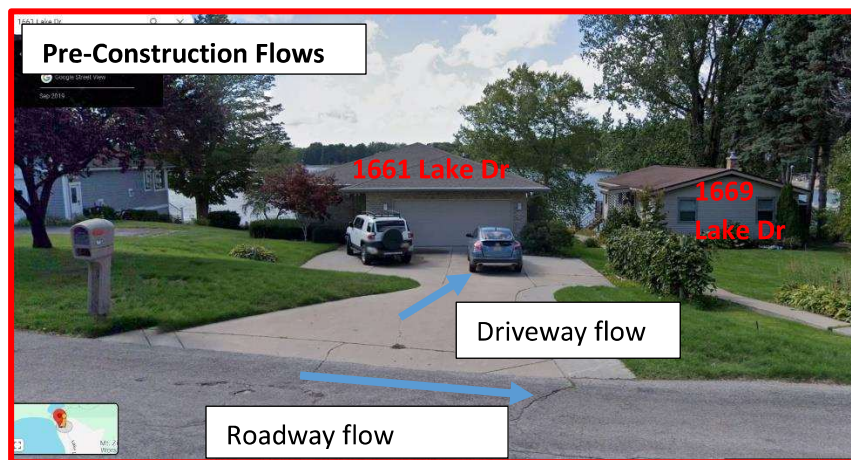
Dear Mr. Green,

GFA has reviewed the revised plans for 1661 Lake Drive, dated 05/23/24, prepared by Crain Engineering, LLC. The plans were submitted in response to the ZBA actions requiring corrective measures to the concentrated flows resulting from the apparent functional issues with the previously reviewed system. The plans indicate new measure to provide a constructed outlet to mitigate these functional issues.



PRE-CONSTRUCTION CONDITIONS

1. The existing site is located on Silver Lake. It is approximately 0.2 ac and slopes east to west towards Silver Lake.
2. The parcel is bound by Lake Dr to the east, Silver Lake to the west, and single family residential to the north and south.
3. Driveway reconstruction took place. Prior to construction there were limited drainage facilities for the site. The existing driveway was steep and appears to shed west towards the existing home. The exiting outlet was to run along the 1661/1669 property line. The north shedding roofs were collected with gutters/downspouts piped to shed westerly towards Silver Lake.

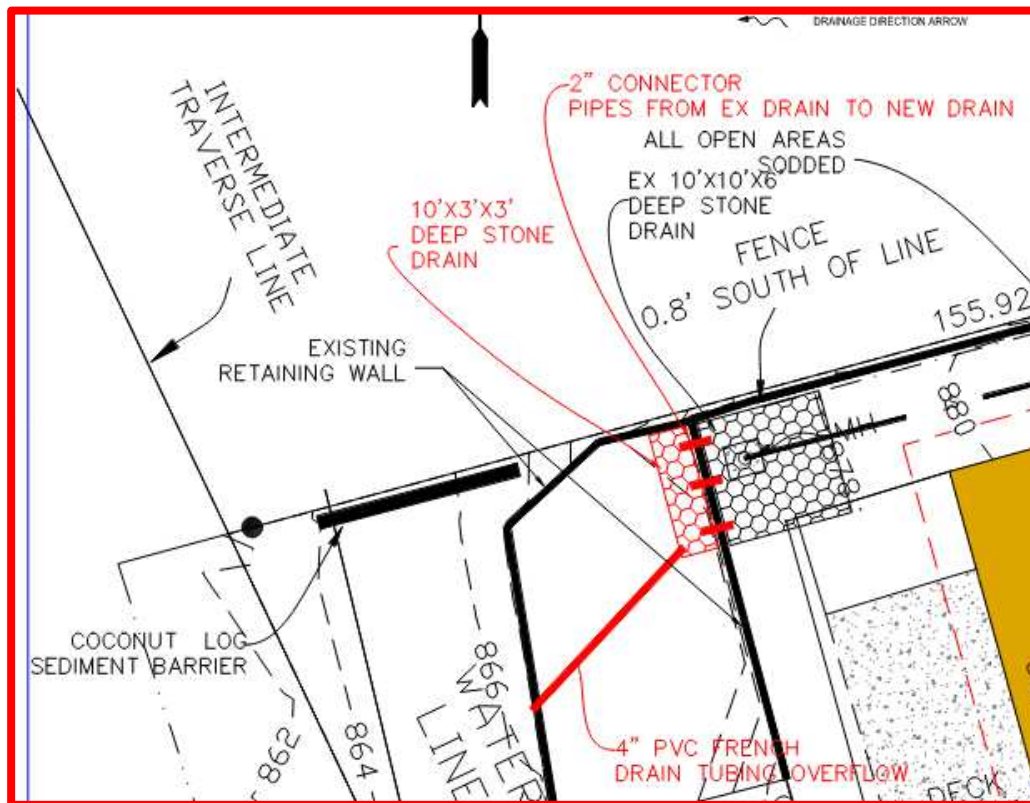




POST-CONSTRUCTION CONDITIONS

1. The revised plans depicts the installed driveway with removal of the northern parking tab to a 10' offset line. Estimated driveway areas are **1138 SF** within the property limits and **1425 sf, ~71 sf decrease from the preconstruction conditions.**
2. Previously installed storm water management facilities were installed, limited to a trench drain along the garage opening, a catch basin at the NE building corner, and solid drain piping to the a stone infiltration area located along the upper retaining wall.
3. A new 10'x3'x3' stone drain is proposed located on a lower terrace from the previous system. This provides additional storage capacity for overflow dispersion/conveyance through the 1661 property.





Storm Water Facilities

1. Additional 10x3x3 stone drain added to at the toe of the retaining wall.
2. Additional stone drain which provides a means to disperse excess flows through the 1661 property. 2" connector pipes provide hydraulic connection between the upper existing stone drain system and the lower proposed system. Additional 4" French drain extends 15' from the lower stone drain stone to provide direction for excess flows to pass through the 1661 property and away from the 1669 property.

Erosion Control

1. Coconut log sediment barrier is shown along the property to limit construction mitigation of soils. This seems reasonable to protect the site from new construction.



RECOMMENDATION (Updated)

We find the proposed corrective measures provide a means for excess flow to leave the site through the applicants' property and does minimize potential for discharge onto adjacent parcels. The conditions on the existing system causing the noncompliant concentrated flows off-site would be reasonably reduced with the introduction of piped conveyances which provide a means for low-flow outlet as proposed by the amended plans. The proposed improvements appear to redirect flows away from the existing structures.

Therefore, we recommend the Township consider the site for storm water approval at a reduced criteria, established with the previous review letter. Please note the site does not meet full compliance as indicated in our previous reviews, but dose demonstrate controlling flows for the projects expanded impervious areas, and implements controls that directs flow away from structures and limits the potential for harm to the off-site properties.

We appreciate the opportunity to assist the Township during the approval of this project. If you have any questions, please don't hesitate to contact me at (231) 946-5874.

Sincerely,

GFA

Mark Maguire, P.E.
Project Engineer
cc: Applicant



Engineering
Surveying
Testing &
Operations

3. a. (3 cont.)

123 West Front Street
Traverse City, Michigan 49684
231.946.5874 
231.946.3703 

July 31, 2024

Mr. Michael Green, Zoning Administrator
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684

RE: 1661 Lake Drive
Storm Water Review – Driveway and Drainage Improvements Paving
Parcel #: 05-295-035-00
Garfield Township, Grand Traverse County

Dear Mr. Green,

GFA has reviewed the As-built Certification Letter dated 7-1-24, and As-built plan sheet C-1 dated 7-21-24, and site plan sheet C-2 depicting additional retaining wall 7-21-24. Plans were prepared by Crain Engineering, LLC. The as-built plans were compared to the review of the outlet corrective measures to provide a constructed outlet to mitigate functional issues as depicted in GFA's 5-28-24 review letter.

As-built Certification Letter dated 7-1-24

As-built certification letter and photos were provided showing the outlet correction were installed to the intent of the reviewed plans. **We note that the removal of the driveway has yet to be completed.**

Storm Water Facilities – Outlet corrective measures (Site Plan Sheet C-1 & C-2)

- Additional 10x3x3 stone drain added to at the toe of the retaining wall. **Appears 2' deep in photos. No issue as intent is to provide outlet mitigation, not storage capacity.**
- Additional stone drain expands infiltration zone of the system and provides a means to disperse excess flows onto the 1661 property. 2" connector pipes provide hydraulic connection between the upper existing system and the lower proposed system. Additional 4" French drain extends 15'+ from the stone drain stone to provide direction for excess flows to pass through the 1661 property and away from the 1669 property. **This appears to be installed per plan.**
- Outlet pipe is routed to the new lower retaining wall and intended to dead-end in the retaining wall stone backfill stone bed. **This seems reasonable. Primary overflow outlet is via infiltration. Secondary overflow means is provided overland, over the terrace lawn, to the lake. The overflow pipe and wingwalls appear to be configured to maintain flows on the 1661 property.**

Our review validates the applicants' certification letter that the constructed outlet meets the intent of the reviewed plans. The installed improvements appear to redirect flows away from the existing structures and provide the constructed means to mitigate outlet issues.



We appreciate the opportunity to assist the Township during the approval of this project. If you have any questions, please don't hesitate to contact me at (231) 946-5874.

Sincerely,

GFA

Mark Maguire, P.E.
Project Engineer
cc: Applicant

Attached: Applicants' certification letter, applicants site photos with GFA annotations.



Engineering
Surveying
Testing &
Operations

3. a. (3 cont.)

123 West Front Street
Traverse City, Michigan 49684
231.946.5874 
231.946.3703 

July 31, 2024

Mr. Michael Green, Zoning Administrator
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684

RE: 1661 Lake Drive
Storm Water Review – Driveway and Drainage Improvements Paving
Parcel #: 05-295-035-00
Garfield Township, Grand Traverse County

Dear Mr. Green,

GFA has reviewed the As-built Certification Letter dated 7-1-24, and As-built plan sheet C-1 dated 7-21-24, and site plan sheet C-2 depicting additional retaining wall 7-21-24. Plans were prepared by Crain Engineering, LLC. The as-built plans were compared to the review of the outlet corrective measures to provide a constructed outlet to mitigate functional issues as depicted in GFA's 5-28-24 review letter.

As-built Certification Letter dated 7-1-24

An as-built certification letter including associated record drawing and site photos were provided by the Michigan licensed engineer whom also performed the design of the project on behalf of the applicant. The information provided was intended to illustrate the outlet correction was installed consistent with the plans reviewed by GFA. **It shall be noted that the removal of the driveway has been approved by the Township with completion pending. Restoration to lawn shall be performed compliant with the Soil Erosion Control Permit.** Based upon the information provided we offer the comments below:

Storm Water Facilities – Outlet corrective measures (Site Plan Sheet C-1 & C-2)

- Additional 10x3x3 stone drain added to at the toe of the retaining wall. **Based upon the photos, the drain depth appears to only be 2' which varies from what is shown on the record drawing.**
- Additional stone drain expands infiltration zone of the system and provides a means to disperse excess flows onto the 1661 property. 2" connector pipes provide hydraulic connection between the upper existing system and the lower proposed system. Additional 4" French drain extends 15'+ from the stone drain stone to provide direction for excess flows to pass through the 1661 property and away from the 1669 property. **Based upon the information provided, the construction appears consistent with the proposed design and record drawing.**
- Outlet pipe is routed to the new lower retaining wall and intended to dead-end in the retaining wall stone backfill stone bed. **This was a modification to the original design we reviewed. With review of this change in our opinion, if properly construction it would have no impact on stormwater / drainage and is for aesthetics only. The**



Primary overflow outlet is via infiltration. Secondary overflow means is provided overland, over the terrace lawn, to the lake. Review of the record drawings and photos, the overflow pipe and wingwalls appear to be configured to maintain flows on the 1661 property.

In summary, we accept the applicants' certification letter and supporting documentation submitted. A certification letter was provided by a licensed engineer and provides validation that the installed improvements redirect flows away from the existing structures and provide the constructed means to mitigate outlet issues.

As previously stated, GFA was responsible to review the design and documents submitted to ensure conformance to the Township Ordinance. Engineered sealed design drawings, , as built, and a certification letter have been provide by the applicant to facilitate this review. Our review and acceptance is based upon the information provided and we cannot attest to the materials and means of construction. If there is concern related to long term function and operations, the Township may want to consider requesting a performance guarantee.

We appreciate the opportunity to assist the Township during the approval of this project. If you have any questions, please don't hesitate to contact me at (231) 946-5874.

Sincerely,

GFA

Mark Maguire, P.E.
Project Engineer
cc: Applicant

Attached: Applicants' certification letter, Applicants site photos with GFA annotations. Sheets C-1 and C-2 with GFA annotations.

Mike Green

From: Jennifer Graham <jennifer@gfa.tc>
Sent: Tuesday, August 27, 2024 7:26 PM
To: Mike Green
Cc: Jamie Douglass; Mark Maguire
Subject: 1661 Lake Dr SW Considerations for the ZBA

Per our phone discussion some considerations your ZBA could require and allowed per your SW ordinance:

- 1) The applicant is responsible for the function and upkeep the drainage system such as not to cause harm to offsite properties. We recommend the Township seek some form of performance guarantee. This is detailed in Section 6, excerpt below. I think asking for this initially for 1 year and revisit with ability to renew depending on how the site looks.

Section 6. Performance Guarantees. As a condition of issuance of a permit, the enforcement agent may require the applicant to deposit cash, a certified check, or an irrevocable letter of credit acceptable to the enforcement agent in an amount sufficient to assure the installation and completion of the storm water control plan. Irrevocable letters of credit, if used as a performance guarantee, shall extend for a minimum of one year with the option of renewal. The required security shall be held in the office of the enforcement agent, and shall be released only upon final inspection and approval of the storm water control systems.

- 2) In addition, considering this was a residential SW application that does not fit the parameters of the antiquated ordinance, at the time a maintenance agreement was not requested, although they are required to maintain the SW system they are proposing. However in light of the changing circumstances of the property owner and concern express by the neighbor, the Township does have the ability with the ordinance to request a formal maintenance agreement as noted in Section 8. Furthermore as part of this process inspections are to be completed as outlined below to include inspections and reports submitted to the Township.

maintenance at the owner/operator's expense.

C) Maintenance Inspections

- 1) The person(s) or organization(s) responsible for maintenance shall inspect storm water control systems on a regular basis, as outlined in the plan.
- 2) Authorized representatives of the enforcement agent may enter at reasonable times to conduct on-site inspections or routine maintenance.
- 3) For storm water control systems maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with the enforcement agent as provided in the plan.
- 4) Authorized representatives of the enforcement agent may conduct inspections to confirm the information in the reports filed under section c.

From: Mark Maguire <Markm@gfa.tc>
Sent: Thursday, August 1, 2024 1:48 PM
To: Jennifer Graham <jennifer@gfa.tc>
Subject: 1661 Lake Dr SW As-builts-073024 (002)

Jenn, added some notes on performance guarantee, should the Township want this. Thoughts? I want to send to mike in the next 30 min.

-Mark

3. a. (3 cont.)

09/11/2024 10:15 AM

User: BETTY

DB: Garfield

GL ACTIVITY REPORT FOR GARFIELD TOWNSHIP

FROM 701-000-215.814 TO 701-000-215.814

TRANSACTIONS FROM 07/01/2023 TO 07/31/2024

Page:

1/1

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 701 TRUST AND AGENCY FUND							
07/01/2023			701-000-215.814 Waggener Driveway		BEG. BALANCE		0.00
07/13/2023	CR	RCPT	PLANNING ESCROW - GET GL# FRO 07/13/23			2,000.00	(2,000.00)
11/14/2023	AP	INV	WAGGENER DRIVE	2320901	600.00		(1,400.00)
12/20/2023	AP	INV	WAGGENER DRIVE	2320902	260.00		(1,140.00)
12/31/2023	GJ	JE	To Record Accounts Payable	5734	315.19		(824.81)
01/01/2024			2024 Fiscal Year Begin				(824.81)
01/01/2024	GJ	JE	To Reverse Manual Journal Entry: 5734	5735		315.19	(1,140.00)
02/17/2024	AP	INV	WAGGENER DRIVE	2320903	978.75		(161.25)
03/26/2024	AP	INV	WAGGENER DRIVE	2320904	135.00		(26.25)
07/03/2024	CR	RCPT	PLANNING ESCROW - GET GL# FRO 07/03/24			885.00	(911.25)
07/10/2024	AP	INV	WAGGENER DRIVE	2320905	911.25		0.00
07/31/2024			701-000-215.814	END BALANCE	3,200.19	3,200.19	0.00

\$ 3200.19
+
\$ 607.50

Invoice

Gourdie-Fraser, Inc.
123 West Front Street, Suite A
Traverse City, MI 49684
Phone: 231-946-5874 Ext. 310
A/R email: melanie@gfa.tc

MR CHUCK KORN
CHARTER TWP OF GARFIELD
3848 VETERANS DR
TRAVERSE CITY, MI 49684

August 06, 2024
Project No: 23209
Invoice No: 2320906

Re: Waggener Drive, Storm Water Review, Escrow No. 215.814

Services Performed: Engineering Services for storm water review including review of plans, computations and specifications for compliance with Ordinance 49. Services include supplement review of post construction as required by ZBA and letter of acceptance.

Project Location: 1661 Lake Drive, Traverse City

Professional Services from July 30, 2024 to August 03, 2024

Professional Personnel

	Hours	Rate	Amount	
Project Engineer II	4.50	135.00	607.50	
Totals	4.50		607.50	
Total Labor				607.50
		Total this Invoice		\$607.50

Billings to Date

	Current	Prior	Total
Labor	607.50	2,885.00	3,492.50
Totals	607.50	2,885.00	3,492.50

-0-

See Attachments in this package.

LEGAL NOTICE

Date 6/26/2024

WHEREAS, violations of Zoning Ordinance Section 416 -
Grading w/o permit - lower wall } have been
construction
found on these premises, IT IS HEREBY ORDERED in accordance with the above Code that all persons cease, desist from, and

STOP WORK

at once pertaining to construction, alterations or repairs on these premises known as 1661 Lake Dr.

All persons acting contrary to this order or removing or mutilating this notice are liable to arrest unless such action is authorized by the Department.

CHARTER TOWNSHIP OF GARFIELD

Grand Traverse County
3848 Veterans Drive
TRAVERSE CITY, MICHIGAN 49684

INSPECTOR Michael Green
PHONE 231 941-1620x230
CONTROL NO _____

C. Amendments Not Requiring Re-notification

Proposed amendments which are considered Administrative (§ 423.G.(3)) or Minor (§ 423.G.(4)) shall not require re-notification.

SECTION 407 PUBLIC HEARING

A. Applicability

This section applies to any application or process requiring a public hearing pursuant to § 406.

B. Planning Commission

The Planning Commission shall hold regularly scheduled public hearings to receive and review public input on all applications and processes required by this article. The Planning Commission shall approve, approve with conditions, or deny applications on which it is required to render a final decision. The Planning Commission shall recommend that the Township Board approve, approve with conditions, or deny applications on which the Township Board is required to render a final decision.

C. Township Board

The Township Board shall hold regularly scheduled public hearings to act upon all items required by this article or state statute to be considered by the Township Board. The Township Board shall decide whether or not to approve, approve with conditions (if applicable), or deny such applications.

SECTION 408 REVOCATION OF A DEVELOPMENT APPROVAL

A. Authority

If substantial development and completion of the use and buildings does not proceed in conformance with a development approval, or physical or operational changes which violate the order, application, or data accompanying the application by the applicant, its successors, agents or assigns are identified, the Township shall have full authority to revoke the development approval.

B. Grounds for Revocation

The following are grounds for revocation of a development approval:

- (1) The intentional provision of materially misleading information by the applicant (the provision of information is considered "intentional" where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence); or
- (2) The failure to comply with any condition of a development approval.

C. Termination, Suspension, or Amendment of Administrative Approval

Upon discovery of an alleged violation, the Zoning Administrator may issue a stop work order.

The Zoning Administrator shall investigate alleged violations and determine whether or not to revoke, suspend, approve a revised site diagram or administrative site plan, or confirm that development is proceeding in conformance with the original administrative approval. No action of the Zoning Administrator to approve a revised site diagram, administrative site plan, or to impose additional conditions and standards, shall take effect without the written consent of the applicant.

D. Termination, Suspension, or Amendment of Quasi-Judicial Approval

Upon discovery of an alleged violation, the Director of Planning may issue a stop work order.

DIVISION 4: ADMINISTRATIVE DEVELOPMENT APPROVALS

PURPOSE

This Division establishes procedures for administration of the Zoning Ordinance.

SECTION 414 DEVELOPMENT APPROVAL

No land shall be disturbed and no building or structure shall be erected, added to, or structurally altered within the zoning jurisdiction until a development approval has been issued by the Zoning Administrator. All development approvals shall comply with the requirements of this ordinance. No grading approval, land use permit, building permit, or certificate of occupancy shall be issued for any building or structure or for any land disturbance where said construction, addition, alteration, or use violates any provision of this ordinance.

SECTION 415 GRADING AND LAND DISTURBANCE

A. Grading Development Approval

Separate grading development approval is required for disturbances of land that require the removal of soil prior to the issuance of any development approval. Such approval may be issued by the Zoning Administrator in the form of a grading permit and shall document the conditions under which the permit is issued, including the duration of the permit; which may be required in the event that development approval is not obtained and construction does not proceed.

- (1) An engineered site plan shall be required, indicating the contour of the land, areas of disturbance, their location to surrounding uses, natural features, and any remediation activities.
- (2) The extension of a permit shall be denied or a permit may be revoked should violations of the permit exist, including stock piling of materials, lack of continuation towards an approval or completion, failure to receive required permits, or disturbances of land exceeding that permitted.
- (3) A performance guarantee per § 405 shall be provided to the Township prior to the issuance of the permit.

B. Land Disturbance Activity

Quarries, sand or gravel excavation, and substantial land alteration activities require a development approval pursuant to Article 7 of this Ordinance.

SECTION 416 LAND USE PERMITS

Purpose: The purpose of this section is to prescribe procedures for development approvals that do not require quasi-judicial, legislative notice, or a public hearing. A public hearing is not required for development approvals set forth in this section for one or more of the following reasons:

- If required, public hearings have already been conducted relating to the development approval application and the development approval application procedure is designed to ensure that the proposed use complies with a previously approved subdivision plat, condominium, site plan, specific plan, special use permit, or conditional rezoning (e.g., certificate of occupancy);
- The proposed use is permitted as of right, or with special conditions in the applicable zoning district (e.g., development approval or certificate of occupancy); or
- The proposed use is subject to expedited review in order to avoid an unconstitutional prior restraint on speech (e.g., sexually oriented businesses or signs) or because of federal law (e.g., telecommunications development approval).

A. Required

A land use permit shall be required for any of the following:

- (1) To erect or move a structure having one hundred (100) or more square feet of floor area;
- (2) To expand an existing structure or increase the height of an existing structure;
- (3) To establish a new use or change in use for any premises or land in any zoning district;
- (4) To establish a temporary use as allowed by this ordinance;
- (5) To move, replace, erect, a sign or change a sign face or convert a sign face to an electronic sign in accordance with § 630 Signs;
- (6) To grade land in accordance with § 415 Grading and Land Disturbance; or
- (7) To move, replace, or erect exterior lighting fixtures to ensure compliance with § 517

B. Initiation

- (1) The applicant shall file a complete application for a land use permit with the Zoning Administrator. If site plan review is required in accordance with this ordinance, the approved site plan shall be submitted with the application. An application is available from the Zoning Department. If the proposed development or development activity is subject to site plan review, the application shall also include the information required by Article 5 of this Ordinance.
- (2) Applications shall require permits or approvals from applicable permitting agencies including the County Health Department, the County Road Commission, the County Soil Erosion Office, the Michigan Department of Natural Resources and/or Department of Environmental Quality or other regulatory agencies before an application is considered complete under § 416.C Completeness Review.

C. Completeness Review

- (1) The Zoning Administrator shall review an application for completeness within ten (10) working days.
- (2) The procedure of step (1) above shall be repeated until a complete application is received, provided that additional review fees may be required for a third or any subsequent completeness review.

D. Decision

The Zoning Administrator shall review the completed application for conformance with this ordinance. Within fifteen (15) working days of receipt of a complete application, the Zoning Administrator shall approve, approve with conditions, or deny the application for a land use permit. Applications that are denied shall have the reasons for denial, in writing, attached to the application. If the Zoning Administrator fails to render a decision relating to the application within this time period, the application shall be deemed approved. The applicant and the Zoning Administrator may agree in writing to extend the response time contained in this section.

E. Approval Criteria

- (1) The land use permit shall be issued by the Zoning Administrator only if the application complies with all applicable provisions of this ordinance and any approved special use permit, rezoning or conditional rezoning, site plan or other development approval.
- (2) Any financial guarantee required under § 405 Performance Guarantee shall be deposited with the Township prior to the issuance of the land use permit.

C. Wetland Setbacks

No structure, parking lot area, or snow storage area shall be located within twenty-five (25) feet of such wetland. However, recognized wetlands may be incorporated into a stormwater management strategy provided that the wetland values will not be impaired and provided further that incorporation of the wetland will provide a net ecological benefit to groundwater and surface water.

SECTION 535 SUPPLEMENTAL SHORELINE REGULATIONS

Purpose. The intent of this Section is to preserve and protect the water quality of the lakes and streams of our region. These regulations seek to balance the protection of the ecosystem while allowing development where appropriate. Methods to accomplish this purpose include, but are not limited to, preservation and/or enhancement of vegetation along lake-stream banks, maintaining lake-stream bank stabilization, preventing sediment from entering the water bodies, allowing for nutrient absorption, providing wildlife habitat and corridors, screening man-made structures, and providing shade, wood or wooden fiber material along the shoreline.

A. Setbacks from Lakes, Rivers, and Streams

- (1) Every commercial, industrial or multi-family residential building hereafter erected having frontage on any body of water, with the exception of Silver and Boardman Lakes, and with the exception of on-site storm water ponds and artificial water bodies created as part of the site's landscape treatment, shall be set back at least seventy-five (75) feet from the watermark or normal stream bank. Single family residential uses shall observe a setback of fifty (50) feet. Along those sections of the Boardman River controlled under the Natural River Act, PA 231 of 1970, as amended, setbacks shall be as required by the Act.
- (2) Every building hereafter erected having frontage on Silver and Boardman Lakes shall set back at least fifty (50) feet from the water mark.
- (3) Storm water retention or detention ponds, with the exception of customary release structures including pipe, swales and ditches shall be set back fifty (50) feet from a natural lake or normal stream bank.
- (4) Streets and access drives other than where they intersect lakes or streams and for such a distance as is required to cross a lake or stream shall be set back fifty (50) feet from a watermark or normal stream bank.

B. Minimum Construction Elevations - Silver Lake

Within five hundred (500) feet of Silver Lake, the lowest grade for any building construction or accessory building construction shall be elevation 866.N.V.G.D. (NOTE- SILVER LAKE WATER MARK - 862.32 feet above sea level USGSD.

C. Riparian Vegetative Buffers

- (1) Required. A vegetated buffer strip shall parallel and extend thirty-five (35) feet inland from all points along the water mark of a lake-stream shoreline or normal stream bank, with the exception of on-site storm water ponds and artificial water bodies created as a part of site landscape treatment which does not flow or overflow into a natural lake-stream. The general standards for the buffer strip are as follows:
 - (a) The buffer strip shall consist of native trees, shrubs and other vegetation. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, may be removed. Trees and shrubs shall not be removed but may be pruned for a filtered view of the lake-stream, however, clear cutting shall be prohibited.

- (b) Subject to (1) above; ground cover vegetation shall be left in a natural state and shall not be removed. Chemical control and/or fertilization of vegetation shall be prohibited.
- (c) Footpaths, bicycle paths and hiking paths as well as fences, walls and stairways may be constructed under the following conditions:
 - (i) All paths and stairways must be constructed in a location and manner to avoid soil and slope failure.
 - (ii) Construction shall avoid removal of existing trees, shrubs and any other vegetation whenever feasible.
- (2) Reduction. In the event that the application of the vegetated buffer strip standards of this Section, together with any other dimensional restrictions applicable under this Ordinance, results in a legal parcel that cannot be reasonably developed for permitted land uses in the district within which the property is located, the Planning Commission may approve a reduction of the buffer area upon a finding that the proposed site plan provides the maximum possible buffer strip, while permitting a reasonable use of the property.

D. Filling and Grading within 200 Feet of the Water Mark or Stream Bank

The following rules shall apply to any filling, grading or any other earth movement within 200 feet of the water mark or normal stream bank of any lake, river, stream, or other body of water to prevent harmful erosion and related sedimentation:

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover such as mulch must be used as soon as possible and permanent cover such as sod be planted.
- (3) Diversions, silting basins, terraces and other methods must be used to trap any sediment.
- (4) Fill must be stabilized according to accepted engineering practices.

DIVISION 3: IMPROVEMENTS - OPERATION AND MAINTENANCE

SECTION 540 PURPOSE

All improvements required by this article shall be operated and maintained as required by this Division. The instruments creating the dedication, easement, transfer, homeowners' association (HOA), or condominium association, shall be provided to and approved by the Township as part of any development application.

The Township may, but is not obligated to, accept or agree to another form of operation and maintenance of any improvement required by this article provided that such is consistent with the intent of this article.

SECTION 541 DEDICATION OF LAND OR EASEMENT

The Township may, but is not required to, accept a dedication of land in the form of fee simple ownership or an easement for public use of any portion or portions of undivided improvement land, the title of which is to remain in ownership by the condominium or HOA, provided that:

- A. Such land is accessible to the residents of the Township;
- B. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- C. The improvement conforms to the applicable standards of this article.

Land dedicated as a natural area, greenway, greenbelt, or trail corridor shall be subject to a duly executed and recorded easement meeting the requirements of and enforceable in accordance with State statute,

<input type="checkbox"/> C.I. <input type="checkbox"/> MIS. <input type="checkbox"/> JUV.		State of Michigan Uniform Law Citation		Ticket No. <u>0028</u>		<input type="checkbox"/> Victim Involved	
The People of: <input type="checkbox"/> the State of Michigan <input type="checkbox"/> Township <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> County				Incident No. _____		Dept. No. _____	
OF: <u>GARFIELD</u>				Local Use/Arrest No. <u>28-05</u>		Offense Code _____	
THE UNDERSIGNED SAYS THAT ON: <u>7/14/24</u> At approximately <u>1500</u> <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. Date Month <u>11</u> Day <u>8</u> Year <u>49</u>				BAC _____		of _____	
State <input type="checkbox"/> Oper./Chauff. <input type="checkbox"/> CDL Driver License Number _____				Race _____ Sex _____ Height _____ Weight _____ Hair _____ Eyes _____		Occupation/Employer _____	
Name (First, Middle, Last) <u>WILLIAM H. WAGGNER</u>							
Street <u>1661 LAKE DRIVE</u>							
City <u>TRAVERSE CITY</u> State <u>MI</u> Zip Code <u>49604</u>				E-mail Address <u>BILLWAGGS86@MAIL.COM</u> Cellular Phone <u>231.883.9321</u>			
Vehicle Plate No. _____		Year _____		State _____		Vehicle Description (Year, Make, Color) _____	
						Veh. Type _____	
THE PERSON NAMED ABOVE, in violation of § <u>207.4</u> <u>SEC 416</u>							
<input type="checkbox"/> Local Ordinance <input type="checkbox"/> State Law <input type="checkbox"/> Administrative Rule							
UPON <u>1661 LAKE DR.</u>							
AT OR NEAR <u>ITC, MI</u>							
WITHIN <input type="checkbox"/> CITY <input type="checkbox"/> VILLAGE <input type="checkbox"/> TOWNSHIP OF <u>GARFIELD</u>							
COUNTY OF <u>GRAND TRAVERSE</u> DID THE FOLLOWING							
<input type="checkbox"/> Nuisance Ordinance		<input type="checkbox"/> Building Code		<input type="checkbox"/> Speeding _____ MPH in a _____ MPH Zone (formerly _____ MPH Zone)		<input type="checkbox"/> License Posted in Lieu of Bond	
<input type="checkbox"/> Licenses Ordinance		<input type="checkbox"/> Plumbing Code		<input type="checkbox"/> Disobey Traffic Signal		<input type="checkbox"/> Appearance Certificate	
<input type="checkbox"/> Zoning Ordinance		<input type="checkbox"/> Electrical Code		<input type="checkbox"/> Disobey Stop Sign		<input type="checkbox"/> None	
<input type="checkbox"/> Sign, Lighting & Display Ordinance		<input type="checkbox"/> Mechanical Code		<input type="checkbox"/> No Operator's License in Possession			
<input type="checkbox"/> Animal & Fowl Ordinance		<input type="checkbox"/> Defective Equipment					
<input type="checkbox"/> Other _____							
Describe/Remarks: <u>"STOP WORK" ORDER</u> <u>STILL GRADING NEAR LAKE STONE</u>							
VIN: _____							
CHECK IF APPROPRIATE <input type="checkbox"/> Damage to Property <input type="checkbox"/> Local Court Bond \$ _____ <input type="checkbox"/> Vehicle Impounded <input type="checkbox"/> Injury <input type="checkbox"/> License Posted in Lieu of Bond <input type="checkbox"/> Traffic Crash <input type="checkbox"/> Death <input type="checkbox"/> Appearance Certificate							
Person in Active Military Service <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None							
SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS							
Appearance Date on or before <u>WITHIN 10 DAYS</u> <input type="checkbox"/> Contact Court							
<input type="checkbox"/> Juvenile Traffic Misd. (Court will Notify) <input type="checkbox"/> Formal Hearing Required. (Court will Notify)							
In the <u>86th DISTRICT</u> Court of _____							
Court Address & Phone Number <u>280 WASHINGTON STREET, TRAVERSE CITY, MICHIGAN 48684</u> <u>(231) 922-4580</u>							
<input type="checkbox"/> I personally served a copy of the complaint upon the defendant. <input checked="" type="checkbox"/> I served a copy of the complaint upon the owner/occupant by posting and by sending a copy to the owner by first class mail at the last known address.							
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.							
Complainant's Signature and receipt if applicable <u>D. MORTON</u>						Month <u>7</u> Day <u>14</u> Year <u>24</u>	
Officer's Name (printed) <u>D. MORTON</u>						Officer's ID No. <u>CEO</u>	
Agency ORI <u>MI-</u>				Agency Name <u>GARFIELD - TWP</u>			
<input type="checkbox"/> Violation for Which Court May Waive Fine/Costs: Correct the violation. Present the citation to any law enforcement officer to certify the correction. Mail or bring the citation to the court clerk at the address shown above before your appearance or hearing date.							
OFFICER CERTIFICATION I certify that the violation described above has been corrected.							
Officer's Signature _____						Officer's ID No. _____ Date _____	
Agency ORI _____				Agency Name _____			

Mike Green

From: Derek Morton
Sent: Thursday, August 8, 2024 6:57 AM
To: Mike Green; Jamie Douglass
Cc: Chuck Korn
Subject: FW: TICKET 0028 WILLIAM WAGGENER

Morning,

I received this from the Courts. I thought he already paid this one?!?!?

Derek

From: Sue Schaub <sschaub2@86thdistrictcourt.org>
Sent: Wednesday, August 7, 2024 4:34 PM
To: Derek Morton <dmorton@garfield-twp.com>
Subject: TICKET 0028 WILLIAM WAGGENER

Good afternoon,

Deft has requested a formal hearing. Please contact the Townships Attorney and have them file the appearance with 86th District Court. The appearance can be emailed to districtcourt@86thdistrictcourt.org.

If you have any questions, please call 231 922 4565

Thank you!
Sue Schaub
86th District Court

Mike Green

From: Mike Green
Sent: Thursday, August 8, 2024 9:08 AM
To: bwaggener
Cc: Chuck Korn; John Sych
Subject: RE: Lake Dr.

Good morning, Bill,

Thanks for the update. Your neighbor filed an appeal late yesterday on the Land Use Permit issued last week. I will follow up with a copy of the appeal and post a staff report on the website as soon as it's available. In the meantime, no further action may be taken until the appeal is heard unless a stay would result in "imminent peril to life or property" per Section 453.C of the Zoning Ordinance. I would like to set up a site visit to determine if such conditions exist. Let me know what time would be acceptable for you. You don't need to be present. Please cease any further activity until I am able to visit the site and make such determination.

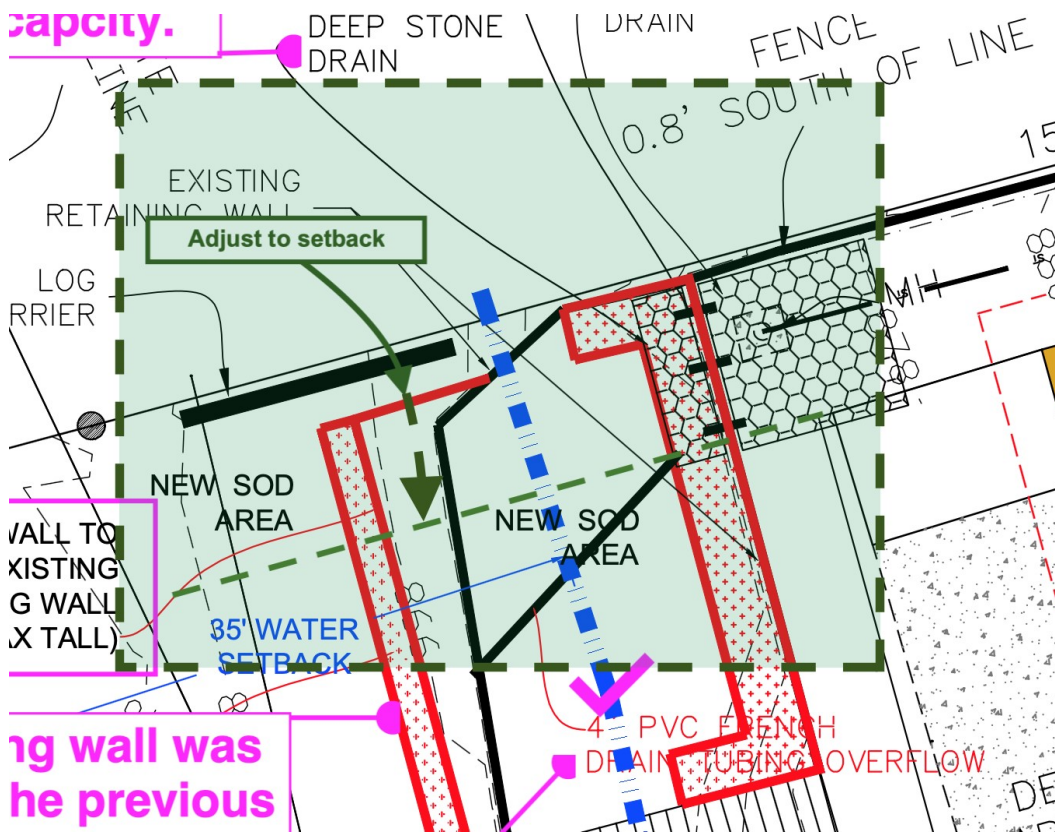
Sincerely,

Michael Green, Zoning Administrator
Charter Township of Garfield
Phone: 231-941-1620
Fax: 231-941-1588

From: bwaggener <billwaggs@gmail.com>
Sent: Wednesday, August 7, 2024 2:30 PM
To: Mike Green <Mgreen@garfield-twp.com>
Subject: Re: Lake Dr.

Mike,

This drawing is pretty cluttered but I highlighted in green the area in question.
Will this work for you?



On Wed, Aug 7, 2024 at 1:57 PM bwaggner <billwaggs@gmail.com> wrote:

Mike,
 Just a heads up.
 I'll try to have that sketch markup tomorrow.
 Just buried in the office today and haven't been able to get to it.

The neighbor has reappeared in town just now, so I expect you'll be contacted.
 Hopefully I can make it through the week before the next inning starts.
 Thanks

--
 Best Regards,

Bill Waggener
 Waggener Electric LLC
 4281 Village Park Dr.
 Traverse City, MI 49685

Office: 231-929-9330
 Fax: 231-929-9305
 Cell: 231-883-9321

Email: bill@wecmi.com

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Best Regards,

Bill Waggener
Waggener Electric LLC
4281 Village Park Dr.
Traverse City, MI 49685

Office: 231-929-9330

Fax: 231-929-9305

Cell: 231-883-9321

Email: bill@wecmi.com

LEGAL NOTICE

Date

8/14/2024

WHEREAS, violations of

Zoning Ordinance Section 453.C
ZBA Appeal prevents any additional work

have been

found on these premises, IT IS HEREBY ORDERED in accordance with the above Code that all persons cease, desist from, and

STOP WORK

at once pertaining to construction, alterations or repairs on these premises known as 1661 Lake Drive

All persons acting contrary to this order or removing or mutilating this notice are liable to arrest unless such action is authorized by the Department.

CHARTER TOWNSHIP OF GARFIELD

Grand Traverse County
3848 Veterans Drive
TRAVERSE CITY, MICHIGAN 49684

INSPECTOR

Michael Green

PHONE

231.241.1620 x 230

CONTROL NO.

Mike Green

From: Alissa Topping <atopping@gtcountymi.gov>
Sent: Monday, August 26, 2024 9:38 AM
To: billwaggs@gmail.com
Cc: Mike Green
Subject: 1661 Lake Dr Soil Erosion Permit
Attachments: 4849_001.pdf; 4848_001.pdf

Good morning Bill,

The slope on the southern side of 1661 Lake Dr has eroded significantly and I'm issuing a permit compliance notice which is attached. The silt fences need to be repaired. To prevent further erosion issues the southern slope needs to be seeded and covered with erosion control blankets that are properly staked down after the gulleys have been filled in. For long term stabilization, it is highly recommended to install retaining walls on slopes that are steeper than 2:1. Corrective measures should be completed by 9/2/24 and I will follow up with another inspection then. If you have any questions, feel free to call me.

Alissa Topping
Environmental Health Sanitarian
Grand Traverse County Health Department
(231) 995-6020



PERMIT COMPLIANCE NOTICE

GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH
SOIL EROSION AND SEDIMENTATION CONTROL
2650 LaFranier Road
Traverse City, Michigan 49686
(231) 995-6051 • FAX (231) 995-6033
eh@grandtraverse.org

Location 1661 Lake Dr Permit No. 23-02135

Owner/Contractor William Waggener

The following corrective measures must be taken in order to bring your project into compliance with your permit requirements:

Repair silt fences. Remove sediment near waters edge
and fill in gulleys—seed southern slope and install
erosion control blankets that are properly staked
down.

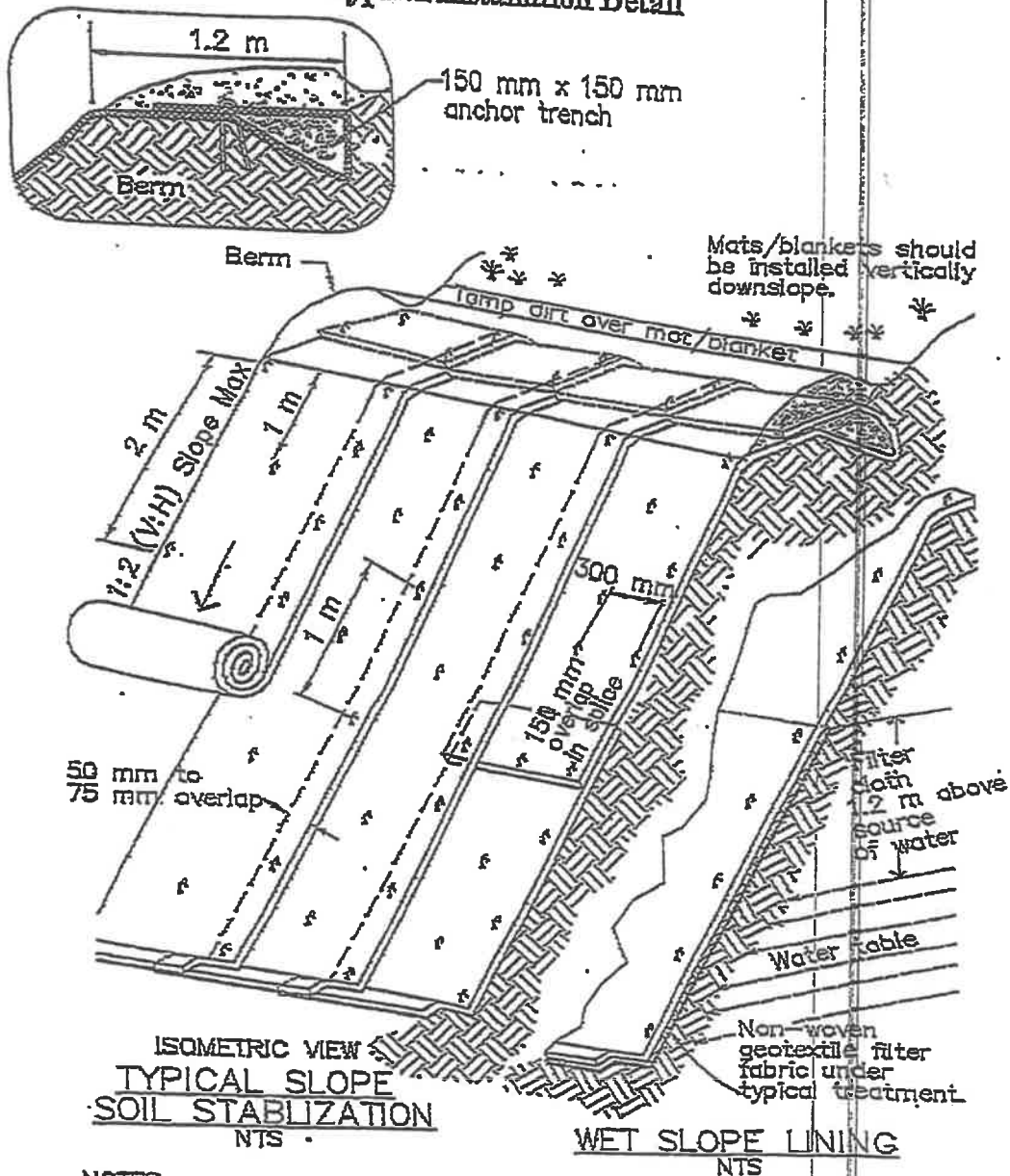
Please contact our office when these measures have been completed so we can verify that compliance with the above referenced permit requirements has been achieved. Corrections must be made on or before 9/2/24.

Date 8/26/24 by Alissa Tapping 231-995-6020
Soil Erosion Inspector

GTC/622
Rev. 9/18

Geotextiles, Mats, Plastic Covers and Erosion Control Blankets

Typical Installation Detail



NOTES:

1. Slope surface shall be free of rocks, clods, sticks and grass. Mats/blankets shall have good soil contact.
2. Lay blankets loosely and stake or staple to maintain direct contact with the soil. Do not stretch.
3. Install per manufacturer's recommendations

parcels and condominiums units with access to the alley. A copy of the recorded easement agreement and maintenance agreement shall be submitted to the Township prior to the issuance of a land use permit.

H. Setback standards shall not apply from the limits of the alley easement.

SECTION 515 FENCES AND WALLS

The intent of this section is to regulate the location, placement, materials, type, and height of fences to ensure safe sight lines at intersections and to minimize any potential negative visual impacts of unsightly fences and storage areas. For screening of outdoor storage areas, also see § 613, Outdoor Storage.

A. Design

(1) Articulation

No fence or wall facing and visible from a public street shall exceed fifty (50) horizontal feet in length unless one of the following architectural features visible from the paved surface of the street is provided as part of the fence:

- (a) A column or pillar; or
- (b) Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least six (6) inches and extending a horizontal distance of at least three (3) feet and less than twenty (20) feet.

- (c) Landscaping may be substituted for (a) or (b) above.

Landscaping such as climbing vines, shrubs, or trees planted along the base of that portion of the wall or fence that fronts a public street may be substituted for (a) or (b) above. The remaining setback area between the fence and property line shall be landscaped with grass or other low ground cover. All plants shall be irrigated and maintained consistent with the provisions of this article. Only living vegetation may be used to meet these landscaping requirements.

(2) Exception For Articulation

- (a) Articulation of this article does not apply to a fence or wall constructed of brick, masonry, or decorative iron fencing.
- (b) Individual single family and two family lots are exempt from meeting the articulation requirement except where such lot is located along the perimeter of a tract, parcel, plat, site condominium, or planned unit development approved for residential purposes and abutting a collector or arterial street.

(3) Integration

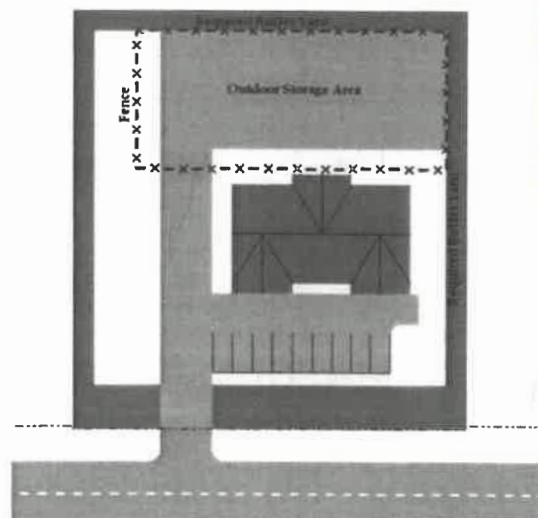
All fencing (in any district) shall be constructed so as to conceal or integrate into the architecture of the fence structural members. In stockade type fencing construction the finished side shall face outward.

(4) Placement

Where fencing is used to screen and/or secure approved outdoor storage areas, the fencing shall be placed interior to any required landscaping buffer (i.e. between the required buffer and the outdoor storage area). See illustration at right.

B. Material

- (1) Residential single family and two family lots may use the following material for fencing:



- (a) Chain link, wood, stone, rock, decorative concrete block, masonry brick, brick, decorative wrought iron, or other materials similar in durability.
- (2) Uses other than residential single family and two family lots are limited to the following types fencing material:
 - (a) Wood, stone, rock, decorative concrete block, masonry brick, brick, decorative wrought iron, or other materials that are similar in durability.
 - (b) Chain link may be acceptable when not in prominent view from a public street and provided a vegetative screen of living plant material is incorporated to provide screening and vegetative enhancement. Chain link fencing shall not incorporate "slats" for screening purposes.
 - (c) Where fencing is to be used for screening purposes, the Zoning Administrator upon review of a site plan or the Planning Commission upon review of a special use may require additional landscaping or allow an alternative fencing material or combination of plantings and materials to adequately screen a use. Also see § 613, Outdoor Storage.
- (3) The following materials shall not be used for fencing or screening in any district:
 - (a) Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence;
 - (b) Plywood, particle board, paper, and visqueen plastic, plastic tarp, or similar material; and
 - (c) Razor wire and other similar fencing materials capable of inflicting significant physical injury.
- (4) The following materials shall not be used for fencing or screening except for the use or within the district specified unless otherwise approved by the Planning Director:
 - (a) Barbed wire may be used only for livestock enclosures in the A District, for public service installations, or for security purposes in the I-L or I-G Districts.
 - (b) Permanent electrified fencing may be used only for livestock enclosures in the A District and shall be appropriately signed to indicate that the fence is electrified.

C. Height

(1) Front Yard

No fence, vegetative screening or wall shall exceed a height of four (4) feet in the front yard. No fence, vegetative screening or wall shall obscure vision or interfere with safe site lines at street and/or alley intersections.

(2) Side or Rear Yard

Unless specifically permitted in this Ordinance for screening or security purposes, no fence or wall, shall be erected or altered in any side or rear yard to exceed a height of seven (7) feet.

(3) Industrial Districts

Fence height restrictions do not apply in the I-G or I-L district unless:

- (a) The lot abuts a residential or commercial district; or
- (b) The fence height and location adversely affect safe site lines at street and/or alley intersections.

D. Maintenance

All fences and walls shall be maintained in good condition so as not to create a hazard, public nuisance, or blight in the surrounding neighborhood. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or wall, or other forms of deterioration shall be immediately repaired or replaced.

C. Wetland Setbacks

No structure, parking lot area, or snow storage area shall be located within twenty-five (25) feet of such wetland. However, recognized wetlands may be incorporated into a stormwater management strategy provided that the wetland values will not be impaired and provided further that incorporation of the wetland will provide a net ecological benefit to groundwater and surface water.

SECTION 535 SUPPLEMENTAL SHORELINE REGULATIONS

Purpose. The intent of this Section is to preserve and protect the water quality of the lakes and streams of our region. These regulations seek to balance the protection of the ecosystem while allowing development where appropriate. Methods to accomplish this purpose include, but are not limited to, preservation and/or enhancement of vegetation along lake-stream banks, maintaining lake-stream bank stabilization, preventing sediment from entering the water bodies, allowing for nutrient absorption, providing wildlife habitat and corridors, screening man-made structures, and providing shade, wood or wooden fiber material along the shoreline.

A. Setbacks from Lakes, Rivers, and Streams

- (1) Every commercial, industrial or multi-family residential building hereafter erected having frontage on any body of water, with the exception of Silver and Boardman Lakes, and with the exception of on-site storm water ponds and artificial water bodies created as part of the site's landscape treatment, shall be set back at least seventy-five (75) feet from the watermark or normal stream bank. Single family residential uses shall observe a setback of fifty (50) feet. Along those sections of the Boardman River controlled under the Natural River Act, PA 231 of 1970, as amended, setbacks shall be as required by the Act.
- (2) Every building hereafter erected having frontage on Silver and Boardman Lakes shall set back at least fifty (50) feet from the water mark.
- (3) Storm water retention or detention ponds, with the exception of customary release structures including pipe, swales and ditches shall be set back fifty (50) feet from a natural lake or normal stream bank.
- (4) Streets and access drives other than where they intersect lakes or streams and for such a distance as is required to cross a lake or stream shall be set back fifty (50) feet from a watermark or normal stream bank.

B. Minimum Construction Elevations - Silver Lake

Within five hundred (500) feet of Silver Lake, the lowest grade for any building construction or accessory building construction shall be elevation 866.N.V.G.D. (NOTE- SILVER LAKE WATER MARK - 862.32 feet above sea level USGSD.

C. Riparian Vegetative Buffers

- (1) Required. A vegetated buffer strip shall parallel and extend thirty-five (35) feet inland from all points along the water mark of a lake-stream shoreline or normal stream bank, with the exception of on-site storm water ponds and artificial water bodies created as a part of site landscape treatment which does not flow or overflow into a natural lake-stream. The general standards for the buffer strip are as follows:
 - (a) The buffer strip shall consist of native trees, shrubs and other vegetation. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, may be removed. Trees and shrubs shall not be removed but may be pruned for a filtered view of the lake-stream, however, clear cutting shall be prohibited.

- (b) Subject to (1) above; ground cover vegetation shall be left in a natural state and shall not be removed. Chemical control and/or fertilization of vegetation shall be prohibited.
- (c) Footpaths, bicycle paths and hiking paths as well as fences, walls and stairways may be constructed under the following conditions:
 - (i) All paths and stairways must be constructed in a location and manner to avoid soil and slope failure.
 - (ii) Construction shall avoid removal of existing trees, shrubs and any other vegetation whenever feasible.
- (2) Reduction. In the event that the application of the vegetated buffer strip standards of this Section, together with any other dimensional restrictions applicable under this Ordinance, results in a legal parcel that cannot be reasonably developed for permitted land uses in the district within which the property is located, the Planning Commission may approve a reduction of the buffer area upon a finding that the proposed site plan provides the maximum possible buffer strip, while permitting a reasonable use of the property.

D. Filling and Grading within 200 Feet of the Water Mark or Stream Bank

The following rules shall apply to any filling, grading or any other earth movement within 200 feet of the water mark or normal stream bank of any lake, river, stream, or other body of water to prevent harmful erosion and related sedimentation:

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover such as mulch must be used as soon as possible and permanent cover such as sod be planted.
- (3) Diversions, silting basins, terraces and other methods must be used to trap any sediment.
- (4) Fill must be stabilized according to accepted engineering practices.

DIVISION 3: IMPROVEMENTS - OPERATION AND MAINTENANCE

SECTION 540 PURPOSE

All improvements required by this article shall be operated and maintained as required by this Division. The instruments creating the dedication, easement, transfer, homeowners' association (HOA), or condominium association, shall be provided to and approved by the Township as part of any development application.

The Township may, but is not obligated to, accept or agree to another form of operation and maintenance of any improvement required by this article provided that such is consistent with the intent of this article.

SECTION 541 DEDICATION OF LAND OR EASEMENT

The Township may, but is not required to, accept a dedication of land in the form of fee simple ownership or an easement for public use of any portion or portions of undivided improvement land, the title of which is to remain in ownership by the condominium or HOA, provided that:

- A. Such land is accessible to the residents of the Township;
- B. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- C. The improvement conforms to the applicable standards of this article.

Land dedicated as a natural area, greenway, greenbelt, or trail corridor shall be subject to a duly executed and recorded easement meeting the requirements of and enforceable in accordance with State statute,

- (3) If the Planning Department fails to act within the time period required for completeness review, the application is deemed complete for the purpose of introducing the project before the Planning Commission.
- (4) Nothing in this section precludes an applicant and the Planning Department from mutually agreeing to an extension of any time limit provided by this section.

G. Appeal of Completeness Review

A determination by the Planning Department that an application is not complete may be appealed in writing to the Planning Commission. Such appeal must specify the information provided in the application and relied upon by the applicant, and must include a description as to how such information satisfies the ordinance standard(s) referenced by the Planning Department in the completeness review.

H. Further Information Requests

After the Planning Department or the Planning Commission accepts a development application as substantially complete, the Planning Department or the Planning Commission may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application, if such would be required to render a final determination on the merits. This additional information to be submitted may be required prior to scheduling a public hearing or otherwise acting on the application.

SECTION 404 EXPIRATION OF APPLICATION

During the course of any administrative, legislative, or quasi-judicial application review, if an applicant has failed to proceed meaningfully towards application completion or application decision for a period of one-hundred and twenty (120) consecutive calendar days, then the application shall be considered expired. Following expiration of an application, the applicant shall be provided with written notice of said expiration.

SECTION 405 PERFORMANCE GUARANTEE

A. Generally

To ensure compliance with this ordinance and any conditions imposed there under, the Township may require that a cash deposit, certified check, irrevocable bank letter of credit, surety bond, or other form of financial guarantee acceptable to the Township be deposited with the Township Clerk. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township shall not require the deposit of the performance guarantee until it is prepared to issue the permit.

B. Amount

The performance guarantee shall be sufficient to cover the estimated cost of improvements associated with a project, as submitted by a representative of the applicant and deemed reasonable by the approving authority.

C. Improvements

For the purposes of this section, improvements shall mean those features and actions associated with a project that are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township and those future users and/or inhabitants of the project or project area. Improvements shall include, but may not be limited to, streets and internal roadways inclusive of

curbs and drainage facilities, lighting, electrical systems, utilities, sidewalks, drainage facilities inclusive of applicable retention and detention ponds and/or systems, landscaping and buffers.

D. Default; Drawing Upon Performance Guarantee

- (1) If a Township official determines that a required improvement has not been made or that a condition of approval has been violated, and that the permit holder has not acted to correct the issue in a timely manner, the official may recommend to the Planning Commission that the performance guarantee be leveraged to bring about compliance. The Planning Commission shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall then consider such action at its first meeting after the Planning Commission's review.
- (2) The performance guarantee may only be drawn upon resolution of the Township Board. Said resolution shall find that the applicant has failed to do one or more of the following:
 - (a) Complete an improvement or improvements pursuant to the requirements of the development approval, as applicable and any required conditions thereto; or
 - (b) Conduct meaningful progress for more than one (1) year toward the completion of one or more of the improvements.
- (3) Any resolution to draw upon the performance guarantee shall also direct the Zoning Administrator to take any action or procure any services which he or she deems necessary to bring about compliance.

E. Rebate of Cash Deposit for Work Completed

For Cash or Certified Check. The Township shall rebate to the applicant forty percent (40%) of the deposited funds when sixty percent (60%) of the required improvements are completed, and the remaining sixty percent (60%) of the deposited funds when one hundred percent (100%) of required improvements have been made. A written assessment of the amount of work completed shall be detailed in writing by the applicant and reviewed by Zoning Administrator, who shall certify in writing to the Township Treasurer that conditions for partial or full rebate of the cash deposit have been met. Such certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that has been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.

F. Land Division

This Section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the land division act.

SECTION 406 NOTICE PROVISIONS

A. General

The notice requirements for each process or type of application are prescribed in State statute. Notice shall be provided in accordance with such standards.

B. Action to Be Consistent with Notice

The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable) of the application, or denial of the application.