



**THE CITY OF THE VILLAGE OF DOUGLAS
ZONING BOARD OF APPEALS (ZBA) MEETING
THURSDAY, FEBRUARY 29, 2024, AT 7:00 PM
86 W CENTER ST., DOUGLAS MI**

AGENDA

To attend and participate in this remote meeting of the City of the Village of Douglas Planning Commission, please consider joining online or by phone.

Join online by visiting: <https://us02web.zoom.us/j/89892458600>

Join by phone by dialing: +1 (312) 626-6799 | Then enter "Meeting ID": 898 9245 8600

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
 - A. Motion to Approve; ZBA Meeting 2-29-24. (Roll Call Vote)
4. **APPROVAL OF MINUTES**
 - A. Motion to Approve; ZBA Meeting, 1-8-2024. (Roll Call Vote)
5. **PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES)**
6. **PUBLIC COMMUNICATION – WRITTEN**
7. **NEW BUSINESS**
8. **UNFINISHED BUSINESS**
 - A. Public Hearing and Decision Tabled from 1.8.24: 314 Ferry Street – Dimensional Variance requests from Section 50.2.C, Site and Building Placement Standards and Sections 16.13(4), Street Setbacks and 16.13(7) Front Yard Prohibition
 - 1) Reopen Public Hearing
 - 2) Presentation of Written Communications
 - 3) Presentation by the Petitioner
 - 4) Public Comments
 - 5) Interim Planning & Zoning Administrator Comments

- 6) ZBA Comments
- 7) Close Public Hearing
- 8) Motion to Approve, Deny, or Approve with Conditions (Roll Call Vote)

9. REPORTS OF OFFICERS, MEMBERS, COMMITTEES

10. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 5 MINUTES)

11. ADJOURNMENT

Please Note – The City of the Village of Douglas (the “City”) is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Laura Kasper, City Clerk, at (269) 857-1438 ext. 106, or clerk@douglasmi.gov to allow the City to make reasonable accommodations for those persons. CITY OF THE VILLAGE OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN



**THE CITY OF THE VILLAGE OF DOUGLAS
ZONING BOARD OF APPEALS (ZBA) MEETING**

MONDAY, JANUARY 8, 2024, AT 7:00 PM

86 W CENTER ST., DOUGLAS MI

DRAFT MINUTES

1. **CALL TO ORDER:** Chair Schumacher called the meeting to order at 7:00PM

2. **ROLL CALL:** Present - Kutzel, Pullen, Pattison, Freeman (Alternate), Schumacher
Absent - North
Also Present – Tricia Anderson, Williams & Works
Sean Homyen, Deputy Clerk

3. **APPROVAL OF AGENDA**
 - A. **Motion to Approve; ZBA Meeting 1-8-24. (Roll Call Vote)**

Motion moved by Pullen, seconded by Kutzel to approve the January 8, 2024 meeting agenda as presented.

Motion carried by unanimous roll call vote

4. **APPROVAL OF MINUTES**

Motion to Approve the ZBA Meeting Minutes from 11-28-2023.

Motion moved by Pullen, seconded by Pattison, to approve the November 28, 2023 ZBA meeting minutes, subject to the clarification of the reason the 823 Campbell variance was granted for the pool. Chair Schumacher noted that the owner of the property did have room for a pool and it was the placement of his house and his barn that prevented him from complying with the requirement to locate the pool in the rear yard.. He noted that the 823 Campbell pool variance was granted also because the front yard setback could be met.

Motion carried by unanimous roll call vote

5. **PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES):** No verbal communication received

6. **PUBLIC COMMUNICATION – WRITTEN**

A. Doug Demmert – Mr. Demmert wrote a letter in opposition of granting variances in general.

7. **NEW BUSINESS**

A. Public Hearing and Decision: 938 Center Street – Dimensional Variance for relief from Section 5.02.C, Site and Building Placement Standards

1. **Chairman declares the Public Hearing Open**

2. **Presentation of Written Communications -**

Memo received from the former owner, Keith Charak, expressing support for the approval of the variance.

Presentation by the Petitioner -

Tracy Lanning, the current owner of the property formerly known as Sherwood Forest, now named the Forest Inn, mentioned that they are currently undergoing extensive renovations. She emphasized their commitment to preserving the historical integrity of the structure. Lanning clarified that the reason for the request is due to a historical adjustment in the property line, leading to the structure not complying with the side yard setback.

3. **Questions/Comments from the ZBA Members**

The Chair mentioned that he, along with the Interim Planning & Zoning administrator, tried to trace the property sales to ascertain the time of the division. Pullen expressed that the suggested elimination of the kitchen pathway for guest room access seems logical, considering it appears to pose a health risk. Pattison concurred with this view.

4. **Chairman declares Public Hearing Closed**

5. **Comments from Interim Planning & Zoning Administrator.** Ms. Anderson provided some highlights from her analysis in the written report provided to the Zoning Board for the item. She confirmed that the split of the B&B parcel at some point in time resulted in the parcel now known as 934 Center Street. The shared side property line (east side of B&B) was created, seemingly not taking into consideration the nonconformity that would be created by placing the line 5 feet from the existing B&B building. She added that the provisions of Article 15, Nonconforming Structures would be relevant to the request, and that the Zoning Board must determine if the proposed addition would increase the building's existing nonconformities and that a hardship exists. She indicated that the hardship is related to the split which resulted in the nonconformity, and that the addition would simply line up with the east wall of the existing building, thereby not increasing the nonconformity on the property. She noted that she and Jenny Pearson visited the site and were given a tour of the B&B and observed the exterior of the structure where the addition is proposed.

Ms. Anderson also went through the criteria for the requested variance and indicated that she would support the approval of the variance based on the findings noted in her report.

6. Motion to Approve, with or without Conditions, Deny, or Table (Roll Call Vote)

Motion moved by Pullen, seconded by Kutzel, to grant the requested variance from Section 5.02.C, Minimum Side Yard Setback in the R-2 Residential District for the purpose of constructing a sunroom addition to a lawfully nonconforming structure at 4.5' from the east side property line where 7' is required, based on the following findings, and subject to the conditions below:

- 1. The subject property at 938 Center Street demonstrates a hardship as a result of a land division that occurred due to no affirmative action on behalf of the applicant. The approved land division resulted in the property line being placed at 4.5 and 5' from the existing Bed and Breakfast structure.**
- 2. The proposed enlargement will not extend past the walls of the existing structure, thereby not increasing the degree of the nonconformity.**
- 3. Practical Difficulty – The practical difficulty is related to the splitting of the property which resulted in the structure's nonconformity by way of side yard setback.**
- 4. Adverse Effects – It is not anticipated that adverse effects would be imposed on nearby properties, and any options for a lesser variance would be unnecessarily burdensome.**
- 5. Not Self-Created – The difficulty in meeting the strict letter of the ordinance was not due to an action of the applicant. The property configuration and the split occurred years ago before the applicant purchased the property.**
- 6. Minimum Variance Necessary – Other options do not appear to be viable that would lessen or avoid the amount of relief needed from the ordinance.**

Conditions:

- 1. The applicant shall construct the sunroom addition in accordance with the survey submitted with this application.**
- 2. The sunroom addition foundation shall not extend past the walls of the existing structure.**
- 3. The applicant shall obtain necessary zoning and building permits prior to the commencement of construction of the sunroom addition.**

Motion carried by unanimous roll call vote.

B. Public Hearing and Decision: 314 Ferry Street – Dimensional Variance requests from Section 50.2.C, Site and Building Placement Standards and Sections 16.13(4), Street Setbacks and 16.13(7) Front Yard Prohibition

1. **Chairman declares the Public Hearing Open**
2. **Presentation of Written Communications** – No written communication
3. **Presentation by the Petitioner -**

Chris Meyer, property owner attended the meeting to present his request. Mr. Myer indicated that it was his plan to construct a single-family home in an area that contains regulated wetlands. During his presentation, he mentioned that he is currently working with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to address his proposal to construct a home within a regulated wetland. He indicated that the variance, if granted, would reduce the impact the construction would have on the regulated wetland, as the proposed location is in the highest possible location on the site. Mr. Myer explained that he is asking for two variances – one for the rear yard setback for the proposed single-family home, and the second is for the front yard setback and variance from the front-yard prohibition of accessory buildings for the purpose of also constructing an accessory building or garage. He also explained that he had purchased three parcels and originally planned on constructing two to three homes so that his whole family was able to visit and stay nearby, but because of the environmental limitations, he is now only planning on constructing one home and plans to combine all three lots into one.

4. **Comments from the Audience/Response from the Petitioner -**

Barb Meier, residing at 348 Ferry, inquired about the potential effects on drainage and the wetland if the variance is approved. She raised concerns regarding the condition of the private driveway, questioning whether the slope on the bank would be restored, as it suffered damage when the applicant's contractors used heavy equipment to clear brush and cut trees last spring and her private driveway was used to access the applicant's property. Additionally, she expressed apprehension about the construction process and sought clarification on whether her private driveway was intended for access.

Sean Dwyer, residing at 342 Ferry, voiced his concerns regarding the existing utilities and the accessibility to his home. He also remarked that the access from the road appears to be quite narrow.

5. **Questions/Comments from the ZBA Members**

Chair Schumaker requested Ms. Anderson to address the concerns raised by Mrs. Meier related to drainage. In response, Ms. Anderson explained that the uphill properties are unlikely to experience any drainage effects, as water naturally flows downhill and accumulates at the bottom of the hill on the applicant's property.

Kutzel inquired about the house's design and whether its size could be reduced to decrease the required variance from the zoning ordinance. Chair Schumaker expressed reluctance in making a decision, noting the difficulty in visualizing the project since it wasn't staked out. Kutzel also

mentioned being unable to see the proposed house location. Pattison suggested that the EGLE permit be issued before considering the request. Mr. Meyer emphasized that his plan involves more than just placing a house on a filled wetland; it includes culverts and retaining walls, and that the variance is needed for him to proceed with the home in the proposed location, as recommended by EGLE. He added that he is otherwise permitted to increase the impact the wetlands with a home if the EGLE permit is granted without the variance.

Ms. Anderson reiterated to the Zoning Board that the EGLE permit could be issued independently of the variance decision. The applicant has been informed that the project is eligible for a permit, and positioning the house closer to the rear property line would lessen its impact on the wetlands. She pointed out that if the variance is denied, the applicant could still build within any footprint approved by EGLE that meets the setbacks, but this could lead to greater wetland impact due to the need for additional fill. Ms. Anderson reminded the board that, should the variance be granted, the applicant must build the house exactly as shown in the plan.

ZBA members felt that it would be best to not consider the request to build the accessory building at this time, particularly because it could not be constructed until after the home was constructed. Many felt that it was proposed too close to the front property line and could be a clear vision issue.

John White, residing at 507 Campbell, expressed concern about the water flow and whether it goes beneath the road. Ms. Anderson assured him that the zoning permit application process would address this, requiring a grading plan and drainage plan. She mentioned that constructing a house there would increase impervious surface, necessitating proper water flow, and the City Engineer, at the discretion of the Planning & Zoning Admin, would review permit applications. Ken Bosma from Prein & Newhof would verify the water's outlet, and if drainage under the road is necessary, the applicant must design a satisfactory drainage plan approved by the City Engineer.

The Zoning Board expressed concerns about the property not being staked, showing the proposed location of the home. Some reported not being able to see much while doing a site visit and indicated it would be beneficial to see the house staked out, otherwise, they may have a hard time visualizing the location.

6. Chairman declares Public Hearing Closed

7. Motion to Approve, Deny, or Approve with Conditions (Roll Call Vote)

Motion moved by Pullen, seconded by Kutzel to table until the next meeting, requesting that the property owner stake the house out so that they are able to view the location of the proposed home.

Yes – Kutzel, Pullen, Freeman, Schumacher

No - Pattison

Motion carries by roll call vote.

8. 5-minute break

9. UNFINISHED BUSINESS

A. Public Hearing and Decision Tabled from 11-28-2023: 611 Campbell Rd. – Dimensional Variance from Section 16.16.6., Setbacks

1. Chairman declares the Public Hearing Reopened

2. Presentation of Written Communications – No written communications

3. Presentation by the Petitioner -

Mr. Saleski was present and joined the meeting via Zoom. He revisited his request, emphasizing that the Zoning Board of Appeals (ZBA) had requested a survey, which he promptly provided for their examination. He mentioned the limited space in the rear yard and explained that the front yard is the most practical location for the proposed pool.

4. Comments from the Audience/Response from the Petitioner

Patti Hanson from 655 Campbell wanted to express that her concerns are still the same as she discussed in December.

5. Questions/Comments from the ZBA Members

ZBA members highlighted the distinctions between this request and the granted variance at 823 Campbell. Pullen pointed out a key difference being that the applicant submitted a doctor's report confirming a medical condition requiring the pool. Additionally, they clarified that the pool is not situated in the front yard; instead, it is positioned behind the historic barn. The historic barn acts as a barrier between the house, and due to space constraints, there isn't room on the south side of the house.

Ms. Anderson provided further details from the survey and pointed out that her memo included a sketch of the potential pool area if rear yard setbacks were adhered to. She mentioned an oversight in her sketch, specifically the area north of the proposed pool along the west side of the property, and highlighted that a small pool could feasibly be constructed there while meeting setback requirements. Consequently, she expressed doubts about meeting the criterion for the least possible relief, as the rear yard appeared to be a viable option. The issue was postponed at the December meeting due to the lack of a survey showing the necessary dimensions to assess this feasibility.

Mr. Saleski raised concerns that Ms. Anderson's suggested location wouldn't provide adequate space for lounging. Ms. Anderson acknowledged that it might be difficult to picture but suggested that there could be sufficient space with a small L-shaped pool.

Zoning board members discussed their willingness to offer relief in the rear yard, if requested. Ms. Anderson reminded the members of the zoning board that the practical difficulty in meeting the letter of the ordinance really does not seem to be demonstrable. Because of this, the criteria that must be met in order to grant any amount of relief could not all be met. She added that it must also be a separate request so that the public could be noticed appropriately with the specific request, as this one was noticed for the request for a pool in the front yard.

Chair Schumaker called for a motion, clarifying that all motions are proposed in the affirmative to avoid confusion with double negatives.

6. Chairman declares Public Hearing Closed

7. Motion to Approve, Deny, or Approve with Conditions (Roll Call Vote)

Pullen proposed a motion to grant the variance request, citing the reasons listed in Ms. Anderson's suggested motion. Ms. Anderson, however, reminded the zoning board that their reasons for denial must be explicitly stated in the record. She pointed out that Pullen had actually read the findings supporting the approval of the request. Ms. Anderson then clarified her advice, stating that they need to articulate findings related to their desire to deny the request, ensuring these findings align with the standards. Ms. Anderson presented the criteria she believed justified denial, namely that the variance requested is not the minimum necessary to address the specific inequality or hardship associated with the property.

Pullen revised her motion accordingly:

MOTION: Pullen, seconded by member Freeman (subject to confirmation), moved to deny the request to place a pool in the front yard, contrary to its prohibition, at 611 Campbell. This decision is based on the following findings:

- 1. The request fails to meet the criterion of granting only the minimum variance necessary to rectify the unique property inequality or alleviate the hardship. This is due to the existence of a viable alternative location in the rear yard that would comply with the ordinance.**

The motion was carried unanimously by roll call vote.

10. REPORTS OF OFFICERS, MEMBERS, COMMITTEES

11. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 5 MINUTES) –

Kutzel expressed this gratitude to Jenny for compiling the packets and ensuring he was updated about their collection. He requested the inclusion of more visual aids. Ms. Anderson took the opportunity to inform the ZBA that the agenda usually includes a segment for presenting the staff report, which would aid in displaying

visuals on the screen. Pattison wanted to inform the ZBA members of the Master Plan update discussion on the upcoming Planning Commission meeting.

12. ADJOURNMENT

Motion by Kutzel, Seconded by Pattison to adjourn.

Motion carried unanimously by voice vote.

MEMORANDUM

To: City of the Village of Douglas Zoning Board of Appeals
Date: February 22, 2024
From: Tricia Anderson, AICP
RE: **314, 316 and 318 Ferry Street - Dimensional Variance Request – Tabled January 8, 2024**

On January 8, 2024, the Zoning Board of Appeals considered the variance request for a dimensional variance under Section 29.05(1), Non-Use Variances, that would provide relief from Section 5.02.C. Minimum Rear Yard Setback and Minimum Front Yard Setback in the R-2 Residential District. Specifically, the applicant is seeking the following variances:

1. Relief from Section 5.02.C. Site and Building Placement Standards in the R-2 Residential Zoning District (side and rear yard setback). Specifically, the applicant seeks a variance to allow a 10-foot rear yard setback where 25 feet is required, **for the purpose of constructing a single-family home.**
2. Relief from Sections 16.13(4), Street Setbacks, and 16.13(7), Front Yard Prohibition [as applicable to accessory buildings]. Specifically, the applicant seeks a variance to allow a 5-foot front yard setback, where 35' is required, and **to allow the accessory building in the front yard**, where it is prohibited.

As a refresher, the subject parcels are encumbered with wetlands, and the purpose for the variance request is to reduce the impact on these wetlands. The impact will come in the form of the amount of fill that must be placed to bring the property to an elevation that does not collect water as the wetlands historically have.

The applicant has noted that EGLE has communicated with him that the permit is approvable in the location that *does meet the setbacks*, however, at EGLE's request, in an effort to *reduce* the wetland impact by also reducing the amount of fill that needs to be brought in to elevate the home site, they have asked that he seek relief from the rear yard setback for the home so that it can be placed on the highest point of the site.

Per the direction of the Zoning Board, the applicant has had a surveyor stake out the corners of the home to provide context for ZBA members visiting the site.

At the upcoming meeting on March 29, the Zoning Board is tasked with removing the item from the table and making a decision to approve, deny or table the item.

As a reminder, the applicant has requested two variances, which both must yield a decision from the Zoning Board. Additionally, the criteria for granting variances are below for your reference, as well as a suggested motion along with findings of fact in support of the requests.

When the Board makes a decision, findings to approve, deny or table the item must be clearly stated into the record.

Criteria for Granting Variances: Section 29.05. The following criteria must be taken into consideration by the Zoning Board of Appeals in its review of the request. All criteria must be met for the variance to be granted. These criteria are listed below, along with our remarks:

- 1) *Nonuse variances. The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and off-street parking and loading space requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.*
 - a) *That there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.*

Remarks: The use of the parcel is residential and no changes are proposed to the use, therefore this standard is not applicable.

- b) *That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.*

Remarks: The site is encumbered by wetlands, as demonstrated in the wetland determination report and the site plan drawn by Driesenga & Associates. There is only a small portion of the land within the three parcels that is considered "upland" and suitable for the construction of a home and

accessory building. The wetland encumbrance is a physical condition that causes practical difficulty.

This criterion appears to be *met*.

- c) *That the practical difficulty or special conditions or circumstances do not result from the actions of the applicant.*

Remarks: The applicant purchased all three parcels with the intent to construct a home on each. The location of the wetlands is not due to any affirmative action on behalf of the applicant, and they were present at the time the property was purchased.

This criterion appears to be *met*.

- d) *That the variance will relate only to property under t h e control of the applicant.*

Remarks: The applicant is not proposing any improvements in areas that are not owned by the applicant. There is a shared driveway within an easement that provides access to the home located at 342 Ferry. This area is not impacted by the proposed home or the wetland disturbance, as far as we can tell.

This criterion appears to be *met*.

- e) *That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.*

Remarks: The proposed land use is permitted by right in the R-2 zoning district and would be compatible with the homes in the surrounding area. The surrounding property owners may view the construction as bothersome, however, the applicant is entitled to the same land use that others in the R-2 zoning district are afforded.

This criterion appears to be *met*.

- f) *That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.*

Remarks: The strict compliance with the letter of the ordinance relevant to setbacks and location of the accessory building may render the subject property

“unbuildable” and would undoubtedly prevent the owner from using the property for a permitted purpose.

This criterion appears to be *met*.

- g) *That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.*

Remarks: As stated earlier in this report, the applicant has indicated that EGLE *may* issue the permit even without the variance, however, the hardship lies with the wetlands that encumber the subject property. The hardship can be mitigated and the impact upon the wetlands if the variance is granted to allow the locations of the home and accessory building as shown on the site plan.

This criterion *appears to be met*.

- h) *That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit or a temporary permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards. In this case, the appellant shall first have sought and been denied a rezoning, Special Use Permit approval, and/or a PUD approval and shall have their variance request processed according to the requirements of Section 29.05 (2).*

Remarks: This criterion is not applicable, as it pertains to land use and not dimensions.

Again, all the criteria outlined in section 29.05 *must be* met for a variance to be granted. A suggested motion is shown below, along with our findings:

Suggested Motion:

I move to **[approve/deny]** the granting of a variance from Section 5.02.C, Minimum Rear Yard Setback in the R-2 Residential District for the purpose of constructing a single-family home at 10' from the east side property line where 25' is required, as well as for the accessory building to be constructed within the front yard, at 5' from the front property line, where 35' is required, based on the following findings:

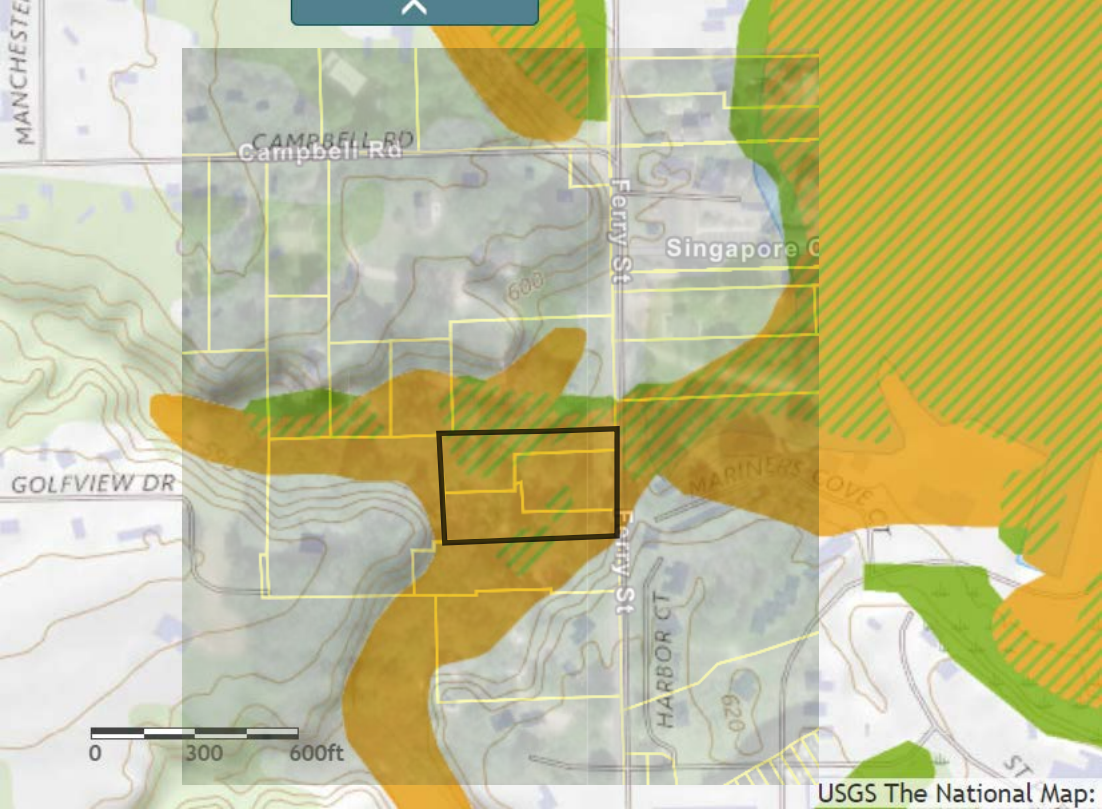
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1. Practical Difficulty – The practical difficulty is a result of the subject property being encumbered with wetlands.
2. Adverse Effects – It is not anticipated that adverse effects would be imposed on nearby properties, and any options for a lesser variance would be unnecessarily burdensome, particularly if a lesser variance would pose a greater impact on the wetlands.
3. Not Self-Created – The difficulty in meeting the strict letter of the ordinance was not due to an action of the applicant and the wetlands were present when the applicant purchased the property.
4. Minimum Variance Necessary – Other options do not appear to be viable that would provide relief from the ordinance while reducing the impact on the wetlands.

If the Zoning Board is inclined to grant the variance, it is recommended that it be subject to the following conditions:

1. The applicant shall construct the home and the accessory building in strict conformance with the survey submitted with this application.
2. The accessory building shall not be constructed until the home construction is complete in accordance with Section 16.13(8).
3. Any proposed residential use of the accessory building shall first be reviewed and approved by the Planning Commission as a special land use.
4. The applicant shall obtain the required permits for the wetland impacts from the Department of Energy, Great Lakes and Environment (EGLE). No zoning permits or building permits shall be issued until the City is provided with a copy of the required EGLE permit.
5. The applicant shall obtain the necessary zoning and building permits prior to the commencement of any construction or land preparations.
6. The applicant shall combine all three parcels prior to the issuance of any zoning permits for site work or the construction of a home or accessory building.

Please feel free to reach out with any questions related to this issue.



williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of the Village of Douglas Zoning Board of Appeals
Date: January 3, 2024
From: Tricia Anderson
RE: 314, 316 and 318 Ferry Street - Dimensional Variance Request

Request. Mr. Chris Meyer has submitted an application for a dimensional variance under Section 29.05(1), Non-Use Variances, that would provide relief from Section 5.02.C. Minimum Rear Yard Setback and Minimum Front Yard Setback in the R-2 Residential District. Specifically, the applicant is seeking the following variances:

1. Relief from Section 5.02.C. Site and Building Placement Standards in the R-2 Residential Zoning District (side and rear yard setback). Specifically, the applicant seeks a variance to allow a 10-foot rear yard setback where 25 feet is required, for the purpose of constructing a single-family home.
2. Relief from Sections 16.13(4), Street Setbacks and 16.13(7), Front Yard Prohibition [as applicable to accessory buildings]. Specifically, the applicant seeks a variance to allow a 5-foot front yard setback, where 35' is required, and to allow the accessory building in the front yard, where it is prohibited.



Background. The subject property consists of three parcels located at 314, 316 and 318 Ferry Street. The combination of the three parcels equates to .79 acres (34,412 square feet). The three parcels are generally located on the west side of Ferry Street, just south of the Ferry Street – Campbell Road intersection. The parcels are zoned R-2, Residential. As noted above, the applicant wishes to combine the three parcels and construct a single-family home and an accessory building with future residential use.

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The reason for the variance request is to reduce the impact on the wetlands that encumber the three parcels. The applicant has made progress over the past year or so on an application for a wetland permit that is required to impact the wetlands, administered by the Department of Energy, Great Lakes and Environment (EGLE). The variance application materials include a wetland determination report, the site plan drawn by Driesenga & Associates, used in the EGLE permit application, a survey, and legal descriptions.

Originally, the applicant's application to EGLE included three homes, which was denied for the following reasons:

1. The proposed project is not in the public interest.
2. The proposed project will cause an unacceptable disruption to the natural resources associated with the Kalamazoo River watershed.
3. It has not been demonstrated that less impactful feasible and prudent alternatives that achieve the project purpose do not exist.

The applicant indicates that the third reason for denial has prompted somewhat of a "plan B", in which the three parcels are combined and only one home and one accessory building are constructed. The applicant indicates that the location of the buildings are recommended by EGLE, and that if the applicant seeks and is approved for a variance from the City to locate the buildings in the locations shown on the site plan, it would further reduce the impact on the wetlands.

If the Zoning Board is inclined to grant the variance, the result would be the least amount of disturbance. It has been noted by the applicant in the pre-application conference that the EGLE permit *may* be issued for the one home and one accessory building, even without the variance, however, the reduced impact on wetlands would be the best-case scenario for the environment, and the public.

Pre-Hearing Conference. Section 29.05.3 requires that a pre-hearing conference be held to ensure that the applicant understands the requirements and procedures related to seeking relief from the Ordinance. We met with the applicant on November 17, 2023, and also made a site visit. Our meeting and site visit fulfill the requirement of a pre-hearing conference, as described in the ordinance language below:

- a. *Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference with the Zoning Administrator and City Attorney.*
- b. *The purposes of the pre-hearing conference shall be to:*

- i. *Review the procedure for the hearing and identify all persons who will testify (directly or through affidavit) and the evidence to be offered on behalf of the applicant.*
 - ii. *Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.*
 - iii. *Explore a means of providing relief to the applicant by way of non-use variance from the zoning board of appeals, or other relief which may require action by persons or bodies other than the zoning board of appeals which will afford an adequate remedy for the applicant.*
 - iv. *Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing*
- c. *The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.*
 - d. *The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference, stated above.*

Criteria for Granting Variances: Section 29.05. The following criteria must be taken into consideration by the Zoning Board of Appeals in its review of the request. All criteria must be met for the variance to be granted. These criteria are listed below, along with our remarks:

- 1) *Nonuse variances. The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and off-street parking and loading space requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.*
 - a) *That there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.*

Remarks: The use of the parcel is residential and no changes are proposed to the use, therefore this standard is not applicable.

- b) *That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or*

topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.

Remarks: The site is encumbered by wetlands, as demonstrated in the wetland determination report and the site plan drawn by Driesenga & Associates. There is only a small portion of the land within the three parcels that is considered “upland” and suitable for the construction of a home and accessory building. The wetland encumbrance is a physical condition that causes practical difficulty.

This criterion appears to be *met*.

- c) *That the practical difficulty or special conditions or circumstances do not result from the actions of the applicant.*

Remarks: The applicant purchased all three parcels with the intent to construct a home on each. The location of the wetlands is not due to any affirmative action on behalf of the applicant, and they were present at the time the property was purchased.

This criterion appears to be *met*.

- d) *That the variance will relate only to property under the control of the applicant.*

Remarks: The applicant is not proposing any improvements in areas that are not owned by the applicant. There is a shared driveway within an easement that provides access to the home located at 342 Ferry. This area is not impacted by the proposed home or the wetland disturbance, as far as we can tell.

This criterion appears to be *met*.

- e) *That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.*

Remarks: The proposed land use is permitted by right in the R-2 zoning district and would be compatible with the homes in the surrounding area. The surrounding property owners may view the construction as bothersome, however, the applicant is entitled to the same land use that others in the R-2 zoning district are afforded.

This criterion appears to be *met*.

- f) *That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.*

Remarks: The strict compliance with the letter of the ordinance relevant to setbacks and location of the accessory building may render the subject property “unbuildable” and would undoubtedly prevent the owner from using the property for a permitted purpose.

This criterion appears to be *met*.

- g) *That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.*

Remarks: As stated earlier in this report, the applicant has indicated that EGLE *may* issue the permit even without the variance, however, the hardship lies with the wetlands that encumber the subject property. The hardship can be mitigated and the impact upon the wetlands if the variance is granted to allow the locations of the home and accessory building as shown on the site plan.

This criterion *appears to be met*.

- h) *That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit or a temporary permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards. In this case, the appellant shall first have sought and been denied a rezoning, Special Use Permit approval, and/or a PUD approval and shall have their variance request processed according to the requirements of Section 29.05 (2).*

Remarks: This criterion is not applicable, as it pertains to land use and not dimensions.

Recommendation and Summary of Findings. At the upcoming Zoning Board of Appeals meeting, the board should carefully consider all the facts presented in this report, testimony

given by the applicant, and comments provided by the public. Again, all the criteria outlined in section 29.05 *must be* met in order for a variance to be granted. A suggested motion is shown below, along with our findings:

Suggested Motion:

I move to **[approve/deny]** the granting of a variance from Section 5.02.C, Minimum Rear Yard Setback in the R-2 Residential District for the purpose of constructing a single-family home at 10' from the east side property line where 25' is required, as well as for the accessory building to be constructed within the front yard, at 5' from the front property line, where 35' is required, based on the following findings:

1. Practical Difficulty – The practical difficulty is a result of the subject property being encumbered with wetlands.
2. Adverse Effects – It is not anticipated that adverse effects would be imposed on nearby properties, and any options for a lesser variance would be unnecessarily burdensome, particularly if a lesser variance would pose a greater impact on the wetlands.
3. Not Self-Created – The difficulty in meeting the strict letter of the ordinance was not due to an action of the applicant and the wetlands were present when the applicant purchased the property.
4. Minimum Variance Necessary – Other options do not appear to be viable that would provide relief from the ordinance while reducing the impact on the wetlands.

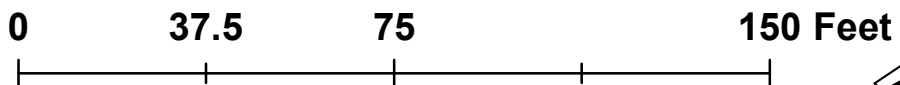
If the Zoning Board is inclined to grant the variance, it is recommended that it be subject to the following conditions:

1. The applicant shall construct the home and the accessory building in strict conformance with the survey submitted with this application.
2. The accessory building shall not be constructed until the home construction is complete in accordance with Section 16.13(8).
3. Any proposed residential use of the accessory building shall first be reviewed and approved by the Planning Commission as a special land use.
4. The applicant shall obtain the required permits for the wetland impacts from the Department of Energy, Great Lakes and Environment (EGLE). No zoning permits or building permits shall be issued until the City is provided with a copy of the required EGLE permit.

5. The applicant shall obtain the necessary zoning and building permits prior to the commencement of any construction or land preparations.

Please feel free to reach out with any questions related to this issue.

Alleghan County Parcel Number: 59-017-004-00

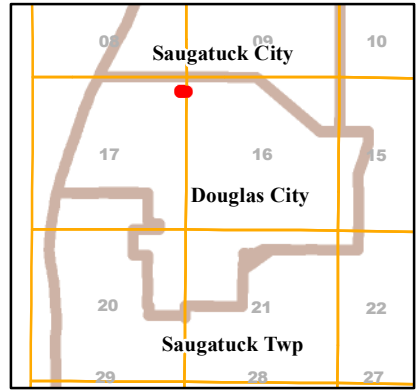


Address: 314 Ferry St
Owner: Hardwick G T & Day Jo Ann
Acres: 0.27



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



Zoning & General Location Map



314, 318, 316 Ferry St.

314 N FERRY ST DOUGLAS, MI 49406 (Property Address)

Parcel Number: 59-017-004-00

Property Owner: MIENTERTAINMENT GROUP, INC

Summary Information

> Assessed Value: \$19,500 | Taxable Value: \$19,500

> Property Tax information found

Parcel is Vacant

Owner and Taxpayer Information

Owner	MIENTERTAINMENT GROUP, INC 6231 BRIDGEWATER CIRCLE EAST LANSING, MI 48823	Taxpayer	SEE OWNER INFORMATION
--------------	---	-----------------	-----------------------

General Information for Tax Year 2023

Property Class	402 RESIDENTIAL-VACANT	Unit	59 DOUGLAS CITY
School District	SAUGATUCK PUBLIC SCHOOLS	Assessed Value	\$19,500
MAP #	68	Taxable Value	\$19,500
ACTION	0	State Equalized Value	\$19,500
USER ALPHA 1	Not Available	Date of Last Name Change	06/14/2022
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
ADDESS CHANGE	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date No Data to Display

Principal Residence Exemption	June 1st	Final
2023	0.0000 %	-
2022	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2022	\$19,500	\$19,500	\$16,573
2021	\$19,500	\$19,500	\$16,044
2020	\$18,800	\$18,800	\$15,823

Land Information

Zoning Code	R-2 RESIDENTIAL	Total Acres	0.243
Land Value	\$39,000	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	DOUGLAS NORTHWEST	Mortgage Code	No Data to Display
Lot Dimensions/Comments	FLAG LOT	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	65.00 ft	97.00 ft
Lot 2	40.00 ft	107.00 ft
Total Frontage: 105.00 ft		Average Depth: 102.00 ft

Legal Description

COM AT NE COR TH S 484.5' TH CONT S 35' TH W 235' TH N 65' TH E 97' TH N 10' TH E 10' TH S 40' TH E 128' TO POB SEC 17 T3N R16W (04).

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
06/09/2022	\$130,000.00	WD	HARDWICK GT & DAY JO ANN	MIENTERTAINMENT GROUP INC	20-MULTI PARCEL SALE REF	4770/740
06/03/2003	\$0.00	QC	HARDWICK GT & DAY JO ANN	HARDWICK GT & DAY JO ANN	31-SPLIT IMPROVED	2510/30
09/29/1997	\$80,100.00	WD	AMODEO JOHN ANTHONY	HARDWICK GT & DAY JO ANN	03-ARM'S LENGTH	1679/127
05/21/1997	\$0.00	QC	LINALE SYLVIA	AMODEO JOHN ANTHONY	21-NOT USED/OTHER	1668/193

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From: Mercs, Deana (EGLE)
Sent: 9/28/2023 12:47:34 PM
To: "chris@mientertainmentgroup.com" <chris@mientertainmentgroup.com>
Cc: "Walsh, Riley (EGLE)" <WalshR2@michigan.gov>; "City of Douglas (douglas@ci.douglas.mi.us)" <douglas@ci.douglas.mi.us>; "Allegan County Drain Commissioner (dmedemar@allegancounty.org)" <dmedemar@allegancounty.org>; "Jacob Wheatley" <JWheatley@ALLEGANCOUNTY.ORG>
Subject: EGLE Application Denial Letter - PM-WN6W-EVDVJ -Christopher Meyer
Attachments: Application Denial Letter.pdf

Dear Applicant:

SUBJECT: Applicant: Christopher Meyer
Submission Number: PM-WN6W-EVDVJ
MiEnviro Site Name: 03-314 Ferry Street-Douglas

Please see attached application denial letter.

Should you have any questions or concerns regarding this letter, please contact Riley Walsh at 517-281-6666 or WalshR2@michigan.gov.

Sincerely,

Deana Mercs
Secretary
Water Resources Division /Kalamazoo District Office
Michigan Department of Environment, Great Lakes, and Energy
Ph: 269-330-8571 | MercsD@michigan.gov
[Follow Us](#) | Michigan.gov/EGLE



ATTACHMENT NAME:

Application Denial Letter.pdf

ATTACHMENT TYPE:

Adobe Portable Document Format (PDF) compound image



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

September 28, 2023

VIA EMAIL

Christopher Meyer
2454 Black Horse Drive NE
Grand Rapids, Michigan 49505

Dear Christopher Meyer:

SUBJECT: Application Denial
Submission Number: HPM-WN6W-EVDVJ
Allegan County
Site Name: 03-314 Ferry Street-Douglas

This letter is to notify you that your application for a permit submitted under the authority of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and Part 13, Permits, of the NREPA, is hereby denied. The application was received by the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), on September 29, 2022.

The purpose of the project, as shown in your application, is to construct two houses and a driveway to allow for multiple members of the applicant's family to live within close proximity. The project area involves three adjoining parcels totaling 0.79 acres in size.

After due consideration of the permit application, site conditions, and other pertinent materials, your application is denied for the following reasons:

- a) The proposed project is not in the public interest.
- b) The proposed project will cause an unacceptable disruption to the natural resources associated with the Kalamazoo River watershed.
- c) It has not been demonstrated that less impactful feasible and prudent alternatives that achieve the project purpose do not exist.

Section 30302 of Part 303 of the NREPA recognizes several benefits that wetlands convey, including providing flood control, wildlife habitat, groundwater recharge, pollution treatment, erosion control, and a source of nutrients and safety for fish and other organisms. Being located near Kalamazoo Lake and the Kalamazoo River, this wetland directly contributes flood storage to the watershed. The wetland proposed to be impacted is associated with the local Kalamazoo River HUC 12 watershed, which has experienced a 51 percent loss of wetlands over time.

Section 30311 of Part 303 requires that a permit to impact regulated wetlands shall not be issued unless EGLE determines that the project is in the public interest. Section 30311(2) requires that EGLE weigh the benefit which would reasonably be expected to accrue from the project with the reasonably foreseeable detriments of the activity. Section 30311(2) then details nine general criteria that shall be considered when making this determination:

- a) The relative extent of the public and private need for the proposed activity.
- b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits of the activity.

- c) The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetland provides.
- d) The probable effects of each proposal in relation to the cumulative effects created by other existing and anticipated activities in the watershed.
- e) The probable effects on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
- f) The size of the wetland being considered.
- g) The amount of remaining wetland in the general area.
- h) Proximity to any waterway.
- i) Economic value, both public and private, of the proposed land change to the general area.

In applying the above criteria to the project, EGLE finds that, on balance, the project is not in the public interest.

First, in a watershed that has experienced significant loss of wetland function and value, it is particularly important to protect remaining wetlands to protect the health of the watershed. The public has a high interest in protecting remaining wetlands that are important to the health of the watershed. The high-water levels experienced throughout Michigan over the last few years have highlighted the importance of maintaining wetlands that provide flood storage. Wetland fill diminishes flood storage services provided by the wetland to the other nearby properties and watershed, increasing the potential for flooding incidents in the future.

Second, EGLE must consider the cumulative effects of permitting similar projects in the watershed. When considering typical setbacks, most of the area where buildings may be placed on the applicant's parcels is in regulated wetland. The cumulative effects of permitting multiple similar projects on parcels where wetland impacts are unavoidable is significant degradation of watershed health and functionality.

Third, there appear to be less impactful feasible and prudent alternatives that accomplish the project purpose. These alternatives are discussed in more detail below. For all the above listed reasons, the proposed project is not in the public interest and EGLE cannot issue a permit under Part 303.

Section 30311 of Part 303 of the NREPA states that a permit for a regulated activity should not be issued if the activity will cause an unacceptable disruption to aquatic resources. To show that an unacceptable disruption will not occur, the applicant must show that the activity is dependent on being located in wetland or that a feasible and prudent alternative does not exist. Houses are not dependent on being located in wetland, so EGLE is tasked with determining whether a feasible and prudent alternative exists. EGLE assumes that a less impactful alternative is feasible and prudent unless an applicant demonstrates it is not.

EGLE believes that feasible and prudent on-site and off-site alternatives exist that would lessen or eliminate the negative effects of the project as proposed. For example, EGLE requested that the following on-site alternatives be explored:

- a) Shifting the northernmost proposed house farther north and if necessary, pursuing a variance to better utilize upland.
- b) Constructing only the southernmost proposed house and eliminating the northernmost proposed house to reduce the overall project footprint.

- c) Utilizing fences to prevent future “conversion creep” impacts to wetland not outlined on this application, which may include extended landscaping, nutrient loading from fertilizers and maintained areas, recreational uses, etc.

EGLE also requested that an analysis of off-site alternative locations suitable to achieve the basic project purpose be provided. Section 30311 of Part 303 requires that the applicant consider properties not presently owned by the applicant which could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic project purpose.

These alternatives appear feasible and prudent, and have not been adequately explored. For this reason, EGLE cannot issue a permit under Part 303.


If you choose to pursue this project in the future by incorporating any alternatives, it will be necessary to reapply for a permit by submitting a new application with all of the necessary information and application fees. Application fees are not transferable or refundable.

You have the right to appeal this denial by filing a petition for a formal administrative hearing. To preserve your right to an administrative hearing, a petition must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR) within 60 days from the date of this denial letter. The petition can be found here: <https://www.michigan.gov/egle/regulatory-assistance/forms>; search for form EQP0201. To request a hearing, submit the petition to Michigan Office of Administrative Hearings and Rules, P.O. Box 30695, Lansing, Michigan 48909; or by fax to 517-335-7535.

If you would like to discuss project alternatives and plan modifications prior to filing a Petition for Contested Case, please contact me. Our discussions may continue during the informal review process after a Petition for Contested Case is filed, but your formal appeal must be filed within the 60-day deadline.

If you have any questions regarding this matter, please contact me at 517-281-6666; WalshR2@Michigan.gov; or EGLE, WRD, Kalamazoo District Office, 7953 Adobe Road, Kalamazoo, Michigan 49009-5025. Please include your submission number HPM-WN6W-EVDVJ, in your response.

Sincerely,



Riley Walsh
Environmental Quality Analyst
Kalamazoo District Office
Water Resources Division

cc: Village of Douglas Clerk
Allegan County Drain Commissioner
Allegan CEA



CITY OF THE VILLAGE OF DOUGLAS

ZONING BOARD OF APPEALS REQUEST FOR VARIANCES APPLICATION

86 W. CENTER STREET, DOUGLAS, MI 49406
Phone: 269-857-1438 FAX: 269-857-4751

\$500.00 Fee Required (Article 29 Zoning Board of Appeals)

APPLICANT INFORMATION *(If different than owner)*

Name _____ Email _____
Address _____
Phone # _____ Fax # _____

OWNER INFORMATION

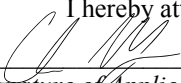
Name _____ Email _____
Address _____
Phone # _____ Fax # _____

PROPERTY INFORMATION

Address or Location _____
Permanent Parcel # _____
Zone District (Current) _____ (Proposed) _____
Property Size _____ *(If Applicable)*

Describe Variance 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)

11/21/2023

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

11/21/2023

Date

DO NOT WRITE IN THIS BOX

Date Received _____ Application Accepted By _____ Fee Paid \$ _____
Submitted Materials: _____ Site Plan _____ Application _____ Legal Description _____ Narrative Description

For Office Use Only

REMARKS

Other (Where Applicable):

Plans sent to Saugatuck Fire District on: _____

Approved on: _____

Planning Commission Review on: _____

Minutes attached: _____

Zoning Board of Appeals Review on: _____

Minutes attached: _____

Faxed to KLWSA (269-857-1565) on: _____

ZONING APPROVAL

APPROVED: _____

By: _____ Date: _____

Zoning Administrator

DENIED: _____

By: _____ Date: _____

Zoning Administrator

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: _____

**CITY OF THE VILLAGE OF DOUGLAS
ZONING BOARD OF APPEALS
REQUEST FOR VARIANCES
APPLICANT SUMMARY OF FACTS**

Adopted 6/27/05

1. Date of application 11/21/2023
2. Name of applicant (or authorized agent) Chris Meyer
3. Address of applicant 2454 Black Horse Dr NE Grand Rapids, MI 49505
4. Telephone (Home) 5172307325 (Business) 5172671502
5. Address of property in question 314 Ferry St Douglas, MI
6. Legal description and/or property description number
See attached document "Legal Description"
7. Present zoning and use of property R2
8. Present zoning and use of adjacent properties R2
9. State variance requested and reference Article 29 (Zoning Board of Appeals) and Sub-Section 29.05 (1) variances and 29.05 (2) rear and front setback variances of 10' and 5', respectively.
10. Attach ten (10) copies of a current property survey together with accompanying site plan delineating property lines, proposed construction/setbacks, as well as any other information that may assist the Zoning Board of Appeals.
11. Due to public notice requirements, applications must be received no less than twenty one (21) days prior to the scheduled meeting date, however the Chairman retains the right to schedule meetings based upon the adequacy of the information received.

12. I have read/reviewed the Douglas Zoning Ordinance in regard to the Zoning Board of Appeals (Article 29) and the requirements for a Variance, and hereby give the Zoning Board of Appeals permission to examine the property in question.

In order for the Zoning Board of Appeals to grant a variance a “practical difficulty” must exist. The “practical difficulty” must not be self created, must not be economic, and must not adversely affect the neighborhood. If you are requesting a non-use variance please answer the following 5 questions in order to verify the conditions for a variance exist.

Question 1 – Zoning Ordinance Section 29.05 a)

Please list the practical difficulties which prevent carrying out the strict letter of the Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

An EGLE permit is required before building on the property due to wetland soils. (see wetland delineation)

Question 2 – Zoning Ordinance Section 29.05 b)

Please list the genuine practical difficulty that exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district.

Due to the presence of wetland soils, EGLE has determined that applying for setback variances is a “feasible and prudent alternative” for reducing wetland soil impact on this property.

Question 3 –Zoning Ordinance Section 29.05 c)

Please verify that the practical difficulty or special conditions or circumstances that are due to no fault of your own.

Due to the area of wetland soils present, combined with the existing driveway easement, there is not enough surface area for a reasonably sized dwelling to be built on the property without setback variances.

Question 4 – Zoning Ordinance Section 29.05 e)

Please verify that the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood.

This variance request is in harmony with the general purpose and intent of the ordinance and will not cause adverse effects to surrounding properties.

Nor will it cause adverse effects to property values or use and enjoyment of property in the neighborhood.

Question 5 – Zoning Ordinance Section 29.05 g)

Please verify that the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or to mitigate the hardship.

The variance requested is the minimum amount necessary to overcome the existing inequality and hardship of the property.

Applicant's Signature _____



(please specify owner or agent)

\$500.00 Application Fee enclosed/attached _____

=====
City of the Village of Douglas use only

Date application received _____

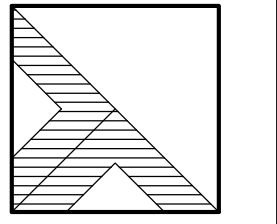
Date to be reviewed by the Zoning Board of Appeals _____

Variance: Approved _____ Denied _____ Approved with conditions as follows:

Dated _____

By _____

Clerk and/or Zoning Administrator



DRISENGA & ASSOCIATES, INC.

**Engineering
Surveying
Testing**

www.driesenga.com

Holland, MI
616-396-0255

Grand Rapids, MI
616-249-3800

Kalamazoo, MI
269-544-1455

Lansing, MI
517-889-6210

Ypsilanti, MI
734-368-9483

314 FERRY STREET
314 FERRY ST.
SECTION 17, T03N, R16W, DOUGLAS, ALLEGAN CO.
-FOR-
MIENTERTAINMENT
503 MALL COURT #329, LANSING, MI 48912

ISSUED FOR:

- 1 ISSUED FOR REVIEW 11-10-2022
- 2 ISSUED FOR REVIEW 11-25-2022
- 3 ISSUED FOR REVIEW 11-29-2022
- 4 ISSUED FOR REVIEW 01-31-2023
- 5 ISSUED FOR REVIEW 06-29-2023

Project Manager:
JOHN TENPAS

Project #
2210056.1A

Sheet Title:

**SITE
PLAN**

Sheet #

C-100
4 of 8

GENERAL NOTES:

1. CONTRACTOR SHALL OBTAIN ALL NECESSARY LOCAL, STATE AND FEDERAL PERMITS REQUIRED.
2. ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF AUTHORITIES HAVING JURISDICTION.
3. CALL "MISS DIG", 811, 72 HOURS PRIOR TO THE START OF ANY EXCAVATION.
4. EXISTING UNDERGROUND UTILITIES ARE SHOWN BASED ON AVAILABLE RECORDS AND/OR TOPOGRAPHIC SURVEY DATA. THIS PLAN MAY NOT SHOW UTILITIES IN THEIR EXACT LOCATION AND MAY NOT SHOW ALL UTILITIES IN THE AREA.
5. CONTRACTOR SHALL MAINTAIN UTILITY SERVICES AT ALL TIMES. ANY INTERRUPTION IN SERVICES TO THIS SITE OR ADJACENT SITES MUST BE SCHEDULED WITH THE OWNER, UTILITY PROVIDER, AND AFFECTED PROPERTIES 48 HOURS PRIOR TO THE INTERRUPTION.
6. CONTRACTOR SHALL PROTECT ALL EXISTING AND NEW CONSTRUCTION FROM DAMAGE. SHOULD ANY DAMAGE OCCUR, CONTRACTOR SHALL MAKE ALL NECESSARY REPAIRS AT NO COST TO THE OWNER.
7. IF ANY DISCREPANCIES OR CONFLICTS ARE FOUND, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY PRIOR TO CONSTRUCTION OF AFFECTED WORK TO DETERMINE COURSE OF ACTION.
8. CONTRACTOR SHALL COORDINATE THEIR WORK WITH OTHER CONTRACTORS ON OR ADJACENT TO THE PROJECT SITE.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING AND COORDINATING THEIR WORK WITH ALL UTILITY PROVIDERS PRIOR TO CONSTRUCTION.
10. PROVIDE BARRIERS OR OTHER PROTECTION TO KEEP VEHICULAR AND PEDESTRIAN TRAFFIC AWAY FROM CONSTRUCTION AREA AND OFF NEWLY PAVED AREAS.

LAYOUT NOTES:

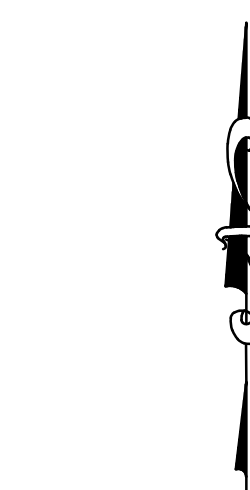
1. CONTRACTOR SHALL REVIEW AND VERIFY SITE LAYOUT PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL ENGAGE A LICENSED SURVEYOR TO PERFORM ALL CONSTRUCTION LAYOUT AND STAKING AS NECESSARY.
3. ALL COORDINATE POINTS AND DIMENSIONS GIVEN, UNLESS OTHERWISE NOTED, ARE TO BACK OF CURB AND FACE OF BUILDING WALL.
4. REFER TO ARCHITECTURAL AND STRUCTURAL DRAWINGS FOR BUILDING DIMENSIONS.
5. INSTALL EXPANSION JOINTS AT ALL LOCATIONS WHERE NEW CONCRETE MEETS EXISTING CONCRETE OR BITUMINOUS PAVEMENT.

KEY NOTES:

- A 4" CONC. SIDEWALK (SEE DETAIL)
- B 4" CONC. PAVEMENT SECTION

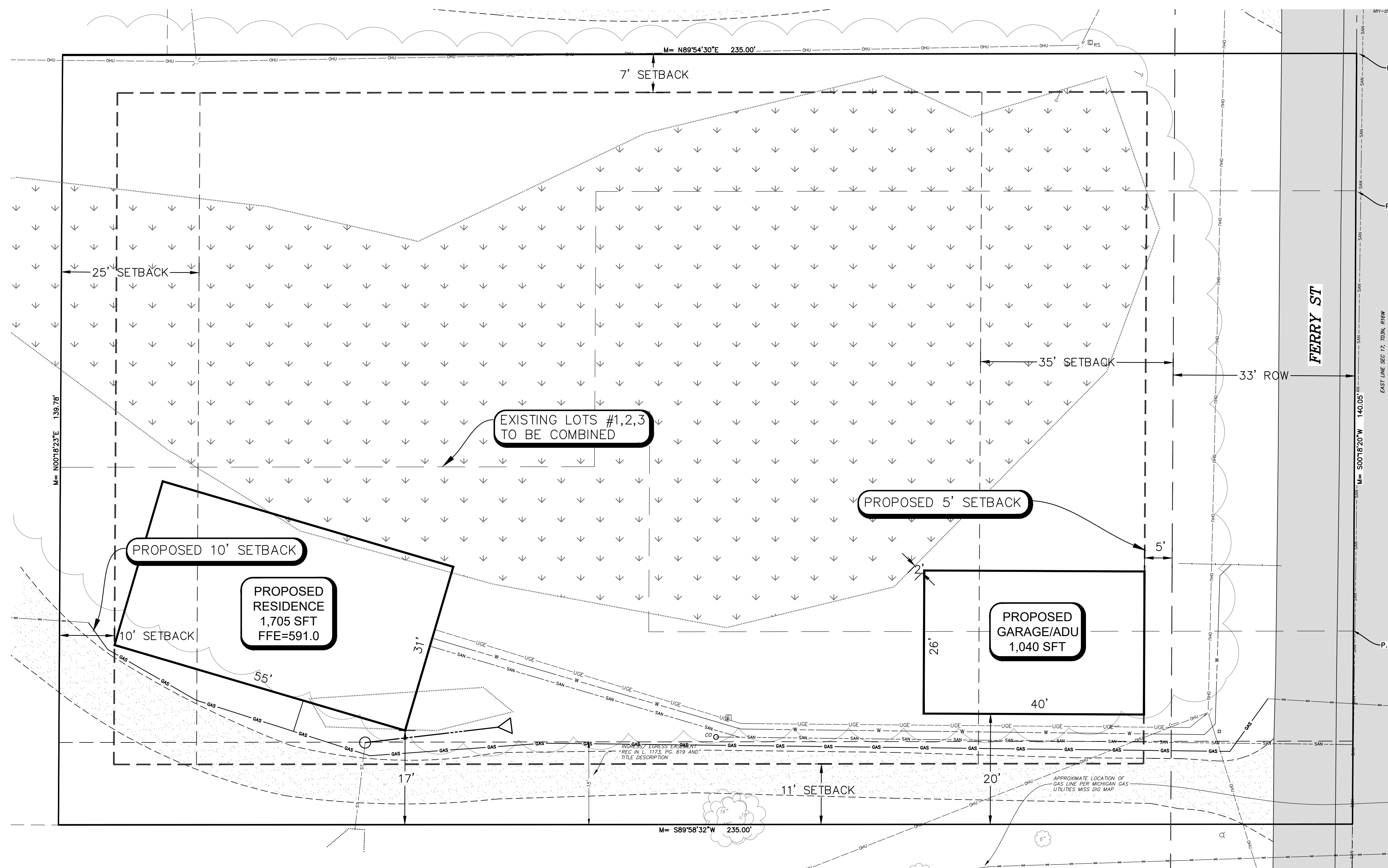
LEGEND

BENCHMARK		EXISTING		PROPOSED	
STORM SEWER MANHOLE					
CATCH BASIN					
FLARED END SECTION					
SANITARY SEWER MANHOLE					
CLEANOUT					
WELL HEAD					
FIRE HYDRANT					
FIRE DEPARTMENT CONNECTION					
SPRINKLER CONTROL VALVE					
SPRINKLER HEAD					
VALVE (WATER & GAS)					
GAS METER					
UTILITY RISERS					
UTILITY POLE					
LIGHT POLE					
GUY ANCHOR					
TRANSFORMER					
HAND HOLE (ELECTRIC)					
ELECTRIC METER					
GROUND MOUNTED LIGHT					
SIGN					
SOIL BORING					
BOLLARD POST					
POST					
GATE					
FENCE LINE					
OVERHEAD UTILITIES					
UNDERGROUND ELECTRIC					
COMMUNICATIONS					
TELEPHONE					
FIBER OPTIC					
GAS LINE					
EXISTING WATER LINE					
PROPOSED WATER LINE					
EXISTING STORM SEWER					
PROPOSED STORM SEWER					
EXISTING SANITARY SEWER					
PROPOSED SANITARY SEWER					
BITUMINOUS SURFACE		EXISTING		PROPOSED	
CONCRETE SURFACE		EXISTING		PROPOSED	
GRAVEL SURFACE					
CONIFEROUS TREE					
DECIDUOUS TREE					
ORNAMENTAL BUSH					



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

**ISSUED FOR
APPROVAL**



PROJECT SUMMARY

1. PARCEL INFORMATION		
CURRENT ZONING:	R-2 RESIDENTIAL	
SITE ADDRESS:	314, 316, 318 FERRY ST.	
PARCEL NUMBERS:	59-017-004-00, 59-017-004-20, 59-017-004-030	
	REQUIRED	PROVIDED
MIN. LAND AREA:	7,920 SFT	32,905 SFT
MIN. LOT WIDTH:	75 FT	75 FT
2. BUILDING	REQUIRED	PROVIDED
MAX. BUILDING HEIGHT:	28 FT	28 FT
MAX. BUILDING SIZE:	N/A	2,745 SFT
MAX. LOT COVERAGE:	35%	8%
3. SETBACKS	REQUIRED	PROVIDED
FRONT (MIN.):	35 FT	1 FT
SIDE (MIN.):	7 FT	18 FT
REAR (MIN.):	25 FT	10 FT
4. REGULATORY APPROVALS		
THE PROJECT WILL REQUIRE THE FOLLOWING APPROVALS, AT A MINIMUM (OTHER PERMITS/APPROVAL MAY ALSO BE REQUIRED)		
• CITY OF THE VILLAGE OF DOUGLAS SITE PLAN		
• CITY OF THE VILLAGE OF DOUGLAS FIRE DEPARTMENT		
• ALLEGAN COUNTY DRAIN COMMISSIONER STORM WATER MANAGEMENT		
• ALLEGAN COUNTY SOIL EROSION & SEDIMENTATION CONTROL PERMIT		
• ALLEGAN COUNTY ROAD COMMISSION ROW/DRIVEWAY		
• MDEQ NPDES CONSTRUCTION SITE STORM WATER DISCHARGE		

- MDEQ PUBLIC WATER SYSTEM PERMIT
 - MDEQ PUBLIC WASTEWATER SYSTEM PERMIT
 - MDEQ WETLAND PERMIT
 - MDEQ FLOODPLAIN PERMIT
 - FEDERAL AVIATION ADMINISTRATION
5. **IMPACT ON PUBLIC SERVICES**
PROJECT WILL NOT RESULT IN ADVERSE IMPACT TO PUBLIC SERVICES, INCLUDING POLICE & FIRE PROTECTION, UTILITIES, TRAFFIC OR ROADWAYS.
 6. **IMPACT TO SURROUNDING PROPERTIES**
USE OF PROPERTY WILL BE CONSISTENT WITH OTHER USES IN THIS ZONING DISTRICT AND IN THE SURROUNDING AREA. USE OF PROPERTY WILL NOT GENERATE ADVERSE LEVELS OF NOISE, VIBRATION, SMOKE, LIGHT, GLARE, OR OTHER PROBLEMATIC CONDITIONS.
 7. **STORM WATER MANAGEMENT**
STORM WATER WILL BE COLLECTED IN AN EXISTING WETLAND ON-SITE. THE EXISTING WETLAND WILL OVERFLOW INTO A SERIES OF CATCHBASINS, PIPES, AND DITCHES.
 8. **WATER/SEWER SERVICE**
SITE WILL BE SERVED BY NEW PRIVATE WATER AND SEWER CONNECTIONS CONNECTED TO EXISTING PUBLIC UTILITIES ADJACENT TO THE SITE.
 9. **WETLANDS**
THERE ARE KNOWN REGULATED WETLANDS ON THE SUBJECT PROPERTY.
 10. **FLOODPLAINS**
THERE ARE NO PUBLISHED REGULATORY FLOODPLAINS ON THE SUBJECT PROPERTY, PER FIRM PANEL: 2600500164G, EFFECTIVE DATE JUNE 21, 2023. A FLOODPLAIN DETERMINATION WAS COMPLETED BY EGL WITH A 1% ANNUAL CHANCE FLOOD ELEVATION OF 586.0 (NAVD88). FLOODPLAIN SERVICE NO. HPF-NE0H-N86FE

11. **REFUSE MANAGEMENT**
REFUSE WILL BE MAINTAINED BY THE HOMEOWNER.
12. **CONSTRUCTION SCHEDULE**
CONSTRUCTION IS ANTICIPATED TO START IN 2023 AND BE COMPLETED IN 2024.

File Name: C:\Users\jtenpas\OneDrive\Projects\2022\2210056.1A\Draw\2210056.1A.dwg; 11/27/2023 4:12:01 PM; Lant: Sonnet; 11/27/2023 4:12:01 PM



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

MICHIGAN PLAT OF SURVEY

SEE SHEET 2 FOR DESCRIPTIONS

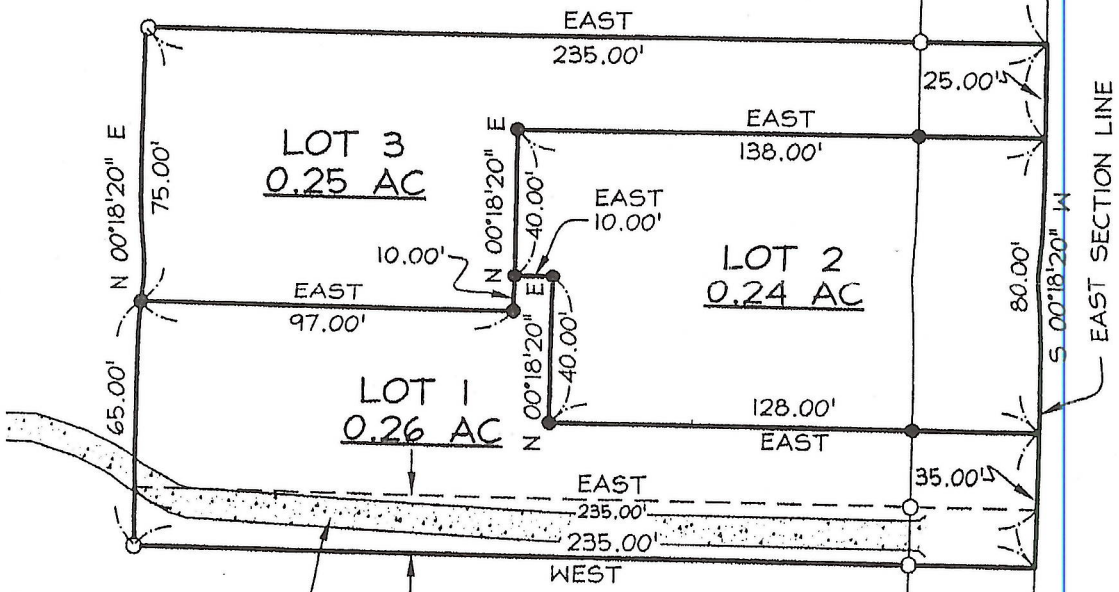


NE CORNER
SECTION 17
T. 3 N., R. 16 W.
SAUGATUCK TWP.
(FD. 1" IRON)
26" OAK -SE- 14.6'
12" OAK -SE- 36.5'
28" OAK -SE- 46.8'
FIRE HYDRANT -SW- 45.8'

STREET

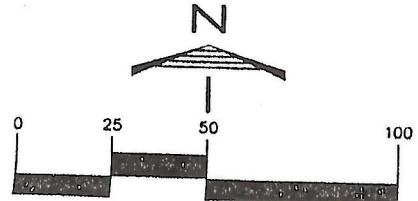
(66' R.O.W.)

68TH



EXISTING DRIVE USED BY OTHERS

15' EASEMENT FOR INGRESS & EGRESS



E. 1/4 POST
SECTION 17
T. 3 N., R. 16 W.
SAUGATUCK TWP.
(FD. REBAR)
POWER POLE -SE- 79.8'
T.C.E. -SW- 65.40'
NE COR. SIGN -SW- 67.25'

- NOTES:
1) BEARINGS ARE REFERENCED TO PREVIOUSLY SURVEYED PARCELS IN THIS AREA.
2) LINEAR ERROR OF CLOSURE IS LESS THAN OR EQUAL TO 0.15'.

Scale 1"=50' Book 273 Page 31 Revision

The above Survey complies with Public Act 132 of 1970.
Act 288 of Michigan Public Acts of 1967 as amended by Public Act 591 of 1996
should be checked to see that any property conveyance does not violate this act.

LEGEND
Iron Found ○ Iron Set ●
Monument Found ⊙
P = Platted D = Deeded M = Measured

MITCHELL SURVEYS, INC.

404 Broadway
South Haven, Michigan 49090
Phone (616) 637-1107
Fax (616) 637-1907

Client G.T. HARDWICK ARCHITECTS
Date 3-28-01 Job No. 01-214 Sheet 1 of 2
Dwg. By KOF Dwg. Ck BM Desc. By LT Desc. Ck LT
Being in the SE 1/4 Section 17, T 3 N, R 16 W
SAUGATUCK Twp. ALLEGAN Co., Michigan

Surveyor's Certificate:

On the basis of my knowledge and belief, I, George J. Mitchell, Professional Surveyor, certify that I have completed a boundary survey and examination of the parcel of land described below, made on the ground to the normal standard of care of professional land surveyors practicing in Michigan. This survey was performed in accordance with a description furnished by others and should be compared to the abstract of title or title insurance policy for accuracy, easements, or exceptions. This survey was prepared for **G.T. Hardwick Architects** and does not extend to any unnamed person without expressed re-certification by the surveyor naming said person.

4/11/01
Date

George J. Mitchell
George J. Mitchell, President
Mitchell Surveys, Inc.
Professional Surveyor 19618

Surveyed Descriptions:

Lot 1

BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 484.50 FEET SOUTH 00° 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00° 18' 20" WEST ON THE SECTION LINE, 35.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 235.00 FEET; THENCE NORTH 00° 18' 20" EAST 65.00 FEET; THENCE EAST 97.00 FEET; THENCE NORTH 00° 18' 20" EAST 10.00 FEET; THENCE EAST 10.00 FEET; THENCE SOUTH 00° 18' 20" WEST 40.00 FEET; THENCE EAST 128.00 FEET TO THE PLACE OF BEGINNING. **SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER A 15 FOOT STRIP BEING DESCRIBED AS FOLLOWS:** COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST; THENCE SOUTH 00° 18' 20" WEST ALONG THE EAST LINE OF SAID SECTION 504.50 FEET TO THE PLACE OF BEGINNING OF THIS EASEMENT; THENCE CONTINUING SOUTH 00° 18' 20" WEST ALONG THE EAST SECTION LINE 15 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 235.00 FEET; THENCE NORTH 00° 18' 20" EAST 15 FEET; THENCE EAST 235.00 FEET TO THE EAST SECTION LINE AND THE PLACE OF BEGINNING.

Lot 2

BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 404.50 FEET SOUTH 00° 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00° 18' 20" WEST ON THE SECTION LINE, 80.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 128.00 FEET; THENCE NORTH 00° 18' 20" EAST 40.00 FEET; THENCE WEST 10.00 FEET; THENCE NORTH 00° 18' 20" EAST 40.00 FEET; THENCE EAST 138.00 FEET TO THE PLACE OF BEGINNING.

Lot 3

BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 379.50 FEET SOUTH 00° 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00° 18' 20" WEST ON THE SECTION LINE, 25.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 138.00 FEET; THENCE SOUTH 00° 18' 20" WEST 50.00 FEET; THENCE WEST 97.00 FEET; THENCE NORTH 00° 18' 20" EAST 75.00 FEET; THENCE EAST 235.00 FEET TO THE PLACE OF BEGINNING.

MITCHELL SURVEYS, INC.
404 Broadway
South Haven, Michigan 49090
Phone (616) 637 - 1107
Fax (616) 637 - 1907

Client G.T. HARDWICK
Date 3-28-01 Job No. 01-214 Sheet 2 of 2
Dwg. By KOF Dwg. Ck. Desc. By Desc. Ck
Being in the SE 1/4 Section 17, T 3 N, R 16 W
SAUGATUCK Twp. ALLEGAN Co., Michigan

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 0359-017-004-00, 0359-017-004-20 and 0359-017-004-30

Land Situated in the State of Michigan, County of Allegan, City of Douglas

BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 484.50 FEET SOUTH 00 DEGREES 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00 DEGREES 18' 20" WEST ON THE SECTION LINE, 35.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 235.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 65.00 FEET; THENCE EAST 97.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 10.00 FEET; THENCE EAST 10.00 FEET; THENCE SOUTH 00 DEGREES 18' 20" WEST 40.00 FEET; THENCE EAST 128.00 FEET TO THE PLACE OF BEGINNING.

BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 404.50 FEET SOUTH 00 DEGREES 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00 DEGREES 18' 20" WEST ON THE SECTION LINE, 80.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 128.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 40.00 FEET; THENCE WEST 10.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 40.00 FEET; THENCE EAST 138.00 FEET TO THE PLACE OF BEGINNING.

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SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER A 15 FOOT STRIP BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST; THENCE SOUTH 00 DEGREES 18' 20" WEST ALONG THE EAST LINE OF SAID SECTION 504.50 FEET TO THE PLACE OF BEGINNING OF THIS EASEMENT; THENCE CONTINUING SOUTH 00 DEGREES 18' 20" WEST ALONG THE EAST SECTION LINE 15 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 235.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 15 FEET; THENCE EAST 235.00 FEET TO THE EAST SECTION LINE AND THE PLACE OF BEGINNING.

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November 1, 2022

Mr. Chris Meyer
2454 Black Horse Drive NE
Grand Rapids, MI, 49505

Re: Wetland Delineation Report – Beach Elementary

Dear Mr. Meyer:

As requested, Barr Engineering Co. (Barr) conducted a wetland delineation at the above-referenced site. The purpose of this wetland delineation report is to summarize the results of the wetland delineation conducted on April 6, 2022.

1.0 Area of Investigation Description

The Area of Investigation (AOI) includes three, small contiguous parcels at 314, 316 and 318 Ferry Street, in the City of the Village of Douglas, Allegan County, Michigan. Surrounding land uses and cover types include forested, residential properties. The dominant land uses and cover types within the AOI consists of standing water and emergent wetland.

1.1 Desktop Review

Barr conducted a desktop review to evaluate aerial imagery, topography, soil types, and mapped wetlands within the AOI prior to the wetland delineation. As part of the desktop review, Barr staff reviewed resources such as the Natural Resources Conservation Service (NRCS) Web Soil Survey, the National Wetlands Inventory and aerial photography.

1.2 Methodology

The wetland delineation was conducted in a manner consistent with the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0, USACE 2012)*. The wetland delineation procedures outlined in these manuals require the evaluation of on-site vegetation, soils, and hydrologic characteristics. Site observations are described in the sections below.

The wetland boundaries were flagged in the field with alphanumerically labeled pink pin flags and/or pink flagging tape.

1.3 Results

The AOI includes emergent (PEM) and unconsolidated bottom (UB) habitats on this undeveloped property. The attached survey depicts the location of the wetland areas encountered on site and the attached U.S. Army Corps of Engineers (USACE) wetland data forms provide additional wetland detail.

Vegetation, Soil, and Hydrology

Wetland A

This PEM/UB wetland is located over a majority of the AOI as identified by flags A1 – 16. A smaller wetland pocket is identified by flags A17 - A21. The vegetation identified within Wetland A includes species such as button bush, fowl manna grass and moneywort. Primary and secondary hydrology indicators were identified within the wetland. The soils are described in the WSS as Houghton muck and other loamy soils. The soil pit indicated poorly drained sandy soils in the AOI.

In contrast, the adjacent upland areas included species such as sassafras, honeysuckle, multiflora rose, Oriental bittersweet and Kentucky blue grass with no observed evidence of wetland hydrology or soils.

1.4 Conclusions

Based on observations of topography, vegetation, soil, and indicators of hydrology, Barr has determined that wetland habitat is present within the AOI. According to Part 303, Wetlands Protection, of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, wetlands regulated by the State of Michigan include wetlands that are:

1. Located within 500 feet of, or having a direct surface water connection to, an inland lake, pond, river, or stream; or
2. Greater than 5 acres in size; or
3. Located within 1,000 feet of, or having a direct surface water connection to, the Great Lakes or Lake St. Clair; or
4. A water of the United States as that term is used in section 502(7) of the Federal Water Pollution Control Act, 33 USC 1362; or
5. Known to have a documented presence of an endangered or threatened species under Part 365 of State of Michigan 1994 PA 451, as amended or the Federal Endangered Species Act of 1973, Public Law 93-205; or
6. Rare or imperiled.

Wetland A appears to be regulated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) under Part 303, Wetlands Protection, of the Natural Resources Protection Act (1994 PA451), as it is contiguous to Kalamazoo Lake. Therefore, a Part 303 permit would be required from EGLE to place fill, remove soil, drain surface water from, or make use of this wetland.

Please be advised that EGLE and in some coastal cases USACE have regulatory authority regarding the wetland boundary location(s) and jurisdictional status of wetlands in the State of Michigan. Barr's wetland determination was performed in general accordance with accepted procedures for conducting wetland determinations. Barr provides no warranty, guarantee, or other agreement in respect to the period of time for which this wetland determination will remain valid. Barr's conclusions reflect our professional opinion based on the site conditions within the AOI observed during the site visits. Discrepancies may arise between current and future wetland determinations and delineations due to changes in vegetation and/or hydrology as the result of land use practices or other environmental factors, whether on-site or on adjacent or nearby properties. In addition, wetland delineations performed outside the growing season, from late-October until late-April, may differ from those performed at the same site during the growing season due to the presence of snow cover or frozen ground conditions. We recommend our wetland boundary determination and jurisdictional opinion be reviewed by EGLE prior to undertaking any activity within any identified wetlands.

Thank you for the opportunity to provide this wetland delineation. If you have any questions, please contact me at your convenience at 616.540-8544 or jvigna@barr.com.

Sincerely,

BARR ENGINEERING CO.



John R. Vigna
Senior Environmental Scientist

cc: Jim Giese (Driesenga & Associates)

References

U.S. Army Corps of Engineers (USACE). 1987. *Corps of Engineers Wetlands Delineation Manual*. Washington, DC.

USACE. 2012. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*. Washington, DC.

Figures:

Topographic/Wetland Boundary Survey

Attachments:

USACE Wetland Determination Data Forms

TOPOGRAPHIC / BOUNDARY SURVEY

SCHEDULE "A" LEGAL DESCRIPTION
FROM: CHICAGO TITLE OF MICHIGAN, INC
COMMITMENT NO.: 031171908WTA (EFFECTIVE DATE: MARCH 08, 2022)

LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF ALLEGAN, CITY OF DOUGLAS

314 FERRY ST
BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 484.50 FEET SOUTH 00 DEGREES 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00 DEGREES 18' 20" WEST ON THE SECTION LINE, 35.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 235.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 65.00 FEET; THENCE EAST 97.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 10.00 FEET; THENCE EAST 10.00 FEET; THENCE SOUTH 00 DEGREES 18' 20" WEST 40.00 FEET; THENCE EAST 128.00 FEET TO THE PLACE OF BEGINNING.

316 FERRY ST
BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 404.50 FEET SOUTH 00 DEGREES 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00 DEGREES 18' 20" WEST ON THE SECTION LINE, 30.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 128.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 40.00 FEET; THENCE WEST 10.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 40.00 FEET; THENCE EAST 138.00 FEET TO THE PLACE OF BEGINNING.

318 FERRY ST
BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 379.50 FEET SOUTH 00 DEGREES 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00 DEGREES 18' 20" WEST ON THE SECTION LINE, 25.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 138.00 FEET; THENCE SOUTH 00 DEGREES 18' 20" WEST 50.00 FEET; THENCE WEST 97.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 75.00 FEET; THENCE EAST 235.00 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER A 15 FOOT STRIP BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST; THENCE SOUTH 00 DEGREES 18' 20" WEST ALONG THE EAST LINE OF SAID SECTION 504.50 FEET TO THE PLACE OF BEGINNING OF THIS EASEMENT; THENCE CONTINUING SOUTH 00 DEGREES 18' 20" WEST ALONG THE EAST SECTION LINE 15 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 235.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 15 FEET; THENCE EAST 235.00 FEET TO THE EAST SECTION LINE AND THE PLACE OF BEGINNING.

SCHEDULE B-II EXCEPTIONS
FROM: CHICAGO TITLE OF MICHIGAN, INC
COMMITMENT NO.: 031171908WTA (EFFECTIVE DATE: MARCH 08, 2022)

TERMS, COVENANTS, AND CONDITIONS OF EASEMENT FOR INGRESS AND EGRESS AS SET FORTH IN LIBER 1173 ON PAGE 619. (SHOWN ON DRAWING)

BENCHMARK DATA

NAVD '88 AS DERIVED FROM GPS OBSERVATIONS UTILIZING VRS CONUS 18

- BM #1 EL= 589.75' (NAVD 88)
SET 7" COMMON SPIKE IN NORTH FACE OF UTILITY POLE, LOCATED 24' WEST OF THE CENTERLINE OF FERRY STREET AND 500'± SOUTH OF THE CENTERLINE OF CAMPBELL ROAD.
- BM #2 EL= 591.59' (NAVD 88)
SET 7" COMMON SPIKE IN EAST FACE OF UTILITY POLE, LOCATED 22' WEST OF THE CENTERLINE OF FERRY STREET AND 325'± SOUTH OF THE CENTERLINE OF CAMPBELL ROAD.
- BM #3 EL= 586.22' (NAVD 88)
SET 7" COMMON SPIKE IN SOUTH FACE OF UTILITY POLE, LOCATED 208'± WEST OF THE CENTERLINE OF FERRY STREET AND 380'± SOUTH OF THE CENTERLINE OF CAMPBELL ROAD.

SURVEYOR'S NOTES

- UTILITIES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL FIELD MEASUREMENTS AND AVAILABLE RECORDS. THIS MAP IS NOT TO BE INTERPRETED AS SHOWING EXACT LOCATIONS OR SHOWING ALL UTILITIES IN THE AREA.
- NOTE TO CONTRACTORS: THREE WORKING DAYS BEFORE YOU DIG - CALL MISS DIG AT 811.
- CONTOUR INTERVAL = 1 FOOT.
- THE FIELD WORK WAS COMPLETED ON APRIL 11, 2022.
- BASIS OF BEARING FROM MITCHELL SURVEYS, INC JOB NO.: 01-214, DATED 03-28-2001 & TITLE DESCRIPTION (S00°18'20" W ON EAST LINE, SECTION 17, T03N, R16W).
- THIS PROPERTY IS PARTIALLY LOCATION IN ZONE "A" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 26005C0164F, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 30, 2019. ZONE "A" AREAS DETERMINED TO BE NO BASE FLOOD ELEVATIONS DETERMINED, FLOODPLAIN DETERMINATION PROVIDED BY EGLE SERVICE NO.: HPF-NE0H-N96F, DATED FEBRUARY 25, 2022. (100 YEAR FLOODPLAIN=586.0 NAVD 88)
- WETLAND FLAGGING BY BARR ENGINEERING FLAGGED ON APRIL 06, 2022.

SANITARY STRUCTURE DATA

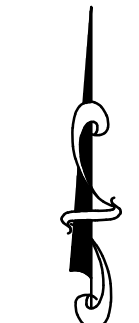
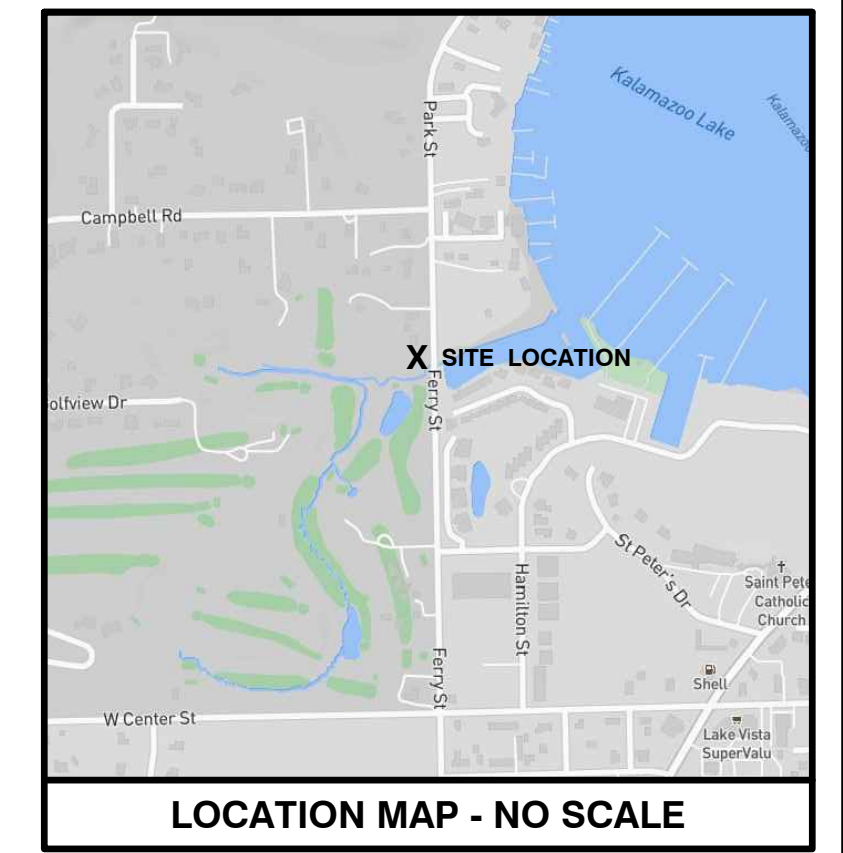
- MH-A - 4'Ø CONCRETE
RIM 590.58
INV (N) 18" STEEL=573.93
INV (S) 18" STEEL=?
INV (E) 8" PVC=574.23
- MH-B - 4'Ø CONCRETE
RIM 589.60
INV (N) 18" STEEL=573.95
INV (S) 18" STEEL=573.95
INV (W) 8" PVC=575.60
- MH-C - 4'Ø CONCRETE
RIM 585.75
INV (N) 18" STEEL=574.35
INV (SSW) 18" STEEL=574.35

SURVEY CONTROL

POINT NUMBER	NORTHING (ASSUMED)	EASTING (ASSUMED)	ELEVATION (NAVD 88)
50	9692.4420'	10012.1400'	590.04'
51	9490.2040'	10009.5740'	587.80'

MISS DIG INFORMATION

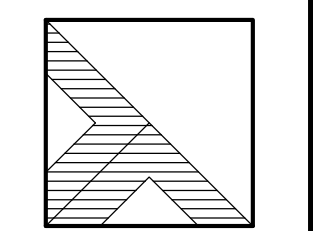
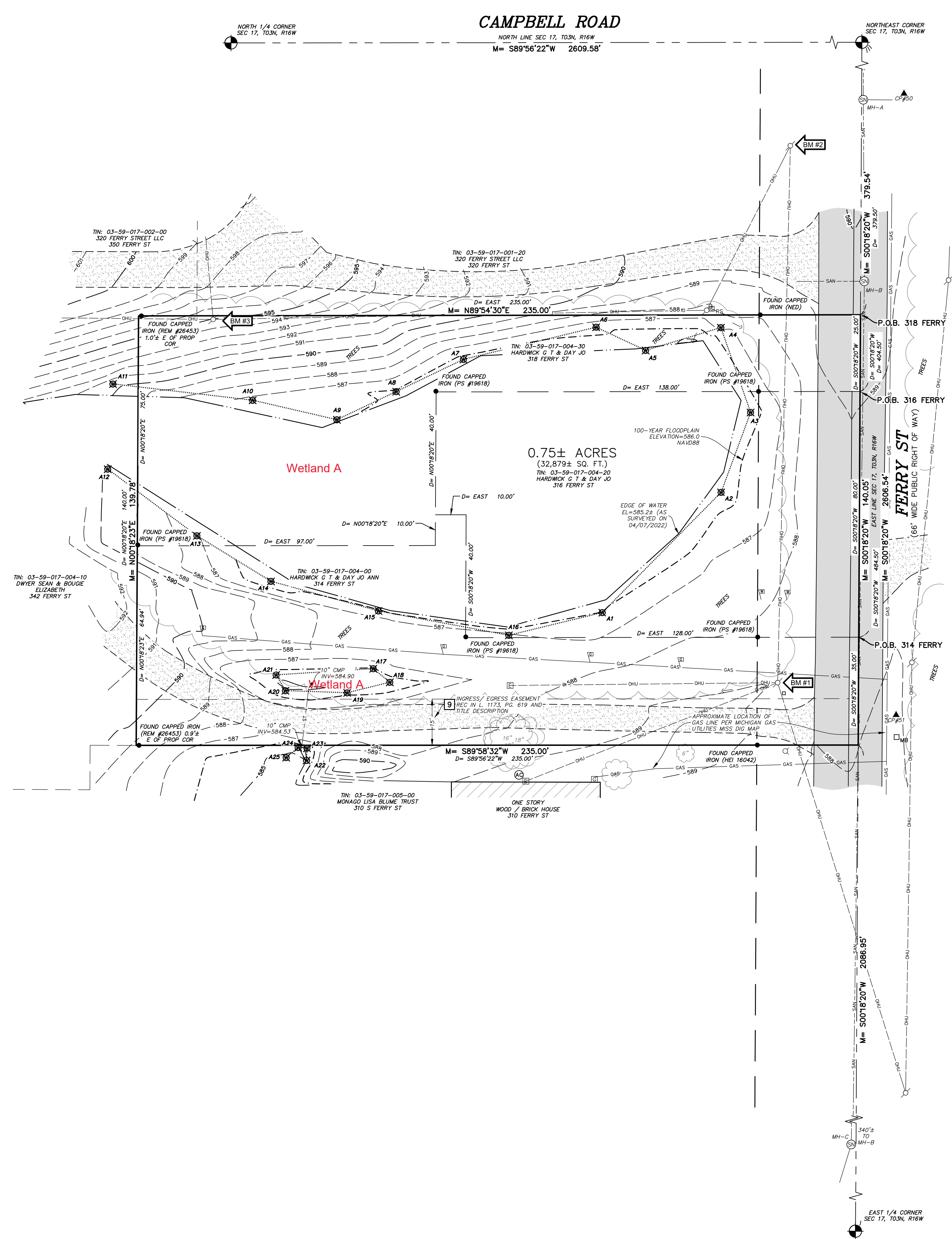
MISS DIG SURVEY TICKET # 2022051102938-00
(INCLUDES INFORMATION RECEIVED THROUGH 05/19/2022)
- MICHIGAN GAS UTILITIES - 05/11/2022 (MAPS PROVIDED)



SCALE: 1"=20'

LEGEND

- BENCHMARK
- FOUND IRON
- CONTROL POINT
- DESCRIBED
- MEASURED
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- GAS METER
- UTILITY RISERS
- UTILITY POLE
- ELECTRIC METER
- GUY ANCHOR
- POST
- WETLAND FLAG
- OVERHEAD UTILITIES
- UNDERGROUND ELECTRIC
- COMMUNICATIONS
- TELEPHONE
- FIBER OPTIC
- GAS LINE
- EXISTING WATER LINE
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- BITUMINOUS SURFACE
- GRAVEL SURFACE
- DECIDUOUS TREE



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- Grand Rapids, MI 616-249-3800
- Kalamazoo, MI 269-544-1455
- Lansing, MI 517-889-6210
- Ypsilanti, MI 734-368-9483

314, 316 & 318 FERRY ST
314 FERRY ST
SECTION 17, T03N, R16W, DOUGLAS TWP., ALLEGAN CO.
-FOR-
MENTERTAINMENT GROUP
503 MALL CT #329 LANSING, MI 48912

REVISIONS

NO.	DESCRIPTION
1	

Drawn By: MJD

Scale: 1"=20'

Date: 05-11-2022

Project # 2210056.5A

Sheet Title: TOPOGRAPHIC / BOUNDARY SURVEY

Sheet #

V-101

1 of 1

Tax Parcel No.: 03-59-017-004-00, 03-59-017-004-20, 03-59-017-004-30



Marc Elwood Lohela II
P.S. No. 4001062695

THE DESCRIPTION WAS GIVEN TO US BY THE PERSON CERTIFIED TO, OR WAS PREPARED BY US FROM INFORMATION OR DOCUMENTS GIVEN TO US BY THE PERSON CERTIFIED TO, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY, EASEMENTS OR EXCEPTIONS.



Know what's below. Call before you dig.

Attachments

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Ferry Street Parcels City/County: Alleghan/Douglas Sampling Date: 4/6/2022
 Applicant/Owner: Chris Meyer State: MI Sampling Point: A wet
 Investigator(s): R.L. Phillips Section, Township, Range: S16 T3N R16W
 Landform (hillside, terrace, etc.): hillside/roadfill Local relief (concave, convex, none): convex Slope %: 8-10
 Subregion (LRR or MLRA): LRR L Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Filer Loam, 18 to 35 percent slopes NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u> Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u> If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) Near Flag A14.	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply) _____ <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	Secondary Indicators (minimum of two required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
---	--

Field Observations: Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present? Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes _____ No <u>X</u>
--	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION – Use scientific names of plants.

Sampling Point: A wet

	Absolute % Cover	Dominant Species?	Indicator Status																	
Tree Stratum (Plot size: <u> 30' </u>)																				
1. <u> <i>Sassafras albidum</i> </u>	<u> 5 </u>	Yes	FACU	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u> 0 </u> (A) Total Number of Dominant Species Across All Strata: <u> 5 </u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u> 0.0% </u> (A/B)																
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
	<u> 5 </u> =Total Cover			Prevalence Index worksheet: <table style="width:100%; border:none;"> <tr> <td style="width:50%; text-align:center;">Total % Cover of:</td> <td style="width:50%; text-align:center;">Multiply by:</td> </tr> <tr> <td>OBL species <u> 0 </u></td> <td>x 1 = <u> 0 </u></td> </tr> <tr> <td>FACW species <u> 5 </u></td> <td>x 2 = <u> 10 </u></td> </tr> <tr> <td>FAC species <u> 0 </u></td> <td>x 3 = <u> 0 </u></td> </tr> <tr> <td>FACU species <u> 90 </u></td> <td>x 4 = <u> 360 </u></td> </tr> <tr> <td>UPL species <u> 40 </u></td> <td>x 5 = <u> 200 </u></td> </tr> <tr> <td>Column Totals: <u> 135 </u> (A)</td> <td><u> 570 </u> (B)</td> </tr> <tr> <td colspan="2" style="text-align:center;">Prevalence Index = B/A = <u> 4.22 </u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u> 0 </u>	x 1 = <u> 0 </u>	FACW species <u> 5 </u>	x 2 = <u> 10 </u>	FAC species <u> 0 </u>	x 3 = <u> 0 </u>	FACU species <u> 90 </u>	x 4 = <u> 360 </u>	UPL species <u> 40 </u>	x 5 = <u> 200 </u>	Column Totals: <u> 135 </u> (A)	<u> 570 </u> (B)	Prevalence Index = B/A = <u> 4.22 </u>	
Total % Cover of:	Multiply by:																			
OBL species <u> 0 </u>	x 1 = <u> 0 </u>																			
FACW species <u> 5 </u>	x 2 = <u> 10 </u>																			
FAC species <u> 0 </u>	x 3 = <u> 0 </u>																			
FACU species <u> 90 </u>	x 4 = <u> 360 </u>																			
UPL species <u> 40 </u>	x 5 = <u> 200 </u>																			
Column Totals: <u> 135 </u> (A)	<u> 570 </u> (B)																			
Prevalence Index = B/A = <u> 4.22 </u>																				
Sapling/Shrub Stratum (Plot size: <u> 15' </u>)																				
1. <u> <i>Lonicera morrowii</i> </u>	<u> 45 </u>	Yes	FACU	Hydrophytic Vegetation Indicators: <u> 1 </u> - Rapid Test for Hydrophytic Vegetation <u> 2 </u> - Dominance Test is >50% <u> 3 </u> - Prevalence Index is ≤3.0 ¹ <u> 4 </u> - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain)																
2. <u> <i>Rosa multiflora</i> </u>	<u> 10 </u>	No	FACU																	
3. <u> <i>Berberis vulgaris</i> </u>	<u> 5 </u>	No	FACU																	
4. <u> <i>Fraxinus pennsylvanica</i> </u>	<u> 5 </u>	No	FACW																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
	<u> 65 </u> =Total Cover			¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
Herb Stratum (Plot size: <u> 5' </u>)																				
1. <u> <i>Celastrus orbiculatus</i> </u>	<u> 25 </u>	Yes	UPL		Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.															
2. <u> <i>Poa pratensis</i> </u>	<u> 20 </u>	Yes	FACU																	
3. <u> <i>Vinca minor</i> </u>	<u> 10 </u>	No	UPL																	
4. <u> <i>Allium canadense</i> </u>	<u> 5 </u>	No	FACU																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
	<u> 60 </u> =Total Cover																			
Woody Vine Stratum (Plot size: <u> 30' </u>)																				
1. <u> <i>Celastrus orbiculatus</i> </u>	<u> 5 </u>	Yes	UPL	Hydrophytic Vegetation Present? Yes <u> </u> No <u> X </u>																
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
	<u> 5 </u> =Total Cover																			
Remarks: (Include photo numbers here or on a separate sheet.)																				

SOIL

Sampling Point: A wet

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-1	10YR 2/2	100					Sandy	
1-5	10YR 3/3	100					Sandy	
5-12	10YR 4/6	100					Sandy	gravelly sand

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- High Chroma Sands (S11) (LRR K, L)
- Loamy Mucky Mineral (F1) (LRR K, L)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Marl (F10) (LRR K, L)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16) (LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Ferry Street Parcels City/County: Alleghan/Douglas Sampling Date: 4/6/2022
 Applicant/Owner: Chris Meyer State: MI Sampling Point: A wet
 Investigator(s): R.L. Phillips Section, Township, Range: S16 T3N R16W
 Landform (hillside, terrace, etc.): depression Local relief (concave, convex, none): concave Slope %: 0-3
 Subregion (LRR or MLRA): LRR L Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Filer Loam, 18 to 35 percent slopes NWI classification: none [PEM/PSS obs.]

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes <u>X</u> No _____ Wetland Hydrology Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____ If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) Near Flag A14.	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply) _____ <input checked="" type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input checked="" type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	Secondary Indicators (minimum of two required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <u>X</u> No _____ Depth (inches): <u>0.25</u> Water Table Present? Yes _____ No _____ Depth (inches): _____ Saturation Present? Yes _____ No _____ Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks:	

VEGETATION – Use scientific names of plants.

Sampling Point: A wet

Tree Stratum (Plot size: <u> 30' </u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 75.0% (A/B)

Sapling/Shrub Stratum (Plot size: <u> 15' </u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Cephalanthus occidentalis</u>	<u> 15 </u>	<u> Yes </u>	<u> OBL </u>
2. <u>Fraxinus pennsylvanica</u>	<u> 5 </u>	<u> Yes </u>	<u> FACW </u>
3. <u>Lonicera morrowii</u>	<u> 5 </u>	<u> Yes </u>	<u> FACU </u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species <u> 105 </u>	x 1 = <u> 105 </u>
FACW species <u> 15 </u>	x 2 = <u> 30 </u>
FAC species <u> 0 </u>	x 3 = <u> 0 </u>
FACU species <u> 5 </u>	x 4 = <u> 20 </u>
UPL species <u> 0 </u>	x 5 = <u> 0 </u>
Column Totals: <u> 125 </u> (A)	<u> 155 </u> (B)
Prevalence Index = B/A = <u> 1.24 </u>	

Herb Stratum (Plot size: <u> 5' </u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Glyceria striata</u>	<u> 85 </u>	<u> Yes </u>	<u> OBL </u>
2. <u>Lysimachia nummularia</u>	<u> 10 </u>	<u> No </u>	<u> FACW </u>
3. <u>Rosa palustris</u>	<u> 5 </u>	<u> No </u>	<u> OBL </u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____

Hydrophytic Vegetation Indicators:

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is $\leq 3.0^1$

4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Woody Vine Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No _____

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: A wet

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	10YR 3/1	100					Loamy/Clayey	
4-10	10YR 3/1	80	2.5YR 2.5/4	20	C	M	Sandy	Prominent redox concentrations

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- ? Dark Surface (S7)
- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- High Chroma Sands (S11) (LRR K, L)
- Loamy Mucky Mineral (F1) (LRR K, L)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Marl (F10) (LRR K, L)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16) (LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes X No _____

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)