

**PLANNING COMMISSION  
CITY OF THE VILLAGE OF DOUGLAS  
CITY HALL - 86 W. CENTER STREET, DOUGLAS, MI**

**SPECIAL MEETING, WEDNESDAY, APRIL 27, 2022 – 7:00 PM**

**AGENDA**

- A. Call to Order** – Remote Special Meeting Procedures
- B. Roll Call** -  
Approval of Agenda (additions/changes/deletions)  
*-Motion to Approve; April 27, 2022. (Roll Call Vote)*
- C. Public Comment (limit 5 minutes please)**
- D. Communications** - Review of public Written Communications.
- E. New Business**
1. Public Hearing; Site Plan Review & Waterfront Construction Application (Major) –  
Accessory Structures – Bulkhead, Deck(s)/Stairs and site changes to Sensitive Lands;  
R-2 Residential District. 156 Lakeshore Drive (Scott/Christina Garberding, Ryan Hall)  
*- Motion to Open Public Hearing (Roll Call Vote)*
    - a. Applicant Presentation
    - b. Public Comments (limit 3 minutes each, please)
    - c. Staff Remarks
    - d. Commissioner Questions*- Motion to Close Public Hearing, Approve with Conditions (Roll Call Vote)*
  2. Public Hearing; Site Plan Review & Waterfront Construction Application (Minor) –  
Accessory Structure and Accessory Use – Outdoor Public Recreation; R-3 Neighborhood  
Conservation District. 80 E. Center Street (City of the Village of Douglas)  
*- Motion to Open Public Hearing (Roll Call Vote)*
    - a. Applicant Presentation
    - b. Public Comments (limit 3 minutes each, please)
    - c. Staff Remarks
    - d. Commissioner Questions*- Motion to Close Public Hearing, Approve with Conditions (Roll Call Vote)*
  3. Public Hearing; Site Plan Review & Waterfront Construction Application (Minor) –  
Addition to Principal Building and Accessory Structures – Deck(s)/Stairs and site changes  
to Sensitive Lands; R-2 Residential District. 96 Lakeshore Drive (Robert Tighe)  
*- Motion to Open Public Hearing (Roll Call Vote)*
    - a. Applicant Presentation
    - b. Public Comments (limit 3 minutes each, please)(Item E,3 continued on Page 2 of 2.)

## NOTICE

### REMOTE MEETING

This meeting is being held in-person with option for remote attendance and electronic participation.

### ACCESS INSTRUCTIONS

To attend and participate in this meeting of the City of the Village of Douglas Planning Commission remotely, please consider joining on-line or by phone.

Join on-line by visiting:

<https://us02web.zoom.us/j/83008110298>

Join by phone by dialing:

**+1 (312) 626-6799**

Then enter  
"Meeting ID":

**830 0811 0298**

Those who are hearing impaired and require additional accommodations are encouraged to contact  
**(269) 857-1438**  
or  
**clerk@douglasmi.gov**

(Item E,3 continued from Page 1 of 2.)

- c. Staff Remarks
- d. Commissioner Questions

- *Motion to Close Public Hearing, Approve with Conditions* (Roll Call Vote)

4. Public Hearing; Site Plan Review & Waterfront Construction Application (Major) –  
Accessory Structures – Bulkhead, Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District.

130 Lakeshore Drive (Kevin/Cami Freeman, Mike DeYoung)

- *Motion to Open Public Hearing* (Roll Call Vote)

- a. Applicant Presentation
- b. Public Comments (limit 3 minutes each, please)
- c. Staff Remarks
- d. Commissioner Questions

- *Motion to Close Public Hearing, Approve with Conditions* (Roll Call Vote) Public Hearing

5. Public Hearing; Site Plan Review & Waterfront Construction Application (Minor) –  
Accessory Structures –Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District.

3071 Lakeshore Drive (Sara Fash, Ryan Hall)

- *Motion to Open Public Hearing* (Roll Call Vote)

- e. Applicant Presentation
- f. Public Comments (limit 3 minutes each, please)
- g. Staff Remarks
- h. Commissioner Questions

- *Motion to Close Public Hearing, Approve with Conditions* (Roll Call Vote)

6. Public Hearing; Site Plan Review & Waterfront Construction Application (Major) –  
Accessory Structures – Bulkhead/Revetment, Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District. 144 Lakeshore Drive (Frederick Eagle Royce III)

- *Motion to Open Public Hearing* (Roll Call Vote)

- i. Applicant Presentation
- j. Public Comments (limit 3 minutes each, please)
- k. Staff Remarks
- l. Commissioner Questions

- *Motion to Close Public Hearing, Approve with Conditions* (Roll Call Vote)

7. Resolution to Recommend Amendment of the City of the Village of Douglas Schedule of Fees (K. Heneghan)  
*Consideration of Planning Commission Resolution recommending City Council revise the City of the Village of Douglas Schedule of Fees and penalty structure related to Zoning and Land Use applications and permitting.*

- *Motion to Recommend* (Roll Call Vote)

**F. Old Business**

**G. Reports of Officers, Members, Committees - Planning & Zoning Administrator (N. Wikar)**

**H. Public Comment (limit 5 minutes please)**

**I. Adjournment**

CITY OF THE VILLAGE OF DOUGLAS  
REMOTE MEETING SPECIAL PROCEDURES

The following guidelines shall be in-place to assist and manage public attendance and participation in remote (online and telephone), electronic meetings of the City of the Village of Douglas, Michigan.

1. City Staff shall be available to assist the public to make reasonable accommodations for those with disabilities and/or the hearing impairment to attend and participate without impediment.
2. For the purpose of carrying-out remote meetings, a staff member will act as "administrator" to manage all content, access, video, audio, chat, "gesturing," recording, visual, and screensharing controls.
3. For the purposes of preserving the agenda and integrity of the meeting, the meeting "administrator" shall assist the chairperson in moderating audio/microphone controls of participants, building a speaker list of those wishing to comment while limiting public microphone access to "public comment"/"public participation" periods of the meeting, as published.
4. Online attendees/participants shall indicate their desire to speak on an agenda item or topic by using "gesturing" controls (i.e. Raise Hand, Thumbs Up, etc.), using the chat window, or by voice. All microphones will be temporarily unmuted for a brief period of time at the beginning of all "public comment"/"public participation" periods of the meeting so those joining by telephone or those participants who are audio-restricted may indicate they would like to be added to the speaker list. The chairperson and meeting "administrator" will share the responsibility of building and managing the speaker list, recognizing each speaker individually, and toggling microphone controls so all speakers on the list may be heard.
5. Lewd, profane, hostile, aggressive, racist/discriminatory, disruptive, or otherwise obstructive behavior by attendees/participants will not be tolerated. The City and meeting "administrator" reserves the right to warn, limit, restrict, and remove any content or participants in violation of this directive.
6. All "public comment"/"public participation" periods of the meeting will be concluded after the chairperson/meeting "administrator" has:
  - a. exhausted the speaker list
  - b. responded to any outstanding "gesturing"
  - c. answered any outstanding requests to speak as indicated in the chat window, and
  - d. after a final call for any additional or remaining public comments as indicated by voice. All microphones will again be temporarily unmuted at that time.
7. The City shall record and make available to the public, in a reasonable time frame, all content of all remote meetings of Council and public boards/commissions for the public record, online, and at individual request in electronic format.

## Nick Wikar

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**From:** Joyce Petter <jrpwjp@comcast.net>  
**Sent:** Thursday, April 21, 2022 2:24 PM  
**To:** Nick Wikar  
**Cc:** Joyce Petter  
**Subject:** Wades bayou

April 21, 2022

Nicholas Wiker, City Planner

From Joyce Petter, 11 No. Water Street, Douglas

When I moved my gallery from downtown Saugatuck to Douglas in 1993, it started the Douglas Destination movement and other art galleries and shops soon came to Douglas. Fast forward to 2005 when I made another large investment in Douglas and created the lovely house next door to Wade's Bayou Memorial Park.

Shortly thereafter, Center Street was remade by the City of Douglas as a grand walk to Wade's Bayou. In doing so they removed 3 parking spaces on the south side of my house and offered to cut three spaces from the walkway to the lake. I knew that this would ruin the view for walkers and said not to make the cut-ins.

It is important to remember that Views are priceless.

The view of the lake as one walks to the water at Wade's Bayou or drives there has been tremendously improved this year with the removal of the commercial kayak rental office. It is now a completely open view of the lake and the park.

Wade's Bayou Memorial Park is a beautiful, peaceful park and a tremendous asset to the city of the Village of Douglas and the entire community. Neighbors and Visitors enjoy the view of the lake as they walk to the park. It is a beautiful place to sit and watch the sunrise, just contemplate the lake, picnic at the tables, fish, or take a kayak ride, etc. Cars on Center Street can see the lake from blocks away with no unsightly commercial activities.

**There is no way that another non-conforming building may ever be put in this extremely important place. The zoning on this land calls for a 20-foot front yard and a 30-foot back yard and this is only possible if the next building or auxiliary building is moved across the street.**

The terrain is such that it would be necessary to put the new office for kayak rentals at the west end of the parking lot rather than on the hill to the park and this is also where the Porta Johns should be placed, next to the commercial building. The racks holding kayaks are also a commercial activity and should be placed next to the rental office.

The use of Wade's Bayou Memorial Park has been for contemplation and relaxation from the world. The Proper placement of the new Kayak rental office and the kayaks that are rented will enhance the priceless view and beauty of Wade's Bayou Memorial Park.

We need to preserve this park land and all commercial activity must be in the west center of the park behind the parking lot. No new non-conforming use of the land is needed as there are other options.

Joyce Petter

[jrpwjp@comcast.net](mailto:jrpwjp@comcast.net)



**To: Douglas Planning Commission**

**From: Nicholas Wikar  
Planning and Zoning Administrator**

**Date: April 22, 2022**

**Subject: Public Hearing - Site Plan Review & Waterfront Construction Application (Major) – Accessory Structure(s) – Bulkhead, Deck(s)/Stairs and Site Changes to Sensitive Lands; R-2 Residential District. 156 Lakeshore Drive (Scott/Christina Garberding, Ryan Hall)**

The City of Douglas has received an application for Site Plan Review and Waterfront Construction Application (“Applications”) for 156 Lakeshore Drive, located in the R-2 Residential District, Douglas, Michigan. Scott and Christina Garberding, property owners, and Ryan Hall (“Applicant”) seek to obtain Site Plan Review approval for new Accessory Structures including Bulkhead, Deck(s), and stairs constructed without permits.

Waterfront Construction Application for Accessory Structures considered Major shall be reviewed in a public hearing by the Douglas Planning Commission, pursuant to Chapter 11 of the City of the Village of Douglas Code of Ordinances. Commissioners shall arrive at Findings of Fact pursuant to Section 110.7 Duties of Planning Commission and Section 303.3 Site Plan Review Standards, of the Douglas Zoning Ordinance.

Having reviewed the Applications for completeness, the Planning and Zoning Administrator has provided the enclosed submittals to the Planning Commission for consideration and review against those Waterfront Construction and Site Plan Review standards. Upon review, the Planning Commission shall provide: 1.) approval, 2.) approval with conditions, or 3.) denial; providing a statement of any conditions imposed to meet the standards of the R-2 zone, applicable Land Use requirements, and/or the standards of Approval. Escrow and Performance Guarantee may be recommended by the Planning Commission to ensure compliance to any Conditions of Approval (Section 303.3 d and h).

*Pursuant to the City of Douglas Schedule of Fees and Ordinances of the City, the Applicant shall remit payment of any required Land Use applications fees and penalties for work performed without permits. The Planning Commission shall require payment of dues and may recommend escrow and performance guarantee to the City, equal to the estimated cost of site improvements required and necessary for compliance with any Conditions of Approval, as assigned by the Planning Commission.*

**It is recommended the Douglas Planning Commission arrive at Findings of Fact and consider Conditional Approval of the Site Plan Review and the Application for Waterfront Construction - "Major" in public hearing, for Accessory Structures located at 156 Lakeshore Drive, zoned R-2 Residential District, in Douglas, Michigan.**



# ZONING REVIEW APPLICATION

86 W. CENTER STREET, PO BOX 757, DOUGLAS MI 49406

Phone: 269.857.1438 Fax: 269.857.4761

[www.ci.douglas.mi.us](http://www.ci.douglas.mi.us)

156

A Zoning Permit is required for all changes to Uses, structures, and other Site Improvements. This includes all residential, commercial and industrial structures, and accessory buildings that require a Building Permit, as well as fences, temporary storage, and agricultural activities which are exempt from the Building Permit process. A survey and site plan is necessary to complete this application.

Submit complete applications to the City of Douglas prior to any site work or requesting permits with Michigan Township Services.

APPLICANT INFORMATION (if different than owner)	
Name <u>Ryan Hall</u>	Email <u>Sue@kandtechmi.com</u>
Address <u>2450 VanOmmer Dr. Ste B Holland, MI 49424</u>	
Phone # <u>616-953-9279</u>	Fax # _____
OWNER INFORMATION	
Name <u>Scott &amp; Cristina Garberding</u>	Email <u>mccgarber@gmail.com</u>
Address <u>1016 Bishop Rd, Gross Pointe Park, MI 48230</u>	
Phone # <u>248-841-3333</u>	Fax # <u>313-492-0254</u>
PROPERTY INFORMATION	
Address or Location <u>156 Lakeshore Dr. Douglas, MI</u>	
Permanent Parcel # <u>59-710-007-00</u>	
Zone District - Current <u>City of Douglas</u>	Proposed (if Applicable) _____
Property Size <u>.38</u>	Special Use (if Applicable) _____
TYPE OF PROJECT (check all that apply)	
Residential <input checked="" type="checkbox"/>	or Commercial _____
New Construction _____	Remodel _____
Accessory Structure _____	Addition _____
Boardwalk/Dock _____	Deck/Porch _____
Temporary Use/Structure _____	Other <u>Beach Steps</u>

Describe Proposed Project (attach additional pages as necessary) \_\_\_\_\_

PTL step system over revetment to beach - Bottom section is removable Aluminum

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

Signature of Applicant and Owner (if different than applicant) \_\_\_\_\_

11/05/2021  
Date

I hereby grant permission for members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.

Please see attached

Owner's Signature

Date



Cristina Garberding  
 (Client Name)  
 156 Lake Shore Road  
 (Street Address)  
 Douglas, Michigan 49406  
 (City, State, Zip)

**CE**  
 Callen Engineering, Inc.  
 Spring Lake, Michigan

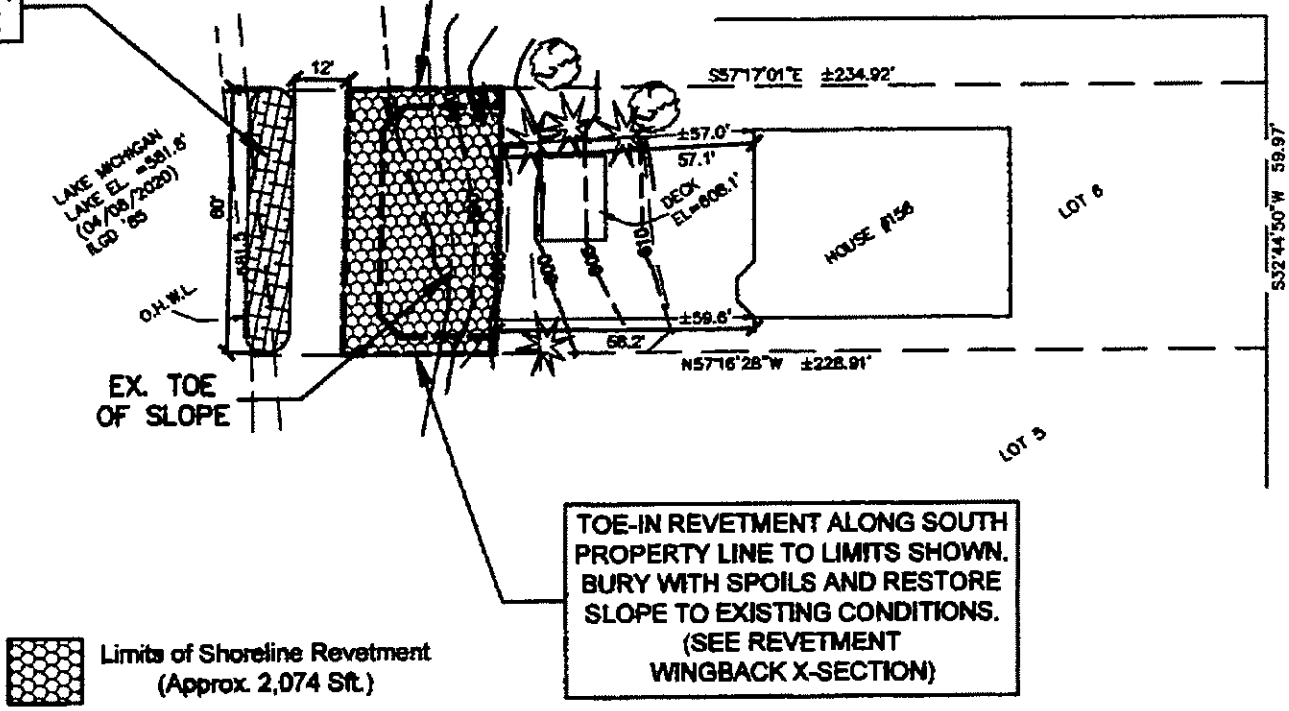
Permittee \_\_\_\_\_ Date \_\_\_\_\_

**TEMPORARY WAVE BREAK  
 8' TALL 10' WIDE AT BASE**

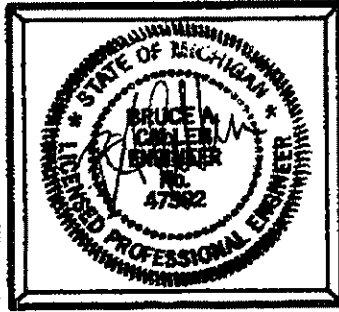
**TOE-IN REVETMENT ALONG NORTH  
 PROPERTY LINE TO LIMITS SHOWN.  
 BURY WITH SPOILS AND RESTORE  
 SLOPE TO EXISTING CONDITIONS.  
 (SEE REVETMENT  
 WINGBACK X-SECTION)**

**TOE-IN REVETMENT ALONG SOUTH  
 PROPERTY LINE TO LIMITS SHOWN.  
 BURY WITH SPOILS AND RESTORE  
 SLOPE TO EXISTING CONDITIONS.  
 (SEE REVETMENT  
 WINGBACK X-SECTION)**

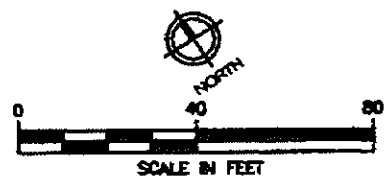
FILL VOLUME	
<b>EGGLE</b>	
STONE ABOVE 580.50 IGLD 85	155 Cyd.
STONE BELOW 580.50 IGLD 85	87 Cyd.
SAND ABOVE 580.50 IGLD 85	8 Cyd.
SAND BELOW 580.50 IGLD 85	0 Cyd.
	<b>230 TOTAL</b>
<b>USAGE</b>	
STONE ABOVE 581.50 IGLD 85	140 Cyd.
STONE BELOW 581.50 IGLD 85	82 Cyd.
SAND ABOVE 581.50 IGLD 85	8 Cyd.
SAND BELOW 581.50 IGLD 85	0 Cyd.
	<b>230 TOTAL</b>
CUT VOLUME	
<b>EGGLE</b>	
SAND ABOVE 580.50 IGLD 85	154 Cyd.
SAND BELOW 580.50 IGLD 85	97 Cyd.
	<b>251 TOTAL</b>
<b>USAGE</b>	
SAND ABOVE 581.50 IGLD 85	122 Cyd.
SAND BELOW 581.50 IGLD 85	129 Cyd.
	<b>251 TOTAL</b>
<b>NET FILL (EGGLE):</b>	<b>0 Cyd.</b>
<b>NET FILL (USAGE):</b>	<b>0 Cyd.</b>
<b>TEMPORARY FILL:</b>	<b>222 Cyd.</b>



Limits of Shoreline Revetment (Approx. 2,074 Sft.)  
 Temporary Wave Break (Approx. 578 Sft.)



Plan Prepared By:  
 Bruce A. Callen, P.E.  
 Callen Engineering, Inc.  
 108 E. Savidge St.  
 Spring Lake, Michigan 49456  
 Tel: 616-414-5280  
 email: bcallen@callenengineering.com



SHEET  
**CD-1**  
 SITE PLAN  
 DATE OF PLAN: 05-28-20

Cristina Garberding

(Client Name)

156 Lake Shore Road

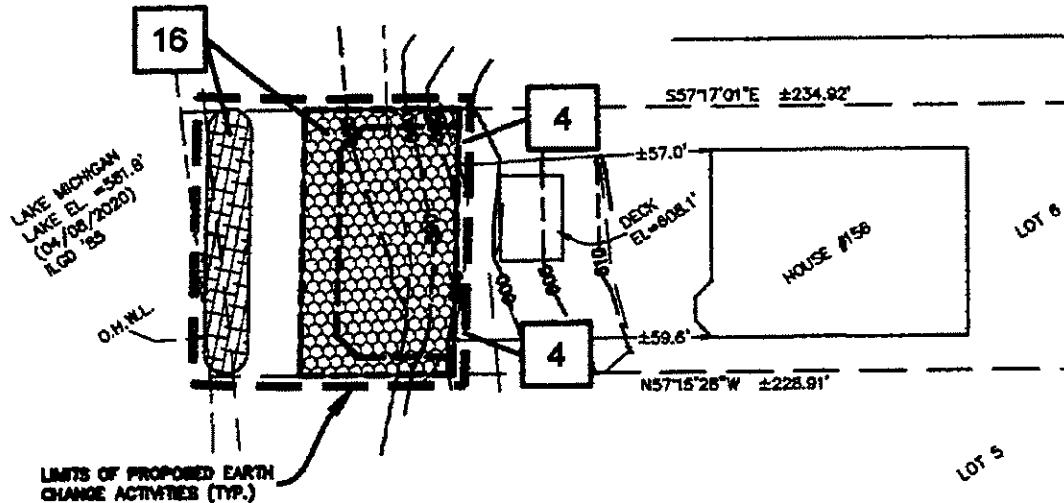
(Street Address)

Douglas, Michigan 49406

(City, State, Zip)

Permittee \_\_\_\_\_

Date \_\_\_\_\_



**SESC NOTES**

Total disturbed area: 4,000 sqft. (0.09 Acres)

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



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


Stabilize site as soon as possible. All disturbed Dune/Critical Slope Areas Re-vegetated with dune grass plugs 24" O.C.

Construction is anticipated to begin MAY 2020 with substantial sitework completion no later than SEPT 2020.

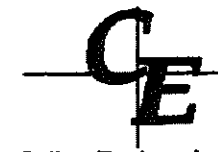


**EROSION CONTROL MEASURES**

-  Limits of Shoreline Revetment (Approx. 2,074 Sft.)
-  Temporary Wave Break (Approx. 578 Sft.)

KEY	SESC MEASURE	SYMBOL	WHERE USED
4	Trees, Shrubs, Vines and Ground Cover		When bare soil or recently vegetated slopes are exposed to erosive forces from wind and/or water.
16	Riprap Toe of Slope		Riprap toe of slope protection is used in areas where velocities are causing drain bank erosion and are too high to stabilize using other methods.

\*SEE MICHIGAN ASSOCIATION OF COUNTY DRAIN COMMISSIONERS SESC MANUAL (VERSION 2018) FOR SPECIFICATIONS



Callen Engineering, Inc.  
Spring Lake, Michigan

SHEET

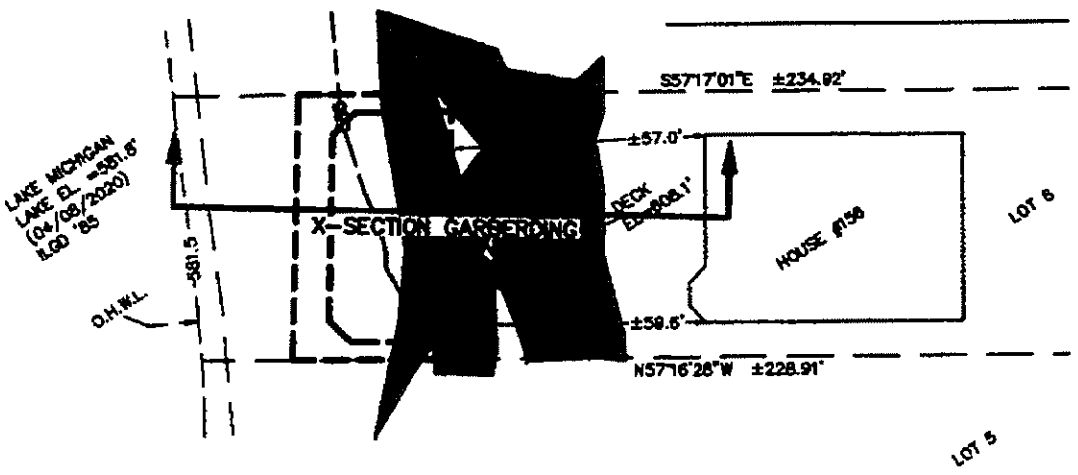
**CD-3**



SESC PLAN

DATE OF PLAN: 05-28-20

Cristina Garberding  
 (Client Name)  
 156 Lake Shore Road  
 (Street Address)  
 Douglas, Michigan 49406  
 (City, State, Zip)

Permittee \_\_\_\_\_ Date \_\_\_\_\_



-  CRITICAL SLOPE  $\geq$  33.0%
-  25.0%  $\leq$  CRITICAL SLOPE  $<$  33.0%



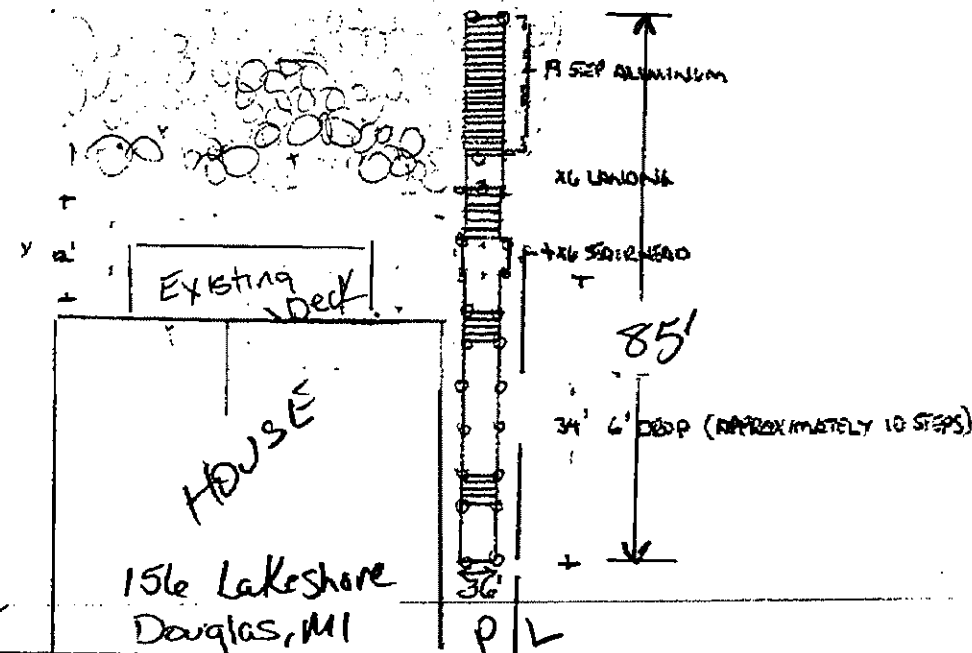
**CE**  
 Callen Engineering, Inc.  
 Spring Lake, Michigan

SHEET  
**CD-4**  
 X-SECTION  
 DIRECTORY  
 DATE OF PLAN: 05-28-20

N →

LAKE MICHIGAN

N ↗



8 SEET ALUMINUM

26 LUMBER

2x6 S&B HEAD

85'

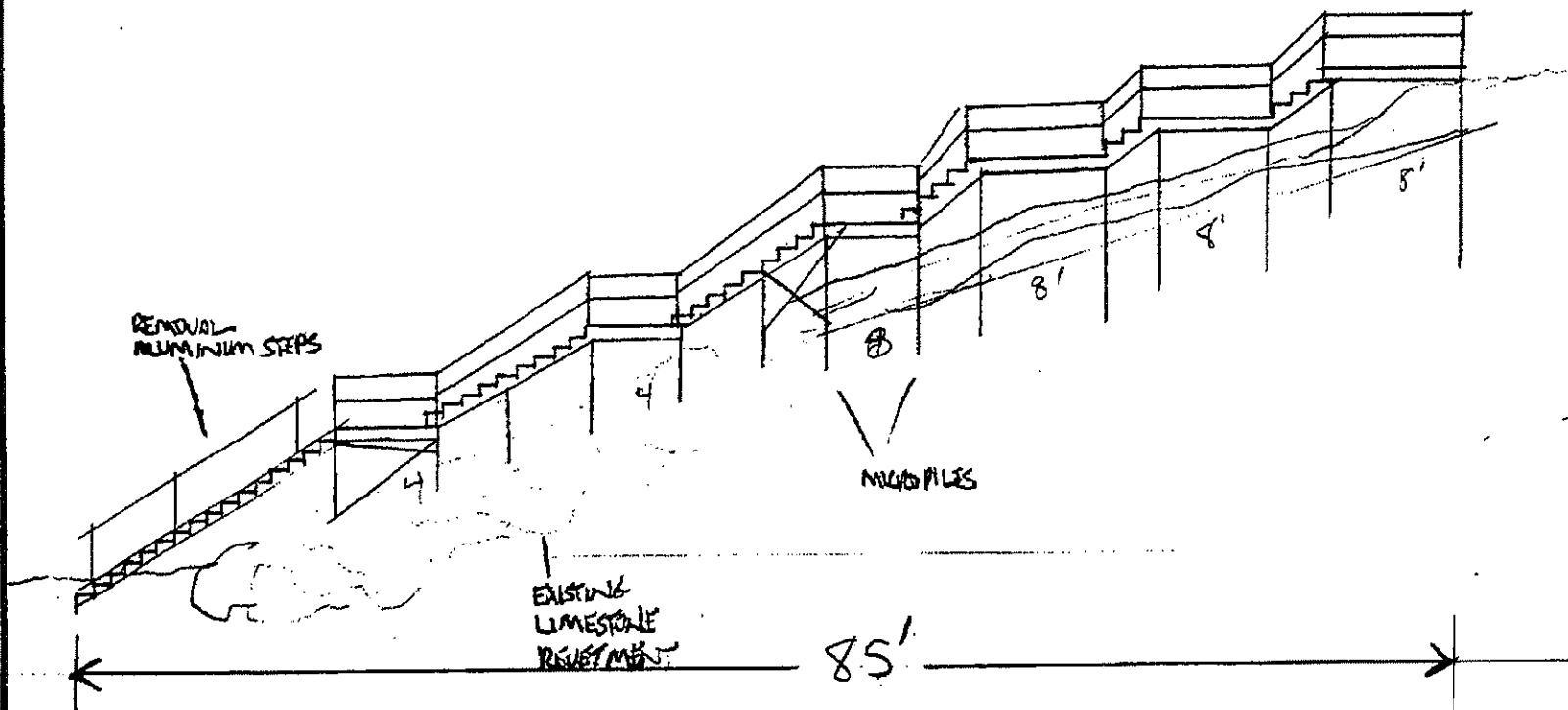
34' 6" DEEP (APPROXIMATELY 10 STEPS)

Drawn By: Ryan Hall  
 Date 3/8/2021  
 Revised: 11/11/2021  
 Revised: Kennedy

Scale: ~~1/8"=1'~~  
 ATB

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

Project name: barbed net steps  
 Client Name: GARBERONG  
 Project Address: 156 Lakeshore Dr.



Drawn By: Ryan Hall  
 Date 11/10/00  
 Revised:  
 Revised:

Scale: NTS



**LandTechwmi**

Geo-technical Site Work & Environmental Landscaping  
 Aesthetics Function Stewardship

Project name: Gardening steps  
 Client Name: GARDENING  
 Project Address:

76 Veterans Dr., Ste 500 Liberty Ct., Holland, MI 49423 Office: (616) 928-0786 Fax: (616) 928-0787 www.landtechwmi.net

To Whom It May Concern;

I, We, the duly appointed authorized owner's representative hereby authorize personnel of LandTechwmi, Holland, MI and the personnel of Callen Engineering to act as our authorized agents pertaining to the design / engineering / proposal, EGLE, MDNR, USACE, County Vegetation Assurance, and/or SESC permit applications, the installation of erosion control structures / measures, site restoration, building permits and all associated work to be performed at located at:

Site Address

156 LAKESHORE, DOUGLAS MI

County ALLEGAN

Project Property Tax ID # 59-710-007-00  
(parcel number)

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

Sincerely,

*Scott R Garberding*

\*Signature

SCOTT R GARBERDING  
CRISTINA GARBERDING

4-5-21

Date 4-5-2021

\*Note: Whoever's names are on the deed will need to sign / print their name on this form.

BY AUTHORITY OF THE BUILDING DEPARTMENT

# PERMIT

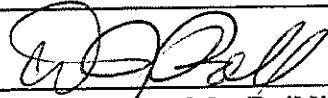
THIS PERMIT IS ISSUED UNDER THE PROVISIONS OF THE STATE OF MICHIGAN CONSTRUCTION CODE ACT (ACT 299 230 OF 1972) AND APPLICABLE LOCAL LAWS AND ORDINANCES AND IS NOT TRANSFERABLE WITHOUT THE CONSENT OF THE BUILDING OFFICIAL. PERMIT SHALL EXPIRE IF WORK IS NOT COMMENCED OR WORK IS ABANDONED FOR A PERIOD OF 180 DAYS.

Jurisdiction Douglas Village March 10 2021

Permit No. DOB 21-015 Location 999 Center St

This Permit is issued for Remodel Accessory Building  
Stairway windows cannot narrow to less than 6"

Permit issued to Rob Joon

  
Office of the Building Official  
111 Grand, Allegan, MI 49010  
1-800-626-5964

This Permit must be posted in a location visible from roadway before work starts.

# BUILDING PERMIT

The Jurisdiction Of DOUGLAS VILLAGE

Issue Date 3/10/2021  
Expiration Date

Permit #  
DOB21015

## APPLICANT, OWNER, and BUILDER INFORMATION

Builder Is Owner

Property Owner Is Owner

Owner

Joon Rob  
PO Box 151  
Douglas, MI 49406  
(616) 836-2816

, MI

Work\Cell: License #:

Applicant Is Owner

## PROJECT INFORMATION

Site Address 999 Center St

Subdivision

Type Of Project Remodel Accessory Bldg Proposed Use Residential

Foundation Concrete

Value \$19,995 Parcel# 03-59-017-092-00

Zoning District

Group U Type 5B Code MRC 2015

Zoning Permit #

Septic Permit #

Soil Erosion Permit #

## DIMENSIONAL INFORMATION

Width	Length	Height	1st	2nd	3rd	Basement		Garage	Deck	Total Square Footage	
						Total	Living			Living	Total
			0	0	0	0	0	0	0	0	0

Stories Of Project 1

Bedrooms 0

Bathrooms 0

Heat Source

No Fireplace is included in this permit

No Airconditioning unit is included in this permit

There is no water tap

There is no well

No truss diagram was submitted

## FEE INFORMATION

Permit Fees	Total Fees Due	\$407.00	
Building	\$180.00	Balance Due	\$0.00
Plan Review	\$0.00		
Application	\$0.00		
Miscellaneous	\$0.00		

Permit Remarks

(pd w/ CC) Stairway winders cannot narrow to less than 6"

Verified By

Jennifer Goodrich

Date

3-10-21





# LandTech

Geo-technical Site Work & Environmental Landscaping

## ShoreTech

Division of LandTechwmi

Bio-engineered Shorelines, Seawalls, Stone Revetment, Docks, Boat lifts and Floating Structures

AESTHETICS    FUNCTION    STEWARDSHIP



Colossians 3:23

November 1, 2021

Allegan County Health Dept.  
Attn: Jacob Wheatley  
3255 122<sup>nd</sup> Ave. Ste 200  
Allegan, MI 49010

Re: Permit # SESC20-136  
Garberding, Scott & Cristina  
156 Lakeshore Dr., Douglas, MI 49406

Dear Mr. Wheatley,

Please see the enclosed check for \$ 400.00 to extend the soil erosion permit referenced above. The original application was for shoreline protection. This extension request is for beach access steps over the existing revetment.

Please contact me if you have any questions.

Respectfully,

*Sue Kennedy*

Sue Kennedy  
Permit Manager  
LandTech ShoreTech WMI  
Mobile: (616) 886-2545



# LandTech

Geo-technical Site Work & Environmental Landscaping

# ShoreTech

Division of LandTechwmi

Bio-engineered Shorelines, Seawalls, Stone Revetment, Docks, Boat lifts and Floating Structures

**AESTHETICS    FUNCTION    STEWARDSHIP**



Colossians 3:23

Proposal Summary for Scott & Cristina Garberding - 156 Lakeshore Dr. Douglas, MI

Deliver materials and tools to the project site. No land grading is proposed for this project. PTL Stairhead with frame and landings will be installed for 3 ft wide x 85 ft long step system along N side of home over existing rock revetment. A handheld micro pile driver will be used to install the micro piles supporting the step system from the top of the bluff down to the beach. Landings will be designed and installed as needed per local building codes. The bottom section of steps will be removable aluminum steps. Access path, and any disturbed area's will be restored with dune grass plugs, native species plants, screened topsoil & grass seed & shade mix where necessary. And straw blankets wherever needed.

Remove equipment, excess materials & site cleanup.

2450 Van Ommen Dr. Holland, MI 49424 Office: (616) 928-0786 Fax: (616) 928-0787

[www.Landtechwmi.com](http://www.Landtechwmi.com) [curt@landtechwmi.com](mailto:curt@landtechwmi.com)



**ALLEGAN COUNTY HEALTH DEPARTMENT**  
 3255 - 122<sup>nd</sup> Avenue, Suite 200, Allegan, MI 49010  
**Environmental Health** 269-673-5415  
**PERMIT FOR SOIL EROSION AND SEDIMENTATION CONTROL PERMIT**

**PERMIT NUMBER**  
 SESC20-136  
**EXPIRATION DATE**  
 3/3/2021

**OWNER INFORMATION (PERMITTEE)**

NAME BARBERDING SCOTT & CRISTINA  
 ADDRESS 156 LAKESHORE DR CITY DOUGLAS ZIP 49406  
 PHONE 313-492-0254 EMAIL MCCGARVER@GMAIL.COM

**APPLICANT INFORMATION**

NAME RYAN HALL COMPANY LANDTECH WMI  
 ADDRESS 76 VETERANS CT CITY HOLLAND ZIP 49423  
 PHONE 616-953-9279 EMAIL SUE@LANDTECHWMI.COM

**PROPERTY INFORMATION (of project location)** TAX ID 03- 59-710-007-00  
 ADDRESS 156 LAKESHORE DR CITY DOUGLAS ZIP 49406  
 TOWNSHIP DOUGLAS CITY SUBDIVISION \_\_\_\_\_ LOT # \_\_\_\_\_ SECTION # 17 TOWN 17 RANGE 17

**STORMWATER OPERATOR** - For projects over 1 acres of disturbance.  
 NAME \_\_\_\_\_ COMPANY \_\_\_\_\_

**PERMIT SPECIFIC INFORMATION:**  Residential  Commercial  Gravel Pit  
 2/17/2020 Start Date 2/28/2020 Proposed End Date  
 Earth change greater than an acre in size 213 Size of earth change (sq. ft.)  
 Earth change greater than 5 acres  Earth change within 500 feet of lake, stream or other body of water  
 Earth change within 500 feet of a storm water catch basin which discharges into a body of water  OTHER

**PROJECT DESCRIPTION:** Remove the tree. Deliver rock to shoreline via wooden chute on North End of property. Place temporary rip rap wave break less than 15' parallel to shore line.

**ADDITIONAL PERMIT REQUIREMENTS:** Follow plans submitted by applicant. Have silt fence on had, to help soil if any part of site is disturbed by work.

*Jacob Wheatley*

SANITARIAN Jacob Wheatley DATE ISSUED 3/3/2020

- PERMIT CONDITIONS:**
- The permitted activity shall be completed in accordance with the approved plans and specification, and the attached general and specific conditions.
  - This permit does not waive the necessity for obtaining all other required federal, state, or local permits.
  - Applicant shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:

- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change. Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)
- Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change. If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

## RE: 156 Lakeshore, Douglas MI

Sue Kennedy <[sue@landtechwmi.com](mailto:sue@landtechwmi.com)>

Fri 11/5/2021 9:15 AM

To: Bayha, John (EGLE) <[BayhaJ@michigan.gov](mailto:BayhaJ@michigan.gov)>

Cc: Ryan Hall <[Ryan@landtechwmi.com](mailto:Ryan@landtechwmi.com)>; Nick Wikar <[nwikar@douglasmi.gov](mailto:nwikar@douglasmi.gov)>

Thanks John!

---

**From:** Bayha, John (EGLE) <[BayhaJ@michigan.gov](mailto:BayhaJ@michigan.gov)>

**Sent:** Friday, November 5, 2021 8:50 AM

**To:** Sue Kennedy <[sue@landtechwmi.com](mailto:sue@landtechwmi.com)>

**Cc:** Ryan Hall <[Ryan@landtechwmi.com](mailto:Ryan@landtechwmi.com)>; Nick Wikar <[nwikar@ci.douglas.mi.us](mailto:nwikar@ci.douglas.mi.us)>

**Subject:** RE: 156 Lakeshore, Douglas MI

Sue,

Thanks for reaching out on this project. Based on the photos you sent, and our phone discussion of the issues just now, it looks like the stairway/walkway leading from the existing house down to the beach would meet WRD-008 item 1. and not require an EGLE permit. As we discussed, a new deck lakeward of the crest would not be allowed though and would likely not be permitted even if a Special Exception permit application was submitted under Part 353. Let me know if you have additional questions or concerns.

Thanks,

John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy (EGLE)

7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555



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**From:** Sue Kennedy <[sue@landtechwmi.com](mailto:sue@landtechwmi.com)>

**Sent:** Thursday, November 4, 2021 2:34 PM

**To:** Bayha, John (EGLE) <[BayhaJ@michigan.gov](mailto:BayhaJ@michigan.gov)>

**Subject:** 156 Lakeshore, Douglas MI

**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

Hi John,

This is one of our projects in Douglas. The City of Douglas planner contacted us and was asking for EGLE approval for the steps.

I believe Ryan was expecting this would not require a permit. Under WRD-008? This is critical dune. Most of Ryan's jobs are HRE.

We did the revetment, and that permit is also attached. I'm going to send you a few emails so that you can see the pictures.

We stopped work to make sure there wasn't a violation.

Please let me know when you have time to discuss.

Thanks again!


Best regards,

Sue Kennedy  
Permit Manager  
LandTech / ShoreTech WMI  
2450 Van Ommen Dr. Ste B  
Holland, MI 49424  
Office: (616) 928-0786  
Fax: (616-928-0787  
Mobile: (616) 886-2545  
Email: [sue@landtechwmi.com](mailto:sue@landtechwmi.com)  
Website: landtechwmi.com

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**From:** [skennedy1205@gmail.com](mailto:skennedy1205@gmail.com) <[skennedy1205@gmail.com](mailto:skennedy1205@gmail.com)>  
**Sent:** Thursday, November 4, 2021 2:07 PM  
**To:** Sue Kennedy <[sue@landtechwmi.com](mailto:sue@landtechwmi.com)>  
**Subject:** Garb

Sent from my iPhone

	<b>WATER RESOURCES DIVISION POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: July 26, 2011  Revised Date: February 23, 2015  Reformatted Date:	Subject: Part 353 Activities Not Constituting a Use  Program Name: Water Resources Program  Number: WRD-008      Page: 1 of 4		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive  Type: <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure <input type="checkbox"/> Policy and Procedure

*A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.*

**ISSUE:**

To identify activities generally considered to not be a “contour change” or “use” within the meaning of Sections 35301(a) and (k) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), respectively, and, therefore, does not require a permit under Part 353, Sand Dunes Protection and Management, of the NREPA; and to clarify the exemptions allowed for utility work related to Section 35306(4) of Part 353.

Other federal, state, and local laws may apply. Property owners are encouraged to seek assistance from federal, state, and local government agencies to ensure compliance with applicable regulations.

**AUTHORITY:**

Part 353 of the NREPA.

**STAKEHOLDER INVOLVEMENT:**

The DEQ, Water Resources Division (WRD), public noticed draft policy WRD-008, Part 353 Activities Not Constituting a Use, March 25, 2013, through April 15, 2013. Comments on the draft document were invited through announcements in the DEQ Calendar and by e-mail to individuals and organizations that previously expressed an interest in the Critical Dunes Program. The policy was revised to address comments, as appropriate, and a responsiveness summary was prepared.

**DEFINITIONS:**

“Contour change” includes any grading, filling, digging, or excavating that significantly alters the physical characteristic of a critical dune area, except that which is involved in sand dune mining as defined in Part 637, Sand Dune Mining, of the NREPA.

“Use” means a developmental, silvicultural, or recreational activity done or caused to be done by a person that significantly alters the physical characteristic of a critical dune area or a contour change done or caused to be done by a person. Use does not include sand dune mining as defined in Part 637.

Water Resources Division  
POLICY AND PROCEDURE

Number: WRD-008

Subject: Part 353 Activities Not Constituting a Use

Page 2 of 4

**POLICY:**

The following developmental, silvicultural, or recreational activities generally do not significantly alter the physical characteristics of a critical dune area or constitute a contour change and, therefore, are not “uses” requiring a Part 353 permit:

1. Construction using handheld tools of stairways, boardwalks, and/or trams including the entry/exit platforms that are elevated above grade to a height sufficient to allow sand movement, five feet wide or less, have no roof or walls, and will disturb vegetation only within the footprint of the stairway, boardwalk, or tram system. This does not include the use of wheeled or tracked self-propelled tools.
2. Removal of trees that are threatening a structure, utility line, or human safety, provided that the trees are removed in such a manner to not cause a contour change on the surrounding dune and the stump and root system are left in place to minimize erosion.
3. Installation of a pole or post using handheld tools. Some examples include a flag pole, mailbox, sign, utility pole, light pole, birdhouse, birdfeeder, basketball hoop, and yard art.
4. Replacement of an existing deck or patio, in-place and in-kind, including new or additional posts by using handheld tools; or conversion of a patio to an elevated deck, not to exceed the existing dimensions and area of impact.
5. Installation of a fence, but not a retaining wall, utilizing handheld tools provided:
  - The fence follows the existing grade.
  - The fence is constructed to be open to allow wind and sand movement; examples of such types of fences would be split rail or cyclone.
  - Soil movement is limited to that necessary to place the fence posts.
6. Placement of a temporary snow or sand fence.
7. Planting a native tree or other native vegetation using handheld tools without changing existing grades or contours.
8. Removal of newly wind deposited, unvegetated sand located on existing structures, driveways, hardened parking areas, roads, sidewalks, and boardwalks provided excess sand is not disposed below the ordinary high water mark of the Great Lakes, in regulated wetlands or floodplains, or on slopes with a gradient greater than 25 percent, the crest or vegetated areas within critical dune areas. This category does not apply to the removal of naturally deposited sand in unvegetated or open dune community.
9. Removal of invasive species utilizing handheld tools.

Water Resources Division  
POLICY AND PROCEDURE

Number: WRD-008

Subject: Part 353 Activities Not Constituting a Use

Page 3 of 4

10. Replacement of an existing retaining wall previously permitted under Part 353 or in existence prior to the effective date of Part 353 of less than six feet in height, in place, with no impacts outside the footprint of the existing wall.
11. Placement and/or installation of large rocks, poles, or concrete blocks to be used as a barricade for vehicle activity. The rocks, poles, or concrete blocks shall be placed intermittently with ample space between each rock, pole, or concrete block to allow wildlife passage and sand movement, and shall not significantly alter the physical characteristics or decrease stability of the dune feature, require vegetation removal, or be placed on slopes with a gradient of more than 25 percent.
12. Repair an existing residential water well or install a new residential water well. The well site shall not significantly alter the physical characteristics or decrease stability of the dune feature, require vegetation removal, or be placed on slopes with a gradient of more than 25 percent. Any temporary or permanent access to the well site requires a permit under Part 353. Drilling mud must be managed and cleaned up in such a manner as to not impact the dunes by causing erosion or impacting vegetation.

Pursuant to Section 35306(4) of Part 353, a permit is not required for a use needed to maintain, repair, or replace pipelines, utility lines, and other utility facilities that were in existence on July 5, 1989, or were constructed in accordance with a permit under Part 353. This exemption does not include septic systems or other site-specific water, power, or wastewater treatment systems and applies only if the maintenance, repair, or replacement is completed in compliance with all of the following:

- (a) Vehicles shall not be driven on slopes greater than 1-foot vertical rise in a 3-foot horizontal plane.
- (b) All disturbed areas shall be immediately stabilized and revegetated with native vegetation following completion of work to prevent erosion.
- (c) Any removal of woody vegetation shall be done in a manner to assure that any adverse effect on the dune will be minimized and will not significantly alter the physical characteristics or stability of the dune.
- (d) To accomplish replacement of a utility pole, the new pole shall be placed adjacent to the existing pole, and the existing pole shall be removed by cutting at ground level.
- (e) In the case of repair of underground utility wires, the repair shall be limited to the minimal excavation necessary to replace the wires by plowing, small trench excavation, or directional boring. Replacement of wires on slopes steeper than 1-foot vertical rise in a 4-foot horizontal plane shall be limited to installation by plowing or directional boring only.
- (f) In the case of repair or replacement of underground pipelines, directional boring shall be utilized, and if excavation is necessary to access and bore the pipeline, the excavation area shall be located on slopes 1-foot vertical rise in a 4-foot horizontal plane or less.



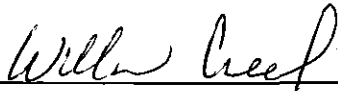
Water Resources Division  
POLICY AND PROCEDURE

Number: WRD-008

Subject: Part 353 Activities Not Constituting a Use

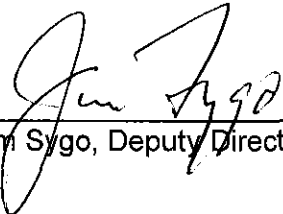
Page 4 of 4

DIVISION CHIEF APPROVAL:

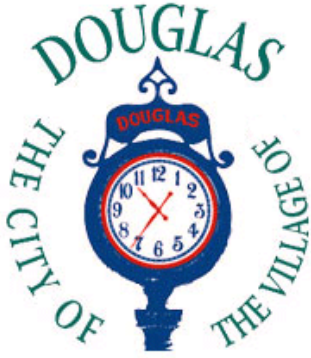


\_\_\_\_\_  
William Creal, Chief  
Water Resources Division

DEPUTY DIRECTOR APPROVAL:



\_\_\_\_\_  
Jim Sygo, Deputy Director



**To: Douglas Planning Commission**

**From: Nicholas Wikar  
Planning and Zoning Administrator**

**Date: April 22, 2022**

**Subject: Public Hearing - Site Plan Review, Outdoor Public Recreation & Waterfront Construction Application (Minor) – Temporary Accessory Structure(s); R-3 Neighborhood Conservation District. 80 E. Center Street (City of the Village of Douglas, Third Coast Surf Shop)**

The City of the Village of Douglas has provided application for Site Plan Review and Waterfront Construction Application (“Applications”) for 80 Center Street, located in the R-3 Neighborhood Conservation District and Downtown District, in Douglas, Michigan. The City of the Village of Douglas, property owner, and Third Coast Surf Shop (“Applicant”) seek to obtain Site Plan Review approval for new temporary Accessory Structures for outdoor Public Recreation, classified as a by-right use in the R-3 zone.

Having reviewed the Applications for completeness, the Planning and Zoning Administrator has provided the enclosed submittals to the Planning Commission for consideration and review against the Waterfront Construction and Site Plan Review standards. Commissioners shall arrive at Findings of Fact pursuant to Section 03 Site Plan Review Standards of the Douglas Zoning Ordinance. Upon review, the Planning Commission shall provide: 1.) approval, 2.) approval with conditions, or 3.) denial; providing a statement of any conditions imposed to meet the standards of the R-3 zone, applicable Land Use requirements, and/or the standards of Approval.

*Pursuant to the City of Douglas Schedule of Fees and Ordinances of the City, municipal applications are exempt from permit fee, escrow, and performance guarantee.*

**It is recommended the Douglas Planning Commission arrive at Findings of Fact and consider Conditional Approval of the Site Plan Review in public hearing, for Temporary Accessory Structure(s) located at 80 E. Center Street, zoned R-3 Neighborhood Conservation District in the Downtown District, Douglas, Michigan.**



**ZONING REVIEW APPLICATION**  
 86 W. CENTER STREET, PO BOX 757, DOUGLAS MI 49406  
 Phone: 269.857.1438 Fax: 269.857.4751  
[www.ci.douglas.mi.us](http://www.ci.douglas.mi.us)

A Zoning Permit is required for all changes to Uses, structures, and other Site Improvements. This includes all residential, commercial and industrial structures, and accessory buildings that require a Building Permit, as well as fences, temporary storage, and agricultural activities which are exempt from the Building Permit process. A survey and site plan is necessary to complete this application.

Submit complete applications to the City of Douglas prior to any site work or requesting permits with Michigan Township Services.

**APPLICANT INFORMATION** (If different than owner)

Name Third Coast Surf Shop Email Ryan@thirdcoastsurfshop.com  
 Address 212 State St., St Joseph, MI 49085  
 Phone # 574-360-3977 Fax # NA

**OWNER INFORMATION**

Name City of Douglas Email r.labombard@douglasmi.gov  
 Address 86 W Center St  
 Phone # 269-857-1438 Fax # \_\_\_\_\_

**PROPERTY INFORMATION**

Address or Location 80 E Center St  
 Permanent Parcel # 59-016-020-00  
 Zone District - Current R3 Proposed (if Applicable) \_\_\_\_\_  
 Property Size \_\_\_\_\_ Special Use (if Applicable) \_\_\_\_\_

**TYPE OF PROJECT** (check all that apply)

Residential \_\_\_\_\_ or Commercial \_\_\_\_\_  
 New Construction \_\_\_\_\_ Remodel \_\_\_\_\_ Accessory Structure \_\_\_\_\_ Addition \_\_\_\_\_  
 Boardwalk/Dock \_\_\_\_\_ Deck/Porch \_\_\_\_\_ Temporary Use/Structure  Other \_\_\_\_\_

Describe Proposed Project (attach additional pages as necessary) Accessory structure (temporary) and outdoor storage for kayak rentals, and municipal kayak storage racks.

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

Rick Labombard  
 Signature of Applicant and Owner (If different than applicant)

4-5-22  
 Date

I hereby grant permission for members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.

Owner's Signature

Date

**ZONING REVIEW APPLICATION REQUIREMENTS**

Y N N/A

- Survey** with dimensions, boundaries, rights-of-way, and easements.
- Site Plan** (scaled) with tables of figures (dimensions, distance/area calculations) showing:
  - Location, boundaries, shape of the lot, and adjacencies.
  - Current Site Improvements (open space, parking, drives, structures, paths, decks, fences, pool, etc).
  - Proposed Site Improvements and their proximity to existing improvements/features/boundaries.
  - Current and proposed Site & Building Placement Standards compliance (Section 3.12)
  - Description** of proposed Use (Section 3.11) and/or Improvement (One-Family Dwelling, fence, etc.)
- Landscape Plan(s)** detailing all existing conditions and proposed changes to natural features (woodlots, flood plains, watersheds, wetlands, surface water, drains, critical dunes, etc).
- Grading/Storm Water Plan(s)** with contour lines, direction of flow, and table of figures.

*For Internal Use Only*

REMARKS

*Approved w/ Conditions:*

*1. Shall be subject to Conditions of Approval as assigned by Planning Commission, Pursuant to Site Plan Review and Waterfront Construction (Minor) Standards of Approval.*

**CITY OF DOUGLAS ZONING REVIEW**

APPROVED: *MPW*

DENIED: \_\_\_\_\_

By: *MPW*

Planning & Zoning Administrator

Date: *04-05-2022*

**KALAMAZOO LAKE SEWER AND WATER AUTHORITY REVIEW**

CONNECTION TO WATER / WASTEWATER SYSTEM

SITE ADDRESS: \_\_\_\_\_

Submitted By: \_\_\_\_\_

City Staff (Initials) & Delivery Method

To: \_\_\_\_\_

KLSWA Representative

Date: \_\_\_\_\_

Existing Utility Access: Water  Wastewater

Verified By: \_\_\_\_\_

Date: \_\_\_\_\_

Utility Connection Permit Application: Water  Wastewater

Verified By: \_\_\_\_\_

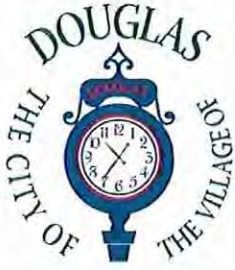
Date: \_\_\_\_\_

Total Fees Paid: \_\_\_\_\_

Notes: \_\_\_\_\_

Verified By: \_\_\_\_\_

Date: \_\_\_\_\_



# Site Plan Review Application

Application Fee \$300  
Additional Fees May Apply

*The Village of Friendliness – Since 1870*

### Property Information:

Address or Location: 80 E. Center Street, Douglas, MI 49406

Parcel Number: 59-016-020-00 Property Size: .20 Acres

Zoning District – Current: R-3 Proposed Zoning District (if applicable): N/A

Existing Use of Building/Property: Neighborhood Park Special Use (if applicable): \_\_\_\_\_

Type of Project (Residential or Commercial): Municipal; Temporary Use - Outdoor Public Recreation

Describe Proposed Project: Site Improvements, Neighborhood Park; Temporary Use (Municipal Contract), Outdoor Public Recreation;

Waterfront Construction (Minor) - Accessory Structure (temporary) and outdoor storage for kayak rentals, and municipal kayak storage racks.

Estimated Project Cost: \$6,000.00-8,000.00

Project costs to be incurred by "Applicant," Third Coast Surf Shop.

### Site Plan Review Application Requirements

Yes, I have read the City of Douglas Zoning Ordinance Article 24 Site Plan Review

Y N N/A

Completed Site Plan Review application

Plot Plan

Legal Description

Narrative Description

I, Rich LaBombard hereby state that all the above statements and all the accompanying information are true and correct.

Signature of Owner/General Contractor

04-01-2022

Date

Email Address: rlabombard@douglasmi.gov

Phone: (269) 857-1438

FOR INTERNAL USE ONLY

CITY OF DOUGLAS ZONING REVIEW

Approved  Conditional Approval  Denied  Permit Number N/A

Rationale \_\_\_\_\_

Fee Paid  Plot Plan Submitted  Application Complete  Legal Description Included  Narrative Description Included   
MDEQ Permit Required  Allegan Health Dept. Permit Required

Plans sent to Saugatuck Township Fire Department on: \_\_\_\_\_ Approved on: \_\_\_\_\_

Plans reviewed by Planning Commission on: 04-27-2022 Approved on: \_\_\_\_\_ (Attach Minutes)

Submitted By: \_\_\_\_\_ To: \_\_\_\_\_ Date: \_\_\_\_\_  
City Staff (Initials) & Delivery Method KLSWA Representative

Submitted By: \_\_\_\_\_ To: \_\_\_\_\_ Date: \_\_\_\_\_  
City Staff (Initials) & Delivery Method MTS Representative

[Signature] \_\_\_\_\_ Date 04-05-2022  
Signature of Planning & Zoning Administrator

KALAMAZOO LAKE SEWER AND WATER AUTHORITY REVIEW

Connection to Water / Wastewater System (Subject to appropriate connection and inspection fees)

Approved  Conditional Approval  Denied  Permit Number \_\_\_\_\_

Rationale \_\_\_\_\_

Street and Number \_\_\_\_\_

\_\_\_\_\_  
Signature of KLSWA Administrator Date

F012092021PZ

APPLICATION FOR WATERFRONT CONSTRUCTION

VILLAGE OF DOUGLAS, MICHIGAN ORDINANCE NO. 101

All waterfront construction, both minor or major, requires permits issued by the Village of Douglas and jointly by the Corps of Engineers, USA and the Department of Natural Resources, State of Michigan. Two applications are required: this one and the attached joint application for the Corps of Engineers and the DNR. Both completed forms must be submitted to the Zoning Administrator or his/her designated agent. A second Corps of Engineers/DNR application should be sent to:

Department of Natural Resources  
Land Resources  
Box 30028  
Lansing, Michigan 48909

Date 4-1-22

Name of Applicant Third Coast Surf Shop / City of Douglas

Address 80 E Center st

Phone number 269-857-1438

Location of proposed construction 80 E Center st.

The Applicant believes the construction is: Minor  Major ( )

Brief description of construction Accessory structure (temporary) and outdoor storage for kayak rentals, and municipal kayak storage racks

Is this work or construction required for:

Public Marina

Private Club or Marina ( )

Condominium ( )

Private Use by Property Owner ( )

Other  Explain: Kayak rental services

Docking space or slips for how many boats will be provided —

Will adequate off street parking be provided? Yes

Does the Applicant have legal authority to use this property? Yes

WATERFRONT CONSTRUCTION APPLICATION, VILLAGE OF DOUGLAS

If this construction is not limited to the waters of the Kalamazoo River or its waters edge, has a permit then been requested as required by the Zoning Ordinance of the Village?

Yes

Are plans for this construction in appropriate form attached to this application? Yes

4-5-22  
Date

Rachel Bonbard  
Applicant's Signature

Do not write below this line, official comments only.

\*\*\*\*\*

Action by Zoning Administrator

Date 04-05-2022

Scheduled for Site Plan Review, Planning Commission Special Meeting, 04-27-2022.  
- Temporary Use/Structure, Outdoor Public Recreation, Neighborhood Park (Accessory Use).

N.P. W.  
Zoning Administrator

\*\*\*\*\*

Action by Planning Commission

Date \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Secretary

\*\*\*\*\*

Record of filing fee by Village Clerk in this space.

N/A  
NPW  
04-05-2022



# Option 1 – Self-Contained Storage Module

Our first-choice storage option is a portable, self-contained, highly secure, enclosed storage module with an 8' x 40' footprint. This is the same system we use at our rental locations in New Buffalo and Benton Harbor.

- **Location** – in the gravel area adjacent to, and parallel with, the existing line of trees – the same area used by the previous concessionaire – along the northern end of the park. Would not restrict public sidewalk, road, water, or dock access.
- **Better use of park space** – in previous years, rental equipment, racks, and trailers were spread throughout the park and surrounding road and parking area. A storage module would offer a single area for storing rental equipment, freeing up space for park visitors and providing a neater overall park appearance.
- **Security** – provides highest degree of safety and security, thereby limiting liability, for Third Coast Paddling and the City of Douglas.
- **Better-maintained rental inventory** – increased protection of brand-new rental equipment (31 kayaks, 9 stand-up paddleboards, and life jackets) from the elements and potential criminal activity.



**Previous Concession (2021)**



**Our Proposed Concession**

# Option 1 – Self-Contained Storage Module

We believe that, if done correctly, the storage module can complement the Downtown Development District and waterfront area. All expenses associated with the proposals below would be paid by Third Coast Paddling.

- **Public art** – we propose working with the City of Douglas to consider options for a banner or direct mural on the module, to create destination public art that fits the downtown area. We would envision the art becoming a popular backdrop for visitor photos, similar to this example (right) in downtown Saugatuck (photo from Saugatuck/Douglas Area CVB).
- **Greenery** – we also propose installing and maintaining decorative planters alongside the storage module to further enhance the beauty of the park.



Example of storage module with banner/mural installation.  
(Specific artwork to be determined.)



## Option 2 – Storage Shed + Storage Rack

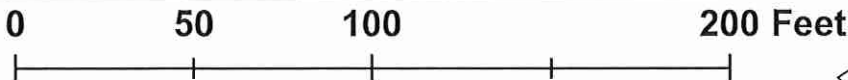
Another option for storage is to install a new storage shed with a concession window and a custom-made outdoor rack next to the shed to hold rental stand-up paddleboards, with rental kayaks stacked nearby.

We use these outdoor racks at our rental sites at Silver Beach County Park (pictured at right) and Warren Dunes State Park.

- **New storage shed** – similar in size to existing structure, with concession window for helping customers. (See example at bottom right; specific shed to be determined.)
- **Storage inside shed** – limited space to keep life jackets secured inside.
- **Outdoor storage** – a custom-made rack would be installed next to the shed for rental stand-up paddleboards, with rental kayaks stacked nearby. Cable/chain locks would secure outdoor rental equipment nightly. (Rental equipment would not be protected from elements or from potential vandalism.)

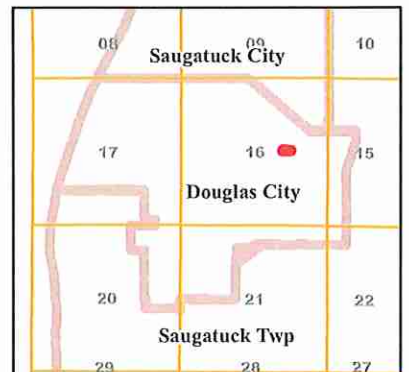


**Allegan County Parcel Number: 59-016-020-00**



Address: 80 E Center St  
 Owner: Village Of Douglas  
 Acres: 0.22

*NPW*  
 04-05-2022



The information contained herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.

Image Year: 2019-2020 Map Date: 8/26/2021

80 E CENTER ST DOUGLAS, MI 49406 (Property Address)

Parcel Number: 59-016-020-00

Property Owner: VILLAGE OF DOUGLAS

Summary Information

> Assessed Value: \$0 | Taxable Value: \$0

> Property Tax information found

Parcel is Vacant

Owner and Taxpayer Information

<b>Owner</b>	VILLAGE OF DOUGLAS PO BOX 757 DOUGLAS, MI 49406	<b>Taxpayer</b>	SEE OWNER INFORMATION
--------------	---	-----------------	-----------------------

General Information for Tax Year 2021

<b>Property Class</b>	701 EXEMPT	<b>Unit</b>	59 DOUGLAS CITY
<b>School District</b>	SAUGATUCK PUBLIC SCHOOLS	<b>Assessed Value</b>	\$0
<b>MAP #</b>	20	<b>Taxable Value</b>	\$0
<b>ACTION</b>	0	<b>State Equalized Value</b>	\$0
<b>USER ALPHA 1</b>	Not Available	<b>Date of Last Name Change</b>	12/07/2016
<b>USER ALPHA 3</b>	Not Available	<b>Notes</b>	Not Available
<b>Historical District</b>	No	<b>Census Block Group</b>	No Data to Display
<b>ADDRESS CHANGE</b>	Not Available	<b>Exemption</b>	No Data to Display

Principal Residence Exemption Information

Homestead Date No Data to Display

Principal Residence Exemption	June 1st	Final
2021	0.0000 %	-
2020	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2020	\$0	\$0	\$0
2019	\$0	\$0	\$0
2018	\$0	\$0	\$0

Land Information

<b>Zoning Code</b>	R-3 NBHD CONSER	<b>Total Acres</b>	0.200
<b>Land Value</b>	\$15,000	<b>Land Improvements</b>	\$0
<b>Renaissance Zone</b>	No	<b>Renaissance Zone Expiration Date</b>	No Data to Display
<b>ECF Neighborhood</b>	EXEMPT	<b>Mortgage Code</b>	No Data to Display
<b>Lot Dimensions/Comments</b>	No Data to Display	<b>Neighborhood Enterprise Zone</b>	No

Lot(s)	Frontage	Depth
No lots found.		
<b>Total Frontage: 0.00 ft</b>		<b>Average Depth: 0.00 ft</b>

Legal Description

S 28 FT OF THAT PT OF GOVT LOT 3 LYING E OF WATER ST. & N OF E & W 1/4 LIN OF SEC 16 SEC 16 T3N R16W. (71).

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
No sales history found.						

*NPW*  
04-05-2022



NPW  
04-05-2022



## Proposed Rental Operations

- Customers would reserve rental equipment in advance online. (Walk-up customers also welcome!)
- Staff would check customers in, prepare equipment, discuss safety info, and help them launch.
- Kayak or paddleboard for your designated time, starting and returning to the launch site- no need for a shuttle or complicated parking arrangements!
- Customers of all ages welcome (parents accompany younger paddlers).



NPW  
04-05-2022



## Proposed Site Plan

- **Location** – storage module would not restrict public sidewalk, road, water, or dock access.
- **Security** – provides highest degree of safety and security, thereby limiting liability, for Third Coast Paddling and the City of Douglas.
- **Design** – propose working with the City of Douglas to consider options for a banner or direct mural on the module, to create destination artwork that fits the Downtown Development District – perhaps holding a contest with the local artist community; see artistic renderings above and on next page as examples. Also consider decorative planters alongside the storage module. All expenses associated with artwork and planters would be paid by Third Coast Paddling.



APPLW  
04-05-2022



## Proposed Site Plan



**Previous Concession  
(Summer 2021)**



**Our Proposed  
Concession**

NSW  
04-05-2022



NFW  
04-05-2022

### Wade's Bayou Park Proposed Project Description Kayak Concession Equipment On-Site Storage

To accommodate the rental equipment for our concession operation, we propose the following storage option at Wade's Bayou Park, as outlined in our RFP contract proposal submitted to the City of Douglas:

#### *Self-Contained Storage Module*

We are proposing use of a portable, self-contained, highly secure, enclosed storage module with an 8' x 40' footprint. At Wade's Bayou Park, the storage module would sit in the gravel area adjacent to, and parallel with, the existing line of trees – the same area used by the previous concessionaire – along the far northern end of the park. There is approximately 60'+ of end-to-end space between the corner near the sidewalk and the water's edge, and plenty of space width-wise. It would not restrict public sidewalk, road, water, or dock access, and would provide the highest level of liability protection and security for valuable rental equipment, with no exposure to the elements or potential criminal activity.



*Photos 1 & 2: Proposed storage module at Wade's Bayou Park.*



**Photo 3: Previous concession storage at Wade's Bayou Park (summer 2021).**

The storage module's public-facing side would be completely covered with a high-quality, weatherproof graphic banner similar to those used at our rental concessions in New Buffalo and Benton Harbor. Please see photo below of our Benton Harbor location as an example.



**Photo 4: Existing storage module at Third Coast Paddling - Paw Paw River location.**

We also propose installing and maintaining decorative planters alongside the storage module to further enhance the beauty of the park, as shown in Photos 1 & 2 on the first page.

To make room for the module, we would like to move the three public kayak racks that Douglas owns to the green area on the map. The total length of the three Douglas-owned racks from one end to the other, including space between, is 27'. That would fit well just to the other side of the launch, in front of the "day use only" racks. If moved here, the walking distance to the water's edge would actually be shorter than what it is now. It would also consolidate the four City-owned racks together.

Third Coast Surf Shop, Inc.  
Ryan Gerard | President  
ryan@thirdcoastsurfshop.com

212 State St.  
St. Joseph, Mi. 49085  
Phone: 269-932-4575

This type of storage module offers the highest degree of safety and security, thereby limiting liability, for Third Coast Paddling and the City of Douglas. We believe this would fit appropriately in, and further improve, the proposed concession area grounds. All expenses would be paid by Third Coast Paddling.



NSW  
04-05-2022



**To: Douglas Planning Commission**

**From: Nicholas Wikar  
Planning and Zoning Administrator**

**Date: April 22, 2022**

**Subject: Public Hearing - Site Plan Review & Waterfront  
Construction Application (Minor) –Addition to  
Principal Building and Accessory Structures –  
Deck(s)/Stairs and site changes to Sensitive  
Lands; R-2 Residential District. 96 Lakeshore  
Drive (Robert Tighe)**

The City of the Village of Douglas has provided application for Site Plan Review and Waterfront Construction Application (“Applications”) for Lakeshore Drive, located in the R-2 Residential District, in Douglas, Michigan. Robert Tighe, property owner, “Applicant”) seeks to obtain Site Plan Review approval for addition of an attached Accessory Structure deck stairs to the existing Single Family dwelling, and for construction to replace existing with Accessory Structures Deck(s) Stairs on Sensitive Lands.

Having reviewed the Applications for completeness, the Planning and Zoning Administrator has provided the enclosed submittals to the Planning Commission for consideration and review against the Waterfront Construction and Site Plan Review standards. Commissioners shall arrive at Findings of Fact pursuant to Section 03 Site Plan Review Standards of the Douglas Zoning Ordinance. Upon review, the Planning Commission shall provide: 1.) approval, 2.) approval with conditions, or 3.) denial; providing a statement of any conditions imposed to meet the standards of the R-2 zone, applicable Land Use requirements, and/or the standards of Approval.

*Pursuant to the City of Douglas Schedule of Fees and Ordinances of the City, the Applicant shall remit payment of any required Land Use applications fees. The Planning Commission shall require payment of fees due, and may recommend escrow and performance guarantee to the City, as assigned by condition of the Planning Commission.*

**It is recommended the Douglas Planning Commission arrive at Findings of Fact and consider Conditional Approval of the Site Plan Review in public hearing, for Accessory Structures – Deck(s)/ Stairs and site changes to Sensitive Lands located at 96 Lakeshore Drive, zoned R-2 Residential District, Douglas, Michigan.**



**Application for Site Plan Review**  
**CITY OF THE VILLAGE OF DOUGLAS, MICHIGAN**  
 Phone: 269-857-1438 Fax: 269-857-4751  
<http://ci.douglas.mi.us>

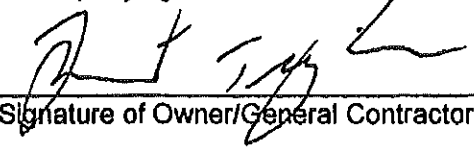
PROPERTY INFORMATION	
Address or Location	<u>96 LAKESHORE DR, DOUGLAS MI 49406</u>
Permanent Parcel #	<u>59-710-012-00</u>
Zone District (Current)	<u>RESIDENTIAL DISTRICT, R-2 (Proposed) NO CHANGE</u>
Property Size	<u>.23 ACRES</u>
Existing Use	<u>RESIDENTIAL</u> Proposed Use <u>NO CHANGE</u>

**Describe Proposed Project**

This project includes the following and is exterior work only - deck (s), stair(s), retaining wall, and helical pier construction. Decks include an extension of (2) existing decks at the Main Level and Lower Level off of the house and a full deck replacement at waterfront. Stairs include removing and replacing stair from Lower Level Deck and stairs to waterfront. Due to soil conditions, helical piers will support the decks - the existing timber retaining wall shows significant signs of deterioration contributing to erosion/ soil loss around the concrete piers currently supporting the deck. The existing retaining wall will be removed and replaced with a new retaining wall. The new retaining wall is anticipated to consist of timber or precast concrete block and will include additional erosion control measures such as drains and geotextiles. The wall and drains will be integrated into the larger site plan to control runoff and groundwater in order to prevent further erosion and soil loss.

**Estimated Project Cost** \$150,000

I Robert Tighe (owner/contractor) hereby state that all of the above statements and all of the accompanying information are true and correct.

  
 Signature of Owner/General Contractor

02/18/2022  
 Date

Email address: Robert.Tighe@tko.cpa

Phone: 224-359-0330

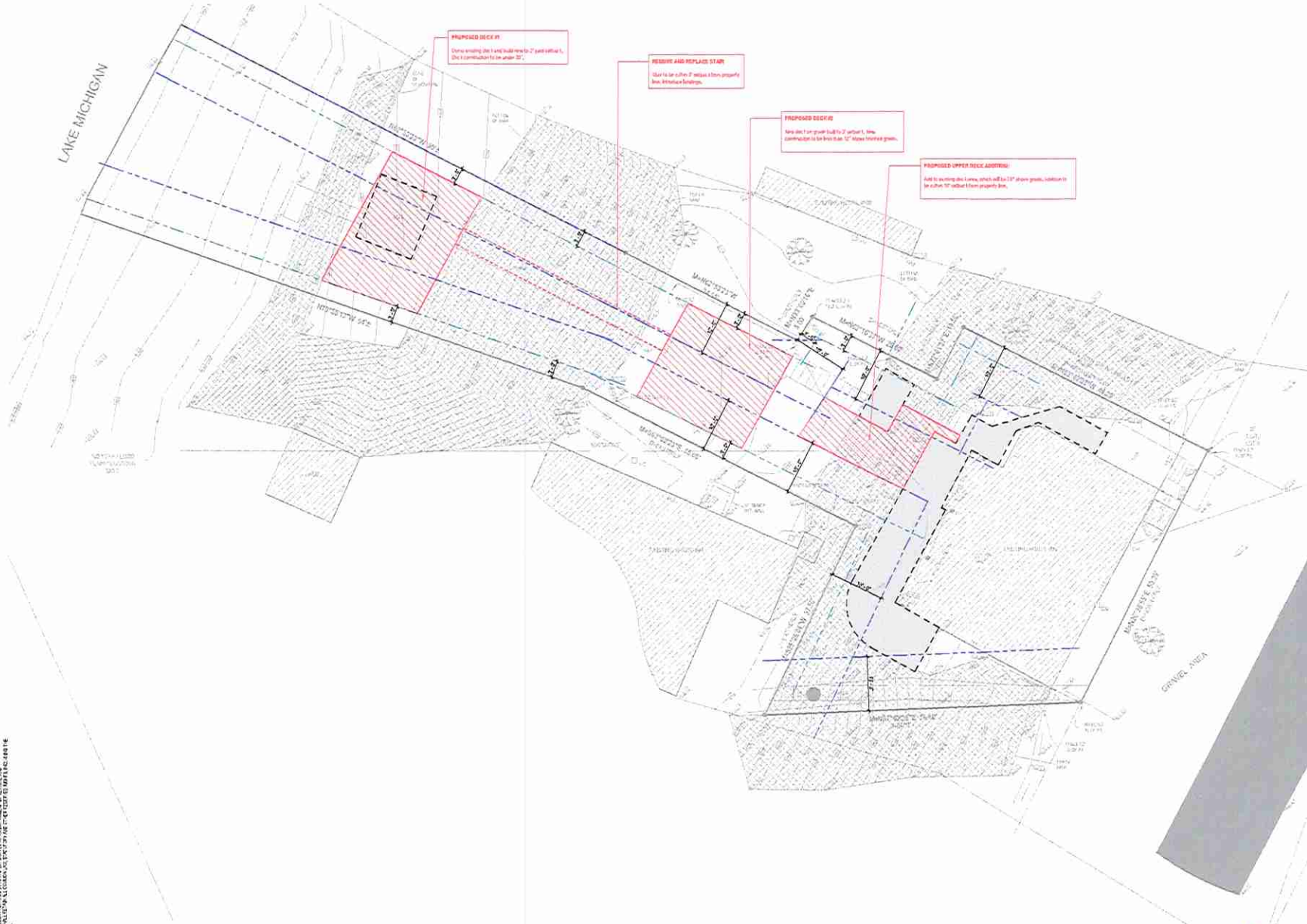
**Fee:**  
 Site Plan Review \$300

\*\*\*\*\*

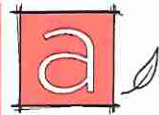
DO NOT WRITE IN THIS BOX			
Date Received _____	Application Accepted By _____	Fee Paid \$ _____	
Submitted Materials: _____	Plot Plan _____	Application _____	Legal Description _____ Narrative Description _____

CONSTRUCTION PERMITS  
 DEPARTMENT OF PUBLIC SAFETY  
 DIVISION OF FIRE PREVENTION AND INSPECTION  
 1000 WEST WASHINGTON AVENUE  
 ANN ARBOR, MI 48106-1500  
 (734) 769-2000

LAKE MICHIGAN



OVERALL SITE PLAN (SETBACKS)  
 1/8" = 1'-0"



architektura<sup>PLC</sup>  
 PO Box 871  
 Grand Haven, MI 49417  
 P: 616.245.1002  
 www.architecturapl.com

Lake Michigan Retreat  
**TIGHE, ROBERT & CHRISTINE**  
 86 LAKESHORE DR. DOUGLAS MI 49606

PROJECT NO. 1228  
 ISSUANCES

REVISIONS	NO.	DATE	DESCRIPTION

EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"

A-0

NOT FOR CONSTRUCTION

*[Handwritten Signature]*  
 12-06-2021



# Deck Improvements, Parcel #59-710-012-00

# TIGHE, ROBERT & CHRISTINE

96 LAKESHORE DR, DOUGLAS MI 49406


SHEET INDEX

- T-1 PROJECT INFORMATION, ZONING REVIEW
- T0.2 SURVEY (FOR REFERENCE)
- S1 FOUNDATION AND HELICAL PIER PLANS (FOR REFERENCE)
- A-1 OVERALL SITE PLAN
- A-2 ENLARGED DECK AND STAIR PLAN - WATERFRONT
- A-3 ENLARGED DECK PLAN - LOWER LEVEL DECK EXTENSION

- ### SITework & GRADING
1. SITE DATUM EL. 642.24' = FINISH FLOOR ELEVATION 100'-0"
  2. PROTECT ADEQUATELY THE SITE, ADJOINING PROPERTY AND UTILITY SERVICES.
  3. UTILITIES SHOWN (IF ANY) ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THIS PLAN IS NOT TO BE INTERPRETED AS SHOWING EXACT LOCATIONS OR SHOWING ALL UTILITIES IN THE AREA. SIZE AND INVERTS OF EXISTING PIPE TO BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
  4. CONTRACTOR SHALL FIELD VERIFY ALL UTILITIES PRIOR TO COMMENCING WORK ON NEW UTILITY CONNECTIONS.
  5. DAMAGE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
  6. REMOVE ALL UNUSABLE DEMOLITION MATERIALS AND DEBRIS FROM THE SITE AND DISPOSE OF PROPERLY OFF-SITE. ALL EXISTING DEMOLISHED CONCRETE, METAL, PLASTIC AND WOOD SHALL BE DIVERTED FROM LANDFILL WHEREVER POSSIBLE AND DIRECTED TO A RECYCLING FACILITY.
  7. ALL TREES TO REMAIN SHALL BE CAREFULLY PROTECTED. DO NOT DRIVE HEAVY EQUIPMENT WITHIN 12FT OF TREE TRUNKS. BRANCHES WHICH ARE DAMAGED DURING DEMOLITION OF STRUCTURES AND/OR SURFACES SHALL BE CUT OUT AS DIRECTED BY THE ARCHITECT / ENGINEER. ANY ROOTS OF TREES BEING SAVED WHICH ARE EXPOSED DUE TO DEMOLITION/REMOVAL SHALL BE COVERED WITHIN 6 HOURS WITH SOIL. DAMAGED TREES MAY BE REPLACED AT THE DISCRETION OF THE ARCHITECT / ENGINEER AT THE EXPENSE OF THE CONTRACTOR RESPONSIBLE FOR THE DAMAGE.
  8. ALL SEEDING AND LANDSCAPING BY OWNER.
  9. CONTRACTOR RESPONSIBLE FOR OBTAINING SOIL EROSION CONTROL PERMITS FROM S.E.C. AGENCY PRIOR TO START OF ANY EARTH WORK.
  10. SOIL AND SEDIMENTATION CONTROL MEASURES SHALL BE IN PLACE BEFORE ON SITE CONSTRUCTION BEGINS. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED AT THE COMPLETION OF CONSTRUCTION UNLESS ORDERED BY THE OWNER TO BE LEFT IN PLACE.

### CALL 811

CONTRACTOR TO CONTACT 811 SERVICE AT LEAST 3 WORKING DAYS PRIOR TO CONSTRUCTION, TO CONFIRM LOCATION OF EXISTING UTILITIES. DIAL 811. WWW.CALL811.COM



**Know what's below. Call before you dig.**

### PROJECT DESCRIPTION

DECK AND STAIR REPAIR ALONG WITH EXTENSION OF EXISTING DECK(S).

STRUCTURAL FOUNDATIONS, MECHANICAL, ELECTRICAL AND PLUMBING FOR THIS PROJECT WILL BE INDIVIDUALLY CONTRACTED LICENSED ENTITIES. MEP DESIGN AND SYSTEM INSTALLATION SHALL BE BY DESIGN BUILD CONTRACTORS, CONTRACTED BY OWNER.

### ZONING REQUIREMENTS

CITY OF DOUGLAS, COUNTY OF ALLEGAN, STATE OF MICHIGAN  
2015 MICHIGAN RESIDENTIAL CODE (MRC 2015)

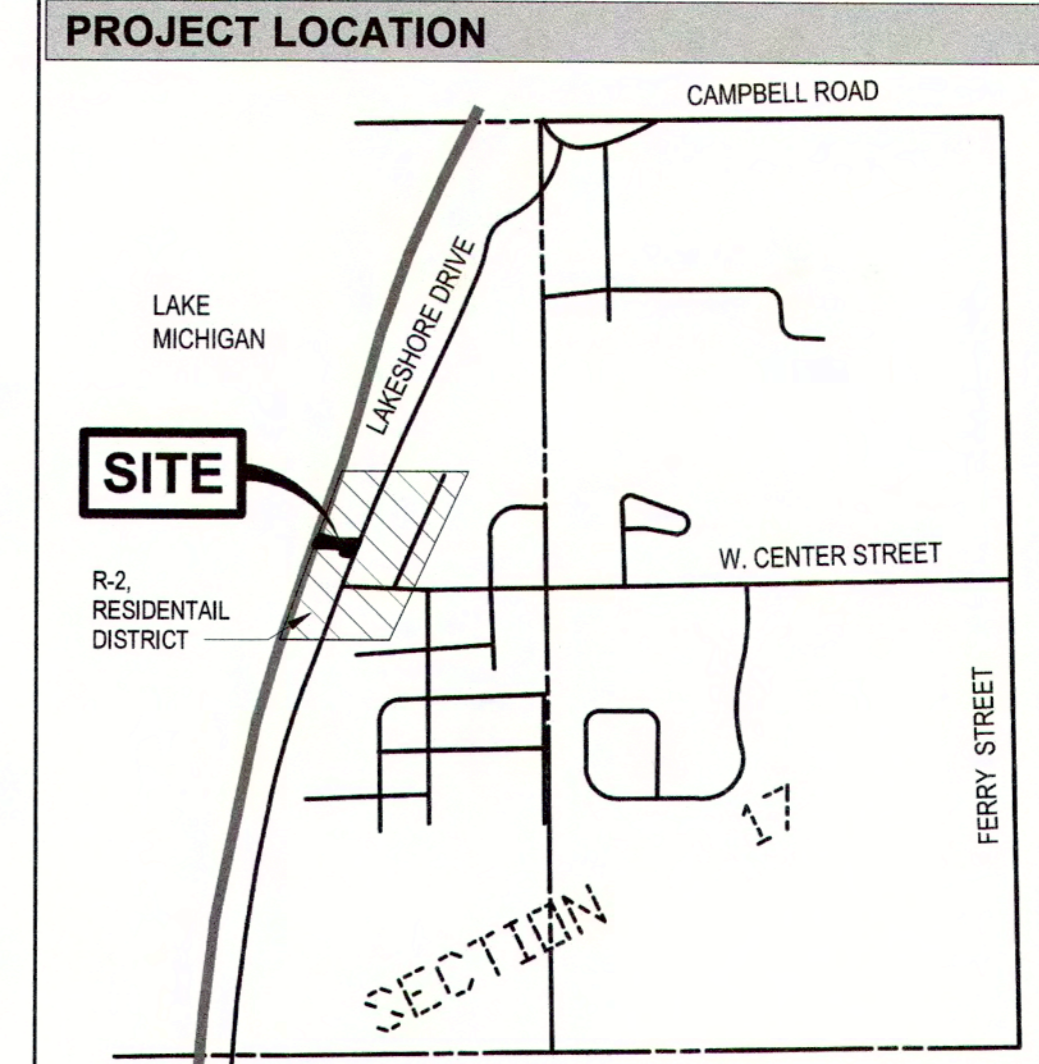
**ZONING AREA & HEIGHT:**  
DISTRICT: RESIDENTIAL DISTRICT (R-2)  
MAP #: 291-A & 116  
CLIMATE ZONE: 5A - ALLEGAN COUNTY  
HEIGHT: 2 STORY  
SET BACKS:  
FRONT YARD: 35'  
SIDE YARD: 18' TOTAL WITH ONE SIDE NOT LESS THAN 7'  
REAR YARD: 25'  
WATERFRONT: 25'

LOT COVERAGE: MAX. 35%  
ACTUAL LOT COVERAGE: 22% (NO CHANGE TO EXISTING)  
MIN. LOT WIDTH: 75'-0"

FLOOR AREA:  
NO CHANGE TO EXISTING HOUSE.

DECK AREA:  
GRADE LEVEL DECK (ATTACHED TO HOUSE, ) -  
LOWER LEVEL DECK (ATTACHED TO HOUSE)  
DECK AT LAKEFRONT (NO MORE THAN 12" ABOVE FINISHED GRADE)

**EGLLE REQUIREMENT**  
PROPERTY DOES NOT FALL WITHIN CRITICAL DUNES. NO EGLLE PERMIT REQUIRED FOR SCOPE OF WORK.



### PREPARER NOTES:

ARCHITECTURA P.L.C.'S LIABILITY IS LIMITED TO THE AMOUNT OF FEE THAT IS REIMBURSED FOR SERVICES RENDERED ON THIS PROJECT.

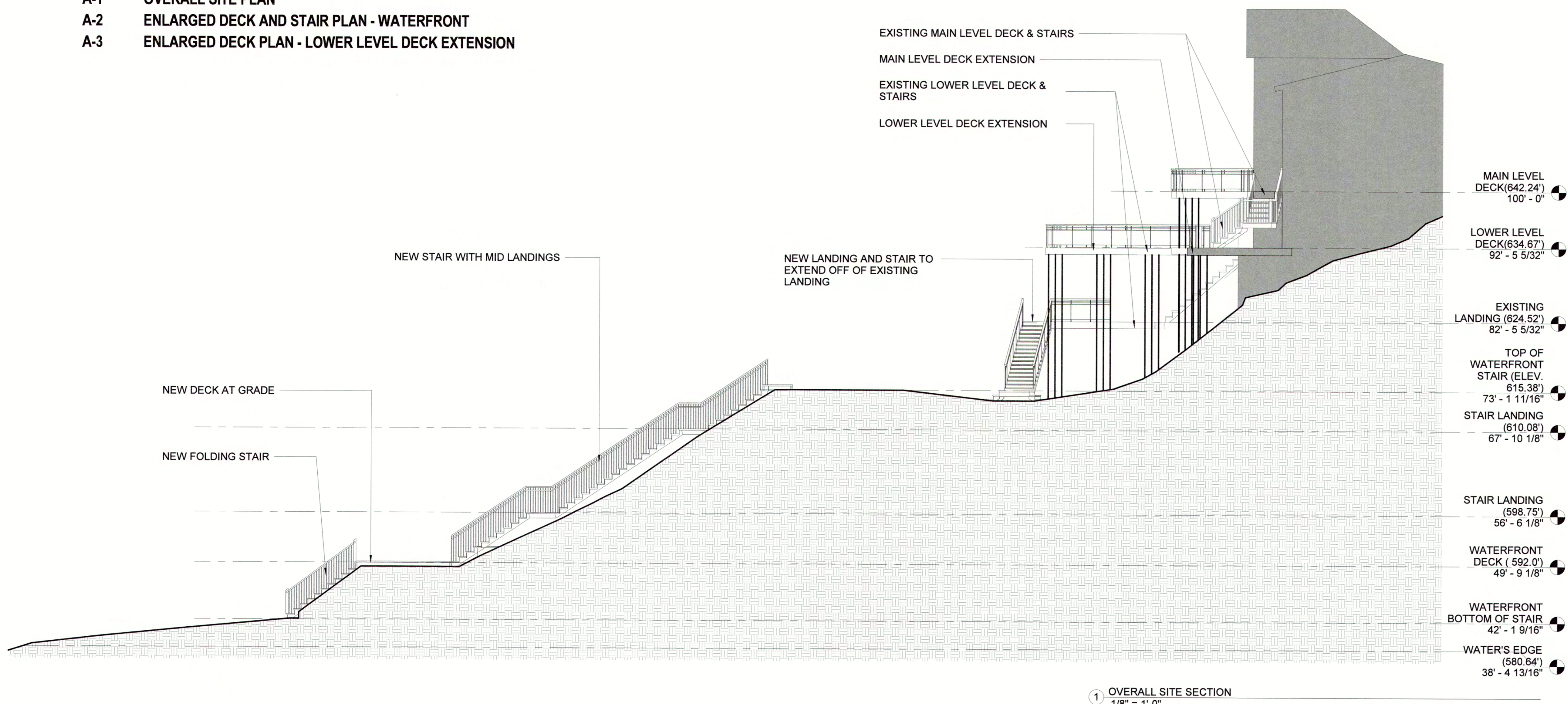
THESE DRAWINGS ARE THE SOLE PROPERTY OF ARCHITECTURA P.L.C. AND ARE NOT TO BE USED OR REPRODUCED WITHOUT THEIR WRITTEN CONSENT.

THIS SEAL APPLIES TO THE FOLLOWING DOCUMENTS SHEET NUMBER: AND THRU ALL DOCUMENTS UNDER THIS STAMP BEAR THE SAME ISSUE DATE AS THE SEALED COPY.

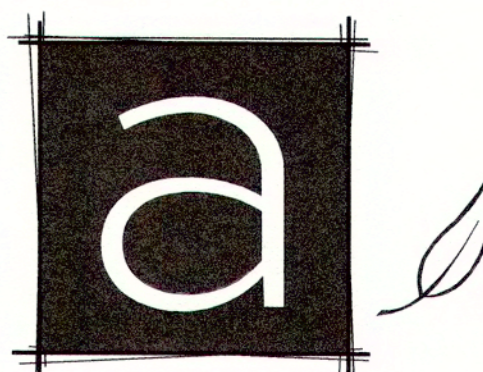
I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, CONFORM TO THE APPLICABLE CODES AND ORDINANCES.

KIRSTEN A. RUNSCHOKE DATE 09-27-2022  
LICENSE EXPIRES

*APW*  
*02-22-2022*



1 OVERALL SITE SECTION  
1/8" = 1'-0"



architektura P.L.C.  
PO Box 971  
Grand Haven, MI 49417  
p: 616.843.1002  
www.architekturapl.com

Deck Improvements, Parcel #59-710-012-00  
**TIGHE, ROBERT & CHRISTINE**  
96 LAKESHORE DR, DOUGLAS MI 49406

PROJECT NO. 1226  
ISSUANCES  
13 APR 2022 SITE PLAN REVIEW

REVISIONS		
NO.	DATE	DESCRIPTION

**PROJECT INFORMATION, ZONING REVIEW**

SCALE: As indicated  
**T-1**



3/14/2022 12:54:20 PM  
 C:\Users\kristenr\Documents\Architektura P.L.C\Projects\1226\_Tighe, Robert & Christine\Architektura Site Design\_v7.rvt  
 THIS DOCUMENT HAS BEEN PREPARED BY ARCHITECTURA P.L.C. AS AN INSTRUMENT OF SERVICE, AND THE CLIENT AGREES TO HOLD ARCHITECTURA P.L.C. HARMLESS FROM ALL CLAIMS, DAMAGES AND OTHER RESERVED PROFITS, INCLUDING THE COPYRIGHT THEREON.

**PREPARED FOR:**

Tighe, Kress, & Orr  
 Robert Tighe

2001 Larkin Avenue  
 Suite 202  
 Elgin, IL 60123

**CREATED:**

Drawn: MJL Date: 10.01.21

**REVISIONS:**

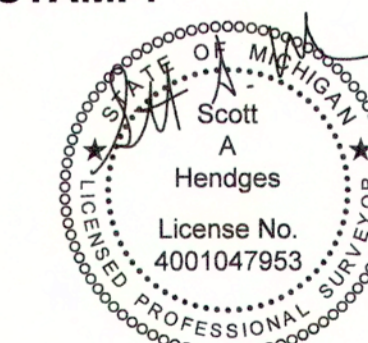
Rev: additional topo Date: 10.09.21  
 Drawn: MJL  
 Rev: additional elevations, MH Date: 01.18.22  
 Drawn: MJL

**96 Lakeshore Drive**

**Topographic Survey**

PART OF THE NW 1/4 OF SECTION 17, T3N, R16W,  
 CITY OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN

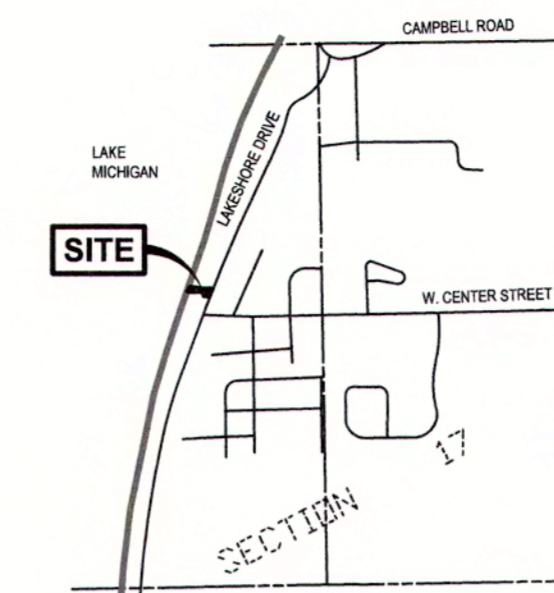
**STAMP:**



**PROJECT NO:**  
 21201945

**SHEET NO:**  
**TO.2**

**SHEET: 1 OF 1**

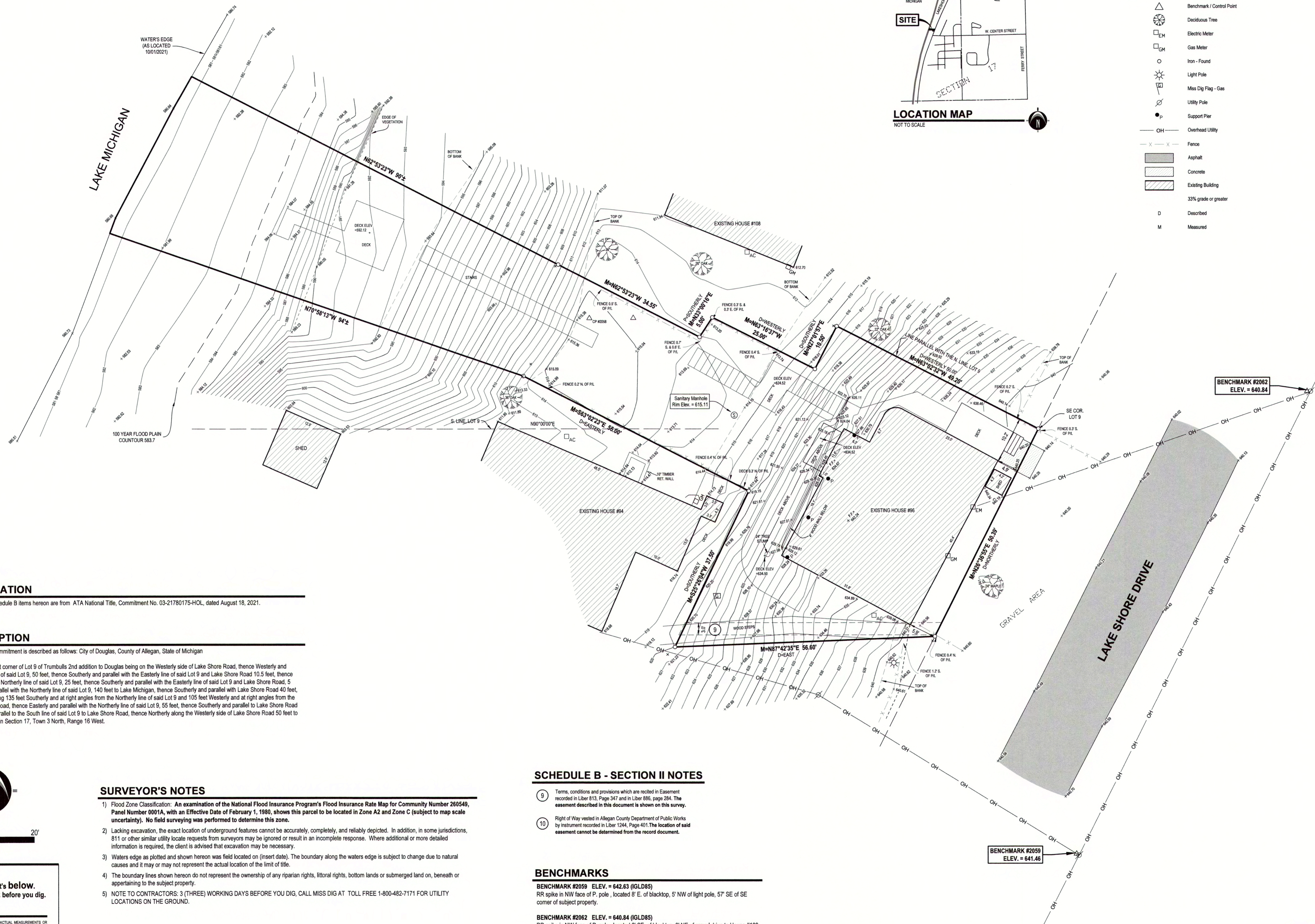


**LOCATION MAP**

NOT TO SCALE

**LEGEND**

- AC Air Conditioner
- △ Benchmark / Control Point
- ⊗ Deciduous Tree
- ⊕ Electric Meter
- ⊕ Gas Meter
- Iron - Found
- ⊙ Light Pole
- ⊙ Mes Dig Flag - Gas
- ⊙ Utility Pole
- ⊙ Support Pier
- OH Overhead Utility
- - - - - Fence
- Asphalt
- Concrete
- Existing Building
- 33% grade or greater
- D Described
- M Measured



**TITLE INFORMATION**

The Title Description and Schedule B items hereon are from ATA National Title, Commitment No. 03-21780175-HOL, dated August 18, 2021.

**TITLE DESCRIPTION**

The land referred to in this commitment is described as follows: City of Douglas, County of Allegan, State of Michigan

Commencing at the Southeast corner of Lot 9 of Trumbull's 2nd addition to Douglas being on the Westerly side of Lake Shore Road, thence Westerly and parallel with the Northerly line of said Lot 9, 50 feet, thence Southerly and parallel with the Easterly line of said Lot 9 and Lake Shore Road 10.5 feet, thence Westerly and parallel with the Northerly line of said Lot 9, 25 feet, thence Southerly and parallel with the Easterly line of said Lot 9 and Lake Shore Road, 5 feet, thence Westerly and parallel with the Northerly line of said Lot 9, 140 feet to Lake Michigan, thence Southerly and parallel with Lake Shore Road 40 feet, thence Easterly to a point being 135 feet Southerly and at right angles from the Northerly line of said Lot 9 and 105 feet Westerly and at right angles from the Westerly line of Lake Shore Road, thence Easterly and parallel with the Northerly line of said Lot 9, 55 feet, thence Southerly and parallel to Lake Shore Road 37.5 feet, thence East and parallel to the South line of said Lot 9 to Lake Shore Road, thence Northerly along the Westerly side of Lake Shore Road 50 feet to the place of beginning, being in Section 17, Town 3 North, Range 16 West.

**SCHEDULE B - SECTION II NOTES**

- 9 Terms, conditions and provisions which are recited in Easement recorded in Liber 613, Page 347 and in Liber 686, page 284. The easement described in this document is shown on this survey.
- 10 Right of Way vested in Allegan County Department of Public Works by instrument recorded in Liber 1244, Page 401. The location of said easement cannot be determined from the record document.

**BENCHMARKS**

**BENCHMARK #2059 ELEV. = 642.63 (IGLD85)**  
 RR spike in NW face of P. pole, located 8' E. of blacktop, 5' NW of light pole, 57' SE of SE corner of subject property.

**BENCHMARK #2062 ELEV. = 640.84 (IGLD85)**  
 RR spike in NW face of P. pole, located 8' SE. of blacktop, 3' NE of gravel drive to House #109, 60' E of NE corner of subject property.

**SURVEYOR'S NOTES**

- 1) Flood Zone Classification: An examination of the National Flood Insurance Program's Flood Insurance Rate Map for Community Number 260549, Panel Number 0001A, with an Effective Date of February 1, 1980, shows this parcel to be located in Zone A2 and Zone C (subject to map scale uncertainty). No field surveying was performed to determine this zone.
- 2) Lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, the client is advised that excavation may be necessary.
- 3) Waters edge as plotted and shown hereon was field located on (insert date). The boundary along the waters edge is subject to change due to natural causes and it may or may not represent the actual location of the limit of title.
- 4) The boundary lines shown hereon do not represent the ownership of any riparian rights, littoral rights, bottom lands or submerged land on, beneath or appertaining to the subject property.
- 5) NOTE TO CONTRACTORS: 3 (THREE) WORKING DAYS BEFORE YOU DIG, CALL MISS DIG AT TOLL FREE 1-800-482-7171 FOR UTILITY LOCATIONS ON THE GROUND.

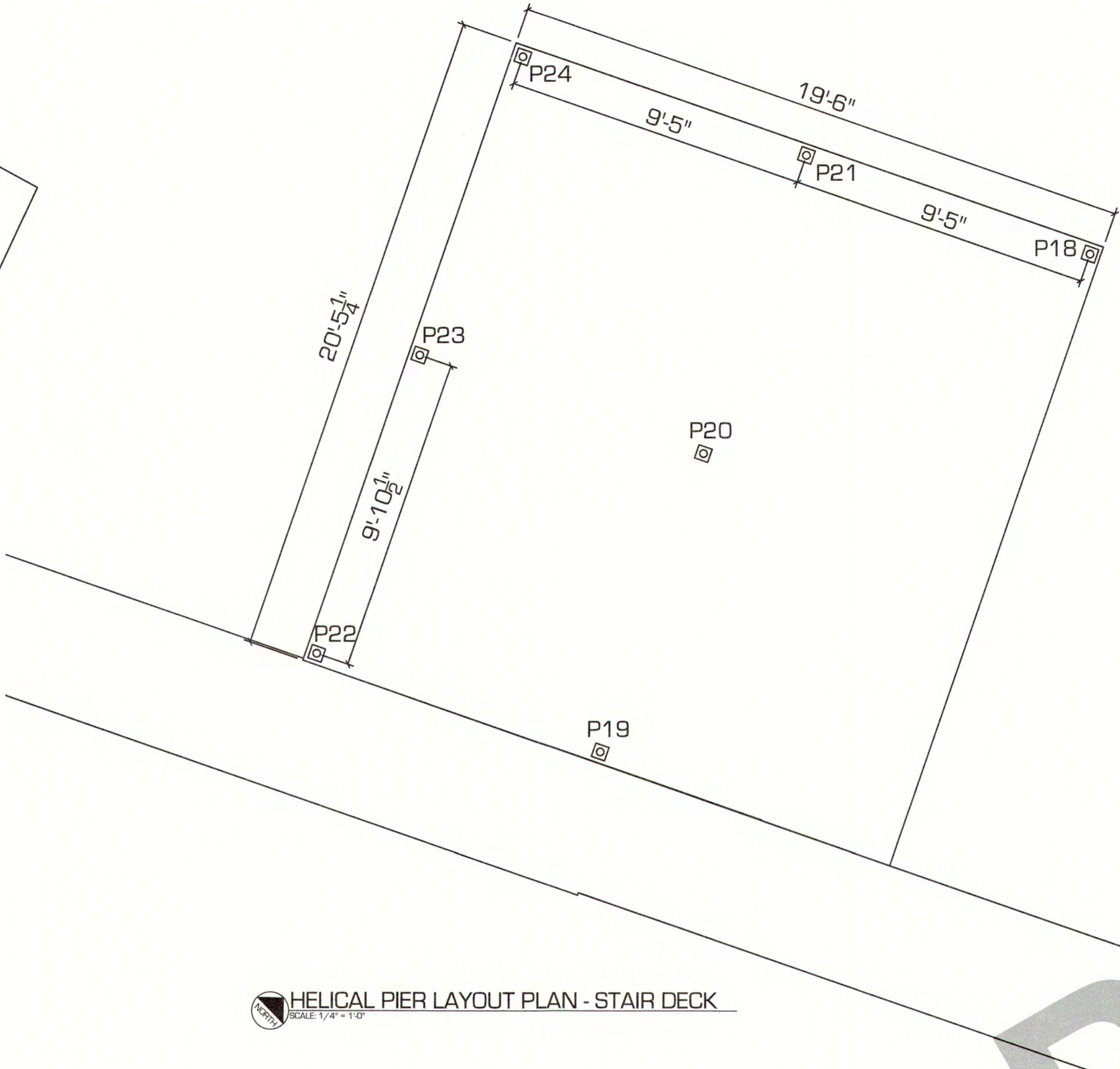
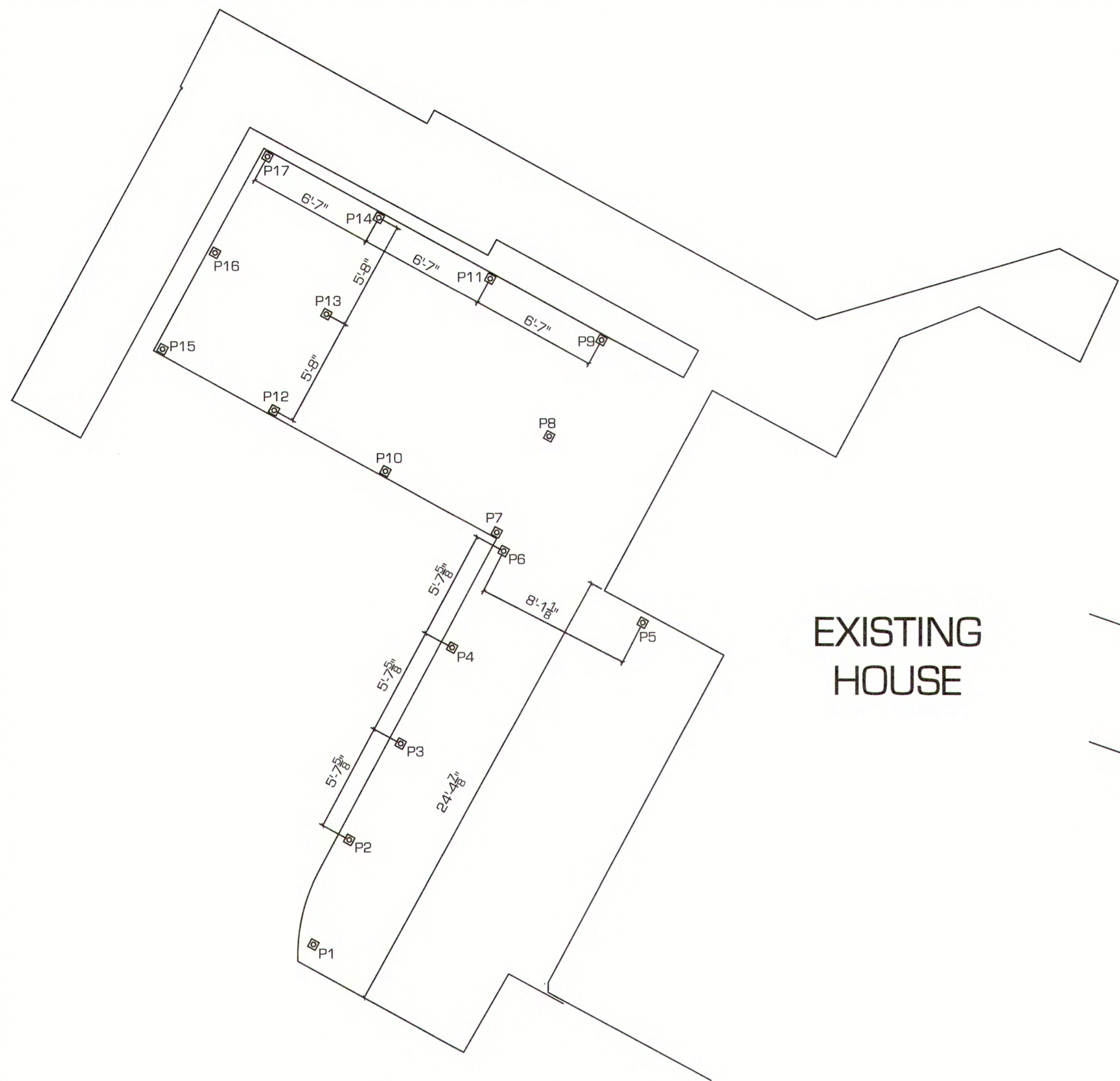


0' 5' 10' 20'  
 SCALE: 1" = 10'



UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE: EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLANS" WERE OBTAINED FROM AVAILABLE CITY AS-BUILT RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.



EXISTING HOUSE

HELICAL PIER LAYOUT PLAN - STAIR DECK  
SCALE: 1/4" = 1'-0"

HELICAL PIER LAYOUT PLAN - STAIR DECK  
SCALE: 1/4" = 1'-0"

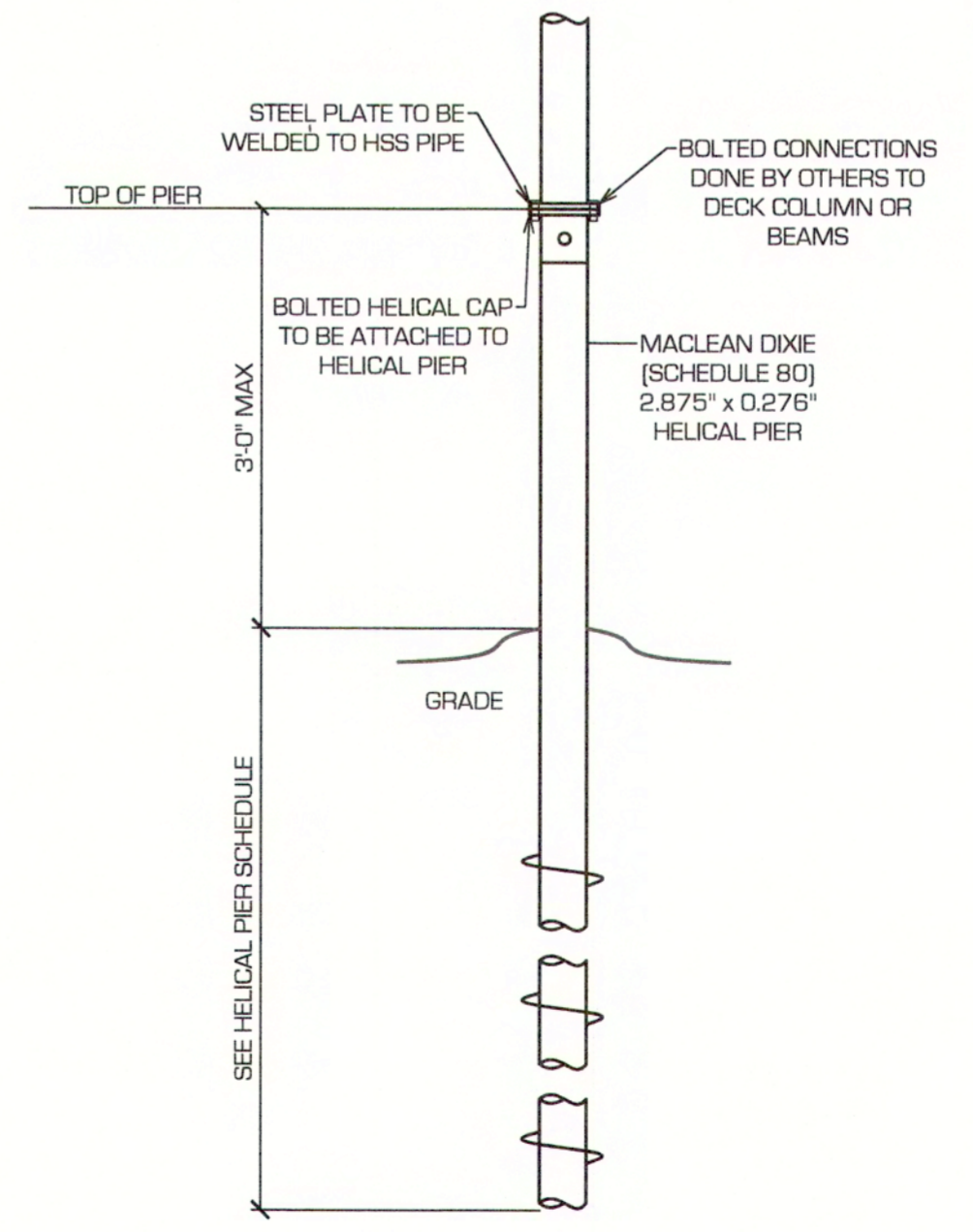
**GENERAL NOTES**

1. ALL APPLICABLE LOCAL, STATE AND FEDERAL RULES, REGULATIONS, ORDINANCES AND CODES SHALL APPLY THROUGHOUT THE PROJECT.
2. THE HELICAL PIERS HAVE BEEN DESIGNED IN ACCORDANCE WITH 2015 MICHIGAN BUILDING CODE.
3. VERIFY ALL APPLICABLE DIMENSIONS AND ELEVATIONS WITH ARCHITECTURAL DRAWINGS PRIOR TO FABRICATION.
4. DO NOT SCALE DRAWINGS.
5. CONTRACTOR TO COORDINATE WITH ARCHITECTURAL DRAWINGS.
6. FRAMING CONDITIONS NOT SPECIFICALLY DETAILED OR INDICATED SHALL BE FRAMED SIMILAR TO DETAILS SHOWN FOR THE RESPECTIVE MATERIAL OR CONDITION.

**HELICAL PIER NOTES:**

1. HELICAL PIERS SHALL BE INSTALLED IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE GEOTECHNICAL REPORT BY MATERIALS TESTING CONSULTANTS.
2. ALL HELICAL PIERS SHALL BE MACLEAN DIXIE MODEL P28 OR EQUAL WITH A 2.875 INCH DIAMETER BY 0.276 THICK SHAFT WITH THREE HELICES ON LEAD SECTION. HELIX DIAMETERS SHALL BE 10.0, 12.0 AND 14.0 INCHES WITH SMALLEST DIAMETER ON BOTTOM. HELIX SPACING SHALL BE APPROXIMATELY 3.0 TIMES THE HELIX DIAMETER.
3. ALL STEEL TO BE AS FOLLOWS UNLESS NOTED OTHERWISE:
 

A. PLATE AND BAR:	ASTM A36
B. HSS TUBES:	ASTM 500 GRADE C
C. STRUCTURAL BOLTS:	ASTM A325N
D. PIPE:	ASTM A53 GRADE B
4. HOT DIP GALVANIZING IS NOT REQUIRED BUT IS ACCEPTABLE. HOT DIP GALVANIZING SHALL BE PER ASTM A153/ASTM A123.
5. ALL WELDING TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF AWS D1.1. ALL WELD ELECTRODES TO BE E70xx LOW HYDROGEN.
6. HELICAL PIERS SHALL BE INSTALLED TO AN ULTIMATE CAPACITY OF 20 KIIPS (10 KIIPS ALLOWABLE CAPACITY). THE ULTIMATE CAPACITY SHALL BE MONITORED WITH A PRESSURE GAUGE. FINAL PRESSURE AND TORQUE READINGS SHALL BE RECORDED. HELICAL PIER RECORDS SHALL ALSO NOTE DATE OF PLACEMENT, PIER LENGTH, CAP AND BRACKET TYPE, OFFSETS, OBSTRUCTIONS AND SUDDEN LOSSES OR INCREASES IN PRESSURE OR TORQUE. MAXIMUM TORQUE SHALL BE PROVIDED BY HELICAL SUPPLIER AND SHOULD BE MONITORED DURING INSTALLATION.
7. HELICAL PIER LENGTH TO BE DETERMINED IN THE FIELD, WITH A MINIMUM LENGTH PROVIDED IN THE PILE DATA TABLE. THE ACTUAL LENGTHS MAY BE GREATER THEN THE MINIMUM DEPENDING ON THE TORQUE REQUIRED TO ACHIEVE THE REQUIRED ULTIMATE CAPACITY.
8. PIERS THAT ARE INSTALLED WITHIN 3" OF THE INDICATED LOCATION ON THE PLANS ARE ACCEPTABLE. PIERS THAT ARE LOCATED FURTHER THAN 3" FROM THE SPECIFIED LOCATION SHALL BE REPORTED TO SOILS AND STRUCTURES.
9. SOILS AND STRUCTURES SHALL BE NOTIFIED UPON COMPLETION OF THE HELICAL PIER INSTALLATION AND PROVIDED WITH A COPY OF THE INSTALLATION RECORDS.



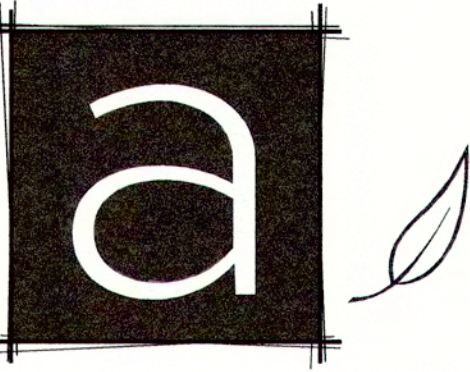
1 FOUNDATION DETAIL  
SCALE: 3/4" = 1'-0"

Preliminary

<b>SOILS &amp; STRUCTURES</b>		6480 Grand Haven Road Muskegon, MI 49441 Phone: 800.953.9559 Fax: 231.796.1383 soilsandstructures.com	
FOUNDATION AND HELICAL PILE PLANS		96 Lakeshore Drive Douglas, MI 49406	
REVISION	DATE	NAME	DATE
0	XXX.XX.22	CCC	02.16.22
		DR. BY	02.16.22
		ENG. BY	
		APR. BY	
		JOB NO.	2021.1787
		SEAL:	

NSW  
12-22-2022

SHEET NO.  
**S1**



architektura<sup>PLC</sup>  
 PO Box 971  
 Grand Haven, MI 49417  
 p: 616.843.1002  
 www.architekturapl.com

Deck Improvements, Parcel #59-710-012-00  
**TIGHE, ROBERT & CHRISTINE**  
 96 LAKESHORE DR, DOUGLAS MI 49406

PROJECT NO.	1226
ISSUANCES	
13 APR 2022	SITE PLAN REVIEW

REVISIONS		
NO.	DATE	DESCRIPTION

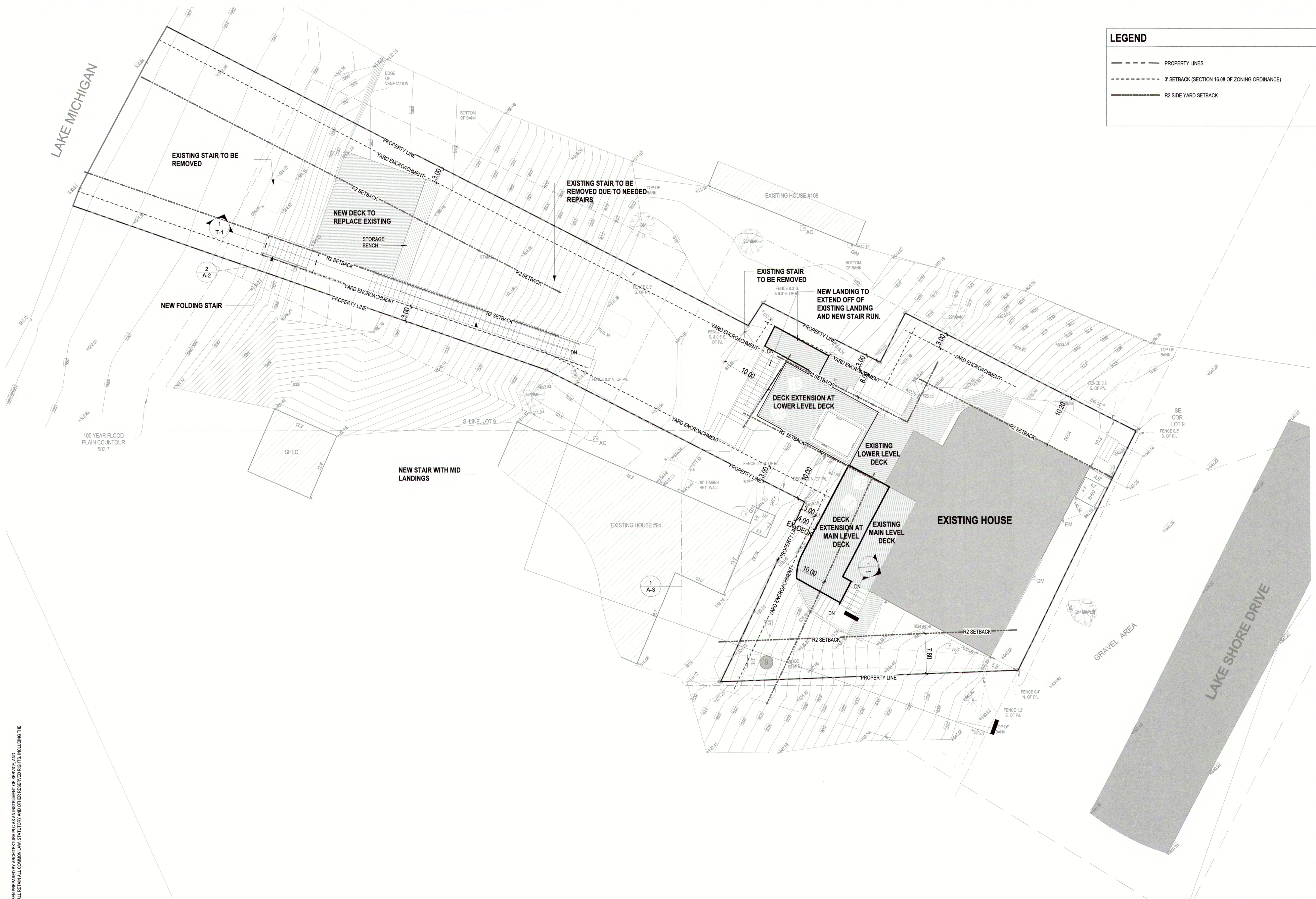
**OVERALL SITE PLAN**

SCALE: As indicated

**A-1**

**LEGEND**

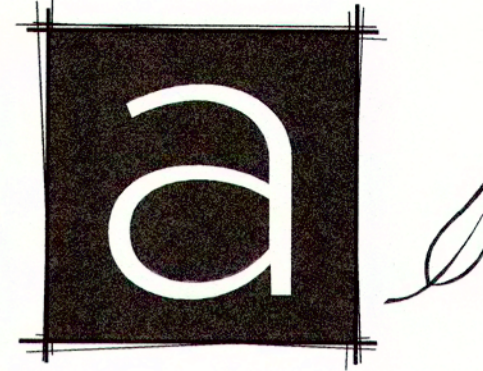
- PROPERTY LINES
- - - 3' SETBACK (SECTION 16.08 OF ZONING ORDINANCE)
- R2 SIDE YARD SETBACK



OVERALL SITE PLAN

1/8" = 1'-0"  
 NSP  
 02-22-2022

3/14/2022 12:54:15 PM  
 C:\Users\kristina\OneDrive\Documents\Architektura\_PLC\Projects\1226\_Tighe, Robert & Christine\Types\_Site Design\_37.rvt  
 THIS DOCUMENT HAS BEEN PREPARED BY ARCHITEKTURA PLC AS AN INSTRUMENT OF SERVICE, AND ARCHITEKTURA PLC AND ITS DESIGNERS SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT THEREIN.



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 PO Box 971  
 Grand Haven, MI 49417  
 p: 616.843.1002  
 www.architekturapl.com

Deck Improvements, Parcel #59-710-012-00  
**TIGHE, ROBERT & CHRISTINE**  
 96 LAKESHORE DR. DOUGLAS MI 49406

PROJECT NO. 1226  
 ISSUANCES

13 APR 2022	SITE PLAN REVIEW
-------------	------------------

REVISIONS

NO.	DATE	DESCRIPTION
-----	------	-------------

**ENLARGED DECK AND STAIR PLAN - WATERFRONT**

SCALE: As indicated

**A-2**

EXISTING PROPERTY PHOTOS



VIEW OF STAIR TO BE REPLACED



VIEW FROM BEACH

VIEW TO SOUTH

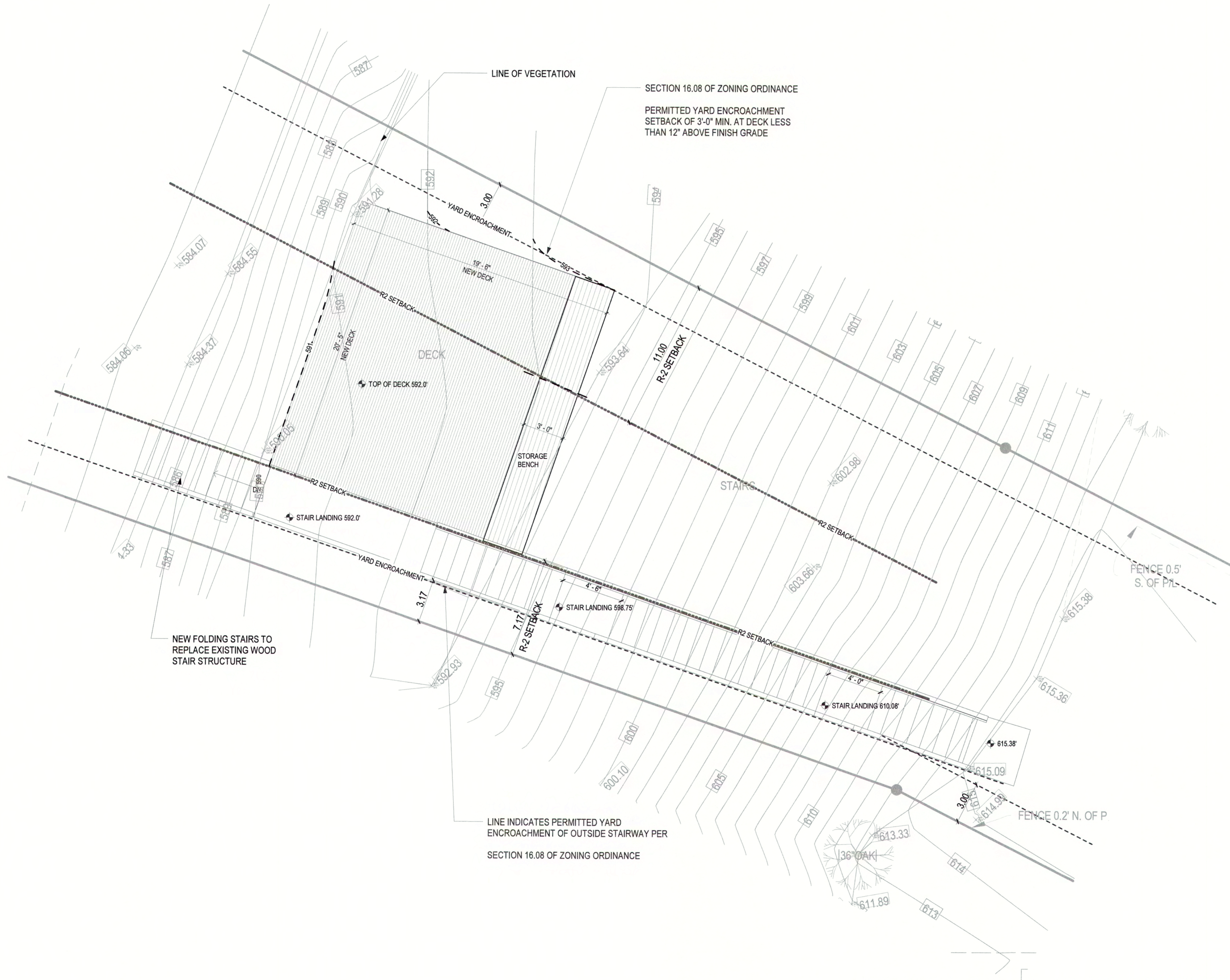


VIEW TO NORTH



**LEGEND**

- PROPERTY LINES
- - - 3' SETBACK (SECTION 16.08 OF ZONING ORDINANCE)
- R2 SIDE YARD SETBACK



ENLARGED PLAN - DECK AND STAIR AT WATERFRONT

1/4" = 1'-0"

3/14/2022 12:54:17 PM  
 C:\Users\architektura\Documents\architektura\PL\Projects\1226\_Tighe, Robert & Christine\Site Plan Design\_7.rvt  
 THIS DOCUMENT HAS BEEN PREPARED BY ARCHITEKTURA PLC AS AN INSTRUMENT OF SERVICE, AND ALL RIGHTS ARE RESERVED. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ARCHITEKTURA PLC. COPYRIGHT 2022.

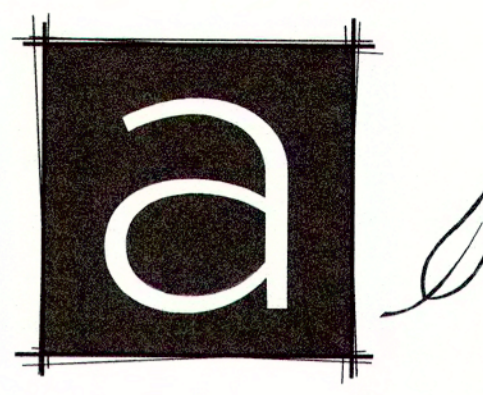
*NPW*  
 02-22-2022



**LEGEND**

- PROPERTY LINES
- - - 3' SETBACK (SECTION 16.08 OF ZONING ORDINANCE)
- R2 SIDE YARD SETBACK

**EXISTING PROPERTY PHOTOS**



architektura PLC  
 PO Box 971  
 Grand Haven, MI 49417  
 p: 616.843.1002  
 www.architekturapl.com

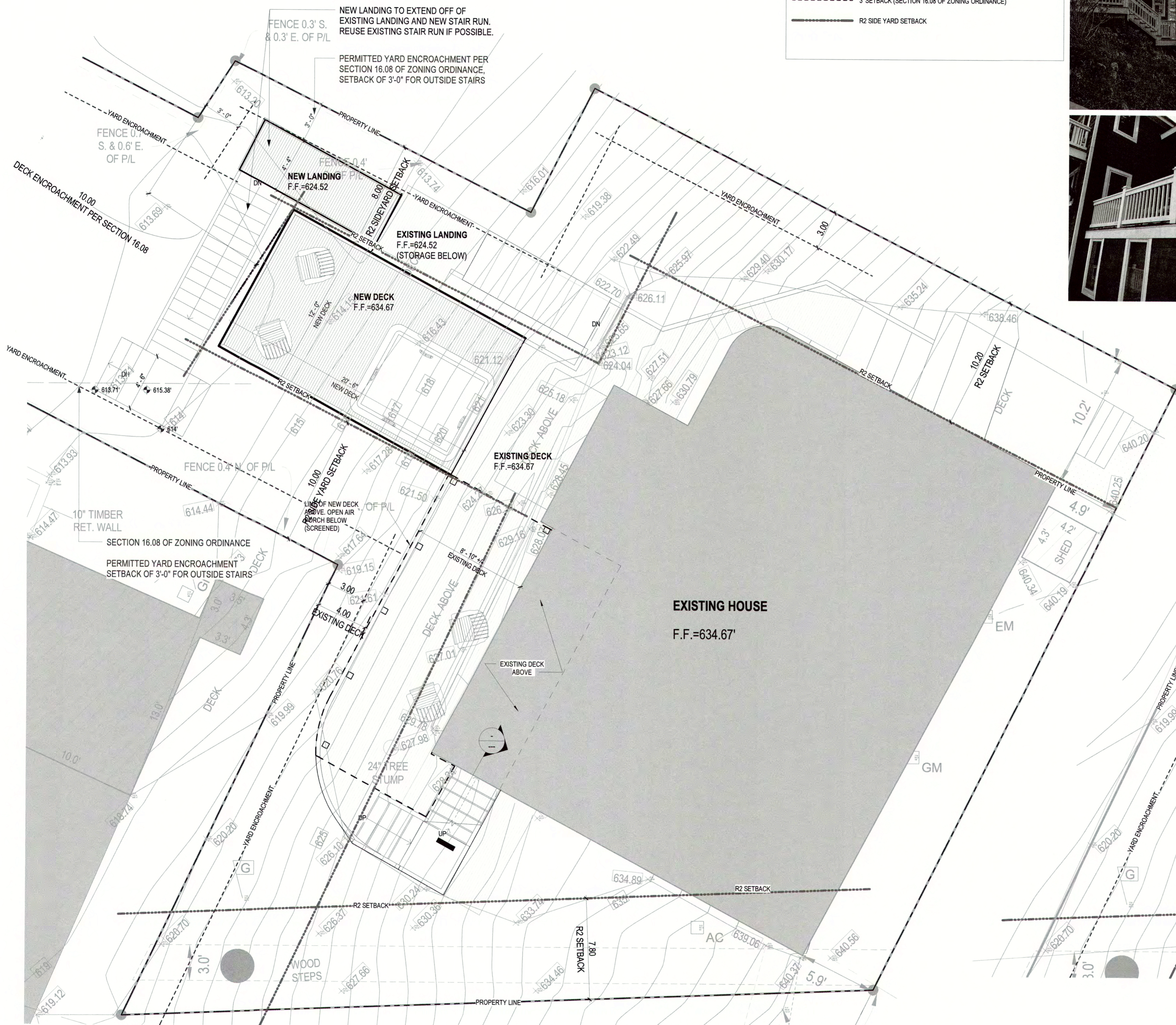
Deck Improvements, Parcel #59-710-012-00  
**TIGHE, ROBERT & CHRISTINE**  
 96 LAKESHORE DR., DOUGLAS MI 49406

**PROJECT NO.** 1226  
**ISSUANCES**

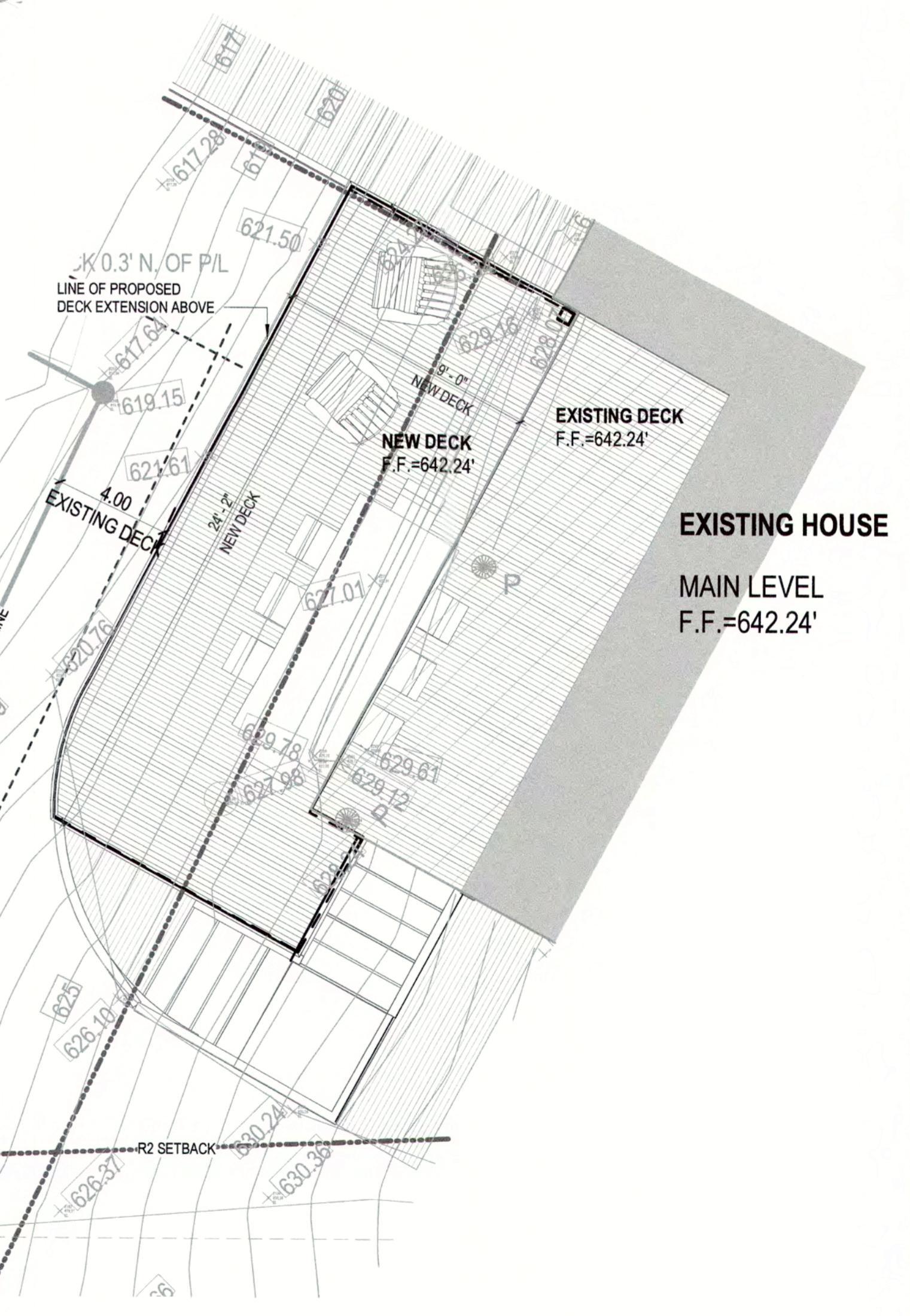
13 APR 2022	SITE PLAN REVIEW
-------------	------------------

**REVISIONS**

NO.	DATE	DESCRIPTION
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**ENLARGED PLAN - LOWER LEVEL EXTENSION**  
 1/4" = 1'-0"



**ENLARGED PLAN - MAIN LEVEL DECK EXTENSION**  
 1/4" = 1'-0"

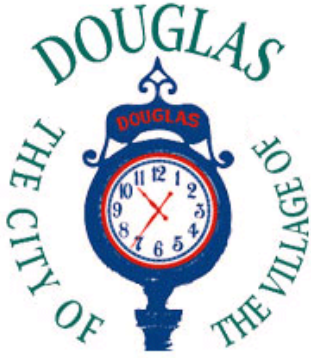
**ENLARGED DECK PLAN  
 - LOWER LEVEL DECK  
 EXTENSION**

**SCALE:**  
 As indicated

**A-3**

THIS DOCUMENT HAS BEEN PREPARED BY ARCHITECTURA PLC AS AN INSTRUMENT OF SERVICE, AND ARCHITECTURA PLC SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT THEREON.

*Handwritten notes:*  
 NTP  
 02-22-2022



**To: Douglas Planning Commission**

**From: Nicholas Wikar  
Planning and Zoning Administrator**

**Date: April 22, 2022**

**Subject: Public Hearing - Site Plan Review & Waterfront  
Construction Application (Major) – Accessory  
Structure(s) – Bulkhead, Deck(s)/Stairs and Site  
Changes to Sensitive Lands; R-2 Residential  
District. 130 Lakeshore Drive (Kevin/Cami  
Freeman, Mike DeYoung)**

The City of Douglas has received an application for Site Plan Review and Waterfront Construction Application (“Applications”) for 130 Lakeshore Drive, located in the R- Residential District, Douglas, Michigan. Kevin and Cami Freeman, property owners, and Mike DeYoung (“Applicant”) seek to obtain Site Plan Review approval for new Accessory Structures including Bulkhead, decks, and stairs constructed without permits.

Waterfront Construction Application for Accessory Structures considered Major shall be reviewed in a public hearing by the Douglas Planning Commission, pursuant to Chapter 11 of the City of the Village of Douglas Code of Ordinances. Commissioners shall arrive at Findings of Fact pursuant to Section 1107 Duties of Planning Commission and Section 03 Site Plan Review Standards, of the Douglas Zoning Ordinance.

Having reviewed the Applications for completeness, the Planning and Zoning Administrator has provided the enclosed submittals to the Planning Commission for consideration and review against those Waterfront Construction and Site Plan Review standards. Upon review, the Planning Commission shall provide: 1.) approval, 2.) approval with conditions, or 3.) denial; providing a statement of any conditions imposed to meet the standards of the R- zone, applicable and Use requirements, and/or the standards of Approval. Escrow and Performance Guarantee may be recommended by the Planning Commission to ensure compliance to any Conditions of Approval (Section 3033 d and h).

*Pursuant to the City of Douglas Schedule of Fees and Ordinances of the City, the Applicant shall remit payment of any required Land Use applications fees and penalties for work performed without permits. The Planning Commission shall require payment of dues and may recommend escrow and performance guarantee to the City, equal to the estimated cost of site improvements required and necessary for compliance with any Conditions of Approval, as assigned by the Planning Commission.*

**It is recommended the Douglas Planning Commission arrive at Findings of Fact and consider Conditional Approval of the Site Plan Review and the Application for Waterfront Construction - "Major" in public hearing, for Accessory Structures located at 130 Lakeshore Drive, zoned R-2 Residential District, in Douglas, Michigan.**



ZONING REVIEW APPLICATION  
86 W. CENTER STREET, PO BOX 757, DOUGLAS MI 49406  
Phone: 269.857.1438 Fax: 269.857.4751  
[www.ci.douglas.mi.us](http://www.ci.douglas.mi.us)

A Zoning Permit is required for all changes to Uses, structures, and other Site Improvements. This includes all residential, commercial and industrial structures, and accessory buildings that require a Building Permit, as well as fences, temporary storage, and agricultural activities which are exempt from the Building Permit process. A survey and site plan is necessary to complete this application.

Submit complete applications to the City of Douglas prior to any site work or requesting permits with Michigan Township Services.

<b>APPLICANT INFORMATION (If different than owner)</b>	
Name <u>Mike DeYoung</u>	Email <u>Miked@mclyhomes.com</u>
Address <u>1243 Riverwind Drive Holland, MI 49423</u>	
Phone # <u>616-291-3363</u>	Fax # _____
<b>OWNER INFORMATION</b>	
Name <u>Kevin &amp; Cami Freeman</u>	Email <u>KIF860@gmail.com</u>
Address <u>130 Lakeshore Drive</u>	
Phone # <u>312-451-8833</u>	Fax # _____
<b>PROPERTY INFORMATION</b>	
Address or Location <u>130 Lakeshore Drive</u>	
Permanent Parcel # _____	
Zone District - Current _____	Proposed (if Applicable) _____
Property Size _____	Special Use (if Applicable) _____
<b>TYPE OF PROJECT (check all that apply)</b>	
Residential <input checked="" type="checkbox"/>	or Commercial _____
New Construction _____	Remodel _____
Accessory Structure _____	Addition _____
Boardwalk/Dock _____	Deck/Porch <input checked="" type="checkbox"/>
Temporary Use/Structure _____	Other _____

Describe Proposed Project (attach additional pages as necessary)

Remove Existing deck that was sliding down the hill and replace with retaining walls and Below Grade Deck & Stairs

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

Mike DeYoung  
Signature of Applicant and Owner (If different than applicant)

7/30/21  
Date

I hereby grant permission for members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.

Kevin L Freeman  
Owner's Signature

8/2/21  
Date



**130 Lakeshore Drive**  
**Douglas, Michigan 49098**

The attached document is a survey reflecting the existing conditions and behind that is a survey marked to reflect proposed modifications to restore the site:

**1. Existing**

A. **Replacement of Prior Deck.** The "upper" deck is roughly where the prior deck was situated.

B. **Landscaping.** I have reflected the dune grass planted in the Fall, as was also reflected in my sea wall permit application. I have also included the fountain grass planted along the north and south borders of the property because my contractor suggested you would want that reflected as well, even though I had thought a single column of grass (approx. 10 plants on each border) was immaterial and did not reflect it in the seawall application.

**2. Proposed**

A. **Retain Prior Deck.** I would like to keep the replacement "upper" deck, which replaces the deck that existed on the property per the photos and old survey I sent to you in December. Subject to site conditions I believe this is substantially similar to the prior deck. Moreover, the site has been stabilized, erosion has ceased, and I would be very concerned about making any modifications to the as-built replacement. So I respectfully request that EGLE allow me to retain the replacement deck.

B. **Delete North Stairs.** I would delete the north stairs added to provide access to the new, "lower" deck.

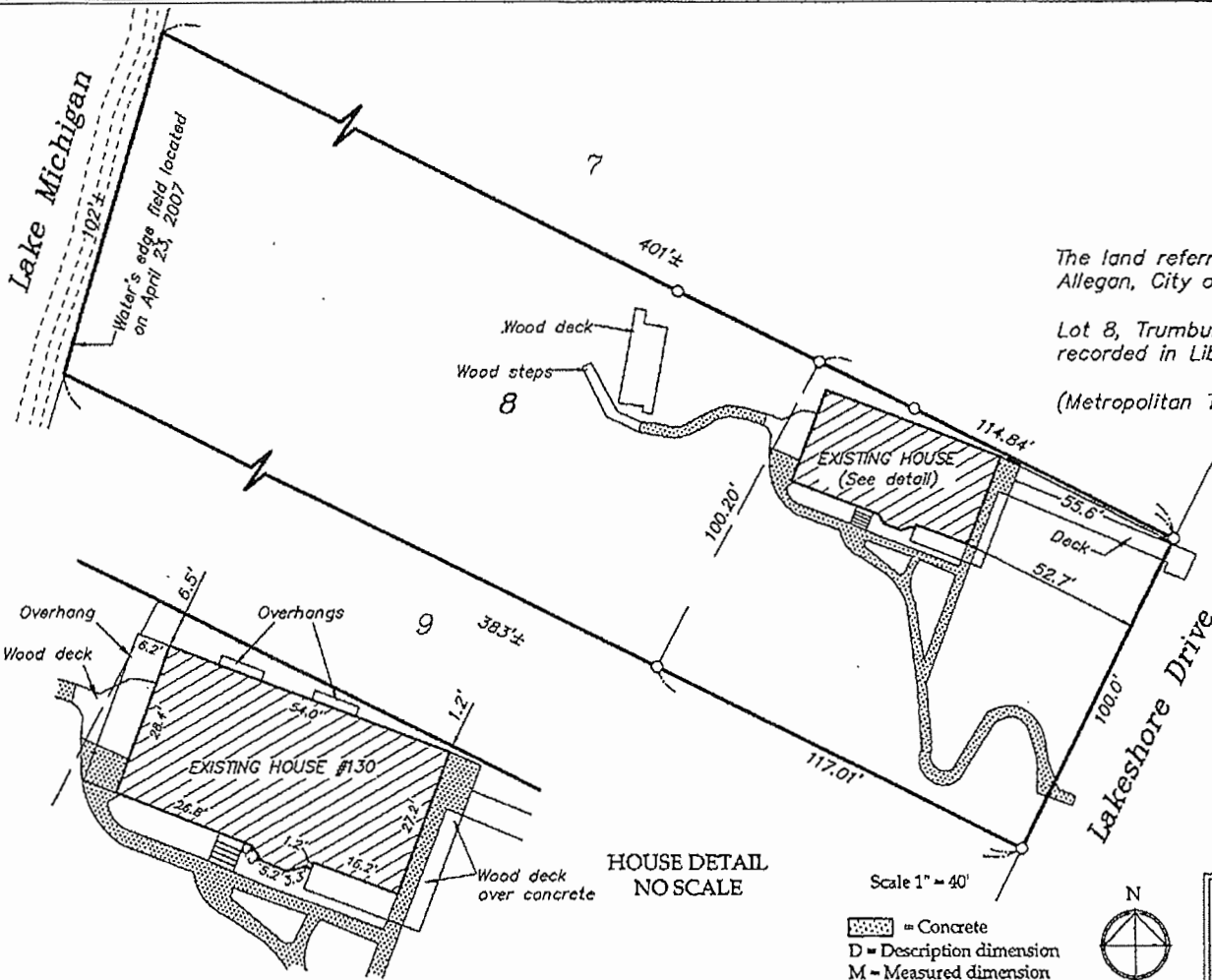
C. **Delete New/Lower Deck.** I would remove the entire lower deck.

D. **Stairs To Beach.** I would restore the prior platform and stairs down to the beach to allow safe beach access.

E. **Fountain Grass.** If EGLE deems the fountain grass non-conforming and would like it removed I would of course do so.

F. **More Dune Grass.** If EGLE requires or recommends, I would plant dune grass in the area between the replacement deck and the seawall (where the "new/lower" deck would be removed).

G. **Retaining Wall.** If EGLE requires or recommends, I would remove the retaining wall (north side of deck).



130 Lakeshore Drive

The land referred to in this commitment, situated in the County of Allegan, City of Douglas, State of Michigan, is described as follows:

Lot 8, Trumbull's Second Addition according to the plat thereof recorded in Liber 4 of Plats, Page 2 of Allegan County Records.

(Metropolitan Title Commitment No. 228232)



By: Scott A. Hendges

Scott A. Hendges Licensed Professional Surveyor No. 47953

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

- Scale 1" = 40'
- = Concrete
  - D = Description dimension
  - M = Measured dimension
  - P = Platted Dimension
  - = Set Iron Stake
  - = Found Iron Stake
  - x— = Fence Line



**NEDERVELD**

www.nederveld.com  
© 2007 Nederveld, Inc.

<p>GRAND RAPIDS 4079 Park East Court Grand Rapids, MI 49546 PHONE: (616) 575-5190</p>	<p>HUDSONVILLE 5570 32nd Avenue Hudsonville, MI 49426 PHONE: (616) 669-5190</p>
<p>HOLLAND 347 Hoover Boulevard Holland, MI 49423 PHONE: (616) 393-0449</p>	<p>ANN ARBOR 944 N. Main St. Ann Arbor, MI 48104 PHONE: (734) 929-6963</p>

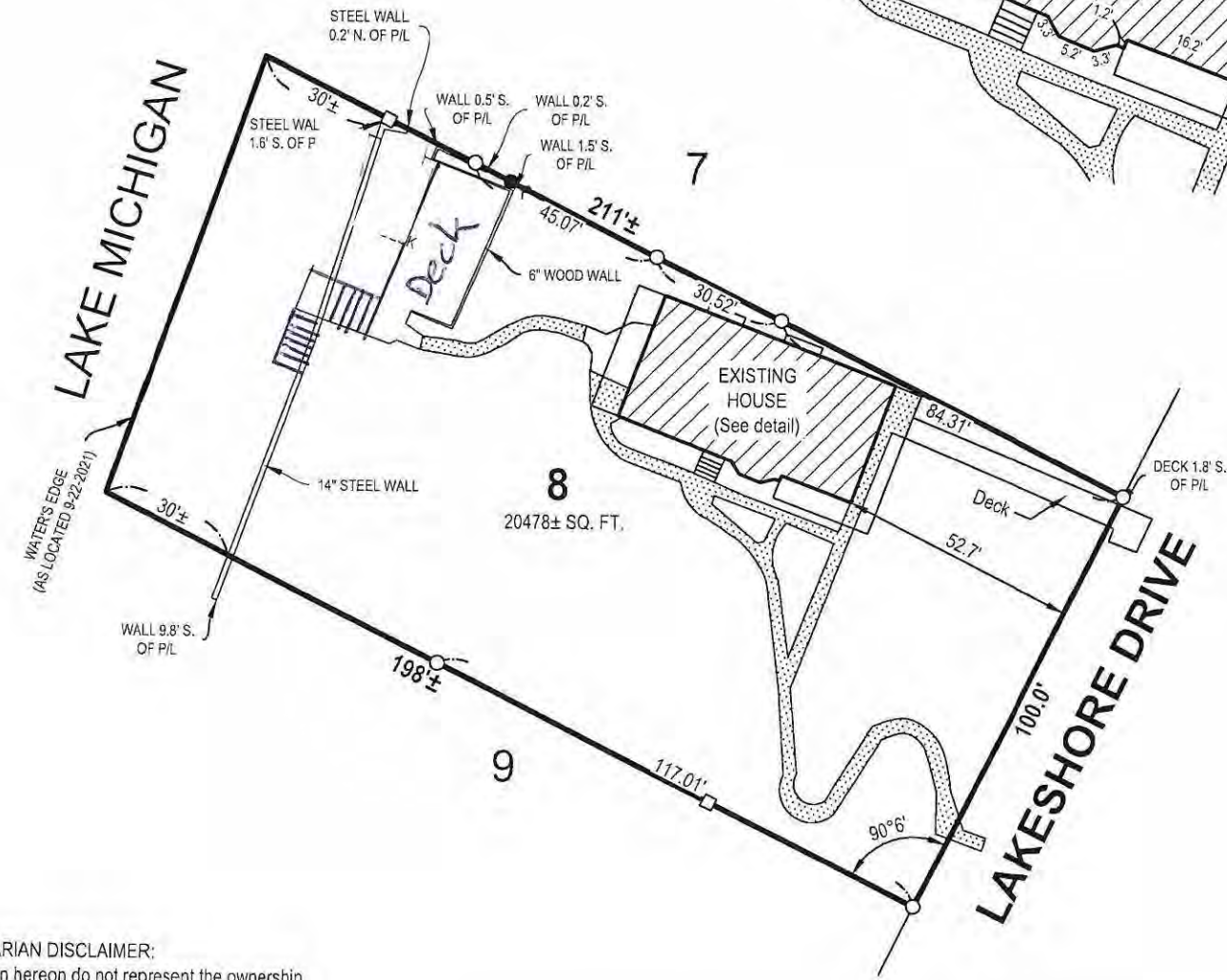
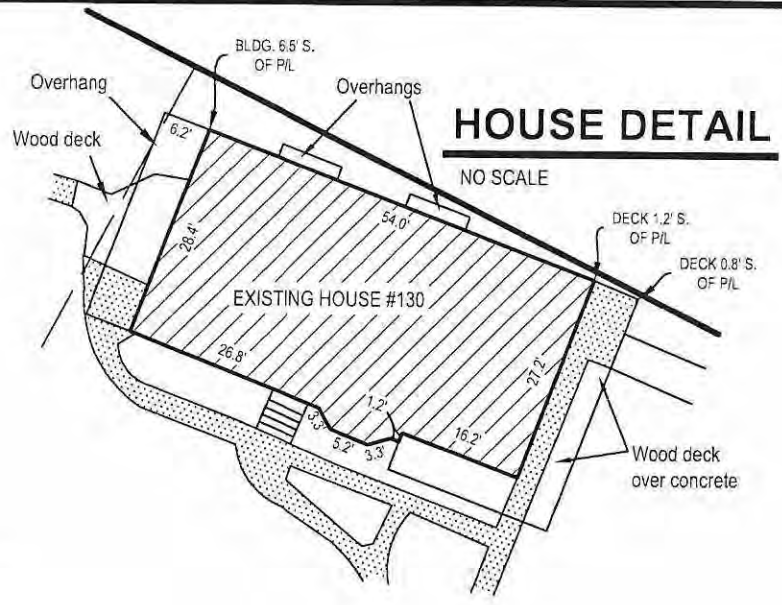
rev.:	date:
project no.: 07200314	date: 4-23-07 CH

07200314 CH 04/24/07 15:17

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

*Proposed*



By: *Scott A. Hendges*  
 Scott A. Hendges Licensed Professional Engineer

SCALE: 1" = 40' 0"

Kevin F. 5712 S. Halsted Chicago, IL 60629	130 Lakeshore Drive Chicago, IL 60629
DRAWN BY: DS	DATE: 9/22/2021
REV. BY:	REV. DATE:
REV.:	

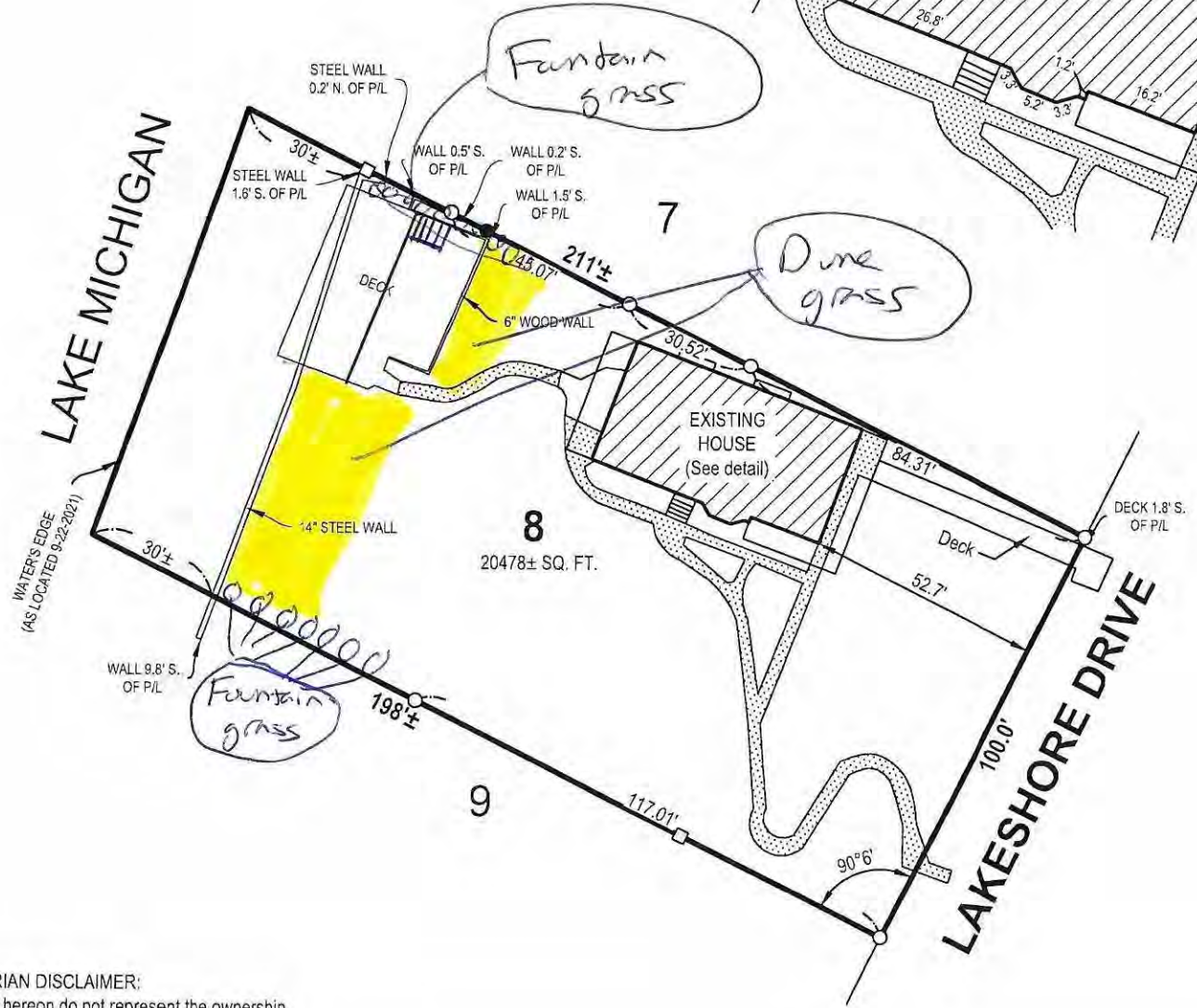
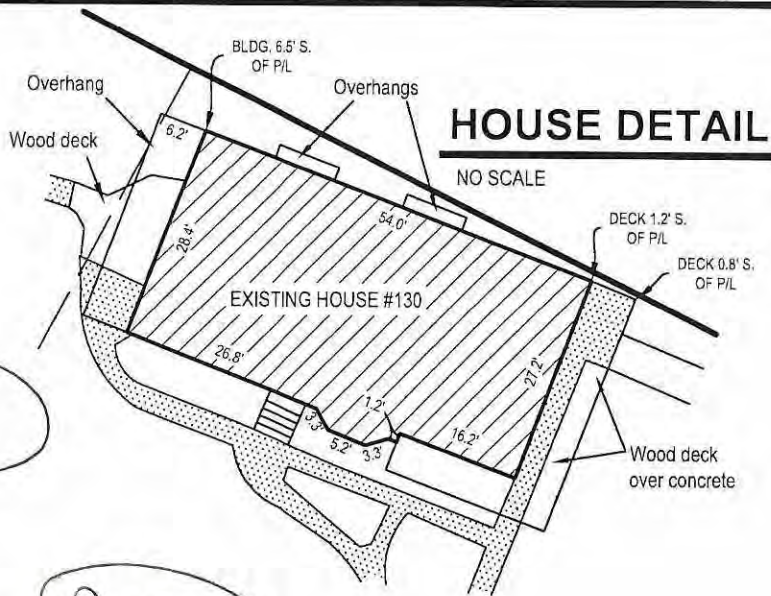
**RIPARIAN DISCLAIMER:**

The boundary lines shown hereon do not represent the ownership of any riparian rights, littoral rights, bottom lands or submerged land on, beneath or appertaining to the subject property.

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

Existing



Fountain grass

Dune grass

Fountain grass

**RIPARIAN DISCLAIMER:**  
The boundary lines shown hereon do not represent the ownership of any riparian rights, littoral rights, bottom lands or submerged land on, beneath or appertaining to the subject property.

By: Scott A  
Scott A. Hendges Licensed Professional

SCALE: 1" = 40' 0"

Kevin F 5712 S. Ha Chicago,  130 Lakes	DRAWN BY: DS REV. BY: REV.:	DATE: 9/22/2021 REV. DATE:
--	-----------------------------------	-------------------------------

Michigan Township Services-Allegan, Inc  
111 Grand Street, Allegan MI 49010  
1-800-626-5964 \* 269-673-3239  
Fax 269-673-9583  
Email [mtsallagan@frontier.com](mailto:mtsallagan@frontier.com)

### Agent Authorization

Date: 7/30/21

Job Address: 181 Union

City or Township: Douglas

This is to inform you that I, (owner name) Kevin Freeman  
as owner of the above referenced property authorize (agent name)  
Mike DeYoung, to act as my agent in seeking / obtaining  
various permits and approvals on my behalf.

These include:

Various Township/City Zoning and Building approvals  
Other County or State permit approvals  
Others as needed

  
Property Owner Signature and Phone Number

This completed form must be submitted with a zoning/building  
permit application. Permits will not be issued without it.



**ALLEGAN COUNTY HEALTH DEPARTMENT**  
 3255 - 122<sup>nd</sup> Avenue, Suite 200, Allegan, MI 49010  
**Environmental Health 269-673-5415**  
**PERMIT FOR SOIL EROSION AND SEDIMENTATION CONTROL PERMIT**

**PERMIT NUMBER**  
 SESC21-486  
**EXPIRATION DATE**  
 7/1/2022

**OWNER INFORMATION (PERMITTEE)**

NAME BATTS ROBERT H & JUDITH F  
 ADDRESS 130 LAKESHORE DR CITY DOUGLAS ZIP 49406  
 PHONE 312-451-8833 EMAIL KLF860@GMAIL.COM

**APPLICANT INFORMATION**

NAME MIKE DEYOUNG COMPANY \_\_\_\_\_  
 ADDRESS 1423 RIVERVIEW DR CITY HOLLAND ZIP 49423  
 PHONE 616-291-3363 EMAIL MIKED@MDYHOMES.COM

**PROPERTY INFORMATION (of project location)** TAX ID 03- 59-710-009-00  
 ADDRESS 130 LAKESHORE DR CITY DOUGLAS ZIP 49406  
 TOWNSHIP DOUGLAS CITY SUBDIVISION \_\_\_\_\_ LOT # \_\_\_\_\_ SECTION # 17 TOWN 17 RANGE 17

**STORMWATER OPERATOR** - For projects over 1 acres of disturbance. Or On-Site Responsible Person: PHONE: \_\_\_\_\_  
 NAME \_\_\_\_\_ COMPANY \_\_\_\_\_

**PERMIT SPECIFIC INFORMATION:**  Residential  Commercial  Gravel Pit

7/1/2021 Start Date 7/1/2022 Proposed End Date

- Earth change greater than an acre in size 3000 Size of earth change (sq. ft.)
- Earth change greater than 5 acres  Earth change within 500 feet of lake, stream or other body of water
- Earth change within 500 feet of a storm water catch basin which discharges into a body of water  OTHER

**PROJECT DESCRIPTION:** Retaining walls and new deck.

**ADDITIONAL PERMIT REQUIREMENTS:** Permit cannot be closed until the site has full established vegetation. Permit holder shall plan to seed / landscape as soon as possible after earth change. Install a silt sack in down gradient catch basin (as applicable). INSTALL MILLINGS, CRUSHED CONCRETE, OR OTHER FORM OF CONSTRUCTION DRIVEWAY prior to excavation. Maintain vegetation buffers that are being used as a control measure. Properly install and maintain silt fencing. Do not allow sediment off the permitted parcel or onto the roadway. Use erosion control blanket on slopes 1 on 4 or greater.

SANITARIAN Jacob Wheatley, REHS DATE ISSUED 9/9/2021

**THIS PERMIT MUS BE POSTED AT THE PROJECT SITE.**

**PERMIT CONDITIONS:**

- The permitted activity shall be completed in accordance with the approved plans and specification, and the attached general and specific conditions.
- This permit does not waive the necessity for obtaining all other required federal, state, or local permits.
- Applicant shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

**GENERAL CONDITIONS:**

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

- Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:
- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change. Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)
- Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change.

If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

March 10, 2022

VN No: VN-012750

VIA EMAIL

Mr. Kevin Freeman  
130 Lakeshore Drive  
Douglas, Michigan 49406  
[klf860@gmail.com](mailto:klf860@gmail.com)

Dear Mr. Freeman:

SUBJECT: Violation Notice  
Order to Restore  
Site Name: 03-130 Lakeshore Drive-Douglas  
Property Location: 130 Lakeshore Drive, City of Douglas, Allegan County,  
T 03N, R 16W, Section 17

The Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division (WRD) conducted an inspection on November 17, 2021, at the above referenced parcel of property. The purpose of the inspection was to evaluate the property for compliance with Part 353, Sand Dune Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. At the time of the inspection, WRD staff observed that a tiered deck system, sunken wooden stairs, wooden retaining walls, grading and landscaping with non-native species activities had been conducted lakeward of the crest of the dune and in areas strictly regulated under the authority of Part 353. This letter is being sent because you have been identified as the property owner and/or contractor responsible for the property and/or the unauthorized activities.

Section 324.35304(1) of Part 353 prohibits "a use within a critical dune area" without first obtaining a permit from the EGLE. A review of WRD files indicates that no permits have been issued for this activity at the property. Therefore, it appears that this activity was conducted in violation of Part 353.

In consideration of the requirements of Part 353, the WRD has determined that a permit would not have been approved for this project. Therefore, within 30 days of the date of this letter, or a mutually agreed upon schedule, you must bring the property into compliance with the requirements of Part 353. To comply with Part 353, you must complete the following actions:

1. Remove all unauthorized portion of the decks, retaining walls, sunken wooden steps and other structures located landward of the crest of the dune. The existing unauthorized seawall and accompanying riprap will still be processed under submittal number: HP3-GDF2-B02GC.



Mr. Kevin Freeman  
March 10, 2022  
VN No: VN-012750

2. Remove recently planted non-native vegetation and replace it with native dune species of vegetation appropriate for the area or provide a detailed vegetation restoration plan that will be implemented this spring.
3. Do not place additional structures, fill, or remove vegetation within regulated areas (the entire parcel is within the critical dune area).
4. Restore the lakeward slope of the dune and the areas lakeward of the crest to the original grades and provide a re-vegetation plan that relies solely on native dune species.

Please contact this office immediately upon completion of the above restoration requirements in order that a WRD inspection can be conducted.

We anticipate your cooperation in resolving this matter. If you have any questions, you may contact me at: 269-568-2680; BayhaJ@michigan.gov; or EGLE, WRD, Kalamazoo District Office, 7953 Adobe Road, Kalamazoo, Michigan 49009-5025.

Sincerely,



John Bayha, P.E.  
District Engineer  
Kalamazoo District Office  
Water Resources Division

cc: Allegan County SESC Agent  
Mr. Nick Wikar, City of Douglas  
Mr. James Zellinger, EGLE  
Mr. Kyle Alexander, EGLE

## Re: 130 Lakeshore Drive - Compliance Issues

Kevin Freeman <klf860@gmail.com>

Tue 3/22/2022 2:55 PM

To: Bayha, John (EGLE) <bayhaj@michigan.gov>

Cc: Nick Wikar <nwikar@douglasmi.gov>; Mike DeYoung Homes Inc. <miked@mdyhomes.com>

Thank you, John. And I have discussed with Nick Wikar at Douglas and he and I are aligned. Take care. Best, Kevin

On Tue, Mar 22, 2022 at 10:55 AM Bayha, John (EGLE) <[BayhaJ@michigan.gov](mailto:BayhaJ@michigan.gov)> wrote:

Thanks Kevin, I have tasked my secretary to get this out on Public Notice.

Thanks,

John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy (EGLE)

7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555



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**From:** Kevin Freeman <[klf860@gmail.com](mailto:klf860@gmail.com)>

**Sent:** Friday, March 11, 2022 11:52 AM

**To:** Bayha, John (EGLE) <[BayhaJ@michigan.gov](mailto:BayhaJ@michigan.gov)>

**Cc:** Nick Wikar <[nwikar@ci.douglas.mi.us](mailto:nwikar@ci.douglas.mi.us)>; Mike DeYoung Homes Inc. <[miked@mdyhomes.com](mailto:miked@mdyhomes.com)>

**Subject:** Fwd: 130 Lakeshore Drive - Compliance Issues

**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

John:

Thank you for your time today to discuss my property. I confirm that I am in receipt of the Violation Notice - Order to Restore from EGLE dated March 10, 2022.

As discussed, my contractor, Mike de Young, has confirmed that he can complete the work set forth in the "Proposed" drawings and as described below on or before April 30, 2022. I took from our conversation that I should have him complete everything set forth in "Proposed" so that when this goes to public notice there is no confusion about the end product. Please let me know if I misunderstood your directive and we should only remove items per below, rather than complete the restoration of the previously existing stairs down to the beach.

I will attempt to log in to EGLE site and upload these documents today. Again, thank you for your patience and guidance on this matter. I will continue to endeavor to make this right.

Best regards,

Kevin Freeman

312-451-8833

----- Forwarded message -----

From: Kevin Freeman <[k1f860@gmail.com](mailto:k1f860@gmail.com)>

Date: Fri, Feb 25, 2022 at 11:11 AM

Subject: Re: 130 Lakeshore Drive - Compliance Issues

To: Bayha, John (EGLE) <[bayhaj@michigan.gov](mailto:bayhaj@michigan.gov)>

John:

Thank you for getting back to me yesterday. I took a little time to reach out to my contractor so that my response to you would be as informative as possible. Turns out that was a good move because he is a proactive person and provided me with two helpful documents which I have attached: (1) Soil & Erosion Permit issued by Allegan County for the deck (which he obtained at the same time as the permit he obtained for me for the seawall); and (2) Survey reflecting the deck as it stands today.

We then used the survey to prepare the third attached document reflecting your requested detail of the existing deck as well as my proposed modifications for EGLE review and approval. Specifically:

## **1. Existing**

A. **Replacement of Prior Deck.** The "upper" deck is roughly where the prior deck was situated but I note the following:

(i) *Rotation.* Due to erosion on site caused by my prior owner's failure to plant dune grass after constructing the seawall (which erosion also compromised the structural integrity of the pre-existing deck), the replacement deck is rotated 10-15 degrees as necessitated by site conditions.

(ii) *Retaining Wall.* The survey reflects the retaining wall on the east side of the deck replacing the pre-existing deck. Per above, the retaining wall was necessary to stop the continued erosion of the land between the deck and the face of the house until the dune grass can take hold.

(iii) *North Stairs.* As you request below, the plan reflects the stairs added on the north side of the deck to allow access to the new, "lower" deck.

B. **Landscaping.** I have reflected the dune grass planted in the Fall, as was also reflected in my sea wall permit application. I have also included the fountain grass planted along the north and south borders of the property because my contractor suggested you would want that reflected as well, even though I had thought a single column of grass (approx. 10 plants on each border) was immaterial and did not reflect it in the seawall application.

## **2. Proposed**

A. **Retain Prior Deck.** I would like to keep the replacement "upper" deck, which replaces the deck that existed on the property per the photos and old survey I sent to you in December. Subject to site conditions I believe this is substantially similar to the prior deck. Moreover, the site has been stabilized, erosion has ceased, and I would be very concerned about making any modifications to the as-built replacement. So I respectfully request that EGLE allow me to retain the replacement deck.

B. **Delete North Stairs.** I would delete the north stairs added to provide access to the new, "lower" deck.

C. **Delete New/Lower Deck.** I would remove the entire lower deck.

D. **Stairs To Beach.** I would restore the prior platform and stairs down to the beach to allow safe beach access.

E. **Fountain Grass.** If EGLE deems the fountain grass non-conforming and would like it removed I would of course do so.

F. **More Dune Grass.** If EGLE requires or recommends, I would plant dune grass in the area between the replacement deck and the seawall (where the "new/lower" deck would be removed).

You mention installation of riprap in your email below, and I note that was reflected in my completed seawall application.

Hopefully this all makes sense and provides you with what you requested but I would be grateful if we could find time next week to discuss. Please let me know when you have availability or I will reach out on Monday to schedule a time. Thank you, and have a good weekend.

Best regards,

Kevin Freeman

312-451-8833

On Thu, Feb 24, 2022 at 6:30 AM Bayha, John (EGLE) <[BayhaJ@michigan.gov](mailto:BayhaJ@michigan.gov)> wrote:

Kevin,

I can understand that you would like to get this wrapped up and we would as well. For starters though, you will need to update the digital Joint Permit Application in MiWaters to include all of the regulated work that was already done on the site, including the deck, landscaping, sunken stairs, retaining walls, seawall, riprap, etc. I still need some type of drawing for the items that were constructed minus the seawall (I think what you provided on that is sufficient). We will not allow you to leave the new deck as is, you might be able to make an argument for a portion of it to match the original deck, but that is probably all the Special Exception (SE) Panel will agree to.

Once I have something close to a "complete application" with drawings of the work that was already done, and any additional that you will need to do, (removal of a portion of the deck at a minimum) I can get this project on Public Notice. Following that, and assuming no much pushback from the neighbors, we can proceed with the SE Panel doing their final review.

The main idea here is much of the deck and retaining walls system that you already built is not something we can legally permit since it is lakeward of the crest of the dune and there is likely no "practical difficulty" that you could argue. The other important thing is that an application and drawings must adequately describe the work that was already done (since this is an after-the-fact app) and the work that may need to still be completed. It all has to be well documented for us to proceed to just the Public Notice for the permit application.

I and in meetings most of today, but if you want to schedule a time to discuss any of this let me know.

Thanks,

John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy (EGLE)

7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555



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**From:** Kevin Freeman <[klf860@gmail.com](mailto:klf860@gmail.com)>  
**Sent:** Tuesday, January 4, 2022 12:03 PM  
**To:** Bayha, John (EGLE) <[BayhaJ@michigan.gov](mailto:BayhaJ@michigan.gov)>  
**Subject:** Fwd: 130 Lakeshore Drive - Compliance Issues

**CAUTION:** This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)

John:

Hey good morning and happy new year! Just checking in to see whether you've had a chance to review my file and determine what additional information you may need? Please let me know. Happy to chat live too, of course. Thanks in advance.

Best regards,

Kevin Freeman

312-451-8833

----- Forwarded message -----  
From: Kevin Freeman <[klf860@gmail.com](mailto:klf860@gmail.com)>

Date: Wed, Dec 15, 2021 at 12:49 PM

Subject: Re: 130 Lakeshore Drive - Compliance Issues

To: Bayha, John (EGLE) <[BayhaJ@michigan.gov](mailto:BayhaJ@michigan.gov)>

Cc: Alexander, Kyle (EGLE) <[AlexanderK7@michigan.gov](mailto:AlexanderK7@michigan.gov)>, Nick Wikar <[nwikar@ci.douglas.mi.us](mailto:nwikar@ci.douglas.mi.us)>

John:

Thank you for taking time to speak with me this morning. As discussed attached please find the old survey that was provided to me back in August 2020 when we purchased the home. As you will see, Lake Michigan was about 300' further away from the house than it is now, and of course there was no Seawall back then.

Also attached please find pictures showing the deck as it was when we purchased the house, even though, again, the lake was clearly far away from where it is now. There has been a lot of erosion since then, both of the beach and on the dune. But thinks look to be very stable now, especially behind the Seawall.

Please let me know when you are ready to discuss next steps. Thank you.

Best regards,

Kevin

312-451-88833

Sent from my iPhone

On Dec 13, 2021, at 6:12 PM, Kevin Freeman <[kf860@gmail.com](mailto:kf860@gmail.com)> wrote:

John:

Thank you for getting back to me. As you may recall from my letter (attached for your convenience), months before my wife and I first visited 130 Lakeshore Drive last year as potential buyers, the seawall had been constructed and the contract we ultimately signed with the previous owners of the property represented that the property was in compliance with law and permitting. After a few months of ownership, we observed that the substantial disturbance to the dune caused by installation of the seawall was causing significant erosion.

As you know, our neighbor to the north sued our predecessor, the Batts family a few months after we purchased the property, and only withdrew his lawsuit when the Batts family agreed to place rip-rap in front of the seawall. I only agreed to allow Dave Barker (Argent Management), the contractor who installed the seawall and returned to install the rip-rap, to proceed when he contractually agreed to obtain any relevant permitting. As you know, Mr Barker duped me and only submitted a skeleton application but did not provide the necessary information or the application fee. I have now, after working with you, provided all required information and paid the fee and will look to Mr Barker for satisfaction at some point in the future.

This year we retained someone who I understand to be the foremost expert and purveyor of Michigan dune grass and he has planted grass (as set forth in my permit) in order to build a root foundation, stop the erosion and restabilize the dune. Further, the erosion and damage to the dune caused by the seawall installation was causing the existing deck to collapse. We retained a well-respected local contractor to construct retaining walls around where the deck was collapsing and, once those walls were constructed, we installed a deck in between. Further, our predecessors had installed flimsy stairs down to the beach which we asked our contractor to replace. At the time, it seemed logical to extend the north-south line of the platform for the stairs down to the beach to extend north and thus create a rectangle to give the stairs greater stability by tying into the retaining wall and affording us an opportunity for a second deck beneath (and in front of) the previously existing deck.

As I said, we undertook this work without knowing that permitting was required because I was told that retaining walls do not require permits and I was not aware of any special requirements. And further, my understanding was that Mr Barker had obtained all necessary permits.

I seek to rectify this situation. I would welcome a meeting with you at the site to discuss how I can resolve this situation without destabilizing the re-stabilized dune and making the bad situation I unknowingly walked into even worse.



I'll give you a call tomorrow to discuss and see if we can find a time convenient for you to meet. Thank you, and have a good evening.

Best regards,

Kevin Freeman

312-451-8833

On Mon, Dec 13, 2021 at 4:34 PM Bayha, John (EGLE) <[BayhaJ@michigan.gov](mailto:BayhaJ@michigan.gov)> wrote:

Kevin,

I got your voicemails, and after some discussions with the City and quick review of your property on the lakeshore side back in November, we (EGLE) have some significant concerns now about bringing your property back into compliance with Part 353. It appears you have built a large deck, retaining wall system and installed landscaping, some of which is lakeward of the crest of the dune and likely not permissible even as an "after-the-fact" permit. Can you provide an explanation of the apparent additional work on your property that is not in compliance with Part 353?

Thanks,

John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy (EGLE)

7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555

Kevin L. Freeman  
5712 S Harper Ave.  
Chicago, Illinois 60637

October 13, 2021

Mr. John Bayha, P.E.  
District Engineer  
State of Michigan – Department of Environment, Great Lakes and Energy  
Kalamazoo District Office - Water Resource Division

Re: Correction Request  
Submission No.: HP3-GDF2-B02GC  
County: Allegan  
Site Name: 03-130 Lakeshore Drive – Douglas  
Project Name: New Seawall

Dear Mr. Bayha:

Reference is made to your letter to Mr. David Barker, Argent Management Group, Inc., dated November 2, 2020 (the "Correction Request Letter") in reference to our home at 130 Lakeshore Drive, Douglas, Michigan (the "Subject Property").

As you may know, my wife and I purchased the Subject Property on August 25, 2020 (see Exhibit A – Warranty Deed). Unbeknownst to us, as it was not disclosed to us by the sellers, the sellers had previously completed construction of a seawall at the Subject Property (see Exhibit B – Construction Contract for Steel Wall dated March 19, 2020).

We first learned of the seawall, and the fact that Argent Management and/or David Barker had not completed the permitting process in October of 2020. Since that time I have had several conversations with David Barker, who promised me that he would complete the permitting process so that we would not have a violation attached to the Subject Property. Unfortunately Mr. Barker did not do so and, over the last few months has not returned my many phone calls, emails or text messages.

Therefore, I would like to try to work with you to provide you with whatever information I can to hopefully resolve this issue and provide EGLE with what it needs to close out this matter. Accordingly, and in response to the Correction Request Letter, please find:

1. Contact Information for owners of the adjacent property:

*Neighbor to the South:*  
Carl & Tara Hogan  
14 South Tealbrook  
St. Louis, MO 63141  
[chogan@hogan1.com](mailto:chogan@hogan1.com)  
(314) 791-2724

*Neighbor to the North:*

Frederick Royce  
144 Lakeshore Drive  
Douglas, MI 49406  
[eagle@feroyce.com](mailto:eagle@feroyce.com)  
(269) 344-8000

2. Authorization. I hereby grant Argent Management Group, Inc. and David Barker full and complete authorization to act as my agent and authorized representative with respect to any and all matters pertaining to obtaining a permit from EGLE with respect to the seawall constructed on the Subject Property.
3. Legal Description. The legal description of the Subject Property is set forth in the Warranty Deed (see Exhibit A) and is as follows:

Premises situated in the City of the Village of Douglas, County of Allegan, State of Michigan to wit:

Lot 8, Trumbull's Second Addition, according to the recorded plat thereof, as recorded in Liber 4 of Plats, Page 2, also known as Property Address: 130 Lakeshore Drive, Douglas, MMI 49406

Parcel ID No.: 59-710-009-00

4. Site Plan. Attached as **Exhibit C** is a site plan showing the location of the seawall.
5. Vegetation Plan. As illustrated on Exhibit C, Deane Wassink of Olde Paths, Inc., will install dune grass on the Subject Property in accordance with the plan set forth on the receipt attached hereto as **Exhibit D**.
6. SESC Permit. Allegan County Health Department Permit for Soil Erosion and Sedimentation Control attached hereto as **Exhibit E**.

I understand that you are very busy, so I'll give you some time to review and then contact you next week to see whether this submission satisfies your requirements. Or feel free to contact me beforehand: (312) 451-8833; [klf860@gmail.com](mailto:klf860@gmail.com). I am eager to put this whole episode behind me.

Thank you in advance for your patience, time and consideration of this matter.

Best regards,



Kevin L Freeman

Attachments

Exhibit A

**WARRANTY DEED**

03-19665927-NRS

KNOW ALL PERSONS BY THESE PRESENTS: That Robert H Batts and Judith F Batts, husband and wife, ("Grantor")  
the address of which is: 4350 S Oak Pointe Ct, Grand Rapids, MI 49525

convey(s) and warrant(s) to: Kevin Freeman and Cami Freeman, husband and wife, ("Grantee")

the address of which is: 5712 S Harper Ave, Chicago, IL 60637

the following described premises situated in the City of the Village of Douglas, County of Allegan, State of Michigan, to  
wit:

Lot 8, Trumbull's Second Addition, according to the recorded plat thereof, as recorded in Liber 4 of Plats, Page 2

also known as Property Address: 130 Lakeshore Drive, Douglas, MI 49406  
Parcel ID No.: 59-710-009-00

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise  
appertaining, for the sum of One Million Eight Hundred Fifty Five Thousand and 00/100 Dollars (\*\*\*\$1,855,000.00\*\*\*).

Subject to zoning ordinances, building and use restrictions, if any, and easements of record.

When Recorded return to:

Kevin Freeman

Cami Freeman

~~130 Lakeshore Drive~~

~~Douglas, MI 49406~~

5712 S. Harper Ave.

Chicago, IL 60637

Send Subsequent Tax Bills To:  
Grantee

Drafted By:

Robert H Batts

4350 S Oak Pointe Ct

Grand Rapids, MI 49525

Assisted by: ATA National Title Group,

LLC

Dated this August 25, 2020 EFFECTIVE DATE August 26, 2020

Signed by:

Robert H Batts

Robert H Batts

Judith F Batts

Judith F Batts

State of Michigan )  
County of Allegan ) SS.  
)

The foregoing instrument was acknowledged before me on this 25th day of August, 2020 by Robert H Batts and Judith F Batts, husband and wife

Lisa Gonzalez  
Notary Public: \_\_\_\_\_  
Notary County: \_\_\_\_\_, State: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_  
Acting In: \_\_\_\_\_

LISA GONZALEZ  
Notary Public, State of Michigan  
County of Ottawa  
My Commission Expires May 10, 2025  
Acting in the County of Allegan

Exhibit B

## Construction Contract for Steel Wall

This Construction Contract ("This Agreement") is made this 19<sup>th</sup> day of March, 2020, between Robert Batts of 130 Lakeshore Drive, Douglas, MI 49406 ("Owner") and Argent Management Group, Inc, a Nevada Corporation doing business in the State of Michigan, of 40 Blue Star Highway, (PO Box 571) Douglas, MI 49406 ("Contractor") Owner and Contractor may each be referred to in this agreement as a "Party" and collectively as the "Parties".

The Parties agree as follows:

### **Description of Work:**

Contractor shall perform the following described work 130 Lakeshore Drive, Douglas, MI ("The Property")

Install 112 lineal feet of sheet piling (100 feet and 12 feet of return wall) to an approximate depth of 15 feet, specifically heavy-duty type SZ-222, new domestic sheet piling ASTM grade 50.

Install whaler on back of steel sheets for the entire length of the wall. This is to be welded on every piece of sheet piling for the entire length of the wall. Whaler to be heavy-duty 6-inch steel channel, in 20 foot lengths.

Additional tiebacks or returns will be installed. These shall be placed approximately every 12.5 feet.

Move and transport all steel and related supplies to the site will be from the beach area and disturbance to be kept as minimal as possible. Workers will walk to the site from Lake Shore Drive and park at the address.

### **Contract price and Payment:**

Owner agrees to pay Contractor the total amount of \$96,000.00 ("The Contract Price"). Payment of this amount is subject to additions or deductions in accordance with any mutually agreed upon changes and/or modifications in the work. Payment shall be made by wire transfer, according to the following schedule:

\$48,000.00 Deposit due upon signing this Agreement.

\$48,000.00 balance due upon completion of the work.

Wiring instructions are as follows:

Argent Management Group, Inc. Acct # 7161127753  
Wire Routing # 121000248  
Address: Wells Fargo bank NA 420 Montgomery St.  
San Francisco, CA 94104  
Swift Code WFBIUS6S

**Certificate of Completion:**

Work under this agreement shall begin no later than 4/1/20 and shall be completed by 5/1/20. Upon completion of the work, Contractor shall notify Owner that the work is ready for final inspection and acceptance. Owner shall make the final payment upon completion and final inspection.

**Materials and labor:**

Contractor shall provide and pay for all labor and equipment, machinery, transportation and all other facilities and services, and all materials necessary for completion of the work. All materials shall be good quality and new.

**Supervision and control:**

Contractor shall be solely responsible for and shall supervise and direct all construction under this Agreement. Contractor shall provide suitable personnel to perform the work and shall at all times maintain good discipline and order at the Property. Contractor will at all times take all responsible precautions for the safety of its employees and the public at the Property. Contractor agrees to assume full responsibility for the acts, negligence, and/or omissions of its employees and any subcontractors and their employees.

**Record Drawings:**

Contractor shall maintain in a safe place at the property one record copy of all drawings, specifications, agenda, written amendments and the like in good order and annotated to show all changes made during construction, which will be delivered to Owner upon completion of the work.

**Condition of the Property:**

Contractor agrees to keep the property and adjoining driveways free and clear of waste, material and rubbish. Contractor shall confine the storage of materials and equipment and operations of its employees to the property and shall not unreasonably encumber the Property. Contractor shall fully be responsible for any damage to the property or areas

contiguous thereto resulting from performance of the work. At the completion of the work Contractor shall remove all waste, materials, rubbish and debris from and about the Property as well as all tools, construction equipment and machinery, and surplus materials, and shall leave the Property clean.

**Inspection:**

Owner shall have the right to inspect the work at any time and request that contractor promptly correct any work that is defective or does not conform to the contract. If required the work shall be inspected and certified by the appropriate state or local agency.

**Work Changes:**

Owner reserves the right to order changes to the work in the nature of additions, deletions or modifications without invalidating this Agreement, and agrees to make corresponding adjustments in the Contract Price and time to termination if applicable. All changes will be authorized in a written "Change Order" signed by Owner and Contractor, which shall be incorporated by reference herein.

**Contractor's Insurance:**

Contractor agrees to carry general liability insurance that will protect it from claims for property damage and bodily injury with limits of liability not less than \$1,000,000.00 for each occurrence. Contractor shall name Owner as additional insured.

Robert Batts.



Robert Batts, Trustee

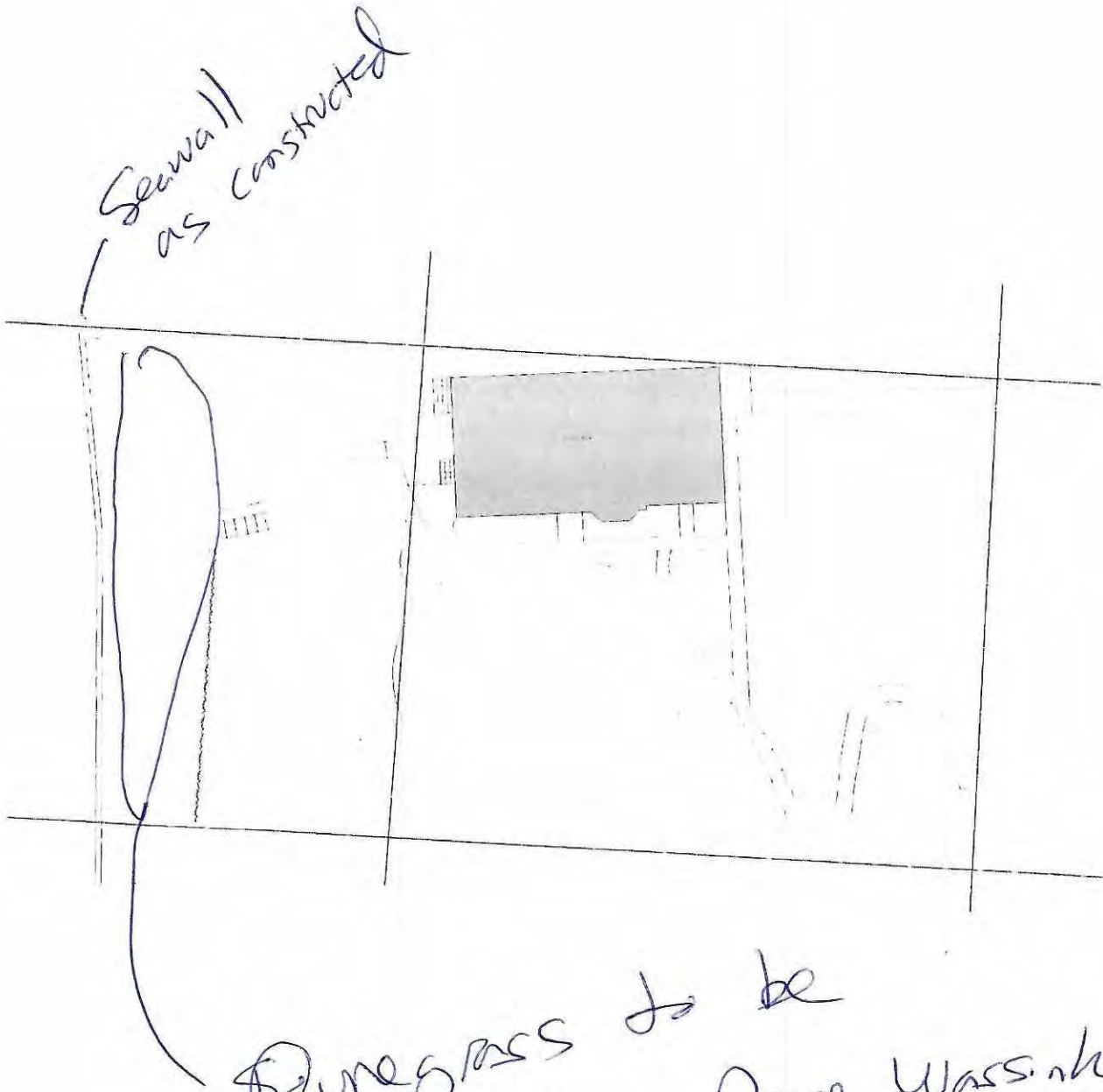
Argent Management Group Inc.



David J Barker, President



Exhibit C



Dune grass to be  
planted by Deane Wassink,  
Olde Paths, Inc. per  
Exhibit D.

Exhibit D



Kevin Freeman <klf860@gmail.com>

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**Receipt for dunegrass installation.**

1 message

---

**Deane Wassink** <deanewassink@hotmail.com>

Wed, Sep 1, 2021 at 4:57 PM

To: "klf860@gmail.com" <klf860@gmail.com>, Deane Wassink <deanewassink@hotmail.com>

Thanks for the work, Kevin.

Here is a receipt for a deposit for work scheduled for Fall of 2021. The work is planned for October, weather permitting.

Deposit is for \$2,500.00 to plant dunegrass sprigs, fertilizing and weed control.

Estimate 9,000 sprigs @ \$0.60 each installed.

Final bill will be based on actual number of plants installed at 8 inch centers.

As you mentioned we met on June 23.

Deane Wassink, pres.

Olde Paths, Inc.

14828 Barry St.

Holland, MI 49424

616-218-2474

Sent from Mail for Windows



Exhibit E

ALLEGAN COUNTY HEALTH DEPARTMENT

3255 - 122nd Avenue, Suite 200, Allegan, MI 49010

Environmental Health 269-673-5415

PERMIT FOR SOIL EROSION AND SEDIMENTATION CONTROL PERMIT

PERMIT NUMBER

SESC21-488

EXPIRATION DATE

9/9/2022

OWNER INFORMATION (PERMITTEE)

NAME BATTIS ROBERT H & JUDITH F

ADDRESS 130 LAKESHORE DR

PHONE 312-451-8833

CITY DOUGLAS

ZIP 49406

EMAIL KLF860@GMAIL.COM

APPLICANT INFORMATION

NAME MIKE DEYOUNG

COMPANY

ADDRESS 1423 RIVERVIEW DR

CITY HOLLAND

ZIP 49423

PHONE 616-291-3363

EMAIL MIKED@MDYHOMES.COM

PROPERTY INFORMATION (of project location) TAX ID 03- 59-710-009-00

ADDRESS 130 LAKESHORE DR

CITY DOUGLAS

ZIP 49406

TOWNSHIP DOUGLAS CITY SUBDIVISION LOT # SECTION # 17 TOWN 17 RANGE 17

STORMWATER OPERATOR - For projects over 1 acres of disturbance. Or On-Site Responsible Person: NAME COMPANY PHONE:

PERMIT SPECIFIC INFORMATION: [X] Residential [ ] Commercial [ ] Gravel Pit

9/9/2021 Start Date 9/9/2022 Proposed End Date

- Earth change greater than an acre in size 3000 Size of earth change (sq. ft.)
Earth change greater than 5 acres [X] Earth change within 500 feet of lake, stream or other body of water
Earth change within 500 feet of a storm water catch basin which discharges into a body of water [ ] OTHER

PROJECT DESCRIPTION: Installation of seawall (completed prior to property owner acquiring property.)

ADDITIONAL PERMIT REQUIREMENTS: Permit cannot be closed until the site has full established vegetation. Permit holder shall plan to seed / landscape as soon as possible after earth change. Install a silt sack in down gradient catch basin (as applicable). INSTALL MILLINGS, CRUSHED CONCRETE, OR OTHER FORM OF CONSTRUCTION DRIVEWAY prior to excavation. Maintain vegetation buffers that are being used as a control measure. Properly install and maintain silt fencing. Do not allow sediment off the permitted parcel or onto the roadway. Use erosion control blanket on slopes 1 on 4 or greater.

Jacob Wheatley (signature)

9/9/2021

SANITARIAN Jacob Wheatley, REHS

DATE ISSUED

THIS PERMIT MUST BE POSTED AT THE PROJECT SITE.

PERMIT CONDITIONS:

- 1. The permitted activity shall be completed in accordance with the approved plans and specification, and the attached general and specific conditions.
2. This permit does not waive the necessity for obtaining all other required federal, state, or local permits.
3. Applicant shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

GENERAL CONDITIONS:

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

- Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:
Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.
Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at non-erosive velocity.
Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)
Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change.

If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.



**To: Douglas Planning Commission**

**From: Nicholas Wikar  
Planning and Zoning Administrator**

**Date: April 22, 2022**

**Subject: Public Hearing - Site Plan Review &  
Waterfront Construction Application (Minor) –  
Accessory Structures –Deck(s)/Stairs and site  
changes to Sensitive Lands; R-2 Residential  
District. 3071 Lakeshore Drive (Sara Fash,  
Ryan Hall)**

The City of the Village of Douglas has provided application for Site Plan Review and Waterfront Construction Application (“Applications”) for 3071 Lakeshore Drive, located in the R-2 Residential District, in Douglas, Michigan. Sara Fash, property owner, and Ryan Hall “Applicant” seeks to obtain Site Plan Review approval for construction of new Accessory Structures Deck(s) Stairs, to replace existing like features, and to make site improvements on Sensitive Lands.

Having reviewed the Applications for completeness, the Planning and Zoning Administrator has provided the enclosed submittals to the Planning Commission for consideration and review against the Waterfront Construction and Site Plan Review standards. Commissioners shall arrive at Findings of Fact pursuant to Section 03 Site Plan Review Standards of the Douglas Zoning Ordinance. Upon review, the Planning Commission shall provide: 1.) approval, 2.) approval with conditions, or 3.) denial; providing a statement of any conditions imposed to meet the standards of the R-2 zone, applicable Land Use requirements, and/or the standards of Approval.

*Pursuant to the City of Douglas Schedule of Fees and Ordinances of the City, the Applicant shall remit payment of any required Land Use applications fees. The Planning Commission shall require payment of fees due, and may recommend escrow and performance guarantee to the City, as assigned by condition of the Planning Commission.*

**It is recommended the Douglas Planning Commission arrive at Findings of Fact and consider Conditional Approval of the Site Plan Review in public hearing, for Accessory Structures – Deck(s)/ Stairs and site changes to Sensitive Lands located at 3071 Lakeshore Drive, zoned R-2 Residential District, Douglas, Michigan.**



**ZONING REVIEW APPLICATION**  
**86 W. CENTER STREET, PO BOX 757, DOUGLAS MI 49406**  
**Phone: 269.857.1438 Fax: 269.857.4751**  
[www.ci.douglas.mi.us](http://www.ci.douglas.mi.us)

A Zoning Permit is required for all changes to Uses, structures, and other Site Improvements. This includes all residential, commercial and industrial structures, and accessory buildings that require a Building Permit, as well as fences, temporary storage, and agricultural activities which are exempt from the Building Permit process. A survey and site plan is necessary to complete this application.

Submit complete applications to the City of Douglas prior to any site work or requesting permits with Michigan Township Services.

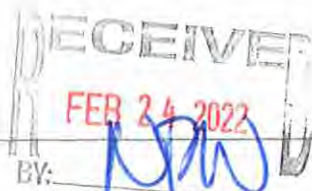
<b>APPLICANT INFORMATION</b> (If different than owner)	
Name <u>Ryan Hall</u>	Email <u>Sue @ landtechwmi.com</u>
Address <u>2450 Van Dymen Dr. Ste B Holland, MI</u>	
Phone # <u>616-953-9279</u>	Fax # _____
<b>OWNER INFORMATION</b>	
Name <u>Sara Fash</u>	Email <u>s.fash.107@gmail.com</u>
Address <u>3071 Lakeshore Drive, Fennville MI 49408</u>	
Phone # <u>616-403-7189</u>	Fax # _____
<b>PROPERTY INFORMATION</b>	
Address or Location <u>3071 Lakeshore Dr</u>	
Permanent Parcel # <u>59-017-101-00</u>	
Zone District - Current _____	Proposed (if Applicable) _____
Property Size <u>2.43 acres</u>	Special Use (if Applicable) _____
<b>TYPE OF PROJECT</b> (check all that apply)	
Residential <input checked="" type="checkbox"/>	or Commercial _____
New Construction _____	Remodel _____
Accessory Structure _____	Addition _____
Boardwalk/Dock _____	Deck/Porch _____
Temporary Use/Structure _____	Other <u>Relocate/replace steps/ remove 7 trees</u>

Describe Proposed Project (attach additional pages as necessary) clean out dead tree's & brush, remove tree's as necessary to build new steps to beach, Remove (2) additional tree's and trim canopy @ homeowners request

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.  
 \_\_\_\_\_  
 Signature of Applicant and Owner (If different than applicant) 2/10/2022  
Date

I hereby grant permission for members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.

PLEASE SEE AGENT AUTHORIZATION  
 \_\_\_\_\_  
 Owner's Signature Date  
FROM OWNER



## ZONING REVIEW APPLICATION REQUIREMENTS

Y N N/A

- Survey with dimensions, boundaries, rights-of-way, and easements.
- Site Plan (~~sealed~~) with tables of figures (dimensions, distance/area calculations) showing: *NTS*
- Location, boundaries, shape of the lot, and adjacencies.
- Current Site Improvements (open space, parking, drives, structures, paths, decks, fences, pool, etc).
- Proposed Site Improvements and their proximity to existing improvements/features/boundaries.
- Current and proposed Site & Building Placement Standards compliance (Section 3.12)
- Description of proposed Use (Section 3.11) and/or Improvement (One-Family Dwelling, fence, etc.)
- Landscape Plan(s) detailing all existing conditions and proposed changes to natural features (woodlots, flood plains, watersheds, wetlands, surface water, drains, critical dunes, etc).
- Grading/Storm Water Plan(s) with contour lines, direction of flow, and table of figures.

*For Internal Use Only*

REMARKS

*Approved w/ Conditions:*

- 1. Shall submit Landscape Plan (Sec. 21.01(2)), complete w/ contours, sealed survey, and sealed site plan w/ existing and proposed conditions.*
- 2. Shall provide permits or letter as proof of waiver from Allegan Co. Environmental Health (SESC), and EGLE, pursuant to Section 16.20(2)(b).*
- 3. Subject to Waterfront Construction and Site Plan Review permit application and fees, for review by Planning Commission.*

### CITY OF DOUGLAS ZONING REVIEW

APPROVED: *NPW* / DENIED: \_\_\_\_\_ By: *NPW* Date: *02-28-2022*  
Planning & Zoning Administrator

### KALAMAZOO LAKE SEWER AND WATER AUTHORITY REVIEW

CONNECTION TO WATER / WASTEWATER SYSTEM

SITE ADDRESS: \_\_\_\_\_

Submitted By: \_\_\_\_\_ To: \_\_\_\_\_ Date: \_\_\_\_\_  
City Staff (Initials) & Delivery Method      KLSWA Representative

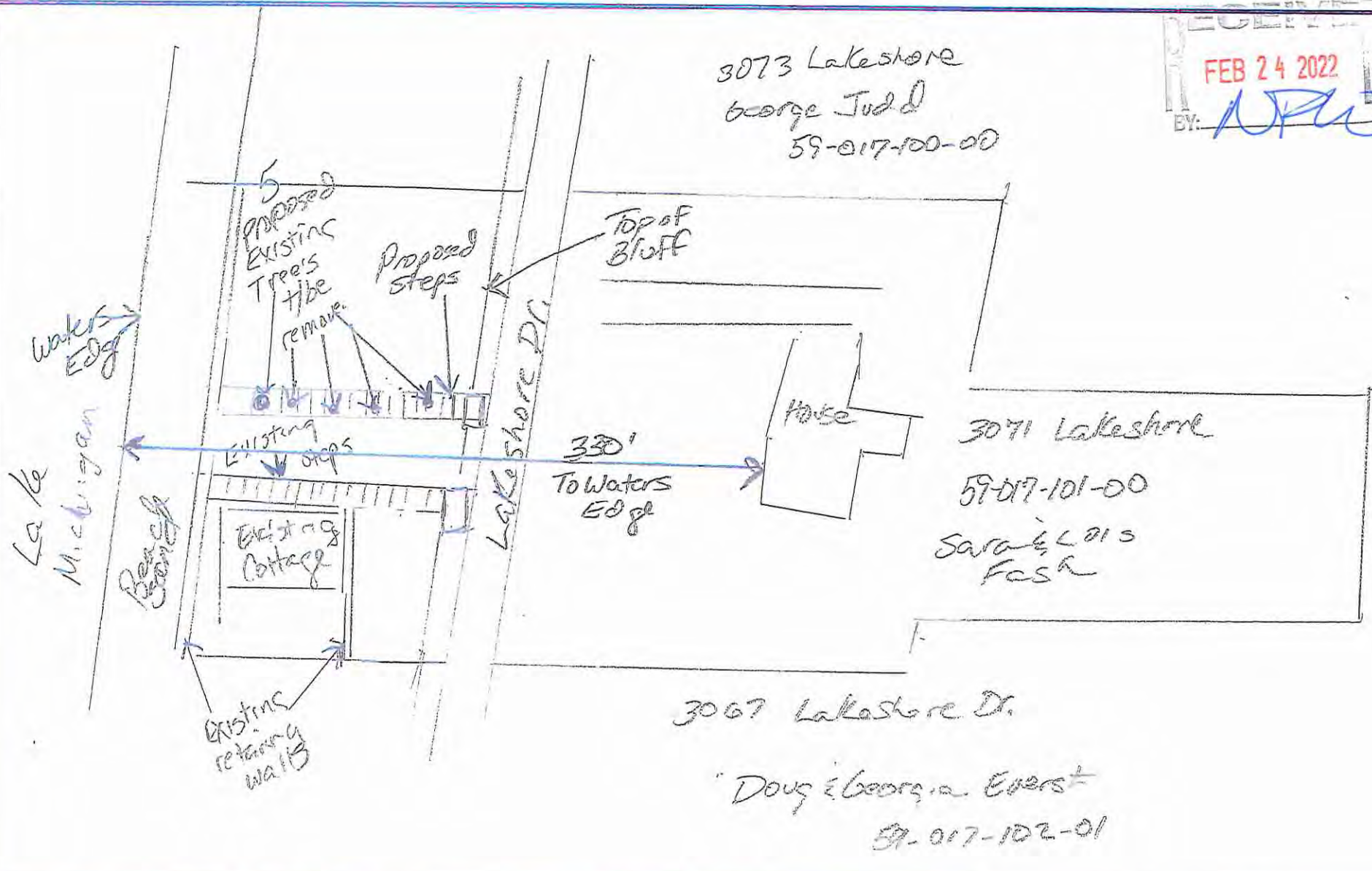
Existing Utility Access: Water  Wastewater  Verified By: \_\_\_\_\_ Date: \_\_\_\_\_

Utility Connection Permit Application: Water  Wastewater  Verified By: \_\_\_\_\_ Date: \_\_\_\_\_

Total Fees Paid: \_\_\_\_\_ Notes: \_\_\_\_\_ Verified By: \_\_\_\_\_ Date: \_\_\_\_\_

RECEIVED  
 FEB 24 2022  
 BY: *[Signature]*

3073 Lakeshore  
 George Judd  
 59-017-100-00



Drawn By: *SKL/mobly*  
 Date:  
 Revised: *1/20/2022*  
 Revised: *2/15/2022*

Scale: *NTS*

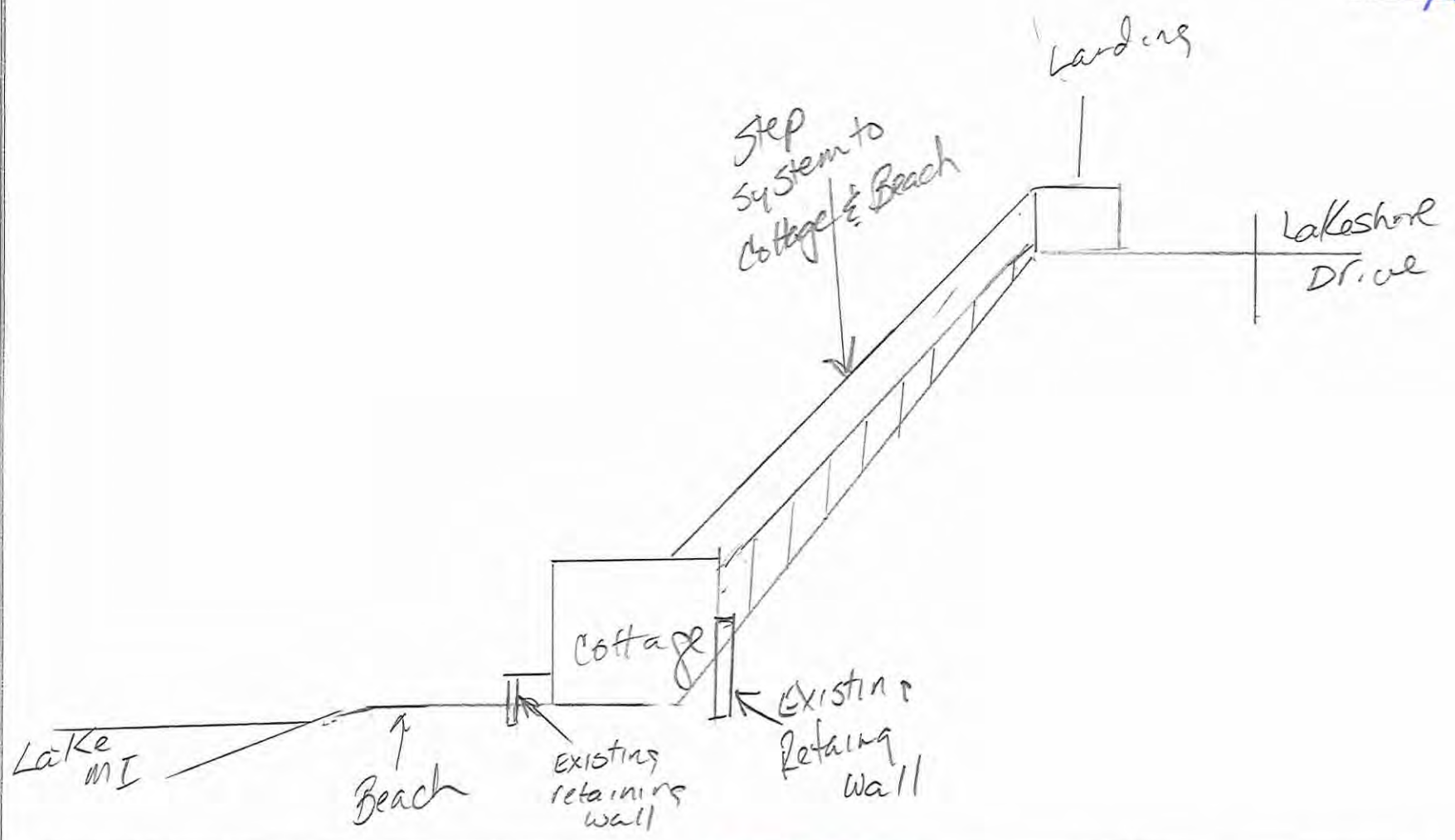


**LandTechwmi**  
 Geo-Technical / Environmental Site Work & Construction  
**ShoreTechwmi**  
 Bio-engineered Shorelines, Seawalls, Rock Revetment  
 Docks, Boat Lifts and Floating Structures  
 Aesthetics. Function Stewardship

Project name: *Fash Steps*  
 Client Name:  
 Project Address: *3071 Lakeshore Dr.*  
 Phone: *616-403-7189*  
 Email: *S.fash107@gmail.com*



RECEIVED  
 FEB 24 2022  
 BY: *[Signature]*



Drawn By: Kennedy  
 Date:  
 Revised: 1/20/2022  
 Revised: 2/15/2022

Scale: NTS  


**LandTech**wmi  
 Geo-Technical / Environmental Site Work & Construction  
**ShoreTech**wmi  
 Bio-engineered Shorelines, Seawalls, Rock Revetment  
 Docks, Boat Lifts and Floating Structures  
 Aesthetics Function Stewardship

Project name: *Sara Fash*  
 Client Name: 3071 Lakeshore Dr  
 Project Address: Ferrville, MI  
 Phone: 616-403-7189  
 Email: s.fash1107@gmail.com

Sara Fash Step System Summary Proposal

3071 Lakeshore Dr.

Fennville, MI 49406

March 2022 proposed start.

The proposal is to remove 5 existing live trees and two dead tree's. Build step system north of existing step system from top of bluff down to cottage and beach. Remove old step system. The work will be completed using handheld tools. Proposed completion October 2022.

Project Compensation

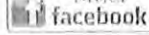
No compensation is proposed due to the minor impact of the project.

RECEIVED  
FEB 24 2022  
BY: *NPW*



# LandTech / ShoreTech

Revetments, Seawalls, Geo-Technical Site Work, Erosion Control, Storm Water Management, Landscaping

616-928-0786 landtechwmi.com 

## Agent Authorization Form

To Whom It May Concern;

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

Site Address: 3071 Lakeshore Dr Douglas MI

County: Allegan

Project Property Tax ID # (Parcel number): 59-017-101-00

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

Sincerely,

\*Signature(s): \_\_\_\_\_

Printed Name(s): \_\_\_\_\_

Date: \_\_\_\_\_

\*Note: Whoever's names are on the deed will need to sign / print their name on this form.

RECEIVED  
FEB 24 2022  
BY: NPW



**Application for Site Plan Review**  
**CITY OF THE VILLAGE OF DOUGLAS, MICHIGAN**  
 Phone: 269-857-1438 Fax: 269-857-4751  
<http://ci.douglas.mi.us>

PROPERTY INFORMATION	
Address or Location	<u>3071 Lakeshore Drive</u>
Permanent Parcel #	<u>59-017-101-00</u>
Zone District (Current)	(Proposed) _____
Property Size	<u>2.43 Acres</u>
Existing Use	<u>Primary Residence</u> Proposed Use _____

**Describe Proposed Project**

Remove Dead tree's (Jan 2022)  
Remove 6-8 live cottonwood & maple trees  
Lower tree canopy to create clear view  
from home to Lake Michigan  
Build new steps down to Lake

Estimated Project Cost 41,200<sup>00</sup>-

I, Ryan Hall hereby state that all of the above statements and all of the  
(owner/contractor)  
 accompanying information are true and correct.

Signature of Owner/General Contractor \_\_\_\_\_ Date 1/21/2022

Email address: svl@landtechwmi.com

Phone: 616-953-9279

**Fee:**  
 Site Plan Review \$300

\*\*\*\*\*

DO NOT WRITE IN THIS BOX			
Date Received	<u>02-28-2022</u>	Application Accepted By	<u>MPW</u>
		Fee Paid \$	<u>300.00</u> <u>02-25-2022</u>
Submitted Materials:	<input type="checkbox"/> Plot Plan	<input checked="" type="checkbox"/> Application	<input type="checkbox"/> Legal Description <input checked="" type="checkbox"/> Narrative Description

RECEIVED  
 FEB 24 2022  
 BY: MPW

For Office Use Only

REMARKS

Waterfront Construction subject to Review  
by Planning Commission.

Plans sent to Saugatuck Fire District on: \_\_\_\_\_ N/A  
Approved on: \_\_\_\_\_

Planning Commission Review on: 04-14-2022 N/A  
Minutes attached: \_\_\_\_\_

See: Condition #2; Zoning Review Application, 02-10-2022.

MDEQ Permit Required: Yes No N/A

Allegan County Health Dept. Permit Required: Yes No N/A

Faxed to KLWSA (269-857-1565) on: \_\_\_\_\_

Faxed to MTS (269-673-9583) on: \_\_\_\_\_

**KLSWA APPROVAL**

APPROVED FOR CONNECTION TO WATER/WASTEWATER SYSTEM  
(Subject to appropriate connection fees and charges)

Street and Number \_\_\_\_\_

KALAMAZOO LAKE SEWER AND WATER AUTHORITY

**APPROVED**

Date: \_\_\_\_\_ By: \_\_\_\_\_

**DENIED**

Date: \_\_\_\_\_ By: \_\_\_\_\_

**ZONING APPROVAL**

**APPROVED:** \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator

**DENIED:** \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator

APPLICATION FOR WATERFRONT CONSTRUCTION

VILLAGE OF DOUGLAS, MICHIGAN ORDINANCE NO. 101

All waterfront construction, both minor or major, requires permits issued by the Village of Douglas and jointly by the Corps of Engineers, USA and the Department of Natural Resources, State of Michigan. Two applications are required: this one and the attached joint application for the Corps of Engineers and the DNR. Both completed forms must be submitted to the Zoning Administrator or his/her designated agent. A second Corps of Engineers/DNR application should be sent to:

Department of Natural Resources  
Land Resources  
Box 30028  
Lansing, Michigan 48909

Date Jan 20, 2022  
Name of Applicant Sara Fash  
Address 3071 Lakeshore Drive, Fenaville MI 49408  
Phone number 616-403-7189  
Location of proposed construction 3071 Lakeshore Dr.

The Applicant believes the construction is: Minor  Major ( )  
Brief description of construction Remove dead tree's (Jan 2022)  
Remove 6-8 grown tree's.  
Cut canopy down, Remove old step system  
Install new step system. All work is using handheld  
Is this work or construction required for: tools  
Public Marina ( ) Private Club or Marina ( )  
Condominium ( ) Private Use by Property Owner   
Other ( ) Explain: \_\_\_\_\_  
Docking space or slips for how many boats will be provided NA  
Will adequate off street parking be provided? NA  
Does the Applicant have legal authority to use this property? yes



WATERFRONT CONSTRUCTION APPLICATION, VILLAGE OF DOUGLAS


If this construction is not limited to the waters of the Kalamazoo River or its waters edge, has a permit then been requested as required by the Zoning Ordinance of the Village?

SEE ATTACHED APPLICATIONS

Are plans for this construction in appropriate form attached to this application? yes

2/16/2022

Date

Applicant's  Signature

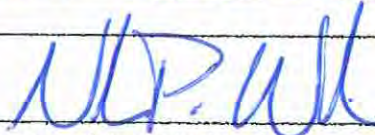
Do not write below this line, official comments only.

\*\*\*\*\*

Action by Zoning Administrator

Date 02-28-2022

Approved w/ Conditions; subject to Site Plan Review by Planning Commission, 04-14-2022. Shall remit Waterfront Construction permit fee prior to review.



Zoning Administrator

\*\*\*\*\*

Action by Planning Commission

Date \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secretary

\*\*\*\*\*

Record of filing fee by Village Clerk in this space.



**To: Douglas Planning Commission**

**From: Nicholas Wikar  
Planning and Zoning Administrator**

**Date: April 22, 2022**

**Subject: Public Hearing - Site Plan Review & Waterfront  
Construction Application (Major) –  
Accessory Structures – Bulkhead/Revetment,  
Deck(s)/Stairs and site changes to Sensitive Lands;  
R-2 Residential District. 144 Lakeshore Drive  
(Frederick Eagle Royce III)**

The City of Douglas has received an application for Site Plan Review and Waterfront Construction Application (“Applications”) for 144 Lakeshore Drive, located in the R-2 Residential District, Douglas, Michigan. Frederick Eagle Royce III, property owner (“Applicant”), seeks to obtain Site Plan Review approval for new Accessory Structures including Bulkhead, decks, and stairs constructed, and the site otherwise altered, without permits.

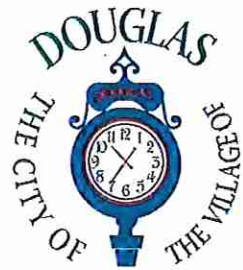
Waterfront Construction Application for Accessory Structures considered Major shall be reviewed in a public hearing by the Douglas Planning Commission, pursuant to Chapter 111 of the City of the Village of Douglas Code of Ordinances. Commissioners shall arrive at Findings of Fact pursuant to Section 110.7 Duties of Planning Commission and Section 103 Site Plan Review Standards, of the Douglas Zoning Ordinance.

Having reviewed the Applications for completeness, the Planning and Zoning Administrator has provided the enclosed submittals to the Planning Commission for consideration and review against those Waterfront Construction and Site Plan Review standards. Upon review, the Planning Commission shall provide: 1.) approval, 2.) approval with conditions, or 3.) denial; providing a statement of any conditions imposed to meet the standards of the R-2 zone, applicable and Use requirements, and/or the standards of Approval. Escrow and Performance Guarantee may be recommended by the Planning Commission to ensure compliance to any Conditions of Approval (Section 103.3 d and h).

*Pursuant to the City of Douglas Schedule of Fees and Ordinances of the City, the Applicant shall remit payment of any required Land Use applications fees and penalties for work performed without permits. The Planning Commission shall require payment of dues and may recommend escrow and performance guarantee to the City, equal to the estimated cost of site improvements required and necessary for compliance with any Conditions of Approval, as assigned by the Planning Commission.*

**It is recommended the Douglas Planning Commission arrive at Findings of Fact and consider Conditional Approval of the Site Plan Review and the Application for Waterfront Construction - "Major" in public hearing, for Accessory Structures located at 144 Lakeshore Drive, zoned R-2 Residential District, in Douglas, Michigan.**





RECEIVED  
MAR 25 2022  
BY: *[Signature]*

### Site Plan Review Application

Application Fee \$300  
Additional Fees May Apply

*The Village of Friendliness - Since 1870*

#### Property Information:

Address or Location: 144 LAKE SHORE DRIVE Douglas, MI 49406

Parcel Number: 03-59-710-008-00 Property Size: 100 X 240

Zoning District - Current: R 2 Proposed Zoning District (if applicable): \_\_\_\_\_

Existing Use of Building/Property: RESIDENTIAL Special Use (if applicable): \_\_\_\_\_

Type of Project (Residential or Commercial): RESIDENTIAL RIP RAP ON DUUNE

Describe Proposed Project: PLACE 106' OF RIP RAP LAKEWARD OF DUUNE ON GEOTEXTILE MATERIAL. Eagle PERMIT APPLIED 10/20/20 BY DAVID BANKER. REVISED APPLICATION WITH Eagle 3/11/22 BY FER

Estimated Project Cost: 0 - SETTLEMENT OF LAWSUIT ROYCE V BATTIS, DEF paid for 50 TONS OF ROCKS AT 144 LSD AND PAY FOR PERMITTING

#### Site Plan Review Application Requirements

Yes, I have read the City of Douglas Zoning Ordinance Article 24 Site Plan Review

Y N N/A

- Completed Site Plan Review application
- Plot Plan
- Legal Description
- Narrative Description

LOT 7 TRUMBULL'S SECOND ADDITION

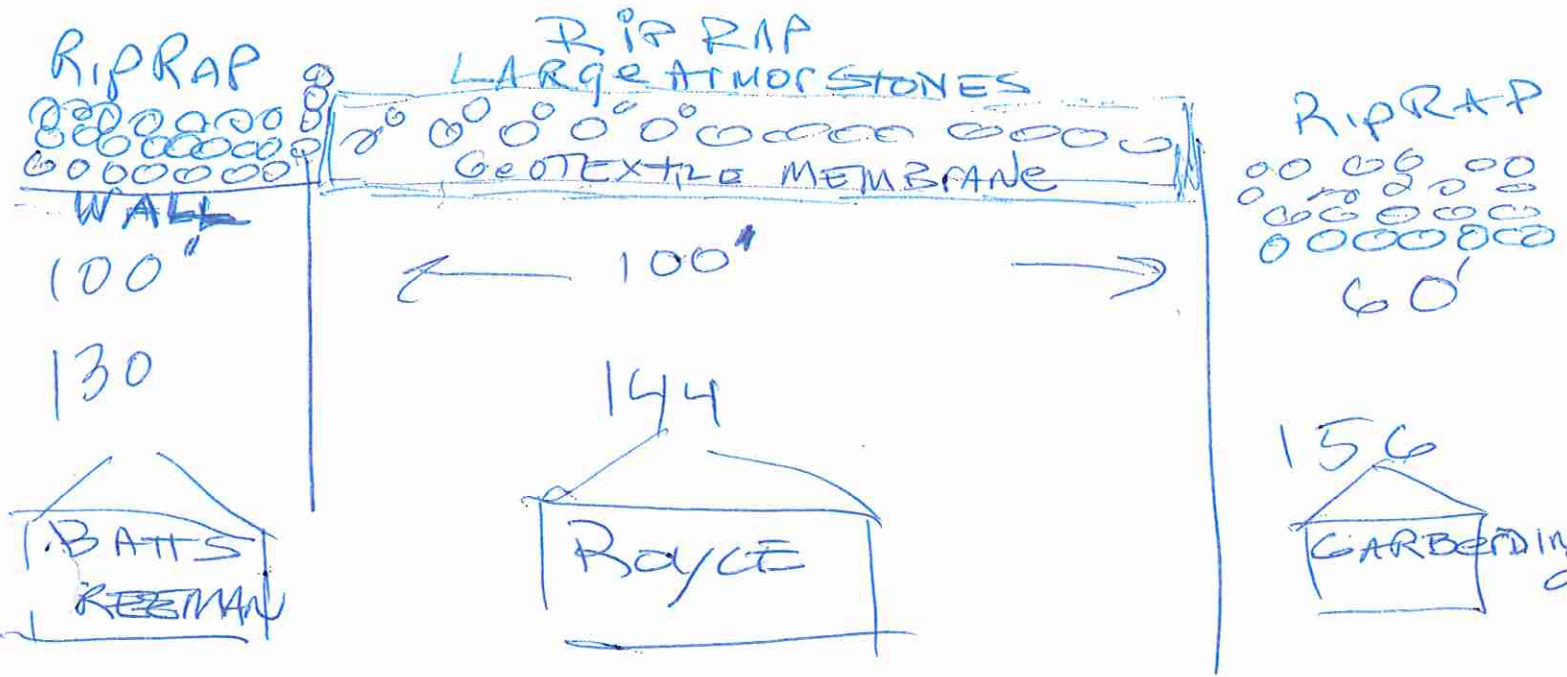
I FREDERICK EAGLE ROYCE III hereby state that all the above statements and all the accompanying information are true and correct.

Signature of Owner/General Contractor: \_\_\_\_\_ Date: 3/24/22

Email Address: EAGLE@FEROYCE.COM

Phone: 269 344-8000

ATF SITE PLAN ~~NO~~ LAKE MICHIGAN  
 FREDERICK EAGLE RAYCE III  
 144 LAKE SHORE DR DOUGLAS MI  
 ALLEGAN COUNTY

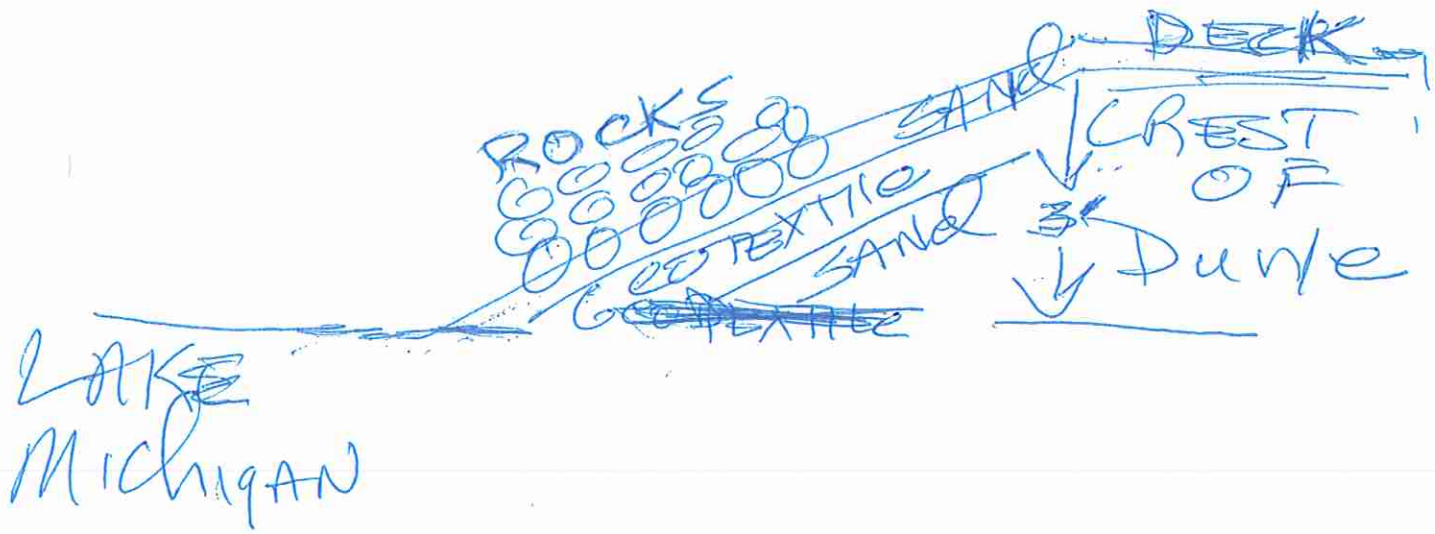


PREVIOUS PERMIT DAHEBARKER  
 HP3-6DF2-B026C  
 10/20/2020



1" = 20'  
 3/24/22  
 144 LSD LOT 7 TRUMBULL'S SECOND ADDITION  
 03-59-710-008-00 100' x 240' LOT E  
 NO BUILDINGS INVOLVED, NO DRIVES, SIDEWALKS

144 LAKE Shore Dr  
Douglas MI 49406  
CROSS SECTION



NARRATIVE 144 LSD  
ON 6/1/20 JOHN BATA FROM EGLE INSPECTED THE PROPERTY  
ON 10/14/20 ROYCE SUED BATTIS 130

LSD FOR FAILING TO GET A PERMIT FOR A WALL  
AND FAILING TO INSTALL RIP RAP IN FRONT OF  
THE WALL PLUS A BREAKWALL TO THE NORTH.

A SETTLEMENT <sup>AGREEMENT</sup> WAS REACHED 10/23/20 <sup>AND ENTERED IN ALLEGAN</sup> THAT  
REQUIRES BATTIS TO PAY FOR PERMITS FOR HIMSELF  
AND ROYCE, FOR RIP RAP IN FRONT OF THEIR WALL 130'S  
AND ROYCE'S 144 LSD. BATTIS WAS TO PAY ALL EXPENSES  
INCLUDING THE 50 TONS OF RIP RAP AND  
GEOTEXTILE MATERIAL, DAVE BANKER SIGNED  
THE SETTLEMENT AGREEMENT AGREEING TO APPLY FOR  
PERMITS AND PAY FOR THEM. HE WAS PAID \$45,000  
TO INSTALL THE RIP RAP 40,000 ON 130 LSD  
AND \$5,000 144 LSD

DAVE BANKER APPLIED 10/20/20 FOR THE  
PERMITTING WITH EGLE. DAVE INSTALLED ALL  
THE GEOTEXTILE MATERIAL AND ALL THE RIP RAP  
ON 3/6/22 ROYCE APPLIED WITH EGLE FOR ANOTHER PERMIT  
15' A UNDER 20900 OF LOT 100 X 248 IS ALLOCATED TO BLDGS  
PARKING LOTS OR OTHER IMPERVIOUS SURFACES  
B. NA  
C. NA  
D. COMPLETED  
E. APPLICATOR WITH EGLE APPLIED 10/20/20 @ 3/6/22  
F. ADJACENT PROPERTIES HAVE RIP RAP TO PROTECT THEM  
G. NA  
H. NA





10:22

◀ Camera



May 25, 2020

3:22 PM

Edit

📍 LIVE ▾



10:22

◀ Camera



May 25, 2020  
3:22 PM

Edit

📍 LIVE ▾





10:22

◀ Camera



May 27, 2020

4:48 PM

Edit

📍 LIVE ▾





May 29, 2020  
3:23 PM

Edit

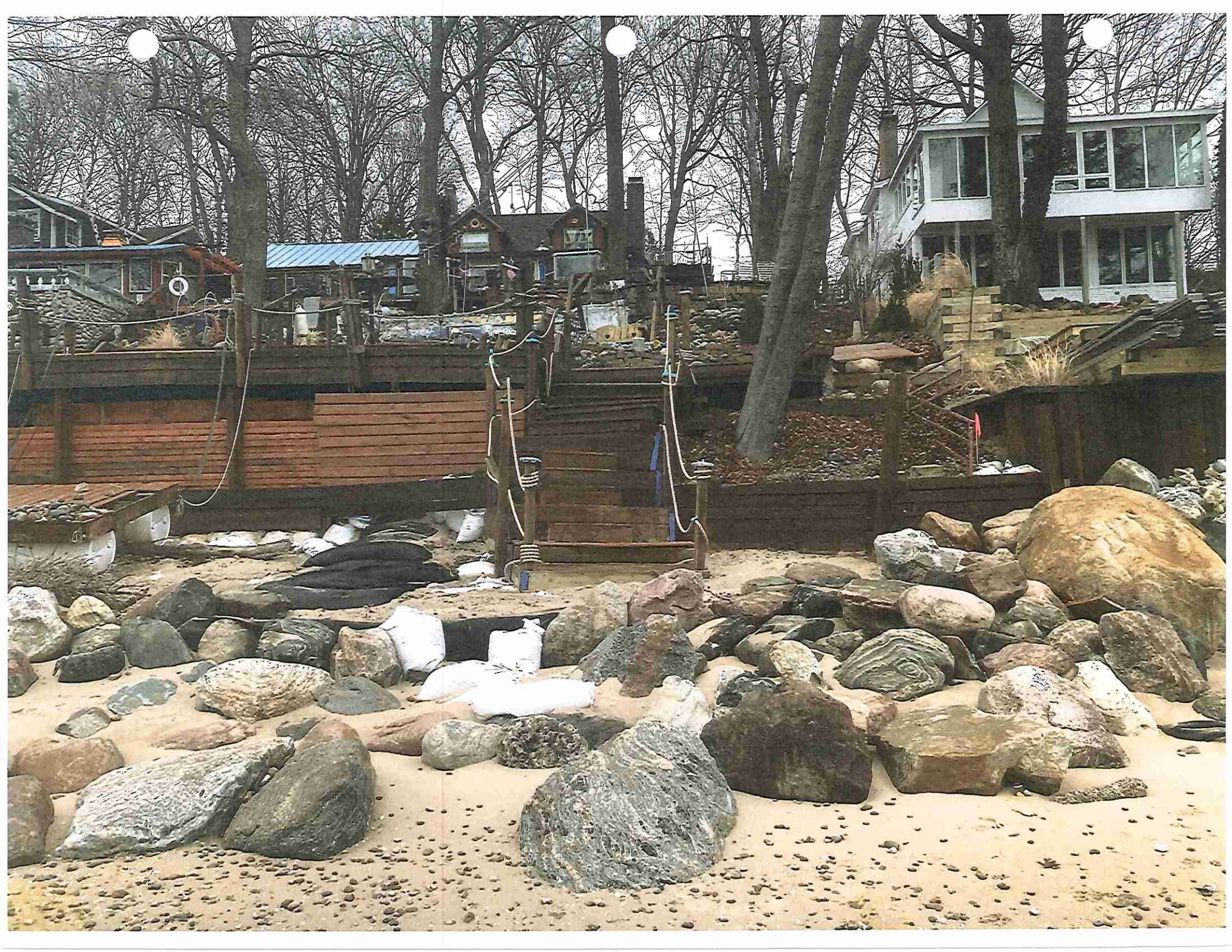
📍 LIVE ▾















GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

TO: Agencies with Critical Dune Areas in their Jurisdictions

FROM: Water Resources Division

DATE: March 14, 2022

SUBJECT: Notice of Application Received  
Royce Frederick  
144 Lakeshore Dr  
Douglas, MI 49406  
Site Name: 03-144 Lakeshore Drive-Douglas  
Submission No. HPG-3TE5-QDZVC

Attached for your information is an application for permit under consideration by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), for a project in a Critical Dune Area in accordance with Section 35304(1)(b), found in Part 353, Sand Dunes Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

If you would like additional information regarding this application, contact the local staff reviewer, John Bayha, at 269-568-2680; BayhaJ@michigan.gov; or EGLE, WRD, Kalamazoo Office, 7953 Adobe Road, Kalamazoo, MI, 49009-5025.

All correspondence should reference Submission No. HPG-3TE5-QDZVC.

cc: Village of Douglas Clerk  
Allegan County Health Department  
Allegan County Clerk  
Allegan Conservation District  
John Bayha, EGLE





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

March 9, 2022

VN No: VN-012743

VIA EMAIL & CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Frederick Royce, III  
144 Lakeshore Drive  
Douglas, Michigan  
[eagle@feroyce.com](mailto:eagle@feroyce.com)

Dear Mr. Royce:

SUBJECT: Violation Notice - After-the-Fact Application Notice  
Site Name: 03-144 Lakeshore Drive-Douglas  
Property Location: 144 Lakeshore Drive, City of Douglas, Allegan County,  
T 03N, R 16W, Section 17, Parcel No: 03-59-710-008-00

The Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division (WRD) conducted an inspection on November 17, 2021, at the above referenced parcel of property. The purpose of the inspection was to evaluate compliance with Part 325, Great Lakes Submerged Lands and Part 353, Sand Dune Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the administrative rules for Part 325. At the time of the inspection, WRD staff observed that the placement of large armor stones (riprap) along your section of the beach, which is regulated under the authority of Part 325 and Part 353. This letter is being sent because you have been identified as the owner responsible for the property and riprap revetment construction activities.

Section 324.32512(c) of Part 325 prohibits the dredging or placement of filling on Great Lakes bottomlands without first obtaining a permit from the WRD. A review of WRD files indicates that no permits have been issued for these activities. Therefore, it appears that these activities were conducted in violation of Part 325.

Furthermore, section 324.35304(1) of Part 353 prohibits the construction of a structure or initiation of a "use" within the critical dune area without first obtaining a permit from the WRD. A review of WRD files indicates that no permits have been issued for these activities. Therefore, it appears that these activities were also conducted in violation of Part 353.

EGLE advises all unauthorized activities occurring within regulated areas on this property stop.

Based upon the amount and type of work, the WRD will consider processing an after-the-fact (ATF) permit application for these regulated activities. A permit application can be completed by logging in to MiWaters at: <https://miwaters.deq.state.mi.us/miwaters/external/home> and creating an account. The application, detailed project plans, and appropriate fee must be completed for processing and review within 15 days of the date of this Violation Notice. Section 324.32513(4) of Part 325 requires an ATF application fee that is two times the normal application fee.

Mr. Frederick Royce, III  
March 9, 2022  
VN No: VN-012743  
Page 2 of 2

We anticipate your cooperation in resolving this matter. If you have any questions, you may contact me a: 269-568-2680; BayhaJ@michigan.gov; or Kalamazoo District Office, 7953 Adobe Road, Kalamazoo, Michigan 49009-5025.

Sincerely,

A handwritten signature in black ink that reads "John Bayha". The signature is written in a cursive style with a prominent initial "J".

John Bayha, P.E.  
District Engineer  
Kalamazoo District Office  
Water Resources Division

cc: Allegan County SESC Agent  
USACE, Detroit District  
Mr. David Barker, Contractor  
Mr. Nick Wikar, City of Douglas  
Mr. Kyle Alexander, EGLE

## SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (“Agreement”) is entered into by Robert and Judy Batts (“Batts”), Kevin L. and Cami M. Freeman (“Freeman”), Argent Management Group, Inc., a Nevada corporation and Dave Barker (collectively “Barker”), and Frederick E. Royce III (“Royce”) (sometimes collectively referred to as “Parties” and individually as “Party”).

### PRELIMINARY STATEMENT

- A. Batts were the owners of certain real property located at the City of The Village of Douglas, Allegan County, Michigan, legally described as Lot 8 to Trumbull’s Second Addition, according to the recorded plat thereof, in Liber 4 of Plats, page 2, and commonly known as 130 Lakeshore Drive, Douglas, Michigan (the “Property”).
- B. Batts and Freeman closed a transaction on or about August 25, 2020 in which Freeman purchased fee title to the Property from Batts (the “Closing”). Freeman has taken possession of the Property.
- C. Prior to the Closing, Batts retained Barker to install 112 lineal feet of sheet piling across length of the Property on the water or beach side adjacent to Lake Michigan (“Seawall”). The Seawall was installed by Batts to prevent erosion on the Property resulting from the high water levels of Lake Michigan (the “Work”).
- D. Barker and Batts entered into a written contract dated March 19, 2020 for the Work (the “Contract”). In entering into the Contract, Batts relied upon Barker for full compliance with all legal requirements for the Work, including its technical design and Barker obtaining all required permits. The Seawall was completed prior to the Closing with Freeman, and Barker has been paid in full under the Contract for this Work.
- E. Royce owns real property adjacent to the Property on its north side (“Royce Property”). Royce has claimed that the Seawall was installed by Barker without the proper permits, and that the construction was not in accordance with “best practices” because a rock barrier was not installed at the base of the Seawall. Royce claims that this deficiency in the Seawall will cause future damage to the Royce Property from erosion. He also claims damage was caused to the Royce Property from Barker’s construction equipment crossing the Royce Property to get to the construction site for the Seawall.
- F. Royce has filed a lawsuit against Batts in the Circuit Court for Allegan County in which he asserts multiple claims regarding deficiencies on the Seawall and the Work, and damages to his adjacent property (“Royce Lawsuit”).
- G. The Parties have agreed to resolve all claims regarding this matter in accordance with the terms and conditions set forth in this Settlement Agreement.

construed as an admission by any Party of liability, which is expressly denied. This Agreement is solely a compromise of the disputed claims and is made for the sole purpose of avoiding litigation with respect to those claims.

5. **Survival.** All covenants, promises and duties made by the Parties hereunder shall survive the closing of this Agreement.
6. **Entire Agreement.** This Agreement contains the entire understanding between the parties with respect to the subject of this Agreement and completely integrates any and all prior agreements, written and oral, and may not be modified in any manner, except by written agreement to such modification signed by the Parties.
7. **Michigan Law Governs.** This Agreement has been executed in Michigan, will be construed in accordance with Michigan law, and any dispute arising out of this Agreement will be governed by Michigan law, without giving effect to conflict of law rules. Any disputes under this Agreement may be brought in the state courts and the Federal courts of the State of Michigan, and the Parties hereby consent to the personal jurisdiction and exclusive venue of these courts.
8. **Construction.** The parties acknowledge that they each have had a full opportunity to review this Agreement with counsel of its choice, that all of the terms of this Agreement have been fully negotiated, and, therefore, in the event any term is determined to be vague or ambiguous, such term will not be construed against any party because its counsel drafted the Agreement.
9. **Consultation with Counsel.** The Parties each warrant and represent that they have read the terms of this Agreement; that they have discussed the terms of this Agreement with legal counsel of their choice; and that the terms of this Agreement are fully understood and voluntarily accepted for the purpose of making a final compromise, adjustment, and settlement of the Parties.
10. **Duplicate Originals, Counterparts.** This Agreement may be executed in any number of duplicate originals or counterparts, each of which (when the original signatures are affixed) shall be an original but all of which shall constitute one and the same instrument. Photocopies, facsimile transmissions, and other reproductions of this executed original (with reproduced signature) shall be deemed to be original counterparts of this Agreement.
11. **Assignment and Waiver.** No Party will assign or transfer any rights or obligations under this Agreement without the prior written consent of the other Parties. Any waiver or failure to enforce any provision of this Agreement on one occasion or by a Party will not be deemed a waiver of any other provision or of such provision on any other occasion or by another Party.

**12. Termination.** Any and all provisions of this Agreement applicable to Freeman shall be automatically terminated and of no force and effect in the event that the Improvements are not completed on or before the Drop Dead Date in accordance with the Permit and the Approved Design.


**IN WITNESS WHEREOF**, and intending to be legally bound hereby, the undersigned execute this Settlement Agreement on the days and dates set forth below.

Dated \_\_\_\_\_, 2020

\_\_\_\_\_  
Robert Batts

\_\_\_\_\_  
Judy Batts


  
\_\_\_\_\_  
Kevin L. Freeman

  
\_\_\_\_\_  
Cami M. Freeman

Argent Management Group, Inc.

By:   
Name: \_\_\_\_\_  
Its: 

  
\_\_\_\_\_  
Dave Barker

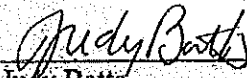
  
\_\_\_\_\_  
Frederick E. Royce III 10/23/20

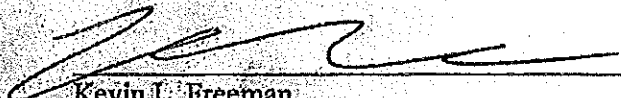
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Dated \_\_\_\_\_, 2020


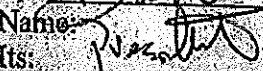

  
Robert Batts

  
Judy Batts

  
Kevin L. Freeman

  
Cami M. Freeman

Argent Management Group, Inc.

By:   
Name:   
Its: 

  
Dave Barker

  
Frederick E. Royce III 10/23/20



RECEIVED  
MARCH 25 2022  
BY: [Signature]

### Waterfront Construction Major/Minor Permit Application

Application Fee Major \$500 / Minor \$100

*The Village of Friendliness - Since 1870*

Prior to the issuance of a permit by the City to an applicant, he or she shall first apply and seek approval from the Army Corps of Engineers, the State Department of Natural Resources, and any other federal and state regulatory agencies when required by federal and state laws. The applicant will submit copies of these permits and approvals with his or her application to the City for approval. The obtaining of a permit from the Army Corps of Engineers or any other federal or state agency shall not relieve the applicant from complying fully with this chapter and obtaining a permit pursuant to its provisions.

- Yes, I have read the City of Douglas Code of Ordinance Chapter 151, Waterfront Construction
- Yes, I have provided copies of the Army Corps of Engineers and State Department of Natural Resources permits
- Major Waterfront Construction, or,  Minor Waterfront Construction

Property Information:  
Address or Location: 144 LAKE SHORE Dr Douglas, MI 49406

Parcel Number: 03-59-710-008-00 Property Size: \_\_\_\_\_

Legal Property Description: LOT 7 TRUMBULL'S SECOND ADDITION

Reason for the Proposed Waterfront Construction, its Purpose, and Intended Use:  
LAKE MICHIGAN HAS RISEN TO 1986 LEVELS, DANGEROUS  
EROSION IS IMMINENT

Statement as to why construction will not cause pollution, impair, or destroy the water or any natural resources:  
GEOTEXTILE MATERIAL IS PLACED ON THE SAND  
RIP RAP STONES PLACED ON TOP

Provide a description of any alternatives to be the proposed waterfront construction, if any have been considered:  
DO NOT RAISE THE WATER LAKE LEVEL

Provide names and addresses of adjacent property owners and a statement as to whether any objections have been made to the applicant concerning the proposed waterfront construction:  
ROBT BATES & KEVIN FREEMAN  
130 LSD SIGNED AGREEMENT 10/28/20 TO PAY FOR  
THE RIP RAP AT 144 LSD. 156 LSD GARDENING HAS  
LIMESTONE ON THEIR PROPERTY. NO OBJECTION

Date of proposed waterfront construction: \_\_\_\_\_ Date of completion: \_\_\_\_\_

Is the facility to be leased, rented, or made available to the general public or is to be used in conjunction with any other commercial facility available for use by the general public? Explain: NO

Property Owner Information:

Name: FREDERICK EAGLE ROYCE III  
Phone Number: 269 344-8000 Email Address: eagle@FERoyce.com  
Address / PO Box: 144 LAKE SHORE DR BOX 644 City: Douglas State: MI Zip: 49406

Applicant Information (if different than owner)

Name: \_\_\_\_\_ Company: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Address / PO Box: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Site Plan Review Application Requirements:

- | Y                                   | N                        | N/A                      |   |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Completed Site Plan Review Application  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Project Description   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Application Fee   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Provide one (1) digital copy and fourteen (14) folded copies of the site plan<br>(for Site Plan requirements please see Article 24, City of Douglas Zoning Ordinance) |

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

[Signature] \_\_\_\_\_ Date 3/24/22  
Signature of Applicant or Owner (if different than applicant)

I hereby grant permission for City Administration, members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.

[Signature] \_\_\_\_\_ Date 3/24/22  
Signature of Owner

FOR INTERNAL USE ONLY

**CITY OF DOUGLAS ZONING REVIEW**  
 Approved  Conditional Approval  Denied  Permit Number \_\_\_\_\_  
 Rationale \_\_\_\_\_  
 Fee Paid  Site Plan Submitted  Application Complete  Legal Description Included  Narrative Description Included   
 Plans reviewed by Planning Commission on : \_\_\_\_\_ Approved on: \_\_\_\_\_ (Attach Minutes)  
 \_\_\_\_\_  
 Signature of Planning and Zoning Administrator Date

P061821PZ





**To: Douglas Planning Commission**  
**From: Nicholas Wikar**  
**Planning and Zoning Administrator**  
**Date: April 22, 2022**  
**Subject: Resolution Supporting Amendment of the City of the Village of Douglas Schedule of Fees and Civil Fines**

Initiated by the Commissioner Heneghan, the Douglas Planning Commission on its own motion shall consider Resolution supporting amendment of the City of the Village of Douglas Schedule of Fees and penalty structure Schedule of Civil Fines, for Planning Commission Recommendation to City Council.

The Douglas Planning Commission shall consider the following ordinances, fees, and penalty structure related to zoning and use applications and permitting for the City of the Village of Douglas:

- appearance ticket definition consecutive numbering form contents modification Section 17, Article 17 of 1977
- zoning permits fees effect of delinquent payment of fine, costs, or assessment Section 10, Article 10 of 2000
- certain violations as nuisance per se Section 07, Article 10 of 2000
- penalties Section 10, City Charter
- Section Requiring Ordinance Section 10, City Charter
- Rules of Construction appearance tickets 1010, Code of Ordinances
- Rules of Construction general penalty 10, Code of Ordinances
- Fees Set by Resolution 3001, Code of Ordinances
- “municipal civil infractions” Chapter 3, Code of Ordinances
- Streets and Sidewalks penalty 3, Code of Ordinances
- Health and Safety Nuisances penalty, Code of Ordinances
- “trees penalty, Code of Ordinances
- waterfront construction penalty 11001, Code of Ordinances
- penalties, Remedies, and enforcement Section 10, Sign Ordinance Ord 111, Village of Douglas
- penalties and Remedies Section 30, zoning ordinance

These excerpts and the Resolution shall be provided for commissioners to consider in discussion, for approval at the April 7th Special Meeting of the Douglas Planning Commission.

*There is no financial burden associated with this recommended action of the Planning Commission.*

**It is recommended the Douglas Planning Commission approve the Resolution Supporting Amendment of the City of the Village of Douglas Schedule of Fees and Civil Fines, for recommendation to City Council.**